

STANISLAUS COUNTY PLANNING COMMISSION

August 2, 2018

STAFF REPORT

USE PERMIT APPLICATION NO. PLN 2017-0113
ROSSINI HULLER

REQUEST: TO OPERATE A WALNUT HULLING, DRYING, AND STORAGE FACILITY ON A 35.7± ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant	Giuseppe Rossini
Property owner:	Albert Rossini, LTD
Agent:	Norman Wilson, Wilson Architecture
Location:	5261 Highway 108, between Walker Road and Mondo Lane, in the Oakdale area.
	17-2-10
Section, Township, Range:	District One (Supervisor Olsen)
Supervisorial District:	062-002-006
Assessor's Parcel:	See Exhibit F - Environmental Review Referrals
Referrals:	35.7± acres
Area of Parcel(s):	Private well
Water Supply:	Private septic system
Sewage Disposal:	Agriculture
General Plan Designation:	A-2-40 (General Agriculture)
Existing Zoning:	N/A
Sphere of Influence:	N/A
Community Plan Designation:	1972-0696
Williamson Act Contract No.:	Negative Declaration
Environmental Review:	Single-family dwelling, accessory structures, ranch fueling area, and walnut orchard.
Present Land Use:	Orchards/row crops with scattered single-family dwellings and ranchettes surround the parcel. The Stanislaus River is located to the north; Highway 108 borders the site to the south; The City of Oakdale is located approximately 0.71± miles to the east.
Surrounding Land Use:	

RECOMMENDATION

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

PROJECT DESCRIPTION

This is a request to operate a walnut hulling, drying, and storage facility on a 35.7± acre parcel, in the A-2-40 (General Agriculture) zoning district. The site was previously developed as a walnut hulling and drying facility; however, the equipment associated with the operation was destroyed. This use permit request will allow the walnut hulling, drying, and storage operation to be re-established. This request includes the construction of a 33,133± square-foot walnut huller and dryer building, with plans for a future 15,000± square-foot warehouse, and 8,000± square-foot maintenance structure. (See Exhibit B – *Maps*.) The walnuts will be hulled, dried, and placed into storage until transferred off-site to be shelled and processed.

Walnut operations vary by season with the harvesting season typically occurring between September and November and the non-harvest season lasting approximately nine months in which the huller is shut down and only maintenance and routine farming of the orchard occur. The project proposes to operate between the hours of 7 a.m. to 5 p.m. daily, including a maximum of four employees, during the non-peak season; and to operate 24-hours a day, including a maximum of ten employees and ten trucks arriving and departing per day, during the harvest season for the huller and dryer operations.

SITE DESCRIPTION

The site is located at 5261 Highway 108, between Walker Road and Mondo Lane, west of the City of Oakdale (see Exhibit B – *Maps*). The existing 35.7± acres parcel is improved with a walnut orchard, single-family dwelling, accessory structures (detached garage with office, shop, barns), and ranch fueling area. The site receives water from a private well and irrigation water from the Oakdale Irrigation District.

Orchards and row crops with scattered single-family dwellings and ranchettes surround the parcel. The Stanislaus River is located to the north, and Highway 108 borders the site to the south. The City of Oakdale is located approximately 0.71± miles east of the project site, outside of the Local Agency Formation Commission (LAFCO) adopted sphere of influence.

ISSUES

The following issue has been identified as part of the review of the project:

The proposed project was referred to the California Department of Transportation (Caltrans) who requested a left turn lane be installed to address safety and operations concerns with trucks turning into and out of the proposed huller facility from Highway 108. Preliminary plans complying with this request were submitted by the applicant for Caltrans to review. Caltrans responded with a request that prior to issuance of a building permit, Caltrans review the improvement plans to verify that they meet their standards and that an encroachment permit be obtained prior to any work being completed. These requirements have been added as conditions of approval to the project.

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 land use, but also 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 low people intensive Tier one and Tier two uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities), which do not serve the general public, shall not be subject to compliance with these guidelines. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low people intensive."

The huller, drying and storage operations under maximum conditions will operate with ten employees. The operation as a whole is considered to be consistent with a low people intensive Tier one agriculture use in the A-2 zoning district and therefore, not subject to the agriculture buffer guidelines. The impact to 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 which are closely related to agriculture, 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. 1972-0696. County Code Section 21.20.045 specifies that, in compliance with Government Code Section 51238.1, 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 and conditions of approval, there is no indication that, under the circumstances of this particular case, the hulling, drying and storage 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 Exhibit F - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval prior to action on the use permit itself as the project will not have a significant effect on the environment. (See Exhibit E - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,337.75** 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: Denzel Henderson, Assistant Planner, (209) 525-6330

