

# STANISLAUS COUNTY PLANNING COMMISSION

June 16, 2016

## STAFF REPORT

USE PERMIT APPLICATION NO. PLN2015-0137  
GROWERS DIRECT NUT COMPANY, INC.

**REQUEST: TO EXPAND AN EXISTING WALNUT SHELLING, PROCESSING, AND STORAGE FACILITY BY CONSTRUCTING 181,300 SQUARE FEET OF NEW BUILDING SPACE ON 23.58 ACRES.**

### APPLICATION INFORMATION

Applicant/Property owner:	Growers Direct Nut Company, Inc.
Agent:	Jim Freitas, Associated Engineering Group, Inc.
Location:	2288 Geer Road, between East Whitmore Avenue and Fox Road, east of the City of Hughson.
Section, Township, Range:	11-4-10
Supervisorial District:	Two (Supervisor Chiesa)
Assessor's Parcel:	APN: 018-010-021, 018-010-026
Referrals:	See Exhibit E - Environmental Review Referrals
Area of Parcel(s):	23.58± Acres
Water Supply:	Private well
Sewage Disposal:	Septic system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	N/A
Community Plan Designation:	N/A
Williamson Act Contract No.:	1972-0736 (APN: 018-010-021)
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Walnut shelling, processing, office and storage of Walnuts on the western portion of the site, the eastern portion is currently open space.
Surrounding Land Use:	To the north is a walnut huller, processor and orchard; to the west and east orchards, row crops and scattered ranchettes; and to the south an existing TID substation, scattered ranchettes and small retail food store

### RECOMMENDATION

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

## **PROJECT DESCRIPTION**

The project is a request to expand an existing walnut shelling, processing, and storage facility by adding nine buildings, totaling 181,300 square feet of new building space to allow for storage, offices, pasteurizing and processing on two parcels totaling 23.58± acres in the A-2-40 (General Agriculture) zoning district.

The expansion will include conversion of an existing 56,000 square-foot building from agricultural storage to a processing facility. At full build-out, the anticipated number of employees will be a maximum of 150 per shift. The proposal also includes reorganization of the existing on-site vehicular circulation, utilizing employee and truck access off of East Whitmore Avenue. The Geer Road access point will only serve visitors and emergency vehicle access. The employee parking lot will be relocated to the southern portion of the site and additional parking will be added to the eastern parcel. A new centralized storm drain basin will be developed to serve both sites (See Exhibit B – *Maps, Site Plan, and Lot Line Adjustment*).

The 23.58 acre project site is comprised of a 10.44 acre parcel, a portion of a 17.78 acres parcel, and a portion of a 5.64 acre parcel. The 10.44 acre parcel is developed with the existing Growers Direct Nut Company facility requesting expansion onto the adjoining parcel. Growers Direct Nut Company developed in 2000 in conjunction with a walnut hulling operation located on the adjoining 5.64 acre parcel to the north (Use Permit (UP) No. 99-01-Ron Martella). The two operations were separated in 2007 with the recording of a parcel map (Parcel Map Application No. 2006-01 – Ron Martella) and have since operated independently on separate legal parcels. Since 2000, Growers Direct Nut Company has been granted two additional use permits (UP No. 2006-02 – Ron Martella and UP No. 2010-10 – Martella – Growers Direct Nut Company, Inc.) for expansion of the operation on the 10.44 acre parcel.

Subsequently, Growers Direct Nut Company has also expanded on the 10.44 acre parcel under the approval of numerous staff approvals tiered off the 2010 use permit. Minor changes to a use permit are allowed by staff approval provided there is not a change to the nature of, or added new uses to, the legally established use and no expansion to the area of the building or use by more than twenty-five percent. At this point, the twenty-five percent cap has been reached and subsequent development is subject to approval of a use permit; furthermore, the proposed expansion is located on a portion of a separate legal parcel not included under the previous use permits.

Independent of this use permit request, the applicant has submitted a lot line adjustment application requesting the 17.78, 5.64 and 10.44± acre parcels to be adjusted to 11.74, 11.54 and 10.58± acres. This use permit covers the entire area of the proposed 11.74 and 10.58 acre parcels. The existing 17.78 acre parcel is currently enrolled under a Williamson Act Contract No. 1972-0736 and, as such approval from the County Board of Supervisors to rescind and reenter into a new contract is needed for final approval of the lot line adjustment application.

## **SITE DESCRIPTION**

The 23.58 acre project site is located at 2288 Geer Road, between East Whitmore and Fox Road, east of the City of Hughson, located just outside their LAFCO adopted Sphere of Influence boundary (See Exhibit B – *Maps, Site Plan, and Lot Line Adjustment*). Currently, a portion of the proposed project site has been developed with walnut shelling, processing and storage building operation, including offices, storm drainage and on-site parking.

The 11.74 acre portion of the existing 17.78 acre parcel is developed with a 56,000 square foot agricultural storage building approved as accessory to the applicant's farming operation. The remaining 4.77 acre portion of the parcel is also developed with accessory agricultural buildings.

To the north is a walnut huller, processor and orchard; to the west and east orchards, row crops and scattered ranchettes. Finally, to the south an existing TID substation, scattered ranchettes and small retail food store

## **ISSUES**

The following section is a discussion of issues identified during the review process:

### **Williamson Act Principles of Compatibility**

A portion of the 17.78± acre parcel proposed for development is enrolled under a Williamson Act Contract (No. 1972-0736). As required by Government Code Section 51238.1, prior to approval, the decision making body must find that the proposed uses are consistent with the Williamson Act Principles of Compatibility. These three principles stipulate that the use will not significantly compromise the long term agricultural capability of the contracted lands; the use will not significantly displace or impair agricultural production on contracted lands, but may be deemed compatible if directly related to production of commercial agricultural including activities such as harvesting, processing, or shipping; and the use will not result in significant removal of adjacent contracted land from agricultural or open-space use.

During the environmental review of the project, the Department of Conservation (DOC) commented that the proposed expansion of the nut shelling operation that relies upon walnuts supplied from off-site growers would not typically constitute a compatible use with the intent of Williamson Act. The DOC also commented that due to a lack of a primary agricultural use, the buildings located on the property may be in breach of the Williamson Act Contract. (See Exhibit D – *Department of Conservation letter*).

While the project site is not in agricultural production, the site serves as an ancillary storage site for Growers Direct Company, Inc. (the owners of the property). The property owners grow walnuts at other locations within Stanislaus County, which are then brought on-site to the existing shelling operation as well as to the adjacent huller. The walnuts are not purchased from outside growers; however, the existing and proposed use permits will not restrict the source of walnuts to be processed.

Nut hullers and shellers in A-2 zoning are subject to a Tier One conditional use permit. Unless the Planning Commission finds to the contrary, Tier One uses are determined to be compatible with the Principles of Compatibility and may be approved on contracted land. While the County understands the DOC's concern, it is a policy concern, not an environmental concern, provided all necessary findings for approval of the project (including the Williamson Act Principles of Compatibility) can be made by the local agency. The Government Code does not establish a standard for balancing the size of an ancillary non-agricultural use with sufficient primary agricultural use of land enrolled in a contract. The Principles of Compatibility allow for uses that significantly displace agricultural operations if they relate directly to the production of commercial agricultural products.

While the proposed facility will establish new buildings, those buildings may only be used for handling agricultural product, and are deemed necessary for a healthy agricultural economy, and will not compromise the long-term productive agricultural capabilities of the subject parcel or other

contracted lands in the A-2 zoning district. Based on the existing commercial agricultural development of the site, and similar projects, there is no indication this project will conflict with any agricultural activities in the area and/or surrounding lands enrolled in the Williamson Act.

### **Public Water System and Water Supply**

The site is currently served by private wells for operational use, fire suppression and sanitary services. One well is located on the eastern portion of the existing site, while the second well is located on the westerly parcel. The applicant's request to expand the existing shelling, processing and storage operation will continue to utilize existing private well source for the sites utilities. During the environmental review of the project, the Stanislaus County's Office of Emergency Services, Fire Prevention Bureau, commented that the existing building space and proposed expansion may not meet Fire Code requirements regarding the provision of adequate water supply for fire suppression from the existing well sources.

The Department of Environmental Resources (DER) also commented on the site's water supply, stating that based on the number of individuals served per day the current water system constitutes a Public Water System as defined by the State of California Health and Safety Code Section 116275. A Public Water System must meet regulatory standards to provide safe drinking water prior to human consumption. As part of the conditions of approval from their 2006 Use Permit, the operation was classified as Public Water System and a Water Supply Permit was needed to be obtained. According to DER, that permit was never obtained and the condition was never enforced on numerous subsequent building permits on the project site. The 2010 Use Permit, did not include any conditions regarding the outstanding Water Supply Permit, thus, the concern was not addressed during the building permit process.

In any event, the proposed expansion will be required to meet both regulatory standards for water supply for consumption and fire suppression. Conditions of approval have been added to the project to require a County approved Public Water System as well as demonstrate adequate well flow capacity for fire suppression. Each condition will need to be resolved prior to issuance of any new building permit.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated "Agriculture" in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

The proposed project is supported by the goals, objectives, and policies of the various elements of the General Plan. Specifically, the Agricultural Element encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One Uses include uses closely related to agriculture such nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. The proposed expansion is considered a Tier One use in support of the shelling and storage of walnuts on-site and would be consistent with the General Plan and all its elements.

To protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district, Appendix "A" of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. Agricultural Buffer design standards for new or

expanding uses stipulate that certain activities are permitted uses within the buffer area such as parking lots and low-people intensive uses. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low-people intensive."

The applicant has intended to expand the existing site to allow for greater efficiency as well as increasing the ability to further vertically integrate the walnut shelling operation. Currently, the site's most people-intensive areas such as offices, break rooms, and visitor parking are located on the western portion of the site. In the past, the Agriculture Advisory Board had specified that Tier One and Tier Two uses that improve efficiency and are not increasing exposure to spray, shall not be required to meet the Agriculture Buffer design standards.

