



October 6, 2016

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: TIME EXTENSION FOR USE PERMIT APPLICATION NO. PLN 2014-0076 –
THE MORNING STAR COMPANY**

PROJECT DESCRIPTION

This is a request for a one year time extension for the subject Use Permit from September 5, 2016, to September 5, 2017, with all approved Conditions of Approval remaining unchanged. (See Attachment 2 - Planning Commission Staff Report, March 5, 2016).

The subject Use Permit was approved on March 5, 2015, to allow the establishment of a wholesale nursery, along with construction of 33 greenhouses totaling 1.95 million square feet, on a 76± acre parcel. The greenhouses would be utilized for tomato drying and the sowing and growing of vegetable and flower transplants. (See Attachment 3 – Planning Commission Minutes, March 5, 2015).

DISCUSSION

Section 21.140.030(A) of the Stanislaus County Zoning Ordinance includes provisions for the expiration of Use Permits. This section states that Use Permits, on a case by case basis, shall be null and void eighteen months from the date of approval, unless prior to the expiration date, the permit has been signed, and all Conditions of Approval have been met, and the property is being used for the purpose for which the permit was granted.

In the case of this application, the Use Permit is not valid until a building permit is issued on one of the proposed greenhouses within the first 18 months of project approval. As of the date of this report, a building permit has not been issued.

Applicant's Demonstration of Cause

A Time Extension application request requires the applicant to submit a written statement of reason(s) stating why the Use Permit extension should be granted, prior to the Use Permit expiration date. The applicant's written statement was received on August 17, 2016, prior to the 18 month expiration date of September 5, 2016. The applicant's statement for the time extension can be seen in Attachment 1 - Applicant's Time Extension Request.

Conditions of Approval

During the two week referral for this time extension, the request was circulated to responsible agencies, including those agencies that requested Conditions of Approval be placed on the approved project. No amended or additional Conditions of Approval have been requested to date; therefore the approved Conditions of Approval will remain unchanged.

ENVIRONMENTAL REVIEW

Under California law, a request for time extension of a project that previously was subject to CEQA review may be exempt from CEQA or may be evaluated under the standard, triggering subsequent or supplemental CEQA review (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). In order to trigger additional review when the project was previously approved with a Negative Declaration, a significant environmental effect must be identified. No significant environmental effects were identified by responding agencies and parties.

RECOMMENDATION

Staff recommends that the Planning Commission approve the request for a one year time extension to September 5, 2017, for UP PLN2014-0076 – The Morning Star Company, with all existing Conditions of Approval remaining in effect.

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

Attachments:

- Attachment 1 - Applicant's Time Extension Request, received August 17, 2016
- Attachment 2 - Planning Commission Staff Report, March 5, 2016
- Attachment 3 - Planning Commission Meeting Minutes, March 5, 2015

THE MORNING STAR COMPANY
724 MAIN STREET
WOODLAND, CALIFORNIA 95695
Phone 530/666-6600 • Fax 530/666-6690 • www.morningstarco.com

10 August 2016

Timothy Vertino
County of Stanislaus
Department of Planning & Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354



Dear Mr. Vertino,

Thank you for assisting Morning Star with our Use Permit application PLN2014-0076. We are requesting an extension to this application as we continue to look at our business options. Due to a large tomato drying contract this year at this site, a total reduction in the tomato acres for California and the fact there are other business options at this time, we would like a one year extension on our approved Use Permit.

If you have an additional questions please do not hesitate to contact me at anytime. I can be reached at (530)666-6600.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "CRUFER".

Chris Rufer

STANISLAUS COUNTY PLANNING COMMISSION

March 5, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2014-0076
MORNING STAR CO.

REQUEST: TO ESTABLISH A WHOLESALE NURSERY WITH THE CONSTRUCTION OF 33 NEW GREENHOUSE BUILDINGS (TOTALING 1.95 MILLION SQUARE FEET) FOR THE PURPOSE OF SOWING AND GROWING OF VEGETABLE AND FLOWER TRANSPLANTS.

APPLICATION INFORMATION

Agent:	Cesar Corona
Applicant/Owner:	Ross Oliveira, The Morning Star Company
Engineer:	Siegfried Engineering
Location:	3324 Orestimba Road, west of Eastin Road, in the Newman area
Section, Township, Range:	22-7-8
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	026-020-021
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	76± acres
Water Supply:	Private Well
Sewage Disposal:	Septic/Leach System
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Negative Declaration
Present Land Use:	Tomato drying facility with paved dry yards
Surrounding Land Use:	Orchards to the east, west, and south; row crops to the north; and scattered single-family dwellings on surrounding parcels

RECOMMENDATION

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

PROJECT DESCRIPTION

The project is a request to establish a wholesale nursery with the construction of 33 greenhouse buildings (totaling 1.95 million square feet) for the purpose of sowing and growing of vegetable and flower transplants. The request will amend the current tomato drying facility (which processes more than 30 million pounds of sun-dried tomatoes on fenced and paved yards) to accommodate the greenhouses for processing of the transplants. Each greenhouse structure will measure approximately 157 feet wide by 410 feet long with a maximum height of 29 feet. The greenhouses will operate 24 hours a day, seven days a week. Currently, there is a maximum of 140 employees per shift, which will be reduced to a maximum of 80 and a minimum of 7 employees per shift. Two additional storm drainage basins are proposed at the southeast end of the property. There are currently no plans for project phasing. No landscaping plan is being proposed and an agricultural buffer is not required for Tier One Use Permits.

SITE DESCRIPTION

The site: is located on the south side of Orestimba Road (which is designated as a 60 foot wide Collector road), west of Eastin Road, 1.75 miles west of the City of Newman's Sphere of Influence; has a General Plan designation of Agriculture and a zoning designation of A-2-40 (General Agriculture); and is not currently enrolled in a Williamson Act contract.

The site is currently developed with several buildings that operate as a tomato drying facility with dry and paved yards. The existing Morning Star Company site was approved in 1993 under Use Permit No. 92-37. The Use Permit expanded the fruit drying operation by constructing a 19,000 square foot cold storage building, two 5,400 square foot pole barns, and other miscellaneous buildings. The proposed project will amend the current tomato drying facility to accommodate the greenhouses for processing of transplants.

Surrounding land uses include a mixture of agriculture and scattered single-family dwellings with orchards to the east, west, and south, and row crops to the north. The parcel is half a mile east of the Delta Mendota Canal and 2.25 miles southeast of the nearest Highway 5 entrance ramp.

