



August 3, 2023

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: TIME EXTENSION FOR USE PERMIT NO. PLN2020-0103 – EXACT CORP

PROJECT DESCRIPTION

This is a request for a one-year time extension to extend the life of the subject Use Permit from April 7, 2023, to April 7, 2024, with all approved Conditions of Approval remaining unchanged.

The Planning Commission approved the subject Use Permit on October 7, 2021, to change the use of an existing agricultural service establishment from contract harvesting to a tractor cab assembly and agricultural equipment maintenance business, on a 13.79± acre parcel located in the General Agriculture (A-2-40) zoning district. The property is located at 5143 and 5149 Blue Gum Avenue, between N. Hart Road and Dakota Avenue, in the Modesto area (see Attachment B - *Planning Commission Staff Report, October 7, 2021*).

DISCUSSION

Section 21.104.030(A) of the Stanislaus County Zoning Ordinance includes provisions for the expiration of use permits. Unless otherwise specified by a development schedule approved by the Planning Commission, use permits shall be null and void 18 months from the date of approval, unless prior to the expiration date, the permit has been signed, and all Conditions of Approval have been met and either the property is being used for the purpose for which the permit was granted, or the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is working diligently to complete all project improvements.

In this case, the project was required to meet stricter timelines in order to address unpermitted structures. Condition of Approval No. 8 required building permits for an unpermitted shop and modular office to be obtained and finalized within six (6) months of project approval. The Condition also allowed for an extension at the discretion of the Planning Director provided the need for the extension was due to an unforeseen or unavoidable condition that was outside of the applicant's control, and the applicant was actively working towards meeting the Conditions of Approval. While the applicant did submit a building permit for the unpermitted shop within the required six months, it was not issued and finalized within that time frame. The delay in issuance of the permit has been due to the requirements to meet Condition of Approval No. 21, related to compliance with public water system requirements, prior to issuance of a building permit. As the applicants have been working with the County's Department of Environmental Resources

(DER) in a timely manner to resolve the public water system issue, the Planning Director has determined that an extension is warranted. A permit for a new well was issued by DER on May 5, 2023, but there are still various steps required prior to issuance of a public water supply permit. With regards to the unpermitted modular office, the applicant is no longer wanting to keep the modular office and applied for a demolition permit on July 27, 2023. If this extension is granted, staff will continue to work with the applicant on the timely resolve to the unpermitted structures.

A time extension application request requires the applicant to submit a written statement of reason(s) why the use permit extension should be granted, prior to the use permit expiration date. A time extension request was received on April 3, 2023, as the applicant was unable to satisfy public water system requirements required by DER or have building permits finalized within the allotted time, as previously mentioned (see Attachment A - *Applicant's Time Extension Request, received April 3, 2023*).

During the two-week referral for this time extension, the request was circulated to responsible agencies, including those agencies that requested conditions of approval be placed on the approved project and neighboring landowners. As of the time this memo was prepared, no responses expressing opposition to the extension were received.

ENVIRONMENTAL REVIEW

Under California law, a request for time extension of a project that previously was subject to review under the California Environmental Quality Act (CEQA) may be exempt from CEQA, unless changes to the project trigger subsequent or supplemental CEQA review (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). The project was approved with the adoption of a Negative Declaration. In order to trigger additional review when the project was previously approved with a Negative Declaration, a new significant environmental effect, not previously evaluated, must be identified. No significant environmental effects were identified by responding agencies and parties, and there is no evidence in the record that any of the findings of CEQA Guidelines Section 15162(a), identifying new impacts, can be made. The proposed time extension request only extends allowable time for project development with no changes in the development already considered. Consequently, this request is considered to be CEQA exempt.

RECOMMENDATION

Staff recommends that the Planning Commission approve the request for a one-year time extension to April 7, 2024, for Use Permit Application No. PLN2020-0103 – Exact Corp, with all approved conditions of approval remaining in effect.

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

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Attachments:

Attachment A - Applicant's Time Extension Request, received April 3, 2023
Attachment B - Planning Commission Staff Report, October 7, 2021
Attachment C - Environmental Review Referrals

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April 3, 2023

Angela Freitas
Stanislaus County Planning & Community Development

Subject: Use Permit Extension request – UP PLN202-0103
Exact Corporation
5143 Blue Gum Ave.
Modesto, CA 95358

Angela Freitas

Use Permit No. PLN2020-0103 will expire on April 7th, 2023. Do to unforeseen and unavoidable conditions, we will require an extension to this permit. We are confident that after reviewing the information included in this request letter, it will be clear that an extension is warranted.

Item 19 of the Use Permit conditions requires that the on-site water system must meet Public Water system requirements as defined by Section 116275(h) of the California Health and Safety Code. We have been making steady progress towards this requirement, but the time delay between steps has made this goal impossible to achieve within 18 months. In March 2021 investigation of the current water system started. This investigation showed the current water system did not meet Non Transient Non Community (NTNC) public water system requirements and would require upgrades or a new well.

A test well was constructed and by July 2021 a groundwater and well survey assessment was completed. Based on this information Exact Corp. began the process of finding a company to drill a new well and provide Operation Service and Oversight per County Requirements. By early 2022 an agreement was reached with Quality Service Incorporated to complete all the permitting requirements and drill a new well.

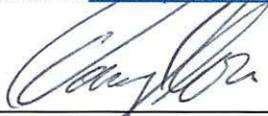
Additional requirement for the water system were presented to Exact Corp. from the Department of Environmental Resources (DER) in July 2022. These new requirements included the request to complete and submit a new documentation package titled "Conditions of Approval for a Public Well Construction Permit Application". Included in this application was a requirement to Comply with the California Environmental Quality Act (CEQA) or fall within the exemption classifications per CEQA.

All the new applications were completed and returned to the DER in a timely manner for review and approval. In January 2023, Exact was notified that they were not exempt from CEQA and additional requirements and reviews would be necessary. Currently, Exact corp. and Subcontractors are working with the DER to navigate the requirements of compliance with CEQA. It is unknown how much time will be required to complete the CEQA review and approval process required for a water system permit.

Parallel to the Water system efforts, Exact has been working to obtain a building permit and construction contracts necessary to bring the unpermitted shop building up to current codes. All items necessary to obtain a permit for construction have been completed. We are currently waiting for confirmation that everything has been properly addressed and that a building permit can be issued. Once the permit is issued the building modifications will be completed to bring the structure up to current building code. The upgrades necessary are significant and will be time consuming.

We are continuing to move toward compliance at a steady pace. In addition, we are committed to working with the State of California and Stanislaus County so that we can continue to provide quality equipment to local farmers to support local agriculture. Based on the above progress made toward compliance and the unforeseen conditions faced during this project we would like to request an 18 month Use Permit extension for this project.

Thank you for your consideration in this matter. If you have any further questions or concerns, please contact Bob Myers at Justin W. Capp engineering. He can be reached at (209) 524-4774 ext. 117 or by email at bob.myers@JustinWCapp.com.



4/3/2023

Doug Flora
Exact Corporation
209-649-7535

Date

STANISLAUS COUNTY PLANNING COMMISSION

October 7, 2021

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2020-0103
EXACT CORP

REQUEST: TO CHANGE THE USE OF AN EXISTING AGRICULTURAL SERVICE ESTABLISHMENT FROM CONTRACT HARVESTING TO A TRACTOR CAB ASSEMBLY AND AGRICULTURAL EQUIPMENT MAINTENANCE BUSINESS ON A 13.79 ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Exact Corp (Doug Flora and John Flora)
Property owner:	Jonathan J. Flora and Beverly A. Flora
Agent:	Justin W. Capp, Justin W. Capp, Inc.
Location:	5143 and 5149 Blue Gum Avenue, between N. Hart Road and Dakota Avenue, in the Modesto area.
Section, Township, Range:	21-3-8
Supervisorial District:	Three (Supervisor Withrow)
Assessor's Parcel:	012-030-051
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	13.79± acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Tractor cab assembly and agricultural equipment maintenance business, butcher shop, single family dwelling, and almond orchard.
Surrounding Land Use:	Orchards with single family dwellings and ranchettes surround the site on all sides; almond hulling operations located to the north and to the east; and a dairy exists to the southwest.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below

and on the whole of the record provided to the County. If the Planning Commission decides to approve this project, Exhibit A provides an overview of all the findings required for project approval, which includes use permit findings.

PROJECT DESCRIPTION

The project is a request to change the use of an existing agricultural service establishment from contract harvesting to tractor cab assembly and agricultural equipment maintenance business, on a 13.79± acre parcel located in the General Agriculture (A-2-40) zoning district. The tractor cab assembly operation consists of assembling and installing protective enclosures that provide a climate-controlled environment for tractor operators. The business is currently contracted to assemble and install tractor cabs for John Deere. The agricultural equipment maintenance operation services nut sweepers, harvesters, and conditioners. The two operations function as a single business, Exact Corp, operating on the site since 2013. No manufacturing of equipment is conducted on-site.

Prior to Exact Corp, the facilities were utilized for a legal nonconforming contract harvesting business. The business changed without obtaining the required land use entitlement and, as such, this application will legalize the change in legal nonconforming use and would allow the breakroom, office, 9,450 square-foot shop, 6,148 square-foot shop with attached canopy, and 22 parking spaces to be utilized in conjunction with the assembly and maintenance business.

A second legal nonconforming use, a butcher shop (currently operating as Dave's Meat Service), is also operating on the project site. No changes to the butcher business are proposed as part of this application. Staff Approval Permit No 81-12 – Baileys Meat Service and Staff Approval Permit No. 2006-19 – Golden Valley Harvesting Inc./Jonathan Flora previously permitted expansions to both legal nonconforming businesses, allowing additions to several existing buildings. Both businesses have separate on-site septic systems and share the same well; and both have access to County-maintained Blue Gum Avenue.

The proposed hours of operation for the tractor cab assembly and agricultural equipment maintenance business are 6 A.M. to 4 P.M., Monday through Friday with 28 employees on a maximum shift, including one shift per day, up to five daily customers, and one truck trip per day. Approval of the project will result in an additional 15 employees, three (3) daily customers, and one (1) truck trip per day, compared to the prior contract harvesting operation. The hours of operation for the butcher are 6 A.M to 5 P.M., Monday through Friday, with nine employees on a maximum shift, and up to 12 daily customers. The Exact Corp operation serves customers in the Central Valley, including Stanislaus, San Joaquin, Kern, and other Counties.

