

STANISLAUS COUNTY PLANNING COMMISSION

September 2, 2010

STAFF REPORT

USE PERMIT APPLICATION NO. 2010-07 ASSALI FARMS

REQUEST: TO ALLOW THE UPGRADING/EXPANSION OF AN EXISTING ALMOND HULLER/SHELLER ON 57.8± ACRES IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT. THE PROPERTY IS LOCATED AT 8618 E. WHITMORE AVENUE, BETWEEN GEER ROAD AND BERKELEY AVENUE, IN THE HUGHSON AREA.

APPLICATION INFORMATION

Applicant/Property Owner:	Frank Assali, Assali Farm Properties, L.P.
Agent:	Jim Freitas, Associated Engineering Group, Inc.
Location:	8618 E. Whitmore Avenue, between Geer Road and Berkeley Avenue, in the Hughson area
Section, Township, Range:	14-4-10
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	018-055-017
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcels:	57.8± acres
Water Supply:	Water well
Sewage Disposal:	Septic/leach field system
Existing Zoning:	A-2-40
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act Contract No.:	74-1708
Environmental Review:	Negative Declaration
Present Land Use:	Almond orchards, huller/sheller and office building, packing/grading and office building, and warehouse buildings
Surrounding Land Use:	Almond and walnut orchards, scattered single-family dwellings, and the City of Hughson

PROJECT DESCRIPTION

This is a request to allow the upgrading/expansion of an existing almond huller/sheller. The upgrade would include building two new warehouses (12,000 and 20,000 square feet) and the current 2,560 square foot huller/sheller building being demolished and replaced/expanded with a 6,400 square foot huller/sheller building. The upgrade does not include any additional employees.

The upgrade is to allow the nuts to be stored inside the proposed warehouses instead of outside and to upgrade some of the existing hulling equipment and extend the building to protect the equipment from the weather. The hours of operation are seasonal, from the end of August through December, seven (7) days a week, 24-hours a day with a maximum of 15 employees. During the off-season, the office will only be open Monday through Friday, 8:00 a.m. to 5:00 p.m.

SITE DESCRIPTION

The project site is located at 8618 E. Whitmore Avenue, between Geer Road and Berkeley Avenue, in the Hughson area. The site currently consists of almond orchards, a huller/sheller and office building, a packing/grading and office building, and two warehouse buildings. The property is surrounded by agricultural operations, scattered single-family dwellings, and the City of Hughson.

DISCUSSION

On January 9, 1990, Use Permit Application No. 89-42 - Frank Assali was approved to expand an existing almond hulling and weighing operation on the current site. A use permit may only be expanded by up to 25% with issuance of a staff approval permit. Since this proposed project is greater than a 25% expansion, the applicant must apply for a new use permit. The application states the reason for this upgrade is to aid in the modernization of the huller/sheller operation which includes development of buildings to accommodate and protect new equipment and make the operation more efficient.

The proposed use is classified by Section 21.20.030 of the Stanislaus County Zoning Ordinance as a Tier One use. Tier One uses consist of uses closely related to agriculture which are considered to be necessary for a healthy agricultural economy and may be allowed when the Planning Commission makes the following findings:

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

The site is enrolled under Williamson Act Contract No.74-1708. In compliance with Section 21.20.045 of the County Code, all uses approved on Williamson Act contracted lands shall be consistent with three principles of compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district;

2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; and
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Pursuant to Section 21.20.045, Tier One uses are considered to be consistent with the principles of compatibility and may be approved on contracted land unless otherwise determined to be incompatible by the Planning Commission. The project was circulated to the State Department of Conservation during the initial two-week early consultation and 30-day Initial Study review and no comments were received. This area is already developed on site with the current huller/sheller operation and warehouses.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses. Current buffer guidelines require a project to provide a 150-foot setback, solid fencing, and a double row of landscaping around the perimeter of the proposed operation.

Appendix "A" - Buffer and Setback Guidelines of the Agricultural Element allows for alternative buffers to be proposed provided the Stanislaus County Planning Commission makes a finding that the buffer alternative provides equal or greater protection to surrounding agricultural uses. Alternatives proposed by a project applicant shall be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to consideration by the Planning Commission.

On September 8, 2008, and November 2, 2009, planning staff asked the Agricultural Advisory Board to support a series of 'generic' non-project specific buffer alternatives applicable to Tier One and Tier Two uses such as nut hulling, shelling, dehydrating, grain warehousing, ag processing facilities (without incidental tasting rooms or sales), and other similar low people intensive uses. The Agricultural Advisory Board supported these alternatives.

