

STANISLAUS COUNTY PLANNING COMMISSION

May 17, 2018

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2017-0133
HUDELSON NUT COMPANY

REQUEST: TO EXPAND AN EXISTING ALMOND STORAGE FACILITY, WHICH STORES AND PACKAGES RAW ALMONDS, WITH THE CONSTRUCTION OF FIVE ADDITIONAL WAREHOUSE BUILDINGS AND ONE FUMIGATION BUILDING, TOTALING 167,000 SQUARE FEET TO BE CONSTRUCTED IN PHASES.

APPLICATION INFORMATION

Applicant/Property owner:	Hudelson Nut Company, Mr. Ben Hudelson
Agent:	Elwyn Heinan, Advanced Design Group, Inc.
Location:	10665 E. Whitmore Avenue, northeast corner of Sperry Road and E. Whitmore Avenue, in the Hughson area.
Section, Township, Range:	7-4-11
Supervisory District:	District 2 (Supervisor Chiesa)
Assessor's Parcel:	019-018-050 & 019-018-049
Referrals:	See Attachment H Environmental Review Referrals
Area of Parcel(s):	11.67 acres & 40.20 acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not applicable
Community Plan Designation:	Not applicable
Williamson Act Contract No.:	2001-4433
Environmental Review:	Negative Declaration
Present Land Use:	Hudelson Nut Company, almond orchard
Surrounding Land Use:	The site is surrounded by agricultural uses, primarily orchard and row crops, and scattered single-family dwellings and farm buildings.

RECOMMENDATION

Based on the discussion below and on the whole of the record provided to the County, Staff is recommending that the Planning Commission approve this request, as presented in this staff report. If the Planning Commission decides to approve the project, Attachment A provides an overview of all of the findings required for project approval.

PROJECT DESCRIPTION

This is a request to expand an existing almond storage facility, which stores and packages raw almonds, with the construction of five additional warehouse buildings and one fumigation building, totaling 167,000 square feet, to be constructed in phases. Building No. 8 is proposed to be 45,000 square feet in size and to be constructed by 2019. The fumigation building (identified on the site plan as building No. 9) is proposed to be 2,000 square feet in size and to be constructed by 2020. The remaining warehouses (identified on the site plan as building Nos. 10-13) are each proposed to be 30,000 square feet in size and to be constructed between 2024 and 2032. (See Attachment B – *Maps*.)

Almonds are hulled and shelled at a separate facility located on the northwest corner of Berkeley and Fox Roads. The Whitmore Avenue facility takes in already cleaned almonds from almond producers throughout the region, as well as from the operator. Cleaned almonds arrive at the site and are then sorted and packaged raw within an existing building on-site. The operation proposes to increase their truck trips from 15 per day to 25 per day during the harvest season, which typically falls between August and October/November, and from six truck trips per day to ten truck trips per day during the packaging season, which typically runs between October/November to June. Hours of operation are typically 6 a.m. to 10 p.m., Monday through Saturday; but may extend to 24 hours per day, Monday through Saturday, during peak seasons. The operation currently employs a total of 20 people, including one plant manager, three office staff, and eight people on the day shift and eight people on the second shift. When all phases of the proposed project have been completed the operation will employ a maximum of 24 people, including one plant manager, three office staff, and ten people on the day shift and ten people on the second shift.

A lot line adjustment application (LLA PLN2017-0132) is also being processed in conjunction with this use permit request, which will adjust the project site and the surrounding almond orchard from 40.20 and 11.67 acres in size, to 35.04 and 16.83 acres in size to allow the proposed project to be located all on one parcel. The Lot Line Adjustment Application is a ministerial action processed by County Staff.

This project is an expansion of an existing facility, most recently approved by the Planning Commission on February 5, 2009, under Use Permit 2008-12, and Parcel Map No. 2008-14. (See Attachment D - *Planning Commission Staff Report, dated February 5, 2009, UP2008-12 & PM2008-14 – Ben Hudelson Farms Almond Processing Facility*). The project was first approved in 2003 under Use Permit No. 2003-01.

SITE DESCRIPTION

The project is located at 10665 E. Whitmore Avenue, on the northeast corner of Sperry Road and E. Whitmore Avenue, in the Hughson area. Assessor Parcel Number 018-019-050, which includes the existing Hudelson Nut Company, is currently improved with six warehouses and an office and almond trees. Assessor Parcel Number 018-019-049, which surrounds the existing Hudelson Nut Company, is currently improved with an almond orchard. When the lot line adjustment that is being processed in conjunction with this use permit request is completed, all activity associated with this use permit request will be located on Assessor Parcel Number 018-019-050. The site is surrounded by agricultural uses, primarily orchard and row crops, and scattered single-family dwellings and farm buildings. Two one-acre home-sites exist adjacent to the operation. Agricultural properties range in size from ten to a hundred plus acres. Many scattered one to three acre home-sites exist in the surrounding area. The City of Hughson is located approximately 2.7 miles west of the project site.

ISSUES

The subject facility was originally permitted for an almond processing facility under Use Permit No. 2003-01 as a Tier Two Use Permit. Although the project description in the Initial Study and the advertisement for this Planning Commission hearing referred to the operation as an “Almond Processing Facility”, there are no processing activities included in the operation, only the storage and packaging of raw almonds. No roasting, toasting, dicing, or flavoring of the almonds takes place within this operation. The storage and packaging of raw almonds is considered to be a Tier One use, which are those uses closely related to agriculture and are necessary for a healthy agricultural economy, such as an agricultural warehouse. The 2008 Use Permit was processed as a Tier One use. Accordingly, the current project request is being processed as a Tier One use.

Building No. 8 is proposed to be 45,000 square feet in size and to be constructed by 2019 and to be utilized for the property owner’s personal agricultural storage. A use permit is required for the storage of almonds regardless of whether the product was grown on-site, from other property farmed by the property owner, or from other off-site producers. Although the proposed warehouse may be classified as being utilized for personal agricultural storage for the purposes of the Building or Fire Code Occupancy, a use permit does not limit the use of proposed warehouse No. 8 to personal agricultural storage.

As discussed in the environmental review section of this report, the initial study has been revised to address public water system requirements. If the operation increases the number of employees that report on-site to more than 24 in the future, it will be required to obtain a public water supply permit through the Stanislaus Department of Environmental Resources. The initial study was also amended to clarify that the facility is not an “Almond Processing Facility”. (See Attachment E - *Initial Study (with revisions)*.)

No other issues have been identified during the review of this application. Standard conditions of approval have been added to this project. (See Attachment C - *Conditions of Approval*.)

GENERAL PLAN CONSISTENCY

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

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot wide buffer setback. Permitted uses within a buffer area shall include: Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low-people intensive uses. Walking and bike trails shall be allowed within buffers setback areas provided they are designed without rest areas.

As a Tier One use the project is not subject to agricultural buffers, unless the Planning Commission determines that it is a people intensive use. At maximum build-out the facility proposes to employ a maximum of 24 employees, with a maximum of 14 employees on-site at one time. The decision making body (Planning Commission), shall have the ultimate authority to determine if a use is low-people intensive, or if alternative buffer and setback standards may be approved. This project was referred to the Stanislaus County Agricultural Commissioner's office to date, no comment has been received. Provided the Planning Commission agrees that this project is "low-people intensive", Staff believes that the project is not subject to the agricultural buffer guidelines. The impact to the adjacent agricultural uses is not anticipated to be greater as a result of this project.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned A-2-40 (General Agriculture). It is the intent of the General Agriculture (A-2) zoning district to support and enhance agriculture as the predominant land use in the unincorporated areas of Stanislaus County. The regulations contained within the A-2 zoning district are specifically established to ensure that all land uses are compatible with agriculture. Tier One uses may be allowed when the Planning Commission finds that:

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

The project site is enrolled under Williamson Act Contract No. 2001-4433. County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with three Principles of Compatibility. Those principles state that the proposed use shall not significantly compromise, displace, impair or remove current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Pursuant to Section 21.20.045(B)(3) of the Stanislaus County Zoning Ordinance, Tier One uses are determined to be consistent with the Principles of Compatibility and may be approved on contracted land unless a finding to the contrary is made.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed expansion of this existing facility will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Tier One uses are an important component of the agricultural economy in Stanislaus County. There is no indication this project will interfere or conflict with other agricultural uses in the area.

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 Attachment H - *Environmental Review Referrals*.) A Negative Declaration has

been prepared for approval as the project will not have a significant effect on the environment. (See Attachment G - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Attachment C - *Conditions of Approval*.)

A comment was received from the Stanislaus County Department of Environmental Resources (DER) requesting that the environmental review for the project include a statement that acknowledges that the project site may be considered a public water system, if the operation expands to more than 24 employees reporting on-site. To address this comment, the following language was deleted (in ~~strikeout~~) and added (in **bold**) in Chapter IX Hydrology and Water Quality and Chapter XVII Utilities and Service Systems of the 2018 Initial Study prepared for this project (See Attachment E – *Initial Study (with revisions)*):

~~“DER provided a comment letter requesting the applicant request concurrence from the Regional Water Quality control Board that the project site qualifies for a public water system. This will be required as a condition of approval to be satisfied prior to issuance of a building permit. When all phases of the proposed project have been completed, the operation will employ a maximum of 24 people, including one plant manager, three office staff, and ten people on the day shift and ten people on the second shift. Based on the proposed number of maximum number of employees on-site this project does not qualify as a public water system. However, it may be subject to obtaining a public water system permit, if the number of employees is increased in the future. As requested by the Department of Environmental Resources, the project will include a condition of approval to require a public water system permit be obtained through the Stanislaus Department of Environmental Resources (DER) if the operation ever modifies their operations in such a way that they qualify as a public water system, under Section 116275(h) of the California Health and Safety Code. A condition of approval will also be applied to the project requiring that restrooms be restricted to on-site employee use only.”~~

In addition the following language was amended to the project description of the Initial Study to clarify that at full build out the site will not exceed 24 employees:

~~“At full build-out, the project estimates that the total number of employees during a maximum shift will increase from 12 to 17 during the peak season. The operation currently employs a total of 20 people, including one plant manager, three office staff, and eight people on the day shift and eight people on the second shift. When all phases of the proposed project have been completed the operation will employ a maximum of 24 people, including one plant manager, three office staff, and ten people on the day shift and ten people on the second shift. Restroom facilities are proposed to be restricted to on-site employee use only.”~~

References to “processing” were also removed throughout the initial study to clarify that the facility is not an “Almond Processing Facility”.

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 private 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 **\$2,337.75** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

Attachments:

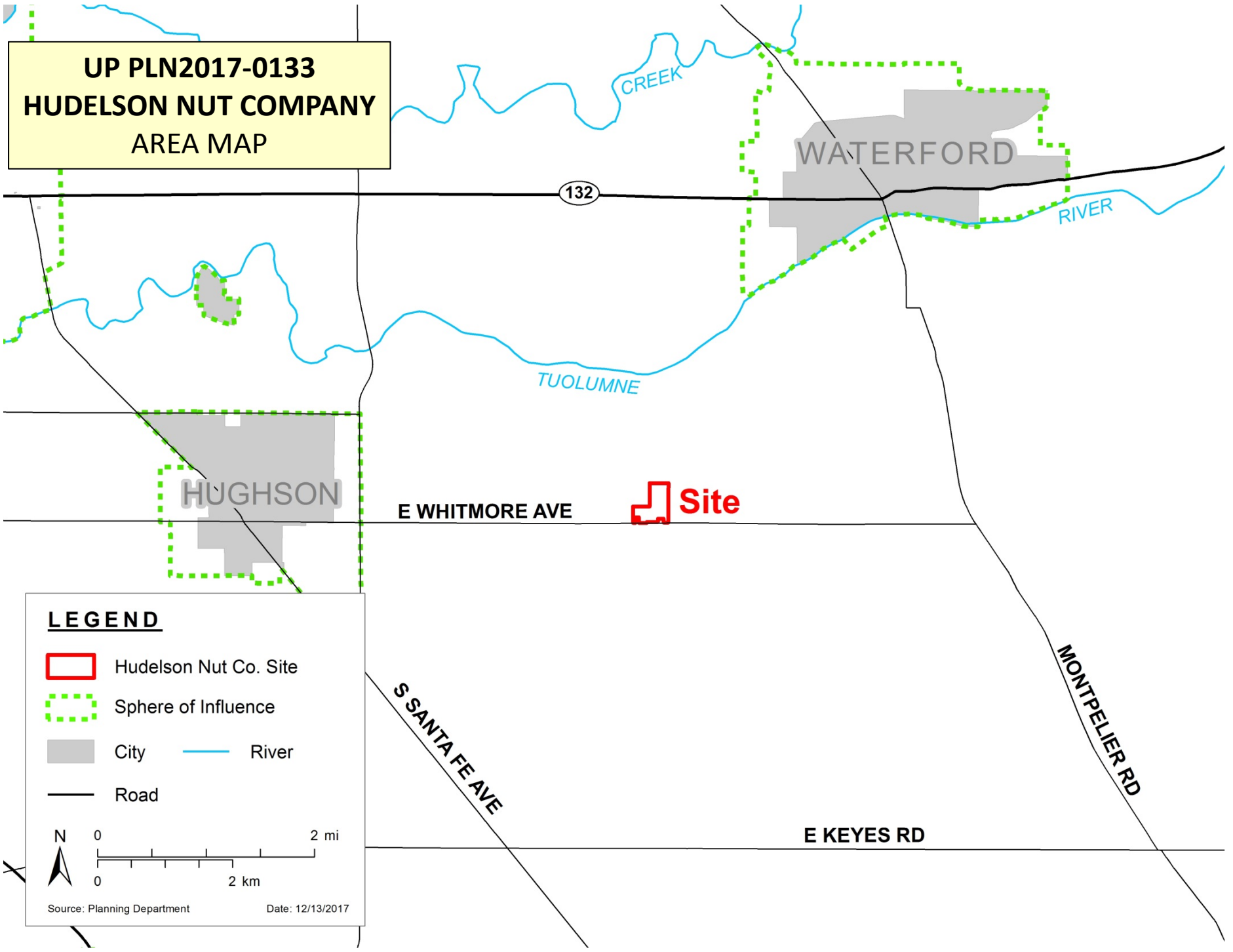
- Attachment A - Findings and Actions Required for Project Approval
- Attachment B - Maps
- Attachment C - Conditions of Approval
- Attachment D - Planning Commission Staff Report, dated February 5, 2009**, UP2008-12 & PM2008-14 – Ben Hudelson Farms Almond Processing Facility (including Exhibits A-C)
- Attachment E - Initial Study (with revisions)
- Attachment F - Project Description (with revisions)
- Attachment G - Negative Declaration
- Attachment H - Environmental Review Referrals

** *The Planning Commission Staff Report, dated February 5, 2009, with complete attachments is available on-line at the following link: <http://www.stancounty.com/planning/agenda/2009/02-05-09/Hudelson%20SR.PDF>*

Attachment A
Findings and Actions Required for Project Approval

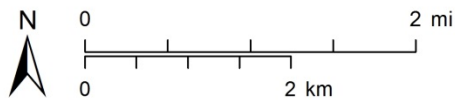
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - (d) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - (e) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - (f) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
 - (g) That the proposed Tier 1 use is "low-people intensive" and not subject to the agricultural buffer.
4. Approve Use Permit Application No. PLN2017-0133 – Hudelson Nut Company subject to the attached Conditions of Approval.