SITE DESCRIPTION

The 13.79± acre project site is located 5143 and 5149 Blue Gum Avenue, between N. Hart Road and Dakota Avenue, in the Modesto area (see Exhibit B – *Maps and Site Plan*). The site is currently improved with an 1,158 square-foot single-family dwelling with a 684 square-foot detached garage, 585 square-foot modular breakroom, 900 square-foot office, 9,450 square-foot shop, 6,148 square-foot shop with 812 square-foot canopy, 34 employee and customer parking spaces, and a 3,382 square-foot butcher shop. The modular breakroom and 6,148 square-foot shop building have been constructed without building permits. The 3,382 square-foot butcher shop with 12 parking spaces (comprising approximately .40± acres of the project site) are the only on-site improvements utilized for the operation of the legal nonconforming butcher business which processes livestock as well as wild game.

The site is also improved with a 9.6± acre almond orchard on the northern portion of the property, and a .14± acre olive orchard on the southeastern portion of the property. An existing 6-foot-tall wood fence runs along the west side of the property and a 6-foot-tall chain-link fence with mesh screening is proposed to be installed along the east property line.

Surrounding land uses include orchards with single family dwellings and ranchettes, which surround the site on all sides; an almond hulling operation is located to the north and to the east; and a dairy exists to the southwest.

ISSUES

The operation of a legal nonconforming contract harvesting business has changed and expanded without obtaining the required land use entitlement and building and grading permits. This request would permit the change in use and allow the unpermitted 6,148 square-foot shop with attached canopy and modular breakroom to obtain a building permit. The conditions of approval for this project reflect that the expansion has already occurred and, as such, the building permit for the shop and breakroom will need to be obtained and finalized within six months of project approval.

The project was referred to the Wood Colony Municipal Advisory Council (MAC) on February 10, 2021, as part of the environmental review Early Consultation. Due to a lack of quorum, the MAC was unable to provide a recommendation and the project was subsequently placed on the March 10, 2021 agenda, at which the MAC voted respond to the referral with a recommendation of approval.

County Public Works is requesting that the existing driveway approach on the project site be improved to County standards. The adjoining parcel to the east, Assessor's Parcel Number (APN): 012-030-047, utilizes the driveway located on the project site for access and, as such, Public Works is requiring an access easement between the two properties. Conditions of approval have been added to the project to require an encroachment permit (which will require the driveway approaches to be improved) and an easement.

An environmental assessment for the project has been prepared in accordance with the California Environmental Quality Act (CEQA). The assessment included preparation of an Initial Study which has been circulated to various local and state agencies (See Exhibit D – *Initial Study, with revisions* and Exhibit F – *Environmental Review Referral*). In response, the Stanislaus County Department of Environmental Resources requested revisions to the Hydrology and Water Quality section (Chapter X) of the Initial Study to clarify what the status is of the existing public water system, as discussed in the Environmental Review section of this report

No other issues have been identified as a part of this request. Standard conditions of approval have been added to the project.

GENERAL PLAN CONSISTENCY

The site is currently designated "Agriculture" in the Stanislaus County General Plan; this designation is consistent with the site's A-2-40 (General Agriculture, 40-acre minimum) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40-acre to 160-acre minimum parcel sizes. This designation establishes agriculture as the primary use, but allows dwelling units, limited agriculturally related commercial

services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

Goal Three, Policy Twenty of the General Plan's Land Use Element recognizes nonconforming uses as an integral part of the County's economy and, as such, should be allowed to continue. The policy is implemented through the County's Zoning Ordinance which permits replacement and expansion of nonconforming uses.

Goal One, Objective 1.2 of the General Plan's Agricultural Element encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier Two uses include agriculture-related commercial and industrial uses such as agricultural service establishments and agricultural processing plants and facilities.

Agricultural service establishments are defined in the Agricultural Element of the Stanislaus County General Plan, and the County Zoning Ordinance, as:

"A business engaging in activities designed to aid production agriculture. Service does not include the provision of tangible goods except those sold directly to farmers and used specifically to aid in production of farm animals or crops. Nor does service industry include any business which has the primary function of manufacturing products."

Objective 1.2 of the Agricultural Element states:

"...Agricultural service establishments designed to serve the immediate area and agricultural processing plants such as wineries and canneries are allowed when the Planning Commission finds that (1) they will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity; (2) the establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and (3) it is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned commercial or industrial. In general, agricultural service establishments can be difficult to evaluate due to their wide diversity of service types and service areas. This diversity often leads to requests for uses which provide both agricultural and non-agricultural services and/or have a wide-spread service area. Maintaining a focus on production agriculture is key to evaluating agricultural service establishments in the agricultural area. In order to control the scale and intensity of these facilities, the County requires such facilities in the agricultural area to show a direct connection to production agriculture in Stanislaus County and applies limitations on the number of employees."

To minimize conflicts between agriculture operations and non-agricultural operations, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) have been adopted. The purpose of these guidelines is to protect the long-term health of local agriculture by minimizing conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district.

The guidelines require this project incorporate a minimum 150-foot-wide buffer setback and a six-foot-high fence of uniform construction along the perimeter of the developed area. The purpose of the fencing is to prevent trespassing onto adjacent agricultural lands and fencing is not required

for uses which do not directly establish the potential for increased trespassing onto adjacent agricultural lands. There is an existing six-foot high fence along the western property line and the project is proposing a six-foot high fence along the eastern property line. Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low-people intensive uses. Approval of the project will result in an additional 15 employees and three (3) daily customers compared to the prior contract harvesting operation. The proposed project meets the 150-foot-wide buffer to the north, south, and west. The project does not meet the 150-foot-wide buffer from the 3.19 and 16.45 acre parcels to the east and, accordingly, the project includes a request for an agricultural buffer alternative consisting of a reduced setback of 87 feet from the existing unpermitted 6,148 square-foot shop to the east property line. The project was referred to the Agricultural Commissioner's office who raised no concerns with the project as proposed, including the proposed agricultural buffer alternative. The impact to the adjoining agricultural uses is not anticipated to be greater as a result of this project, due to the site's past use and that the proposed on-site activities are to occur indoors.

ZONING ORDINANCE CONSISTENCY

The site is currently zoned General Agriculture (A-2-40, 40 acres minimum). Section 21.80.070 of the Zoning Ordinance allows for the enlargement, expansion or restoration of a nonconforming use, or a change to a different use of equal or lesser intensity than the legal nonconforming use, on the same parcel as the existing use, if it finds that the enlargement, expansion, restoration or changes:

- 1) 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.
- 2) Will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of persons residing or working in the neighborhood or to the general welfare of the county.
- 3) Is logically and reasonably related to the existing use and that the size or intensity of the enlargement, expansion, restoration or changes is not such that it would be more appropriately moved to a zoning district in which it is permitted.

Approval of the project will result in an additional 15 employees, three (3) daily customers, and one (1) truck-trip per-day, compared to the prior contract harvesting operation, increasing the intensity of the use and precluding it from qualifying for a use permit under the nonconforming provision of the Zoning Ordinance.

Section 21.20.030(B) of the Stanislaus County Zoning Ordinance allows agricultural service establishments with a Tier Two Use Permit. Tier Two uses are agriculture-related commercial and industrial uses, and may be allowed when the Planning Commission makes the following findings:

- 1) The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
- 2) The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity.

- 3) It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

Section 21.20.030(B)(3)(a) recognizes agricultural service establishments as a Tier Two use when primarily engaging in the provision of agricultural services to farmers and when such establishments are designed to serve the immediately surrounding area as opposed to having a widespread service area.

Staff requested documentation outlining the service area for the proposed agricultural service establishment. According to the documentation supplied by the applicant, the service area includes 390 farming operations located within Stanislaus, San Joaquin, Merced, Fresno, Madera, Kern, Kings, and Sacramento Counties. The majority of customers are located in Stanislaus County (38%) with the next largest customer base located in San Joaquin County (17%). Per the applicant 80% of the customers are located within 50 miles of the project site. The project site is located approximately 4.7 miles east of the San Joaquin/Stanislaus County line. Approximately 60% of the business consists of tractor cab assembly, and 40% consists of agricultural equipment maintenance. The agricultural equipment maintenance aspect of the business includes performing standard maintenance on harvesting equipment, 80% of which is completed off site on the farmer's property.

The County's Zoning Ordinance does not define "immediately surrounding area" or "widespread service area" in the context of a tier two use. The determination is left to the Planning Commission to make on a case-by-case basis and may vary depending on the nature of the use and service area necessary to generate a viable customer base. In this case, the change in use from a legal nonconforming use provides some added flexibility in determining the allowable service area, since a change in the legal nonconforming use would not be bound to the tier two service area requirements. While staff has determined that the proposed change in use is of an intensity precluding it from qualifying for a use permit under the nonconforming provision of the Zoning Ordinance, staff believes the prior legal nonconforming use should be a factor in considering the findings required for expansion as a tier two use.

In this case, given the existence of a prior legal nonconforming use that has transitioned to the new use, Staff believes this expansion is consistent with the Tier Two Use Permit findings. The use has been in operation on the site since 2013 and there is no indication that this project, as proposed and conditioned, will 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 the general welfare of the County.

ENVIRONMENTAL REVIEW

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

Following circulation of the Initial Study, the Stanislaus County Department of Environmental Resources requested revisions to the Hydrology and Water Quality section (Chapter X) of the Initial Study to clarify what the status is of the existing public water system. The section was revised accordingly and a summary of the revisions is provided below. The complete section with

amendments may be found in Exhibit D – *Initial Study, with revisions*. New wording is in **bold**, and deleted wording will have a ~~line through it~~ .

The Exact Corp operation is a public water system by definition of California Health and Safety Code, Section 116275 (h), currently consisting of two interconnected wells, and does not currently meet drinking water standards for potable water due to nitrate and arsenic contamination. While there are no additional wells proposed as part of this request, an additional well, treatment of the existing sources, or consolidation into another water system will be necessary in order to meet drinking water standards. To address the existing water quality issues, a condition of approval has been added to the project requiring the property owner submit an application for a water supply permit with the associated technical report to Stanislaus County DER and receive approval prior to receiving occupancy of the building permits for the unpermitted shop.

As permitted by CEQA Guidelines Section 15073.5(c), revisions to an Initial Study may be approved by the Planning Commission without a new period of environmental review if the project revisions are added in response to written or verbal comments on the project's effects identified in the initial study which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the initial study. This additional language is considered to be informational in nature and to have no new significant effects. Staff believes that the modification meets this statute and that re-circulation of the environmental assessment document is not required.

