

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE July 24, 2007

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Public Hearing to Consider Rezone Application #2006-13, Caloy Company Oil and Feed, a Request to Rezone a 5.65 Acre Parcel from A-2-40 (General Agriculture) to Planned Development to Allow an Existing 15,570 Square Foot Warehouse/office Building to Be Used as a Processing Facility to Extract Oil and Process Cattle Feed from Walnuts and Almonds (Continued on Page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of June 21, 2007, the Planning Commission, on a 9-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on Page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-592

On motion of Supervisor Mayfield, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION: INTRODUCED, ADOPTED, AND WAIVED THE READING OF ORDINANCE C.S. 1001 FOR REZONE APPLICATION NO. 2006-13

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-C-5

**SUBJECT: (Continued)**

The Site Includes the Existing Building, Silos, Loading Area, and Truck Scales. Additions to the Site Will Be Employee Parking, Security Fencing and Gates, a New Septic System, and Landscaping. The Business Will Be a 24-hour Operation with 7 Employees on Maximum Shifts. The Project Is Located at 5425 Montpelier Road, in Montpelier, West of Denair. APN: 019-041-027

**PLANNING COMMISSION RECOMMENDATION: (Continued)**

1. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
2. Find That:
  - A. The project is consistent with the overall goals and policies of the County General Plan; and
  - B. The proposed Planned Development zoning is consistent with the Agricultural General Plan description.
3. Approve Rezone Application #2006-13 - Caloy Company Oil and Feed, subject to the attached Development Standards and Development Schedule.

**DISCUSSION:**

This is a request to rezone a 5.65 acre parcel from A-2-40 (General Agriculture) to allow the use of an existing 15,750 square foot building as a processing facility to extract oil and process cattle feed from walnuts and almond meats, blended with rice hulls. The General Plan designation for this site and the surrounding area is "Agriculture." Previously, the site and building was used as an almond storage facility. The site includes an existing warehouse/office building, silos, a vehicle loading area, and truck scales. Proposed additions to the site will be an employee parking lot, security fencing including gates, a new septic system, and landscaping. The parking lot and the area surrounding the building will be paved. The business will be a 24 hour operation with seven (7) employees on a maximum shift. The estimated number of daily customers / visitors on site is 4, with 6 truck deliveries per day. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal. Please refer to the attached Planning Commission report for details.

Caloy Company has operated at its current location in Riverbank since 1998. The primary product that is produced is almond and walnut oil. The by-product or waste from producing the oils is a cattle feed "cake" that consists of the almond/walnut meat blended with rice hulls. The actual process of extracting the oil from the nuts is achieved by a mechanical process that presses the nuts to expel the oils. The unrefined oil is then stored in tanks until it is transported off-site. The majority of the oil which Caloy produces is shipped to Europe for use in the cosmetic and pharmaceutical industry. The cattle feed "cake" is sold to feed companies or local consumers that will transport the product from the Caloy facility. Any further processing of the feed "cake," if necessary, will not be completed at the proposed Caloy facility or by the Caloy Company.

Caloy Company has indicated the business will have 7 employees on a maximum shift. Hours of operation during peak operation will be Monday through Sunday, 24 hours a day. Caloy estimates the number of daily customers or visitors to be four (4). The maximum number of truck delivery trips is estimated to be six (6) per day.

On June 21, 2007, the Planning Commission considered this application at a properly advertised public hearing. No one spoke in opposition to the project. The applicant's representative spoke in favor of the project.

Following the closing of the hearing, the Commission discussed the project indicating positions in favor of the project. The Commission unanimously voted 9-0 (Souza/Assali) to recommend the Board of Supervisor's approve this request. A detailed discussion of the request and the reasons behind staff's recommendation for approval can be found in the attached Planning Commission Staff Report.

**POLICY ISSUES:**

None.

**STAFFING IMPACT:**

None.

**ATTACHMENTS:**

1. Planning Commission Staff Report, June 21, 2007
2. Planning Commission Minutes, June 21, 2007

# STANISLAUS COUNTY PLANNING COMMISSION

June 21, 2007

## STAFF REPORT

### REZONE APPLICATION NO. 2006-13 CALOY COMPANY OIL AND FEED

**REQUEST:** TO REZONE A 5.65 ACRE PARCEL FROM A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT TO ALLOW AN EXISTING 15,750 SQUARE FOOT WAREHOUSE / OFFICE BUILDING TO BE USED AS A PROCESSING FACILITY TO EXTRACT OIL AND PROCESS CATTLE FEED FROM WALNUTS AND ALMOND MEATS. THE SITE INCLUDES THE EXISTING BUILDING, SILOS, A LOADING AREA, AND TRUCK SCALES. ADDITIONS TO THE SITE WILL BE THE EMPLOYEE PARKING AREA, SECURITY FENCING, A NEW SEPTIC SYSTEM, AND LANDSCAPING. THE BUSINESS WILL OPERATE 24 HOURS A DAY WITH 7 EMPLOYEES PER SHIFT. THE PROJECT SITE IS LOCATED AT 5425 MONTPELIER ROAD, IN MONTPELIER, WEST OF DENAIR.

### APPLICATION INFORMATION

Applicant:	Joseph S. Collins, Caloy Company Oil & Feed
Location:	5425 Montpelier Road, in Montpelier, west of Denair
Section, Township, Range:	36-4-11
Supervisory District:	Two (Supervisor Mayfield)
Assessor's Parcel:	019-041-027
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcels:	5.65 acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Warehouse building, silos, truck scales
Surrounding Land Use:	Almond and walnut orchards and a vineyard, an almond huller and processor plant to the south, and small ranchettes along Montpelier Road

### PROJECT DESCRIPTION

This is a request to rezone a 5.65 acre parcel from A-2-40 (General Agriculture) to allow the use of an existing 15,750 square foot building as a processing facility to exact oil and process cattle feed from walnuts and almond meats, blended with rice hulls. Previously, the site and building was

used as an almond storage facility. The site includes an existing warehouse/office building, silos, a vehicle loading area, and truck scales. Proposed additions to the site will be an employee parking lot, security fencing including gates, a new septic system, and landscaping. The parking lot and the area surrounding the building will be paved. The business will be a 24 hour operation with seven (7) employees on a maximum shift. The estimated number of daily customers / visitors on site is 4, with 6 truck deliveries per day. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal.

### **SITE DESCRIPTION**

The project site is located at 5425 Montpelier Road and is mostly unimproved and flat with the exception of a 15,750 square foot building and silos. The site and building were previously used for the storage of almonds in conjunction with an almond processing facility.

The surrounding area consists of agricultural uses, primarily orchards and a vineyard. There are also several warehouses and other ag-type buildings, most of which are used in connection with the large scale farming operations which surround the old undeveloped town-site of Montpelier. A few single-family homes are found along Montpelier Road, approximately 660 feet from the project site.

### **DISCUSSION**

Caloy Company has operated at its current location in Riverbank since 1998. The primary product that is produced is almond and walnut oil. The by-product or waste from producing the oils is a cattle feed "cake" that consists of the almond/walnut meat blended with rice hulls. The actual process of extracting the oil from the nuts is achieved by a mechanical process that presses the nuts to expel the oils. The unrefined oil is then stored in tanks until it is transported off-site. The majority of the oil which Caloy produces is shipped to Europe for use in the cosmetic and pharmaceutical industry. The cattle feed "cake" is sold to feed companies or local consumers that will transport the product from the Caloy facility. Any further processing of the feed "cake," if necessary, will not be completed at the proposed Caloy facility or by the Caloy Company.

The site includes an existing warehouse/office building, silos, a vehicle loading area, and truck scales. Proposed additions to the site will be an employee parking lot, security fencing including gates, a new septic system, and landscaping. The parking lot and the area surrounding the building will be paved. The business will be a 24 hour operation with seven (7) employees on a maximum shift. The estimated number of daily customers / visitors on site is 4, with 6 truck deliveries per day. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal.

The application indicates that the business will have 7 employees on a maximum shift. Hours of operation during peak operation will be Monday through Sunday, 24 hours a day. Caloy estimates the number of daily customers or visitors to be four (4). The maximum number of truck delivery trips is estimated to be six (6) per day.

The existing warehouse building is oriented towards Montpelier Road and is situated in what could be considered as the "middle" of the property. Access to the project will be off of Montpelier Road, utilizing a driveway on the north side of the site. A secondary emergency access has been proposed off of Montpelier Road, towards the southeast corner of the property in order to meet emergency access requirements. This emergency gate will be locked and will only be used in an emergency situation.

The applicant has also submitted elevations (see Exhibit "B") for the project that reflect the existing warehouse building that will be utilized. The applicant will make minor modifications to the building's interior space and will not alter the any portions of the exterior. The majority of the interior modifications will include the installation of the pressing equipment (for oil extraction) and the necessary electrical infrastructure to support these machines.

**Parking:**

The existing County parking standards require manufacturing or assembly plants and wholesale warehouses provide one (1) parking space for each employee on a maximum shift plus three (3) additional spaces. Based on the above requirement, the site plan identifies eleven (11) general parking spaces, which would be the minimum number of required parking spaces given the maximum number of employees per shift is estimated to be seven (7). Additional parking spaces could be provided since the project site does have portions that will remain unused.

**Signs:**

A specific sign program has been included as part of this project (see Exhibit "E"). The applicant is proposing a single wall mounted sign that will display the company name, Caloy, in red letters and will be back-lit using solar power. This single sign is proposed to be 4' x 12' or 48 square feet in size and will be located on the warehouse building along Montpelier Road. Staff understands that the signage is conceptual at this time and has concerns the applicant could determine during the operational phase that the site may need additional smaller "accessary" signs (directional, monument, etc.). This has occurred with past projects, so the applicant would be allowed to expand the total amount of signs, if requested, with Planning Director approval. All final sign approvals rest with the Director of Planning and Community Development and will require the Planning Director's approval prior to the placement of such signs (see Development Standard No. 4).

