



Referral Early Consultation

Date: October 25, 2023
To: Distribution List (See Attachment A)
From: Teresa McDonald, Associate Planner
 Planning and Community Development
Subject: REZONE APPLICATION NO. PLN2023-0065 – CALOY COMPANY, LP
Respond By: November 09, 2023

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

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

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

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

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

Applicant: Caloy Company, LP
Project Location: 5425 Montpelier Road, between E Keyes Road and E Monte Vista Avenue, in the Denair area.
APN: 019-041-027 and 019-024-050 (portion)
Williamson Act Contract: N/A
General Plan: Agriculture
Current Zoning: General Agriculture (A-2-10) and Planned Development (P-D) (312)

Project Description: Request to rezone a 5.65± acre parcel from Planned Development (P-D) (312) to a new P-D, and an 8.99± acre portion of a 266.53± acre parcel from General Agriculture (A-2-40) to P-D, to allow for future expansion of an existing nut oil and cattle feed processing facility. A lot line adjustment between the 266.53± acre and 5.65± acre parcel is included in the request to allow the existing facility and proposed expansion to be contained on one resulting 14.64± acre parcel.

The existing facility is improved with the following: a 23,267± square-foot processing building; 16,400 square-foot cooking building; 4,000 square-foot shed; 2,700 square-foot office; grain silos and other accessory equipment; parking lot with 20 spaces and lighting consisting of five 21-foot-tall light poles near the eastern property line; fencing consisting of a six-foot-tall chain link fence

has been developed along the northern, western, and southern property lines, and a five foot 10 inch tall concrete and wrought iron decorative fence runs along the eastern property line; stormwater drainage basin; and landscaping along the road frontage. Existing signage consists of two four feet by eight feet freestanding signs on posts, one at each existing entrance point. The existing facility is served by private well and septic system and has access to Montpelier Road via two driveways. The existing facility operates 24 hours a day, seven days a week, with a total of 25 employees (15 employees on a maximum shift), and up to two visitors per-day. There are an average of 10 daily truck trips consisting of either the delivery of nuts or picking up finished product. Truck traffic is limited to the hours of Monday through Friday from 7:00 am to 5:00 pm.

The proposed expansion consists of the construction of two 50,000± square-foot warehouses and a 12,000± square-foot office to be utilized as a bottling facility for food products and refrigerated storage facility for agricultural goods (nuts and nut oils). The proposed expansion is expected to increase the total number of employees from 25 to 35, with 20 employees on a maximum shift. Daily visitor trips are not expected to increase. Daily truck trips are expected to increase from 10 to 20 per-day. The expansion also includes an additional 105 parking spaces, 16 22-foot-tall light poles, and chain link fencing, six to seven feet in height, around the perimeter of the site. Storm drainage swale and landscaping strips at least 40 feet wide are proposed along the road frontage and northern property line, and a six-foot-wide landscape strip is proposed adjacent to the western property line. Landscaping will consist of drought-resistant shrubs, trees and ground cover. Propose signage includes two new four-foot by eight-foot signs on the eastern wall of the proposed buildings. The expansion will be served by either the existing well or a new well, and a new on-site septic system. One new driveway on Montpelier Road and two new driveways fronting an existing access easement adjacent to the northern property line are proposed. Due to surrounding parcels zoned General Agriculture (A-2-40), the applicant has requested a reduced buffer of 136 feet on the north side of the project site be considered. The applicant expects construction to begin by June 1, 2025.

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



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

REZONE APPLICATION NO. PLN2023-0065 – CALOY COMPANY, LP

Attachment A

Distribution List

X	CA DEPT OF CONSERVATION Land Resources		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION		STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION	X	STAN CO PUBLIC WORKS SURVEY DIVISION
	COUNTY OF:	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 2: CHIESA
X	FIRE PROTECTION DIST: DENAIR	X	STAN COUNTY COUNSEL
X	GSA: EAST TURLOCK SUBBASIN	X	StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: EASTSIDE	X	STANISLAUS LAFCO
X	MOSQUITO DIST: TURLOCK	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES		SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:		INTERESTED PARTIES
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
	RAILROAD:		US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD	X	US FISH & WILDLIFE
X	SCHOOL DIST 1: DENAIR UNIFIED		US MILITARY (SB 1462) (7 agencies)
	SCHOOL DIST 2:	X	USDA NRCS
	WORKFORCE DEVELOPMENT	X	CA DEPT OF FOOD AND AGRICULTURE
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

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

FROM: _____

SUBJECT: REZONE APPLICATION NO. PLN2023-0065 – CALOY COMPANY, LP

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

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

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

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

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

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

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

Response prepared by:






Name Title Date

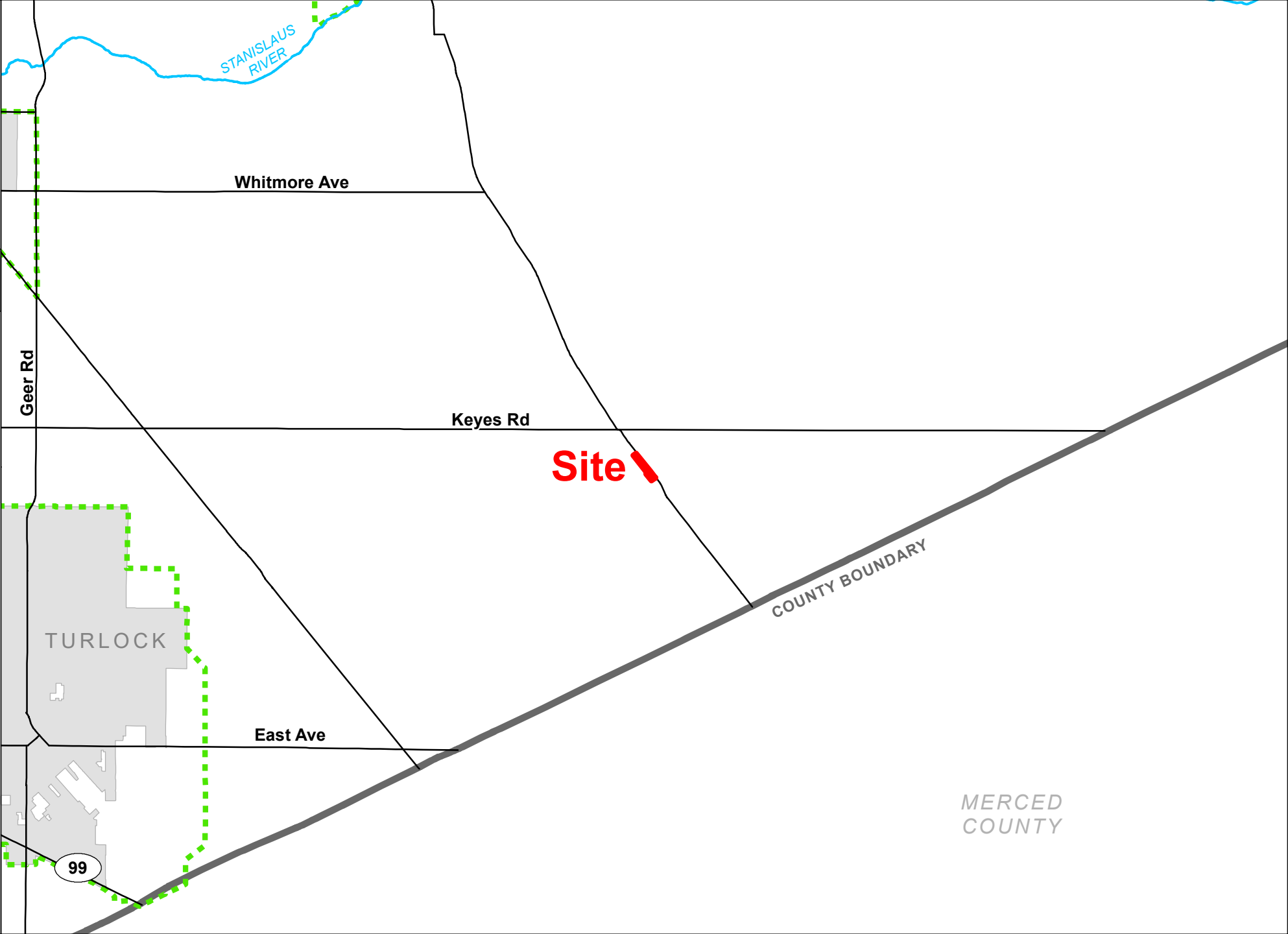
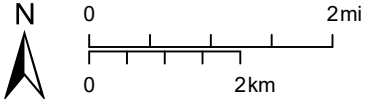
CALOY COMPANY LP