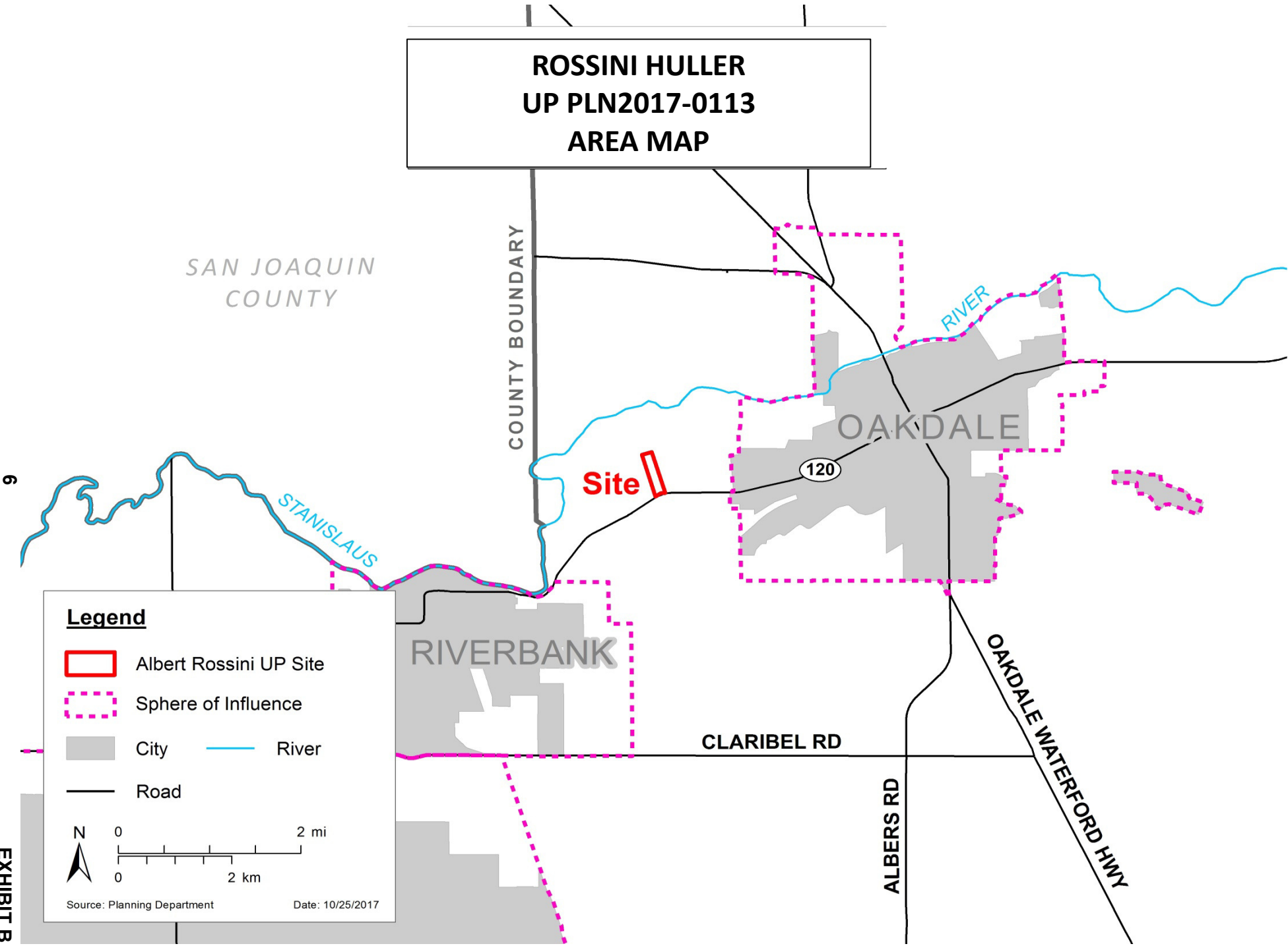
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referral

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the 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.
 - (c) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - (d) 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.
 - (e) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
 - (f) That the proposed Tier one use is "low-people intensive" and not subject to the agricultural buffer.
 - (g) That the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements
4. Approve Use Permit Application No. PLN2017-0113 – Rossini Huller subject to the attached Conditions of Approval.

ROSSINI HULLER UP PLN2017-0113 AREA MAP



Legend

- Albert Rossini UP Site
- Sphere of Influence
- City
- River
- Road

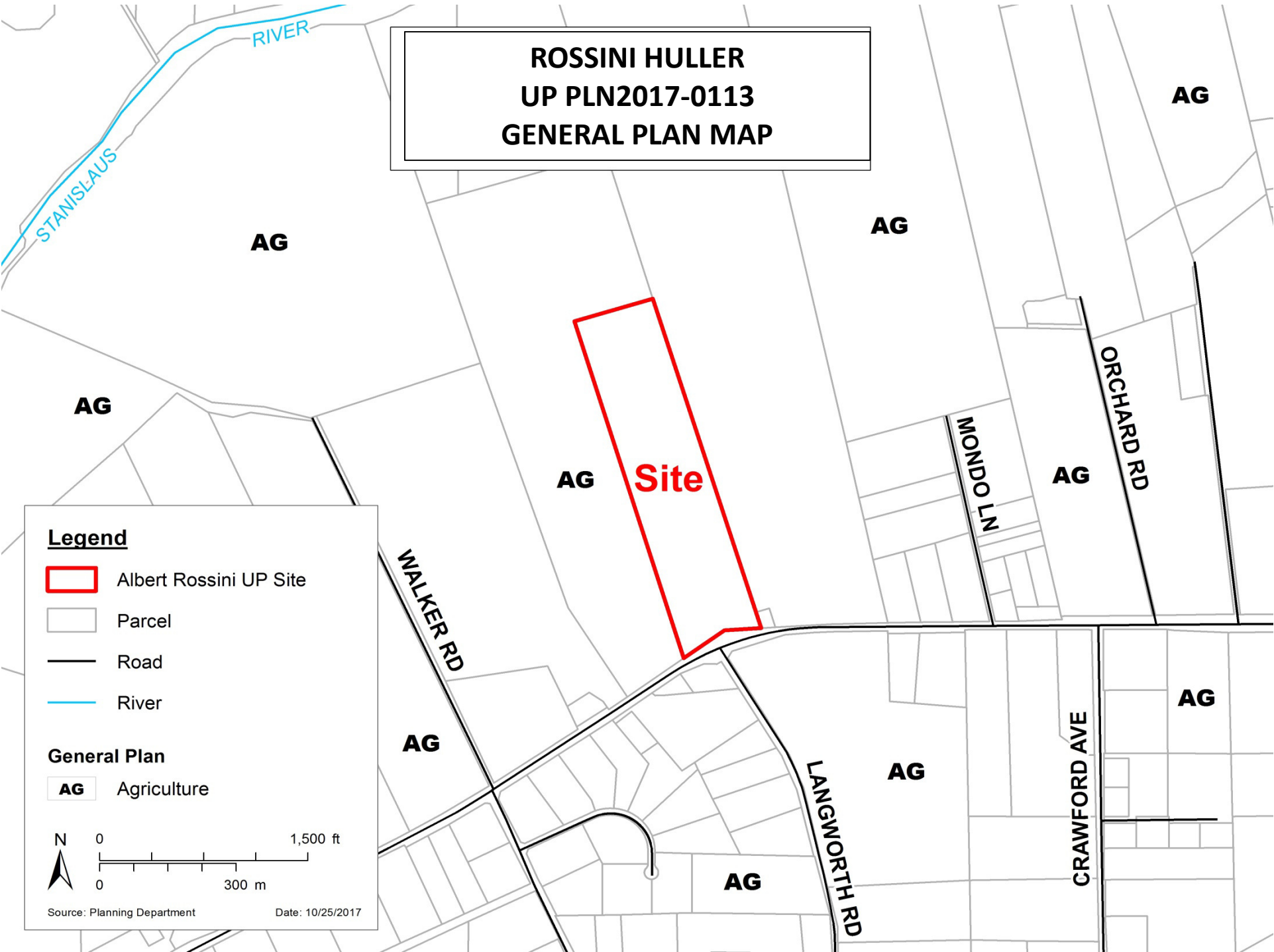
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Source: Planning Department Date: 10/25/2017

