

STANISLAUS COUNTY PLANNING COMMISSION

June 20, 2024

STAFF REPORT

REZONE APPLICATION NO. PLN2023-0065
CALOY COMPANY, LP

REQUEST: TO REZONE 14.64± ACRES FROM PLANNED DEVELOPMENT (P-D) (312) AND GENERAL AGRICULTURE (A-2-40) TO A NEW P-D TO ALLOW FOR THE EXPANSION OF AN EXISTING NUT OIL AND CATTLE FEED PROCESSING FACILITY.

APPLICATION INFORMATION

Applicant:	Bret Potter, Caloy Company, LP
Property Owners:	Caloy Company, LP (Wayne McCalley, President) and Naraghi Quattrin Farms LLC (Margaret Naraghi Quattrin, Manager)
Agent:	David Romano, Newman-Romano, LLC
Location:	5425 Montpelier Road, between E Keyes Road and E Monte Vista Avenue, in the Denair area.
Section, Township, Range:	36-4-11
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel Number:	019-041-027 and a portion of 019-024-050
Referrals:	See Exhibit I Environmental Review Referrals
Area of Parcel(s):	APN No. 019-041-027: 5.65± acres APN No. 019-024-050: 8.99± acre portion of 266.53± acres
Water Supply:	Well (new Public Water System)
Sewage Disposal:	Septic System
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40) and Planned Development (P-D) (312)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Existing nut oil and cattle feed processing facility.
Surrounding Land Use:	Orchards and scattered single-family dwellings to the north, east, south, and west.

RECOMMENDATION

Staff recommends the Planning Commission provide a recommendation of approval to the Board of Supervisors, based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of the findings and actions required for project approval.

BACKGROUND AND PROJECT DESCRIPTION

The existing facility located on 5.65± acres, has a zoning designation of P-D (312) approved by the Board of Supervisors on July 24, 2007 (Rezone No. 2006-13 – Caloy Company Oil and Feed Plant) to allow for the conversion of an almond storage facility to a nut oils and cattle feed processing facility. The facility extracts oils from nuts; storing the unrefined nut oil in tanks until it is transported to Germany for refining. The refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls.

An expansion of the facility was approved by the Planning Commission on August 6, 2009 (Use Permit No. 2009-03 – Caloy Company) to allow for expansion of the facility to allow the construction of a 24,750 square-foot warehouse and several accessory structures (silos, a boiler room, and a cooling tower). Staff Approval Permit No. 2011-09 – Caloy Co. Oil was issued on May 19, 2011 to allow for the addition of 14 storage tanks and a 70-foot-tall steam stripper platform. Approximately 80% of the current incoming product comes from within Stanislaus County; including from the Monte Vista Farming Company almond huller and processor located just south of facility. The facility currently produces approximately 1.4 million gallons of unrefined nut oils per year.

The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The facility has a parking lot with 20 spaces and lighting consisting of five (21-foot-tall light poles). The entirety of the facility is fenced with six-foot-tall chain link fencing along the side and rear property lines and a five foot 10-inch-tall concrete and wrought iron decorative fence running along the Montpelier Road frontage. There is a landscaped stormwater drainage basin, approximately 60 feet wide, located on the interior of the decorative fence. The existing facility has two driveways from Montpelier Road. Existing signage consists of two 4-foot x 8-foot signs, mounted on posts seven-feet off ground level, located at each existing entrance point.

This request will allow for an 8.99± acre expansion of the existing facility. The expansion area consists of a portion of a 266.53± acre parcel under the ownership of Naraghi Quattrin Farms, LLC. A lot line adjustment between the 266.53± acre parcel and the 5.65± acre parcel, on which the existing facility is located, is required for development of this project. Approval of the lot line adjustment is contingent on approval of the requested rezone.

This request proposes to expand the facility with the construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, 48,700 square-foot bottling facility, and 12,263 square-foot office building. The proposed expansion does not add additional

processing capacity to the facility but will rather provide for additional methods of oil packaging. The expansion will enable oil to be placed into drums and bottles, in addition to the current method of loading it into tankers, and cold storage will allow for product storage on-site. The expansion will not result in a change to the volume of the incoming product. Other improvements result from this request include an additional 105 parking spaces, 16 freestanding light poles, 22 feet in height, and chain link fencing, six to seven feet in height, around the entire perimeter of the site. Storm drainage swales and landscaping strips, at least 36-feet-wide, are proposed along the road frontage and northern property line, and a six-foot-wide landscape strip is proposed adjacent to the western property line. Landscaping will consist of drought-resistant shrubs, trees and ground cover. Proposed signage includes two new signs on the eastern walls of the proposed buildings, both 32 square feet in size. One new driveway on Montpelier Road and a widening of the existing northeastern driveway is proposed; as well as two new driveways fronting an existing access easement (5th Street, which is a private road) adjacent to the northern property line.

The existing facility is served by a private well and septic system and one additional well and septic system are proposed to serve the expansion. Per the applicant, the existing well does not provide adequate water pressure to move the water all the way to the proposed northerly buildings and the two wells will be interconnected to provide redundancy in the event problems with one of the wells were to occur. No significant increase in water consumption is expected to occur with the expansion as the operational elements of the bottling and cold storage buildings do not include significant water use. The facility operates 24 hours a day, seven days a week which is not proposed to change. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35 (20 employees on a maximum shift). The facility currently has an average of two visitors per-day, which is not proposed to change. There is currently an average of 10 daily truck trips consisting of either the delivery of nuts or picking up of finished product, which is anticipated to increase to 20 daily truck trips. Truck traffic is limited to the hours of Monday through Friday from 7:00 a.m. to 5:00 p.m.

All applicable development standards and/or conditions of approval from previous land use entitlements for the existing facility have been carried over to this project. If approved, the new P-D zoning will encompass both the existing facility and the proposed expansion and the development standards from this project will apply.

SITE DESCRIPTION

The 14.64± acre project site is located at 5425 Montpelier Road, between E Keyes Road and E Monte Vista Avenue, in the Denair area. Orchards and scattered single-family dwellings to the north, east, south and west. East of the project site, on the east side of Montpelier Road, is a concentration of smaller ranchette lots, ranging in size from 3,750 to 52,000 square feet, of which seven are developed with single family dwellings. These lots were created by the Town of Montpelier Subdivision filed on April 5, 1899.

ISSUES

Two issues have been identified as part of the review of the project (1) the existing facility has multiple outstanding building permits and (2) concerns from surrounding landowners and/or area residents.

The existing facility has outstanding building permits for existing structures that are either unissued or issued pending actions needed to final the permit. Accordingly, if this project is approved, Development Standard No. 22 will require all outstanding building permit issues be addressed prior to the issuance of any building permit for the expansion; with some limited allowance for issuance if sufficient progress in addressing the outstanding permits is demonstrated. Regardless of whether this project is approved, all outstanding building permits issues associated with the existing facility will need to be resolved.

Six letters raising numerous concerns have been received from surrounding landowners and/or area residents in response to the environmental review prepared and circulated in accordance with the California Environmental Quality Act (CEQA) (see Exhibit G – *Correspondence received prior to the Planning Commission*). A CEQA Initial Study prepared for this project was circulated from April 24, 2024 to May 28, 2024 to agencies and surrounding landowners. A map showing the addresses referenced in the letters in relation to the project site and the project notification area, is included in Exhibit H – *Land Owner Notification and Community Response Map* of this report. The following is a summary of the concerns raised in the letters:

Water and Septic

Residents have stated their existing domestic wells are drying up and they are concerned that the development of an additional well on the project site will have a negative impact on groundwater resources. There is also a concern that should existing wells go dry, neighboring parcels will be unable to meet the minimum required setbacks from septic systems to wells. The project has been reviewed by the Department of Environmental Resources (DER) and no impacts regarding wells or septic systems have been identified. DER is the County department with oversight for the issuance of well permits and approval of septic systems. Given the small size of the neighboring ranchette parcels to the east, Development Standard No. 42 has been applied to the project to prevent the project site from infringing on the neighboring parcel's ability to install a replacement well or septic system, should the need arise.

The potential impacts to groundwater availability and quality were evaluated in the Initial Study and found to have less than significant impact. The project was referred to the Turlock Subbasin Groundwater Basin Association (TSGBA) Groundwater Sustainability Agency (GSA) for comment and no response has been received to date. Any additional well for the proposed facility will be required to go through a separate permitting process administered by DER. Prior to well permit issuance, any new well located within the unincorporated area of Stanislaus County is required to demonstrate, based on substantial evidence, that extraction of groundwater from the proposed well will not constitute unsustainable extraction of groundwater. As discussed in the *Project Description* section of this report, one additional well and septic system are proposed to serve the expansion. Per the applicant, the existing well does not provide adequate water pressure to move the water all the way to the proposed northerly buildings and the two wells will be interconnected to provide redundancy in the event problems with one of the wells were to occur. No significant increase in water consumption is expected to occur with the expansion as the operational elements of the bottling and cold storage buildings do not include significant water use. In response to the groundwater supply issues raised by surrounding landowners, the applicant's engineer has provided an updated water systems analysis, included in Exhibit G, stating there

will be a net reduction in water use from the aquifer due to the removal of six acres of almond orchard.

Stormwater Runoff

Residents have expressed concerns regarding stormwater runoff from a seasonal creek (Sand Creek) that is believed to run through the project site and neighboring properties. At the time this report was drafted, staff had not been able to identify the precise location of the creek. While information available at that time suggested that the creek did not run through the project site, Development Standard Nos. 10 and 12 have been applied to the project requiring the developer to contact the US Army Corps of Engineers and the California Department of Fish and Wildlife prior to new construction to determine if any permits are required. Stormwater will need to be contained on-site. The project proposes continued use of a landscaped stormwater drainage basin, developed as part of the existing facility, and development of 36 to 40-foot-wide storm drainage swale and landscaping strips along the road frontage of the expansion area. Additionally, the applicant will be required to show how stormwater will be maintained on-site as part of the grading permit review process.

Noise and Odor

Residents have expressed concerns with the potential for increased noise resulting from the expansion and have referenced issues with noise from the existing operation; specifically, with respect to the existing operation, noise coming from squeaking equipment and music from employee cars. One resident has also stated that odor from the facility is detectable off site. The County has not been made aware of any odor or noise complaints from the existing operation prior to receipt of this letter. The applicant has been made aware of these concerns and is working to get them resolved. As with all new development projects, this project is required to comply with maximum allowable noise levels as set forth in the Stanislaus County General Plan and Stanislaus County Code. Development Standard Nos. 7-8 have been placed on the project requiring the applicant to develop a "Good Neighbor Policy" to address nuisance concerns, as well as a standard to address any future noise complaints.

Traffic

Residents have expressed concerns with the resulting increase in truck and vehicle trips associated with the proposed expansion. Specific traffic concerns mentioned include the lack of turning lanes, that trucks turning into the existing facility cause other vehicles to cross the double solid line in order to get around the trucks, and impacts to the roadway. County Public Works reviewed the proposed project and determined a traffic impact analysis was not warranted. Development Standard No. 28 has been placed on the project to require an adequate on-site area, outside of any gate, to prevent trucks entering the site from blocking any travel lane or roadway shoulder. To address impacts to the roadway, Development Standard No. 29 has been applied to the project requiring the facility to pay a tonnage fee to offset traffic impacts to Montpelier Road.

Air Quality

Concerns regarding potential impacts to the air quality in the area associated with the increase in truck trips and facility expansion have been raised. The nearest residences are located 160 feet east of the proposed bottling and storage buildings. A project referral response received from the San Joaquin Valley Air Pollution Control District (SJVAPCD) stated that the emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts. The developer will be required to obtain a Permit to Operate (PTO) from the SJVAPCD prior to issuance of a building permit and, as part of the PTO application process, Health Risk Assessment (HRA) information must be provided to and be analyzed by the SJVAPCD. The SJVAPCD requires operators to employ best practices such as implementing truck routes which avoid sensitive receptors or restrict idling times. Development Standard No. 48 requires that a PTO be obtained prior to issuance of a building permit and that all best practices and conditions applied to the PTO be met.

Lighting and Aesthetic Impacts

Residents have expressed concerns about the impacts the project will have on their view with the removal of the existing orchard and construction of additional buildings, and the additional lighting generated by the project. There is also a concern that the expansion will have an impact on existing historical landmarks (two large grain silos, a grain elevator, and a brick warehouse) located in the area. The identified landmarks are located off-site. New construction resulting from this project is proposed in an area currently planted in almonds and will not require the demolition of any structures. The Central California Information Center (CCIC) serves as the regional historic preservation community by accumulating and disseminating numerous types of data including prehistoric and historic archaeological resource records, and archaeological and historical investigative reports. A records search conducted by the CCIC for the project site indicated that while historic structures have been recorded in the vicinity, there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. The expansion area will be developed with 36 to 40-foot-wide storm drain swale and landscaping strips that will provide both a physical and visual buffer along the road frontage. Development Standard No. 14 requires that the landscaping along the road frontage include a solid planting of screening trees, or other vegetation, which will grow to a minimum of 15-feet in height to provide screening of the facility from Montpelier Road and, in turn, the neighbors across the street from the expansion area. A photometric lighting plan will be required to be submitted for any proposed exterior lighting to prevent glare and spill light that shines onto neighboring properties.

Fire Concerns

Two of the letters state that there have been multiple fires at the existing facility and, while the fires have been contained on-site, there are concerns that there is a lack of an appropriate fire extinguishing system should the facility catch on fire again. The project has been referred to both the Denair Fire Protection District and the Stanislaus County Fire Prevention Bureau as part of the CEQA Early Consultation and Initial Study referrals and no comments have been received regarding fire concerns. In response to the letters raising concerns, staff reached out to the Denair

Fire Protection District directly to inquire about previous fires and, as of the time this report was prepared, no response had been received. According to information obtained by the Stanislaus County Fire Prevention Bureau, the most recently reported fire was a trash/dumpster fire in 2022. Staff is continuing to work on getting information regarding the previous fires and will present any additional information gathered at the June 20, 2024 Planning Commission meeting. As part of the building permit process, the Stanislaus County Fire Prevention Bureau will review the fire suppression systems that are required by fire code as well as all other fire requirements. The project currently proposes two 120,000-gallon fire water storage tanks and two pump houses to supply the fire sprinkler systems. A licensed fire protection engineer is required to design the fire sprinklers according to the hazard(s) in the building.

Landowner Notification

One of the letters received raises concerns that the surrounding residents were not properly notified. Stanislaus County's Landowner Notification Policy requires that projects located in a rural area (defined as having a General Plan designation of Rural Residential, Agriculture, or Urban Transition) be noticed to all landowners within a ¼ mile (1,320 feet) and at least two parcels out from the project site. In accordance with this policy, a combined notice of the CEQA Initial Study availability and public hearing were sent to surrounding landowners within a ¼ mile (1,320-foot) radius or two parcels out from the project in all directions, whichever was greatest (see Exhibit H - *Land Owner Notification and Community Response Map*). No undeliverable mail from surrounding landowners was received by the Planning Department after the notices were sent out.

No other issues have been identified as a part of this request. Standard development standards, along with the development standards applied to the existing facility as part of previous land use entitlements, have been added to the project.

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. Additionally, in order to approve a rezone, it must be found to be consistent with the General Plan. The General Plan designations of the existing facility and proposed expansion area are Agriculture. The Agriculture General Plan designation is consistent with a Planned Development zoning designation when it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the Agriculture designation, may be properly located within areas designated as agricultural on the General Plan. Such uses can include, facilities for packing fresh fruit, facilities for the processing of agricultural commodities utilized in the County's agriculture community, etc.

The 2007 approval of P-D 312 found the zoning to be logical considering the unique characteristics of this site, an existing warehouse building, and the close proximity to established almond and walnut producers. The approval also identified that the nature of the business presented a unique logistical situation where both the raw material (nuts) and one of the final products (feed) is provided by and to the agricultural community. Prior to approval of P-D 312, the Caloy facility was located in Riverbank which required the transportation of raw material from

an agricultural area to an urbanized area. The approval of P-D 312 allowed the facility to utilize the close proximity of the surrounding orchards and almond processors to reduce their overall transportation needs. This proposed expansion continues to support the facility being located in an area designated as Agriculture.

The General Plan's Agricultural Element Agricultural Buffer Guidelines states that new or expanding uses approved by a discretionary land use entitlement in the A-2 zoning district, or on a parcel adjoining the A-2 zoning district, should incorporate a minimum 150-foot-wide agricultural buffer setback, or 300-foot-wide buffer setback for people intensive outdoor uses, to physically avoid conflicts between agricultural and non-agricultural uses. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses are permitted uses within the buffer setback area. The project meets the 150-foot agricultural buffer to the west and east and, given the existence of an almond and walnut hulling and processing facility, no buffer is required to the south. Along the north boundary, the proposed buildings are setback 106 feet from the property line. The applicant is requesting a reduced buffer of 106 feet on the northern property line. The applicant would like consideration given to 5th Street, a 30-foot-wide private road, adjoining the northern property line which, if added, would provide a 136 feet wide buffer area. In addition to providing landscaping along the eastern and western property lines, the applicant is also proposing to landscape a portion of the northern property line. In accordance with the buffer guidelines, the entirety of the site will be fenced to prevent trespassing onto adjoining lands in agricultural production. Alternatives to the minimum buffer setback may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Staff believes that the alternative can be found to provide equal protection to the existing buffer standards.

Staff believes that the proposed P-D zoning is consistent with the General Plan's Agricultural designation. This project is a request to expand an existing use. The existing P-D (312) zoning was found to meet the standards of the General Plan, including consistency with the Agricultural designation. With development standards in place, staff believes the project is consistent with the County's General Plan.

ZONING ORDINANCE CONSISTENCY

To approve a rezone, the Planning Commission must find that it is consistent with the General Plan. If approved, the nut oil and cattle feed processing facility will become the only permitted uses of the new P-D zoning district and any expansion or amendment to the uses will be subject to all applicable requirements of the County's Zoning Ordinance. While the project is only required to provide 23 parking spaces (one space per employee on a maximum shift plus three additional spaces), the applicant is proposing to provide an additional 105 parking spaces. In response to staff inquiries regarding the need for the extra parking spaces, the applicant has indicated simply a desire to provide extra parking. Regardless of the extra parking provided, the facility will be limited to 35 employees (20 on a maximum shift) as stated in the project description. This project will maintain zoning consistency by adhering to the uses and development standards, including parking, fencing, landscaping, signage, lighting, building height, and setbacks, incorporated into this project (see Exhibit C – *Development Standards*).

If the project is approved, the proposed zoning designation of P-D will be consistent with the existing General Plan designation of Agriculture. Staff believes the project can make the findings required to rezone the project site, as outlined in Exhibit A of this report.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit I – *Environmental Review Referrals*).

Accordingly, a Negative Declaration has been prepared for adoption, prior to action on the project (see Exhibit F – *Negative Declaration*). Development Standards reflecting referral responses have also been placed on the project (see Exhibit C – *Development Standards*).

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 **\$2,973.75** 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/Development Standards ensure that this will occur.

