



Referral Early Consultation

Date: June 13, 2022

To: Distribution List (See Attachment A)

From: Teresa McDonald, Associate Planner
Planning and Community Development

Subject: STAFF APPROVAL PERMIT APPLICATION NO. PLN2022-0048 – CERUTTI BROS, INC.

Respond By: June 28, 2022

******PLEASE REVIEW REFERRAL PROCESS POLICY******

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing the conditions for a Staff Approval. Therefore, please list any conditions that you wish to have included as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

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

Applicant: Cerutti Bros, Inc.

Project Location: 2112 Orestimba Road, between Eastin Road and Draper Road, in the Newman area.

APN: 026-020-041

Williamson Act Contract: N/A

General Plan: Agriculture

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

Project Description: Request to construct a 61,174± square-foot building at an existing food processing and cold storage facility, currently operating as Cebro Frozen Foods, in the General Agriculture (A-2-40) zoning district. The facility processes tomatoes, broccoli, and zucchini. The produce originates within a 5-mile radius from the plant. The proposed building will consist of cold storage, staging, storage, offices, restrooms, locker rooms, micro lab, break room, and utility room. Use Permit (UP) No. 2005-28 – Cebro Frozen Foods, approved construction of an office/break room/restroom, multiple storage buildings, processing shelter, and a manufacturing building, totaling 116,000 square feet of new building space. Approximately 40,080± square feet of construction has occurred since approval of the UP, leaving approximately 75,920 square feet of building space remaining under UP No. 2005-28. Additionally, in accordance with Section 21.96.070 of the County Code, the facility may expand up to 25% of what was approved by use permit with a Staff Approval Permit. Twenty-five percent of the approved 116,000± square feet would allow for a

total of 29,000± square feet of new construction. After the construction of the 61,174± square feet of new building space, the subject property will have a total of 43,746± square feet left for any future expansion under UP No. 2005-28. Minor changes may be permitted with a Staff Approval Permit when the changes do not alter the present character of the uses. This is a request to reorganize the approved site plan and to allow for additional employees above what was approved under the Use Permit. The facility currently operates March through December, Monday through Saturday, 24 hours a day, with 45 employees on a maximum shift, with two shifts per day. However, the Staff Report for UP No. 2005-28 stated there would be a maximum of 10 full-time and 20 part-time employees. This request will increase the number of employees on a maximum shift by 25. The project request includes an additional six parking stalls for a total of 48 parking spaces. The off-street parking ordinance requires manufacturing or assembly plants and wholesale warehouses to have one parking space for each employee on a maximum shift plus three additional spaces. The project would meet the minimum number of parking spaces with 48 spaces. An increase in truck trips or hours of operation is not included in this request. Vehicle trips associated with employees and visitors are estimated to be 90 per day. Vehicular traffic for the site takes access off Orestimba Road. The site is served by a private well for domestic water and private septic system for wastewater service.

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



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

STAFF APPROVAL PERMIT APPLICATION NO. PLN2022-0048 – CERUTTI BROS, INC.

Attachment A

Distribution List

X	STAN CO PUBLIC WORKS	X	STAN CO DER
X	FIRE PROTECTION DIST: WEST STANISLAUS	X	STAN CO HAZARDOUS MATERIALS
X	STANISLAUS FIRE PREVENTION BUREAU	X	STAN CO BUILDING PERMITS DIVISION
X	CITY OF: NEWMAN		



STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: STAFF APPROVAL PERMIT APPLICATION NO. PLN2022-0048 – CERUTTI BROS, INC.

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:






Name	Title	Date
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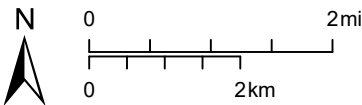
CERUTTI BROS INC

SAA
PLN2022-0048

AREA MAP

LEGEND

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



CERUTTI BROS INC



SAA
PLN2022-0048

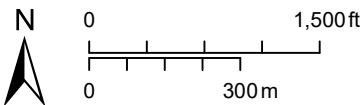
GENERAL PLAN MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  Road
-  Canal

General Plan

-  Agriculture
-  Urban Transition









CERUTTI BROS INC



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PLN2022-0048

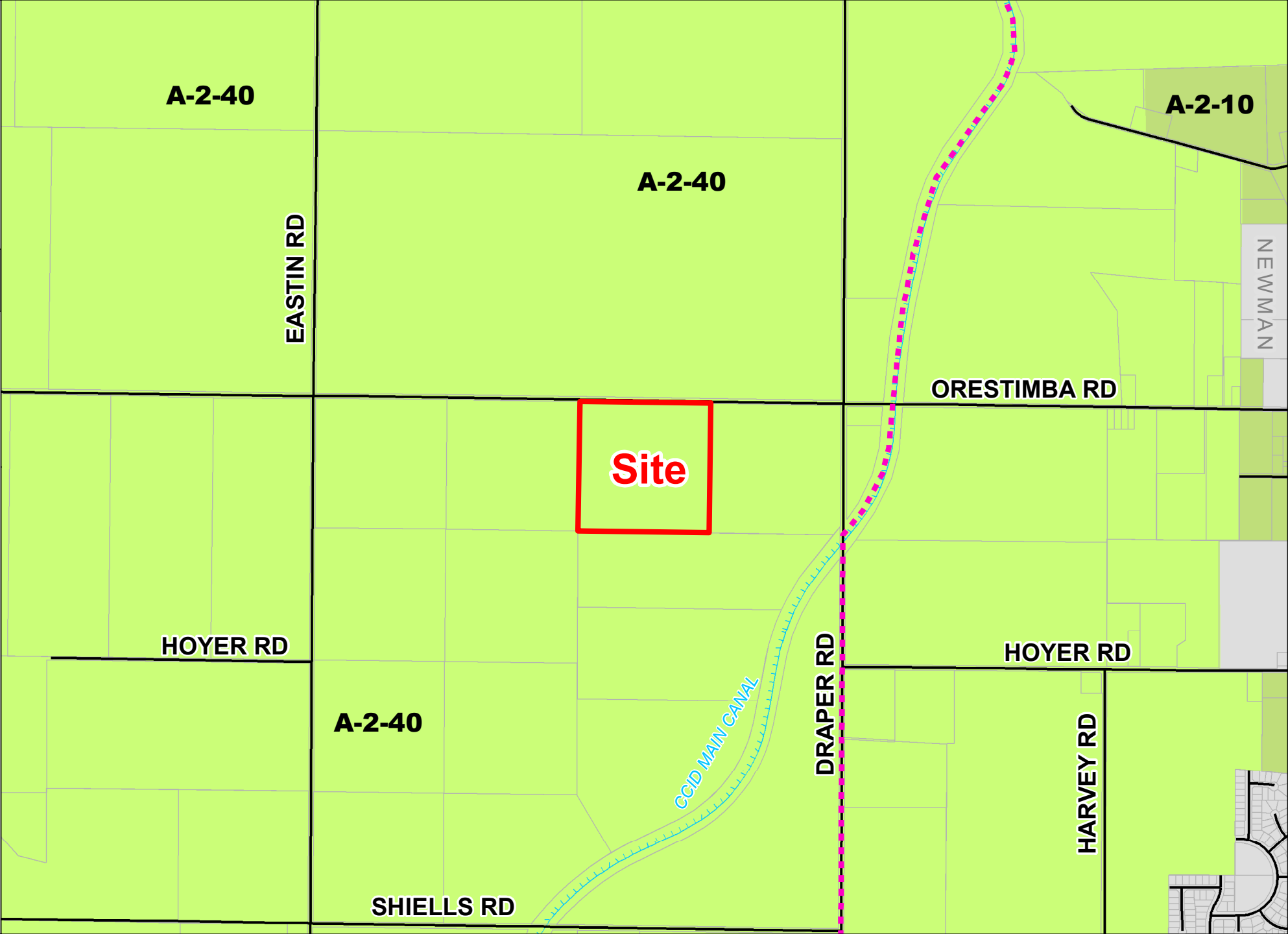
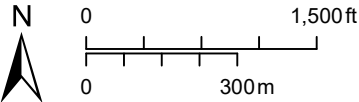
ZONING MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  Road
-  Canal

Zoning Designation

-  General Agriculture 10 Acre
-  General Agriculture 40 Acre







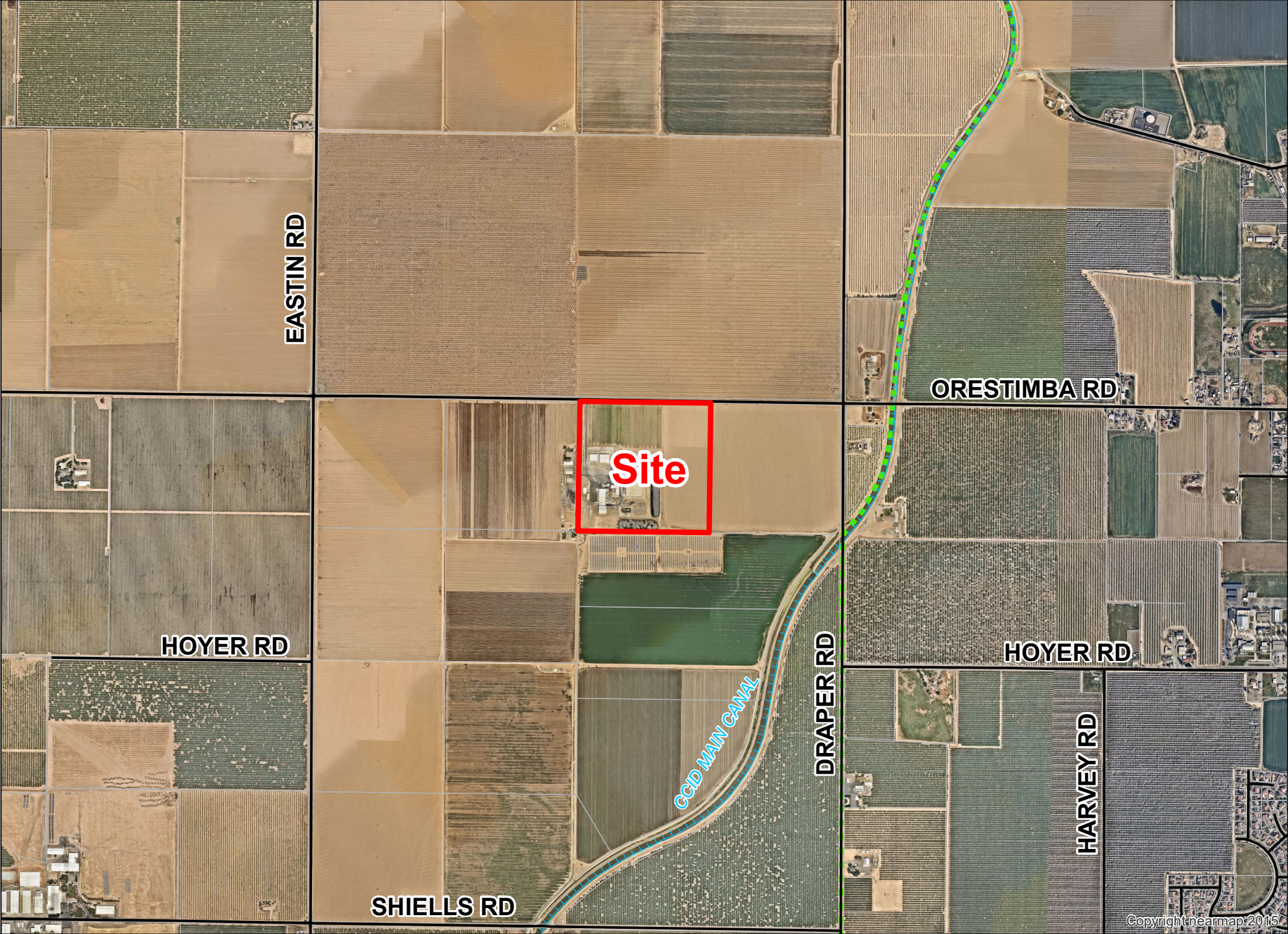
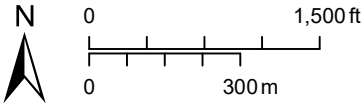
CERUTTI BROS INC