ISSUES

No issues have been identified during the review of this application. Standard conditions of approval have been added to this project to address less than significant impacts associated with the proposed use. *(See Exhibit C - Conditions of Approval.)*

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 in agricultural areas. The proposed project is addressed by the following goal, objectives, and policies of the Land Use and Agricultural Elements of the General Plan:

Land Use Element

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

Policy Two - Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.

Implementation Measure 1 - Agricultural areas should generally be zoned for 40- to 160-acre minimum parcel sizes. Exceptions include land in a ranchette area so identified because of significant existing parcelization of property, poor soils, location, and other factors which limit the agricultural productivity of the area.

Goal Three - Foster stable economic growth through appropriate land use policies.

Policy Sixteen - Agriculture, as the primary industry of the County, shall be promoted and protected.

Implementation Measure 4 - The County shall continue to implement the Agricultural Element.

Agricultural Element

Goal One - Strengthen the agricultural sector of our economy.

Objective Number 1.3 - Minimizing agricultural conflicts.

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

In response to Policy 1.10, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district have been adopted. Appendix A states that low people intensive Tier One and Tier Two uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low people intensive". The applicant and staff agreed that no agricultural buffer was necessary as the Tier One use of agricultural wholesale nursery, as proposed, is a "low people intensive" use.

Staff believes this project can be found to be consistent with the General Plan.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 (General Agriculture). Wholesale nurseries are classified by Chapter 21.20.030 of the Stanislaus County Zoning Ordinance as Tier One uses allowed under a Use Permit. The Stanislaus County Zoning Ordinance does not allow retail nurseries in the A-2 (General Agriculture) zoning district. The applicant anticipates 10-20 customers/visitors per day during peak season. Staff has included Condition of Approval No. 11 to require that any advertising and on-site signs for the nursery clearly identify the facility as wholesale only and not open to the public.

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

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

There is no indication that, under the circumstances of this particular case, the proposed use will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

ENVIRONMENTAL REVIEW

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

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

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps, Site Plans, Floor Plans, Elevations
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
4. Approve Use Permit Application No. PLN2014-0076 - Morning Star Co. subject to the attached Conditions of Approval.

