

STANISLAUS COUNTY PLANNING COMMISSION

November 16, 2017

STAFF REPORT

REZONE APPLICATION NO. PLN2017-0062
MASELLIS ENTERPRISES, LLC

REQUEST: TO REZONE A 9.81 ACRE PROPERTY TO A NEW P-D TO ALLOW VARIOUS AGRICULTURAL SUPPLY BUSINESSES TO OPERATE OUT OF THE EXISTING BUILDINGS.

APPLICATION INFORMATION

Applicant/Property owner:	Masellis Enterprises, LLC
Agent:	Jacob Harvey, Giuliani & Kull, Inc.
Location:	118 Albers Road, on the northeast corner of Albers Road and Yosemite Boulevard, east of the City of Modesto
Section, Township, Range:	26-3-10
Supervisory District:	One (Supervisor Olsen)
Assessor's Parcel:	009-014-023
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	9.81 acres
Water Supply:	Existing on-site water well
Sewage Disposal:	Septic system
Existing Zoning:	P-D (268)
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:	Agricultural supply businesses, single-family dwelling, open space
Surrounding Land Use:	Orchards and row crops surround the site in all directions; to the southwest the Fruit Yard (zoned P-D 317, Planned Development); and to the west Masellis Drilling, a fire station, and a church.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the Board of Supervisors 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 provide a recommendation of approval, Exhibit A provides an overview of all of the findings required for project approval.

BACKGROUND

Planned Development (P-D) 116 was approved in May of 1985, to allow various agricultural supply and agricultural service businesses to be established on the former site of an agricultural chemical supply business, including: agriculture management companies, an irrigation company, a chemical company, maintenance shop to repair and service farm equipment, warehouse storage, light farm equipment manufacturing, and the continued use of a public scale. This property was then rezoned again to P-D (268), under Rezone No. 2001-21, to allow for an expansion to the existing feed and ranch supply business. P-D (268) was approved for four phases, each including the construction of new buildings associated with the feed and ranch supply business. With the approval of P-D (268) the only use permitted on the site was the existing farm and ranch supply business, which was never expanded as authorized by the PD.

PROJECT DESCRIPTION

This is a request to rezone a 9.81 acre property from Planned Development (P-D) (268) to a new P-D to allow various agricultural supply businesses to operate out of existing buildings. Two agricultural supply businesses currently operate out of the site, Conlin Supply and AGI Ag Irrigation Sales and Services. Under the exiting P-D 268 Conlin Supply is permitted to operate, but no additional uses or expansion of the use, beyond the existing square footage, is permitted. AGI is not currently permitted to operate out of the site. As part of this rezone request, the ability for multiple agricultural supply businesses to be located on the project site will be re-established as previously allowed by P-D (116). Accordingly, if this project is approved a business license will be able to be issued to AGI to allow them to continue to operate out of the site.

Conlin Supply currently operates out of the buildings identified on the Site Plan as Retail Building No. 1 and Storage Building No. 1. (See Exhibit B – *Maps*.) As part of this project request, Conlin Supply is proposing to replace a 2,858 square foot office building with a 2,500 square foot addition to the existing retail building and to add 27 additional parking spaces. The 2,858 square foot office building to be replaced was demolished in June of 2017. The project also includes a request to re-establish the use of a public scale, which exists on the site.

AGI currently operates out of the buildings identified on the Site Plan as Retail Building No. 2 and Storage Building No. 2. (See Exhibit B – *Maps*.) The project also proposes to add seven parking spaces to serve the buildings occupied by AGI.

As proposed, other agricultural supply businesses may also be allowed to operate out of the site in the future provided a Staff Approval permit is obtained, as required by the Development Standards to be applied to this project. However, if additional proposed businesses are determined by the Planning Director to not conform to the proposed development plan, then a use permit or rezone may be required.

Once fully constructed and operational, the site is projected to have a combined total of eight employees per maximum shift, Conlin proposes to employ five employees per maximum shift and AGI proposes to employ three employees per maximum shift. The site will maintain existing operating hours, which are Monday through Friday 8 a.m. to 6 p.m., Saturday 8 a.m. to 5 p.m., closed Sundays. Customer numbers are estimated to vary from twenty to fifty per day and between one to five truck deliveries are estimated to occur per day, between the two businesses. The site is served by an existing on-site water well and septic system.

The Development Schedule proposes the development of the site in the following three phases:

- Phase 1 - Stripe parking spaces in front of retail building No. 2 (7 spaces total)
To be started within one year of project approval
- Phase 2 - Place asphalt and stripe parking spaces for retail building No. 1 (27 spaces total)
To be started within two years of project approval
- Phase 3 - Remodel existing retail building No. 1, adding approximately 2,500 square feet
To be started within three years of project approval

SITE DESCRIPTION

The site is located at 118 Albers Road, on the northeast corner of Albers Road and Yosemite Boulevard, east of the City of Modesto. The Fruit Yard (zoned P-D 317, Planned Development) is located on the southwest corner of the Albers/Yosemite intersection, a drilling company (Masellis Drilling) on the northwest corner, and a fire station and church, are located to the west of the project site. Orchards and row crops surround the site in all directions.

As stated above, the site is currently occupied by two agricultural supply businesses, Conlin Supply and AGI Ag Irrigation Sales and Service. The southern half of the 9.81 acre project site is currently developed with a single-family dwelling, shed, and pool (which are not part of this application); a 5,000 square foot retail building, 5,000 square foot storage building, and 4,500 square foot pole barn, truck scale, and material storage area, all utilized by Conlin Supply to operate their agricultural supply business; and a 5,000 square foot retail building, and a 4,500 square foot storage building, utilized by AGI to operate their agricultural irrigation supply business. The northern half of the project site is currently vacant and unimproved.

ISSUES

The site has an existing on-site water well, which was previously operated as a public water system. The Stanislaus County Department of Environmental Resources (DER) requested that due to the site's previous public water supply permit, that the word "private" be removed from the Initial Study prepared for this project in relationship to the on-site well. DER stated that identifying the project site's water source as a "private well" incorrectly categorizes the site as needing a new public water supply permit. References to a "private well" on-site have accordingly been replaced with the words "existing on-site water well". Additional discussion is provided on the changes made to the Initial Study in the *Environmental Review* Section of this Staff Report.

No additional issues have been identified as a part of this request. Standard Development Standards have been added to the project.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. Additionally, in order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is Agriculture. The Agriculture General Plan designation is consistent with a Planned Development zoning designation when, *"it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the agriculture designation, may be*

properly located within areas designated as “agricultural” on the General Plan. Such uses can include facilities for packing fresh fruit, facilities for the processing of agricultural commodities utilized in the County’s agriculture community, etc.” Goal Two and Three of the Land Use Element of the Stanislaus County General Plan aim to ensure compatibility between land uses; and, to promote diversification and growth of the local economy by accommodating the siting of industries with unique requirements, as described in the Land Use Designations section of the Land Use Element.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. A 300-foot buffer is recommended for people intensive uses. The project site is currently fenced, but only meets the 300-foot buffer on the northern boundary, and not on the eastern, western, or southern boundaries. Staff feels that an alternative to the 300-foot buffer standard can be supported as the proposed project will not have any greater impact to surrounding agricultural uses than what already exists. The project is establishing the ability to utilize the site for uses similar to those that have been operating out of the site since the 1980s.

Staff believes that the proposed Planned Development is consistent with the General Plan. The original rezone (P-D 116) was found to be consistent with the Agricultural Land Use Designation. As this project is being requested to re-establish zoning and Development Standards for the site in line with the property’s previous P-D (116) zoning designation, staff believes the project is consistent with the County’s General Plan designation of Agriculture and with the overall goals, policies, and implementation measures of the General Plan.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned Planned Development (268), which is expired, and which includes development plans that outline specific development regulations and design standards applicable to the project’s approved uses. The proposed rezone to a new P-D allowing for the site to re-establish zoning and Development Standards in line with the property’s previous P-D (116) zoning designation must be found consistent with the General Plan’s Agricultural designation. The proposed new P-D will replace the Development Standards associated with the expired P-D (268) zoning designations with revised Development Standards. This project will maintain zoning consistency by adhering to the uses and Development Standards incorporated into this 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 Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit F - *Negative Declaration*.) Development Standards reflecting referral responses have been placed on the project. (See Exhibit C – *Development Standards*.)

As stated in the Issues Section of this Staff Report, a slight modification to references of the on-site water supply throughout the Initial Study were made in response to comments provided by DER.

