

**STANISLAUS COUNTY PLANNING COMMISSION**

December 5, 2024

**STAFF REPORT**

**USE PERMIT APPLICATION NO. PLN2022-0130  
HORIZON LANDSCAPING AND WHOLESALE NURSERY**

**REQUEST: TO ALLOW AN EXISTING LANDSCAPE CONTRACTING BUSINESS TO OPERATE IN CONJUNCTION WITH A WHOLESALE NURSERY ON A 1.43± ACRE PARCEL IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.**

**APPLICATION INFORMATION**

Applicant:	John Dickman, Horizon Landscaping
Property owner:	John and Nancy Dickman Revocable Trust
Agent:	N/A
Location:	1367 Crawford Road, between Coffee and Oakdale Roads, in the Riverbank area.
Section, Township, Range:	34-2-9
Supervisory District:	District One (Supervisor B. Condit)
Assessor's Parcel:	074-012-009
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	1.43± acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	City of Riverbank
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Single-family dwelling, residential accessory structures, and unpermitted landscape contracting business.
Surrounding Land Use:	Ranchettes and agricultural properties with scattered single-family dwellings and accessory structures surround the site on all sides; the City of Riverbank to the east; and the City of Modesto to the south.

## **RECOMMENDATION**

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

## **PROJECT DESCRIPTION**

This is a request to allow an existing landscape contracting business to operate in conjunction with a wholesale nursery on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. The landscape contracting business is currently operating and has submitted a use permit application in an effort to remedy an active code enforcement citation. The applicant anticipates that approximately 60% of the business' income will be associated with the wholesale nursery, 15% to the installation of landscaping, 20% to the installation of irrigation systems, and 5% to irrigation system maintenance. Potted nursery stock, which will include ornamental trees, shrubs, annual flowers, and groundcover, will be located within a 0.25-acre area at the northwest corner of the project site. Pots and dirt for planting of the nursery stock will also be on-site. Small plants will arrive in flats of potted containers and then will be transferred into one, five, and 15-gallon potted containers to mature. Once mature, they will be purchased by wholesale clients and installed by the landscaping side of the business. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees (including the owner) on a maximum shift, and up to two customer visits per week. Landscaping customers will come to the site to view the nursery stock and select plants for their project. The nursery will not be open to the general public.

The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. No other on-site structures will be utilized as part of the wholesale nursery. Seven pickup trucks with three open and four enclosed 14-foot-long trailers will be used to deliver, install, and maintain nursery stocks, landscaping materials, and irrigation materials. Irrigation equipment will be stored in the trailers. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

## **SITE DESCRIPTION**

The 1.43± acre project site is located at 1367 Crawford Road, between Coffee and Oakdale Roads, in the Riverbank area (see Exhibit B – *Maps and Site Plan*). The project site is improved with a 3,600 square-foot single-family dwelling, three garages (900, 416, and 735 square feet in size), a 640 square-foot recreational vehicle carport, a 2,107 square-foot pole barn, and a 100 square-foot shed. The project site is improved with landscaping consisting of turf, shrubs, and trees along Crawford Road, and screening trees along the eastern and western property lines. The site is also improved with graveled drive aisles and a 12-space parking area. The site is served by a private well and septic system and has access to County-maintained Crawford Road, which terminates east of the project site.

Ranchettes and agricultural properties with scattered single-family dwellings and accessory structures surround the site on all sides. The City of Riverbank is located to the east and the City of Modesto is located to the south. The site is located within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) of the City of Riverbank.

## **ISSUES**

The Stanislaus County zoning ordinance recognizes wholesale nurseries as Tier One uses requiring a use permit in the General Agriculture (A-2) zoning district; however, in response to changes in state law treating nurseries as a type of agriculture, a use permit is no longer required for the establishment and operation of a wholesale nursery in the A-2 zoning district. As provided by Section 21.20.030(A)(1) of the Stanislaus County Zoning Ordinance, landscape contracting businesses may be permitted on an A-2 zoned parcel when conducted in conjunction with a wholesale nursery provided a Tier One use permit is obtained. Accordingly, a use permit is still required when a landscaping business is proposed to operate in conjunction with a wholesale nursery. While not defined by the County's Zoning Ordinance, landscape contracting services generally include a variety of services, such as landscape design, installation, and maintenance of residential and commercial landscaping, the installation of irrigation systems, as well as the bulk storage of mulch and bark for use by both the nursery and landscape contracting business.

Although landscape contracting businesses are not directly agricultural in nature, the A-2 zoning district recognizes the relationship between the growing of plants at a nursery location and the need to install and maintain those plants off-site. In evaluating a request to establish a landscape contracting business as part of a wholesale nursery operation in the A-2 zoning district, it is staff's position that the landscape contracting activities should be incidental and accessory to the nursery's plant production. However, neither the County's General Plan or Zoning Ordinance identify any specifications, thresholds, or operational parameters for either the wholesale nursery or landscape contracting business when operated in conjunction with each other and, as such, each proposed use must be individually assessed.

Given the nature of the proposed uses, staff believes the County's Zoning Ordinance provides flexibility to allow the Planning Commission to determine whether the landscape contracting business is accessory to the nursery use. In this case, factors to consider in determining if the landscape nursery component is the primary use could include the size of area dedicated to nursery areas versus landscape contracting facilities, or the number of employees dedicated to nursery activities versus landscape contracting services. As stated in the *Project Description* section of this report the applicant states that approximately 60% of the business' income will be associated with the wholesale nursery, 15% to the installation of landscaping, 20% to the installation of irrigation systems, and 5% to irrigation system maintenance. In looking at the development footprint of the project site, 0.50± acres appear to be currently utilized for the landscaping business. The existing operation currently has no nursery production on-site; however, the applicant proposes to develop a 0.25± acre area for the maintenance of nursery stock. Due to the business historically operating without nursery production being a part of their operations, staff has concerns over the on-site use itself operating in a manner more characteristic of a commercial use that would be more appropriately sited on a non-agriculturally zoned parcel. In an effort to address concerns, should the Planning Commission decide to approve the project, staff has added Conditions of Approval Nos. 9 through 11 which requires verification that the

nursery stock is in production, and that the landscape contracting activities not be retail in nature and will operate in conjunction with the nursery.

The applicant provided one letter of support signed by eight neighbors at the time of application submittal, and in response to the landowner noticing associated with the project's Initial Study referral, one letter of opposition was received for the project (see Exhibit D – *Correspondence*). The letter of opposition is from Todd Whiteside, an area resident located approximately 0.2 miles east of the project site. The letter raised concerns that the business will not operate the wholesale nursery as stated, and there are concerns that allowing an industrial use will decrease the quality of life of the area residents.

There is an existing wholesale nursery and landscape contracting business located on Crawford Road, 445 feet east of the project site, which was approved by the Planning Commission in 2016 (see Exhibit B – *Maps and Site Plan*). An overview of that request is provided in the *Zoning Ordinance Consistency* section of this report.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated Agriculture in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40- to 160-acre minimum parcel sizes. This designation establishes agriculture as the primary use, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

When a project site is located within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) of a city, the Stanislaus County General Plan Land Use Element's SOI policy states that development, other than agricultural uses and churches, which requires discretionary approval shall be referred to the city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what development standards are necessary to ensure that development will comply with city development standards. Approval from a city does not preclude the County's decision-making bodies from exercising discretion, and it may either approve or deny the project. The project site is located within the City of Riverbank's LAFCO adopted SOI and is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The project was referred to the City of Riverbank in accordance with the County's Land Use Element SOI policy and the City provided a response in writing that indicated they had no comments; additionally, the project was brought to the Riverbank City Council for input, who expressed no objection to the request.

Goal One, Objective 1.2 of the General Plan's Agricultural Element encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One uses include agriculture-related commercial and industrial uses, such as nut hulling and drying, warehouses for storage of grain and other farm produce, wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery. Policy 1.4 of the Agricultural Element states:



*“Limited visitor-serving commercial uses shall be permissible in agricultural areas if they promote agriculture and are secondary and incidental to the area’s agricultural production.”*

An assessment of the proposed use’s compliance with the findings required for approval of a wholesale nursery and landscape contracting business is provided in the *Zoning Ordinance Consistency* section of this report.

Goal Two, Policy Fourteen, Implementation Measure 1 of the Land Use Element requires all development proposals that require discretionary action to be carefully reviewed to ensure that approval will not adversely affect an existing agricultural area and to ensure compatibility between land uses. The General Plan’s Agricultural Element Agricultural Buffer Guidelines require all new or expanding uses approved by discretionary permit in the A-2 zoning district or on a parcel adjoining the A-2 zoning district to incorporate a minimum 150-foot-wide buffer setback, or 300-foot-wide buffer setback for people-intensive outdoor uses, to physically avoid conflict between agricultural and non-agricultural uses. The guidelines also call for the use of a six-foot-high fence of uniform construction along the perimeter of the developed area to prevent trespassing onto adjacent agricultural lands except where the proposed use does not directly establish the potential for increased trespassing onto adjacent agricultural lands. Low people-intensive Tier One and Tier Two uses which do not serve the general public shall not be subject to compliance with these guidelines. With three employees on a maximum shift, staff believes the use to be low people-intensive and not subject to agricultural buffer requirements.

Staff believes that the proposed use can be found to be consistent with the General Plan if the Planning Commission can make the necessary findings; specifically, with regards to the nursery being the primary use on-site, as discussed in the *Issues* section of this report.

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned General Agriculture (A-2-40). In accordance with Section 21.20.030(A) of the Stanislaus County Zoning Ordinance, Tier One uses, including agriculture-related uses such as wholesale nurseries and landscape contractors when conducted in conjunction with a wholesale nursery, may be allowed by use permit when the Planning Commission makes the following finding:

- The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.

Based on the design of the project, it does not appear that the establishment as proposed will be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; however, there is a question of whether the use as proposed qualifies under the provisions of the A-2 Ordinance as a Tier One use. In accordance with state law, wholesale nurseries, whether it is greenhouse or field production, are considered production agriculture and are permitted as a by-right use without land use entitlements in the General Agriculture (A-2) zoning district. Further, Section 21.20.030(A) recognizes landscape contracting businesses as Tier One uses when operated in conjunction with a wholesale nursery. As discussed in the *Issues* section of this report, while the Zoning Ordinance does not specify what metrics or parameters qualifies a landscape contractor as operating in conjunction with a wholesale nursery, it is staff’s position

that the use must be incidental and accessory to the wholesale nursery in an effort to maintain the intent of the A-2 zoning district, which is to support and enhance agriculture as the predominant land use. Staff has concerns that the subject landscaping business will not operate in a manner that is incidental and accessory to an onsite wholesale nursery.

In addition to the findings outlined above, the following finding is required for approval of any use permit:

- The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

An overview of two other wholesale nursery and landscape contracting businesses that have been approved, one of which is also located on Crawford Road, and the most recently approved request, which is located in the Newman area, are provided below.

1. Use Permit No. PLN2015-0087 – Artificial Turf & Landscaping Co. Inc., was a request to establish a wholesale nursery and landscape contracting business on 1.25 acres of a 2.93-acre parcel, located at 1467 Crawford Road, approximately 445 feet east of the project site. The staff report stated the primary component of the business was the nursery operation, which included trees and plants grown in the ground, as well as in potted and boxed containers. Another component of the proposed business included landscape contracting services, with the nursery and landscaping portions of the business working in conjunction with each other. A smaller component of the landscape contracting business involved installation of artificial turf purchased from an off-site seller. Staff recommended approval of the project provided the landscape contracting business was limited to the installation of wholesale nursery plants and trees grown on-site and a corresponding condition of approval was applied to the project. The Planning Commission approved the request on June 2, 2016.
2. Use Permit No. PLN2023-0080 – Westside Nursery, was a request to establish a wholesale nursery and landscape contracting business on 8.78 acres of a 40.76-acre parcel located on the northwest corner of River and Villa Manucha Roads, in the Newman area. The project proposed to utilize 4.58± acres of the 8.78± acre project site for the growing of nursery stock consisting of ornamental trees and shrubs to be grown in pots. The applicant asserted that the wholesale nursery was the primary component of the business. The business already operates a retail garden center at a different location and the application was not submitted as a result of a code enforcement case. Staff did not recommend approval or denial and the Planning Commission approved the request on August 15, 2024.

While staff believes the establishment may be operated in a manner that is not detrimental to or in conflict with agricultural use of other property in the vicinity, nor be detrimental to the health,

safety, property or improvements and the general welfare of persons within the surrounding area of use and the County as a whole, there is concern with the appropriateness of locating the landscape contracting business in the A-2 zoning district. While there was a condition applied to Artificial Turf limiting the landscape contracting business to installing only the wholesale nursery plants and trees grown on-site, staff is recommending instead that conditions be applied which reflect more recent nursery and landscape businesses approved by the Planning Commission and which prohibits on-site retail sales, requires verification that the nursery stock is in production, and requires that the landscape contracting activities operate in conjunction with the nursery. If the Planning Commission determines that the landscape contract business qualifies as a Tier One use, with the use operating in conjunction with the wholesale nursery use, and that the required findings can be met, then staff recommends that the Planning Commission approve the project subject to conditions of approval Nos. 9 through 11 which reflects these requirements.

### **ENVIRONMENTAL REVIEW**

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study (see Exhibit E – *Initial Study*). Pursuant to CEQA, the proposed project was circulated to interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit G – *Environmental Review Referrals*).