**Landscaping:**

Because the proposed use and the product produced is agricultural in nature, the proposed landscaping will also double as a display for the raw product that is used at the facility. The applicant has provided a landscaping plan that mainly consists of a mixture of almond and walnut trees and a small amount of apricot trees. This mixture of trees will be primarily along the road frontage of Montpelier Road with a small section, of similar design, near the entrance of the building. The area around the entrance will also feature olive trees and small drought tolerant shrubs, such as lavender and ornamental grass. The undeveloped portion of the property will be planted as an almond/walnut orchard to match the surrounding farming operations. The entire landscaped portions of the property will be irrigated with a drip and small orchard sprinkler system. The applicant has also proposed decorative fencing that will run the entire length of the property on Montpelier Road and will provide both an attractive appearance and security to the facility. Development Standard No. 8 requires a final landscaping plan be approved by the Planning Director.

## **FINDINGS**

In order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is "Agriculture." The "Agricultural" General Plan designation is consistent with a Planned Development zoning designation when, *"it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the agriculture designation, may be properly located within areas designated as "agricultural" on the General Plan. Such uses can include, facilities for packing fresh fruit, facilities for the processing of agricultural commodities utilized in the County's agriculture community, etc."* Staff believes that the proposed Planned Development is logical considering the unique characteristics of this site, such as the existing warehouse building and the close proximity to established almond and walnut producers. The nature of the business also presents a unique logistical situation where both the raw material (nuts) and one of the final products (feed) is provided by and to the agricultural community. The current location of Caloy, which is in Riverbank, requires the transportation of raw material from an agricultural area to an urbanized area. With the proposed site, Caloy will utilize the close proximity of the surrounding orchards and almond processors to reduce their overall transportation needs. The proposed use should not be detrimental to agricultural uses and other property in the area which consists mainly of orchards, vineyards, and existing almond processing facilities. Staff finds this proposal to rezone this parcel to Planned Development to be consistent with the General Plan.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "H" - Environmental Review Referrals). Based on the Initial Study prepared for this project, adoption of a Negative Declaration is being proposed. The Initial Study and comments to the Initial Study have not presented any substantial information to identify a potential significant impact needing to be mitigated. Responses received from agencies have been incorporated into this project as Development Standards (see Exhibit "C").

## **RECOMMENDATION**

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions regarding this project:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

3. Find That:
- A. The project is consistent with the overall goals and policies of the County General Plan; and
  - B. The proposed Planned Development zoning is consistent with the Agricultural General Plan description.
4. Approve Rezone Application No. 2006-13 - Caloy Company Oil and Feed, subject to the attached Development Standards and Development Schedule.

**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 \$1,857.00 to the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

\*\*\*\*\*

Report written by: Joshua Mann, Associate Planner, June 6, 2007

Attachments:

- Exhibit A - Application Information
- Exhibit B - Project Maps and Landscape Proposal
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Applicant's Sign Plan
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referrals

Reviewed by:

  
Dana McGarry, Senior Planner



# APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

### APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- |   |  |
|---|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map             |
| <input checked="" type="checkbox"/> Rezone      | <input type="checkbox"/> Parcel Map                  |
| <input type="checkbox"/> Use Permit             | <input type="checkbox"/> Exception                   |
| <input type="checkbox"/> Variance               | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit   | <input type="checkbox"/> Other _____                 |

### PLANNING STAFF USE ONLY:

Application No(s): RZ 2006-13  
 Date: 11/17/06  
 S 4 T 11 R 36  
 GP Designation: AG  
 Zoning: A-2-40 to P.O.  
 Fee: \$3,600  
 Receipt No. Check #5217  
 Received By: Caloy Company  
 Notes: \_\_\_\_\_

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

## PROJECT INFORMATION

PROJECT NAME: Caloy Company Oil and Feed Plant  
 (Desired name for project, if any)

CONTACT PERSON: Who is the primary contact person for information regarding this project?  
 Name: Roger Russell Telephone: (209) 968-6414  
 Address: 5425 Montpelier Road Denair, CA  
 Fax Number: (209) 521-5164 email address: Roger1952@comcast.net

(Attach additional sheets as necessary)  
 PROPERTY OWNER'S NAME: Joseph S. Collins  
 Mailing Address PO Box 577164  
Modesto, CA 95357  
 Telephone: (209) 521-5544 Fax: (209) 521-5164

APPLICANT'S NAME:

Joseph S. Collins

Mailing Address

PO Box 577164 Modesto, CA

Telephone: (209) 521-5544

Fax: (209) 521-5164

ENGINEER / APPLICANT:

Robert Lemos

Mailing Address

21857 Brennan Road , Escalon 95320

Telephone: (209) 996-8837

Fax: \_\_\_\_\_

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

*\*Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

***The proposed site was used as an almond storage facility. The building is a 15,750 foot metal building that sits on 5.6 acres of flat unimproved land. The building will be used as it exists and the land will be improved with gated entrance, paved employee parking and landscaping. The process is simple and clean. Inedible walnuts and almond meats are received and blended with rice hulls. They are then pressed under high pressure, which produces oil and dry cake.***

# PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street - 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 19 Page 41 Parcel 027

Additional parcel numbers: 5425 Montpelier  
Project Site Address  
or Physical Location: Denair, CA 95316

Property Area: Acres: 5.649 or Square feet: \_\_\_\_\_

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Warehouse

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

None

Existing General Plan & Zoning: AG

Proposed General Plan & Zoning: A-2-40  
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Almond Orchard

West: Almond Orchard

North: Almond Processing Plant

South: Almond Processing Plant

## WILLIAMSON ACT CONTRACT:

Yes  No

Is the property currently under a Williamson Act Contract?

Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

Date Filed: \_\_\_\_\_

Yes  No

Do  propose to cancel any portion of the Cor. ?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more)

Flat

Rolling

Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: **Weeds**

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) \_\_\_\_\_

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain - provide additional sheet if needed) \_\_\_\_\_

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**

**STRUCTURES:**

- Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)
- Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)
- Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)
- Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: 15,750 Sq. Ft.      Landscaped Area: 2000 Sq. Ft.  
 Proposed Building Coverage: 0 Sq. Ft.      Paved Surface Area: 5000 Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) None

Number of floors for each building: One

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) 33 Feet

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) 92 Foot Silos

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) Asphalt

**UTILITIES AND IRRIGATION FACILITIES:**

- Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: TID      Sewer\*: Septic  
 Telephone: Pac Bell      Gas/Propane: Suburban  
 Water\*\*: Well      Irrigation: None

\*Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

\*\*Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

**None**

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): **15,750 Square feet**

Type of use(s): **Oil and Cattle Feed Processing**

Days and hours of operation: 24 hours daily, 7 days a week, 365 days a year

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: \_\_\_\_\_

Occupancy/capacity of building: \_\_\_\_\_

Number of employees: (Maximum Shift): 7 (Minimum Shift): 2

Estimated number of daily customers/visitors on site at peak time: 4

Other occupants: 0

Estimated number of truck deliveries/loadings per day: 6

Estimated hours of truck deliveries/loadings per day: 8AM to 5PM

Estimated percentage of traffic to be generated by trucks: 20%

Estimated number of railroad deliveries/loadings per day: 0

Square footage of:

Office area: 850 square feet

Warehouse area: Warehouse & Storage area

Sales area: 850 square feet

Storage area: combined is 4800 sq. ft.

Loading area: 4200 square feet

Manufacturing area: 6750 square feet

Other: (explain type of area) \_\_\_\_\_

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ROAD AND ACCESS INFORMATION:**

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Montpelier Road

Yes  No

Are there private or public road or access easements on property now? (If yes, show location and size on plot plan)

Yes  No

Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes  No

Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) \_\_\_\_\_

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

***Property has been graded for existing warehouse.***

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

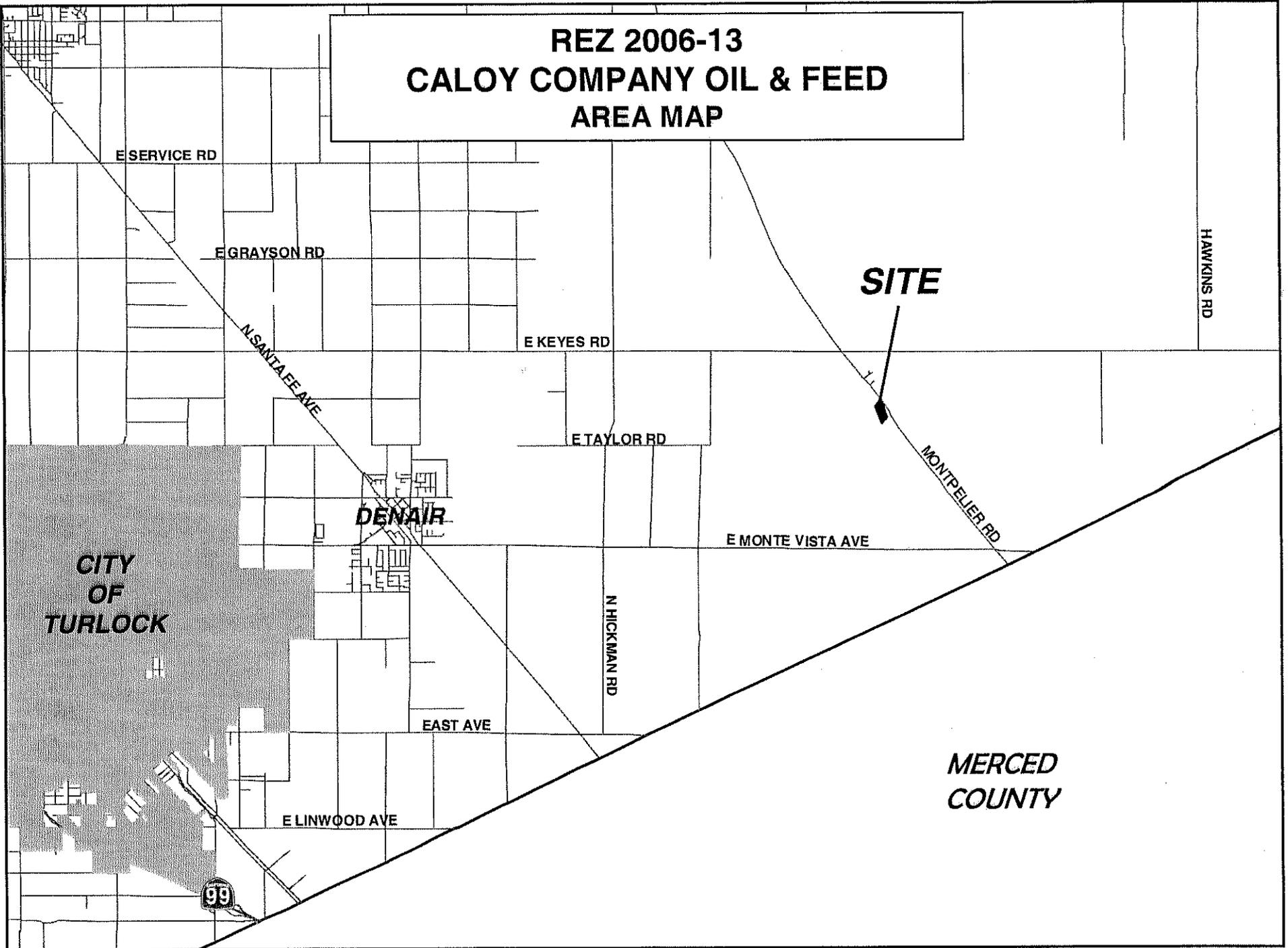
Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