SAA
PLN2022-0048

2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal





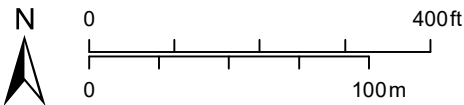
CERUTTI BROS INC

SAA
PLN2022-0048

2021 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road



CERUTTI BROS INC

SAA
PLN2022-0048

ACREAGE MAP

LEGEND



Project Site



Sphere of Influence



City of



Parcel/Acres



Road

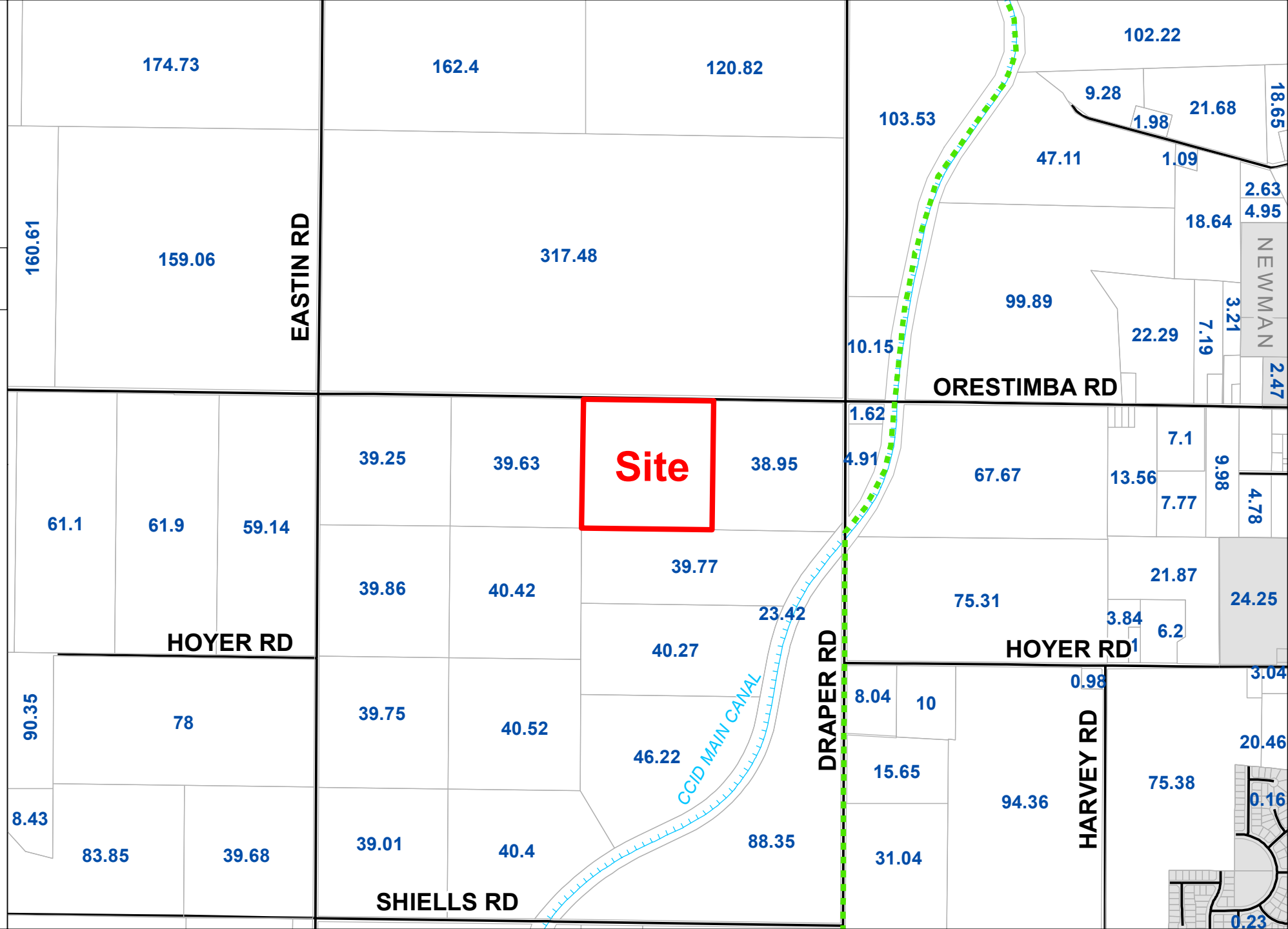


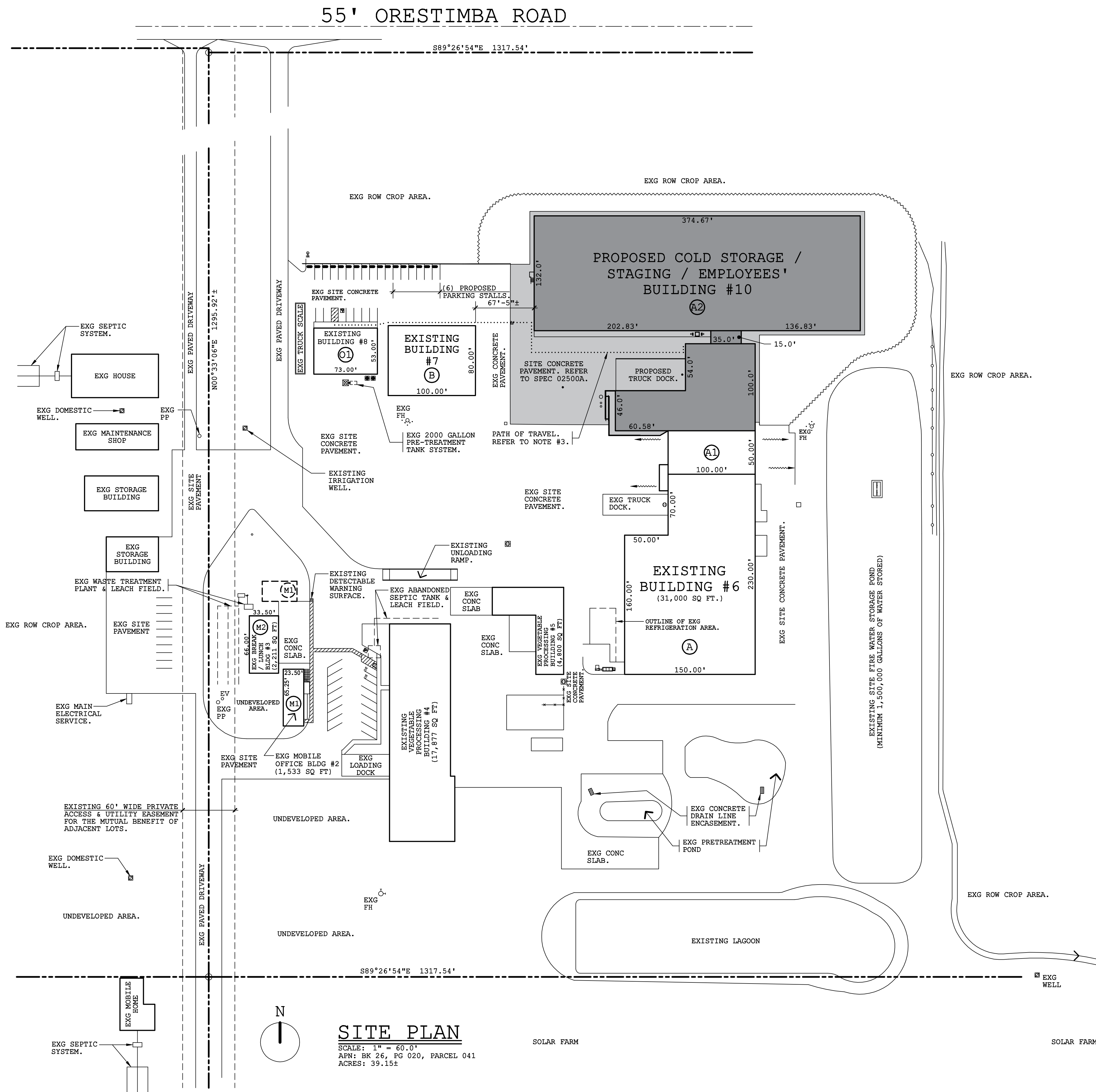
Canal



Source: Planning Department GIS

Date: 4/18/2022





- LEGEND**
- FH EXISTING FIRE HYDRANT.
 - PP EXISTING POWER POLE.
 - DESIGNATES AN EXISTING DISABLED ACCESS PARKING STALL.
 - EXG 8"FW DESIGNATES AN EXISTING FIRE WATER LINE WITH SIZE NOTED.
 - EXG 6"SD DESIGNATES AN EXISTING STORM DRAIN LINE WITH SIZE NOTED.
 - EXG 12"PD DESIGNATES AN EXISTING PROCESS DRAIN LINE WITH SIZE NOTED.
 - EXG 4"W DESIGNATES AN EXISTING WATER LINE WITH SIZE NOTED.
 - EXG 4"PAD DESIGNATES AN EXISTING PROCESS AMMONIA DISCHARGE DRAIN LINE WITH SIZE NOTED.
 - EXG 3"SSFM DESIGNATES AN EXISTING 3" SCH 40 PVC PRESSURIZED SANITARY SEWER FORCE MAIN LINE.
 - EXG 4"SS DESIGNATES AN EXISTING SANITARY SEWER LINE WITH SIZE NOTED.
 - EXG G DESIGNATES AN EXISTING GAS LINE.
 - DESIGNATES AN EXISTING SANITARY SEWER SUMP PUMP.
 - DESIGNATES AN EXISTING ONSITE LIGHT POLE.
 - DESIGNATES AN EXISTING ELECTRICAL SERVICE.

- NOTE:**
- ALL DATA PERTAINING TO THE DEVELOPMENT OF THE PROJECT'S SITE PLAN WITH RESPECT TO EXISTING STRUCTURES, WELL, SEPTIC, ETC., WERE DERIVED FROM THE PRIOR SITE CONSTRUCTION PLANS (STANISLAUS COUNTY'S BLD2012-00600) BY ADVANCED DESIGN GROUP, PROJECT #12007.
 - AT START OF CONSTRUCTION; THE PROJECT'S CONTRACTOR IS TO REVIEW ALL EXISTING CONDITIONS FOR COMPLIANCE WITH THE REQUIREMENTS OF THE PROJECT.
 - THE CONTRACTOR IS TO REVIEW / UPGRADE THE PROJECT'S SITE FOR COMPLIANCE WITH THE STATE OF CALIFORNIA'S DISABLED ACCESS REGULATIONS AS FOLLOWS.
 - ACCESSIBILITY SIGNAGE SHALL BE PROVIDED AT ALL ENTRANCES TO THE PARKING LOT, AT ALL DISABLED ACCESS PARKING STALLS, AT ALL PRIMARY ENTRANCES TO THE BUILDING, AND AT DISABLED ACCESS RESTROOMS IN COMPLIANCE WITH SEC 11B-216 OF THE 2013CBC.
 - ALL BUILDING ENTRANCES THAT ARE ACCESSIBLE TO AND USABLE BY PERSONS WITH DISABILITIES SHALL BE IDENTIFIED WITH AT LEAST ONE STANDARD SIGN AND WITH ADDITIONAL DIRECTIONAL SIGNS AS REQUIRED, TO BE VISIBLE TO PERSONS ALONG APPROACHING PEDESTRIAN WAYS.
 - THE EXISTING AND PROPOSED DISABLED ACCESS PARKING STALLS ARE TO BE REVIEWED FOR COMPLIANCE. REFER TO DETAIL 8/5 FOR THE SITE DISABLED ACCESS PARKING STRIPING, POSTING, AND GRADING REQUIREMENTS.
 - (DOTTED LINE) DESIGNATES THE EXISTING PATH OF TRAVEL THAT IS TO BE REVIEWED / UPGRADED FOR DISABLED ACCESS COMPLIANCE (DOORS, LEVEL, HAZARDOUS, ETC.). REFER TO DETAIL 3/5 FOR THE DOOR, LANDING & ACCESSIBLE ROUTE REQUIREMENTS.
 - THE PROJECT'S EXISTING DISABLED ACCESS MEN'S & WOMEN'S RESTROOM FACILITIES (REF; STANISLAUS COUNTY'S BUILDING PERMIT NO. BLD2006-03061, ADG'S #05073) ARE TO BE REVIEWED / UPGRADED FOR DISABLED ACCESS COMPLIANCE. REFER TO DETAIL 5/5 FOR THE DISABLED ACCESS RESTROOM REQUIREMENTS.

THE PROJECT'S SITE CONDITIONAL USE PERMIT (UP #2005-28) HAS BEEN APPROVED FOR A TOTAL IMPROVEMENT AREA OF 142,000 SQ FT (EXISTING 26,000 SQ FT + PROPOSED 116,000 SQ FT), REF; STANISLAUS COUNTY'S CONDITIONS OF APPROVAL LETTER, DATED 04/21/06.

IMPROVEMENT PRIOR TO UP #2005-28
(REFER TO ADG'S PROJECT #05-053); ----- 26,000 SQ FT.

IMPROVEMENTS UNDER UP #2005-28

PROJECT	ADG NO.	SQ FT
A	07-032	31,000 SQ FT
A1	16024A	5,000 SQ FT
A2	21013	61,174 SQ FT
B	10-056	8,000 SQ FT
M1	05-067 (REMOVED)	<920 SQ FT>
M1	05-067	1,533 SQ FT
M2	05-073	2,211 SQ FT
O1	12007	3,869 SQ FT
P1	07-072	0 SQ FT
TOTAL =		111,867 SQ FT

GROWTH RATIO = 26,000 + 111,867 / 142,000 = 0.97 < 1.00 ACCEPTABLE.

**** NOTE; SQUARE FOOTAGE IS BASED UPON ROOF AREA. ****

ITEM	PROJECT DESCRIPTION	SITE APPROVAL STATUS.	ADVANCED DESIGN GROUP'S No.
(A)	31,000 SQ FT WAREHOUSE BUILDING. (BUILDING PERMIT No. 2007-03048).	APPROVED	07032
(A1)	5,000 SQ FT COLD STORAGE ADDITION. (BUILDING PERMIT No. 2016-2373).	APPROVED	16024A
(A2)	61,174 SQ FT COLD STORAGE / STAGING / EMPLOYEES' BUILDING. (BUILDING PERMIT No. 2016-2373).	PROPOSED	21013
(B)	8,000 SQ FT WAREHOUSE BUILDING. (BUILDING PERMIT No. 2010-02076).	APPROVED	10056
(M1)	REMOVED 920 SQ FT MOBILE OFFICE BUILDING #1.		12007
(M1)	1,533 SQ FT MOBILE OFFICE BUILDING #2. (BUILDING PERMIT No. 2006-0041 & 0042).	APPROVED	05067
(M2)	2,211 SQ FT EMPLOYEE BREAK / LUNCH MOBILE STRUCTURES. (BUILDING PERMIT No. 2006-03061).	APPROVED	05073
(O1)	3,869 SQ FT OFFICE BUILDING. (BUILDING PERMIT No. 2012-00600).	APPROVED	12007
(P1)	FIRE WATER STORAGE POND. (BUILDING PERMIT No. 2008-00374).	APPROVED	07072

PROJECT LISTING



PROJECT: COLD STORAGE / STAGING / EMPLOYEES' BUILDING #10 ADDITION

OWNER: CERUTTI BROS., INC.

LOCATION: 2112 ORESTIMBA RD., NEWMAN, CA

CONTRACTOR: JIM FERNANDES CONSTRUCTION, INC.

