

STANISLAUS COUNTY PLANNING COMMISSION

January 19, 2023

STAFF REPORT

USE PERMIT AND PARCEL MAP APPLICATION NO. PLN2022-0064 CUNNINGHAM RANCH

REQUEST: REQUEST TO EXPAND A LEGAL NONCONFORMING ALMOND HULLING OPERATION AND TO SUBDIVIDE A 58.4-ACRE PARCEL INTO TWO PARCELS OF 18.3± AND 40.1± ACRES IN SIZE IN THE GENERAL AGRICULTURE (A-2-40) ZONING DISTRICT.

APPLICATION INFORMATION

Applicant:	Cunningham Ranch, Inc. (Richard Cunningham, President)
Property owner:	Cunningham Ranch, Inc. (Richard Cunningham, President)
Agent:	Jim Freitas, Associated Engineering
Location:	11131 and 11137 John Fox Road, between Swanson and Sperry Roads, in the Hughson/Waterford area.
Section, Township, Range:	8-4-11
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	019-007-004
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcel(s):	58.4± acres Proposed Parcel 1: 18.3± acres Proposed Parcel 2: 40.1± acres
Water Supply:	Private well
Sewage Disposal:	Private septic system
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Existing Zoning:	General Agriculture (A-2-40)
Sphere of Influence:	N/A
Williamson Act Contract No.:	1972-1057
Environmental Review:	Negative Declaration
Present Land Use:	One single-family dwelling; an almond hulling facility including a huller, two shops, two offices, a truck scale, a truck staging area, and a solar array; an irrigation pond; and an almond orchard.
Surrounding Land Use:	Scattered single-family dwellings, ranchettes, and almond and walnut orchards in all directions; and Turlock Irrigation District's Ceres Main Canal and Tuolumne River to the north.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to recommend approval of this project, Exhibit A provides an overview of all the findings required for project approval.

PROJECT DESCRIPTION AND BACKGROUND

The project is a request to expand a legal nonconforming almond hulling operation and to subdivide a 58.4-acre parcel into two parcels of 18.3± and 40.1± acres in size in the General Agriculture (A-2-40) zoning district.

The existing almond hulling operation was established in the late 1960's when the property was zoned Agriculture District (A-1) which permitted all uses including hulling facilities without requiring a use permit to be obtained. The project site was rezoned to General Agriculture (A-2) in 1971; under the A-2 Zoning Ordinance, a use permit was required for the use of a huller or sheller. The almond hulling operation as it existed prior to 1971 is considered to be a legal nonconforming (LNC) use. The almond hulling operation has undergone multiple changes/expansions since the early 2000's including: an expansion of the huller building; the addition of two baghouses, a storage bin, stick and dirt bunker, and an elevator pit; an expansion of the area used for the storage of almond hulls; the conversion of two dwellings into offices, the conversion of a detached garage into an agricultural shop, and the conversion of a milk barn into a shop used for the almond hulling operation; and the addition of a truck scale and truck staging area. A ground mount solar array serving the almond hulling operation has also been added (Staff Approval Permit No. 2011-37 – Cunningham Ranch Inc Solar Array).

Chapter 21.80 – Nonconforming Uses of the Stanislaus Zoning Ordinance allows for minor changes to LNC uses, which do not change the nature of, or add new uses to, the legally established use and which do not expand the area of the building or use by more than 25% subject to approval of a staff approval permit. Changes/expansions greater than 25% are subject to a use permit. While some of the changes/expansions were issued building permits, others occurred without building permits or land use entitlements (staff approval permit or use permit). Staff has reviewed the permit history for the huller and determined that a use permit is necessary to address the expansion in the area exceeding 25% of the operations LNC footprint. The current configuration of the almond hulling facility can be viewed under Exhibit B – *Maps and Site Plan* of this report. No further construction or site development is proposed under this request.

As part of this request, the property owner is proposing to subdivide the existing 58.4-acre parcel into two parcels in order to separate the existing almond hulling operation from the almond orchard. The existing parcel is enrolled under Williamson Act Contract No. 1972-1057 and each proposed parcel will remain under contract after the parcel map is recorded. The almond hulling operation will be located on proposed Parcel 1 which will be 18.3± acres in size. The almond orchard and irrigation pond will be maintained on proposed Parcel 2 which will be 40.1± acres in size and will continue to be farmed.

The almond huller operates 24 hours a day from Monday to Saturday in two shifts, consisting of one maximum shift and one minimum shift, during harvest season, from August through

November. There are a total of six employees on the maximum shift, and three employees on the minimum shift, on-site during harvest season. The huller operates Monday to Saturday 7:00 a.m. to 5:00 p.m. during the off season, from December through July, with a total of nine employees on-site per day on a single shift. No additional employees are anticipated as part of this request. The operation currently generates 25 truck trips per day during harvest season and four trucks trips per day during the off season. Customer visits average two per week. No increase in the number or frequency of customer visits or truck trips are anticipated as part of this request. Since 2000, the almond hulling operation has processed an average of 8,000,000 pounds of almonds per season; no increase in the operation's throughput or capacity is proposed as part of this request. No processing or packaging of the nuts occurs on-site.

SITE DESCRIPTION

The 58.4-acre project site is located at 11131 and 11137 John Fox Road, between Swanson and Sperry Roads, in the Hughson/Waterford area. Proposed Parcel 1 is developed with a single-family dwelling and the almond hulling operation consisting of two agricultural shops, two offices, a truck scale, a truck staging area, and a solar array. The improvements on proposed Parcel 1 are served by a private septic and well. Proposed Parcel 2 is improved with an almond orchard, irrigation pond, and irrigation pump. Proposed Parcel 2 will maintain its ability to surface irrigate using Turlock Irrigation District (TID) water.

Both proposed Parcel 1 and Parcel 2 will have access to County-maintained John Fox Road; and proposed Parcel 2 will also have access to County-maintained Swanson Road.

Surrounding land uses include scattered single-family dwellings, ranchettes, and almond and walnut orchards in all directions. The Turlock Irrigation District's Ceres Main Canal and Tuolumne River are located to the north of the project site.

ISSUES

The following issues have been identified as part of the review of the project:

Over the years, the almond hulling operation has expanded without obtaining the required land use entitlement and building permits. The conditions of approval for this project require that the necessary building permits for a change in occupancy be obtained and finalized for the following:

- Conversion of two single-family dwellings into offices, conversion of a detached garage into an agricultural shop, and the conversion of a milk barn into a shop.

The Condition of Approval added to the project requires that all applicable building permits be issued and finalized within six months of project approval; rather than the typical 18 months allowed by the County's Zoning Ordinance for use permits.

During the initial review of the project, the Department of Environmental Resources (DER) determined that the on-site water system may constitute a new public water system due to the number of individuals on-site per day exceeding 25 people per day throughout the year. The Initial Study prepared for the project in accordance with the California Environmental Quality Act (CEQA) evaluated the project subject to public water system requirements. In response to DER's determination, the applicant has clarified that there will be two shifts per day during the harvest season, that the number of employees on-site will not exceed nine, that only two customer trips

are anticipated per week, and that the truck trips are generated by two of the employees and not by 25 individual truck drivers. Based on the clarifications provided by the applicant, DER has determined that a public water system will not be required; however, DER has requested a condition of approval be added to the project allowing reassessment prior to issuance of any building permits.

In response to the Initial Study, the San Joaquin Valley Air Pollution Control District (Air District) provided a comment letter requesting a Health Risk Assessment (HRA) be conducted to evaluate the project's health-related impacts for the huller. The almond hulling operation is subject to the Air District's review and permitting requirements for the huller. The current almond hulling operation is operating under a Permit to Operate (PTO) issued by the Air District which will remain in effect until June 30, 2025. The PTO allows the almond hulling operation to process up to 120 meat tons (240,000 pounds) of almonds per day. Over 60 days, a total of 14,400,000 pounds of almonds are able to be processed under the PTO. The current throughput of almonds hulled by the operation is 8,000,000 pounds of almonds per season which is below the amount permitted by the Air District. No increase in throughput or capacity for the almond hulling operation is proposed as part of this project. Because HRA's are typically requested for new operations or existing operations proposing to expand capacity, staff has provided clarification to the Air District that the requested expansion represents existing conditions in terms of the conditions being evaluated in the environmental review. A condition of approval has been incorporated into the project which requires that the applicant obtain all necessary Air District permits and approvals prior to issuance of a building permit.

GENERAL PLAN CONSISTENCY

The site is currently designated "Agriculture" in the Stanislaus County General Plan; this designation is consistent with the site's General Agriculture (A-2-40), 40-acre minimum, zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and, as such, should generally be zoned with 40- to 160-acre minimum parcel sizes. This application proposes to create a 40.1± acre parcel which is compliant with the 40-acre minimum lot size standard, and an 18.3± acre parcel which is compliant with the minimum parcel size exemption allowed via section 21.20.060(D) of the Stanislaus County Zoning Ordinance, discussed in the Zoning & Subdivision Ordinance Consistency section below.

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 include uses closely related to agriculture such as nut hulling, shelling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce. The proposed expansion is considered a Tier One use in support of agriculture production consistent with the General Plan and all its elements.

As an legal nonconforming (LNC) use, the proposed project is also supported by Goal Three, Policy 20 of the Land Use Element recognizing that nonconforming uses are an integral part of the County's economy and, as such, should be allowed to continue.

To minimize conflicts between agricultural 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 zoning district. Appendix A of these guidelines states that all projects shall incorporate a minimum 150-foot-wide buffer setback for low people-intensive uses. 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. 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. The current facility has a maximum of nine employees on-site per day year-round, and two customer visits per week. No increase in the number of employees or customers is anticipated as part of this project. Provided the Planning Commission agrees that this project is a low people-intensive use, Staff believes that the project is not subject to the Buffer and Setback Guidelines.

The project site is currently enrolled in Williamson Act Contract No. 1972-1057. As allowed by Government Code, Stanislaus County has adopted Uniform Rules to clearly identify the contract terms for every landowner of agricultural land within an agricultural preserve. These rules are locally adopted and subject to compliance with all applicable State regulations. The Williamson Act establishes minimum parcel sizes for lands enrolled under contract requiring parcels to be 40 acres in size in the case of non-prime agricultural land and 10 acres in size in the case of prime agricultural land. Proposed Parcel 2 (40.1± acres) meets the definition of prime agriculture as specified under the County's Uniform Rules in that the parcel is planted in nut bearing trees which have a nonbearing period of less than five years and which will normally return during the commercial bearing period an annual basis from the production of unprocessed plan production not less than \$800 per acre. Proposed Parcel 1 (18.3± acres) does not meet the definition of prime agricultural land; however, pursuant to Government Code Section 66474.4(c)(1), a smaller parcel may be created and remain under a Williamson Act contract if the parcel can nevertheless sustain a permitted use found to be consistent with the Williamson Act Principles of Compatibility. A discussion of the Williamson Act Principles of Compatibility is provided in the Zoning Ordinance Consistency section below.