***Please see attached documents.***

## **Project Description**

The proposed project is a request to rezone 5.56 acre parcel from A-2-40 (General Agricultural) to PD (Planned Development) to use an existing 15,570 sq ft building as a processing facility to extract oil and process cattle feed from walnuts and almond meats, blended with rice hulls. They are then pressed under high pressure, which produces oil and dry cake. The site and building was used in the past as an almond storage facility. The site includes the existing warehouse/office building, silos, loading area, truck scales. Additions to the site will be employee parking, security fencing & gates, new septic system, and landscaping. The business will 24 hour operation with the 7 employees on maximum shift. The estimated number customer/visitor on site is 4, with 6 truck trips per day during 8 am to 5 pm.

**REZ 2006-13  
CALOY COMPANY OIL & FEED  
AREA MAP**



15

EXHIBIT B

**REZ 2006-13  
CALOY COMPANY OIL & FEED  
GENERAL PLAN DESIGNATION**

**AG**

**AG**

129.52

140.90

15.27

153.50

**SITE**  
5.65

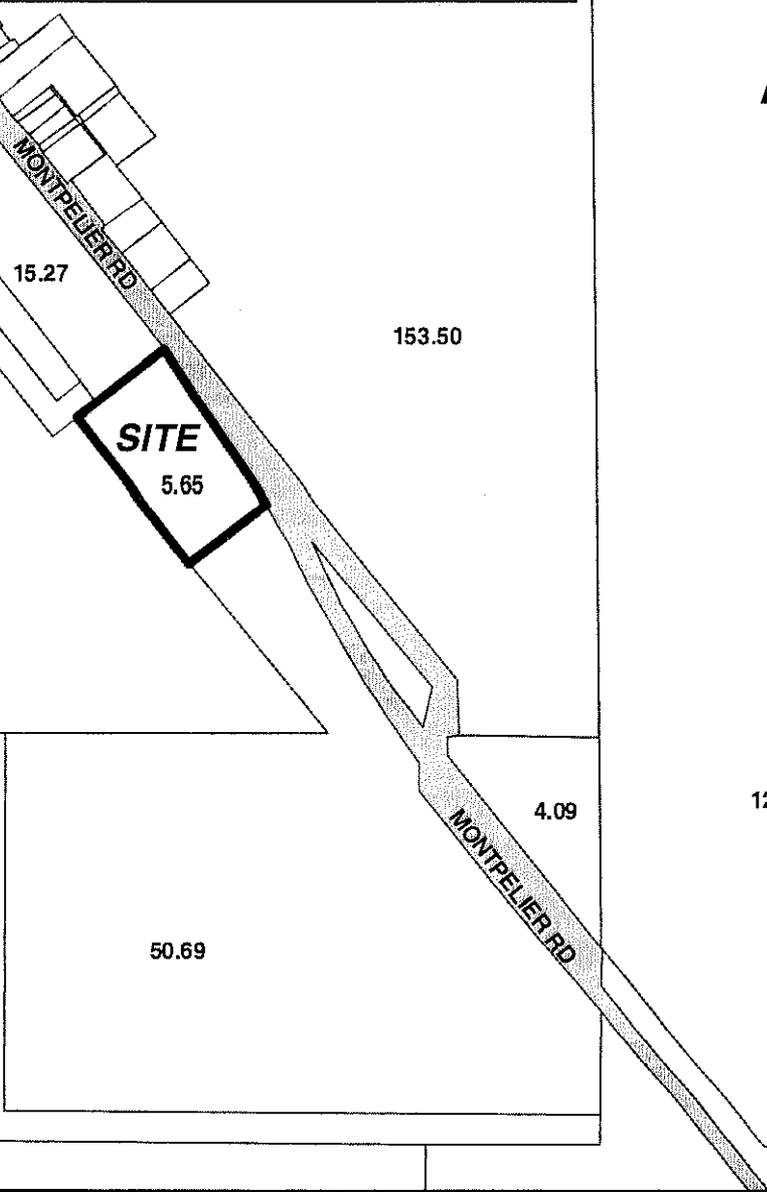
1275.61

4.09

125.33

**AG**

50.69



**REZ 2006-13  
CALOY COMPANY OIL & FEED  
ZONING DESIGNATION**

**A-2-40**

**A-2-40**

**SITE**

5.65

15.27

153.50

129.52

140.90

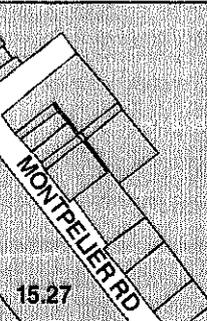
1275.61

4.09

125.33

50.69

**A-2-40**



17

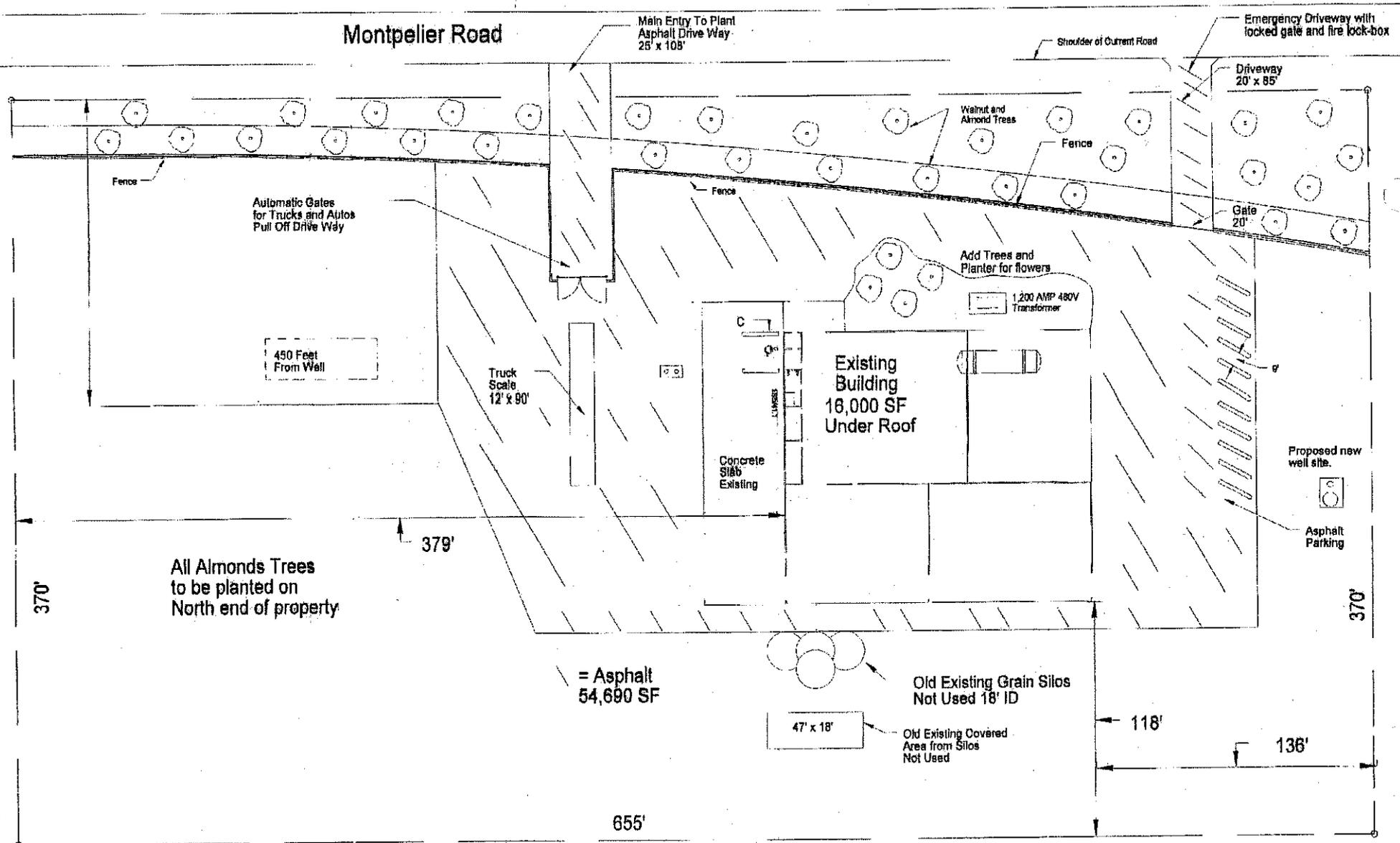
EXHIBIT B-2

**REZ 2006-13  
CALOY COMPANY OIL & FEED  
AERIAL PHOTO**





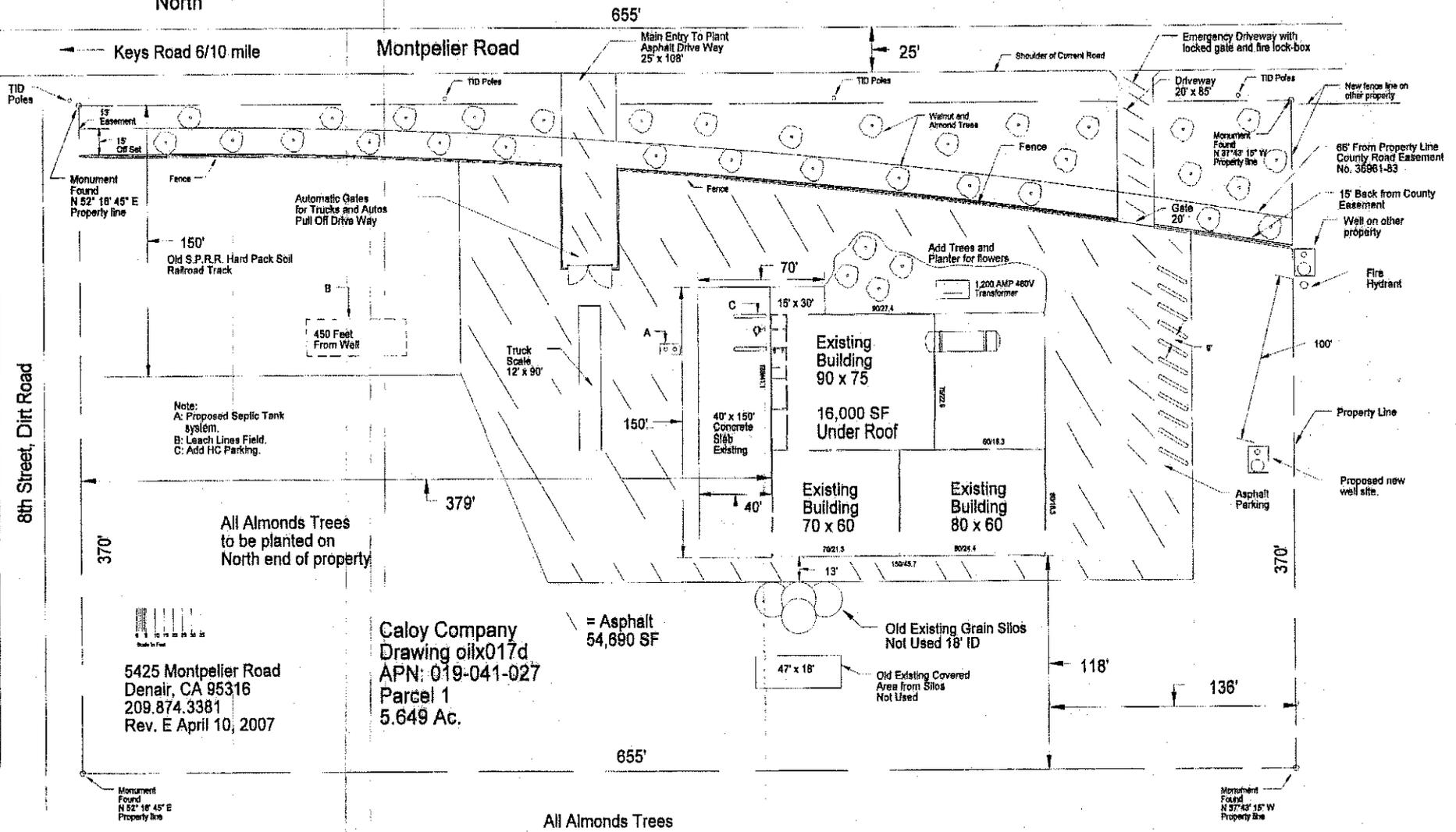
# REZ 2006-13 CALOY COMPANY OIL & FEED SITE PLAN



Rezone Application 2006-13  
 Caloy Company Oil & Feed Plant  
 Walnut and Almond Oil

North

All Almonds Trees



Keys Road 6/10 mile

Montpelier Road

655'

25'

Emergency Driveway with locked gate and fire lock-box

TID Poles

15' Easement  
15' Off Set

Monument Found N 52° 18' 45" E Property line

Fence

Automatic Gates for Trucks and Autos Pull Off Drive Way