DRAWN BY: BAO

CHECKED BY:

DATE: 06/17/22

REV	DATE	BY

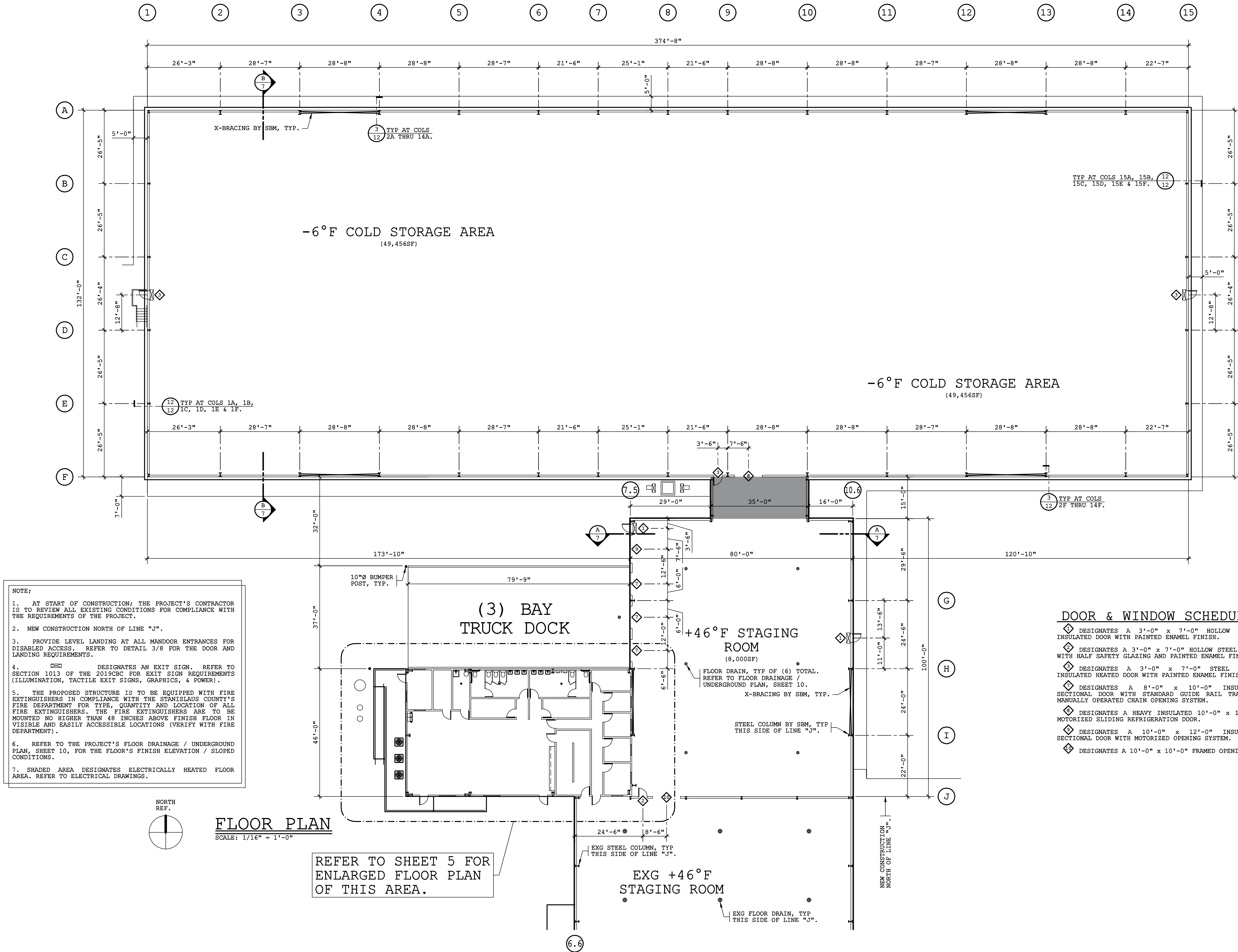
PROJECT

21013

SHEET NUMBER

2

NOTE; THIS DRAWING IS PRELIMINARY, NOT FOR CONSTRUCTION.



DOOR & WINDOW SCHEDULE

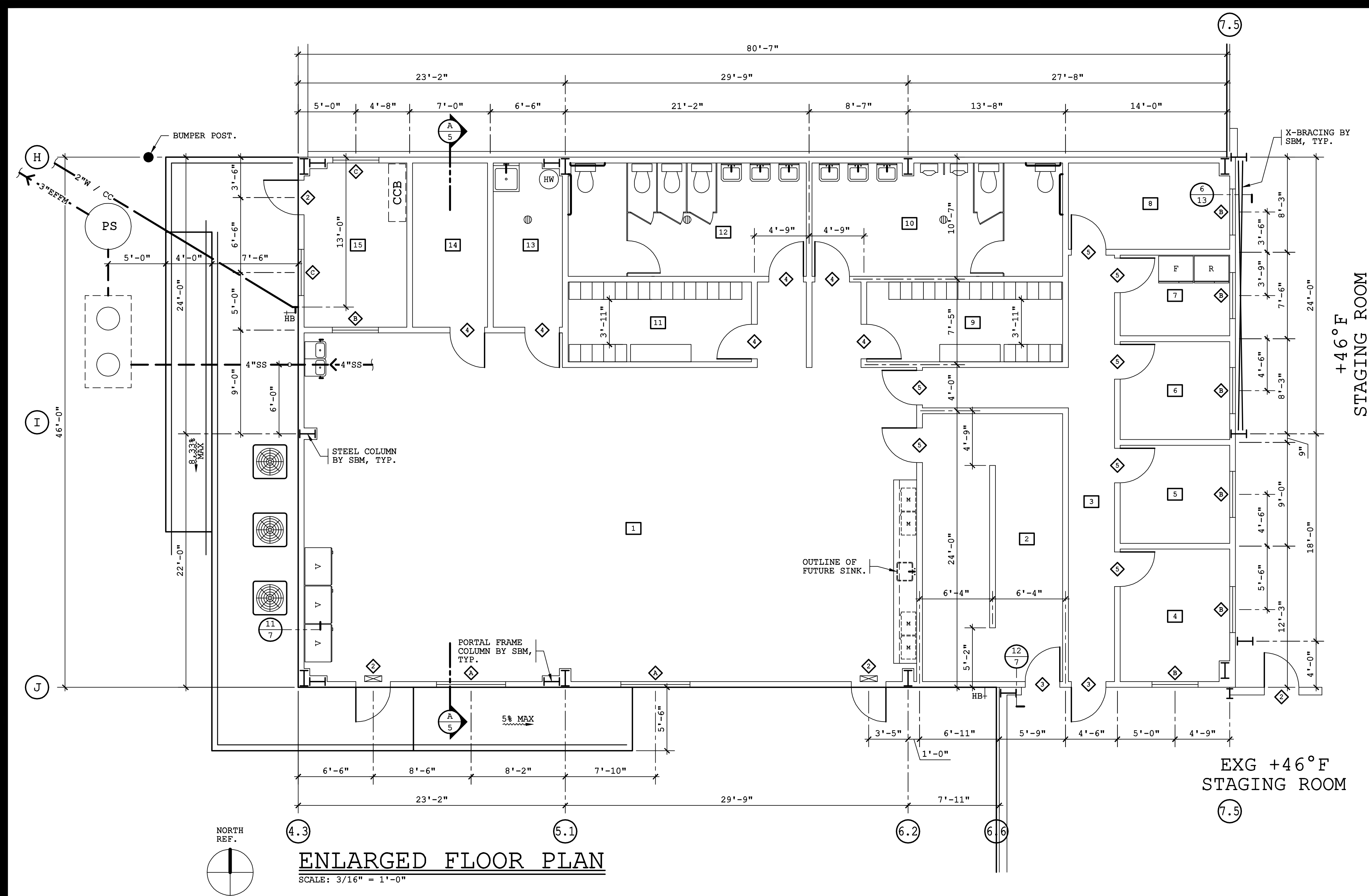
- DESIGNATES A 3'-0" x 7'-0" HOLLOW STEEL INSULATED DOOR WITH PAINTED ENAMEL FINISH.
- DESIGNATES A 3'-0" x 7'-0" HOLLOW STEEL DOOR WITH HALF SAFETY GLAZING AND PAINTED ENAMEL FINISH.
- DESIGNATES A 3'-0" x 7'-0" STEEL HEAVY INSULATED HEATED DOOR WITH PAINTED ENAMEL FINISH.
- DESIGNATES A 8'-0" x 10'-0" INSULATED SECTIONAL DOOR WITH STANDARD GUIDE RAIL TRACK & MANUALLY OPERATED CHAIN OPENING SYSTEM.
- DESIGNATES A HEAVY INSULATED 10'-0" x 10'-0" MOTORIZED SLIDING REFRIGERATION DOOR.
- DESIGNATES A 10'-0" x 12'-0" INSULATED SECTIONAL DOOR WITH MOTORIZED OPENING SYSTEM.
- DESIGNATES A 10'-0" x 10'-0" FRAMED OPENING.

FLOOR PLAN

SCALE: 1/16" = 1'-0"

REFER TO SHEET 5 FOR ENLARGED FLOOR PLAN OF THIS AREA.

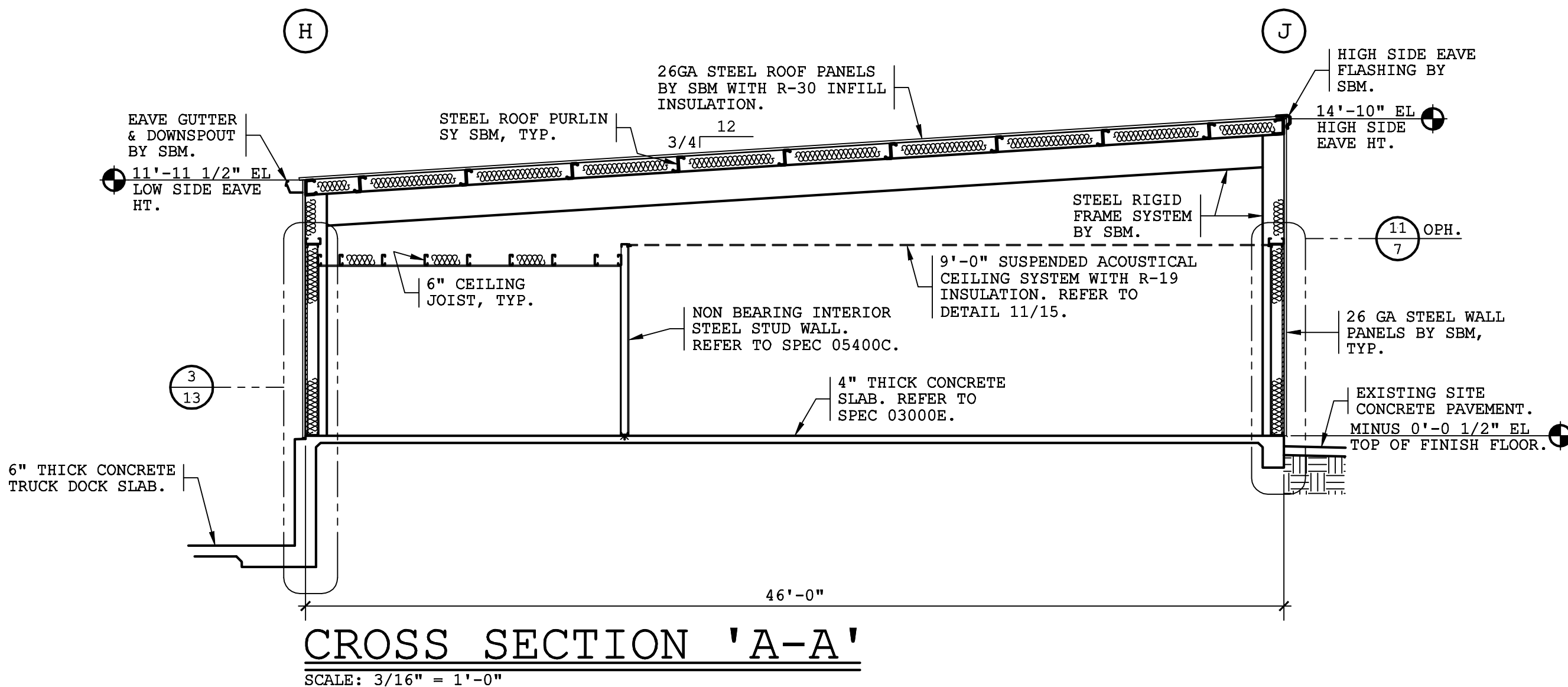
NOTE; THIS DRAWING IS PRELIMINARY, NOT FOR CONSTRUCTION.



- NOTE;
1. AT START OF CONSTRUCTION, THE PROJECT'S CONTRACTOR IS TO REVIEW ALL EXISTING CONDITIONS FOR COMPLIANCE WITH THE REQUIREMENTS OF THE PROJECT.
 2. NEW CONSTRUCTION NORTH OF LINE "J".
 3. REFER TO DETAIL 2/8 FOR THE PROJECT'S RESTROOM FIXTURES / ACCESSORIES ACCESSIBLE REQUIREMENTS AND DETAIL 5/8 FOR THE MULTI-OCCUPANCY RESTROOM ACCESSIBLE REQUIREMENTS.
 4. PROVIDE LEVEL LANDING AT ALL MANDOOR ENTRANCES FOR DISABLED ACCESS. REFER TO DETAIL 3/8 FOR THE DOOR AND LANDING REQUIREMENTS.
 5. DESIGNATES AN EXIT SIGN. REFER TO SECTION 1013 OF THE 2019CBC FOR EXIT SIGN REQUIREMENTS (ILLUMINATION, TACTILE EXIT SIGNS, GRAPHICS, & POWER).
 6. FOR ALL INTERIOR NON-BEARING STEEL STUD OFFICE WALL FRAMING; REFER TO SPEC. 05400 FOR CONSTRUCTION & FRAMING REQUIREMENTS UNLESS NOTED.
 7. ALL DESIGNATED CABINETS / COUNTERS ARE TO BE BY OWNER. CONFIRM ARRANGEMENT WITH OWNER PRIOR TO CONSTRUCTION. A MINIMUM OF 5% OF THE COUNTERS SHALL BE ACCESSIBILITY COMPLIANCE WITH SECTION 11B-226 OF THE 2019CBC. THE ACCESSIBILITY AREAS SHALL HAVE A MINIMUM LENGTH OF 60" WITH A COUNTER HEIGHT OF 28" - 34" ABOVE FINISH FLOOR. EMPLOYEE KNEE CLEARANCE SHALL BE 30" WIDE x 27" HIGH x 19" DEEP.
 8. THIS FLOOR PLAN LAYOUT GOVERNS OVER ALL OTHER ELECTRICAL, MECHANICAL, & PLUMBING FLOOR PLAN LAYOUTS WITH RESPECT TO FRAMING LAYOUTS (WALL LOCATIONS, DOOR SWINGS, ETC.).
 9. THE PROPOSED STRUCTURE IS TO BE EQUIPPED WITH FIRE EXTINGUISHERS IN COMPLIANCE WITH THE STANISLAUS COUNTY'S FIRE DEPARTMENT FOR TYPE, QUANTITY AND LOCATION OF ALL FIRE EXTINGUISHERS. THE FIRE EXTINGUISHERS ARE TO BE MOUNTED NO HIGHER THAN 48 INCHES ABOVE FINISH FLOOR IN VISIBLE AND EASILY ACCESSIBLE LOCATIONS (VERIFY WITH FIRE DEPARTMENT).
 10. REFER TO THE PROJECT'S FLOOR DRAINAGE / UNDERGROUND PLAN, SHEET 10, FOR THE FLOOR'S FINISH ELEVATION / SLOPED CONDITIONS.