Additionally, Stanislaus County General Plan Agricultural Element Policy 2.8 specifies that the subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160 acres in size shall be allowed provided a "no-build" restriction on the construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For lands which are not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Although no residential development is being proposed at this time, zoning regulations will allow proposed Parcel 1 to be further developed with one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU) in addition to the existing single-family dwelling. Proposed Parcel 2 has the potential to be developed with up to two dwelling units and one junior accessory dwelling

unit (JADU). The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). At this time, proposed Parcel 2 meets the 90% production agricultural use criteria, as the parcel is planted in almond trees and improved with an irrigation pond, and, as such, the “no-build” restriction on the construction of any additional residential development would be void. Proposed Parcel 1 does not meet either of the criteria listed above and, as such, a no-build restriction is applicable to the parcel. The project was referred to the Department of Conservation (DOC) for review regarding the Williamson Act which responded with no comments regarding the Williamson Act.

ZONING & SUBDIVISION ORDINANCE CONSISTENCY

The site is currently zoned General Agriculture (A-2-40), 40-acre minimum. 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 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.
2. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.

The existing huller has been in operation since the late 1960's and is considered to be a legal nonconforming (LNC) use. The County is unaware of any conflicts the use of the existing almond hulling operation has had with agricultural uses in the vicinity.

As required by California Government Code Section 51238.1, prior to approval of a discretionary use on Williamson Act contracted land, the decision-making body must also find that the proposed uses are consistent with the Williamson Act Principles of Compatibility. These three principles stipulate that the use will not significantly compromise the long-term agricultural capability of the contracted lands; the use will not significantly displace or impair agricultural production on contracted lands, but may be deemed compatible if directly related to production of commercial agriculture including activities such as harvesting, processing, or shipping; and the use will not result in significant removal of adjacent contracted land from agricultural or open-space use. Furthermore, Section 21.20.045 of the Stanislaus County Zoning Code stipulates that unless the Planning Commission makes a finding to the contrary, Tier One uses are consistent with the Williamson Act.

Staff believes the establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. There is no indication that this project, as proposed and conditioned, will be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the County.

The General Agriculture (A-2-40) zoning district requires a minimum lot size of 40-gross acres for the creation of new parcels pursuant to Section 21.20.050 – Division of Land of the Stanislaus County Zoning Ordinance. The almond hulling operation will be located on proposed Parcel 1 which will be only 18.3± acres in size. As discussed within the General Plan Consistency section of this report, proposed Parcel 1 will be created pursuant to Stanislaus County Zoning Ordinance Section 21.20.060(D) which allows for an exemption of the 40-acre minimum parcel size requirement for parcels containing uses approved by use permit or where there exists a nonresidential legal nonconforming use, provided the Planning Commission finds that:

- The Parcel exhibits size, location and orientation characteristics which are supportive of the use without detriment to other agricultural usage in the vicinity.

Staff believes that as proposed, Parcel 1 exhibits the size, location and orientation characteristics supportive of the established almond hulling operation. Further expansion of the huller will be subject to additional land use entitlements.

Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 zoning district. In accordance with the Williamson Act, proposed parcels will be restricted by zoning to on-site residential development which is incidental to the agricultural use of the land and will not diminish the agricultural production. The Planning Department has instituted a process by which all building permit applications submitted for any new structures (including new single-family dwellings) on Williamson Act properties must be accompanied by a signed Landowner Statement that verifies compatibility with the Williamson Act Contract. The Landowner Statement further acknowledges that, pursuant to AB 1492, severe penalties may arise should the County or the Department of Conservation determine in the future that the structure(s) is in material breach of the contract. As discussed in the General Plan Consistency section, proposed Parcel 1 is subject to a “no build” restriction on the construction of residential development until one or both of the criteria are met.

The proposed parcels meet the Subdivision Ordinance’s access and design criteria required for the creation of new parcels. Staff also finds the proposed parcel map to be in conformance with the Stanislaus County zoning ordinance. Staff believes the proposed expansion and subdivision are consistent with all required findings and Williamson Act Principals of Compatibility.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to interested parties and responsible agencies for review and comment (see Exhibit F – *Environmental Review Referrals*). A Negative Declaration has been prepared for approval prior to action on the project itself as the project will not have a significant effect on the environment (see Exhibit E – *Negative Declaration*). Conditions of approval reflecting referral responses have been placed on the project (see Exhibit C – *Conditions of Approval*).

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,821.00** 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: Emily Basnight, Assistant Planner, (209) 525-6330

Attachments:

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

\\PW04\PLANNING\PLANNING\STAFF REPORTS\PM\2022\PLN2022-0064 - CUNNINGHAM RANCH\PLANNING COMMISSION\JANUARY 19, 2022\STAFF REPORT\STAFF REPORT.DOCX

Findings and Actions Required for Project Approval






1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - a. The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - b. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - c. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
 - d. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - e. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - f. That the proposed Tier One use is "low people-intensive" and not subject to the agricultural buffer.
 - g. Proposed Parcel 1 exhibits size, location and orientation characteristics which are supportive of the almond hulling operation without detriment to other agricultural usage in the vicinity.
 - h. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
 - i. The proposed parcel map is consistent with applicable general and specific plans as specified in Section 65451 of California Code, Government Code.
 - j. The design or improvement of the proposed parcel map is consistent with applicable general and specific plans.

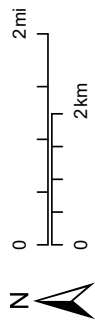
- k. The site is physically suitable for the type of development.
 - l. The site is physically suitable for the proposed density of development.
 - m. The designs of the parcel map or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat.
 - n. The design of the parcel map or type of improvements is not likely to cause serious public health problems.
 - o. The design of the parcel map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - p. The proposed parcel map is consistent with the restrictions and conditions of the existing Williamson Act contract.
 - q. The proposed parcels are of a size suitable to sustain agricultural uses.
 - r. The proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land.
4. Approve Use Permit and Parcel Map Application No. PLN2022-0064 – Cunningham Ranch, subject to the attached Conditions of Approval.