The supported alternatives applicable to this project include:

- Expansion of existing non-agricultural uses that are intended to improve efficiency and are not increasing exposure to spray, shall not be required to meet the 150-foot setback; and
- When trespassing onto neighboring property is determined not to be an issue, the fencing requirement may be waived.

One of the main reasons for this use permit is to improve efficiency of the current huller/sheller operation. Due to the fact that this project did not have to meet the 150-foot setback upon inception, and that the huller/sheller is currently on site with pavement and parking in front and surrounded by orchards, this project does meet the supported alternative buffer requirements noted above. Staff believes the required Use Permit, Williamson Act and alternative buffer findings can be made.

The services provided by the facility are an important component of the agricultural economy in Stanislaus County and there is no indication this project will interfere or conflict with other agricultural uses in the area.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to various agencies. 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.

RECOMMENDATION

Based on the preceding discussion, staff recommends the Planning Commission take 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;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County;
 - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;
 - C. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district;
 - D. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping;

- E. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use;
 - F. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards; and
4. Approve Use Permit Application No. 2010-07 - Assali Farms, subject to the attached Conditions of Approval.

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,067.25 for the Department of Fish and Game and the Clerk Recorder filing fees. The attached conditions of approval ensure that this will occur.

Report written by: Carole Maben, Associate Planner, August 13, 2010
Reviewed by: Bill Carlson, Senior Planner

Attachments:

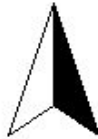
- Exhibit A - Maps
- Exhibit B - Conditions of Approval
- Exhibit C - Development Schedule
- Exhibit D - Initial Study
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referrals

**UP 2010-07
ASSALI FARMS
AREA**

SITE

HUGHSON

N



WARING RD

SAYLOR RD

S QUINCY RD

BERKELEY AVE

E WHITMORE AVE

ALDRICH RD

RD
FOX RD

GEER RD

E SERVICE RD

EUCLID AVE

GRIFFIN RD

7TH ST

S SANTA FE AVE

Burlington Northern Santa Fe

**UP 2010-07
ASSALI FARMS
ZONING DESIGNATION**

HUGHSON

FOX RD

A-2-40

A-2-40

E WHITMORE AVE

A-2-10

7TH ST

EUCLID AVE

GEER RD

SITE

A-2-40

BERKELEY AVE

S QUINCY RD

A-2-4

E SERVICE RD

P-D (28)

P-D (313)

A-2-40

GRIFFIN RD

ALDRICH RD

SAYLOR RD



**UP 2010-07
ASSALI FARMS
GENERAL PLAN**

AG

UT

SITE

PD

HUGHSON

FOX RD

E WHITMORE AVE

7TH ST

EUCALYPTUS AVE

GEER RD

BERKELEY AVE

S QUINCY RD

WARING RD

E SERVICE RD

ALDRICH RD

SAYLOR RD

GRIFFIN RD

S SANTA FE AVE
Burlington Northern Santa Fe

N

**UP 2010-07
ASSALI FARMS
ACREAGE**

SITE
57.8+/- ac.

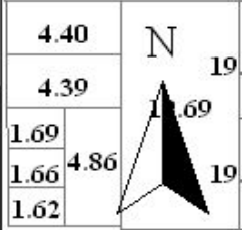
E WHITMORE AVE

BERKELEY AVE

S QUINCY RD

GEER RD

E SERVICE RD



6

EXHIBIT A-3

**UP 2010-07
ASSALI FARMS
AERIAL**

E WHITMORE AVE

BERKELEY AVE

SITE



APN
018-010-016

APN
018-010-008

APN
018-010-007

WHITMORE AVENUE

EXISTING WELL AND
FIRE CONNECTION

PROPOSED HULLER &
SHELLER ADDITION
2,400 S.F. TOTAL

EX. WAREHOUSE
BUILDING
18,500 S.F.

EXISTING
HULLER/SELLER
BUILDING
3,400 S.F.

EXISTING HULLER/
SHELLER & OFFICE
TO BE DEMOLISHED

PROPOSED
WAREHOUSE
24,000 S.F.

EXISTING
OFFICE
BUILDING
1,400 S.F.

EXISTING
WAREHOUSE
BUILDING
3,000 S.F.

EXISTING
WAREHOUSE
BUILDING
1,800 S.F.

ROOF
ONLY

PROPOSED
WAREHOUSE
12,000 S.F.