**UP PLN2014-0076
MORNING STAR CO.
AREA MAP**



33

COUNTY

W STUHR RD

SITE



EASTIN RD

NEWMAN

SHIELLS RD



**UP PLN2014-0076
MORNING STAR CO.
GENERAL PLAN MAP**

HCPD

AG

SITE
**76 ±
acres**

AG

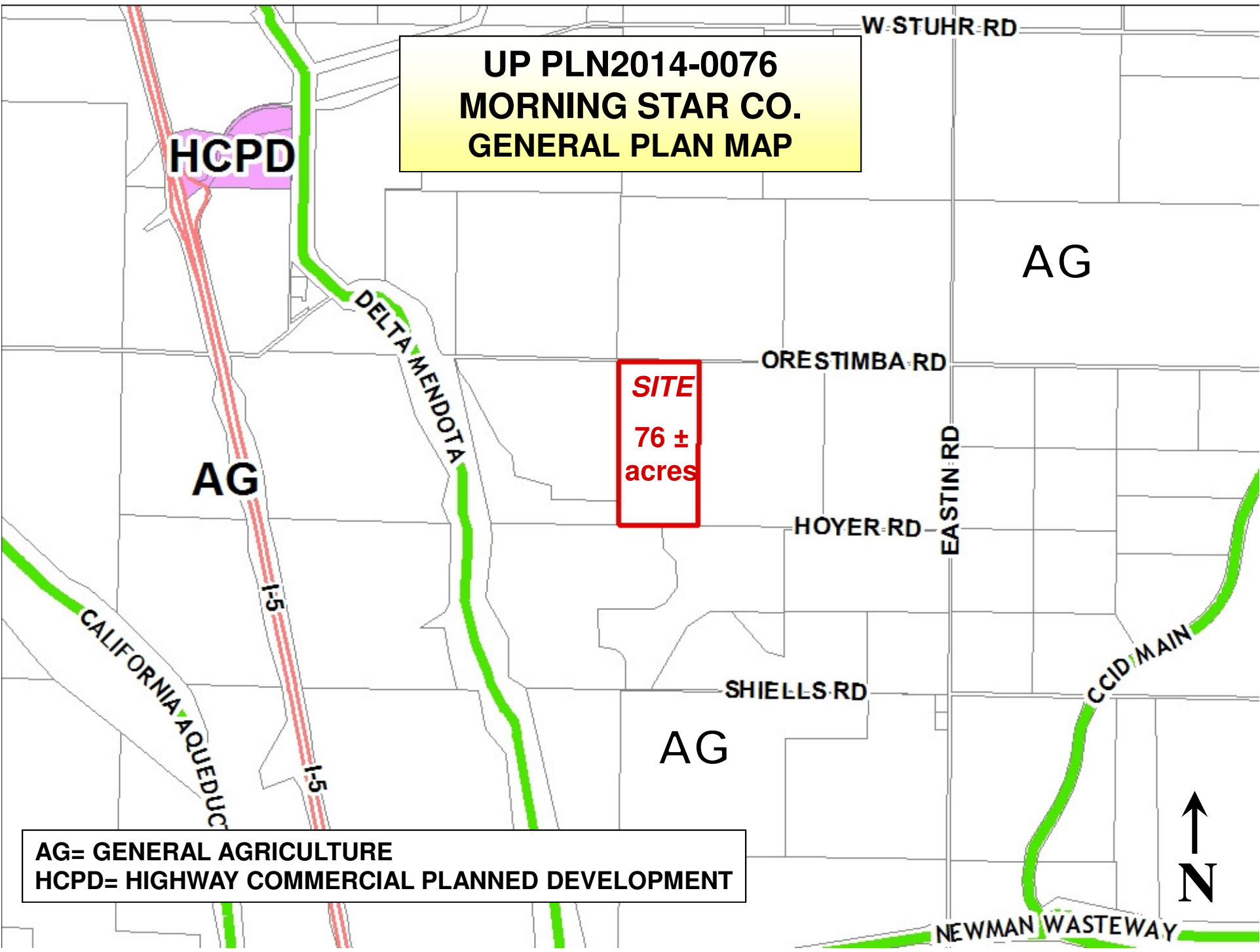
AG

**AG= GENERAL AGRICULTURE
HCPD= HIGHWAY COMMERCIAL PLANNED DEVELOPMENT**



7

EXHIBIT B-1



**UP PLN2014-0076
MORNING STAR CO.
ZONING DESIGNATION MAP**

**A-2-10
P-D (96)**

A-2-40

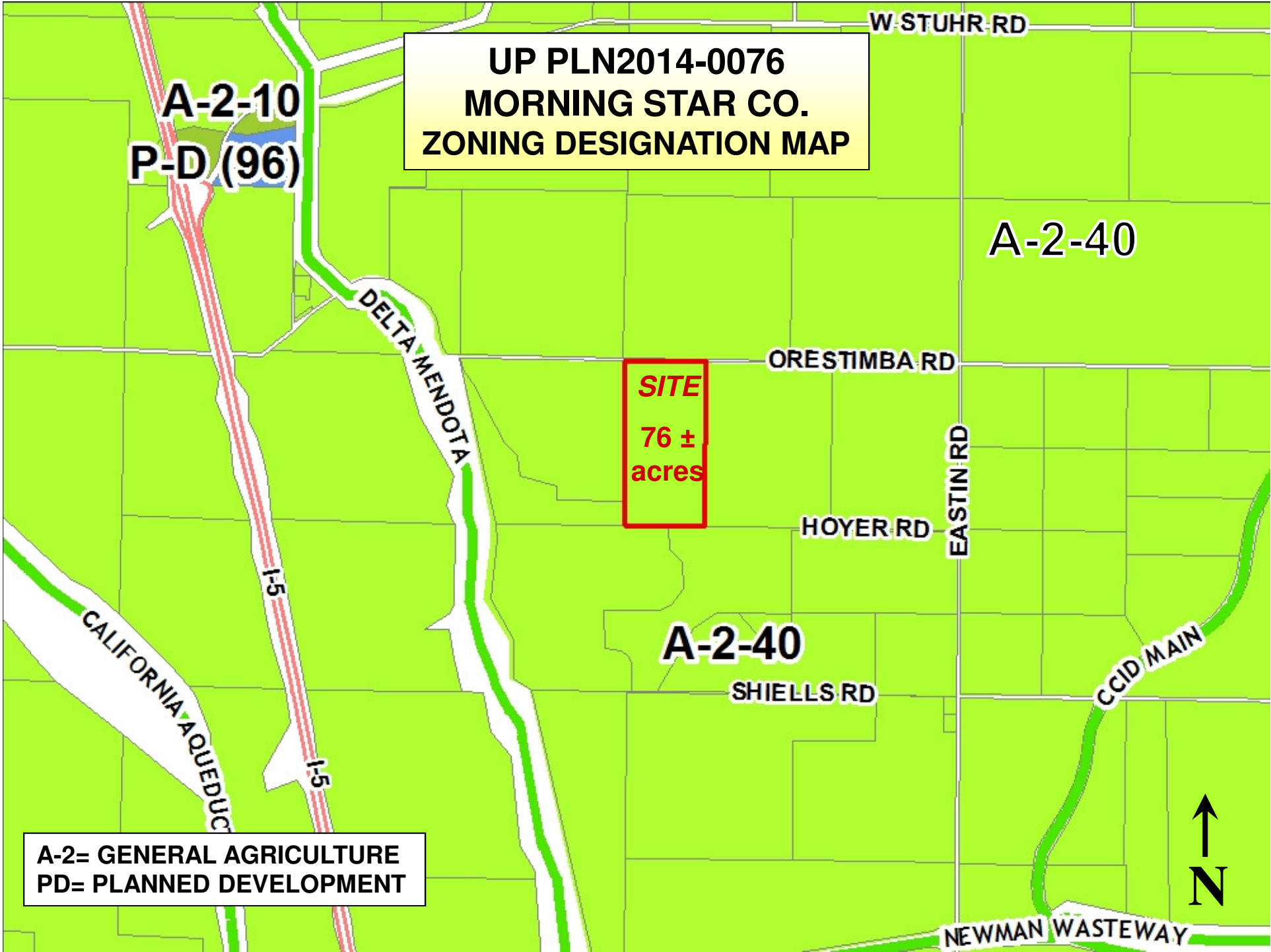
**SITE
76 ±
acres**

A-2-40

**A-2= GENERAL AGRICULTURE
PD= PLANNED DEVELOPMENT**

8

EXHIBIT B-2



**UP PLN2014-0076
MORNING STAR CO.
2013 AERIAL MAP**

ORESTIMBA RD

SITE

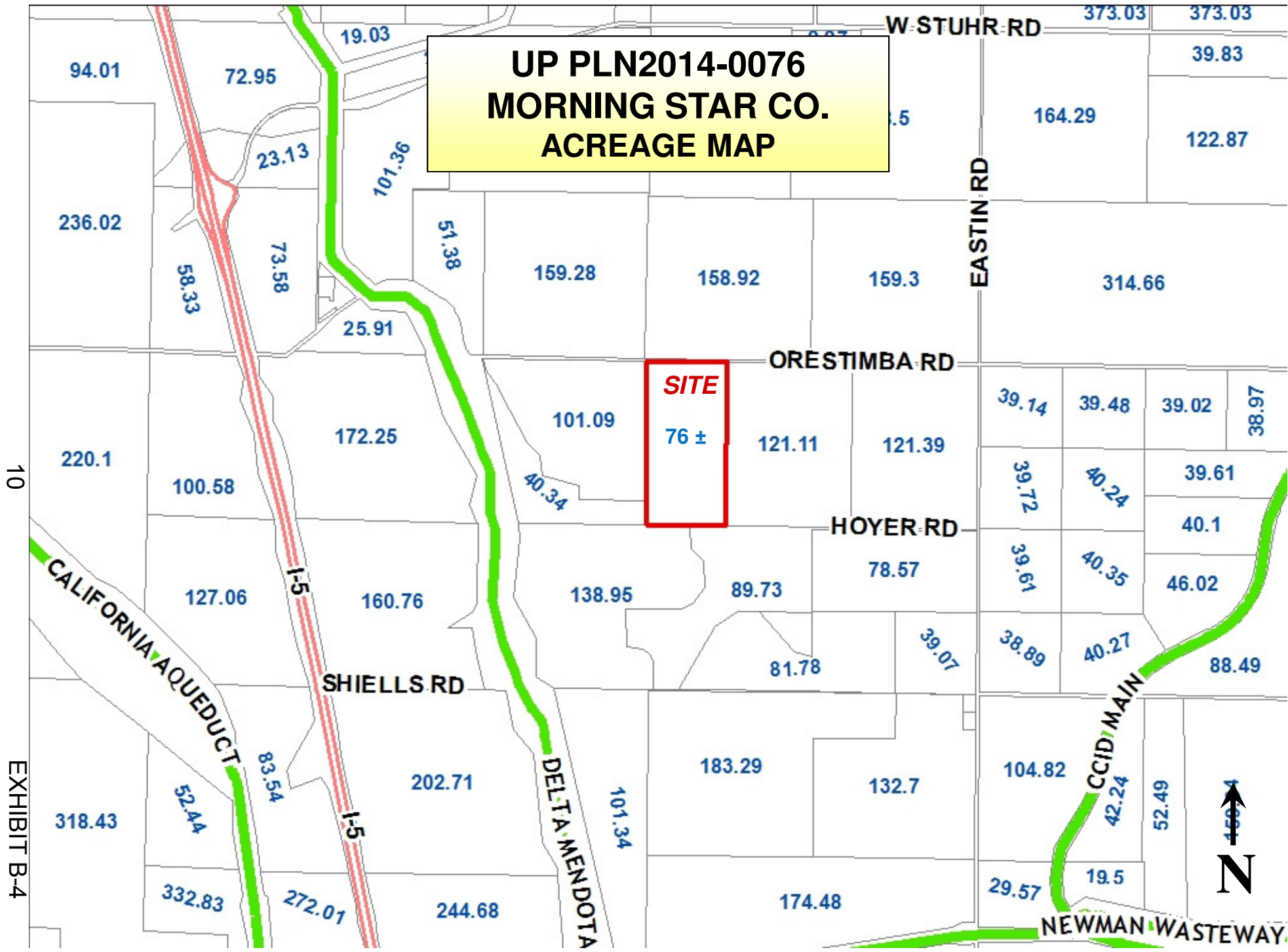
9

EXHIBIT B-3



**UP PLN2014-0076
MORNING STAR CO.
ACREAGE MAP**

SITE
76 ±

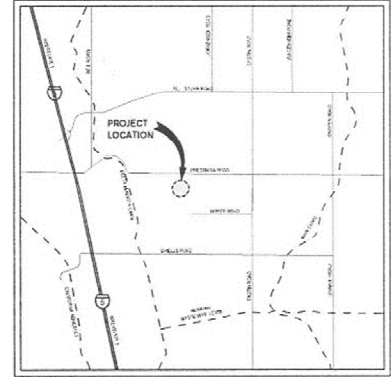