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EXHIBIT B

**ROSSINI HULLER
UP PLN2017-0113
GENERAL PLAN MAP**

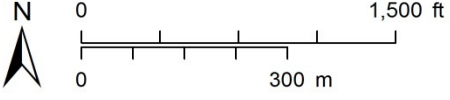


Legend

-  Albert Rossini UP Site
-  Parcel
-  Road
-  River

General Plan

-  Agriculture

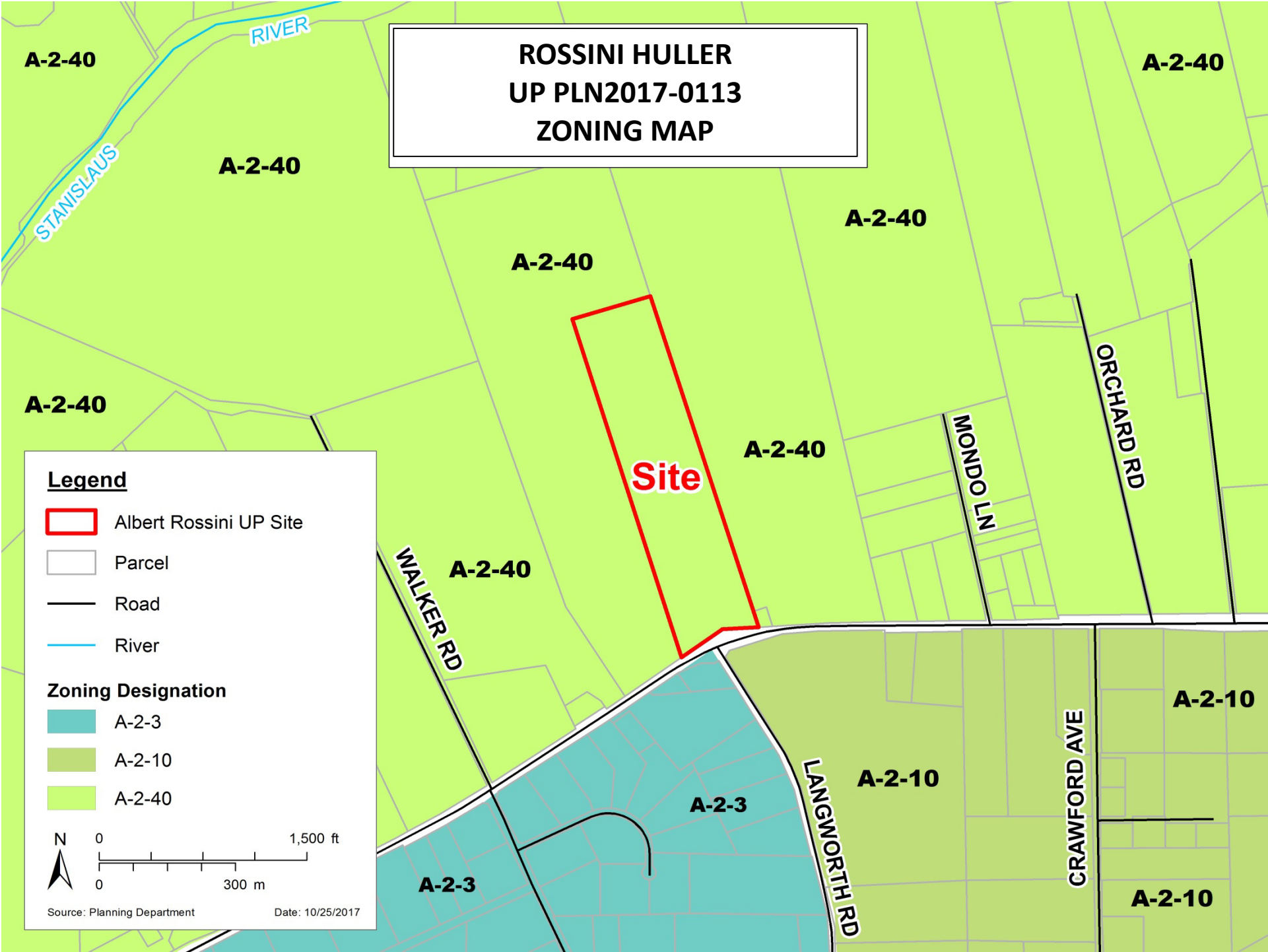


Source: Planning Department Date: 10/25/2017

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EXHIBIT B-1

**ROSSINI HULLER
UP PLN2017-0113
ZONING MAP**



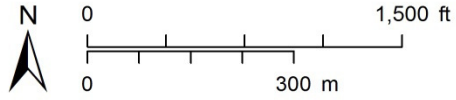
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Legend

- Albert Rossini UP Site
- Parcel
- Road
- River

Zoning Designation

- A-2-3
- A-2-10
- A-2-40



Source: Planning Department Date: 10/25/2017

EXHIBIT B-2

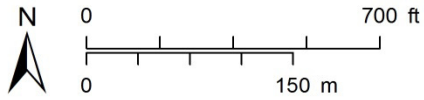
**ROSSINI HULLER
UP PLN2017-0113
2015 AERIAL MAP**



Legend

 Albert Rossini UP Site

 Road



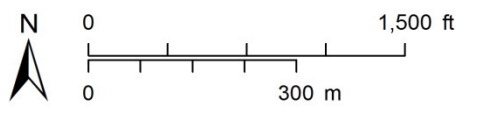
Source: Planning Department Date: 10/25/2017