DOOR & WINDOW SCHEDULE

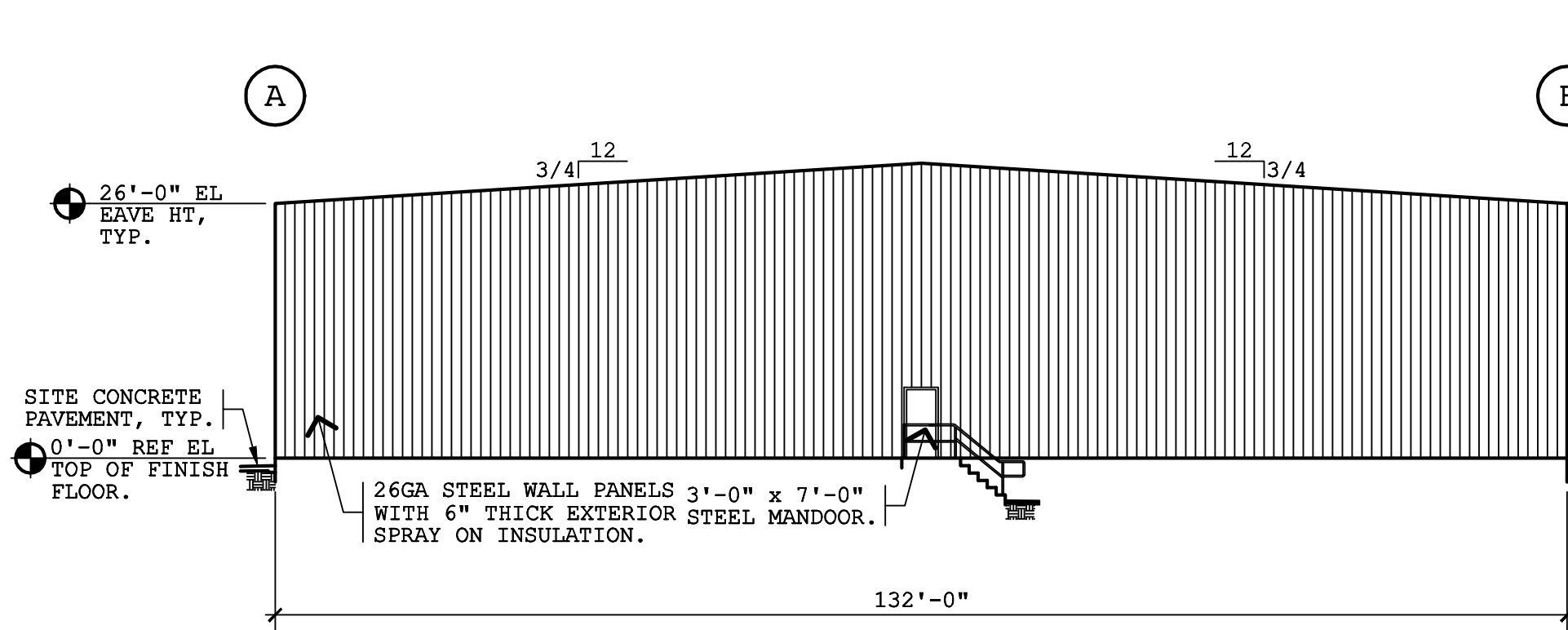
- DESIGNATES A 3'-0" x 7'-0" HOLLOW STEEL DOOR WITH HALF SAFETY GLAZING AND PAINTED ENAMEL FINISH.
- DESIGNATES A 3'-0" x 7'-0" HOLLOW STEEL INSULATED DOOR WITH HALF SAFETY GLAZING & PAINTED ENAMEL FINISH.
- DESIGNATES A 3'-0" x 6'-8" WOOD DOOR WITH METAL FRAME.
- DESIGNATES A 3'-0" x 6'-8" WOOD DOOR WITH HALF GLASS AND METAL FRAME.
- DESIGNATES A 6'-0" x 4'-0" ALUMINUM BRONZE ANODIZE FRAME GLASS WINDOW WITH TINTED DOUBLE PANE GLAZING.
- DESIGNATES A 4'-0" x 4'-0" ALUMINUM BRONZE ANODIZE FRAME GLASS WINDOW WITH CLEAR DOUBLE PANE GLAZING.
- DESIGNATES A 4'-0" x 4'-0" ALUMINUM BRONZE ANODIZE FRAME GLASS WINDOW WITH TINTED DOUBLE PANE GLAZING.



FINISH INDEX		ROOM NO.	ROOM NAME	FLOOR FIN.	BASE				WALLS				WAINSCOT					CEILING				
					N	E	W	S	N	E	W	S	FIN.	N	E	W	S	FIN.	HT.	TYPE	FIN.	HT.
FLOORING / FINISH: A. SMOOTH COLORED CONCRETE FINISH WITH SEALANT.	WALL / CEILING FINISH: U1. TEXTURED & PAINTED FINISH. U2. SMOOTH ENAMEL PAINTED FINISH.	1	BREAK ROOM	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
		2	SANITARY ROOM	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
		3	HALLWAY	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
BASE CONDITION: J. 5" RUBBER BASE. K. 1" x 3" STAINED WOOD BASE. L. CERAMIC WALL TILE.	U3. FOG MIST PAINTED FINISH. U4. TEXTURED & ENAMEL PAINTED FINISH.	4	OFFICE	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
		5	OFFICE	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
		6	OFFICE	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
WALL CONDITION: N. 5/8" GYPSUM WALLBOARD TAPED. REFER TO DIVISION 9 SPECIFICATIONS FOR WATER-RESISTANCE (GREENBOARD) IN RESTROOMS.	WAINSCOT: V. STAINLESS STEEL PANEL OVER GREEN BOARD BACKING W. CERAMIC WALL TILE.	7	OFFICE	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
		8	MICRO LAB	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	Y	-	9'-0"	
		9	MEN'S LOCKER ROOM	A	J	J	J	J	N	N	N	N	U1	-	-	-	-	-	X	U4	8'-0"	
	CEILING CONDITION: X. 5/8" GYPSUM WALLBOARD TAPED, TEXTURED. Y. SUSPENDED CEILING SYSTEM REFER TO SPEC. 09550.	10	MEN'S RESTROOM	A	L	L	L	L	N	N	N	N	U4	W	W	W	W	-	48"	X	U4	8'-0"
		11	WOMEN'S LOCKER ROOM	A	J	J	J	J	N	N	N	N	U1	-	-	-	-	-	-	X	U4	8'-0"
		12	WOMEN'S RESTROOM	A	L	L	L	L	N	N	N	N	U4	W	W	W	W	-	48"	X	U4	8'-0"
		13	UTILITY ROOM	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	X	U1	8'-0"	
		14	STORAGE ROOM	A	J	J	J	J	N	N	N	N	U1	-	-	-	-	-	-	X	U1	8'-0"
		15	SHIPPING OFFICE	A	K	K	K	K	N	N	N	N	U1	-	-	-	-	-	X	U1	8'-0"	

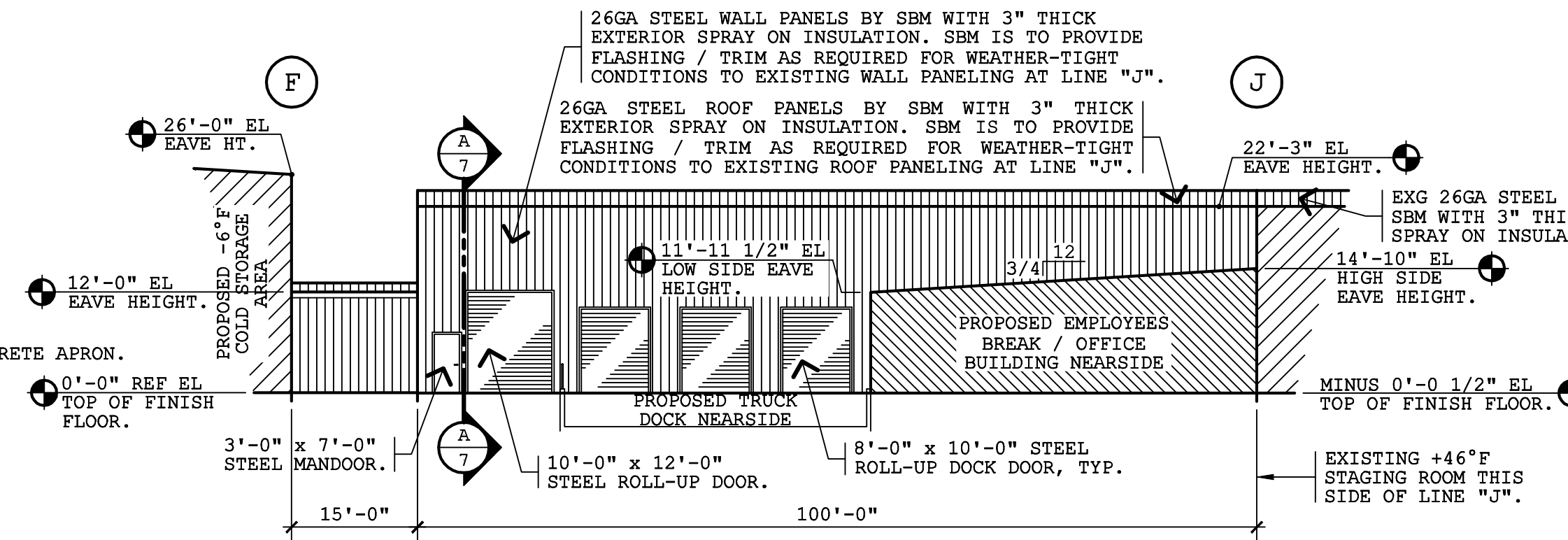
ROOM FINISH SCHEDULE

NOTE; THIS DRAWING IS PRELIMINARY, NOT FOR CONSTRUCTION.



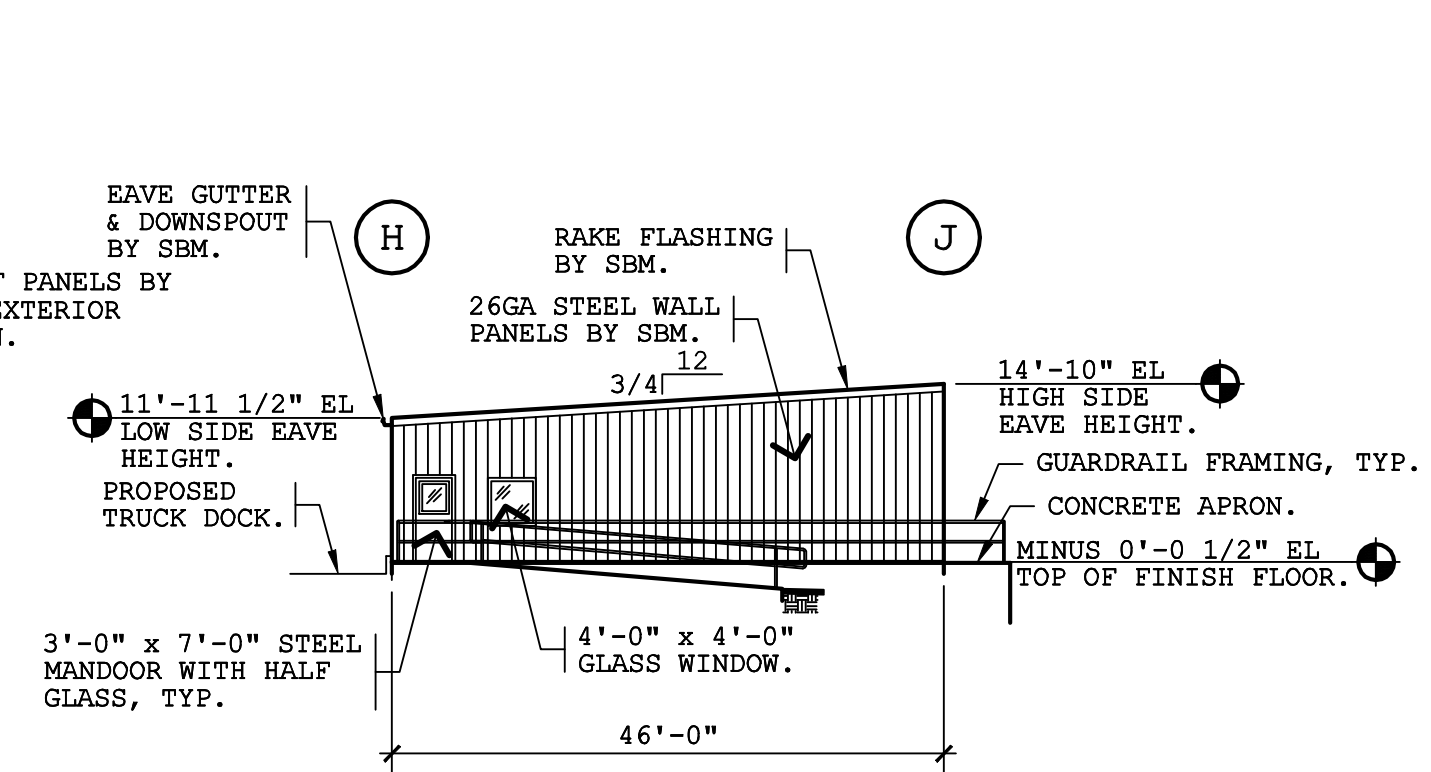
WEST ELEVATION AT LINE 1

SCALE: 1/16" = 1'-0"



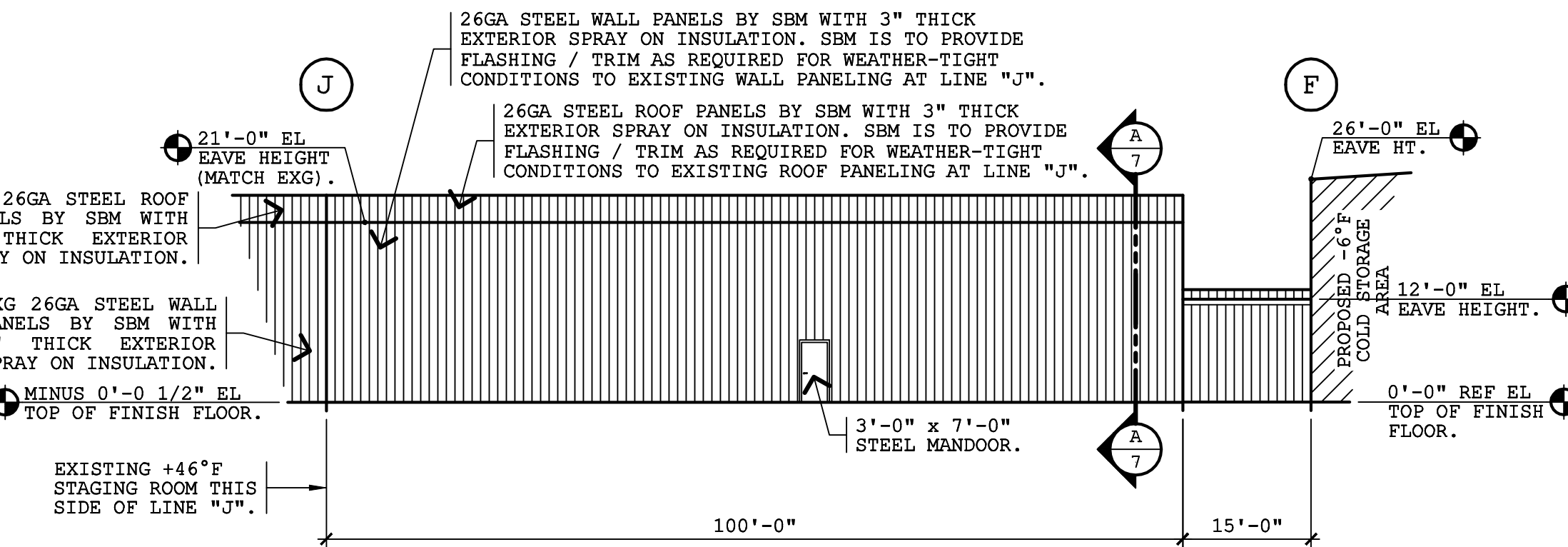
WEST ELEVATION AT LINE 7.5

SCALE: 1/16" = 1'-0"