A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit E – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *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 **\$2,537.25** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Site Plan
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study, with revisions
- Exhibit E - Negative Declaration
- Exhibit F - Environmental Review Referral

Findings and Actions Required for Project Approval

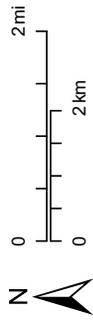
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
 - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - c. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity.
 - d. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
 - e. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
4. Approve Use Permit Application No. PLN2020-0103 – Exact Corp., subject to the attached Conditions of Approval.

EXACT CORP
UP
PLN2020-0103

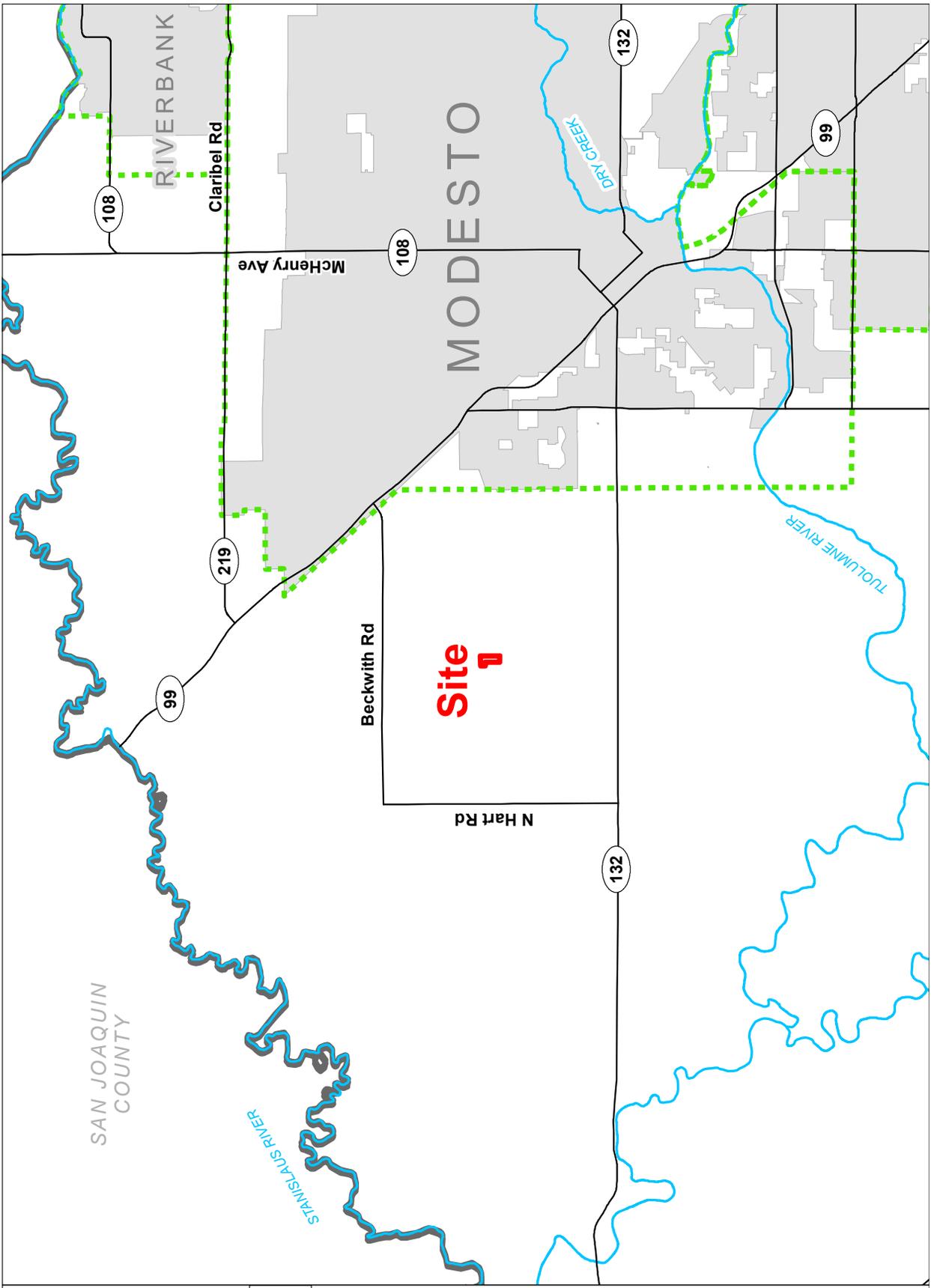
AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



Source: Planning Department GIS Date: 11/18/2020



EXACT CORP

UP
PLN2020-0103

ZONING MAP

LEGEND

 Project Site

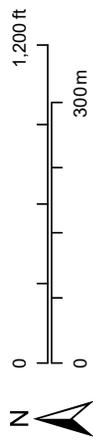
 Parcel

 Road

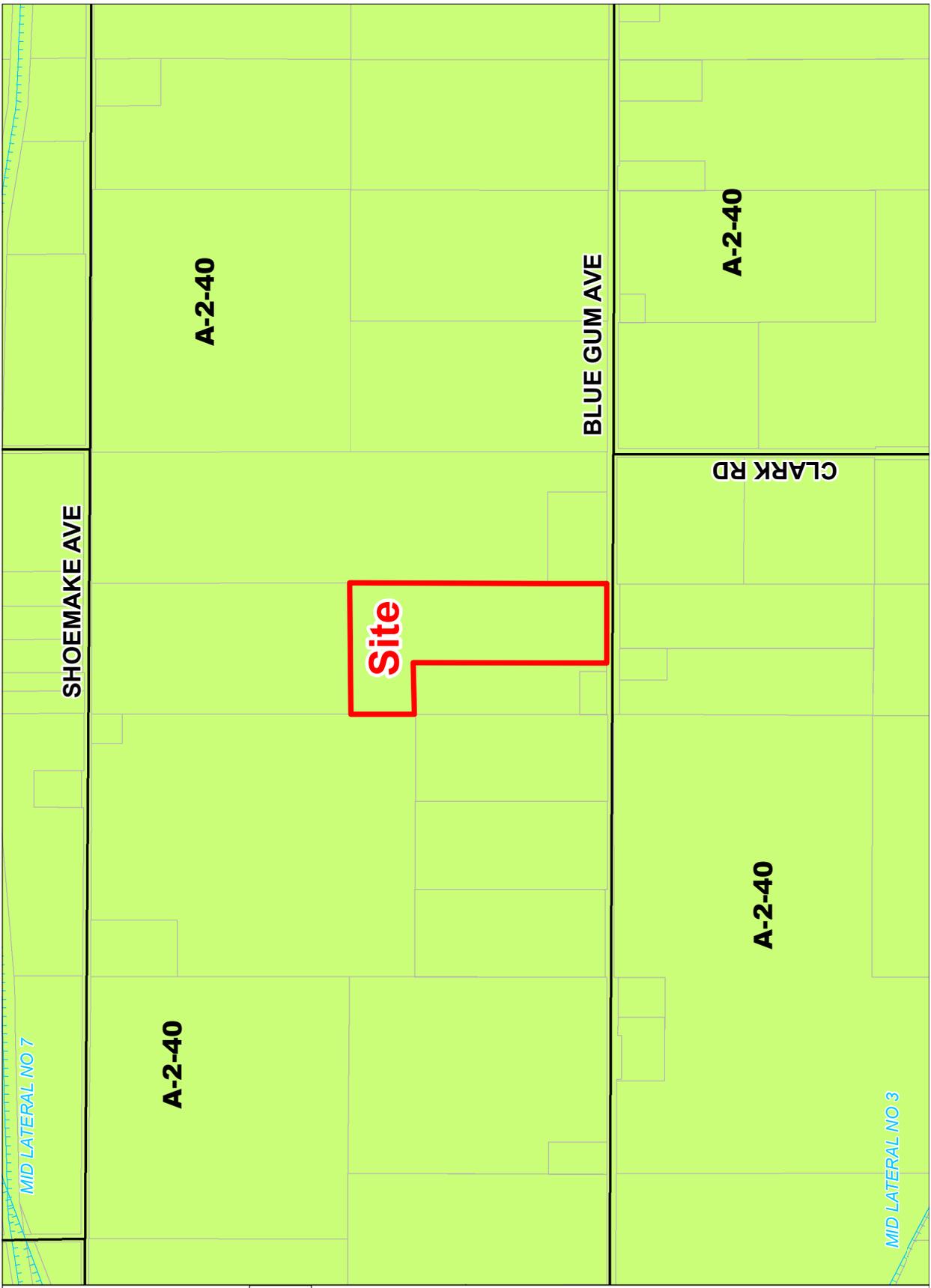
 Canal

Zoning Designation

 General Agriculture 40 Acre



Source: Planning Department GIS Date: 11/18/2020



EXACT CORP

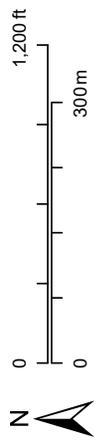
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PLN2020-0103

