



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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July 7, 2022

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: TIME EXTENSION FOR USE PERMIT NO. PLN2019-0018 – GROWER DIRECT NUT**

**PROJECT DESCRIPTION**

This is a request for a one-year Time Extension to extend the life of the subject Use Permit from February 6, 2022, to February 6, 2023, with all approved Conditions of Approval remaining unchanged.

The Planning Commission approved the subject Use Permit on February 6, 2020 to allow for the expansion of a walnut storage facility on a 26.55± acre parcel in the General Agriculture (A-2-40) zoning district. The Use Permit modified the facility by adding shelling, sorting, grading, pasteurizing, and packaging activities on-site, and included construction of approximately 305,500± square feet of structures for the expansion of on-site operations. The property is located at 8133 East Service Road, on the northeast corner of Geer and East Service Roads, in the Hughson area (see Attachment B - *Planning Commission Staff Report, August 2, 2018*).

**DISCUSSION**

Section 21.104.030(A) of the Stanislaus County Zoning Ordinance includes provisions for the expiration of use permits. Unless otherwise specified by a development schedule approved by the Planning Commission, use permits shall be null and void 18 months from the date of approval, unless prior to the expiration date, the permit has been signed, and all Conditions of Approval have been met and either the property is being used for the purpose for which the permit was granted, or the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is working diligently to complete all project improvements. In this case, the Planning Commission approved the subject Use Permit with a phased development schedule identifying building permit issuance to occur and construction to begin within two years of project approval, by February 6, 2022. As of the date of this report, no building permit applications have been received for the project improvements approved under the Use Permit.

A time extension application request requires the applicant to submit a written statement of reason(s) why the use permit extension should be granted, prior to the use permit expiration date. The applicant's initiated the time extension request with the County prior to expiration, however, the official request for an extension was not submitted until March 16, 2022 due to research that was needed to verify that the permit had an initial life of 24 months and not the standard 18 months. The applicants are requesting a time extension as they were unable to begin construction last year due to supply chain difficulties and market instability in response to

the COVID-19 epidemic, which ultimately delayed for the project. The applicant would like to move forward with the operation as the price of walnuts looks to increase this year (see Attachment A - *Applicant's Time Extension Request*).

At the February 6, 2020 Planning Commission meeting, four surrounding landowners spoke in opposition of the project. The landowners opposed the project for reasons such as: the facility's impact to existing irrigation easements and irrigation ability of neighboring parcels, the level of noise generated from machinery and employees, the facility being more industrial in nature than agricultural, concern over pesticide drift from adjacent agricultural operations onto the new parking areas, the site being a breeding ground for feral cats, lowered property values, the intensity of truck traffic serving the facility and its impacts on roads, the proposed well's impact on groundwater, and concern over proposed lighting impacting adjacent properties.

During the two-week referral for this time extension, the request was circulated to responsible agencies, including those agencies that requested conditions of approval be placed on the approved project and neighboring landowners. As of the time this memo was prepared, there had been no correspondence received from neighboring landowners or amended or additional conditions of approval have been requested by any agency; therefore, the approved Conditions of Approval are recommended to remain unchanged from what was approved by the Planning Commission (see Exhibit C of Attachment B - *Planning Commission Staff Report, February 6, 2020*).

Staff has no objection to granting the requested Time Extension.

### **ENVIRONMENTAL REVIEW**

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

### **RECOMMENDATION**

Staff recommends that the Planning Commission approve the request for a one-year time extension to February 6, 2023, for Use Permit Application No. PLN2019-0018 – Grower Direct Nut, with all existing conditions of approval remaining in effect.

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Contact Person: Kristen Anaya, Associate Planner, (209) 525-6330

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Attachments:

Attachment A - Applicant's Time Extension Request  
Attachment B - Planning Commission Staff Report, February 6, 2020

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DATE\PC MEMO.DOC



Project Management · Civil/Structural Engineering · Urban Design · Land Planning  
Entitlements · Right-of-Way/Permitting · Surveying · Construction Staking · Graphics

March 16, 2022

Stanislaus County  
Dept. Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**RE: TIME EXTENSION REQUEST  
USE PERMIT APPLICATION NO. PLN2019-0018 - GROWER DIRECT NUT**

Dear Director Freitas,

In February of 2020 the Stanislaus County Planning Commission approved Use Permit No. PLN2019-0018, allowing the Grower Direct Nut operation at 8133 East Service Road in the Hughson area to expand. Immediately following this approval several factors of uncertainty emerged including supply chain difficulties and broader market instability because to the COVID-19 epidemic. These factors have ultimately delayed this project from construction. Despite the fact that some of these consequences are still present, there is a tremendous need for the Grower Direct facility to expand as contemplated in the 2019/2020 Use Permit.

As such, on behalf of Grower Direct Nut, we respectfully request a time extension be granted to allow sufficient time to construct the development approved under Use Permit No. PLN2019-0018. In order to enable ample time to complete the development, the phasing plan/development schedule approved under Use Permit No. PLN2019-0018 has been updated and is attached to this letter for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joshua B. Mann', written in a cursive style.

Joshua Mann  
Director of Land Planning  
MVE, Inc.

**mid-valley engineering**

1117 L Street, Modesto, CA 95354 · 866.526.4214 · 866.932.9683 fax · www.mve.net  
Northern California · Southern California · Nevada

**ATTACHMENT A**



**UPDATED FOR 2022 TIME EXTENSION**

GROWER DIRECT NUT CO.  
SERVICE ROAD SITE  
USE PERMIT PROJECT DESCRIPTION  
September 14, 2018

The property is located at 8199 E. Service Road in Hughson, California. This application is to modify the existing use permit (UP 2009-12) to allow an additional building for walnut processing which is labeled building 4 on the site plan. The current Use Permit approval is for commodity storage buildings totaling 343,000 square feet. With this application the total building area would be increases to 483,913 square feet.

The project would request a temporary change of use for building 1 (storage) until such time as the proposed building 4 (processing) is constructed. Accessory buildings to support the processing building such as office, truck docks and scale are proposed. An additional exit driveway is proposed at the easterly property line. Below is the proposed phasing plan.

The development of the proposed processing building will minimize the need to transport product from this site to the Geer Road site for further processing. The proposed processing of walnuts consists of shelling, sorting, grading, pasteurizing and packaging.

Phase 1 (1-2 Years)*	Phase 2 (3-4 Years)*	Phase 3 (4-5 years)*
<ul style="list-style-type: none"> <li>• Change of use for building 1 -Install processing equipment.</li> <li>• Install temporary office trailer to support processing building.</li> <li>• Construct west parking lot (89 stalls).</li> <li>• Construct fumigation building C.</li> </ul>	<ul style="list-style-type: none"> <li>• Construct building 4 for processing.</li> <li>• Relocate processing equipment from building 1 and divert back to storage.</li> <li>• Construct truck dock and truck scale.</li> <li>• Construct storage expansions buildings 1 and 2.</li> </ul>	<ul style="list-style-type: none"> <li>• Construct storage building 3.</li> <li>• Construct office.</li> <li>• Construct east parking lot (90 stalls).</li> </ul>

**\* All development to take place within 5 years from the date of Time Extension approval**

# STANISLAUS COUNTY PLANNING COMMISSION

February 6, 2020

## STAFF REPORT

### USE PERMIT APPLICATION NO. PLN2019-0018 GROWER DIRECT NUT

**REQUEST: TO EXPAND AN EXISTING WALNUT STORAGE FACILITY BY CONSTRUCTING 305,500± SQUARE FEET OF STRUCTURES FOR STORAGE FACILITIES, OFFICES, WALNUT SHELLING, SORTING, GRADING, PASTEURIZING, PACKAGING, AND FUMIGATION ON A 26± ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.**

#### APPLICATION INFORMATION

Applicant:	Grower Direct Nut Company, Inc.
Property owner:	Ronald M. Martella Trust et al (Ronald M. Martella, Jane C. Martella, Kevin R. Chiesa, Melanie M. Chiesa, Aaron R. Martella, & Shawna L. Martella)
Agent:	Jim Freitas, Associated Engineering
Location:	8133 East Service Road, on the northeast corner of Geer and East Service Roads, in the Hughson area.
Section, Township, Range:	14-4-10
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	018-056-007
Referrals:	See Exhibit H Environmental Review Referrals
Area of Parcel(s):	26.55± acres
Water Supply:	On-site wells
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	A-2-40 (General Agriculture)
Sphere of Influence:	N/A
Williamson Act Contract:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Walnut storage facility, orchard, and three mobile homes.
Surrounding Land Use:	Irrigated agriculture and scattered single-family residences surround the site in all directions; and a radio station and agricultural chemical supplier to the west.

#### RECOMMENDATION

Based on the discussion below and on the whole of the record provided to the County, Staff is recommending that the Planning Commission approve this request, as presented in this staff report. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval.

## **PROJECT DESCRIPTION**

This is a request to expand an existing walnut storage facility (operating under Use Permit No. 2009-12 – *Martella Farms – E. Service Road*) currently operating on a 26.55± acre parcel in the A-2-40 (General Agriculture) zoning district. This proposal includes expansion of the existing uses, the addition of new uses, and new construction. The applicant is proposing to continue use of the facility for walnut storage and fumigation, and proposes to modify the approved uses by incorporating shelling, sorting, grading, pasteurizing, and packaging (“product preparation” or “handling”) into the on-site operation. The project also proposes construction of a 120,000 square foot walnut storage building, a 120,000 square foot walnut handling/preparation building with an attached 12,000 square-foot office and a 6,768 square-foot canopy, and a 5,395 square foot fumigation building. Additions to the existing walnut storage buildings, totaling 41,350 square feet, are proposed.

The site is currently improved with two walnut-storage buildings, two fumigation buildings, two canopies, truck scales, a truck dock, two permanent mobile homes, and a temporary mobile home. The temporary mobile home, permitted under Temporary Mobile Home Permit No. 2014-04 – August, is for a full-time employee. The existing building coverage (excluding the mobile homes) totals 171,275 square feet; however, the facility is approved for 343,370 square feet for walnut storage and fumigation under the previous Use Permit. A new Use Permit is required since the applicant is proposing additional uses as well as the construction of an additional 305,500 square feet of buildings, which exceeds the 85,842 square feet of expansion (25%) allowed by Section 21.96.070 of the Stanislaus County Zoning Ordinance. If approved, this project request will bring the total building area associated with the walnut facility to 483,913 square feet.

The applicant is proposing that one of the existing walnut storage buildings be temporarily converted to a product preparation building until the proposed product preparation building is constructed. Once the product preparation building is constructed, the building will be reverted to storage. Similarly, a temporary office-trailer is requested to be installed and utilized until the office building is constructed, at which point it will be removed. The proposed scope of work is to take place over the course of approximately five years, in three phases, as indicated on the attached project description (Exhibit D – *Project Description*). Phase one consists of change of use for one of the existing storage buildings to product preparation, installation of a temporary office, and construction of fumigation building within two years of approval. Phase two involves construction of a product preparation building and conversion of the temporary preparation building back to storage, construction of the expansions to the existing two storage buildings within four years of project approval. Phase three involves the construction of a third storage building, an office, and a parking lot within five years from project approval.

The facility currently operates with two employees year-round. Approval of this request is expected to increase the maximum number of employees on-site to 50 during peak season (September through May) and 10 during off-season (June through August). The anticipated hours of operation are 24 hours, seven days per week during peak season, and 24 hours per day, Monday through Friday during off-season. The operation currently generates an average of six truck-trips per day during each season. Daily truck-trips are expected to increase to a maximum of 20 per day. The operation currently fumigates on-site and will continue to do so after project approval. The area surrounding the proposed operational footprint is proposed to be paved and two parking lots providing 179 parking spaces to be installed, replacing the existing graveled parking lot. The operation will take access of County-maintained East Service Road via three paved driveways (two existing and one proposed).

## **SITE DESCRIPTION**

The 26.55± acre site is located at 8133 East Service Road on the northeast corner of Geer and East Service Roads, in the Hughson area. The project site and the adjacent parcel are identified under one Assessor Parcel Number (APN) 018-056-007 but are two independent legal parcels under the same ownership. The site is currently improved with a walnut storage facility, orchard, and three mobile homes.

The site is served by an existing non-conforming public water supply system via an on-site well for domestic water purposes and utilizes an on-site wastewater treatment system. The site is served by a second on-site agricultural well and Turlock Irrigation District (TID) for surface irrigation. TID also provides the site electrical service. A new well is proposed as part of this request. There is an existing 25-footwide irrigation easement crossing the parcel which is proposed to be abandoned or relocated at such a time when the product preparation building is constructed. An existing drainage basin will handle all stormwater run-off resulting from the proposed expansion.

The project site is surrounded by irrigated agriculture and scattered single-family residences in all directions, and a radio station and agricultural chemical supplier to the west.

## **ISSUES**

On August 7, 2019, Jesse Pena—a neighbor and owner of the property located at 3918 Geer Road—contacted Staff expressing concerns over the proposed abandonment or relocation of the existing private irrigation easement crossing the project site as it provides his property irrigation water. The attached site plan (see Exhibit B – *Maps*) for this project proposes the relocation or abandonment of this easement at the time building “4” is constructed. Mr. Pena provided Staff a copy of the private easement agreement recorded in 2016 between his and the Martella’s property wherein TID quitclaimed their easement rights in order to allow for structures and improvements on the Martella’s property to be built over the easement. In exchange, the Martella family would agree to maintain the existing irrigation easement and provide an indefinite on-going water source for Mr. Pena’s property (see Exhibit E – *Private Easement Agreement*). Planning and TID staff reviewed the recorded document and based on the wording of the agreement, it seems that abandonment or relocation of the pipeline not reflected in the agreement would be subject to modification of the agreement with the concurrence of both property owners; otherwise, the existing easement shall be maintained for the provision of irrigation water to Mr. Pena’s property. It appears that any impact or modification to Mr. Pena’s irrigation ability without his express approval would conflict with the standing easement agreement.