EX. HULL FILES

EX. HULL FILES

EXISTING TRAILER/STAGING AREA

**UP 2010-07
ASSALI FARMS
SITE PLAN**

SCALE: 1"=50'

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. 2010-07 ASSALI FARMS

Department of Planning and Community Development

1. This 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. A Certificate of Occupancy shall be obtained from the Building Permits Division prior to occupancy, if required. (UBC Section 307)
3. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect.
4. 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.
5. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director, or their appointed designee, prior to installation.
6. 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.
7. 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 for any 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.
8. 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.

9. 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 streambed alteration agreements, permits, or authorizations, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
10. 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. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
11. 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.
12. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2010), 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 **\$2,067.25**, 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.

Building Permits Division

13. Development shall comply with current adopted Title 24 California Code of Regulations (Building Codes) and Stanislaus County Title 16 Code.
14. Site area and structures must comply with the American Disabilities Act. Accessible restrooms are required.

Department of Public Works

15. An encroachment permit shall be obtained for any new driveway approaches on any County maintained roadway.
16. Public works shall approve the location and width of any new driveway approaches on any County maintained roadway.

17. A grading and drainage plan for the project site shall be submitted with the building permit. Public works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
- Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
 - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - The grading 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.
 - An Engineer's Estimate shall be submitted for the grading and drainage work.
 - The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
 - The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan. A deposit based off of the Engineer's Estimate shall be made prior to the plan check, at the time of the building permit application (3% for projects \$0 to \$100,000 and 2% for projects \$100,001 and above). The applicant will be responsible for any charges that are incurred over the plan check deposit. The plans shall not be released until such time that all plan check fees have been paid. Any fees left over from the deposit shall be returned to the applicant at the completion and acceptance of the plan by Stanislaus County Public Works.
 - The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. This shall include a deposit of 10% of the Engineer's Estimate for the grading and drainage work. 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. 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. Whitmore Avenue is classified as a 110-foot major roadway. The applicant's engineer or surveyor shall prepare an Irrevocable Offer of Dedication for 55-feet south of the centerline of Whitmore Avenue along the entire frontage of the project's parcel. The Irrevocable Offer of Dedication will be submitted and recorded prior to final inspection/occupancy of any building permit.
19. No parking, loading, or unloading of vehicles shall be permitted within the right-of-way of Whitmore Avenue. The developer will be required to install or pay for the installation of all required signs and/or markings.

Department of Environmental Resources

20. Stanislaus County Source Reduction and Recycling Element (SRRE) contains descriptions of the programs the county has implemented to reduce solid waste disposal in the County by 50% as mandated by AB939. Such programs include source reduction, recycling, and composting. Recommendations consistent with the SRRE, which should be incorporated into the project include:
- A. Minimizing, through source reduction, reuse, and recycling, the amount of waste from the project that will require disposal;
 - B. During the construction phase, provisions should be made to separate recyclable material from the construction debris. Recovered materials such as wood, sheet rock, metal and concrete should be delivered to approved use sites or to recyclers;
 - C. Incorporate into the project, when possible, products that contain post-consumer recycled materials. Construction materials that have post-consumer content include steel framing, plastic lumber, carpeting, floor mats, parking bumpers, paint, lubricating oil products, glass, and window products;
 - D. Compost and other soil amendments necessary for project landscaping can be obtained from permitted composting facilities within Stanislaus County, provided such landscaping material is available and meets specifications. Consider xeriscape practices for landscaped areas within the project. Xeriscaping is landscaping with slow-growing, drought tolerant plants to conserve water and reduce yard trimmings; and
 - E. A designated area should be provided that would facilitate the storage of recyclable material containers at businesses and multi-family dwellings.

San Joaquin Valley Air Pollution Control District

21. The proposed project may be subject to District Rules and Regulations, including:
- A. Regulation VIII (Fugitive Dust PM 10 Regulations);
 - B. Rule 4102 (Nuisance);
 - C. Rule 4601 (Architectural Coatings); and
 - D. Rule 4641 (Cutback, slow cure and Emulsified Asphalt, Paving and Maintenance Operations).

Stanislaus Fire Prevention Bureau / Hughson Fire Protection District

22. All buildings shall comply with the Hughson Fire Code.
23. Project shall comply with applicable codes and ordinances.

