

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354 Phone: 209.525.6330 Fax: 209.525.5911

## CEQA Exempt Referral and Notice of Public Hearing

Date: September 14, 2016

To: Distribution List (See Attachment A)

From: Timothy Vertino, Assistant Planner, Planning and Community Development

Subject: TIME EXTENSION APPLICATION NO. PLN2016-0081 – THE MORNING STAR

**COMPANY (UP PLN2014-0076)** 

Respond By: September 29, 2016

Public Hearing Date: Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

Under the California Environmental Quality Act of 1970, the project described herein is **exempt** from CEQA review (Section 15061(b)(3)). However, the Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies to determine if specific conditions should be placed upon project approval. Therefore, please contact this office within **15** days if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: The Morning Star Company

Project Location: 3324 Orestimba Road, east of State Highway 5, south of W. Stuhr Road,

west of Eastin Road, in the Newman area.

APN: 026-020-021

Williamson Act

Contract: N/A

General Plan: AG (Agriculture)

Current Zoning: A-2-40 (General Agriculture)

Project Description: Request for a one year time extension for previously approved Use Permit Application No. PLN2014-0076 – The Morning Star Company. The Use Permit established a wholesale nursery with the construction of 33 greenhouses totaling 1.95 million square feet. The greenhouses will be used for the sowing and growing of vegetable and flower transplants.

The County is interested in your agency's comments as to whether there is any new development standards, regulations, or conditions that are now required because of regulatory changes since the project was approved in 2015.

Full document with attachments available for viewing at: <a href="http://www.stancounty.com/planning/pl/act-projects.shtm">http://www.stancounty.com/planning/pl/act-projects.shtm</a>

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## TIME EXTENSION APPLICATION NO. PLN2016-0081 - THE MORNING STAR COMPANY (UP PLN2014-0076)

Attachment A

Distribution List

DISI	Distribution List								
Х	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC						
Χ	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES						
	CA DEPT OF FORESTRY (CAL FIRE)	Χ	STAN CO BUILDING PERMITS DIVISION						
Χ	CA DEPT OF TRANSPORTATION DIST 10	Χ	STAN CO CEO						
	CA OPR STATE CLEARINGHOUSE		STAN CO CSA						
Χ	CA RWQCB CENTRAL VALLEY REGION	Χ	STAN CO DER						
	CA STATE LANDS COMMISSION		STAN CO ERC						
	CEMETERY DISTRICT	Х	STAN CO FARM BUREAU						
	CENTRAL VALLEY FLOOD PROTECTION	Х	STAN CO HAZARDOUS MATERIALS						
	CITY OF:		STAN CO PARKS & RECREATION						
	COMMUNITY SERVICES/SANITARY DIST	Х	STAN CO PUBLIC WORKS						
Х	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT						
	COUNTY OF:	Χ	STAN CO SHERIFF						
Х	FIRE PROTECTION DIST: WEST STANISLAUS FIRE	Х	STAN CO SUPERVISOR DIST 5: DeMARTINI						
Х	HOSPITAL DIST: WESTSIDE COMMUNITY HEALTHCARE	Х	STAN COUNTY COUNSEL						
Χ	IRRIGATION DIST: TURLOCK		StanCOG						
Χ	MOSQUITO DIST: TURLOCK	Χ	STANISLAUS FIRE PREVENTION BUREAU						
Χ	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	Х	STANISLAUS LAFCO						
	MUNICIPAL ADVISORY COUNCIL:		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)						
Χ	PACIFIC GAS & ELECTRIC	Χ	TELEPHONE COMPANY: AT&T						
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)						
	RAILROAD:		TUOLUMNE RIVER TRUST						
Χ	SAN JOAQUIN VALLEY APCD		US ARMY CORPS OF ENGINEERS						
Х	SCHOOL DIST 1: NEWMAN-CROWS LANDING UNIFIED	Х	US FISH & WILDLIFE						
	SCHOOL DIST 2:	Χ	US MILITARY (SB 1462) (7 agencies)						
	STAN ALLIANCE		USDA NRCS						
Χ	STAN CO AG COMMISSIONER		WATER DIST:						