No additional concerns have been identified regarding this project. Standard conditions of approval, along with those discussed in the “Environmental Review” section of this report, have been added to the project

## **GENERAL PLAN CONSISTENCY**

The site is currently designated “Agriculture” in the Stanislaus County General Plan. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas. This designation establishes agriculture as the primary use in land so designated, but allows dwelling units, limited agriculturally related commercial services, agriculturally related light industrial uses, and other uses which by their unique nature are not compatible with urban uses, provided they do not conflict with the primary use.

The proposed project is supported by the goals, objectives, and policies of the various elements of the General Plan. Specifically, the Agricultural Element encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One uses, such as: nut hulling, shelling and drying, wholesale nurseries and warehouses for storage of grain; and other farm produce, are closely related to agriculture and are necessary for a healthy agricultural economy. The proposed walnut storage and shelling facility and accompanying structures are considered Tier One uses, which are considered to be consistent with the Agricultural land use designation.

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

Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot wide buffer setback. Permitted uses within a buffer area shall include: public roadways, utilities, drainage facilities, rivers and adjacent riparian areas, landscaping, parking lots, and similar low-people intensive uses. Walking and bike trails shall be allowed within buffer setback areas provided they are designed without rest areas.

As a Tier One use the project is not subject to agricultural buffers, unless the Planning Commission determines that it is a people intensive use. At maximum build-out the facility proposes a maximum of 50 employees on-site during any one time. The decision-making body (Planning Commission), shall have the ultimate authority to determine if a use is low-people intensive, or if alternative buffer and setback standards may be approved. The project proposes no buffer due to the low-people intensive nature of the use and was referred to the Agricultural Commissioner's office who raised no concerns with the no buffer nor the project as proposed. Provided the Planning Commission agrees that this project is low-people intensive, Staff believes that the project is not subject to the agricultural buffer guidelines. The impact to the adjacent agricultural uses is not anticipated to be greater as a result of this project.

Staff believes that the proposed project is consistent with the General Plan policies discussed above.

### **ZONING & SUBDIVISION ORDINANCE CONSISTENCY**

The site is zoned A-2-40 (General Agriculture). Section 21.20.030(A) of the Stanislaus County Zoning Ordinance allows nut hulling, shelling, drying, and storage of grain and other farm produce as a Tier One Use Permit. Tier One uses are uses closely related to agriculture, considered to be necessary for a healthy agricultural economy, and may be allowed when the Planning Commission makes the following findings:

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

The County's parking standards are regulated by Stanislaus County Zoning Ordinance Section 21.76 – Off-Street Parking, which require one space per 300 square feet of gross floor area for office uses, and one space per employee plus three additional spaces for manufacturing and warehouse uses. Where combined uses are proposed, the number of required parking spaces provided on-site shall be determined by combining individual requirements for each use. The proposed 12,000 square-foot office requires 40 spaces, while the warehouses and product preparation buildings require 53 spaces for a total of 93 parking stalls required for the proposed expansion. However, as reflected in the project description, the applicant is proposing to install two parking lots providing 179 spaces to accommodate shift changeovers. A condition of approval is being added to the project requiring both parking lots to be located at least 15-feet from the planned street line along East Service Road, in accordance with Stanislaus County Zoning Ordinance Sections 21.20.070 and 21.76.230.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed request will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Tier One uses are an important component of the agricultural economy in Stanislaus County. There is no indication this project will interfere or conflict with other agricultural uses in the area.

Staff believes this expansion is consistent with the Tier One Use Permit findings.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project and its Initial Study were circulated to interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit H - *Environmental Review Referrals*.) A Negative Declaration has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit G - *Negative Declaration*.) Conditions of approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

A referral response was received from the Stanislaus County Environmental Review Committee regarding public water system requirements for the project site. The following information was added to the Hydrology and Water Quality section (Chapter X) of the Initial Study to address this comment (See Exhibit F – *Initial Study, with revisions*):

*“The project site utilizes two existing wells and a storage tank for domestic water and irrigation purposes and irrigates with water from TID. This proposal includes the request to add a new well for domestic water purposes. During the project’s Early Consultation referral period, Department of Environmental Resources (DER) identified the site’s water source as being an existing non-conforming public water system. The California Safe Drinking Water Act [CA Health and Safety Code Section 116275(h)] defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:*

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.*
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.*

- (3) *Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.*

*DER regulates the issuance of new well permits; State law and County standards regulate public water systems and require the site to bring the existing non-conforming water system into compliance with current standards. A condition of approval is also being added to the project to further ensure these standards are being met, requiring submittal of an application and the associated technical report to DER for a public water supply permit prior to receiving occupancy of any building permit. Groundwater extraction is subject to compliance with the West Turlock Sub-basin Groundwater Sustainability Agency's Groundwater Sustainability Management Plan when it is adopted in 2022.*

*Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the "Ordinance") that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. The construction and operation of wells could potentially cause degradation of water quality due to cross connection of aquifers of varying quality or induced migration of groundwater with impaired water quality. The Ordinance is intended to address these eventualities.*

*To implement the 2014 Stanislaus County Groundwater Ordinance, the County has developed its Discretionary Well Permitting and Management Program to prevent the unsustainable extraction from new wells subject to the Stanislaus County Groundwater Ordinance. A condition of approval will be placed on the project ensuring the applicant obtains a drilling permit as required by State and County regulations, prior to the construction of new wells. The West Turlock Groundwater Sustainability Agency covers the western portion of the Turlock Groundwater Sub-basin, and in conjunction with the East Turlock Groundwater Sustainability Agency, is tasked with ensuring compliance with the Sustainable Groundwater Management Act (SGMA) through a Groundwater Sustainability Plan to be adopted in 2022. The new and existing wells are not anticipated to have a significant effect on groundwater supplies.*

*The water quality of the existing well has yet to be determined. As the existing on-site wells do not meet public water system standards the applicant proposes to drill a new well. If the new well does not meet Public Water System standards the applicant may need to either drill an additional well or install a water treatment system for the existing or proposed wells. Goal Two, Policy Seven, of the Stanislaus County General Plan's Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.*

*The existing well uses an estimated 1.4-acre foot of water per year, and is expected to increase to approximately two acre feet per year as part of this request. Based on this information, the drilling of a new well would be considered a de minimis extractor, exempt from the County's Groundwater Ordinance and thus not require CEQA-compliance. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Regardless of which avenue the applicant takes to meet public water system standards, public water supply permits require on-going testing."*

As permitted by CEQA Guidelines Section 15073.5(c), revisions to a Negative Declaration may be approved by the Planning Commission without a new period of environmental review if the project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. This additional language is considered to be informational in nature and to have no new significant effects. The operation was already identified as being served by a new private well. Planning staff believes that the modification meets this statute and that re-circulation of the environmental assessment document is not required.

\*\*\*\*\*

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay \$2,463.75 for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Kristen Anaya, Assistant Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Project Description
- Exhibit E - Private Easement Agreement
- Exhibit F - Initial Study, with revisions
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referral








## Findings and Actions Required for Project Approval

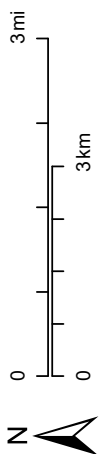
1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
  - a. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
  - b. That the use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - c. That the proposed Tier One use is "low-people intensive" and not subject to the agricultural buffer.
4. Approve Use Permit Application No. PLN2019-0018 – Grower Direct Nut.