REZ PLN2023-0065

AREA MAP

LEGEND

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





CALOY COMPANY LP

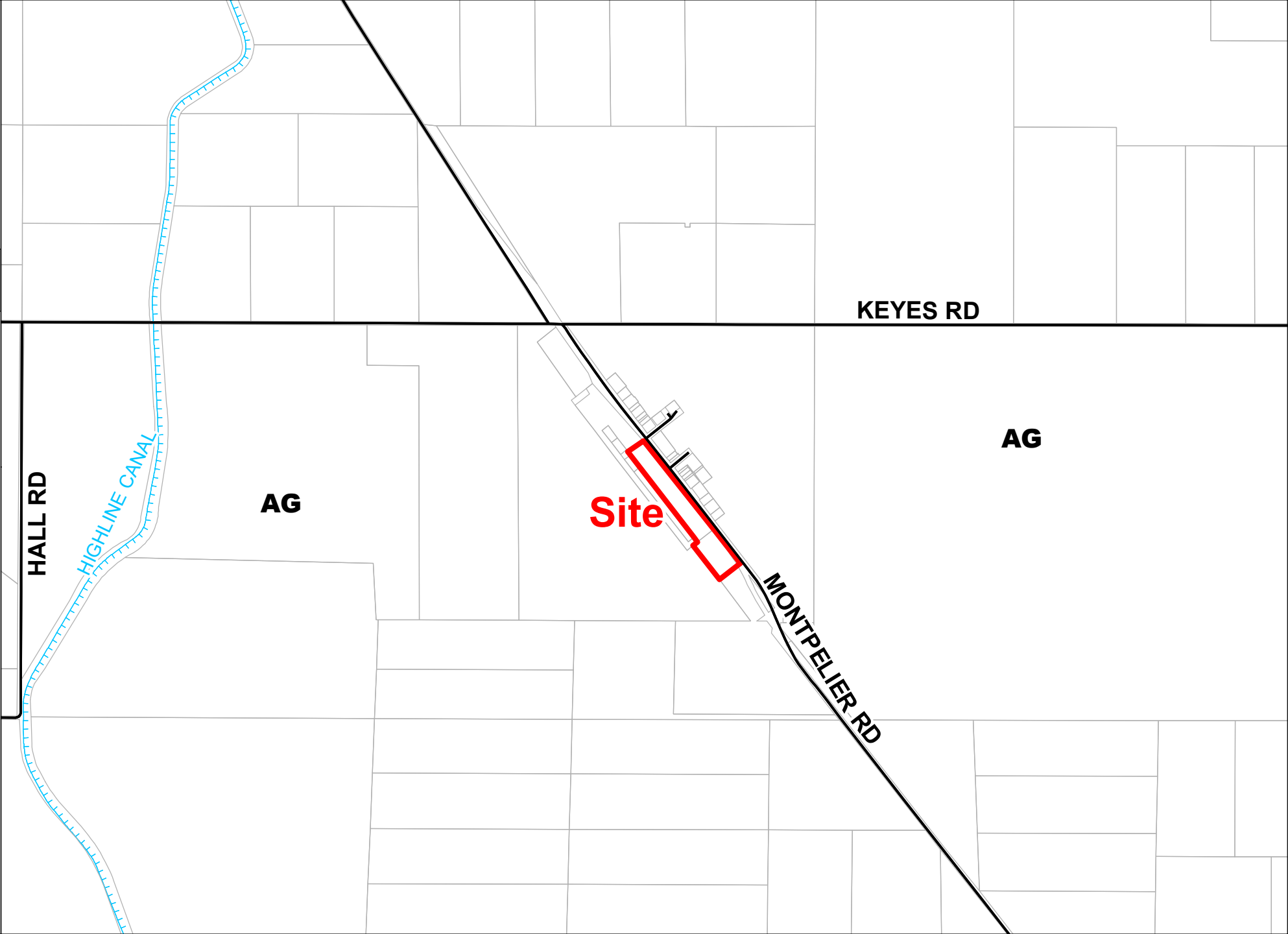
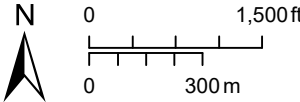
REZ PLN2023-0065

GENERAL PLAN MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal

- General Plan**
-  Agriculture









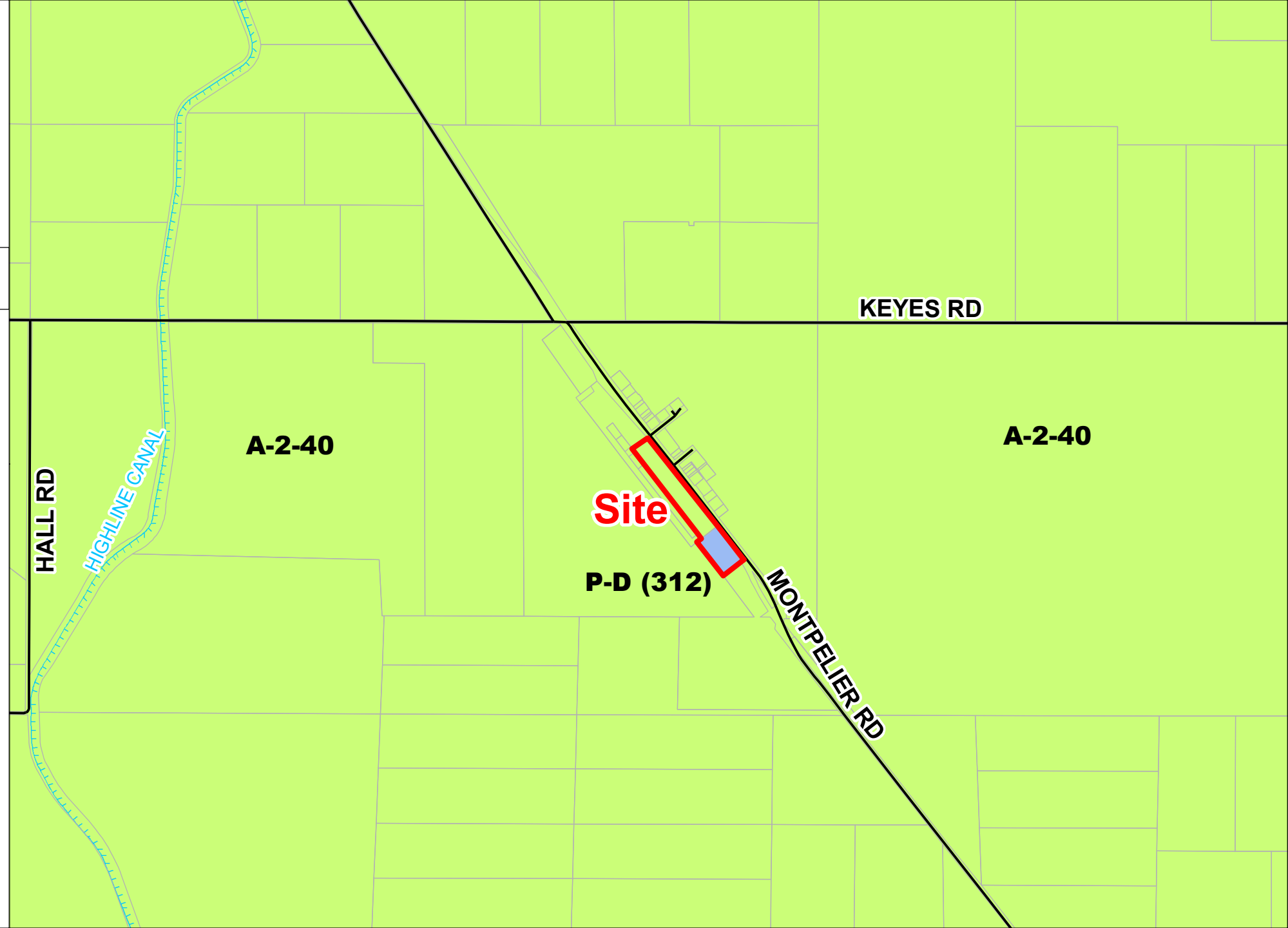
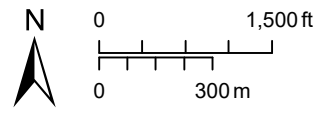
CALOY COMPANY LP