A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit F – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

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**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 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 Site Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Correspondence
- Exhibit E - Initial Study
- Exhibit F - Negative Declaration
- Exhibit G - Environmental Review Referrals
- Exhibit H - Levine Act Disclosure Statement

## 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 Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county.
  - b. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - c. The proposed Tier One use is "low people-intensive" and not subject to the agricultural buffer.
  - d. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2022-00130 – Horizon Landscaping and Wholesale Nursery, subject to the attached Conditions of Approval.

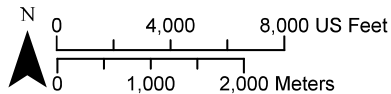
# HORIZON LANDSCAPING

## UP PLN2022-0130

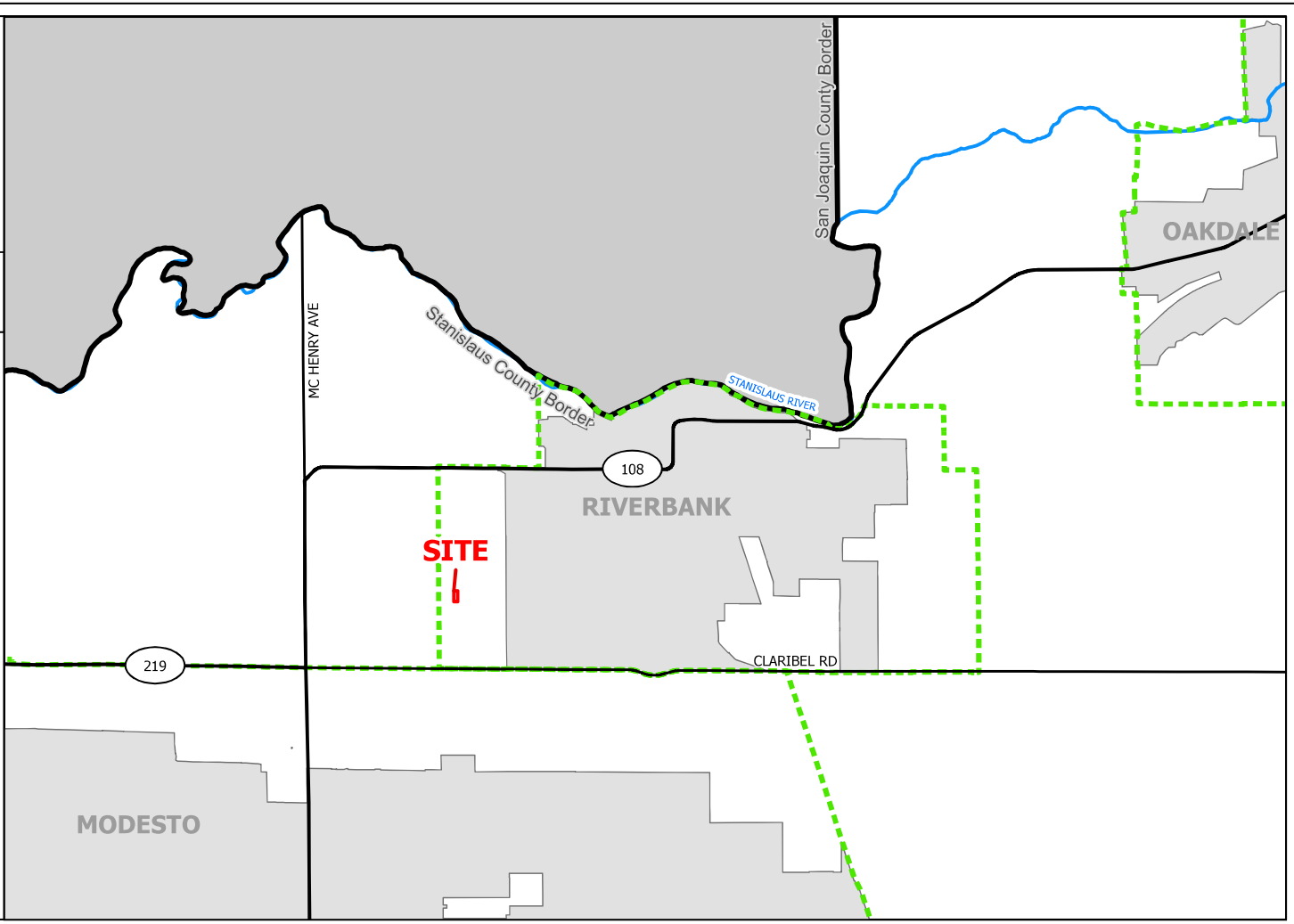
AREA MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  Highway
-  Major Road
-  River



Source: Planning Department GIS      Date Exported: 11/25/2024



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

EXHIBIT B

# HORIZON LANDSCAPING

## UP PLN2022-0130

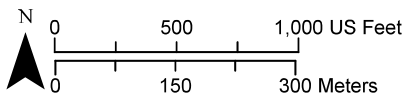
GENERAL PLAN MAP

### LEGEND

-  Project Site
-  Parcel
-  Street
-  Canal

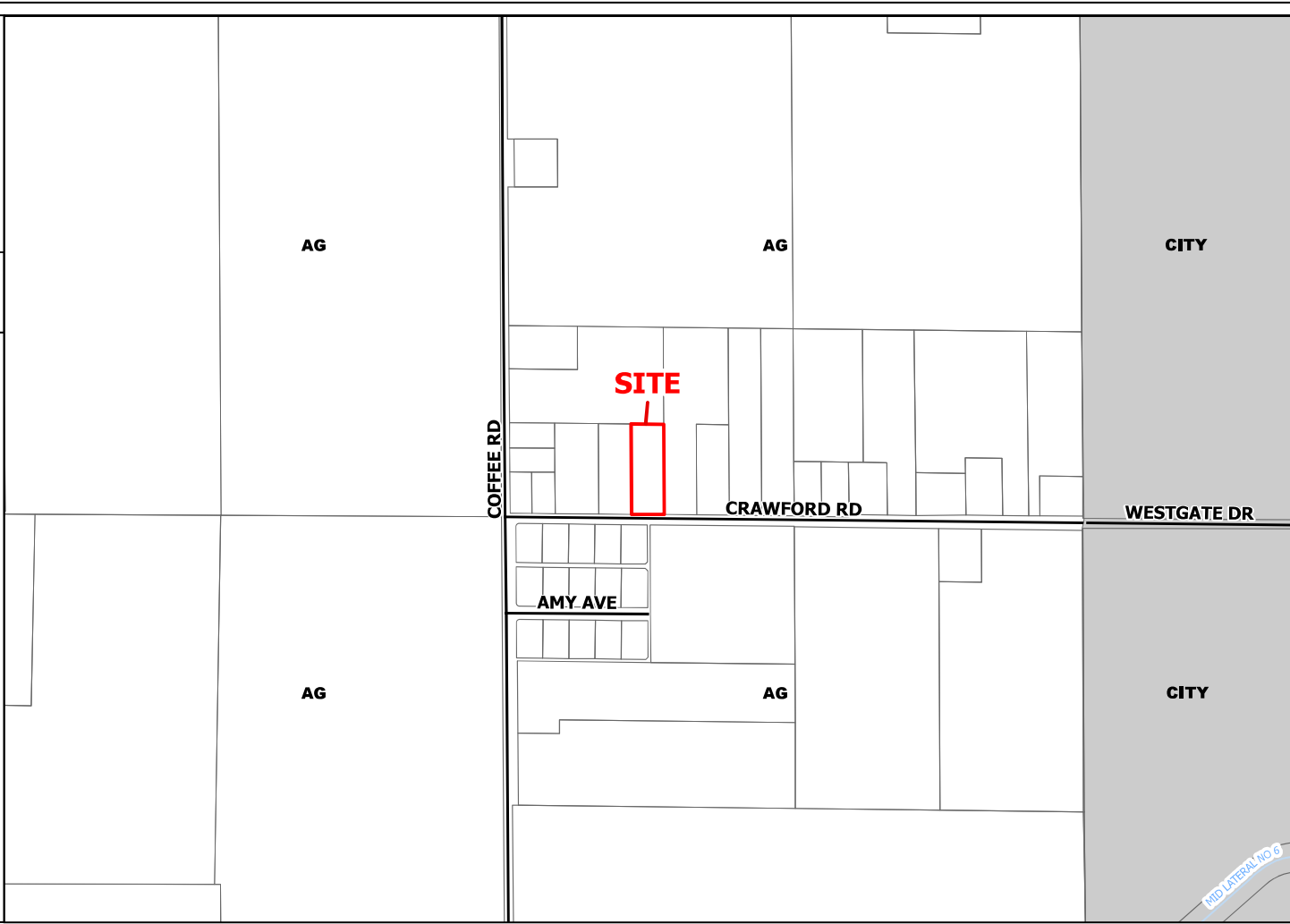
### General Plan

-  Agriculture
-  City



Source: Planning Department GIS

Date Exported: 11/25/2024







# HORIZON LANDSCAPING



## UP PLN2022-0130

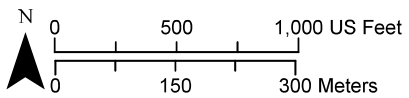
### ZONING MAP

#### LEGEND

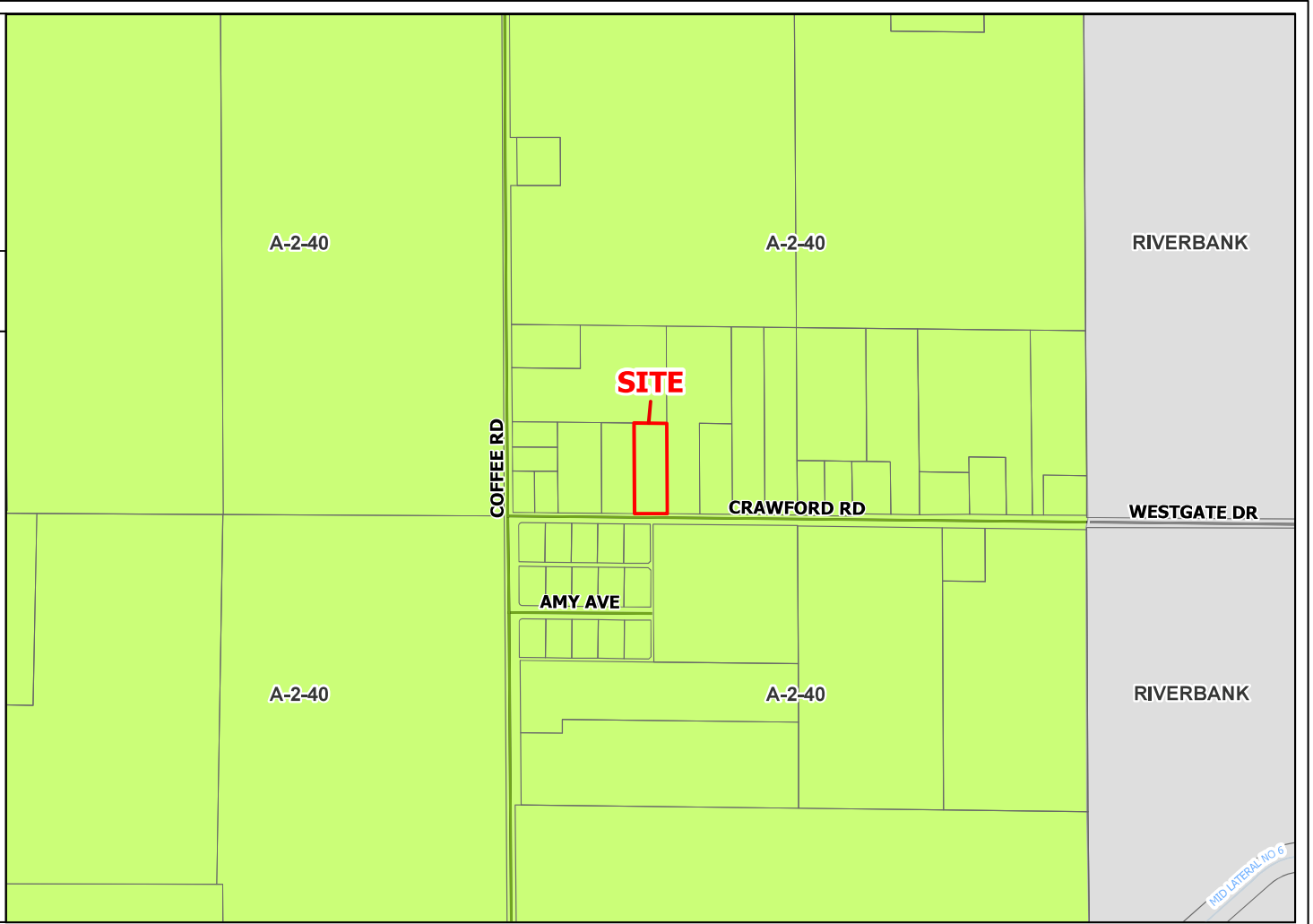
-  Project Site
-  Parcel
-  Street
-  Canal