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Plans
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Correspondence received prior to the Planning Commission
- Exhibit H - Land Owner Notification and Community Response Map
- Exhibit I - Environmental Review Referrals
- Exhibit J - Levine Act Disclosures

Findings and Actions Required for Project Approval

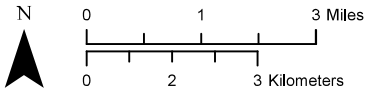
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study, and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative 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, based on the discussion in this report, and the whole of the record that:
 - a. The project is consistent with the overall goals and policies of the Stanislaus County General Plan.
 - b. Find that the proposed Planned Development zoning is consistent with the Agriculture General Plan designation.
 - c. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
 - d. 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 Rezone Application No. PLN2023-0065 – Caloy Company, LP, subject to the attached Development Standards and Development Schedule.
5. Introduce, waive the reading, and adopt an ordinance for the approved Rezone Application No. PLN2023-0065 – Caloy Company, LP

**Caloy Company
LP
REZ
PLN2023-0065**

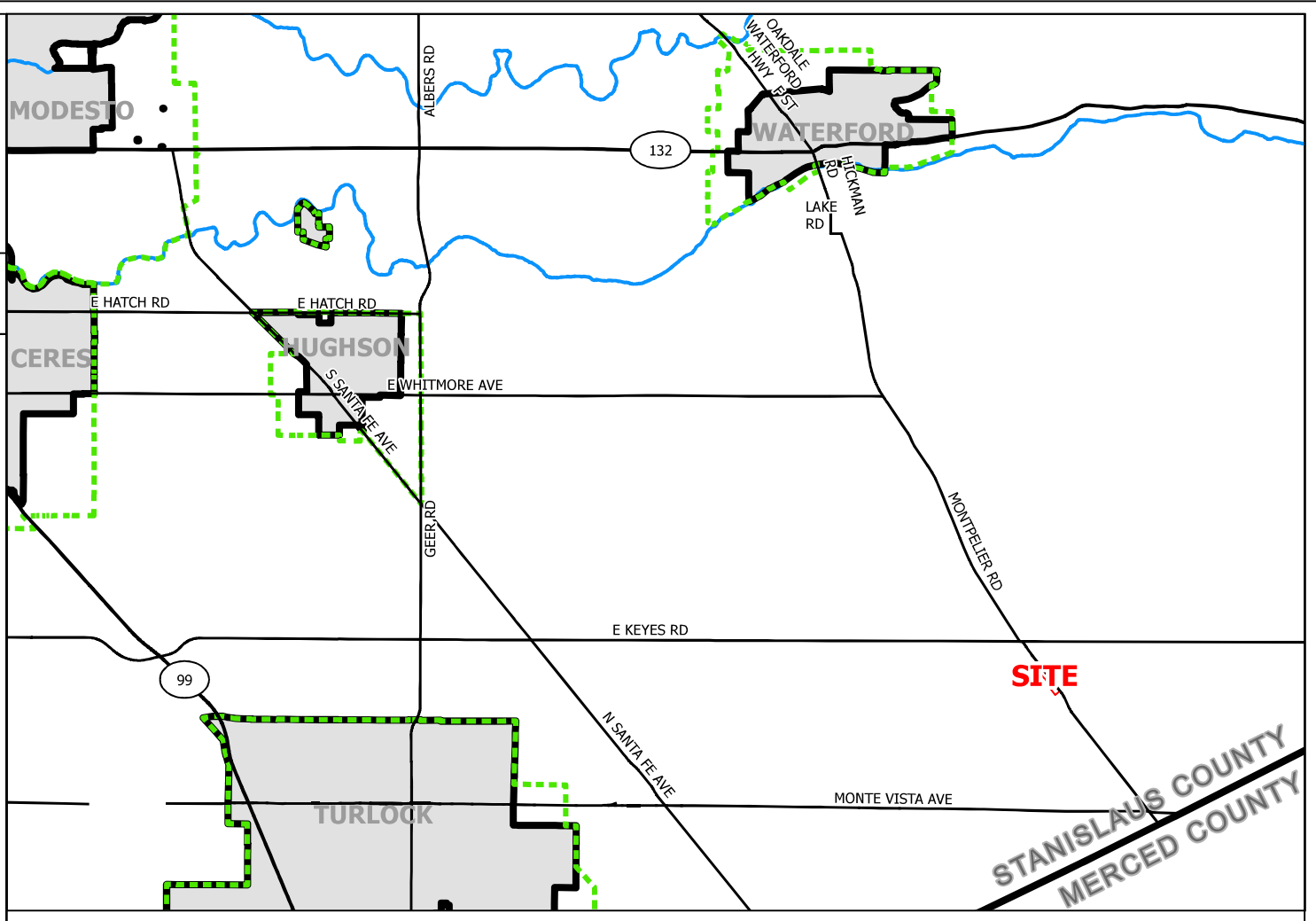
AREA MAP

LEGEND

- Highway
- Major Road
- Project Site
- ⬡ Sphere of Influence
- ▭ Stanislaus County
- River
- MonteVista



Source: Planning Department GIS Date Exported: 6/12/2024



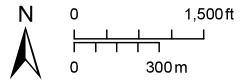
**CALOY
COMPANY LP**

**REZ
PLN2023-0065**

GENERAL PLAN MAP

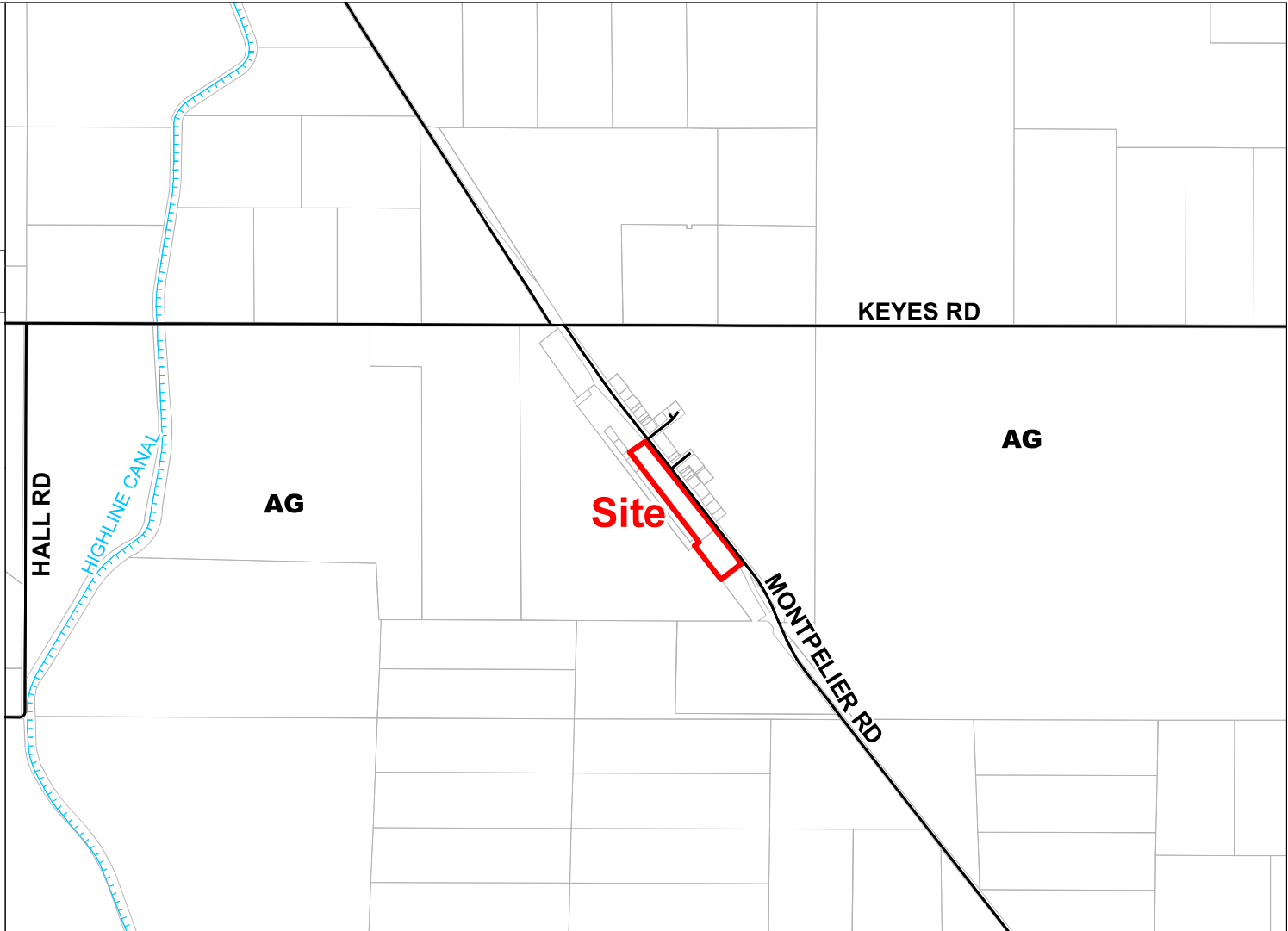
LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal
- General Plan**
-  Agriculture



Source: Planning Department GIS

Date: 8/14/2023









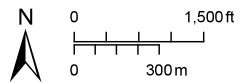
**CALOY
COMPANY LP**

**REZ
PLN2023-0065**

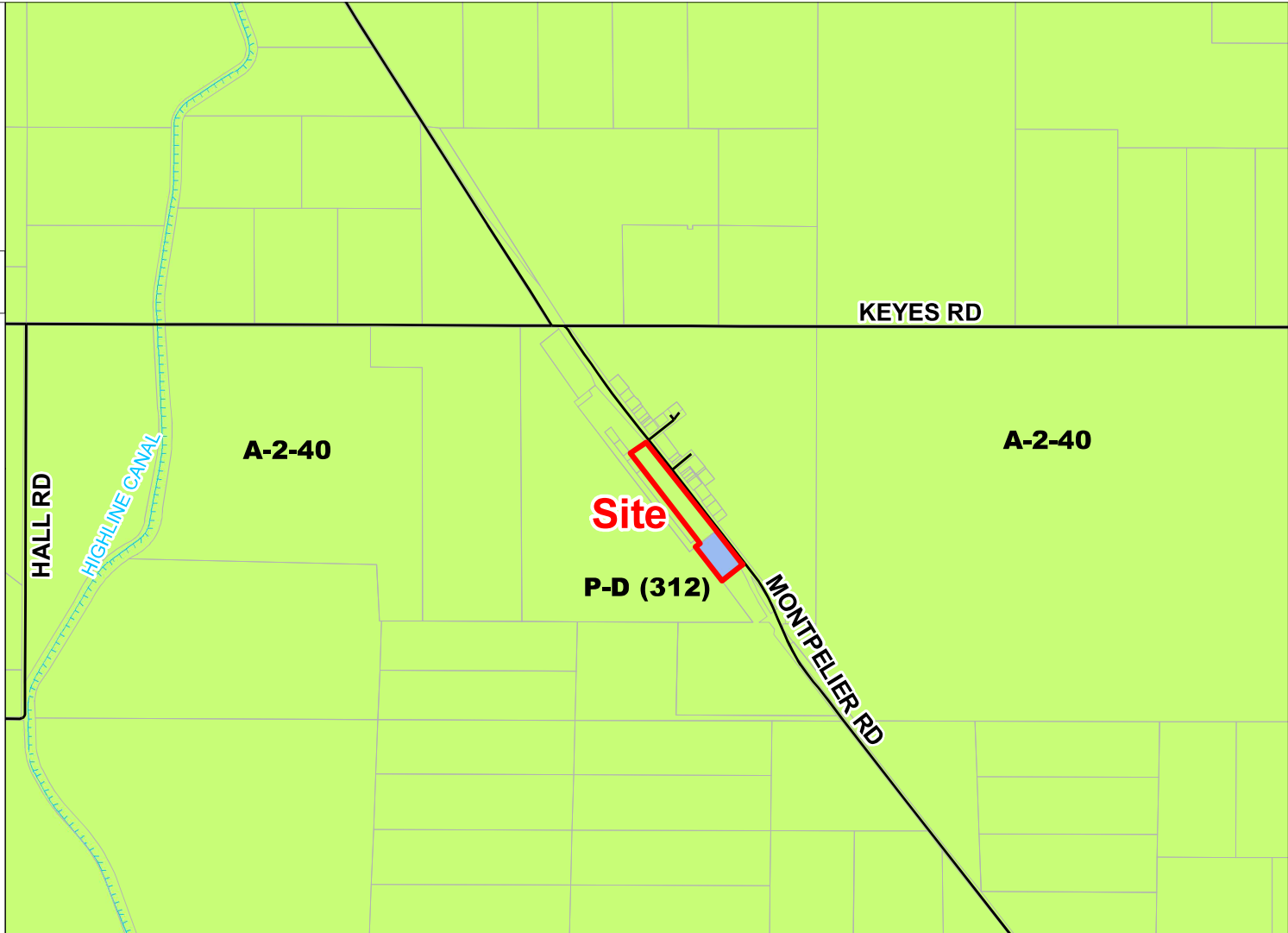
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal
- Zoning Designation**
-  Planned Development
-  General Agriculture 40 Acre



Source: Planning Department GIS Date: 8/14/2023






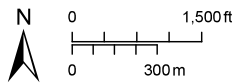
**CALOY
COMPANY LP**

**REZ
PLN2023-0065**

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Canal
-  Road



Source: Planning Department GIS

Date: 8/14/2023





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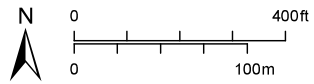
**CALOY
COMPANY LP**

**REZ
PLN2023-0065**

2023 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road



Source: Planning Department GIS

Date: 8/14/2023







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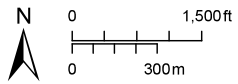
CALOY COMPANY LP

REZ PLN2023-0065

ACREAGE MAP

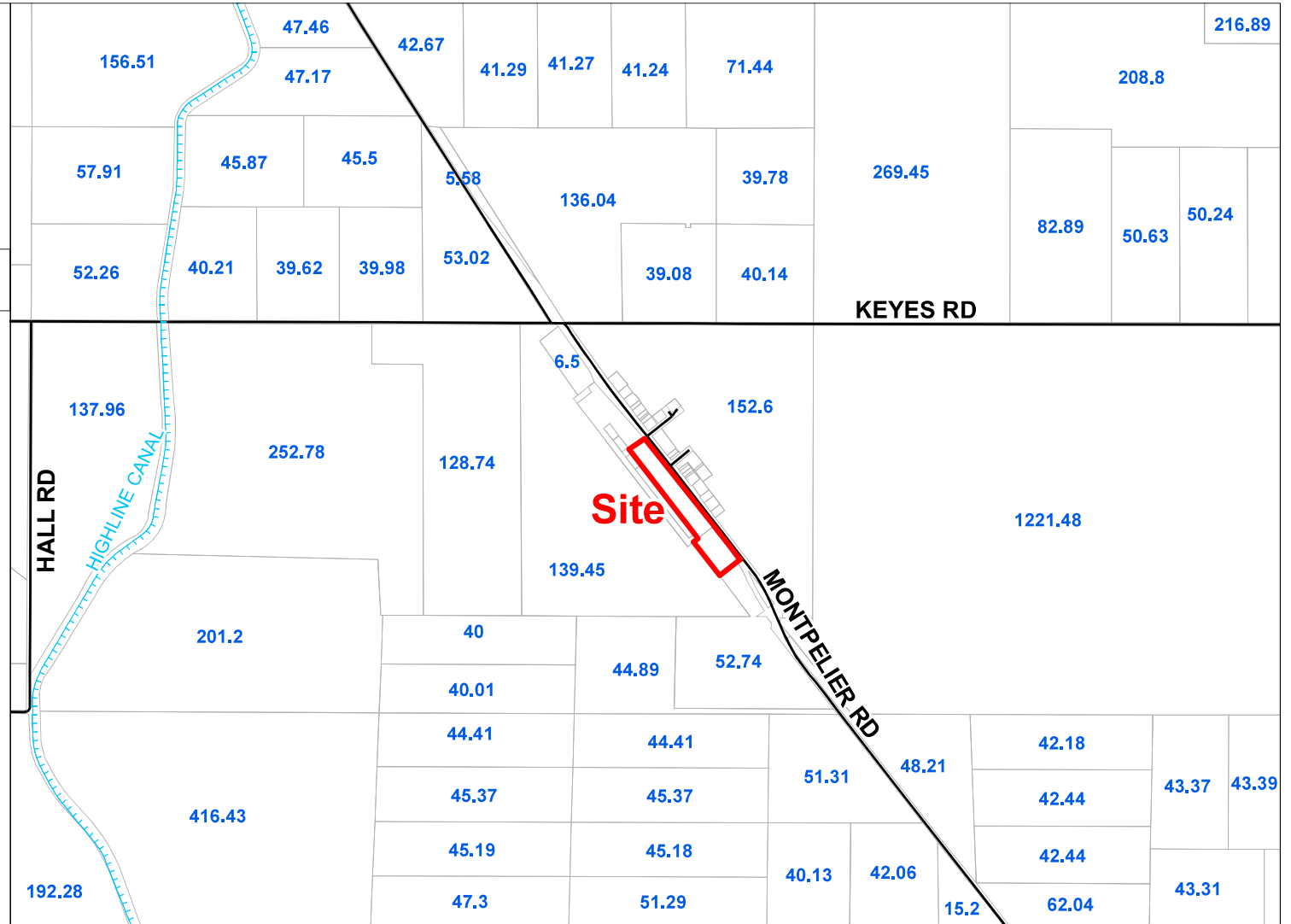
LEGEND

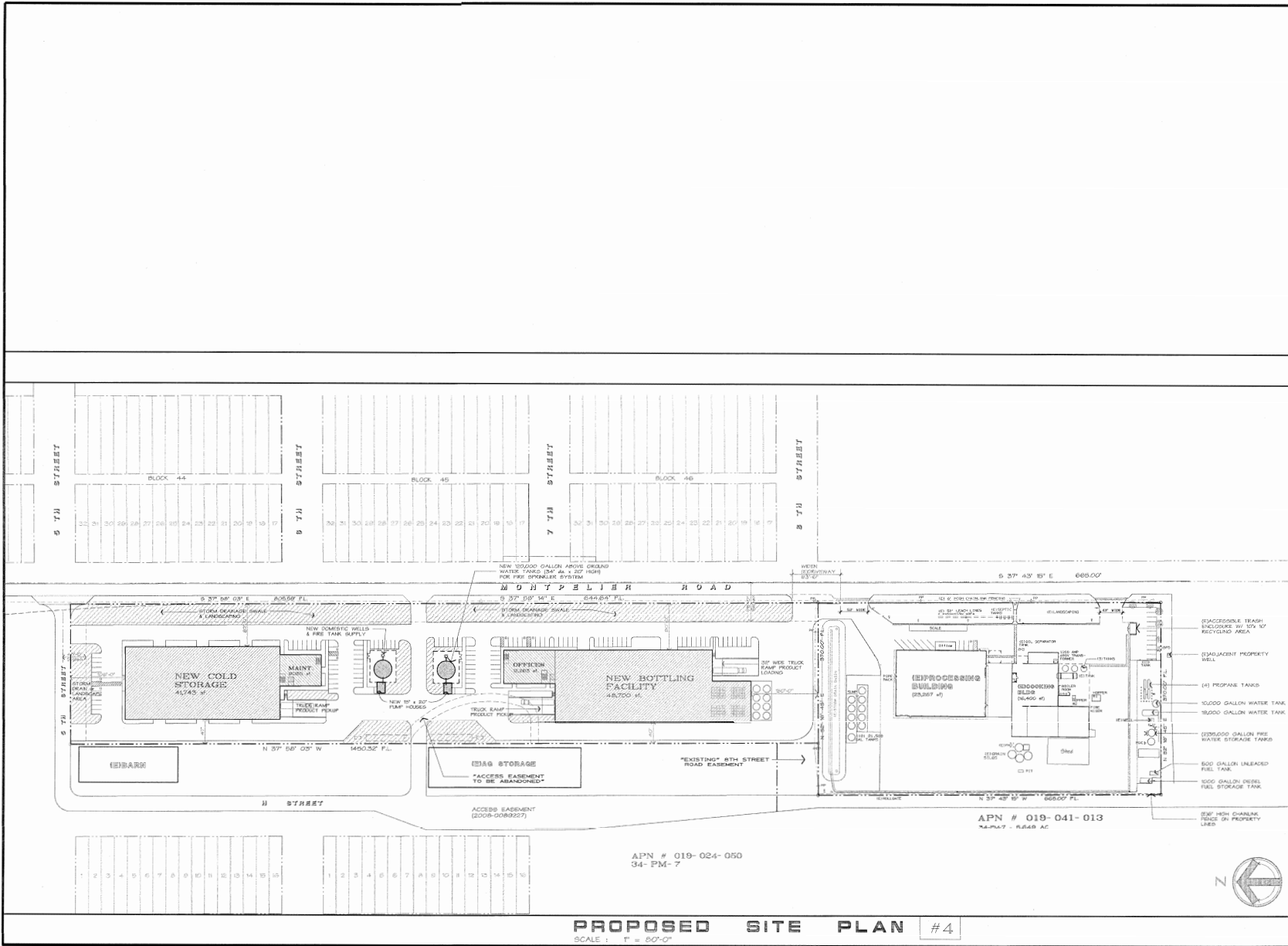
-  Project Site
-  Parcel/Acres
-  Road
-  Canal