**ROSSINI HULLER
UP PLN2017-0113
2015 AERIAL MAP**

Site

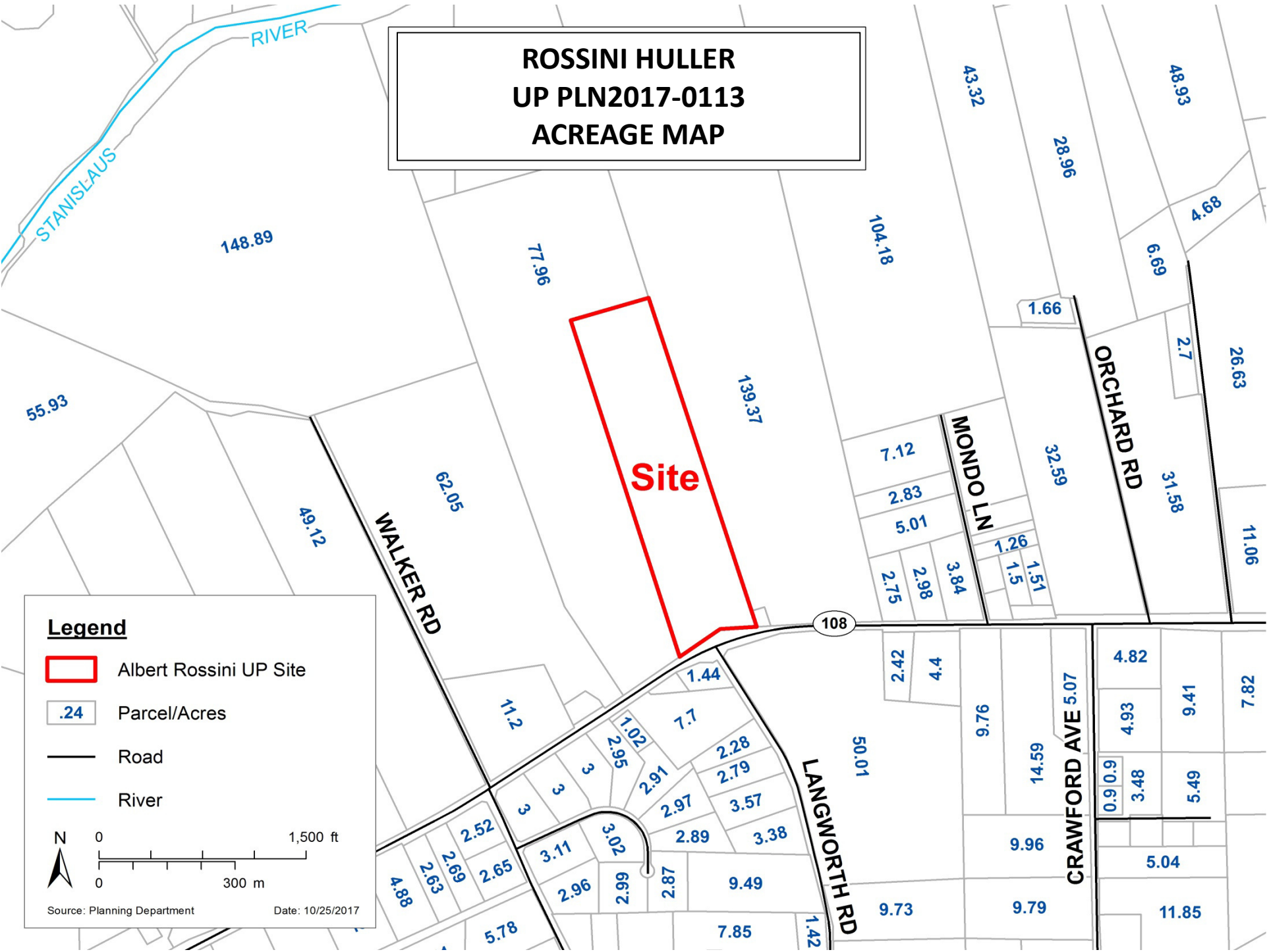
Legend

-  Albert Rossini UP Site
-  Road
-  River



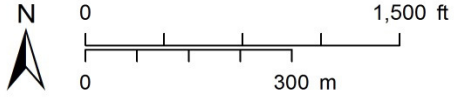
Source: Planning Department Date: 10/25/2017