#### Zoning Designation

-  City of Riverbank
-  General AG 40 Acre



Source: Planning Department GIS Date Exported: 11/25/2024





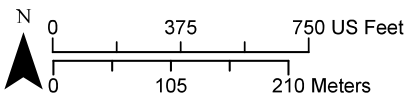
# HORIZON LANDSCAPING

## UP PLN2022-0130

2023 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Parcel
-  Street



Source: Planning Department GIS      Date Exported: 11/25/2024








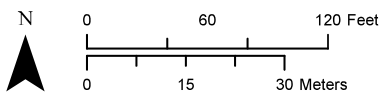
# HORIZON LANDSCAPING

## UP PLN2022-0130

2023 AERIAL SITE MAP

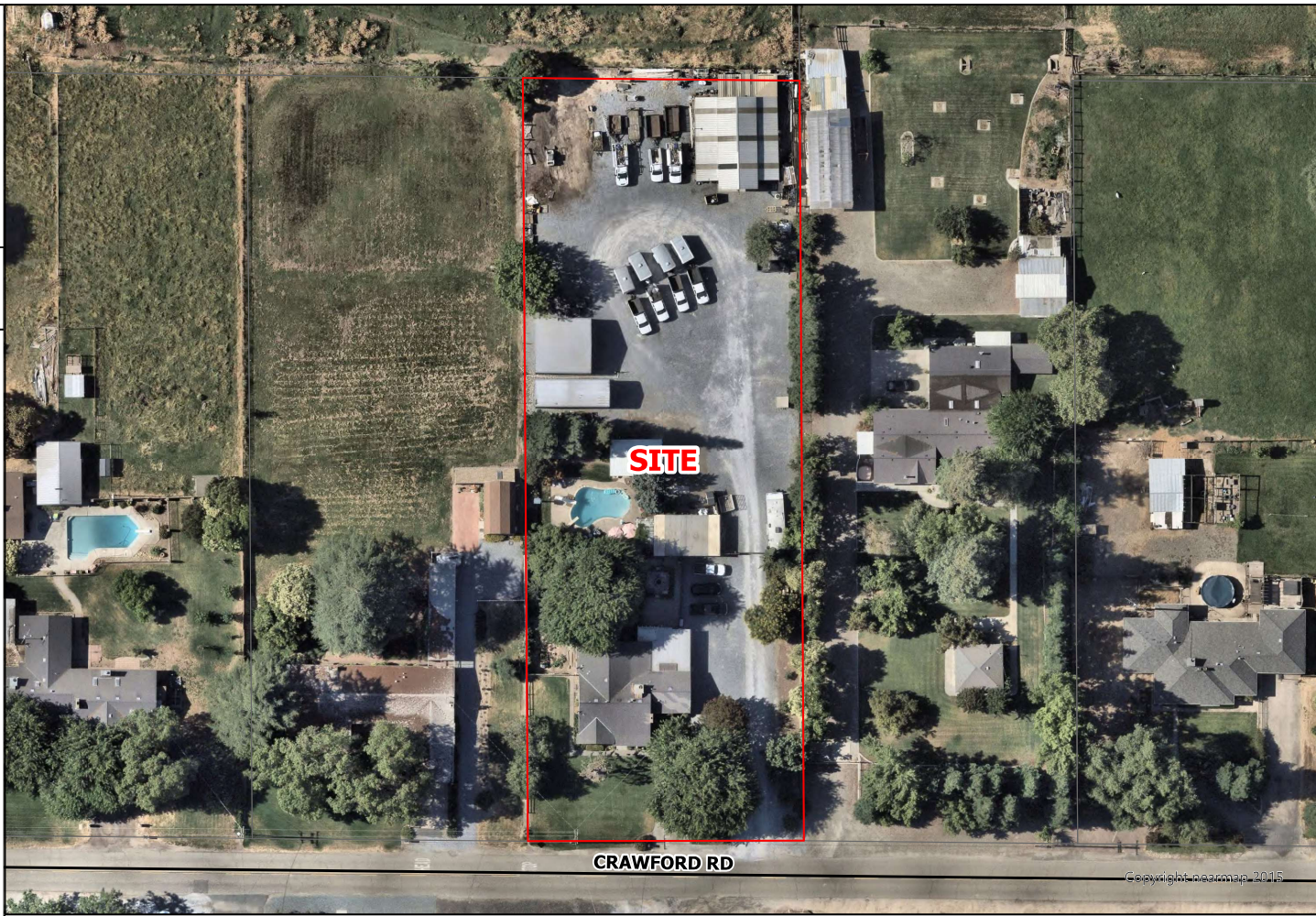
### LEGEND

-  Project Site
-  Parcel
-  Street



Source: Planning Department GIS

Date Exported: 9/16/2024



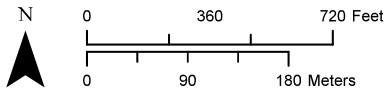


# HORIZON LANDSCAPING UP PLN2022-0130

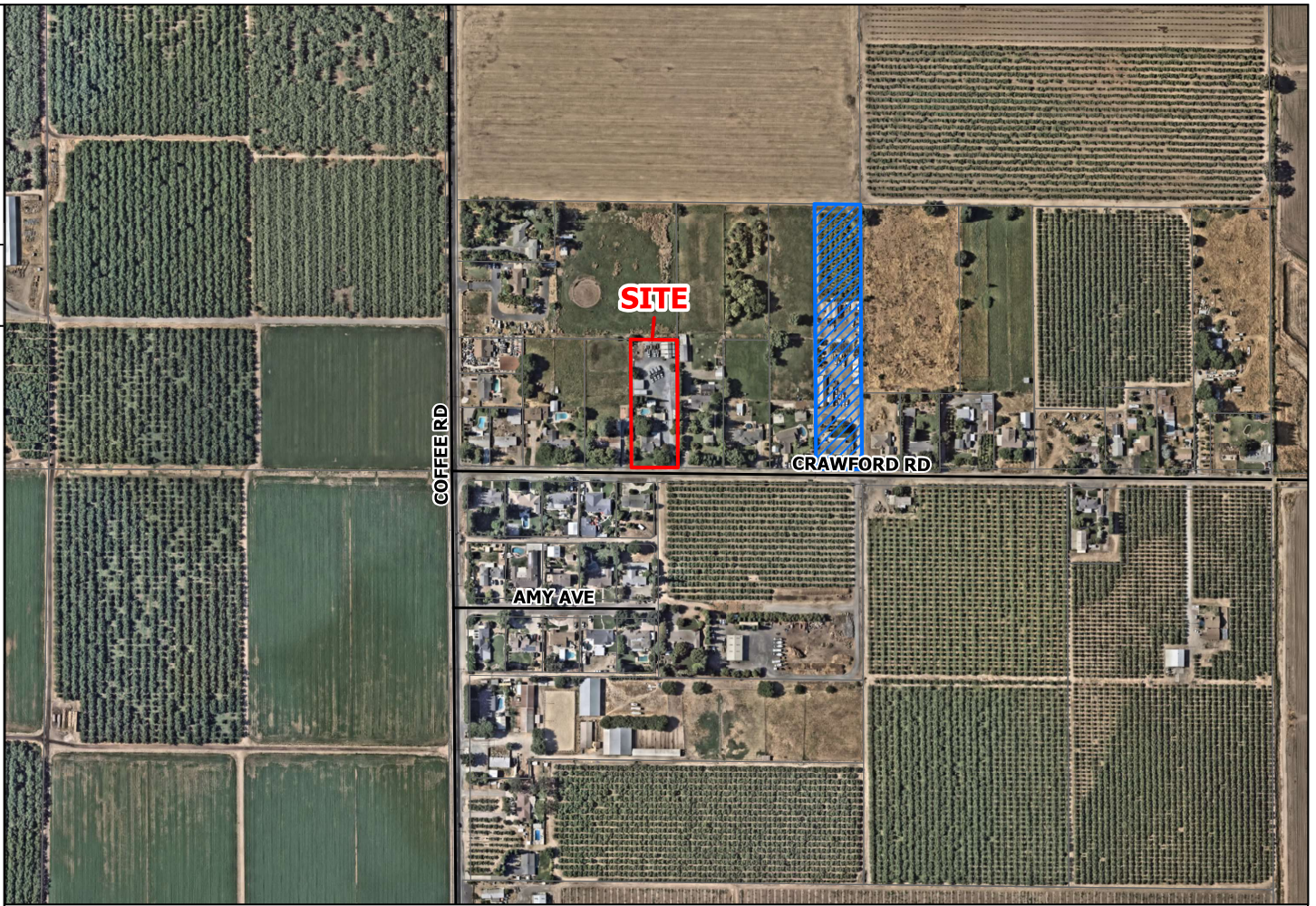
2023 AERIAL PROJECTS MAP

### LEGEND

-  Project Site
-  Artificial Turf & Landscaping Co.
-  Parcel
-  Street



Source: Planning Department GIS Date Exported: 11/25/2024

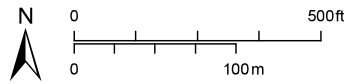


# HORIZON LANDSCAPING UP PLN2022-0130

## ACREAGE MAP

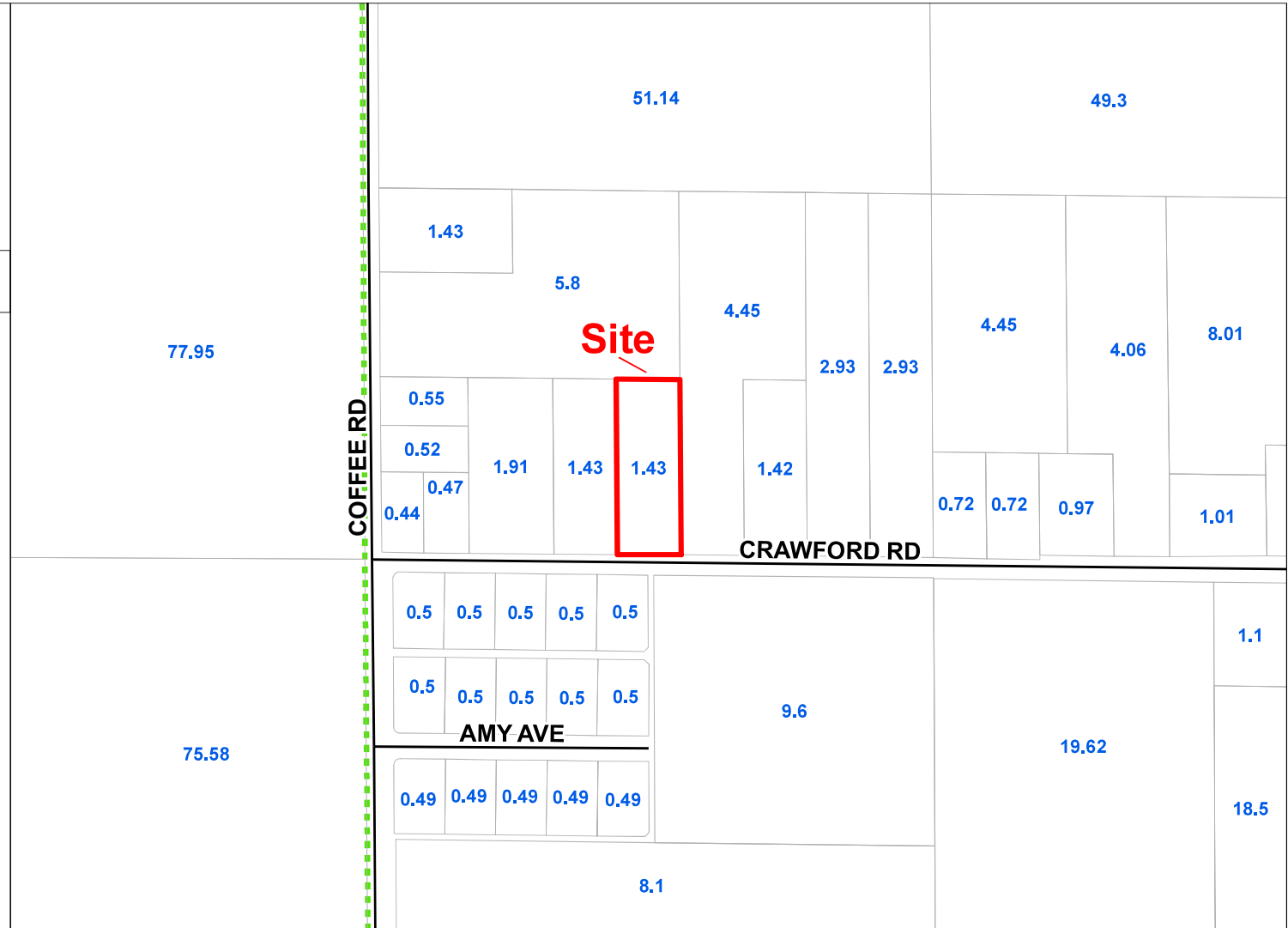
### LEGEND

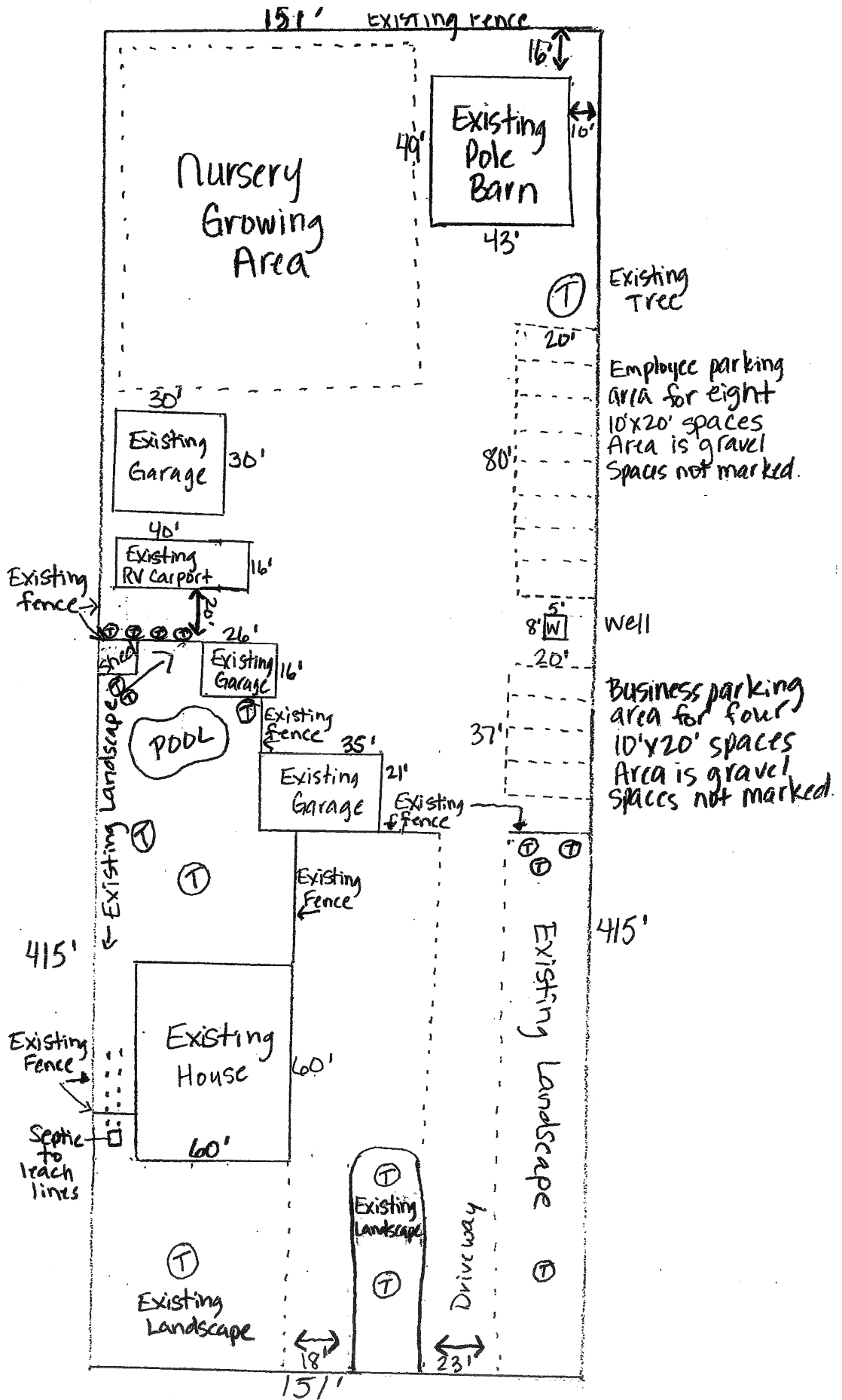
- Project Site
- Sphere of Influence
- # Parcel/Acres
- Road



Source: Planning Department GIS Date: 12/19/2022

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

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**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. PLN2022-0130  
HORIZON LANDSCAPING AND WHOLESALE NURSERY**

**Department of Planning and Community Development**

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
  
2. Pursuant to Section 711.4 of the California Fish and Game Code the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,973.75**, 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. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
  
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
  
5. Prior to installation of any additional exterior lighting, a photometric lighting plan shall be submitted for review and approval by the Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 15 feet above grade.

6. 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.
7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval; and a project area map.
8. All required building permits shall conform with the California Code of Regulations, Title 24, and any other applicable standards.
9. Prior to issuance of an encroachment permit, the 0.25± acres of nursery stock shall be in production on-site and verification submitted to the Planning Director.
10. No retail sales shall occur.
11. On-site landscape contracting activities shall operate in conjunction with on-site wholesale nursery operation.

**Department of Public Works**

12. No parking, loading or unloading of vehicles will be permitted within the County road right-of-way.
13. The developer will be required to install or pay for the installation of any street signs and/or markings, if warranted.
14. Within six months of project approval, 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 County right-of-way. An extension may be granted at the discretion of the Director of Public Works.
  - a. Driveway location and design shall be reviewed and approved by Stanislaus County Public works prior to encroachment permit issuance.
15. Prior to issuance of an encroachment permit, road right-of-way shall be deeded to Stanislaus County. Crawford Road is classified as a 60-foot-wide local road. The required ½ width of Crawford Road is 30-feet north of the centerline of the roadway. The existing right of way is 20-feet north of the centerline. The remaining 10-feet north of the centerline shall be dedicated as an Irrevocable Offer of Dedication. The developer's qualified agent shall prepare the Road Easement Deed for this right-of-way dedication. Upon acceptance, the current owner shall be responsible for the removal of any improvements or modifications installed or existing within the dedicated area. Stanislaus County Public Works reserves the right to accept the IOD in the future.



**Department of Environmental Resources – Hazardous Materials Division**

16. The applicant shall contact the Department of Environmental Resources – Hazardous Materials Division regarding regulatory requirements for hazardous materials and/or wastes prior to operation.

**Department of Environmental Resources – Environmental Health Division**

17. Prior to issuance of any building or grading permit (should one be applied for in the future), the applicant shall submit a site plan that includes the location, layout and design of the existing and/or proposed on-site wastewater treatment system (OWTS) and Future 100% Expansion (Replacement) Area.
18. Prior to issuance of any new building permit (should one be applied for in the future), the applicant(s) shall submit to the Department of Environmental Resources 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).
19. Prior to issuance of any building permit (should one be applied for in the future), the applicant(s) shall submit to the Department of Environmental Resources (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.
20. Any new 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.
21. All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.
22. 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 the Stanislaus County Department of Environmental Resources (DER).

**Agricultural Commissioner's Office**

23. The nursery is required to obtain a nursery license through the California Department of Food and Agriculture (CDFA) prior to or at the time of opening for business.
24. The nursery shall contact the Agricultural Commissioner's Office prior to operation to determine if any pesticide permit is required.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

25. The proposed project may be subject to SJVAPCD Rules and Regulations in place at the time of operation. Prior to issuance of an encroachment permit, the applicant shall contact the SJVAPCD's Small Business Assistance Office to determine if any SJVAPCD permits are required, including but not limited to an Authority to Construct (ATC).

**Central Valley Regional Water Quality Control Board**

26. Prior to issuance of an encroachment permit, applicant/developer shall be responsible for contacting the Central Valley Regional Water Quality Control Board and obtaining any necessary permits.

**Modesto Irrigation District (MID)**

27. There is an existing thirty (30) inch Improvement District (ID) concrete pipeline (ID No. 348 – Peck ID) that lies at the north end of the project site. Should the proposed project impact the irrigation facility, the landowner shall contact the MID Civil Engineering Department.
28. High voltage is present within and adjacent to the project area. This includes 12,000 volts overhead primary as well as overhead and underground secondary facilities. Prior to and during any activities that may impact the facilities, use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, handheld tools, or any other type of equipment near the existing MID electric lines and cables. Workers and equipment should always maintain a distance no less than 10 feet from overhead facilities. Assume all overhead and underground electric facilities are energized.
29. Prior to the start of any construction, the contractor shall verify actual depth and location of all underground utilities. Notify "Underground Service Alert" (USA) (Toll Free: 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc.
30. MID requires that any trenching maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the MID Electric Engineering Department shall be contacted to brace any affected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. Estimates for bracing any existing poles will be supplied upon request.
31. Existing overhead and underground electric facilities within or adjacent to the proposed project shall be protected, relocated, or removed as required by the MID's Electric Engineering Department. Any relocation or installations shall conform to the MID's Electric Service Rules and be completed at the customer's expense.