150' Old S.P.R.R. Hard Pack Soil Railroad Track

450 Feet From Well

Note:  
A: Proposed Septic Tank system.  
B: Leach Lines Field.  
C: Add HC Parking.

Truck Scale 12' x 90'

150'

40' x 150' Concrete Slab Existing

15' x 30'

Existing Building 90 x 75  
16,000 SF Under Roof

1,200 AMP 480V Transformer

6018.3

Existing Building 70 x 60

Existing Building 80 x 60

370'

All Almonds Trees to be planted on North end of property

379'

370'

Property Line

Proposed new well site.

Asphalt Parking

100'

Well on other property

15' Back from County Easement

65' From Property Line County Road Easement No. 36961-83

New fence line on other property

Driveway 20' x 85'

Monument Found N 87° 42' 15" W Property line

Gate 20'

Shoulder of Current Road

TID Poles

Walnut and Almond Trees

Fence

Add Trees and Planter for Rowers

70'

150'

40'

13'

655'

= Asphalt 54,890 SF

47' x 18'

Old Existing Grain Silos Not Used 18' ID

Old Existing Covered Area from Silos Not Used

118'

136'

Monument Found N 52° 18' 45" E Property line

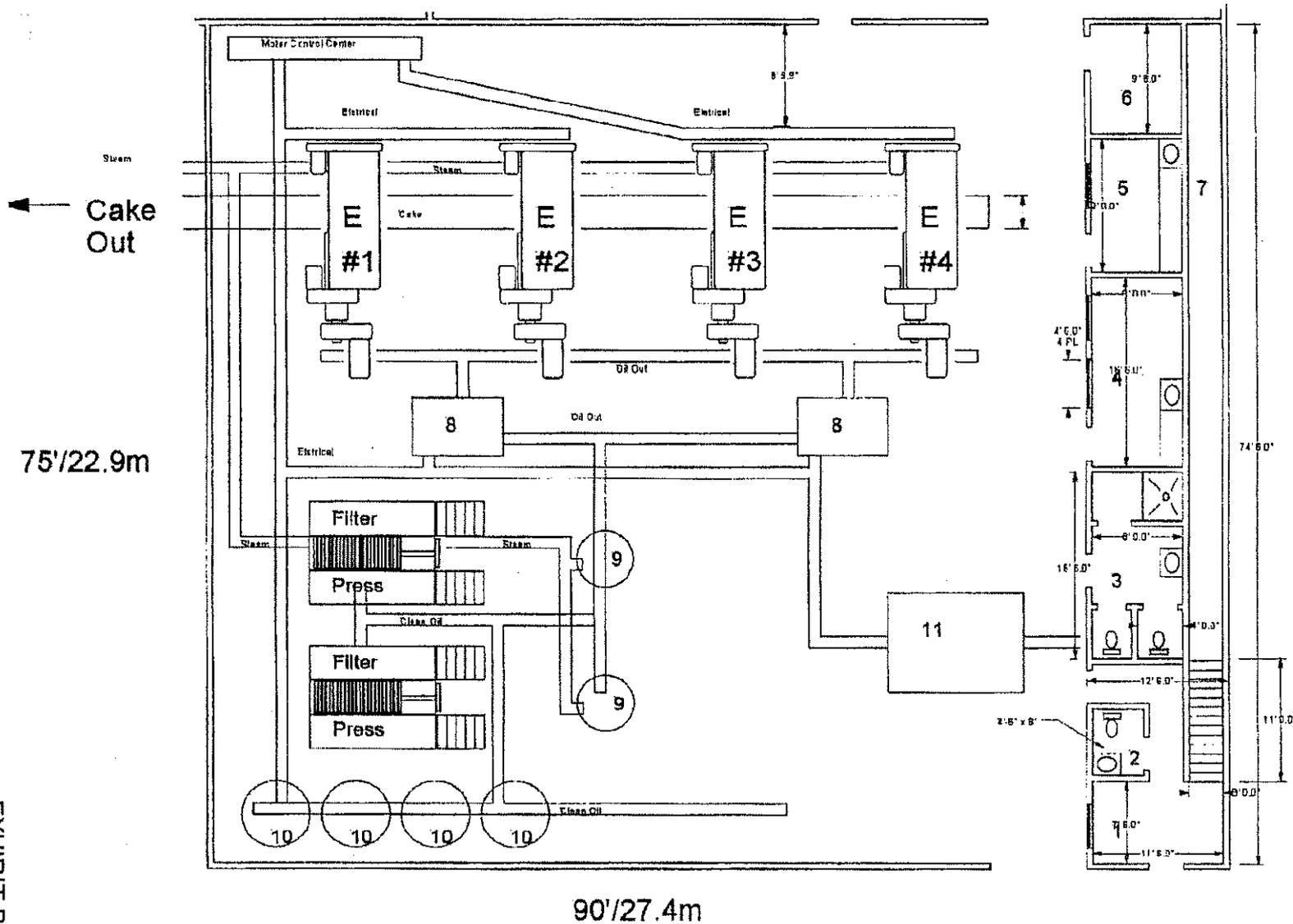
Monument Found N 37° 42' 15" W Property line

All Almonds Trees

Caloy Company Drawing oilx017d  
 APN: 019-041-027  
 Parcel 1  
 5.649 Ac.

5425 Montpelier Road  
 Denair, CA 95316  
 209.874.3381  
 Rev. E April 10, 2007

# REZ 2006-13 CALOY COMPANY OIL & FEED PROPOSED FLOOR PLAN



- Notes:
1. Office 11'-6" x 7'-8"
  2. Office Bathroom 4'-6" x 6"
  3. Worker Bathroom 8' x 16'-6"
  4. Lunchroom/Breakroom 8' x 16'-8"
  5. Lab 8' x 12'
  6. Parts room 8' x 9'-8"
  7. Service hall 3' x 56'
  8. Screening Tanks.
  9. Oil holding tanks for filter press.
  10. Filter oil holding tanks.
  11. 3 Compartment Oil Trap 1,500 Gallon.
- (E) are the Expellers

# CALOY COMPANY

PROCESSORS OF ALMOND & WALNUT OILS

Landscaping  
5425 Montpelier Road  
Denair, CA 95316  
Rezone 2006-13

April 10, 2007

In front of the building and along the front fence area the following trees and plants will be used.