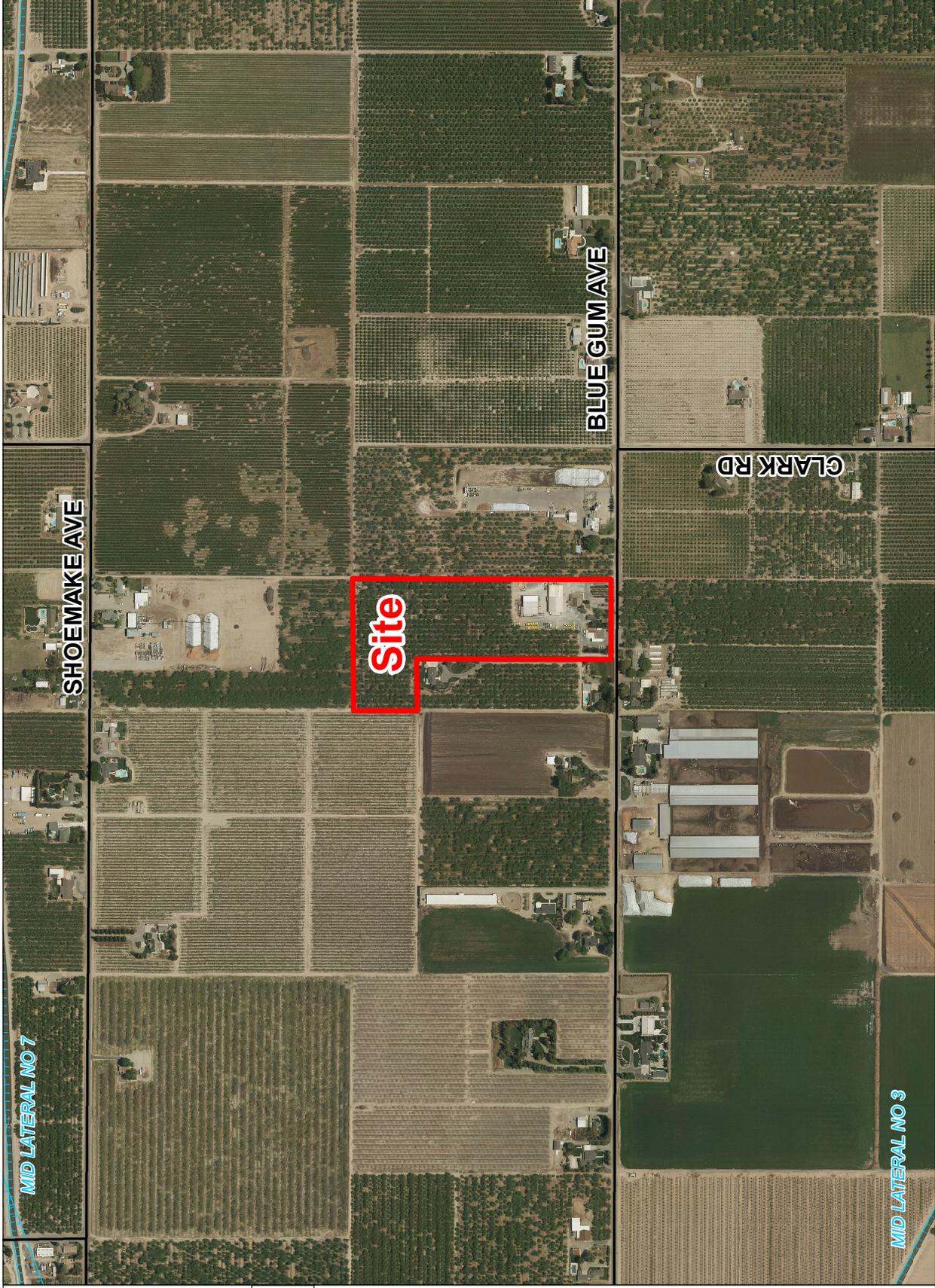
2017 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal



Source: Planning Department GIS Date: 11/18/2020



EXACT CORP

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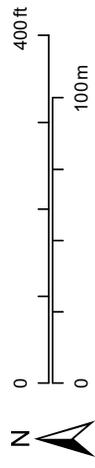
PLN2020-0103