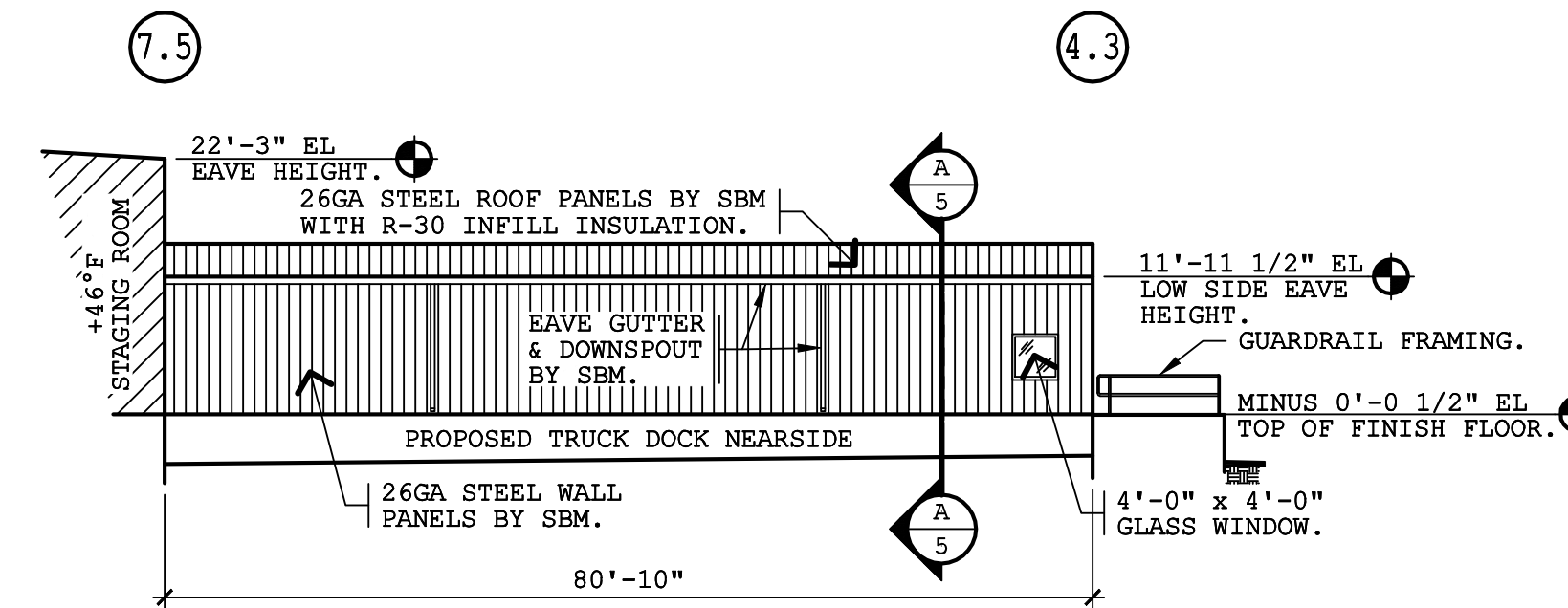
WEST ELEVATION AT LINE 4.3

SCALE: 1/16" = 1'-0"



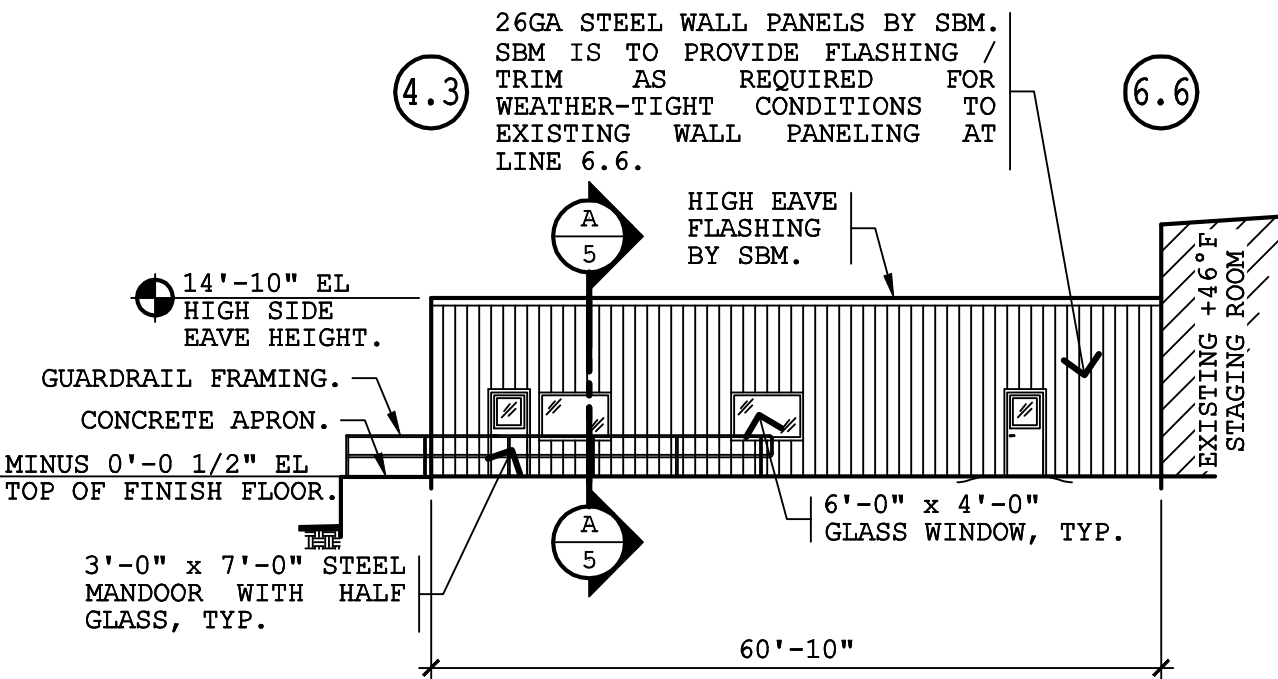
EAST ELEVATION AT LINE 10.6

SCALE: 1/16" = 1'-0"



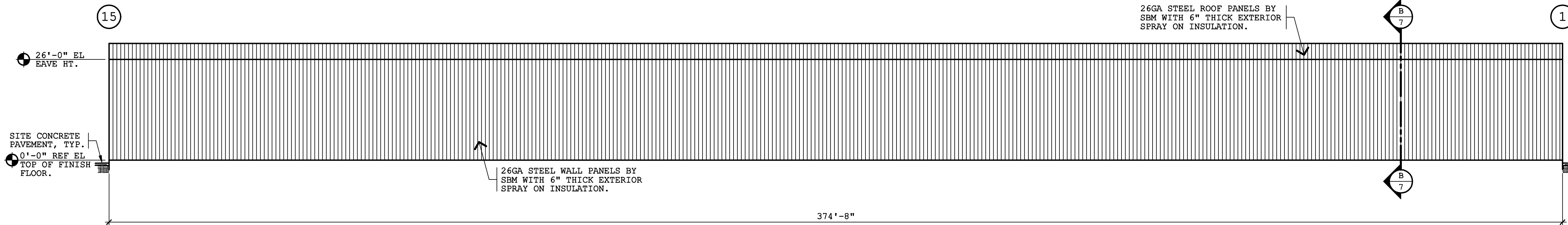
NORTH ELEVATION AT LINE "H"

SCALE: 1/16" = 1'-0"



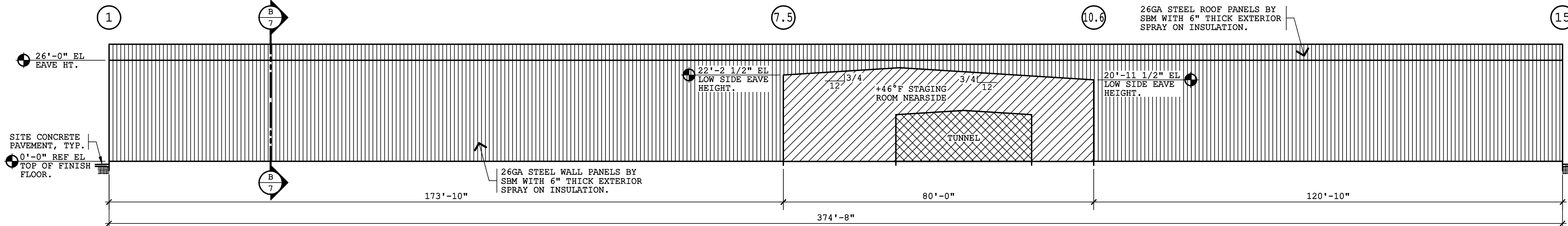
SOUTH ELEVATION AT LINE "J"

SCALE: 1/16" = 1'-0"



NORTH ELEVATION AT LINE "A"

SCALE: 1/16" = 1'-0"



SOUTH ELEVATION AT LINE "F"

SCALE: 1/16" = 1'-0"

NOTE; THIS DRAWING IS PRELIMINARY, NOT FOR CONSTRUCTION.

STANISLAUS COUNTY PLANNING COMMISSION

April 20, 2006

STAFF REPORT

USE PERMIT APPLICATION NO. 2005-28
CEBRO FROZEN FOODS

Continued from April 6, 2006 Planning Commission Meeting

REQUEST: TO ADD MULTIPLE BUILDINGS TOTALING SOME 116,000 SQUARE FEET TO AN EXISTING 26,000 SQUARE FOOT PROCESSING FACILITY LOCATED ON A 299.65 ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT. THE PROPERTY IS LOCATED AT 2100 ORESTIMBA ROAD, EAST OF EASTIN ROAD, IN THE NEWMAN AREA.

APPLICATION INFORMATION

Applicant:	Skip Cerutti, Cebro Frozen Foods
Property Owner:	Cerutti Bros. Partnership
Engineer:	Elwyn Heinen, Advanced Design Group
Location:	2100 Orestimba Road, east of Eastin Road, in the Newman area
Section, Township, Range:	23-7-8
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	026-020-018
Referrals:	See Exhibit "C"
	Environmental Review Referrals
Area of Parcels:	299.65
Water Supply:	Water well
Sewage Disposal:	Septic/leach field system
Existing Zoning:	A-2-40
General Plan Designation:	General Agriculture
Community Plan Designation:	Not applicable
Williamson Act Contract No.:	71-0205
Environmental Review:	Negative Declaration
Present Land Use:	Fruit Processing & Storage Facilities
Surrounding Land Use:	Agricultural uses and scattered single-family dwellings

PROJECT DESCRIPTION

Request for a large-scale, phased expansion of multiple buildings totaling some 116,000 square feet, to an existing 26,000 square foot food processing/cold storage facility located in the A-2-40 (General Agriculture) zoning district on a 299.65 acre parcel. Approximately, 90% of all processing pertains to agricultural products that are grown directly by the owner within Stanislaus County. The expansion will take place in seven phases until 2014.

First Phase:	Office/Break/Restroom (Break room and one office building was approved as SAA 2005-107)	2005-2006
Second Phase:	26,500 square foot cold storage building	2006
Third Phase:	12,100 square foot storage building (existing building to be demolished)	2008
Fourth Phase:	3,500 square foot processing shelter	2009
Fifth Phase:	9,500 square foot cold storage building	2011
Sixth Phase:	24,000 square foot manufacturing building	2012
Seventh Phase:	36,000 square foot cold storage building	2014

After all seven phases are built there will be a maximum of 10 full time employees and 20 part time employees operating ten months a year (March - December), Monday through Saturday. The applicant estimates the number of existing truck trips will decrease from 6 trips per day to 4 trips with the additional cold storage facility on-site. For a more detailed description of the applicant's project and findings please refer to Exhibit "B".

This project was scheduled for the March 16, 2006 and the April 4, 2006 Planning Commission meetings. The applicant's representative had requested a continuation in order to allow some additional time to address some conditions requested by the West Stanislaus County Fire Protection District. Those issue have been resolved and staff has added the new conditions to the report.

SITE DESCRIPTION

The 299.65 acre site is located at 2100 Orestimba Road, east of Eastin Road, in the Newman area. The site has an existing vegetable processing building and a warehouse building, a single family residence, a mobile home, a storage building, and a maintenance shop. Recently, there was an office and a break room installed through the staff approval process. There are existing row crops (vegetables) grown on the site which are processed at this location. The surrounding area consists of agriculture (orchards and row crops), and scattered single-family dwellings. The CCID Canal is on the east side of the property.

In 1992, the Planning Commission approved the existing vegetable processing building to process only the applicant's product. The building is used for freezing and shipping vegetables in 1,500 pound bins. At that time there were also approvals for a pretreatment pond and lagoon.

Throughout the years there were a couple of approved staff approvals, the final one being done last year for two of the three office buildings proposed in Phase I.

DISCUSSION

The proposed expansion is classified by Section 21.20.030 of the Stanislaus County Zoning Ordinance as a Tier One use. Tier One is defined as "the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity." Tier One uses consist of uses closely related to agriculture and are necessary for a healthy agricultural economy which may be allowed when the Planning Commission makes the following findings:

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

Staff believes all of the necessary findings can be made and that the project meets the principles of compatibility listed above. The proposed operation will provide additional storage to a previously approved processing facility for vegetables within Stanislaus County and surrounding areas. The proposed storage buildings will be used year round and are essential for the storage of nuts during the winter months.

With Conditions of Approval in place, there is no indication that, under the circumstances of this particular case, the proposed expansion 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 to the general welfare of the county. The services provided by the facility are an important component of the agricultural economy in Stanislaus County and there is no indication this project will interfere or conflict with other agricultural uses in the area.

COMMENTS

Staff received comments from seven (7) public agencies and departments on the project. All other Conditions of Approval requested by the responding agencies have been incorporated into the project as Conditions of Approval (see Exhibit "D").

Staff has received no phone calls or verbal comments from neighbors in the surrounding area raising any concerns about the current or proposed facility. No written comments had been received at the time this staff report is being drafted.

PHASING

As mentioned earlier in the report the applicant is proposing seven (7) phases for this Use Permit Application to take place to the year 2014.