The proposed request to expand the walnut shelling, processing and storage operation with the construction of 181,300 square feet of building space will not increase exposure to spray as most of operations will take place indoors (See Exhibit B – *Maps*, Site Plan, and Lot Line Adjustment). The two proposed parking lots at the southern and eastern portion of the sites are not subject per the above design standards. Ultimately, staff believes the applicant will meet and be consistent with Tier One uses and does not require an agricultural buffer.

### **ZONING ORDINANCE CONSISTENCY**

The site is zoned A-2-40 (General Agriculture, 40 acre minimum). Section 21.20.030(A) of the Stanislaus County Zoning Ordinance allows nut, shelling, processing and storage of agriculture products as a Tier One Use Permit. Tier One uses are uses closely related to agriculture, considered to be necessary for a healthy agricultural economy, and may be allowed when the Planning Commission makes the following findings:

- 1.) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
- 2.) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.

Staff believes that the proposed expansion of the existing walnut shelling, processing and storage facilities serve as a primary agriculture component and consistent with a Tier One Use Permit, and that the required findings can be met. Furthermore, Section 21.20.045(A), requires the Planning Commission to find that the use will not compromise the agricultural capability of the contracted land, the use will not displace or impair agricultural operations unless tied to commercial agricultural production and the use will not result in significant removal of adjacent contracted lands from agriculture or open-space. Again, staff believes these findings can be made the case of proposed project.

### **ENVIRONMENTAL REVIEW**

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

significant effect on the environment. (See Exhibit E - *Mitigated Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

The Stanislaus County Department of Public Works reviewed this project through both stages of Environmental Review. Based on the anticipated maximum number of employees of 150 per shift, the applicant has agreed to mitigate any potential impact to County road facilities by performing a traffic impact analysis and abiding by any findings and recommendations of the traffic impact analysis. The impact analysis will be performed and any recommendation executed prior to the issuance of any building permit, however, the applicant may provide written justification and a form of security for Public Works to receive a variance to the issuance (See Exhibit F – *Mitigation Monitoring and Reporting Program*). A variance to the issuance addresses only the timing of the improvements. The applicant has agreed to the Mitigation Monitoring and Reporting Program.

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**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person:                      Jeremy Ballard, Assistant Planner, (209) 525-6330

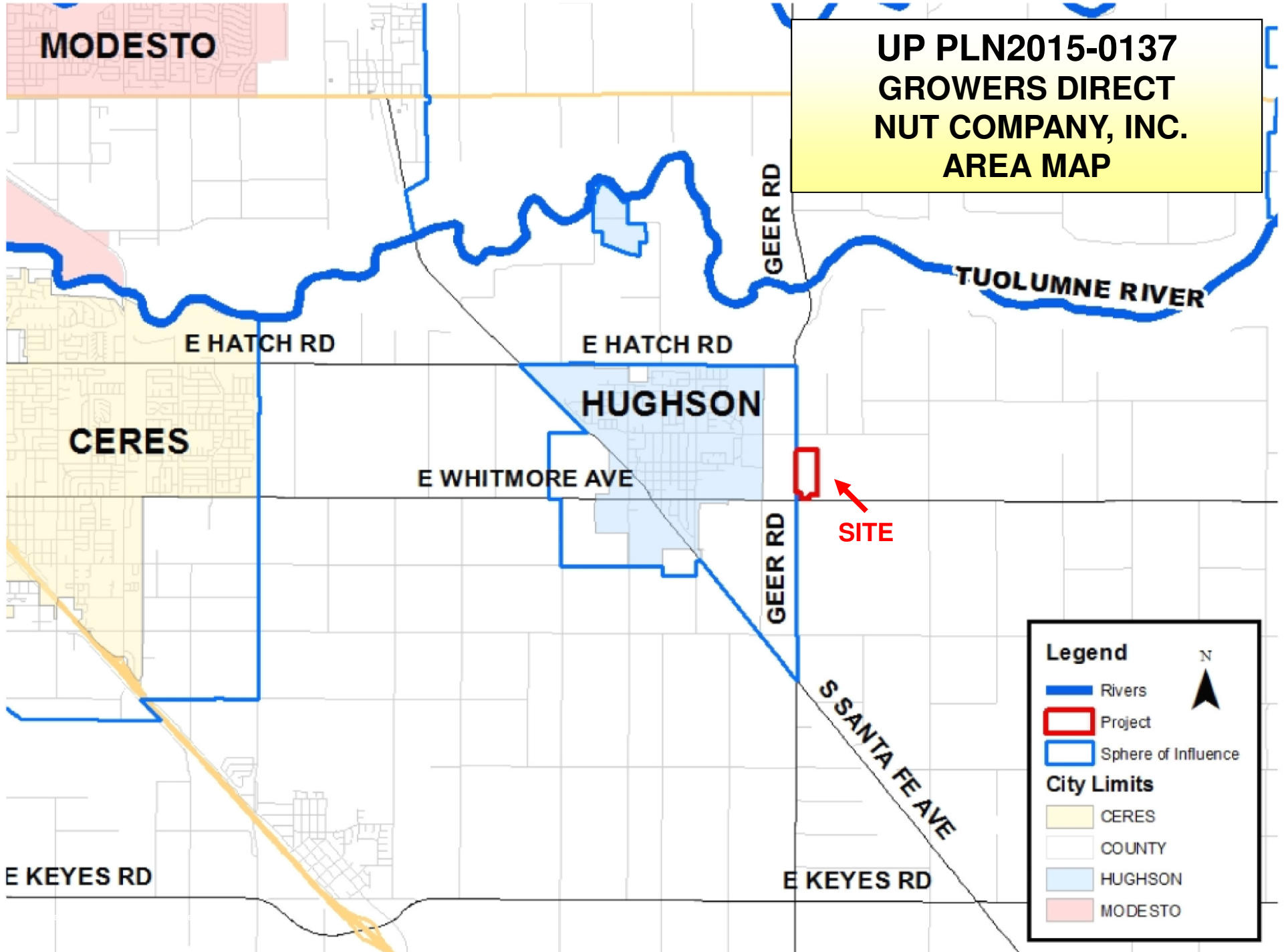
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plan, and Lot Line Adjustment
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Mitigated Negative Declaration
- Exhibit F - Mitigation Monitoring and Reporting Program
- Exhibit G - Environmental Review Referral

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

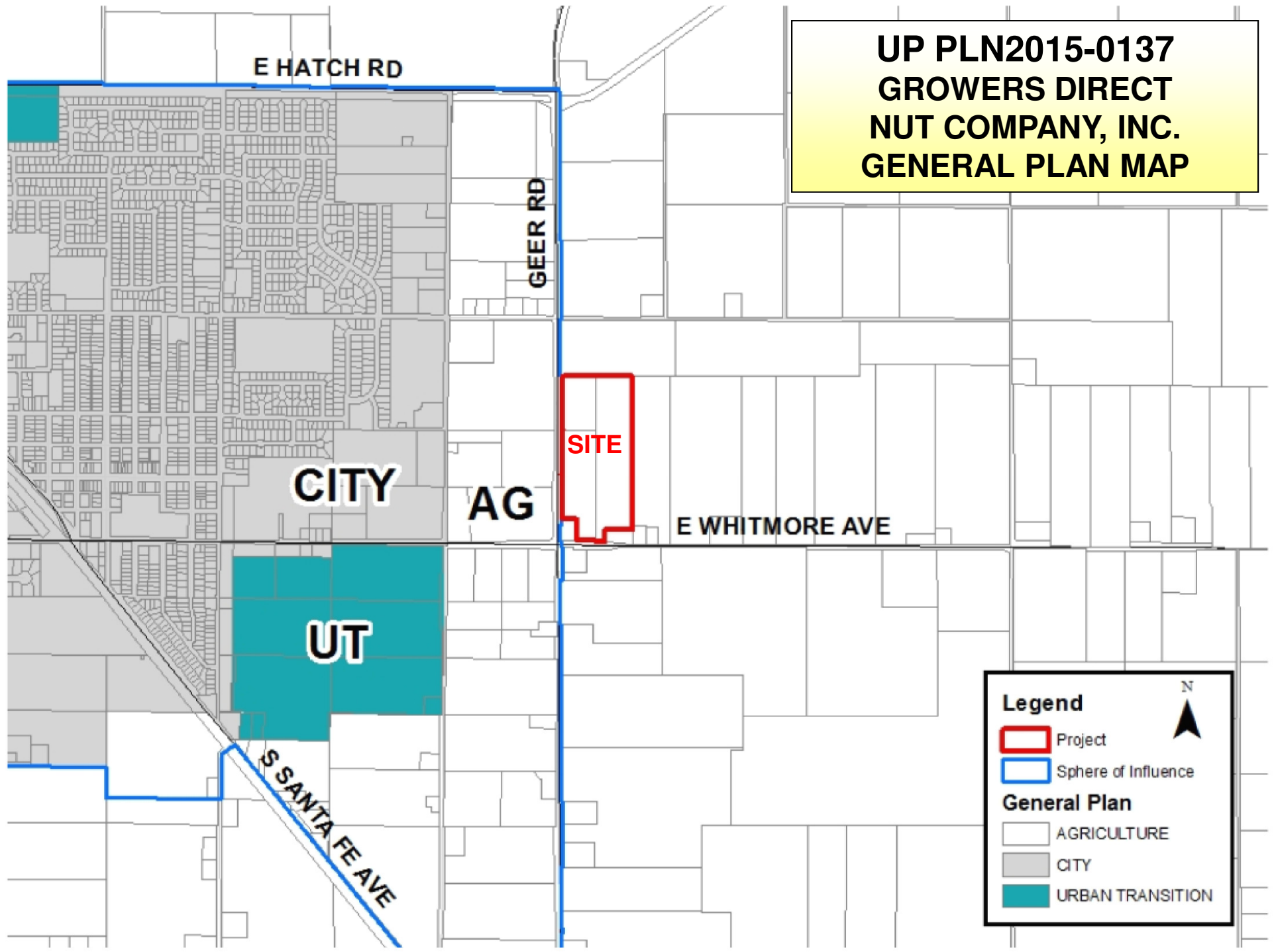
1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that:
  - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
  - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - (c) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district;
  - (d) While the use does significantly displace agricultural operations on the subject contracted parcel, it is compatible as it relates directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands.
  - (e) The use will not result in the significant removal of adjacent contracted land from agricultural or open space use.
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Use Permit and Lot Line Adjustment Application No. PLN2015-0137 – Growers Direct Nut Company, Inc. Subject to the attached Conditions of Approval.