**ROSSINI HULLER
UP PLN2017-0113
ACREAGE MAP**



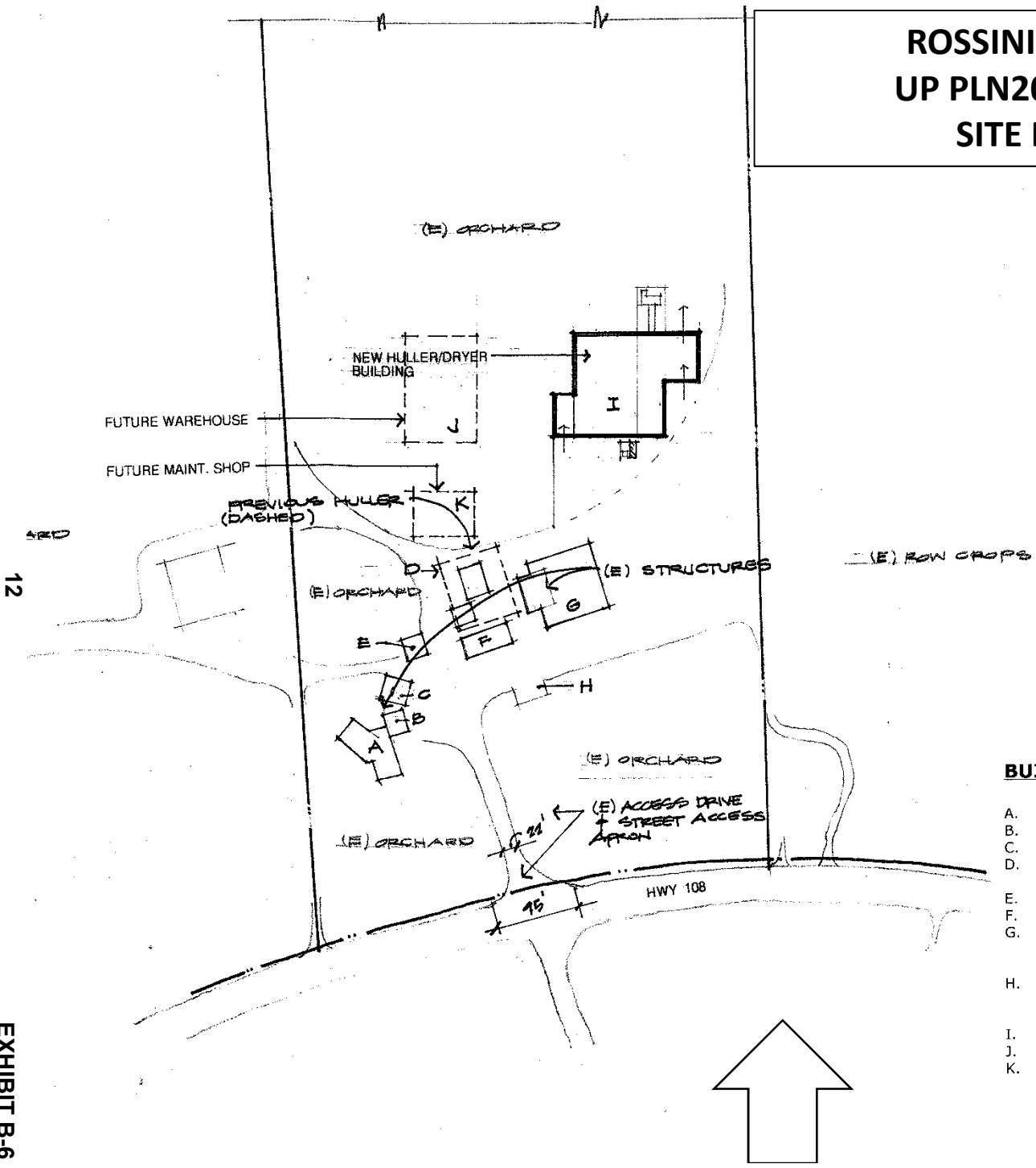
Legend

-  Albert Rossini UP Site
-  Parcel/Acres
-  Road
-  River



Source: Planning Department Date: 10/25/2017

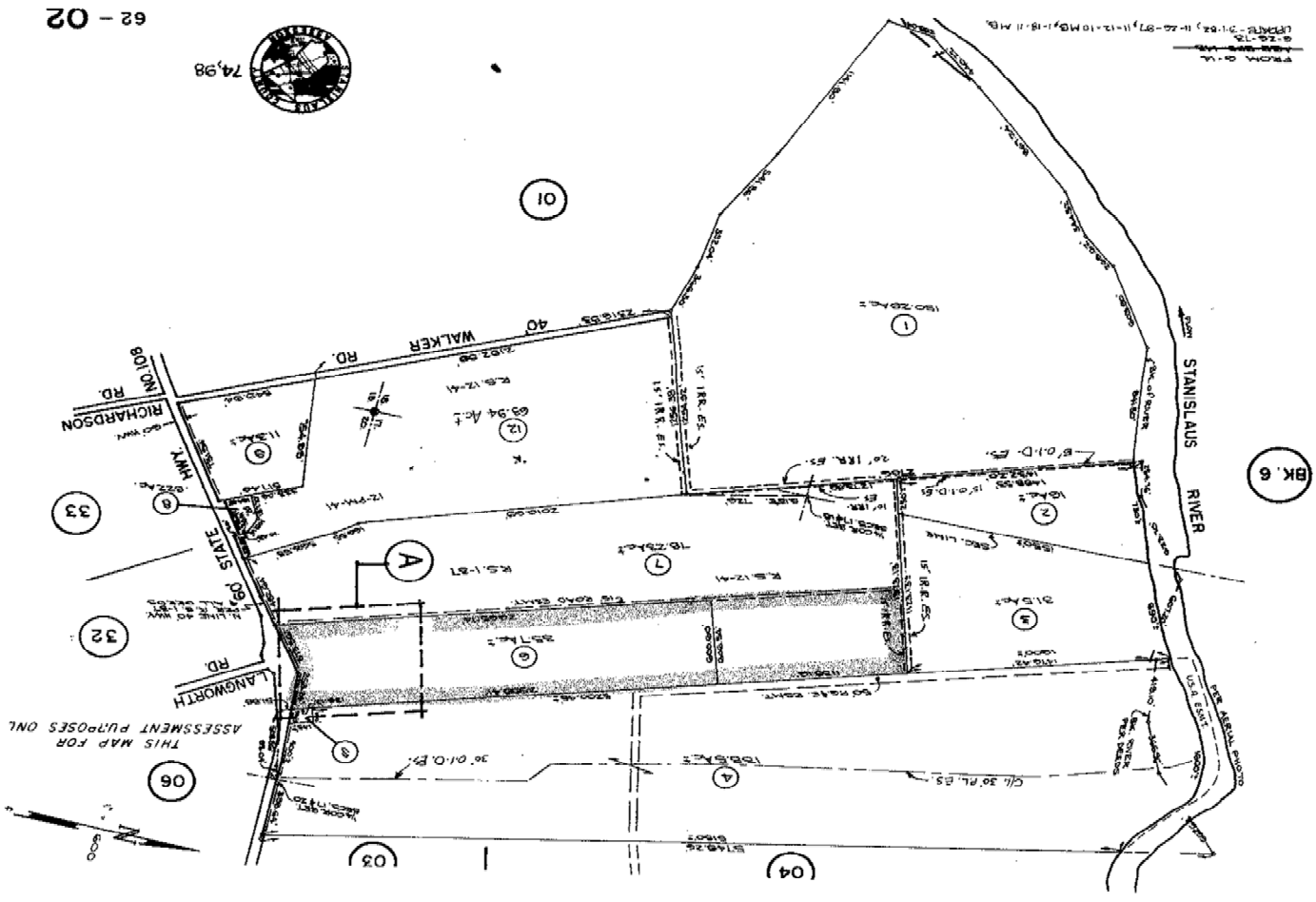
ROSSINI HULLER UP PLN2017-0113 SITE PLAN



BUILDING LEGEND

A.	(E) RESIDENCE	2,200 sf	(Irregular shape 30' x 73.3')
B.	(E) GARAGE	600 sf	(20' x 30')
C.	(E) RANCH OFFICE	1,000 sf	(30' x 33.5')
D.	(E) HULLER/DRYER (DESTROYED BY FIRE)	4,500 sf	(70' x 64.3')
E.	(E) SHOP	800 sf	(25' x 32')
F.	(E) BARN	1,200 sf	(22' x 36.4')
G.	(E) BARN	6,000 sf	(65' x 92')
		16,300 sf	
H.	(E) RANCH FUEL AREA/TANKS		
I.	PROPOSED (N) HULLER/DRYER	33,133 sf	(See submitted plan)
J.	FUTURE PROPOSED WAREHOUSE	15,000 sf	(100' x 150')
K.	FUTURE PROPOSED SHOP	8,000 sf	(80' x 100')

FROM O.V.
TAX MAP
6-12-75
LEADS: 21-82, 11-22-87, 11-12-10MB, 11-11 MB.