10

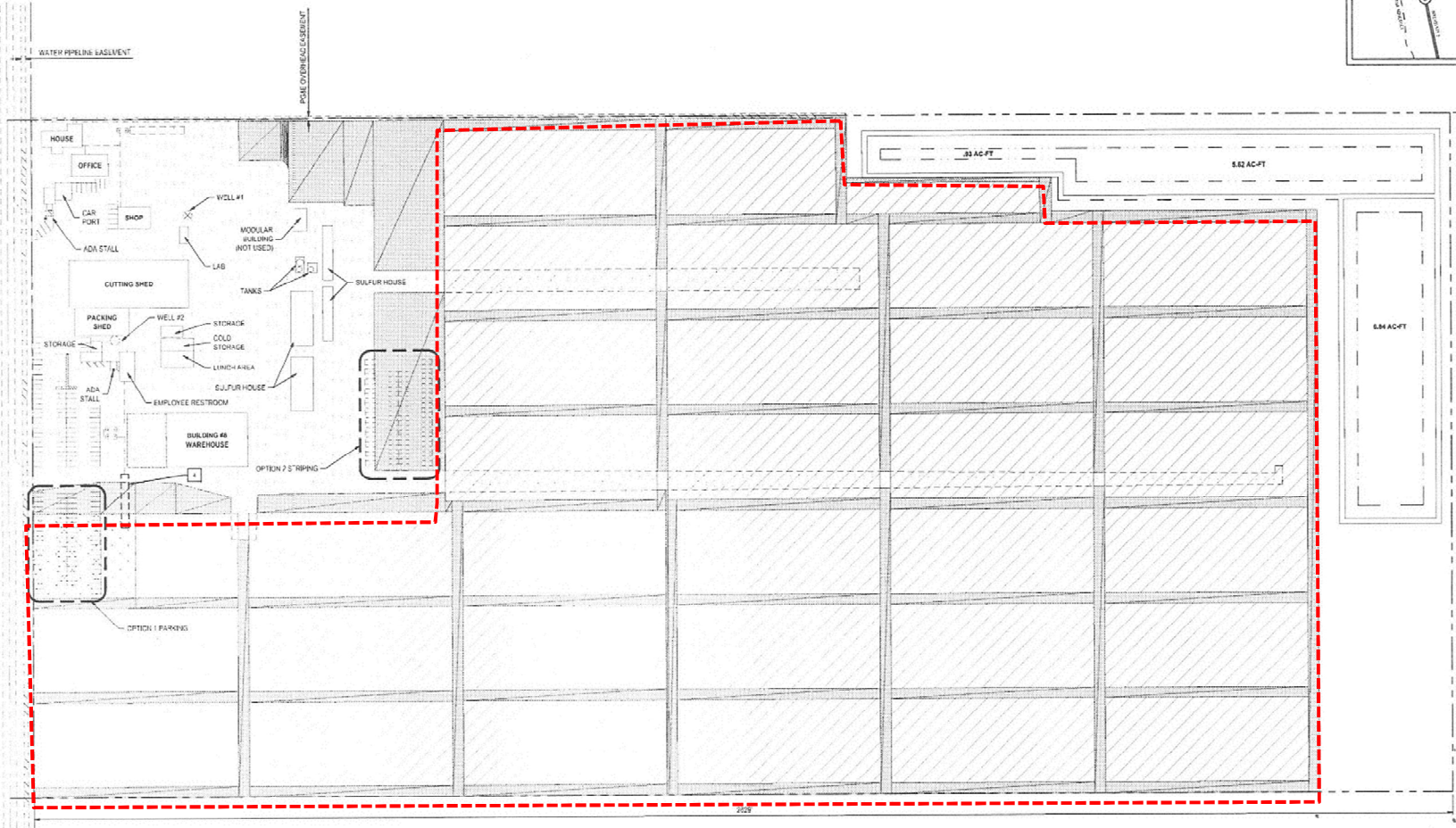
EXHIBIT B-4

UP PLN2014-0076 MORNING STAR CO. SITE PLAN

- NOTES**
1. THIS PLOT PLAN IS FOR USE PERMIT PURPOSES ONLY AND NOT FOR CONSTRUCTION.
 2. ELEVATIONS SHOWN ARE PER 7.5 MINUTE SERIES USGS MAP PUBLISHED IN 1976 FOR NEWMAN, CA. 1929 NAVD.
 3. ONE HUNDRED AND SEVENTY EIGHT (188) STANDARD PARKING STALLS ARE PROPOSED TO COVER THE PEAK 5-4 FT. FOUR (4) ACCESSIBLE STALLS ARE PROPOSED, ONE OF WHICH IS VAN ACCESSIBLE. ACCESSIBLE PATHWAYS MUST BE PROVIDED TO PROPOSED BUILDINGS.
 4. THE LEACH FIELD WILL BE RELOCATED BY SEPARATE PERMIT.
 5. AS AN ALTERNATIVE TO THE MAIN STORM LATERALS, A EARTH DITCH MAY BE USED TO CONVEY STORMWATER TO THE POND LOCATIONS.
 6. PER FEMA PANEL NO. 06999C003E, THE PROJECT IS LOCATED WITHIN ZONE X AND IS NOT SUBJECT TO 100 YEAR FLOODING.