Source: Planning Department GIS

Date: 8/14/2023





APN # 019-024-050
34-PM-7

APN # 019-041-013
14-PA-7 - 8,648 AC

PROPOSED SITE PLAN #4
SCALE: 1" = 80'-0"

REVISIONS



CALDY NATURAL OILS
5425 N. MONTEPELIER ROAD DENVER, CA 98316

SIGNATURE
DATE: 6/14/24

JOB NUMBER: 2303
DRAWN BY: JDS

DATE: 6/14/24

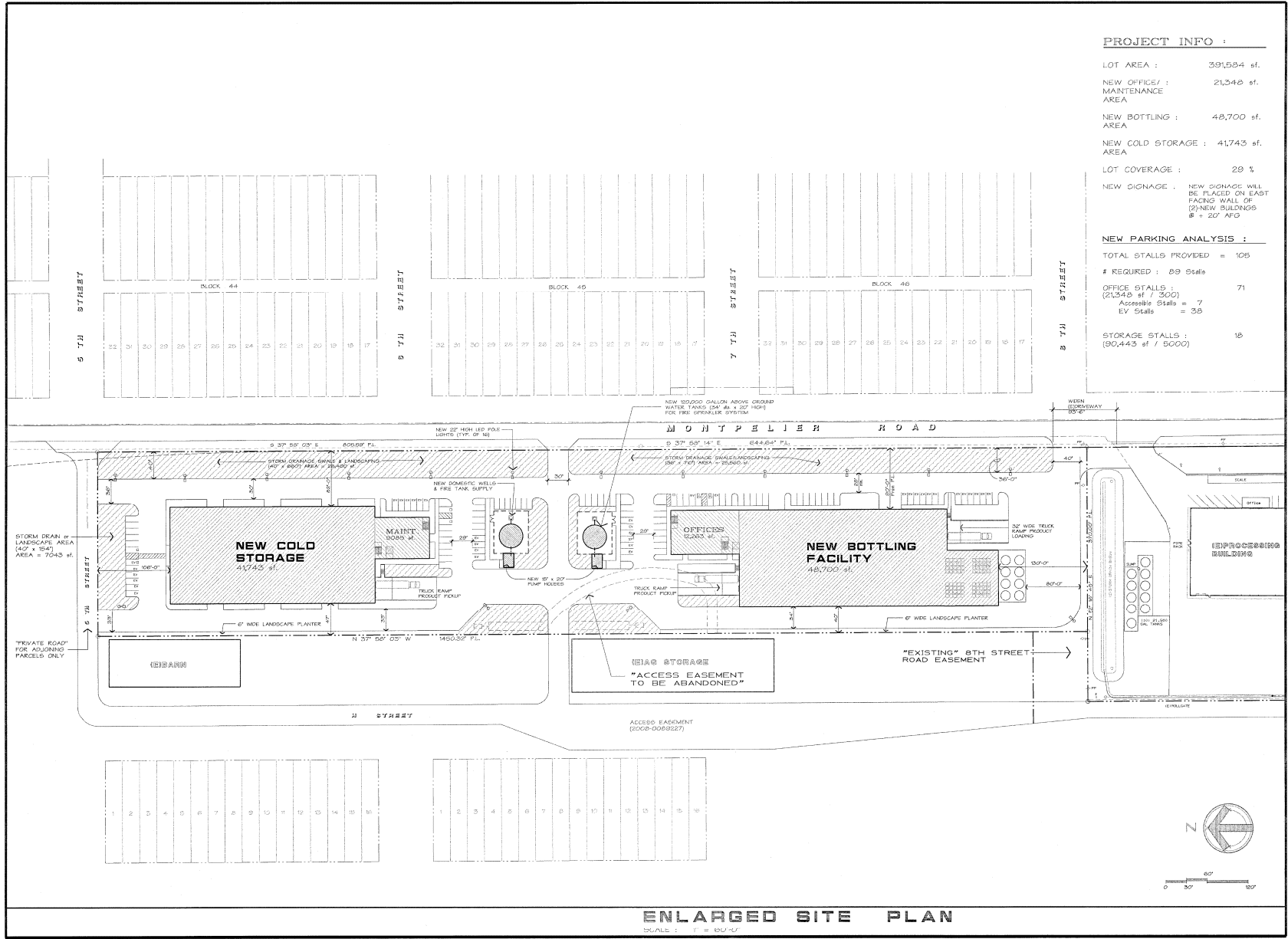
PROJECT NAME: PROPOSED SITE PLAN #4



YOSHINO-SHAW & ASSOCIATES
= Jim Shaw =
ARCHITECT

106 N. GOLDEN STATE BLVD
TULOCK, CA 95350
Phone (209) 667-2603
Fax # (209) 667-2604
Email: jshaw@fr2shrs.com

SHEET NO.
A-1.4



PROJECT INFO :

LOT AREA : 391,584 sq. ft.
 NEW OFFICE/ MAINTENANCE AREA : 21,348 sq. ft.
 NEW BOTTLING AREA : 48,700 sq. ft.
 NEW COLD STORAGE : 41,743 sq. ft.
 LOT COVERAGE : 29 %
 NEW SIGNAGE : NEW SIGNAGE WILL BE PLACED ON EAST FACING WALL OF 2 NEW BUILDINGS @ + 20' AFO

NEW PARKING ANALYSIS :

TOTAL STALLS PROVIDED = 105
 # REQUIRED : 89 Stalls
 OFFICE STALLS : 71 (21,348 sq. ft. / 300)
 Accessible Stalls = 7
 EV Stalls = 3/5
 STORAGE STALLS : 18 (80,443 sq. ft. / 5000)

ENLARGED SITE PLAN
 SCALE : 1" = 80'-0"

REVISIONS:

6/14/24	
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PROJECT NAME : FACILITY EXPANSION FOR : CALOY NATURAL OILS

DATE : 6/14/24

DRAWN BY : JDS

JOB NUMBER : 2205

SHEET TITLE : ENLARGED SITE PLAN #4

DATE : 6/14/24

DESIGNED BY : JDS

DENVER, CA 80236

YOSHINO-SHAW & ASSOCIATES
 = Jim Shaw =
ARCHITECT
 105 N. GOLDEN STATE BLVD
 TULLOCK, CA 95250

Phone : (209) 687-2603
 Fax : (209) 687-2604
 E-mail : jshaw@firo2win.com

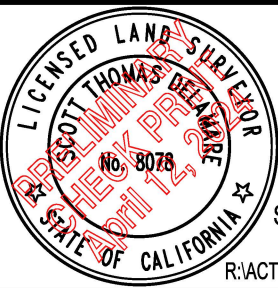
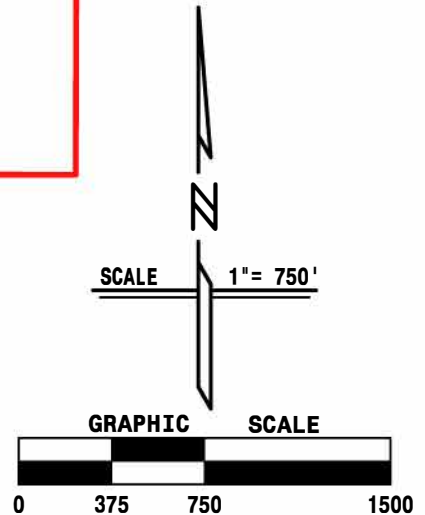
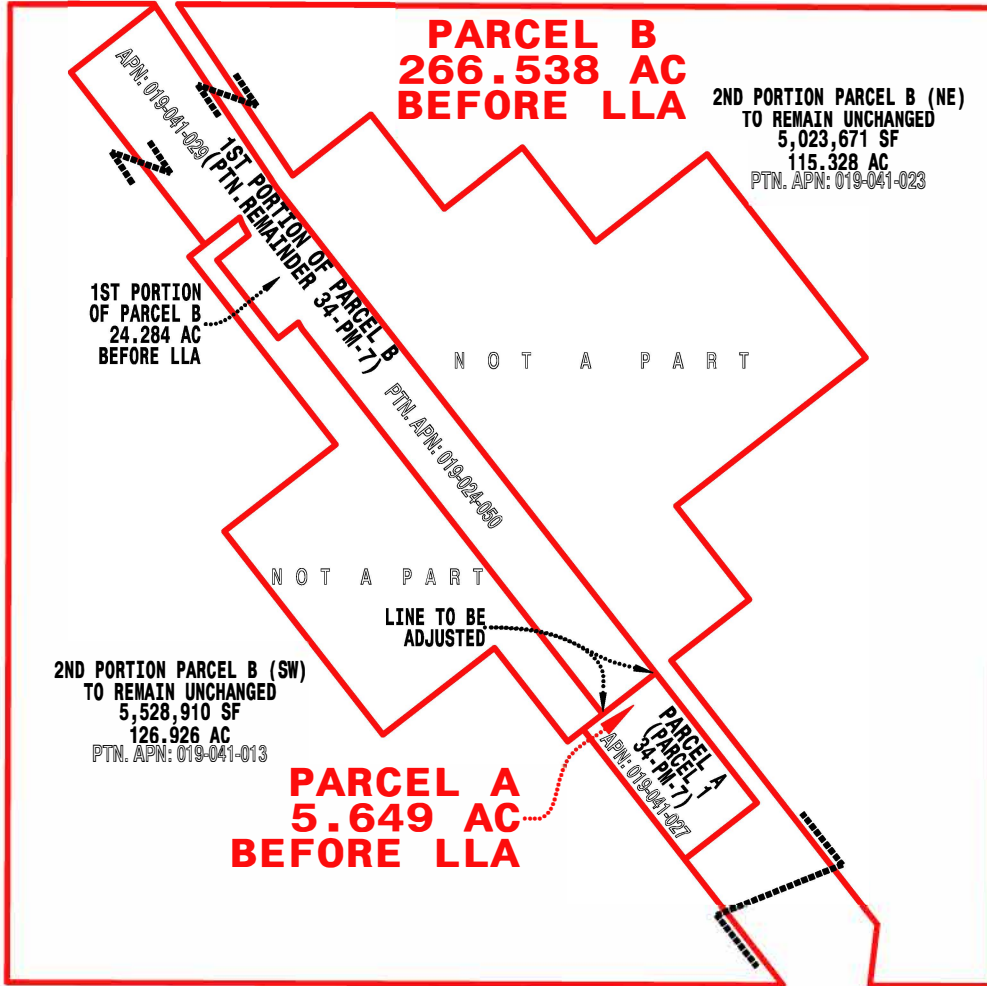
SHEET NO.
A-2.0

NOT FOR RECORDING

NOT FOR RECORDING

BEFORE LOT LINE ADJUSTMENT
LOT LINE ADJUSTMENT PLN2023-0066

PARCELS BEFORE LOT LINE ADJUSTMENT OUTLINED IN RED



DF ENGINEERING, INC.

CIVIL ENGINEERING AND SURVEYING
3421 TULLY ROAD · SUITE J · MODESTO, CA 95350
TELEPHONE (209) 529-7450 · EMAIL DFENGINEERING@DFENGINEERING.COM

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SIGNED: *Scott Thomas DeLaMare* April 12, 2024
SCOTT THOMAS DELAMARE LS 8078 DATE

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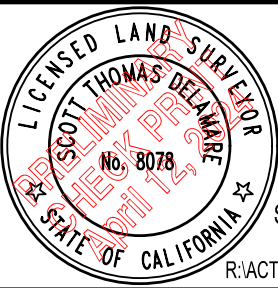
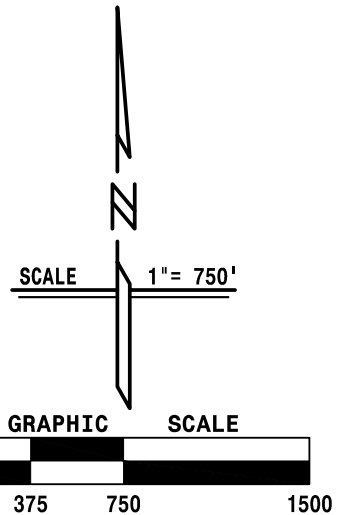
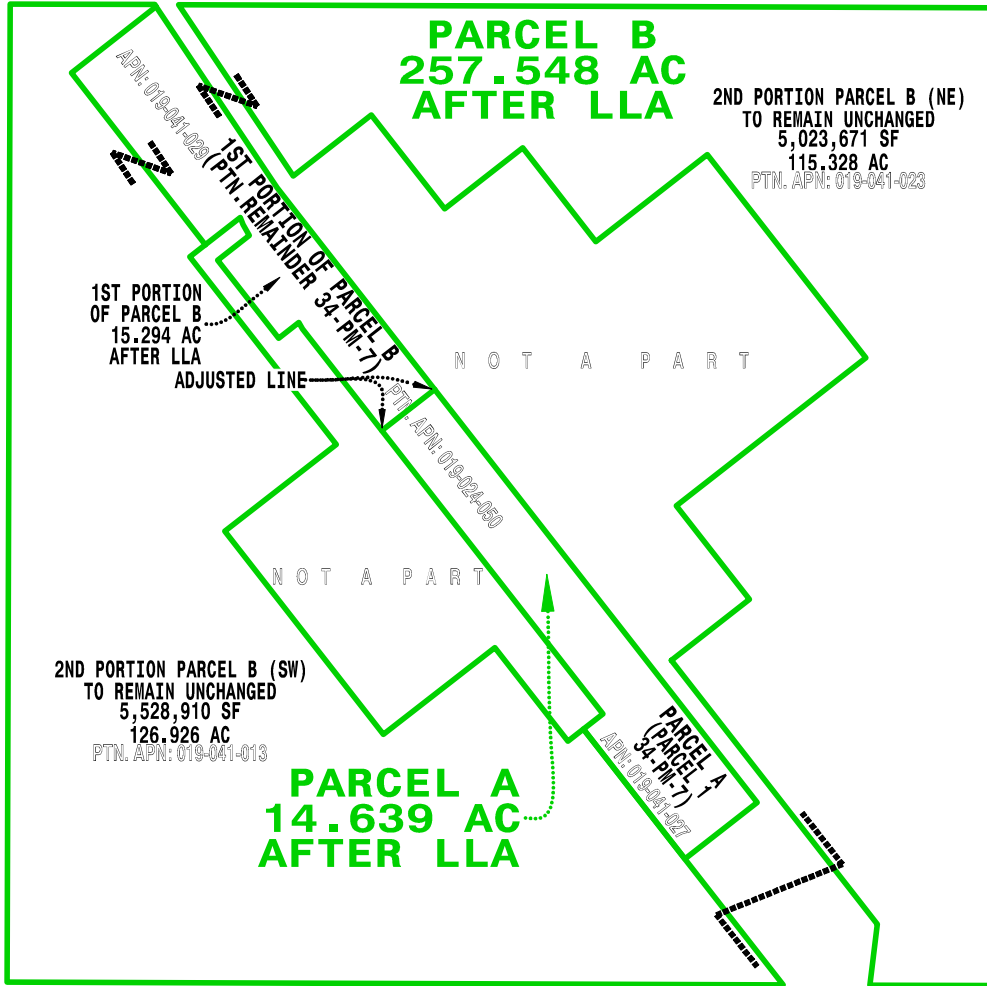
PAGE	1
	OF 1
JOB	2207
AUTHOR	STD
CK. BY	NIP
SCALE	1" = 750'
DATE	Apr., 2024

Printed April 12, 2024 - Ready for 1st Submittal

NOT FOR RECORDING

AFTER LOT LINE ADJUSTMENT LOT LINE ADJUSTMENT PLN2023-0066

PARCELS AFTER LOT LINE ADJUSTMENT OUTLINED IN GREEN



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SIGNED: *Scott Thomas De la Mare* April 12, 2024
SCOTT THOMAS DELAMARE LS 8078 DATE

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PAGE	1
	OF 1
JOB	2207
AUTHOR	STD
CK. BY	NIP
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DEVELOPMENT STANDARDS

**REZONE APPLICATION NO. PLN2023-0065
CALOY COMPANY, LP**

Department of Planning and Community Development (Planning)

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Board of Supervisors and in accordance with other laws and ordinances. All development standards and/or conditions of approvals from prior land use entitlements for the existing facility, previously zoned P-D 312, shall be superseded by the development standards applied to the project.
2. Pursuant to Section 711.4 of the California Fish and Game Code the applicant is required to pay a California Department of Fish and Wildlife fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,973.75**, 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. Planning shall record a Notice of Administrative Conditions and Restrictions with the County Clerk-Recorder's Office within 30 days of project approval. The Notice includes: Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
4. 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.
5. 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.
6. No on-site operations shall be conducted in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off-site.
7. Noise levels associated with all on-site activities 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 the County, the property owner/operator shall be responsible for hiring a certified noise consultant, approved by the

Planning Director, or appointed designee, to evaluate noise impacts and to identify appropriate mitigation for any identified noise impacts. The property owner/operator shall implement any resulting mitigation measures required to reduce noise to allowable levels within the time frame specific by the County. The certified noise consultant's evaluation shall be completed and submitted to Planning within 60-days of written notice being delivered to the property owner/operator. If determined necessary by Planning, the property owner/operator shall pay for the County's costs to hire a third party to review the noise assessment prepared by the property owner/operators consultant. The property owner/operator may arrange to have the noise assessment prepared by the County by paying for the County's actual costs of hiring a certified noise consultant.

8. Prior to issuance of any building or grading permit for the expansion, a "Good Neighbor Policy" shall be developed by the developer and approved by Planning Director, or appointed designee. The Good Neighbor Policy shall include, but not be limited to, providing neighbors with contact information for the operator when issues arise, the protocol the operator will take in addressing concerns (including reporting of the concerns to the County), a plan for regular distribution of the Good Neighbor Policy to surrounding residents, and the process for amending the policy.
9. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
10. Pursuant to Section 404 of the Clean Water Act, prior to the start of construction for any new structure, 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.
11. Pursuant to the federal and state Endangered Species Acts, prior to the start of construction for any new structure, 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. Prior to the start of construction for any new structure, the developer shall be responsible for contacting the California Department of Fish and Wildlife to determine if a Lake and Streambed Alteration Agreement is required.
13. Prior to issuance of any building permit for the expansion, a photometric lighting plan, for the expansion area, shall be submitted for review and approval by the Planning Director or appointed designee. All exterior lighting (existing facility and expansion area) 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). The height of any freestanding lighting fixtures shall not exceed 22 feet above grade.

14. A final landscaping plan and irrigation plan shall be submitted for review and approval by the Planning Director, or appointed designee, prior to issuance of any building permit for the expansion. The landscaping along the road frontage of the expansion area shall include a solid planting of screening trees, or other vegetation, which will grow to a minimum of 15-feet in height to provide screening of the facility from Montpelier Road. Landscape plans shall meet current State of California water use requirements at the time of submittal. The review of the landscape plan shall be subject to applicable County landscape review and inspection fees in effect at the time of review and inspection. Landscaping shall be installed and inspected prior to final of any building permit for the expansion. Review and approval of the landscaping plan for the expansion area, shall also include a review of the existing facility for compliance with all applicable landscape requirements of the prior P-D 312 zoning district.
15. All landscaped areas, fences, and walls shall be maintained in an attractive condition and in compliance with the approved landscape and irrigation plan. The premises shall be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30 days, at the property owner's expense.
16. A sign plan including the location, height, and area of the sign(s) shall be approved by the Planning Director, or appointed designee, prior to sign installation and/or replacement. Signage shall be limited to the following:
 - a. The two 32 square foot freestanding signs located in the existing area at the time of project approval. Existing freestanding signs may be replaced or relocated on the project site with six (6) foot tall monument signs provided there are no more than two (2) such signs on the project site and the individual signs do not exceed 32 square feet in area.
 - b. Up to two (2) wall signs, not exceeding 32 square feet in size each, in the expansion area. The signs shall be limited to one (1) sign per building.
 - c. Directional signs, as approved by the Planning Director, or appointed designee, for size and placement, without limited on number.