Normally, staff recommends that a phasing plan be for a shorter period of time of around five (5) years. Phases I-V total just over 53,000 square feet and are scheduled to be constructed over 5 years (2011). Phases VI and VII are proposed to be a total of 60,000 square feet, 2 new full time and 2 part time employees, and 100 more truck trips per year.

After reviewing this application, Staff does not have any concerns up until the sixth phase. Phases VI and VII are scheduled for 2012 and 2014 respectfully. The concerns that staff has with such a long time table is:

1. Possible future changes in county policy,
2. Tracking the multiple phases over a lengthy period of time, and
3. Changes to industry and/or technology.

Some options for the Planning Commission are:

1. Approve the project as proposed with the time lines as submitted by the applicant.
2. Require a new Use Permit approval for phases VI and VII.
3. Or, add a Condition of Approval that states the Planning Director would review phase VI and/or VII and at his/her discretion either approve the phases or go back to the Planning Commission.

Williamson Act and Agricultural Resources

The site is currently under Williamson Act Contract No. 71-0205 and is considered prime farmland due to agricultural use of the land. The soil is designated as Prime Farmland by Farmland Mapping and Monitoring Program. Tier One Use Permits are considered consistent with Williamson Act contracts. Further, the County's A-2 zoning district will restrict the onsite residential development to that which is incidental to the commercial agricultural use of the land.

The Planning Department sent a certified 2-week CEQA Referral Early Consultation to the Department of Conservation, but did not receive a response during the response time. A certified 30-day CEQA Referral, which included the Initial Study and Proposed Negative Declaration was sent to the State Department of Conservation. Staff did not receive a response during the response time, either.

Staff believes that the proposed project will not result in residential development that could be considered not incidental to the commercial agricultural use of the land, specifically because, at this point, no new residential development is proposed.

In addition, staff has instituted a process by which all building permit applications submitted for any new structures (including new single-family houses, storage and ag buildings) on Williamson Act properties, must be accompanied by a signed Landowners Statement that verifies compatibility with the Williamson Act contract. The Landowners Statement further acknowledges that, pursuant to AB1492, severe penalties may arise should the County or the Department of Conservation determine in the future that the structure is in material breach of the contract.

By requiring a separate review of the compatibility of each building permit application submitted on Williamson Act properties, staff can ensure that no structures are constructed that are not incidental to the agricultural use of the property.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to various agencies (see Exhibit "C"). Based on the initial study prepared for this project, adoption of a Negative Declaration is being proposed. The initial study and comments to the initial study have not presented any substantial information to identify a potential significant impact needing to be mitigated.

RECOMMENDATION

If a decision is made to approve, staff recommends, based on the entire record, the Planning Commission take the following actions:

1. Find the project to be "De Minimis" for the purposes of collection of Fish and Game Fees pursuant to California Code of Regulations Section 753.5, by adopting the findings of fact contained in the attached Certificate of Fee Exemption, those findings being based on the analyses presented in the Initial Study, and order the filing of the Certificate of Fee Exemption with the Stanislaus County Clerk-Recorder's Office.
2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
 - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - C. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - D. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - E. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

5. Approve Use Permit Application 2005-28 - Cebro Frozen Foods, subject to the attached Conditions of Approval.

Report written by: Bill Carlson, Senior Planner, April 4, 2006

Attachments:

Exhibit A -	Maps
Exhibit B -	Applicant's Project Description and Findings
Exhibit C -	Environmental Review Referrals
Exhibit D -	Conditions of Approval
Exhibit E -	Initial Study
Exhibit F -	Negative Declaration
Exhibit G -	Certificate of Fee Exemption

Reviewed by:


Bob Kachel, Senior Planner

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PROJECT DESCRIPTION;

THIS APPLICATION FOR USE PERMIT IS FOR ADDITIONAL GROWTH FOR AN AGRICULTURAL FOOD PROCESSING FACILITY FOR CEBRO FROZEN FOODS. THE FACILITY IS LOCATED ON 299.65 ACRES AT 2100 ORESTIMBA RD., NEWMAN, CALIFORNIA. THE ASSESSOR'S PARCEL NUMBER IS 026-020-018 WITH A CURRENT ZONING OF A-2-40 (AGRICULTURAL DISTRICT); REFER TO THE PRIOR UP92-11 AND PRIOR SA2002-16. THE CURRENT PROPERTY OWNER IS CERUTTI BROS. PARTNERSHIP. THE PROJECT IS TO BE DEVELOPED IN SEVEN PHASES AS FOLLOWS.

THE PRESENT SITE PERTAINS TO THE FOLLOWING;

AN EXISTING VEGETABLE PROCESSING AND COLD STORAGE FACILITY WITH A FROZEN FOOD PLANT, 3 STORAGE SHEDS, PRETREATMENT/STORM DRAINAGE PONDS AND TWO PRIVATE RESIDENCES. 90% OF ALL PROCESSING PERTAINS TO AGRICULTURAL PRODUCTS THAT ARE GROWN DIRECTLY BY THE OWNER WITHIN STANISLAUS COUNTY.

THE PROPOSED SITE PERTAINS TO THE FOLLOWING (EST. CONSTRUCTION AND USAGE);

PHASE	YEAR	SQ.FT.	USAGE
* I	2005	2244+920+1536	OFFICE/BREAK/RESTROOM
II	2006	26500	COLD STORAGE
III	2008	12100	STORAGE
IV	2009	3500	PROCESSING SHELTER
V	2011	9500	COLD STORAGE
VI	2012	24000	MANUFACTURING
VII	2014	36000	COLD STORAGE

* NOTE THAT PHASE I IS BEING ADDRESSED UNDER AN ADDITIONAL STAFF APPROVAL.

THE SURROUNDING AREA IS PREDOMINATELY AGRICULTURALLY RELATED. REFER TO THE PROJECT'S AREA MAP FOR ALL ADJACENT LAND USAGES.

HOURS OF OPERATION; OPERATION IS NORMALLY TEN MONTHS A YEAR (MARCH - DECEMBER), APPROXIMATELY 225 DAYS A YEAR, MONDAY THRU SATURDAY, 6 DAYS PER WEEK, 24 HOURS PER DAY (2 SHIFTS). TRUCK DELIVERIES/LOADINGS ARE NORMALLY BETWEEN THE HOURS OF 8AM TO 5PM.

TRUCK TRAFFIC IS ESTIMATED AS FOLLOWS;

PHASE;	TRUCKS PER DAY	TRUCKS PER YEAR
AT PRESENT -----	6	1,100
PHASE I, NO CHANGE IN TRUCK TRAFFIC;	-	-
PHASE II, REDUCTION OF TRUCK TRAFFIC;	<2>	<350>
PHASE III, NO CHANGE IN TRUCK TRAFFIC;	-	-
PHASE IV, NO CHANGE IN TRUCK TRAFFIC;	-	-
PHASE V, REDUCTION OF TRUCK TRAFFIC;	<0.5>	<150>
PHASE V, INCREASE OF TRUCK TRAFFIC;	1	250
PHASE VII, REDUCTION OF TRUCK TRAFFIC;	<0.5>	<150>
ESTIMATED TOTAL =	4	700

NOTE THAT THE INCREASE OF COLD STORAGE TO THE ABOVE FACILITY DECREASES OFFSITE COLD STORAGE NEEDS; TO WHICH TRUCK TRAFFIC IS REDUCED.

MAX. EMPLOYEES PER DAY ARE ESTIMATED AS FOLLOWS;

PHASE;	FULL TIME	PART TIME
AT PRESENT -----	8	18
PHASE I, NO CHANGE IN EMPLOYEES;	-	-
PHASE II, NO CHANGE IN EMPLOYEES;	-	-
PHASE III, NO CHANGE IN EMPLOYEES;	-	-
PHASE IV, NO CHANGE IN EMPLOYEES;	-	-
PHASE V, NO CHANGE IN EMPLOYEES;	-	-
PHASE V, INCREASE IN EMPLOYEES;	2	2
PHASE VII, NO CHANGE IN EMPLOYEES;	-	-
ESTIMATED TOTAL =	10	20

AT PRESENT AND FOR ALL FUTURE PHASES, THE **FACILITY'S DAILY CUSTOMERS / VISITORS AT PEAK TIME** ARE NOT EXPECTED TO EXCEED 2 CUSTOMERS PER MONTH AND 6 VISITORS PER MONTH.

THIS PARCEL IS CURRENTLY UNDER A WILLIAMSON ACT CONTRACT. FINDINGS INCLUDE THAT THIS USE PERMIT IS FOR AN EXPANSION OF AN EXISTING AGRICULTURAL FOOD PROCESSING FACILITY WHICH IS DIRECTLY IN LINE WITH AGRICULTURAL USAGE AND WITH THE GROWTH OF THE SURROUNDING AGRICULTURAL AREA. THIS USAGE WILL NOT SIGNIFICANTLY COMPROMISE THE LONG-TERM PRODUCTIVE AGRICULTURAL CAPABILITY OF THE PARCEL OR ADJOINING PARCELS IN THIS ZONING DISTRICT. THIS FACILITY IS COMPATIBLE WITH AND DIRECTLY RELATES TO THE PRODUCTION OF AGRICULTURAL PRODUCTS.

IN ADDITION THIS TYPE OF USAGE WILL NOT RESULT IN THE REMOVAL OF ADJACENT LAND FROM AGRICULTURAL USAGE. IT IS NOT EXPECTED THAT THE PROPOSED FACILITY WILL COMPROMISE THE LONG-TERM PRODUCTIVE AGRICULTURAL CAPABILITY OF THE SURROUNDING AREAS, NOR DISPLACE ANY EXISTING AGRICULTURAL OPERATIONS, NOR REMOVE AGRICULTURAL LAND TO ANY CONCERN.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. 2005-28 - CEBRO FROZEN FOODS

REFERRED TO:			RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions	
DATE: January 19, 2006		PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
AGRICULTURE COMMISSIONER	X	X		X							
AIRPORT LAND USE COMMISSION	X	X	X								X
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X		X							
CITY OF NEWMAN	X	X	X								X
COMMUNITY SERVICES/SANITARY											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X	X		X							
DEPARTMENT OF CONSERVATION	X	X		X							
DEVELOPMENT SERVICES	X	X	X							X	
ENVIRONMENTAL RESOURCES	X	X	X							X	
FIRE PROTECTION DIST: WEST STANISLAUS	X	X	X							X	
CONSOLIDATED FIRE PROTECTION	X	X	X							X	
FISH & GAME	X	X		X							
HOSPITAL DISTRICT: WESTSIDE	X	X		X							
IRRIGATION DISTRICT: CENTRAL CALIFORNIA	X	X		X							
LAFECO	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL:											
PARKS & FACILITIES	X	X		X							
P.G. & E.	X	X		X							
PUBLIC WORKS	X	X	X							X	
PUBLIC WORKS - TRANSIT	X	X		X							
REGIONAL WATER QUALITY	X	X	X							X	
StanCOG	X	X		X							
SCHOOL DISTRICT 1: NEWMAN/CROWS LANDING	X	X		X							
SHERIFF	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X	X	X							X	
STATE CLEARINGHOUSE											
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT : 5 - DeMARTINI	X	X		X							
TELEPHONE COMPANY: SBC	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
US FISH & WILDLIFE	X	X		X							
VALLEY AIR DISTRICT	X	X	X							X	
WATER DISTRICT											
DEPT. OF WATER RESOURCES											

(I:\Staff\p\UP\2005\UP 2005-28 - Cebro Frozen Foods\REFERRAL RESPONSE FORM.wpd)



October 10, 2005

MEMO TO: Department of Planning and Community Development

FROM: Ron Cherrier, Senior Land Development Coordinator

SUBJECT: Use Permit Application No. 2005-28 - Cebro Frozen Foods

The proposed use permit to allow a large scale phased expansion of an existing food processing facility will not create a significant traffic impact to Stanislaus County roads. However, to be consistent with County development standards, this Department recommends the following conditions of approval:

1. A paved driveway approach shall be installed to county standards on Orestimba Road, if none exists, at the access point between the existing edge of road pavement and the right-of-way line. The driveway approach shall be constructed in a manner to prevent runoff from going onto adjacent property and the county road right-of-way.
2. An encroachment permit must be obtained for the driveway approach.
3. All driveway locations and widths shall be approved by this Department.
4. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Orestimba Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
5. A Grading and Drainage Plan shall be submitted prior to issuance of the use permit and/or any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the county road right-of-way. After the plan is determined to be acceptable to the Department of Public Works, the plan shall be implemented prior to final and/or occupancy of each building phase.
6. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.

Please let me know if you have any questions concerning the above recommended conditions.

(H:\services\up2005-28.rc)



CHIEF EXECUTIVE OFFICE
Richard W. Robinson
Chief Executive Officer

Patricia Hill Thomas
**Chief Operations Officer/
Assistant Executive Officer**

Monica Nino-Reid
Assistant Executive Officer

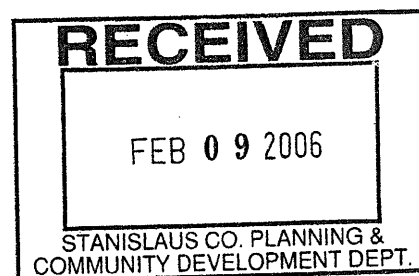
Stan Risen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
P.O. Box 3404, Modesto, CA 95353-3404
Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

February 8, 2006

Bill Carlson
Stanislaus County
Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95353



**SUBJECT: ENVIRONMENTAL REFERRALS-USE PERMIT APPLICATION
NO. 2005-28-CEBRO FROZEN FOODS**

Mr. Carlson:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comment(s):

- Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
- Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.

**ENVIRONMENTAL REFERRALS-USE PERMIT APPLICATION NO. 2005-28-
CEBRO FROZEN FOODS**

Page 2

- C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.
- Water Supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from the Department of Environmental Resources, prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from the Department of Environmental Resources. The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system."

The ERC appreciates the opportunity to comment on this project.

Sincerely,



Raul Mendez, Senior Management Consultant
Environmental Review Committee

cc: ERC Members



WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT

P.O. Box 565, Patterson, CA 95363
(209) 892-5621 fax (209) 892-7896
email: bkinnear@ci.patterson.ca.us

James W. Kinnear
Fire Chief

March 31, 2006

Elwyn V. Heinen, P.E.
Advanced Design Group, Inc.
1128 Sixth St.
Modesto, CA. 95354-2203

Re: Cerviti Project, ADG #05-053

Mr. Heinen:

Thank you for taking the time to meet with Chief Kinnear and myself on Wednesday regarding the aforementioned project. After reviewing submitted documentation, the California Fire Code, and having conversation with Chief Weigand, Fire Marshal with Stanislaus Consolidated Fire, we have determined the following:

- 1) The proposed structure is not required to have an automatic fire protection system installed, as long as storage does not exceed twelve (12) feet in height, and storage bins containing Group A plastics, as per CFC 8101.4.2.2, are not used.
- 2) The existing pond (1.5 million gallons) shall be used as the water source for fire protection/suppression for this project, and shall be maintained accordingly. Should the pond be taken off-line (out of service) for any reason, the West Stanislaus Fire District Headquarters in Patterson shall be notified immediately, regardless of the duration the pond is out of service. This notification includes, but not limited to, maintenance, extended power outage, mechanical defect, etc.
- 3) A float system shall be added to the existing pond. This will allow the pond to be filled automatically by its source, and turn off when the pond has reached maximum capacity. As per our conversation, a second float will be installed to maintain the runoff or overflow of the pond, ensuring the pond stays full.