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### STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

**Stanislaus County Planning & Community Development** 

TO:

	1010 10 <sup>th</sup> Street, Suite 3400 Modesto, CA 95354						
FROM:							
SUBJECT:	TIME EXTENSION APPLICATION NO. PLN2016-0081 – THE MORNING STAR COMPANY (UP PLN2014-0076)						
Based on this project:	agencies particular	field(s) of expertise, it is o	our position the above described				
		nificant effect on the environr ant effect on the environmer					
		which support our determina ) – (attach additional sheet i	tion (e.g., traffic general, carrying f necessary)				
Listed below a	WHEN THE MITIC	GATION OR CONDITION I	sted impacts: <i>PLEASE BE SURE</i> NEEDS TO BE IMPLEMENTED A BUILDING PERMIT, ETC.):				
• • •	r agency has the foll	owing comments (attach add	litional sheets if necessary).				
Response pre	pared by:						
Name		Title	Date				



## APPLICATION QUESTIONNAIRE

				T			
	e Check all applicable boxes LICATION FOR:	PLANNING STAFF USE ONLY:					
	s available to assist you with determi	Application No(s):					
		Date: 8/17/16					
☐ General Plan Amendment		П	Subdivision Map	s 22 T 7 R 8			
		_		GP Designation:			
	Rezone Use Permit		Parcel Map  Exception	Zoning: A-2-40 Fee: \$523.00 Receipt No. \$33909			
	Variance		Williamson Act Cancellation	Received By:			
	Historic Site Permit	X	Other Time Extension	Notes: TE FOT SP2014 - 0076			
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.							
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## 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.

ASSESSOF	R'S PARCEL N	UMBER(S):	Book	26	Page	020	Parcel	021
Additional pare Project Site A or Physical L	Address							
		. 7	<u> </u>					
Property Area	a:	Acres:7	or or	Square f	eet:		c c	
	revious Land Use	, ,	-					
A-2-40 (Gen	eral Agriculture)	Current and pr	revious land u	ise has be	en tomat	o drying faci	lity.	
	wn previous pro		for this site, s	such as a	Use Perr	mit, Parcel M	ap, etc.: (	Please identify
Existing Gen	eral Plan & Zonir	Agriculture  N/A	and zoning d	esignation	n of A-2-4	0		
Proposed Ge (if applicable)	neral Plan & Zon	ing: N/A						
ADJACENT direction of the	r LAND USE: e project site)	(Describe adja	cent land uses	s within 1,	320 feet (	1/4 mile) and	l/or two pa	rcels in each
East: Orch	ards							
West: Orch	ards							
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Orch								
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WILLIAMS	ON ACT CONT	RACT:						* *
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		If yes, has a No	otice of Non-Re	newal bee	n filed?			0.1
		Date Filed:					=	草生

#### THE MORNING STAR COMPANY

724 MAIN STREET

WOODLAND, CALIFORNIA 95695

Phone 530/666-6600 • Fax 530/666-6690 • www.morningstarco.com

10 August 2016

Timothy Vertino
County of Stanislaus
Department of Planning & Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354

RECEIVED

AUG 17 2016

Stanislaus County - Planning & Community Development Dept.

Dear Mr. Vertino,

Thank you for assisting Morning Star with our Use Permit application PLN2014-0076. We are requesting an extension to this application as we continue to look at our business options. Due to a large tomato drying contract this year at this site, a total reduction in the tomato acres for California and the fact there are other business options at this time, we would like a one year extension on our approved Use Permit.

If you have an additional questions please do not hesitate to contact me at anytime. I can be reached at (530)666-6600.

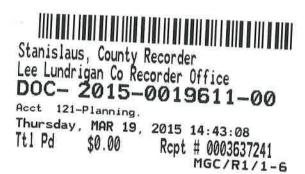
Respectfully yours,

Chris Rufer

#### Recording Requested By And For The Benefit Of And, When Recorded, Mail To:



County of Stanislaus
Department of Planning and
Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354



Space Above Reserved for Recorder's Use

#### NOTICE OF ADMINISTRATIVE CONDITIONS AND RESTRICTIONS

PLEASE TAKE NOTICE that the COUNTY OF STANISLAUS approved the land use development described below subject to administrative conditions and restrictions, copies of which are attached to this notice and incorporated herein by reference. The conditions and restrictions affect development of the property or parcels described below and are binding upon the named landowners and their successors in interest.