Almond trees  
Walnut trees  
Apricot trees

The above are trees we make oil from and most of our customer have no idea what the tree looks like that produces the nut/seed for the oil.

Olive – *Olea europaea* "Little Ollie"  
Fountain Grass – *Pennisetum stecum* "Little Bunny"  
English Lavender – *Lavendula angustifolia* "Munstead"

Wood chip covering will be used for weed control.

Irrigation system using drip and small orchard nozzles on a timed zone control system.

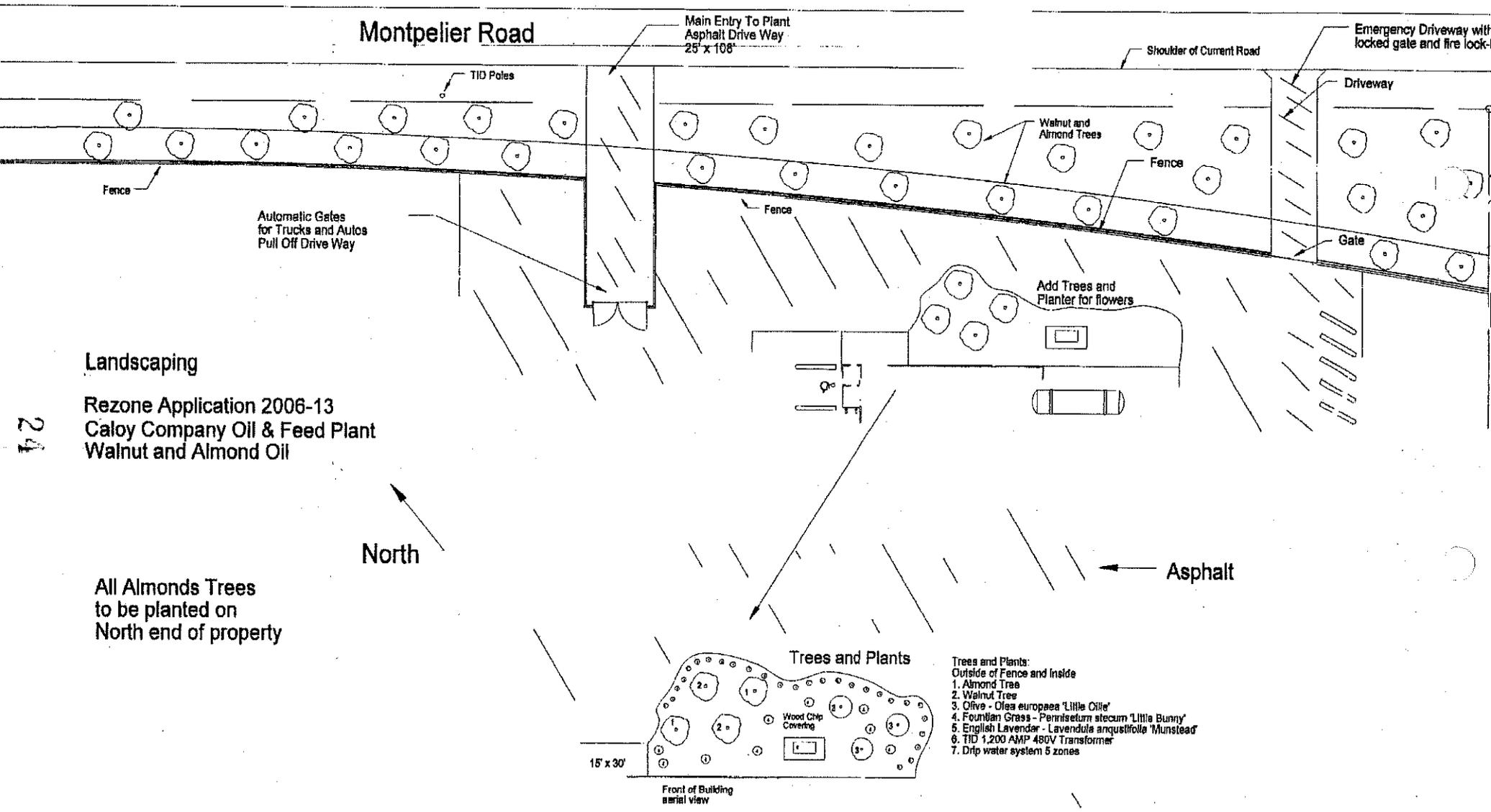
The empty lot area on the north side of the building to our property line will be planted with almond trees to match the new almond orchard just planted at the north end of our property.



Roger Russell  
Cell 209.968.6414

PHONE /MOBILE (209) 541-4180  
OFFICE (209) 521-5544  
FAX (209) 521-5164

# REZ 2006-13 CALOY COMPANY OIL & FEED LANDSCAPE PLAN



Landscaping

Rezone Application 2006-13  
Caloy Company Oil & Feed Plant  
Walnut and Almond Oil

24

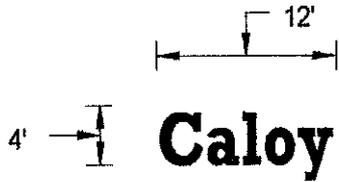
North

Asphalt

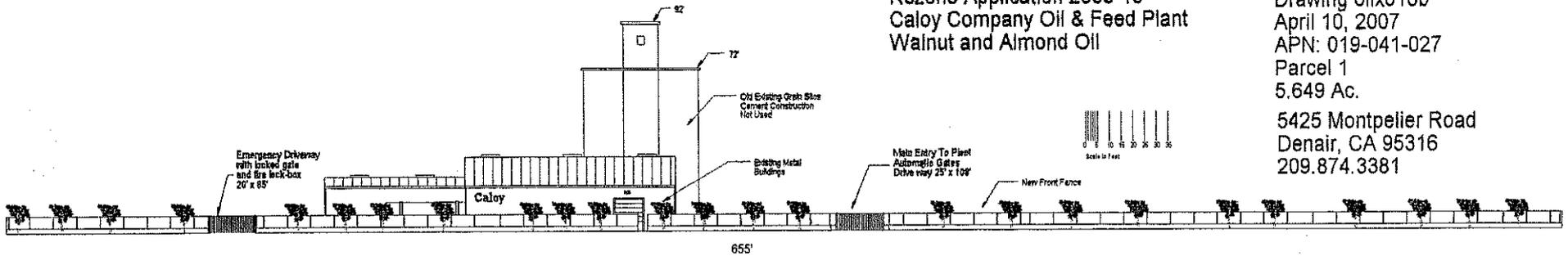
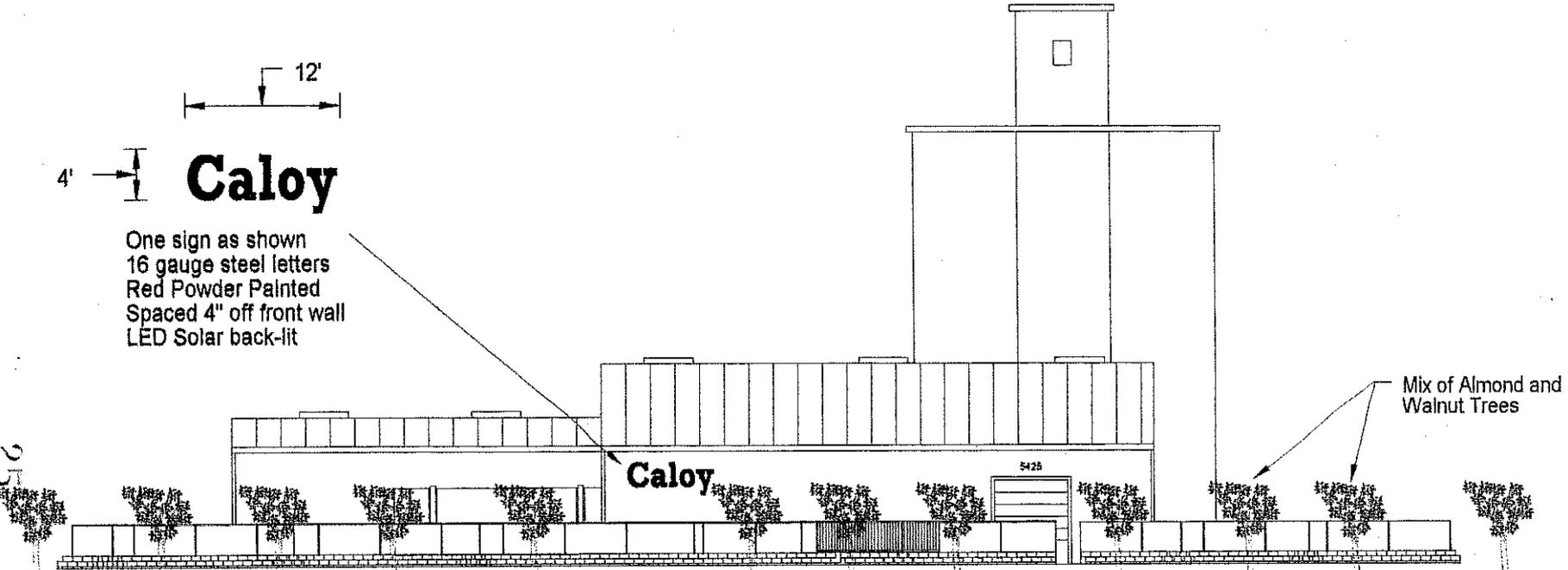
All Almonds Trees  
to be planted on  
North end of property

- Trees and Plants:**  
Outside of Fence and Inside
1. Almond Tree
  2. Walnut Tree
  3. Olive - *Olea europaea* 'Little Olive'
  4. Fountain Grass - *Pennisetum setaceum* 'Little Bunny'
  5. English Lavender - *Lavandula angustifolia* 'Munstead'
  6. T1D 1,200 AMP 480V Transformer
  7. Drip water system 5 zones

Front of Building  
aerial view



One sign as shown  
 16 gauge steel letters  
 Red Powder Painted  
 Spaced 4" off front wall  
 LED Solar back-lit



Rezone Application 2006-13  
 Caloy Company Oil & Feed Plant  
 Walnut and Almond Oil

Caloy Company  
 Drawing oilx018b  
 April 10, 2007  
 APN: 019-041-027  
 Parcel 1  
 5.649 Ac.