REZ PLN2023-0065

ZONING MAP

LEGEND

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





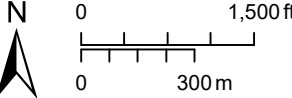
CALOY COMPANY LP

REZ PLN2023-0065

2023 AERIAL AREA MAP

LEGEND

-  Project Site
-  Canal
-  Road



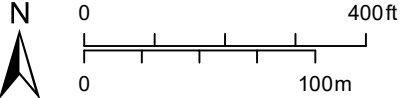
CALOY COMPANY LP

REZ PLN2023-0065

2023 AERIAL SITE MAP

LEGEND

-  Project Site
-  Road







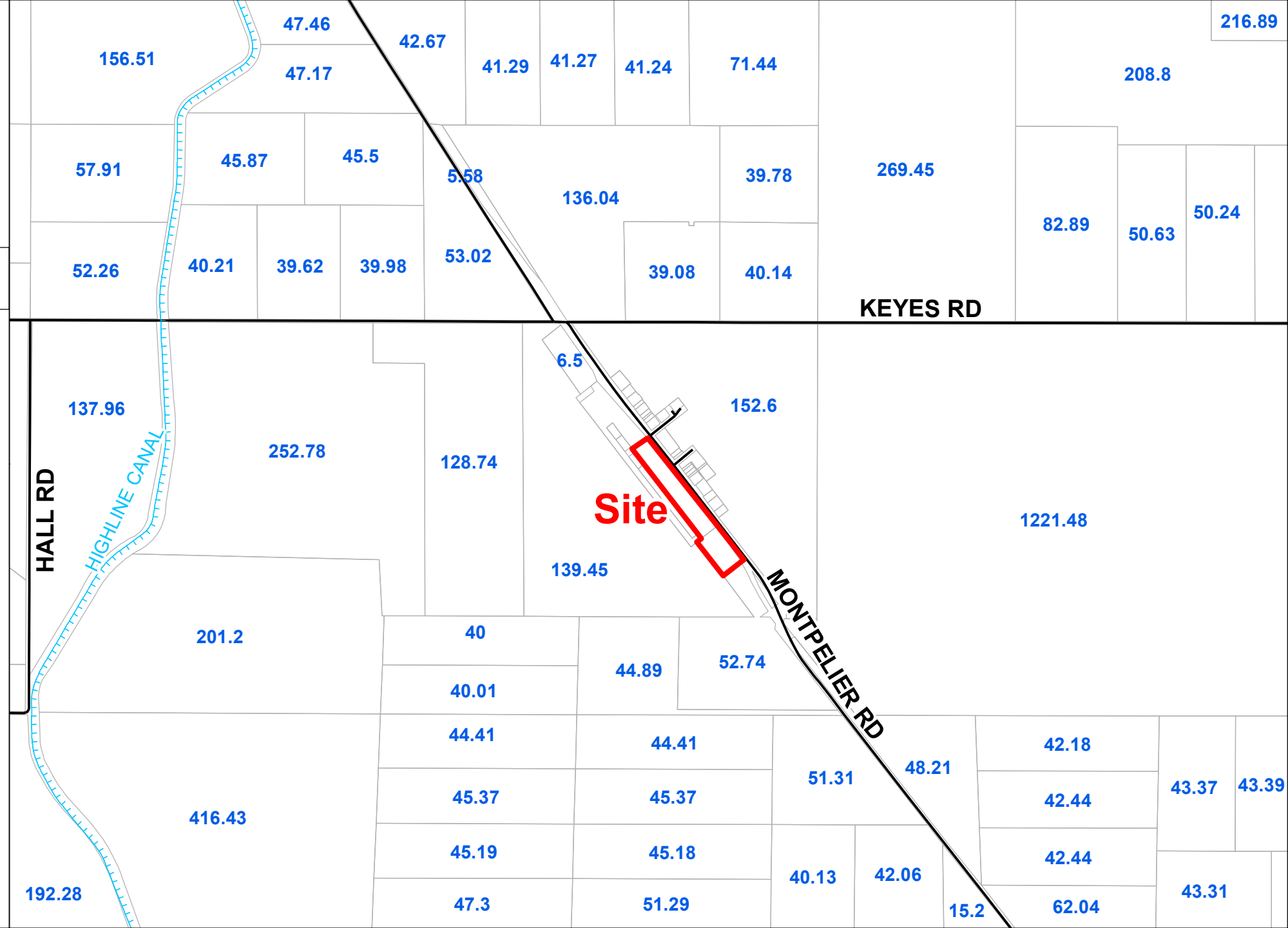
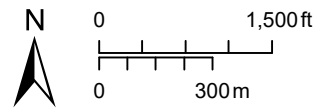
CALOY COMPANY LP

