

STANISLAUS COUNTY PLANNING COMMISSION

September 6, 2018

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2018-0019 WESTSIDE HULLING ASSOCIATION

REQUEST: TO EXPAND AN EXISTING ALMOND AND WALNUT HULLING FACILITY BY CONSTRUCTING A 3,600 SQUARE FOOT SHOP, WITH BREAKROOM AND RESTROOMS, FOUR 10,000 SQUARE FOOT STORAGE BUILDINGS, AND EXPANDING THE OUTSIDE NUT STORAGE AREA IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Westside Hulling Association
Property owner:	Westside Hulling Association
Agent:	Robert Braden, Robert Braden Consulting
Location:	206 Frank Cox Road and 9843 Highway 33, east of Highway 33, west of Cox Road, in the Patterson area.
Section, Township, Range:	34-4-7
Supervisory District:	Five (DeMartini)
Assessor's Parcel:	016-031-014 and 016-031-015
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	33.7± gross acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	General Agriculture
Community Plan Designation:	N/A
Existing Zoning:	A-2-40
Sphere of Influence:	N/A
Williamson Act Contract No.:	2007-09
Environmental Review:	Negative Declaration
Present Land Use:	Almond and walnut hulling and shelling facility, a single-family dwelling, and a drainage basin.
Surrounding Land Use:	Almond orchards to the north, south, and west; crop land to the east; and scattered single-family dwellings in all directions.

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, Exhibit A provides an overview of all of the findings required for project approval.

PROJECT DESCRIPTION

This is a request to expand an existing almond and walnut hulling facility (operating under Use Permit No. 78-36 – Westside Hulling Association) by constructing a 3,600 square-foot shop, four 10,000 square foot storage buildings, and expanding the outside nut storage area. The shop will include an employee breakroom and restroom. The storage buildings will be used to store hulled and shelled almonds and walnuts. The maximum number of employees and truck trips are not increasing as part of this request. The facility currently operates with 7-15 on-site employees on a maximum shift during harvest season (August-November) and 5-7 on-site employees on a maximum shift during the off season. The operation generates an average of 30-35 truck trips per day during harvest season and 3-5 truck trips per day during the off season, in between the hours of 6 a.m. and 6 p.m. The site currently has access to and from Frank Cox Road, and no additional access points will be created with this expansion.

The proposed shop and storage building expansion was previously approved under Use Permit No. PLN2015-0034 – Westside Hulling Association on August 20, 2015; however, the permit expired prior to construction of any approved structures. The 2015 Use Permit did not include the expanded outside nut storage area or storm drainage basin on the adjoining parcel.

The applicant has indicated to Staff the future possibility of constructing an additional huller. As discussed with the applicant, the construction of an additional huller is not covered under this request and will require a new use permit application be submitted.

SITE DESCRIPTION

The 33.7± acre project site consists of two separate legal parcels located at 206 Frank Cox Road and 9843 Highway 33, east of Highway 33, west of Cox Road, in the Patterson area. Assessor Parcel Number (APN) 016-031-014, which includes the existing Westside Hulling Association hulling and shelling facility, is 22.54 acres in size and is currently improved with a walnut and almond huller, a sheller, walnut dryer building, almond hull storage, office, mobile home, three bag houses, and miscellaneous holding tanks. The adjoining 10.53 acre parcel, APN 016-031-015, is currently improved with a home-site and a drainage basin and is being used for storage of pre-hulled almond and walnut piles. The project site is located in Federal Emergency Management Agency Flood Zone AO, which corresponds to areas of 1-percent- annual chance shallow flooding where average depths are between 1.0 and 3.0 feet. The properties are each served with a private well and a septic/leach system. Almond orchards are located to the north, south, and west; crop land to the east; and scattered single-family dwellings in all directions.

ISSUES

No issues have been identified during the review of this application. Standard conditions of approval have been added to this project.

GENERAL PLAN CONSISTENCY

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

The proposed project is supported by the goals, objectives, and policies of the various elements of the General Plan. Specifically, the Agricultural Element encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One uses, such as: nut hulling, shelling and drying, wholesale nurseries and warehouses for storage of grain; and other farm produce grown on-site, are closely related to agriculture and are necessary for a healthy agricultural economy. The proposed almond and walnut storage buildings, an expansion of the hulling and shelling facility is considered a Tier One use, which is consistent with the General Plan and all its elements.

To protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district, Appendix "A" of the Agricultural Element requires a buffer between agricultural and non-agricultural uses. Agricultural buffer design standards for new or expanding uses stipulate that certain activities are permitted uses within the buffer area such as parking lots and low-people intensive uses. Uses classified under Tier One and Tier Two use permits in the A-2 zoning district are generally considered to be low-people intensive. However, the decision making body (Planning Commission) shall have the ultimate authority to determine if the proposed or expanded use is "low-people intensive. Staff believes the use itself is consistent with Tier One uses and would therefore not be subject to an agricultural buffer. This project was referred to the Stanislaus County Agricultural Commissioner's office and no comment has been received to date.

ZONING ORDINANCE CONSISTENCY

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

1. The 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 entire project site is enrolled under Williamson Act Contract No. 2007-09. As required by Government Code Section 51238.1, prior to approval, the decision making body must find that the proposed use is consistent with the Williamson Act Principles of Compatibility. These three principles stipulate that the use will not significantly compromise the long term agricultural capability of the contracted lands; the use will not significantly displace or impair agricultural production on contracted lands, but may be deemed compatible if directly related to production of commercial agricultural including activities such as harvesting, processing, or shipping; and the use will not result in significant removal of adjacent contracted land from agricultural or open-space use. Furthermore, Section 21.20.045 of the Stanislaus County Zoning Code stipulates that unless the Planning Commission makes a finding to the contrary Tier One uses are consistent with the Williamson Act.

Staff believes this expansion is consistent with the Tier One Use Permit finds and meets the Williamson Act Principles of Compatibility.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project and its initial study were 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 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.

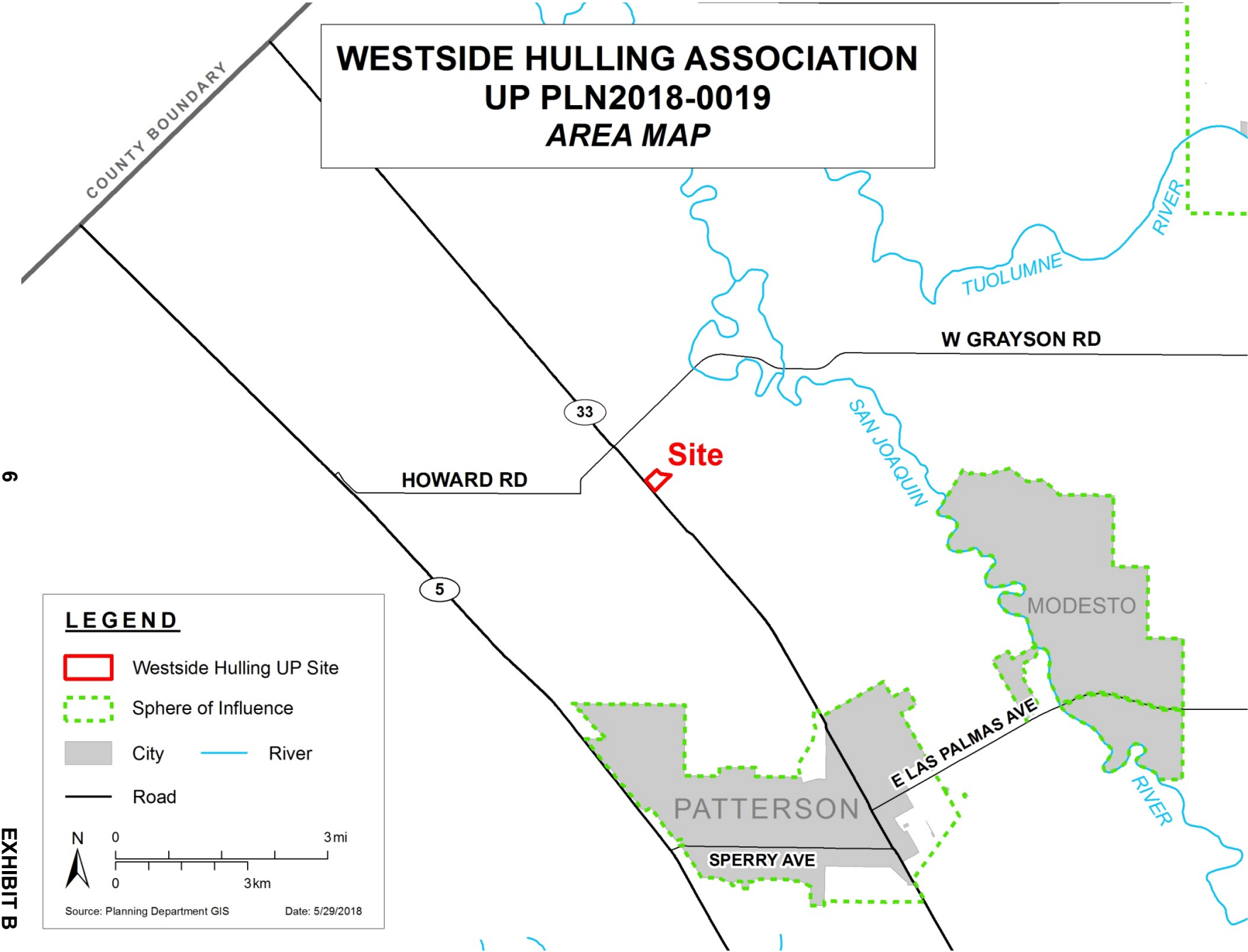
Contact Person: Teresa McDonald, Assistant Planner, (209) 525-6330