**CUNNINGHAM
RANCH
UP, PM
PLN2022-0064**

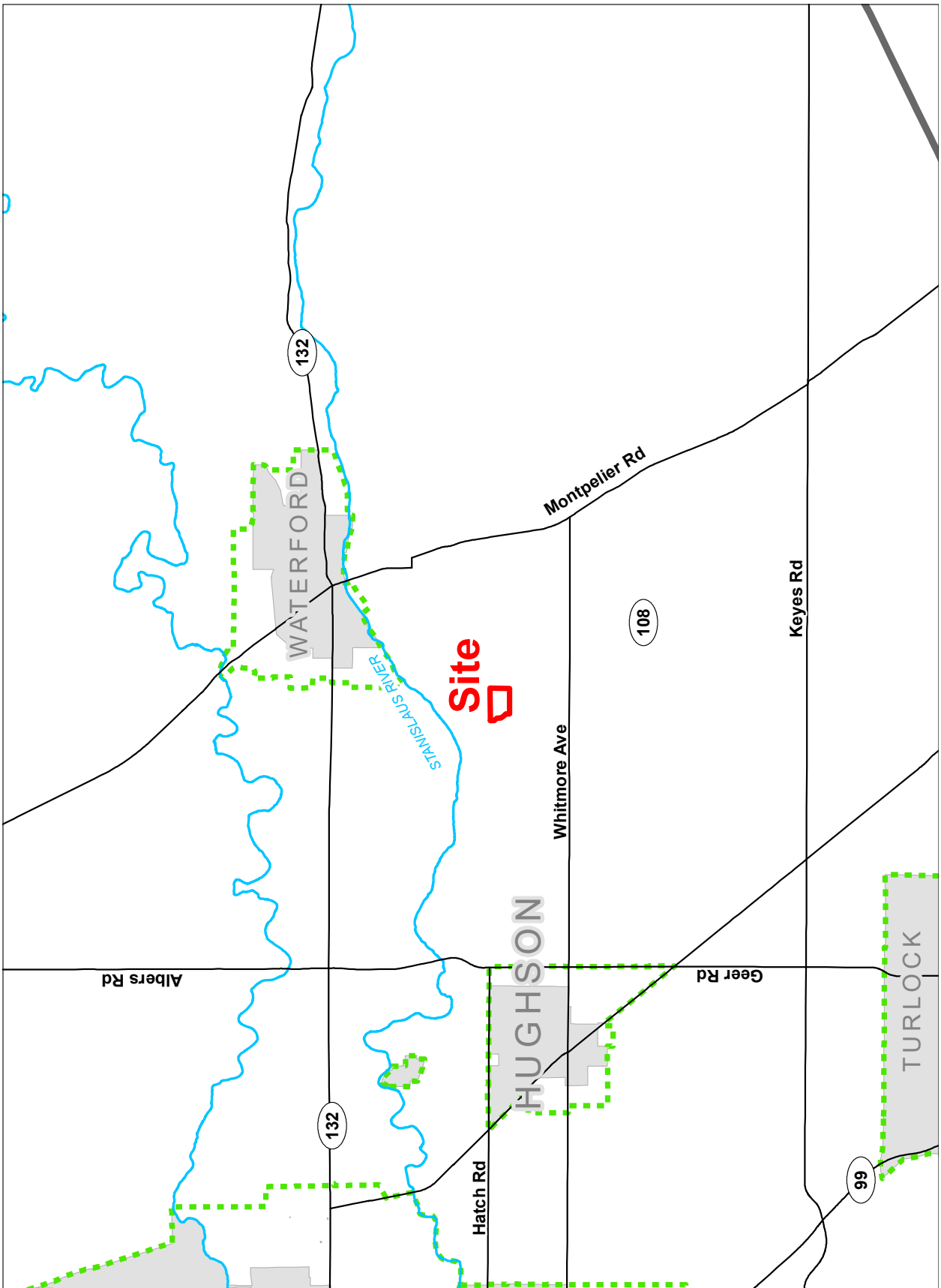
AREA MAP

LEGEND

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









Source: Planning Department GIS Date: 7/11/2022

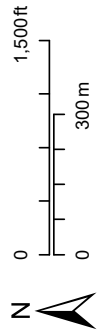
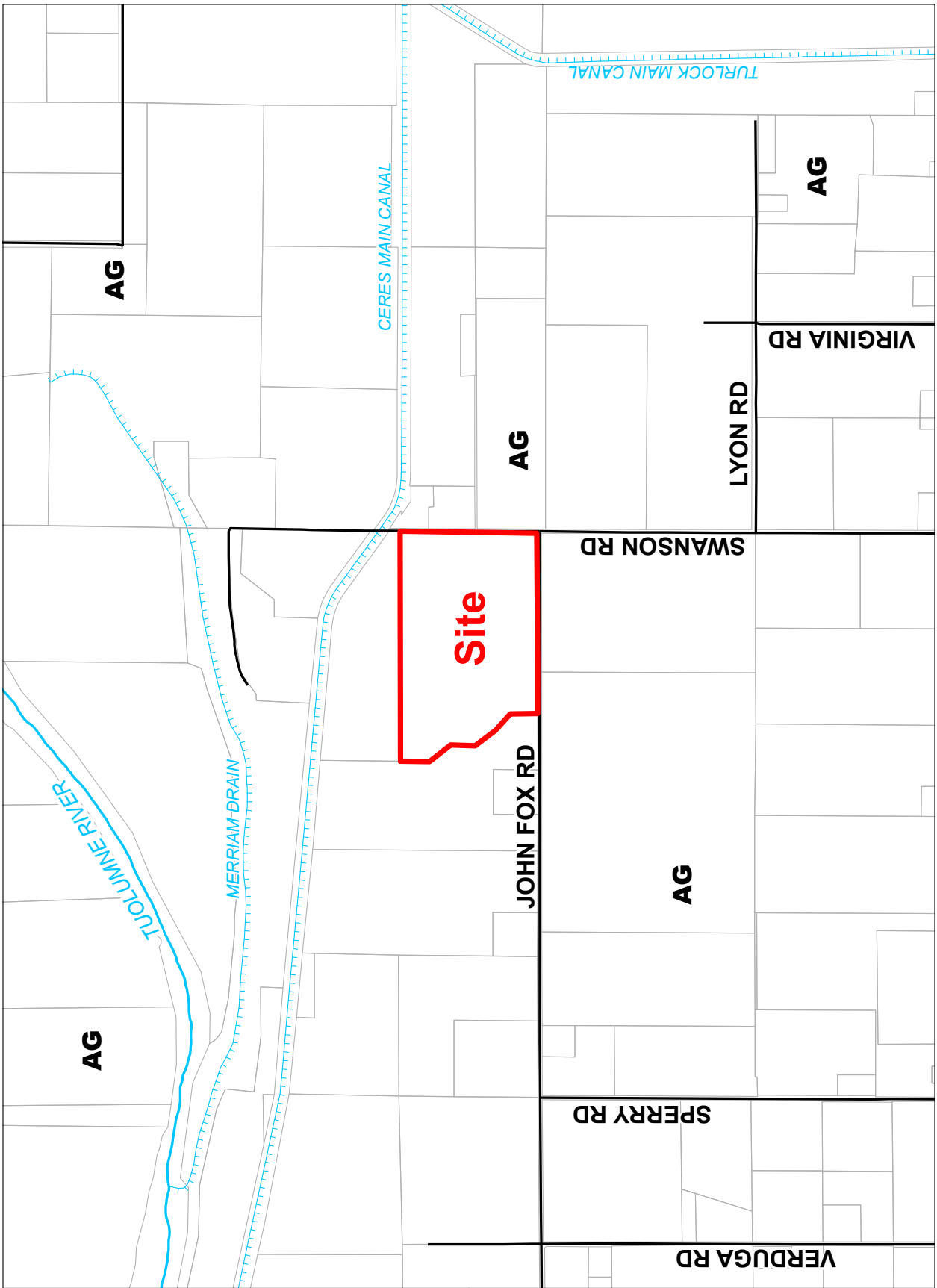


**CUNNINGHAM
RANCH
UP, PM
PLN2022-0064**

GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  River
-  Road
-  Canal
- General Plan**
-  Agriculture









Source: Planning Department GIS Date: 7/11/2022

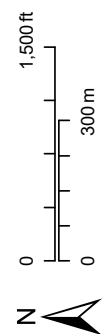
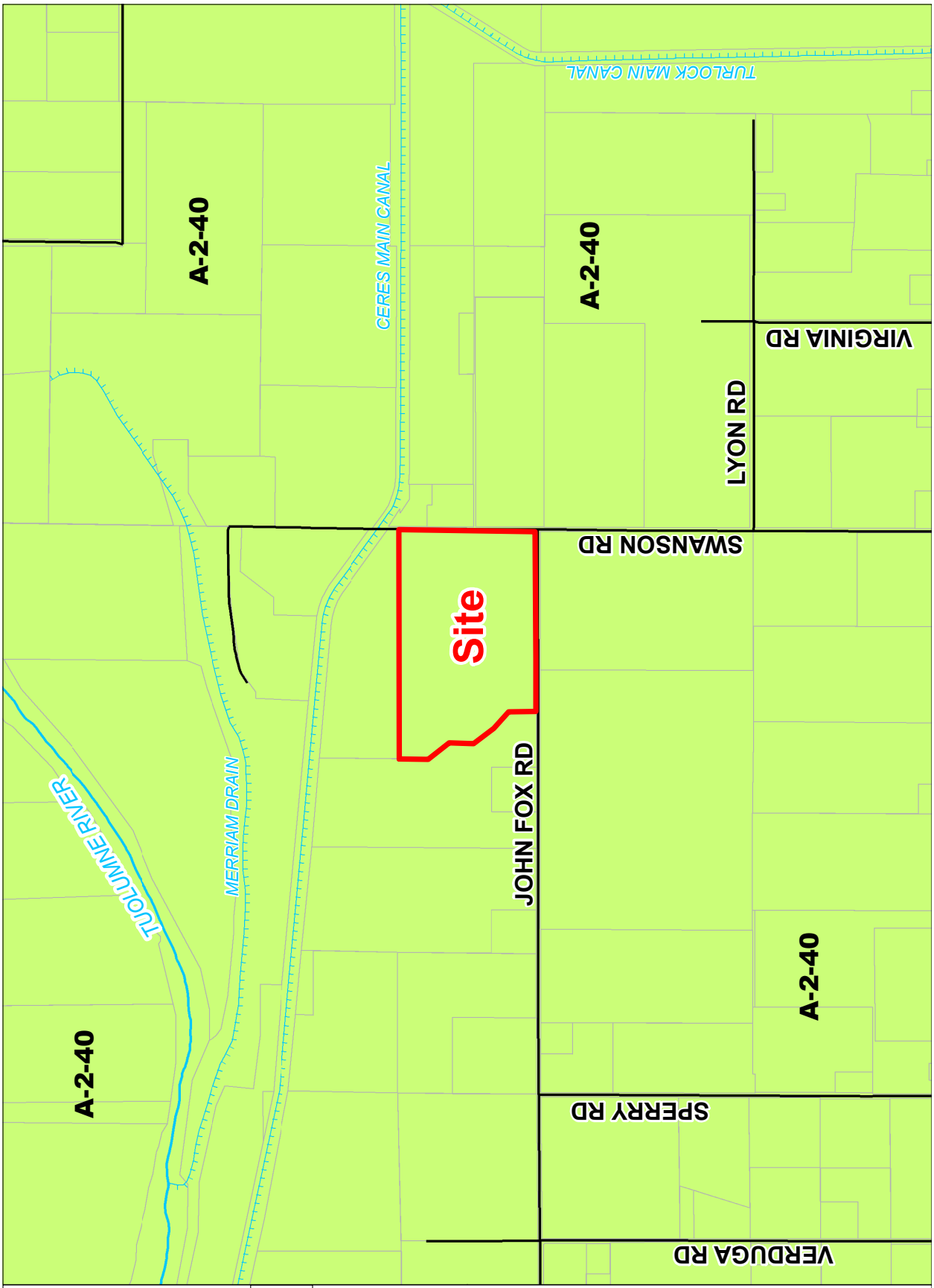
CUNNINGHAM RANCH

UP, PM
PLN2022-0064

ZONING MAP

LEGEND

-  Project Site
 -  Parcel
 -  Road
 -  River
 -  Canal
- Zoning Designation**
-  General Agriculture 40 Acre







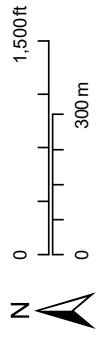
Source: Planning Department GIS Date: 7/11/2022