5425 Montpelier Road  
 Denair, CA 95316  
 209.874.3381

DRAFT

**DEVELOPMENT STANDARDS**

**REZONE APPLICATION NO. 2006-13  
CALOY COMPANY OIL AND FEED**

**Stanislaus County - Department of Planning & Community Development**

1. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project in accordance with other laws and ordinances.
2. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
3. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
4. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director prior to installation.
5. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction or landscaping as approved by the Planning Director. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director.
7. Applicant, and/or subsequent property owner(s), must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
8. Prior to occupancy, a landscaping plan indicating the type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director. The landscaping shall be consistent with the approved "Landscaping Plan".
9. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.

10. A business license shall be obtained for all businesses operating on-site.
11. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
12. The developer shall pay all applicable Public Facilities Impact Fees and Fire Protection Development/Impact Fees as adopted by Resolution of the Board of Supervisors. For the Public Facilities Impact Fees, the fees shall be based on the Guidelines Concerning the Fee Payment Provisions established by County Ordinance C.S. 824 as approved by the County Board of Supervisors, and shall be payable at the time determined by the Department of Public Works.
13. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
14. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
15. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.
16. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.
17. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

18. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$1,857.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

19. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

#### **Stanislaus Consolidated Fire Protection District**

20. A change of use (occupancy) Permit shall be obtained from the Stanislaus County - Building Permits Division to change the use of the existing building from almond storage to a processing facility that extracts oil and processes cattle feed from walnut and almond meats, blended with rice hulls.
21. Approved fire apparatus access roads shall be provided. Fire access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
22. An approved water supply for fire protection shall be provided. The actual amount of water required will be determined once actual plans for the change of use (occupancy) are submitted to the Building Permits Division.
23. Piles of product stored outside shall comply with current fire code requirements which include pile height, length, width, separation, etc.

#### **Stanislaus County - Department of Environmental Resources (DER)**

24. The on-site wastewater disposal system (OSWDS) shall be by individual Primary & Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
25. The engineered on-site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of the building.
26. The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the on-site wastewater installed under pavements is to be doubled.

**Stanislaus County Environmental Review Committee (ERC)**

27. All buildings/structures over 5,000 square feet in area shall be equipped with an approved automatic fire sprinkler system. The project must comply with all applicable County and State Codes, Ordinances, and Regulations. Fire protection water supply and access will be required at the time of building permit application.
28. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
29. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
  - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
  - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

**Stanislaus County - Department of Public Works**

30. A paved driveway approach shall be installed to a county commercial "Collector" standard on Montpelier Road at the driveway location between the existing edge of road pavement and the right-of-way line. The driveway approach shall be constructed in a manner as to prevent runoff from going into the county road right-of-way. The approach shall be installed prior to final and/or occupancy of the office.

31. An encroachment permit must be obtained for the driveway approaches on Montpelier Road.
32. All driveway locations and widths shall be approved by this Department.
33. A fence shall be installed along the Montpelier Road frontage in order to limit access to the proposed driveway location.
34. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Montpelier Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
35. The employee parking area shall be paved and double striped to county standards.
36. A Grading and Drainage Plan for the property shall be approved by the Department of Public Works prior to the issuance of any building permit that verifies all runoff shall be kept on-site. Any proposed drainage system shall be installed prior to final and/or occupancy of any building.

**Stanislaus County - Building Permits Division**

37. A building permit shall be required for the installation of equipment, related to the project.
38. Prior to occupying the existing warehouse building, a general inspection shall be completed, for a change in occupancy type.

\*\*\*\*\*

*Please note: If 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 first page of the Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

**DEVELOPMENT SCHEDULE**  
**REZONE APPLICATION NO. 2006-13**  
**CALOY COMPANY OIL AND FEED**

**Phase One -** The entire project, including construction, landscaping, and compliance with all applicable development standards by August 15, 2009\*.

*\*Please see attached for detailed time-line submitted by the applicant.*

(I:\Staff\p\REZ\2006\REZ 2006-13 - Caloy Company Oil and Feed Plant\staff report.wpd)

# CALOY COMPANY

PROCESSORS OF ALMOND & WALNUT OILS

Re-zone 2006-13

Location:

5425 Montpelier Road

Denair, CA 95316

209.874.3381

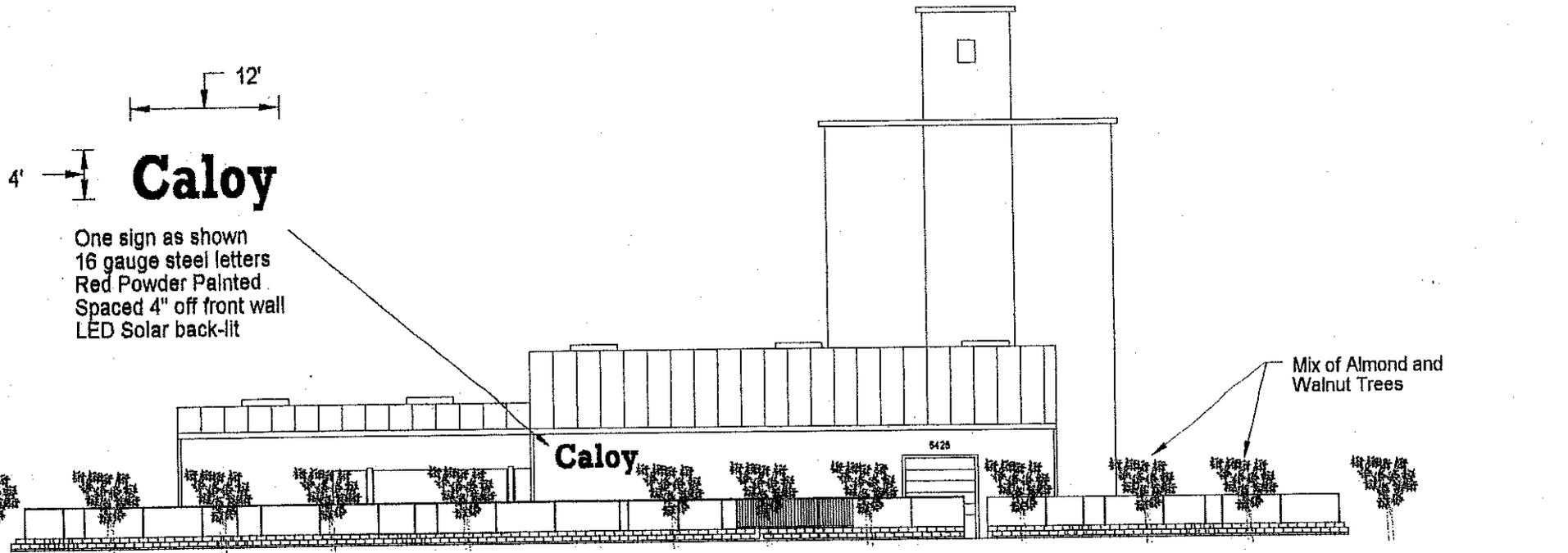
Roger Russell

Estimated timeline for the construction work at the new Caloy Company, Denair, almond and walnut oil plant.

- 1.) (Mid-August 2007) with the board of supervisor approval of the project.
- 2.) (Mid-August 2007) Submit drawings for: Electrical, Structural, Wastewater treatment system for restrooms to meet measure X requirements, Office area rework and upgrades, Water well and parking lot details.
- 3.) (September 2007) Start on wastewater treatment system, drill new water well and electrical up-grades.
- 4.) (October 2007) Structural drawing for oil expeller footings and almond and walnut oil storage tanks.
- 5.) (November 2007) Boiler and steam lines installed.
- 6.) (December 2007) Raw product feed-line for expellers.
- 7.) (January 2008) Expeller cake system for cattle feed.
- 8.) (February 2008) Install expellers on foundations.
- 9.) (March 2008) Run and de-bug plant operations on 2 of 4 expellers.
- 10.) (April 2008) Outside work on the 90 foot truck scale, start working on the main front fence and gates.
- 11.) (May 2008) Start landscaping around building and front fence area.
- 12.) (June 2008) Bring all expellers on line and de-bug complete operating systems.
- 13.) (August 2009) Caloy almond and walnut oil plant completed on or before August 15<sup>th</sup> 2009.

PHONE /MOBILE (209) 541-4180  
OFFICE (209) 521-5544  
FAX (209) 521-5164

**REZ 2006-13**  
**CALOY COMPANY OIL & FEED**  
**PROPOSED SIGN & STREET LEVEL ELEVATION**



Rezone Application 2006-13  
 Caloy Company Oil & Feed Plant  
 Walnut and Almond Oil

Caloy Company  
 Drawing oilx018b  
 April 10, 2007  
 APN: 019-041-027  
 Parcel 1  
 5.649 Ac.  
 5425 Montpelier Road  
 Denair, CA 95316  
 209.874.3381

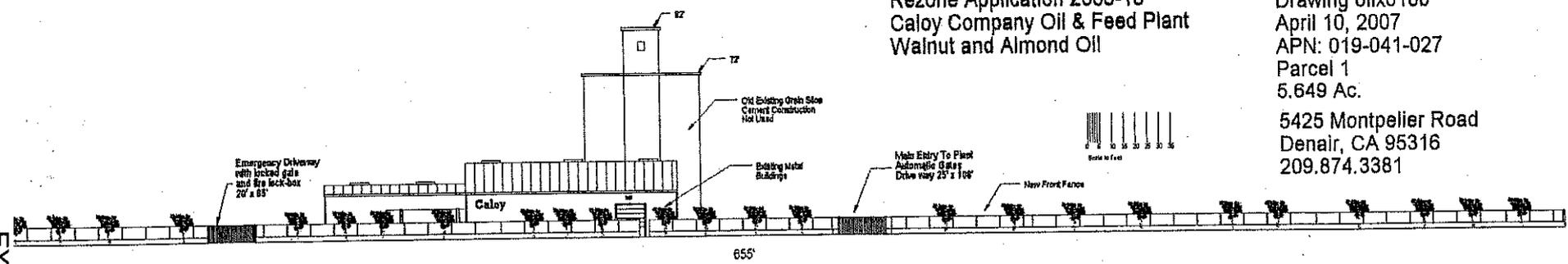


EXHIBIT E



# Stanislaus County Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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