Turlock Irrigation District

24. An irrigation pipeline belonging to Improvement District 298, the Starn Branch of the McMullen, runs from east to west along the north property line adjacent to Whitmore Avenue. Caution should be exercised during the construction phase of the project to minimize any potential damage caused by heavy construction equipment traveling over the line.
25. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

*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~~.*

**DEVELOPMENT SCHEDULE
CALIFORNIA GROWN NUT COMPANY
USE PERMIT**

Phase	Description	Years
1	Huller/Sheller Addition & Warehouse (Buildings A & E)	1-3
2	Warehouse (Building F)	2-5
	Total Project	5 years +/-



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. 2010-07 - Assali Farms
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Carole Maben, Associate Planner
(209) 525-6330
4. **Project location:** 8618 E. Whitmore Avenue, between Geer Road and Berkeley Avenue, in the Hughson area. APN: 018-055-017
5. **Project sponsor's name and address:** Frank Assali
Assali Farm Properties, L.P.
P.O. Box 69
Hughson, CA 95326
6. **General Plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Description of project:**

This is a request to allow the upgrading/expansion of an existing almond huller/sheller on 57.8± acres. The upgrade would include building two warehouses (12,000 & 20,000 square feet) and the current 2,560 square foot huller/sheller building being demolished and replaced/expanded with a 6,400 square foot huller/sheller building. The request includes a five-year/two-phase expansion.
9. **Surrounding land uses and setting:** Agricultural uses, single-family dwellings, ranchettes, City of Hughson to the west.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Department of Public Works
Building Permits Division

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Carole Maben, Associate Planner
Prepared By

July 12, 2010
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). 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
Discussion: 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 agricultural uses. Any development resulting from this project will be consistent with existing area developments.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion: The project site is enrolled in Williamson Act Contract No. 74-1708 and has soils classified as 100 percent Prime Farmland by the Farmland Mapping and Monitoring Program. This project will have no impact to forest land or timberland. As far as the impact to the conversion of farmland is concerned, this area of the proposed project already has warehouse buildings and a huller/sheller on site so any impact should be considered less than significant. This project will not conflict with any agricultural activities in the area and/or lands enrolled under the Williamson Act.

Within the A-2 zoning district, the County has determined that certain uses related to agricultural production are “necessary for a healthy agricultural economy.” The County allows three tiers of related uses within the A-2 zone when it is found that the proposed use “will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity.” The proposed use falls under the Tier I use category for the A-2 zoning district. Tier I uses are deemed “closely related to agriculture and are necessary for a healthy agricultural economy.”

Section 21.20.045(A) of the Stanislaus County Zoning Ordinance requires that all uses approved on Williamson Act contracted lands shall be consistent with three principles of compatibility:

1. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
2. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

Pursuant to Section 21.20.045(B)(3) of the Stanislaus County Zoning Ordinance, Tier I uses are determined to be consistent with the principles of compatibility and may be approved on contracted land. In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 zoning district. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts resulting from the interaction of agricultural and non-agricultural uses.

On September 8, 2009, the Agricultural Advisory Board considered and approved alternatives to the buffer requirements for Tier I and II uses such as nut hulling, shelling, dehydrating, etc. The alternatives to the buffer requirements note that if trespassing onto a neighbor's property is determined not to be an issue, then fencing is not required. If the project is expanding to improve efficiency and it will not increase exposure to spray, then a 150-foot setback is not required. The project site area is surrounded by almond trees and the front area is paved with parking spaces. One of the main reasons for this use permit is to improve the efficiency of the current huller/sheller operation.

Mitigation: None.

References: California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2008, Stanislaus County General Plan and Support Documentation¹, Buffer Alternatives approved by the Agricultural Advisory Board, September 8, 2009.

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. This project was referred to the district, and we received a referral response dated May 28, 2010. The District concluded that this proposed project would not have a significant adverse impact on air quality and would not be subject to District Rule 9510 (Indirect Source Review); however, the project may be subject to some District Rules and Regulations which will be placed as conditions of approval.				
Mitigation: None.				
References: Referral response from the San Joaquin Valley Air Pollution Control District dated May 28, 2010, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Stanislaus County General Plan and Support Documentation ¹ .				
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: The site is not identified as being within a biologically sensitive area per the California Natural Diversity Database (CNDDB). It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project is also not within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. This project was referred to the California Department of Fish and Game and the U.S. Fish and Wildlife Service and no comments have been received as of this date. The project site area is improved with pavement/parking, a huller/sheller, and a warehouse building.				
Mitigation: None.				
References: Application information, Stanislaus County General Plan and Support Documentation ¹ , California Natural Diversity Database (CNDDB).				
V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources due to the fact that the property is planted in almonds and there is currently a huller/sheller operation on site with warehouse buildings where this project will be located. 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 ¹ .				