2017 AERIAL SITE MAP

LEGEND

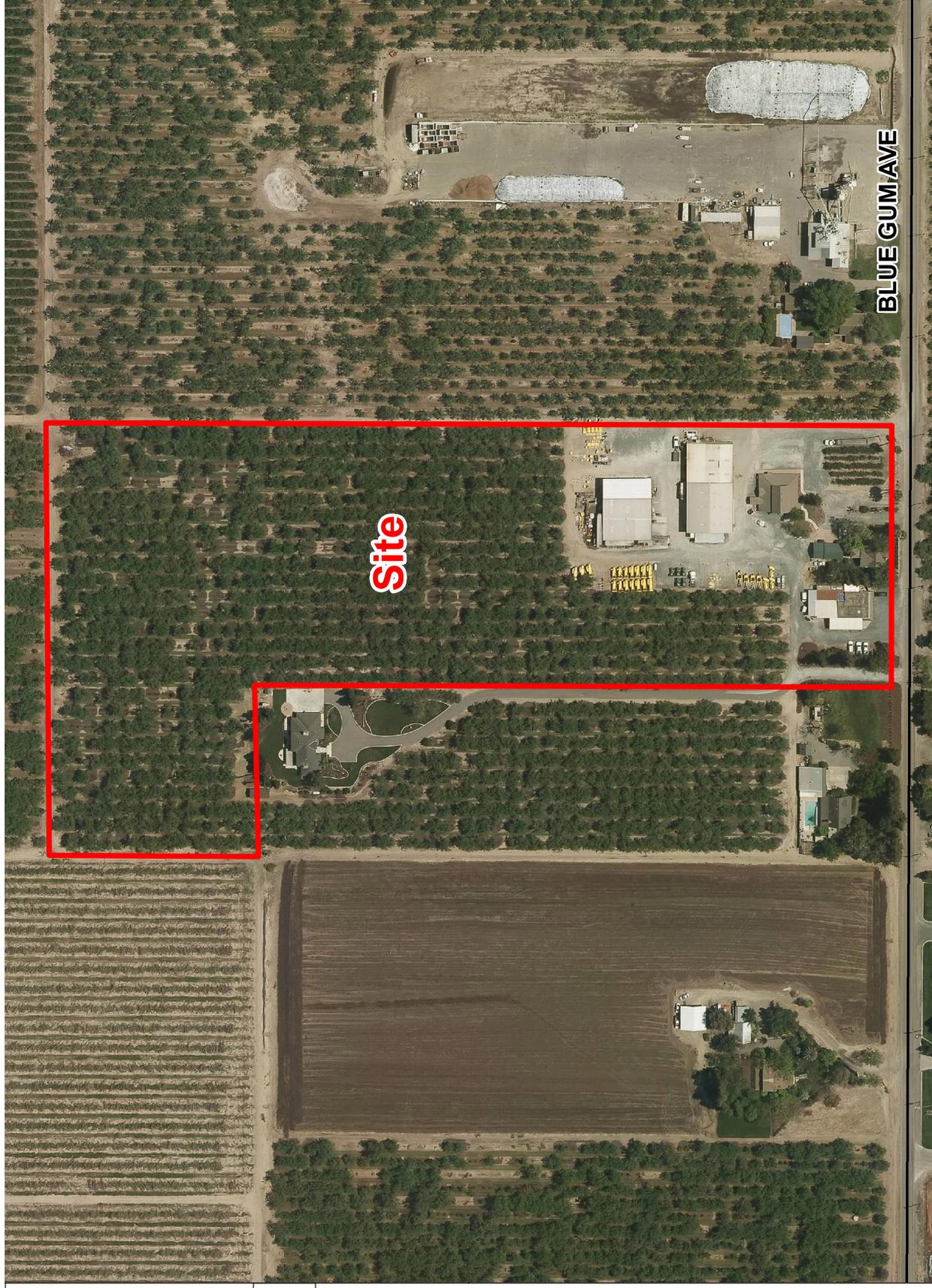
 Project Site

 Road



Source: Planning Department GIS

Date: 11/18/2020



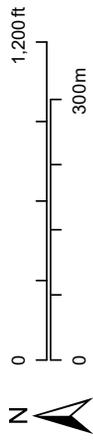
EXACT CORP

UP PLN2020-0103

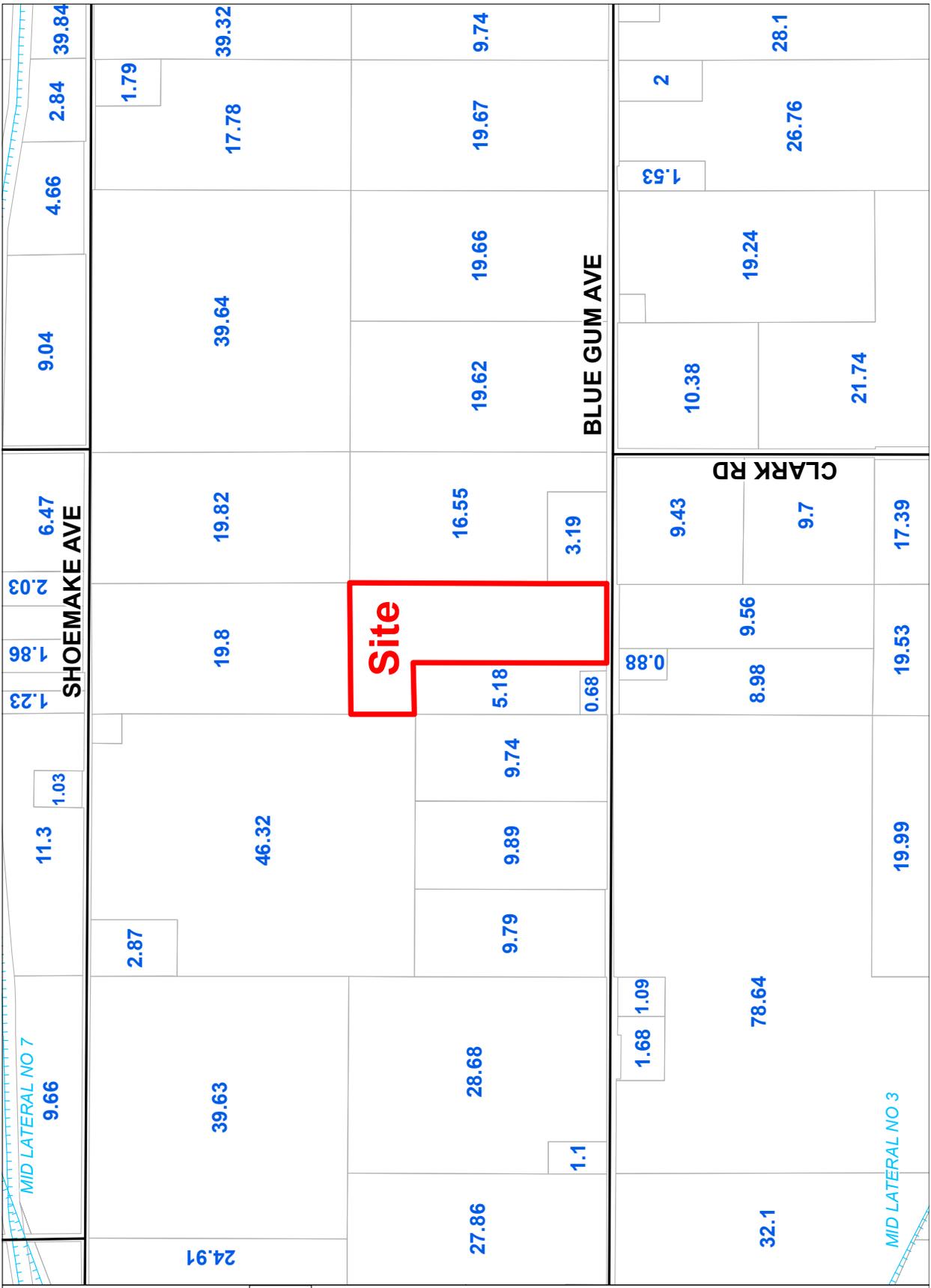
ACREAGE MAP

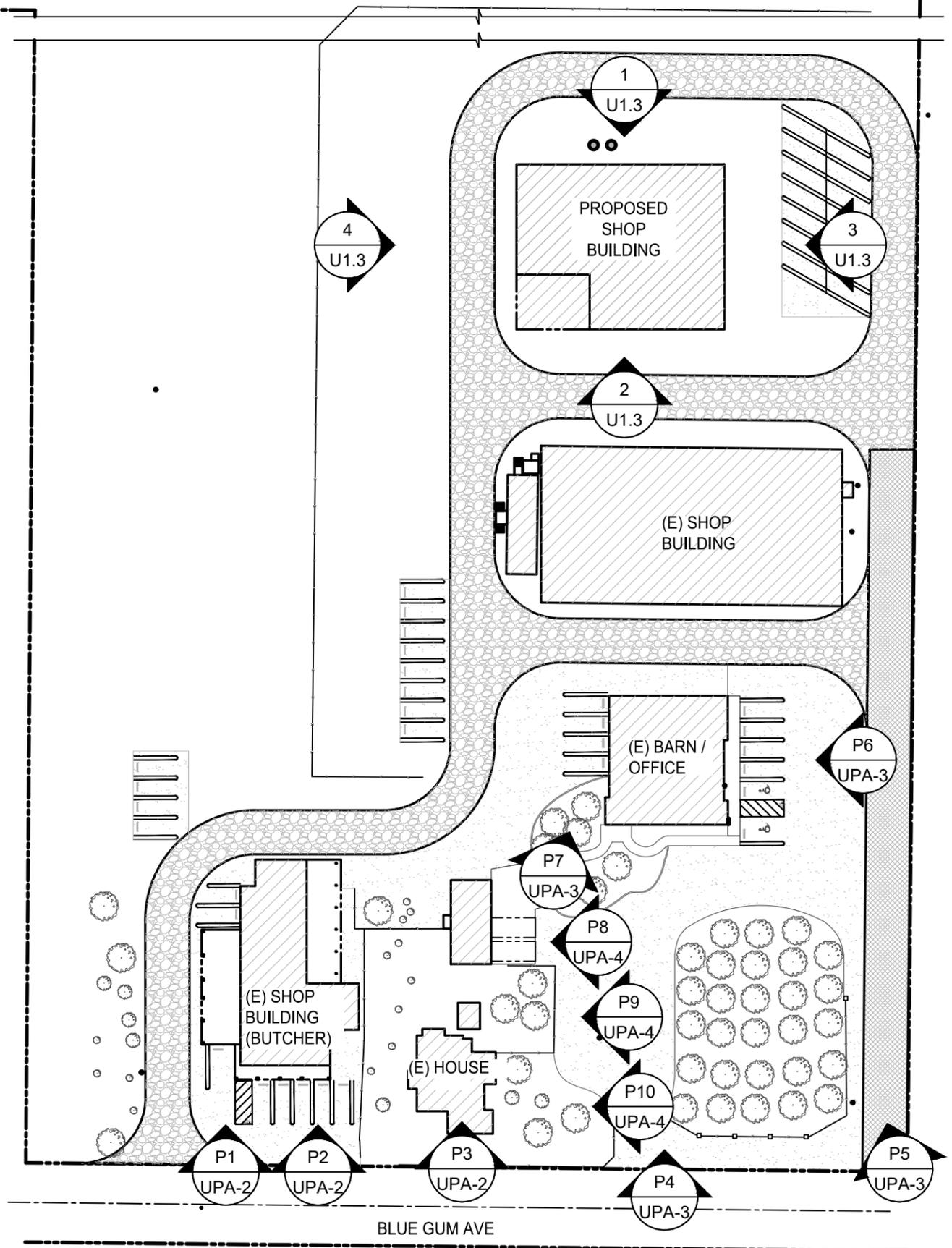
LEGEND

-  Project Site
-  # Parcel/Acres
-  Road
-  Canal



Source: Planning Department GIS Date: 11/18/2020





ELEVATIONS & PHOTOS SUMMARY - USE PERMIT

SCALE: 1" = 60'



ELEVATIONS & PHOTOS SUMMARY - USE PERMIT		SCALE: PER PLAN		
JUSTIN W. CAPP, Inc. 1003 12 th STREET, MODESTO, CA PO BOX 861, 95353 (209) 648-4154 CE #61393, SE #4813	 JUSTIN W. CAPP, Inc. ENGINEERING + DESIGN	ASSEMBLY SHOP - USE PERMIT		
		EXACT CORP		19304 Job No.
		5143 Blue Gum Ave Modesto, CA. 95358	DRAWN RDM CHK'D JWC DATE 09/29/20	Sheet No. U1.2

JUSTIN W. CAPP, Inc.

1003 12th STREET, MODESTO, CA
 PO BOX 861, 95353
 (209) 648-4154
 CE #61393
 SE #4813

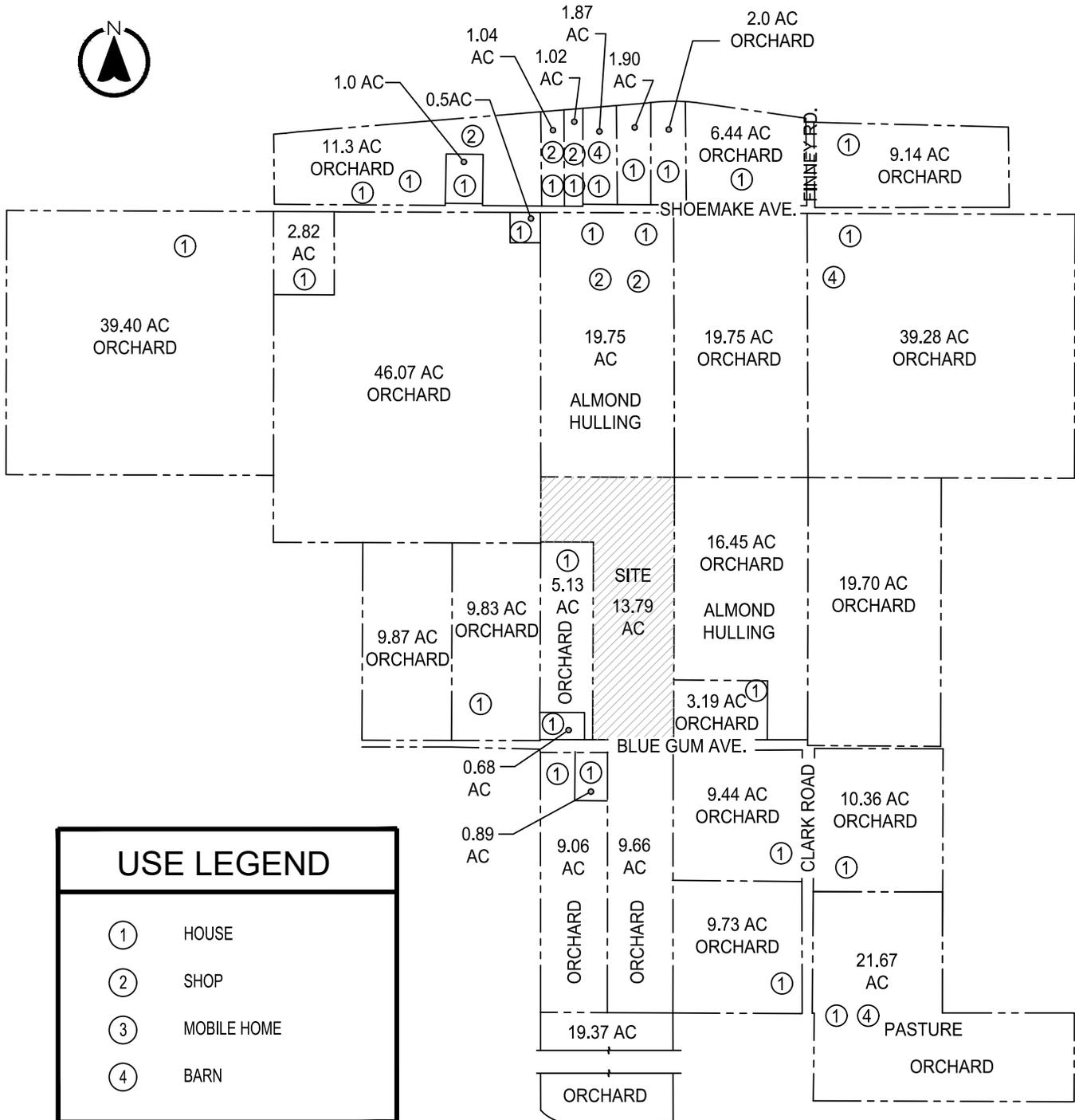


JOB: ASSEMBLY SHOP -
 USE PERMIT

U1.1

SHEET:	AREA MAP	JOB#:	19304
DATE:	9/30/20	APPROVED:	JWC
SCALE:	PER PLAN	DRAWN:	RDM

PLOT DATE: 10/15/2020



**AS AMENDED BY THE PLANNING COMMISSION
OCTOBER 7, 2021**

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 NO. PLN2020-0103
EXACT CORP**

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. All conditions of approval of Staff Approval Permit No. 2006-19 – Golden Valley Harvesting are superseded by the conditions of this Use Permit. Further alteration or expansion of either facility shall be subject to additional land use permits.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2021), 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 **\$2,537.25**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.
3. 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.
4. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
5. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
6. 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.

7. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
8. Within six (6) months of project approval, a building permit for the 585 square-foot modular breakroom and 6,148 square-foot shop with 812 square-foot canopy shall be obtained and finalized. An extension may be granted if the Planning Director finds, in its sole discretion, that both (i) the need for the extension is due to an unforeseen or unavoidable condition that was outside of the applicant's control, and (ii) that the applicant was and is diligently pursuing the satisfaction of the Development Standards. Applicant shall provide evidence or documentation of the unforeseen or unavoidable condition, and applicant shall demonstrate its diligence by providing invoices, work orders, receipts of accepted applications, or other documentation of applicant's efforts to satisfy the Conditions of Approval.
9. A photometric lighting plan shall be submitted for review and approval by the Planning Department, prior to the installation of any additional lighting. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 15 feet above grade.
10. Noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as set forth in the Stanislaus County Code or the Stanislaus County General Plan. In the event of a verified noise complaint, being received by Stanislaus County, the property owner/operator shall be responsible for hiring a certified noise consultant, approved by the Stanislaus County Planning Director, to evaluate noise impacts and to identify appropriate mitigation for any identified noise impacts. The property owner/operator may arrange to pay for the County's actual costs of hiring a certified noise consultant. The property owner/operator shall implement any resulting mitigation measures required to reduce noise to allowable levels within the time frame specific by the County. The certified noise consultant's evaluation shall be completed and submitted to Stanislaus County Planning Department within 60-days of written notice being delivered to the property owner/operator. If determined necessary by the Planning Department, the property owner/operator shall pay for the County's costs to hire a third party to review the noise assessment.
11. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
12. 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. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.