Exhibits:
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 Referrals

Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, 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 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.
 - (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 1 use is "low-people intensive" and not subject to the agricultural buffer.
4. Approve Use Permit Application No. PLN2018-0019 – Westside Hulling Association subject to the attached Conditions of Approval.

WESTSIDE HULLING ASSOCIATION UP PLN2018-0019 AREA MAP



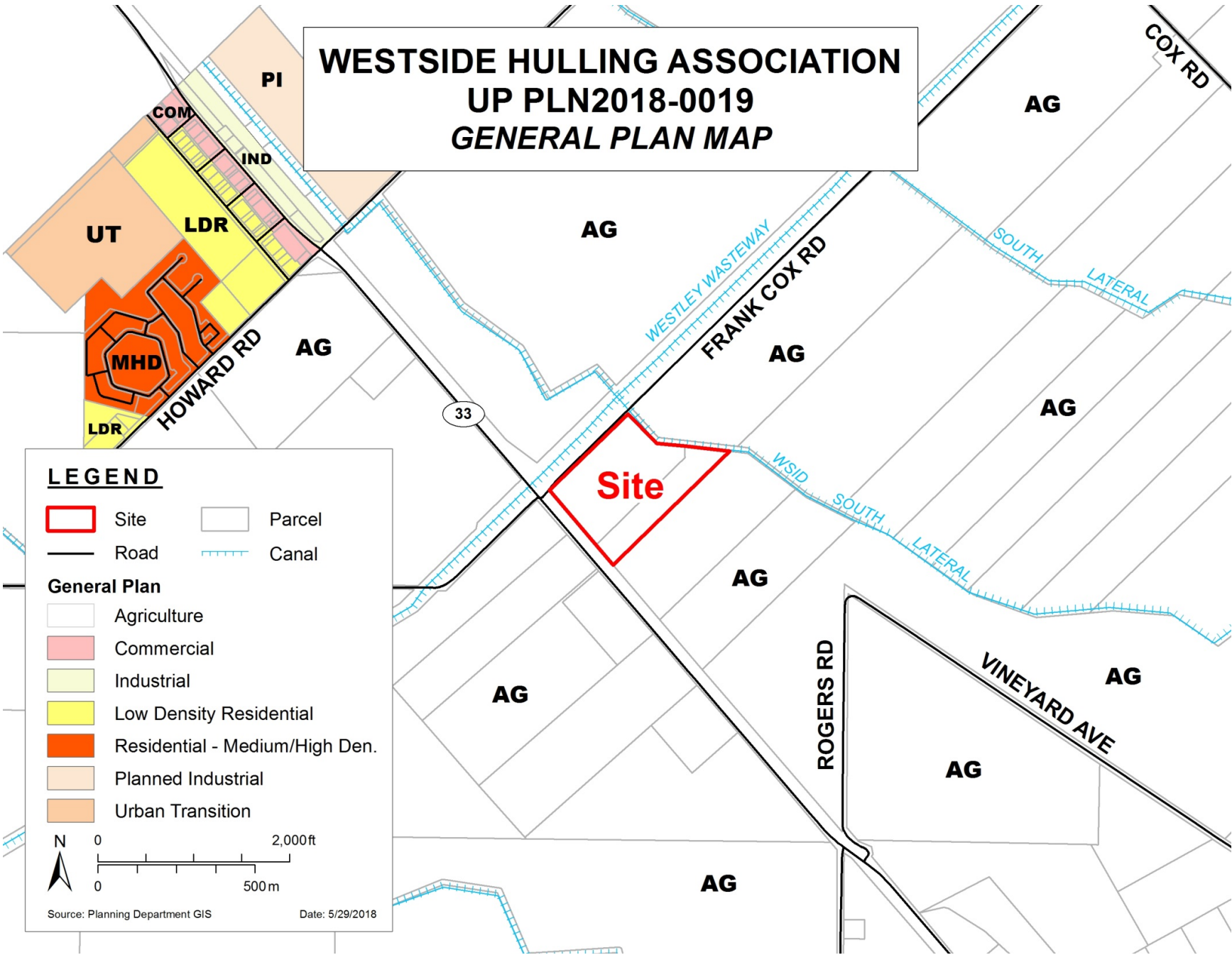
LEGEND

- Westside Hulling UP Site
- Sphere of Influence
- City
- River
- Road





N
 0 ————— 3mi
 0 ————— 3km

Source: Planning Department GIS Date: 5/29/2018








WESTSIDE HULLING ASSOCIATION UP PLN2018-0019 GENERAL PLAN MAP




LEGEND

 Site	 Parcel
 Road	 Canal

General Plan

 Agriculture	AG
 Commercial	COM
 Industrial	IND
 Low Density Residential	LDR
 Residential - Medium/High Den.	MHD
 Planned Industrial	PI
 Urban Transition	UT