VICINITY MAP
NOT TO SCALE



PROJECT CONTACTS

SITE ADDRESS:
3321 ORESTIMBA ROAD
NEWMAN, CA 95091
CONTACT: CESAR GORON
PH: (209) 825-7200

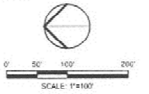
OWNER:
THE MORNING STAR COMPANY
724 MAIN STREET
WOODLAND, CA 95695
PH: (530) 668-6600

CIVIL ENGINEER:
SEOFRIED
3244 BROOKSIDE RD, SUITE 100
STOCKTON, CA 95219
CONTACT: JIM A. BELLEGARDE, P.E.
PH: (209) 943-2021

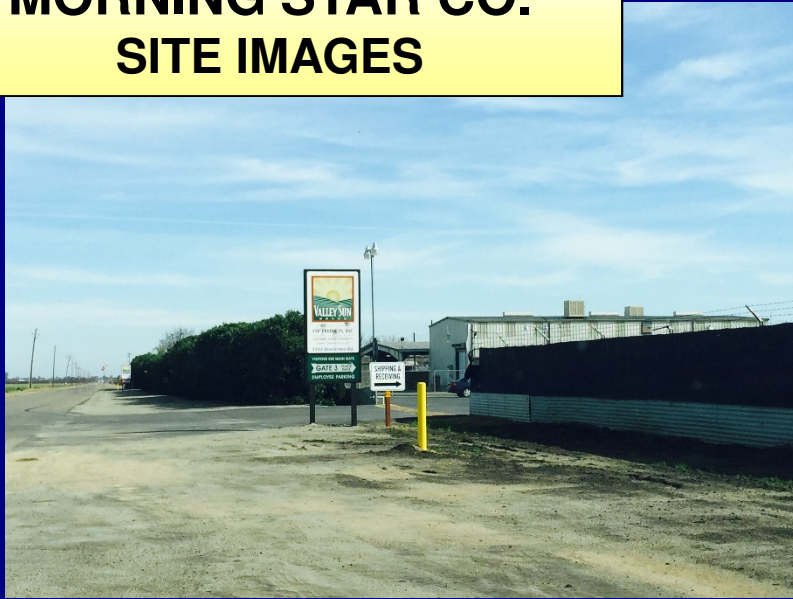
ASSESSORS PARCEL NUMBER
096-002-021

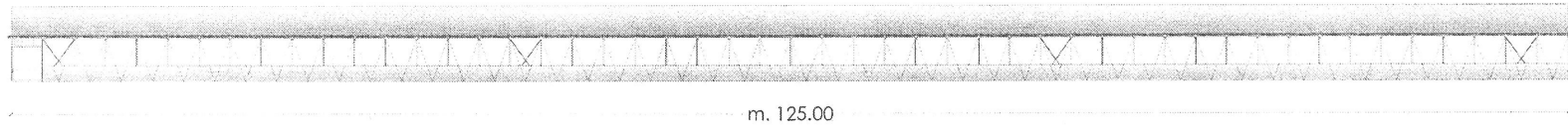
LEGEND

- SEED PROCESSING
- NEW GREEN HOUSE
- GREENHOUSE TO BE REMOVED FOR OPTION 1 PARKING
- EXISTING ASPHALT CONCRETE PAVEMENT TO REMAIN
- EXISTING CHIP SEAL PAVEMENT TO REMAIN
- UTILITY EASEMENT
- PROPERTY LINE
- ROAD CENTERLINE
- EDGE OF EXISTING PAVEMENT
- BASIN