**UP PLN2017-0133
HUDELSON NUT COMPANY
AREA MAP**



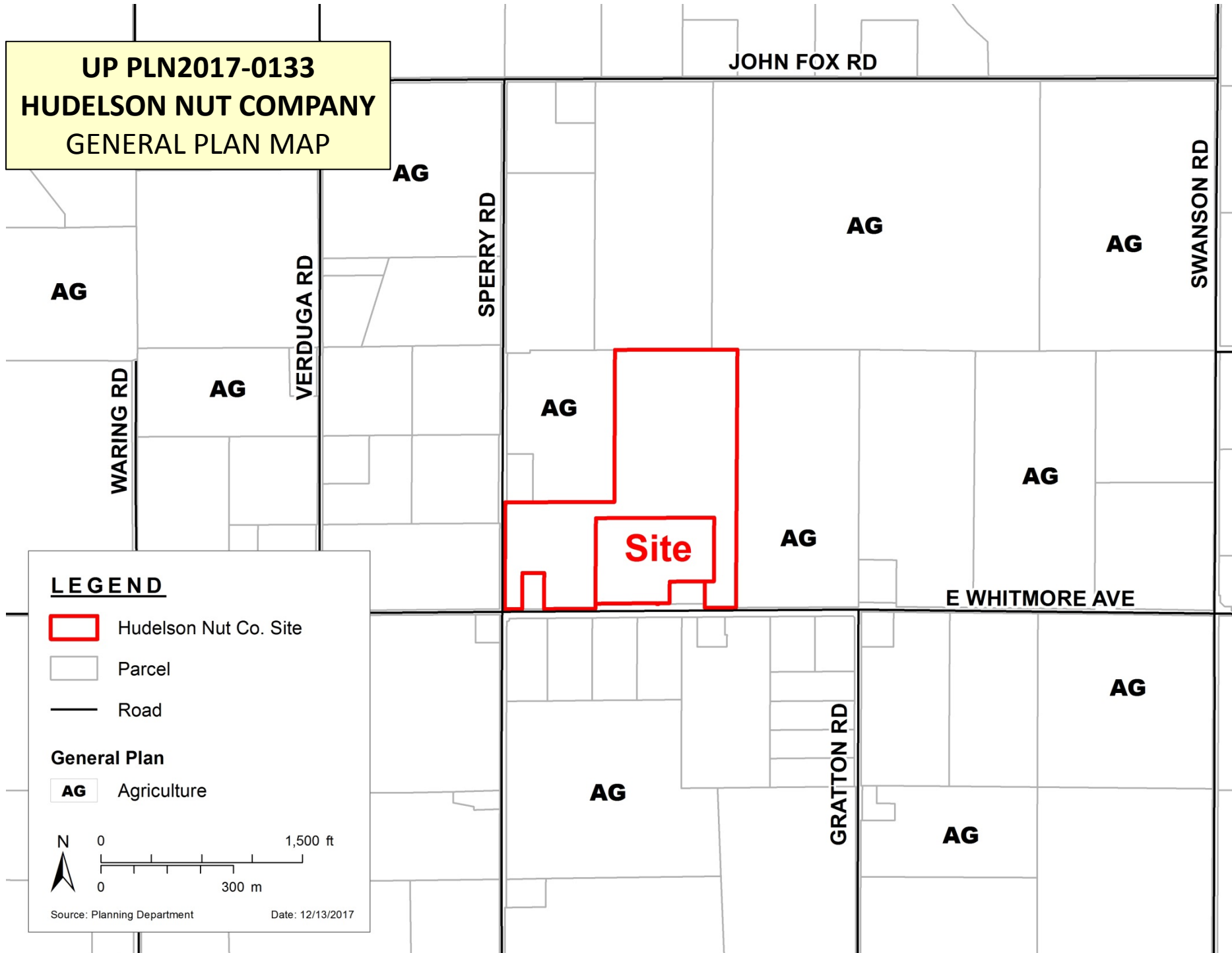
LEGEND

-  Hudelson Nut Co. Site
-  Sphere of Influence
-  City
-  River
-  Road

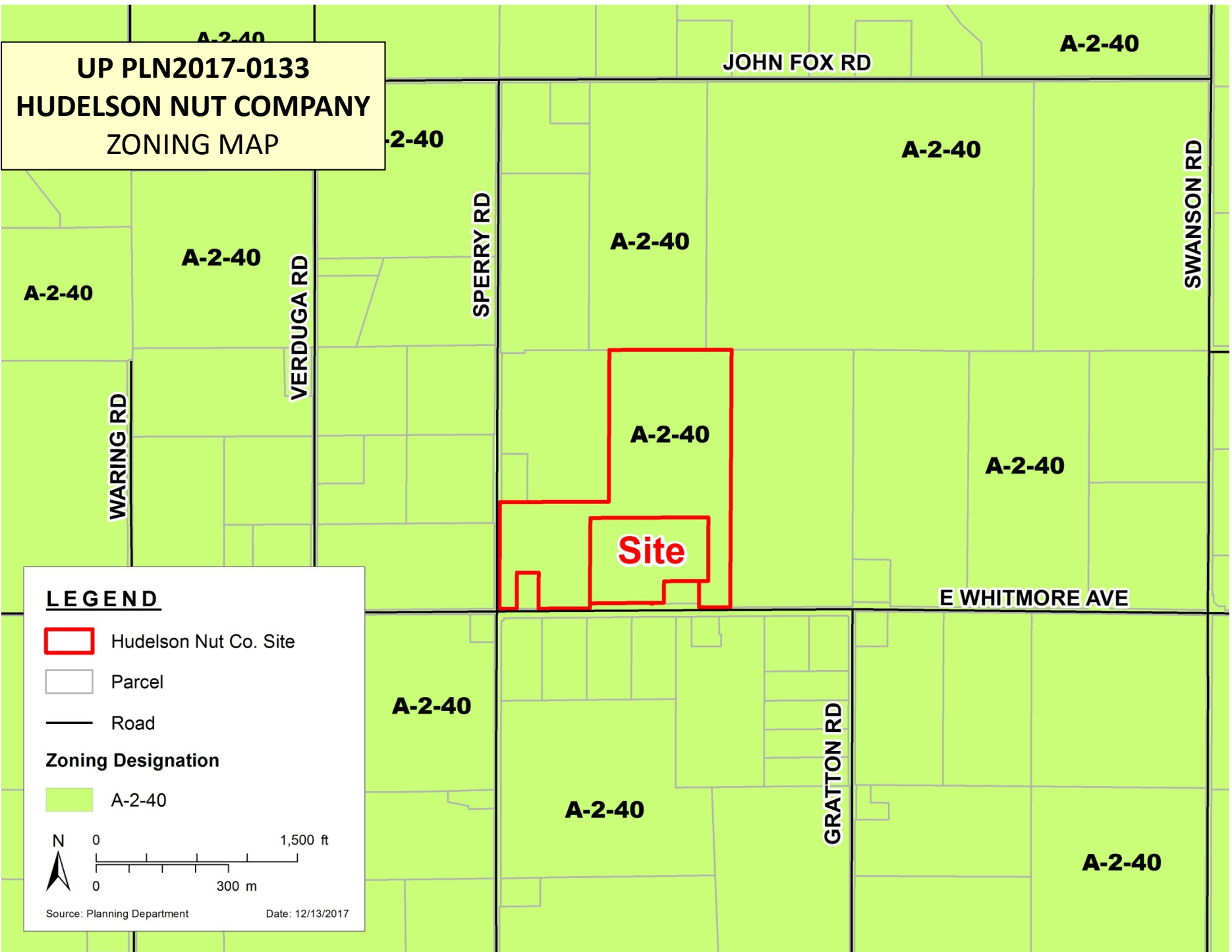


Source: Planning Department Date: 12/13/2017


**UP PLN2017-0133
HUDELSON NUT COMPANY
GENERAL PLAN MAP**




**UP PLN2017-0133
HUDELSON NUT COMPANY
ZONING MAP**



LEGEND

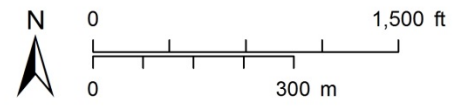
 Hudelson Nut Co. Site

 Parcel

 Road

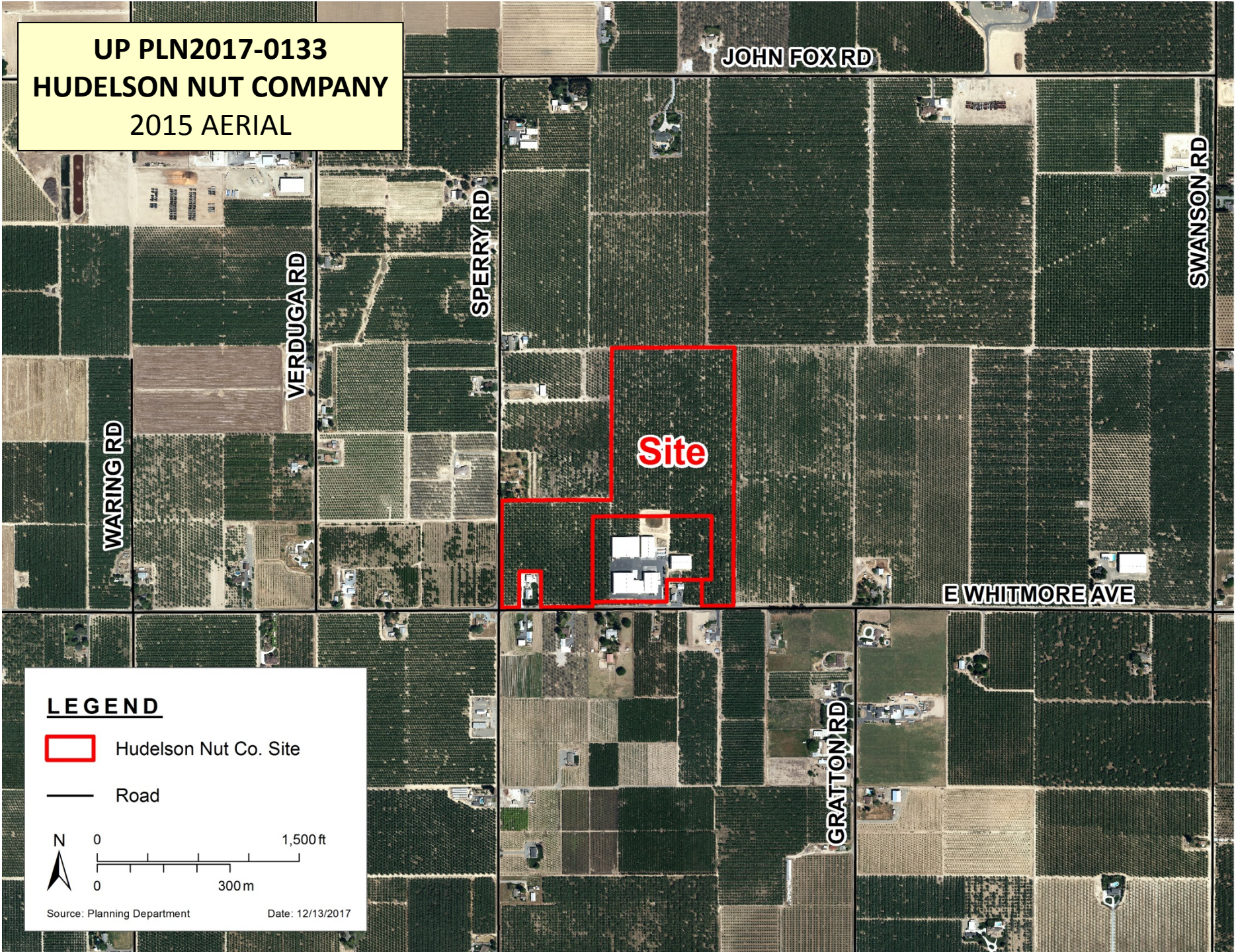
Zoning Designation

 A-2-40




Source: Planning Department Date: 12/13/2017

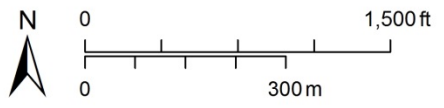
**UP PLN2017-0133
HUDELSON NUT COMPANY
2015 AERIAL**