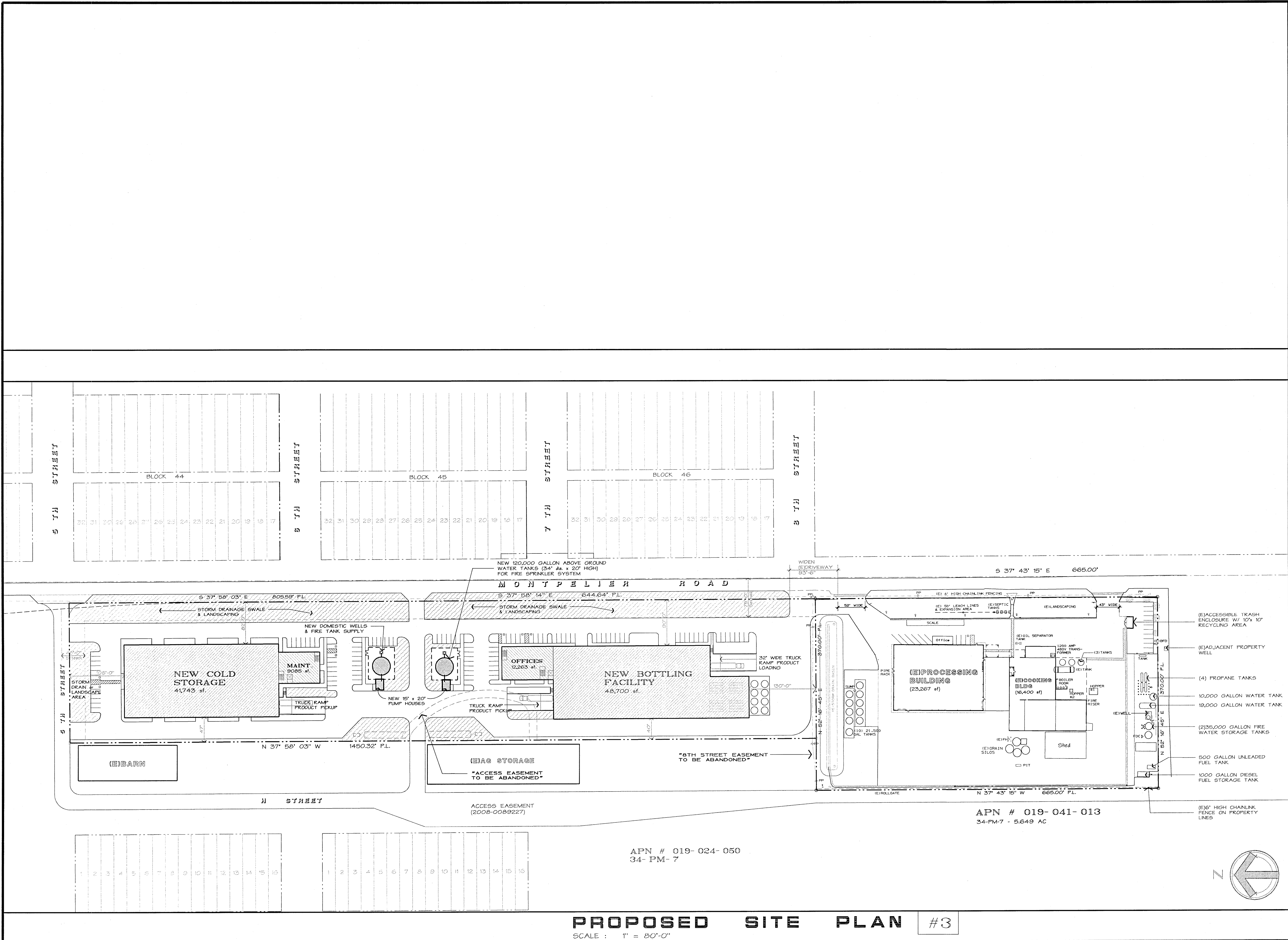
REZ PLN2023-0065

ACREAGE MAP

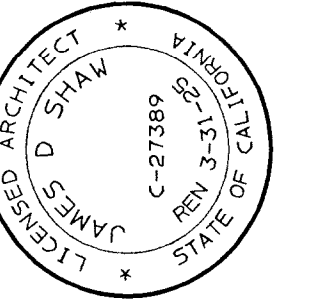
LEGEND

-  Project Site
-  Parcel/Acres
-  Road
-  Canal





REVISIONS

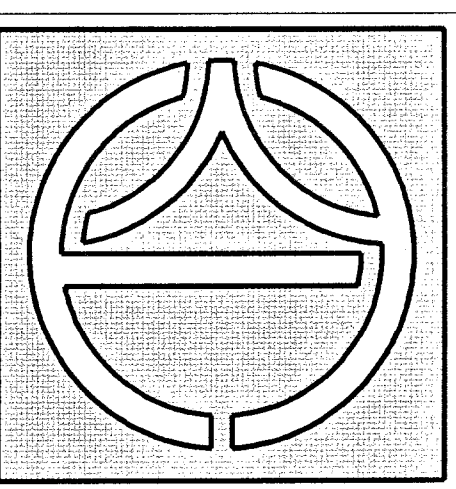


PROJECT NAME: **FACILITY EXPANSION FOR :**
CALOY NATURAL OILS
 5425 N. MONTEPELIER ROAD
 DENAIR, CA 95316

SHEET TITLE: **PROPOSED SITE PLAN #3**

DATE: 7/18/23
 DRAWN BY: JDS
 JOB NUMBER: 2303

SIGNATURE: _____
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YOSHINO-SHAW & ASSOCIATES

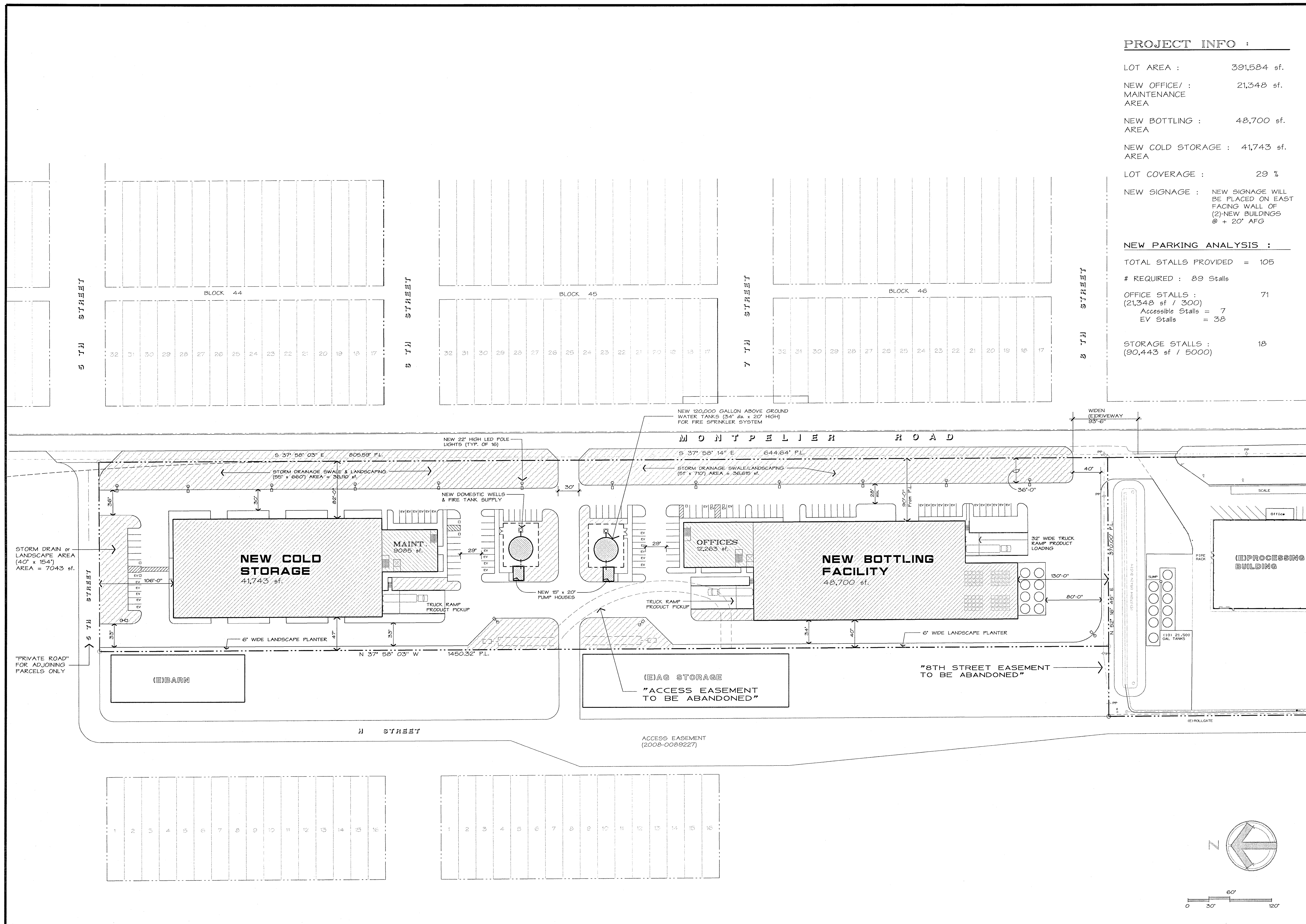
— Jim Shaw —
ARCHITECT

1016 N. GOLDEN STATE BLVD
 TURLOCK, CA 95380

Phone (209) 667-2603
 Fax # (209) 667-2604
 Email: jshaw@fire2wire.com

SHEET NO.
A-1.3

PROPOSED SITE PLAN #3
 SCALE: 1" = 80'-0"



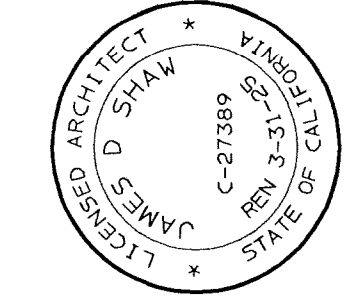
PROJECT INFO :