**GROWER DIRECT  
NUT  
UP PLN2019-0018**

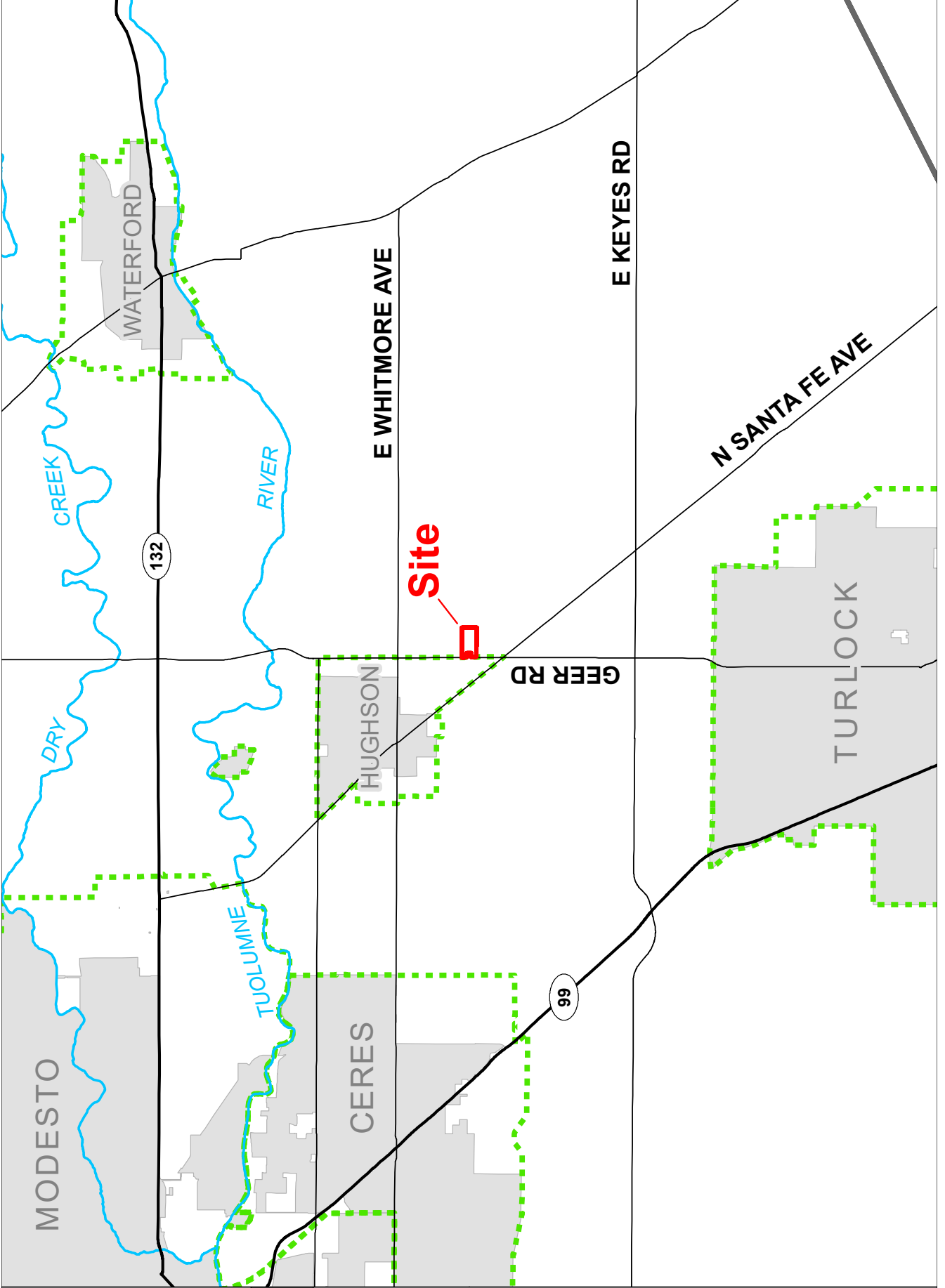
**AREA MAP**

**LEGEND**

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












Source: Planning Department GIS Date: 3/7/2019

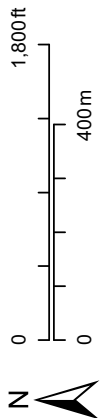


# GROWER DIRECT NUT UP PLN2019-0018

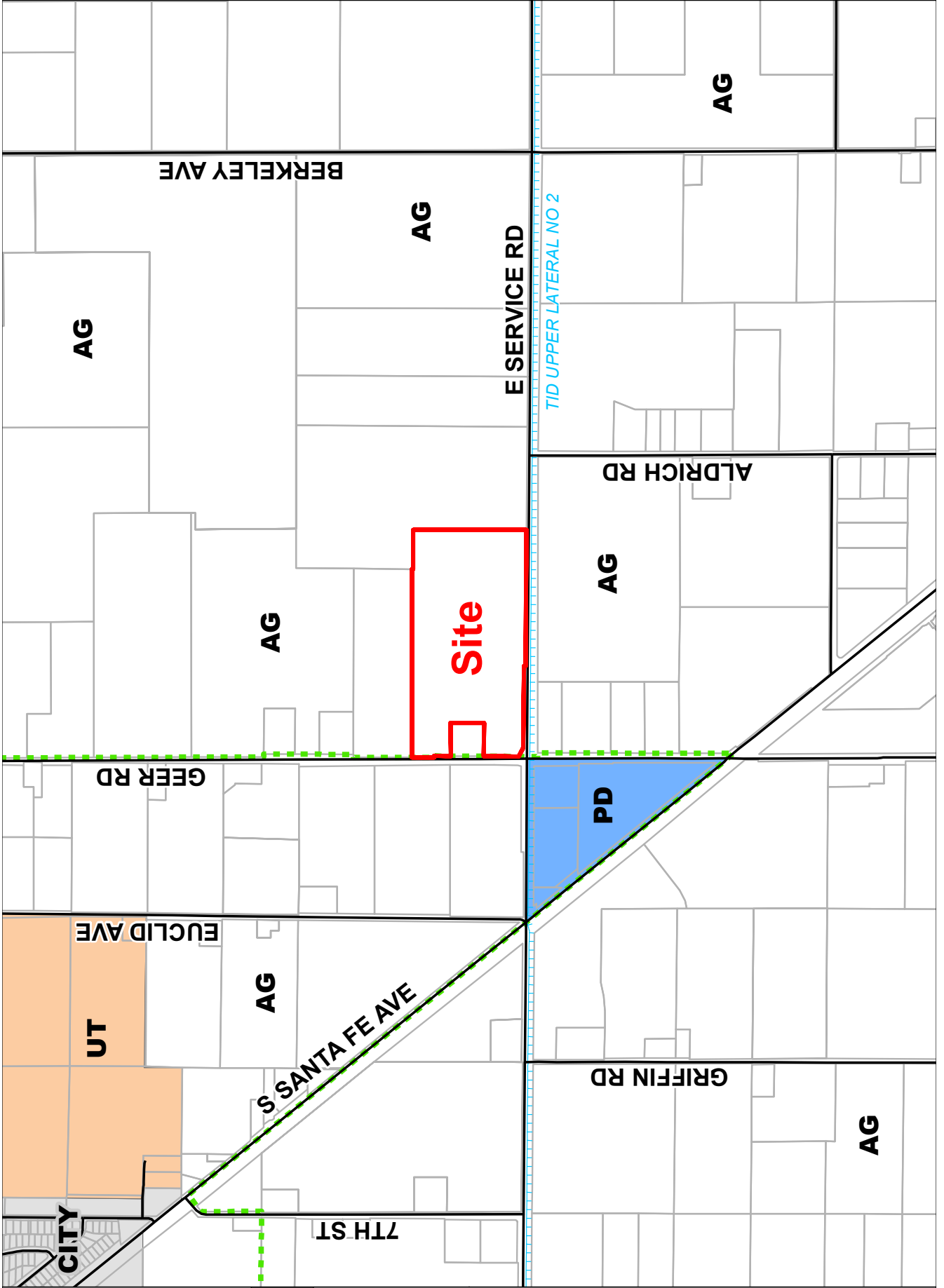
## GENERAL PLAN MAP

### LEGEND

-  Project Site
-  Sphere of Influence
-  City of Hughson
-  Parcel
-  Road
-  Canal
- General Plan**
-  Agriculture
-  Planned Development
-  Urban Transition









Source: Planning Department GIS Date: 3/7/2019






# GROWER DIRECT NUT UP PLN2019-0018

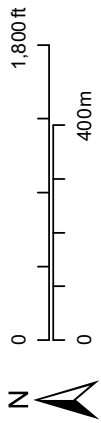
## ZONING MAP

### LEGEND

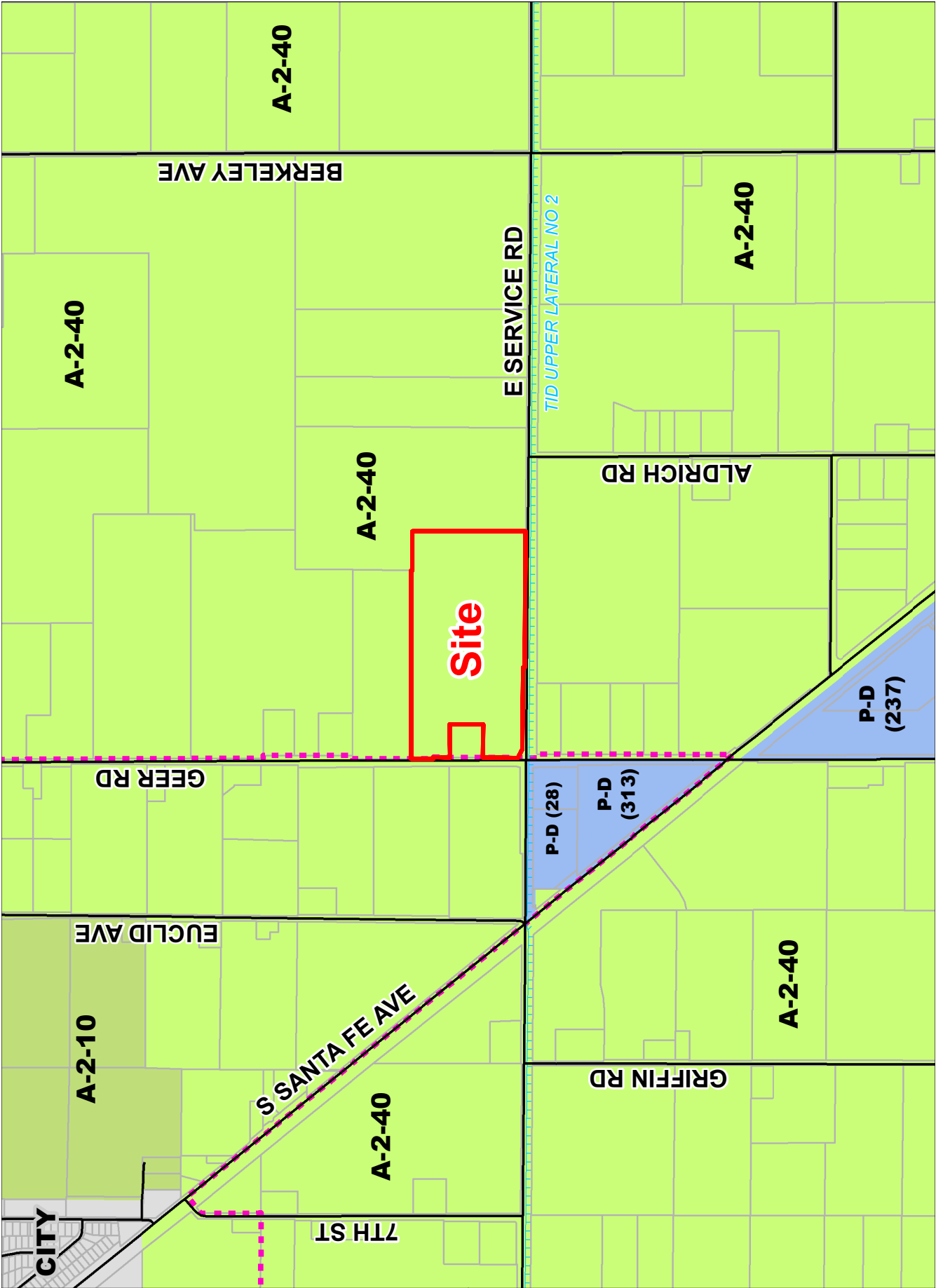
-  Project Site
-  Sphere of Influence
-  City of Hughson
-  Parcel
-  Road
-  Canal

### Zoning Designation

-  General Agriculture 10 Acre
-  General Agriculture 40 Acre
-  Planned Development



Source: Planning Department GIS Date: 3/7/2019

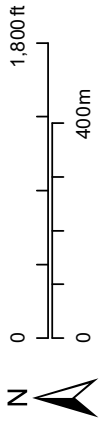


# GROWER DIRECT NUT UP PLN2019-0018

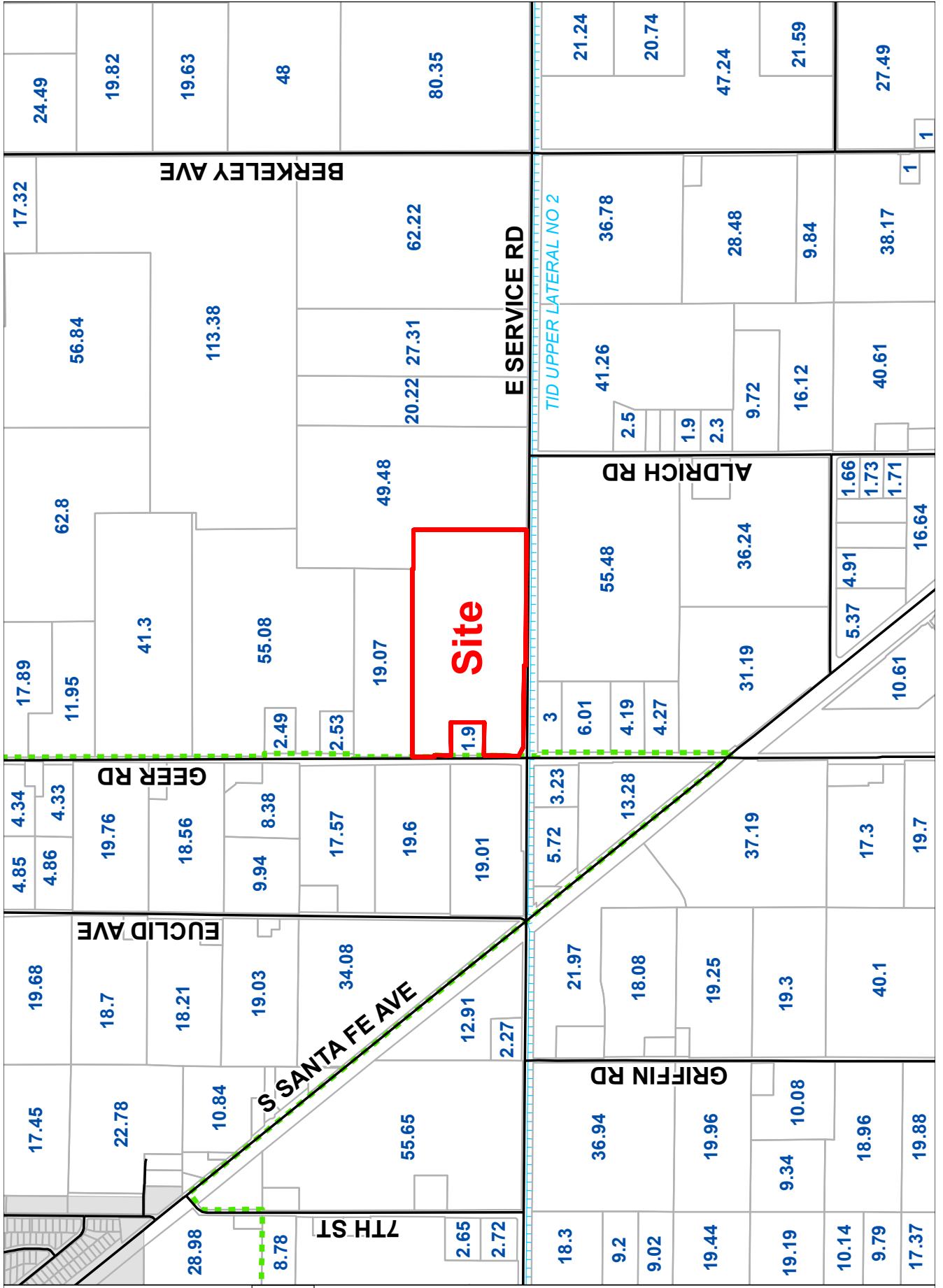
## ACREAGE MAP

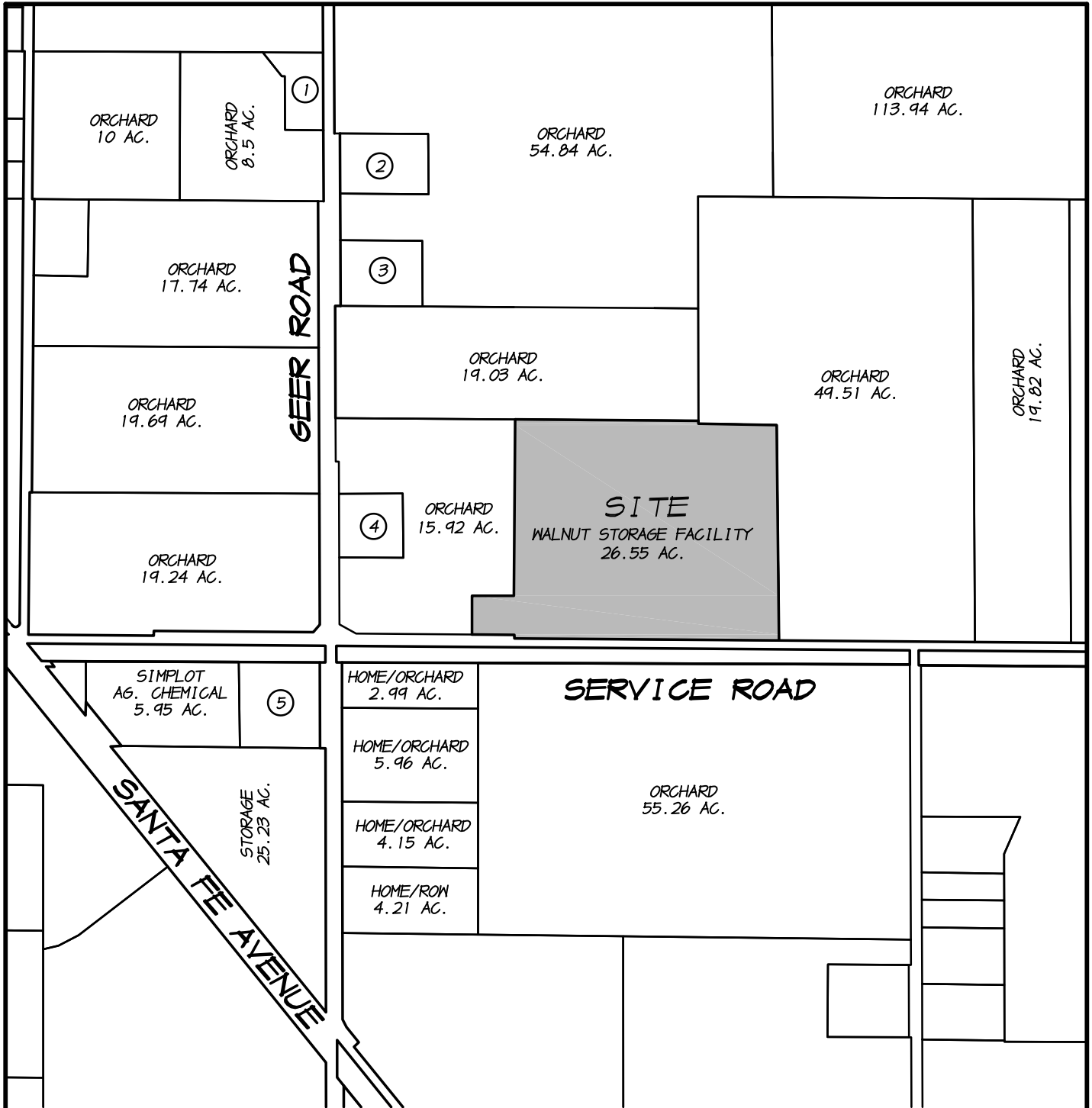
### LEGEND

- Project Site
- Sphere of Influence
- City of Hughson
- # Parcel/Acres
- Road
- Canal