All signage shall be non-flashing, non-animated, and nonmoving. Modifications to the number and size limitations for signage may be approved by the Planning Director, or appointed designee, subject to issuance of a staff approval permit.

17. On-site parking shall be developed and maintained in accordance with the approved development plan. All driveways, drive aisles, including truck drive aisles, truck parking areas, and customer and employee vehicle parking areas shall be paved (unless

otherwise noted on the site plan). Pavement and parking spaces shall be installed in accordance with all applicable Stanislaus County standards.

18. A lot line adjustment between the existing facility and proposed expansion area shall be recorded prior to issuance of any grading or building permit for new structures located on the proposed expansion area.
19. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director, or appointed designee. Location and design shall be approved prior to issuance of any building permit.
20. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction or landscaping as approved by the Planning Director, or appointed designee. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director, or appointed designee.
21. The hours of construction on the project site shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, with no construction allowed on holidays.

Building Permits Division

22. All required building permits shall conform with the California Code of Regulations, Title 24, and any other applicable standards. Building permits for both the existing facility and proposed expansion shall be obtained within the timeframe specified in the Development Schedule approved for the project.

Department of Public Works (Public Works)

23. No on-site drainage shall be allowed to encroach into Stanislaus County road right-of-way.
24. No improvements shall encroach into the Stanislaus County road right-of-way.
25. No parking, loading or unloading of vehicles will be permitted within the Stanislaus County road right-of-way.
26. The developer will be required to install or pay for the installation of any roadway signs and/or markings, if warranted.
27. An encroachment permit shall be obtained for driveway approaches at all points of ingress and egress on the project site and any other work done within the Stanislaus County road right-of-way. Driveway Approaches shall be installed per Stanislaus County Public Works Standards and Specifications. All driveway locations shall be approved by Public Works prior to site development.

28. The storage depth outside of any gate shall be adequate in size to prevent any trucks leaving the Stanislaus County road right-of-way from blocking any travel lane or roadway shoulder. If the storage depth is determined by the Public Works Director to be inadequate, the property owner/operator shall be required to move the gate further into the property, or a deceleration lane be installed.
29. The developer shall enter into an agreement with Public Works to pay a fee of \$0.080 per ton of material entering or leaving the property to offset the traffic impacts to Montpelier Road. The agreement shall be in place within three months of the approval of Rezone Application No. PLN2023-0065. The fee shall be tied to the Engineering News Record Construction Cost Index as published in the June edition; the base Construction Cost Index is 13546.8 as of June 2024. The property owner/facility operator shall pay Stanislaus County Public Works quarterly, with quarters ending March 31, June 30, September 30, and December 31.
30. Prior to final of any building permit for the expansion, the developer shall make road frontage improvements on Montpelier Road. These improvements shall include asphalt road widening, bringing the existing road up to 12-foot-wide paved vehicle lane and 4-foot-wide paved asphalt shoulder southwest of the centerline of Montpelier Road. The improvements shall be installed along the frontage of the entire existing and proposed project site consisting of approximately 2,188 feet of Montpelier Road. The structural section and cross slopes of the road improvements shall meet Stanislaus County Public Works Standards and Specifications.
31. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined. An acceptable financial guarantee for the road improvements shall be provided to Public Works prior to the issuance of any building or grading permit for the expansion. This development standard shall be waived if the work in the right of way is done prior to the issuance of building or grading permits.
32. No grading shall be performed without first obtaining a Grading Permit. An application for a Grading Permit shall be submitted to the Building Permits Division prior to the commencement of any grading, clearing, excavating, filling or other disturbance of natural terrain. The grading permit application shall be submitted with the following:
 - a. A WDID (Waste Discharge Identification) Number issued by the State of California and a copy of the Notice of Intent (NOI) prior to plan approval and/or issuance of a grading permit.
 - b. A comprehensive soils report, stamped and signed by a licensed geotechnical engineer experienced in soil. The report shall be prepared in accordance with the Stanislaus County Department of Public Works Standards and Specifications, 2014 Edition, and shall include R-values taken at the site with a map showing the locations and depths of the test samples.
 - c. Completed Regulated Project Worksheet per the Stanislaus County 2015 Post-Construction Standards Plan.

- d. Regulated Project Volume Reduction Calculations, signed and stamped by a registered civil engineer licensed to practice in California, for each drainage management area and must include any control measure(s) that meet the volumetric sizing criteria.
- e. An Operation and Maintenance Plan and owner-signed and notarized Statement of Responsibility for all proposed treatment control measures.

Department of Environmental Resources (DER) – Hazardous Materials Division

33. The developer shall determine, to the satisfaction of the 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 for new structures. 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.
34. The developer shall contact the DER regarding appropriate permitting requirements for hazardous materials and/or wastes.

Department of Environmental Resources (DER)

35. The expansion will constitute a new public water system that will be subject to SB1263 and a water supply permit cannot be granted without concurrence from the State Water Boards. Any building permits for new structures (proposed expansion) cannot be finalized or receive occupancy, until a Water Supply Permit has been issued by DER.
36. Prior to issuance of any grading or building permit for new structures (existing facility and proposed expansion), the developer shall submit a site plan that includes the location, layout and design of all-existing and proposed onsite wastewater treatment systems (OWTS) and the Future 100% Expansion (Replacement) Areas.
37. Prior to the issuance of any building permit for new structures (existing facility and proposed expansion), the developer shall submit to DER evidence that the existing on-site wastewater treatment system (OWTS) meets minimum sizing standards and setback requirements, as required by the County's Local Agency Management Program (LAMP).
38. Prior to the issuance of any building permit for new structures (existing facility and proposed expansion), the developer shall submit to DER evidence that the existing and/or proposed on-site wastewater treatment system (OWTS) meets conditions and guidelines, as established by Measure X, regarding Primary and Secondary wastewater treatment.
39. Any building requiring an on-site wastewater treatment system (OWTS), shall be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow rate.
40. The developer shall demonstrate and secure any necessary permits for the destruction/relocation of all on-site wastewater treatment systems (OWTS) and/or water

wells impacted or proposed by this project (existing facility and proposed expansion), under the direction of DER.

41. All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.
42. All new wells and on-site wastewater treatment systems' installation and construction must meet the maximum distance from offsite setbacks defined in the Stanislaus County Local Agency Management Program (LAMP) from the border of any neighboring parcels.
43. Prior to well permit issuance, any new well located in the unincorporated area of Stanislaus County shall demonstrate, based on substantial evidence, that extraction of groundwater from the proposed well will not constitute unsustainable extraction of groundwater, (SCOC Section 9.37.045).
44. Prior to permit issuance of any well construction permit, compliance with Drought Executive Order N-7-22 shall be provided.
45. If Stanislaus County reasonably concludes that the extraction of groundwater from any groundwater well, in the unincorporated area of the County, constitutes an unsustainable extraction of groundwater, the well permit holder(s) shall be notified and required to demonstrate based on substantial evidence, that continued extraction of groundwater will not result in an unsustainable extraction of groundwater, (Stanislaus County Ordinance Code Section 9.37.045).

San Joaquin Valley Air Pollution Control District (SJVAPCD)

46. Any construction resulting from this project (existing facility and proposed expansion) shall comply with standardized dust controls adopted by the SJVAPCD and may be subject to additional regulations/permits, as determined by the SJVAPCD.
47. The proposed project may be subject to SJVAPCD Rules and Regulations, including but not limited to: District Rule 9510 (Indirect Source Review), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4002 (National Emissions Standards for Hazardous Air Pollutants), Rule 4601 (Architectural Coatings), Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Prior to issuance of a grading or building permit (existing facility and proposed expansion), the applicant shall contact the District's Small Business Assistance Office to determine if any SJVAPCD permits or if any other SJVAPCD rules or permits are required, including but not limited to an Authority to Construct (ATC).
48. A Permit to Operate (PTO) shall be obtained prior to issuance of a building permit for the expansion and best management practices and conditions applied to the PTO.

Eastside Irrigation District

49. The applicant will be required to contact and coordinate with the Eastside Irrigation District to comply with all District rules and regulations.

Central Valley Regional Water Quality Control Board

50. Prior to issuance of a building permit for new structures (existing facility and proposed expansion), the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.

Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or the Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording will be in bold font and deleted wording will be in strikethrough.

DEVELOPMENT SCHEDULE

**REZONE APPLICATION NO. PLN2023-0065
CALOY COMPANY, LP**

- Construction of the expansion shall begin within two years of project approval.
- No building permits for the expansion shall be issued until all outstanding building permits for the existing facility have been issued and finalized; unless the Planning Director finds that the progress made in resolving the outstanding building permits is sufficient to ensure that full compliance will be attained before any occupancy of any building in the expansion area occurs. The Planning Director, in consultation with the County's Chief Building Official, may limit inspections of work performed under building permits for the expansion as a means of balancing the progress made in developing the expansion area with obtaining compliance with the existing facility.
- An extension of this development schedule may be granted by the Planning Director subject to the issuance of a staff approval permit to allow modification to Development Standards/Schedule.



CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, January 1, 2020

- 1. **Project title:** Rezone Application No. PLN2023-0065 – Caloy Company, LP
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristy Doud, Deputy Director
(209) 525-6330
- 4. **Project location:** 5425 Montpelier Road, between E Keyes Road and E Monte Vista Avenue, in the Denair area. (APN: 019-041-027 and a portion of 019-024-050).
- 5. **Project sponsor’s name and address:** Bret Potter, Caloy Company, LP
P.O. Box 577164, Modesto, CA 95357
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-10) and Planned Development (P-D) (312)
- 8. **Description of project:**

Request to rezone a 5.65± acre parcel from Planned Development (P-D) (312) to a new P-D, and an 8.99± acre portion of a 266.53± acre parcel from General Agriculture (A-2-40) to P-D, to allow for the expansion of an existing nut oil and cattle feed processing facility. A lot line adjustment between the 266.53± acre and 5.65± acre parcel is included in the request to allow the existing facility and proposed expansion to be contained on one resulting 14.64± acre parcel.

The existing facility is 5.65± acres, located on Assessor Parcel Number (APN) 019-041-027, and has a zoning designation of P-D (312), which was approved by the Board of Supervisors on July 24, 2007, under Rezone No. 2006-13, to allow for the conversion of a previous almond storage facility to a nut processing facility which extracts nut oils and produces cattle feed. The facility was then approved by the Planning Commission on August 6, 2009, under Use Permit No. 2009-03, to allow for the facility to have the capacity to filter the nut oils which included the construction of a 24,750 square-foot warehouse and several accessory structures such as silos, a boiler room, and a cooling tower. A Staff Approval Permit was issued in 2011 (SAA 2011-09) to allow for the addition of 14 storage tanks and a and a 70-foot tall steam stripper platform. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls.

The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The facility has a parking lot with 20 spaces and lighting consisting of five 21-foot-tall light poles near the eastern property line. Existing fencing consists of a six-foot-tall chain link fence along the side and rear property lines and a five foot 10 inch tall concrete and wrought iron decorative fence which runs along the Montpelier Road frontage. There is a landscaped stormwater drainage basin located on the interior of the decorative fence along the road frontage, approximately 60 feet wide. The existing facility has two driveways from Montpelier Road. Existing signage consists of two freestanding signs on posts, each 32 square feet in size, located at each existing entrance point.

The project request proposes to expand the facility with the construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. The expansion also includes an additional 105 parking spaces, 16 22-foot-tall light poles, and chain link fencing, six to seven feet in height, around the perimeter of the site. Storm drainage swale and landscaping strips at least 40 feet wide are proposed along the road frontage and northern property line, and a six-foot-wide landscape strip is proposed adjacent to the western property line. Landscaping will consist of drought-resistant shrubs, trees and ground cover. Propose signage includes two new signs on the eastern wall of the proposed buildings, both 32 square feet in size. One new driveway on Montpelier Road and a widening of the existing northeastern driveway is proposed as well as two new driveways fronting an existing access easement (5th Street which is a private road) adjacent to the northern property line are proposed.

The existing facility is served by a private well and septic system; the expansion is proposed to be served by either the existing well or a new well, and a new on-site septic system. The facility operates 24 hours a day, seven days a week which is not proposed to change. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35, with 20 employees on a maximum shift. The facility currently has an average of two visitors per-day, which is not proposed to change. There is currently an average of 10 daily truck trips consisting of either the delivery of nuts or picking up finished product, which is anticipated to increase to 20 daily truck trips. Truck traffic is limited to the hours of Monday through Friday from 7:00 a.m. to 5:00 p.m.

The applicant expects construction to begin by June 1, 2025. The facility has multiple building permits that have been issued but not finalized. If approved, all of the existing and proposed structures will be required to be obtained and finalized.

- 9. **Surrounding land uses and setting:** Orchard and row crops surround the site as well as multiple residential lots created by the Town of Montpelier Subdivision. The community of Denair exists 4+ miles west of the site.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Stanislaus County Department of Environmental Resources
Stanislaus Consolidated Fire District
Denair Fire District
California Department of Toxic Substances Control
- 11. **Attachments:**
 - I. Central California Information Center, Records Search, dated July 12, 2023
 - II. Water Systems Analysis, completed by DF Engineering, Inc, dated January 26, 2024

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
- Energy
- Geology / Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities / Service Systems
- Wildfire
- 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.
Prepared by Kristy Doud, Deputy Director

April 17, 2024
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific development standards 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 – Except as provided in Public Resources Code Section 21099, could 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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The existing facility is improved with the following: a 23,267± square-foot processing building; 16,400 square-foot cooking building; 4,000 square-foot shed; 2,700 square-foot office; grain silos and other accessory equipment; parking lot with 20 spaces and lighting consisting of five 21-foot-tall light poles near the eastern property line; fencing consisting of a six-foot-tall chain link fence has been developed along the northern, western, and southern property lines, and a five foot 10 inch tall concrete and wrought iron decorative fence runs along the eastern property line; stormwater drainage basin; and landscaping along the road frontage. Existing signage consists of two four feet by eight feet freestanding signs on posts, one at each existing entrance point. The project request proposes to expand the facility with the construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. The expansion also includes an additional 105 parking spaces, 16 22-foot-tall light poles, and chain link fencing, six to seven feet in height, around the perimeter of the site. Storm drainage swale and landscaping strips at least 40 feet wide are proposed along the road frontage and northern property line, and a six-foot-wide landscape strip is proposed adjacent to the western property line. Landscaping will consist of drought-resistant shrubs, trees and ground cover. Propose signage includes two new signs on the eastern wall of the proposed buildings, both 32 square feet in size.

The site itself is not considered to be a scenic resource or unique scenic vista. The only scenic designation in the County is along Interstate 5 (I-5) which is not near the project site. The proposed expansion will match the existing development. The project will not degrade the existing visual character or quality of the site or its surroundings. Development will be added to this project to address glare from any on-site lighting. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

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

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

Discussion: The project site is zoned General Agriculture (A-2-40) and Planned Development (312). The parcel is not currently enrolled in a Williamson Act Contract. The project will include the removal of approximately nine acres of an existing almond orchard. The project site is classified as “Unique Farmland” and “Urban and Built-Up Land” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 80 and above as excellent. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the property is comprised of Rocklin sandy loam (ReA), with a Storie Index rating of 43 and Grade Three, which is not considered to be prime soils.

The General Plan of the project site is designated as Agriculture which is proposed to remain unchanged. In accordance with the Land Use Element of the General Plan a Planned Development (PD) zone may be consistent with the Agriculture General Plan designation when it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the Agriculture designation, may be properly located within areas designated as agricultural on the General Plan. In this case the proposed project is expanding on property adjacent to its current location, which is processing almonds and walnuts, which are produced in the surrounding area.

The County's Agricultural Element's Agricultural Buffer Guidelines states that new or expanding uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district should incorporate a minimum 150-foot-wide agricultural buffer setback, or 300-foot-wide buffer setback for people-intensive uses, to physically avoid conflicts between agricultural and non-agricultural uses. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses are permitted uses within the buffer setback area. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35, with 20 employees on a maximum shift. A proposed increase of 5 employees on-site during a maximum shift is potentially low-people intensive. The project site is adjacent to orchards on the east, west, and north. On the south, the project is adjacent to the existing Caloy operations, and no buffer is required. On the west side, and immediately adjacent to the project site are existing agricultural buildings with no active farming operations. The nearest farmed parcel to the west is located 180 feet from the project site, which exceeds the 150-foot agricultural buffer for low-people intensive uses. On the east, the buildings are set back 80 feet from the existing Montpelier Road, and when adding the 80-foot width of Montpelier Road, the 150-foot buffer is maintained. On the north boundary, the buildings are set back 106 feet from the property line. The 5th Street access easement runs north of that and is approximately 30 feet wide, which makes the buffer on the north side approximately 136 feet. Accordingly, a reduced buffer of 136 feet on the northern property line is proposed. Additionally, the entirety of the site will be fenced to prevent trespassing.

The project site is served by the Eastside Irrigation District (EID) for irrigation water. No response was received from EID on the Early Consultation referral; however, the project will include a development standard which will require the developer to follow all EID rules and procedures.

The project will have no impact to forest land or timberland. The project is an agricultural use and does not appear to conflict with any agricultural activities in the area and/or lands enrolled in the Williamson Act. 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 surrounding 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: Application information; Referral response received from the Agricultural Commissioner's Office, dated December 20, 2023; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2022; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County Williamson Act Uniform Rules; Stanislaus County General Plan and Support Documentation¹.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management district 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) 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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people)?			X	

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

as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building.

Construction activities associated with the new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. Any construction will be required to occur in compliance with all SJVAPCD regulations.

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 SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the SJVAB.

The San Joaquin Valley Air Pollution Control District Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the SJCAPCD’s New Source Review (NSR) offset requirements for stationary sources. The SJVAPCD has pre-qualified emissions and determined a size below, which is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Any project falling below the thresholds identified by the SJVAPCD are deemed to have a less than significant impact on air quality due to criteria pollutant emissions. The SJCAPCD’s threshold of significance for industrial uses is identified as less than the following number of trips per-day based on vehicle type: 70 one-way heavy duty truck trips and 550 one-way trips for all fleet types not considered to be heavy duty trucks. There is currently an average of 10 daily truck trips consisting of either the delivery of nuts or picking up finished product, which is anticipated to increase to 20 daily truck trips which is below the SJVAPCD’s threshold for heavy duty truck trips.

A referral response received from the San Joaquin Valley Air Pollution Control District stated that the emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The SJVAPCD’s response stated that in order to determine potential health impacts on surrounding receptors (such as residences, hospitals, day-care facilities, etc.) a Prioritization and/or Health Risk Assessment (HRA) should be performed for the project. The nearest residences are located 160 feet east of the proposed bottling and storage buildings. Potential toxic air contaminants resulting from the project would be caused by mobile emissions created by truck trips and idling. As previously stated, the project will include the addition of 10 truck trips per day. The developer will be required to obtain a Permit to Operate (PTO) from the SJVAPCD prior to issuance of a building permit. As part of the PTO application process HRA information must be provided to and be analyzed by the SJVAPCD. The SJVAPCD requires operators to employ best practices such as implementing truck routes which avoid sensitive receptors or restricting idling times. A development standard will be applied to the project which requires that a PTO be obtained prior to issuance of a building permit and that all best practices and conditions applied to the PTO be met. Additionally, the SJVAPCD’s response stated that The District recommends an Ambient Air Quality Analysis (AAQA) be performed for the project if emissions exceed 100 pounds per day of any pollutant. Based on the SJVAPCD’s District Rule 9510 (Indirect Source Review) because the project square footage is less than 100,000 square feet of industrial space and less than 39,000 square feet of office space, the project is not subject to Rule 9510 and an ISR application is not required.

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Air Quality should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle

miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The project proposes an increase of up to 20 vehicle employee trips per day and 10 truck trips per day, which is below the VMT threshold.

The proposed project is considered to be consistent with all applicable air quality plans. The proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less-than significant impact to air quality.