As permitted by CEQA Guidelines Section 15073.5(c), revisions to a Negative Declaration may be approved by the Planning Commission without a new period of environmental review if the project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. This additional language is considered to be informational in nature and to have no new significant effects. The operation was already identified as being served by a well. Planning Staff believes that the modification meets this statute and that re-circulation of the environmental assessment document is not required.

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 **\$2,273.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

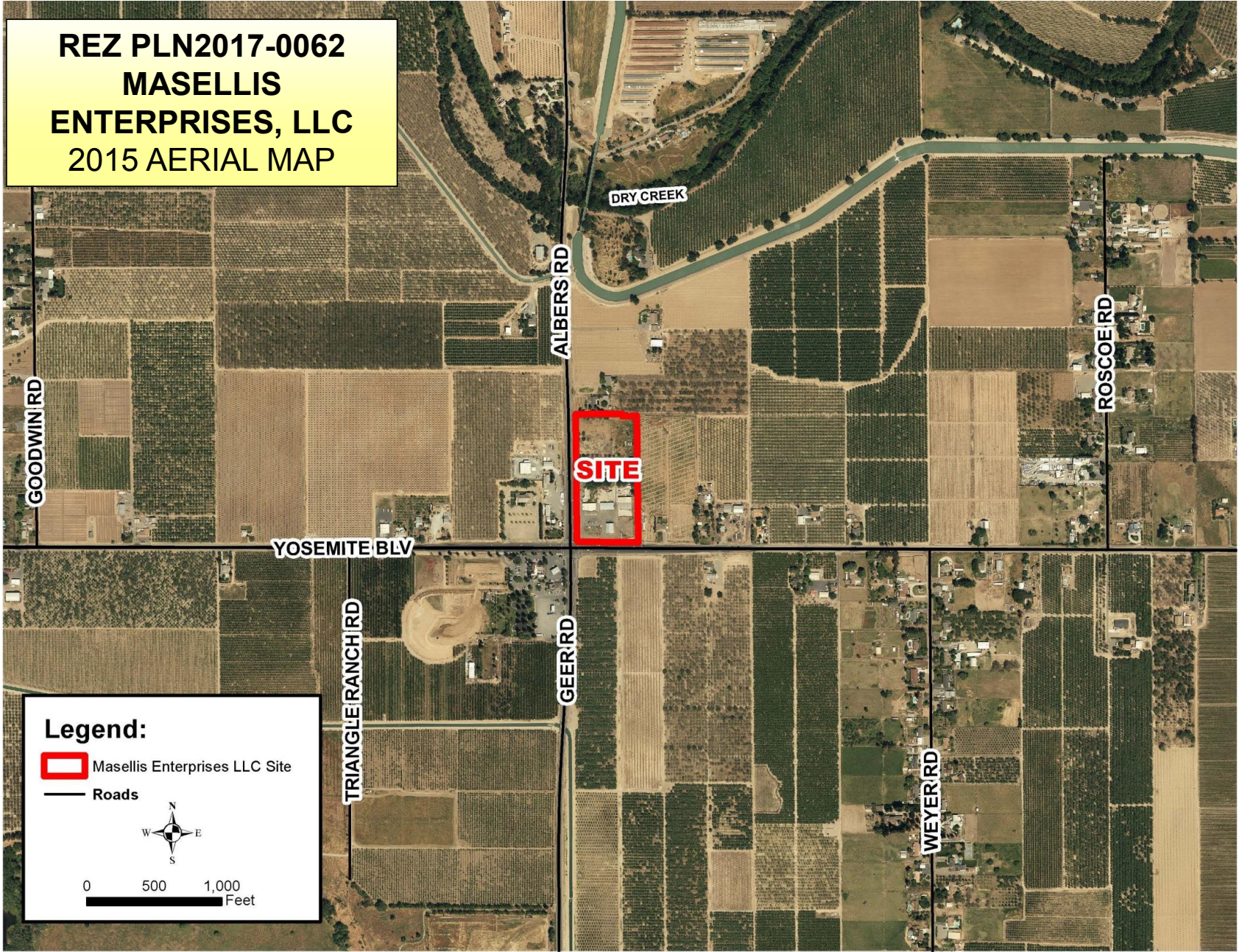
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Amended Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referral



Exhibit A
Findings and Actions Required for Project Approval


1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the amended Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - A. The project is consistent with the overall goals and policies of the County General Plan.
 - B. The proposed Planned Development zoning is consistent with the Agriculture General Plan designation.
 - C. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
 - D. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Rezone No. PLN2017-0062 – Masellis Enterprises, LLC, subject to the attached Development Standards and Development Schedule.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2017-0062, Masellis Enterprises, LLC.


**REZ PLN2017-0062
MASELLIS
ENTERPRISES, LLC
2015 AERIAL MAP**



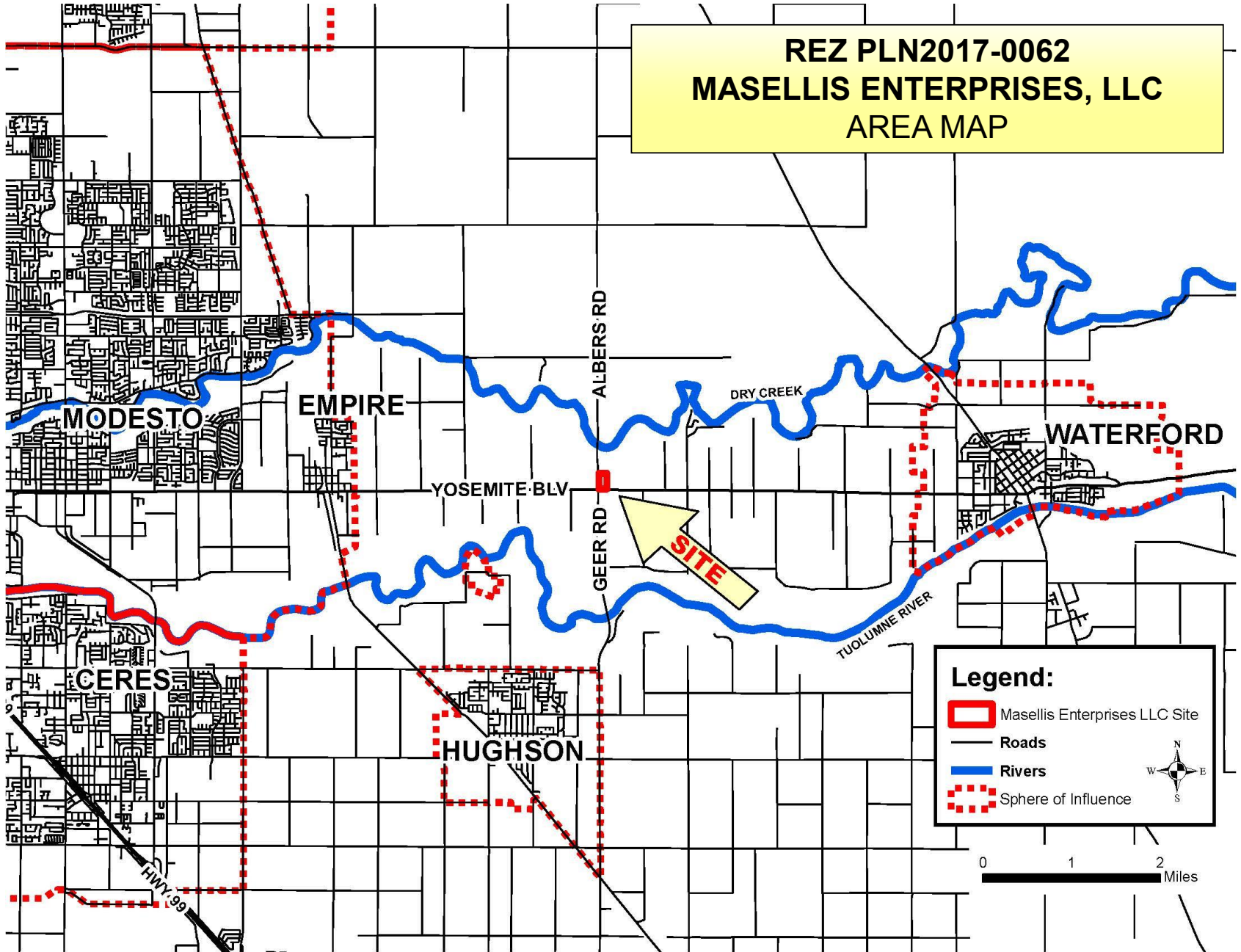
Legend:

-  Masellis Enterprises LLC Site
-  Roads





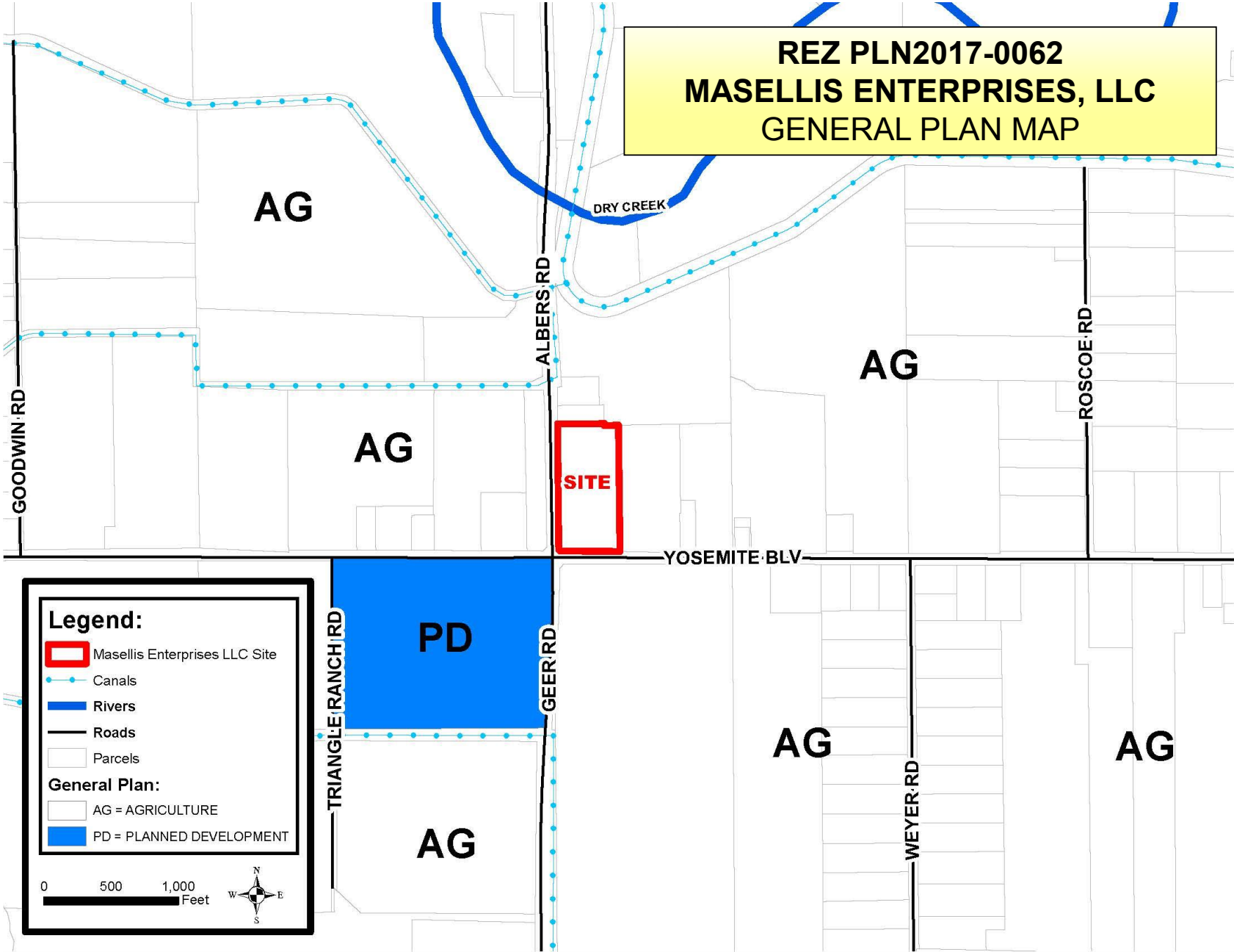
**REZ PLN2017-0062
MASELLIS ENTERPRISES, LLC
AREA MAP**



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EXHIBIT B

**REZ PLN2017-0062
MASELLIS ENTERPRISES, LLC
GENERAL PLAN MAP**



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Legend:

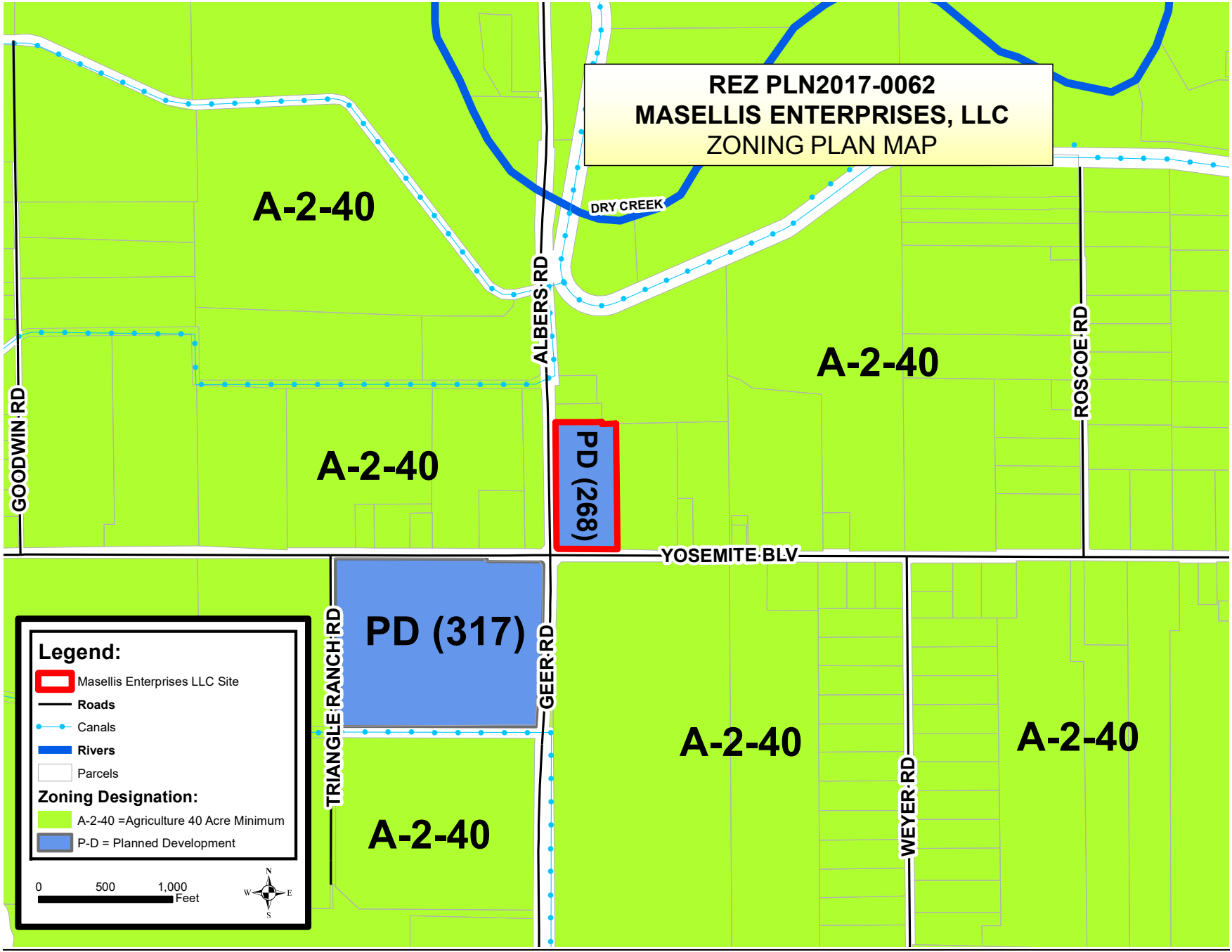
- Masellis Enterprises LLC Site
- Canals
- Rivers
- Roads
- Parcels

General Plan:

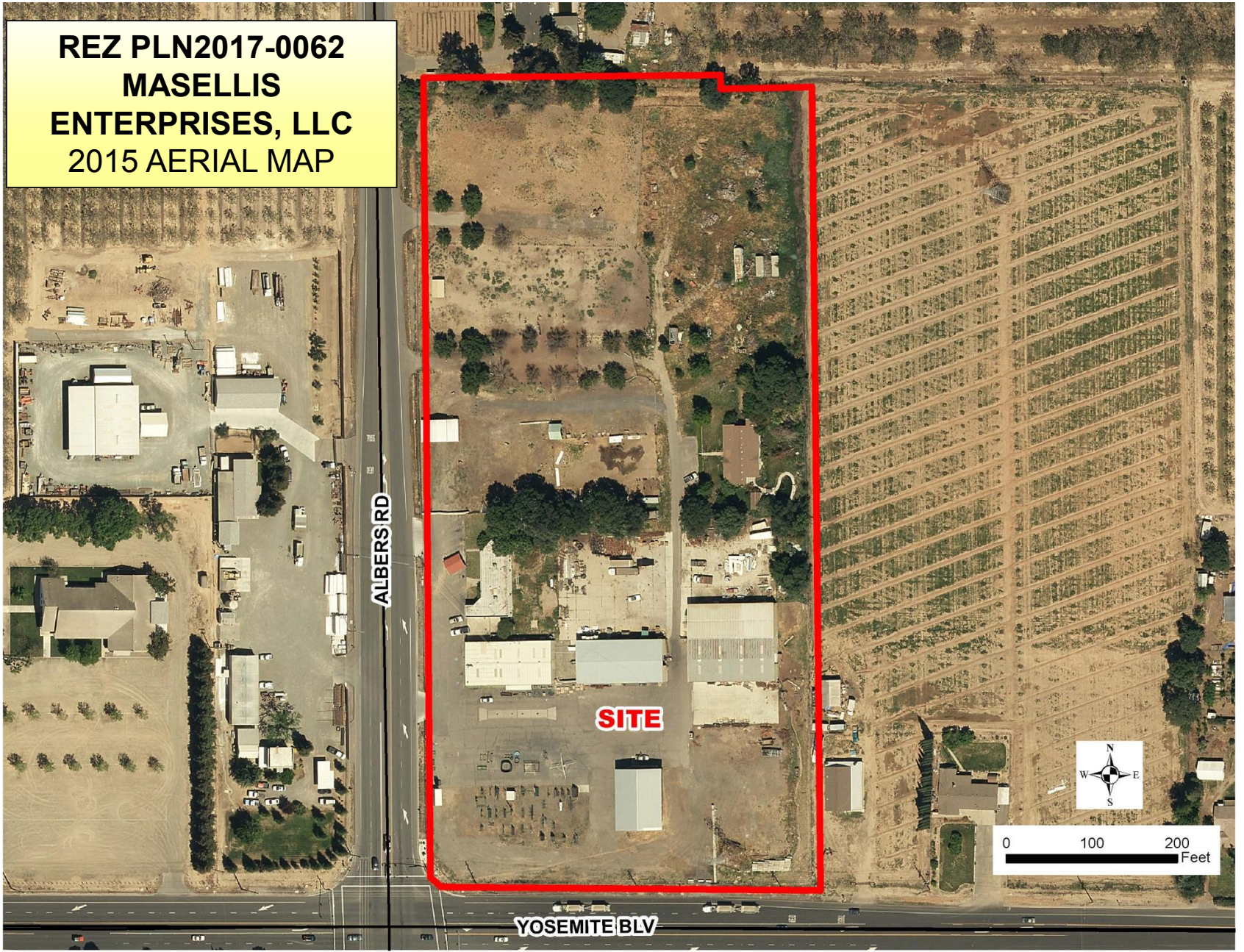
- AG = AGRICULTURE
- PD = PLANNED DEVELOPMENT