Source: Planning Department GIS Date: 3/6/2019





NO.	USES	ACRES
1	HOUSE	1.44
2	HOUSE	2.50
3	HOUSE	2.52
4	HOUSE	1.75
5	RADIO STATION	3.35

**PROJECT SITE**

A.P.N. 018-056-007  
 8133 E. SERVICE ROAD  
 HUGHSON, CA 95326



DRAWN: J.F.  
 DATE: 3/7/19 7:35  
 SCALE: 1"=600'  
 JOB #: 664BB-18  
 DWG: AREAMAP

**AREA MAP**  
**GROWER DIRECT NUT CO.**  
 STANISLAUS COUNTY CALIFORNIA





**ASSOCIATED ENGINEERING GROUP**  
 4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356  
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

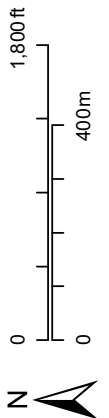
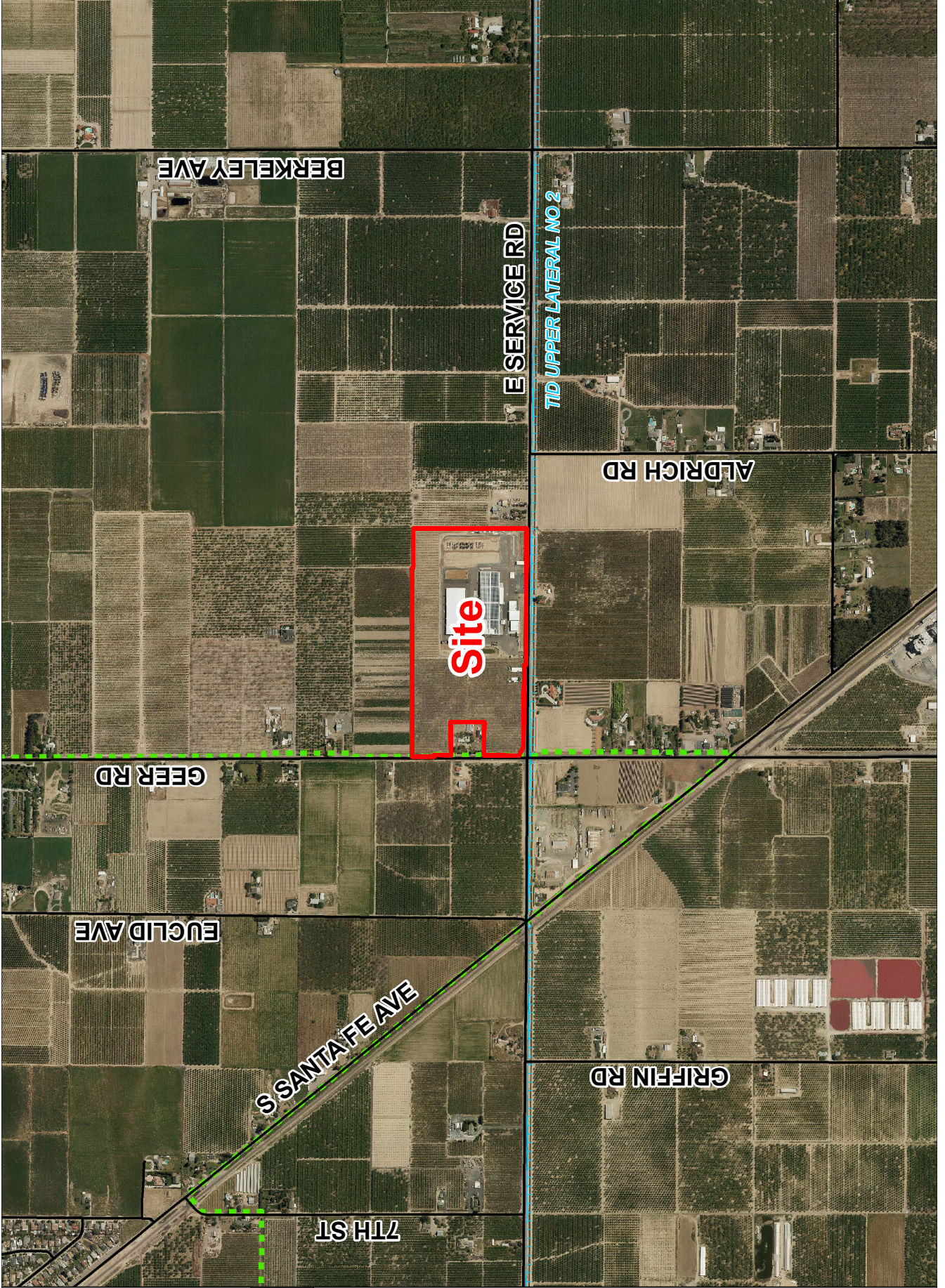


**GROWER DIRECT  
NUT  
UP PLN2019-0018**

**2017 AERIAL AREA MAP**

**LEGEND**

-  Project Site
-  Sphere of Influence
-  Road
-  Canal







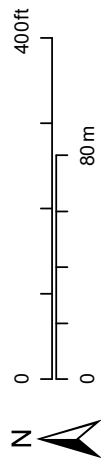


**GROWER DIRECT  
NUT  
UP PLN2019-0018**

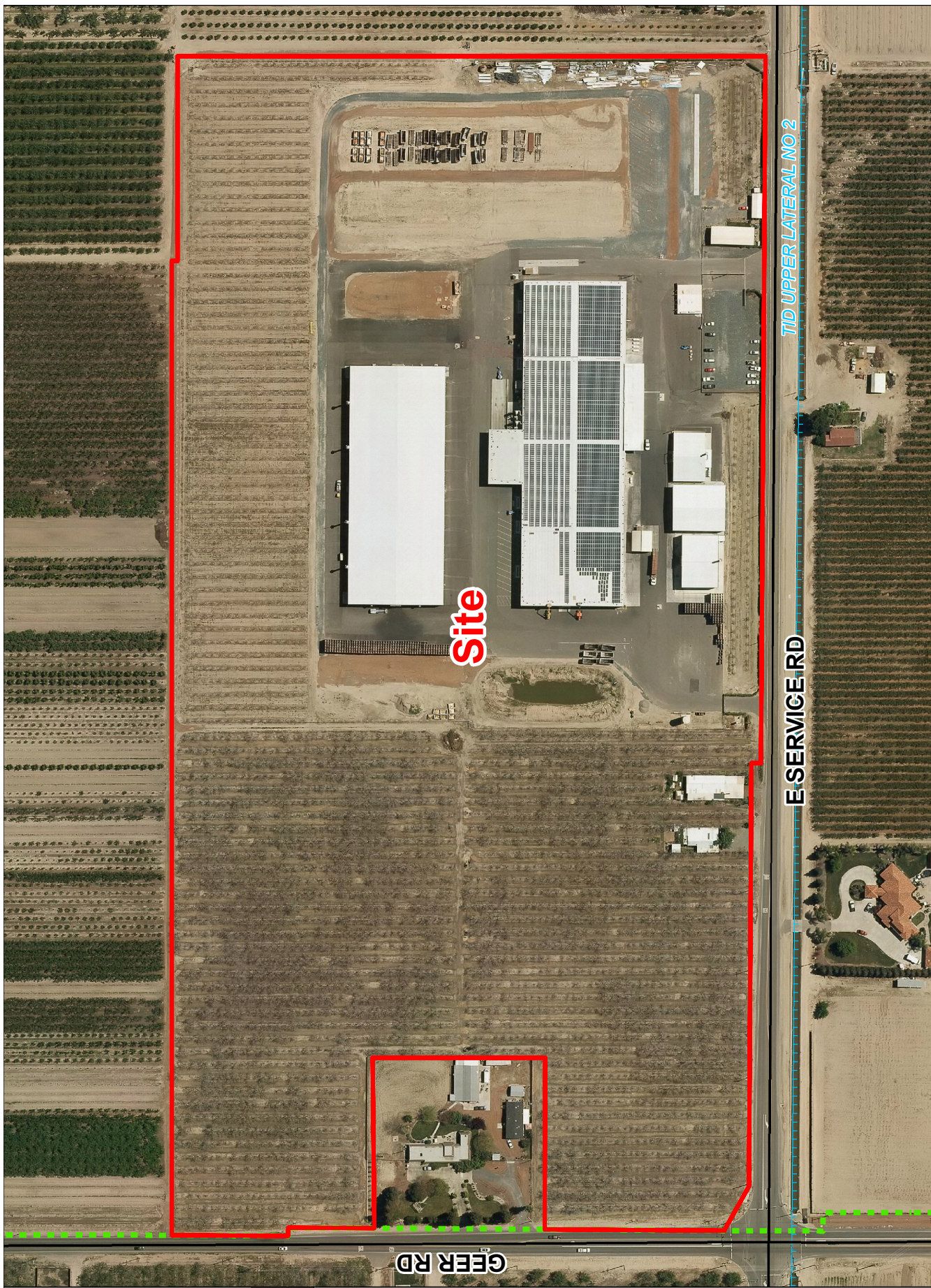
**2017 AERIAL SITE MAP**

**LEGEND**

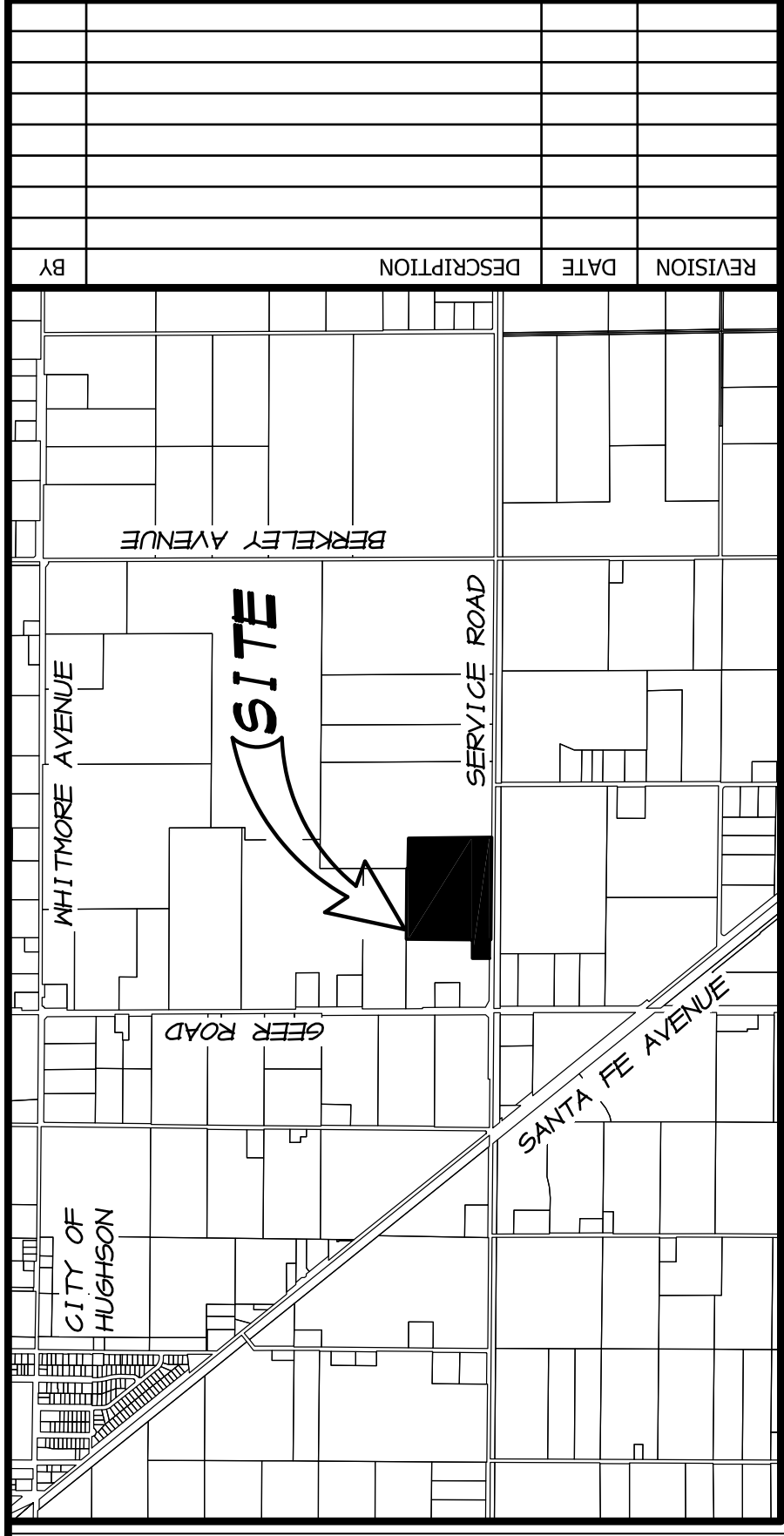
-  Project Site
-  Sphere of Influence
-  Road
-  Canal