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Governor’s Office of Planning and Research Technical Advisory, December 2018; Referral response received from the San Joaquin Valley Air Pollution Control District, dated April 18, 2024; Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) Guidance, November 13, 2020; 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 state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There is no known sensitive or protected species or natural community located on the site. The project is located within the Montpellier Quad of the California Natural Diversity Database. Based on results from the California Natural Diversity Database (CNDDDB) Quad Species List, there are 10 animal species which are state or federally listed as endangered or threatened, or proposed threatened species, that have been recorded to either occur or have occurred within the Montpellier Quad. These species include: the California tiger salamander, western

spadefoot, tricolored blackbird, vernal pool fairy shrimp, vernal pool tadpole shrimp, Hoovers spurge, Coulusa grass, San Joaquin Valley Orcutt grass, hairy Orcutt grass, and Greenes tuctoria.

The project will include the removal of approximately nine acres of an existing almond orchard. However, the site neither contains nor is adjacent to aquatic resources such as vernal pools, rivers, tributaries, creeks, lakes, or wetlands which makes the presence of any of the identified special status fish species unlikely to occur on-site. Due to the site already being improved with an almond orchard, occurrences of the listed plant species are unlikely to occur.

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 is considered to be less than significant.

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

Impacts to biological resources are considered to be less than significant.

Mitigation: None.

References: California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; 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 pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: A records search conducted by the Central California Information Center (CCIC) for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. The report from the CCIC indicated that historic buildings and structure have been recorded within Denair and the surrounding vicinity. It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project will remove an existing almond orchard and will construct a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. A development standard will be placed on the project, requiring that construction activities shall be halted if any resources are found, until appropriate agencies are contacted, and an archaeological survey is completed.

Mitigation: None.

References: Application information; Central California Information Center (CCIC) Search, dated July 12, 2023; and Stanislaus County General Plan and Support Documentation¹.

VI. ENERGY – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Discussion: The CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation such as: energy requirements of the project by fuel type and end use, energy conservation equipment and design features, energy supplies that would serve the project, total estimated daily vehicle trips to be generated by the project, and the additional energy consumed per trip by mode shall be taken into consideration when evaluating energy impacts. Additionally, the project’s compliance with applicable state or local energy legislation, policies, and standards must be considered.

The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. The facility operates 24 hours a day, seven days a week which is not proposed to change. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35, with 20 employees on a maximum shift. The facility currently has an average of two visitors per-day, which is not proposed to change. There is currently an average of 10 daily truck trips consisting of either the delivery of nuts or picking up finished product, which is anticipated to increase to 20 daily truck trips. Truck traffic is limited to the hours of Monday through Friday from 7:00 a.m. to 5:00 p.m. A development standard will be placed on the project requiring all construction activities be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements.

A referral response received from the San Joaquin Valley Air Pollution Control District stated that the emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the SJVAPCD’s Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The SJVAPCD’s response stated that in order to determine potential health impacts on surrounding receptors (such as residences, hospitals, day-care facilities, etc.) a Prioritization and/or Health Risk Assessment (HRA) should be performed for the project. The nearest residences are located 160 feet east of the proposed bottling and storage buildings. Potential toxic air contaminants resulting from the project would be caused by mobile emissions created by truck trips and idling. As previously stated, the project will include the addition of 10 truck trips per day. The developer will be required to obtain a Permit to Operate (PTO) from the SJVAPCD prior to issuance of a building permit. As part of the PTO application process HRA information must be provided to and be analyzed by the SJVAPCD. The SJVAPCD requires operators to employ best practices such as implementing truck routes which avoid sensitive receptors or restricting idling times. A development standard will be applied to the project which requires that a PTO be obtained prior to issuance of a building permit and that all best practices and conditions applied to the PTO be met. Additionally, the SJVAPCD’s response stated that the SJVACD recommends an Ambient Air Quality Analysis (AAQA) be performed for the project if emissions exceed 100 pounds per day of any pollutant. Based on the SJVAPCD’s District Rule 9510 (Indirect Source Review) because the project square footage is less than 100,000 square feet of industrial space and less than 39,000 square feet of office space, the project is not subject to Rule 9510 and an ISR application is not required.

It does not appear that this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, the potential impacts to Energy are considered to be less than significant.

Mitigation: None.

References: Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County 2016 General Plan EIR; Governor’s Office of Planning and Research Technical Advisory, December 2018; Referral response received from the San Joaquin Valley Air Pollution Control District, dated April 18, 2024; Stanislaus County General Plan and Support Documentation¹.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect 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	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Hanford sandy loam (HdA and HdsA) and Tujunga loamy sand (TuA). As contained in Chapter five of the General Plan and Support Documentation¹, 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 along with the building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency.

The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building.

The existing facility is served by a private well and septic system; the expansion is proposed to be served by either the existing well or a new well, and a new on-site septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all-existing and proposed on-site

wastewater treatment systems (OWTS) that meets all of DER’s standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. Additionally, DER responded that the applicant(s) shall demonstrate and secure any necessary permits for the destruction/relocation of all on-site wastewater treatment systems (OWTS) and/or water wells impacted or proposed by this project, under the direction of DER. These requirements will be added to the project as development standards.

The project was referred to Stanislaus County Public Works (PW), and a referral response was received requesting that a grading and drainage plan be prepared in conformance with PW Standards and Specifications, reviewed, and approved by the PW Department. This requirement will be added to the project as a development standard.

It does not appear that this project will result in significant impacts to any paleontological resources or unique geologic features. Development standards applicable to development of the parcels regarding the discovery of such resources during the construction process will be added to the project. The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area. Impacts to Geology and Soils are considered to be less than significant.

Mitigation: None.

References: Referral response received from the Stanislaus County Department of Environmental Resources, Environmental Health Division, dated December 5, 2023; Referral response from the Stanislaus County Department of Public Works, dated March 29, 2024; Stanislaus County General Plan and Support Documentation¹.

VIII. 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 potentials 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. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40 percent of 1990 levels by 2030.

The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. The facility operates 24 hours a day, seven days a week which is not proposed to change. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35, with 20 employees on a maximum shift. The facility currently has an average of two visitors per-day, which is not proposed to change. There is currently an average of 10 daily truck trips consisting of either the delivery of nuts or picking up finished product, which is anticipated to increase to 20 daily truck trips. Truck traffic is limited to the hours of Monday through Friday from 7:00 a.m. to 5:00 p.m.

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The project proposes an increase of up to 20 vehicle employee trips per day and 10 truck trips per day, which is below the VMT threshold.

A referral response received from the San Joaquin Valley Air Pollution Control District stated that the emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The SJVAPCD's response stated that in order to determine potential health impacts on surrounding receptors (such as residences, hospitals, day-care facilities, etc.) a Prioritization and/or Health Risk Assessment (HRA) should be performed for the project. The nearest residences are located 160 feet east of the proposed bottling and storage buildings. Potential toxic air contaminants resulting from the project would be caused by mobile emissions created by truck trips and idling. As previously stated, the project will include the addition of 10 truck trips per day. The developer will be required to obtain a Permit to Operate (PTO) from the SJVAPCD prior to issuance of a building permit. As part of the PTO application process HRA information must be provided to and be analyzed by the SJVAPCD. The SJVAPCD requires operators to employ best practices such as implementing truck routes which avoid sensitive receptors or restricting idling times. A development standard will be applied to the project which requires that a PTO be obtained prior to issuance of a building permit and that all best practices and conditions applied to the PTO be met. Additionally, the SJVAPCD's response stated that the SJVACPCD recommends an Ambient Air Quality Analysis (AAQA) be performed for the project if emissions exceed 100 pounds per day of any pollutant. Based on the SJVAPCD's District Rule 9510 (Indirect Source Review) because the project square footage is less than 100,000 square feet of industrial space and less than 39,000 square feet of office space, the project is not subject to Rule 9510 and an ISR application is not required.

A development standard requiring the applicant to comply with all appropriate SJVAPCD rules and regulations and California Green Building Code will be incorporated into the project. Consequently, GHG emissions associated with this project are considered to be less than significant.

Mitigation: None.

References: Application information; Referral response received from the San Joaquin Valley Air Pollution Control District, dated April 18, 2024; Governor's Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹.

IX. 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	

<p>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?</p>			<p>X</p>	
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</p>				<p>X</p>
<p>f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>			<p>X</p>	
<p>g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</p>			<p>X</p>	

Discussion: The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building.

The Stanislaus County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. A referral response from the Hazardous Materials Division of DER is requiring the applicant to contact DER regarding appropriate permitting requirements for hazardous materials and/or wastes. The applicant is required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations including any Hazardous Materials Business Plan with the Fire Warden, if applicable. The Hazardous Materials Division and the California Department of Toxic Substances Control (DTSC) both requested that the developer conduct a Phase I or Phase II study prior to the issuance of a grading permit to determine if organic pesticides or metals exist on the project site. DTSC also requested that lead based paint testing occur if any structures are to be demolished and that soil sampling be conducted prior to grading activity. The Hazardous Materials Division requested that they be contacted should any underground storage tanks, buried chemicals, buried refuse, or contaminated soil be discovered during grading or construction. These comments will be reflected through the application of a condition of approval. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. A discussion on the project and agricultural buffers is included in Section II – *Agriculture and Forest Resources*. The project was referred to the Stanislaus County Agricultural Commissioner, and a response was received indicating they had no comments on the project.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Denair Fire Protection District (DFPD). The project was referred to the DFPD, and no comments have been received to date.

The project site is not within the vicinity of any airstrip or wildlands.

Mitigation: None.

References: Application information; Referral response received from the Agricultural Commissioner’s Office, dated December 20, 2023; Referral response received from the Department of Environmental Resources, Hazardous Materials Division, dated November 9, 2023; CA Department of Toxic Substances Control’s data management system (EnviroStar), accessed on September 19, 2023; Stanislaus County Airport Land Use Compatibility Plan; Stanislaus County General Plan and Support Documentation¹.

X. 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 or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			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 or through the addition of impervious surfaces, in a manner which would:			X	
i) result in substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site.			X	
iii) 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; or			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplains. An Early Consultation referral response received from Stanislaus County Department of Public Works (PW) indicated that a grading, drainage, and erosion and sediment control plan for the project will be required, subject to PW review and Standards and Specifications. PW also required that a positive storm drainage (storage, percolation, and treatment) system be installed.

The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building.

The existing facility is served by a private well and septic system; the expansion is proposed to be served by either the existing well or a new well, and a new on-site septic system. A referral response received from Stanislaus County

Department of Environmental Resources (DER) indicated that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all-existing and proposed on-site wastewater treatment systems (OWTS) and the future 100% Expansion (Replacement) Areas. Any new or modified on-site wastewater treatment system (OWTS) shall meet Measure X requirements, shall be designed according to type and occupancy of the proposed structure to the estimated waste/sewage design flow rate, and shall meet all applicable Local Agency Management Program (LAMP) standards and setbacks. Additionally, DER responded that the applicant(s) shall demonstrate and secure any necessary permits for the destruction/relocation of all on-site wastewater treatment systems (OWTS) and/or water wells impacted or proposed by this project, under the direction of DER.

DER also commented that the proposed project meets the definition of a Public Water System and therefore subject to the requirements of SB1263. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

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

The water quality of the existing well has yet to be determined. If the existing well does not meet Public Water System standards the applicant may need to either drill a new well or install a water treatment system for the current well. Based on this information, if required to meet current water quality standards, the drilling of a new well would be considered a de minimis extractor, exempt from the County's Groundwater Ordinance and thus not require CEQA-compliance. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Regardless of which avenue the applicant takes to meet public water system standards, public water supply permits require on-going testing. Goal Two, Policy Seven, of the Stanislaus County General Plan Conservation/Open Space Element requires that, new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided, to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources. Prior to receiving occupancy of any building permit for any later construction, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance with CHSC, Section 116527 (SB1263) and apply for a water supply permit if necessary, with the associated technical report to Stanislaus County DER and compliance with CEQA. This will be added as a condition of approval. If the developer utilizes an on-site well as the water source for the project and it does not meet water quality standards, then they may need to install a water treatment system.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Turlock Subbasin Groundwater Basin Association (TSGBA) GSA, which manages the East and West Turlock Subbasins. A Groundwater Sustainability Plan has been submitted to the California Department of Water Resources (DWR) and is currently going through the review process.

The Central Valley Regional Water Quality Control Board (CVRWQCB) 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. Development standards will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

The project site is served by the Eastside Irrigation District (EID) for irrigation water. No response was received from EID on the Early Consultation referral; however, the project will include a development standard which will require the developer to follow all EID rules and procedures.

The project proposes to maintain all stormwater on-site via storm drain basins. A referral response received from Stanislaus County Department of Public Works requested that the on-site storm drain basins be located outside of the County’s road right-of-way.

As a result of the project details, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

Mitigation: None.

References: Referral response received from Stanislaus County Department of Public Works, dated March 29, 2024; Referral response from Stanislaus County Department of Environmental Resources, Groundwater Resources Division, dated November 3, 2023; Referral Response from Central Valley Regional Water Quality Control Board, dated November 9, 2023; Referral response received from the Department of Environmental Resources, Environmental Health Division, dated December 5, 2023; Stanislaus County General Plan and Support Documentation¹.

XI. 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) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. Approximately nine acres of an existing almond orchard will be removed to accommodate the expansion. However, the soils existing on the project site do not qualify as prime soils.

The General Plan of the project site is designated as Agriculture which is proposed to remain unchanged. In accordance with the Land Use Element of the General Plan a Planned Development (PD) zone may be consistent with the Agriculture General Plan designation when it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the Agriculture designation, may be properly located within areas designated as agricultural on the General Plan. In this case the proposed project is expanding on property adjacent to its current location which is processing almonds and walnuts, which are produced in the surrounding area.

The County’s Agricultural Element’s Agricultural Buffer Guidelines states that new or expanding uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district should incorporate a minimum 150-foot-wide agricultural buffer setback, or 300-foot-wide buffer setback for people-intensive uses, to physically avoid conflicts between agricultural and non-agricultural uses. Public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low people-intensive uses are permitted uses within the buffer setback area. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35, with 20 employees on a maximum shift. A proposed increase of 5 employees on-site during a maximum shift is potentially low-people intensive. The project site is adjacent to orchards on the east, west, and north. On the south, the project is adjacent to the existing Caloy operations, and no buffer is required. On the west side, and immediately

adjacent to the project site are existing agricultural buildings with no active farming operations. The nearest farmed parcel to the west is located 180 feet from the project site, which exceeds the 150-foot agricultural buffer for low-people intensive uses. On the east, the buildings are set back 80 feet from the existing Montpelier Road, and when adding the 80-foot width of Montpelier Road, the 150-foot buffer is maintained. On the north boundary, the buildings are set back 106 feet from the property line. The 5th Street access easement runs north of that and is approximately 30 feet wide, which makes the buffer on the north side approximately 136 feet. Accordingly, a reduced buffer of 136 feet on the northern property line is proposed. Additionally, the entirety of the site will be fenced to prevent trespassing.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

Mitigation: None.

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

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

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

Mitigation: None.

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

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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	

Discussion: The proposed project shall comply with the noise standards included in the General Plan and Noise Control Ordinance. The area surrounding the project site consists of scattered single-family dwellings and orchards in all directions. The Stanislaus County General Plan identifies noise levels up to 55 dB Ldn (or CNEL) as the normally acceptable level of noise for residential uses. The site itself is impacted by traffic generated on Montpelier Road, the Monte Vista Farming

Company, an almond hulling and processing facility located adjacent to the existing Caloy facility to the south, and commercial farming occurring on the surrounding almond orchards. The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for industrial and agricultural uses. On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise.

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

Mitigation: None.

References: Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element, Stanislaus County General Plan and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?			X	

Discussion: The site is not included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5th cycle or the draft sites inventory for the 6th cycle Regional Housing Needs Allocation (RHNA) for the County and will therefore not impact the County’s ability to meet their RHNA. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

Mitigation: None.

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

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

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. County adopted Public Facilities Fees, as well as fire and school fees are required to be paid based on the development type prior to issuance of a building permit.

This project site is located within the Denair Union School District, Denair Fire Protection District, Eastside Irrigation District, and is served by the Sherriff for police protection and Stanislaus County Parks and Recreation for parks.

The existing facility is served by a private well and septic system; the expansion is proposed to be served by either the existing well or a new well, and a new on-site septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all-existing and proposed on-site wastewater treatment systems (OWTS) that meets all of DER’s standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. Additionally, the project meets the definition of a Public Water System (PWS) and must meet the permitting requirements established by California Regional Water Quality Control Board for a PWS. These requirements will be added to the project as development standards.

The project was referred to Stanislaus County Public Works (PW), and a referral response was received requesting that that the storage depth outside of any gate shall be adequate for trucks coming off the road, which means that entry vehicles will not block any travel lane or shoulder. If the storage depth is inadequate, it may require that the fence be moved further into the property, or a deceleration lane be installed. Additionally, PW is requiring that no parking, loading or unloading of vehicles will be permitted within the County road right-of-way; that an encroachment permit be obtained for any work done in the Stanislaus County road right-of-way; that the developer will be required to install or pay for the installation of any signs and/or markings, if warranted; and that a grading and drainage plan be prepared in conformance with Stanislaus County PW Standards and Specifications and be reviewed and approved by the PW Department. All of Public Works’ comments will be added to the project as development standards.

The project is not anticipated to have any significant adverse impact on County services.

Mitigation: None.

References: Application information; Referral response received from the Department of Environmental Resources, Environmental Health Division, dated December 5, 2023; Stanislaus County General Plan and Support Documentation¹.

XVI. 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 will not increase demands for recreational facilities, as such impacts typically are associated with residential development. Public Facility Fees will be required to be paid with any building permit issuance, which includes fees for County Parks and Recreation facilities.

Mitigation: None.

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

XVII. TRANSPORTATION -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Discussion: The facility operates 24 hours a day, seven days a week which is not proposed to change. The facility currently includes a total of 25 employees (15 employees on a maximum shift) which is expected to increase to 35, with 20 employees on a maximum shift. The facility currently has an average of two visitors per-day, which is not proposed to change. There is currently an average of 10 daily truck trips consisting of either the delivery of nuts or picking up finished product, which is anticipated to increase to 20 daily truck trips. Truck traffic is limited to the hours of Monday through Friday from 7:00 a.m. to 5:00 p.m.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). As required by CEQA Guidelines Section 15064.3, potential impacts regarding Air Quality should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The project proposes an increase of up to 20 vehicle employee trips per day and 10 truck trips per day, which is below the VMT threshold.

The project site currently has access from Montpellier Road, a County-maintained road identified as 80 foot Major Collector in the Circulation Element. The project was referred to Stanislaus County Public Works (PW), and a referral response was received requesting that that the storage depth outside of any gate shall be adequate for trucks coming off the road, which means that entry vehicles will not block any travel lane or shoulder. If the storage depth is inadequate, it may require that the fence be moved further into the property, or a deceleration lane be installed. Additionally, PW is requiring that no parking, loading or unloading of vehicles will be permitted within the County road right-of-way; that an encroachment permit be obtained for any work done in the Stanislaus County road right-of-way; that the developer will be required to install or pay for the installation of any signs and/or markings, if warranted; that the on-site storm drain basins be located outside of the County road right-of-way; and that a grading and drainage plan be prepared in conformance with Stanislaus County PW Standards and Specifications and be reviewed and approved by the PW Department. All of Public Works' comments will be added to the project as development standards.

The proposed project is not anticipated to conflict with any transportation program, plan, ordinance, or policy.

Mitigation: None.

References: Referral response from the Stanislaus County Department of Public Works, dated March 29, 2024; Stanislaus County General Plan and Support Documentation¹.

XVIII. TRIBAL 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 tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Discussion: In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. A records search conducted by the Central California Information Center (CCIC) for the project site indicated that there are no historical, cultural, or archeological resources recorded on-site and that the site has a low sensitivity for the discovery of such resources. The report from the CCIC indicated that historic buildings and structure have been recorded within Denair and the surrounding vicinity. The project will remove an existing almond orchard and will construct a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building. A development standard will be added to the project which requires if any cultural or tribal resources are discovered during project-related activities, all work is to stop, and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. It does not appear this project will result in significant impacts to any archaeological or tribal resources.

Tribal Cultural Resources are considered to be less than significant.

Mitigation: None.