Property Owner(s):

The Morning Star Company

Project Site Address:

3324 Orestimba Road, south west of the intersection of Orestimba

and Eastin Roads, 2.5 miles west of the City of Newman.

Assessor's Parcel Number(s):

026-020-021

General Plan Designation:

Agriculture

Zoning District:

A-2-40

Community Plan Designation:

Not Applicable

<u>Project Name/Description</u>: **Use Permit Application No. PLN2014-0076 - Morning Star Co. -** Request to construct 33 new greenhouse buildings (totaling 1.95 million square feet) for the purpose of sowing and growing of vegetable and flower transplants on a 76± acre parcel. The request will amend the current tomato drying facility to accommodate the greenhouses for processing of the transplants.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

March 6, 2015

Dated

Miguel Calver

Senior Planner, Stanislaus County Department of

Planning & Community Development

#### ATTACHMENTS:

- Conditions of Approval
- 2. Project Area Map (For Illustrative Purposes Only)

#### As Approved by the Planning Commission

March 5, 201

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

#### **CONDITIONS OF APPROVAL**

## USE PERMIT APPLICATION NO. PLN2014-0076 MORNING STAR CO.

#### **Department of Planning and Community Development**

- 1. The use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
- 2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination". Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for \$2,267.00, made payable to Stanislaus County, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.
  - Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
- 3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
- 4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
- 5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
- 6. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified

UP PLN2014-0076 Conditions of Approval March 5, 2015 Page 2

- archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
- 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.
- 8. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
- 9. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s),
  and message must be approved by the Planning Director or appointed designee(s) prior to installation.
- 10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
- 11. Any advertising or on site sign shall clearly identify the greenhouses as wholesale only and not open to the general public.

#### **Building Permits Division**

12. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

#### Department of Public Works

- 13. An encroachment permit shall be taken out for any new driveway or for any work to be done in the Orestimba Road right-of-way. Any new driveway location will have to be approved by Public Works.
- 14. Orestimba Road is classified as a 60 foot Collector Roadway. The required ½ width of Orestimba Road is 30 feet south of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remainder 30 feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel frontage.
- 15. Prior to the final of any building permit or grading permit, the applicant shall make road frontage improvements along the entire parcel length on Orestimba Road. These improvements shall include asphalt road widening, bringing the existing road up to 12 feet wide paved vehicle lane, and a four (4) foot wide paved asphalt shoulder south of the centerline of Orestimba Road. Improvement plans will be submitted to Stanislaus County Public Works for approval prior to the issuance of a building or grading permit. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and specifications.

UP PLN2014-0076 Conditions of Approval March 5, 2015 Page 3

- A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
  - B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - C. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
  - D. An Engineer's Estimate shall be submitted for the grading and drainage work.
  - E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
  - F. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.
- 17. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. A preliminary Engineer's Estimate for the grading and drainage work shall be submitted to determine the amount of deposit for the inspection of the grading. The deposit shall be made prior to the issuance of the building permit. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The Public Works inspector will not sign on the grading or building permit until such time that all inspection fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
- 18. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of any building permit. This may be deferred if the work in the right-of-way is done prior to the issuance of any building permit.
- 19. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
- 20. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.