LOT AREA : 391,584 sf.
 NEW OFFICE/ MAINTENANCE AREA : 21,348 sf.
 NEW BOTTLING AREA : 48,700 sf.
 NEW COLD STORAGE AREA : 41,743 sf.
 LOT COVERAGE : 29 %
 NEW SIGNAGE : NEW SIGNAGE WILL BE PLACED ON EAST FACING WALL OF (2)-NEW BUILDINGS @ + 20' AFG

NEW PARKING ANALYSIS :

TOTAL STALLS PROVIDED = 105
 # REQUIRED : 89 Stalls
 OFFICE STALLS : 71 (21,348 sf / 300)
 Accessible Stalls = 7
 EV Stalls = 38
 STORAGE STALLS : 18 (90,443 sf / 5000)

REVISIONS
9/7/23



SIGNATURE
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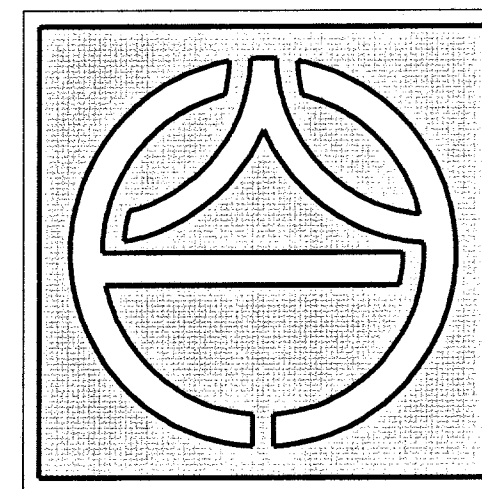
DRAWN BY: JDS
 JOB NUMBER: 2303

DATE: 9/7/23

SHEET TITLE: ENLARGED SITE PLAN #3

PROJECT NAME: FACILITY EXPANSION FOR :

CALOY NATURAL OILS
 5425 N. MONTEPELIER ROAD
 DENAIR, CA 95316



YOSHINO-SHAW & ASSOCIATES
 - Jim Shaw -
 ARCHITECT

1016 N. GOLDEN STATE BLVD
 TURLOCK, CA 95380
 Phone (209) 667-2603
 Fax # (209) 667-2604
 Email : jshaw@fire2wire.com

SHEET NO.
A-2.0

ENLARGED SITE PLAN
 SCALE : 1" = 60'-0"



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 1010 10TH Street, Suite 3400, Modesto, CA 95354
 Planning Phone: (209) 525-6330 Fax: (209) 525-5911
 Building Phone: (209) 525-6557 Fax: (209) 525-7759
 Form Available Online: <http://www.stancounty.com/planning/applications.shtm>

APPLICATION QUESTIONNAIRE

<p><u>Please Check all applicable boxes</u> APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> General Plan Amendment <input checked="" type="checkbox"/> Rezone <u>Ag P-D</u> <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____ </td> </tr> </table>	<input type="checkbox"/> General Plan Amendment <input checked="" type="checkbox"/> Rezone <u>Ag P-D</u> <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY: Application No(s): <u>RE2PIN2023-0065</u> Date: <u>6/26/2023</u> S <u>36</u> T <u>4</u> R <u>11</u> GP Designation: <u>AG</u> Zoning: <u>A-2-40</u> Fee: <u>\$11,985</u> Receipt No. <u>522610</u> Received By: <u>KCD</u> Notes: <u>AG PD exp. P-D(312)</u></p>
<input type="checkbox"/> General Plan Amendment <input checked="" type="checkbox"/> Rezone <u>Ag P-D</u> <input type="checkbox"/> Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Subdivision Map <input type="checkbox"/> Parcel Map <input type="checkbox"/> Exception <input type="checkbox"/> Williamson Act Cancellation <input type="checkbox"/> Other _____		

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

See attached Project Description

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 019 Page 024 Parcel 050

Additional parcel numbers: This adjustment is for a portion of APN: 019-024-050 (approximately 8.99 acres) that
Project Site Address will be added to the existing Caloy site (APN: 019-041-027)
or Physical Location: _____

Property Area: Acres: 8.99 or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Almond orchard

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

None known

Existing General Plan & Zoning: Agriculture / A-2-40

Proposed General Plan & Zoning: Agriculture / PD
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Agriculture and Ranchettes

West: Agriculture

North: Agriculture

South: Existing Caloy Company (PD) and Agriculture

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?
Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Contract?

Yes No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat

Rolling

Steep

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: _____

Yes No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) General grading for development

of project

STREAMS, LAKES, & PONDS:

Yes No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

Yes No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes No Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes No Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes No Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes No Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 0 Sq. Ft. Landscaped Area: ≈90,000 Sq. Ft.

Proposed Building Coverage: ≈120,000 Sq. Ft. Paved Surface Area: ≈180,000 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____

See attached site plan _____

Number of floors for each building: 1 _____

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

Approximately 30 to 35 feet _____

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) _____

Up to 35 feet _____

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) _____

Pavement _____

UTILITIES AND IRRIGATION FACILITIES:

Yes No Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (if yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: TID

Sewer*: Septic

Telephone: AT&T

Gas/Propane: Propane

Water**: Private Well

Irrigation: _____

***Please Note:** A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

****Please Note:** A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

Waste associated with nut oil processing is collected and transported off-site.

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes No Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes No Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes No Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes No Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): Approximately 12,000 sf office and two (2) new approximately 50,000 sf buildings.

Type of use(s): Office, cold storage, bottling (see attached site plan)

Days and hours of operation: 24 hours / 7 days

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: N/A

Occupancy/capacity of building: _____

Number of employees: (Maximum Shift): 10 (Minimum Shift): 5

Estimated number of daily customers/visitors on site at peak time: 5 - 10

Other occupants: N/A

Estimated number of truck deliveries/loadings per day: 5 - 10

Estimated hours of truck deliveries/loadings per day: 7am to 5pm

Estimated percentage of traffic to be generated by trucks: 1/3 to 1/2

Estimated number of railroad deliveries/loadings per day: 0

Square footage of:

Office area: 12,000 Warehouse area: _____

Sales area: _____ Storage area: 50,000

Loading area: _____ Manufacturing area: 50,000

Other: (explain type of area) _____

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Montpelier Road

Yes No Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes No Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes No Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) Drainage Basin Direct Discharge Overland

Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Erosion control will comply with SWPPP to be prepared for the project.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology – California State University, Stanislaus

One University Circle, Turlock, California 95382

(209) 667-3307



Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 7/12/2023

Records Search File #: 12600N

**Project: Rezone 5425 N. Montpelier Rd.,
Montpelier, APN 019-024-050**

David. O. Romano
1034 12th Street
Modesto, CA 95354
209-521-9521

dave@newman-romano.com

Dear Mr. Romano:

We have conducted a non-confidential extended records search as per your request for the above-referenced project area located on the Montpelier USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the following:

National Register of Historic Places (NRHP)
California Register of Historical Resources (CRHR)
California Inventory of Historic Resources (1976)
California Historical Landmarks
California Points of Historical Interest listing
Office of Historic Preservation Built Environment Resource Directory (BERD) and the
Archaeological Resources Directory (ARD)
Survey of Surveys (1989)
Caltrans State and Local Bridges Inventory
General Land Office Plats
Other pertinent historic data available at the CCaIC for each specific county

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- The General Land Office survey plat for T4S R11E (dated 1854) does not show any historic features within Section 36.
- The Official Map of the County of Stanislaus, California (1906) shows the street layout

of Montpelier and the Southern Pacific Railroad alignment. The 1953 edition of the Montpelier USGS quadrangle shows the same historic features.

Prehistoric or historic resources within the immediate vicinity of the project area: None other than the Southern Pacific Railroad, portions of which have been recorded elsewhere in Stanislaus County as P-50-000001.