**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
AREA MAP**





**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
GENERAL PLAN MAP**



**Legend**

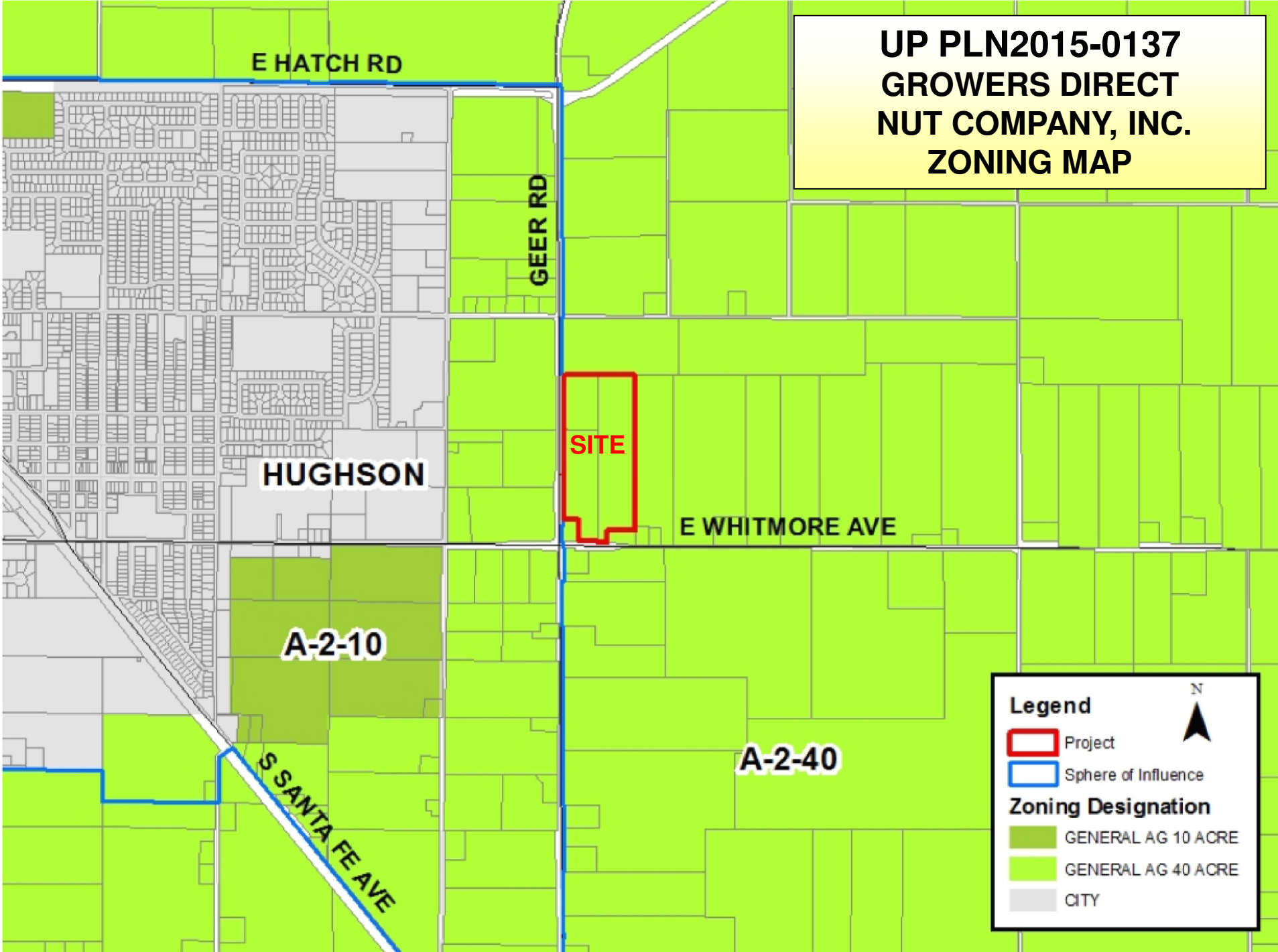
Project (Red outline)  
Sphere of Influence (Blue outline)

**General Plan**

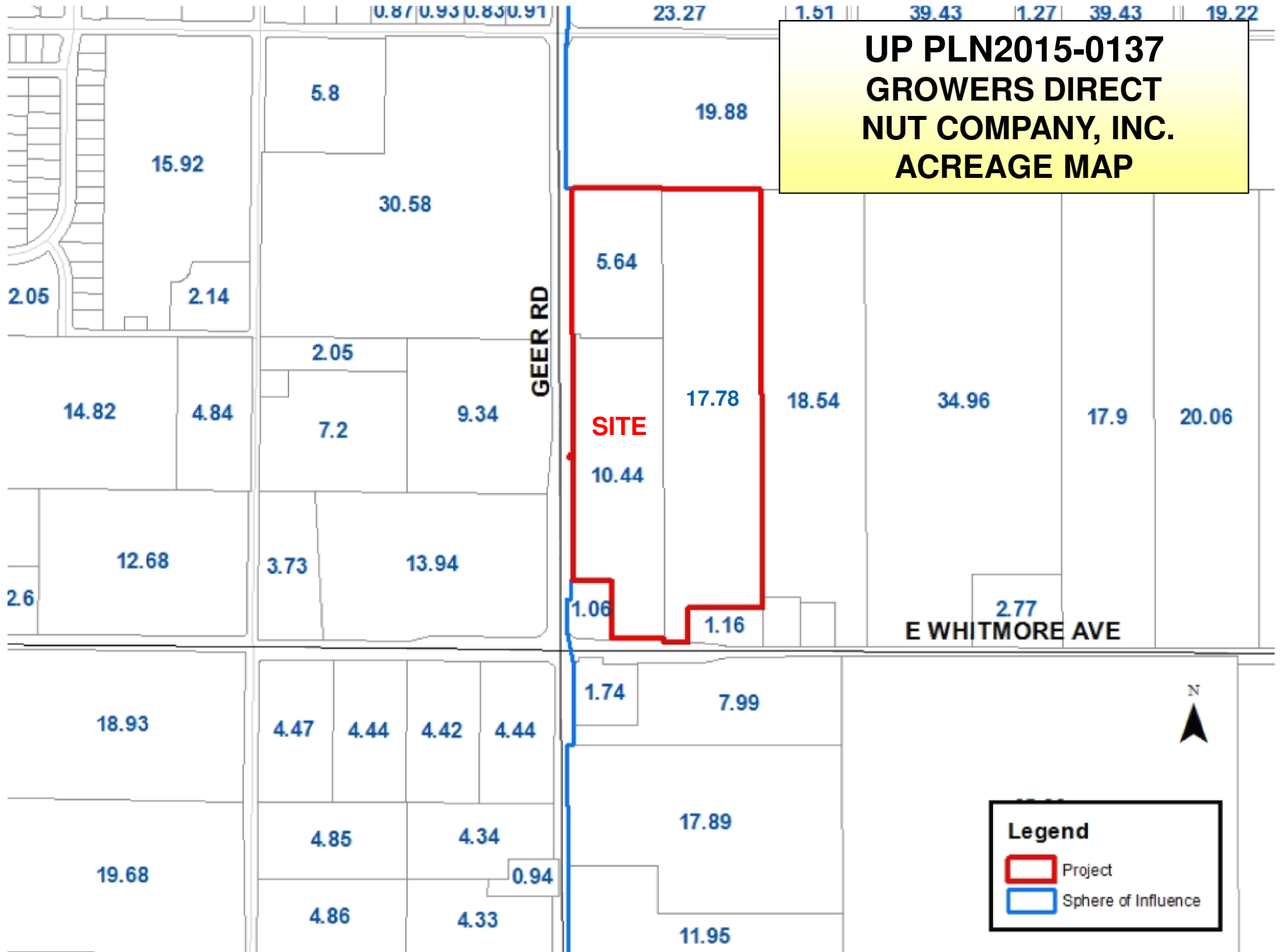
AGRICULTURE (White)  
CITY (Gray)  
URBAN TRANSITION (Teal)