32. MID easements for protection of overhead and underground electrical facilities are to remain. Overhead secondary cable is protected by a minimum 20-foot-wide easement centered on the overhead cable. Overhead primary cable is protected by a minimum 30-foot-wide easement centered on the overhead cable. Underground secondary cable is protected by a minimum 5-foot-wide easement centered on the underground cable. Underground primary cable is protected by a minimum 10-foot-wide easement centered on the underground cable. When underground cable is not located in the road right-of-way or within the public utility easement along the street frontage, a MID easement is required to protect the existing underground electrical facilities and maintain necessary safety clearances.
33. Existing electric service may not be adequate for the proposed project development. Prior to any construction a full set of construction plans must be submitted to Electrical Engineering Design Group.

\*\*\*\*\*

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

August 30, 2022

Stanislaus County  
The Honorable Planning Commission  
1010 10<sup>th</sup> Street  
Modesto, CA 95354

**Subject: Horizon Landscaping Wholesale Nursery – Letter of Support**

The Horizon Landscaping Wholesale Nursery, by Horizon Landscaping involves the operation of a new wholesale nursery on the subject 1.43 acre site. The current zoning, General Agriculture (A-2-40), allows for the use of wholesale nurseries and landscape contractors when operated in conjunction with a wholesale nursery with the approval of a Tier One Use Permit. The wholesale nursery will be located outdoors in the rear portion of the site and no new buildings are proposed. Additionally, the wholesale nursery will not be open to the public and will only be open to clients of the landscaping business.

The purpose of this letter is to show our support of the Horizon Landscaping Wholesale Nursery, as indicated with the enclosed signatures of support. We would like this letter and the enclosed signatures to be presented and be part of the public record at Planning Commission meeting.

We look forward to the successful processing and approval of the Horizon Landscaping Wholesale Nursery project.

Sincerely,

The Enclosed Supporting Signatures.

Printed	Signed	Address
Chella Gonzalez		
Barbara Wilson		
Greg Elbow		
Kurtis Barfield		
Irene Pedersen		
Jeremy Rumble		
Esperanza Jimenez		
JOSE LUIS JIMENEZ		

**From:** [Todd Whiteside](#)  
**To:** [Kristin Doud](#); [Buck Condit](#)  
**Subject:** Application PLM2022-0130 - Horizon Landscape and Wholesale Nursery  
**Date:** Tuesday, November 12, 2024 3:22:21 PM

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**\*\*\* WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe **\*\*\***

Kristy & Buck,

I'm against this application because I think it is disingenuous.

At best, I think applications like this should receive temporary approval (a year or two) to confirm their sincerity.

The application says 60% of the business will be associated with the wholesale nursery. I didn't see in the documentation that anyone at the county checks to confirm if the wholesale nursery portion of the business is significant. Reviewing the portion of their sales and/or their labor hours related to nursery options would be one way to confirm their business is what they say it is.

What I really think is going on is that this business is using the "wholesale nursery" idea solely as a method to sanction what they are already doing and to avoid the higher cost of industrial zoned land to store their rigs. I don't think they've any intention of opening/operating a wholesale nursery.

I could be wrong about their intentions; it's hard to know. This is why I'm against anything other than a temporary approval.

The parcels on this road are in the path of residential development. Allowing industrial use now lessens the quality of life of the current residents.

I'd be glad to discuss more and/or learn where my reasoning falls short.

Best regards,

Todd

R. Todd Whiteside

[REDACTED]  
[REDACTED]



## CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. PLN2022-0130 – Horizon Landscaping and Wholesale Nursery
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Kristy Doud, Deputy Director  
(209) 525-6330
4. **Project location:** 1367 Crawford Road, between Coffee and Oakdale Roads, in the Riverbank area (APN: 074-012-009).
5. **Project sponsor's name and address:** John and Nancy Dickman  
1367 Crawford Road  
Modesto, CA 95357
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

Request to establish a wholesale nursery and a landscaping contracting business on a 1.43-acre parcel in the General Agriculture (A-2-40) zoning district. Approximately 60% of the business will be associated with the wholesale nursery, 15% to landscaping installation, 20% to the installation of irrigation systems, and 5% to irrigation system maintenance. The operation of the nursery will consist of outdoor storage, irrigation and growing of nursery stocks including perennials, shrubs, and trees within potted containers. Ground cover plants in the form of no more than 50 flats of annual flowers and potting soil may be stored on-site. Small plants will arrive in flats of potted containers and then will be transferred into one, five, and 15-gallon potted containers to mature. Once mature, they will be purchased by wholesale clients and installed by the landscaping side of the business. Potted nursery stock will be located within a 0.25-acre area at the northwest corner of the project site. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. Landscaping customers will come to the site to view the nursery stock and select plants for their project. The nursery will not be open to the general public. Installation of irrigation systems associated with the landscape contracting business is expected to occur once every two months.

The project site is improved with a 3,600 square-foot single-family dwelling, three garages of 900, 416, and 735 square feet in size; a 640 square-foot recreational vehicle carport; a 2,107 square-foot pole barn; and a 100 square-foot shed. The project site is improved with landscaping consisting of turf, shrubs, and trees along Crawford Road, and screening trees along the eastern and western property lines. The site is also improved with graveled drive aisles and a 12 space parking area. The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. No other on-site structures will be utilized as part of the wholesale nursery. Seven pickup trucks with three open and four enclosed 14-foot-long trailers will be used to deliver, install, and maintain nursery stocks, landscaping materials, and irrigation materials. Irrigation equipment will be stored in the trailers. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars. The site is located within the City of Riverbank Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI). The site is served by a private well and septic system and has access to County-maintained Crawford Road.

- 
9. **Surrounding land uses and setting:** Ranchettes and agricultural properties with scattered single-family dwellings and accessory structures surround the site on all sides; the City of Riverbank is located to the east and the City of Modesto to the south.
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  
San Joaquin Valley Air Pollution Control District
11. **Attachments:** None

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Signature on File  
Prepared by Kristy Doud, Deputy Director

September 25, 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 conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS – 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 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, which is not near the project site nor within view of the project site. The project is a request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. An 0.25± acre area is proposed to be utilized to maintain nursery stock and 0.50 acres will be utilized for the landscaping business. The balance of the property is improved with a single-family residence and accessory structures. No construction is proposed; however, the applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. Activities associated with the business are proposed to take place outdoors; however, the area utilized for the business is screened from the road by existing landscaping consisting of turf, shrubs, and trees along Crawford Road, and screening trees along the eastern and western property lines. The site is also improved with graveled drive aisles and a 12 space parking area.