#### San Joaquin Valley Air Pollution Control District

- 21. The proposed project will be subject to District Rule 9510 (Indirect Source Review).
- 22. The proposed project may be subject to the following District rules: regulation VIII (Fugitive PM 10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

As Approved by the Planning Commission
March 5, 2015

UP PLN2014-0076 Conditions of Approval March 5, 2015 Page 4

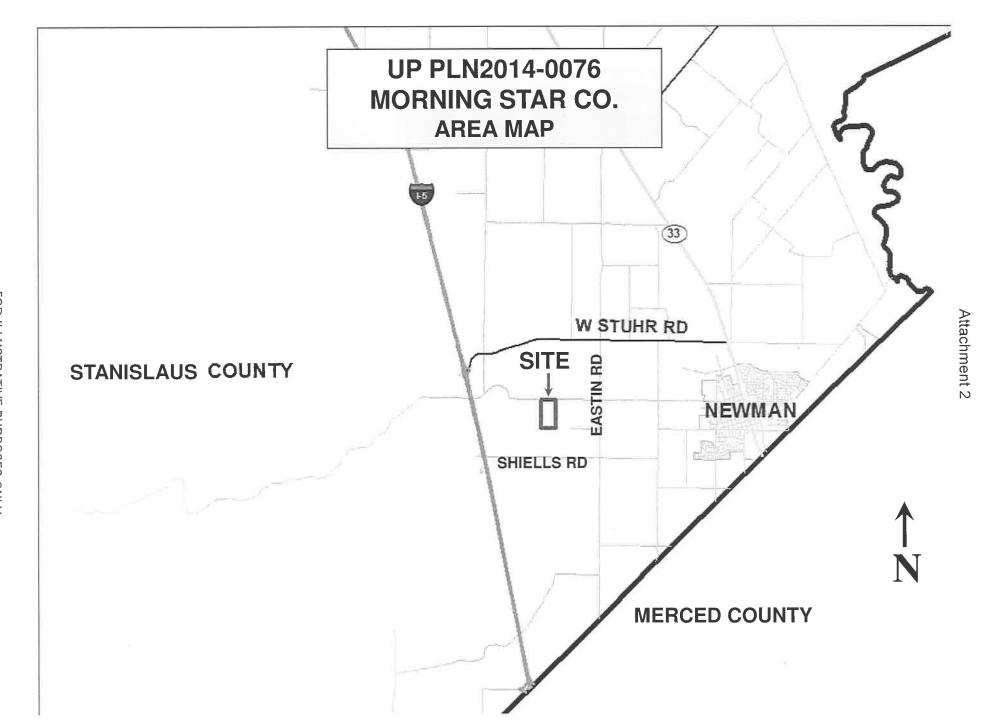
In the event an existing building will be renovated, partially demolished, or removed, the project may be subject to Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

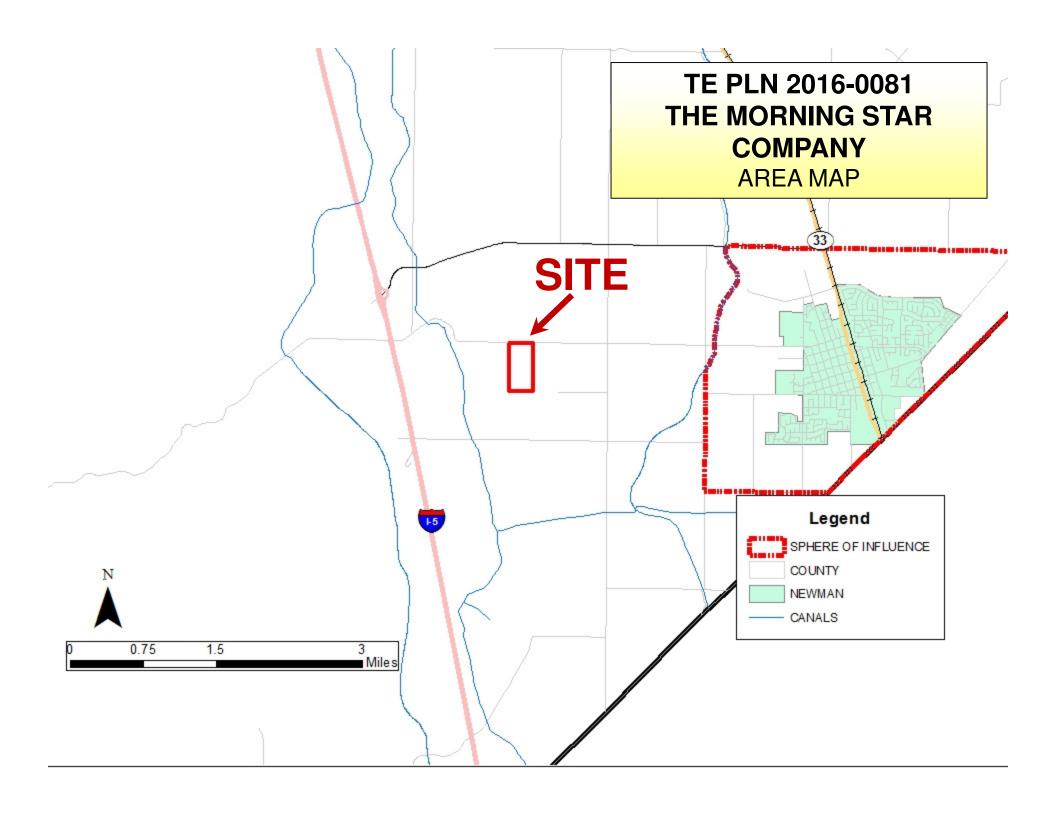
#### California Regional Water Quality Control Board (RWQCB)