N

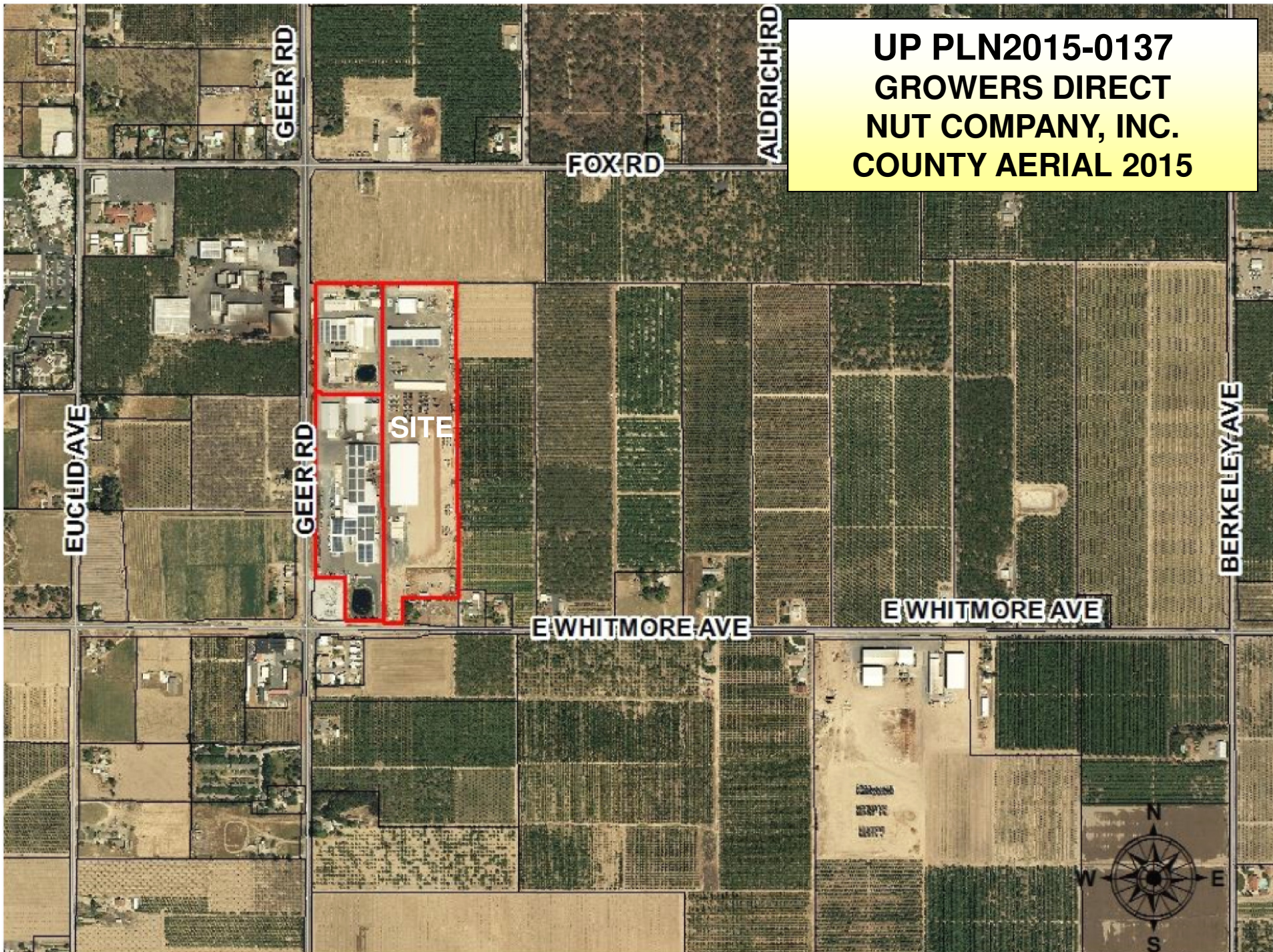
**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
ZONING MAP**



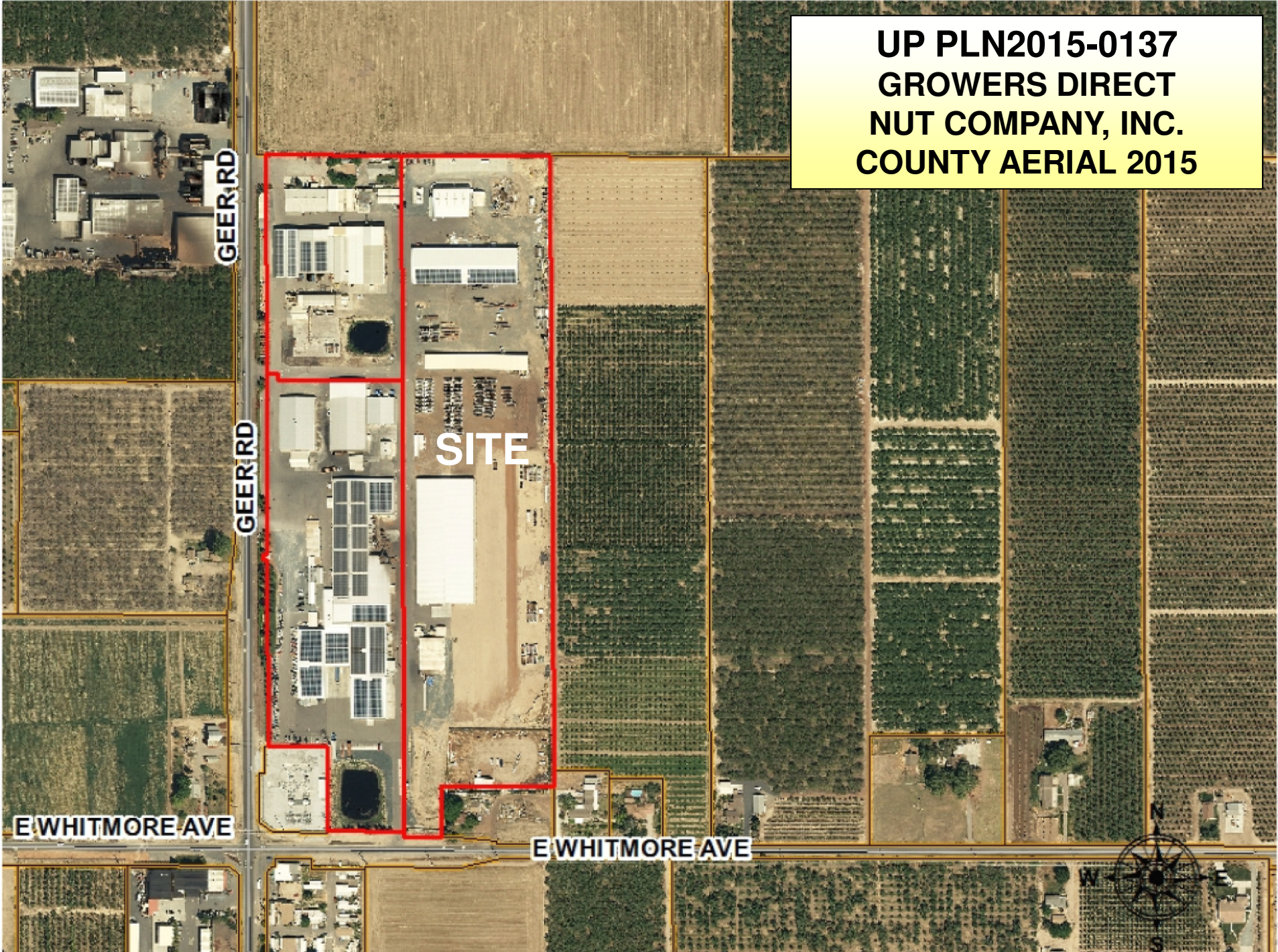
**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
ACREAGE MAP**



**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
COUNTY AERIAL 2015**



**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
COUNTY AERIAL 2015**



**SITE**

**GEER RD**

**GEER RD**

**E WHITMORE AVE**

**E WHITMORE AVE**

**EXISTING BUILDINGS:**

①	STORAGE BUILDING	7,500 S.F.
②	STORAGE BUILDING	20,000 S.F.
③	STORAGE BUILDING	15,000 S.F.
④	PURIFICATION BUILDING	1,150 S.F.
⑤	PROCESSING/STORAGE	50,200 S.F.
⑥	GOLD STORAGE BUILDING	22,500 S.F.
⑦	GOLD STORAGE BUILDING	12,200 S.F.
⑧	OFFICE TRAILERS	2,500 S.F.
⑨	OFFICES / BREAKROOM	3,500 S.F.
⑩	PROCESSING BUILDING	10,000 S.F.
⑪	PASTEURIZING BUILDING	13,550 S.F.
⑫	STORAGE BUILDING	56,000 S.F.
<b>EXISTING BUILDINGS</b>		<b>214,100 ± S.F.</b>

**PROPOSED BUILDINGS:**

A	OFFICE (2-STORY)	16,000 S.F.
B	STORAGE ADDITION	5,000 S.F.
C	PROCESSING ADDITION	21,000 S.F.
D	STORAGE BUILDING	44,800 S.F.
E	STORAGE BUILDING	20,000 S.F.
F	STORAGE BUILDING	20,000 S.F.
G	STORAGE BUILDING	20,000 S.F.
H	STORAGE BUILDING	16,000 S.F.
I	PASTEURIZING ADDITION	18,500 S.F.
<b>PROPOSED BUILDINGS</b>		<b>181,300 ± S.F.</b>