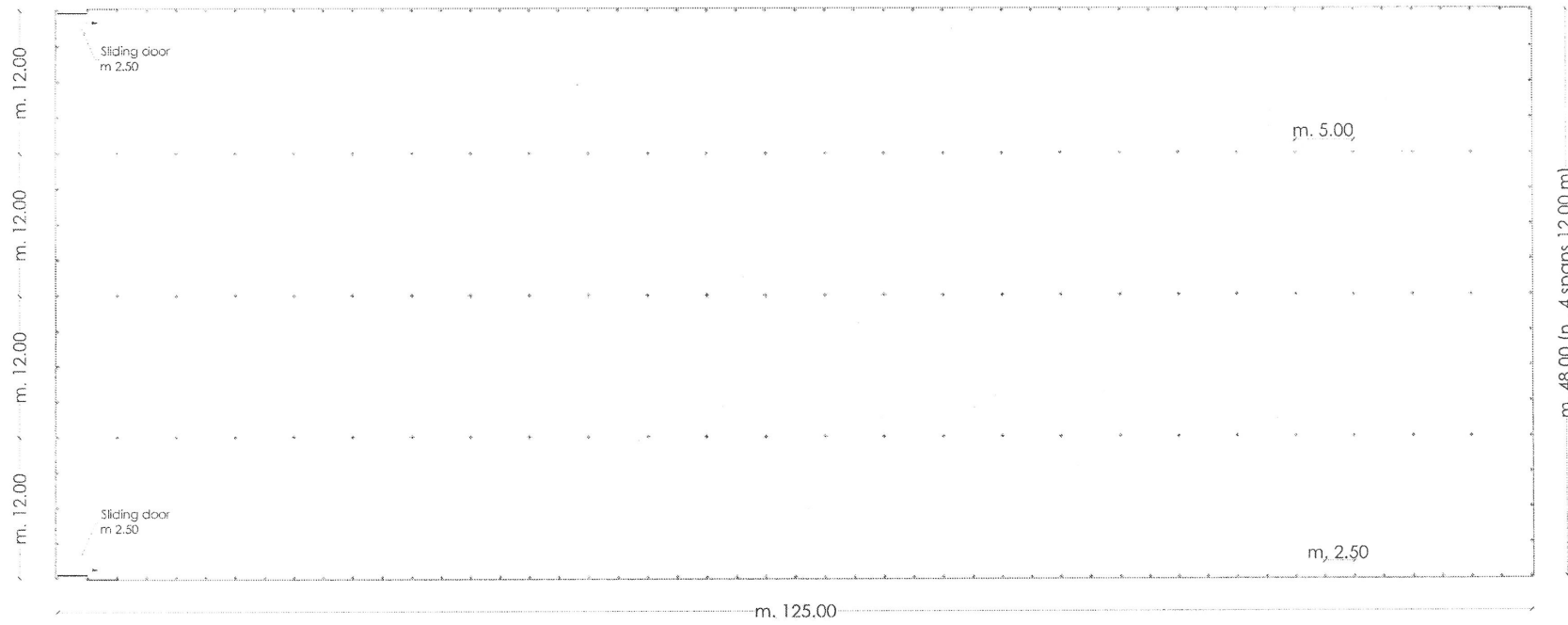
**UP PLN2014-0076
MORNING STAR CO.
SITE IMAGES**



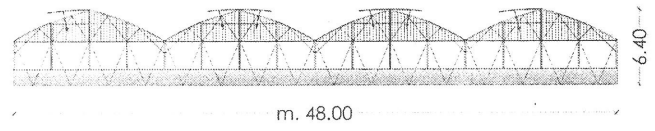


LATERAL VIEW

the greenhouse is endowed on both sides with a gravity side opening system opening from up to down complete with single film and operated by duly dimensioned motoreducers.



PLAN



FRONTAL VIEW

The lower part of the gables will be endowed with a gravity side opening system opening from up to down complete with single film - The half moons will be clad with ondulated polycarbonate sheets.

 idromeccanica Serre - Irrigazione		idromeccanica Lucchini SpA Via Caviana, 4/b 45040 Guadazzo - MANTOVA (ITALY) Tel. +39 0376 81.84.20 - Fax +39 0376 81.94.98 www.idromeccanica.it		A2
MODEL:	GREENHOUSE MULTYATLANTIC EV. m. 12.00	OFFER:	7840	
CLIENT:	CALIFORNIA MASTERPLANT INC.	DRAWER:	S.C.	
ADDRESS:		SCALE:	1:...	
DESCRIPTION:	GENERAL PLAN	PROJECT DATE:	25/05/2013	
DRAWING N°:	7840.01	PRINT DATE:		
REV N°:	00	REV. DATE:		
<small>Azzurro di legge, in riscontro la proprietà del presente disegno. E' vietato ristamparlo, comunicarlo o farlo a altro computer senza nostra esplicita autorizzazione. According to the law we reserve the property of the present technical draw. It is strictly forbidden to reproduce it, to communicate it to third parties or to copy it without our explicit authorization.</small>		Sistema di Gestione per la Qualità ISO 9001:2008 Cert. n. AJRSL1/11/2570		

As Approved by the Planning Commission
March 5, 2015

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

CONDITIONS OF APPROVAL

**USE PERMIT APPLICATION NO. PLN2014-0076
MORNING STAR CO.**

Department of Planning and Community Development

1. The use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination". Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified

archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.

7. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
8. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
9. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
11. Any advertising or on site sign shall clearly identify the greenhouses as wholesale only and not open to the general public.

Building Permits Division

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

Department of Public Works

13. An encroachment permit shall be taken out for any new driveway or for any work to be done in the Orestimba Road right-of-way. Any new driveway location will have to be approved by Public Works.
14. Orestimba Road is classified as a 60 foot Collector Roadway. The required ½ width of Orestimba Road is 30 feet south of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remainder 30 feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.
15. Prior to the final of any building permit or grading permit, the applicant shall make road frontage improvements along the entire parcel length on Orestimba Road. These improvements shall include asphalt road widening, bringing the existing road up to 12 feet wide paved vehicle lane, and a four (4) foot wide paved asphalt shoulder south of the centerline of Orestimba Road. Improvement plans will be submitted to Stanislaus County Public Works for approval prior to the issuance of a building or grading permit. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and specifications.

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

San Joaquin Valley Air Pollution Control District

21. The proposed project will be subject to District Rule 9510 (Indirect Source Review).
22. The proposed project may be subject to the following District rules: regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

In the event an existing building will be renovated, partially demolished, or removed, the project may be subject to Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

California Regional Water Quality Control Board (RWQCB)

23. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR). If a SWPPP is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department 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~~.*



Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2014-0076 - Morning Star Co.
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Timothy Vertino, Assistant Planner
(209) 525-6330
4. **Project location:** 3324 Orestimba Road, south west of the intersection of Orestimba and Eastin Roads, 2.5 miles west of the City of Newman. APN: 026-020-021
5. **Project sponsor's name and address:** Cesar Corona
3324 Orestimba Road
Newman, CA 95360
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to construct 33 new greenhouse buildings (totaling 1.95 million square feet) for the purpose of sowing and growing of vegetable and flower transplants. The request will amend the current tomato drying facility (which processes more than 30 million pounds of sun-dried tomatoes on fenced and paved yards) to accommodate the greenhouses for processing of the transplants. The greenhouses will operate 24 hours a day, seven days a week.
9. **Surrounding land uses and setting:** All surrounding parcels are currently in agriculture production. Almond orchards are located to the south and west; an olive orchard to the east; row crops to the north; and the California Aqueduct is located a half a mile to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works
Department of Environmental Resources
Building Permits Division
Regional Water Quality Control Board
San Joaquin Valley Air Pollution Control District
California Department of Transportation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