LEGEND

 Hudelson Nut Co. Site

 Road



Source: Planning Department Date: 12/13/2017


**UP PLN2017-0133
HUDELSON NUT COMPANY
2015 AERIAL**


SPERRY RD

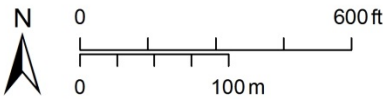
E WHITMORE AVE

Site

LEGEND

 Hudelson Nut Co. Site

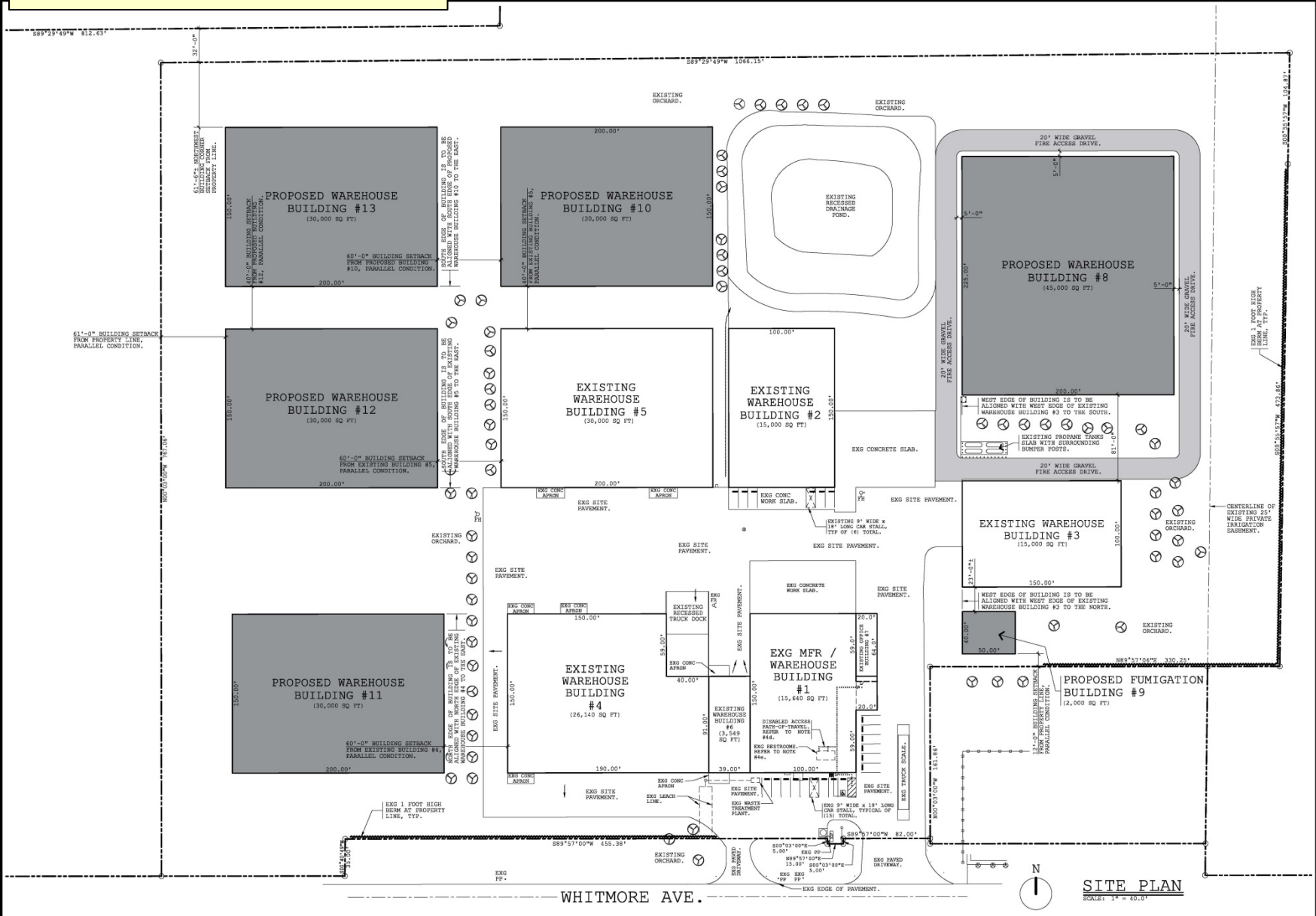
 Road



Source: Planning Department

Date: 12/13/2017

UP PLN2017-0133 HUDELSON NUT COMPANY SITE PLAN



14

ATTACHMENT B-6

advanced
DESIGN GROUP, INC.
1124 EAST 17TH AVENUE
DENVER, COLORADO 80202

PROJECT: LOT LINE ADJUSTMENT
OWNER: HUDELSON FAMILY 1998 TRUST
LOCATION: 10665 E. WHITMORE AVE, HUGHSON, CA

REV	DATE	BY

DRAWN BY: BAO
CHECKED BY:
DATE: 11/01/17
SCALE: AS NOTED

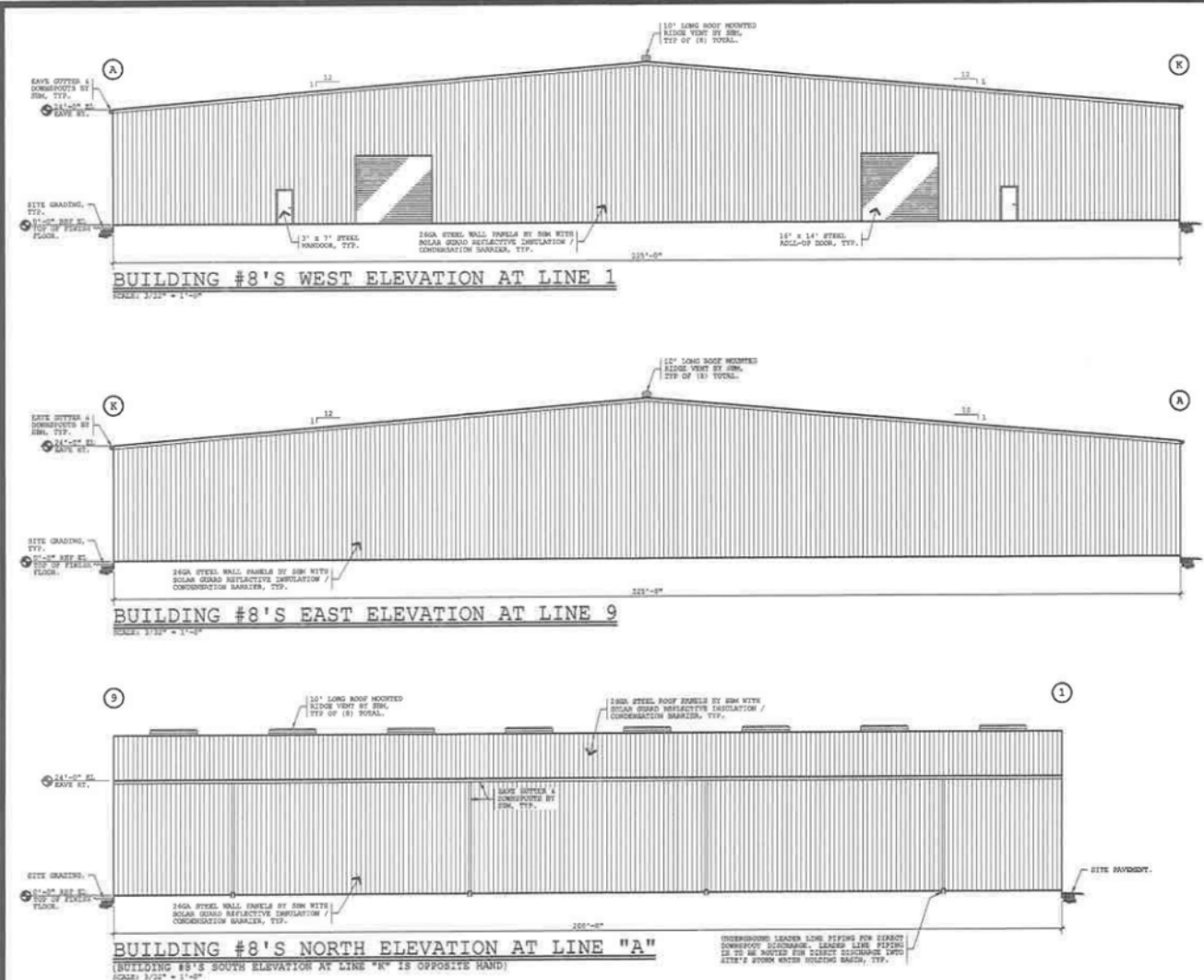
PROJECT
17052A

SHEET NUMBER
3

THE DESIGN AND CONSTRUCTION FEATURES SHOWN IN THESE PLANS INCORPORATE NECESSARY RIGHTS, BUT THESE PLANS SHOW THE DESIGN AND CONSTRUCTION FEATURES SHOWN THEREIN ARE TO BE SPECIFICALLY IN WHOLE OR IN PART WITHOUT THE CONSENT OF ADVANCED DESIGN GROUP, INC.

SITE PLAN
SCALE: 1" = 40.0'

**UP PLN2017-0133
HUDELSON NUT COMPANY
ELEVATIONS(BLD 8)**



16

ATTACHMENT B-8



USE PERMIT
PROJECT: HUDELSON FAMILY 1998 TRUST
OWNER: 10665 E. WHITMORE AVE, HUGHSON, CA
LOCATION:

REV	DATE	BY

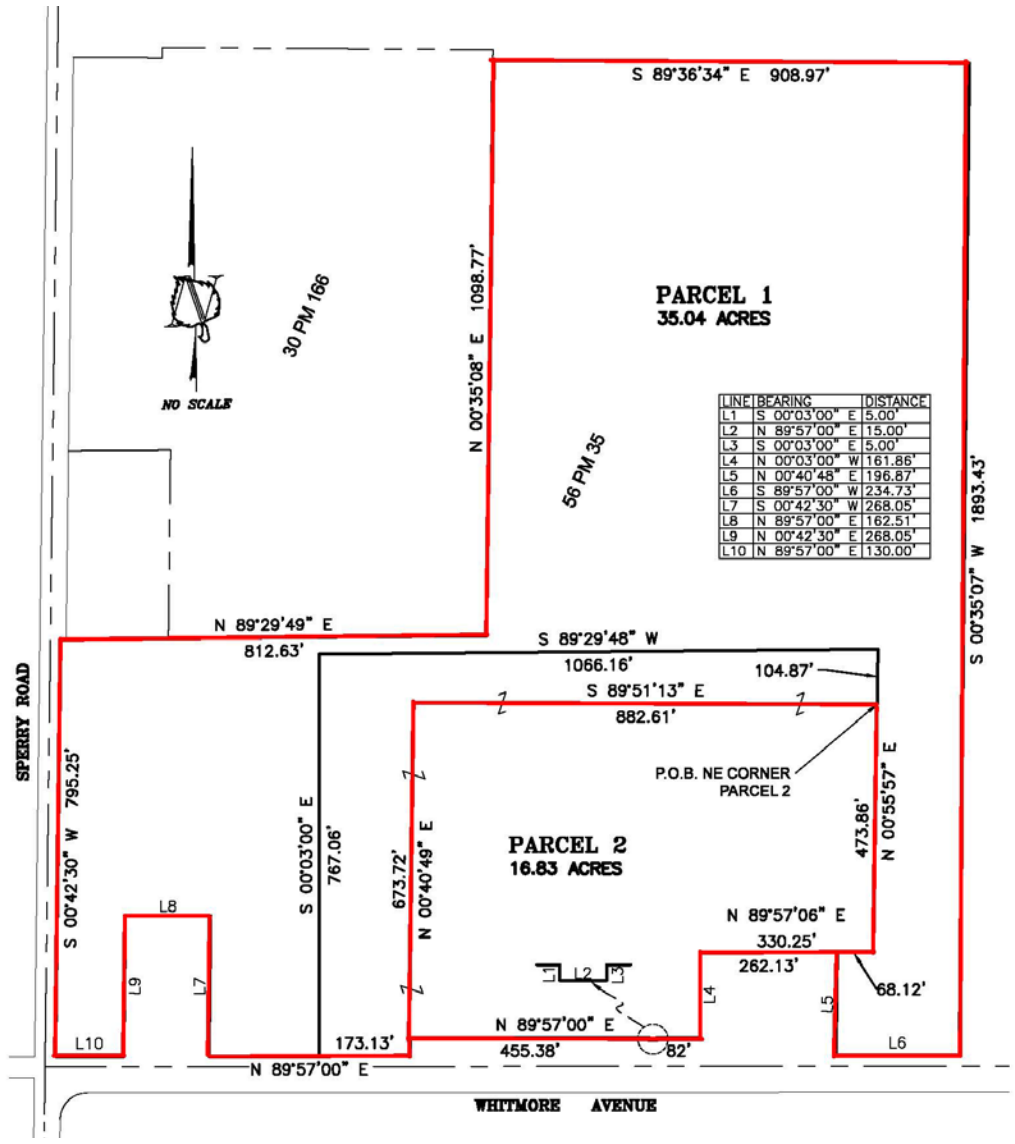
DESIGN BY: SAG
CHECKED BY: ER
DATE: 11/15/17
SCALE: AS SHOWN

PROJECT
17052B

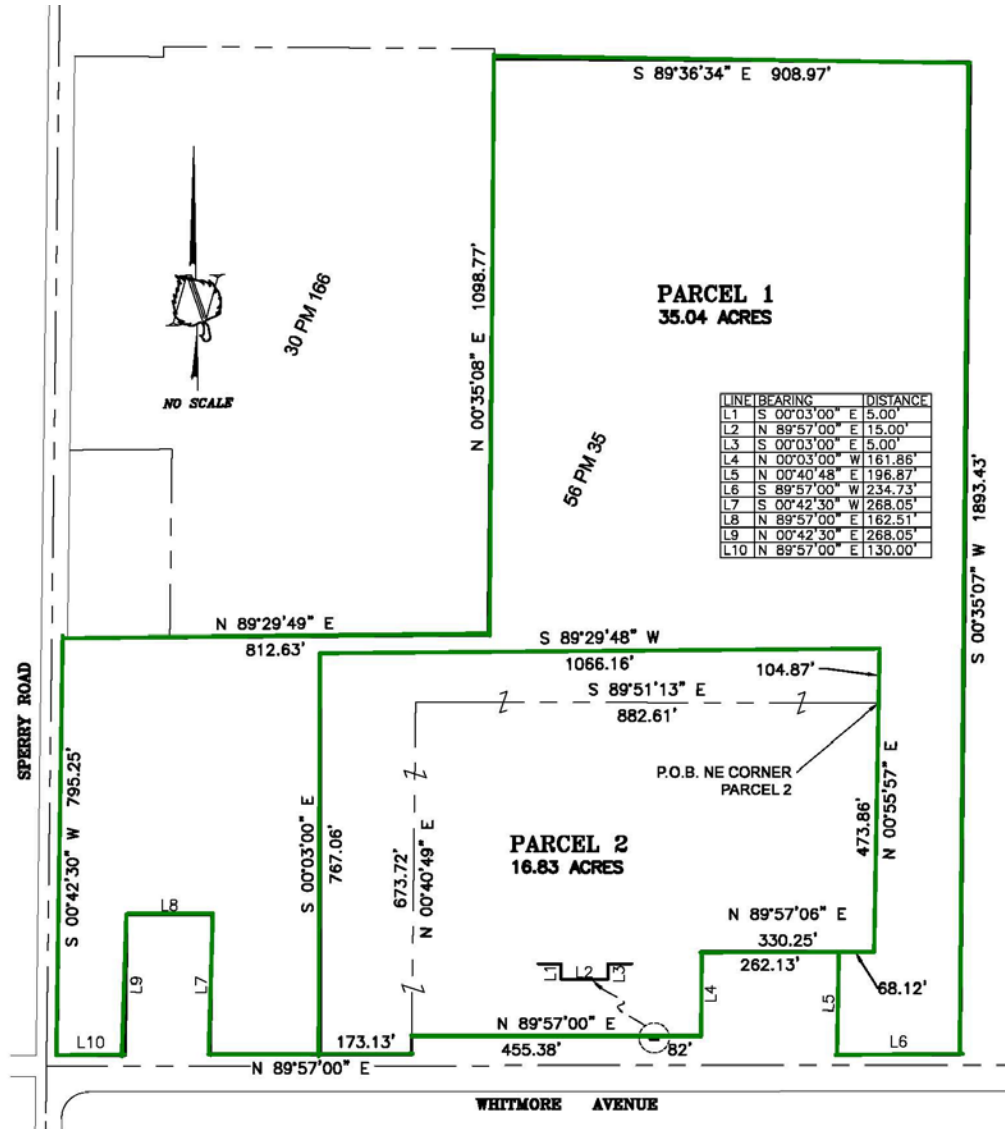
SHEET NUMBER
4

THE DESIGN AND CONSTRUCTION FEATURES SHOWN ON THESE PLANS (INCLUDING ANY SUPPLEMENTARY SHEETS), WHETHER THESE PLANS FOR THE DESIGN AND CONSTRUCTION PURPOSES FROM HEREON ARE TO BE RELIANT ON OR NOT, WITHOUT THE CONSENT OF ADVANCED DESIGN GROUP, INC.

UP PLN2017-0133
HUDELSON NUT COMPANY
BEFORE LOT LINE ADJUSTMENT



**UP PLN2017-0133
HUDELSON NUT COMPANY
AFTER LOT LINE ADJUSTMENT**



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

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2017-0133 HUDELSON NUT COMPANY

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 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 **\$2,337.75**, 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. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands,"

- "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
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. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
 10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
 11. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
 12. 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.
 13. 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.
 14. Prior to issuance of a building permit, Lot Line Adjustment No. LLA PLN2017-0132 shall be completed and recorded.
 15. All Conditions of Approval from Use Permit 2003-01, and Use Permit 2008-12 and Parcel Map 2008-14 are superseded by the Conditions of Approval of the subject Use Permit (UP PLN2017-0133).

Department of Public Works

16. Prior to issuance of a building or grading permit, a grading, drainage, and erosion/sediment control plan for the project site shall be submitted to the Department of Public Works. Public Works will review and approve the plan. The plan shall include calculations for the ultimate build-out of the anticipated site plan proposed by this use permit request. The plans shall include the following information:
 - A. The plan shall include enough information to verify that all runoff will be kept from going into the Stanislaus County road right-of-way or adjacent parcels. It shall also meet the Stanislaus County Public Works Standards and Specifications that are current at the time of the grading plan.
 - B. The plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number and a copy of the Notice of Intent and the project's Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
 - C. The applicant shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
 - D. Prior to the occupancy or final of any building permit, the grading, drainage, and associated work shall be accepted by Stanislaus County Public Works.
 - E. The applicant shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Department of Environmental Resources

17. If the operation ever plans to make water-related improvements that will result in the formation of a public water system, under Section 116275 (h) of the California Health and Safety Code, the following is required:
 - A. The property must submit a copy of the preliminary technical report to the State Water Boards for review ([CA HSC] 116540 and 116527).
 - B. If the State Water Boards issues concurrence for the new Public Water System, a public water supply permit application shall be submitted to DER ([CA HSC] 116525), accompanied by a public water system technical report ([CA HSC] 116530), financial, managerial, and technical information ([CA HSC] 116540), and obtain a public water supply permit to operate the public water system ([CA HSC] Sections 116525, 116530, 116540, 116550).

Building Permits Division

18. Building permits are required and the project must conform with the most current and adopted version of the California Code of Regulations, Title 24 at the time of submittal.

19. Commercial storage facilities shall be classified in accordance to their use and occupancy.
20. Commercial fumigation building shall be classified as an accessory use to the commercial storage and packaging facility.
21. Commercial processing facilities shall be classified in accordance to its use and occupancy.
22. All commercial buildings are subject to public facility fees.

Turlock Irrigation District

23. Prior to issuance of a building permit, building plans shall be reviewed and plans detailing the existing irrigation facilities shall be approved by the Turlock Irrigation District to ensure all District standards and specifications are met. If it is determined that irrigation facilities will be impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a District approved time and material fee associated with this review.
24. Developed property adjoining irrigated ground shall be graded so that finished grading elevations are at least six inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties.