**BUILDINGS SUMMARY:**

EXISTING BUILDINGS	214,100 S.F.
PROPOSED BUILDINGS	181,300 S.F.
<b>TOTAL BUILDINGS</b>	<b>395,300 ± S.F.</b>

**OWNER/ARCHITECT:**

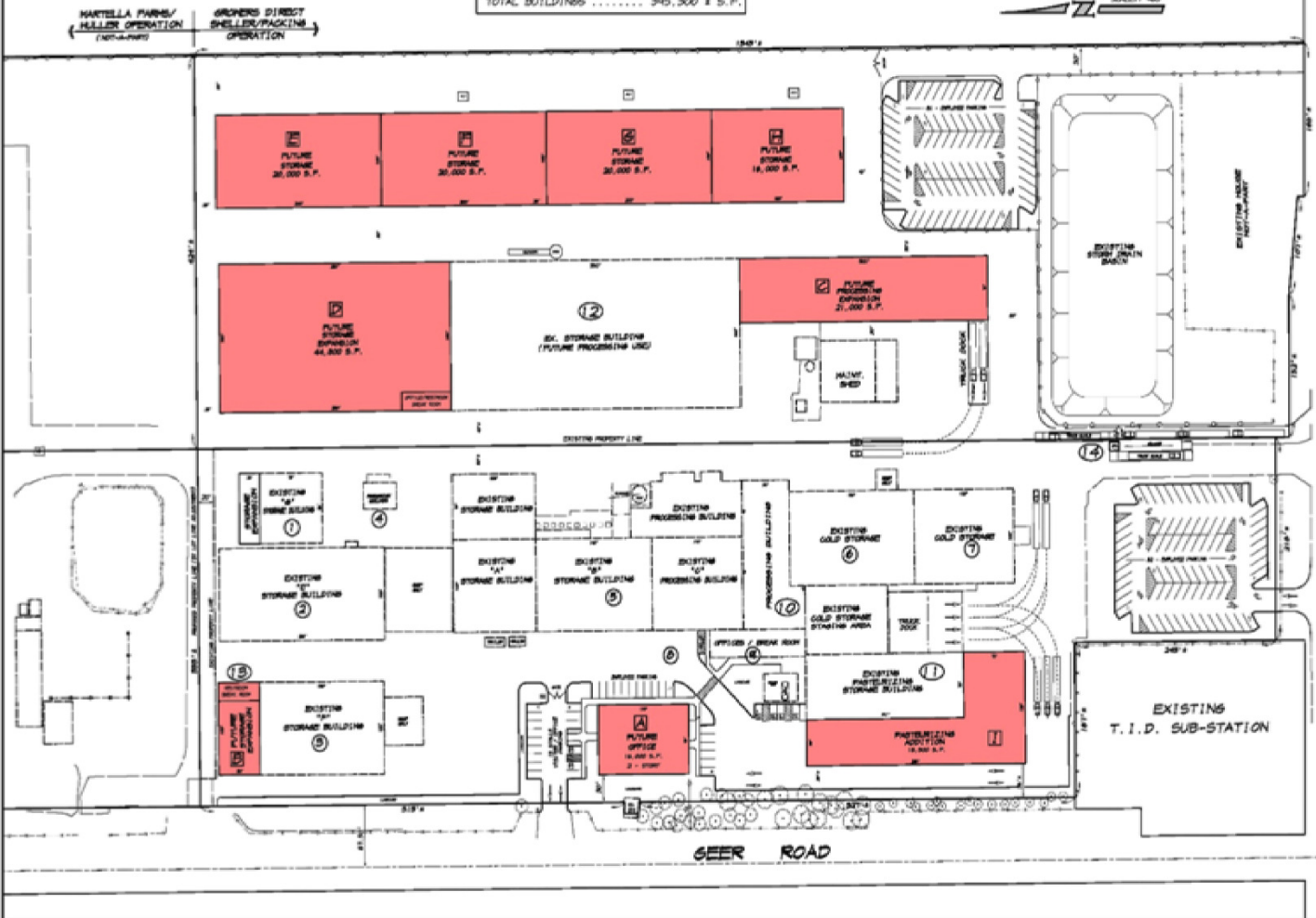
RON MA  
GROWERS DIRECT  
2100 SE  
HUGHSON  
PH. (209)

**GENERAL:**

- ASSESSOR'S PARCEL NUMBER
- SITE SUMMARY, TOTAL SITE AREA
- SITE LOCATION, 3100 SE 150000
- PRESENT ZONING, A-2-A
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDING STANDARDS.
- THE PROPERTY LINE DISTANCE, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND FIELDWORK FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

**UP PLN2015-0137  
GROWERS DIRECT  
NUT COMPANY, INC.  
SITE PLAN**

**VICINITY MAP**  
NO SCALE



**PARKING SUMMARY:**

PROPOSED NUMBER OF EMPLOYEES PER SHEET IS 150 MAX.
REQUIRED STALLS: 150-9+ 150 STALLS
REQUIRED STALLS .....
TOTAL STALLS .....

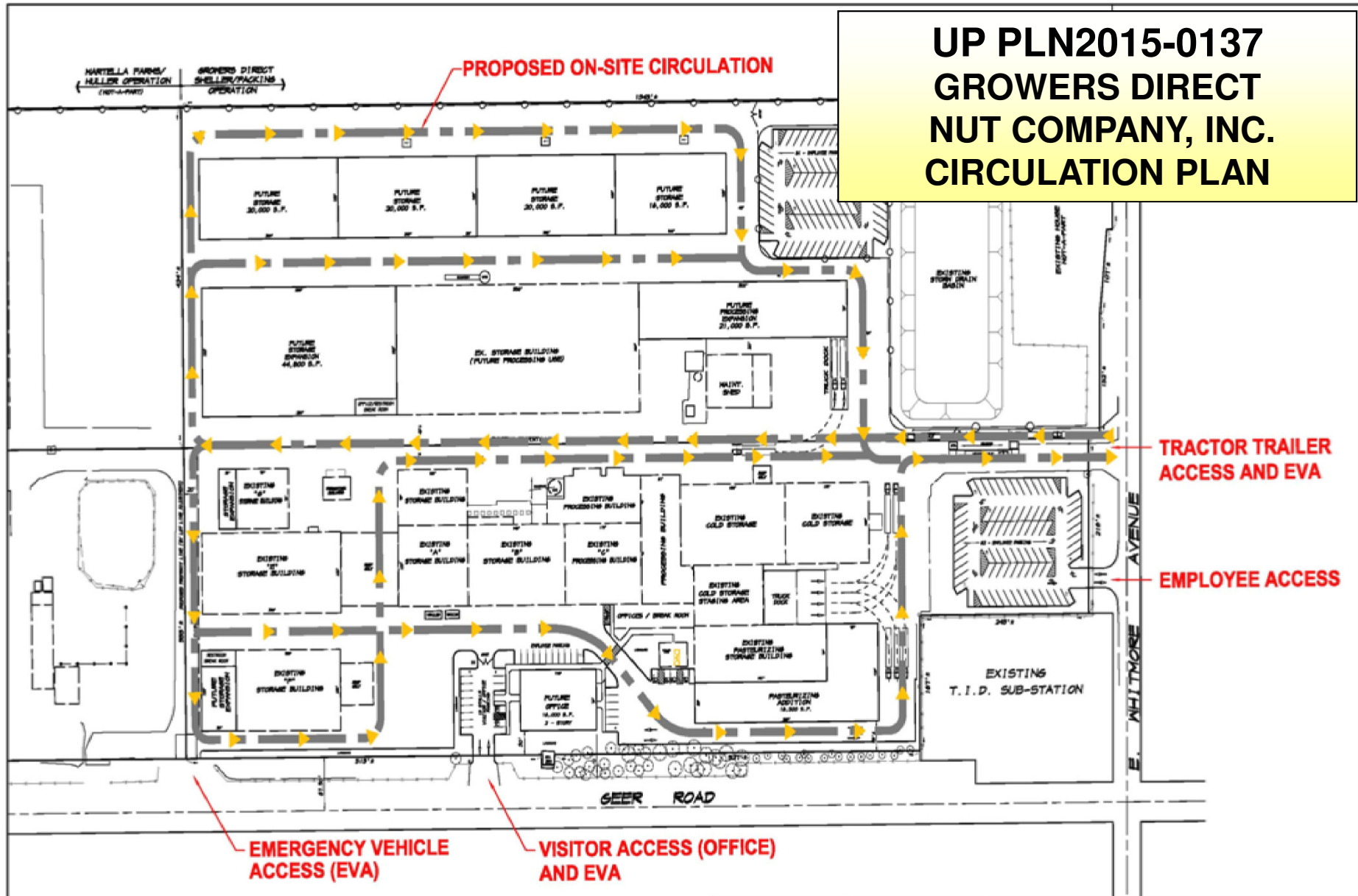
**ASSOCIATED  
ENGINEERING  
GROUP**


**AGREEMENT TO USE PROPERTY  
SITE DEVELOPMENT PLAN  
GROWER DIRECT NUT CO.  
CALIFORNIA**

FOR CIRCULAR, ALL CORNER  
STAKE MARKING, L.S. 1988

OWNER: \_\_\_\_\_  
DATE: 6/20/15  
SCALE: 1"=40'  
FILE: 1521572157  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
SHEET: \_\_\_\_\_

# UP PLN2015-0137 GROWERS DIRECT NUT COMPANY, INC. CIRCULATION PLAN



DRAWN: J.F. DATE: 4/5/16 SCALE: NONE JOB #: 6640 DWG: CIRCULATION	SITE ACCESS AND CIRCULATION GROWER DIRECT NUT CO. STANISLAUS CALIFORNIA	 <b>ASSOCIATED ENGINEERING GROUP</b> <small>4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356          PHONE: (209) 545-3390 FAX: (209) 545-3875 www.aesoceng.com</small>
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# UP PLN2015-0137 GROWERS DIRECT NUT COMPANY, INC. PROPOSED LOT LINE ADJUSTMENT

**GENERAL NOTES**

- ASSESSOR'S PARCEL NUMBER: 018-010-021, 25 & 26
- EXISTING ZONING: A-2-40
- DOMESTIC WATER: BY PRIVATE WELL
- SEWERAGE: BY SEPTIC SYSTEM
- THE SUBJECT PARCELS ARE RESTRICTED BY WILLIAMSON ACT CONTRACT NO. 1473-0736
- SITE CURRENTLY CONSISTS OF A WALNUT HULLING/PARKING EQUIPMENT MAINTENANCE OPERATION AND AGRICULTURAL COMMODITIES PROCESSING/STORAGE OPERATION. PARCELS ARE CONFIGURED SO THAT THE EXISTING OPERATIONS ARE SITUATED ON THE SAME PARCELS.
- THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE APPROPRIATE AND ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