Source: Planning Department GIS Date: 3/6/2019







**VICINITY MAP**  
NO SCALE

**OWNER/APPLICANT**  
AARON MARTELLA  
GROWER DIRECT NUT CO., INC.  
2100 GEER ROAD  
HUGHSON, CA 95326  
PH: (209) 889-4819

**ASSOCIATED ENGINEERING GROUP**  
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356  
PHONE: (209) 545-3390 FAX: (209) 545-3875 WWW.ASSOCENG.COM

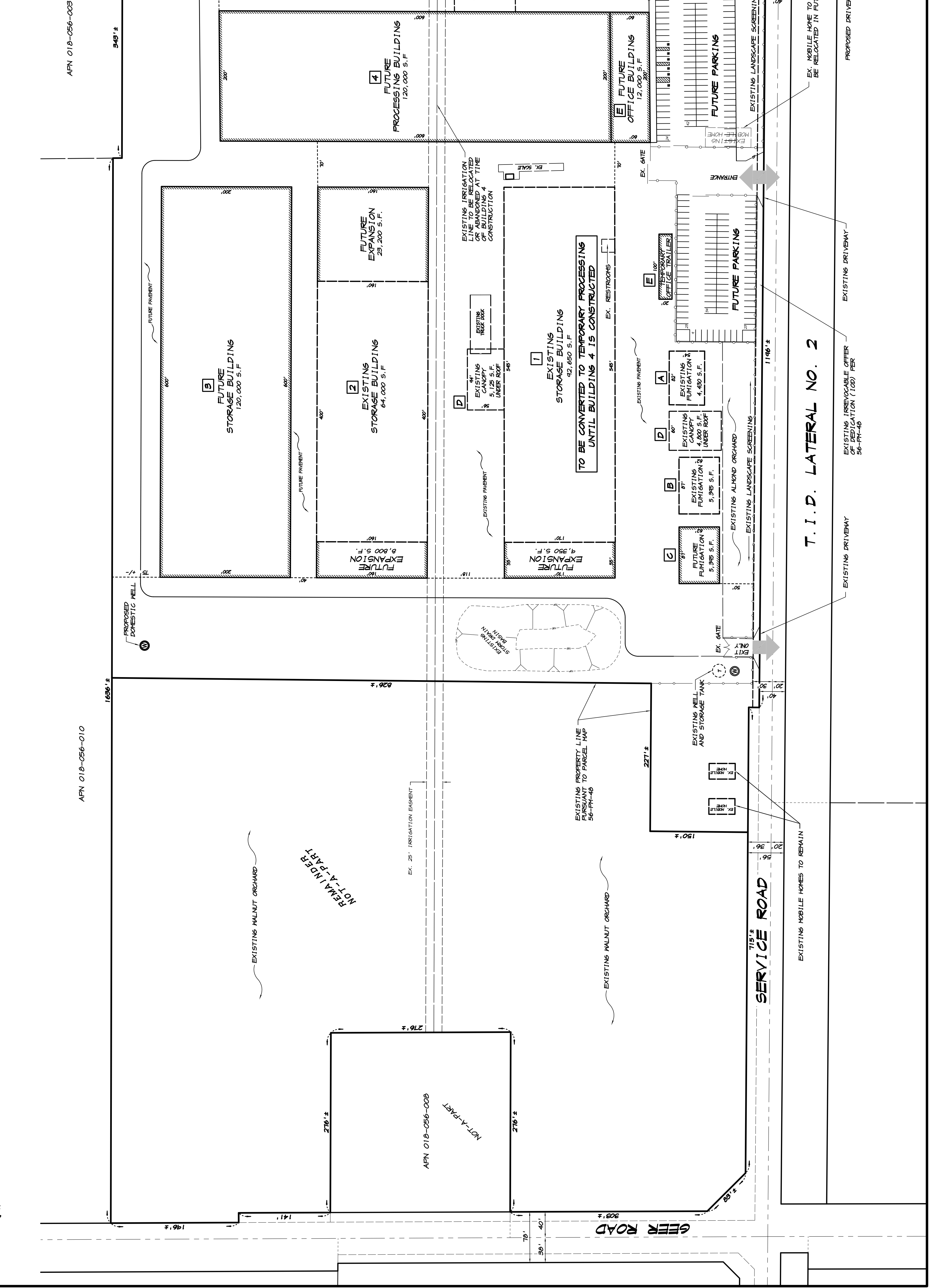
**AGRICULTURAL WALNUT FACILITY**  
GROWER DIRECT/ SERVICE ROAD SITE  
STANISLAUS COUNTY CALIFORNIA

SITE PLAN TO ACCOMPANY USE PERMIT

RYAN GARRETT, P.E. 61619  
DAVE SHARPING, L.S. 7126

DRAWN BY: J.F.  
DATE: 9/17/18  
SCALE: 1" = 80'  
DWG: UP\_2018  
CHECKED: 664BB-18  
JOB #: 664BB-18

SHEET 1 OF 1



**GENERAL NOTES:**

1. ASSESSOR'S PARCEL NUMBER: 018-056-007
2. SITE SUMMARY: TOTAL SITE 42.75 ± AC.
3. SITE LOCATION: 8199 E. SERVICE ROAD HUGHSON, CA. 95326
4. PRESENT ZONING: A-2-40, UP 2009-12
5. ALL IMPROVEMENTS TO BE INSTALLED SHALL BE INSTALLED IN ACCORDANCE OF STANISLAUS COUNTY STANDARDS.
6. THE PROPERTY LINE DISTANCE, BEARINGS, AND ALL DIMENSIONS SHOWN ON THIS MAP WERE OBTAINED FROM THE ASSessor'S MAP, BOTH AN ORIGINAL FIELD SURVEY AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.

**BUILDING SUMMARY**

1	A6	STORAGE BUILDING*	102,000 S.F.
2	A6	STORAGE BUILDING	96,000 S.F.
3	A6	STORAGE BUILDING	120,000 S.F.
4	A6	PROCESSING BUILDING	120,000 S.F.
5	A6	FUMIGATION BUILDINGS	15,220 S.F.
6	C	ROOF CANOPIES	16,643 S.F.
7	E	OFFICES	14,000 S.F.
			<b>TOTAL BUILDINGS</b> 483,913 ± S.F.

\* STORAGE BUILDING 1 TO BE CONVERTED TO PROCESSING AT SUCH TIME THE CONSTRUCTION OF BUILDING 4 IS COMPLETED.

**PARKING SUMMARY**

REQUIRED ..... 90 STALLS  
1/8RD/RE 1750 ± 1/800 (OFFICE)

PROPOSED ..... 179 STALLS

**T.I.D. LATERAL NO. 2**

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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)

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2019-0018 GROWER DIRECT NUT**

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

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. All conditions of approval from Use Permit 2009-12 – *Martella Farms – E. Service Road* shall remain in effect.
  
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2017), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a “Notice of Determination.” Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,463.75**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

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

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
  
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
  
5. Prior to issuance of any building permit, a photometric lighting plan for new lighting shall be submitted for review and approval by the Planning Department. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination

without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
9. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
10. All proposed parking lots and parking stalls shall comply with current setback standards pursuant to Stanislaus County Zoning Ordinance Sections 21.20.070 and 21.76 – Off-Street Parking.
11. No person shall operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average sound level greater than seventy-five decibels between the hours of seven p.m. and seven a.m.

**Department of Public Works**

12. Prior to issuance of a grading permit or building permit, whichever comes first, an Encroachment Permit shall be obtained for the easterly most driveway that accesses Service Road. The driveway shall be installed as per Stanislaus County Public Works Standards and Specifications.
13. Prior to issuance of a building or grading permit, a grading, drainage, and erosion/sediment control plan for the project shall be submitted. The grading and drainage plan shall include the following information:
  - A. The plan shall contain drainage calculations and enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
  - B. The grading, drainage, and erosion/sediment control plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number

(WDID) and a copy of the Notice of Intent (NOI) and the project's Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to approval of any grading, if applicable.

- C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - D. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading and drainage work on-site.
14. No parking, loading, or unloading of vehicles shall be permitted within the Service Road right-of-way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.

**Department of Environmental Resources**

- 15. Prior to receiving occupancy of any building permit, the property owner must submit an application for water supply permit with the associated technical report to DER.
- 16. A drilling permit shall be obtained prior to the construction of any new wells.

**Department of Environmental Resources – HAZMAT Division**

- 17. The applicant should contact the Department of Environmental Resources (DER) regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
  - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business information into the California Electronic Reporting System (CERS) by handlers of materials in excess of 55 gallons, 500 pounds of a hazardous material, or of 200 cubic feet of compressed gas.
  - 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 relative to the:
    - a. quantities of waste generated;
    - b. plans for reducing wastes generated; and
    - c. proposed waste disposal practices. Generators of hazardous waste must also use the CERS data base to submit chemical and facility information to the DER.

- 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 for determination if they are regulated under the Medical Waste Management Act.
- 18. If the project involves the installation of monitoring wells and/or borings, the applicant must submit a current permit application for groundwater monitoring wells and exploratory borings to the Hazardous Materials Division within DER. Please contact the DER to obtain guidance on this process. If the work will be conducted within the City of Modesto, then they are the lead agency for wells and/or borings and must be contacted for their requirements.
- 19. 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 the DER Hazardous Materials Division.

**Building Permits Division**

- 20. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
- 21. The following proposal to construct these commercial occupancies shall be required to be in compliance with the most current adopted code at the time of the application submittal date.
- 22. Commercial Storage Facilities shall be classified in accordance to its use and occupancy (S-1).
- 23. Commercial Fumigation Buildings are classified as an accessory use to the commercial processing facility.
- 24. Commercial Processing Facilities shall be classified in accordance to its use and occupancy (F-1).
- 25. All Commercial Buildings are subject to Public Facility Fees.
- 26. No Change shall be made in the use or occupancy of any building unless such building is made to comply with the requirements of the most current adopted California Building Code, California Code of Regulations Title 24, Volume 1 and 2 of Part 2 and the California Existing Building Code, California Code of Regulations Title 24, Part 10. This proposal shall require a change of use permit for the conversion the Commercial Walnut Storage(S-1) Building (BLD 1) to a commercial processing facility (F-1) per the most current adopted CBC at the time of the application submittal date.
- 27. A building permit for the temporary office building shall be applied for prior to Installation.
- 28. Occupancies with a total occupant load of 10 or less, including customers and employees, one toilet facility, designed for use by no more than one person at a time, shall be permitted for use by both sexes.

29. Required toilet facilities for employees shall have a maximum travel distance not to exceed 500 feet per California Plumbing Code or each building or structure shall be provided with toilet facilities for employee(s).

**San Joaquin Valley Air Pollution Control District**

30. The proposed Project is subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review). Since the facility is currently permitted with the District (District Facility ID N-8993 Grower Direct Nut Company), any modification that would result in a change in emissions or change in method of operation/equipment, for example, a change in quantity or type of fumigant used or nut processing equipment) requires the submittal of an Authority to Construct (ATC) Permit application. As such, the District recommends the applicant contact the District's Small Business Assistance (SBA) office to determine whether an Authority to Construct (ATC) and Permit to Operate (PTO) are required, and to identify other District rules and regulations that apply to this project.

**Central Valley Regional Water Quality Control Board**

31. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" (Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002), is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
32. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a Phase I and II Municipal Separate Storm Sewer System (MS4) Permit, an Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit, Dewatering Permit, or Waste Discharge Requirement (WDR) permits are required.

**Turlock Irrigation District**

33. As depicted on the site plan, there is an irrigation deep well and easement belonging to Improvement District 1313 located at the northeast corner of the project. This well shall remain accessible for operation and maintenance.
34. Prior to issuance of a building permit, the developer shall submit plans detailing the existing irrigation facilities relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.
35. Prior to issuance of a building permit, the District shall review and approve all maps and plans of the project. Any improvements to this property which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications. If it is determined that irrigation facilities will be impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a District Board approved time and material fee associated with this review.

36. Developed property adjoining irrigated ground shall be graded so that finished grading elevations are at least six inches higher than irrigated ground. A protective berm shall be installed to prevent irrigation water from reaching non-irrigated properties.
37. The District's electric utility has an existing underground power line on the parcel. Underground Service Alert shall be notified before digging.
38. The owner/developer shall apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.

**Planning Commission**

39. **Prior to issuance of a building permit for "future processing building No. 4" on the submitted site plan, verification shall be submitted to the Planning Department of either (i) the relocation of the existing TID irrigation easement and the accompanying pipeline, or (ii) the abandonment of the existing TID irrigation easement by TID and its replacement with an agreement between Applicant and the owner of the parcel identified as Assessor's Parcel Number 018-056-008 ("Pena Property") that establishes a private easement for the existing pipeline and identifies the party responsible for the repair, maintenance and/or replacement of the existing pipeline to ensure continued water delivery to the Pena Property.**

**Additionally, in the event the pipeline is not relocated, prior to issuance of a building permit for "future processing building No. 4" on the submitted site plan, Applicant shall provide County with a separate indemnification agreement that provides for the defense, indemnification and release of the County by the Applicant in the event of any dispute, claim, action or proceedings involving or connected with Applicant's construction of building "No. 4" over the existing pipeline.**

\*\*\*\*\*

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

**GROWER DIRECT NUT CO.  
SERVICE ROAD SITE  
USE PERMIT PROJECT DESCRIPTION  
September 14, 2018**

The property is located at 8199 E. Service Road in Hughson, California. This application is to modify the existing use permit (UP 2009-12) to allow an additional building for walnut processing which is labeled building 4 on the site plan. The current Use Permit approval is for commodity storage buildings totaling 343,000 square feet. With this application the total building area would be increases to 483,913 square feet.