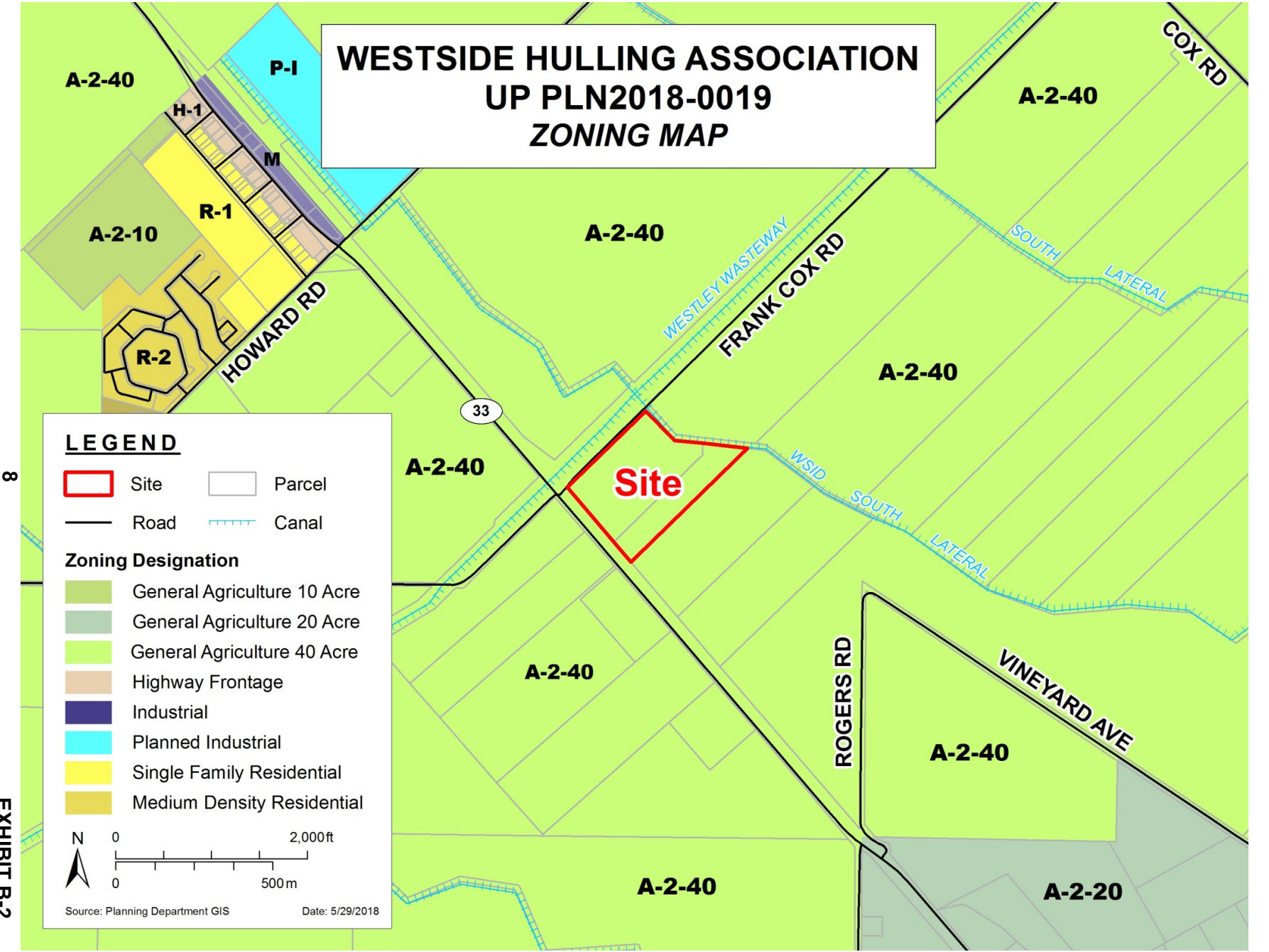

0
2,000ft
0
500m

Source: Planning Department GIS Date: 5/29/2018

7

EXHIBIT B-1

WESTSIDE HULLING ASSOCIATION UP PLN2018-0019 ZONING MAP



LEGEND

 Site	 Parcel
 Road	 Canal

Zoning Designation

 General Agriculture 10 Acre
 General Agriculture 20 Acre
 General Agriculture 40 Acre
 Highway Frontage
 Industrial
 Planned Industrial
 Single Family Residential
 Medium Density Residential

N

0
0
500 m
2,000 ft

Source: Planning Department GIS Date: 5/29/2018

8

EXHIBIT B-2

WESTSIDE HULLING ASSOCIATION UP PLN2018-0019 ACREAGE MAP

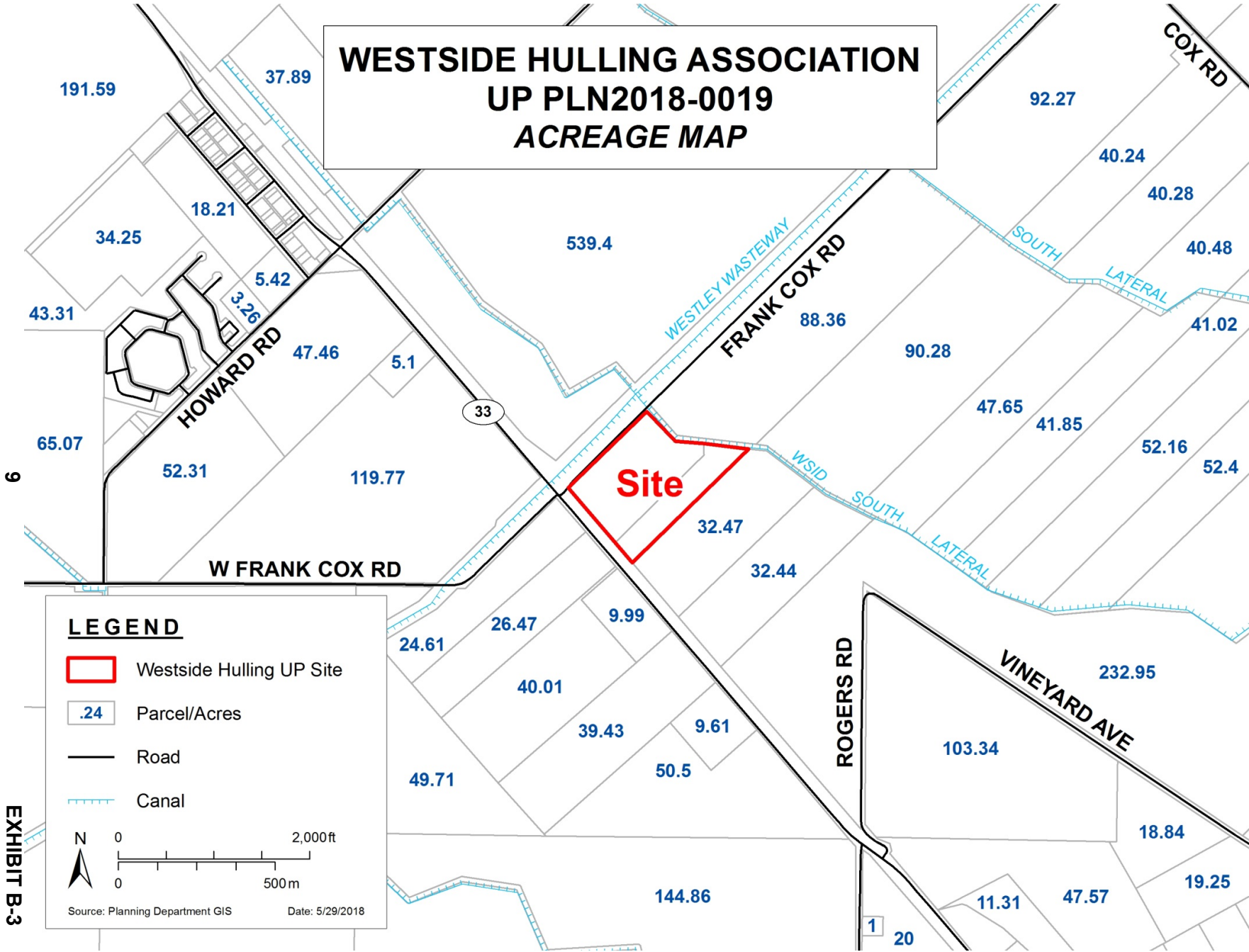
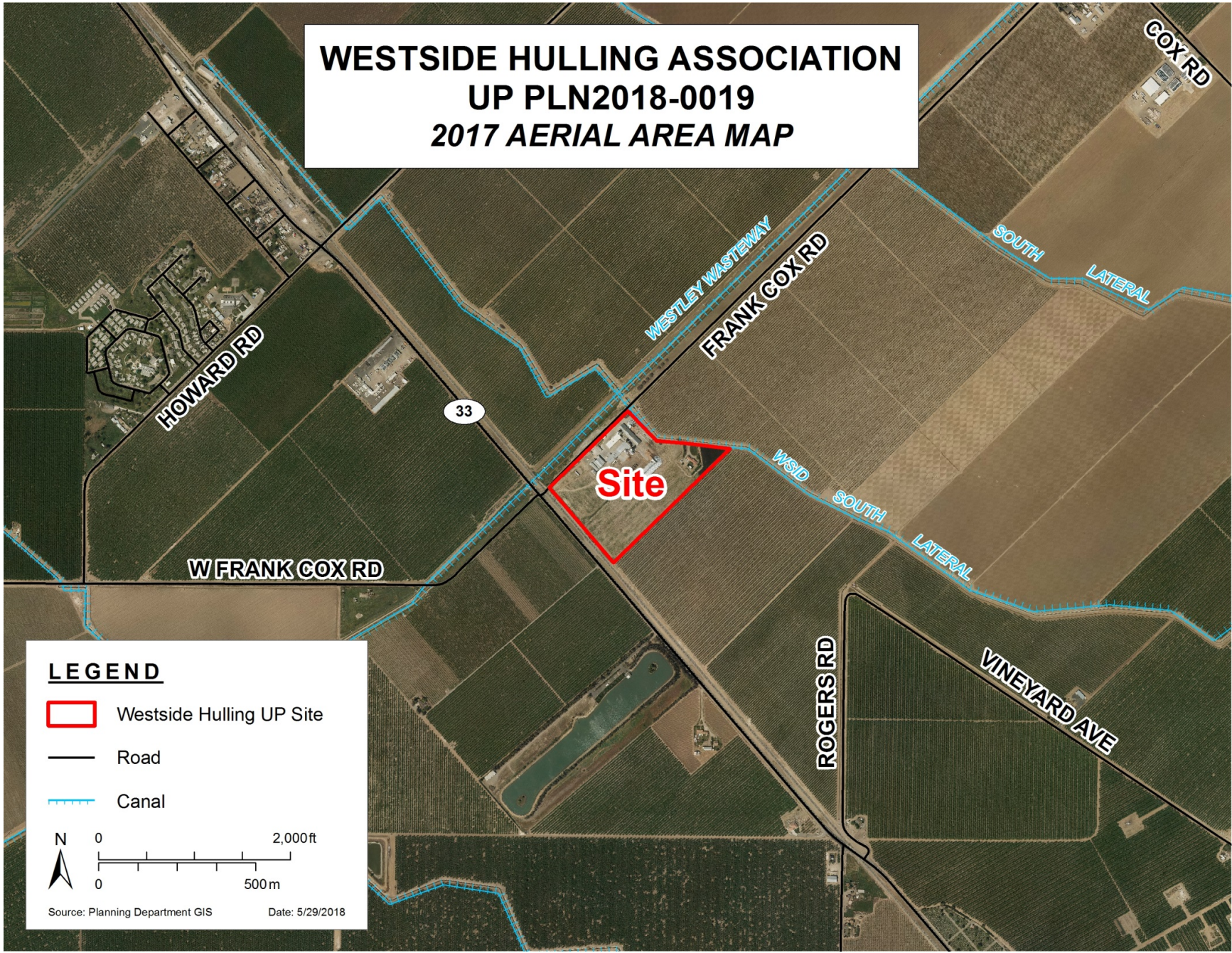