0 500 1,000 Feet

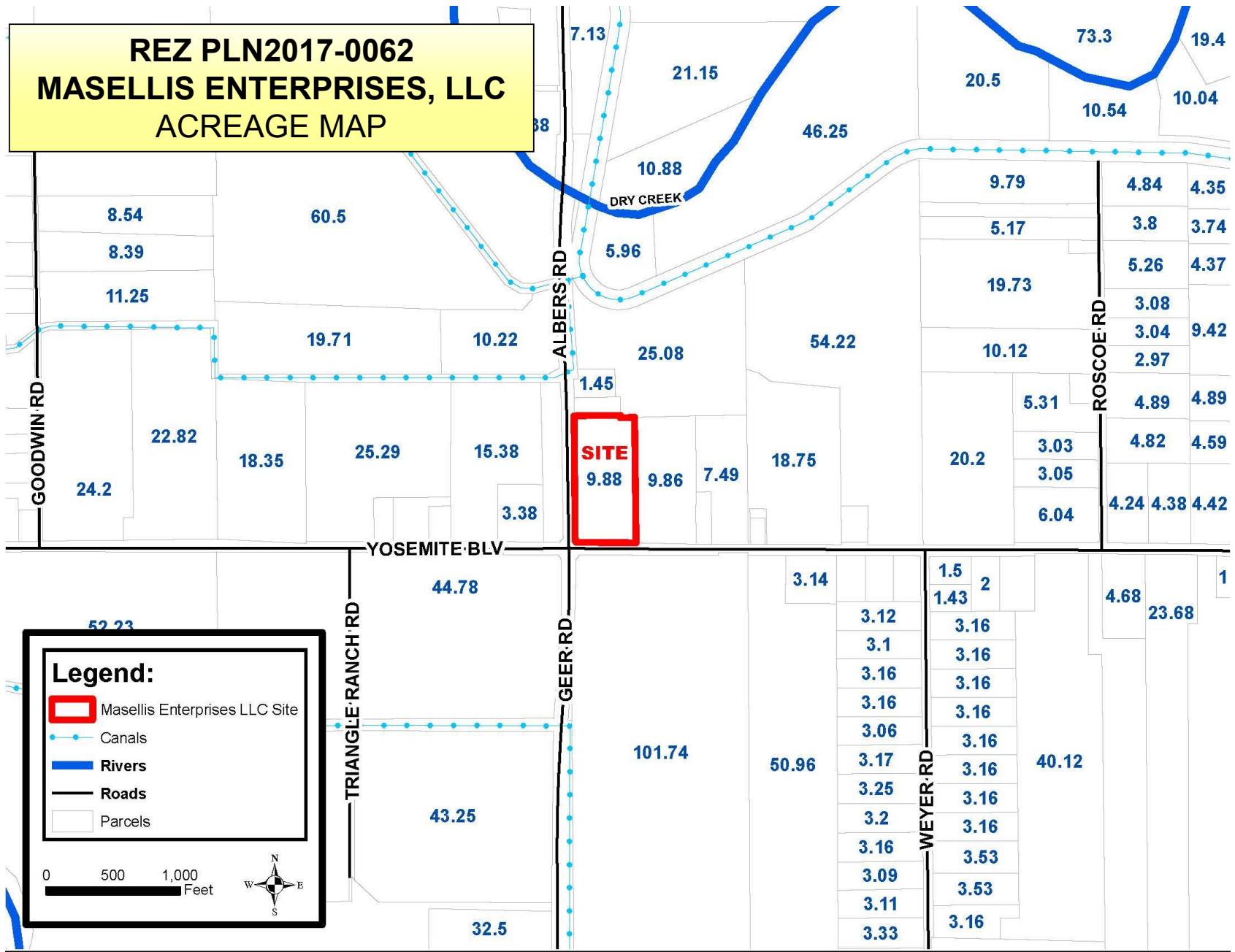
EXHIBIT B-1



**REZ PLN2017-0062
MASELLIS
ENTERPRISES, LLC
2015 AERIAL MAP**



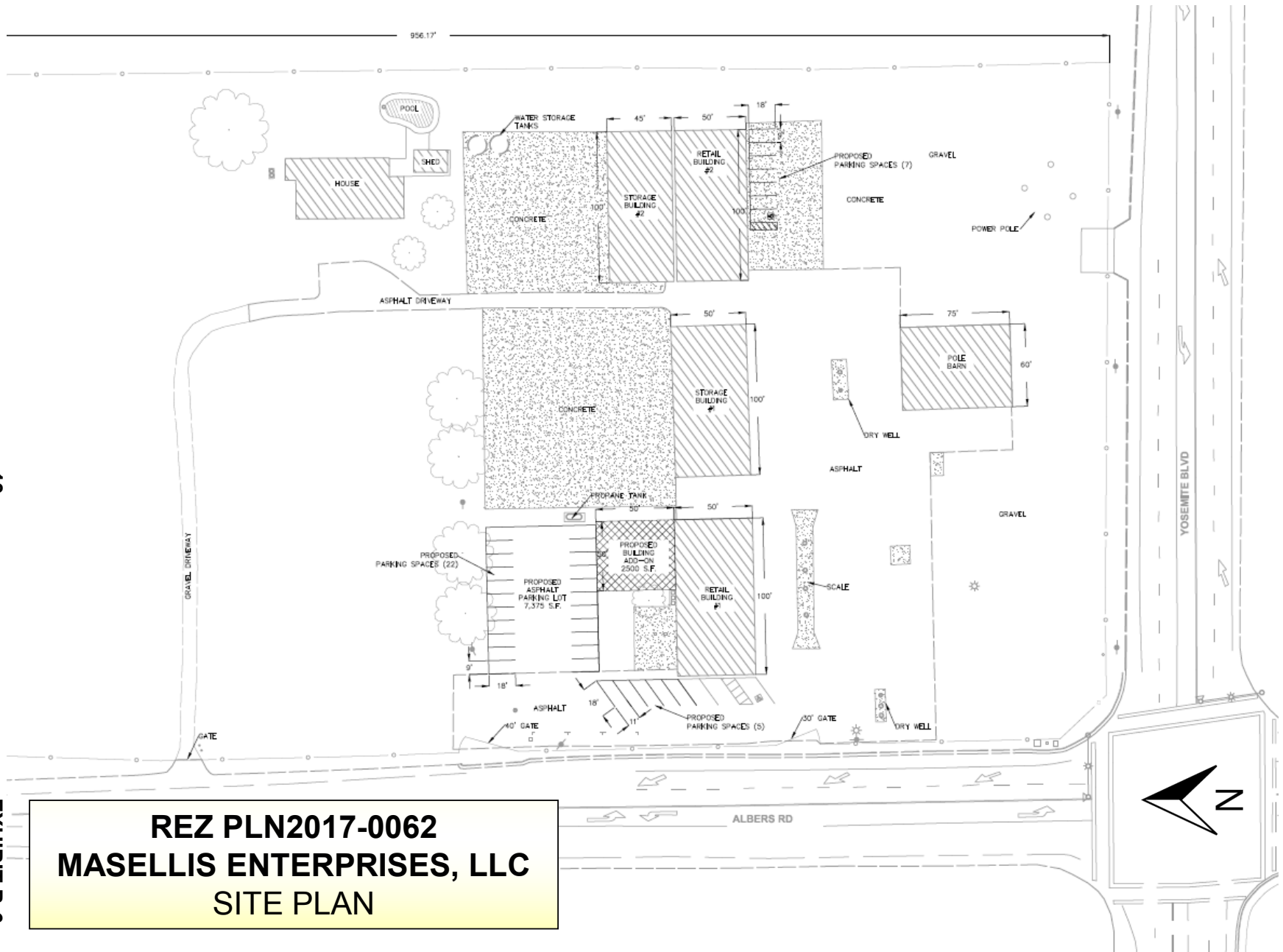
**REZ PLN2017-0062
 MASELLIS ENTERPRISES, LLC
 ACREAGE MAP**



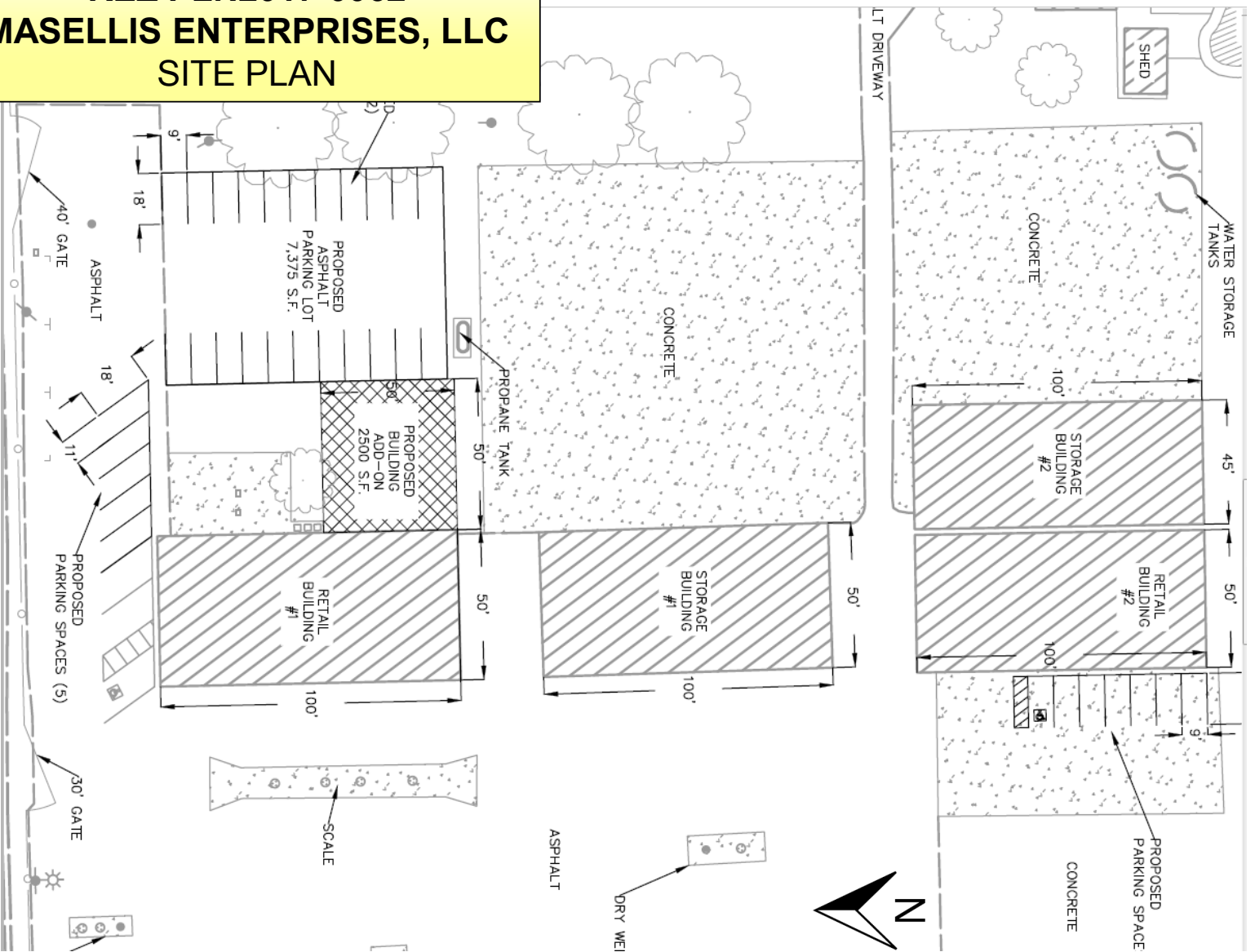
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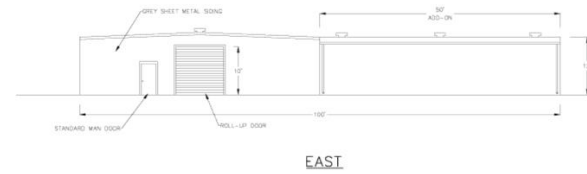
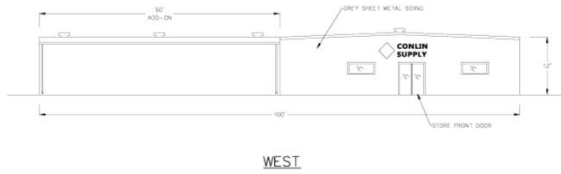
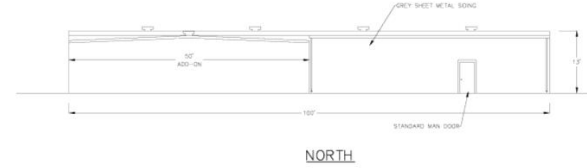
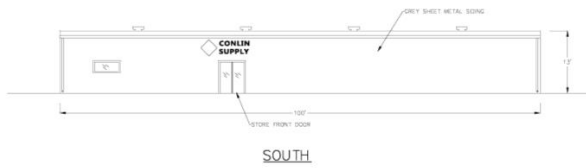
EXHIBIT B-5

**REZ PLN2017-0062
 MASELLIS ENTERPRISES, LLC
 SITE PLAN**

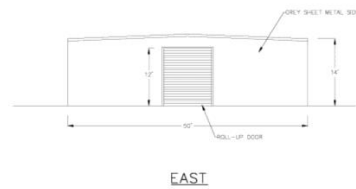
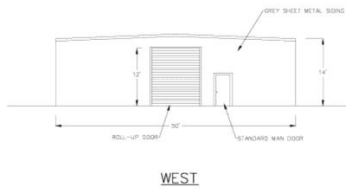
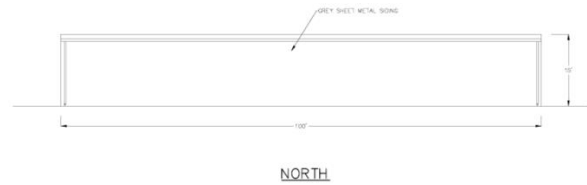
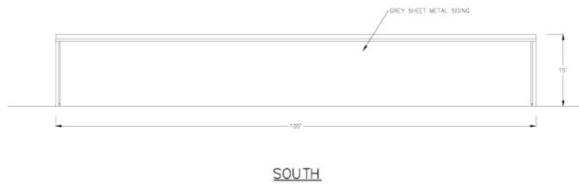