The project would request a temporary change of use for building 1 (storage) until such time as the proposed building 4 (processing) is constructed. Accessory buildings to support the processing building such as office, truck docks and scale are proposed. An additional exit driveway is proposed at the easterly property line. Below is the proposed phasing plan.

The development of the proposed processing building will minimize the need to transport product from this site to the Geer Road site for further processing. The proposed processing of walnuts consists of shelling, sorting, grading, pasteurizing and packaging.

<b>Phase 1</b> (1-2 Years)	<b>Phase 2</b> (3-4 Years)	<b>Phase 3</b> (4-5 years)
<ul style="list-style-type: none"> <li>• Change of use for building 1 -Install processing equipment.</li> <li>• Install temporary office trailer to support processing building.</li> <li>• Construct west parking lot (89 stalls).</li> <li>• Construct fumigation building C.</li> </ul>	<ul style="list-style-type: none"> <li>• Construct building 4 for processing.</li> <li>• Relocate processing equipment from building 1 and divert back to storage.</li> <li>• Construct truck dock and truck scale.</li> <li>• Construct storage expansions buildings 1 and 2.</li> </ul>	<ul style="list-style-type: none"> <li>• Construct storage building 3.</li> <li>• Construct office.</li> <li>• Construct east parking lot (90 stalls).</li> </ul>



RECORDING REQUESTED BY  
AND RETURN TO:

Robert E. Triebisch  
TRIEBSCH & FRAMPTON, APC  
P. O. Box 709  
Turlock, CA 95381-0709

APNs 018-056-007, 018-056-008

**PRIVATE EASEMENT AGREEMENT**

This Agreement is between JESSE L. PENA and SUSAN R. PENA, husband and wife (hereinafter referred to as "Pena"), and RONALD M. MARTELLA and JANE C. MARTELLA, Trustees, RONALD M. AND JANE C. MARTELLA REVOCABLE TRUST DATED JUNE 14, 2007, as to an undivided one-half (1/2) interest; KEVIN R. CHIESA and MELANIE M. CHIESA, Trustees, K. & M. CHIESA 2013 TRUST, as to an undivided one-fourth (1/4) interest; and AARON R. MARTELLA and SHAWNA L. MARTELLA, Trustees, A. & S. MARTELLA 2012 TRUST, as to an undivided one-fourth (1/4) interest (hereinafter collectively referred to as "Martella Family").

**RECITALS:**

Pena is the owner of Stanislaus County A.P.N. 018-056-008 ("Pena Property") and the Martella Family is the owner of Stanislaus County A.P.N. 018-056-007 ("Martella Property").

A private pipeline exists across the Martella Property which provides a water source to the Pena Property. The Martella Family desires to build a structure on its property which would go over a portion of the existing pipeline. Turlock Irrigation District ("T.I.D.") currently enjoys an easement in, on and about this pipeline for purposes of delivering irrigation water. The private pipeline on which T.I.D. has an easement is depicted in that certain Lot Line Adjusted By Parcel Map recorded on February 9, 1987 at Book 39, Page 26 in the Official Records of Stanislaus County as Instrument No. 57278, as amended by that certain Parcel Map recorded on September 24, 2010 at Book 56, Page 48 in the Official Records of Stanislaus County as Instrument No. 2010-0085734. In order for the Martella Family to build the desired structure, T.I.D. requires that (i) Pena agree that T.I.D. can quitclaim its easement so that T.I.D. will no longer have its easement rights described above or be involved with this pipeline, and, (ii) the Martella Family give assurances that Pena will still receive irrigation water through the pipeline. To accomplish this, the Martella Family agrees to have the existing private pipeline provide an indefinite ongoing water source to the Pena Property for irrigation purposes.

FOR GOOD AND VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. **Description of the Properties.**

A. Pena is the owner of Stanislaus County A.P.N. 018-056-008 described on Exhibit A attached hereto, referred to as the Pena Property herein.

B. The Martella Family is the owner of Stanislaus County A.P.N. 018-056-007 described on Exhibit B attached hereto, referred to as the Martella Property herein.

2. **Grant of Easement.** As consideration for Pena agreeing to have T.I.D. abandon its easement, the Martella Family hereby grants to Pena and its heirs, successors, assigns, tenants and other occupants of the Pena Property the continuing right to receive all the water reasonably required for the irrigation needs of the Pena Property. This means that the Martella Family will continue the existing easement on a private basis across the Martella Property described in Exhibit B to continue the existing water source to the Pena Property described in Exhibit A for irrigation purposes.

3. **Construction of Buildings.** Pena agrees that, in exchange for the guarantee of the water source, as described above, the Martella Family may build structures or other improvements over the existing pipeline easement.

4. **Maintenance of Pipeline.** The Martella Family shall maintain the pipeline on the Martella Property and keep it in good repair and condition so that Pena can receive an uninterrupted flow of water under the easement herein. If the Martella Family fails to maintain the pipeline as provided herein after notice of at least thirty (30) days from Pena, except in an emergency when no notice shall be required, Pena may inspect and repair the pipeline (and enter the Martella Property solely for such purposes), and bill the Martella Family for the reasonable expenses thereof, which the Martella Family shall pay within thirty (30) days.

5. **Notices.** Any communication under this Agreement shall be in writing, and shall be effective when delivered in person to the named recipient, or if mailed to the recipient at the address below, one (1) day after timely deposit with a responsible overnight courier or three (3) days after deposit with the U.S. Postal Service, postage prepaid, certified mail, return receipt requested. Either party may change its address by providing notice as described in this section.

Martella Family: c/o Ronald M. Martella, 2100 Geer Road, Hughson, CA 95326

Pena: Jesse L. and Susan R. Pena, 3918 Geer Road, Hughson, CA 95326

6. **Binding on Successors.** The rights, covenants and restrictions contained in this Agreement run with the land in perpetuity, shall be binding upon and inure to the benefit of the Martella Property and the Pena Property, any portion thereof and any interest therein, and shall be binding upon and inure to the benefit of Martella, Pena and anyone having or acquiring the Martella Property, the Pena Property, any portion thereof or interest therein, and their respective heirs, legal representatives, successors, assigns, tenants or mortgagees in possession.

7. **Language of Agreement.** Each provision of this Agreement shall be construed as a whole and simply according to its fair meaning and not for or against either party because that party prepared the provision in question.

8. **Attorneys' Fees.** The prevailing party in any action arising under this Agreement shall be reimbursed its reasonable attorneys' fees and costs from the losing party.

9. **Severability.** The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the remainder of this Agreement.

10. **Entire Agreement.** This Agreement contains all agreements of the parties with respect to the easement described herein. This Agreement may be modified in writing only, signed by the parties.

11. **Waiver of Provisions.** No waiver by either party of any provision hereof shall be deemed a waiver of any other provision herein or of any subsequent breach by the other party of the same or any other provision. A party's consent to or approval of any act shall not be deemed to render unnecessary the obtaining of that party's consent to or approval of any subsequent act by the other party.

12. **Counterparts.** The parties may execute this Agreement in two (2) or more counterparts, which shall in the aggregate, be considered the entire contract.

13. **Independent Review.** The parties have been advised, and acknowledge having had adequate time and opportunity, to have this Agreement reviewed by independent legal counsel prior to its execution.

14. **Further Cooperation.** The parties shall cooperate in the future, including executing additional documents reasonably necessary to effect the intent of the parties under this Agreement.

15. **No Partnership.** The parties do not intend to form a partnership herein, and no party may bind the other party to a third party.

(Signatures are on the following page)

DATED: \_\_\_\_\_, 2016

"Pena"

\_\_\_\_\_  
JESSE L. PENA

\_\_\_\_\_  
SUSAN R. PENA

"Martella Family"

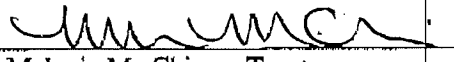
RONALD M. AND JANE C. MARTELLA  
REVOCABLE TRUST DATED JUNE 14,  
2007

By   
Ronald M. Martella, Trustee

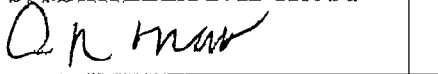
By   
Jane C. Martella, Trustee

K. & M. CHIESA 2013 TRUST

By   
Kevin R. Chiesa, Trustee

By   
Melanie M. Chiesa, Trustee

A. & S. MARTELLA 2012 TRUST

By   
Aaron R. Martella, Trustee

By   
Shawna L. Martella, Trustee

Exhibit A

(Pena Property)

Parcel 1 as shown upon that certain Parcel Map filed February 9, 1987 in Volume 39 of Maps, Page 26, Stanislaus County Records.

Stanislaus County A.P.N 018-056-008

Exhibit B

(Martella Property)

All that portion of Section 14, in Township 4 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the section line between Sections 14 and 23, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, 1659.2 feet East of the Southwest corner of said Section 14; thence North  $0^{\circ} 33'$  West, 1005.8 feet to the center line of a ditch; thence North  $89^{\circ} 49'$  East, 343.6 feet along the center line of ditch; thence South  $0^{\circ} 49'$  East, 1007.45 feet along the center line of ditch to section line; thence North  $89^{\circ} 56'$  West, 348.4 feet to the point of beginning.

Also beginning at a point 25 feet East from the Southwest corner of said Section 14, Township 4 South, Range 10 East, Mount Diablo Base and Meridian; thence North  $0^{\circ} 40'$  West 1008.4 feet; thence North  $89^{\circ} 46' 40''$  East 1636.3 feet; thence South  $0^{\circ} 33'$  East, 1015.8 feet to the South line of said Section 14; thence North  $89^{\circ} 56'$  West, 1634.2 feet to the place of beginning.

Excepting therefrom the South 20 feet thereof.

Also excepting therefrom Parcel 1 as shown upon that certain Parcel Map filed February 9, 1987 in Volume 39 of Parcel Maps, page 26, Stanislaus County Records.

Stanislaus County A.P.N. 018-056-007

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On \_\_\_\_\_, 2015, before me, \_\_\_\_\_, a Notary Public, personally appeared JESSE L. PENA and SUSAN R. PENA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(SEAL)

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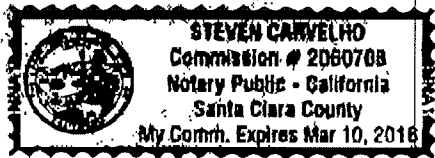
STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On DECEMBER 14, <sup>2016</sup> ~~2015~~, before me, STEVEN CARVELHO, a Notary Public, personally appeared RONALD M. MARTELLA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Steven Carvelho  
Notary Public



(SEAL)

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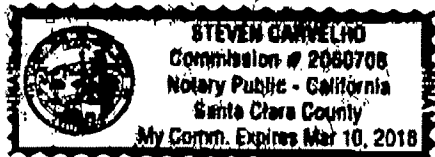
STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On OCTOBER 12, <sup>2016</sup> ~~2015~~, before me, STEVEN CARVELHO, a Notary Public, personally appeared JANE C. MARTELLA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Steven Carvelho  
Notary Public



(SEAL)



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STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On October 11, <sup>2016</sup>~~2015~~, before me, STEVEN CARVELHO, a Notary Public, personally appeared AARON R. MARTELLA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Steven Carvelho  
Notary Public



(S E A L)

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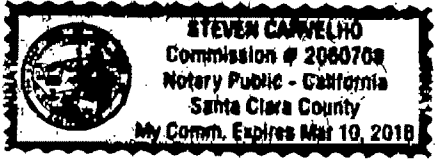
STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On October 11, <sup>2016</sup>~~2015~~, before me, STEVEN CARVELHO, a Notary Public, personally appeared SHAWNA L. MARTELLA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Steven Carvelho  
Notary Public



(S E A L)

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STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On OCTOBER 11, <sup>2016</sup>~~2015~~, before me, STEVEN CARVELHO, a Notary Public, personally appeared KEVIN R. CHIESA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Steven Carvelho  
Notary Public



(S E A L)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
COUNTY OF STANISLAUS)

On OCTOBER 11, <sup>2016</sup>~~2015~~, before me, STEVEN CARVELHO, a Notary Public, personally appeared MELANIE M. CHIESA, who proved to me on the basis of satisfactory evidence to be the persons whose names is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Steven Carvelho  
Notary Public



(S E A L)

## AGREEMENT

This Agreement is between JESSE L. PENA and SUSAN R. PENA, husband and wife (hereinafter referred to as "Pena") and RONALD M. MARTELLA and JANE C. MARTELLA, Trustees, RONALD M. AND JANE C. MARTELLA REVOCABLE TRUST DATED JUNE 14, 2007, as to an undivided one-half (1/2) interest; KEVIN R. CHIESA and MELANIE M. CHIESA, Trustees, K. & M. CHIESA 2013 TRUST, as to an undivided one-fourth (1/4) interest; and AARON R. MARTELLA and SHAWNA L. MARTELLA, Trustees, A. & S. MARTELLA 2012 TRUST, as to an undivided one-fourth (1/4) interest (hereinafter collectively referred to as "Martella Family").

### R E C I T A L S :

Pena is the owner of Stanislaus County A.P.N. 018-056-008 ("Pena Property") and the Martella Family is the owner of Stanislaus County A.P.N. 018-056-007 ("Martella Property").

A private pipeline exists across the Martella Property which provides a water source to the Pena Property. The Martella Family desires to build a structure on its property which would go over a portion of the existing pipeline. Turlock Irrigation District ("T.I.D.") currently enjoys an easement in, on and about this pipeline for purposes of delivering irrigation water. The private pipeline on which T.I.D. has an easement is depicted in that certain Lot Line Adjusted By Parcel Map recorded on February 9, 1987 at Book 39, Page 26 in the Official Records of Stanislaus County as Instrument No. 57278, as amended by that certain Parcel Map recorded on September 24, 2010 at Book 56, Page 48 in the Official Records of Stanislaus County as Instrument No. 2010-0085734. In order for the Martella Family to build the desired structure, T.I.D. requires that (i) Pena agree that T.I.D. can quitclaim its easement so that T.I.D. will no longer have its easement rights described above or be involved with this pipeline, and (ii) the Martella Family give assurances that Pena will still receive irrigation water through the pipeline. To accomplish this,

the Martella Family agrees to have the existing private pipeline provide an indefinite ongoing water source to the Pena property for irrigation purposes.