EXHIBIT B-3

WESTSIDE HULLING ASSOCIATION UP PLN2018-0019 2017 AERIAL AREA MAP

10



LEGEND

- Westside Hulling UP Site
- Road
- Canal

N
0 2,000ft
0 500m




Source: Planning Department GIS Date: 5/29/2018


EXHIBIT B-4

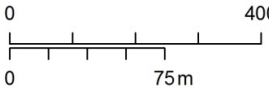
WESTSIDE HULLING ASSOCIATION UP PLN2018-0019 2017 AERIAL SITE MAP



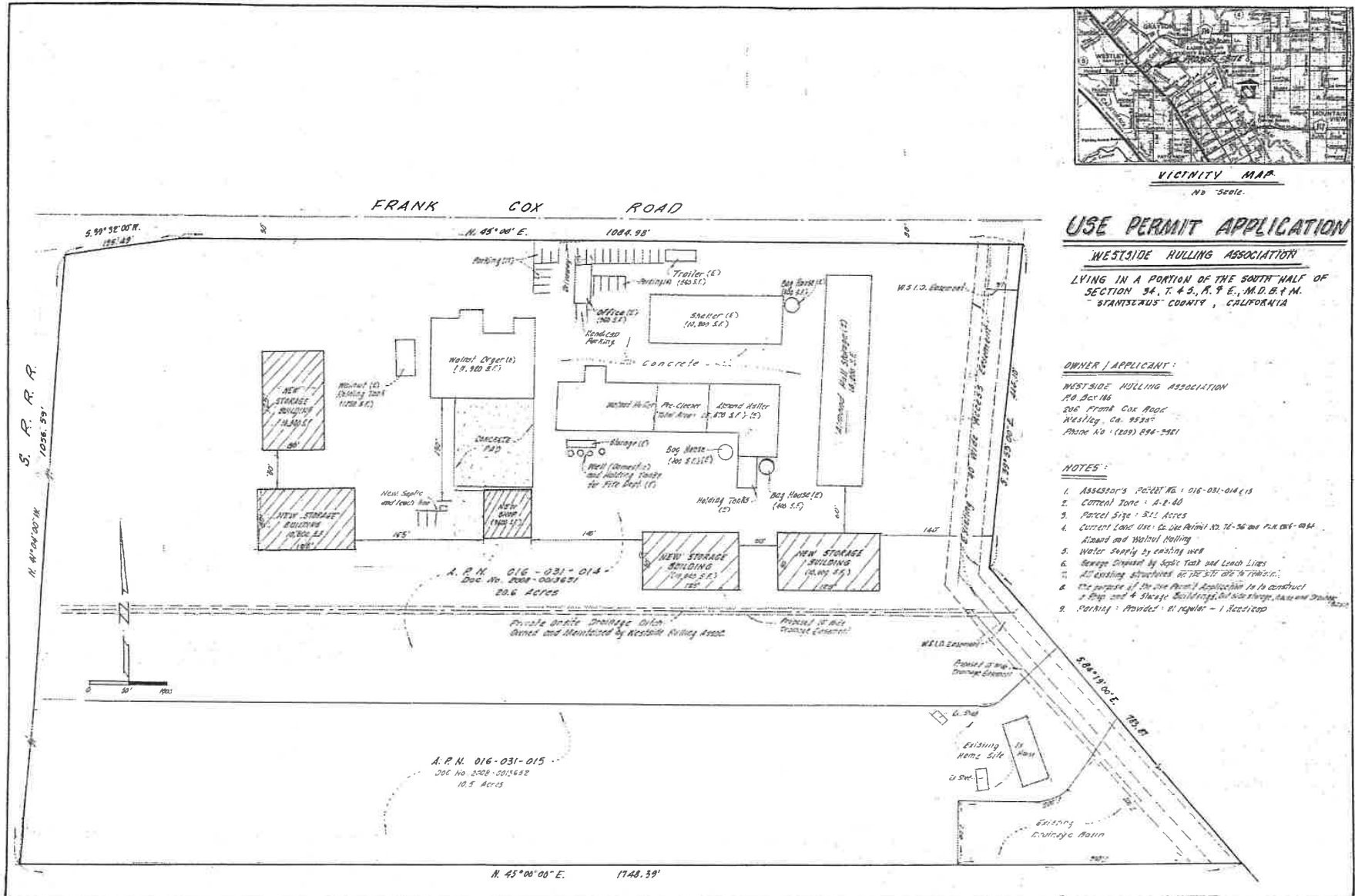
LEGEND

-  Westside Hulling UP Site
-  Road
-  Canal

 N



Source: Planning Department GIS Date: 5/29/2018



USE PERMIT APPLICATION

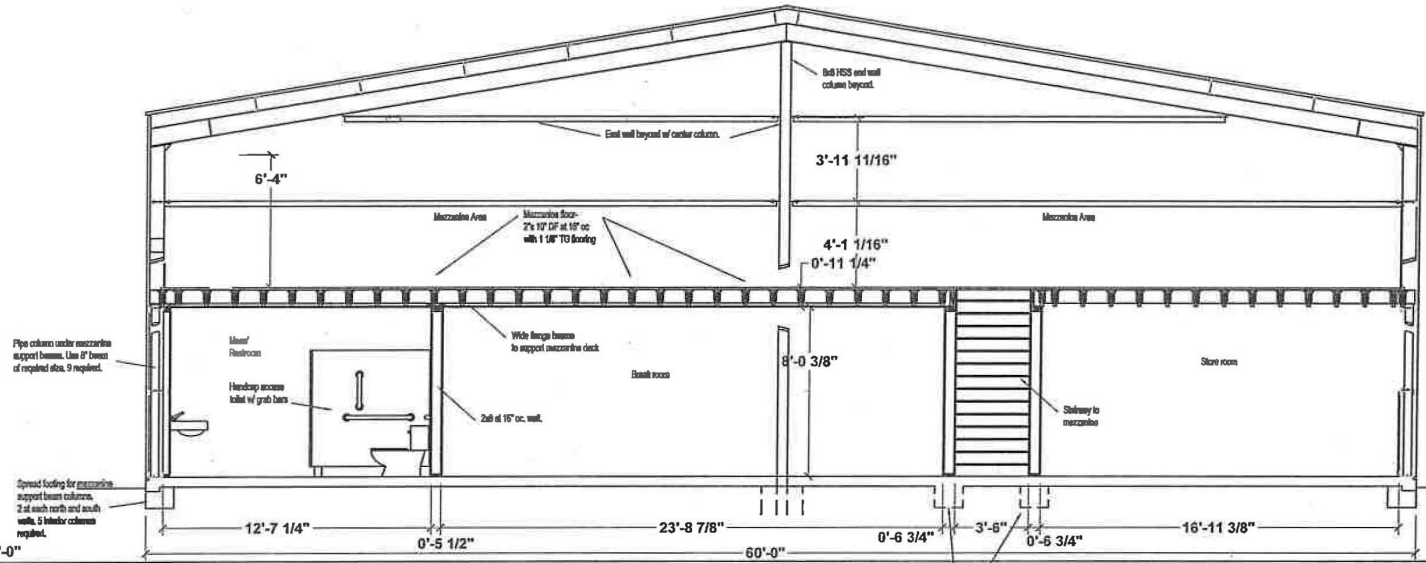
WESTSIDE HULLING ASSOCIATION
 LIVING IN A PORTION OF THE SOUTH HALF OF
 SECTION 34, T. 4 S., R. 9 E., N.D.B.F.M.
 STANISLAUS COUNTY, CALIFORNIA