San Joaquin Valley Air Pollution Control District

25. Prior to issuance of a building permit for the proposed fumigation building, an Authority to Construct permit shall be obtained.
26. Prior to construction, the developer shall be responsible for contacting the San Joaquin Valley Air Pollution Control District to determine if any additional District permits are required, including but not limited to the following:
 - Regulation VIII (Fugitive PM10 Prohibitions)
 - District Rule 9510 (AIA)
 - Rule 4002 (National Emission Standards for Hazardous Air Pollutants)
 - Rule 4102 (Nuisance)
 - Rule 4601 (Architectural Coatings)
 - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)

Central Valley Regional Water Quality Control Board

27. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002), 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.
28. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate

Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, or Waste Discharge Requirement (WDR) 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~~.*

STANISLAUS COUNTY PLANNING COMMISSION

February 5, 2009

STAFF REPORT

USE PERMIT APPLICATION NO. 2008-12 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-14 BEN HUDELSON FARMS ALMOND PROCESSING FACILITY

REQUEST: TO EXPAND AN EXISTING ALMOND PACKAGING FACILITY WHICH STORES AND PACKAGES RAW ALMONDS IN THREE PHASES. EACH PHASE WILL INCLUDE THE CONSTRUCTION OF A SEPARATE 15,000+ SQUARE FOOT WAREHOUSE BUILDING.

APPLICATION INFORMATION

Applicant/Property Owner:	Ben Hudelson Family Trust
Location:	10665 E. Whitmore Avenue, east of Sperry Road, in the Hughson area
Section, Township, Range:	7-4-11
Supervisorial District:	District Two (Supervisor Chiesa)
Assessor's Parcel:	019-018-045
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcels:	Parcel 1: 12.21 gross acres Remainder: 40.54 gross acres
Water Supply:	Water well
Sewage Disposal:	Septic/leach field system
Existing Zoning:	A-2-40
General Plan Designation:	Agriculture
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	2001-4433
Environmental Review:	Negative Declaration
Present Land Use:	Almond orchard, almond packaging facility
Surrounding Land Use:	Tree and row crops, pasture, and single-family dwellings, City of Hughson to the west

BACKGROUND

The subject facility was originally permitted for an almond processing facility under Use Permit No. 2003-01 as a Tier Two Use Permit. Although the project has been repeatedly referred to as an "Almond Processing Facility", there are no processing activities included in the operation, only the storage and packaging of raw almonds. No roasting, toasting, dicing, or flavoring of the almonds takes place within this operation. The storage and packaging of raw almonds is considered to be a Tier One use consistent with an agricultural warehouse. Accordingly, this application is being processed as a Tier One Use Permit.

PROJECT DESCRIPTION

This is a request for a warehouse expansion of an existing almond packaging facility for the storage of raw and packaged almonds in three phases. The harvest season generally runs annually between the months of September through November. The packaging schedule generally runs annually between mid-September and mid-April. The operation proposes to run 24 hours daily during the harvesting and packaging season. A maximum shift of 18 employees is anticipated at the completion of Phase III during the operating season. Each phase of expansion will include the construction of a 15,000+ square foot warehouse building. Phase I is anticipated to begin in 2011 and includes the construction of a 16,500 square foot warehouse. However, in accordance with County Ordinance Chapter 21.104 - Revocation of Permits, a building permit must be pulled within 18 months in order to activate the Use Permit. Phase II is anticipated to begin in 2016 and will include the construction of a 15,000 square foot warehouse. Phase III is anticipated to begin in 2018 and will include the construction of a 15,000 square foot warehouse. The operation included in this request takes in already-cleaned almonds from almond producers throughout the region, as well as from the operator's huller and sheller facility located on the northwest corner of Berkeley and Fox Roads. Cleaned almonds arrive at the site and are then sorted and packaged raw within an existing building on site. While the applicant has indicated that all equipment and supplies will be housed in the proposed buildings, temporary storage of these items outside of the building may occur from time-to-time.

SITE DESCRIPTION

The 52.75 gross acre site is located on the northeast corner of E. Whitmore Avenue and Sperry Road, approximately 2.5 miles east of the City of Hughson. The surrounding area consists of agricultural uses, primarily orchard and row crops, and scattered single-family dwellings and farm buildings. Two one-acre home sites exist adjacent to the operation. Agricultural properties range in size from 10 to 100+ acres. Many scattered 1-3 acre home sites exist in the surrounding area.

USE PERMIT DISCUSSION

Almond storage facilities are classified by Chapter 21.20.030 of the Stanislaus County Zoning Ordinance as Tier One uses. Tier One uses are uses closely related to agriculture and are considered to be necessary for a healthy agricultural economy, and may be allowed when the Planning Commission makes the following findings:

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

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. Current buffer guidelines require a project to provide a 150-foot setback, solid fencing and a double row of landscaping around the perimeter of the proposed operation.

Appendix "A" - Buffer and Setback Guidelines of the Agricultural Element, allows the project applicant to propose an alternative buffer to be reviewed and supported by the Stanislaus County Agricultural Advisory Board. An alternative to the buffer requirements for Tier One uses was reviewed and supported by the Agricultural Advisory Board at a meeting held on Monday, September 8, 2008. This alternative waived vegetative screening provided the new use was able to provide a minimum buffer of 150 feet from all structures associated with the use to property lines. The supported alternative also waives the fencing requirement when trespassing is determined not to be a problem as is often the case with Tier One and Tier Two uses that have short seasons, few employees and take place on large agricultural parcels. In addition to the required Agricultural Advisory Board's support, the Stanislaus County Planning Commission, in accordance with Appendix "A" - Buffer and Setback Guidelines of the Agricultural Element, shall make a finding that the buffer alternative is found to provide equal or greater protection to surrounding agricultural uses. The proposed parcel map maintains a 150-foot buffer around the almond packaging facility on all sides and therefore matches up with the supported agricultural buffer standard.

Staff believes the required Use Permit findings can be made. An agricultural buffer, supported by the Agricultural Advisory Board, has been applied to the project. The services provided by the facility are an important component of the agricultural economy in Stanislaus County and there is no indication this project will interfere or conflict with other agricultural uses in the area.

PARCEL MAP DISCUSSION

The site is designated "Agriculture" in the Land Use Element of the General Plan and is zoned A-2-40 (General Agriculture) which requires a minimum lot size of 40 acres for the creation of new parcels, which proposed Parcel 1 does not meet. However, Section 21.20.060 of the Stanislaus County Code allows for an exemption of the minimum parcel size requirement for parcels operating under a Use Permit given that such parcel exhibits size, location, and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity. If either parcel was to be placed under new ownership, each newly created parcel would be able to maintain their current operations completely independent of one another. Because no new uses are being proposed and because the use permitted on proposed Parcel 1 is closely related to agriculture, staff feels that the proposed project meets the criteria set forth in Section 21.20.060 of the Stanislaus County Code to qualify for this exemption.

WILLIAMSON ACT DISCUSSION

The project site is enrolled under the Williamson Act, Contract No. 2001-4433 and has soils classified as Prime Farmland by the Farmland Mapping and Monitoring Program. Under the Williamson Act, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land or 10 acres in size in the case of prime agricultural land. In this case both parcels are considered to be prime and will maintain a 10 acre or above minimum parcel size.

County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with the following three principles of compatibility:

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

Pursuant to Section 21.20.045, Tier One uses are considered to be consistent with the principles of compatibility and may be approved on contracted land, unless otherwise determined to be incompatible by the Planning Commission. The project was circulated to the State Department of Conservation during the initial two-week early consultation and 30-day Initial Study review and no comments were received.

Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of the subject contracted parcel or other contracted lands in the A-2 zoning district. The proposed Remainder parcel will remain in almond production and proposed Parcel 1 (with the almond packaging expansion) is related directly to the production of commercial agricultural products on the contracted parcel. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

ENVIRONMENTAL REVIEW

This project underwent an additional CEQA review period in order to reflect the addition of a parcel map to the project request. Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to various agencies, including the City of Hughson. A “no

comment” response was received from the City of Hughson. Based on the Initial Study prepared for this project, adoption of a Negative Declaration is being proposed. The Initial Study and comments to the Initial Study have not presented any substantial information to identify a potential significant impact needing to be mitigated.

RECOMMENDATION

Based on the preceding discussion, staff recommends the Planning Commission take the following actions:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County’s independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of “Agriculture” and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - (c) The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
 - (d) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - (e) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - (f) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use, and
4. Find That:
 - (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451.


- (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - (c) The site is physically suitable for the type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
5. Find the project will increase activity in and around the project area, thereby increasing demands for roads and services, thereby requiring dedications and improvements.
6. Approve Use Permit Application No. 2008-12 and Vesting Tentative Parcel Map Application No. 2008-14 - Ben Hudelson Farms Almond Processing Facility, subject to the attached Conditions of Approval.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$2050.00 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Report written by: Kristin Doud, Assistant Planner, January 20, 2009

Attachments: Exhibit A - Maps
Exhibit B - Project Description
Exhibit C - Conditions of Approval
Exhibit D - Initial Study
Exhibit E - Negative Declaration
Exhibit F - Environmental Review Referrals

Reviewed by:

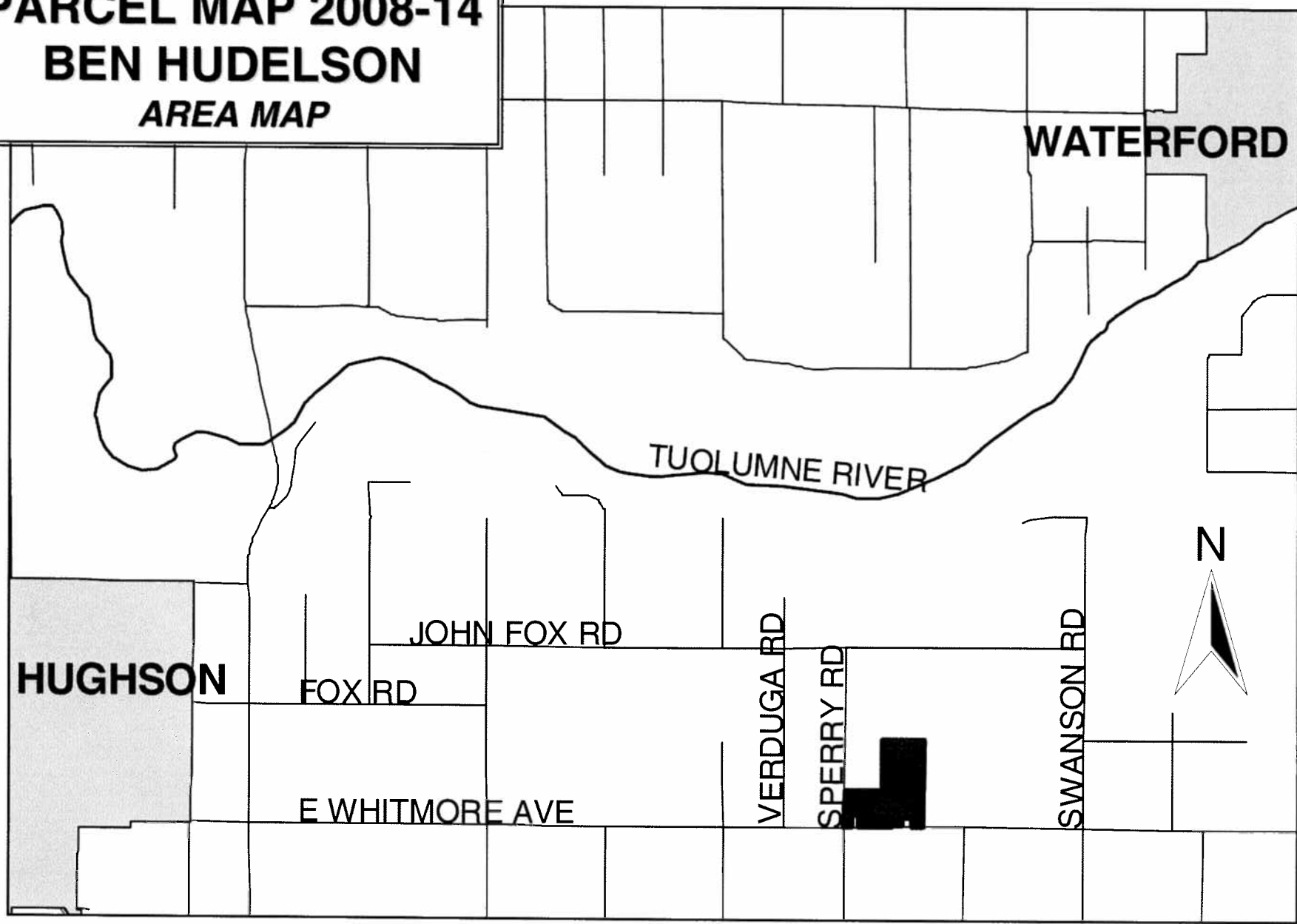


Angela Freitas, Senior Planner

KD:er

I:\Staffrpt\UP\2008\UP 2008-12 PM 2008-14 Ben Hudelson Farms\UPwithPM\StaffReport\StaffReport.wpd