**OWNERS / APPLICANTS:**

RONALD M. AND JANE C. MARTELLA  
REVOCABLE TRUST  
2100 GEESE ROAD  
HUGHSON, CA 95326

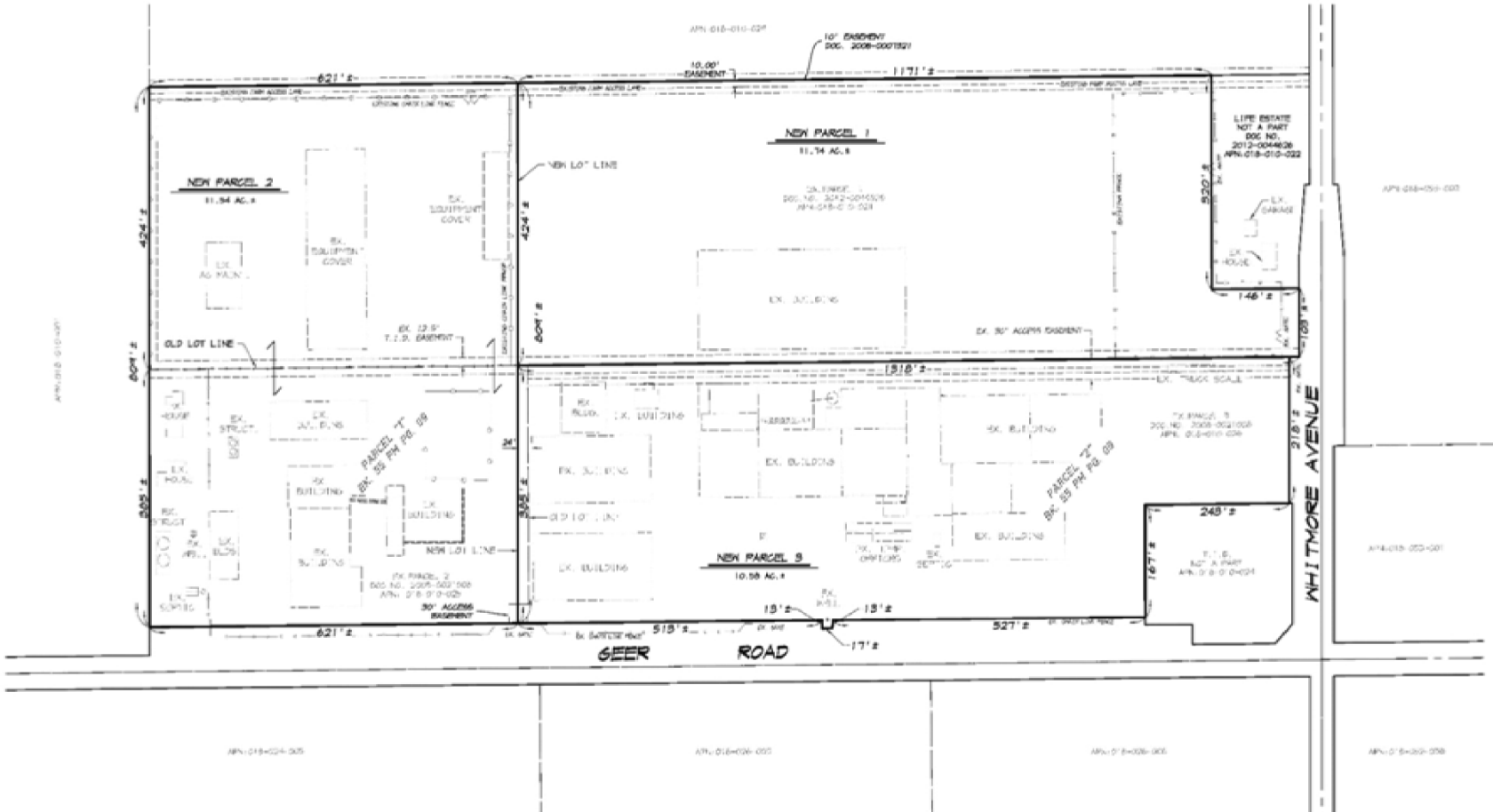
A. & S. MARTELLA 2012 TRUST  
2100 GEESE ROAD  
HUGHSON, CA 95326

KEVIN R. GIOSEA AND  
MELLIANNE H. GIOSEA  
2100 GEESE ROAD  
HUGHSON, CA 95326

LUCIO SALAZAR BRAGA AND  
JENNIFER C. MARTELLA  
2100 GEESE ROAD  
HUGHSON, CA 95326

**PARCEL SUMMARY**

BEFORE ADJUSTMENT	
EX. PARCEL 1	17.78 ± AC.
EX. PARCEL 2	5.64 ± AC.
EX. PARCEL 3	10.44 ± AC.
NEW LOTS AFTER ADJUSTMENT	
NEW PARCEL 1	11.74 ± AC.
NEW PARCEL 2	11.54 ± AC.
NEW PARCEL 3	10.58 ± AC.



**ASSOCIATED  
ENGINEERING  
GROUP**

**LOT LINE ADJUSTMENT  
GROWER DIRECT**

STANISLAUS COUNTY  
CALIFORNIA

DATE: 2015  
BY: J. J. J.  
SCALE: 1"=50'  
JOB NO.: 15-0137  
SHEET: 1 OF 1



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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. PLN2015-0137 GROWERS DIRECT NUT COMPANY, INC.**

#### **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. All conditions of approval from previous land use entitlements shall continue to apply, as applicable.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2016), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
9. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
10. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
11. Any on-site noise generation shall comply with adopted County noise control standards.
12. Prior to final occupancy of any building permit an irrevocable utility agreement, reciprocal access and parking agreement shall be recorded between APN's 018-010-021 & 018-010-026.

**Department of Public Works**

13. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.
14. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.
15. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - A. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - B. The grading and drainage plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number and copy of a Notice of Intent and

the projects Stormwater Pollution Prevention Plan shall be provided prior to issuance of approved grading or building permits.

- C. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
  - D. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
  - E. The applicant of the building permit shall pay the current Stanislaus County Public Works weighed labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.
16. Whitmore Avenue is classified as 110-foot Major Roadway. The required  $\frac{1}{2}$  width of Whitmore Avenue is 55 feet north of the centerline of the roadway. If 55 feet of the road right-of-way does not exist, then the remainder 55 feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage of both parcels that front Whitmore prior to issuance of the first grading or building permit.
17. Geer Road is classified as 135-foot 6-lane expressway. The required  $\frac{1}{2}$  width of the expressway is 67.5 feet east of the Geer Road centerline.
- A. There is an existing well site on 'New Parcel 3' that is located in this ultimate right of way. An Irrevocable Offer of Dedication shall be made for the remainder of the 67.5 feet east of the centerline prior to the issuance of the first grading or building permit for this well site.
  - B. Upon notice that the County will be accepting the right-of-way for this well site, the owner of the parcel where this well site is located shall have 365 days to remove the well out of the ultimate right-of-way. This work will be completed by and at the expense of the owner of the parcel. At that time, the County will then record the acceptance of the right-of-way.
18. No parking, loading, or unloading of vehicles shall be permitted within the County road right-of-way.
19. An encroachment permit shall be taken for any work to be done in the road right-of-way.

**Department of Environmental Resources**

- 20. A Water Supply Permit shall be obtained prior to the issuance of any building permit.
- 21. The applicant, if determined by DER, is required to conduct a Phase I study and if necessary a Phase II study.

**Building Permits Division**

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

**Stanislaus County Office of Emergency Services**

23. The applicant shall employ a licensed Fire Protection Engineer to survey the existing and proposed fire suppression and fire sprinkler demands for the entire site, including the proposed expansion. The Engineer shall submit the proposed plan for review to the Stanislaus County Fire Marshal and Chief of the Hughson Fire District. The plan shall be approved and the water supply in service prior to the issuance of any new building permits.

**Turlock Irrigation District**

24. If existing irrigation facilities no longer irrigate or have direct access to water on all three parcels, the applicant shall dissolve any improvement district and seal any irrigation infrastructure prior to final occupancy of any building permit.
25. The applicant shall also apply for any quitclaim irrigation easements if the District deems necessary prior to final occupancy of any building permit.
26. Any parcel adjoining irrigated ground shall be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm shall be installed to prevent irrigation water from reaching non-irrigated properties.
27. The applicant shall apply for a facility change for any pole or electrical facility relocation and shall be done at the applicant's expense.

**San Joaquin Valley Air Pollution Control District**

28. The applicant shall obtain an Authority To Construct prior to the issuance of any building permit.

**Central Valley Regional Water Quality Control Board**

29. A Conditional Waiver of Waste Discharge from the State of California Central Valley Regional Water Quality Control Board, or documentation that the Conditional Waiver is not needed, shall be submitted to the Planning Department prior to final occupancy of any building permit.

**MITIGATION MEASURES**

**(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following: 1) Hold a public hearing to consider the project; and 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**

30. A traffic impact analysis shall be performed for the project by a licensed traffic engineer. Stanislaus County will work with the applicant to approve the scope of the analysis. The applicant shall abide by the findings and recommendations of the traffic impact analysis. All fees and or improvements associated with the recommendations of the traffic study shall be paid or installed prior to the issuance of any building permit. Any variance to the issuance of any on-site permit will require a written justification and a form of security to the satisfaction of Public Works.

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



## CEQA INITIAL STUDY

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

1. **Project title:** Use Permit & Lot Line Adjustment Application No. PLN2015-0137 – Growers Direct Nut Company, Inc.
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Assistant Planner
4. **Project location:** 2288 Geer Road, between East Whitmore Avenue and Fox Road, east of the City of Hughson. APN: 018-010-026, 018-010-025, 018-010-021.
5. **Project sponsor's name and address:** Jim Freitas, Associated Engineering Group, Inc.  
4206 Technology Drive, Suite 4  
Modesto, CA 95326
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to expand an existing walnut shelling, processing, and storage facility by adding a total of 181,300 square feet of new building space. The new buildings will include uses such as storages, offices, pasteurizing and processing. Currently, the site includes a 56,000 square foot agricultural storage building that will undergo a change of occupancy at full build out for the purpose of expanding their processing space. The converted agricultural storage building has not been included in the total new building space. The applicant is expecting at full build out an increase of 20 employees to reach a maximum of 150 total employees per shift. Currently, the existing operation is solely located on 2288 Geer Road. However, the applicant is proposing to expand the operation to the adjacent parcel to the east (APN: 018-010-021). Both parcels will operate conjunctively in regards to parking, stormwater retention and access. The project proposal also includes a lot line adjustment to arrange the parcels to conform to their current practices.
9. **Surrounding land uses and setting:** To the south an existing TID substation as well as orchards, scattered ranchettes and a small retail food store, to the west and east orchards, row crops and scattered ranchettes, and to the north, a walnut huller, a walnut processor and orchard.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County of Public Works, Department of Environmental Resources, Regional Water Quality Control Board, San Joaquin Valley Air Pollution Control District, State Department of Conservation.