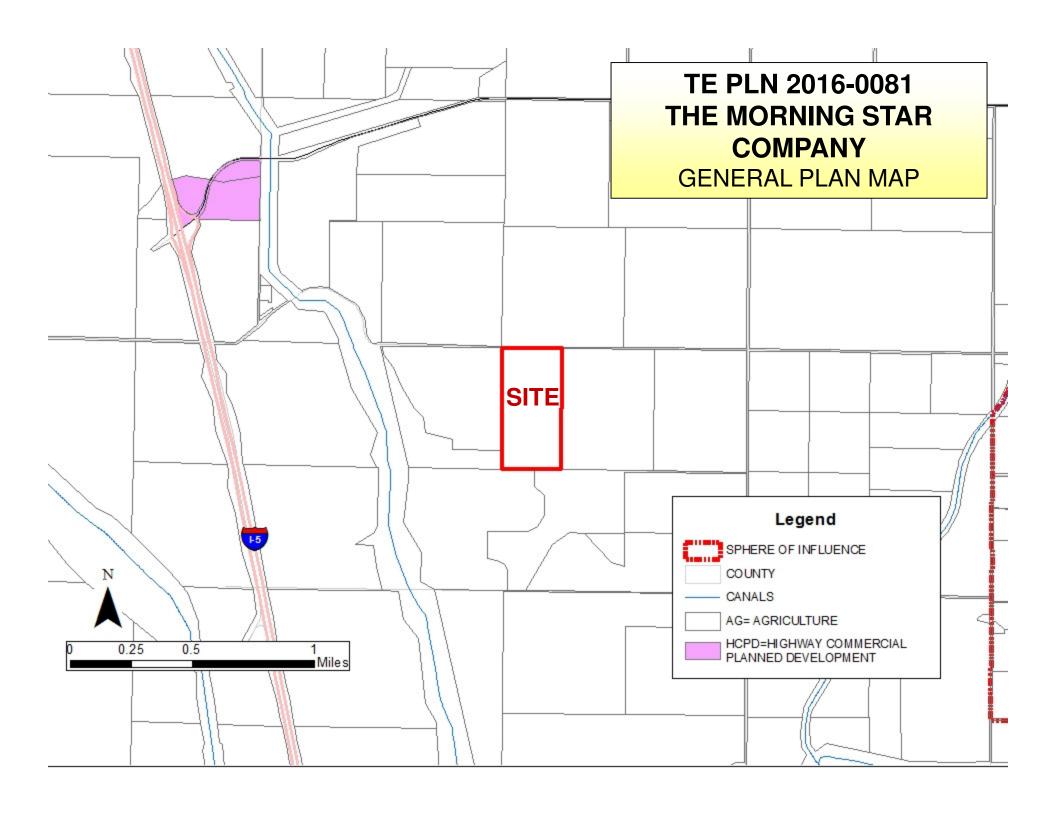
Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit; an Industrial Storm Water General Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR). If a SWPPP is required, it shall be completed prior to construction and a copy shall be submitted to the Stanislaus County Department of Public Works.