Aesthetics associated with the project site and surrounding area will not change as a result of this project. The site itself is not considered to be a scenic resource or a unique vista. The project will not degrade the existing visual character or quality of the site or its surroundings. No outdoor lighting is proposed; however, Standard conditions of approval will be added to this project to address glare from any future 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; Stanislaus County General Plan and Support Documentation<sup>1</sup>.



<b>II. AGRICULTURE AND FOREST RESOURCES:</b> 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 not enrolled in Williamson Act Contract. The project site is classified as “Urban and Built-Up Land” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the project parcel is comprised of Grade 1 Hanford sandy loam (HdpA), with 0 to 1 percent slopes and a California Revised Storie Index Rating of 90 and Classification on II. 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 81 and 100 as Grade 1, which are considered to be excellent soils to be used for irrigated farmland. Soils under the Classification of II indicates soils with an ability to grow a variety of crops with some limitations. Grade 1 soils and soils with a Classification of I or II are deemed prime farmland by Stanislaus County’s Uniform Rules, which comprises 100% of the project site.

The project site is surrounded on all sides by ranchettes and agricultural properties, ranging in size from 20- acre to 130 acres, mostly planted in orchard with scattered single-family dwellings and accessory structures. The nearest property enrolled in a Williamson Act contract is located ½ mile north of the project site. The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. This project is considered to be a Tier One use. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production, such as Tier One uses, are “necessary for a

healthy agricultural economy,” provided it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity.”

To minimize conflicts between agriculture operations and non-agricultural operations Buffer and Setback Guidelines (Appendix A of the Agricultural Element) will be adopted for this project. Policy 1.10, Buffer and Setback Guidelines is applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states: “All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Permitted uses within a buffer area shall include landscaping, parking lots, and similar low-people intensive uses.” General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission and is not subject to agricultural buffers.

Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved Sphere of Influence (SOI) of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Riverbank's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The project was referred to the City of Riverbank who responded saying they had no comments on the proposed project.

The project site is located within the Modesto Irrigation District (MID) service area. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work.

The project was referred to the Stanislaus County Agricultural Commissioner, and no response has been received to date. There is no indication this project will result in the removal of adjacent contracted land from agricultural use or negatively impact surrounding agricultural lands. The project is anticipated to have less than significant impacts to Agriculture Resources. No forest or timberland exist in Stanislaus County. Therefore, this project is not anticipated to have impact to forest land or timberland.

**Mitigation:** None.

**References:** Application Information; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Referral response from the City of Riverbank, dated December 1, 2023; Natural Resources Conservation Service Soil Survey; Natural Resources Conservation Service Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 primary source of air pollutants generated by this project would be classified as being generated from operation via "mobile" sources. Mobile sources would generally include dust from roads and equipment 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 Basin. The project will not substantially increase traffic in the area and, thereby, impact air quality. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation related emissions for the project would have a less than significant impact on air quality and are not expected to exceed any of the District’s annual emissions significant thresholds, which includes: 100 tons per year of carbon monoxide (CO), ten tons per year of oxides of nitrogen (NOx), ten tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of ten microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Further the SJVAPCD recommended the proposed business incorporate vegetative screening into the project site and utilize energy efficient vehicles and equipment and solar facilities. Further the comment letter indicated that the project may be subject to District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review (ISR), District Rule 4601 - Architectural Coatings, District Rule 4102 – Nuisance, Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District’s rules and regulations prior to issuance of a building, grading, or encroachment permit. As the project must comply with District regulations, the project’s emissions would be less than significant for all criteria pollutants, would not be inconsistent with any applicable air quality attainment plans, and would result in less than significant impacts to air quality.

Potential impacts to air quality from the proposed project are also evaluated by Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (a), defines VMT as the amount and distance

of automobile travel attributable to a project. A technical advisory on evaluating transportation impacts in CEQA published by the Governor’s Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same OPR technical advisory, many local agencies have developed a screening threshold of VMT to indicate when detailed analysis is needed. Projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less than significant transportation impact. As the anticipated vehicle trips associated with the request are below the District’s threshold of significance for vehicle and heavy truck trips, no significant impacts from vehicle and truck trips to air quality are anticipated.

For the reasons discussed above, the proposed project would be consistent with the 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:** Referral response from the San Joaquin Valley Air Pollution Control District, dated November, 13, 2023; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance, November 13, 2020; Federal Highway Administration, Summary of Travel Trends: Office of Planning and Research April 2018 Technical Advisory Memo on Evaluating Transportation Impacts in CEQA; 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; [www.valleyair.org](http://www.valleyair.org); Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** The project is located within the Riverbank Quad based on the California Natural Diversity Database (CNDDDB). There are thirteen species which are state or federally listed, threatened, or identified as species of special concern within the Riverbank Quad including two species of vernal pool shrimp, two bird species (Swainson’s hawk and burrowing owl), the valley elderberry longhorn beetle, and eight fish species (green sturgeon, Sacramento hitch, hardhead, Sacramento splittail, Pacific lamprey, steelhead, and two varieties of chinook salmon). CNDDDB data indicated the following special status species observations: Burrowing owl was observed 1.25 miles east of the project site in 1994 within the City of Riverbank city limits; there were several records of valley elderberry bushes with exit holes, which indicates the presence of valley elderberry longhorn beetles, observed in the 1980s and 1990s along the Stanislaus and Tuolumne Rivers; and a Swainson’s hawk nest was recorded in 1995 in cottonwood and oak trees near the Stanislaus River. The project site does include a few ornamental trees but is otherwise developed and is improved with a single-family residence, accessory structures, and a gravel outdoor surface. The Stanislaus River is located approximately three miles north of the project site and the Tuolumne River is located approximately six miles south of the project site. Being that the site is developed, that no vernal pools or water bodies exist on or adjacent to the project site, and the far distance from the project site to the species on record, the presence of any special status species on the project site very unlikely. The project was referred to the California Department of Fish and no response has been received to date.

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 are no known sensitive or protected species or natural communities located on the site. Therefore, the project is considered to be less than significant.

**Mitigation:** None.

**References:** Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed September 25, 2024; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** As this project is not a General Plan Amendment it was not referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. 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. It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is developed with a single-family residence, accessory structures, and a gravel outdoor surface. Conditions of approval will be placed on the project, requiring that any 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; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 California Environmental Quality Act (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 project site is located within the Modesto Irrigation District (MID) service area and utilizes MID for electrical services. A referral response received from MID indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical utility facilities shall conform to the District’s Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

Energy consuming equipment and processes include construction equipment, trucks, and the employee vehicle. As discussed in Section III – *Air Quality*, these activities would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per-day. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars. Truck traffic, consisting of seven truck trips per-day, is the main consumer of energy associated with this project but will be subject to applicable Air District regulations, including rules and regulations that increase energy efficiency. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less than significant without mitigation for the proposed project.

A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation related emissions for the project would have a less than significant impact on air quality and are not expected to exceed any of the District’s annual emissions significant thresholds, which includes: 100 tons per year of carbon monoxide (CO), ten tons per year of oxides of nitrogen (NOx), ten tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of ten microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Further the SJVAPCD recommended the proposed business incorporate vegetative screening into the project site and utilize energy efficient vehicles and equipment and solar facilities. Further the comment letter indicated that the project may be subject to District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review (ISR), District Rule 4601 - Architectural Coatings, District Rule 4102 – Nuisance, Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District’s rules and regulations prior to issuance of a building, grading, or encroachment permit.

No construction is proposed; however, if any construction or additional on-site lighting related to the proposed facility are proposed in the future, it would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). A tenant improvement permit will be required for the office and restroom and will be required to meet all applicable building and fire codes through the building

permit review process. Conditions of approval will be added to the project requiring building permits to be obtained from the Stanislaus County Building Permits Division.

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; Referral response from the San Joaquin Valley Air Pollution Control District, dated November 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023.

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:				
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 United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the project parcel is comprised of Hanford sandy loam (HdpA), with 0 to 1 percent slopes. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. No construction is

proposed; however, any future construction would require a building permit which requires structures to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

The proposed wholesale nursery and landscape contractor facility is proposed to be served by an existing on-site well and septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that if future construction were to occur 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 proposed OWTS that meets all of DER's standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. These comments will be added as conditions of approval.

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.

A tenant improvement permit will be required for the office and restroom and will be required to meet all applicable building and fire codes through the building permit review process. DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested.

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources (DER), dated November 8, 2023; Referral response from the Stanislaus County Department of Public Works dated September 25, 2024; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). 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% of 1990 levels by 2030.

The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

The project site is located within the Modesto Irrigation District (MID) service area and utilizes MID for electrical services. A referral response received from MID indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical



utility facilities shall conform to the District’s Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation related emissions for the project would have a less than significant impact on air quality and are not expected to exceed any of the District’s annual emissions significant thresholds, which includes: 100 tons per year of carbon monoxide (CO), ten tons per year of oxides of nitrogen (NOx), ten tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of ten microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Further the SJVAPCD recommended the proposed business incorporate vegetative screening into the project site and utilize energy efficient vehicles and equipment and solar facilities. Further the comment letter indicated that the project may be subject to District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review (ISR), District Rule 4601 - Architectural Coatings, District Rule 4102 – Nuisance, Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District’s rules and regulations prior to issuance of a building, grading, or encroachment permit. As the project must comply with District regulations, the project’s emissions would be less than significant for all criteria pollutants, would not be inconsistent with any applicable air quality attainment plans, and would result in less than significant impacts to air quality.

**Mitigation:** None.

**References:** Referral response from the San Joaquin Valley Air Pollution Control District, dated November, 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance, November 13, 2020; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

**Discussion:** The proposed wholesale nursery and landscape contractor facility will include incidental storage of pesticides and agricultural chemicals used in standard nursery operations, as well as gasoline, oil, and batteries.

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 requested that the developer contact the Hazardous Materials Division to determine what regulatory requirements and permits will be required to be obtained. These comments will be reflected through the application of a condition of approval. With conditions of approval in place, 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 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 no response has been received to date.

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 the Stanislaus Consolidated Fire Protection District. The project was referred to the fire district, however no response was received.

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

**Mitigation:** None.

**References:** Application Information; Referral Response from the Department of Environmental Resources – Hazardous Materials Division, dated November 13, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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.

The project is a request to establish a wholesale nursery and landscape contractor facility, which will consist of 0.25 acres of nursery stock and a landscape installation business operating on 0.50 acres of a 1.43-acre property. The balance of the property consists of an existing single-family residence and several accessory structures.

The proposed wholesale nursery and landscape contractor facility is proposed to be served by an existing on-site well and septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that if future construction were to occur 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 proposed OWTS that meets all of DER's standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. These comments will be added as conditions of approval.

DER also commented that the proposed project does not meet the definition of a Public Water System and therefore is not subject to the requirements of SB1263; however, they indicated that at the time, the project meets the definition of a regulated water system, the applicant shall be subject to all applicable requirements, including 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.

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.

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 Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) Groundwater Sustainability Agency, which manages the Modesto Subbasin. A Groundwater Sustainability Plan was submitted to the California Department of Water Resources (DWR) in January of 2022; however, the plan is currently undergoing corrections to address inadequacies found within the plan that were identified in 2024. Additional details were submitted to DWR in July of 2024.

The project was referred to the Central Valley Regional Water Quality Control Board (CVRWQCB) who responded with a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact CVRWQCB to determine which permits/standards must be met prior to construction as a condition of approval.

The project site is located within the Modesto Irrigation District (MID) service area. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work. These requirements will be added to the conditions of approval applied to the project.

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 from the Department of Environmental Resources (DER), dated November 8, 2023; Referral response from Department of Public Works, dated September 25, 2024; Referral response from the Central Valley Regional Water Quality Control Board, dated November 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 project is a request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. An 0.25± acre area is proposed to be utilized to maintain nursery stock and 0.50 acres will be utilized for the landscaping business. The balance of the property is improved with a single-family residence and accessory structures. The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office.

The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

Pursuant to County Zoning Code Section 21.20.030(A), wholesale nurseries and landscape contracting business may be operated provided a Tier One Use Permit is first obtained. In this case, approximately 60% of the business will be associated with the wholesale nursery, 15% to landscaping installation, 20% to the installation of irrigation systems, and 5% to irrigation system maintenance.

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

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

The growing of nursery plants is considered to be an agricultural use. The request is not expected to perpetuate any significant conversion of farmland to non-agriculture use. No impacts to agriculture are anticipated to occur as a result of this project. 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. During project review, this application was referred to the Department of Conservation (DOC) for review and input and no response has been received to date.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed operation will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

To minimize conflicts between agriculture operations and non-agricultural operations Buffer and Setback Guidelines (Appendix A of the Agricultural Element) will be adopted for this project. Policy 1.10, Buffer and Setback Guidelines is applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Permitted uses within a buffer area shall include landscaping, parking lots, and similar low-people intensive uses." General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission and is not subject to agricultural buffers.

Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved Sphere of Influence (SOI) of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Riverbank's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects within the sphere of influence of a city gain written support of the project and be referred to that city for an application of that city's development standards. The project was referred to the City of Riverbank who responded saying they had no comments on the proposed project.

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

**Mitigation:** None.

**References:** Application Information; Referral response from the City of Riverbank, dated December 1, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 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. Additionally, agricultural activity is exempt from the Stanislaus County Noise Control Ordinance (Ord. CS 1070 §2, 2010). No construction is proposed. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The project proposes to operate Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars. The nearest sensitive noise receptors are single-family residences located adjacent to the project site to the east and west.

The site is not located within an airport land use plan. Noise impacts associated with the proposed project are considered to be less than significant.

**Mitigation:** None.

**References:** Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>XIV. POPULATION AND HOUSING -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 5<sup>th</sup> 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 Information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees. All facility fees are required to be paid at the time of building permit issuance.