References: Application information; Central California Information Center (CCIC) Search, dated July 12, 2023; and Stanislaus County General Plan and Support Documentation¹.

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	

<p>b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</p>			<p>X</p>	
<p>c) 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?</p>			<p>X</p>	
<p>d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</p>			<p>X</p>	
<p>e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</p>			<p>X</p>	

Discussion: Limitations on providing services have not been identified. The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building.

The existing facility is served by a private well and septic system; the expansion is proposed to be served by either the existing well or a new well, and a new on-site septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all-existing and proposed on-site wastewater treatment systems (OWTS) that meets all of DER’s standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. Additionally, the project meets the definition of a Public Water System (PWS) and must meet the permitting requirements established by California Regional Water Quality Control Board for a PWS. These requirements will be added to the project as development standards.

The project was referred to Stanislaus County Public Works (PW), and a referral response was received requesting that that the storage depth outside of any gate shall be adequate for trucks coming off the road, which means that entry vehicles will not block any travel lane or shoulder. If the storage depth is inadequate, it may require that the fence be moved further into the property, or a deceleration lane be installed. Additionally, PW is requiring that no parking, loading or unloading of vehicles will be permitted within the County road right-of-way; that an encroachment permit be obtained for any work done in the Stanislaus County road right-of-way; that the developer will be required to install or pay for the installation of any signs and/or markings, if warranted; that the on-site storm drain basin be located outside of the County road right-of-way; and that a grading and drainage plan be prepared in conformance with Stanislaus County PW Standards and Specifications and be reviewed and approved by the PW Department. All of Public Works’ comments will be added to the project as development standards.

The Central Valley Regional Water Quality Control Board (CVRWQCB) 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. Development standards will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

The project site is served by the Eastside Irrigation District (EID) for irrigation water. No response was received from EID on the Early Consultation referral; however, the project will include a development standard which will require the developer to follow all EID rules and procedures.

No significant impacts related to Utilities and Services Systems have been identified.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Environmental Resources, Environmental Health Division, dated December 5, 2023; Referral response from the Stanislaus County Department of Public Works, dated March 29, 2024; Referral response received from Central Valley Regional Water Quality Control Board, dated November 9, 2023; Stanislaus County General Plan and Support Documentation¹.

XX. WILDFIRE – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection, the parcel is designated as nonurban and is served by Denair Fire Protection District (DFPD). The project was referred to the DFPD, but no response was received. California Building Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and embers. Building permits will be required for the improvements and will be required to meet fire code, which will be verified through the building permit review process. A grading and drainage plan may be required for the proposed new structures; all fire protection and emergency vehicle access standards met. These requirements will be applied as development standards for the project.

Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Application information; California Fire Code Title 24, Part 9; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Referral response from the Stanislaus County Department of Public Works, dated March 29, 2024; Stanislaus County General Plan and Support Documentation¹.

XXI. 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 substantially 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, substantially 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: The existing facility extracts oil from almonds and walnuts and filters some of the extracted oil on-site. The unrefined nut oil is stored in tanks until it is transported to Germany for refining; the refined oil is sold directly to cosmetic manufacturers and distributors. The by-product or waste from extracting the nut oils is a cattle feed “cake” that consists of the almond/walnut meat blended with rice hulls and sold to farming operations. The existing facility is improved with a 23,267± square-foot processing building, a 16,400 square-foot cooking building, a 4,000 square-foot shed, a 2,700 square-foot office, and multiple storage silos and other accessory equipment. The project proposes to expand the existing facility with construction of a 41,743 square-foot cold storage warehouse, 9,085 square-foot maintenance building, a 48,700 square-foot bottling facility, and a 12,263 square-foot office building.

The project site is located adjacent to the existing Caloy facility to the south and the Monte Vista Farming Company to the southwest. Approximately 20 single family homes are located east of the project site; developed as part of the antiquated subdivision Town of Montpellier. Underlying lots from this antiquated subdivision are unlikely to develop new single-family dwelling due to the County’s minimum parcel size requirement of one acre to develop with a well and septic system. The rest of the surrounding area is utilized for commercial agricultural and is planted in row crops, orchards, or used as dairies. All of the surrounding land is zoned General Agriculture (A-2)-40) and is subject to meeting the uses allowed under the A-2 zoning district. Any further development would be required to obtain land use entitlements prior to development, which would require additional environmental review, and would most likely not be supported due to being considered leap frog or pre-mature development unless it could be determined it is closely related to agriculture and would not negatively impact the surrounding area.

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. The project will not physically divide an established community. Development standards regarding the discovery of cultural resources during any future construction resulting from this request will be added to the project. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

Mitigation: None.

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

¹ Stanislaus County General Plan and Support Documentation¹ adopted in August 23, 2016, as amended. **Housing Element** adopted on April 5, 2016.



NEGATIVE DECLARATION

NAME OF PROJECT: Rezone Application No. PLN2023-0065 – Caloy Company, LP
LOCATION OF PROJECT: 5425 Montpelier Road, between E Keyes Road and E Monte Vista Avenue, in the Denair area.
APN: 019-041-027 and 019-024-050 (portion)
PROJECT DEVELOPERS: Bret Potter, Caloy Company, LP
P.O. Box 577164
Modesto, CA 95357

DESCRIPTION OF PROJECT: Request to rezone 14.64± acres from Planned Development (P-D) (312) and General Agriculture (A-2-40) to a new P-D to allow for the expansion of an existing nut oil and cattle feed processing facility.

Based upon the Initial Study, dated **April 17, 2024** 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, Associate Planner

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

Kristy Doud, Deputy Director
Stanislaus County
1010 10th Street, 3400
Modesto, CA 95354

May 18, 2024

RE: Rezone Application No. PLN2023-0665 – Caloy Company, LP

Ms. Kristy Doud,

This letter is in protest of the change of zoning for purposes of Caloy Company, LP to expand their business to an industrial campus. What Caloy Company, LP is proposing should be in an Industrial Development Zone, not a Planned Development Zone.

I argue that there is low impact to the Montpelier neighborhood in several areas of your CEQA Initial Study. The most concerning is the large capacity of the wells and the amount of water Caloy Company LP is proposing to use. Several neighbors, including myself, have domestic wells that are drying up, just from orchard irrigation from our Aquaphor. If another well of the capacity proposed is drilled, our domestic wells will all dry up. It would be a financial impossibility for me to have to drill a new well.

The environmental problem I see is there is no mention of the seasonal Sandy Creek that runs through the proposed rezoning property to my property and many of the neighbor's properties and beyond to seasonal ponds to the East. My property is a lower elevation than the property that Caloy Company LP is wanting to develop. I do not see any study as how the runoff water in their plans is contained and controlled to not run onto my property. As of now, there is a natural runoff of rainwater that floods toward the back of my property, part of the Sandy Creek system. Along with my neighbors, we pay property taxes for the upkeep of Sandy Creek.

Right now, I have a lovely orchard as a country view. If this refinery is approved, I will be staring at 2 ugly water tanks and an industrial setting. Lights will be on all night long, making sleepless nights and declining health. I see no noise study on your CEQA. What are the proposed decimal levels? Not to mention all of the added exhaust from the added number of trucks going in and out of the drive which is also just across my house. Another health hazard, exhaust tends to gravitate to my elevation, as my property is lower than the proposed property. My property value will decrease substantially, as well, as will my neighbors.

The product refined is not for agricultural purposes. It is for cosmetic use by a German owned company. It is exported to a foreign market not benefiting our county, state or country agriculture market. Only the by product from the refined almond oil is sold to a third processor that uses it as an ingredient in livestock feed or pellets. This is an outlandish reason for trying to make an argument for rezoning to Planned Development. **DO NOT APPROVE THIS REZONING!**

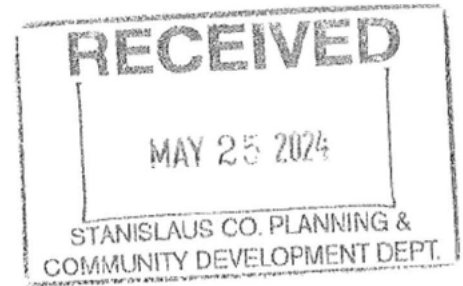
Pamela Haile



Blake Santos



May 25, 2024



Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

To Whom it May Concern:

I am writing to express my strong opposition to the proposed business development, CALOY Company that would be situated directly across from my residence. As a new homeowner of this neighborhood, I have serious concerns about the potential negative impacts this project could have on our community.

First and foremost, the increased traffic and noise pollution that would inevitably come with an expansion of this commercial development in such proximity to our home is a major worry. There is currently an average of 10 daily truck trips and the anticipated increase to 20 will create toxic air contaminants created by mobile emissions from the trucks. This poses health risks to me and my wife. Additionally, we will be starting a family, and young children are more at risk to such emissions.

Moreover, there are valid concerns about the potential decrease in property values that could result. I have invested significant time and resources into my home, and we are worried that this development could have a detrimental effect on our investments. I wish to preserve my current view of agriculture land.

In light of these concerns, I urge you to reconsider the proposed business expansion across from residential housing. There are undoubtedly alternative locations that could be more suitable for such a project without negatively impacting the quality of life for the residents.

Thank you for taking the time to consider my opposition to this project. I hope that you will prioritize the well-being of me and my family in the decision-making process.

Sincerely

[REDACTED]
May 28, 2024

*Letter sent by
email 5/28/2024
and hard copy
hand delivered 5/28/2024*

Kristy Doud, Deputy Director
Planning and Community Development
Stanislaus County
1010 10th Street
Suite 3400
Modesto, CA 95354

Dear Ms. Doud,

Re: Proposal by *Caloy Co., Inc. (Caloy Company, LP)*

We live at 3824 N. Montpelier Road, Denair, California 95316. We are located approximately 1.4 miles south of *Caloy Co., Inc.*, which is located at 5425 N. Montpelier Road, Denair, California 95316.

The website for *Caloy Co., Inc.*, states: "Caloy is proud to be the world's top tree nut oil manufacturer. We are strategically situated in the abundant Central Valley of California, which serves as the primary global source for over three-quarters of the world's almonds and two-thirds of the world's walnuts. With a rich legacy spanning decades, we have honed our expertise in nut oil production since our inception in 1988. Explore our commitment to excellence in crafting premium nut oils that meet the highest industry standards."

In addition, the *Food Business Review* publicized the following article: "Caloy Company: Supply Chain Reliability for Tree Nut Oil Manufacturing." The article's conclusion is as follows: "Caloy Co. stands at the forefront of the tree nut oil manufacturing industry, driven by its mission to promote healthier alternatives to commodity oils and provide exceptional products and services. Through its reliable supply chain, commitment to authenticity, adherence to quality standards and industry expertise, it stands firm as a reliable source of high quality tree nut oil."

According to *Caloy Co., Inc.*, the parent company is *Gustav Heess*, which was established in Germany in 1897. *Caloy* formed a partnership with *Gustav Heess Group* in 2004. The parent company became involved in tree nut oils in 1988, and their plant in the Montpelier area approximately seven miles east of Denair, California, was established in 2005. As California agriculturalists, we are concerned that an European country was allowed to obtain a foothold in California agricultural land. We face growing concerns with foreign interests, including China, acquiring agricultural acreage in the United States.

As residents and farmers, we are concerned about the proposed expansion of *Caloy Co., Inc.*, for several reasons.

This area has always been and continues to be an agricultural area based first on dry land grain crops and livestock. Irrigation was first introduced to this area in the mid-1960's when the first almond orchards were planted. The area still supports almond orchards with a smaller mix of vineyards, walnut and pistachio orchards and one dairy and one poultry operation. There are also four almond hulling/shelling operations attached to four individual farming operations.


My late paternal grandparents first moved to this area in August 1914 to dry land grain farm. Their son, my late father, continued the tradition of dry land grain farming with his own operation in 1933. My father dry land grain farmed for 60 years in the Montpelier area. He installed irrigation wells in the early 1970's for the farming of black eye beans, and the crop was rotated on an annual basis with the dry land grain crop. My husband and I along with our son continue to farm judiciously on the same property and grow tree nut crops exclusively.

One major concern is the potential for a new well proposed by *Caloy Co., Inc.* As farmers and residents, we are concerned about increased use of ground water by the company. As you know, agriculture in general is now governed by SGMA regulations, and the local GSA sub basin has an approved plan through the State of California. As farmers and residents, we are very cognizant of the proper usage of water and effects runoff water may have on the environment. In short, everyone (urban, agriculture, manufacturing) in the State is on restricted water usage. In addition, the plant will generate wastewater that may be contaminated with toxic substances, which is a major cause of water pollution.

We are also concerned with the potential of increased traffic on the major arteries of Montpelier, Keyes, and East Monte Vista Roads. This increased traffic will create condition of road issues, safe turn lanes (there are none currently on Montpelier Road in front of *Caloy*). The number of employees for *Caloy* will increase creating more traffic. The trucking of bottled tree nut oils will create more traffic. Also, *Caloy* does not have its own orchards. That means increased traffic of tree nut byproducts being trucked to *Caloy* for oil extraction.

The air quality and potential increased noise from the operation is also a concern. At this time, we are able to smell the odor from the plant at our residence. As it may meet standards at this time, we are concerned the proposed expansion will create more poor air quality and increased noise from the plant operation. Obviously, *Caloy* will install more outdoor lights around their proposed facilities. While this may not directly affect us, except being nearly blinded by bright lights, as we drive by the facility after dark, the nearby residents to the east will be facing bright lights every evening.

In summary, we are extremely concerned that a German-based company, *Caloy Co. Inc.*, is proposing their expansion that will directly affect residents and farmers in the Montpelier area, many of whom have lived and farmed in this area for several generations. We are extremely concerned that approval of *Caloy's* proposal will set a dangerous precedent to the agricultural environment of our Montpelier community and its residents.



Darrell and Norma Cordova
Triple C Farms, LLC



RE: Caloy Company LP, 5425 Montpelier Rd., Denair CA 95316.

ATTN: Kristy Doud Deputy Director, Planning and Development of Stanislaus County

In response to the CEQA Referral Initial Study, I am writing this letter of opposition.

As a resident of Montpelier for over 20 years I have seen Caloy Company LP come into our small community. The original owner at the time came to residents with promises NOT to expand further than the original request to inhabit and rezone the AG building at 5425 N. Montpelier Rd. The owner planned to move his business located in Riverbank CA. It also was not to exceed more than 8 employees and would not have any significant expansion or impact. The original plan proposed to the residents included the 4-oil extraction/press machines to be located inside the existing AG building ONLY. All operations were to remain inside of the building. The original number of employees would not exceed more than 8 throughout the 24-hr. operation. The original plan of Caloy was to extract the crude oil out of almonds only using a press device leaving only the Almond Pulp and Crude Oil and only to be sold in Bulk which was estimated to be 3 to 4 truckloads per week, maximum. Afterwards, a Warehouse was built to dry and store the almonds which to the best of my knowledge was not proposed in the original use permit or application for rezoning by the original owner who is no longer affiliated with Caloy Company, LP.

Since then, an Oil refinery worded as “cooling towers” have been built and again DEFINITELY NOT included in the original Land use permit or with any consent or knowledge of the Residents. The number of employees now, far supersedes the number of employees listed in the original land use application and also rezoning application which required permission of surrounding residents.

The concerns of myself and other neighbors are very similar, and do not wish that this parcel APN 019-041-029 or 019-024-050 be changed from A-2-40 to Planed Development. The impact to the community would in fact be dramatically changed from a quiet, small ag community to a large Industrial area. The proposed expansion that has been submitted into the planning department is very compelling and obviously to be an Industrial manufacturing facility. The addition of a Bottling facility and cold storage along with office buildings clearly indicates the industrialization of Caloy Company, LP’s entire operations of simply extracting oil and cattle feed. These are clear steps to involve themselves in the process of the makeup manufacturing Industry.

The proposed water use from the proposed wells would significantly impact all domestic wells in the area. As of now the surrounding domestic wells are struggling to keep up with irrigation of surrounding almonds orchards. The proposed well would allow the ability of 90 thousand gallons per day, with two wells combined the existing well at 45 thousand gallons per day capability. This would severely deplete and impact the Aquaphor without question. This would force residents to drill new wells and in which many of these parcels cannot meet the setbacks of 100’ from well to septic. If new wells are permitted it could in fact jeopardize the quality of the existing drinking water. This also would impact the residence/dwelling’s well and septic expansion areas that are already set in place. Most of residence/dwellings parcels are less than one acre lots which would make most residence parcel lots unable to conform to the Stanislaus County minimum setback requirements. It is strongly urged that this be taken into consideration.

The amount of traffic increase is another huge concern. As of now the increase in truck traffic has dramatically impeded traffic causing several near miss accidents with the truck traffic going in and out of Caloy even today. The slow trucks cause the vehicles to speed around them crossing a double solid line creating a hazard to residents and children getting on and off school buses.

Another concern is rainwater runoff. The over 180000sq feet / 8 acre plus will be covered from its natural rain absorption. How will this be affected in a 100-year storm since no efficient system was indicated on the plans submitted. Also, there is an existing Sand Creek that runs through the 8 ACRE parcel and then through my own parcel during heavy rains.

Also, the noise from Caloy Company, LP will be in front of most of the residences. So far, they do make a lot of noise. Failure to keep their equipment greased resulting in a loud irritating squeaking noise + loud music past curfew from workers is a constant problem we have complained about several times.

One of the largest concerns is the Fire danger. Over the last few years Caloy has caught on fire several times, although have been able to keep it contained to their property. However, the fear of the oil commodity and Fire are a deep concern. The smoke from those fires have significantly impacted the community of Montpelier several times in the past. If the new building were to expand the potential of the Fire Danger would dramatically increase, exposing the residents to the risk of fire jumping to residential property. In the Plans Submitted it shows 140000 Gallons of water for fire suppression however, a fire cannot be put out with water. The lack of a proper fire extinguishing system is also a large concern.

The overall property value would dramatically decrease for residents. This is a true fact that would happen if this proposal were adopted. The residents will lose a significant amount of value to their properties as does when any industry encroaches upon them. The next to zero crime rate may possibly and potentially increase the overall losses in revenue to property that would far exceed 300k per property.

In Caloy LP's projection of water usage states that it will use 38 thousand gallons per day. What exactly would the large amount of water be used for in a daily operation of extracting oil? What exactly does Caloy Company, LP want to bottle in their facility? If not a Makeup product what else? These questions are a concern since oil and water do not mix. Does Caloy LP have an alternate use for the extremely large amount water such as bottling water instead of oil? All of these questions are alarming to the large extent of the submitted plans. There are numerous indications that this expansion is an attempt to industrialize a small farming community, that had only approved an AG building to be used in a small business fashion. Had these plans been presented to the Montpelier community in 2006-2007 the new plans would have been disputed rejected by the community.

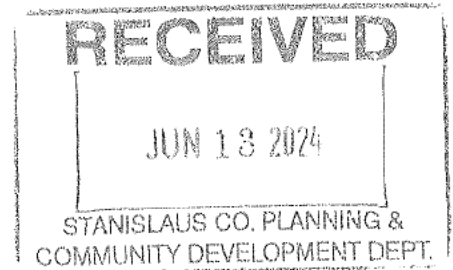
I have personally talked with the majority of the community. All of which strongly oppose the rezoning of the properties APN. 019-041-029 and 01-024-050 and any lot line adjustments. Please take in consideration that many of residents did not have an E-mail address to voice their concerns to because it was not listed on the CEQA Referral Initial Study And Notice of Intent to Adopt A Negative Declaration.

Montpellier is a small and nice peaceful community located in the outskirts of Denair. It's a Historical small town that was said to be the grain capital. It has Two Large grain silos, a grain elevator, and a large beautiful red brick warehouse in alignment with the old railway. It would be a shame to see all of the historical landmarks and buildings be covered up by industrial buildings.

I will conclude this letter by saying that I wish the best for Caloy Company, LP and the continued success in business. However, I would suggest that they seek another parcel of property that is zoned properly for industrial use already by the Planning Department. Also, I hope this letter gets to the correct person in the Planning Department since I have been informed that Kristy Doud, Deputy Director is no longer working on this particular project. I was informed that this should be addressed to Teresa McDonald. Furthermore, I would like to let it be known, as fact, that no one involved with this situation was properly notified.