**CUNNINGHAM
RANCH
UP, PM
PLN2022-0064**

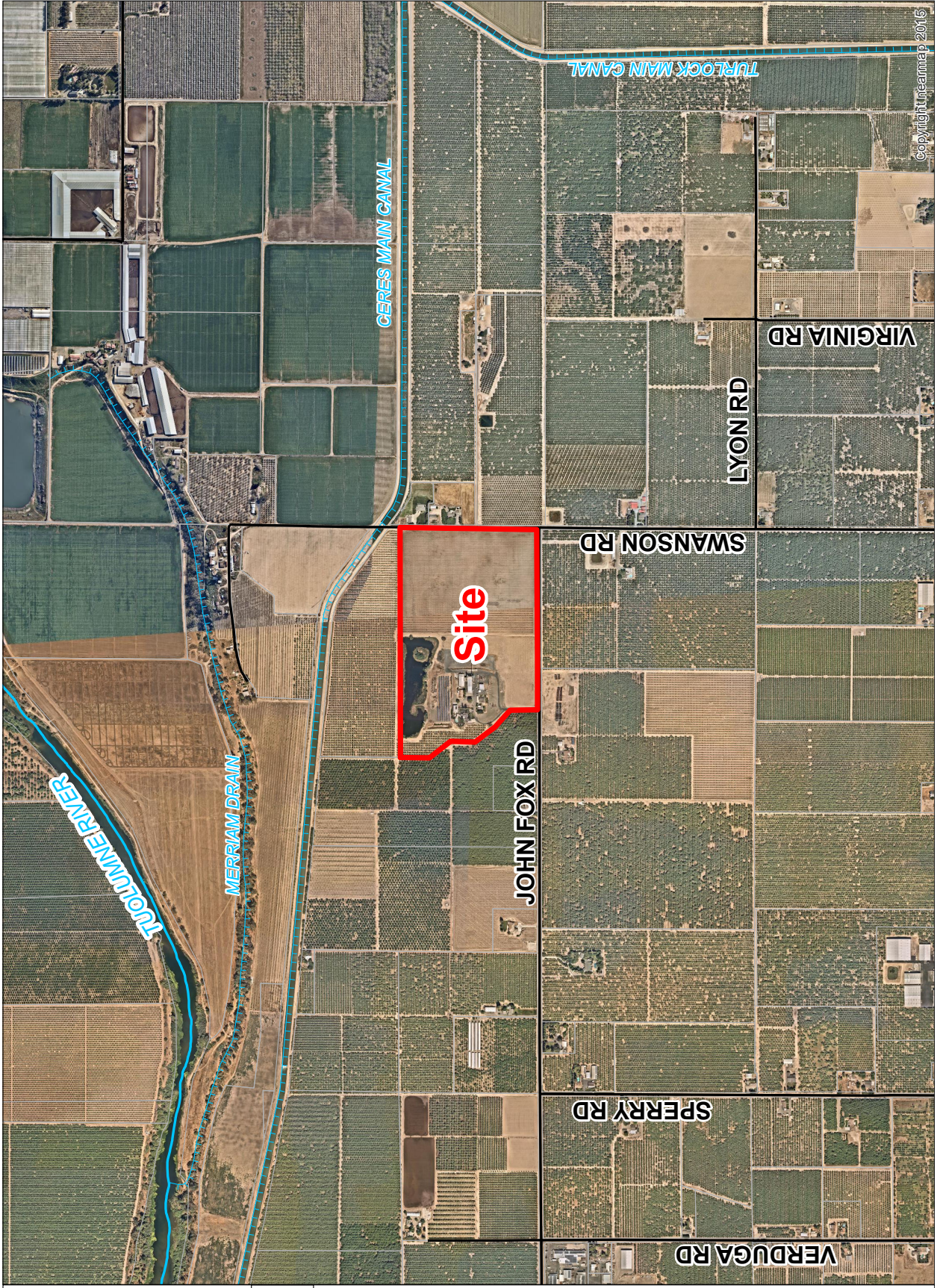
2021 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  River
-  Canal



Source: Planning Department GIS Date: 7/11/2022






Copyright: eamap 2015

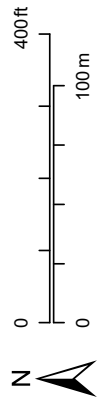
CUNNINGHAM RANCH

UP, PM PLN2022-0064

2021 AERIAL SITE MAP

LEGEND

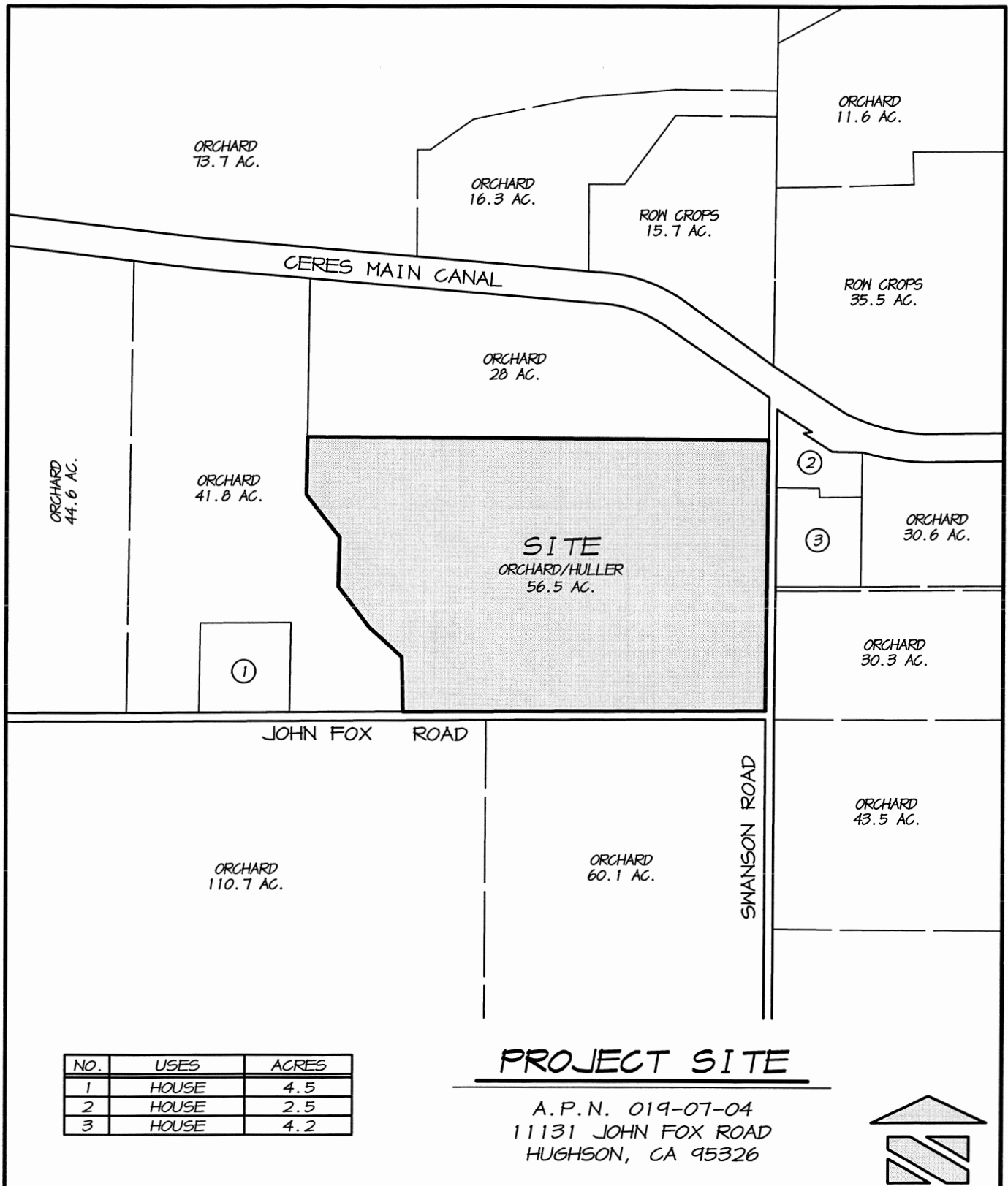
-  Project Site
-  Road
-  Canal



Source: Planning Department GIS Date: 7/11/2022



Copyright: nearmap 2015



DRAWN:	J.F.
DATE:	6/6/22
SCALE:	1"=600'
JOB #:	1417-20
DWG:	AREA MAP

AREA MAP

CUNNINGHAM RANCH

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

CONDITIONS OF APPROVAL

**USE PERMIT AND PARCEL MAP APPLICATION NO. PLN2022-0064
CUNNINGHAM RANCH**

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.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), 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 **\$2,821.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk-Recorder filing fees.

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

3. 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.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent sky glow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties). The height of the lighting fixtures should not exceed 15 feet above grade.
6. Noise levels associated with all on-site activities shall not exceed the maximum allowable noise levels as set forth in the Stanislaus County Code or the Stanislaus County General Plan. In the event of a verified noise complaint, being received by Stanislaus County, the property owner/operator shall be responsible for hiring a certified noise consultant, approved by the Stanislaus County Planning Director, to evaluate noise impacts and to identify appropriate mitigation for any identified noise impacts. The property

owner/operator may arrange to pay for the County's actual costs of hiring a certified noise consultant. The property owner/operator shall implement any resulting mitigation measures required to reduce noise to allowable levels within the time frame specific by the County. The certified noise consultant's evaluation shall be completed and submitted to Stanislaus County Planning Department within 60 days of written notice being delivered to the property owner/operator. If determined necessary by the Planning Department, the property owner/operator shall pay for the County's costs to hire a third party to review the noise assessment.

7. No operations shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration, or electrical interference detectable off the site.
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. 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.
10. If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the County coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 50.97.98 authorizes the NAHC to appoint a Most Likely Descendant who will make recommendation for the treatment of the discovery.
11. 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.
12. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff's Department.
13. The recorded parcel map shall contain the following statement:

"All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust, or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards."
14. All proposed and existing emergency access, irrigation, and utility easements, as shown on the tentative parcel map shall be shown on the recorded parcel map. Easements may be recorded by separate instrument and shown on the recorded map.

15. A “No-Build” restriction on the construction of any residential development on proposed Parcel 1 shall be observed until the parcel is no longer enrolled under a Williamson Act Contract or one of the following criteria are met:
 - Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For lands which are not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
 - Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.
16. The applicant shall obtain and final building permits within six months of project approval for all unpermitted conversions at the site. Building permits shall be finalized prior to recording of the parcel map.

Department of Public Works

17. The recorded parcel map shall be prepared by a licensed land surveyor, or a registered civil engineer licensed to practice land surveying in California.
18. All structures not shown on the parcel map shall be removed prior to the parcel map being recorded.
19. All structures shown on the parcel map that are on lot lines shall be removed prior to the parcel map being recorded.
20. Prior to the recording of the parcel map the new parcels shall be surveyed and fully monumented.
21. Prior to the issuance of a building permit, an encroachment permit shall be obtained for any work done in Stanislaus County road right-of-way.
22. John Fox Road is classified as a 60-foot local road. The required ½ width of John Fox Road is 30 feet north of the centerline of the roadway. The existing right-of-way is 20 feet north of the centerline. Prior to recording of the parcel map, or shown on the map, the remaining 10 feet north of the centerline shall be dedicated as an Irrevocable Offer of Dedication.
23. Swanson Road is classified as a 60-foot local road. The required ½ width of Swanson Road is 30 feet west of the centerline of the roadway. The existing right-of-way is 0 feet west of the centerline. Prior to recording of the parcel map, or shown on the map, the applicant shall dedicate 20 feet west of the centerline to the County via a Road Deed and shall dedicate the remaining 10 feet as an Irrevocable Offer of Dedication.
24. At the intersection of John Fox Road and Swanson Road a right-of-way chord is required,

please see Stanislaus County Public Works Standards and Specifications Detail 3-C1. Prior to recording of the parcel map, or shown on the map, the chord shall be dedicated as an Irrevocable Offer of Dedication.

25. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - a. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - b. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - c. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
 - d. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

Department of Environmental Resources (DER)

26. The existing on-site wastewater treatment system (OWTS), serving the existing single-family dwelling is to be contained within the boundaries of Parcel 1.
27. Prior to the issuance of any building permit, the applicant shall submit to DER evidence that the existing on-site wastewater treatment system (OWTS) meets minimum sizing standards and setback requirements, as required by the County's Local Agency Management Program (LAMP). All applicable County Local Agency Management Program (LAMP) standards and required setbacks are to be met.
28. Prior to issuance of any building permit for the proposed project, DER shall review updated documentation from the applicant to determine whether the proposed project qualifies as a new Public Water System subject to SB1263 and may require a Water Supply Permit to be issued by the Local Primacy Agency (DER).

Department of Environmental Resources – Hazmat Division (DER Haz Mat)

29. A Phase 1 and Phase 2 study may be required to determine if any buried hazardous materials or contaminated soils exist on the project site prior to issuance of a grading permit.

30. The applicant shall contact the DER Haz Mat regarding any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil, and appropriate permitting requirements for hazardous materials, and/or wastes. The applicant and/or occupants handling hazardous materials or generating wastes must notify the Department prior to operation.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

31. Any construction resulting from this project shall comply with standardized dust controls adopted by the SJVAPCD and may be subject to additional regulations/permits, as determined by the SJVAPCD.
32. The proposed project shall be subject to SJVAPCD Rules and Regulations in place at the time of grading or building permit issuance. Prior to issuance of a grading or building permit, the applicant shall contact the District's Small Business Assistance Office to determine if any SJVAPCD permits are required, including but not limited to an Authority to Construct (ATC).

California Regional Water Quality Control Board (RWQCB)

33. Prior to any construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if any of the following are required: a Construction Storm Water General Permit; a Storm Water Pollution Prevention Plan (SWPPP); a Dewatering Permit; Limited Threat General National Pollutant Discharge Elimination System (NPDES) Permit; NPDES Permit; a Clean Water Act Section 404 Permit; a Clean Water Act Section 401 Permit-Water Quality Certification; or Waste Discharge Requirements (WDR).

*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~~.*



CEQA INITIAL STUDY

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

1. **Project title:** Use Permit and Parcel Map Application No. PLN2022-0064 – Cunningham Ranch
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Emily Basnight, Assistant Planner
(209) 525-6330
4. **Project location:** 11131 and 11137 John Fox Road, between Swanson and Waring Roads, South of the Turlock Irrigation District's Ceres Main Canal, in the Waterford area (APN: 019-007-004).
5. **Project sponsor's name and address:** Richard Cunningham, Cunningham Ranch, Inc.
11131 John Fox Road, Hughson, CA 95326
6. **General Plan designation:** Agriculture
7. **Zoning:** General Agriculture (A-2-40)
8. **Description of project:**

This is a request to expand a legal nonconforming almond hulling operation, and to subdivide a 58.4-acre parcel into two parcels, 18.3± and 40.1± acres in size in the General Agriculture (A-2-40) zoning district. Proposed Parcel 1 will be 18.3± acres in size, which is below the 40-acre minimum parcel size of the A-2-40 zoning district; however, it will be created in accordance with Section 21.20.060 (D) of the A-2 zoning code. The hulling operation did not receive appropriate land use entitlements prior to expansion. As such, a use permit is required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area.

The existing parcel consists of a single-family dwelling, a huller with two shops, two offices, a truck scale, a truck staging area, a solar array which serves the huller, and an almond orchard. The parcel is also served by a private well and a septic system. The site receives irrigation water from Turlock Irrigation District and stores it on-site via an existing pond and irrigation pump. Proposed Parcel 1 will consist of a single-family dwelling, and all improvements and structures related to the huller, and a private well and septic system. Proposed Parcel 2 will consist of an orchard, irrigation pond, and irrigation pump. Both proposed parcels will have access to County-maintained John Fox Road; and proposed Parcel 2 will also have access to County-maintained Swanson Road. The huller operates 24 hours a day from Monday to Saturday in three shifts with 6 employees on a maximum shift and two employees on the minimum shifts during harvest season (August through November). The huller operates Monday to Saturday 7:00AM to 5:00PM during the off season (December through July) with a total of 10 employees on a single shift. The operation currently generates 25 truck trips per day during harvest and 4 trucks per day during the off season. Customer visits average once per week; no increase in the number or frequency of customer visits is anticipated as part of this request. The operation currently fumigates on-site and will continue to do so after project approval.

Although, no construction is proposed, per Zoning Ordinance Section 21.20.020, Proposed Parcel 1 can be developed with one accessory dwelling unit, and one junior accessory dwelling unit in addition to the existing single-family dwelling, and Proposed Parcel 2 with one single-family dwelling, one second dwelling unit which can be either another single-family dwelling or an accessory dwelling unit, and one junior accessory dwelling unit. The project site is enrolled in a Williamson Act Contract and both the parcels will remain enrolled, if approved.

- 9. Surrounding land uses and setting:** Scattered single-family dwellings; ranchettes and almond and walnut orchards in all directions; and Turlock Irrigation District's Ceres Main Canal and Tuolumne River to the north.
- 10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Public Works
Department of Environmental Resources
- 11. Attachments:**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Signature on File
Prepared by Emily Basnight

November 10, 2022
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 existing single-family dwelling and all improvements associated with the hulling operation will be located on the proposed Parcel 1 which will be 18.3± gross acres; and proposed Parcel 2 will consist of an almond orchard, irrigation pond, and irrigation pump and will be 40.1± acres. No construction is proposed; however, a use permit is required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area.

The surrounding area consists of scattered single-family dwellings, ranchettes and almond and walnut orchards in all directions. The Turlock Irrigation District’s Ceres Main Canal is .14 miles to the north, and the Tuolumne River is .54 miles to the north of the project site.

Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. Aesthetics associated with the project site are not anticipated to change as a result of this project. Additionally, the existing additions for the huller building, office and truck parking area to be permitted under this proposal are similar in nature to the other structures on the property and are comprised of material consistent with accessory structures in and around the A-2 (General Agriculture) zoning district. No additional signage or lighting is proposed.

Accordingly, no adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance (Title 21); the Stanislaus County General Plan; and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring 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 proposes to subdivide the 58.4± acre project site into two parcels, 18.3± and 40.1± acres in size. Proposed Parcel 1 will be 18.3± acres in size, which is below the 40-acre minimum parcel size of the A-2-40 zoning district; however, it will be created in accordance with Section 21.20.060 (D) of the A-2 zoning code which permits a subdivision of land to a smaller parcel size than required by the zoning district if the proposed parcel is developed with a nonresidential legal nonconforming use (grandfathered use). In this case, the existing nonconforming huller operation will be on proposed Parcel 1. The project also includes a Use Permit to permit previous expansions of the legal nonconforming huller operation, which includes expansion to the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area.

The California Department of Conservation’s Farmland Mapping and Monitoring Program lists the project site’s soil as comprised of Semi-Agricultural and Rural Commercial Land, Farmland of Local Importance, and Prime Farmland. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 81 and above as excellent; 41-60 as fair; and 21-40 as poor. Grade 1 soils are deemed prime farmland by Stanislaus County’s Uniform Rules. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that 47.2% of the property is comprised of Hanford sandy loam (HdA), with 0 to 3% slopes, which has a grade of 1 and index rating of 93, which qualify as prime farmland; 48% of the site is made up of Rocklin sandy loam (ReB), with 3 to 8% slopes, which has a grade of 4 and index rating of 29, and 4.5% of the project site is composed of Greenfield sandy loam (GvA), with 0 to 3% slopes, which has a grade of 3 and index rating of 47, neither of which qualify as prime soils.

According to Goal Two, Policy 2.5, Implementation Measure 1, of the General Plan's Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor. With modern management techniques, almost any soil type in Stanislaus County can be extremely productive. Although soil types should be considered, the designation of "most productive agricultural areas" also should be based on existing uses and their contributions to the agricultural sector of our economy. The project will not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

The site is enrolled in the Williamson Act under Contract No. 1972-1057. The proposed subdivision of the project site will comply with the minimum parcel size requirement of 10-acres under the County's Uniform Rules for parcels enrolled within the Williamson Act as the resulting parcels will be 18.3± and 40.1± acres in size. Proposed Parcel 1 is currently improved with a single-family dwelling. Proposed Parcel 2 is not currently developed with residential uses; however, proposed Parcel 2 is in production agriculture use and entirely planted in almond trees. A "no-build" restriction on the construction of any additional residential development on proposed Parcel 2 is not required as 90% or more of the parcel is currently in agricultural production. No construction is proposed at this time; however, any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district. The hulling and shelling of nuts is considered to be a Tier One use, which are uses considered to be closely related to agriculture and are necessary for a healthy agricultural economy. Pursuant to Section 21.20.045(B)(3) of the Stanislaus County Zoning Ordinance, Tier One uses are determined to be consistent with the Williamson Act Principles of Compatibility and may be approved on contracted land unless a finding to the contrary is made. The project was referred to the Department of Conservation (DOC) for review and input; however, no comments related to the project and the project site's enrollment within the Williamson Act were received to date.

General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission, the project will not be subject to agricultural buffers. As the applicant does not anticipate an increase of the existing 10 employees per day or one customer visit per week, staff does not believe a buffer should be required.

No construction is proposed as part of this project. The surrounding area is composed of scattered single-family dwellings, ranchettes and walnut and almond orchards in all directions. The Turlock Irrigation District's Ceres Main Canal and the Tuolumne River are to the north of the project site. The site receives irrigation water from Turlock Irrigation District and stores it on-site via an existing pond and irrigation pump. The request is not expected to perpetuate any significant conversion of farmland to non-agricultural use or impact agricultural operations as the almond hulling operation is existing.

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 the subject contracted parcel or other contracted lands in the A-2 zoning district. No forest lands exist in Stanislaus County. Therefore, this project will have no impact to forest land or timberland. There is no indication that this project will result in the removal of adjacent contracted land from agricultural use. Impacts to agriculture and forest resources are considered to be less than significant.

Mitigation: None.

References: Application information; United States Department of Agriculture NRCS Web Soil Survey; California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2016; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County Williamson Act Uniform Rules; Stanislaus County General Plan and Support Documentation¹.

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

c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those odors adversely affecting a substantial number of people)?			X	

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

The huller currently operates 24 hours a day from Monday to Saturday in three shifts with 6 employees on a maximum shift and two employees on the minimum shifts during harvest season (August through November). During the off season, the huller operates Monday to Saturday 7:00AM to 5:00PM (December through July) with a total of 10 employees on a single shift. The operation currently generates an average of 25 truck trips per day during harvest season and 4 truck trips per day during the off season.

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.