The project site is served by the Modesto Irrigation District (MID) for irrigation and electric service. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this

infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work. MID’s referral response indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical utility facilities shall conform to the District’s Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

The project was referred to the Central Valley Regional Water Quality Control Board (RWQCB) who responded with a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact RWQCB to determine which permits/standards must be met prior to construction as a condition of approval.

This project was circulated to the Stanislaus Consolidated Fire Protection District, Sylvan Union and Modesto City School Districts, and the Stanislaus County Sheriff during the Early Consultation referral period and no concerns were identified with regard to public services.

**Mitigation:** None.

**References:** Application Information; Referral response from the Central Valley Regional Water Quality Control Board, dated November 13, 2023; Referral response from Department of Public Works, dated September 25, 2024; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.



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 proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

The project site fronts on Crawford Road which is classified as a 60-foot-wide Local Road; the facility and all traffic will take access off an existing driveway located on County-maintained Crawford Road. This project was referred to the Department of Public Works who responded to the project requesting that an irrevocable offer of dedication be provided for the remaining ten-foot needed north of centerline of Crawford Road, an encroachment permit be obtained for the driveway, and that full driveway approach improvements be made to the existing driveway in accordance with Public Work’s Standards and Specifications. Public Work’s response letter also indicated that the parking, loading, or unloading of vehicles will not be permitted within the County road right-of-way and that the developer will be required to install or pay for the installation of any signs and/or markings, if warranted. These comments will be added as conditions of approval. Increased traffic resulting from the proposed use of the site is insignificant; therefore, staff has no evidence to support that this project will significantly impact County roads.

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). A technical advisory on evaluating transportation impacts in CEQA published by the Governor’s Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same OPR technical advisory, many local agencies have developed a screening threshold of VMT to indicate when detailed analysis is needed. Projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less than significant transportation impact. As the anticipated vehicle trips associated with the request are below the threshold of significance for vehicle and heavy truck trips, no significant impacts from increased VMT are anticipated.

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

**Mitigation:** None.

**References:** Referral response from Department of Public Works, dated September 26, 2024; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; Office of Planning and Research April 2018 Technical Advisory Memo on Evaluating Transportation Impacts in CEQA; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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:** It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already regularly disturbed as part of the site’s use for production agriculture. 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. A condition of approval regarding the discovery of cultural resources during the construction process will be added to the project.

**Mitigation:** None.

**References:** Application Information; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on providing services have not been identified. The proposed wholesale nursery and landscape contractor facility is proposed to be served by an existing on-site well and septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that if future construction were to occur 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 proposed OWTS that meets all of DER's standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. These comments will be added as conditions of approval.

DER also commented that the proposed project does not meet the definition of a Public Water System and therefore is not subject to the requirements of SB1263; however, they indicated that at the time, the project meets the definition of a regulated water system, the applicant shall be subject to all applicable requirements, including 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.

This project was referred to the Department of Public Works who responded to the project requesting that an irrevocable offer of dedication be provided for the remaining ten-foot needed northwest of centerline, an encroachment permit be obtained and full driveway approach improvements be made in accordance with Public Work's Standards and Specifications. All of Public Works' comments will be added to the project as conditions of approval.

The project was referred to the Central Valley Regional Water Quality Control Board (CVRWQCB) who responded with a list of regulatory permits and requirements under their purview. A condition of approval will be applied to the project requiring that the applicant coordinate with their agency to determine if any permits or CVRWQCB requirements be obtained/met prior to operation.

The project site is located within the Modesto Irrigation District (MID) service area. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work. The site also utilized MID for electrical services. MID’s referral response indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical utility facilities shall conform to the District’s Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

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

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources (DER), dated November 8, 2023; Referral response from Department of Public Works, dated September 25, 2024; Referral response from the Central Valley Regional Water Quality Control Board, dated November 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 and is served by Stanislaus Consolidated Fire Protection District. The project was referred to the fire district; however, no response was received. A tenant improvement permit will be required for the office and restroom and will be required to meet all applicable building and fire codes through the building permit review process. This requirement will be applied as conditions of approval for the project. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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 project is a request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. An 0.25± acre area is proposed to be utilized to maintain nursery stock and 0.50 acres will be utilized for the landscaping business. The balance of the property is improved with a single-family residence and accessory structures. The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

The project site is surrounded on all sides by ranchettes and agricultural properties, ranging in size from 20- acre to 130 acres, mostly planted in orchard with scattered single-family dwellings and accessory structures. The nearest property enrolled in a Williamson Act contract is located ½ mile north of the project site. The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. This project is considered to be a Tier One use. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production, such as Tier One uses, are “necessary for a healthy agricultural economy,” provided it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity.”

To minimize conflicts between agriculture operations and non-agricultural operations Buffer and Setback Guidelines (Appendix A of the Agricultural Element) will be adopted for this project. Policy 1.10, Buffer and Setback Guidelines is applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states: “All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Permitted uses within

a buffer area shall include landscaping, parking lots, and similar low-people intensive uses." General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission and is not subject to agricultural buffers.

Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved Sphere of Influence (SOI) of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Riverbank's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects within the sphere of influence of a city gain written support of the project and be referred to that city for an application of that city's development standards. The project was referred to the City of Riverbank who responded saying they had no comments on the proposed project.

Future development of the surrounding area is limited to the County's current General Agriculture (A-2-40, 40-Acre Minimum) zoning district standards or would require the annexation of land by the City of Riverbank. Such future development potential would be required to obtain land use entitlements prior to development, which would require additional environmental review.

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:** Referral response from the City of Riverbank, dated December 1, 2023; Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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



NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2022-0130 – Horizon Landscaping Wholesale Nursery

LOCATION OF PROJECT: 1367 Crawford Road, between Coffee and Oakdale Roads, in the Riverbank area. APN 074-012-009.

PROJECT DEVELOPERS: John and Nancy Dickman
1367 Crawford Road
Modesto, CA 95357

DESCRIPTION OF PROJECT: Request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district.

Based upon the Initial Study, dated October 4, 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: Kristy Doud, Deputy Director

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: UP APP NO. PLN2022-0130 - HORIZON LANDSCAPING WHOLESALE NURSERY**

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 FISH & WILDLIFE	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CITY OF: RIVERBANK	X	X	X	X				X		X		X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	X	X		X							
GSA: STRGBA	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
STAN COUNTY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DISTRICT 1: SYLVAN UNION	X	X	X		X							
SCHOOL DIST 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X	X				X		X	X	
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER GROUNDWATER DIV	X	X	X	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 SUPERVISOR DIST 1: B. CONDIT	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10	X	X	X		X							
SURROUNDING LAND OWNERS		X	X	X				X		X		X
TELEPHONE COMPANY: AT&T	X	X	X		X							



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

Application Number: PLN 2022 - 6130  
 Application Title: Horizon Landscaping Wholesale Nursery  
 Application Address: 1367 CRAWFORD RD MARIETTA, 95357  
 Application APN: \_\_\_\_\_

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 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 other request.

10/13/24  
 \_\_\_\_\_  
 Date

Horizon Landscaping  
 \_\_\_\_\_  
 Print Firm Name if applicable

\_\_\_\_\_  
 Signature of Applicant

John Dickman  
 \_\_\_\_\_  
 Print Name of Applicant

**UP PLN2022-0130**

# **HORIZON LANDSCAPING WHOLESALE NURSERY**

**Planning Commission  
December 5, 2024**



# Overview

- Tier One Use Permit for a landscape contracting facility, operating in conjunction with a wholesale nursery

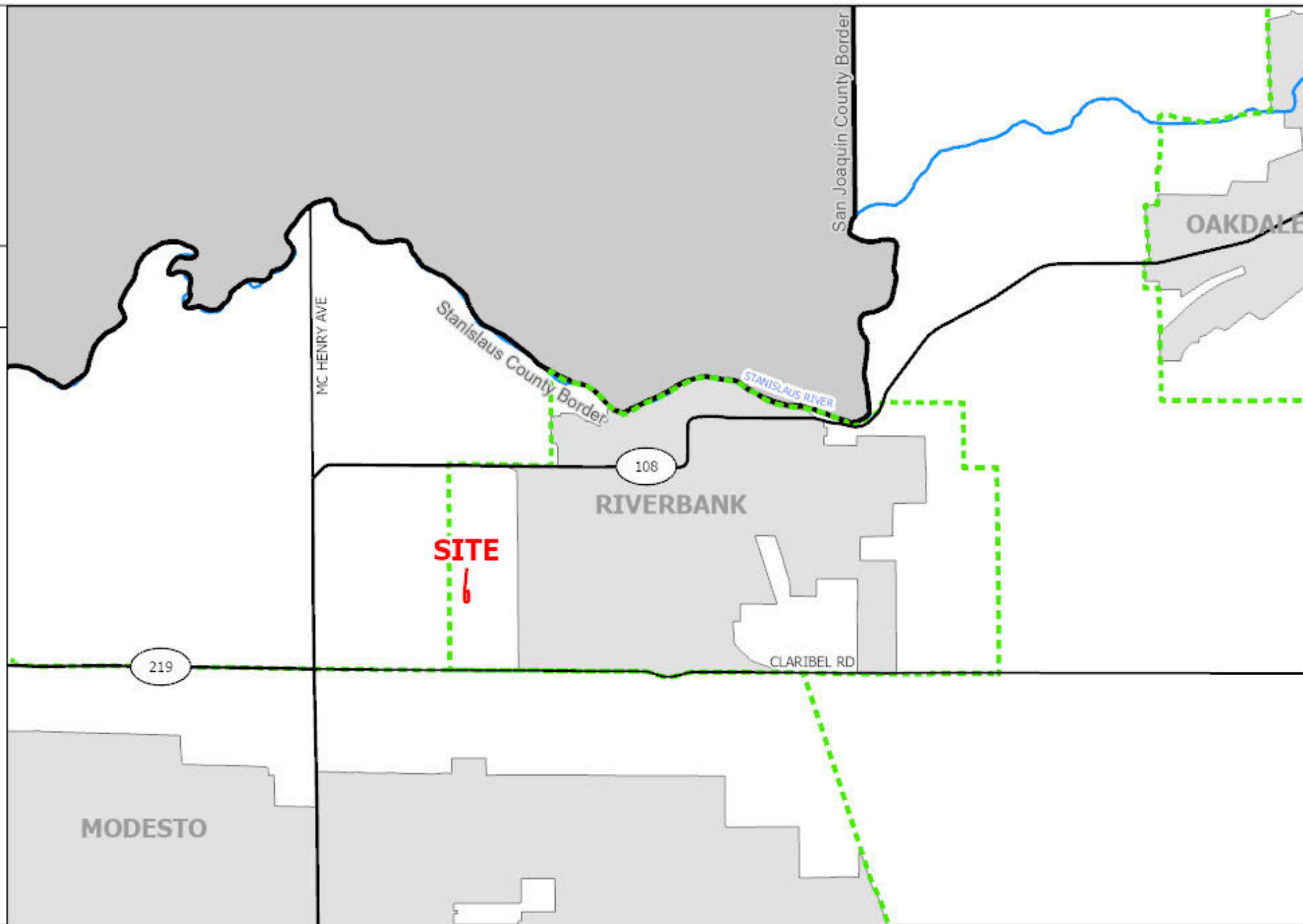
# HORIZON LANDSCAPING

## UP PLN2022-0130

### AREA MAP

#### LEGEND

-  Project Site
-  Sphere of Influence
-  Highway
-  Major Road
-  River







# HORIZON LANDSCAPING

## UP PLN2022-0130

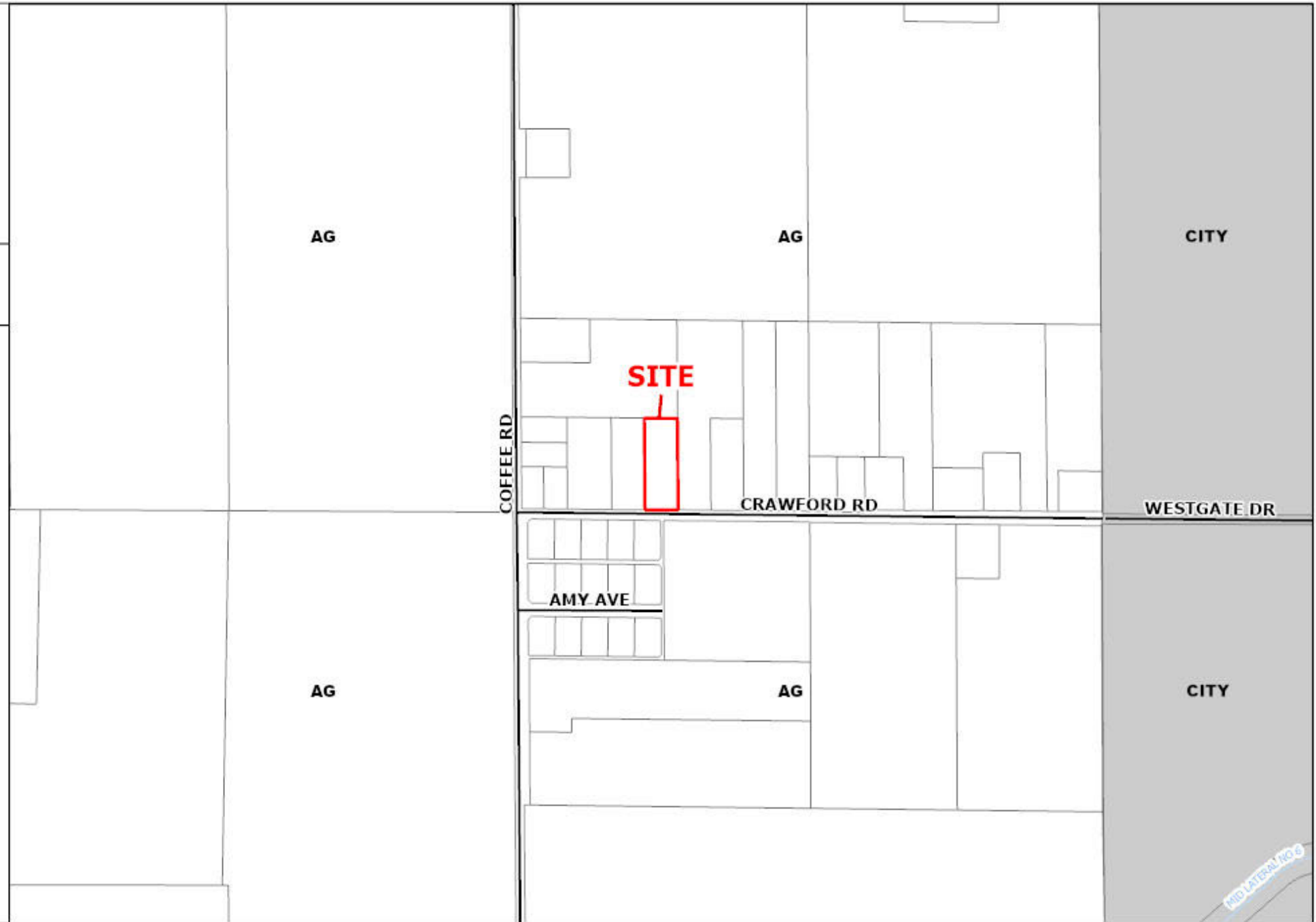
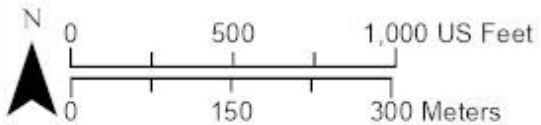
### GENERAL PLAN MAP