Sincerely,

A large black rectangular redaction box covering the signature area.



Mike McCauley

June 13, 2024

Stanislaus County Department of Planning and Community Development

Attention: Teresa McDonald, Assistant Planner

Re: Rezone Application no. PLN2023-0065 – Caloy Company, LP

I am the owner of property at 5749 Montpelier Road and am very concerned with this proposed development of the Caloy facility.

It is stated in the application on Page 2 “One new driveway on Montpelier Road and a widening of the existing northeastern driveway is proposed as well as two new driveways fronting an existing access easement (5th Street which is a private road) adjacent to the norther property line are proposed.”

The 5th Street is a dedicated street in the town site. Southern Pacific Land Company was responsible for the town site and 5th Street is an 80-foot street.

That is our access to our property at 5749 Montpelier Road and we do not want that changed in any way.

This proposed facility is an industrial complex and has no business being put in the townsite of Montpelier.

The grain elevator on our property is of significant historical value to the area, it was built in 1930 by Cathcart and Rouse and has been in continuous use ever since. I have had access to the property for the last 30 years and bought the property in 2020 from the Hooker Grain Company descendants of Loren Rouse.

My greatest concern is this elevator, historical or not, is a very much utilized structure and is a functioning grain elevator and grain storage facility used by several people and it is still in an agriculture area. This elevator when loading and unloading grain generates some dust out of the head house, it always has and it always will. And being this new project will be handling industrial products I am very fearful that in the future I will be told to mitigate whatever grain dust that is generated and that is something that can not be practically done at the elevator

The bottom line we are an agricultural business in an agricultural zone doing what has been in Montpelier for 133 years and we do not want to be impacted in our townsite with an industrial business that does not belong in our ag zone area.

Best regards

[Redacted signature]

Mike McCauley

Travis Olson
[REDACTED]
[REDACTED]



To whom it may concern;

My name is Travis Olson, myself and my family have been residents of Montpelier for over 30 years. We have raised our kids here and now have our grandkids growing up visiting us here. We purchased our home out in Montpelier to be able to live the life we wanted out in the country and away from the city. We prefer the calm, quiet, peaceful life we have out here as opposed to the city lights, traffic and noise.

When Caloy purchased the location at 5425 N. Montpelier Road we were given plans for the future of the property and what they planned to do with the business they planned to build on said property. We were assured that the oil extraction company would not disturb the original atmosphere of the community and location. We were told it would be a small quiet company and to this day we have actually had several issues with Caloy. Community members were given the plans and told that nothing else other than what was noted on those plans would be built and the business would run based on the buildings on the original plans. Since the original plans we have seen several other additions made and added on to the property that were not originally on the business plans given to the community. The current property has been expanded upon twice since the purchase by Caloy according to county records, with no notice to community members. That is a concern moving forward as they have already pushed the limits and added to what we were told wouldn't be changed, what's to say they won't do that with these future plans they are submitting.

Current issues within the community of Montpelier with the Caloy business are the noise. They have unmaintained equipment that squeals and bangs constantly. If the equipment was properly maintained then it wouldn't be subject to these noises. We understand that equipment ages and doesn't run as quietly and smoothly as it originally did; however, there is a clear difference between age and non-maintenance. All neighboring homeowners have had issues with the employees playing extremely loud music 24 hours a day on the weekend and some weekdays. The music is so loud you can hear it clear word for word a long way down the road. This has been brought to the businesses attention and yet the music has not stopped for several months. An extremely concerning current issue is the way the business handles the waste from the oil extraction process. The north end holding pond on the property looks extremely contaminated. They have things leaking off the property to the neighboring properties. Over the winter months when we have a large amount of rainfall the Caloy holding pond became overfull and we noticed they had a Honda pump hooked up with hoses pumping the contaminated contents to the front north entrance of the property. The hoses ran near the entrance and pumped the pond's contents into the small gully alongside Montpelier Road south towards the natural sand creek. Several days later multiple community members saw a black line left from where the pond contents was running from the gully and crossed Montpelier road in front of Monte Vista Farming's business that neighbors Caloy to the south. These are just a few issues we have had with Caloy since the conception of the business.

As well as these current concerns we have with Caloy we have many concerns with the future of the property. Water use is a major worry we have with the submitted plans. The proposed water use from the wells would change the way our domestic wells are used. Myself as well as my neighbors have already had to drop our wells when the grapes that were originally surrounding our properties were changed to almonds and it impacted our water use. I can't imagine what would happen to our wells if Caloy starts using 90,000 gallons of water per day as proposed in the new plans submitted to the county. It's a concern that our domestic wells would dry up and we would be forced to drill deeper which some may not be able to afford to do.

Fire is an extreme concern for all surrounding the Caloy property as they have already had several fires on the property over the years. With this future proposed business plan the fire danger goes up to an even higher level of concern. They have been able to contain the fires to their property so far but what's to say that this larger facility won't make it harder for them to contain it and that it won't jump to our homes or the orchards surrounding us all. The response time is already long for fire, EMS or Police due to our location and we are aware of that however a large out of control fire would need a faster response which unfortunately our local fire departments can't guarantee. They have a fire suspension system within the future plans of the new buildings but water won't be able to put off a fire so the 140,000 gallon tank they will have for fire control will do nothing to help.

The plans show a very large office building, why do they need such a large designated office building if they plan to only have 35 employees? Unless they plan to employ many more than what they are saying then I don't see a reason to need that large of an office. How will an approximately 100,000 square foot business plan to run with only 35 employees, seems hard to believe. On the plans we have noticed that it says they will have approximately 36, give or take, EV parking spots. What is the need for that many EV parking spots if again they plan to have so little employees. It almost looks as if they plan to open a storefront to sell goods on property.

Traffic is another concern of ours. The traffic on Montpelier is already pretty bad as we are a byway from Merced to Oakdale and all small towns in between. We had to continuously call the county to have the road from Keyes to Monte Vista turned into a double yellow line to try to cut down the number of accidents we have constantly. Unfortunately, most drivers still ignore those solid lines and pass unsafely on the road and cause many accidents or near-miss accidents. The Denair Unified School buses use Montpelier Road Monday through Friday during the school year and make frequent stops to drop off our neighbors children as well as others up and down the road. Daily drivers will ignore the red flashing lights and pass the bus when they should not and again that is highly unsafe. The new business will cause even more traffic and even more issues with what seems to be such a large business going in; it will not only increase daily employee traffic but big rig traffic will increase coming and going from the property. We have watched many trucks coming or going into Caloy cause near accidents as they pull out in front of cars and that in turn causes the already fast moving cars, trucks or buses to need to lock up their brakes or swerve. Trucks or vehicles pulling into Caloy have to stop to wait for a clearing on the road to turn in and that causes impatient drivers to pass unsafely to try to continue on their commute. How does Caloy plan to have these trucks and cars entering their property if on the business plan it has no turning lanes for them to do so safely. Everything is very vague on how they propose the upcoming traffic issues. Will we have to have flashing traffic lights to show drivers to slow as trucks may be entering or exiting the facility. Again we live out here to be away from those things so this proposed plan would take us further from why we live out here.

I, as a property owner here, am concerned that my property value will decrease with having to be directly across the road from what seems to be an entire industrial size facility. Myself and all my neighbors do not want this to come into our community. This very small old town has many historical points of reference such as the grain elevator directly across from my home that has been there longer than most residents have lived here. The old red brick warehouse that was used for the old railway is another building that has been here for longer than most and it would be covered up by this proposed expansion by Caloy.

Caloy should consider finding another property that is already zoned for what they plan to build and that wouldn't make such a large impact to the community it goes into. We as Montpelier residents are all opposed to this proposed expansion and do not want it to impact us and our usually calm and quiet small country community.



Project: Facility expansion for Caloy Natural Oils – Water System Analysis

Background/Existing Water System/Distribution:

The existing production/processing facility is served by a well capable of producing 33 gpm (gallons per minute) or 47,520 gallons per day or 0.05 MGD (million gallons per day).

The processing facility employs 25 staff of which 9 maximum of about 15 employees are present during a twelve-hour shift. There are 5 existing restrooms in this facility.

Existing water consumption per day averages 20 gpm or 28,800 gallons per day or 0.028 MGD.

Existing water consumption is split between process, landscape irrigation and employee use.

There are 2 each 35,000-gallon storage tanks for fire suppression in an emergency.

Impact of Facility Expansion/Proposed Water System/Distribution:

The facility expansion will include a new bottling facility and a cold storage warehouse with 4 additional restrooms. There is no expected water increase for processing operations with the new project expansion.

Staffing will include 10 additional employees.

A new 120,000-gallon water tank will be provided for fire suppression.

The project proposes to build a new well at the north end of the site, which will also be able to pump about 33 gpm. This well is needed, as the existing well can't provide adequate water pressure to move the water all the way to the new northerly buildings. The two wells will be interconnected to provide redundancy in the event problems with one of the wells were to occur.

No significant increase in water consumption is expected to occur with the expansion project as the operational elements of the bottling and cold storage buildings do not include significant water use. A minor increase in average consumption is expected due to the additional employees and landscape irrigation area combined. The resulting overall average consumption is expected to be in the range of 20 – 25 gpm or 28,800 – 36,000 gallons per day or 0.028 – 0.036 MGD.

Caloy Water Budget – Project Impact to Existing Resources

Caloy is purchasing approximately 9 acres from Naraghi Quattrin Farms.

Caloy Water Budget – Project Impact to Existing Resources (cont'd)

Of the total 9 acres, approximately 6 acres are farmed with almonds, and the rest is open ground.

Naraghi Quattrin has informed Caloy that these approximately 6 acres of almonds are irrigated with deep wells on Naraghi Quattrin lands, and that they use approximately 4 acre-feet of water per year per acre, or about **24 acre-feet per year** for the 6 acres of almonds.

After project approval, the 6 acres of almonds will be removed, and the expanded Caloy project will add consumption of about 5 gallons per minute average of water use to its current use.

5 gallons per minute translates to about 0.226 acre-feet per day, or a total of about **8.25 acre-feet per year**, assuming 24 hours per day for 365 days per year of project operation.

Water Balance:

Current Water Use from Aquifer: 24.00 acre-feet per year

Proposed Water Use for New Project: 8.25 acre-feet per year

Net Water Savings: 15.75 acre-feet per year

Summary: The net result of this analysis indicates that this project will not adversely impact the quality and quantity of existing local water resources.

Prepared by,

DF ENGINEERING, INC.





David J. Hoberg, PE, QSD/QSP
Senior Project Engineer
dave@dfengineering.com

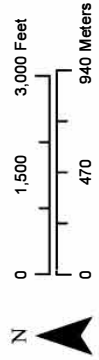
CALOY COMPANY LP

REZ PLN2023-0065

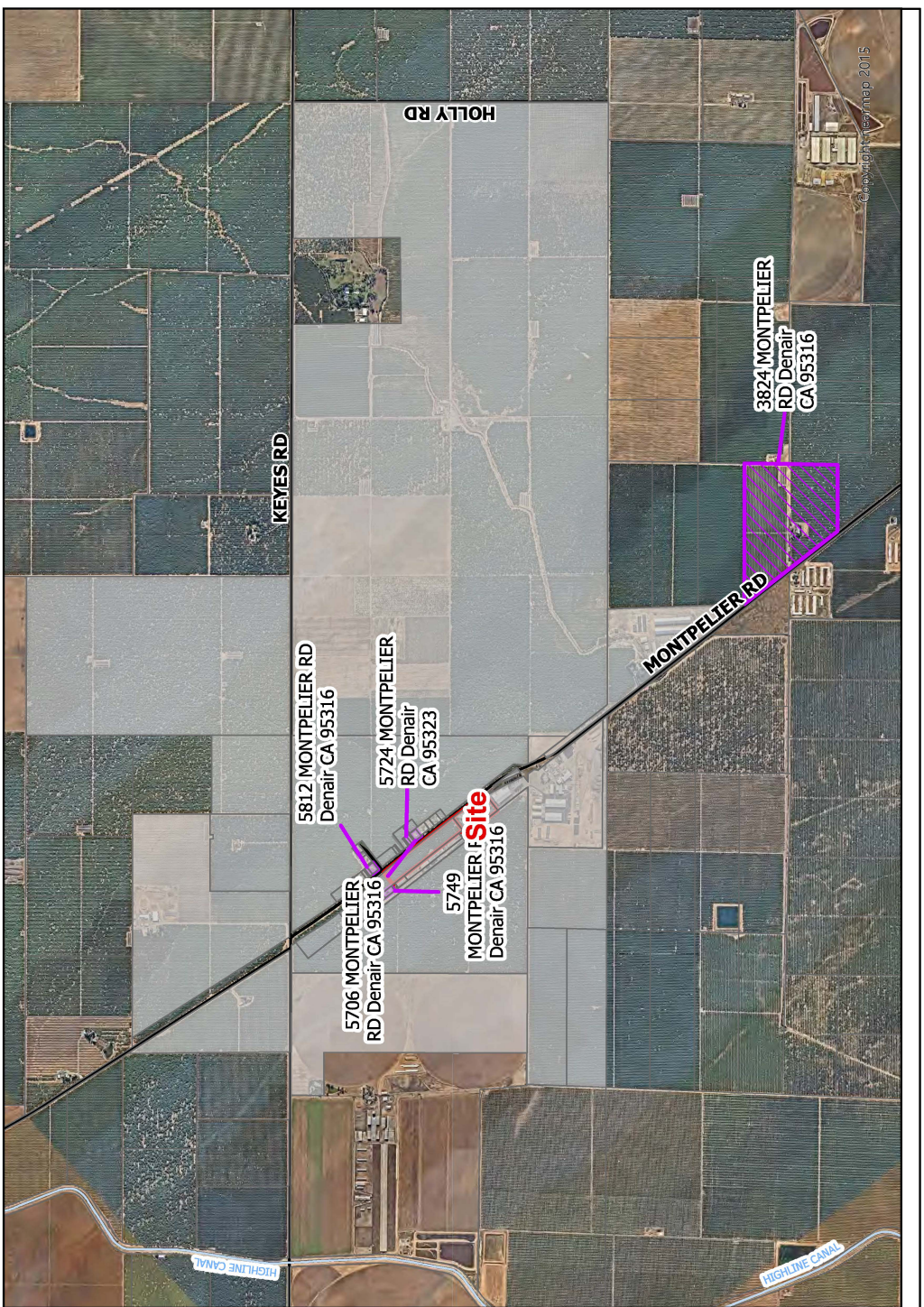
Land Owner Notification and Community Response Map

LEGEND

-  Responder Locations
-  Project Site
-  LON Parcels
-  Canal
-  Road



Source: Planning Department GIS Date Exported: 6/13/2024



SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: REZ APPLICATION NO. PLN2023-0065 - CALOY COMPANY, LP

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	X	X	X		X							
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	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	
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: DENAIR	X	X	X		X							
GSA: EAST TURLOCK SUBBASIN	X	X	X		X							
IRRIGATION DISTRICT: EASTSIDE	X	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
SERVICES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: DENAIR UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X	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 FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	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		X
STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10	X	X	X		X							
TELEPHONE COMPANY: ATT	X	X	X		X							
USDA NRCS	X	X	X		X							
CA DEPT OF FOOD AND AGRICULTURE	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: PLN2023-0065
 Application Title: Caloy Company, LP
 Application Address: 5425 N. Montpelier Road
 Application APN: 019-014-013 & 019-041-027

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes No

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Subcontractor	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use

06-06-24

Date



Signature of Applicant

Caloy Company, LP

Print Firm Name if applicable

Wayne McCalley

Print Name of Applicant

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06-06-24

Date



Signature of Applicant

DF Engineering, Inc.

Print Firm Name if applicable

Scott DeLaMare

Print Name of Applicant

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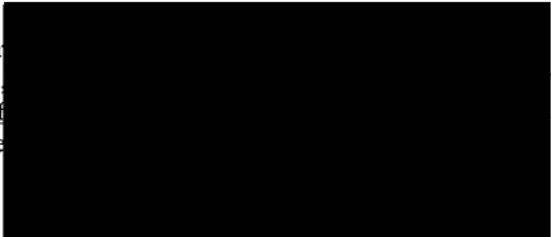
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Date(s) of Contribution(s): _____

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06-06-24

Date

Signature of Applicant

Newman-Romano, LLC

Print Firm Name if applicable

David O. Romano

Print Name of Applicant

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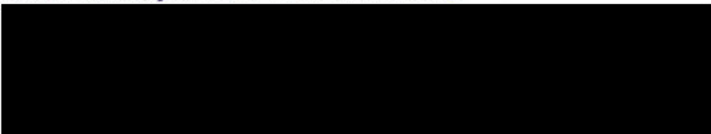
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06-06-24
Date

Naraghi Quattrin Farms, LLC
Print Firm Name if applicable



Margaret Naraghi Quattrin
Print Name of Applicant

REZ PLN2023-0065

CALOY COMPANY, LP

Planning Commission
June 20, 2024



Overview

- Rezone
 - Request to amend zoning designation from Planned Development (P-D) (312) and General Agriculture (A-2-40) to Planned Development
 - To allow expansion of an existing nut oil and cattle feed processing facility

Caloy Company LP

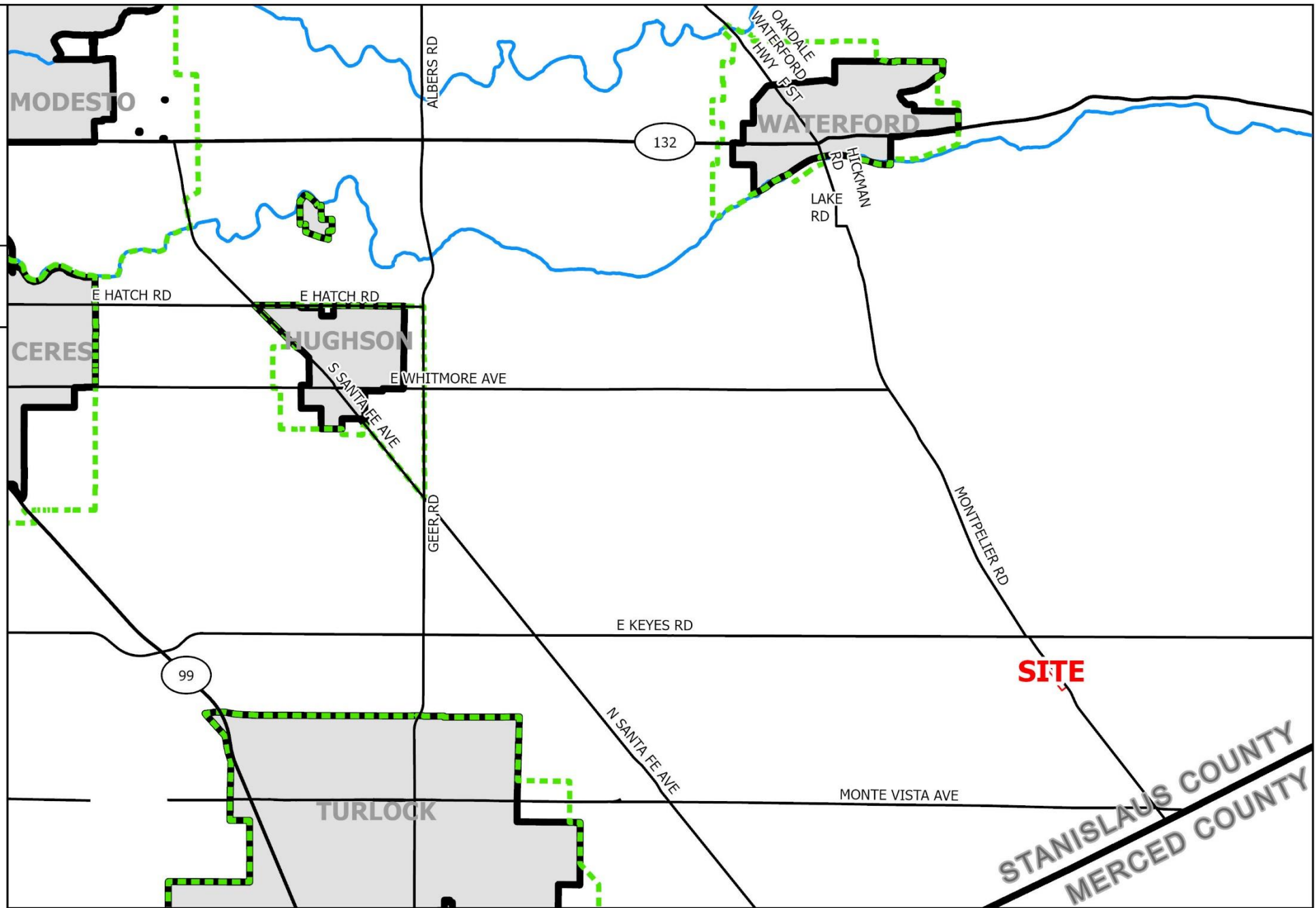
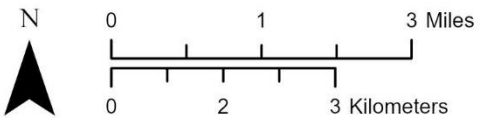
REZ