**REZ PLN2017-0062
 MASELLIS ENTERPRISES, LLC
 SITE PLAN**



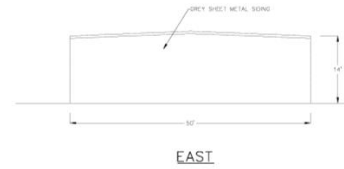
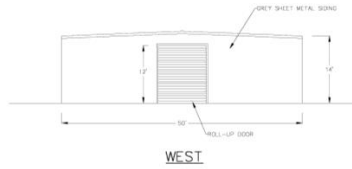
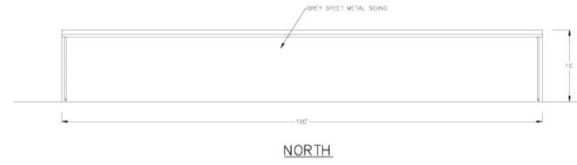
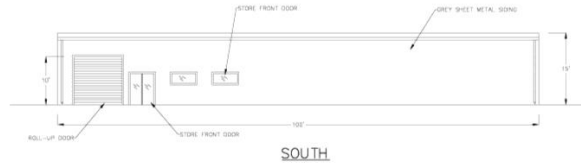


RETAIL BUILDING #1

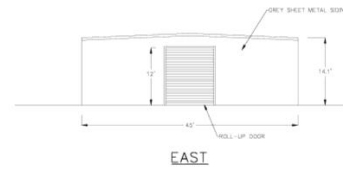
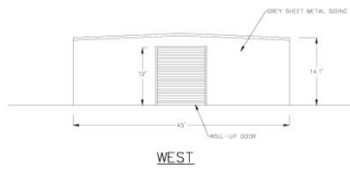
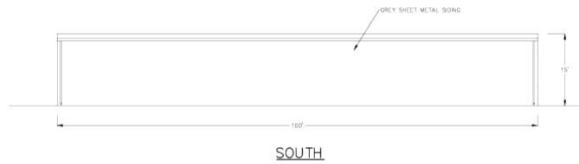


STORAGE BUILDING #1

**REZ PLN2017-0062
 MASELLIS ENTERPRISES, LLC
 ELEVATIONS**



RETAIL BUILDING #2



STORGE BUILDING #2

**REZ PLN2017-0062
 MASELLIS ENTERPRISES, LLC
 ELEVATIONS**

NOTE: Approval of this application is valid only if the following development standards 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)

DEVELOPMENT STANDARDS

REZONE APPLICATION NO. PLN2017-0062 MASELLIS ENTERPRISES, LLC

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), 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 **\$2,273.25**, 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. 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.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
 8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
 9. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
 10. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
 11. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
 12. Outside storage shall be limited to products and equipment sold on-site and displayed in the outdoor "showroom" area generally located at the southwest corner of the project site, including the existing pole barn, as shown on the approved site plan. All other storage shall be screened from public view by a screen fence or landscaping of a type approved by the Planning Department.
 13. Prior to issuance of a building permit, a landscape plan consistent with Section 21.102, landscape and irrigation standards, of the Stanislaus County Zoning Ordinance shall be submitted and approved by the Planning Department.
 14. An applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.
 15. Prior to issuance of a business license of any new ag supply business, the property owner and/or operator shall submit a Staff Approval Application, including an analysis of on-site parking, employees, and customer volume. If the new business proposes development which does not in the opinion of the planning director conform to the development plan or is of such a size or nature as to change the character of the development plan, a use permit or rezone permit may be required.

Department of Public Works

16. An encroachment permit shall be obtained for an asphalt driveway onto Albers Road for the northern-most driveway if that driveway is used for on-site circulation associated with the

- uses listed in this rezone; it is not required if used solely for on-site circulation associated with the existing residence or farming operations.
17. A paved driveway shall be installed per Stanislaus County Public Works Standards and Specifications for Commercial Driveways. Public Works shall approve the location and width of any new driveway approaches on any County-maintained roadway.
 18. No parking, loading, or unloading of vehicles shall be permitted within the Yosemite Boulevard and/or Albers Road right-of-way.
 19. Prior to the issuance of any building or grading permits associated with this rezone, the following Irrevocable Offer of Dedications shall be submitted and approved:
 - A. Albers Road is classified as a 135 foot Rural Principal Arterial Roadway. The required $\frac{1}{2}$ width of Albers Road is 67.5 feet east of the centerline of the roadway. Currently, there is an existing right-of-way of 45 feet on the east side of the centerline. Accordingly, 22.5 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.
 - B. Yosemite Boulevard (CA State Route 132) is classified as a 100 foot State highway. The required $\frac{1}{2}$ width of Yosemite Boulevard is 50 feet north of the centerline of the roadway. Currently, there is an existing right-of-way of 33 feet on the north side of the centerline. Accordingly, 17 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.
 20. Prior to issuance of a building permit, a grading and drainage plan for the project site shall be submitted to the Department of Public Works for review and approval of 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 and/or State of California road rights-of-way.
 - B. The grading, drainage, and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
 - 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.
 21. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building/grading plan and for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Department of Environmental Resources (DER)

22. Within six months of Board of Supervisors approval, a public water supply permit shall be re-activated for the existing on-site well.

Building Permits Division

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

Stanislaus Consolidated Fire District

24. All proposed structures shall obtain building permits, and shall meet all applicable Building and Fire codes, and shall be reviewed and approved by the Stanislaus Consolidated Fire District.

Modesto Irrigation District (MID)

25. Prior to issuance of a grading or building permit, all existing overhead electric facilities within or adjacent to the proposed development shall be protected, relocated, or removed, as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
26. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
27. Costs for relocation and/or undergrounding the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
28. High voltage 69,000 volt transmission overhead wires are located adjacent to the south side of APN: 009-014-023 and high voltage 12,000 volt overhead primary wires are located on the south side and west side of the project area. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding or hand held tools or any other type of equipment near MID electric overhead infrastructure. Assume all overhead electric facilities are energized at all times.
29. A 30 foot wide MID easement is required, centered on the existing high voltage 69,000 volt transmission and 12,000 volt overhead lines along the south side of the project area along Yosemite Boulevard. These easements shall be maintained in order to protect the existing overhead electrical facilities and maintain necessary safety clearances.

Central Valley Regional Water Quality Control Board

30. Project shall obtain all applicable permits in accordance with the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs). All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan.
31. Prior to ground disturbance or issuance of a building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General

Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Dewatering Permit, Low or Limited Threat General NPDES Permit, NPDES Permit or any other applicable Regional Water Quality Control Board permit.

San Joaquin Valley Air Pollution Control District

32. The proposed project shall obtain all applicable Air District permits. Prior to the start of construction, the property owner/operator shall contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required, or if any other District rules or permits are required.

*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~~.*

DEVELOPMENT SCHEDULE

REZONE NO. PNL2017-0062 – MASELLIS ENTERPRISES, LLC

- Phase 1 - Stripe parking spaces in front of retail building No. 2 (7 spaces total)
To be started within one year of project approval
- Phase 2 - Place asphalt and stripe parking spaces for retail building No. 1 (27 spaces total)
To be started within two years of project approval
- Phase 3 - Remodel existing retail building No. 1, adding approximately 2,500 square feet
To be started within three years of project approval



AMENDED CEQA INITIAL STUDY

Amendments consisting of additions are reflected in **bold and underlined text** and proposed deletions are reflected in ~~strike-out text~~.

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

- 1. **Project title:** Rezone Application No. PLN2017-0062 – Masellis Enterprises, LLC
SCH No. 2017072055
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristin Doud, Senior Planner
(209) 525-6330
- 4. **Project location:** 118 Albers Road, on the northeast corner of Albers Road and Yosemite Boulevard, between Dry Creek and Tuolumne River, east of the city of Modesto, north of the city of Hughson, and west of the city of Waterford. (APN: 009-014-023)
- 5. **Project sponsor’s name and address:** Masellis Enterprises, LLC
119 Albers Rd.
Modesto, CA 95357
- 6. **General Plan designation:** AG (Agriculture)
- 7. **Zoning:** PD (268)

8. Description of project:
This is a request to rezone a 9.81 acre property from an expired Planned Development (P-D (268)) to a new P-D to allow various agricultural related businesses to operate out of existing buildings on-site. The site is currently occupied by two agricultural supply businesses, Conlin Supply and AGI Ag Irrigation Sales and Service. The southern half of the 9.81 acre project site is currently developed with a single-family dwelling, shed, and pool (which are not part of this application); a 5,000 square foot retail building, 5,000 square foot storage building, and 4,500 square foot pole barn, truck scale, and material storage area, all utilized by Conlin Supply to operate their agricultural supply business; and a 5,000 square foot retail building, and a 4,500 square foot storage building, utilized by AGI to operate their agricultural irrigation supply business. The project also proposes to add 2,500 square feet to the existing retail building utilized by Conlin Supply, replacing a 2,858 square foot office building which was demolished in June of 2017, and 34 additional parking spaces. The project proposes to employ eight employees per maximum shift (four per business) and to maintain their existing operating hours, which are Monday through Friday 8 a.m. to 6 p.m., Saturday 8 a.m. to 5 p.m., closed Sundays. Customer numbers are estimated to vary from 10 to 30 per day and between on to five truck deliveries are estimated to occur per day. The vehicle and truck trips associated with this project are similar to those

involved with the original rezone (Planned Development 116), which included 30 employees and ten customers per day. The site is served by an private existing on-site water well and septic system.