**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.

Signature on file.  
 \_\_\_\_\_  
 Jeremy Ballard,  
 Assistant Planner

\_\_\_\_\_  
 Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

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

**ISSUES**



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

**Discussion:** The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural uses. Any development resulting from this project will be consistent with existing area developments. Conditions of approval will be added to the project to address glare, nightglow, and light spillage for any proposed on-site lighting.

**Mitigation:** None

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

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

d) Result in the loss of forest land or conversion of forest land to non-forest use?				x
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			x	

**Discussion:** A portion of the project site is enrolled in Williamson Act contract No. 1972-0736. A soil survey states the site consisting of Hanford Sandy Loam soil, 0 to 3 percent slopes. The Farmland Mapping and Monitoring Program classifies the majority of the site as “Stanislaus Urban and Built Up Land”, and the remaining site being classified as “Stanislaus Prime Farmland.” The project will not have any significant impacts on forest land or timberland. Currently, the project site is not in agricultural production. However, the facility is necessary to promote a healthy agricultural economy and is compliant with Williamson Act Principles of Compatibility as discussed below. The existing permitted operation is solely located on APN 018-010-026 and consists of approximately 181,300 square feet of new building space. The easterly parcel of the project site was at one point a producing almond orchard but currently consists of a 56,000 square foot agricultural storage building and maintenance shed for the previous agricultural production. At full build out the agricultural storage building will be converted for expansion on their processing operation. If approved the existing walnut shelling, processing and storage operation will expand to create an additional 181,300 square feet of new building space for the intended ancillary uses of offices, storage and a pasteurizing to agricultural.

The project site is located within the A-2 (General Agricultural) zoning district. The County has determined that nut shelling, processing and storage are compatible with the Williamson Act. Specifically, the County has determined that certain uses related to agricultural production, such as Tier One uses, are “necessary for a healthy agricultural economy,” provided it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity.”

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

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

Pursuant to Section 21.20.045(B)(3) of the Stanislaus County Zoning Ordinance, Tier One uses are determined to be consistent with the Principles of Compatibility and may be approved on contracted land unless a finding to the contrary is made. This project was referred to the State of California Department of Conservation (DOC). The DOC has raised a concern regarding the proposed project that the contract parcel shows no agricultural use, which may be a breach of contract. The DOC believes that walnuts purchased from outside growers would typically not constitute a compatible use, and the expansion of an existing operation is not directly related to the agricultural use of the land in producing an agricultural commodity.

While the County understands the DOC’s concern, it is a policy concern, not an environmental concern, provided all necessary findings for approval of the project (including the Williamson Act Principles of Compatibility) can be made by the local agency. The Government Code does not establish a standard for balancing the size of an ancillary non-producing agricultural use with sufficient primary agricultural use of land enrolled in a contract. As reflected in Section 21.20.045(A)(2) above, the Principles of Compatibility allow for uses that significantly displace agricultural operations if

they relate directly to the production of commercial agricultural products. While the proposed facility will establish buildings, those buildings are necessary for a healthy agricultural economy and will not compromise the long-term productive agricultural capabilities of the subject parcel or other contracted lands in the A-2 zoning district. Based on the existing commercial agricultural development of the site, and similar projects, there is no indication this project will conflict with any agricultural activities in the area and/or surrounding lands enrolled in the Williamson Act.

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

**Mitigation:** None

**References:** California Department of Conservation Farmland & Monitoring Program – Stanislaus County Farmland 2014; California Government Code; Referral Response from State of California Department of Conservation dated February 8, 2016; USDA Web Soil Survey; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2015 for the 1997 PM2.5 standard (fine particulate matter), and the 2007 Ozone Plan (The District has also adopted similar ozone plans such as 2014 RACT SIP and 2013 Plan for the Revoked 1-Hour Ozone Standard). These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be 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. The project will increase traffic in the area and, thereby, impacting air quality. The applicant estimates that there will be a maximum of 150 employees on shift during full build out as well an anticipated 10 customers per day. Furthermore, the applicant is estimating an average of 12 truck trips per day and a peak of 35 truck trips per day averaging 12% to 25% of traffic to be generated by this project.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations a project's vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist primarily of construction of the 181, 300 square feet buildings, associated parking lot, and drainage basin. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

A referral response was received from the SJVAPCD stating the project is not expected to any significant impacts but may be subject to numerous District Rules and Regulations. Specifically, the project may be subject to but not limited to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) and Rule 4002 (National Emission Standards). Based on these comments, the applicant will be responsible for contacting the Air District to determine if the project is subject to an Authority to Construct permit, and any other mitigation or fees prescribed by the air district. Conditions of approval will be added to the project to address these comments.

**Mitigation:** None

**References:** Application material; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Referral Response from San Joaquin Valley Air Pollution Control District, dated April 11, 2016; 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 U.S. Fish and Wildlife Service?				X

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Discussion:** The site is not identified as being within a biologically sensitive area per the California Natural Diversity Database (CNDDB). It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project is also not within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The project was referred to the California Department of Fish and Wildlife; no comments have been received as of this date.

**Mitigation:** None

**References:** California Department of Fish and Wildlife California Natural Diversity Database; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site has already been developed as a sheller operation with offices, warehouses, and processing buildings on site. Part of the proposed expansion will take place on the adjacent parcel to the east, which at one point was planted in orchards; however, currently the site has been developed with an agricultural storage building. Nevertheless, a condition of approval will be placed on the project that if any resources are found, construction activities will halt until a qualified survey takes place and the appropriate authorities are notified.

**Mitigation:** None

**References:** Application material; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Discussion:** As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. At this point, the project site will be served by an onsite septic system.

**Mitigation:** None

**References:** California Building Code; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</b>			X	
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**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state’s strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state’s dependence on oil, diversify the state’s energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California’s Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption. Since then, Title 24 has been amended with recognition that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from construction would be less than significant.

The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to automobile trips. The applicant estimates that there will be a maximum of 150 employees on shift during full build out as well as an anticipated 10 customers per day. Furthermore, the applicant is estimating an average of 12 truck trips per day and a peak of 35 truck trips per day averaging 12% to 25% of traffic to be generated by this project. This project is not result in emission of GHGs from any other sources. Consequently, GHG emissions are considered to be less than significant.

**Mitigation:** None

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

<b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- 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>
<b>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</b>			X	
<b>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</b>			X	

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Discussion:** No known hazardous materials are on site. According to the applicant, the existing and proposed uses for a walnut sheller, processor and storage buildings will not generate any unique wastes. The majority of the operation will be done as dry processing. The addition of a pasteurization building will consist of steaming of the product for the purpose of disinfection. The remaining by-product of the pasteurization will be collected and stored in holding tanks to then be removed offsite via truck.

Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area.

A comment referral response received from DER’s HAZMAT Division is requiring a Phase 1 Study (and Phase II if deemed necessary) to determine if any underground storage of chemicals took place during past activities. Conditions of approval will be placed on the project to address this. The project site is not within the vicinity of any airstrip or wildlands.

**Mitigation:** None

**References:** Application material; Referral Response from Department of Environmental Resources HAZAMT Division, dated February 1, 2016; Stanislaus County General Plan and Support Documentation<sup>1</sup>

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	



c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. This project site is designated as “X – Outside 0.2 percent of Annual Chance Flood Hazard” flood zone and, as such, flooding is not an issue with respect to this project.

By virtue of the proposed paving for the building pads, parking, and driveways, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project’s stormwater be maintained on site and, as such, a Grading and Drainage Plan will be included in this project’s conditions of approval. A referral response received from the Stanislaus County’s Environmental Review Committee (ERC) commented the environmental review should address storm water retention and quality. Currently, the site plan shows an existing storm drain basin on the south eastern portion of the site. As per the applicant the existing storm water retention basin will be utilized to handle all potential storm water runoff for the entire project site. To do so, the applicant will be required to create irrevocable utility easements to ensure that each parcel will have access to the existing drainage basin in perpetuity. A condition of approval will be added to the project to address the comments by ERC.

The project was referred to the Regional Water Quality Control Board (RWQCB) which responded that the project would be subject to Waste Discharge Requirements (WDR) as well as Anti-degradation Considerations. As stated before, the majority of the operation will be done as dry processing. The addition of a pasteurization building will consist of steaming for the purpose of disinfecting of the product prior to shipment to the end user. The applicant anticipates that this process will generate waste water containing higher levels of Total Dissolved Solids (TDS) within approximately 1,000 gallons of waste water per day. However, the wastewater will be collected and stored in a holding tank to then be removed offsite via truck to an approved dump site. The applicant has stated that no wastewater disposal to land from the proposed facility will take place. Therefore, the proposed project should not have a significant effect on storm water runoff and quality. However, the applicant must receive a WDR waiver from the RWQCB prior to final occupancy of any new building. Conditions of approval will be added to this project to address the requirements outline by RWQCB’s comment letter.