FOR GOOD AND VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. **Description of the Properties.**

A. Pena is the owner of Stanislaus County A.P.N. 018-056-008 described on Exhibit A attached hereto, referred to as the Pena Property herein.

B. The Martella Family is the owner of Stanislaus County A.P.N. 018-056-007 described on Exhibit B attached hereto, referred to as the Martella Property herein.

2. **Abandonment of T.I.D. Easement.** Pena and the Martella Family agree that T.I.D. may abandon its easement on the private pipeline servicing the properties described in Exhibits A and B attached hereto, and the Martella Family assures T.I.D. that the Martella Family will permit the continued use of the private pipeline by Pena for irrigation purposes.

3. **Guarantee of Water Source.** The Martella Family, by separate document, will guarantee a continued water source to the Pena Property for irrigation purposes.

4. **Binding on Successors.** This Agreement will be binding upon and inure to the benefit of the successors-in-interest of the parties hereto.

DATED: \_\_\_\_\_, 2016

**"Pena"**

\_\_\_\_\_  
JESSE L. PENA

\_\_\_\_\_  
SUSAN R. PENA

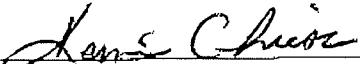
**"Martella Family"**

RONALD M. AND JANE C. MARTELLA  
REVOCABLE TRUST DATED JUNE 14,  
2007

By Ronald M. Martella  
Ronald M. Martella, Trustee

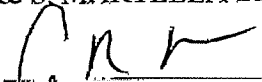
By Jane C. Martella  
Jane C. Martella, Trustee

K. & M. CHIESA 2013 TRUST

By   
Kevin R. Chiesa, Trustee

By   
Melanie M. Chiesa, Trustee

A. & S. MARTELLA 2012 TRUST

By   
Aaron R. Martella, Trustee

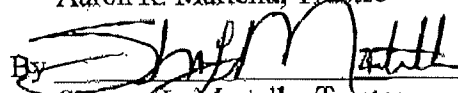
By   
Shawna L. Martella, Trustee

Exhibit A

(Pena Property)

Parcel 1 as shown upon that certain Parcel Map filed February 9, 1987 in Volume 39 of Maps, Page 26, Stanislaus County Records.

Stanislaus County A.P.N 018-056-008

**Exhibit B**  
**(Martella Property)**

All that portion of Section 14, in Township 4 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the section line between Sections 14 and 23, Township 4 South, Range 10 East, Mount Diablo Base and Meridian, 1659.2 feet East of the Southwest corner of said Section 14; thence North 0° 33' West, 1005.8 feet to the center line of a ditch; thence North 89° 49' East, 343.6 feet along the center line of ditch; thence South 0° 49' East, 1007.45 feet along the center line of ditch to section line; thence North 89° 56' West, 348.4 feet to the point of beginning.

Also beginning at a point 25 feet East from the Southwest corner of said Section 14, Township 4 South, Range 10 East, Mount Diablo Base and Meridian; thence North 0° 40' West 1008.4 feet; thence North 89° 46' 40" East 1636.3 feet; thence South 0° 33' East, 1015.8 feet to the South line of said Section 14; thence North 89° 56' West, 1634.2 feet to the place of beginning.

Excepting therefrom the South 20 feet thereof.

Also excepting therefrom Parcel 1 as shown upon that certain Parcel Map filed February 9, 1987 in Volume 39 of Parcel Maps, page 26, Stanislaus County Records.

Stanislaus County A.P.N. 018-056-007



## AMENDED CEQA INITIAL STUDY

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

- 1. **Project title:** Use Permit Application No. PLN2019-0018 – Grower Direct Nut
- 2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristen Anaya, Assistant Planner  
(209) 525-6330
- 4. **Project location:** 8133 East Service Road, on the northeast corner of Geer and East Service Roads, in the Hughson area (APN:018-056-007).
- 5. **Project sponsor’s name and address:** Ronald Martella Trust  
2100 Geer Road  
Hughson, CA 95326
- 6. **General Plan designation:** Agriculture
- 7. **Zoning:** A-2-40 (General Agriculture)
- 8. **Description of project:**

Request to expand and modify an existing walnut storage facility currently operating on a 26.55± acre parcel in the A-2-40 (General Agriculture) zoning district under Use Permit No. 2009-12 and Staff Approval Permit No. 2014-0040. The site is currently improved with two walnut-storage buildings, two fumigation buildings, two canopies, truck scales, a truck dock, two permanent single-family dwellings, and a mobile home for a full-time employee permitted under Temporary Mobile Home Permit No. 2014-04 August. The existing building coverage (excluding the mobile homes) totals 171,275 square feet; however, the facility was originally approved for 343,370 square feet for walnut storage and fumigation under the previous Use Permit. A new Use Permit is required since the applicant is proposing to increase the approved building area beyond the additional 25% allowed by Zoning Ordinance §21.96.070, as well as add additional uses to the site as discussed below. If approved, this project request will bring the total building area associated with the walnut facility to 483,913 square feet.

This proposal includes both modification to the approved land use and construction. The applicant is proposing to continue use of the facility for walnut storage, fumigation, and incorporate shelling, sorting, grading, pasteurizing, and packaging into the on-site operation. Shelling, sorting, grading, pasteurizing, and packaging (“product preparation” or “handling”) have historically been done off-site at Grower Direct’s Geer Road location (APNs 018-010-026 and 018-010-021). Additions to the existing walnut storage buildings, totaling 41,350 square feet, are proposed as well as construction of a new 120,000 square-foot walnut storage building, a 120,000 square-foot walnut handling/preparation building with an attached 12,000 square-foot office and 6,768 square-foot canopy, and a 5,395 square-foot fumigation building. The applicant is proposing that one of the existing walnut storage buildings be temporarily converted to a product preparation building until the proposed product preparation building is constructed. Similarly, a temporary office-trailer is requested to be installed and utilized until the office building is constructed. The proposed scope of work is to take place over the course of approximately five years, in three phases, as indicated on the attached project description.



Hours of operation are 24 hours per day, seven days per week, September through May, with “off-season” operation taking place 24 hours per day, Monday through Friday, June through August. The applicant estimates 20 truck deliveries/loadings per day between 6:00 a.m. and 5:00 p.m. The expansion will result in 50 employees on a maximum shift and ten employees on a minimum shift. The operation will take access of County-maintained East Service Road via three paved driveways (two existing and one proposed).

The site utilizes an on-site wastewater treatment system, a private domestic well, a private irrigation well, and is served by Turlock Irrigation District for electrical and irrigation service. There is an existing 25-footwide irrigation easement crossing the parcel which is proposed to be abandoned or relocated at such a time when the product preparation building is constructed. The area surrounding the proposed operational footprint is proposed to be paved and two parking lots providing 179 stalls to be installed. Stormwater drainage will be handled by an existing drainage basin located on the project site.

- 9. Surrounding land uses and setting:** Orchards, scattered single-family dwellings and accessory structures in all directions; a radio station facility and agricultural service establishment to the west
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works  
 Stanislaus County Building Permits Division  
 Stanislaus County Planning Division  
 Department of Environmental Resources  
 Turlock Irrigation District  
 San Joaquin Valley Air Pollution Control District  
 California Department of Agriculture  
 Federal Department of Agriculture
- 11. Attachments:** Maps  
 Project Description  
 Early Consultation Referral Responses

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**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.

Kristen Anaya  
Prepared by

July 19, 2019 (as updated on September 3, 2019)  
Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

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

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

**ISSUES**

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

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. Aesthetics associated with the project site and proposed structures are not anticipated to change as a result of this project. The proposed structures will be similar in nature to the other structures on-site and will be comprised of materials consistent with accessory structures in and around the A-2 (General Agriculture) zoning district. Standard conditions of approval will be added to this project to address glare from any proposed on-site lighting.

**Mitigation:** None.

**References:** Application information; Stanislaus County Zoning Ordinance; the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X

**Discussion:** The project site has soils classified as “Prime Farmland” and “Semi-agricultural and Rural Commercial Land” by the Farmland Mapping and Monitoring Program. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that property is primarily comprised of Hanford sandy loam (0 to 3 percent slopes). The soils on the project site have a Revised Storie Index rating of approximately 93, which is classified as excellent soil to be used for irrigated agriculture in California.

General Plan Amendment No. 2011-01 - *Revised Agricultural Buffers* was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. The existing facility and current proposal both meet the criteria of a Tier 1 Use which are considered closely related to agriculture and necessary for a healthy agricultural economy. If not considered “people-intensive” by the Planning Commission, the project will not be subject to agricultural buffers.

The project site is not enrolled in a Williamson Act contract. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

**Mitigation:** None.

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

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

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

as “extreme non-attainment” for ozone, “attainment” for respirable particulate matter (PM-10), and “non-attainment” for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will increase traffic in the area and, thereby, impact air quality.

The Air District provided a project referral response indicating that the proposed project is below the District’s thresholds of significance for emissions. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

The proposed project is subject to the District’s Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review), requiring application for Authority to Construct (ATC) and Permit to Operate (PTO) whenever modification to the subject facility may result in change in emissions.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. All construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

**Mitigation:** None.

**References:** Referral response from the San Joaquin Valley Air Pollution Control District, dated May 30, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**Discussion:** 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 is no known sensitive or protected species or natural community located on the site. The project is located within the Denair Quad of the California Natural Diversity Database, which identifies several special-status species of plant and animal as potentially located within the quad: Swainson’s hawk, steelhead, elderberry longhorn beetle, and San Joaquin Valley Orcutt grass. The proposed project site is mostly developed, making the likelihood that any of these species exist on the site low. No rivers, creeks, ponds, or open canals exist on the project site or within the immediate vicinity.

The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. Impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors are considered to be less than significant.

An Early Consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game), and no response was received to date.

**Mitigation:** None.

**References:** California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** This project does not fall under the requirements for tribal consultation of either AB 52 or SB 18, as it is not a General Plan or Specific Plan Amendment, and to date, none of the tribes listed by the Native American Heritage Commission (NAHC) have contacted the County to request project referrals.

This project has low sensitivity for cultural, historical, paleontological, or tribal resources due to it being already developed for many years. It does not appear that this project will result in significant impacts to any archaeological or cultural resources; however, a standard condition of approval will be added to this project to address any discovery of cultural resources during ground-disturbing activities.

**Mitigation:** None.

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

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

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

It does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources. Additionally, the applicant proposes to install solar panels on the buildings at a future date, which when installed, will offset energy consumption. A condition of approval will be added to this project to address compliance with Title 24, Green Building Code, for projects that require energy efficiency. Additionally, a condition of approval will be added requiring any site lighting to meet industry standards for energy efficiency.

**Mitigation:** None.

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

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



d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

**Discussion:** The USDA Natural Resources Conservation Service’s Eastern Stanislaus County Soil Survey indicates that the property is made up of Hanford sandy loam soils (HdA). As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F), and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An Early Consultation referral response received from the Department of Public Works indicated that a grading, drainage, and erosion/sediment control plan for the project will be required, subject to Public Works review and Standards and Specifications. Likewise, any addition or expansion of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements.

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

DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested.

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources (DER), dated April 12, 2019, and as revised on April 18, 2019; Email from the Department of Environmental Resources, dated April 9, 2019; Referral response from the Stanislaus County Department of Public Works dated April 16, 2019; Referral response received from the Stanislaus County Department of Planning and Community Development – Building Division, dated April 9, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** This is a request to expand an existing walnut storage facility and add shelling, sorting, grading, pasteurizing, and packaging into the on-site operation. The proposal includes expansion and construction of buildings totaling 305,500± square feet.

The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

This project proposes to expand an existing walnut storage facility, resulting in an increase in the number of employees per shift from two to 50 employees on a maximum shift. On a minimum shift, ten employees are proposed; and 20 truck-trips per day maximum are estimated. All traffic will take access off County-maintained East Service Road. The Air District provided a project referral response indicating that the proposed project is below the District’s thresholds of significance for emissions and that the proposed construction will require an Authority to Construct (ATC) Permit and may be subject to the following District Rules: Regulation VIII, Rule 4102, Rule 4601, Rule 4641, Rule 4002, Rule 4102, Rule 4550, and Rule 4570. Staff will include a condition of approval on the project requiring that the applicant be in compliance with the District’s rules and regulations.

**Mitigation:** None.

**References:** Referral response from San Joaquin Valley Air Pollution Control District, dated May 30, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The County’s 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 areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Applications of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The project site is not located within an airport land use plan or a wildlands area. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airstrip. The groundwater is not known to be contaminated in this area. The site is not located in a State Responsibility Area (SRA) for fire protection and is served by the Hughson Fire Protection District. An Early Consultation was sent to the Hughson Fire Protection District, and no comments have been received to date.

The project site is not within the vicinity of any airstrip or wildlands.

**Mitigation:** None.

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

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

**Discussion:** Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2% annual chance floodplains. All flood zone requirements will be addressed by the Building Permits Division during the building permit

process. By virtue of the proposed paving of the operational footprint, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's stormwater be maintained on-site and, as such, a Grading and Drainage Plan will be included in this project's conditions of approval. As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact. The Central Valley Regional Water Quality Control Board (RWQCB) provided an Early Consultation referral response requesting that the applicant coordinate with their agency to determine if any permits or Water Board requirements be obtained/met prior to operation. Conditions of approval will be added to the project requiring the applicant comply with this request prior to issuance of a building permit.