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), 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, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the 2007 California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.				
Mitigation: None.				
References: California Building Code (2007), Stanislaus County General Plan and Support Documentation - Safety Element ¹ .				
VII. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
Discussion: The proposed project should not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy or regulations adopted for the purpose of reducing the emissions of greenhouse gases.				
Mitigation: None.				
References: Applicant information, Stanislaus County General Plan and Support Documentation ¹ .				
VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
Discussion: No known hazardous materials are on site and the groundwater is not known to be contaminated in this area. 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 (DER) is responsible for overseeing hazardous materials in this area and has not indicated any particular concerns on the project site.				

Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	
Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. This project site is designated as "X - Outside 0.2 percent of Annual Chance Flood Hazard" flood zone and, as such, flooding is not an issue with respect to this project.				
Mitigation: None.				
References: Stanislaus County Geographic Information System (GIS) - Flood Zone layer, Stanislaus County General Plan and Support Documentation ¹ .				

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
Discussion: This project is consistent with the Agriculture designation and A-2-40 (General Agriculture) zoning of the site. The features of this project will not physically divide an established community 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 ¹ .				
XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: The location of all commercially viable mineral resources in Stanislaus County 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 ¹ .				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion: The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural, industrial, manufacturing, and other similar land uses. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The current huller/sheller facility and warehouse buildings are surrounded by orchards on the west, east and south sides and will not change with this proposed use. The construction phase of this project will temporarily increase ambient noise levels.				
Mitigation: None.				
References: Application information, Stanislaus County General Plan and Support Documentation ¹ .				
XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Discussion: The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) 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:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?				X
Other public facilities?			X	
Discussion: The County has adopted Public Facilities Fees, as well as 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.				
Mitigation: None.				
References: Referral response from Kenneth Slamon, Fire Marshal, on behalf of the Hughson Fire Protection District, dated May 18, 2010, Stanislaus County General Plan and Support Documentation ¹ .				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
Discussion: The project will not have any impacts to parks and recreation.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
Discussion: This project will not increase traffic for the surrounding area, and neither the Stanislaus County Department of Public Works nor StanCOG sent a referral response noting traffic issues. The application does not propose any additional truck traffic or employees.				
Mitigation: None.				
References: Application information, Stanislaus County General Plan and Support Documentation ¹ .				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
Discussion: Limitations on providing services have not been identified and no referral responses have been received noting there could be any issues with this proposed project.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.				

I:\Staff\p\UP\2010\UP 2010-07 - Assali Farms\Initial Study.wpd

¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on April 20, 2010 and pending certification by the California Department of Housing and Community Development; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 2010-07 - Assali Farms

LOCATION OF PROJECT: 8618 E. Whitmore Avenue, between Geer Road and Berkeley Avenue, in the Hughson area. APN: 018-055-017

PROJECT DEVELOPERS: Frank Assali
Assali Farm Properties, L.P.
P.O. Box 69
Hughson, CA 95326

DESCRIPTION OF PROJECT: This is a request to allow the upgrading/expansion of an existing almond huller/sheller on 57.8± acres. The upgrade would include building two warehouses (12,000 & 20,000 square feet) and the current 2,560 square foot huller/sheller building being demolished and replaced/expanded with a 6,400 square foot huller/sheller building. The request includes a five-year/two-phase expansion.

Based upon the Initial Study, dated July 12, 2010, 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: Carole Maben, 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: USE PERMIT APPLICATION NO. 2010-07 - ASSALI FARMS

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X			X							
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X	X	X		X				X		X
CHIEF EXECUTIVE OFFICE	X	X			X							
CITY OF: HUGHSON	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
CORPS OF ENGINEERS	X	X	X		X							
COUNTY COUNSEL	X	X			X							
DEPT OF CONSERVATION: Land Resources	X	X	X		X							
ENVIRONMENTAL RESOURCES	X	X	X		X	X				X	X	
FIRE PROTECTION DIST: HUGHSON	X	X	X	X		X				X	X	
FISH & GAME, DEPT OF	X	X	X		X							
HAZARDOUS MATERIALS	X	X		X				X		X		
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
LAFCO	X	X			X							
MOSQUITO DISTRICT: TURLOCK	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
NATURAL RESOURCES CONSERVATION	X	X			X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PARKS & FACILITIES	X	X			X							
PUBLIC WORKS	X	X		X		X				X	X	
REGIONAL WATER QUALITY CONTROL	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X	X	
SCHOOL DISTRICT 1: HUGHSON	X	X	X		X							
SHERIFF	X	X			X							
StanCOG	X	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STANISLAUS ERC	X	X		X		X				X		X
STANISLAUS FIRE PREVENTION BUREAU	X	X		X		X				X	X	
SUPERVISORIAL DISTRICT 2: CHIESA	X	X			X							
SURROUNDING LAND OWNERS			X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							