#### LEGEND

-  Project Site
-  Parcel
-  Street
-  Canal

#### General Plan

-  Agriculture
-  City






# HORIZON LANDSCAPING



## UP PLN2022-0130

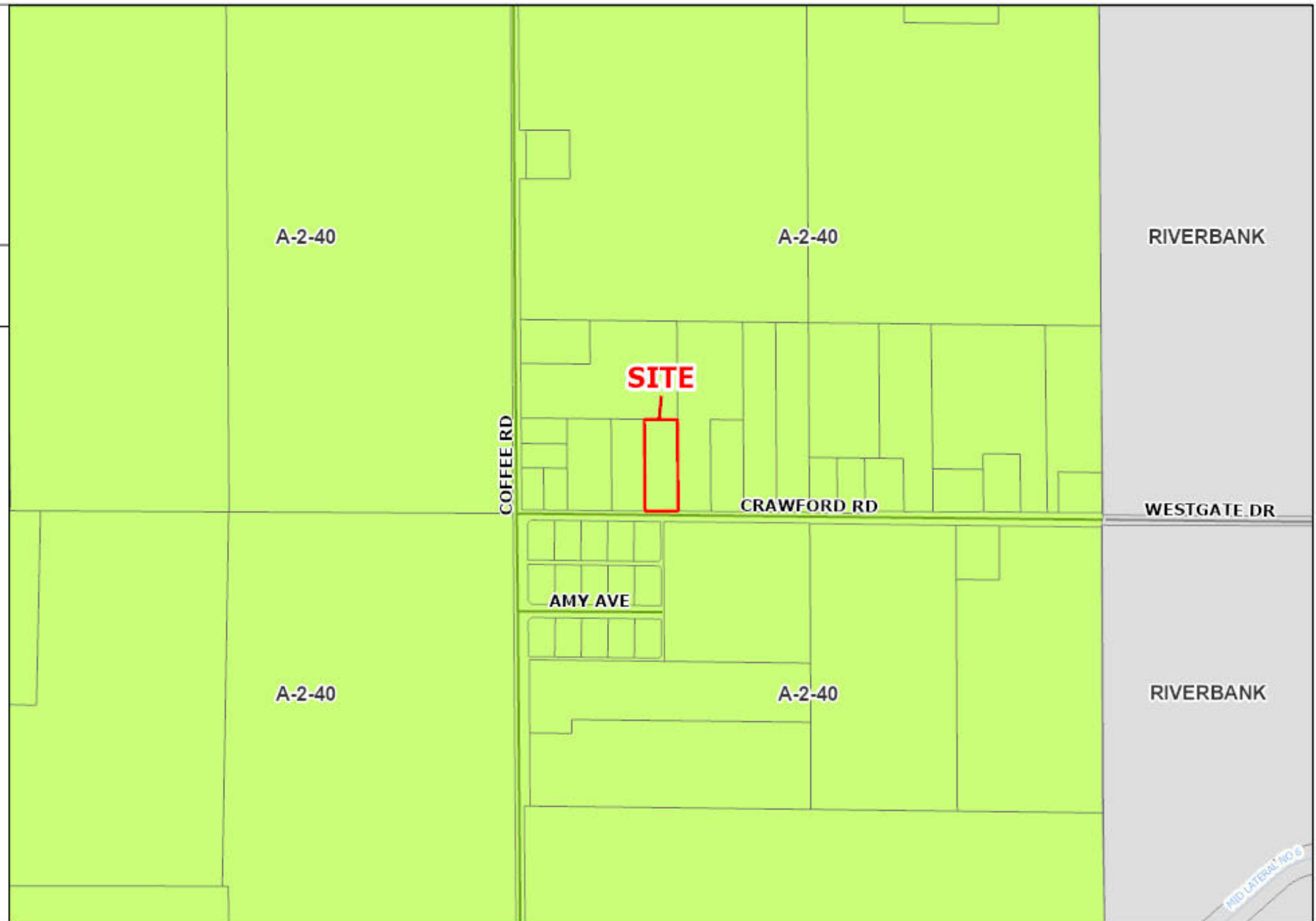
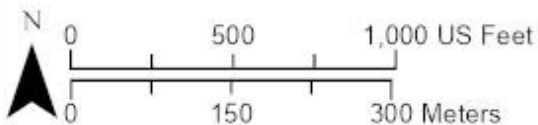
### ZONING MAP

#### LEGEND

-  Project Site
-  Parcel
-  Street
-  Canal

#### Zoning Designation

-  City of Riverbank
-  General AG 40 Acre





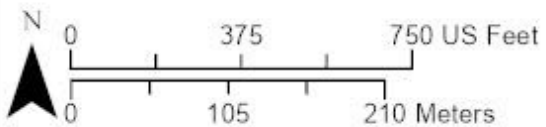
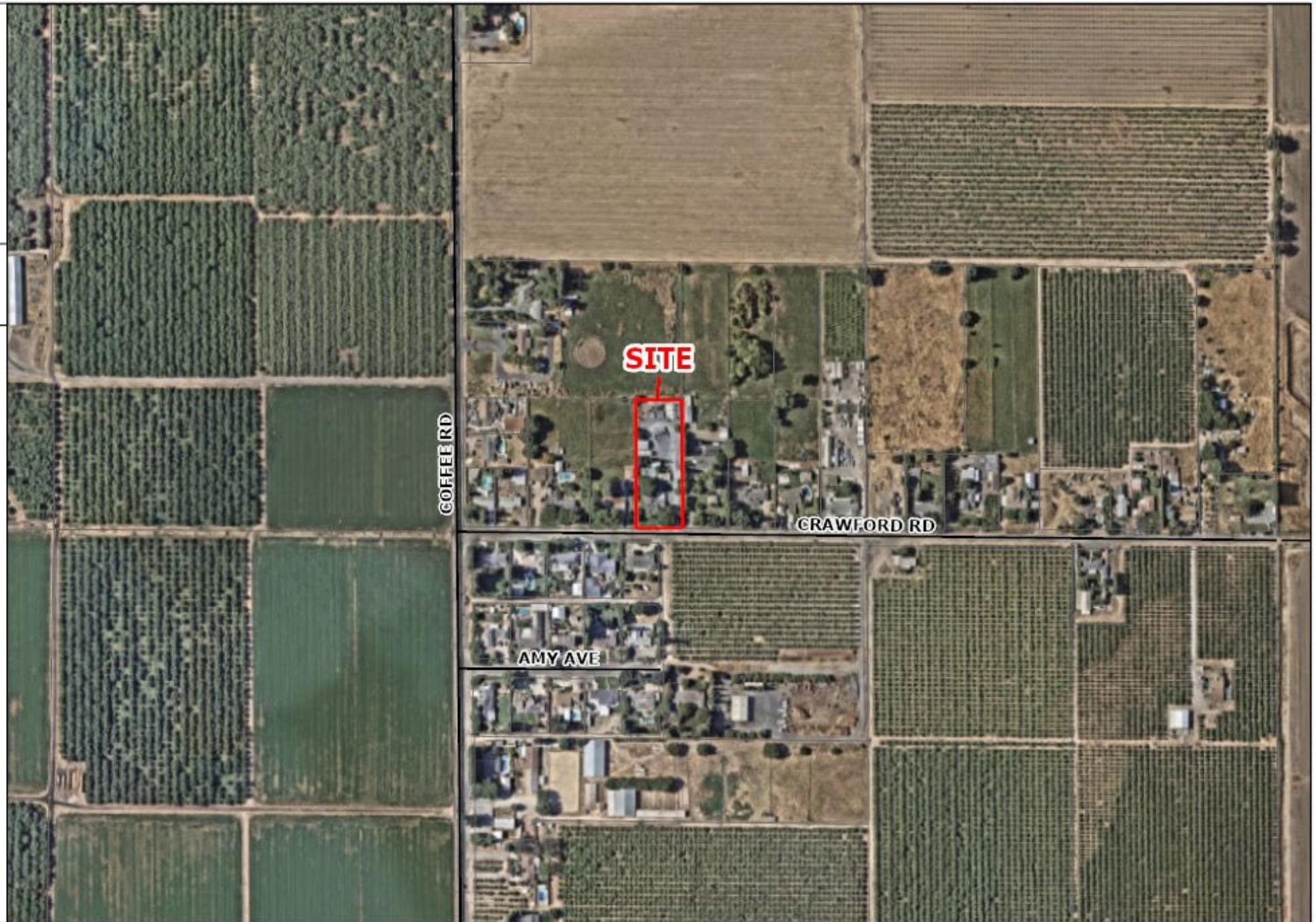
# HORIZON LANDSCAPING

## UP PLN2022-0130

2023 AERIAL AREA MAP

### LEGEND

-  Project Site
-  Parcel
-  Street





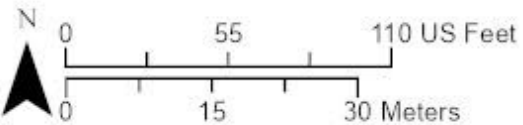
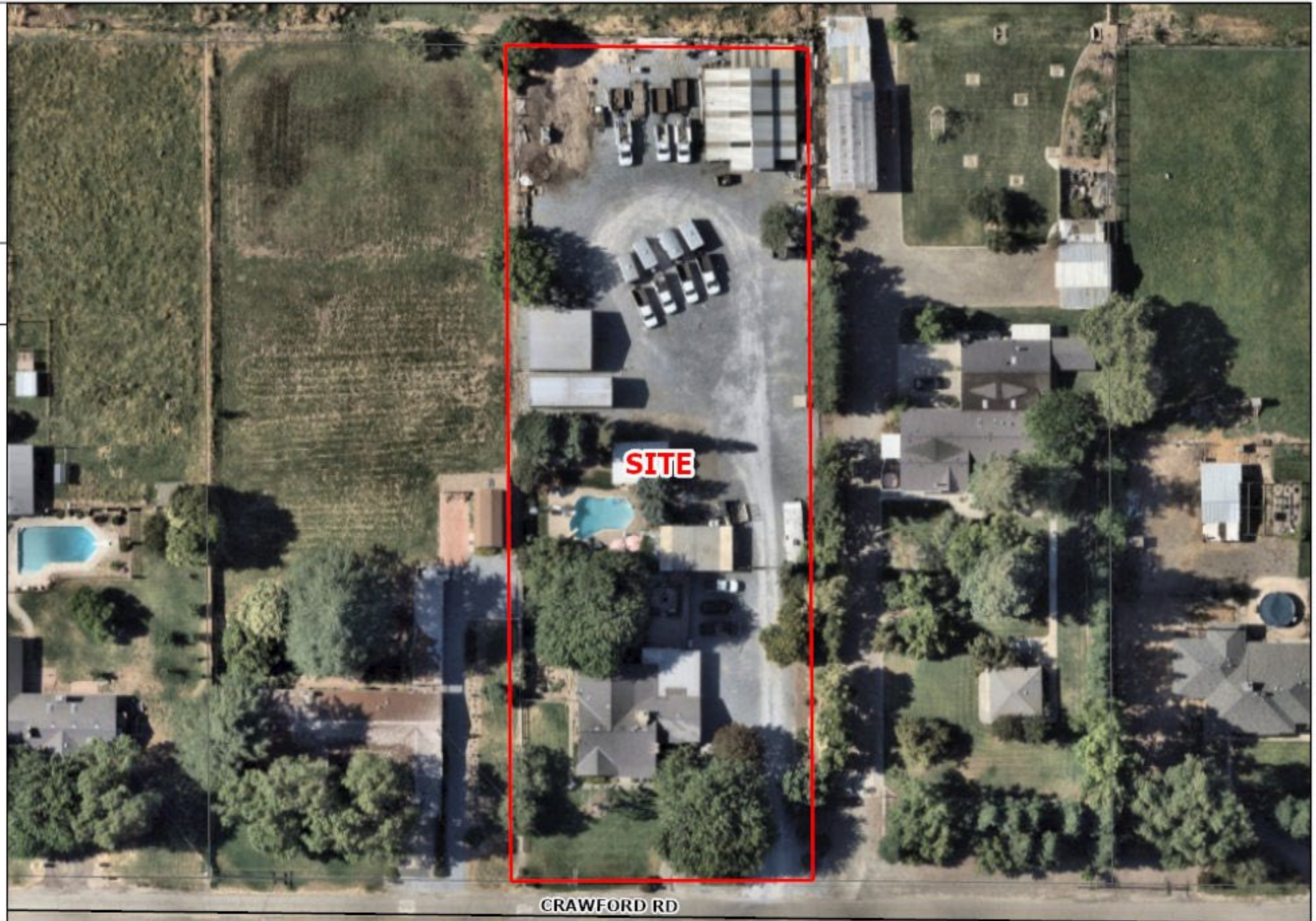
# HORIZON LANDSCAPING