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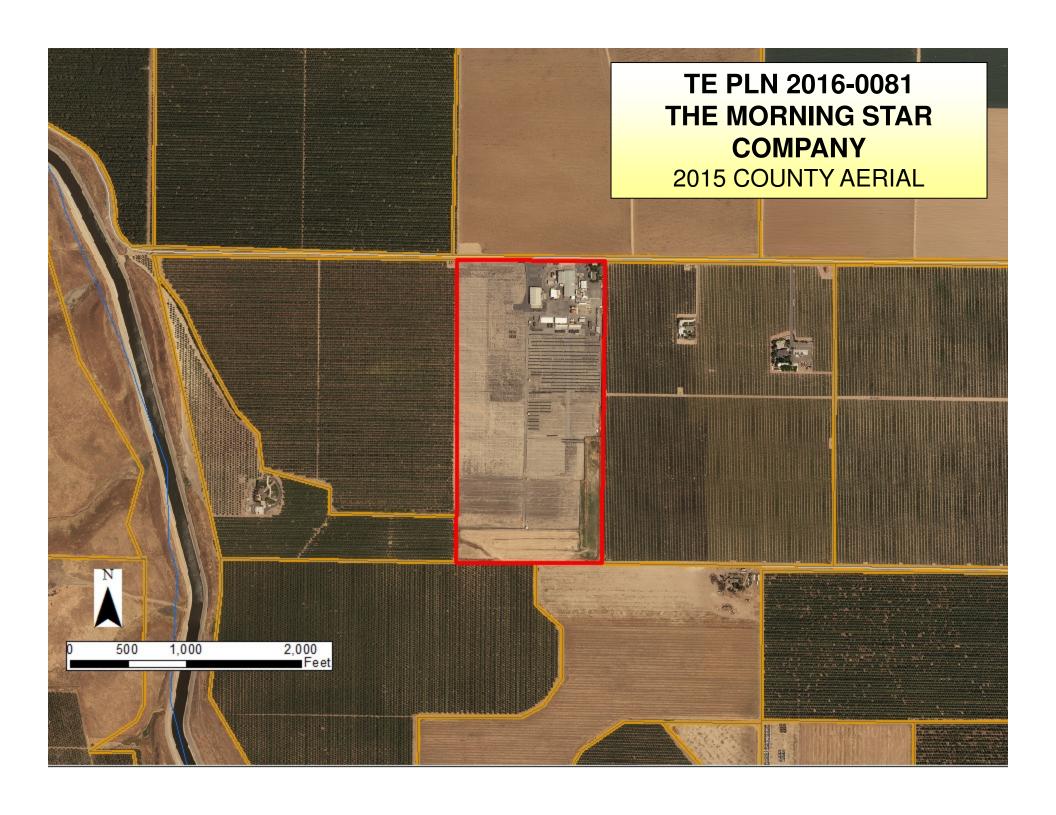
Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold** and deleted wording will have a line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