- 4) A second hydrant shall be added to this project. The hydrant should be located to the north or northeast of the proposed project, and be at least fifty-feet (50) from the structure. This office, prior to installation, shall approve the final location of the hydrant.
- 5) We are requiring, as per California Fire Code, Section 902, a Fire Department Access Road be installed and maintained at this project. The access road shall have an unobstructed width of not less than twenty-feet (20), and an unobstructed vertical clearance of not less than thirteen-feet, six-inches (13.6). The access road shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.
- 6) All other requirements from applicable codes shall be adhered to for this project.

We look forward to working with you and Mr. Cerutti on this project. If you have any questions in regards to the above, please do not hesitate to contact his office immediately.

Respectfully,


Steven Hall
Division Chief/Fire Marshal
Patterson/West Stanislaus Fire

West Stanislaus County Fire Protection District



WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT

P.O. Box 565, Patterson, CA 95363
(209) 892-5621 fax (209) 892-7896
email: bkinnear@ci.patterson.ca.us

James W. Kinnear
Fire Chief

February 17, 2006

To: Stanislaus County Department of
Planning and Community Development
1010 Tenth Street
Modesto, California 95354

Re: West Stanislaus County Fire Protection District's requirements to mitigate the impact of **USE
PERMIT APPLICATION NO. 2005-28 – CEBRO FROZEN FOODS**

There is no doubt that a facility of the make-up and size of this proposed facility would have an adverse impact upon the ability of this Fire District to continue to provide fire protection to its constituents. In order to mitigate that adverse impact, the Fire District proposes the following requirements be placed upon the applicant:

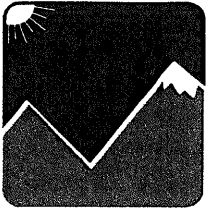
- 1) That the applicant pay the Fire District's Standard Benefit Assessment
- 2) That the applicant agree to pay development fees on new buildings as per the requirements adopted by the Board of Supervisors for the West Stanislaus County Fire Protection District for areas serviced outside of areas served by existing fire stations. These fees will need to be worked out with the applicant and the fire district.
- 3) That all buildings over 120 square feet be automatic fire sprinklered to the requirements of the National Fire Protection Association, Pamphlet #13.
- 4) That water supplies for fire protection meet Stanislaus County Standards

Should there be any further questions, please contact me immediately,

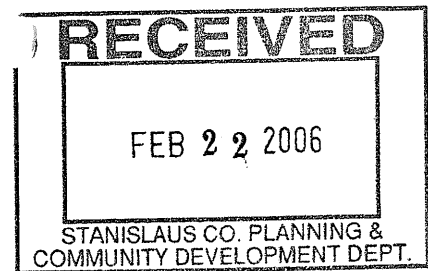
Respectfully,

A handwritten signature in black ink, appearing to read "James W. Kinnear".

James W. Kinnear
Fire Chief



San Joaquin Valley
Air Pollution Control District



February 16, 2006

Reference No. C20060152

Stanislaus County
Planning & Community Development
Attn: Bill Carlson, Senior Planner
1010 10th St., Ste. 3400
Modesto, CA 95354

Subject: Proposed Negative Declaration: Use Permit Application No. 2005-28 – Cebro Frozen Foods
APN: 026-020-018

Dear Mr. Carlson:

The San Joaquin Valley Unified Air Pollution Control District (District) has previously commented on this project:
To: Mr. Bob Kachel for Stanislaus County project: Use Permit Application No. 2005-28 - Cebro Frozen Foods
Date: October 3, 2005
District Reference No. C2005001244
From: Ms. Jessica Willis

The following Regulations and rules were commented on previously:

Regulation VIII (Fugitive PM10 Prohibitions)

Rule 4102 (Nuisance)

Rule 4601 (Architectural Coatings)

The District offers the following comments in addition to previous comments.

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

This project may be subject to District permitting requirements. Depending on the nature and complexity of the application and staff workload, permitting approval may take several months. For further information or assistance regarding permitting, you may contact any of the District's Small Business Assistance Offices at (209) 557-6446 in Modesto. If District permits are required for your project, permit applications should be submitted to the District as soon as possible to avoid delays in your project.

Rule 2201 (New and Modified Stationary Source Review Rule) Amended December 15, 2005. This rule applies to all new stationary sources and all modifications of existing stationary sources that are subject to the District permit requirements and after construction emit or may emit one or more affected pollutant. The applicant must contact the District's Small Business Assistance Office at (209) 557-6446 / (559) 230-5888 / (661) 326-6969 to receive additional information/instructions.

Rule 4101 (Visible Emissions) This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants. The applicant must contact the District's Small Business Assistance Office at (209) 557-6446 / (559) 230-5888 / (661) 326-6969 to receive additional information/instructions.

Rule 4201 (Particulate Matter Concentration) This rule establishes a particulate matter emission standard and applies to any source operation that emits or may emit dust, fumes, or total suspended particulate matter.

Rule 4202 (Particulate Matter Emission Rate) This rule establishes allowable emission rates and applies to any source operation that emits, or may emit, particulate matter emissions.

Rule 4306 (Boilers, Steam Generators, and Process Heaters, Phase 2) Adopted September 18, 2003 and amended March 17, 2005. This rule applies to any gaseous fuel or liquid fuel fired boiler, steam generator, or process heater with a total rated heat input greater than 5 million BTU per hour.

Rule 4307 (Small Boilers, Steam Generators, and Process Heaters - 2.0 MMBtu/Hr to 5.0 MMBtu/Hr) Adopted December 15, 2005. This rule applies to any gaseous fuel or liquid fuel fired boiler, steam generator, or process heater with a total rated heat input greater than 2.0 million BTU per hour to 5.0 million BTU per hour.

Rule 4308 (Small Boilers, Steam Generators, and Process Heaters - 0.075 MMBtu/Hr to 2.0 MMBtu/Hr) Adopted October 20, 2005. This rule applies to any gaseous fuel or liquid fuel fired boiler, steam generator, or process heater with a total rated heat input greater than 0.075 million BTU per hour to 2.0 million BTU per hour.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4702 (Internal Combustion Engines – Phase 2) This rule applies to any internal combustion engine with a rated brake horsepower greater than 50 horsepower (for example, a standby generator fueled by diesel).

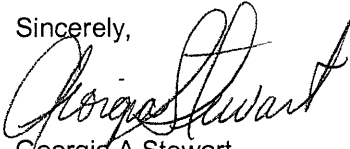
Rule 4801 (Sulfur Compounds) This rule limits the emissions of sulfur compounds and applies to any discharge to the atmosphere of sulfur compounds which would exist as a liquid or a gas at standard conditions.

- Construction equipment may be powered by diesel engines fueled by alternative diesel fuel blends or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been certified by CARB should be used. Information on biodiesel can be found on CARB's website at <http://www.arb.ca.gov/fuels/diesel/altdiesel/altdiesel.htm> and the EPA's website at <http://www.epa.gov/oms/models/biodsl.htm>. The applicant should also use CARB certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on any of the technologies listed above, please contact Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.
- Construction equipment may be used that meets the current off-road engine emission standard (as certified by the CARB), or be re-powered with an engine that meets this standard. Tier I, Tier II and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. Rule 9510 requires

construction exhaust emissions to be reduced by 20 percent for NOx and 45 percent for PM10 when compared to the statewide fleet average or to pay an in lieu mitigation fee. For more information on heavy-duty engines, please contact Mr. Thomas Astone, Air Quality Specialist, at (559) 230-5800.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5800 or Mr. Dave Mitchell, Planning Manager, at (559) 230-5807 and provide the reference number at the top of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Georgia A Stewart".

Georgia A Stewart
Air Quality Specialist
Central Region

C: file



TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEV.
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES
RE: ENVIRONMENTAL REVIEW COMMENTS

PROJECT TITLE: ENVIRONMENTAL REFERRAL – USE PERMIT APPLICATION
NO. 2005-28 – CEBRO FROZEN FOODS

Based on this agency's particular field(s) of expertise, it is our position the project described above:

X See comments below.

Water supply for the project is defined by State regulations as a public water system. Water system owner must submit plans for the water system construction or addition to Tom Wolfe; and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must apply for and obtain a Water Supply Permit from this Department. "The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial and financial capabilities of the owner to operate a public water system." Contact DER for the required submittal information.

The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of an office building.

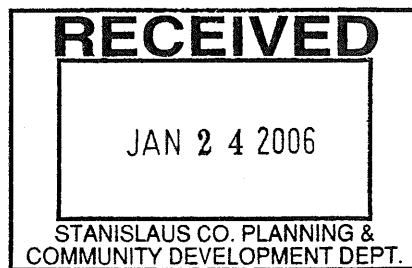
The OSWDS designed system shall provide 100% expansion area. Any portion of the drain-field of the onsite wastewater installed under pavements is to be doubled.

Response prepared by:

BELLA BADAL, PhD., R.E.H.S.
SENIOR ENVIRONMENTAL HEALTH SPECIALIST
Department of Environmental Resources

DATE: 1/20/06

cc: CEO'S OFFICE- Raul Mendez



October 11, 2005

Skip Cerutti
Cebro Frozen Foods
2100 Orestimba Rd.
Newman, CA 95360

RE: COUNTY ORDINANCE REQUIRING RECYCLING AREA FOR ALL NEW
COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, PUBLIC PROJECTS AND
RESIDENTIAL PROJECTS WITH FIVE OR MORE LIVING UNITS

Dear Mr. Cerutti:

On September 29, 2004, the Governor signed Assembly Bill 2176, "The Large Venue and Large Event Recycling Bill" into law. One section of this legislation prohibits local agencies from issuing building permits after July 1, 2005, for development projects which do not provide adequate areas for collecting and loading recyclable materials.

"Development project" means any of the following:

(a) A project for which a building permit will be required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more units.

(b) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste.

To comply with AB 2176, all development projects must submit a scale drawing showing the designated area provided for recycling container storage and loading. Recycling areas shall be sized in accordance with the applicable tables below:

Residential Development:

No. Units	Recycling Space Over and Above Refuse area requirement (sq. ft.)
5-25	48
26-50	96
51-75	144
76-100	192
101+	*

*Add 48 sq. ft. for each increase of 25 dwelling units.

Nonresidential Development:

Bldg. Size (sq. ft.)	Recycling Space Over and Above Refuse area requirement (sq. ft.)
0-25,000	48
25,001-50,000	96
50,001-75,000	144
75,001-100,000	192
100,000+	*

*Add 48 sq. ft. for each increase of 25,000 sq. ft. of floor area.

If you have any questions regarding the new law, please contact Bryan Kumimoto at (209) 525-6752.

Sincerely,

BELLA BADAL, PhD., R.E.H.S.
Senior Environmental Health Specialist
Environmental Resources

Revised 9/28/05

f:\FORMSMACROS.695 7/13/04

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

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. 2005-28 CEBRO FROZEN FOODS

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. A Certificate of Occupancy shall be obtained from the Building Inspection Division prior to occupancy, if required. (UBC Section 307)
3. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety for on-site water storage.
4. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
5. 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.
6. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director prior to installation.
7. Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, and visibility and obstructions along roadways.
8. The applicant, and subsequent operators, shall obtain and maintain a valid business license. Application may be made in the Planning Department (Section 6.04 of the Stanislaus County Ordinance Code).
9. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

10. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The Fees shall be payable at the time of issuance for any building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
11. Prior to the issuance of the Notice of Determination, the applicant shall pay within five days of Planning Commission approval, a filing fee of \$50.00 to "**Stanislaus County Clerk/Recorder**" care of the Planning Department. Should the "De Minimis" finding be found invalid for any reason, the applicant/developer shall be responsible for payment of Department of Fish and Game Fees.
12. Prior to construction: The developer shall be responsible for contacting the U.S. Army Corps of Engineers to determine if any "wetlands", "waters of the United States", or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
13. Prior to construction: The developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate streambed alteration agreements permits or authorizations if necessary.
14. Prior to construction: The developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.
15. The Department of Planning and Community Development shall record a copy of these Conditions of Approval with the County Recorder's Office within 30 days of project approval.

Department of Public Works

16. A paved driveway approach shall be installed to county standards on Orestimba Road, if none exists, at the access point between the existing edge of road pavement and the right-of-way line prior. The driveway approaches shall be constructed in a manner to prevent runoff from going into the County road right-of-way.
17. An encroachment permit shall be obtained for the driveway approach.
18. All driveway locations and widths shall be approved by the Department of Public Works.
19. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Orestimba Road. The property owner will be required to install or pay for the installation of any signs and/or markings, if warranted.

20. A Grading and Drainage Plan shall be submitted prior to issuance of the Use Permit and /or any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and into the County road right-of-way. After the plan is determined to be acceptable to the Department of Public Works, the plan shall be implemented prior to final and/or occupancy of the first building phase.
21. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.

Development Services

22. Building permits shall be required for all new structures. Construction drawings with engineering shall be provided as necessary.

Stanislaus Consolidated Fire

23. Fire department access and water for fire protection shall be provided and maintained in accordance with all applicable codes and ordinances.

Department of Environmental Resources (DER)

24. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources. (Calif. H&S, Division 20)
25. The sewage disposal system for buildings shall be an approved aerobic treatment system so as to comply with the Primary and Secondary Sewage Treatment Initiative (Measure X).
26. The engineered on-site wastewater disposal system (OSWDS) shall be designed for maximum occupancy of an office building. This system shall provide 100% expansion area. Any portion of the drain field of the on-site wastewater installed under pavement is to be doubled.
27. At such time that the water well's water is consumed or washing hands by 25 or more persons, 60 days or more out of the year, the owner must obtain a public water supply permit from the Department of Environmental Resources. The water supply permit issuance is contingent upon the water system meeting construction standards, and providing water which is of acceptable quantity and quality.
28. The California Health and Safety Code section 25534 and 25535.1 requires that stationary sources facilities that handle or store acutely hazardous material in reportable quantities develop a Risk Management Plan (RMP) and submit it to Department of Environmental Resources for review and approval. Facilities in California, having a threshold quantity of 500 pounds of ammonia, are subject to the RMP.
29. The applicant shall comply with AB 2176 and shall provide an area for designated recycling container storage and loading as approved by the Department of Environmental Resources.