OWNER / APPLICANT:
 WESTSIDE HULLING ASSOCIATION
 P.O. Box 86
 216 Frank Cox Road
 Westley, Ca. 95367
 Phone No: (209) 894-2961

- NOTES:**
1. Assessor's Parcel No: 016-031-014 (13)
 2. Current Zone: A-2-40
 3. Parcel Size: 31.1 Acres
 4. Current Land Use: Co. Use Permit No. 16-16-000 P.L. 05-004
 Almond and Walnut Hulling
 5. Water Supply by existing well
 6. Sewage Disposal by Septic Tank and Leach Lines
 7. All existing structures on the site are to remain.
 8. The purpose of the Use Permit Application is to construct
 2 Bays and 4 Storage Buildings, 6' x 10' Driveway, Haulway and Driveway
 9. Parking: Provided - 81 regular - 1 handicap

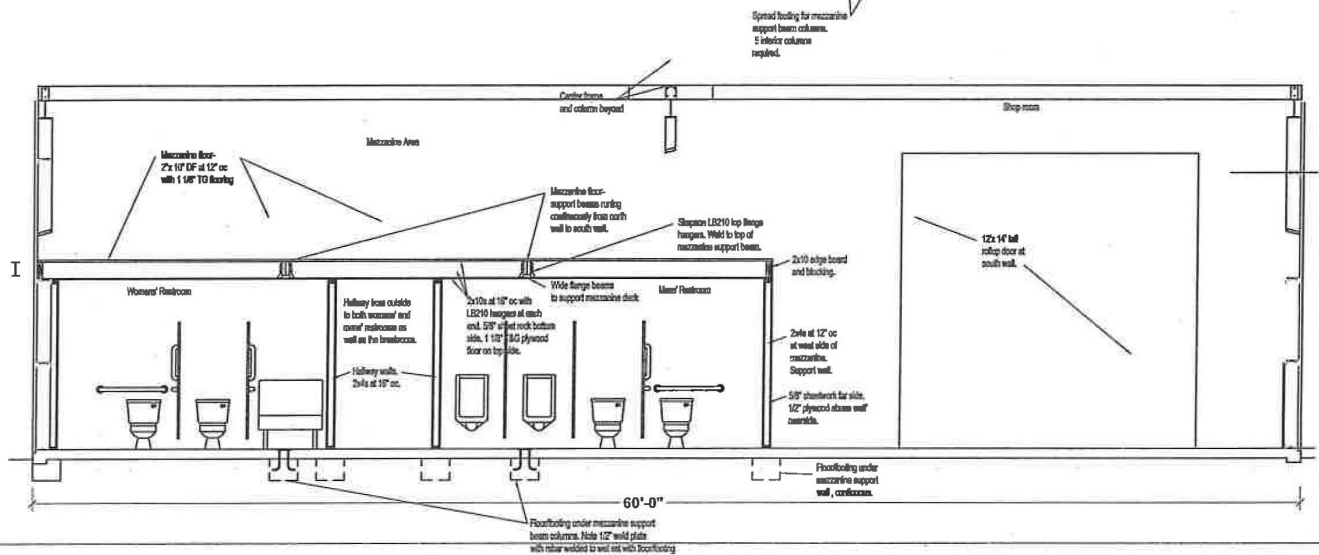
Cross Section

SCALE 3/16" = 1'-0"



Cross Section

SCALE 3/16" = 1'-0"



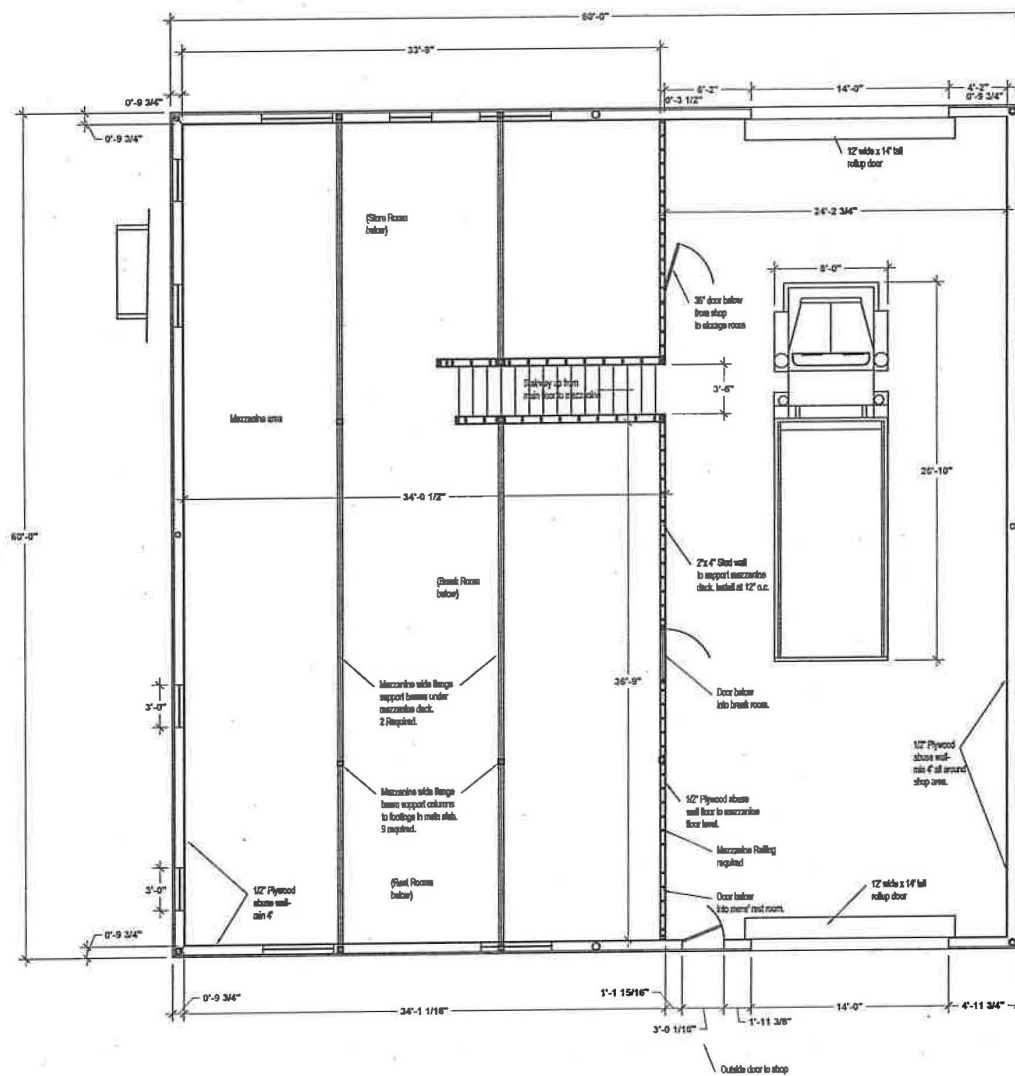
Westside Hulling-Shop

Western Dairy Design

8651 Crane Road
Oakdale, CA 95361
(209) 595-5997

Dwg. Date:	18 Dec 2017
Scale:	As Shown
Drawn:	D Avila
Job:	313-11
Sheet #	1
of 1 Sheets	A
Rev Level	