Resources that are known to have value to local cultural groups: None has been formally reported to the Information Center.

Previous investigations within the project area: None has been formally reported to the Information Center.

Recommendations/Comments:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.

If the proposed project contains buildings or structures that meet the minimum age requirement (45 years in age or older) it is recommended that the resource/s be assessed by a professional familiar with architecture and history of the county. Review of the available historic building/structure data has included only those sources listed above and should not be considered comprehensive.

If at any time you might require the services of a qualified professional the Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

If archaeological resources are encountered during project-related activities, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources.

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 5097.98 authorizes the NAHC to appoint a Most Likely Descendant (MLD) who will make recommendations for the treatment of the discovery.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Thank you for sending the signed **Access Agreement Short Form**.

Note: Billing will be transmitted separately via email from the Financial Services office (\$150.00), payable within 60 days of receipt of the invoice.

If you wish to include payment by Credit Card, you must wait to receive the official invoice from Financial Services so that you can reference the CMP # (Invoice Number), and then contact the link below:

<https://commerce.cashnet.com/ANTHROPOLOGY>

Sincerely,

E. A. Greathouse

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

* Invoice Request sent to: ARBilling@csustan.edu, CSU Stanislaus Financial Services

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE July 24, 2007

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider Rezone Application #2006-13, Caloy Company Oil and Feed, a Request to Rezone a 5.65 Acre Parcel from A-2-40 (General Agriculture) to Planned Development to Allow an Existing 15,570 Square Foot Warehouse/office Building to Be Used as a Processing Facility to Extract Oil and Process Cattle Feed from Walnuts and Almonds (Continued on Page 2)

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of June 21, 2007, the Planning Commission, on a 9-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

(Continued on Page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-592

On motion of Supervisor Mayfield, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, DeMartini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: INTRODUCED, ADOPTED, AND WAIVED THE READING OF ORDINANCE C.S. 1001 FOR REZONE APPLICATION NO. 2006-13

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-C-5

SUBJECT: (Continued)

The Site Includes the Existing Building, Silos, Loading Area, and Truck Scales. Additions to the Site Will Be Employee Parking, Security Fencing and Gates, a New Septic System, and Landscaping. The Business Will Be a 24-hour Operation with 7 Employees on Maximum Shifts. The Project Is Located at 5425 Montpelier Road, in Montpelier, West of Denair. APN: 019-041-027

PLANNING COMMISSION RECOMMENDATION: (Continued)

1. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
2. Find That:
 - A. The project is consistent with the overall goals and policies of the County General Plan; and
 - B. The proposed Planned Development zoning is consistent with the Agricultural General Plan description.
3. Approve Rezone Application #2006-13 - Caloy Company Oil and Feed, subject to the attached Development Standards and Development Schedule.

DISCUSSION:

This is a request to rezone a 5.65 acre parcel from A-2-40 (General Agriculture) to allow the use of an existing 15,750 square foot building as a processing facility to exact oil and process cattle feed from walnuts and almond meats, blended with rice hulls. The General Plan designation for this site and the surrounding area is "Agriculture." Previously, the site and building was used as an almond storage facility. The site includes an existing warehouse/office building, silos, a vehicle loading area, and truck scales. Proposed additions to the site will be an employee parking lot, security fencing including gates, a new septic system, and landscaping. The parking lot and the area surrounding the building will be paved. The business will be a 24 hour operation with seven (7) employees on a maximum shift. The estimated number of daily customers / visitors on site is 4, with 6 truck deliveries per day. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal. Please refer to the attached Planning Commission report for details.

Caloy Company has operated at its current location in Riverbank since 1998. The primary product that is produced is almond and walnut oil. The by-product or waste from producing the oils is a cattle feed "cake" that consists of the almond/walnut meat blended with rice hulls. The actual process of extracting the oil from the nuts is achieved by a mechanical process that presses the nuts to expel the oils. The unrefined oil is then stored in tanks until it is transported off-site. The majority of the oil which Caloy produces is shipped to Europe for use in the cosmetic and pharmaceutical industry. The cattle feed "cake" is sold to feed companies or local consumers that will transport the product from the Caloy facility. Any further processing of the feed "cake," if necessary, will not be completed at the proposed Caloy facility or by the Caloy Company.

Caloy Company has indicated the business will have 7 employees on a maximum shift. Hours of operation during peak operation will be Monday through Sunday, 24 hours a day. Caloy estimates the number of daily customers or visitors to be four (4). The maximum number of truck delivery trips is estimated to be six (6) per day.

On June 21, 2007, the Planning Commission considered this application at a properly advertised public hearing. No one spoke in opposition to the project. The applicant's representative spoke in favor of the project.

Following the closing of the hearing, the Commission discussed the project indicating positions in favor of the project. The Commission unanimously voted 9-0 (Souza/Assali) to recommend the Board of Supervisor's approve this request. A detailed discussion of the request and the reasons behind staff's recommendation for approval can be found in the attached Planning Commission Staff Report.

POLICY ISSUES:

None.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Planning Commission Staff Report, June 21, 2007
2. Planning Commission Minutes, June 21, 2007

STANISLAUS COUNTY PLANNING COMMISSION

June 21, 2007

STAFF REPORT

REZONE APPLICATION NO. 2006-13 CALOY COMPANY OIL AND FEED

REQUEST: TO REZONE A 5.65 ACRE PARCEL FROM A-2-40 (GENERAL AGRICULTURE) TO PLANNED DEVELOPMENT TO ALLOW AN EXISTING 15,750 SQUARE FOOT WAREHOUSE / OFFICE BUILDING TO BE USED AS A PROCESSING FACILITY TO EXTRACT OIL AND PROCESS CATTLE FEED FROM WALNUTS AND ALMOND MEATS. THE SITE INCLUDES THE EXISTING BUILDING, SILOS, A LOADING AREA, AND TRUCK SCALES. ADDITIONS TO THE SITE WILL BE THE EMPLOYEE PARKING AREA, SECURITY FENCING, A NEW SEPTIC SYSTEM, AND LANDSCAPING. THE BUSINESS WILL OPERATE 24 HOURS A DAY WITH 7 EMPLOYEES PER SHIFT. THE PROJECT SITE IS LOCATED AT 5425 MONTPELIER ROAD, IN MONTPELIER, WEST OF DENAIR.

APPLICATION INFORMATION

Applicant:	Joseph S. Collins, Caloy Company Oil & Feed
Location:	5425 Montpelier Road, in Montpelier, west of Denair
Section, Township, Range:	36-4-11
Supervisory District:	Two (Supervisor Mayfield)
Assessor's Parcel:	019-041-027
Referrals:	See Exhibit "H" Environmental Review Referrals
Area of Parcels:	5.65 acres
Water Supply:	Private well
Sewage Disposal:	Septic
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Community Plan Designation:	Not applicable
Williamson Act:	Not applicable
Environmental Review:	Negative Declaration
Present Land Use:	Warehouse building, silos, truck scales
Surrounding Land Use:	Almond and walnut orchards and a vineyard, an almond huller and processor plant to the south, and small ranchettes along Montpelier Road

PROJECT DESCRIPTION

This is a request to rezone a 5.65 acre parcel from A-2-40 (General Agriculture) to allow the use of an existing 15,750 square foot building as a processing facility to exact oil and process cattle feed from walnuts and almond meats, blended with rice hulls. Previously, the site and building was

used as an almond storage facility. The site includes an existing warehouse/office building, silos, a vehicle loading area, and truck scales. Proposed additions to the site will be an employee parking lot, security fencing including gates, a new septic system, and landscaping. The parking lot and the area surrounding the building will be paved. The business will be a 24 hour operation with seven (7) employees on a maximum shift. The estimated number of daily customers / visitors on site is 4, with 6 truck deliveries per day. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal.

SITE DESCRIPTION

The project site is located at 5425 Montpelier Road and is mostly unimproved and flat with the exception of a 15,750 square foot building and silos. The site and building were previously used for the storage of almonds in conjunction with an almond processing facility.