**USE PERMIT 2008-12
PARCEL MAP 2008-14
BEN HUDELSON
AREA MAP**

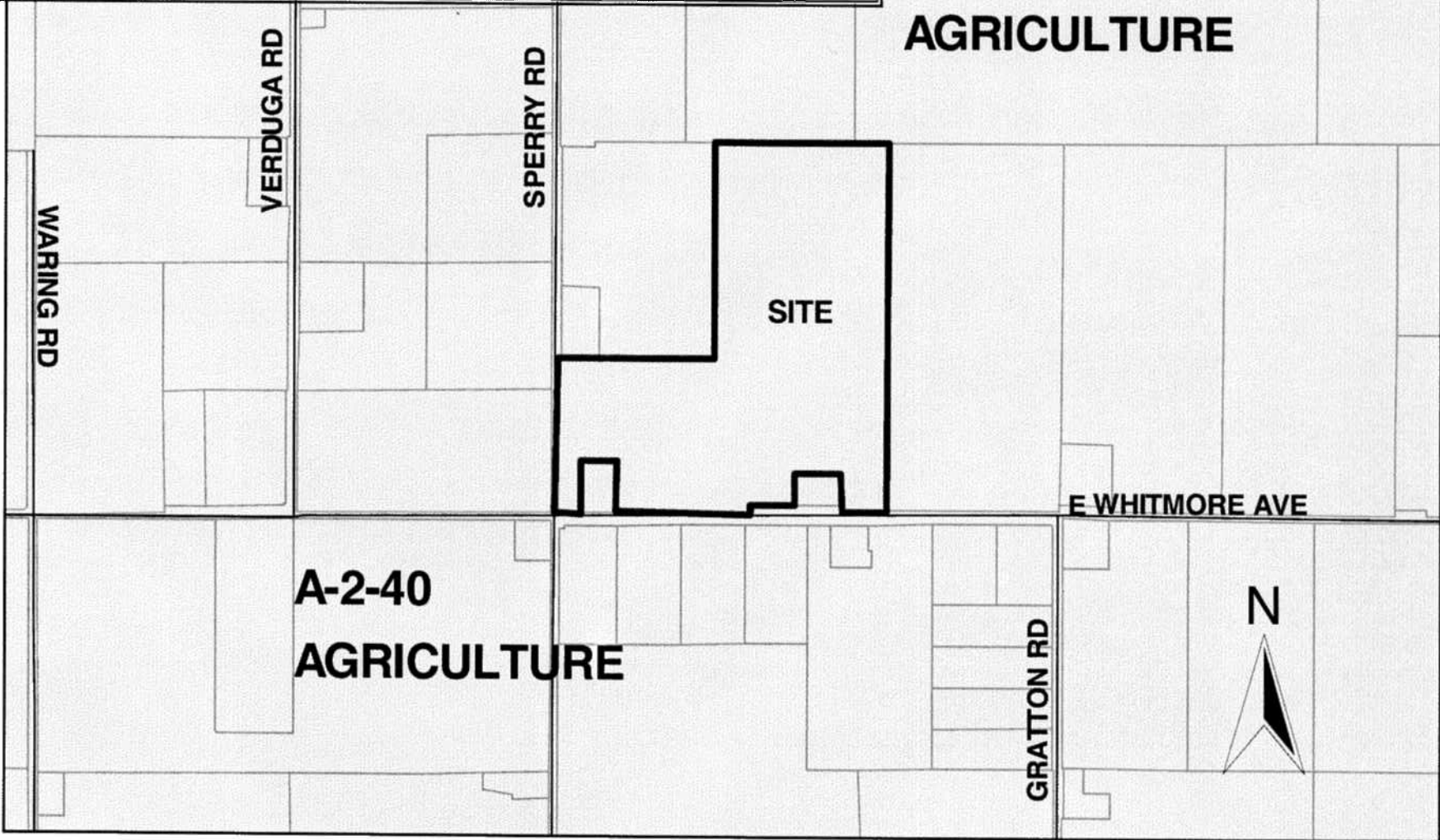


30
7

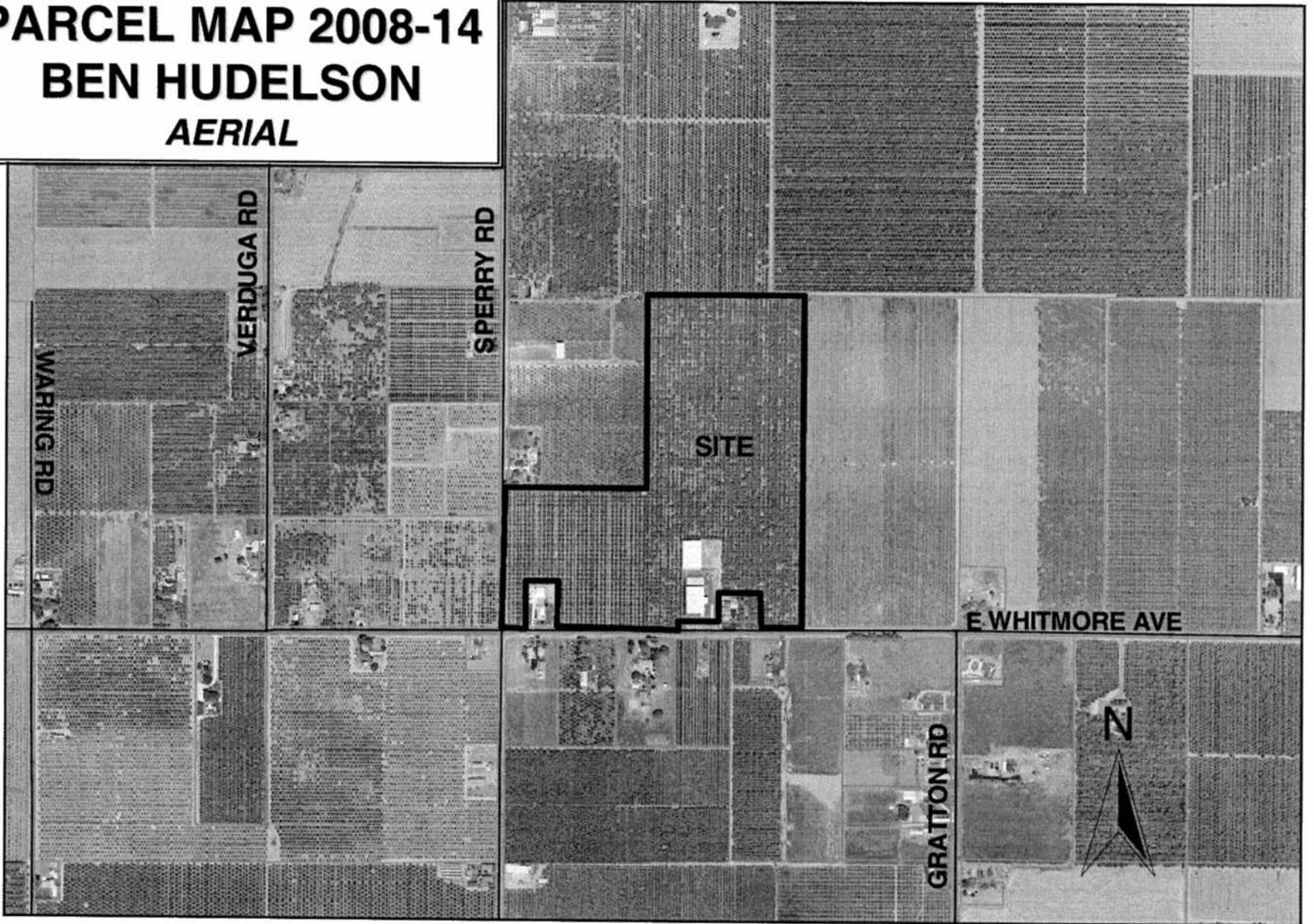
EXHIBIT A

**USE PERMIT 2008-12
PARCEL MAP 2008-14
BEN HUDELSON
GENERAL PLAN AND ZONING DESIGNATION**

**A-2-40
AGRICULTURE**



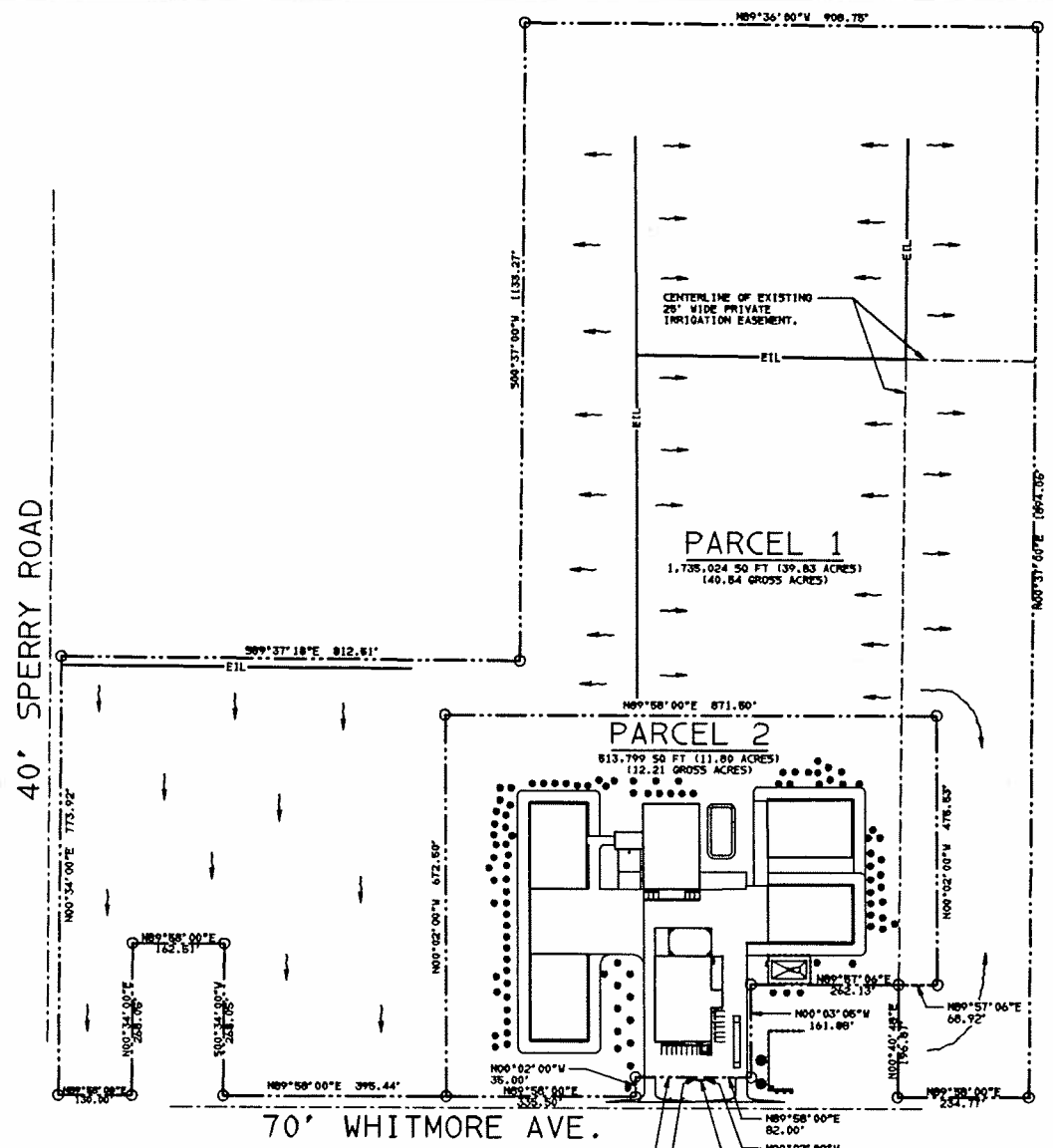
**USE PERMIT 2008-12
PARCEL MAP 2008-14
BEN HUDELSON
AERIAL**



**USE PERMIT 2008-12
PARCEL MAP 2008-14
BEN HUDELSON
AERIAL**



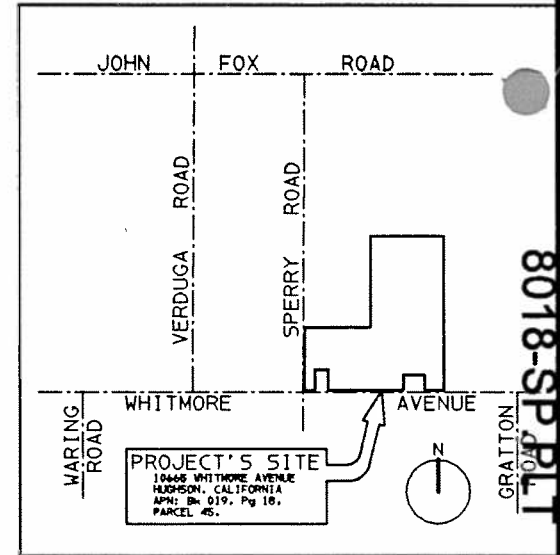
REVISED
10/15/08



SITE PLAN
SCALE: 1" = 150.0'

OWNER OF PARCELS 1 & 2
 APN: Bk 19, Pg 18, PARCEL 45
 HUDELSON FAMILY 1998 TRUST
 c/o MR. BEN HUDELSON
 P.O. BOX 91
 HUGHSON, CA 95326

LEGEND
 —EIL— DESIGNATES AN EXISTING IRRIGATION LINE.

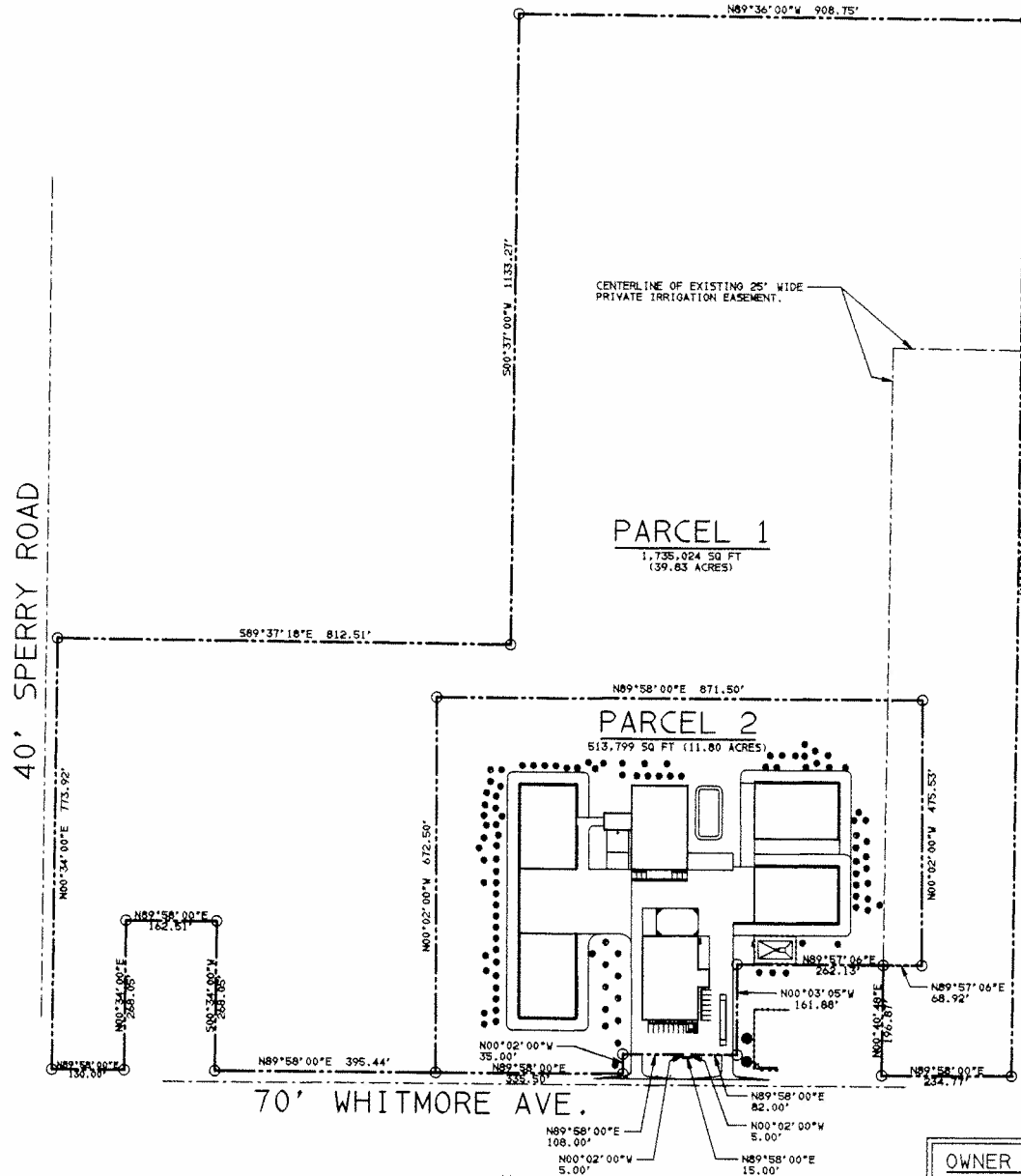


VICINITY MAP SCALE: NO SCALE

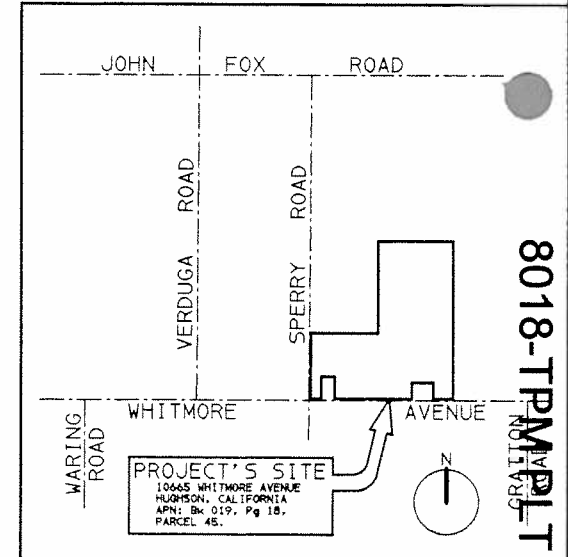
advanced
 DESIGN GROUP, INC.
 1128 SIXTH STREET
 MODESTO, CA 95354-2203
 PHONE (209) 577-3108
 FAX (209) 577-0872

SITE PLAN
 FOR
 HUDELSON FAMILY 1998 TRUST

DRAWN BY: DLV	PROJECT: 08-018	SHEET NUMBER: SP
CHECKED BY: EH		
DATE: 10/15/08		



OWNER OF PARCELS 1 & 2
 APN: Bk 19, Pg 18, PARCEL 45
 HUDELSON FAMILY 1998 TRUST
 c/o MR. BEN HUDELSON
 P.O. BOX 91
 HUGHSON, CA 95326