**Mitigation:** None

**References:** Application material; Referral Response from Stanislaus County Environmental Review Committee dated February 10, 2016; Referral Response from Central Valley Regional Water Quality Control Board dated January 28, 2016; Stanislaus County General Plan and Support Documentation<sup>1</sup>

<b>X. LAND USE AND PLANNING -- 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>
<b>a) Physically divide an established community?</b>				<b>X</b>
<b>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?</b>			<b>X</b>	
<b>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</b>				<b>X</b>

**Discussion:** This project is consistent with the Agricultural designation and A-2-40 (General Agriculture) zoning of the site. This application is for a “use” that is considered a Tier One use which is permitted by securing a Use Permit. As part of the project a lot line adjustment is being requested for three parcels of 17.7± acres, 10.4± acres and 5.6± acres to 13± acres, 10.5± acres and 10.4± acres. Because one of the parcels being adjusted is in the Williamson Act, a rescission of the current Williamson Act contract and simultaneous reentry into a new Williamson Act contract for the resulting parcels will need to take place. Typically, a rescission and reentry of Williamson Act contracts are approved by the Board of Supervisors a condition of approval of the project will be added to require the lot line adjustment be recorded within a reasonable period of time. The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

**Mitigation:** None

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

<b>XI. MINERAL RESOURCES -- 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>
<b>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?</b>				<b>X</b>
<b>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</b>				<b>X</b>

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no know significant resources on the site, nor is the project site located in a geological area known to produce important mineral resources.

**Mitigation:** None

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

<b>XII. NOISE -- Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b>			<b>X</b>	

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural, industrial, manufacturing, and other similar land uses. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise.

The project site is located off both Geer Road, a classified 135 foot expressway, and East Whitmore Avenue, a 110 foot Major Roadway. The Noise Element of the General Plan that the estimated noise level from Geer Road will be 75 dBA Ldn or greater from centerline in the future, while Whitmore is anticipated to generate 65-69 dBA Ldn from centerline of the road. The proposed expansion will constitute 181,300 of building space for the current sheller, processing, and storage of walnuts. The normal anticipated hours of operation will range from 7:00 AM to 5:00 PM, five days a week, while seasonal hours are anticipated to be seven days a week 7:00 AM to 7:00 PM. All expansion of use for the existing operation will take place within enclosed buildings and are not expected to generate significant amounts of noise. The construction phase of the project will temporarily increase ambient noise levels. The project site is not within range of any known airstrip facilities.

**Mitigation:** None

**References:** Application Material; 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

**Discussion:** The proposed use of the site will not create service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is adjacent to agricultural operations and the nature of the use is considered consistent with the A-2 zoning district.

**Mitigation:** None

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

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

**Discussion:** The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The project was referred to the appropriate public service agencies, as well as the Stanislaus County Environmental Review Committee (ERC), which includes the Sheriff’s Department. A referral response from ERC encouraged the environmental review examine water supply and flow volume for fire suppression. The site is currently served by a private well for water needs. As stated before the operation currently is a dry processing facility but is proposing to add steaming of nuts for purpose of pasteurization. The proposed project will be subject to building permits, prior to issuance of each permit. The applicant will have to demonstrate that adequate capacity exists on the existing on-site water based on State regulations. The applicant may be subject to the sprinkling of any applicable building for fire suppression also based on fire safety and the California Building Code. Conditions of approval will be added to this project to insure that the nut storage buildings will comply with all applicable fire department standards with respect to access and water for fire protection.

**Mitigation:** None

**References:** Referral Response from Stanislaus County Environmental Review Committee dated February 10, 2016; 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 result in significant demands for recreational facilities as such impacts typically are associated with residential development.

**Mitigation:** None

**References:** Stanislaus County General Plan and Support 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	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

**Discussion:** Currently, the existing operation employs up to 130 people on a maximum shift. According to the applicants the proposed project will increase the number of employees to 150. The applicant estimates an average of 10 customers on-site per day. Furthermore, the applicant is estimating an average of 12 truck per day and a peak of 35 per day averaging 12% to 25% of traffic to be generated by this project. Based on the applicant’s circulation plan, the project site will feature various access points. Visitor access and Emergency Vehicle access will take place off of Geer Road. While employee and tractor trailer access will take place on East Whitmore Avenue. Emergency vehicles will be able to utilize access points both on East Whitmore Avenue access points.

A response referral was received from the Stanislaus County Department of Public Works regarding the potential impact to traffic. Based on the supplied information Public Works is requiring a traffic impact analysis be performed and any recommendations for the analysis be incorporated prior to the issuance of any building to mitigate any potential traffic impact. The traffic impact analysis and subsequent requirements have been added as mitigation measures.

**Mitigation:**

1. *A traffic impact analysis shall be performed for the project by a licensed traffic engineer. Stanislaus County will work with the applicant to approve the scope of analysis. The applicant shall abide by the findings and recommendations of the traffic impact analysis. All fees and or improvements associated with the recommendations of the traffic study shall be paid or installed prior to the issuance of any grading or building permit. Any variance to the issuance of any on-site permit will require a written justification and a form of security to the satisfaction of Public Works.*

**References:** Referral Response from Stanislaus County Department of Public Works dated April 08, 2016; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** According to the applicant, the existing and proposed uses for a walnut sheller, processor and storage buildings will not generate unique or large amounts of wastewater. The majority of the operation will be done as dry processing. The addition of a pasteurization building will consist of steaming of the product for the purpose of disinfection. The remaining by product of the pasteurization will be collected and stored in holding tanks to then be removed offsite via truck. It is not anticipated that this project will have significant impacts on wastewater facilities.

A portion of onsite water and generation of wastewater used by this project will be from employee related uses such as bathroom or break room facilities. A referral response was received from DER regarding State regulations on public water systems. DER has determined that the existing operation meets the threshold for compliance and must obtain a water supply permit. The applicant is currently in the process of applying for that permit. However, to ensure compliance a condition of approval that prior to occupying any new structure the applicant must obtain a water supply permit.

A referral response received from ERC commented the environmental review should address storm water retention and quality. Currently, the site plan shows an existing storm drain basin on the south eastern portion of the site. As per the applicant the existing storm water retention basin will be utilized to handle all potential storm water runoff for the entire project site. To do so, the applicant will be required to create irrevocable utility easements to ensure that each parcel will have access to the existing drainage basin in perpetuity. A condition of approval will be added to the project to address the comments by ERC.

**Mitigation:** None

**References:** Referral Response from Stanislaus County Environmental Review Committee dated February 10, 2016; Referral Response from Stanislaus County Department of Environmental Resources dated January 28, 2016; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

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

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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 05, 2016; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit & Lot Line Adjustment Application No. PLN2015-0137 – Growers Direct Nut Company, Inc.

**LOCATION OF PROJECT:** 2288 Geer Road, between East Whitmore Avenue and Fox Road, east of the City of Hughson. APN: 018-010-026, 018-010-025, 018-010-021.

**PROJECT DEVELOPER:** Growers Direct Nut Company, Inc.  
2100 Geer Road  
Hughson, CA 95326

**DESCRIPTION OF PROJECT:** Request to expand an existing walnut shelling, processing, and storage facility by constructing approximately 181,300 square feet of building space for storage, processing, pasteurizing and office operations on two parcels totaling 23.58± acres in the A-2-40 (General Agriculture) zoning district. The proposal also includes the conversion of an existing 56,000 square-foot building from agricultural storage to processing facility. A maximum of 150 employees are anticipated at full build-out. The project also consists of a lot line adjustment among three adjoining parcels. The property is located at 2288 Geer Road, between E. Whitmore Avenue and Fox Road, east of the City of Hughson. The Planning Commission will consider adoption of a CEQA Mitigated Negative Declaration.

Based upon the Initial Study, dated **April 14, 2016**, 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *A traffic impact analysis shall be performed for the project by a licensed traffic engineer. Stanislaus County will work with the applicant to approve the scope of analysis. The applicant shall abide by the findings and recommendations of the traffic impact analysis. All fees and or improvements associated with the recommendations of the traffic study shall be paid or installed prior to the issuance of any grading or building permit. Any variance to the issuance of any on-site permit will require a written justification and a form of security to the satisfaction of Public Works.*

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: Jeremy Ballard, Assistant Planner.

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



# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

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## Mitigation Monitoring and Reporting Program

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**April 14, 2016**

1. Project title and location: Use Permit & Lot Line Adjustment Application No. PLN2015-0137 – Growers Direct Nut Company, Inc.  
  
2288 Geer Road, between East Whitmore Avenue and Fox Road, east of the City of Hughson. APN: 018-010-026, 018-010-025, 018-010-021.
2. Project Applicant name and address: Growers Direct Nut Company, Inc.  
2100 Geer Road  
Hughson, CA 95326
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Jim Freitas, Associated Engineering Group
4. Contact person at County: Jeremy Ballard, Assistant Planner (209) 525-6330

### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

### XVI. TRANSPORTATION/TRAFFIC

1. A traffic impact analysis shall be performed for the project by a licensed traffic engineer. Stanislaus County will work with the applicant to approve the scope of analysis. The applicant shall abide by the findings and recommendations of the traffic impact analysis. All fees and or improvements associated with the recommendations of the traffic study shall be paid or installed prior to the issuance of any grading or building permit. Any variance to the issuance of any on-site permit will require a written justification and a form of security to the satisfaction of Public Works.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to issuance of any grading or any building permit
When should it be completed:	Prior to issuance of any grading or any building permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Division, Stanislaus County Public Works Department.

Other Responsible Agencies:

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file.  
\_\_\_\_\_  
Person Responsible for Implementing  
Mitigation Program

\_\_\_\_\_  
April 14, 2016

(I:\PLANNING\STAFF REPORTS\UP\2015\UP PLN2015-0137 - GROWERS DIRECT NUT CO, INC\CEQA-30-DAY-REFERRAL\MITIGATION MONITORING PLAN.DOC)

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APP NO. PLN2015-0137 - GROWERS DIRECT NUT COMPANY, INC.**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X	X	X	X				X		X		X
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X		X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: HUGHSON	X	X	X	X				X		X		X
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: HUGHSON	X	X	X		X							
IRRIGATION DISTRICT: TID	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: BNSF	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: HUGHSON UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PUBLIC WORKS	X	X	X	X		X			X		X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X	X				X		X	X	
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: ATT	X	X			X							