© Copyright 2017 Western Dairy Design



Mezzanine Plan Proposal

SCALE 1/8" = 1'-0"

© Copyright 2017 Western Dairy Design

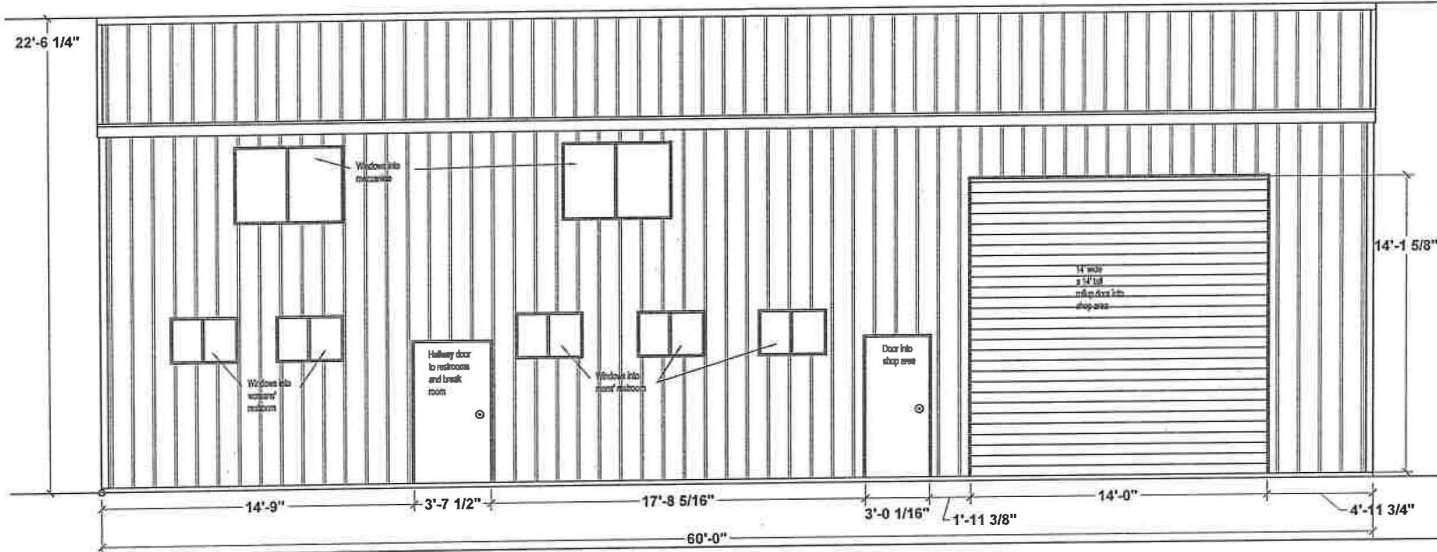
Westside Hulling-Shop

Western Dairy Design

8651 Crane Road
Oakdale, CA 95361
(209) 595-5997

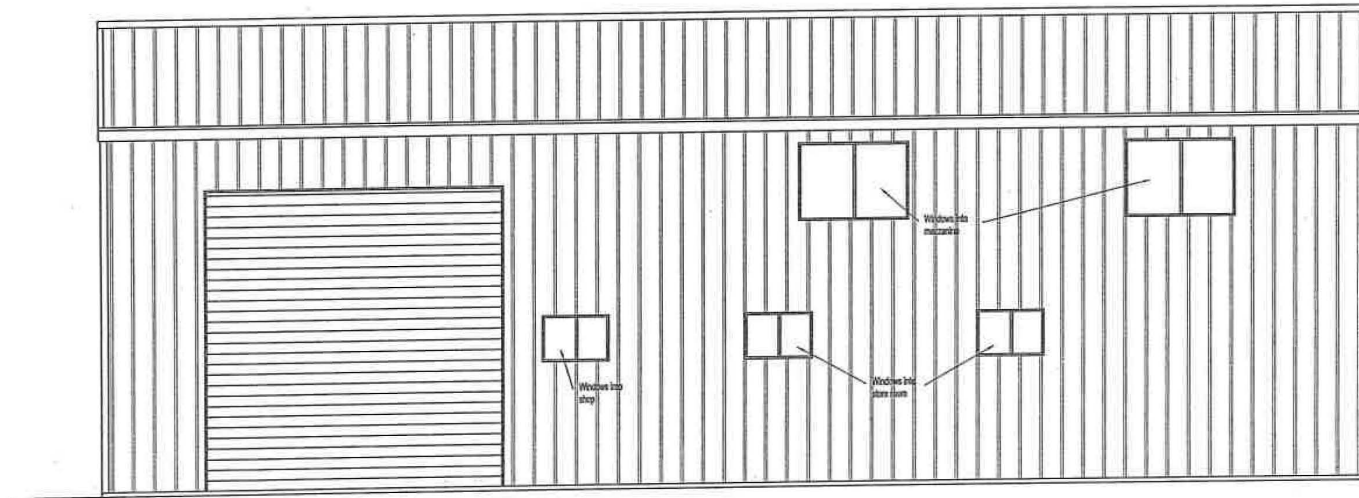
Dwg. Date:	18 Dec 2017
Scale:	As Shown
Drawn:	D Avila
Job:	313-11
Sheet #	1 A
of 1 Sheets	Rev Level

**North
Elevation
Proposal**



SCALE 3/16" = 1'-0"

**South
Elevation
Proposal**



SCALE 3/16" = 1'-0"

Westside Hulling-Shop

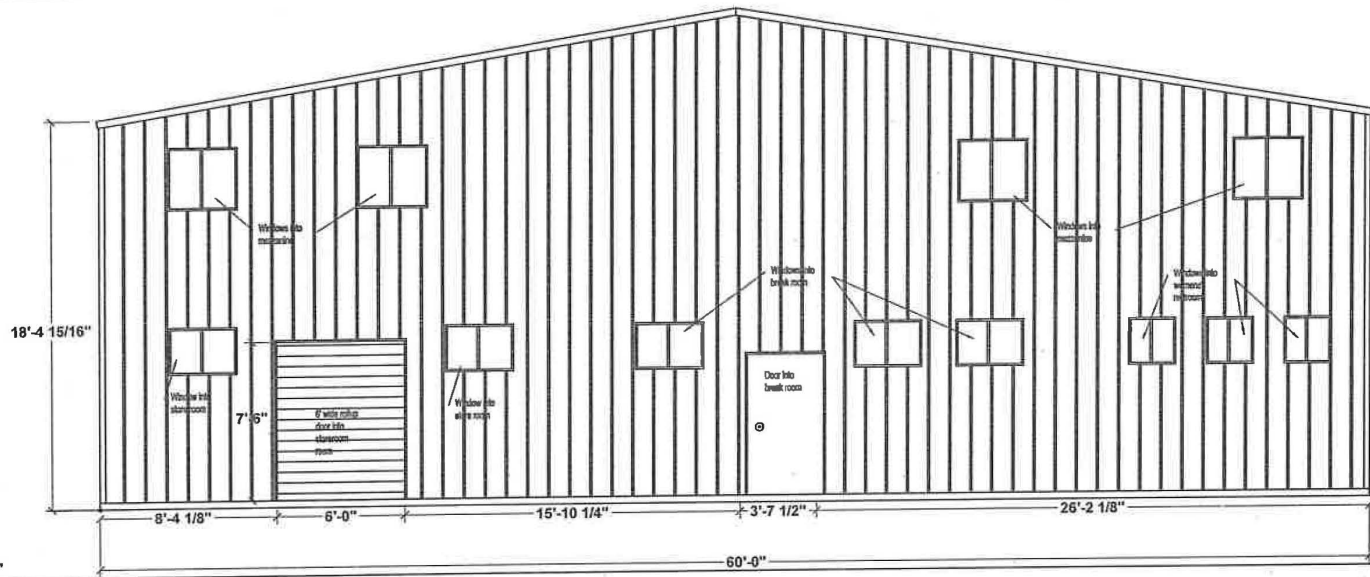
Western Dairy Design

8651 Crane Road
Oakdale, CA 95361
(209) 595-5997

Dwg. Date:	18 Dec 2017
Scale:	As Shown
Drawn:	D Avila
Job:	313-11
Sheet #	1
of 1 Sheets	A Rev Level