VICINITY MAP SCALE: NO SCALE

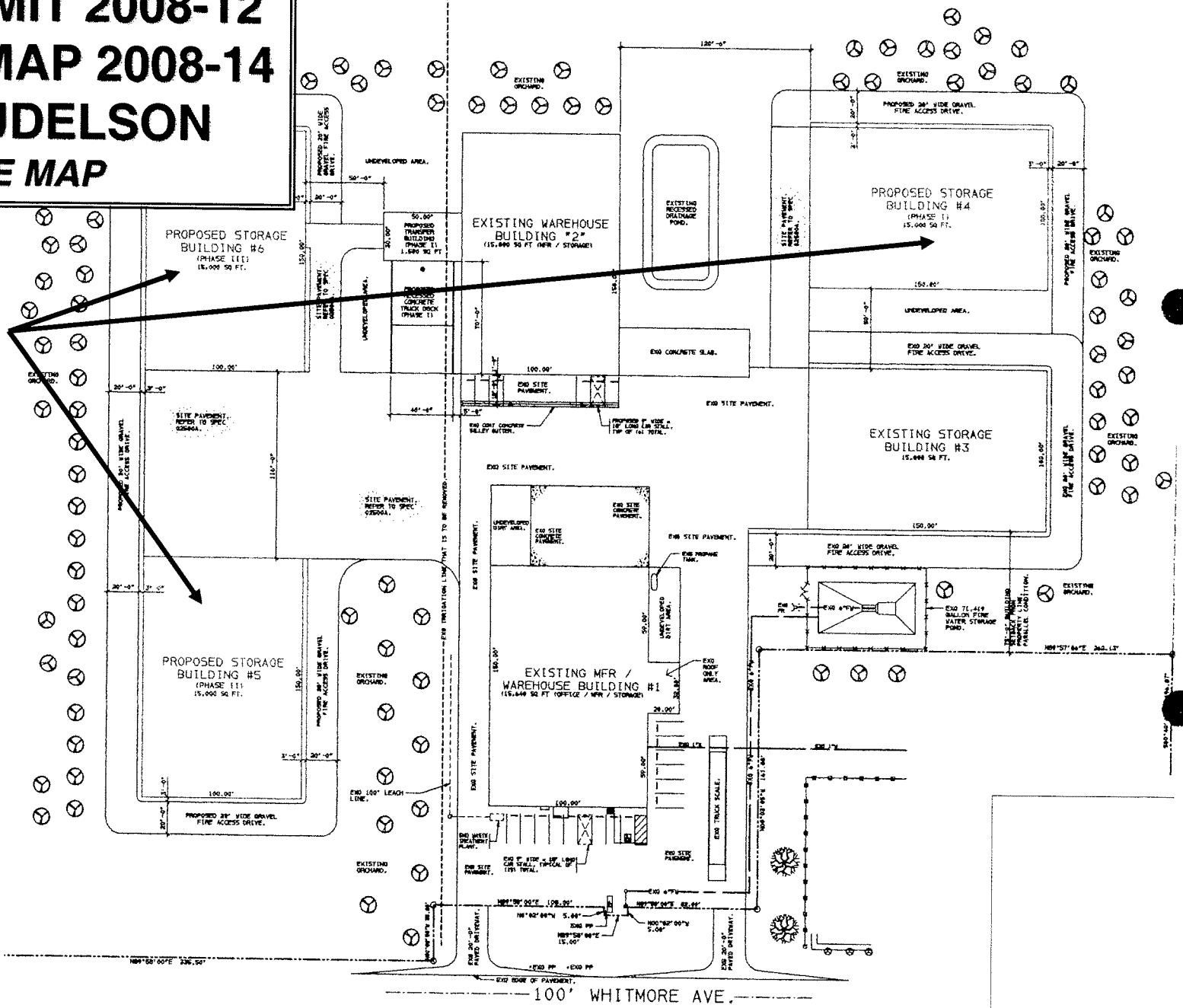
advanced
 DESIGN GROUP, INC.
 1128 SIXTH STREET
 MODESTO, CA 95354-2203
 PHONE (209) 577-3138
 FAX (209) 577-0872

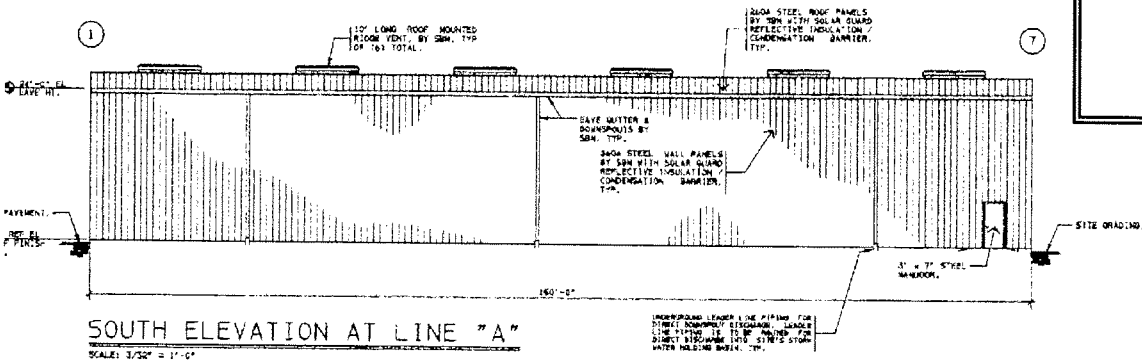
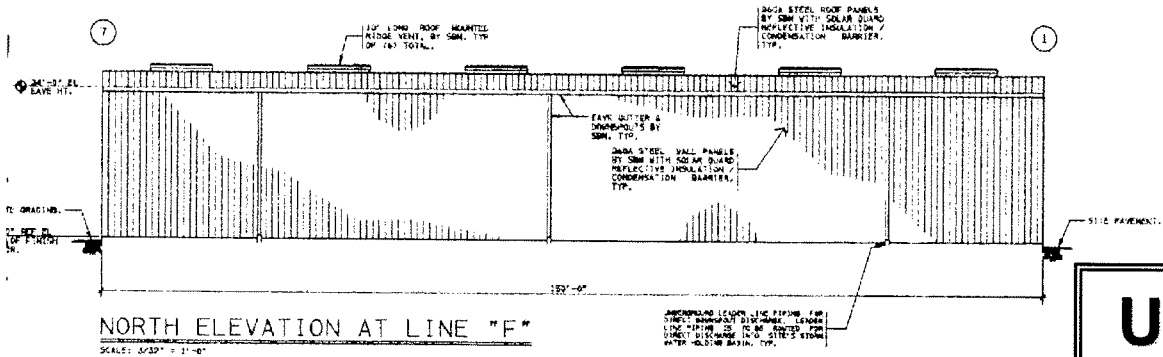
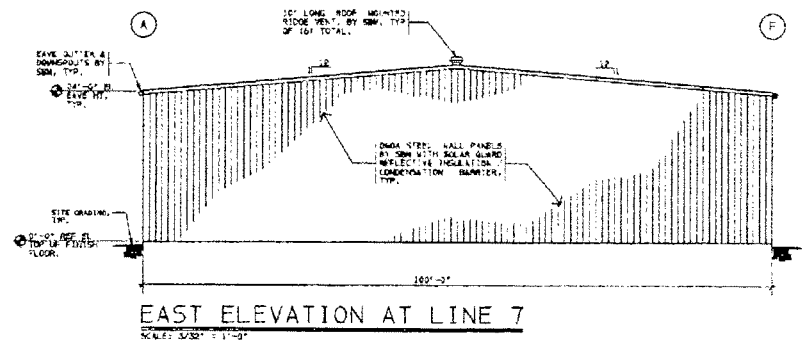
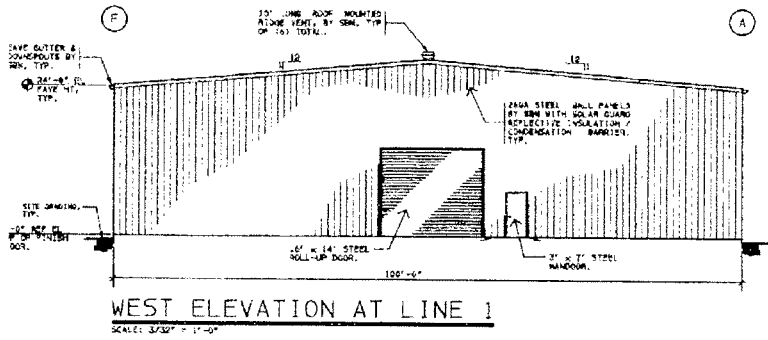
VESTING TENTATIVE PARCEL MAP
 FOR
 HUDELSON FAMILY 1998 TRUST

DRAWN BY DLW	PROJECT 08-018	SHEET NUMBER TPM
CHECKED BY EH		
DATE 10/06/08		

**USE PERMIT 2008-12
PARCEL MAP 2008-14
BEN HUDELSON
SITE MAP**

**PROPOSED
STORAGE
BUILDINGS**

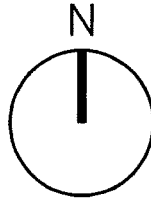




**USE PERMIT 2008-12
PARCEL MAP 2008-14
BEN HUDELSON
ELEVATIONS**

AREA MAP

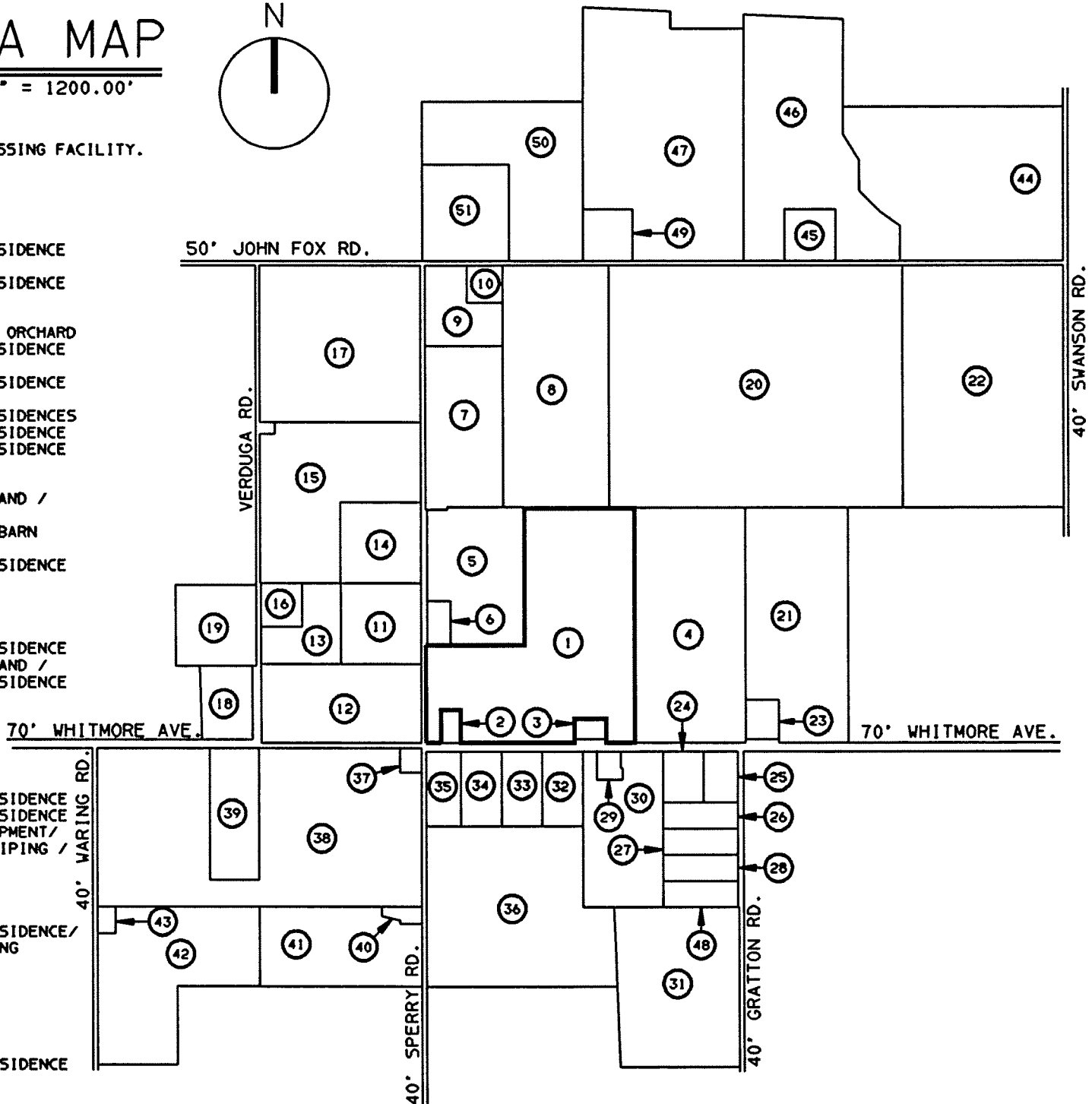
SCALE: 1" = 1200.00'



APN

USES

- 1. 19-18-45 ALMOND PROCESSING FACILITY.
- 2. 19-18-43 RESIDENCE
- 3. 19-18-32 RESIDENCE
- 4. 19-18-09 ORCHARD
- 5. 19-18-24 ORCHARD
- 6. 19-18-23 RESIDENCES
- 7. 19-18-05 ORCHARD / RESIDENCE
- 8. 19-18-27 ORCHARD
- 9. 19-18-35 ORCHARD / RESIDENCE
- 10. 19-18-34 RESIDENCE
- 11. 19-18-48 ROW CROP
- 12. 19-18-15 RESIDENCES / ORCHARD
- 13. 19-18-47 ORCHARD / RESIDENCE
- 14. 19-18-13 ORCHARD
- 15. 19-18-21 ORCHARD / RESIDENCE
- 16. 19-18-46 RESIDENCE
- 17. 19-18-03 ORCHARD / RESIDENCES
- 18. 19-18-28 PASTURE / RESIDENCE
- 19. 19-18-17 ORCHARD / RESIDENCE
- 20. 19-17-01 ORCHARD
- 21. 19-17-21 ORCHARD
- 22. 19-17-18 OPEN AGRI. LAND / RESIDENCE
- 23. 19-17-20 RESIDENCE / BARN
- 24. 19-21-21 RESIDENCE
- 25. 19-21-20 PASTURE / RESIDENCE
- 26. 19-21-26 RESIDENCE
- 27. 19-21-25 RESIDENCE
- 28. 19-21-24 RESIDENCE
- 29. 19-21-38 RESIDENCE
- 30. 19-21-39 ORCHARD / RESIDENCE
- 31. 19-21-17 OPEN AGRI. LAND / PASTURE / RESIDENCE
- 32. 19-21-31 RESIDENCE
- 33. 19-21-30 RESIDENCE
- 34. 19-21-29 RESIDENCE
- 35. 19-21-28 RESIDENCE
- 36. 19-21-12 ORCHARD
- 37. 19-20-01 RESIDENCE
- 38. 19-20-19 ORCHARD / RESIDENCE
- 39. 19-20-18 ORCHARD / RESIDENCE
- 40. 19-20-03 COMM. DEVELOPMENT / TRUCKING / PIPING / FACILITY
- 41. 19-20-04 ORCHARD
- 42. 19-20-15 ORCHARD
- 43. 19-20-16 MOBILE HOME
- 44. 19-07-04 ORCHARD / RESIDENCE / ALMOND HULLING FACILITY
- 45. 19-07-13 RESIDENCE
- 46. 19-07-14 ORCHARD
- 47. 19-04-18 ORCHARD
- 48. 19-21-23 RESIDENCE
- 49. 19-04-17 RESIDENCE
- 50. 19-04-14 ORCHARD / RESIDENCE
- 51. 19-04-15 ORCHARD



PROJECT'S DESCRIPTION AND FINDINGS

Project:

Title: ALMOND PROCESSING FACILITY
Owner: HUDELSON FAMILY 1998 TRUST
Jobsite: 10665 WHITMORE AVE., HUGHSON, CALIFORNIA
Assessor's Parcel Number: Bk 019, Pg 18, PARCEL 45
Jurisdiction: STANISLAUS COUNTY; PRIOR USE PERMIT UP-2003-01; UP-2008-12
ADG's Project No. 08-018

THIS APPLICATION IS FOR THE EXPANSION OF AN EXISTING ALMOND PROCESSING FACILITY LOCATED AT 10665 WHITMORE AVE., HUGHSON, CA (APN 019-018-045). PRIOR USE PERMIT IS UP 2003-01. THE PROJECT IS LOCATED IN AN AGRICULTURAL DISTRICT WITH CURRENT ZONING OF A-2-40. THE PROPERTY OWNER, HUDELSON FAMILY 1998 TRUST, IS REQUESTING A THREE PHASE WAREHOUSE EXPANSION.