As required by CEQA Guidelines Section 15064.3, potential impacts regarding Air Quality should be evaluated using Vehicle Miles Traveled (VMT). Stanislaus County has currently not adopted any significance thresholds for VMT, and projects are treated on a case-by-case basis for evaluation under CEQA. However, the State of California - Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. 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. According to the same technical advisory from OPR, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than significant transportation impact. The huller operation during the peak season (harvest season from August through November) generates a total of 50 truck trips (25 trucks entering and leaving the project site), 20 employee vehicle trips (10 employees entering and exiting the project site), and two customer vehicle trips (one customer entering and existing the site) per week for a maximum of 72 trips per day.

Proposed Parcel 1 will have the existing single-family dwelling on the property and can be developed with one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU). Proposed Parcel 2 has the potential to be developed with one single-family dwelling, one JADU, and a second dwelling unit, which can be either another single-family dwelling or a ADU. According to the Federal Highway Administration the average daily vehicle trips per household is 5.11, which would equal approximately 11 additional trips per-day as a result of project approval (2 additional units x 5.11 = 10.22). The VMT increase associated with the proposed project is less than significant as the number of additional vehicle trips will not exceed 110 per-day. As this is below the District’s threshold of significance, no significant impacts to Air Quality related to VMT are anticipated.

The project was referred to SJVAPCD, and no response has been received to date. However, the District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District has pre-qualified emissions and determined a size below, which is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. Any project falling below the thresholds identified by the District are deemed to have a less than significant impact on air quality due to criteria pollutant emissions. The District’s threshold of significance for industrial projects is identified as less than the following number of trips per day based on vehicle type: 70 one-way heavy duty truck trips and 550 one-way trips for all fleet types not considered to be heavy duty trucks. As stated previously, the project generates 25 truck trips per day, 10 employee vehicle trips per day, and one customer vehicle trip per week which is a total of 50 truck trips and 22 vehicle trips leaving and returning to the project site per day. An addition of 11 vehicle trips is anticipated following the subdivision of the current parcel for a maximum of 50 truck trips and 33 vehicle trips per day

during the peak season. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated.

No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. Should future construction occur as a result of this project, construction activities associated with new development can temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations within a project’s vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emission is gasoline and diesel powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces. Construction activities associated with the proposed project may require use of heavy-duty construction equipment. However, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project’s operation after approval. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions. Because no construction is proposed, 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.

It appears the project would not be a significant impact to any sensitive receptors.

For these reasons, the proposed project is considered to be consistent with all 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.

Mitigation: None.

References: San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Governor’s Office of Planning and Research Technical Advisory, December 2018; San Joaquin Valley Air Pollution Control District’s Small Project Analysis Level (SPAL) Guidance, November 13, 2020; and the Stanislaus County General Plan and Support Documentation¹.

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

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

Discussion: The project is located within the Denair Quad of the California Natural Diversity Database (CNDDDB). There are eight animals/fish, one insect, one reptile, and one plant species which are state or federally listed, threatened or identified as species of special concern or a candidate of special concern within the Denair California Natural Diversity Database Quad. These species include the Swainson’s hawk, burrowing owl, riffle sculpin, Sacramento hitch, hardhead, Pacific lamprey, steelhead – Central Valley DPS, chinook salmon – Central Valley fall/late fall-run ESU, valley elderberry longhorn beetle, Northern California legless lizard, and San Joaquin Valley Orcutt grass. There are no reported sightings of any of the aforementioned species on the project site; however, the Tuolumne River is located .5± mile north of the project site and observations, migration indications and takings have been reported .58± miles away from the project site within the river for steelhead, hardhead and other species of special concern according to the CNDDDB. Additionally, habitat conditions and observations of previous existence of valley elderberry longhorn beetles were observed .58± miles north of the project site along the northern riverbank of the Tuolumne River according to the CNDDDB. There is a very low likelihood that these species are present on the project site as the Tuolumne River does not run through or immediately adjacent to the project site and the site has already been developed with the existing huller operation and dwelling.

No construction or grading is proposed under this request. No trees will be removed as part of this request.

There is an existing irrigation pond on the project site to be located on proposed Parcel 1. An early consultation was referred to the California Department of Fish and Wildlife (formerly the Department of Fish and Game), the U.S. Department of Fish and Wildlife, and the Tuolumne River Trust and no response from any of the aforementioned agencies was received. 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.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife’s Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed October 24, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: A records search for the project site formulated by the Central California Information Center (CCIC) indicated that there was a low probability of discovery of prehistoric resources, but there may be discovery of historical

resources such as standing buildings 45 years or older, and possibly subsurface historic-era archaeological features, such as domestic refuse and artifact deposits or building foundations, associated with earlier use on the project site. The CCIC recommended that a qualified historical resources consultant evaluate and formally record any building to be removed if it is 45 years old or older. The CCIC recommended review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. No records were found that indicated the site contained any prehistoric, historic, or archeologic resources previously identified on-site. The report concluded that conditions of approval be placed on the project that if any historical resources are discovered during project-related activities, all work is to stop, and a qualified professional is to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found, the County Coroner and the Native American Heritage Commission are to be notified immediately for recommended procedures. If human remains are uncovered, all work within 100 feet of the find should halt in compliance with Section 15064.5(e) (1) of the California Environmental Quality Act (CEQA) Guidelines and Public Resources Code Section 7060.5. Conditions of approval will be added to the project to ensure these requirements are met.

It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is improved with a single-family dwelling, a huller with two shops, two offices, a truck scale, a truck staging area, a solar array to offset running costs of huller, and an orchard. The County does not use age as an indication of historic resources. None of the buildings on-site are federally or state registered as historic structures and are not located within a historic zoning district. No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. Additionally, conditions of approval will be placed on the project, requiring that future construction activities shall be halted if any resources are found, until appropriate agencies are contacted, and an archaeological survey is completed.

Mitigation: None.

References: Application information; Central California Information Center Report for the project site, dated June 7, 2022; California Environmental Quality Act Guidelines - Section 15064.5(e)(1); California Public Resources Code Section 7060.5; Stanislaus County General Plan and Support Documentation¹.

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

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

No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. Any future construction activities shall be in compliance with all SJVAPCD regulations and with Title 24, Green Building Code, which includes energy efficiency requirements. No lighting is proposed as part of this project.

As mentioned in Section III – *Air Quality*, the District’s Small Project Analysis Level (SPAL) guidance identifies thresholds of significance for criteria pollutant emissions, which are based on the District’s New Source Review (NSR) offset requirements for stationary sources. The District’s threshold of significance for industrial projects is identified as less than

the following number of trips per day based on vehicle type: 70 one-way heavy duty truck trips and 550 one-way trips for all fleet types not considered to be heavy duty trucks. As stated previously, an addition of 11 vehicle trips is anticipated following the subdivision of the current parcel for a maximum of 50 truck trips and 33 vehicle trips per day during the peak season. As this is below the District’s threshold of significance, no significant impacts to air quality are anticipated. The project was referred to the Air District; however, no response has been received for the proposed project.

The Turlock Irrigation District (TID) provided a referral response and no issues regarding electrical service were identified.

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

Mitigation: None.

References: Application information; CEQA Guidelines; Title 16 of County Code; CA Building Code; Stanislaus County Zoning Ordinance (Title 21); Response from Turlock Irrigation District, dated August 5, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: As mentioned in Section II - *Agriculture and Forest Resources*, the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the property is primarily comprised of Hanford sandy loam, 0 to 3% slopes, with a grade of 1 and index rating of 93 and Rocklin sandy loam, 3 to 8% slopes,

with a grade of 4 and index rating of 29. The project site is also composed of Greenfield sandy loam, 0 to 3% slopes, with a grade of 3 and index rating of 47. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency.

No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. Additionally, any future 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. Any earth moving is subject to Public Works Standards and Specifications, which consider the potential for erosion and run-off prior to permit approval. 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 for any building permit that will create a larger or smaller building footprint. Likewise, any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. 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.

It does not appear that this project will result in significant impacts to any paleontological resources or unique geologic features. However, standard conditions of approval applicable to future development of the parcels regarding the discovery of such resources during the construction process will be added to the project.

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.

Mitigation: None.

References: Application information; Referral response from the Stanislaus County Department of Public Works dated September 8, 2022; Referral response from the Department of Environmental Resources (DER), dated October 26, 2022; Stanislaus County General Plan and Support Documentation¹.

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

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

The huller operates 24 hours a day from Monday to Saturday in three shifts during harvest season (August through November) with 6 employees on a maximum shift and two employees on the minimum shifts. The huller operates Monday

to Saturday 7:00AM to 5:00PM during the off season (December through July) with a total of 10 employees on a single shift. The operation currently generates 25 truck trips per day during harvest and 4 trucks per day during the off season. Customer visits average once per week, and no increase in the number or frequency of customer visits is anticipated as part of this request. Direct emissions of GHGs from the operation of the proposed project are primarily due to passenger vehicle trips and heavy truck trips. Therefore, the project would result in an increase in direct annual emissions of GHGs during operation as the project is expected to increase the number of vehicle trips by 11 vehicle trips due to the proposed subdivision as previously mentioned in Section III – Air Quality.

As required by CEQA Guidelines section 15064.3, potential impacts regarding Green House Gas Emissions should be evaluated using Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. As stated previously, the project generates 25 truck trips per day, 10 employee vehicle trips per day, and one customer vehicle trip per week which is a total of 50 truck trips and 22 vehicle trips leaving and returning to the project site per day. An addition of 11 vehicle trips is anticipated following the subdivision of the current parcel for a maximum of 50 truck trips and 33 vehicle trips per day during the peak season. The VMT increase associated with the proposed project is less than significant as the number of additional vehicle trips will not exceed 110 per-day. As this is below the District’s threshold of significance, no significant impacts to GHGs related to VMT are anticipated.

No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. This project was referred to the San Joaquin Valley Air Pollution Control District (Air District); however, no response has been received to date. Staff will include a condition of approval requiring the applicant to comply with all appropriate District rules and regulations should future construction occur on the project site. Consequently, GHG emissions associated with this project are considered to be less-than significant.

Mitigation: None.

References: Application information; Governor’s Office of Planning and Research Technical Advisory, December 2018; Stanislaus County General Plan and Support Documentation¹.