Department of Public Works

13. No parking, loading, or unloading of vehicles will be permitted within the Stanislaus County road right-of-way.
14. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
15. An Encroachment Permit shall be obtained for any work done in Stanislaus County right-of-way.
16. An Encroachment Permit shall be obtained for all the driveways onto Blue Gum Avenue prior to issuance of any building or grading permit for the property. The driveways shall be installed as per Stanislaus County Public Work Standards and Specifications.
17. ~~Prior to the issuance of any building or grading permit, a 30-foot wide non-exclusive access easement for the benefit of APN: 012-030-047 shall be recorded for APN: 012-030-051. The easement shall be an appurtenant easement and shall be drawn up by either a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.~~

Upon development of a driveway on APN 012-030-047, the most westerly driveway on the project site, shall be removed or rendered unusable to the satisfaction of the Public Works Director. Continued use of the project site's westerly driveway may be continued if determined not to be a safety issue by the Public Works Director.

18. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - a. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - b. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - c. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.

- d. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Department of Environmental Resources

19. Prior to issuance of a building or grading permit, the applicant shall provide appropriate wastewater calculations, either indicating that the existing onsite wastewater treatment system (OWTS) is of adequate size to handle the increase in flow, or if the system will require an upgrade to accommodate the change in flow.
20. Any proposed work to the existing or proposed OWTS shall meet all Local Agency Management Program (LAMP) standards and be designed according to type and/or maximum occupancy of the proposed structure to the estimated waste/sewage design flow rate.
21. The existing operation and project is a public water system by definition of California Health and Safety Code, Section 116275 (h). The property owner is required to submit an application for water supply permit with the associated technical report to the Department of Environmental Resources and receive approval, prior to receiving occupancy of the building permit for the unpermitted 6,148 square-foot shop with 812 square-foot canopy.
22. The applicant should contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
 - a. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
 - b. Requirements and fees for installing aboveground storage tanks holding petroleum substances (i.e. diesel, gasoline, waste oil, new oil, etc.).
 - c. Requirements for registering as a handler of hazardous materials in the County.
 - d. Submittal of hazardous materials Business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas.
 - e. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.

- f. Generators of hazardous waste must notify the Department relative to the: (1) Quantity of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to the DER.
- g. Generators of hazardous waste must apply for and maintain an active state or federal EPA ID number from the Department of Toxic Substances Control (DTSC).

Building Permits Division

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

Modesto Irrigation District

- 24. All workers and equipment shall maintain a distance no less than 10 feet from overhead electric facilities.
- 25. The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.
- 26. Any trenching shall maintain a 1:1 horizontal distance from any existing pole, determined by the depth of the trench. If trenching encroaches on this requirement, the contractor needs to contact the MID Electric Engineering Department to brace any effected poles during the trenching process. The cost of any required pole bracing will be assumed by the requesting party. Estimates for bracing any existing poles will be supplied upon request.
- 27. In conjunction with related site improvement requirements, and underground electric facilities within or adjacent to the proposed project shall be protected, relocated or removed as required by the District's Electric Engineering Department. Any relocation or installations shall conform to the District's Electric Service Rules. Customer will be responsible for all MID's cost associated with the development.
- 28. Existing MID easements for protection of overhead electrical facilities are to remain. Overhead secondary cable shall be protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable shall be protected by a minimum 30' wide easement centered on the overhead cable.
- 29. Existing MID easements for protection of underground electrical facilities are to remain. Underground secondary cable shall be protected by a minimum 5-foot-wide easement centered on the underground cable. Underground primary cable shall be protected by a minimum 10-foot-wide easement centered on the underground cable.

30. Due to the proximity of the 12,000 volts overhead high voltage lines, a minimum clearance of 12 feet is to be maintained from the overhead primary conductor to any walkable surface of the building and a minimum of eight feet from any non-walkable surface per General Order 95, and a minimum horizontal clearance of six feet between the conductor and any part of the building upon which men may work is to be maintained per General Order 95.

Regional Water Quality Control Board

31. The applicant shall contact and coordinate with the Regional Water Quality Control Board to determine if any permits or Water Board requirements shall be obtained/met prior to operation.

*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~~.*



AMENDED CEQA INITIAL STUDY

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

* Amendments consisting of additions are reflected in bold text and deletions in strikeout text

- 1. **Project title:** Use Permit Application No. PLN2020-0103 – Exact Corp
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Teresa McDonald, Associate Planner
- 4. **Project location:** 5143 and 5149 Blue Gum Avenue, between N. Hart Road and Dakota Avenue, in the Modesto area (APN: 012-030-051).
- 5. **Project sponsor’s name and address:** Justin W. Capp representing Exact Corp
1003 12th Street
Modesto, CA 95354
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** General Agriculture (A-2-40)
- 8. **Description of project:**

This is a request to change the use of an existing agricultural service establishment from contract harvesting to a John Deere orchard tractor cab assembly and agricultural equipment (consisting of nut sweepers, harvesters, and conditioners) maintenance business, on a 13.87± acre parcel located in the A-2-40 (General Agriculture) zoning district. The tractor cab assembly and equipment maintenance business, currently operating as Exact Corp, has been operating on the site since 2013 and approval of this application would permit the existing operation. The project serves customers in the Central Valley, including Stanislaus, San Joaquin, Kern, and other Counties. Two separate legal non-conforming businesses have historically operated out of the site including the contract harvesting business and a butcher shop. The site is currently improved with an 1,158 square-foot single-family dwelling, detached 684 square-foot garage, 585 square-foot trailer used as a breakroom, 900 square-foot barn used as an office, 9,450 square-foot shop, unpermitted 6,148 square-foot shop with 812 square-foot canopy, employee and customer parking, and a 3,382 square-foot butcher shop. The project would allow the breakroom, office, 9,450 square-foot shop, unpermitted 6,148 square-foot shop with attached canopy, and 22 parking spaces that currently exist on-site to be utilized in conjunction with the proposed tractor cab assembly and agricultural equipment maintenance business. The 3,382 square-foot shop and 11 parking spaces are the only on-site structures utilized for the operation of the legal-non-conforming butcher business which processes livestock as well as wild game. No changes to the butcher business are proposed as part of this application. Staff Approval Permit No 81-12 – Baileys Meat Service and Staff Approval Permit No. 2006-19 – Golden Valley Harvesting Inc./Jonathan Flora previously permitted expansions to both legal non-conforming businesses operating out of the site, allowing additions to several existing buildings. Both businesses have separate on-site septic systems and share the same well. The site has access to County-maintained Blue Gum Avenue. The site is also improved with existing landscaping throughout the site, an almond orchard on the northern portion of the property, and an olive orchard on the southeastern portion of the property. An existing 6-foot-tall wood fence runs along the west side of the property, a 3 foot-tall white vinyl and wood fence runs along the road frontage, and a 6 foot-tall chain-link fence with mesh screening is proposed to be installed along the east property line. The proposed hours of operation for the tractor cab assembly and agricultural equipment maintenance business are 6 A.M. to 4 P.M., Monday through Friday,

STRIVING TOGETHER TO BE THE BEST!

with 28 employees on a maximum shift, including one shift per day, up to five daily customers, and one truck trip per day. Approval of the project will result in an additional 15 employees, 3 daily customers, and one truck trip per day, compared to the prior contract harvesting operation. The hours of operation for the butcher are 6 A.M to 5 P.M., Monday through Friday, with nine employees on a maximum shift, and up to 12 daily customers.

- 9. **Surrounding land uses and setting:** Orchards with single family dwellings and ranchettes surround the site on all sides; two almond hulling operations are located to the north and to the east; and a dairy exists to the southwest.

- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Stanislaus County Department of Environmental Resources

- 11. **Attachments:** None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

Teresa McDonald
 Prepared by

August 18, 2021 (as updated on September 30, 2021)
 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, than the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS – Except as provided in Public Resources Code Section 21099, could the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site is currently improved with an 1,158 square-foot single-family dwelling, detached 684 square-foot garage, 585 square-foot trailer used as a breakroom, 3,120 square-foot barn/ office, 9,450 square-foot shop, unpermitted 6,148 square-foot shop with 812 square-foot canopy, employee and customer parking, and a 3,382 square-foot butcher shop. The only scenic designation in the County is along I-5, which is not near the project site. The site itself is not considered to be a scenic resource or a unique vista. The project will not degrade the existing visual character or quality of the site or its surroundings. No new construction is included in this request and the existing unpermitted building is of similar nature as the existing buildings and the surrounding area. Standard conditions of approval will be added to this project to address glare from any on-site lighting. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

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

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring			X	

Program of the California Resources Agency, to non-agricultural use?				
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 area of the 13.79± acre project site improved with an orchard is classified as “Prime Farmland” and the developed area is classified as “Confined Animal Agriculture” by the California Department of Conservation’s Farmland Mapping and Monitoring Program. The parcel is not currently enrolled in a Williamson Act Contract. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 81 and 90 as excellent. Grade 1 soils are deemed prime farmland by Stanislaus County’s Uniform Rules. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that approximately the north half of the property is comprised of Hanford sandy loam, moderately deep over silt, 0 to 1 percent slopes with a grade of 1 and index rating of 95. The remaining acreage comprised of Chualar sandy loam, 0 to 3 percent slopes, with a grade of 1 and index rating of 76, and Hilmar loamy sand, deep, 0 to 1 percent slopes, with a grade of 2 and index rating of 73.

The proposed operation is considered a Tier Two use, which are agriculture-related commercial and industrial uses. An agricultural services establishment has been operating out of the project site since 1976. The site has been developed with an 1,158 square-foot single-family dwelling, detached 684 square-foot garage, 585 square-foot trailer used as a breakroom, 900 square-foot barn used as an office, 9,450 square-foot shop, unpermitted 6,148 square-foot shop with 812 square-foot canopy, employee and customer parking, and a 3,382 square-foot butcher shop. No construction is proposed; However, the project would allow the unpermitted 6,148 square-foot shop with attached canopy and 22 parking spaces that currently exist on-site to be utilized in conjunction with the proposed tractor cab assembly and agricultural equipment maintenance business. As the shop has already been constructed, the project is not expected to perpetuate any significant conversion of farmland to non-agricultural use. The existing orchard will remain and continue to be farmed.