THE OWNER PROPOSES AN EXPANSION OF AN EXISTING ALMOND PROCESSING FACILITY WHICH PACKAGES AND STORES ALMONDS GROWN ON THE FAMILY'S FARMS LOCATED IN THE SURROUNDING AREA. SHELLING AND HULLING ACTIVITIES ARE CONDUCTED AT A NEARBY SITE. THE OPERATION OF THIS FACILITY IS CONSISTENT WITH PROVIDING FOR A HEALTHY AGRICULTURAL ECONOMY AND IS NOT DETRIMENTAL (DOES NOT CONFLICT) TO AGRICULTURAL USE OF OTHER PROPERTY IN THE VICINITY. THIS EXPANSION WILL NOT CREATE A CONCENTRATION OF COMMERCIAL /INDUSTRIAL USES IN THE AREA'S VICINITY. FURTHERMORE, BOTH THE EXISTING AND PROPOSED FACILITIES ARE CONSISTENT WITH THE COUNTY'S GENERAL PLAN AND WITH AN AGRICULTURAL SERVICE ESTABLISHMENT.

THE SURROUNDING AREA CONSISTS OF FARMS AND RANCHES VARYING IN SIZE ALONG WITH SINGLE-FAMILY DWELLINGS AND FARM BUILDINGS. NEIGHBORING FARM ACTIVITIES REPRESENT A COMBINATION OF PASTURE, ROW CROPS AND TREE CROPS. THE PROPOSED GROWTH IS NOT EXPECTED TO HAVE ANY SIGNIFICANT IMPACT OR INTERFERENCE ON NEIGHBORING ADJACENT AGRICULTURAL OPERATIONS.

IN ADDITION, PLEASE NOTE THE FOLLOWING;

HARVEST SCHEDULE IS BETWEEN SEPTEMBER 1 TO NOVEMBER 1.
PROCESSING SCHEDULE IS BETWEEN SEPTEMBER 15 TO APRIL 15.

1. TRUCK TRAFFIC IS ESTIMATED AS FOLLOWS;

PRESENT;

HARVEST SCHEDULE;

MAX (260) TRAILER TRUCKS OF DELIVERIES.
MAX (208) BOB-TAIL TRUCKS OF DELIVERIES.
MAX (10) TRAILER TRUCKS PER DAY OF DELIVERIES.
MAX (10) BOB-TAIL TRUCKS PER DAY OF DELIVERIES.

PROCESSING SCHEDULE;

MAX (250) TRAILER TRUCKS OF SHIPPING.
MAX (4) TRUCKS PER DAY OF SHIPPING.

PHASE I;

HARVEST SCHEDULE;

MAX (390) TRAILER TRUCKS OF DELIVERIES.
 MAX (312) BOB-TAIL TRUCKS OF DELIVERIES.
 MAX (15) TRAILER TRUCKS PER DAY OF DELIVERIES.
 MAX (15) BOB-TAIL TRUCKS PER DAY OF DELIVERIES.

PROCESSING SCHEDULE;

MAX (375) TRAILER TRUCKS OF SHIPPING.
 MAX (6) TRUCKS PER DAY OF SHIPPING.

PHASE II;

HARVEST SCHEDULE;

MAX (520) TRAILER TRUCKS OF DELIVERIES.
 MAX (416) BOB-TAIL TRUCKS OF DELIVERIES.
 MAX (20) TRAILER TRUCKS PER DAY OF DELIVERIES.
 MAX (20) BOB-TAIL TRUCKS PER DAY OF DELIVERIES.

PROCESSING SCHEDULE;

MAX (500) TRAILER TRUCKS OF SHIPPING.
 MAX (8) TRUCKS PER DAY OF SHIPPING.

PHASE III;

HARVEST SCHEDULE;

MAX (650) TRAILER TRUCKS OF DELIVERIES.
 MAX (520) BOB-TAIL TRUCKS OF DELIVERIES.
 MAX (25) TRAILER TRUCKS PER DAY OF DELIVERIES.
 MAX (25) BOB-TAIL TRUCKS PER DAY OF DELIVERIES.

PROCESSING SCHEDULE;

MAX (625) TRAILER TRUCKS OF SHIPPING.
 MAX (10) TRUCKS PER DAY OF SHIPPING.

2. HOURS OF OPERATION IS ESTIMATED AS FOLLOWS;

HARVEST SCHEDULE; 24 HOURS / DAY, MONDAY THRU SATURDAY.
PROCESSING SCHEDULE; 24HOURS / DAY, MONDAY THRU SATURDAY.

3. TOTAL SITE EMPLOYEES IS ESTIMATED AS FOLLOWS;

PROCESSING SCHEDULE; MAX (18) EMPLOYEES PER SHIFT, MAX (2) 12-HOUR SHIFTS ADDRESSING EXISTING AND PROPOSED PHASES I, II & III.
NON-PROCESSING SCHEDULE; (0) EMPLOYEES.

4. FACILITY CUSTOMERS ARE ESTIMATED AS FOLLOWS;

NONE EXPECTED.

5. CONSTRUCTION SCHEDULE AND USAGE ARE AS FOLLOWS;

PHASE	YEAR	USAGE	SQ.FT.
I	2011	WAREHOUSE	16,500
II	2016	WAREHOUSE	15,000
III	2018	WAREHOUSE	15,000

As Approved by the Planning Commission
February 5, 2009

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

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 2008-12 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-14 BEN HUDELSON FARMS ALMOND PROCESSING FACILITY

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. All Conditions of Approval from Use Permit 2003-01 shall remain in effect.
3. An agricultural buffer shall be provided between the operation and surrounding agricultural properties. The buffer shall include a minimum of 150 feet of distance from the new structures to all property lines. This buffer area shall be kept free of litter, fire hazards, pests and other maintenance problems throughout the life of the operation.
4. A Certificate of Occupancy shall be obtained from the Building Permits Division prior to occupancy, if required. (UBC Section 307)
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect.
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.
7. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the County Planning Department prior to installation.
8. The applicant 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.

9. 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 for any 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.
10. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2009), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2050.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
11. Prior to construction: The developer shall be responsible for contacting the U.S. Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
12. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate streambed alteration agreements permits or authorizations if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
13. 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.

Building Permits Division

14. Development shall comply with current adopted Title 24 California Code of Regulations (Building Codes) and Stanislaus County Title 16 Code.

Stanislaus County Fire Prevention Bureau/Hughson Fire Protection District

15. Prior to issuance of a building permit, project shall comply with current Fire Code requirements. All buildings constructed shall comply with on-site water for fire protection. An approved fire apparatus access road shall be provided. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turn-around.

16. When required by the Fire Code an automatic fire sprinkler system shall be provided.

Environmental Review Committee

17. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of the DER.
18. The applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at a new location or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program that must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

Department of Public Works

19. The recorded parcel map shall be prepared by a licensed land surveyor or a qualified registered civil engineer.
20. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right-of-way shall be relocated onto private property upon the request of the Department of Public Works.
21. All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.

22. Both parcels shall be surveyed and fully monumented.
23. Prior to the issuance of a building permit, the property owners shall sign a Road Easement document that will dedicate sufficient right-of-way to Stanislaus County to provide 55 feet north of the existing centerline of Whitmore Avenue along the parcel frontage containing the processing facility.
24. Prior to the on-set of any work within the County right-of-way, an encroachment permit shall be obtained through the Public Works Department.
25. The applicant shall make road frontage improvements along the entire parcel frontage on Whitmore Road. (The only parcel with the improvements shall be the parcel with the processing facility. The parcel with the orchard is not required to have the improvements installed along the frontages.) These improvements shall include a 12 foot wide paved vehicle lane and a 4 foot wide paved asphalt shoulder. Improvement plans are to be submitted to the Department of Public Works for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications. The plans shall be approved prior to the issuance of any building or grading permit, whichever comes first. The work shall be installed prior to occupancy of any building permit.
26. Prior to issuance of a building or grading permit and after the County Public Works Department has approved the improvement plans, an Engineer's Estimate shall be provided so the amount of the financial guarantee can be determined. This estimate will be based on the County approved street improvement plans.
27. Prior to the issuance of any building or grading permit, a Financial Guarantee in a form acceptable to the Department of Public Works shall be deposited with the department for the street improvement installation along the frontage of the parcel on Whitmore Avenue.
28. A grading and drainage plan will be submitted prior to moving any dirt on-site. This plan will be approved by the Department of Public Works prior to the issuance of a grading permit.
29. All driveways and parking areas shall be paved and double striped per county standards.
30. Any new driveway locations and widths shall be approved by the Department of Public Works.

Turlock Irrigation District (TID)

31. Existing irrigation facilities shall be protected from damage during the construction phases of the proposed project.
32. Prior to recording of the parcel map, irrigation easements shall be dedicated to TID along the Bannister Branch of the Hickman pipeline, which traverses the subject parcels. Dedicated easements shall be shown on the final map. A statement of a Certificate of Acceptance, as shown on the District's October 31, 2008 project comment letter, shall appear on the final map.

33. Prior to recording of the parcel map, the final map shall be reviewed and approved by TID, to ensure Condition of Approval Number 32 has been met.
34. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

35. In accordance with the Valley Air Pollution Control District's Rule 9510 (Indirect Source Review), the applicant shall submit an Air Impact Assessment (AIA) application to the District and pay any applicable off-site mitigation fees prior to issuance of a building permit.
36. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
37. Prior to construction, the applicant shall contact the SJVAPCD to determine if any of the following rules are applicable:
 - Regulation VIII (Fugitive PM10 Prohibitions)
 - Rule 4002 (National Emission Standards for Hazardous Air Pollutants)
 - Rule 4102 (Nuisance)
 - Rule 4601 (Architectural Coatings)
 - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations)

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



CEQA INITIAL STUDY

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

- 1. **Project title:** Use Permit Application No. PLN2017-0133 – Hudelson Nut Company
- 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
- 4. **Project location:** 10665 E. Whitmore Avenue, northeast corner of Sperry Road and E. Whitmore Avenue, in the Hughson area. APNs: 019-018-050 & 019-018-049.
- 5. **Project sponsor’s name and address:** Hudelson Nut Company, Mr. Ben Hudelson
P.O. Box 91
Hughson, CA 95326
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** A-2-40 (General Agriculture)
- 8. **Description of project:**

This is a request to expand an existing almond ~~processing~~**storage** facility, which stores raw and packaged almonds (operating under Use Permit 2003-01 & 2008-12), with the construction of five additional warehouse buildings and one fumigation building, totaling 167,000 square feet, to be constructed in phases. Building No. 8 is proposed to be 45,000 square feet in size and to be constructed by 2019 and to be utilized for the property owner’s personal ag storage. The fumigation building is proposed to be 2,000 square feet in size and to be constructed by 2020. The remaining warehouses are each proposed to be 30,000 square feet in size and to be constructed between 2024 and 2032. Almonds are hulled and shelled at a separate facility located on the northwest corner of Berkeley and Fox Roads. The Whitmore Avenue facility takes in already cleaned almonds from almond producers throughout the region, as well as from the operator. Cleaned almonds arrive at the site and are then sorted and packaged raw within an existing building on-site. The operation proposes to increase their truck trips from 15 per day to 25 per day during the harvest season, which typically falls between August and October/November, and from 6 truck trips per day to 10 truck trips per day during ~~packaging~~**the processing** season, which typically runs between October/November to June. Hours of operation are typically 6 a.m. to 10 p.m., Monday through Saturday; but may extend to 24 hours per day, Monday through Saturday, during the harvest and processing seasons. ~~At full build-out, the project estimates that the total number of employees during a maximum shift will increase from 12 to 17 during the peak season.~~ **The operation currently employs a total of 20 people, including one (1) plant manager, three (3) office staff, and eight (8) people on the day shift and eight (8) people on the second shift. When all phases of the proposed project have been completed the operation will employ a maximum of 24 people, including one plant manager, three (3) office staff, and 10 people on the day shift and 10 people on the second shift. Restroom facilities are proposed to be restricted to on-site employee use only.** A lot line adjustment application is also being pursued in conjunction with this use permit request, which will adjust the project site and the surrounding almond orchard from 40.25 and 11.67 acres in size, to 35.04 and 16.83 acres in size.

- 9. **Surrounding land uses and setting:** Agricultural uses and single-family dwellings.

10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department
 Department of Environmental Resources
 Hughson Fire District
 San Joaquin Valley Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|---|---|
| <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.

 Signature on File
 Signature

March 26, 2018 (as updated on April 26, 2018)
 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: Aesthetics associated with the project site and proposed warehouse structures are not anticipated to change as a result of this project. The proposed structures will be similar in nature to the other structures on-site and will be comprised of metal which is a material consistent with accessory structures in and around the A-2 (General Agriculture) zoning district. Standard Conditions of Approval will be added to this project to address glare from any proposed on-site lighting.

Mitigation: None.

References: Application information and 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 project site is enrolled under the Williamson Act, Contract No. 2001-4433 and has soils classified as Prime Farmland by the Farmland Mapping and Monitoring Program. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the property is made up of Grade 1 Handford sandy loam soils, with an index rating of 95. County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with three principles of compatibility. Those principles state that the proposed use shall not significantly compromise, displace, impair or remove current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Pursuant to Section 21.20.045(B)(3) of the Stanislaus County Zoning Ordinance, Tier One uses are determined to be consistent with the Principles of Compatibility and may be approved on contracted land unless a finding to the contrary is made. This project was referred to the State of California Department of Conservation (DOC). Presently, no response has been received from the DOC.

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

Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of the subject contracted parcel or other contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

Mitigation: None.

References: Stanislaus County Zoning Ordinance; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; NRCS Web Soil Survey; and the Stanislaus County General Plan and Support Documentation¹.

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

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

This is a request to expand an existing almond processing/storage facility with the construction of five additional warehouse buildings and one fumigation building, totaling 167,000 square feet and constructed in phases. The existing facility takes in already cleaned almonds from almond producers throughout the region, as well as from the operator.

Cleaned almonds arrive at the site and are then sorted and packaged raw within an existing building on-site. The operation proposes to increase their truck trips from 15 per day to 25 per day during the harvest season, which typically falls between August and October/November, and from 6 truck trips per day to 10 truck trips per day during the processing/packaging season, which typically runs between October/November to June. At full build-out the project estimates that the total number of employees during a maximum shift will increase from 12 to 17 during the peak season.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California Environmental Protection Agency (EPA) which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies.

The project also proposes the addition of a fumigation building for the purpose of pest management. The Air District requested additional information about the fumigant process via phone call. The applicant provided the Air District a copy of their Fumigation Management Plan, and no additional response was received from the Air District. The Fumigation Management Plan is attached for reference. Conditions of approval will be applied to the project requiring the owner/operator obtain all required permits for the fumigation process, including but not limited to the Air District, Agricultural Commissioner, and Hazardous Materials permit which may be required.

The project will not conflict with, nor obstruct implementation of any applicable air quality plan. An Early Consultation project referral was sent to the SJVAPCD, but no formal response was received. The project will be conditioned to require that all District standards are met.

Based on the project details stated above, no significant impacts to air quality are anticipated.