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LOCATION MAP
SCALE: 1" = 600'

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.PLN2017-0113 ROSSINI HULLER

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. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
9. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
10. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
11. 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.
12. Noise levels associated with Huller/Dryer operation shall not exceed the maximum allowable noise levels as set forth in the Stanislaus County Code or the Stanislaus County General Plan. In the event of a verified noise complaint, being received by Stanislaus County, the property owner/operator shall be responsible for the preparation of a noise study, to be conducted by a certified noise consultant approved by the Stanislaus County Planning Director, and for the implementation of any resulting mitigation measures required to reduce noise to allowable levels. A noise study shall be completed and submitted to Stanislaus County Planning Department within 60-days of written notice of the need to prepare a noise study being delivered to the property owner/operator.

Department of Public Works

13. Prior to the issuance of any building or grading permit for the property, State Route 108 frontage shall be offered to Stanislaus County as an Irrevocable Offer of Dedication. State Route 108 is classified as a 110-foot Minor Arterial. The required 112 width of State Route 108 is 55 feet north of the centerline of the roadway.

14. Prior to issuance of a building or grading permit, a grading, drainage, and erosion/sediment control plan for the project site shall be submitted. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - A. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - B. The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan shall be provided prior to the approval of any grading, if applicable.
 - C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the 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 of the grading permit 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(DER)

15. The applicant should contact the Department of Environmental Resources (DER) 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 new or the modification of an existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 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 which 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 relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to the DER.

- 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 for determination if they are regulated under the Medical Waste Management Act.

Building Permits Division

- 16. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
- 17. Agricultural Storage and Hulling Facilities shall be classified in accordance to their use and occupancy as per the most current adopted code at the time of the application submittal date.
- 18. Permanent on-site restrooms for employees are required. Additional Restrooms for a U-3 huller/dryer occupancy may be portable variety with hand wash station and must be on-site during seasonal operational periods. They must be within 200-feet of the huller per American National Standards Institute (ANSI Z4-2005).

Oakdale Irrigation District(OID)

- 19. An Encroachment Permit shall be obtained from the OID Board of Directors prior to any improvements in the OID right-of-way.

California Department of Transportation (Caltrans)

- 20. Prior to issuance of a building permit, a left turn lane shall be constructed, in accordance with guidance from the American Association of State Highway Transportation Officials (AASHTO) and "Guidelines for Reconstruction of Intersections", to help maintain the safety and operations of the highway. Truck turn templates, which meet Caltrans standards, shall be prepared by a qualified traffic engineer. An Encroachment Permit shall be obtained prior to any work within the State Right-of-Way.

San Joaquin Valley Air Pollution Control District(SJVAPCD)

- 21. Prior to issuance of a building permit, or installation of equipment that controls or may emit air contaminants, including but not limited to emergency internal combustion engines, boilers, and baghouses, an Authority to Construct (ATC) for the hulling and drying operation shall be obtained through the District, as the District has determined that this project is subject to District Rule 2201 (New and Modified Stationary Source Review Rule) or District Rule 2010 (Permits Required). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.
- 22. The proposed Project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor

exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1_ruleslist.htm.

Central Valley Regional Water Quality Control Board(CVRWQCB)

23. 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.
24. 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~~.*



CEQA INITIAL STUDY

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

- 1. **Project title:** Use Permit Application No. PLN2017-0113
Rossini Huller
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Denzel Henderson, Assistant Planner
(209)-525-6330
- 4. **Project location:** 5261 Hwy 108, between Walker Road and
Mondo Lane, in the Oakdale area.
APN: 062-002-006.
- 5. **Project sponsor's name and address:** Giuseppe Rossini
5261 Hwy 108
Oakdale, CA 95361
- 6. **General Plan designation:** AG (Agriculture)
- 7. **Zoning:** A-2-40 (General Agriculture)
- 8. **Description of project:**

This is a request to permit a walnut hulling, drying, and storage facility on a 35.7± acre property improved with a walnut orchard, single-family dwelling, accessory structures (detached garage with office, shop, barns), and ranch fueling area. The site was established as a legal nonconforming (LNC) walnut hulling and drying operation; however, the equipment associated with the LNC operation was destroyed and their LNC status expired, thereby requiring a use permit to establish a new walnut hulling, drying, and storage operation. This request includes the construction of a 33,133± square-foot walnut huller and dryer building, with plans for a future 15,000± square-foot warehouse, and 8,000± square-foot maintenance structure. The walnuts will be hulled, dried, and placed into storage until transferred off-site to be shelled and processed.

The walnut operation will employ up to ten employees and will operate between the hours of 7 a.m. to 5 p.m. daily for the farming operation, and 24-hours a day during harvest season for the huller and dryer operations. A maximum of ten trucks will be arriving and departing per day. Walnut operations vary by season with the harvesting season typically occurring between September and November and the non-harvest season lasting approximately nine months in which the huller is shut down and only maintenance of the orchard occur.

- 9. **Surrounding land uses and setting:** Orchards/row crops with scattered single-family dwellings and ranchettes surround the parcel. Stanislaus River is located to the north, and Highway 108 borders the site to the south. The City of Oakdale is located approximately .71 miles east of the project site.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Environmental Resources
Department of Public Works
Oakdale Irrigation District
Department of California Transportation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|---|---|
| <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

June 4, 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: This is a request to permit a walnut hulling, drying, and storage facility on a 35.7± acre property, which is currently improved with a walnut orchard, a single-family dwelling, accessory structures (detached garage, office, shop, barns), and ranch fueling area. This request includes the construction of three new structures for walnut hulling, drying, and storage operations. The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agriculture. Standard conditions of approval will be added to the project requiring all existing and new exterior lighting, installed for the benefit of the huller operation to be pointed down towards the site and shielded so as to provide adequate illumination without glare effect and to prevent light spillage onto neighboring properties. With this condition of approval in place, aesthetic impacts associated with lighting, glare, and nightglow are considered to be less than significant.