The surrounding area is comprised of orchards with single family dwellings and ranchettes on all sides; two almond hulling operations are located to the north and to the east; and a dairy exists to the southwest. Adjacent parcels to the north, east, and west are enrolled in Williamson Act contracts. No impacts to agriculture are anticipated to occur as a result of this project as the project site is currently developed with similar agricultural storage buildings and considered topographically flat.

General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. Low people intensive Tier One and Tier Two Uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, conditions of approval consistent with these guidelines may be required as part of the project approval. The decision-making body shall have the ultimate authority to determine if a use is “low people intensive”. The proposed agricultural service establishment is a Tier Two use and is not considered to be people intensive with a total of 28 employees on a maximum shift and a maximum of five daily customers.

Impacts to agricultural resources are considered to be less than significant. No forest lands exist in Stanislaus County. Therefore, this project will have no impact to forest land or timberland.

Mitigation: None.

References: Application information; Natural Resources Conservation Service Soil Survey; Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD’s most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The 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. The proposed hours of operation for the agricultural service establishment are 6 A.M. to 4 P.M., Monday through Friday. There will be a maximum total of 1 heavy-truck trips per day (total inbound and outbound), and a total of 33 automobile trips per-day (anticipated inbound and outbound trips by employees and customers), resulting in an increase of 18 daily automobile trips and one truck trip compared to the previous contract harvesting operation.

The proposed project is considered to be consistent with applicable air quality plans, as the project will be required to obtain all applicable permits through the Air District. The proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. The operation proposes to operate out of existing buildings and does not propose any construction; however, a building permit will be required to be obtained for the unpermitted ag storage building and any future construction activities will be required to occur in compliance with all SJVAPCD regulations.

The project was referred to SJVAPCD, and no response has been received to date. However, the District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District has pre-qualified emissions and determined a size below, which is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Any project falling below the thresholds identified by the District are deemed to have a

less than significant impact on air quality due to criteria pollutant emissions. The District’s threshold of significance for industrial projects is identified as 1,506 additional trips per day. As stated previously, the project has the potential to generate an additional 15 employee vehicle, 3 customer vehicle, and one truck trip per day, compared to the prior contract harvesting operation. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated.

Impacts to air quality are considered to be less than significant.

Mitigation: None.

References: Application information; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) guidance; www.valleyair.org; and the Stanislaus County General Plan and Support Documentation¹

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

Discussion: The project is located within the Salida Quad of the California Natural Diversity Database (CNDDDB). There are 11 species of animals which are state or federally listed, threatened, or identified as species of special concern within the Westley California Natural Diversity Database Quad. These species include the California tiger salamander, Swainson’s hawk, tricolored blackbird, Sacramento hitch, hardhead, Sacramento splittail, steelhead - Central Valley DPS, chinook salmon - Central Valley fall / late fall-run ESU, Crotch bumble bee, coast horned lizard, and the valley elderberry longhorn beetle.

The project site is developed with an existing agricultural service establishment and the area where the existing unpermitted shop was constructed is on land which was previously cleared and disturbed. There are no known Waters of the United States on-site. It does not appear that this project will result in impacts to endangered species or habitats, locally designated species, wildlife dispersal, or mitigation corridors as the site is disturbed and improved. The existing orchard will remain and continue to be farmed. The project is anticipated to have a less than significant impact to biological resources.

The project was referred to the California Department of Fish and Wildlife, and no comments have been received to date.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation¹

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already developed and the proposed construction is within the area which has already been disturbed. However, standard conditions of approval regarding the discovery of cultural resources during the construction process will be added to the project.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹

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

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

All construction activities shall be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. The operation proposes to operate out of existing buildings and does not propose any construction; however, a building permit will be required to be obtained for the unpermitted ag storage building and any future construction activities will be required to occur in compliance with all SJVAPCD regulations.

Energy consuming equipment and processes include equipment, trucks, and the employee and customer vehicles. These activities would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per-day. There will be a maximum total of one heavy-truck trips per day (total inbound and outbound), and a total of 33 automobile trips per-day (anticipated inbound and outbound trips by employees and customers) which is an increase of one truck trip 18 automobile trips compared to the previous contract harvesting operation.

Additionally, the trucks are the main consumers of energy associated with this project but shall be required to meet all Air District regulations, including rules and regulations that increase energy efficiency for heavy trucks. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less-than significant without mitigation for the proposed project.

The project was referred to the San Joaquin Valley Air Pollution Control District; no response has been received to date. A condition of approval will be added to the project requiring the applicant to contact the Air District to comply with any applicable Air District rules and regulations and obtain any required permits.

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

Mitigation: None.

References: Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Governor’s Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Hanford sandy loam, Chualar sandy loam, and Hilmar loamy sand. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. No structures are proposed as

part of this request; however, any future structures will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. The Department of Public Works requires that a grading, drainage, and erosion/sediment control plan for the project shall be submitted for any building permit that will create a larger or smaller building footprint, subject to Public Works review and Standards and Specifications and any future building will be subject to Public Works' requirements, if applicable. Likewise, any future addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

The project site is not located near an active fault or within a high earthquake zone. Landslides are not likely due to the flat terrain of the area.

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is obtained for the existing unpermitted 6,148 square-foot shop with 812 square-foot canopy.

Impacts to Geology and Soils are considered to be less-than significant.

Mitigation: None.

References: Application information; USDA – NRCS Web Soil Survey; California Building Code; Referral response from Stanislaus County Department of Public Works, dated January 21, 2021; Stanislaus County General Plan and Support Documentation¹.

VIII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. Two additional bills, SB 350 and SB32, were passed in 2015 further amending the states Renewables Portfolio Standard (RPS) for electrical generation and amending the reduction targets to 40% of 1990 levels by 2030.

Direct emissions of GHGs from the operation of the proposed project are primarily due to truck trips. Therefore, the project would result in direct annual emissions of GHGs during operation. As required by CEQA Guidelines section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. Total vehicle trips as a result of this project will not exceed 110 trips per-day. As discussed above, the proposed project will generate a total of 1 heavy-truck trips (total inbound and outbound trips per-day) and a total of 33 automobile trips per-day (anticipated inbound and outbound trips by employees and customers).

The operation proposes to operate out of existing buildings and does not propose any construction; however, a building permit will be required to be obtained for the unpermitted shop. Should future construction occur on the project site, the short-term emissions of GHGs during construction, primarily composed of CO₂, CH₄, and N₂O, would be the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF₆) are typically

associated with specific industrial sources and are not expected to be emitted by future construction at this project site. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO2 from future construction would be less-than significant. Additionally, the construction of any future proposed buildings is subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Any future construction activities associated with this project are considered to be less-than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

This project was referred to the San Joaquin Valley Air Pollution Control District; however, no response has been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations should future construction occur on the project site. Consequently, GHG emissions associated with this project are considered to be less-than significant.

Mitigation: None.

References: Application information; California Air Resources Board 2019 Edition, California Greenhouse Gas Emission Inventory: 2000 – 2017; Governor’s Office of Planning and Research Technical Advisory, December 2018; CA Building Code; Stanislaus County General Plan and Support Documentation¹.

IX. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Discussion: The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. This project was referred to the Department of Environmental Resources – Hazardous Materials Division; however, no response has been received to date. A standard condition of approval will be added to the project requiring the applicant contact DER for any appropriate permitting requirements for hazardous materials and/or wastes. The

proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater from drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Additionally, agricultural buffers are intended to reduce the risk of spray exposure to surrounding people. General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier Two use, if not considered people intensive by the Planning Commission, the project is not subject to agricultural buffers. The project was referred to the Stanislaus County Agricultural Commissioner, and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Woodland Fire Protection District. The project was referred to the District, and no comments have been received to date. The project was referred to the Environmental Review Committee (ERC), which responded with comments unrelated to hazardous materials. The project site is not within the vicinity of any airstrip or wildlands.

No significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Department of Toxic Substances Control's data management system (EnviroStar); Referral response from Stanislaus County Environmental Review Committee, dated January 28, 2021; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) result in substantial erosion or siltation on – or off-site;			X	
(ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site;			X	
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
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Discussion: The site receives potable water from an existing nonconforming Public Water System, **known as the Exact Corp water system (5000605)**, and irrigation water from **an on-site irrigation well and from** the Modesto Irrigation District. **The public water system currently consists of two interconnected wells that serve the distribution system. The Exact Corp water system does not currently meet drinking water standards for potable water due to nitrate and arsenic contamination.** Current standards require that all of a project’s stormwater be maintained on-site. A referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project shall be submitted ~~for~~ **with the existing** building permit for the **existing** unpermitted 6,148 square-foot shop with 812 square-foot canopy, and any future building permit that will create a larger or smaller building footprint. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading. The submittal of the grading, drainage, erosion/sediment control plan will be made a condition of approval for this project. Accordingly, runoff associated with the construction at the proposed project site will be reviewed as part of the grading and building permit review process. No expansion to the existing septic systems are proposed as a part of this project. However, any future construction must be reviewed and approved by DER and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California’s groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) GSA which is a part of the Modesto Sub-basin. The Stanislaus and Tuolumne Rivers Groundwater Basin (STRGBA) GSA is composed of seven agencies within the Modesto Sub-basin who are collaboratively developing one GSP under the Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA. SGMA requires the Modesto Sub-basin to adopt and begin implementation of a GSP by January 31, 2022.

Goal Two, Policy Seven, of the Stanislaus County General Plan’s Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

The construction and operation of wells could potentially cause degradation of water quality due to cross connection of aquifers of varying quality or induced migration of groundwater with impaired water quality. The Water Well Ordinance (Chapter 9.36 of the County Code) is intended to address these eventualities if a well is required to be installed in the future to meet water quality standards.

Additionally, Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code), ~~hereinafter, the “Ordinance”~~ that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The **Groundwater** Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. ~~No additional wells are proposed; however, any future proposals for new wells will be subject to review under the County’s Groundwater Ordinance and Well Permitting Program.~~

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

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

While there are no additional wells proposed as part of this request, **one may be required in order to meet drinking water standards.** A referral response received from DER ~~confirmed~~ **stated that the existing well** water system is considered to be an existing nonconforming Public Water System. **The operation and project is a public water system by definition of California Health and Safety Code, Section 116275 (h). Additional sources (well), treatment of the existing sources, or consolidation into another water system will be necessary. Any future proposals for the public water system will be subject to review under the County's Well Permitting Program and Local Primacy Agency Program, which will determine whether additional environmental review is required. If the applicant installs a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and DER.**

~~No new construction is proposed as part of this project; however,~~ **DER regulates the issuance of new well permits, the State Division of Drinking Water (DDW) regulates public water systems, and DER is the Local Primacy Agency. A condition of approval is also being added to the project to further ensure these standards are being met.** Prior to receiving occupancy of the building permit for the unpermitted 6,148 square-foot shop with 812 square-foot canopy, the property owner must ~~obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263)~~ and submit an application for a water supply permit with the associated technical report to Stanislaus County DER **and receive approval.** ~~This will be added as a condition of approval.~~

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit process. Any future buildings will be required to meet any prescribed measures to meet FEMA requirements during the building permit phase and will be administered the by County's Building Permits Division.