## UP PLN2022-0130

2023 AERIAL SITE MAP

### LEGEND

-  Project Site
-  Parcel
-  Street







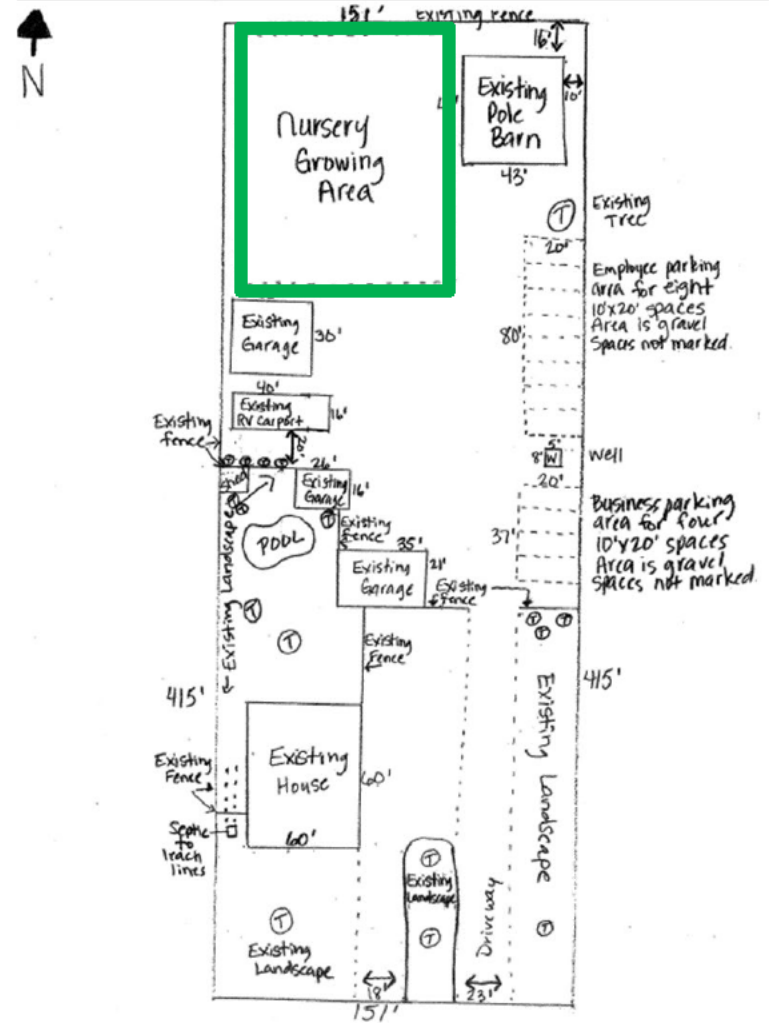
# Issues

- Appropriateness and applicability of project as a Tier One use
- Code Enforcement case
- Neighbor opposition

# Issues – Tier One Use

## % of Expected Income

Wholesale nursery	60%
Installation of landscaping	15%
Installation of irrigation systems	20%
Irrigation system maintenance	5%



# Issues – Code Enforcement Case

- Business currently operating without a nursery and has submitted a use permit application to remedy an active code enforcement citation.
- Staff has concerns over the on-site use itself operating in a manner more characteristic of a commercial use that would be more appropriately sited on a non-agriculturally zoned parcel.

# Issues – Landowner Opposition & Support

- One letter of opposition
  - Concerns that the business will not operate the wholesale nursery as stated in the project description
  - Concerns that allowing an industrial use will decrease the quality of life of the area residents
- One letter of support
  - Submitted with the application, signed by eight neighbors

# General Plan and Zoning Consistency

## General Plan

- Land Use Element
  - Designation of Agriculture
  - Referred to Riverbank in accordance with Sphere of Influence Policy – no objections
- Agricultural Element
  - Agricultural Buffer – Tier One uses not subject

## Zoning

- General Agriculture (A-2-40)
- Tier One Use Permit



# Other Approved Applications

## Use Permit No. PLN2015-0087 – Artificial Turf & Landscaping Co. Inc.

- Request to establish a wholesale nursery and landscape contracting business on 1.25 acres of a 2.93-acre parcel, located at 1467 Crawford Road, approximately 445 feet east of the project site.

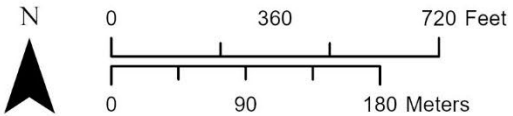


# HORIZON LANDSCAPING UP PLN2022-0130

## 2023 AERIAL PROJECTS MAP

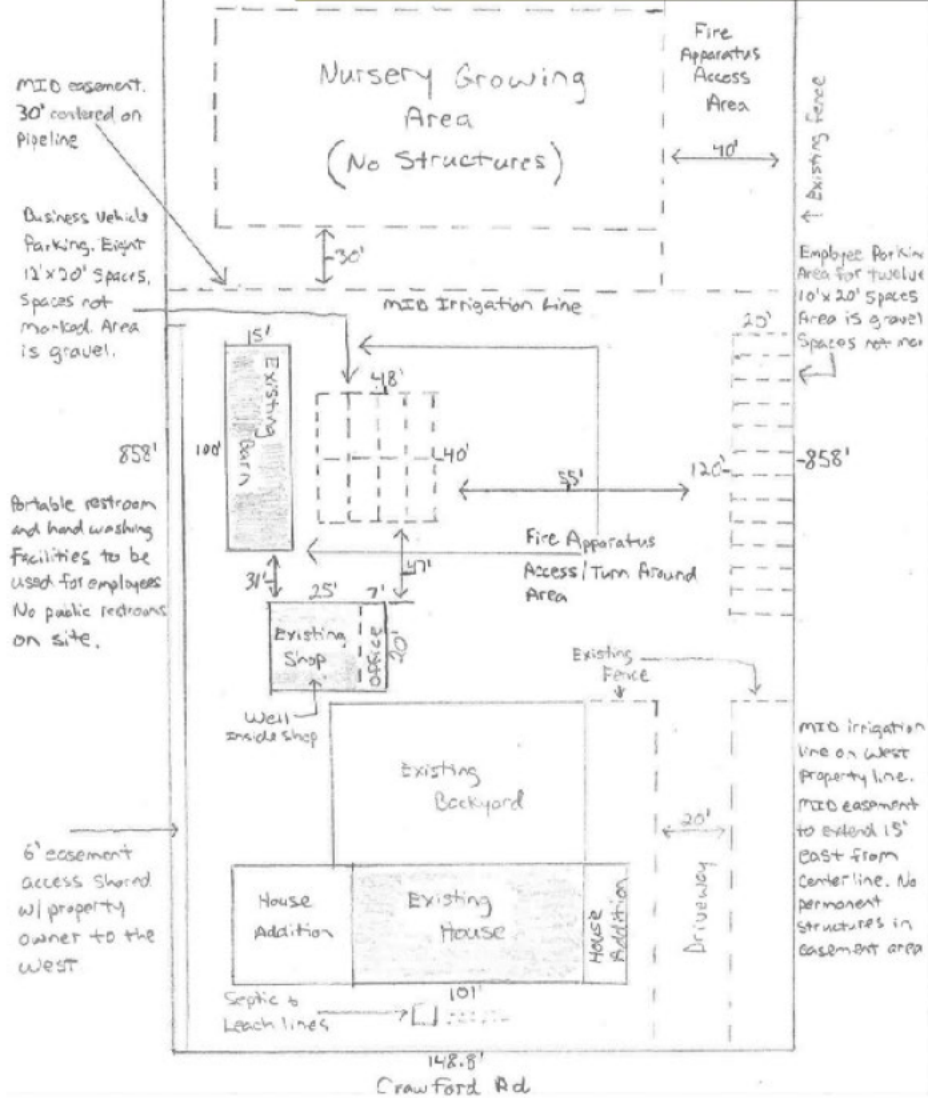
### LEGEND

-  Project Site
-  Artificial Turf & Landscaping Co.
-  Parcel
-  Street





**UP PLN2015-0087  
ARTIFICIAL TURF & LANDSCAPING CO.  
SITE PLAN**



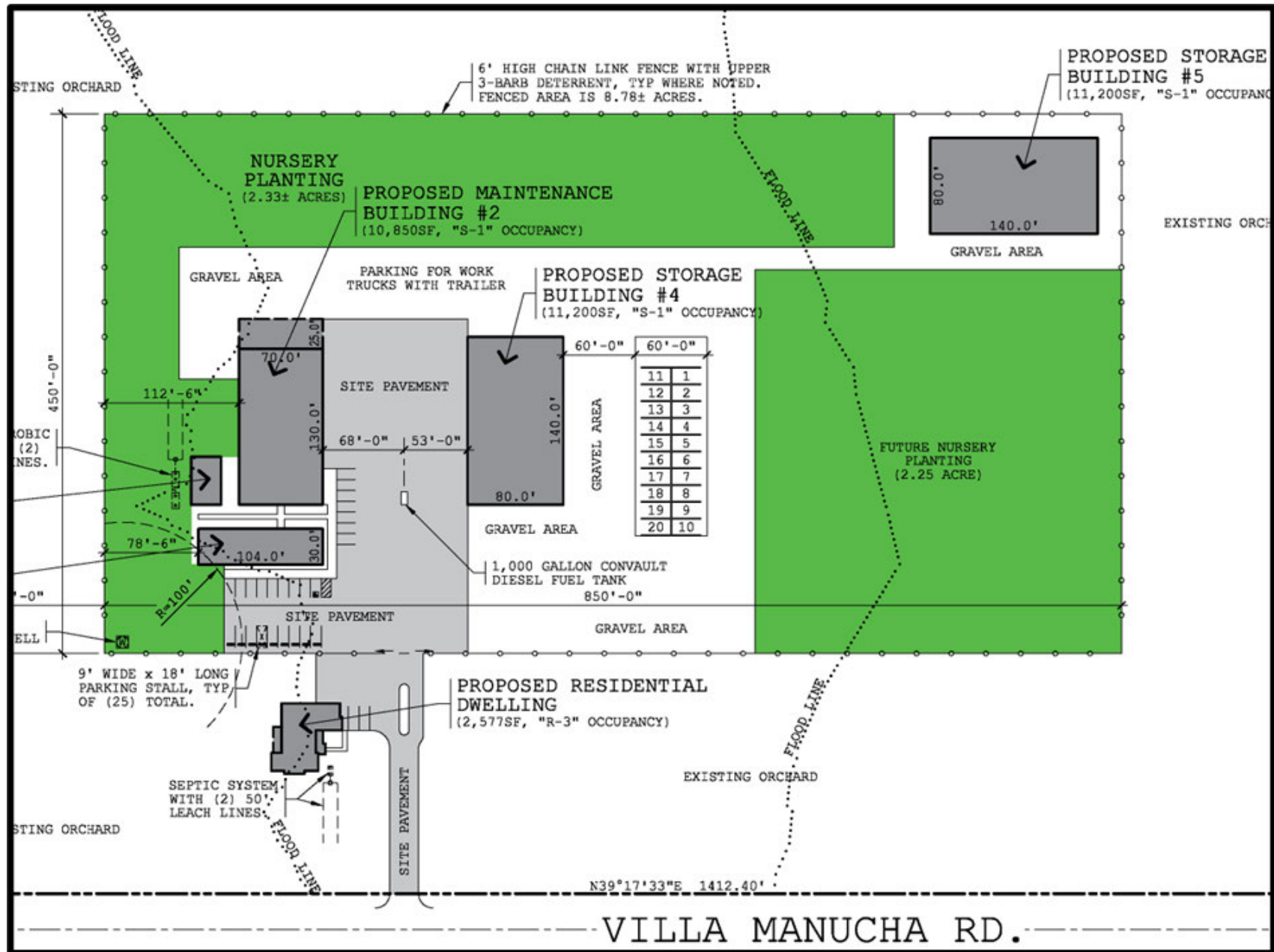
**Current Aerial**



# Other Approved Applications

## Use Permit No. PLN2023-0080 – Westside Nursery

- Request to establish a wholesale nursery and landscape contracting business on 8.78 acres of a 40.76-acre parcel located on the northwest corner of River and Villa Manucha Roads, in the Newman area.



# Environmental Review

- CEQA
  - Negative Declaration
  - Conditions of Approval

# Planning Commission Determination

- Findings – Exhibit A
  - Environmental Review
  - Use Permit finding
  - Agricultural buffer
  - Road improvements
  - Project Approval

# Questions?