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

Timothy Vertino, Assistant Planner
Prepared By _____

December 22, 2014
Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural uses. This project is located two miles west of the City of Newman Sphere of Influence. This project was referred to the City of Newman, but no comment has been received to date.</p> <p>The proposed greenhouses will not require any removal or demolition of any aesthetic resources. The proposed greenhouses are each one (1) floor, standing 29 feet in height. Greenhouse hours of operation will be 24 hours a day, seven days a week. From December through June there will be regular night shifts with six (6) employees, potentially resulting in an increase in lighting from the proposed greenhouses. Conditions of approval will be placed on the project if significant lighting will effect surrounding neighbors. Any development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information and the Stanislaus County General Plan and Support Documentation¹.</p>				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X

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

Discussion: The project site has a general plan designation of Agriculture and a zoning designation of A-2-40 (General Agriculture). Greenhouses are permitted uses within the A-2 zoning designation when a Tier One Use Permit is obtained. In accordance with Section 21.20.030 of the County Code, Tier One uses are “closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed within an A-2 zoning district provided the following finding can be made: the use, as proposed, will not be substantially detrimental to, or in conflict with, agricultural use of other property in the vicinity.

The proposed greenhouses are to be built on existing dry paved yards and the parcel is not enrolled in a Williamson Act Contract. The proposed development, on agriculturally zoned land, will support and increase agricultural resources.

The project was referred to the Stanislaus County Agricultural Commissioner on September 18, 2014, but no comments have been received to date.

Mitigation: None.

References: Stanislaus County Geographical Information Systems (GIS); Stanislaus County Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation¹.

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

e) Create objectionable odors affecting a substantial number of people?			X	
---	--	--	---	--

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California Environmental Protection Agency (EPA) which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. The proposed project is expected to reduce the overall automobile emissions on site by reducing the maximum number of employees per shift from 140 to 80, and reducing the average number of truck trips per day from 24 to 12.

The SJVAPCD responded to a previously circulated Early Consultation for the proposed project. which consists of a request to construct 33 new greenhouse buildings (totaling 1.95 million square feet) for the purpose of sowing and growing transplants. The majority of the site is currently paved for a tomato drying facility. The greenhouse business will operate 24 hours a day with a Maximum of 80 employees per shift and a minimum of 6. The tomato drying operation will continue, with up to 140 employees at seasonal peak. The applicant expects up to 24 truck trips per day and up to 20 customer visits per day. The SJVAPCD offered the following comments:

- 1) Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
- 2) Based on information provided to the District, the proposed project would equal or exceed 25,000 square feet of light industrial space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

All comments provided by the District will be incorporated into the project’s conditions of approval.

Mitigation: None.

References: Application information; referral response from the San Joaquin Valley Air Pollution Control District dated October 6, 2014; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation¹.



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

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

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The California Natural Diversity Database has identified the land as semi-agricultural and rural commercial land.

The project site is an existing facility that has been used for tomato drying. The proposed greenhouses will be constructed on existing paved dry yards. Consequently, no new areas of disturbance will occur as a result of this request. The remaining portion of the site is developed with structures used in support of the tomato drying process (see project description) and a single-family home.

An Early Consultation referral was sent to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the United States Fish and Wildlife Service for comments but no response has been received to date.

Mitigation: None.

References: California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation¹.

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

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be placed on the project requiring that if any resources are found, construction activities will halt at that time. The project was referred to the Native American Heritage Commission, via the State Clearinghouse; a referral response was received which recommended contact with the regional archeological information center for a record search. As the site has been previously developed and new building construction is proposed on paved yards, the potential for disturbing cultural and/or historical resources is minimal.

Mitigation: None.

References: Referral response from the Native American Heritage Commission dated September 25, 2014, and the Stanislaus County General Plan and Support Documentation¹.

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

Discussion: As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. The project was referred to Department of Environmental Resources (DER) and the County's Building Permits Division. DER has not responded to date. Building Permits Division comments will be incorporated into the conditions of approval for this project.

Mitigation: None.

References: Referral response from the Stanislaus County Building Permits Division dated October 6, 2014; California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element¹.

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
Discussion: This project was referred to, reviewed by, and commented on by the SJVAPCD. In the referral response, dated October 6, 2014, no concerns of greenhouse gas emissions were identified.				
Mitigation: None.				
References: Referral response from the San Joaquin Valley Air Pollution Control District dated October 6, 2014, and the Stanislaus County General Plan and Support Documentation ¹ .				
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X

<p>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?</p>				<p>X</p>
<p>Discussion: Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of agriculture sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. The project was referred to the Hazardous Materials Division (Haz Mat) via the Environmental Review Committee (ERC), but no response has been received to date.</p> <p>The Envirostar database was accessed to determine if any of the properties were listed as potential hazardous waste or superfund sites. 3324 Orestimba Road was not identified as a hazardous site.</p>				
<p>Mitigation: None.</p>				
<p>References: Department of Toxic Substances Control (www.envirostar.dtsc.ca.gov); Stanislaus County Geographical Information System; and the Stanislaus County General Plan and Support Documentation¹.</p>				
<p>IX. HYDROLOGY AND WATER QUALITY -- Would the project:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Violate any water quality standards or waste discharge requirements?</p>			<p>X</p>	
<p>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)?</p>			<p>X</p>	
<p>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?</p>				<p>X</p>
<p>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?</p>				<p>X</p>
<p>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?</p>			<p>X</p>	
<p>f) Otherwise substantially degrade water quality?</p>			<p>X</p>	
<p>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?</p>				<p>X</p>
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p>				<p>X</p>

<p>l) 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?</p>				<p>X</p>
<p>j) Inundation by seiche, tsunami, or mudflow?</p>				<p>X</p>

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site, relatively low rainfall intensities, and two basins at the south-east portion of the parcel. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is not located within a recognized flood zone and, as such, flooding is not an issue with respect to this project. The Central Valley Regional Water Quality Control Board (RWQCB) provided a referral response requesting that the applicant coordinate with their agency to determine if any permits or Water Board requirements must be obtained/met prior to operation. The Stanislaus County Department of Public Works has reviewed the project and is requiring a grading, drainage, and erosion/sediment control plan before any building permit for the site is issued that creates a new or bigger building footprint on this parcel. Consequently, run-off associated with the construction of new structures will be reviewed as part of the overall building permit review process. No septic systems or additional wells are being proposed as a part of this project.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated November 7, 2014; referral response from the Regional Water Quality Control Board dated September 30, 2014; and the Stanislaus County General Plan and Support Documentation¹.