PLN2021-0113

AREA MAP

LEGEND

- Highway
- Major Road
- Project Site
- Sphere of Influence
- Stanislaus County
- River
- MonteVista



**CALOY
COMPANY LP**

**REZ
PLN2023-0065**

GENERAL PLAN MAP


LEGEND

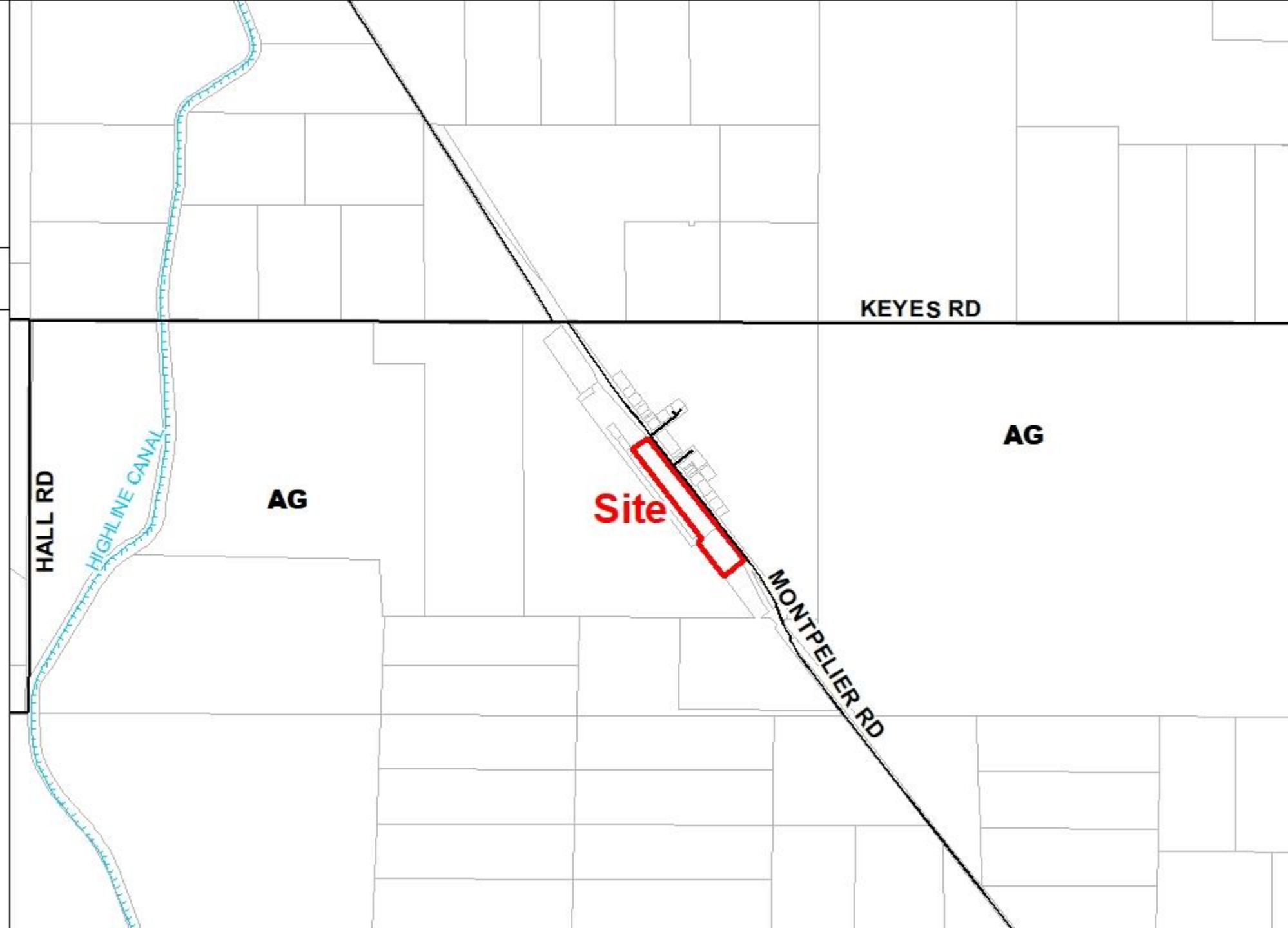
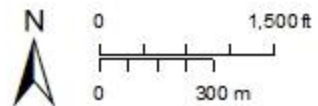
 Project Site

 Parcel

 Road  Canal

General Plan

 Agriculture



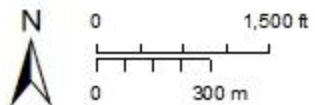
CALOY COMPANY LP

REZ PLN2023-0065

ZONING MAP

LEGEND

-  Project Site
 -  Parcel
 -  Road
 -  Canal
- Zoning Designation**
-  Planned Development
 -  General Agriculture 40 Acre



CALOY COMPANY LP

REZ PLN2023-0065

2023 AERIAL AREA MAP

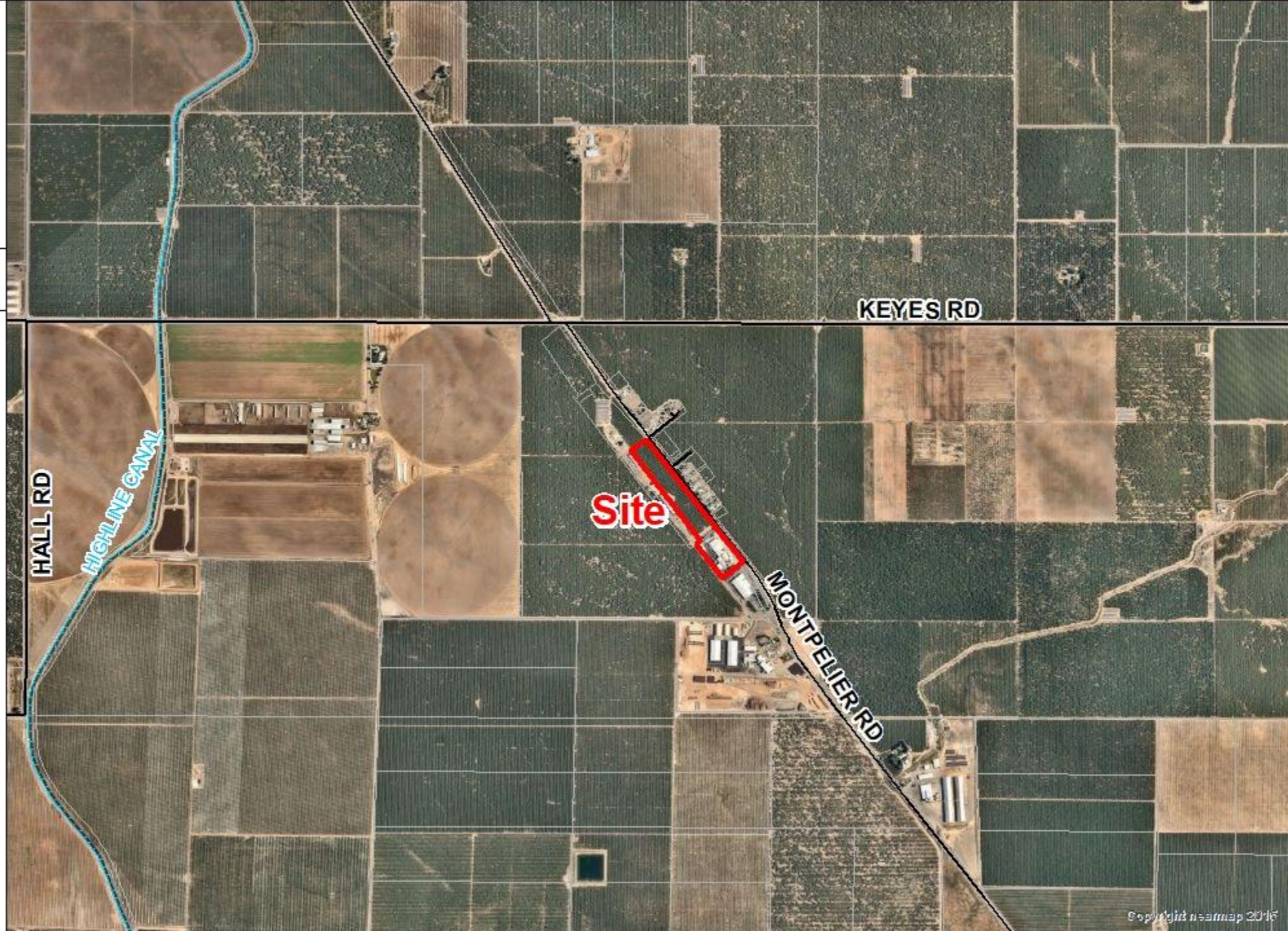
LEGEND

-  Project Site
-  Canal
-  Road



Source: Planning Department GIS

Date: 8/14/2023




**CALOY
COMPANY LP**

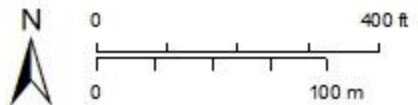
**REZ
PLN2023-0065**

2023 AERIAL SITE MAP

LEGEND

 Project Site

 Road



Source: Planning Department GIS

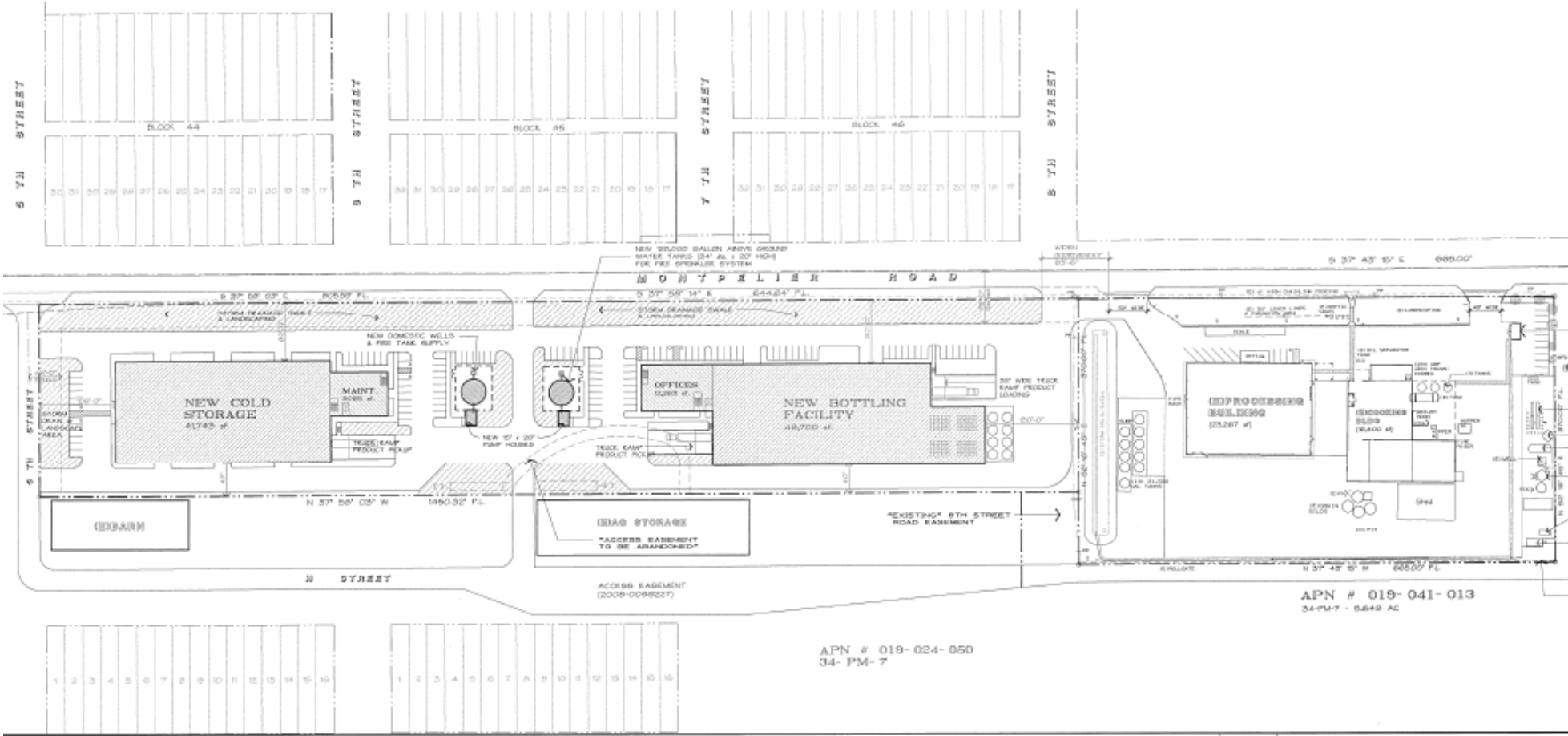
Date: 8/14/2023



**CALOY
COMPANY LP**

**REZ
PLN2023-0065**

SITE PLAN



PROPOSED SITE PLAN #4

SCALE : 1" = 80'-0"

Issues

- Outstanding building permits
- Concerns from surrounding landowners
 - Water and septic
 - Stormwater runoff
 - Noise and odor
 - Traffic
 - Air Quality
 - Lighting and aesthetic impacts
 - Fire concerns
 - Landowner notification

Issues

- **Outstanding building permits**
- Concerns from surrounding landowners
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Issues

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- **Concerns from surrounding landowners**
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Issues

- Outstanding building permits
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 - Stormwater runoff
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 - Traffic
 - Air Quality
 - Lighting and aesthetic impacts
 - Fire concerns
 - Landowner notification



Issues

- Outstanding building permits
- Concerns from surrounding landowners
 - Water and septic
 - **Stormwater runoff**
 - Noise and odor
 - Traffic
 - Air Quality
 - Lighting and aesthetic impacts
 - Fire concerns
 - Landowner notification



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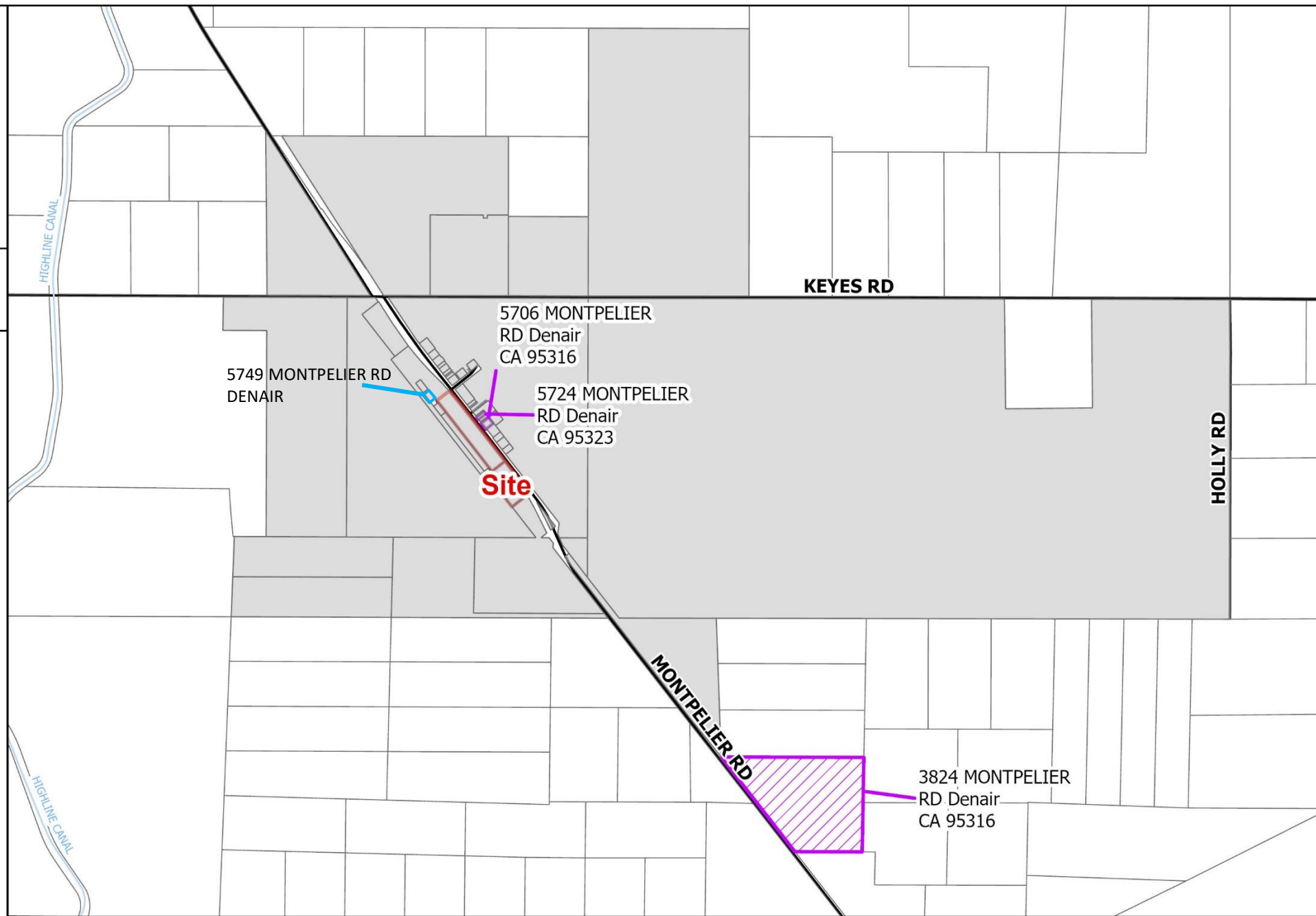
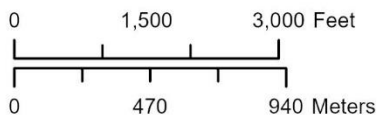
CALOY COMPANY LP

REZ PLN2023-0065

Land Owner Notification and Community Response Map

LEGEND

-  Responder Locations
-  Project Site
-  LON Parcels
-  Canal
-  Road



General Plan and Zoning Consistency

General Plan

- Land Use Designation
 - Consistent with proposed zoning district
- Agriculture Element
 - Ag Buffers

Zoning

- General Agriculture (A-2-40) to P-D
 - Amendments to the Zoning Designation must be found to be consistent with the General Plan
 - Permitted uses limited to nut oil and cattle feed processing facility
 - Further development would require additional land use permits



Environmental Review

- CEQA
 - Negative Declaration
- Development Standards

Planning Commission Memo

- Revisions to Development Standard No. 24
 - Improvements required to be located outside of road right-of-way
- Addition of Development Standard No. 51
 - Minimum setbacks from right-of-way required
- Request to widen an existing driveway withdrawn
 - Driveway would not meet Public Works Standards
- Addition of Development Standard No. 52
 - Protection of existing of access easements



Recommendation

- Staff recommendation
 - Recommend project approval to the Board of Supervisors with the amendment to Development Standard No. 24 and the addition of Development Standard No. 51 and No. 52.
- Findings – Exhibit A
 - Environmental Review
 - Rezone
 - Ag Buffer Alternative
 - Road Improvements
 - Project Approval



Questions?