The surrounding area consists of agricultural uses, primarily orchards and a vineyard. There are also several warehouses and other ag-type buildings, most of which are used in connection with the large scale farming operations which surround the old undeveloped town-site of Montpelier. A few single-family homes are found along Montpelier Road, approximately 660 feet from the project site.

DISCUSSION

Caloy Company has operated at its current location in Riverbank since 1998. The primary product that is produced is almond and walnut oil. The by-product or waste from producing the oils is a cattle feed "cake" that consists of the almond/walnut meat blended with rice hulls. The actual process of extracting the oil from the nuts is achieved by a mechanical process that presses the nuts to expel the oils. The unrefined oil is then stored in tanks until it is transported off-site. The majority of the oil which Caloy produces is shipped to Europe for use in the cosmetic and pharmaceutical industry. The cattle feed "cake" is sold to feed companies or local consumers that will transport the product from the Caloy facility. Any further processing of the feed "cake," if necessary, will not be completed at the proposed Caloy facility or by the Caloy Company.

The site includes an existing warehouse/office building, silos, a vehicle loading area, and truck scales. Proposed additions to the site will be an employee parking lot, security fencing including gates, a new septic system, and landscaping. The parking lot and the area surrounding the building will be paved. The business will be a 24 hour operation with seven (7) employees on a maximum shift. The estimated number of daily customers / visitors on site is 4, with 6 truck deliveries per day. The project will be served by a private well for water and on-site septic facilities will provide for sewage disposal.

The application indicates that the business will have 7 employees on a maximum shift. Hours of operation during peak operation will be Monday through Sunday, 24 hours a day. Caloy estimates the number of daily customers or visitors to be four (4). The maximum number of truck delivery trips is estimated to be six (6) per day.

The existing warehouse building is oriented towards Montpelier Road and is situated in what could be considered as the "middle" of the property. Access to the project will be off of Montpelier Road, utilizing a driveway on the north side of the site. A secondary emergency access has been proposed off of Montpelier Road, towards the southeast corner of the property in order to meet emergency access requirements. This emergency gate will be locked and will only be used in an emergency situation.

The applicant has also submitted elevations (see Exhibit "B") for the project that reflect the existing warehouse building that will be utilized. The applicant will make minor modifications to the building's interior space and will not alter the any portions of the exterior. The majority of the interior modifications will include the installation of the pressing equipment (for oil extraction) and the necessary electrical infrastructure to support these machines.

Parking:

The existing County parking standards require manufacturing or assembly plants and wholesale warehouses provide one (1) parking space for each employee on a maximum shift plus three (3) additional spaces. Based on the above requirement, the site plan identifies eleven (11) general parking spaces, which would be the minimum number of required parking spaces given the maximum number of employees per shift is estimated to be seven (7). Additional parking spaces could be provided since the project site does have portions that will remain unused.

Signs:

A specific sign program has been included as part of this project (see Exhibit "E"). The applicant is proposing a single wall mounted sign that will display the company name, Caloy, in red letters and will be back-lit using solar power. This single sign is proposed to be 4' x 12' or 48 square feet in size and will be located on the warehouse building along Montpelier Road. Staff understands that the signage is conceptual at this time and has concerns the applicant could determine during the operational phase that the site may need additional smaller "accessary" signs (directional, monument, etc.). This has occurred with past projects, so the applicant would be allowed to expand the total amount of signs, if requested, with Planning Director approval. All final sign approvals rest with the Director of Planning and Community Development and will require the Planning Director's approval prior to the placement of such signs (see Development Standard No. 4).

Landscaping:

Because the proposed use and the product produced is agricultural in nature, the proposed landscaping will also double as a display for the raw product that is used at the facility. The applicant has provided a landscaping plan that mainly consists of a mixture of almond and walnut trees and a small amount of apricot trees. This mixture of trees will be primarily along the road frontage of Montpelier Road with a small section, of similar design, near the entrance of the building. The area around the entrance will also feature olive trees and small drought tolerant shrubs, such as lavender and ornamental grass. The undeveloped portion of the property will be planted as an almond/walnut orchard to match the surrounding farming operations. The entire landscaped portions of the property will be irrigated with a drip and small orchard sprinkler system. The applicant has also proposed decorative fencing that will run the entire length of the property on Montpelier Road and will provide both an attractive appearance and security to the facility. Development Standard No. 8 requires a final landscaping plan be approved by the Planning Director.

FINDINGS

In order to approve a rezone, it must be found to be consistent with the General Plan. In this case, the General Plan designation is "Agriculture." The "Agricultural" General Plan designation is consistent with a Planned Development zoning designation when, *"it is used for agriculturally-related uses or for uses of a demonstrably unique character, which due to specific agricultural needs or to their transportation needs or to needs that can only be satisfied in the agriculture designation, may be properly located within areas designated as "agricultural" on the General Plan. Such uses can include, facilities for packing fresh fruit, facilities for the processing of agricultural commodities utilized in the County's agriculture community, etc."* Staff believes that the proposed Planned Development is logical considering the unique characteristics of this site, such as the existing warehouse building and the close proximity to established almond and walnut producers. The nature of the business also presents a unique logistical situation where both the raw material (nuts) and one of the final products (feed) is provided by and to the agricultural community. The current location of Caloy, which is in Riverbank, requires the transportation of raw material from an agricultural area to an urbanized area. With the proposed site, Caloy will utilize the close proximity of the surrounding orchards and almond processors to reduce their overall transportation needs. The proposed use should not be detrimental to agricultural uses and other property in the area which consists mainly of orchards, vineyards, and existing almond processing facilities. Staff finds this proposal to rezone this parcel to Planned Development to be consistent with the General Plan.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "H" - Environmental Review Referrals). Based on the Initial Study prepared for this project, adoption of a Negative Declaration is being proposed. The Initial Study and comments to the Initial Study have not presented any substantial information to identify a potential significant impact needing to be mitigated. Responses received from agencies have been incorporated into this project as Development Standards (see Exhibit "C").

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors take the following actions regarding this project:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

3. Find That:
- A. The project is consistent with the overall goals and policies of the County General Plan; and
 - B. The proposed Planned Development zoning is consistent with the Agricultural General Plan description.
4. Approve Rezone Application No. 2006-13 - Caloy Company Oil and Feed, subject to the attached Development Standards and Development Schedule.

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 \$1,857.00 to the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Report written by: Joshua Mann, Associate Planner, June 6, 2007

Attachments:

- Exhibit A - Application Information
- Exhibit B - Project Maps and Landscape Proposal
- Exhibit C - Development Standards
- Exhibit D - Development Schedule
- Exhibit E - Applicant's Sign Plan
- Exhibit F - Initial Study
- Exhibit G - Negative Declaration
- Exhibit H - Environmental Review Referrals

Reviewed by:


Dana McGarry, Senior Planner



APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- | | |
|---|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map |
| <input checked="" type="checkbox"/> Rezone | <input type="checkbox"/> Parcel Map |
| <input type="checkbox"/> Use Permit | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit | <input type="checkbox"/> Other _____ |

PLANNING STAFF USE ONLY:

Application No(s): RZ 2006-13
 Date: 11/17/06
 S 4 T 11 R 36
 GP Designation: AG
 Zoning: A-2-40 to P.O.
 Fee: \$3,600
 Receipt No. Check #5217
 Received By: Caloy Company
 Notes: _____

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT NAME: Caloy Company Oil and Feed Plant
 (Desired name for project, if any)

CONTACT PERSON: Who is the primary contact person for information regarding this project?
 Name: Roger Russell Telephone: (209) 968-6414
 Address: 5425 Montpelier Road Denair, CA
 Fax Number: (209) 521-5164 email address: Roger1952@comcast.net

(Attach additional sheets as necessary)
 PROPERTY OWNER'S NAME: Joseph S. Collins
 Mailing Address PO Box 577164
Modesto, CA 95357
 Telephone: (209) 521-5544 Fax: (209) 521-5164