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

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Discussion: The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. A referral response from the Hazardous Materials Division of the Stanislaus County Department of Environmental Resources (DER) is requiring the applicant to contact the Department regarding appropriate permitting requirements for hazardous materials and/or wastes. The applicant is required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The Hazardous Materials Division also requested that the developer conduct a Phase I or Phase II study prior to the issuance of a grading permit to determine if organic pesticides or metals exist on the project site. Any existing well or septic facilities are required to be destroyed through a permit issued by DER. Additionally, the Hazardous Materials Division requested that they be contacted should any underground storage tanks, buried chemicals, buried refuse, or contaminated soil be discovered during grading or construction. These comments will be reflected through the application of a condition of approval. The project was also referred to the Environmental Review Committee (ERC), which responded with no comments. The proposed use is not recognized as a generator and/or consumer of hazardous materials, therefore, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The project was referred to the Stanislaus County Agricultural Commissioner, and no comments have been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The groundwater is not known to be contaminated in this area. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Hughson Fire Protection District. The project was referred to the 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: Application information; Referral response from the Stanislaus County Department of Environmental Resources (DER) dated October 26, 2022, Hazardous Materials Division dated August 9, 2022; Referral response from the Stanislaus County Environmental Review Committee (ERC) dated August 11, 2022; Department of Toxic Substances Control's data management system (EnviroStar), accessed on October 31, 2022; Stanislaus County Airport Land Use Compatibility Plan; Stanislaus County General Plan and Support Documentation¹.

X. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	

i) result in substantial erosion or siltation on- or off-site;			X	
ii) substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site.			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

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 are addressed by the Building Permits Division during the building permit process.

This is a request to expand a legal nonconforming hulling operation, and to subdivide a 58.4-acre parcel into two parcels, 18.3± and 40.1± acres in size in the General Agriculture (A-2-40) zoning district. The hulling operation did not receive appropriate land use entitlements prior to expansion. As such, a use permit is required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. The project proposes to utilize an existing well and to maintain stormwater runoff on-site through overland drainage. The project is not expected to significantly impact water quality, groundwater supplies, or groundwater recharge. The current absorption patterns of water upon this property are not expected to be altered; however, current standards require that all of a project’s storm water be maintained on-site and, as such, a Grading and Drainage Plan, as requested by the Department of Public Works, shall be submitted with any building permit for the project site that will create a larger or smaller building footprint. This request will be included as a condition of approval for the project should construction occur on-site in the future. Additionally, any future construction will be reviewed under the Building Permit process and must be reviewed and approved by DER and adhere to current Local Agency Management Program (LAMP) standards. LAMP standards include minimum setback from wells to prevent negative impacts to groundwater quality. No expansion to the existing septic systems, new septic systems or additional wells are proposed as a part of this project. However, any future proposals for new wells will be subject to review under the County’s Well Permitting Program, which will determine whether a new well will require environmental review.

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. 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. Limitations on providing services have not been identified. However, any intensity of these utilities will be subject to any applicable regulatory requirements during the building permitting phase.

The Central Valley Regional Water Quality Control Board (CVRWQCB) 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 Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California’s groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability

Plans (GSP), and achieving balanced groundwater levels within 20 years. Public and private water agencies and user groups within each of the four groundwater subbasins underlying the County work together as GSAs to implement SGMA. DER is a participating member in five GSAs. The project site is located with the West Turlock Subbasin Groundwater Sustainability Agency (GSA) which, 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 which was adopted on January 6, 2022, by the West Turlock Subbasin GSA.

Stanislaus County is also regulated under the Groundwater Ordinance, adopted 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. Further, 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.

In addition to GSPs and the Groundwater Ordinance, the County General Plan includes goals, policies, and implementation measures focused on protecting groundwater resources. Projects with a potential to affect groundwater recharge or that involve the construction of new wells are referred to the DER for review. The DER evaluates these projects for compliance with the County Groundwater Ordinance and refers projects to the applicable GSAs for determination whether or not they are compliance with an approved GSP.

If a new well were required in the future, the drilling of a new well would be regulated by the County's Groundwater Ordinance and thus require CEQA-compliance. If in the future the facility results in the formation of a new Public Water System, then the project site will be subject to all applicable rules, regulations and standards as discussed below.

The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System (PWS) 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.

The referral response received from DER indicated that the private well on the project site does not currently meet the definition of a Public Water System as defined in California Health and Safety Code Section 116275(h). However, DER requested that the applicant contact DER if the water system ever meets the definition of a public water system. This requirement will be added as a condition of approval for the project.

If the existing well is ever required to become a Public Water System the applicant must submit an application for a water supply permit with the associated technical report to Stanislaus County DER which will determine if the well water meets State mandated standards for water quality and must also obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263). If the well water does not meet State standards, the applicant may need to either drill a new well or install a water treatment system for the current well.

The project site is located within Turlock Irrigation District (TID) boundaries. The project was referred to TID which responded with no comments on the proposed project.

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.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated September 8, 2022; Local Agency Management Program (LAMP) for Stanislaus County DER; Referral response received from Central Valley Regional Water Quality Control Board (CVRWQCB) dated August 11, 2022; Sustainable Groundwater Management Act; Stanislaus County Code Title 9 Chapter 9.37 Groundwater; West Turlock Subbasin Groundwater Sustainability Agency and East Turlock Subbasin Groundwater Sustainability Agency GSAs; Referral response received from Stanislaus County Department of Environmental Resources, dated October 26, 2022; Referral response received from Turlock Irrigation District, dated August 5, 2022; Stanislaus County Code; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: This is a request to expand a legal nonconforming hulling operation, and to subdivide a 58.4-acre parcel into two parcels, 18.3± and 40.1± acres in size in the General Agriculture (A-2-40) zoning district. Proposed Parcel 1 will be 18.3± acres in size, which is below the 40-acre minimum parcel size of the A-2-40 zoning district; however, it will be created in accordance with Section 21.20.060 (D) of the A-2 zoning code which permits a subdivision of land to a smaller parcel size than required by the zoning district if the proposed parcel is developed with a nonresidential legal nonconforming use (grandfathered use). In this case, the existing nonconforming huller operation will be on proposed Parcel 1. Proposed Parcel 2 will meet the minimum size requirement for the General Agriculture (A-2-40) zoning district for new parcels pursuant to Section 21.20.060 of the Stanislaus County Zoning Ordinance. The hulling operation did not receive appropriate land use entitlements prior to expansion. As such, a use permit is required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area.

The proposed use is considered a Tier One use, which are those uses closely related to agriculture and are 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.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed operation 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.

The site is enrolled in the Williamson Act under Contract No. 1972-1057. The hulling and shelling of nuts is considered to be a Tier One use, which are uses considered to be closely related to agriculture and are necessary for a healthy agricultural economy. Tier One uses are considered to be consistent with the Williamson Act principles of compatibility. There is no indication this project will interfere or conflict with other agricultural uses in the area.

As discussed within Section I – *Aesthetics*, Stanislaus County General Plan Agricultural Element Policy 2.8 specifies that the subdivision of agricultural land consisting of unirrigated farmland, unirrigated grazing land, or land enrolled under a Williamson Act contract, into parcels of less than 160 acres in size shall be allowed provided a "no-build" restriction on the

construction of any residential development on newly created parcel(s) is observed until one or both of the following criteria is met:

- Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For lands which are not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

Production agriculture is defined as agriculture for the purpose of producing any and all plant and animal commodities for commercial purposes. Proposed Parcel 1 is currently improved with a single-family dwelling. Proposed Parcel 2 is not currently developed with residential uses; however, proposed Parcel 2 is in production agriculture use and entirely planted in almond trees, therefore the no-build restriction would not apply. Under the Zoning Ordinance for the A-2 zoning district, Parcel 1 can be developed with an accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) in addition to the existing single-family dwelling. Parcel 2 may be developed with a maximum of two dwelling units and one JADU. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Any further development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district.

The surrounding area is composed of scattered single-family dwellings, ranchettes and walnut and almond orchards in all directions. The Turlock Irrigation District’s Ceres Main Canal and the Tuolumne River are to the north of the project site. The project was referred to the Tuolumne River Trust; however, no response was received. The request is not expected to perpetuate any significant conversion of farmland to non-agricultural use or impact agricultural operations as the almond hulling operation is existing.

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, policy, or regulation of any agency with jurisdiction over the project. The proposed parcels meet the Subdivision Ordinance’s access and design criteria required for the creation of new parcels. No significant impacts associated with land use and planning are anticipated to occur as a result of the proposed project.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance (Title 21); State of California Government Code; Stanislaus County General Plan and Support Documentation¹.

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

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for industrial and agricultural uses. Additionally, agricultural activity is exempt from the Stanislaus County Noise Control Ordinance (Ord. CS 1070 §2, 2010). No construction is proposed. On-site grading and construction resulting from this project at a later time may result in a temporary increase in the area’s ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The anticipated hours of operation are 24 hours a day from Monday to Saturday during harvest season (August through November), and 7:00AM to 5:00PM, Monday to Saturday during the off season (December through July). The nearest sensitive noise receptors are residences located to the east across Swanson Road and a residence located .13± miles to the west of the hulling facility on John Fox Road.

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

Mitigation: None.

References: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element; Stanislaus County General Plan and Support Documentation¹.

XIV. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes 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 5th cycle Regional Housing Needs Allocation (RHNA) for the county and will therefore not impact the County’s ability to meet their RHNA. If approved, proposed Parcel 1 may have one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU) in addition to the existing single-family dwelling on-site. Proposed Parcel 2 may have a maximum of two dwelling units and a JADU in accordance with the A-2 zoning district. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). No population growth will be induced, nor will any existing housing be displaced as a result of this project.

Any development resulting from this project will be consistent with existing uses in the surrounding area permitted in the A-2 (General Agriculture) zoning district.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance (Title 21); Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The County has adopted Public Facilities Fees (PFF), School as well as Fire Facility Fees on behalf of the appropriate district, to address impacts to public services. Any new dwellings as a result of the proposed subdivision will be required to pay the applicable Public Facility Fees through the building permit process. The Sheriff’s Department also uses a standardized fee for new dwellings that will be incorporated into the Conditions of Approval. No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. All applicable adopted public facility fees will be required 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. Referral responses were received from the Stanislaus County Environmental Review Committee (ERC) and Turlock Irrigation District (TID), which both responded with no comments on the project.

The project is not anticipated to have any significant adverse impact on County services.

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Environmental Review Committee, dated August 11, 2022; Referral response received from Turlock Irrigation District, dated August 5, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: This is a request to expand a legal nonconforming hulling operation, and to subdivide a 58.4-acre parcel into two parcels, 18.3± and 40.1± acres in size in the General Agriculture (A-2-40) zoning district. If approved, proposed Parcel one may have one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU) in addition to the existing single-family dwelling. Proposed Parcel 2 may be developed with up to two dwelling units and one JADU. The second unit may be either a single-family dwelling or an ADU; however, this project is not anticipated to increase demands for recreational facilities.