P-D (116) was approved in May of 1985, to allow various agricultural related businesses to be established on the former site of an agricultural chemical supply business, including: agriculture management companies, an irrigation company, a chemical company, maintenance shop to repair and service farm equipment, warehouse storage, light farm equipment manufacturing, and the continued use of a public scale. This property was then rezoned again to P-D (268), under Rezone No. 2001-21, to allow for an expansion to the existing feed and ranch supply business. P-D (268) was approved for four phases, each including the construction of new buildings associated with the feed and ranch supply business. However, no work to expand the site ever occurred and as a result, P-D (268) is now expired.

Project application along with additional project information is provided as part of the Early Consultation package.

9. Surrounding land uses and setting:

North and East: ranchettes, orchards; West: drilling company, church, fire station, the Fruit Yard, orchards; South: orchards.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Stanislaus County Public Works Department
CasTrans, District 10
Stanislaus Fire Prevention Bureau
Department of Environmental Resources

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.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> 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.

Kristin Doud, Senior Planner
Signature

September 27, 2017 **Amended on October 25, 2017**
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. The southern half of the 9.81 acre project site is currently developed with a single-family dwelling, shed, and pool; a 5,000 square foot retail building, 5,000 square foot storage building, and 4,500 square foot pole barn, truck scale, and material storage area, all utilized by Conlin Supply to operate their agricultural supply business; and a 5,000 square foot retail building, and a 4,500 square foot storage building, utilized by AGI to operate their agricultural irrigation supply business. The project proposes to add 2,500 square feet to the existing retail building utilized by Conlin Supply, replacing a 2,858 square foot office building which was demolished in June of 2017, and 34 additional parking spaces. A development standard will be applied to the project which requires a final landscape plan be approved prior to issuance of a building permit. Another development standard will be applied to the project to ensure that any additional lighting will be aimed down to prevent any glaring impacts onto adjacent properties or roadways. With these development standards in place, aesthetic impacts are considered to be less than significant.

Mitigation: None.

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

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

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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 property is not currently restricted by a Williamson Act Contract. The project site is classified as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program. The majority of the soils on the site are Hanford sandy loams (0-3% slopes, Index Rating of 95, Grade 1). A small percentage of the property contains Hanford fine sandy loams (0-1% slopes and 0-3%, Index Rating of 100, Grade 1).

The project site is surrounded by both agricultural properties and developed sites. The Fruit Yard (zoned P-D 317, Planned Development) is located on the southwest corner of the Albers/Yosemite intersection, a drilling company (Masellis Drilling) on the northwest corner, and a fire station and church, are located to the west of the project site. Production Agricultural parcels surround the site in all directions. The south half of the 9.81 acre parcel currently supports two existing agricultural supply business. The remaining part of the property is undeveloped open space. The property was rezoned in 1985 to P-D (116) to allow various agricultural related businesses to be established on the former site of an agricultural chemical supply business, including: agriculture management companies, an irrigation company, a chemical company, maintenance shop to repair and service farm equipment, warehouse storage, light farm equipment manufacturing, and the continued use of a public scale. This property was then rezoned again to P-D (268), under Rezone 2001-21, to allow for an expansion to the existing feed and ranch supply business. P-D (268) was approved for four phases, each including the construction of new buildings associated with the feed and ranch supply business. However, no work to expand the site ever occurred and as a result, P-D (268) is now expired.

A Planned Development (PD) zone can be considered to be consistent with a general plan designation of Agriculture when the site is used for agriculturally-related uses or for uses of a demonstrably unique character. The Board of Supervisors found the agricultural supply businesses proposed with both rezone projects to be consistent with a general plan designation of Agriculture. This rezone request also proposes agricultural supply business and accordingly is considered to be appropriate for property with a general plan designation of agriculture and to be compatible with surrounding agricultural properties.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The proposed project does meet the recommended buffer for low-people intensive uses of 150 feet from the proposed expansion to all property lines.

Mitigation: None.

References: Application information; Rezone Amendment No. 2001-21, Rezone No. 85-03; Stanislaus County General Plan and Support Documentation¹; Stanislaus County Agricultural Element¹; Stanislaus County Zoning Ordinance; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004; United States Department of Agriculture Soil Survey 1964 - Eastern Stanislaus Area, California.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	

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

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and respirable particulate matter (PM-10 and PM-2.5) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

Potential pollutants generated by this project would be generated from "mobile" sources or during construction. 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 standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the basin. The project will be subject to compliance with all applicable district rules including, but not limited to fugitive PM-10 prohibitions, nuisance, and architectural coatings, and cutback, and slow cure and emulsified asphalt.

The project proposes to add 2,500 square feet to the existing retail building utilized by Conlin Supply, replacing a 2,858 square foot office building which was demolished in June of 2017, and 34 additional parking spaces. The project proposes to employ eight employees per maximum shift (four per business). Customer numbers are estimated to vary from 10 to 30 per day and between one to five truck deliveries are estimated to occur per day. The vehicle and truck trips associated with this project are similar to those involved with the original rezone (Planned Development 116), which included 30 employees and 10 customers per day.

A referral response received from SJVAPCD indicated that this proposed project may be subject to District Rule 9510 and subject to obtaining an AIA Application. The project applicant will be required to obtain this permit and any other applicable permits from SJVAPCD prior to issuance of a building permit. With these permits in place, and considering that the increase in truck and vehicle trips associated with this project are minimal, no significant impacts to air quality occurring as a result of this project are anticipated.

Mitigation: None.

References: Application information; Rezone No. 85-03; Rezone No. 2001-21; Referral response received from the San Joaquin Valley Air Pollution Control District on August 7, 2017; Stanislaus County General Plan and Support Documentation¹.

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

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

Discussion: The project is located within the Waterford Quad of the California Natural Diversity Database. There are 15 plants and animals which are state or federally listed, threatened, or identified as species of special concern within the Waterford California Natural Diversity Database Quad. These species include the Swainson’s hawk, Tricolored Blackbird, Burrowing Owl, Riffle Sculpin, Sacramento Hitch, Hardhead, Sacramento-San Joaquin Tule Perch, Steelhead, Chinook Salmon, Valley Elderberry Longhorn Beetle, Stinkbells, Beaked Clarkia, Colusa Grass, San Joaquin Valley Orcutt Grass, and Greene’s Tuctoria. However, the additional construction included with this project is proposed on an area of the site which was previously developed, making the likelihood for existence of these species on the project site very low.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and no response was received.

Mitigation: None.

References: Application information; 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: The applicant submitted a records search from the Central California Information Center (CCIC) which indicated that the project area has a moderate to high sensitivity for the possible discovery of prehistoric or historic archeological resources. However, the additional construction included with this project is proposed on an area of the site which was previously developed, making the likelihood for existence of cultural resources on the project site very low. A

development standard will be placed on the project requiring that construction activities be halted if any resources are found, until appropriate agencies are contacted and an archaeological survey is completed. Considering the developed nature of the site and with these development standards in place, it does not appear this project will result in significant impacts to any archaeological or cultural resources.

A letter was received from the Native American Heritage Commission (NAHC), outlining the basic procedures for AB 52 and SB 18, which both require tribal consultation or notification of projects under certain circumstances. This project does not fall under either AB 52 or SB 18, as it is not a General Plan or Specific Plan Amendment, and none of the tribes listed by the NAHC have contacted the County to request project referrals.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹; Records search dated May 25, 2017, from the Central California Information Center; Referral response from the Native American Heritage Commission dated, August 28, 2017.