## CEQA INITIAL STUDY

Adapted from CEQA Guidelines APP ENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** Rezone Application No. 2006-13 - Caloy Company Oil and Feed
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Joshua Mann, Associate Planner  
(209) 525-6330
4. **Project location:** 5425 Montpelier Road, in Montpelier, west of Denair. (APN: 019-041-027)
5. **Project sponsor's name and address:** Joseph S. Collins  
P.O. Box 577164  
Modesto, CA 95357
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

Request to change the zoning designation of 5.65 acres from A-2-40 (General Agricultural) to Planned Development to allow use of an existing 15,570 square foot building as a processing facility to exact oil and process cattle feed from walnuts and almond meats, blended with rice hulls. The site and building was used in the past as an almond storage facility. The site includes the existing warehouse/office building, silos, loading area, and truck scales. Additions to the site will be employee parking, security fencing and gates, new septic system, and landscaping. The entire site surrounding the building including the parking lot will be paved. The business will be a 24 hour operation with the 7 employees on maximum shifts. The estimated number of daily customers/visitors on site is 4, with 6 truck deliveries per day.
9. **Surrounding land uses and setting:** Agricultural uses and single-family dwellings.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works  
Department of Environmental Resources  
Oakdale Rural Fire Protection District  
Stanislaus Consolidated Fire District

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

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

DETERMINATION: (To be completed by the Lead Agency)  
On the basis of this initial evaluation:

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

Signature Joshua Mann

April 20, 2007  
Date

Joshua Mann, Associate Planner  
Printed name

**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). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b> The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of residential subdivisions or residential structures. Any development resulting from this project will be consistent with existing area developments.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> County policies and staff experience.</p>				

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X
<p><b>Discussion:</b> The project site is mostly unimproved and flat with the exception of a 15,750 square foot building. The building was previously used for the storage of almonds in conjunction with an almond processing facility. The soils are designated as "Urban and Built-Up Land" by the Farmland Mapping and Monitoring Program. The soils on site are listed as Rocklin sandy loam, 3 to 8 percent slopes, Index Rating of 41, Grade 3. The site is currently zoned A-2-40 (General Agriculture) and the rezone request if approved, would allow for a processing facility that is Agricultural in nature. Under the Stanislaus County General Plan, a General Plan designation of "Agriculture" does allow for Planned Development zoning</p>				

designations when it is used for agriculturally related uses. The nature of the applicants business, which primarily produces almond and walnut oils, is such that the raw material is strictly an agricultural commodity. Based on the specific features and design of this project (existing structure), it does not appear this project will impact the long-term productive agricultural capability of the adjacent properties in the A-2 zoning district. The proposed use itself is directly related to the production of commercial agricultural products. The County also has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints. The project site is not currently enrolled in a Williamson Act Contract.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>, Stanislaus County Agricultural Element<sup>1</sup>, Stanislaus County Zoning Ordinance, the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2000, Eastern Stanislaus Soil Survey (1957).

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

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

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. No referral response has been received by the SJVAPCD for this project.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan<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 US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** Because the majority of the project site has been previously developed, there are no natural habitats on site and no suitable habitats for any sensitive plant on the site. However, according to California Natural Diversity Data Base (CNDDDB), records indicate that there is the potential that San Joaquin Valley Orcutt Grass could occur in or around the site. Because of this potential, Conditions of Approval will be placed on the project so that any disruption of the small undeveloped portion of the project site is adequately addressed.

**Mitigation:** None.

**References:** California National Diversity Data Base (CNDDDB), 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 as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. A Condition of Approval will be placed on the project that if any resources are found, construction activities will halt at that time.

**Mitigation:** None.

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

VI. GEOLOGY AND SOILS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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 risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Discussion:** As contained in Chapter 5 of the General Plan Support Documentation<sup>1</sup>, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project will be designed and built according to all applicable building codes and ordinances.

**Mitigation:** None.

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

VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p><b>Discussion:</b> No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The County Department of Environmental Resources is responsible for overseeing hazardous materials in this area and their department has responded with no comments regarding any hazardous materials for this project site.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Referral response dated December 6, 2006, from the Department of Environmental Resources, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** The project site will be served by private on-site septic systems and water wells. The proposed pavement will generate increased run-off and, as such, the County Public Works Department has required the applicant to submit a Grading and Drainage Plan, as a standard Condition of Approval, to verify that all runoff will not produce flooding on adjacent properties. The County Department of Environmental Resources is responsible for overseeing water quality for the County and has not indicated any significant impacts.

**Mitigation:** None.

**References:** Referral response dated February 21, 2007 from the Stanislaus County Department of Public Works, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** This proposed rezone from A-2-40 (General Agriculture) to P-D (Planned Development) is consistent with the General Plan designation of Agriculture for the project site and surrounding area. The features of this project will not physically divide an established community and/or conflict with any habitat conservation plan or natural community conservation plan. This project is not known to conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project.

**Mitigation:** None.

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

X. 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.

**Mitigation:** None.

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

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

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:** The Stanislaus County General Plan<sup>1</sup> identifies noise levels up to 75 dB L<sub>dn</sub> (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility and agricultural uses. The proposed on-site activities would occur in the already established 15,570 square foot building. Any noise created by the project approval would most likely be confined to the interior of this structure. Exterior noise levels are expected to be of the same nature (or less) to the acceptable noise levels in the A-2 (General Agriculture) zoning district. Minor construction as a result of this project should not increase the area's ambient noise level. Any noise impacts associated with increased on-site activities and traffic is not anticipated to exceed the areas existing level of noise. The site is not located within an airport land use plan.

**Mitigation:** None.

**References:** Stanislaus County General Plan Noise Element<sup>1</sup>, Stanislaus County General Plan Support Documentation<sup>1</sup>.

**XII. POPULATION AND HOUSING -- Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**Discussion:** This project does not propose any significant type of growth inducing features, therefore, adverse affects created by population growth should not occur. No housing or persons will be displaced by the project

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, Stanislaus County Zoning Ordinance.

XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>Would the project result in 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:</p>				
<p>Fire protection?</p>			X	
<p>Police protection?</p>			X	
<p>Schools?</p>			X	
<p>Parks?</p>				X
<p>Other public facilities?</p>			X	
<p><b>Discussion:</b> The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of Approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. With the change in use the project shall comply with all current applicable codes and ordinances for fire protection. The types of Conditions of Approval will be for adequate turning around for a fire apparatus and on-site water supply for fire suppression may also be needed.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> County policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p>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?</p>				X
<p>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?</p>				X
<p><b>Discussion:</b> The increased use of existing recreational facilities as a result of this project is anticipated to be less than significant since the project does not propose any dwellings at this time. The proposed parcels are of substantial size to offer on-site recreation opportunities to the respective owners, if warranted.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> County policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

**Discussion:** This project will not substantially increase traffic for this area, and the proposed facility will have direct access to Montpelier Road which is a County-maintained road. The Stanislaus County Public Works Department has reviewed this project and has not indicated any significant traffic impacts.

**Mitigation:** None.

**References:** Referral response dated February 21, 2007 from the Stanislaus County Department of Public Works, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

**Discussion:** Limitations on public utilities and service systems have not been identified. Less than significant impacts associated with public utility and irrigation easement(s) will be reflected in the project's Conditions of Approval. Any waste water produced during the processing of the "oils" other than domestic waste water would be regulated through the Regional Water Quality Control Board. The nature of the processing of the "oils" tends to produce very little waste water.

**Mitigation:** None.

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

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE:**

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

**Discussion:** Any potential impacts from this project have been mitigated to less than significant.

I:\Staff\p\REZ\2006\REZ 2006-13 - Caloy Company Oil and Feed Plant\REZ 2006-13.js.wpd

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

## NEGATIVE DECLARATION

- NAME OF PROJECT:** Rezone Application No. 2006-13 - Caloy Company Oil and Feed
- LOCATION OF PROJECT:** 5425 Montpelier Road, in Montpelier, west of Denair.  
(APN: 019-041-027)
- PROJECT DEVELOPERS:** Joseph S. Collins  
P.O. Box 577164  
Modesto, CA 95357
- DESCRIPTION OF PROJECT:** Request to change the zoning designation of 5.65 acres from A-2-40 (General Agricultural) to Planned Development to allow use of an existing 15,570 square foot building as a processing facility to exact oil and process cattle feed from walnuts and almond meats, blended with rice hulls. The site and building was used in the past as an almond storage facility. The site includes the existing warehouse/office building, silos, loading area, and truck scales. Additions to the site will be employee parking, security fencing and gates, new septic system, and landscaping. The entire site surrounding the building including the parking lot will be paved. The business will be a 24 hour operation with the 7 employees on maximum shifts. The estimated number of daily customers/visitors on site is 4, with 6 truck deliveries per day.