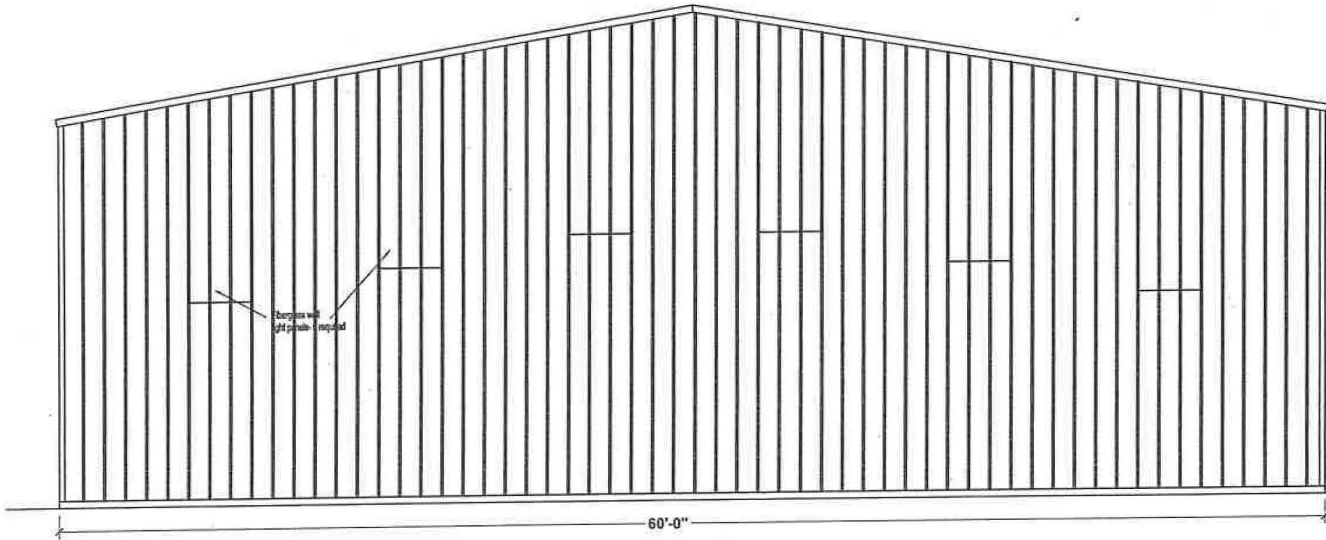
© Copyright 2017 Western Dairy Design

**East
Elevation
Proposal**



SCALE 3/16" = 1'-0"

**West
Elevation
Proposal**



SCALE 3/16" = 1'-0"

Westside Hulling-Shop

Copyright 2017 Western Dairy Design

Western Dairy Design

8651 Crane Road
Oakdale, CA 95361
(209) 595-5997

Dwg. Date:	18 Dec 2017
Scale:	As Shown
Drawn:	D Avila
Job:	313-11
Sheet #	1
of 1 Sheets	A Rev Level

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. PLN2018-0019 WESTSIDE HULLING ASSOCIATION

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. All Conditions of Approval from Use Permit 78-36 are superseded by the Conditions of Approval of Use Permit No. PLN2018-0019 – Westside Hulling Association.

Department of Public Works

15. Prior to issuance of a building permit, an encroachment permit shall be taken out for the new work on the existing driveway that was done without an encroachment permit. The throat of the driveway shall not be more than 53 feet at the right-of-way line as per Stanislaus County Public Works Standards and Specifications.
16. No parking, loading or unloading of vehicles will be permitted within the County Road right-of-way. The developer will be required to install or pay for the installation of any signs and/or markings, if necessary.
17. Prior to the final of any building or grading permit, the applicant shall make road frontage improvements on Frank Cox Road. These improvements shall include asphalt road widening, bringing the existing road up to 12 foot wide paved vehicle lane and a 4 foot wide paved asphalt shoulder southeast of the centerline of Frank Cox Road. The length of the improvements will be from the west property line to the existing driveway. Before a second building is finalized, the widening shall take place from the driveway to the east property line. Improvement plans will be submitted to Stanislaus County Public Works for approval prior to the issuance of a building or grading permit.
18. The structural section and cross slopes of the road improvements shall meet Stanislaus County Public Works Standards and Specifications.
19. An acceptable financial guarantee for the phased road improvements shall be provided to the Department of Public Works prior to the issuance of any building or grading permit. The financial guarantee will be phased to the required improvements. This shall be waived if the work in the right-of-way is done prior to the issuance of any building or grading permit.
20. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined. This shall be waived if the improvements are installed and accepted prior to the issuance of the building permit.
21. Prior to issuance of a building permit, an easement shall be recorded, after Public Works' approval, for the storm drainage system/basin found on the Assessor Parcel Number 016-031-015 or 9843 Highway 33. The easement shall be an appurtenant easement and shall be drawn up by either licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
22. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted before any building permit for the site is issued that creates a new or bigger building footprint on this parcel. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - 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.
 - 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.
 - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

- The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
- The applicant of the building 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

23. 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 if necessary, Phase II study) 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 DER.
24. 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

25. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
26. Walnut and almond commercial storage facilities shall be classified in accordance to its use and occupancy as an S-2 in accordance to the California Building Code.
27. Proposed shop building containing employee break-room shall be classified as a mixed use building in accordance to the California Building Code. Any use of a structure for the

assembling, disassembling and/or fabrication of vehicles and/or implements in support of the Hulling operation shall be classified as an F-1 occupancy; Use specific to vehicle repair may be classified an S-1 per chapter 3 of the California Building Code.

28. All structures shall comply with County Code Chapter 16.50 – Flood Damage Protection.

Central Valley Regional Water Quality Control Board

29. 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.
30. 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.

West Stanislaus Fire Protection District

31. Prior to issuance of a building permit, all applicable fire fees shall be paid.
32. Any gates shall comply with the Fire District's lock box standards.
33. Prior to issuance of a building permit, power disconnect shall be approved by the District.
34. All construction shall meet the requirements of the 2016 California Fire Code for the occupancy being constructed.

*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. PLN2018-0019 – Westside Hulling Association
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Teresa McDonald, Assistant Planner
- 4. **Project location:** 206 and 338 Frank Cox Road, east of Highway 33, west of Cox Road, in the Patterson area. APNs: 016-031-014 and 016-031-015.
- 5. **Project sponsor’s name and address:** Robert Braden Consulting
2900 Standiford Avenue Suite 16-B
Modesto, CA 95350
- 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 and walnut hulling facility (operating under Use Permit 78-36) by constructing a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings. This use was previously approved under UP PLN2015-0034; however, the permit expired prior to construction of any approved structures. The proposed nut hulling expansion anticipates 7-15 employees on-site during harvest season (August-November) and 5-7 employees on-site during the off season. The operation anticipates an estimate of 30-35 truck deliveries per day during harvest season and 3-5 truck deliveries per day during the off season, in between the hours of 6 a.m. and 6 p.m. The maximum number of employees and truck deliveries are not increasing as part of this request. The early consultation included one parcel (APN 016-031-014), but has since been amended to include APN 016-031-015, which consists of a home-site, pre-hulled commodity piles, and drainage basin. A 10-foot wide drainage easement is proposed to allow for access to the drainage basin. The drainage easement will run west and east across the project site before turning north and south at the eastern property line and running adjacent to the project site’s eastern property line.

- 9. **Surrounding land uses and setting:** Scattered single-family dwellings are located in all directions. Almond orchards are located to the north, south, and west. Open irrigated land is located to the east.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Building Permits Division, CA Department of Conservation, Department of Environmental Resources, Department of Public Works, Regional Water Quality Control Board, 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.

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature on file.
Signature

June 11, 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 Material; 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

<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 comprised of two parcels of 22.54± and 10.53± acres in the A-2-40 (General Agriculture) zoning district and are enrolled in the Williamson Act, Contract No. 2007-09. As stated previously, the applicant is proposing to expand an existing almond and walnut hulling operation by constructing a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings.