West Stanislaus County Fire Protection District

30. The applicant pay the Fire District's Standard Benefit Assessment.
31. The applicant agrees to pay development fees on new buildings as per the requirements adopted by the Board of Supervisors for the West Stanislaus County Fire Protection District for areas serviced outside of areas served by existing fire stations. These fees will need to be worked out with the applicant and the fire district.
32. Water supplies for fire protection meet Stanislaus County Standards.
33. The proposed structure is not required to have an automatic fire protective system installed, as long as storage does not exceed 12 (12) feet in height, and storage bins containing group A plastics, as per CFC 8101.4.2.2, are not used.
34. The existing pond (1.5 million gallons) shall be placed as the water source for fire protection/suppression for this project, and shall be maintained accordingly. Should the pond be taken off-line (out-of service) for any reason, the West Stanislaus Fire District Headquarters in Patterson shall be notified includes, but not limited to, maintenance, extended power outage mechanical defect, etc..
35. A float system shall be added to the existing pond. This will allow the pond to be filled automatically by its source, and turn off when the pond has reached maximum capacity. A second float will be installed to maintain the runoff or overflow of the pond, ensuring the pond stays full.
36. A second hydrant shall be added to this project. The hydrant should be located to the north or northeast of the proposed project, and be at least fifty feet (50') from the structure. This office, prior to installation, shall approve the final location of the hydrant.
37. As per California fire Code section 902, a Fire Department access road be installed and maintained at this project. The access road shall have unobstructed width of not less than twenty-feet (20), and an unobstructed vertical clearance of not less than 13.5 feet. The access road shall be designed and maintained to support the imposed loads of the fire apparatus and shall be provided with a surface so as to provide all-weather driving.

Regional Water Quality Control Board

38. The applicant shall obtain any necessary permits from the Regional Water Quality Control Board, if there is any work to expand the existing pretreatment and Storm drainage pond.

San Joaquin Valley Air Pollution Control District

39. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

40. Project to comply with the following rules as listed in the February 16, 2006 letter from the SJVAPCD:

- Regulation VIII (Fugitive PM10 Prohibitions)
- Rule 4102 (Nuisance)
- Rule 4601 (Architectural Coatings)
- Rule 2201 (New and Modified Stationary Source Review Rule)
- Rule 4101 (Visible Emissions)
- Rule 4201 (Particulate Matter Concentration)
- Rule 4202 (Particulate Matter Emission Rate)
- Rule 4306 (Boilers, Steam Generators and Process Heaters, Phase 2)
- Rule 4307 (Small Boilers, Steam Generators and Process Heaters)
- Rule 4308 (Small Boilers, Steam Generators and Process Heaters)
- Rule 4641 (Asphalt Paving and Maintenance Operations)
- Rule 4702 Internal Combustion Engines- Phase 2)
- Rule 4801 (Sulfur Compounds)

BC/er
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Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

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

1. **Project title:** Use Permit Application No. 2005-28 - Cebro Frozen Foods
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Bill Carlson, Senior Planner
(209) 525-6330
4. **Project location:** 2100 Orestimba Road, east of Eastin Road, in the Newman area. APN 026-020-018
5. **Project sponsor's name and address:** Skip Cerutti
Cebro Frozen Foods
2100 Orestimba Road
Newman, CA 94560
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40
8. **Description of project:**

Request for a large scale phased expansion; multiple buildings totaling some 116,000 square feet, of an existing 26,000 food processing facility located in the A-2-40 (General Agriculture) zoning district on a 299.65 acre parcel.

First Phase: Office/Break/Restroom

Second Phase: 26,500 square foot cold storage building

Third Phase: 12,100 square foot storage building

Fourth Phase: 3,500 square foot processing shelter

Fifth Phase: 9,500 square foot cold storage building

Sixth Phase: 24,000 square foot manufacturing building

Seventh Phase: 36,000 square foot cold storage building

There will be a maximum of 10 full time employees and 20 part time employees operating ten months a year (March - December), Monday through Saturday.

The applicant estimates the number of existing truck trips will decrease from 6 trips per day to 4 trips with the additional cold storage facility on-site.

Surrounding land uses and setting:

Agriculture (orchards and row crops), and scattered single-family dwellings. The CCID Canal is on the east side of the property.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Department of Environmental Resources
Development Services
Stanislaus Consolidated Fire
West Stanislaus County Fire Protection District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

Signature

Prepared by

January 10, 2006

Date

For

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
Discussion: This project site is located directly east of Eastin Road and is currently operating as an agricultural food processing facility, but the proposed building should not impact any scenic visibility due to the proposed location on the project site. Even though the application does not specify any lighting, a condition of approval will be added to insure that any exterior lighting associated with this project is designed to provide adequate illumination without a glare effect.				
Mitigation: None.				
References: Application information, Stanislaus County General Plan (Adopted October 1994), Stanislaus County Zoning Ordinance, and staff experience.				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Discussion: The project site is enrolled under the Williamson Act, Contract No. 71-0205, and has soils classified as Prime Farmland by the Farmland Mapping and Monitoring Program.

The majority of the project site consists of Vernalis Loam, 0 to 1 percent slopes, Soil Grade of 1, Storie Index 100, a small portion on the west property along the canal is Vernalis Clay Loam 0 to 1 percent slopes, Soil Grade of 2, Storie Index 85.

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

In compliance with Government Code Section 51238.1, Section 21.20.045 of the Stanislaus County Zoning Ordinance requires that all uses approved on Williamson Act contracted lands shall be consistent with three principles of compatibility:

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

There is no indication this project will result in any removal of adjacent contracted land from agricultural use. Pursuant to Section 21.20.045 B of the zoning ordinance, Tier I uses are determined to be consistent with the principles of compatibility and may be approved on contracted land.

Mitigation: None.

References: Stanislaus County General Plan - (Adopted October 1994), Stanislaus County General Plan Support Documentation - (Adopted June 1987), Stanislaus County Agricultural Element - (Adopted April 1992), Stanislaus County Zoning Ordinance, and the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 1996. Soil of Eastside Stanislaus area, 1957. California State Assembly Bill 1492 passed in 2003.

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

e) Create objectionable odors affecting a substantial number of people?				X
<p>Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants. It also is now beginning the process of addressing emissions generated by agricultural uses.</p> <p>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.</p> <p>Mitigation: None.</p> <p>References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan - (Adopted October 1994).</p>				
IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<p>Discussion: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.</p>				

Mitigation: None.

References: Stanislaus County General Plan - (adopted October 1994) and the Stanislaus County General Plan Support Documentation - (adopted June 1987).

V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion: Cultural resources are not known to exist on the project site. However, a condition of approval will be added to the project stating that if any archaeological or human remains are discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist.

Mitigation: None.

References: Stanislaus County General Plan (Adopted October 1994) and Stanislaus County General Plan Support Documentation (Adopted June 1987).

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
Discussion: As contained on page 288 of the General Plan Support Document (June 1987), the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project are required to be built according to building standards appropriate to withstand shaking for the area in which they are constructed.				
Mitigation: None.				
References: Stanislaus County General Plan (Adopted October 1994) and Stanislaus County General Plan Support Documentation (Adopted June 1987).				
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion: The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in the agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The project site is located within an airport land use plan, but a referral response has been received that indicates this proposed project would not cause any safety hazard for people residing or working in the project area. The Stanislaus County Environmental Review Committee, in a letter dated October 12, 2005, stated that the applicant must contact the Department of Environmental Resources about the permitting requirements for hazardous materials and/or other wastes. This is a standard condition for all commercial and industrial building going through the use permit process.

Mitigation: None.

References: Referral response dated September 26, 2005, from the Stanislaus County Airport Land Use Commission, Stanislaus County Environmental Review Committee dated October 12, 2005, County Policies; Stanislaus County General Plan (Adopted October 1994); and Stanislaus County General Plan Support Documentation (Adopted June 1987).

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

j) Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: The project site is not located in an area subject to flooding as identified in accordance with the Federal Emergency Management Act. A referral response from the County Public Works Department does request a condition of approval be placed on the proposed project that requires the applicant to have a commercial driveway approach be installed to County standards on Eastin Road at the access point between the existing edge of road pavement and the right-of-way and be constructed in a manner to prevent runoff from going onto the County road right-of-way.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response dated October 13, 2005, from the Stanislaus County Environmental Review Committee, FEMA Flood Zone maps; Stanislaus County General Plan (Adopted October 1994); and the Stanislaus County General Plan Support Documentation (Adopted June 1987).</p>				
IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
<p>Discussion: The site is designated Agricultural and zoned for 40-acre minimum parcels as a means to limit population densities and corresponding impacts in the agricultural areas of the County. The proposal is not known to conflict with any State agency or County policies with jurisdiction over the land which would be affected by this proposal.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan (Adopted October 1994), Stanislaus County General Plan Support Documentation (Adopted June 1987), and the Stanislaus County Zoning Ordinance.</p>				
X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<p>Discussion: The location of all commercially viable mineral resources in Stanislaus County have been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources in or around the project area.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan (Adopted October 1994); and the Stanislaus County General Plan Support Documentation (Adopted June 1987); and the State Division of Mines and Geology Special Report 173.</p>				

XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<p>Discussion: The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural, industrial, manufacturing, and other similar land uses. Noise impacts associated with on-site activities and traffic is not anticipated to exceed the normally acceptable level of noise. The construction phase of this project will only be a temporary increase to ambient noise levels. The project is located within the boundaries of the Crows Landing Naval Auxiliary Landing Field which is identified in the Stanislaus County Airport Land Use Commission Plan, but in a referral response from the Stanislaus County Airport Land Use Commission dated September 26, 2005, indicates this use is considered a compatible use within airport operations, but has requested conditions of approval be placed on this project.</p>				
Mitigation: None.				
<p>References: Referral response dated September 26, 2005, from the Stanislaus County Airport Land Use Commission, Stanislaus County General Plan "Noise Element" (Adopted October 1994), and the Stanislaus County General Plan Support Documentation (Adopted October 1987).</p>				
XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Discussion: This project does not propose any type of growth inducing features, therefore, adverse affects created by population growth should not occur.				
Mitigation: None.				
References: Applicant information, Stanislaus County General Plan (Adopted October 1994), and Stanislaus County General Plan Support Documentation (Adopted June 1987).				
XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?			X	
Discussion: The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. All new construction shall comply with the current Uniform Fire Code and Stanislaus County Standards (water supplies for fire protection, hydrants, sprinklers, storage, pumps, flow back, etc.)				
Mitigation: None.				
References: County policies, Stanislaus County General Plan (Adopted October 1994), and the Stanislaus County General Plan Support Documentation (Adopted June 1987). Letter dated October 11, 2005, from James Kinnear of West Stanislaus County Fire Protection District.				
XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
Discussion: The project will not create any impacts of parks or recreational demands.				
Mitigation: None.				
References: County policies, Stanislaus County General Plan (Adopted October 1994), and the Stanislaus County General Plan Support Documentation (Adopted June 1987).				
XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
Discussion: The proposed project does not appear to result in significantly increased vehicle trips or traffic congestion. In addition, the Public Works Department, in a referral response through the Stanislaus County Environmental Review Committee dated October 12, 2005, did not indicate any environmental concerns relative to the adequacy of roads serving the project site. The applicant estimates the number of existing truck trips will decrease from 6 trips per day to 4 trips with the additional cold storage facility on-site.				
Mitigation: None.				
References: Applicant information, Stanislaus County General Plan (Adopted October 1994), and the Stanislaus County General Plan Support Documentation (Adopted June 1987).				

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
Discussion: Referral of projects proposed includes referral to various utility companies. Limitations on providing service are not generally identified. Easements required by public utilities and irrigation will be required as part of the conditions of approval.				
Mitigation: None.				
References: Responses to referral, Stanislaus County General Plan (Adopted October 1994), and the Stanislaus County General Plan Support Documentation (Adopted June 1987).				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or adjacent areas.				

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 2005-28 - Cebro Frozen Foods

LOCATION OF PROJECT: 2100 Orestimba Road, east of Eastin Road, in the Newman area. APN: 026-020-018

PROJECT DEVELOPERS: Skip Cerutti, Cebro Frozen Foods

DESCRIPTION OF PROJECT: Request for a large scale phased expansion; multiple buildings totaling some 116,000 square feet, of an existing food processing facility located in the A-2-40 (General Agriculture) zoning district on a 299.65 acre parcel.

First Phase: Office/Break/Restroom
Second Phase: 26,500 square foot cold storage building
Third Phase: 12,100 square foot storage building
Fourth Phase: 3,500 square foot processing shelter
Fifth Phase: 9,500 square foot cold storage building
Sixth Phase: 24,000 square foot manufacturing building
Seventh Phase: 36,000 square foot cold storage building

There will be a maximum of 10 full time employees and 20 part time employees with the hours of operation ten months a year (March -December), Monday through Saturday.

The applicant estimates the number of existing truck trips will decrease from 6 trips per day to 4 trips with the additional cold storage facility on-site.

Based upon the Initial Study, dated **January 10, 2006**, 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: Bill Carlson, Senior Planner

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

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**CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding**

Project Title/Location/Owner Name and address (include county):

Use Permit Application No. 2005-28 - Cebro Frozen Foods, 2100 Orestimba Road, east of Eastin Road, in the Newman area, Stanislaus County. APN 026-020-018

Project Description:

Request for a large scale phased expansion; multiple buildings totaling some 116,000 square feet, of an existing 26,000 food processing facility located in the A-2-40 (General Agriculture) zoning district on a 299.65 acre parcel.

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There will be a maximum of 10 full time employees and 20 part time employees operating ten months a year (March - December), Monday through Saturday.

The applicant estimates the number of existing truck trips will decrease from 6 trips per day to 4 trips with the additional cold storage facility on-site.

Findings of Fact:

The Stanislaus County Planning Commission makes a finding of "De Minimis" on this project for the following reasons:

An initial study has been conducted by the lead agency so as to evaluate the potential for adverse environmental impact; and when considering the record as a whole there is no evidence before the agency that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. Further, the lead agency has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in the California Code of Regulations at Title 14 Section 753.5(d). As follows:

Based on the Initial Study, the project will not result in changes to the resources listed below:

- (A) Riparian land, rivers, streams, watercourses, and wetlands under state and federal jurisdiction;
- (B) Native and non-native plant life and the soil required to sustain habitat for fish and wildlife;
- (C) Rare and unique plant life and ecological communities dependent on plant life; and
- (D) Listed threatened and endangered plant and animals and the habitat in which they are believed to reside.
- (E) All species of plant or animals as listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code or regulations adopted thereunder.
- (F) All marine and terrestrial species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside.
- (G) All air and water resources the degradation of which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air and water.

Certification:

I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

(Planning Official)

Title: Director

Lead Agency: Stanislaus County

Date: _____