Based upon the Initial Study, dated April 20<sup>th</sup>, 2007, 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: Joshua Mann, Associate Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**  
**PROJECT: REZONE APPLICATION NO. 2006-13 - CALOY OIL COMPANY & FEED**

REFERRED TO:	PUBLIC HEARING NOTICE	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions		
		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No	
DATE: April 20 <sup>th</sup> , 2007											
AGRICULTURE COMMISSIONER	X	X		X							
AIRPORT LAND USE COMMISSION											
BUILDING PERMITS DIVISION	X	X	X		X				X	X	
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X	X				X	X			X
CENTRAL CALIF. INFO. CENTER - CSUS											
COMMUNITY SERVICES/SANITARY											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X	X		X							
DENAIR POSTMASTER											
DEPARTMENT OF CONSERVATION	X	X		X							
ENVIRONMENTAL RESOURCES	X	X	X		X			X	X		
FIRE PROTECTION DIST: DENAIR FIRE	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X						
FISH & GAME	X	X		X							
HOSPITAL DISTRICT: NONE											
IRRIGATION DISTRICT: TURLOCK (T.I.D.)	X	X	X				X				
LAFCO	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL:											
PARKS & FACILITIES	X	X		X							
P.G. & E.	X	X		X							
PUBLIC WORKS	X	X	X		X			X	X		
PUBLIC WORKS - TRANSIT	X	X	X		X			X	X		
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X		X							
StanCOG	X	X		X							
SCHOOL DISTRICT 1: Denair Unified	X	X		X							
SCHOOL DISTRICT 2:											
SHERIFF	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS CONSOLIDATED FIRE	X	X	X		X			X	X		
STANISLAUS ERC	X	X	X		X			X	X		
STATE CLEARINGHOUSE											
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 2: MAYFIELD	X	X		X							
TELEPHONE COMPANY: AT&T	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X	X		X							
US MILITARY 4 AGENCIES (SB 1462)	X	X		X							
VALLEY AIR DISTRICT	X	X		X							
WATER DISTRICT											
DEPT. OF WATER RESOURCES											

**C. REZONE APPLICATION NO. 2006-13 - CALOY COMPANY OIL AND FEED -**

Request to change the zoning designation of a 5.65 acre parcel from A-2-40 (General Agricultural) to Planned Development to allow an existing 15,570 square foot warehouse/office building to be used as a processing facility to extract oil and process cattle feed from walnuts and almond meats, blended with rice hulls. The site includes the existing building, silos, loading area, and truck scales. Additions to the site will be employee parking, security fencing and gates, a new septic system, and landscaping. The business will be a 24 hour operation with 7 employees on maximum shifts. The project is located at 5425 Montpelier Road, in Montpelier, west of Denair. The Planning Commission will consider a Negative Declaration on this project.

APN: 019-041-027

Staff Report: Joshua Mann Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Report presented by Dana McGarry.

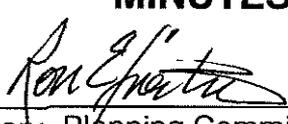
Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Bob Lemos, spokesperson for the applicant.

Public hearing closed.

Souza/Assali, Unanimous (9-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <hr/> <p>Secretary, Planning Commission</p> <p style="text-align: center;"><i>JULY 16, 2007</i></p> <hr/> <p>Date</p>
---

ORDINANCE NO. C.S. 1001

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.981 FOR THE PURPOSE OF REZONING A 5.65 ACRE PARCEL FROM A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT TO ALLOW AN EXISTING 15,570 SQUARE FOOT WAREHOUSE/OFFICE BUILDING TO BE USED AS A PROCESSING FACILITY TO EXTRACT OIL AND PROCESS CATTLE FEED FROM WALNUTS AND ALMOND MEATS, BLENDED WITH RICE HULLS. THE SITE INCLUDES THE EXISTING BUILDING, SILOS, LOADING AREA, AND TRUCK SCALES. ADDITIONS TO THE SITE WILL BE EMPLOYEE PARKING, SECURITY FENCING AND GATES, A NEW SEPTIC SYSTEM, AND LANDSCAPING. THE BUSINESS WILL BE A 24-HOUR OPERATION WITH 7 EMPLOYEES ON MAXIMUM SHIFTS. THE PROJECT IS LOCATED AT 5425 MONTPELIER ROAD, IN MONTPELIER, WEST OF DENAIR. APN: 019-041-027.

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.981 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Denair Dispatch, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Mayfield, seconded by Supervisor Grover, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 24th day of July, 2007, by the following called vote:

AYES: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

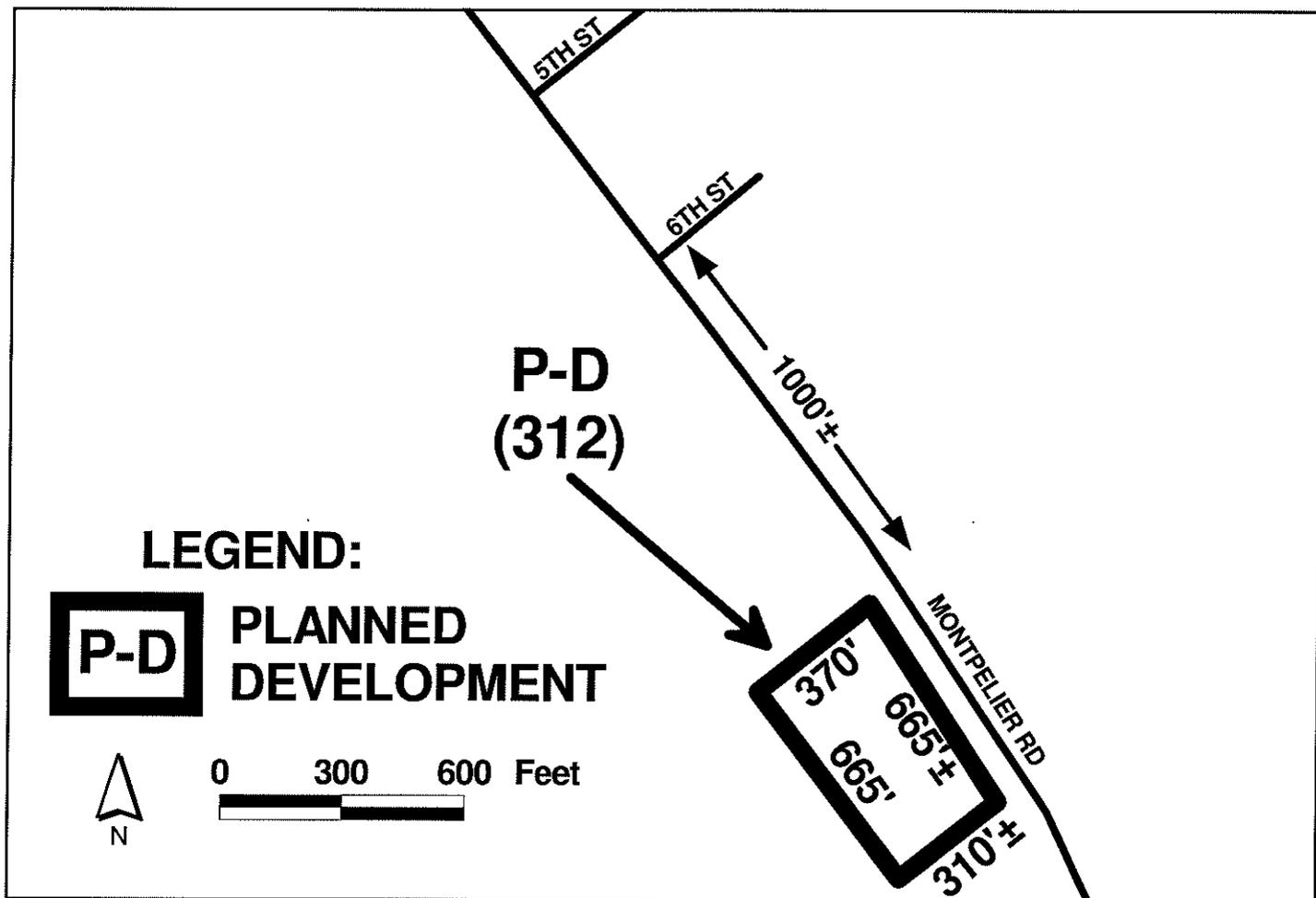


CHAIRMAN OF THE BOARD OF SUPERVISORS  
of the County of Stanislaus,  
State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California

BY:   
Elizabeth A. King, Assistant Clerk of the Board

# SECTIONAL DISTRICT MAP NO. 9-110.981



# Affidavit of Publication

STATE OF CALIFORNIA }  
 County of Stanislaus }

## DENAIR DISPATCH

RUTH REYES

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the

DENAIRDISPATCH

a legal newspaper of general circulation published weekly in DENAIR in said County of Stanislaus, State of California: that said

DENAIRDISPATCH

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41926 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race of denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in DENAIR; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given:

### Ordinance No. C.S. 1001

of which named annexed is a printed copy, was published and printed in said

DENAIR DISPATCH

at least 1 time, commencing on the 31st day of July 2007 and ending on the 31st day of July 2007 both days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

July 31, 2007

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated this 31st day of July, 2007

*Ruth Reyes*

PRINCIPAL CLERK OF THE PRINTER

PROOF OF PUBLICATION

DENAIR DISPATCH P.O. BOX 387, DENAIR, CA 95316 TELEPHONE (209)932-7454

## LEGALS

### LEGAL# 8825

#### ORDINANCE NO. C.S. 1001

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.981 FOR THE PURPOSE OF REZONING A 5.65 ACRE PARCEL FROM A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT TO ALLOW AN EXISTING 15,570 SQUARE FOOT WAREHOUSE/OFFICE BUILDING TO BE USED AS A PROCESSING FACILITY TO EXTRACT OIL AND PROCESS CATTLE FEED FROM WALNUTS AND ALMOND MEATS, BLENDED WITH RICE HULLS. THE SITE INCLUDES THE EXISTING BUILDING, SILOS, LOADING AREA, AND TRUCK SCALES. ADDITIONS TO THE SITE WILL BE EMPLOYEE PARKING, SECURITY FENCING AND GATES, A NEW SEPTIC SYSTEM, AND LANDSCAPING.

THE BUSINESS WILL BE A 24-HOUR OPERATION WITH 7 EMPLOYEES ON MAXIMUM SHIFTS. THE PROJECT IS LOCATED AT 5425 MONTPELIER ROAD, IN MONTPELIER, WEST OF DENAIR. APN: 019-041-027.

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:  
 Section 1. Sectional District Map No. 9-110.981 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:  
 Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Denair Dispatch, a newspaper of general circulation published in Stanislaus County, State of

California.

Upon motion of Supervisor Mayfield, seconded by Supervisor Grover, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 24th day of July, 2007, by the following called vote:

AYES: Supervisors: Mayfield, Grover, Montelth, DeMartini, and Chairman O'Brien

NOES: Supervisors: None

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None

William O'Brien,  
 CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California  
 ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: Elizabeth A. King, Assistant Clerk of the Board

Published Date: 7/31/07

## SECTIONAL DISTRICT MAP NO. 9-110.981