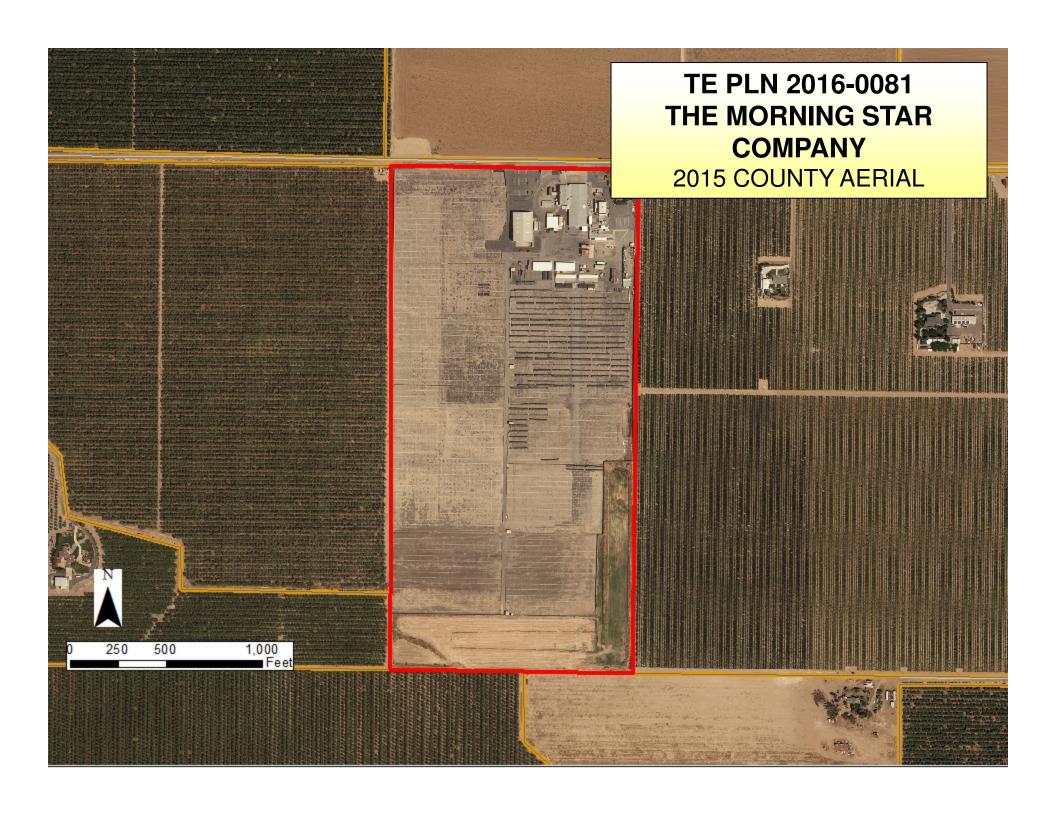












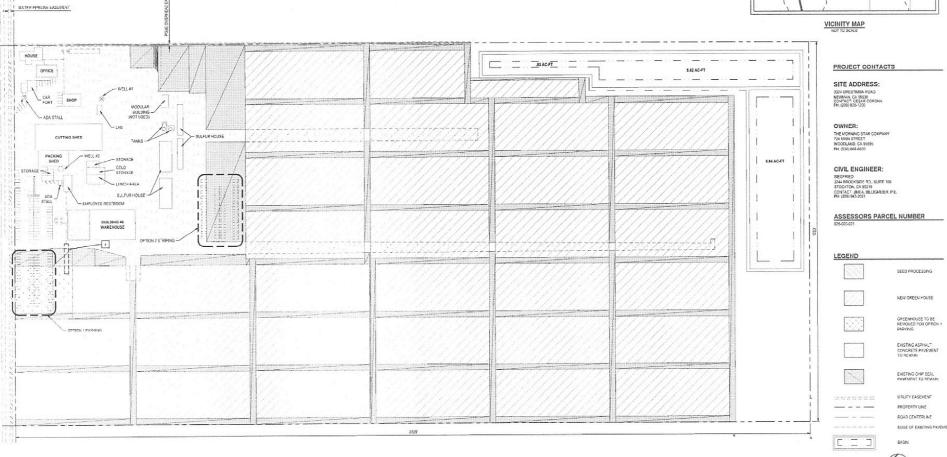
## TE PLN 2016-0081 THE MORNING STAR **COMPANY**

SITE PLAN

#### NOTES

- THIS PLOT PLANS FOR USE PERMIT PLATOSES ONLY AND NOT FOR CONSTRUCTION.
  ELEVATIONS SHOWN NEE PERT 35 WINITE SERSE LISES HAP PUBLISHED IN 1919 FOR
  MEMBACK, ALL SHOWS SHOW BETT HER STANKING PROMOSE LISES. AND PROPOSED
  ONLY HANDED AND SETT WE WIND THE PLANS AND PROPOSED LISES. AND PROPOSED
  WHICH IS WAN ACCESSING, LACKESSING, SERVILLS ARE PROPOSED. ONLY
  PROPOSED BUILDINGS.
  144 ELEVAL PRINCIPLES HIS LACKESSING, LACKESSING, SERVILLS AND PROVIDED TO
  PROPOSED BUILDINGS.
  AS ANALTERNATIVE TO THE BUNK STOKEN LEFF PROPOSED.
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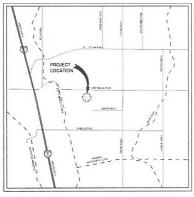