Mitigation: None

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

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

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

Discussion: The project site is enrolled in Williamson Act Contract No. 1972-0696 and the majority of the site is classified by the Farmland Mapping and Monitoring Program as Prime Farmland, with a small portion of the site identified as Unique Farmland. Storie Index ratings ranging between 80-100 and Grade I and II soils are considered to be prime farmland. The majority of the project site is classified as “prime” soil. Approximately 80 percent of the site is occupied by Grangeville very fine sandy loam, which is grade one with a storie index of 85, and Handford very fine sandy loam, which is grade one with a storie index of 90. While slightly over 20 percent of the project site includes soils made up of Oakdale sandy loam, which is grade one with a storie index of 90, and Terrace escarpments, which are grade 6 and storie index less than 5. The site is currently developed with a walnut orchard, an existing single-family dwelling, and several detached accessory structures. This request is to construct three new structures for the operation of a walnut hulling, drying, and storage located within the A-2 (General Agricultural) zoning district. The site is surrounded by ranchettes, walnut orchards and agriculture production ranging in size from 78± to 138± acres.

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. This project is considered to be a Tier one use, which are uses that are closely related to agriculture and are necessary for a healthy agricultural economy. 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.

The Agricultural Element of The County’s General Plan has incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, which exempted non-people intensive Tier 1 and 2 uses from the County’s ag buffer requirements. 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.

This project will have no impact to forest land or timberland.

Mitigation: None

References: Stanislaus County Zoning Ordinance; State of California Department of Conservation California Important Farmland 2016; California Government Code; United States Department of Agricultural Soil Survey; Application information; 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 is located in the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner-burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin-wide programs and policies to prevent cumulative deterioration of air quality within the basin.

The applicant estimates that there will be a maximum of ten employees per day and an additional ten truck trips which under maximum conditions would result in a total of 20-vehicle trips and 20-truck trips (ten employees and vehicle departing and arriving once a day). This falls below the SJVAPCD District's threshold of significance and no significant impacts to air quality are anticipated. This project has been referred to SJVAPCD, but no response has been received to date.

Mitigation: None

References: Application information; San Joaquin Valley Air Pollution Control District's - Small Project Analysis Level (SPAL) Guidance -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 Escalon Quad of the California Natural Diversity Database. There are five plants and animals which are state or federally listed, threatened, or identified as species of special concern within the Escalon California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson's hawk, steelhead (Central Valley DPS), valley elderberry longhorn beetle, and Greene's tuctoria. The proposed project site is mostly developed with walnut trees and accessory structures making the likelihood that any of these species exist on the project site low. Although the Stanislaus River is located approximately one-half mile north of the project site, 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 California Natural Diversity Database; Application information; and the Stanislaus County General Plan and Support Documentation¹

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

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project was referred to the Native American Heritage Commission (NAHC), and a standard letter addressing AB52 and SB18 requirements was received. The Early Consultation for this project was referred to the tribal contacts provided by the NAHC, although the project does not fall under either AB 52 or SB 18, as it is not a General Plan or Specific Plan Amendment, and none of the tribes listed by the NAHC have contacted the County to request project referrals. No tribal responses were received. The site is currently improved with a single-family dwelling, detached garage, ranch office, shop, two barns, ranch fueling area and walnut orchard. A condition of approval will be placed on the project which requires that if any cultural resources are found during construction, construction activities will halt and a qualified archaeologist will evaluate the resources.

Mitigation: None

References: Native American Heritage Commission referral response November 30, 2017; and the Stanislaus County General Plan and Support Documentation¹

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			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 Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the soils on the project site are made up of mostly Hanford fine sandy loam and Grangeville very fine sandy loam, with a small portion of Oakdale sandy loam and Terrace escarpments. As contained in the Safety Element of the General Plan, the areas of the County subject to significant geologic hazards are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency.

Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. 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. With conditions of approval regarding these standards applied to the project, no impacts to geology and soils are anticipated.

Mitigation: None

References: California Building Code; Referral response from the Department of Public Works, dated January 22, 2018; Application information; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). 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 applicant estimates that there will be a maximum of ten employees per day and an additional ten truck trips which under maximum conditions would result in a total of 20-vehicle trips and 20-truck trips (ten employees and vehicle departing and arriving once a day). This falls below the SJVAPCD District’s threshold of significance and no significant impacts to air quality are anticipated. This project has been referred to SJVAPCD, but no response has been received to date.

Any development must comply with Title 24 Building Code Regulations which include measures for energy-efficient buildings that require less electricity and reduce fuel consumption, which in turn decreases GHG emissions.

Mitigation: None

References: Application information; San Joaquin Valley Air Pollution Control District’s - Small Project Analysis Level (SPAL) Guidance -Regulation VIII Fugitive Dust/PM-10 Synopsis; and the 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 Envirostor database was accessed to determine if the property was listed as a potential hazardous waste or superfund site. The project site, located at 5261 State Hwy 108, was not identified as a hazardous site. No known hazardous materials are on-site. Pesticide exposure is a risk in agricultural areas. Sources of exposure may include drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commission and can only be accomplished after first obtaining permits. The Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area. The Safety Element of the General Plan identifies the project area as being located in a low fire risk area, which is served by the Stanislaus Consolidated Fire District. The applicant will be required to pay fire impact fees for any new construction. To date, there has not been any comment letters received from DER or the Stanislaus Consolidated Fire District in regards to hazardous material management. The project site is not located in the vicinity of an airport or private airstrip.

Mitigation: None

References: Application Information; Stanislaus County GIS Data; Ca Department of Toxic Substances Control, Envirostor database; 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: The project site receives potable water from domestic wells and irrigates via Oakdale Irrigation District (OID) infrastructure. The site has been developed with a walnut orchard, single-family dwelling, accessory structures (detached garage office, shop, barns), and ranch fueling area.