X. LAND USE AND PLANNING -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>a) Physically divide an established community?</p>				<p>X</p>
<p>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?</p>				<p>X</p>
<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</p>				<p>X</p>

Discussion: The project site is designated Agriculture and zoned A-2-40 (General Agriculture, 40-acre minimum). A Use Permit was approved in February of 1993 to expand fruit drying operations on the site. Expansions included a 19,000 square foot cold storage building, two (2) 5,400 square foot pole barns, and other miscellaneous buildings. The proposed project is expanding the existing tomato drying facility by adding 33 greenhouses totaling 1,950,000 square feet. This project will not conflict with any applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XI. MINERAL RESOURCES -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>				<p>X</p>

<p>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?</p>				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XII. NOISE -- Would the project result in:</p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>			X	
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</p>				X
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			X	
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</p>			X	
<p>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?</p>				X
<p>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?</p>				X
<p>Discussion: Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. There will be a temporary increase in noise due to the construction of the greenhouses. The nearest sensitive noise receptors are residential homes on neighboring properties. The nearest dwelling to the east, located on an existing olive tree orchard, is 650 feet from the existing facility footprint.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; Stanislaus County Geographical Information Systems; and the Stanislaus County General Plan and Support Documentation¹.</p>				
<p>XIII. POPULATION AND HOUSING -- Would the project:</p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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)?</p>				X

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

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

Mitigation: None.

References: Application information and the Stanislaus County General Plan and Support Documentation¹.

XIV. PUBLIC SERVICES --

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

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 Newman-Crows Landing School District, the Sheriff’s office, West Stanislaus Fire Protection District, and the Stanislaus County ERC. A referral response was not received from the Sheriff’s office or the fire district; however, conditions of approval will be added to this project to insure that the greenhouses will comply with all applicable fire department standards with respect to access and water for fire protection. On-site water storage for fire protection will be further evaluated as part of any future building permit process. A referral response was received from the ERC who responded with comments unrelated to public services.

Mitigation: None.

References: The Stanislaus County General Plan and Support Documentation¹.

XV. RECREATION --

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

<p>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?</p>				<p>X</p>
<p>Discussion: This project is not anticipated to increase significant demands for recreational facilities as such impacts typically are associated with residential development.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

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

Discussion: The project was referred to the Stanislaus County Department of Public Works, the ERC, and the State of California Department of Transportation.

Project description numbers propose a decrease in existing employee traffic and truck trips. The maximum number of employees per shift will decrease from 140 to 80 and the average number of truck trips will decrease from 24 to 12 per day after construction of the 33 greenhouses.

Public Works has requested conditions of approval to address new driveway approaches, the need for an irrevocable offer of dedication, improvements along Orestimba Road, and the need for a grading, drainage, and sediment management plan. These requests will be included as conditions of approval for the project.

Mitigation: None.

References: Application information; referral response from the Stanislaus County Department of Public Works dated November 7, 2014; email from Ross Oliveira (The Morning Star Company) dated October 21, 2014; and the Stanislaus County General Plan and Support Documentation¹.

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

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

The project was referred to DER, ERC, and RWQCB. A referral response has not been received from DER to date. Referral responses from the ERC and RWQCB did not address utilities or service system concerns.

Mitigation: None.

References: Referral response from the Stanislaus County Environmental Review Committee dated October 22, 2014; referral response from the Stanislaus County Department of Public Works dated November 7, 2014; and the Stanislaus County General Plan and Support Documentation¹.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.</p>				

I:\Planning\Staff Reports\UP\2014\UP PLN2014-0076 - Morning Star Co\CEQA-30-Day-Referral\Initial Study.wpd

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

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2014-0076 - Morning Star Co.

LOCATION OF PROJECT: 3324 Orestimba Road, south west of the intersection of Orestimba and Eastin Roads, 2.5 miles west of the City of Newman. APN: 026-020-021

PROJECT DEVELOPERS: Cesar Corona
3324 Orestimba Road
Newman, CA 95360

DESCRIPTION OF PROJECT: Request to construct 33 new greenhouse buildings (totaling 1.95 million square feet) for the purpose of sowing and growing of vegetable and flower transplants. The request will amend the current tomato drying facility (which processes more than 30 million pounds of sun-dried tomatoes on fenced and paved yards) to accommodate the greenhouses for processing of the 0 transplants. The greenhouses will operate 24 hours a day, seven days a week.

Based upon the Initial Study, dated **December 22, 2014**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Timothy Vertino, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2014-0076 - MORNING STAR CO.

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Mine Reclamation (cert.)	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF FORESTRY (CAL FIRE)		X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X		X			X			X		X
CA DEPT OF WATER RESOURCES	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	
CEMETERY DISTRICT: HILLS FERRY	X	X	X		X							
CITY OF: NEWMAN	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: W STAN FIRE	X	X	X		X							
HOSPITAL DISTRICT: WESTSIDE		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							
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X	X	
SCHOOL DISTRICT 1: NEWMAN-CROWS LANDING / MARSHALL B KRUPP	X	X	X		X							
STAN ALLIANCE		X	X		X							
STAN CO AG COMMISSIONER	X	X			X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X			X							
STAN CO DER	X	X			X							
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X			X							
STAN CO PUBLIC WORKS	X	X		X				X		X	X	
STAN CO SHERIFF	X	X			X							
STAN CO SUPERVISOR DIST 5: DeMartini	X	X	X		X							
STAN COUNTY COUNSEL	X	X			X							
STANISLAUS FIRE PREVENTION BUREAU	X	X			X							
STANISLAUS LAFCO	X	X			X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
WATER DISTRICT: DEL PUERTO	X	X	X		X							

- C. USE PERMIT APPLICATION NO. PLN2014-0076 - MORNING STAR CO. -**
Request to establish a wholesale nursery with the construction of 33 new greenhouse buildings (totaling 1.95 million square feet) for the purpose of sowing and growing of vegetable and flower transplants. The 76± acre parcel is located in the A-2-40 (General Agriculture) zoning district at 3324 Orestimba Road, south west of the intersection of Orestimba and Eastin Roads, 2.5 miles west of the City of Newman. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project.
APN: 026-020-021
Staff Report: Timothy Vertino Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Chris Reffer, 724 Main Street, Woodland, California
Public hearing closed.
Orvis/Yamamoto, 8/0 (Unanimous), **APPROVED THE STAFF REPORT RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT**

EXCERPT

PLANNING COMMISSION MINUTES

Signature on file.
Secretary, Planning Commission

October 6, 2016
Date