Mitigation: None.

References: Phone call received from the San Joaquin Valley Air Pollution Control District, dated January 12, 2018; Fumigation Management Plan, dated 2011; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation¹

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or 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 Denair Quad of the California Natural Diversity Database. There are eight plants and animals which are state or federally listed, threatened, or identified as species of special concern within the Denair California Natural Diversity Database Quad. These species include Swainson’s hawk, burrowing owl, riffle sculpin, hardhead, steelhead, chinook salmon, valley elderberry longhorn beetle, and San Joaquin Valley Orcutt grass. The proposed project site is mostly developed with portions of property planted in almond trees making the likelihood that any of these species exist on the site, low. No rivers, creeks, ponds, or open canals exist on the project site.

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. No negative impacts to Biological Resources are anticipated to occur as a result of this project. 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.

Mitigation: None.

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

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

Discussion: This project does not fall under the requirements for tribal consultation of 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 Native American Heritage Commission (NAHC) have contacted the County to request project referrals.

This project has low sensitivity for cultural, historical, paleontological, or tribal resources, due to it being already developed and planted in orchards for many years. It does not appear that this project will result in significant impacts to any archaeological or cultural resources; however, a standard condition of approval will be added to this project to address any discovery of cultural resources during any ground disturbing activities.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			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 USDA NRCS's Eastern Stanislaus County Soil Survey indicates that the soils on the project site are made up of Grade 1 Handford sandy loam soils. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County, subject to significant geologic hazard, are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone, (Seismic Design Category D, E, or F) and a soils test may be required 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. All 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. An Early Consultation Referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project is required, subject to Public Works review and Standards and Specifications. 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.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works dated February 7, 2018; California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element¹.

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

Discussion: This is a request to expand an existing almond processing/storage facility with the construction of five additional warehouse buildings and one fumigation building, totaling 167,000 square feet and constructed in phases. The existing facility takes in already cleaned almonds from almond producers throughout the region, as well as from the operator. Cleaned almonds arrive at the site and are then sorted and packaged raw within an existing building on-site.

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 structures are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). 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 operation proposes to increase their truck trips from 15 per day to 25 per day during the harvest season, which typically falls between August and October/November, and from 6 truck trips per day to 10 truck trips per day during the processing/packaging season, which typically runs between October/November to June. At full build-out the project estimates that the total number of employees during a maximum shift will increase from 12 to 17 during the peak season.

No significant impacts from greenhouse gas emissions occurring as a result of this project are anticipated.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns with hazardous material on the project site. Pesticide exposure is a risk in the agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Applications of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The project site is not located within an airport land use plan or a wildlands area.

The project also proposes the addition of a fumigation building for the purpose of pest management. The Air District requested additional information about the fumigant process via phone call. The applicant provided the Air District a copy of their Fumigation Management Plan, and no additional response was received from the Air District. The Fumigation Management Plan is attached for reference. Conditions of approval will be applied to the project requiring the owner/operator obtain all required permits for the fumigation process, including but not limited to the Air District, Agricultural Commissioner, and Hazardous Materials permit which may be required.

Mitigation: None.

References: Phone call received from the San Joaquin Valley Air Pollution Control District, dated January 12, 2018; Fumigation Management Plan, dated 2011; 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 be obtained/met prior to operation. Conditions of approval will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

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.

~~DER provided a comment letter requesting the applicant request concurrence from the Regional Water Quality control Board that the project site qualifies for a public water system. This will be required as a condition of approval to be satisfied prior to issuance of a building permit.~~ **When all phases of the proposed project have been completed, the operation will employ a maximum of 24 people, including one plant manager, three (3) office staff, and 10 people on the day shift and 10 people on the second shift. Based on the proposed number of maximum number of employees on-site this project does not qualify as a public water system. However, it may be subject to obtaining a public water system permit, if the number of employees is increased in the future. As requested by the Department of Environmental Resources, the project will include a condition of approval to require a public water system permit be obtained through the Stanislaus Department of Environmental Resources (DER) if the operation ever modifies their operations in such a way that they qualify as a public water system, under Section 116275(h) of the California Health and Safety Code. A condition of approval will also be applied to the project requiring that restrooms be restricted to on-site employee use only.**

DER also regulates the issuance of new well permits. Groundwater extraction is subject to compliance with the West Turlock Subbasin Groundwater Sustainability Agency’s Groundwater Sustainability Management Plan, when it is adopted.

Mitigation: None.

References: **Email from the Department of Environmental Resources, dated April 9, 2018;** Referral response received from the Department of Environmental Resources on December 29, 2017 and March 21, 2018; Referral responses received from the Central Valley Regional Water Quality Control Board on December 29, 2017; Stanislaus County General Plan and Support Documentation¹

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

Discussion: The proposed use is considered a Tier One use, which are those uses closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses may be allowed when the Planning Commission finds that:

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

The facility was originally permitted for an almond processing storage facility under Use Permit No. 2003-01, Use Permit 2008-12, and Parcel Map No. 2008-14. With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed expansion of this existing facility will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Tier One uses are an important component of the agricultural economy in Stanislaus County. There is no indication this project will interfere or conflict with other agricultural uses in the area.

The proposed use will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any adopted land use plan, policy, or regulation of any agency with jurisdiction over the project.

Mitigation: None.

References: Title 21 of the County Code; 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 have been mapped by the State Division of Mines and Geology in Special Report 173 (and portions of Special Report Nos. 91-03, 160, and 199 include Stanislaus County). There are no known significant resources on the site.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise			X	

levels in the project vicinity above levels existing without the project?				
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: A temporary noise increase will be associated with construction of the new structures. There is no indication that approval of this project will result in a permanent increase in ambient noise levels. The proposed structures will be utilized primarily for the storage needs of the almond facility, and as such, no additional noise is anticipated.

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.

Mitigation: None.

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

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

Parks?				X
Other public facilities?			X	

Discussion: The County has adopted Public Facilities Fees, as well as a Fire Facility Fee 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.

This project was circulated to all applicable school, fire, police, irrigation, and applicable special districts during the Early Consultation Referral period, and no concerns were identified with regard to public services.

Mitigation: None.

References: 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: 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			X	

regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				
--	--	--	--	--

Discussion: This is a request to expand an existing almond processing storage facility with the construction of five additional warehouse buildings and one fumigation building, totaling 167,000 square feet and constructed in phases. The existing facility takes in already cleaned almonds from almond producers throughout the region, as well as from the operator. Cleaned almonds arrive at the site and are then sorted and packaged raw within an existing building on-site. The operation proposes to increase their truck trips from 15 per day to 25 per day during the harvest season, which typically falls between August and October/November, and from 6 truck trips per day to 10 truck trips per day during the processing packaging season, which typically runs between October/November to June. At full build-out, the project estimates that the total number of employees during a maximum shift will increase from 12 to 17 during the peak season.

The project was referred to Stanislaus County’s Department of Public Works, who responded with conditions of approval that require 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 conditions of approval.

Mitigation: None.

References: Application information, Referral response from the Stanislaus County Public Works Department, dated February 7, 2018; and the Stanislaus County General Plan and Support Documentation¹

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

Discussion: Limitations on providing services have not been identified. The site will be served by private well, septic system, and on-site drainage. A referral response from the Department of Public Works requires that they review and approve a grading and drainage plan prior to issuance of any building permit. Conditions of approval shall be added to the project to reflect this requirement. On-site septic and well infrastructure will be reviewed by DER for adequacy through the building permit process. No new wells are proposed as part of this project. 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.

DER provided a comment letter requesting the applicant request concurrence from the Regional Water Quality control Board that the project site qualifies for a public water system. This will be required as a condition of approval to be satisfied prior to issuance of a building permit. **When all phases of the proposed project have been completed the operation will employ a maximum of 24 people, including one plant manager, three (3) office staff, and 10 people on the day shift and 10 people on the second shift. Based on the proposed number of maximum number of employees on-site this project does not qualify as a public water system. However, it may be subject to obtaining a public water system permit, if the number of employees is increased in the future. As requested by the Department of Environmental Resources, the project will include a condition of approval to require a public water system permit be obtained through the Stanislaus Department of Environmental Resources (DER) if the operation ever modifies their operations in such a way that they qualify as a public water system, under Section 116275(h) of the California Health and Safety Code. A condition of approval will also be applied to the project requiring that restroom be restricted to on-site employee use only.**

A referral response received from the Turlock Irrigation District requested grading and building plans be submitted to them for review and approval. In addition, the District requested that a berm be installed along any adjoining irrigated ground to prevent irrigation water run-off. These comments will be reflected in the project as conditions of approval.

Mitigation: None.

References: Email from the Department of Environmental Resources, dated April 9, 2018; Referral response from the Stanislaus County Department of Public Works dated February 7, 2018; Referral response received from the Department of Environmental Resources on December 29, 2017 and March 21, 2018; Referral response received from the Turlock Irrigation District on December 22, 2017; 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.

Mitigation: None.

References: Initial Study; Stanislaus County General Plan and Support Documentation¹

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

PROJECT'S DESCRIPTION AND FINDINGS

April 3, 2018

Project:

Title: _____ALMOND PROCESSING FACILITY
Owner: ___HUDELSON FAMILY 1998 TRUST_
Jobsite: ___10665 E. WHITMORE AVE., HUGHSON, CALIFORNIA
Assessor's Parcel Number: __Bk 019, Pg 18, PARCEL 50
Jurisdiction: STANISLAUS COUNTY; PRIOR USE PERMIT UP-2003-01; UP-2008-12
ADG's Project No. 17052

This application is for the expansion of an existing almond processing facility, (storage of raw and packaged almonds), located at 10665 E. Whitmore Ave., Hughson, Ca (Assessor's Parcel Number: __Bk 019, Pg 18, PARCEL 50). Prior use permits are UP 2003-01 & UP-2008-12. The project is located in an agricultural district with current zoning of A-2-40. The property owner, Hudelson Family 1998 Trust, is requesting a (6) building expansion over (15) years.

Please note that the proposed property lines are in compliance with the Lot Line Adjustment Application that is being submitted / processed simultaneously with this Use Permit Application.

The owner proposes this expansion of an existing almond processing facility which packages and stores almonds grown in the surrounding area. Shelling and hulling activities are conducted at a nearby site. The operation of this facility is consistent with providing for a healthy agricultural economy and is not detrimental (does not conflict) to agricultural use of other property in the vicinity. This expansion will not create a concentration of commercial /industrial uses in the area's vicinity. Furthermore, both the existing and proposed facilities are consistent with the county's general plan and with an agricultural service establishment.

The surrounding area consists of farms and ranches varying in size along with single-family dwellings and farm buildings. Neighboring farm activities represent a combination of pasture, row crops and tree crops. The proposed growth is not expected to have any significant impact or interference on neighboring adjacent agricultural operations.

The harvest season generally runs annually between the months of August 1ST through November 1ST. The packaging schedule generally runs annually between October 1ST through June 15TH. Cleaned almonds arrive at the site and are then sorted and packaged raw within existing buildings on site. All equipment and supplies are housed within buildings, however temporary storage of these items outside the buildings may occur from time-to-time.

Reconfirming 10/26/17 phone conversation with Ms. Rachel Wyse, Associate Planner; the project's Use Permit is a Tier 1; to which it is exempt from the BUFFER SETBACK condition.

In addition, please note the following;

**HARVEST SCHEDULE IS BETWEEN AUGUST 1 TO NOVEMBER 1.
PROCESSING SCHEDULE IS BETWEEN OCTOBER 1 TO JUNE 15.**

1. TRUCK TRAFFIC IS ESTIMATED AS FOLLOWS;

Present;

Harvest Schedule;

Max (450) Trailer Trucks of Deliveries.

Max (15) Trailer Trucks per Day of Deliveries.

Processing Schedule;

Max (450) Trailer Trucks of Shipping.

Max (6) Trucks per Day of Shipping.

Proposed;

Harvest Schedule;

Max (650) Trailer Trucks of Deliveries.

Max (25) Trailer Trucks per Day of Deliveries.

Processing Schedule;

Max (625) Trailer Trucks of Shipping.

Max (10) Trucks per Day of Shipping.

**2. Hours of Operation Is Estimated As Follows; 24 hours a day,
Monday thru Saturday.**

3. Total Site Employees Is Estimated As Follows;

Present; Hudelson Nut Company employs a total of 20 people. This includes 8 people on the day shift, 8 people on the second shift, one plant manager and 3 office staff.

Proposed; Hudelson Nut Company expects that the maximum employees for the total build out of the facility is to not exceed a total of 24 people. This includes 10 people on the day shift, 10 people on the second shift, one plant manager and 3 office staff. Please note that restroom facilities are for employees only, no trucker permitted within the facility.

4. Facility Customers Are Estimated As Follows;
None Expected.

5. Construction Schedule and Usage Are As Follows;

Building	Use	Area	Year	Occupancy/Capacity
*Building 8	Agricultural	45,000SqFt	2018	0
Building 9	Fumigation	2,000SqFt	2020	4
Building 10	Warehouse	30,000SqFt	2024	60
Building 11	Warehouse	30,000SqFt	2028	60
Building 12	Warehouse	30,000SqFt	2030	60
Building 13	Warehouse	30,000SqFt	2032	60
*Building 8	Warehouse	<u>N/A</u>	2032	90
		167,000SqFt		

*Note; Building #8 is to be utilized as an Agricultural usage when constructed, and be converted to Warehouse usage at a later date.

USE PERMIT ANALYSIS

Dated 02/26/18

Reference; UP-2003-01
 UP-2008-12 & TPM-2008-14
 SAA-2012-18
 SAA-2013-0038

Please note the following items;

- 1) UP-2008-12 addressed the following;
 - A) 45,640 square feet of existing Buildings #1, #2 & #3.
 - B) 46,500 square feet of proposed Buildings, to which 56,140 square feet of Buildings #4 & #5 were constructed.

- 2) SAA-2012-18 addressed the following proposed growth;
 - A) 3,549 square feet of proposed Building #6.

- 3) SAA-2013-0035 addressed the following proposed growth;
 - A) 1,280 square feet of proposed Building #7.

- 4) The present EXISTING conditions under the above permits are as follows;
 - A) 106,509 square feet of existing buildings.

- 5) The project's proposed 15 year growth is as follows;
 - A) 167,000 square feet of proposed additional buildings.

Building	Use	Area	Year	Occupancy/Capacity
*Building 8	Agricultural	45,000SqFt	2018	0
Building 9	Fumigation	2,000SqFt	2020	4
Building 10	Warehouse	30,000SqFt	2024	60
Building 11	Warehouse	30,000SqFt	2028	60
Building 12	Warehouse	30,000SqFt	2030	60
Building 13	Warehouse	30,000SqFt	2032	60
*Building 8	Warehouse	N/A	2032	90
		167,000SqFt		

*Note; Building #8 is to be utilized as an Agricultural usage when constructed, and be converted to Warehouse usage at a later date.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

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

Building Phone: (209) 525-6557 Fax: (209) 525-7759

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2017-0133 – Hudelson Nut Company

LOCATION OF PROJECT: 10665 E. Whitmore Avenue, northeast corner of Sperry Road and E. Whitmore Avenue, in the Hughson area. APN: 019-018-050 & 019-018-049.

PROJECT DEVELOPERS: Hudelson Nut Company, Mr. Ben Hudelson
P.O. Box 91
Hughson, CA 95326

DESCRIPTION OF PROJECT: Request to expand an existing almond processing facility, which stores and packages raw almonds, with the construction of five additional warehouse buildings and one fumigation building, totaling 167,000 square-feet to be constructed in phases.

Based upon the Initial Study, dated **March 26, 2018(as updated on April 26, 2018)**, 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: USE PERMIT APPLICATION NO. PLN2017-0133 - HUDELSON NUT COMPANY

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITION:			
	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	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	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 RWQCB DRINKING WATER DIV #10		X			X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: HUGHSON FIRE	X	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: HUGHSON UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS			X	X				X		X		X
TELEPHONE COMPANY: AT&T	X	X	X		X							