The majority of the site is designated as area designated X - 0.2 percent annual chance of flood (areas of 1% annual chance flood with average depths of less than one foot or with drainage areas less than one square mile; and areas protected by levees from 1% annual chance flood), with a small portion where structural development has taken place on the southern portion of the property being X outside of the 0.2 percent floodplain. All measures required to be taken in regard to the flood zone designation will be addressed by the Building Permits Division's Flood Plain Administrator 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 Quality Control Board requirements must be obtained/met prior to operation. The project was also referred to the Department of Public Works which responded with conditions for onsite drainage requirements and requested an approved drainage plan be submitted and reviewed by the department. Conditions of approval will be added to the project requiring the applicant comply with these requests prior to issuance of a building permit.

Mitigation: None

References: FEMA Flood Map Service Center Map #06099C0335E, September 26, 2008; Referral response from the Regional Water Quality Control Board, dated November 9, 2017; Referral response from the Department of Public Works, dated January 22, 2018; and the Stanislaus County General Plan and Support Documentation¹

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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 request is to permit a walnut hulling, drying, and storage facility on a 35.7± acre property improved with a walnut orchard, single-family dwelling, accessory structures (detached garage office, shop, barns), and ranch fueling area. The site was established as a legal nonconforming (LNC) walnut hulling and drying operation; however, the equipment associated with the LNC operation was destroyed and their LNC status expired, thereby requiring a use permit to establish a new walnut hulling, drying, and storage operation. This project site has a General Plan designation of Agriculture and a zoning designation of A-2-40 (General Agriculture). The proposed project is considered to be a Tier One use, which are uses that are closely related to agriculture and are necessary for a healthy agricultural economy. The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

Mitigation: None

References: Stanislaus County Zoning Ordinance, General Plan, and Support Documentation¹

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the project 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 levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

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

The activities proposed by this project may temporarily increase the area’s ambient noise levels; however, a significant impact is not anticipated since the use itself will be primarily conducted within the proposed building. Noise impacts associated with increased on-site activities and traffic are not anticipated to exceed the area’s existing level of noise. The project site is not within range of any airport land use plans or known airstrip facilities.

Mitigation: None

References: Stanislaus County Code, 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 this site will not create significant service extension or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is surrounded by orchards and other agricultural uses. The proposed nature of the use is considered consistent with the A-2 zoning district.

Mitigation: None

References: 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 Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. The project was referred to the appropriate public agencies: Oakdale Joint Unified School District, the Stanislaus Consolidated Fire Protection District, and the Stanislaus County Environmental Review Committee (ERC) which includes the Sheriff’s Department. This project was also referred to Oakdale Irrigation District (OID) which commented that no improvements are permitted in the OID right-of-way and that the project is not anticipated to negatively affect OID operations. Conditions of approval will be added to this project to ensure the proposed use complies with all applicable OID and fire district standards.

Mitigation: None

References: Oakdale Irrigation District letter, dated November 20, 2017; and the Stanislaus County General Plan and Support Documentation¹

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
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: The proposed project does not have a residential component and is not anticipated to significantly increase demand on recreational facilities.

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

Discussion: The applicant estimates that there will be a maximum of ten employees per day and an additional ten truck trips which under maximum conditions, which would result in a total of 20-vehicle trips and 20-truck trips (ten employees and vehicle departing and arriving once a day), all taking access via State Hwy 108. The project was referred to the Department of California Transportation (CalTrans) which responded with a requirement that a left turn lane be constructed, that an encroachment permit be obtained for any work within the state right-of-way, and that such work be designed to Caltran’s standards. The size of the parcel is large enough to offer adequate on-site parking opportunities. The Stanislaus County Public Works Department identified Hwy 108 as a 110-foot local roadway; the required half width of the state route is 55-feet north of centerline and shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage. These comments will be added as conditions of approval.

Mitigation: None

References: Referral response from the California Department of Transportation, dated April 25, 2018; Referral response from the Department of Public Works, dated January 22, 2018; 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: The site will be served by a private well, receives irrigation water from Oakdale Irrigation District (OID), has a private septic system, and maintains stormwater drainage on-site. OID commented that no improvements are to be permitted in the OID right-of-way without district approval and that an encroachment permit is required for any work completed within the District's existing irrigation easement. The Public Works Department provided comments to ensure County standards are met for on-site drainage.

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. As proposed, the project does not meet the requirement for a public water system. However, if the facility ever amended their operations in such a way that they would qualify as a public water system, the owner/operator would be required to obtain a Public Water Supply Permit through the Department of Environmental Resources. No further limitations have been identified on providing services and the above agencies comments will be added as conditions of approval.

Mitigation: None

References: Oakdale Irrigation District letter, dated November 20, 2017; The Department of Public Works letter, dated January 22, 2018; and the Stanislaus County General Plan and Support Documentation¹

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

<p>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.)</p>			<p>x</p>	
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			<p>x</p>	

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

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



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. PLN2017-0113 – ROSSINI HULLER

LOCATION OF PROJECT: 5261 Hwy 108, north of the intersection of Highway 108 and Langworth Road, south of River Road, west of the City of Oakdale (APN 062-002-006)

PROJECT DEVELOPERS: Albert Rossini
5261 HWY 108
Oakdale, CA 95361

DESCRIPTION OF PROJECT: This is a request to permit a walnut hulling, drying, and storage facility on a 35.7± acre property located in the A-2 (General Agriculture) zoning district. The walnut hulling facility will consist of three new buildings a 33,133± square-foot walnut huller and dryer building, a 15,000 square-foot warehouse, and an 8,000± square-foot maintenance shop. Operating hours are from 7 a.m. to 5 p.m. with a maximum of ten trucks and ten employees per day that will take access off Hwy 108. Walnut operations vary by season with the harvesting season typically occurring between September and November and the non-harvest season lasting approximately nine months in which the huller is shut down and only maintenance of the orchard occur.

Based upon the Initial Study, dated **June 4, 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: Denzel Henderson, Assistant Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2017-0113 - ROSSINI HULLER

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 DEPT OF TRANSPORTATION DIST 10	X	X		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							
CITY OF OAKDALE	X	X			X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X	X		X							
IRRIGATION DISTRICT: OAKDALE	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD BURLINGTON NORTHERN SANTA FE	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: OAKDALE JOINT UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X			X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PARK & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST #2: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANCOG	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							
TRIBAL CONTACTS	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							