This project was referred to the Regional Water Quality Control Board (RWQCB) and no response has been received to date. A condition of approval will be added to the project that the developer contact RWQCB to determine if any permits or standards are applicable to the project that must be met prior to construction. The project was referred to the Modesto Irrigation District (MID) and no comments have been received to date.

As a result of County regulatory requirements applicable to this project, impacts associated with hydrology and water quality are expected to have a less-than significant impact.

Mitigation: None.

References: Application information; Referral response from Stanislaus County Public Works Department, dated January 21, 2021; Referral response from Stanislaus County Environmental Review Committee, dated January 28, 2021; Referral response from Stanislaus County Department of Environmental Resources, dated January 28, 2021; Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) GSA; Stanislaus County Code; Stanislaus County General Plan and Support Documentation¹.

XI. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion: The project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned A-2-40 (General Agriculture). This is a request to change the use of an existing agricultural service establishment from contract harvesting to a tractor cab assembly and agricultural equipment maintenance business and would allow an existing unpermitted 6,148 square-foot shop with attached canopy and 22 parking spaces that currently exist on-site to be utilized in conjunction with the proposed business. The site is currently improved with an 1,158 square-foot single-family dwelling, detached 684 square-foot garage, 585 square-foot trailer used as a breakroom, 3,120 square-foot barn/ office, 9,450 square-foot shop, employee and customer parking, and a 3,382 square-foot butcher shop. No additional structures are proposed and the use is not expected to perpetuate any significant conversion of farmland to non-agricultural use as the use will support the vertical integration of the surrounding agriculture.

The proposed operation is considered a Tier Two use, which are agriculture-related commercial and industrial uses that may be allowed when the decision-making body finds:

1. The proposed operation will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County;
2. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity; and
3. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
4. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

General Plan Amendment No. 2011-01 - *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier Two use, if not considered people intensive by the Planning Commission, the project is not subject to agricultural buffers. The operation employs 28 employees, and anticipates five customer visits per day, which is an increase of 15 employees and three customer visits compared to the prior operation.

There is no indication this project will interfere or conflict with other agricultural uses in the area. The project will not physically divide an established community nor conflict with any habitat conservation plans. Project impacts to land use and planning are considered to be less-than significant.

Mitigation: None.

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

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

XIII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The Stanislaus County General Plan identifies noise levels up to 55 dB Ldn (or CNEL) as the normally acceptable level of noise for residential uses. Additionally, the site itself is impacted by surrounding agricultural uses, for which the acceptable noise level is up to 70 dB Ldn (or CNEL). No construction is proposed as part of this project. Should future construction occur, on-site grading and construction resulting from future projects may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. Additionally, no fabrication, welding, or manufacturing occurs on site and all work occurs indoors. Conditions of approval will be placed on the project to ensure compliance with the General Plan’s Noise Element and Chapter 10.46 of the County Code – Noise Control.

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

Mitigation: None.

References: Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan and Support Documentation¹

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes			X	

and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹

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

Discussion: The County has adopted Public Facilities Fees, as well as one for 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 the project to ensure these requirements are met prior to the issuance of a building permit for the unpermitted 6,148 square-foot shop with 812 square-foot canopy. The project was referred to the appropriate public service agencies, as well as the Stanislaus County Environmental Review Committee (ERC), which includes the Sheriff’s Department.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the early consultation referral period and no concerns regarding impacts to County services were identified.

Mitigation: None.

References: Referral response from Stanislaus County Environmental Review Committee, dated January 28, 2021; Stanislaus County General Plan and Support Documentation¹

XVI. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
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Discussion: The proposed project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

Mitigation: None.

References: Application information; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The site has access to County-maintained Blue Gum Avenue which is identified as a 60-foot wide Local Road in the circulation Element of the General Plan.

Section 15064.3 of the CEQA Guidelines establishes specific considerations for evaluating a project's transportation impacts. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. A technical advisory on evaluating transportation impacts in CEQA published by the Governor's Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The applicant anticipates a maximum of 1 trip per-day, 28 employees on a maximum shift, and up to 5 customers per-day from 6:00 a.m. to 4:00 p.m. for a total of 33 daily automobile trips and one truck trip. The VMT increase associated with the proposed project is less-than significant as the number of vehicle trips will not exceed 110 per-day.

It is not anticipated that the project would substantially affect the level of service on Blue Gum Avenue. The project was referred to Public Works and a referral response was received requiring an access easement between the project site and the adjacent parcel to the east due to the existing driveway serving the adjacent parcel crossing property lines. An encroachment permit will also be required for the existing driveways. These requirements will be added to the project as Conditions of Approval.

The project was referred to the California Department of Transportation (Caltrans); no comments have been received to date.

Mitigation: None.

References: Application information; Governor's Office of Planning and Research Technical Advisory, December 2018; Referral response from Stanislaus County Public Works Department, dated January 21, 2021; Stanislaus County General Plan and Support Documentation¹.

XVIII. TRIBAL CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California native American tribe, and that is:			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for the in subdivision (c) of Public Resource Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already improved with multiple buildings. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. No construction is proposed as part of this project; however, if any resources are found during future construction, construction activities would halt until a qualified survey takes place and the appropriate authorities are notified.

Mitigation: None.

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

XIX. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	
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Discussion: Limitations on providing services have not been identified. The project proposes to utilize an existing nonconforming public water well and existing septic facilities. Any intensity of these utilities will be subject to any regulatory requirements during the building permitting phase. The Department of Public Works commented that a grading, drainage, and erosion/sediment control plan for the project shall be submitted for the existing building permit for the unpermitted 6,148 square-foot shop with 812 square-foot canopy, and any future building permit that will create a larger or smaller building footprint. A Storm Water Pollution Prevention Plan (SWPPP) will be required for future construction prior to the approval of any grading. These comments will be applied as conditions of approval. While there are no additional wells proposed as part of this request, a referral response from DER indicated that the existing well is considered to be a Non-conforming Public Water System which will be subject to all applicable rules, regulations and standards as discussed above in the Hydrology and Water Quality Section of this document.

The project site receives power and irrigation water from the Modesto Irrigation District (MID). The project was referred to the District and no response has been received to date.

The project is not anticipated to have a significant impact to utilities and service systems.

Mitigation: None.

References: Referral response from Stanislaus County Environmental Review Committee, dated January 28, 2021; Referral response from Stanislaus County Department of Environmental Resources, dated January 28, 2021; Referral response from Stanislaus County Public Works Department, dated January 21, 2021; Stanislaus County General Plan and Support Documentation¹

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

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Woodland Fire Protection District. The project was referred to the District, and no comments have been received to date. California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. A building permit for the existing unpermitted 6,148 square-foot shop with 812 square-foot canopy, will be reviewed by the County’s Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction. Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

Mitigation: None.

References: Application Material; California Fire Code Title 24, Part 9; California Building Code Title 24, Part 2, Chapter 7; Stanislaus County Local Hazard Mitigation Plan; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The 13.87± acre project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned A-2-40 (General Agriculture). The surrounding area is comprised of orchards with single family dwellings and ranchettes on all sides; two almond hulling operations are located to the north and to the east; and a dairy exists to the southwest. Adjacent parcels to the north, east, and west are enrolled in Williamson Act contracts. The proposed use is agricultural in nature and serves the agricultural community. Any development of the surrounding area would be subject to the permitted uses of the A-2 Zoning District or would require additional land use entitlements and environmental review; a General Plan Amendment and/or Rezone is required for any non-agricultural related development; residential proposals would be subject to Measure E, which requires that residential development be approved by a majority of the voting public. Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

Mitigation: None.

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

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



NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2020-0103 – Exact Corp

LOCATION OF PROJECT: 5143 and 5149 Blue Gum Avenue, between N. Hart Road and Dakota Avenue, in the Modesto area. (APN 012-030-051).

PROJECT DEVELOPERS: Exact Corp
5143 Blue Gum Avenue
Modesto, CA 95358

DESCRIPTION OF PROJECT: Request to change the use of an existing agricultural service establishment from contract harvesting to a John Deere orchard tractor cab assembly and agricultural equipment (consisting of nut sweepers, harvesters, and conditioners) maintenance business, on a 13.79± acre parcel located in the A-2-40 (General Agriculture) zoning district.

Based upon the Initial Study, dated **August 18, 2021 (as updated on September 30, 2021)**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Teresa McDonald, Associate Planner

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

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2020-0103 - EXACT CORP

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE		X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X		X							
COOPERATIVE EXTENSION	X	X	X		X							
FIRE PROTECTION DIST: WOODLAND	X	X	X		X							
GSA: STRGBA	X	X	X		X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X				X		X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: WOOD COLONY	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: HART-RANSOM UNION	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO UNION	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X	X	
STAN CO HAZARDOUS MATERIALS	X	X	X	X				X		X	X	
STAN CO PARKS & RECREATION	X	X			X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
SURROUNDING LAND OWNERS		X	X		X							
STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10	X	X	X		X							
TELEPHONE COMPANY:	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: TE FOR UP APPLICATION NO. PLN2020-0103 - EXACT CORP

REFERRED TO:			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X		X							
COOPERATIVE EXTENSION	X	X		X							
STAN CO DER	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X							
STAN CO AG COMMISSIONER	X	X		X							
STAN CO CEO	X	X		X							
STAN CO ERC	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X				X		X		X
STAN CO PARKS & RECREATION	X	X		X							
STAN CO PUBLIC WORKS	X	X		X							
STAN CO SHERIFF	X	X		X							
STAN CO SUPERVISOR DIST 3: WITHROW	X	X		X							
STAN COUNTY COUNSEL	X	X		X							
FIRE PROTECTION DIST: WOODLAND	X	X		X							
GSA: STRGBA	X	X	X				X		X		X
IRRIGATION DIST: MODESTO	X	X	X				X		X		X
MOSQUITO DIST: EAST SIDE	X	X		X							
STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES	X	X		X							
MUNICIPAL ADVISORY COUNCIL: WOOD COLONY	X	X		X							
PACIFIC GAS & ELECTRIC	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X		X							
STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10	X	X		X							
SURROUNDING LAND OWNERS		X		X							
TELEPHONE COMPANY: AT&T	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X		X							