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:			X	
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: The majority of the soils on the site are Hanford sandy loams (0-3% slopes, Index Rating of 95, Grade 1). A small percentage of the property contains Hanford fine sandy loams (0-1% slopes and 0-3%, Index Rating of 100, Grade 1). As contained in Chapter 5 of the General Plan, 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 at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which considers the potential for erosion and run-off prior to permit approval. Stanislaus County Department of Public Works provided a project referral response which requires a grading and drainage plan be obtained. This will be reflected as a development standard for the project. 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.

Mitigation: None.

References: Application information; Referral response from the Department of Public Works, dated August 2, 2017; California Building Code (2016); 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: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and tropospheric Ozone (O₃). CO₂ 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 CO₂ equivalents (CO₂e). 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) 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.

The proposed retail addition, which is a replacement of an office which was demolished in 2017, is 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). Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control. Minimal greenhouse gas emissions will also be generated from additional vehicle and truck trips. The project proposes to employ eight employees per maximum shift (four per business) and to maintain their existing operating hours, which are Monday through Friday 8 a.m. to 6 p.m., Saturday 8 a.m. to 5 p.m., closed Sundays. Customer numbers are estimated to vary from 10 to 30 per day and between one to five truck deliveries are estimated to occur per day. The vehicle and truck trips associated with this project are similar to those involved with the original rezone (Planned Development 116), which included 30 employees and 10 customers per day. A referral response received from SJVAPCD indicated that this proposed project may be subject to District Rule 9510 and subject to obtaining an AIA Application. The project applicant will be required to obtain this permit and any other applicable permits from the Air District prior to issuance of a building permit. With these permits in place, and considering that the increase in truck and vehicle trips associated with this project are minimal, no significant impacts to greenhouse gas emissions occurring as a result of this project are anticipated.

Mitigation: None.

References: Application information; Referral response received from the San Joaquin Valley Air Pollution Control District on August 7, 2017; Stanislaus County General Plan and Support Documentation¹

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	

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

Discussion: The project does not propose to store or utilize any hazardous materials on-site. DER is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agriculture. 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. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioner’s Office. The project site is not located within an airport land use plan or a wildlands area. The project site is not located in a very high or high fire severity zone and is located within the Stanislaus Consolidated Fire District. Development standards regarding fire protection will be incorporated into the project.

Mitigation: None.

References: Application information; General Plan Amendment No. 2007-03, Rezone No. 2007-03 – The Fruit Yard; Stanislaus County General Plan and Support Documentation¹.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	

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

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. The Central Valley Regional Water Quality Control Board (RWQCB) provided an early consultation 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. Development standards will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

Stanislaus County Department of Public Works provided a project referral response which requires a grading and drainage plan be obtained. This will be reflected as a development standard for the project.

On-site services will be provided by an approved septic system and water well as determined by DER. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
- (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

The site has an existing existing on-site water well, which was previously operated as a public water system. A development standard will be added to the project to address necessary permits from Department of Environmental Resources, including a requirement that the applicant **obtain a re-activate their** public water supply permit, if applicable.

Mitigation: None.

References: Application information; Referral response from the Department of Public Works, dated August 2, 2017; Stanislaus County General Plan and Support Documentation

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

Discussion: This application includes a request to rezone an expired planned development to allow for agricultural supply/service businesses to operate out of existing structures located on the project site and to allow for an additional 2,500 square foot retail addition and parking lot expansion. In order to approve a rezone, it must be found to be consistent with the General Plan. If approved, the project site will be rezoned to a new planned development and will maintain a General Plan designation of Agriculture. The "Agriculture" General Plan designation is consistent with a Planned Development zoning designation when, *"it is used for agriculturally- related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the agriculture designation, may be properly located within areas designated as "agricultural" on the General Plan. Such uses can include facilities for packing fresh fruit, facilities for the processing of agricultural commodities utilized in the County's agriculture community, etc."*

This request will not physically divide an existing community, nor does it conflict with any applicable land use plan, policy, or regulation, or any habitat or natural community conservation plan. The project must be consistent with the County's General Plan, Zoning Ordinance, and Noise Ordinance in order to be approved.

Mitigation: None.

References: Application information; Rezone No. 85-03; Rezone No. 2001-21; Stanislaus County General Plan and Support Documentation¹.

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

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

Mitigation: None.

References: State Division of Mining & Geology - Special Report 173 (1993); Stanislaus County General Plan and Support Documentation¹.

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

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

Discussion: The area’s ambient noise level will temporarily increase during construction of the 2,500 retail addition. As such, the project will be required to abide by County regulations related to hours and days of construction. The potential for noise impacts occurring as a result of this project is considered to be less than significant.

The site is not located within an airport land use plan.

Mitigation: None.

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

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The proposed use of 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. As the project site is surrounded by agricultural land, it is unlikely that residential development will occur due to the fact that County voters passed the Measure E vote in February of 2008. Measure E, which was incorporated into Zoning Ordinance Chapter 21.118 (the 30-Year Land Use Restriction), requires that redesignation or rezoning of land from agricultural/open space to residential use, shall require approval by a majority vote of the County voters at a general or special local election.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation¹.

XIV. PUBLIC SERVICES --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in the substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			X	
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. Development standards will be added to this project to insure that the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The applicant will construct all buildings in accordance with the current adopted building and fire codes.

With development standards in place impacts from the project on public services is considered to be less than significant with mitigation included.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹

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

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

Mitigation: None.

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

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	

e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

Discussion: The project proposes to employ eight employees per maximum shift (four per business) and to maintain their existing operating hours, which are Monday through Friday 8 a.m. to 6 p.m., Saturday 8 a.m. to 5 p.m., closed Sundays. Customer numbers are estimated to vary from 10 to 30 per day and between one to five truck deliveries are estimated to occur per day. The vehicle and truck trips associated with this project are similar to those involved with the original rezone (Planned Development 116), which proposed 30 employees and 10 customers per day.

The project was referred to Stanislaus County’s Department of Public Works who responded with the following requirements: an encroachment permit be obtained for the driveway existing in the right-of-way (ROW) of Albers Road; ROW be dedicated through an Irrevocable Offer of Dedication; that no parking, loading, or unloading of vehicles occur within County Road ROW; and that a grading and drainage plan be submitted to the Department of Public Works for review and approval. These comments will be applied to the project as development standards.

The project was referred to the California Department of Transportation but no response was received.

Mitigation: None.

References: Application information; Referral response from the Department of Public Works, dated August 2, 2017; Rezone No. 85-03; Rezone No. 2001-21; 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 has an existing on-site water well, which was previously operated as a public water system. Development standards will be added to the project to address necessary permits from Department of Environmental Resources, including a requirement that the applicant reactivate their~~to obtain a~~ public water supply permit, if applicable. On-site services will be provided by an approved septic system and water well as determined by DER.

Mitigation: None.

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

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

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

¹Stanislaus County General Plan and Support Documentation adopted on August 23, 2016. **Housing Element** adopted on April 5, 2016.

NEGATIVE DECLARATION

NAME OF PROJECT: Rezone Application No. PLN2017-0062 – Masellis Enterprises, LLC

LOCATION OF PROJECT: 118 Albers Road, on the northeast corner of Albers Road and Yosemite Boulevard, east of the city of Modesto, north of the city of Hughson, and west of the city of Waterford. APN: 009-014-023.

PROJECT DEVELOPERS: Masellis Enterprises, LLC
119 Albers Rd.
Modesto, CA 95357

DESCRIPTION OF PROJECT: This is a request to rezone a 9.81 acre property from an expired Planned Development (P-D (268)) to a new P-D to allow various agricultural related businesses to operate out of the existing buildings, which includes two 5,000 square foot retail buildings, two storage buildings, a pole barn, a truck scale, and a material storage area. The project also proposes to add 2,500 square feet to one of the existing retail buildings and 34 additional parking spaces.

Based upon the Initial Study, dated **September 27, 2017, and amended on October 25, 2017**, 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: Kristin Doud, Senior 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: REZONE APPLICATION NO. PLN2017-0062 - MASELLIS ENTERPRISES, LLC.

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												
CA DEPT OF FISH & WILDLIFE	X	X										
CA DEPT OF TRANSPORTATION: DISTRICT 10	X	X										
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA CENTRAL VALLEY RWQCB	X	X	X	X				X		X	X	
CA STATE LANDS COMMISSION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STAN CONSOLIDATED	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
IRRIGATION DISTRICT: TURLOCK				X				X		X		X
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: EMPIRE UNION	X	X	X		X							
SCHOOL DISTRICT 1: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	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							
STAN CO PARKS & RECREATION	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 #1: OLSEN	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
US MILITARY (5 AGENCIES)	X	X	X		X							
WATER DISTRICT: MODESTO (DEL ESTE)	X	X	X		X							