## **TE PLN 2016-0081** THE MORNING STAR **COMPANY**

SITE PLAN

- THIS PLOT PLAN IS FOR USE PERMIT PLANDESS ONLY AND MOT FOR CONSTRUCTION. ELEVATIONS SHOWN MER FRET 25 WINDER SOME USED MAP PUBLISHED IN 1919 FOR MAYMAN, CL. 1829 MER SHIT HIS MERITANDEN PROMPOSITION LIST AND PROPOSITION ONLY HANDRED AND 185 THE FRED MERITANDEN PROMPOSITION LIST AND PROPOSITION WHICH IS WAN ADDRESSED LANDESSED AND PROMPOSITION OF PROPOSITION LIST AND PROPOSITION AND PROPOSITION OF PROPOSITION LIST AND PROPOSITION AND PROPOSITION OF PROPOSITION LIST AND PROPOSITION OF SHAPPING AND PROPOSITION OF ASS ANALTHOMATION TO THE PROPOSITION AND STORY LIST AND PROPOSITION OF TO COMPAY STORY WHERE TO THE PROPOSITION AND PROPOSITION OF NOT COMPAY STORY WHERE TO THE PROPOSITION AND PROPOSITION OF NOT SELECT TO 100 YEAR FLOODING.



VICINITY MAP

PROJECT CONTACTS

OWNER:

THE MORNING STAR COMPANY 724 MAIN STREET WOODLAND, CA 95895 PH. (530) 668-6600

CIVIL ENGINEER:

SIEGFRIED 3244 BROOKSIDE RD., SUITE 100 STOCKTON, CA 95219 CONTACT JIMI A, BILLIGMEIER, P.E. PH: 1209) 943-2021

ASSESSORS PARCEL NUMBER

LEGEND

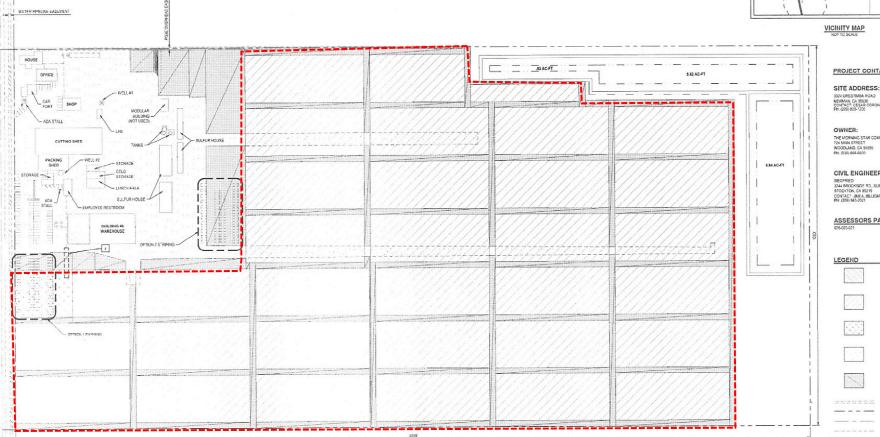
SEED PROCESSIVG

EXISTING ASPHALT CONCRETE PAVENENT TO REMAIN

EXISTING OHP SEAL PAVEMENT TO REMAIN

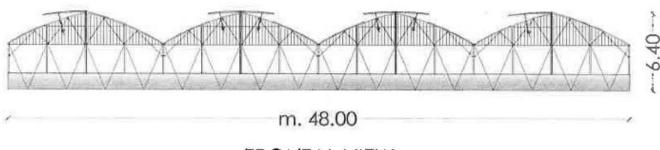
UTILITY FASEMENT

ROAD CENTERLINE FIXE OF EXISTING PAVENT



# TE PLN 2016-0081 THE MORNING STAR COMPANY

**ELEVATIONS** 



FRONTAL VIEW



m. 125.00 -

LATERAL VIEW