Mitigation: None.

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

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

Discussion: This is a request to expand a legal nonconforming hulling operation, and to subdivide a 58.4-acre parcel into two parcels, 18.3± and 40.1± acres in size. The huller operates 24 hours a day from Monday to Saturday during harvest season (August through November) in three shifts with 6 employees on a maximum shift and two employees on the minimum shifts. During the off season (December through July), the huller operates Monday to Saturday 7:00AM to 5:00PM with a total of 10 employees on a single shift. The operation currently generates 25 truck trips per day during harvest and 4 trucks per day during the off season. Customer visits average once per week; no increase in the number or frequency of customer visits is anticipated as part of this request. The site has access to County-maintained John Fox Road and Swanson Road; no additional access points are requested as a part of this project.

As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). The State of California – Office of Planning and Research (OPR) has issued guidelines regarding VMT significance under CEQA. According to the technical advisory from OPR, as mentioned in Section VIII – Greenhouse Gas Emissions, projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less-than-significant transportation impact. The total number of truck and vehicle trips will be 83 trips per day during peak times (harvest season) which will consist of the following maximum number of trips per day: 50 truck trips (25 trucks entering and exiting the property), 22 vehicle trips (10 employees and one customer entering and exiting the property) and 11 additional passenger vehicle trips as a result of the proposed subdivision and additional residential units that can be built on-site. The

VMT increase associated with the proposed project is less than significant as the number of additional vehicle trips will not exceed 110 per-day.

John Fox Road and Swanson Road are classified as 60-foot local roads. It is not anticipated that the project would substantially affect the level of service on John Fox Road or Swanson Road. The project was referred to Public Works, and a referral response was received requiring road dedications consisting of the following: that prior to the recording of the final map, the remaining 10-feet north of the centerline of John Fox Road shall be dedicated to the County as an Irrevocable Offer of Dedication (IOD); that 20-feet west of the centerline of Swanson Road be dedicated to the County via a Road Deed, with the remaining 10-feet west of the centerline of Swanson Road to be dedicated as an IOD; and that a right-of-way chord at the intersection of John Fox Road and Swanson Road be dedicated to the County as an IOD. Public Works also requested that an encroachment permit be obtained for any work done in the Stanislaus County Road right-of-way prior to issuance of a building permit and requested standard conditions approval in their referral response related to recording of the map, including surveying and monumenting of the new parcels, removal of any structures not shown on the proposed parcel map, and requiring the recorded map to be prepared by a licensed engineer or surveyor. Public Works' comments will be added to the project as Conditions of Approval.

Mitigation: None.

References: Application information; Referral response from Stanislaus County Department of Public Works, dated September 8, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already improved with multiple buildings. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC), as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. A records search for the project site formulated by the Central California Information Center (CCIC) dated June 7, 2022, indicated that there was a low probability of discovery of prehistoric resources, but there may be discovery of historical resources such as standing buildings 45 years or older, and possibly subsurface historic-era archaeological features, such as domestic refuse and artifact deposits or building foundations, associated with earlier use on the project site; however, no prehistoric or historic archaeological resources have been formerly recorded within the project site; nor prehistoric resources or resources that are known to have value to local cultural groups have been discovered or reported in the immediate vicinity. The CCIC

recommended that a qualified historical resources consultant evaluate and formally record any building to be removed if it is 45 years old or older. The CCIC also recommended review for the possibility of identifying prehistoric or historic-era archaeological resources if ground disturbance is considered a part of the current project. If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. A condition of approval will be applied to the project requiring that if any cultural, historical, or tribal resources are found during future construction activities, that all construction activity be halted until a qualified survey takes place and the appropriate authorities are notified.

Mitigation: None.

References: Application information; Central California Information Center Report for the project site, dated June 7, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: Limitations on providing services have not been identified. The project proposes to utilize an existing private well and on-site stormwater drainage, and existing septic facilities. No additional wells, septic systems or construction is proposed as part of this request; however, any intensity of these utilities will be subject to any regulatory requirements during the building permitting phase should a permit be applied for at a later date. 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, for any building permit that will create a larger or smaller building footprint. Likewise, any addition or expansion of a septic tank or alternative wastewater disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process. 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.

There are no additional wells proposed as part of this request. If in the future the facility results in the formation of a new Public Water System, then the project site will be subject to all applicable rules, regulations and standards as discussed above in Section X – *Hydrology and Water Quality* of this document.

The Central Valley Regional Water Quality Control Board (CVRWQCB) 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 receives irrigation water from the Turlock Irrigation District (TID). The project was referred to TID which responded with no comments. The project was also referred to PG&E, and no comments have been received to date.

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

Mitigation: None.

References: Application information; Referral response received from Stanislaus County Department of Public Works, dated September 8, 2022; Referral response received from Stanislaus County Department of Environmental Resources, dated October 26, 2022; Referral response received from Central Valley Regional Water Quality Control Board, dated August 11, 2022; Referral response received from Turlock Irrigation District, dated August 5, 2022; Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. The 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. The terrain of the site is relatively flat, and the site has access to a County maintained road. The resulting parcels will continue to have access to County-maintained roads. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Hughson Fire Protection District. The project was referred to the District, and no comments have been received to date.

California Building and Fire Code establishes minimum standards for the protection of life and property by increasing the ability of a building to resist intrusion of flame and burning embers. No construction is proposed; however, a use permit and building permits are required to permit the previous expansions of the hulling operation, which included expansion of the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. If approved, proposed Parcel 1 may have one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU) in addition to the existing single-family dwelling on-site. Proposed Parcel 2 may have a maximum of two dwelling units and a JADU in accordance with the A-2 zoning district. The second dwelling unit may be either a single-family dwelling or an accessory dwelling unit (ADU). Should future construction occur, building permits are

reviewed by the County’s Building Permits Division and Fire Prevention Bureau to ensure all State of California Building and Fire Code requirements are met prior to construction.

Wildfire risk and risks associated with postfire land changes are considered to be less-than significant.

Mitigation: None.

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

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

Discussion: The 58.4± acre project site is designated Agriculture by the Stanislaus County General Plan land use diagrams and zoned General Agriculture (A-2-40). The project site is also enrolled under the Williamson Act (Contract No. 1972-1057). This request is for a Use Permit to permit previous expansions of the legal nonconforming huller operation, which includes expansion to the huller building, conversion of a dwelling to an office, and the use of a portion of the parcel (along the John Fox Road frontage) for a truck staging area. The proposed site expansion of the huller operation is agricultural in nature and serves the agricultural community.

The project also proposes to subdivide the 58.4± acre project site into two parcels, 18.3± and 40.1± acres in size. Proposed Parcel 1 will be 18.3± acres in size, which is below the 40-acre minimum parcel size of the A-2-40 zoning district; however, it will be created in accordance with Section 21.20.060 (D) of the A-2 zoning code which permits a subdivision of land to a smaller parcel size than required by the zoning district if the proposed parcel is developed with a nonresidential legal nonconforming use (grandfathered use). In this case, the existing nonconforming huller operation will be on proposed Parcel 1. The proposed subdivision complies with the minimum parcel size requirement of 10-acres under the County’s Uniform Rules for Williamson Act Contracts and meets the Subdivision Ordinance’s access and design criteria required for the creation of new parcels. If approved, both parcels will maintain consistency with the density and intensity allowed with the “Agricultural” designation of the General Plan as well as the uses permitted in the A-2 (General Agricultural) zoning district.

The surrounding area consists of scattered single-family dwellings, ranchettes and almond and walnut orchards in all directions. The Turlock Irrigation District’s Ceres Main Canal is .14 miles to the north, and the Tuolumne River is .54 miles to the north of the project site. Any further development of the surrounding area would be subject to the permitted uses of the A-2 Zoning District or would require additional land use entitlements and environmental review; a General Plan Amendment and/or Rezone is required for any non-agricultural related development; residential proposals would be subject to Measure E.

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 Documentation¹.

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



NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit and Parcel Map Application No. PLN2022-0064 – Cunningham Ranch

LOCATION OF PROJECT: 11131 and 11137 John Fox Road, between Swanson and Sperry Roads, in the Hughson/Waterford area (APN: 019-007-004).

PROJECT DEVELOPERS: Cunningham Ranch, Inc. (Richard Cunningham, President).

DESCRIPTION OF PROJECT: Request to expand a legal nonconforming almond hulling operation and to subdivide a 58.4-acre parcel into two parcels of 18.3± and 40.1± acres in size in the General Agriculture (A-2-40) zoning district.

Based upon the Initial Study, dated **November 23, 2022**, 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: Emily Basnight, 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 & PM APP. NO. PLN2022-0064 – CUNNINGHAM RANCH

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 CONSERVATION Land Resources	X	X	X	X				X		X		X
CA DEPT OF FISH & WILDLIFE	X	X	X		X							
CA DEPT OF TRANSPORTATION DIST 10	X	X	X		X							
CA OPR STATE CLEARINGHOUSE	X	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X				X		X	X	
CENTRAL VALLEY FLOOD PROTECTION COOPERATIVE EXTENSION	X	X	X		X							
DER - GROUNDWATER RESOURCES DIVISION	X	X	X		X							
FIRE PROTECTION DIST: HUGHSON	X	X	X		X							
GSA: WEST TURLOCK SUBBASIN	X	X	X		X							
IRRIGATION DIST: TURLOCK IRRIGATION DISTRICT	X	X	X	X				X		X		X
MOSQUITO DIST: TURLOCK	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X				X		X	X	
SCHOOL DIST 1: HUGHSON UNIFIED	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
TUOLUMNE RIVER TRUST	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X	X		X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X				X		X	X	
STAN CO ERC	X	X	X	X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X	X	X		X				X	X	
STAN CO PARKS & RECREATION	X	X	X		X							
STAN CO PUBLIC WORKS	X	X	X	X				X		X	X	
STAN CO SHERIFF	X	X	X		X							
STAN CO SUPERVISOR DIST TWO: CHIESA	X	X	X		X							
STAN COUNTY COUNSEL	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X		X							
STATE OF CA SWRCB - DIV OF DRINKING WATER DIST.10	X	X	X		X							
SURROUNDING LAND OWNERS	X	X	X		X							
INTERESTED PARTIES		X	X		X							
TELEPHONE COMPANY: AT&T	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							