The California Department of Conservation’s Farmland Mapping and Monitoring Program lists the project site’s soil as comprised of Semi-agricultural and Rural Commercial Land and will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of Stomar clay loam, 0 to 2 percent slopes.

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: California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; United States Department of Agricultural Soil Survey; Application Material; Stanislaus County General Plan and Support Documentation¹.

<p>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:</p>	<p>Potentially Significant Impact</p>	<p>Less Than Significant With Mitigation Included</p>	<p>Less Than Significant Impact</p>	<p>No Impact</p>
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>			<p>X</p>	
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>			<p>X</p>	
<p>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)?</p>			<p>X</p>	
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>				<p>X</p>
<p>e) Create objectionable odors affecting a substantial number of people?</p>				<p>X</p>

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as “severe non-attainment” for ozone and respirable 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. 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.

This is a request to expand an existing almond and walnut hulling operation with the construction a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings. The proposed nut hulling expansion anticipates 7-15 employees on-site during harvest season (August-November) and 5-7 employees on-site during the off season. The operation anticipates an estimate of 30-35 truck deliveries per day during harvest season and 3-5 truck deliveries per day during the off season, in between the hours of 6 a.m. and 6 p.m. The maximum number of employees and truck deliveries are not increasing as part of this request.

The project will not conflict with, nor obstruct implementation of any applicable air quality plan. The project was referred to the San Joaquin Valley Air Pollution Control District, but no comments have been received to date. The project will be conditioned to require that all District standards are met.

Based on the project evaluation details stated above, less than significant impacts to air quality are anticipated.

Mitigation: None

References: San Joaquin Valley Air Pollution Control District – Regulation VIII Fugitive Dust/PM-10 Synopsis; 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 Westley Quad of the California Natural Diversity Database (CNDDB). There are twelve animals and plants which are state or federally listed, threatened, or identified as species of special concern within the Westley California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson’s hawk, tricolored blackbird, willow flycatcher, least Bell’s vireo, vernal pool fairy shrimp, steelhead, chinook salmon, valley elderberry longhorn beetle, San Joaquin kit fox, riparian brush rabbit, and the Delta button-celery. The proposed project site is mostly disturbed and in agricultural use, 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.

The project was referred to the California Department of Fish and Wildlife and no comments have been received to date. 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 CNDDDB Geographical Information Systems; Application Material; 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: A referral response was received from the Native American Heritage Commission (NAHC), outlining the basic procedures for AB 52 and SB 18, which both require tribal consultation or notification of projects under certain circumstances. This project does not fall under either AB 52 or SB 18, as it is not a General Plan or Specific Plan Amendment, and none of the tribes listed by the NAHC have contacted the County to request project referrals.

This project has low sensitivity for cultural, historical, paleontological, or tribal resources, due to it already being disturbed and in agricultural use. 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: Referral response from the Native American Heritage Commission dated April 30, 2018; 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 United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the soil consists of Stomar clay loam, 0 to 2 percent slopes. As contained in Chapter Five of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of any 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. All structures resulting from this project will be designed and built according to California building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

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 May 22, 2018; United States Department of Agricultural Soil Survey; California Building Code; 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: This is a request to expand an existing almond and walnut hulling operation by constructing a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings. 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 proposed nut hulling expansion anticipates 7-15 employees on-site during harvest season (August-November) and 5-7 employees on-site during the off season. The operation anticipates an estimate of 30-35 truck deliveries per day during harvest season and 3-5 truck deliveries per day during the off season, in between the hours of 6 a.m. and 6 p.m. The maximum number of employees and truck deliveries are not increasing as part of this request.

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

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: Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater, which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commission and can only be accomplished after first obtaining permits. DER is responsible for overseeing hazardous materials in this area. The project was referred to DER and no comments have been received to date in regards to hazardous material. A review of the Department of Toxic Substances Control's data management system (EnviroStor) did not indicate the presence of any hazardous material sites within the area.

The project area is located in a low fire risk area and is served by West Stanislaus County Fire Protection District. The applicant will pay fire impact fees for any new construction. The project site is approximately 1.4 miles west of an existing private airport on Cox Road.

Mitigation: None

References: Department of Toxic Substances Control's data management system (EnviroStor); Application Material; 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 AO-AH, which corresponds to areas of 1-percent- annual-chance shallow flooding where average depths are between 1.0 and 3.0 feet. 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.

Mitigation: None

References: Referral response from the Central Valley Regional Water Quality Control Board dated April 6, 2018; 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.

This facility was originally permitted under Use Permit No. 78-36, which added a truck scale and a scale house and office to an existing almond and walnut hulling facility. 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: 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). The project is located within the Westley Quad of the California Natural Diversity Database and 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 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: 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 nearest sensitive noise receptor is a residential home on an adjacent parcel, which is owned by the same property owner. The project site is 1.4 miles west of a private airport on Cox Road.

Mitigation: None

References: 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 service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is adjacent to agricultural operations and the nature of the use is considered consistent with the A-2 zoning district.

Mitigation: None

References: Stanislaus County General Plan and Support 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. A referral response received from the West Stanislaus Fire Protection District requesting that the project's power disconnect, access, gate, and occupancy meet County and State standards and be approved by the fire district. This will be included in the conditions of approval as required prior to issuance of a building permit.

Mitigation: None

References: Referral response from West Stanislaus County Fire Protection District dated May 31, 2018; 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 a request to expand an existing almond and walnut hulling facility by constructing a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings, which is not anticipated to result in significant demands for recreational facilities as such impacts typically are associated with residential development.

Mitigation: None

References: Application Material; 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: This is a request to expand an existing almond and walnut hulling operation by constructing a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings. The proposed nut hulling expansion anticipates 7-15 employees on-site during harvest season (August-November) and 5-7 employees on-site during the off season. The operation anticipates an estimate of 30-35 truck deliveries per day during harvest season and 3-5 truck deliveries per day during the off season, in between the hours of 6 a.m. and 6 p.m. The maximum number of employees and truck deliveries are not increasing as part of this request. The existing facility has access via County-maintained Frank Cox Road which abuts the north-western portion of the project site. The project was referred to Public Works for review, who responded with standard conditions of approval. These comments will be applied to the project as conditions of approval.

The project was referred to CalTrans for review, and no comments have been received to date.

Mitigation: None

References: Referral response from Public Works dated May 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: Limitations on providing services have not been identified. The site is served by a private well, septic system, and on-site drainage. A referral response from Public Works requires that they review and approve a grading and drainage plan prior to issuance of any building permit associated with the expansion. 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.

Mitigation: None

References: Referral response from the Stanislaus County Department of Public Works dated May 22, 2018; Stanislaus County General Plan and Support Documentation¹

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

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

¹Stanislaus County General Plan and Support Documentation adopted 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. PLN2018-0019 – Westside Hulling Association

LOCATION OF PROJECT: 206 and 338 Frank Cox Road, east of Highway 33, west of Cox Road, in the Patterson area. APN: 016-031-014 and 016-031-015

PROJECT DEVELOPERS: Robert Braden Consulting
2900 Standiford Avenue Suite 16-B
Modesto, CA 95350

DESCRIPTION OF PROJECT: Request to expand an existing almond and walnut hulling operation by constructing a 3,600 square foot agricultural shop and four 10,000 square foot agricultural storage buildings, for the storage of walnuts and almonds in the A-2-40 (General Agriculture) zoning district.

Based upon the Initial Study, dated **June 11, 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: Teresa McDonald, 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. PLN2018-0019 - WESTSIDE HULLING ASSOCIATION

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION: Land Resources / Mine Reclamation	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X		X
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CA STATE LANDS COMMISSION	X	X	X		X							
CEMETERY DISTRICT: PATTERSON	X	X	X		X							
CENTRAL VALLEY FLOOD PROTECTION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: WEST STAN.	X	X	X	X				X		X	X	
HOSPITAL DISTRICT: DEL PUERTO	X	X	X		X							
IRRIGATION DISTRICT: WEST STAN.	X	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: CA. NORTHERN	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: PATTERSON	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X	X				X		X	X	
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 5: DEMARTIN	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							
TELEPHONE COMPANY: FRONTIER	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							