The project site is improved with an existing private irrigation pipeline located within a 12.5-foot-wide easement along the east property line of the project site. This irrigation pipeline feeds an irrigation pipeline located within a 25-footwide east-west easement crossing the project site, as depicted on the attached site plan. The applicant proposes to abandon or relocate this pipeline at the time that the 120,000 square-foot walnut handling building is constructed (Building 4). A referral response received from Turlock Irrigation District indicated that the abandonment of this pipeline is subject to the agreement of the adjacent property owner whom also receives service from this line. A condition of approval requiring any abandonment or relocation of a pipeline subject to TID standards for development, including dedication of a new easement, has been added to the project. If the use is approved, all project plans and maps shall be submitted to TID for review, and a determination that the irrigation facilities meet the District's standards and specifications shall be required prior to issuance of any building or grading permit. The applicant/developer will need to provide irrigation improvement plans and enter into an Irrigation Improvement Agreement for any required modifications.

The project site utilizes ~~domestic water via an~~ two existing ~~domestic wells~~ and a storage tank **for domestic water and irrigation purposes** and irrigates with **water from TID** ~~both private irrigation and TID wells~~. This proposal includes the request to add a new ~~domestic well~~ **for domestic water purposes**. During the project's Early Consultation referral period, DER identified the site's **water source** as ~~requiring being a an existing non-conforming public water system as its water source~~. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

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

DER regulates the issuance of new well permits; **State law and County standards regulate public water systems and require the site to bring the existing nonconforming water system into compliance with current standards. A condition of approval is also being added to the project to further ensure these standards are being met**, requiring submittal of an application **and the associated technical report** to DER for a public water supply permit; prior to receiving occupancy of any building permit, ~~has been added to the project~~. Groundwater extraction is subject to compliance with the West Turlock Sub-basin Groundwater Sustainability Agency's Groundwater Sustainability Management Plan when it is adopted **in 2022**.

**Stanislaus County adopted a Groundwater Ordinance in November 2014 (Chapter 9.37 of the County Code, hereinafter, the "Ordinance") that codifies requirements, prohibitions, and exemptions intended to help promote sustainable groundwater extraction in unincorporated areas of the County. The Ordinance prohibits the unsustainable extraction of groundwater and makes issuing permits for new wells, which are not exempt from this prohibition, discretionary. For unincorporated areas covered in an adopted GSP pursuant to SGMA, the County can require holders of permits for wells it reasonably concludes are withdrawing groundwater unsustainably to provide substantial evidence that continued operation of such wells does not constitute unsustainable extraction and has the authority to regulate future groundwater extraction. The construction and operation of wells could potentially cause degradation of water quality due to cross connection of aquifers of varying quality or induced migration of groundwater with impaired water quality. The Ordinance is intended to address these eventualities**

To implement the 2014 Stanislaus County Groundwater Ordinance (Chapter 9.37 of the Stanislaus County Code), the County has developed its' Discretionary Well Permitting and Management Program to prevent the unsustainable extraction from new wells subject to the Stanislaus County Groundwater Ordinance. A condition of approval will be placed on the project requiring **ensuring the applicant obtains a drilling permit as required by State and County regulations, to be obtained** prior to the construction of new wells. The West Turlock Groundwater Sustainability Agency covers the western portion of the Turlock Groundwater Sub-basin, and in conjunction with the East Turlock Groundwater Sustainability Agency, is tasked with ensuring compliance with the Sustainable Groundwater Management Act (SGMA) through a Groundwater Sustainability Plan to be adopted in 2022. ~~Private groundwater pumping quantities on an individual well basis are largely unknown, though aggregate estimates for private pumping are often included in planning documents (e.g., AWMPs, UWMPs, groundwater management plans).~~ The **new and existing domestic wells** are not anticipated to have a significant effect on groundwater supplies.

**The water quality of the existing well has yet to be determined. As the existing on-site wells do not meet public water system standards the applicant proposes to drill a new well. If the new well does not meet Public Water System standards the applicant may need to either drill an additional well or install a water treatment system for the existing or proposed wells. Goal Two, Policy Seven, of the Stanislaus County General Plan's Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.**

**The existing well uses an estimated 1.4-acre feet of water per year, and is expected to increase to approximately two acre foot per year as part of this request. Based on this information, the drilling of a new well would be considered a de minimis extractor, exempt from the County's Groundwater Ordinance and thus not require CEQA-compliance. If the applicant is required to install a water treatment system, it will be required to be approved by the Regional Water Quality Control Board and the Department of Environmental Resources. Regardless of which avenue the applicant takes to meet public water system standards, public water supply permits require on-going testing.**

A new private septic system is proposed, installation of which must be reviewed and approved by DER and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality.

**Mitigation:** None.

**References:** Referral response from Turlock Irrigation District, dated April 12, 2019; Referral response from DER, dated April 18, 2019; Referral response from Regional Water Quality Control Board, dated April 11, 2019; Local Agency Management Program (LAMP) for Stanislaus County DER; West Turlock Groundwater Sustainability Agency; Stanislaus County Code; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The project site has a General Plan designation of Agriculture and is zoned A-2-40 (General Agriculture – 40-Acre Minimum). The applicant is requesting to expand and modify an existing walnut storage and handling facility, on a 26.55± acre parcel in the Hughson area, further identified as Assessor’s Parcel Number 018-056-007.

The proposed use is considered a Tier One use, which are closely related to agriculture and necessary for a healthy agricultural economy. Tier One uses may be allowed when the Planning Commission finds that:

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

The facility was originally permitted walnut storage under Use Permit No. 2009-12 and Staff Approval No. 2014-0040. With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed expansion of this existing facility will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the County. Tier One uses are an important component of the agricultural economy in Stanislaus County. There is no indication this project will interfere or conflict with other agricultural uses in the area.

The proposed use will not physically divide an established community and/or conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. This project is not known to conflict with any adopted Land Use Plan, Habitat Conservation Plan, policy, or regulation of any agency with jurisdiction over the project.

**Mitigation:** None.

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

XII. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. The project site is located in the Denair Quad of the United States Geological Survey 7.5minute topographic quadrangle map. Tuolumne River aggregate resource areas are known to occur within the Denair Quad; however, no significant resources are known to occur on the site or within the surrounding area, nor is the project site located in a geological area known to produce resources.

**Mitigation:** None.

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

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

**Discussion:** The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for agricultural uses. On-site grading and construction resulting from this project may result in a temporary increase in the area’s ambient noise levels, and added equipment and machinery associated with the walnut handling processes may increase the noise associated with the project site; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. Moreover, Stanislaus County has adopted a Right-to-Farm Ordinance (§9.32.050) which states that inconveniences associated with agricultural operations, such as noise, odors, flies, dust or fumes shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards. The site itself is impacted by the noise generated from vehicular traffic and adjacent farming operations. Operating hours are proposed to be 24 hours per day, year-round. The area’s ambient noise level will temporarily increase during grading/construction. As such, the project will be conditioned to abide by County regulations related to hours and days of construction.

The site is not located within an airport land use plan.

**Mitigation:** None.

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



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

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

**Mitigation:** None.

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

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

**Discussion:** The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. A condition of approval has been added to the project requiring all adopted public facility fees to be paid at the time of building permit issuance.

This project was circulated to all applicable school, fire, police, irrigation, and public works departments and districts during the Early Consultation referral period, and no concerns were identified with regard to public services.

**Mitigation:** None.

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



XVI. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**Discussion:** This project will not increase demands for recreational facilities, as such impacts typically are associated with residential development.

**Mitigation:** None.

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

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

**Discussion:** The project proposes to expand and modify an existing walnut storage facility by constructing storage, handling, and office facilities, totaling 305,500± square feet, on a 26.55± acre parcel in the A-2-40 (General Agriculture) zoning district. Employees are anticipated to increase from two to 50 on a maximum shift and from two to ten on a minimum shift. The project will receive vehicle access via three driveways fronting on County-maintained East Service Road. Truck trips are anticipated to increase from six to 20 per day. Increased traffic, resulting from the proposed use of the site, is expected to be less than significant and, as such, will not significantly impact state or local road facilities. Public Works responded to the project’s Early Consultation referral with conditions which will be added to the project as conditions of approval.

Section 15064.3 of the CEQA Guidelines establishes specific considerations for evaluating a project's transportation impacts. The CEQA Guidelines identify vehicle miles traveled (VMT), which is the amount and distance of automobile travel attributable to a project, as the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Vehicle miles traveled exceeding an applicable threshold of significance for land use projects may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area, compared to existing conditions, should be presumed to have a less than significant transportation impact.

The Environmental Impact Report (EIR) prepared for Stanislaus County’s 2016 General Plan Update considered vehicle miles traveled (VMT) in the County as considered by the General Plan planning horizon of 2035. The EIR identified that total daily VMT is expected to increase within the unincorporated area by 2035. However, the daily VMT in the unincorporated area is expected to decrease slightly, on both a per-household and a service population basis, indicating that development that could occur under the General Plan would decrease the average distance between goods and services within the unincorporated County. Therefore, implementation of the General Plan policies is expected to have a less-than-significant impact on VMT. The proposed project site was considered in the General Plan EIR and would therefore be expected to have a less than significant impact to VMT.

This project was referred to the Fire Prevention Bureau of the Stanislaus County Office of the Fire Warden, Hughson Fire Protection District, City of Hughson, and the California Department of Transportation (Caltrans), all of which had no comments regarding the proposed project.

**Mitigation:** None.

**References:** Referral response from Public Works, dated April 16, 2019; Referral response from CalTrans, dated April 10, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** Limitations on providing services have not been identified. The project proposes to utilize private domestic well and private septic systems for water and wastewater service. This proposal includes the request to add a new domestic well. The Department of Environmental Resources (DER) regulates the issuance of new well permits. During the project’s Early Consultation referral period, DER identified the site as an **existing nonconforming** public water system ~~as its water source~~, and the project proposes to continue to serve as the source for the project site’s water system. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

- (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
- (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

(3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

A new septic system is proposed for this expansion; installation of any future septic systems must be reviewed and approved by the DER and must adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setbacks from wells to prevent negative impacts to groundwater quality.

The project site also utilizes an existing stormwater drainage basin for the capture of stormwater runoff. The Department of Public Works will review and approve grading and drainage plans, prior to construction or grading, to ensure the basin has sufficient capacity to accommodate the altered drainage and additional rooftops as a result of this proposal. Conditions of approval will be added to the project to reflect this requirement.

**Mitigation:** None.

**References:** Referral response from DER, dated April 18, 2019; Referral response from Public Works, dated April 16, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The project site is in a non-urbanized area with no wildlands located in the vicinity of the project site. In addition, the project site is not located within a designated high or very high fire hazard severity zone, near state responsibility areas, or lands classified as very high fire hazard severity zones. No significant impacts to the project site’s or surrounding environment’s wildfire risk as a result of this project are anticipated.

**Mitigation:** None.

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

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

**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

**Mitigation:** None.

**References:** Initial Study; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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



## NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. PLN2019-0018 – Grower Direct Nut

**LOCATION OF PROJECT:** 8133 East Service Road, on the northeast corner of Geer and East Service Roads, in the Hughson area.  
APN: 018-056-007.

**PROJECT DEVELOPERS:** Ronald Martella Trust  
2100 Geer Road  
Hughson, CA 95326

**DESCRIPTION OF PROJECT:** Request to expand an existing walnut storage facility by constructing 305,500± square feet of structures for: storage facilities, offices, walnut shelling, sorting, grading, pasteurizing, packaging, and fumigation on a 26± acre parcel in the A-2-40 (General Agriculture) zoning district. The project site is located at 8133 East Service Road, on the northeast corner of Geer and East Service Roads, in the Hughson area.

Based upon the Initial Study, dated **July 19, 2019 (as amended on September 3, 2019)**, 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: Kristen Anaya, Assistant Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: UP PLN2019-0018 - GROWER DIRECT NUT**

REFERRED TO:	RESPONDED			RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X		X					X		X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X				X	X	
CITY OF: HUGHSON	X	X	X		X					X		X
COOPERATIVE EXTENSION	X	X	X		X					X		X
FIRE PROTECTION DIST: HUGHSON FIRE	X	X	X		X					X		X
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: TURLOCK	X	X	X		X					X		X
MT VALLEY EMERGENCY MEDICAL	X	X	X		X					X		X
PACIFIC GAS & ELECTRIC	X	X	X		X					X		X
RAILROAD: BURLINGTON NORTHERN SAN	X	X	X		X					X		X
SAN JOAQUIN VALLEY APCD	X	X	X	X		X				X	X	
SCHOOL DISTRICT 1: HUGHSON UNIFIED	X	X	X		X					X		X
STAN CO AG COMMISSIONER	X	X	X		X					X		X
STAN CO BUILDING PERMITS DIVISION	X	X	X	X		X				X	X	
STAN CO CEO	X	X	X		X					X		X
STAN CO DER	X	X	X	X		X				X	X	
STAN CO ERC	X	X	X	X		X				X	X	
STAN CO FARM BUREAU	X	X	X		X					X		X
STAN CO HAZARDOUS MATERIALS	X	X	X	X		X				X	X	
STAN CO PUBLIC WORKS	X	X	X	X		X				X	X	
STAN CO SHERIFF	X	X	X		X					X		X
STAN CO SUPERVISOR DIST 2: CHIESA	X	X	X		X					X		X
STAN COUNTY COUNSEL	X	X	X		X					X		X
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X					X		X
STANISLAUS LAFCO	X	X	X		X					X		X
SURROUNDING LAND OWNERS		X	X		X					X		X
TELEPHONE COMPANY: AT&T	X	X	X		X					X		X
USDA NRCS	X	X	X		X					X		X