APPLICANT'S NAME:

Joseph S. Collins

Mailing Address

PO Box 577164 Modesto, CA

Telephone: (209) 521-5544 Fax: (209) 521-5164

ENGINEER / APPLICANT:

Robert Lemos

Mailing Address

21857 Brennan Road , Escalon 95320

Telephone: (209) 996-8837 Fax: _____

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

**Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

The proposed site was used as an almond storage facility. The building is a 15,750 foot metal building that sits on 5.6 acres of flat unimproved land. The building will be used as it exists and the land will be improved with gated entrance, paved employee parking and landscaping. The process is simple and clean. Inedible walnuts and almond meats are received and blended with rice hulls. They are then pressed under high pressure, which produces oil and dry cake.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street - 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 19 Page 41 Parcel 027

Additional parcel numbers: 5425 Montpelier
Project Site Address
or Physical Location: Denair, CA 95316

Property Area: Acres: 5.649 or Square feet: _____

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Warehouse

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

None

Existing General Plan & Zoning: AG

Proposed General Plan & Zoning: A-2-40
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: Almond Orchard

West: Almond Orchard

North: Almond Processing Plant

South: Almond Processing Plant

WILLIAMSON ACT CONTRACT:

Yes No

Is the property currently under a Williamson Act Contract?
Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes No

Do you propose to cancel any portion of the Cor.?

Yes No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

SITE CHARACTERISTICS: (Check one or more)

Flat

Rolling

Steep

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops

Orchard

Pasture/Grassland

Scattered trees

Shrubs

Woodland

River/Riparian

Other

Explain Other: **Weeds**

Yes No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

STREAMS, LAKES, & PONDS:

Yes No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes No

Will the project change any drainage patterns? (If yes, please explain - provide additional sheet if needed) _____

Yes No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes No

Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes No

Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes No

Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes No

Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

PROJECT SITE COVERAGE:

Existing Building Coverage: 15.750 Sq. Ft.

Landscaped Area: 2000 Sq. Ft.

Proposed Building Coverage: 0 Sq. Ft.

Paved Surface Area: 5000 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) None

Number of floors for each building: One

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) 33 Feet

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) 92 Foot Silos

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) Asphalt

UTILITIES AND IRRIGATION FACILITIES:

Yes No

Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: TID

Sewer*: Septic

Telephone: Pac Bell

Gas/Propane: Suburban

Water**: Well

Irrigation: None

*Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

**Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

None

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes No Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes No Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes No Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes No Will the project include affordable or senior housing provisions? (If yes, please explain)

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: _____ Total Dwelling Units: _____ Total Acreage: _____

Net Density per Acre: _____ Gross Density per Acre: _____

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): **15,750 Square feet**

Type of use(s): **Oil and Cattle Feed Processing**

Days and hours of operation: 24 hours daily, 7 days a week, 365 days a year

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: _____

Occupancy/capacity of building: _____

Number of employees: (Maximum Shift): 7 (Minimum Shift): 2

Estimated number of daily customers/visitors on site at peak time: 4

Other occupants: 0

Estimated number of truck deliveries/loadings per day: 6

Estimated hours of truck deliveries/loadings per day: 8AM to 5PM

Estimated percentage of traffic to be generated by trucks: 20%

Estimated number of railroad deliveries/loadings per day: 0

Square footage of:

Office area: 850 square feet

Warehouse area: Warehouse & Storage area

Sales area: 850 square feet

Storage area: combined is 4800 sq. ft.

Loading area: 4200 square feet

Manufacturing area: 6750 square feet

Other: (explain type of area) _____

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Montpelier Road

Yes No

Are there private or public road or access easements on property now? (If yes, show location and size on plot plan)

Yes No

Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes No

Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) Drainage Basin Direct Discharge Overland

Other: (please explain) _____

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Property has been graded for existing warehouse.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

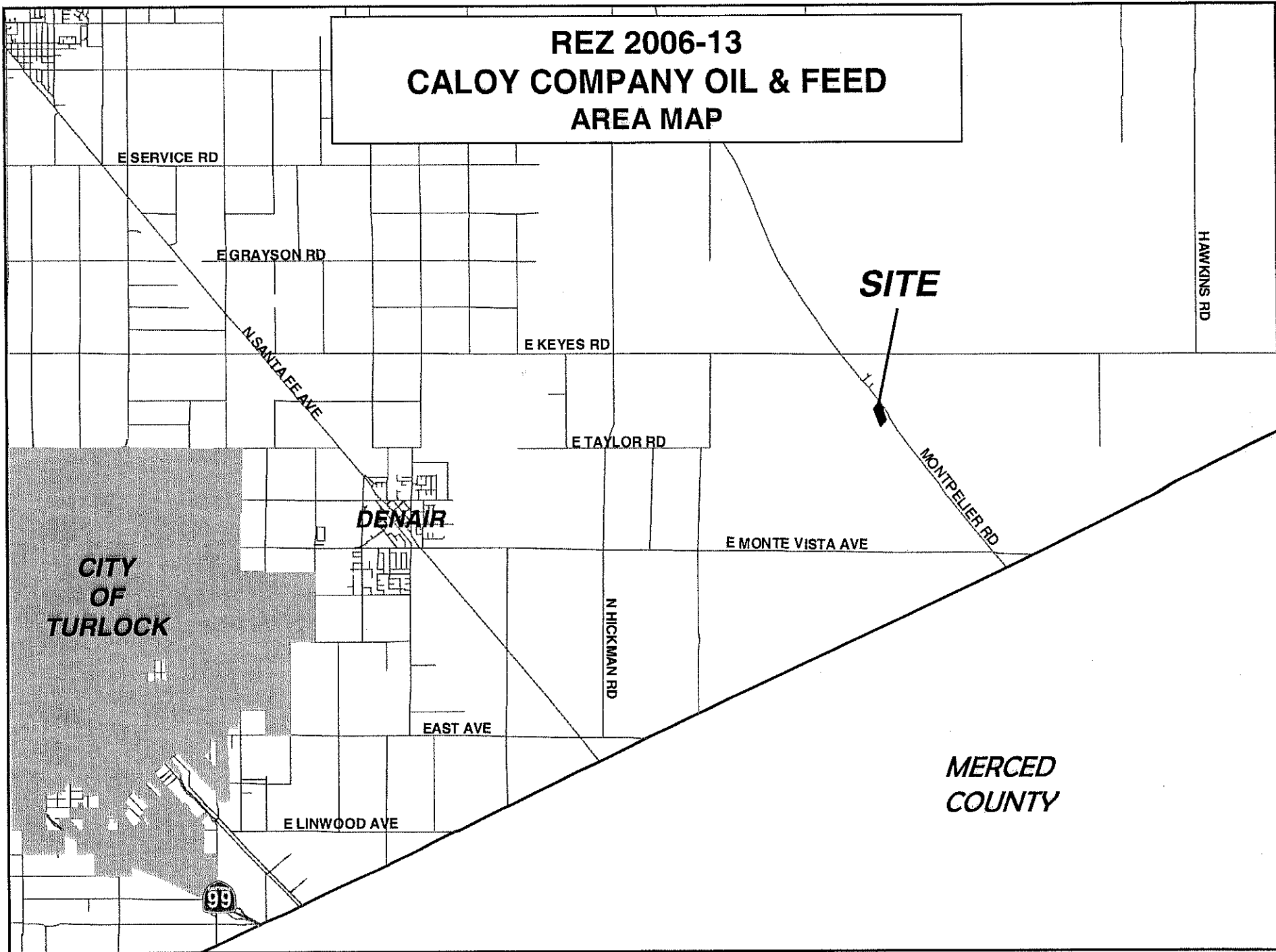
Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

Please see attached documents.

Project Description

The proposed project is a request to rezone 5.56 acre parcel from A-2-40 (General Agricultural) to PD (Planned Development) to use an existing 15,570 sq ft building as a processing facility to extract oil and process cattle feed from walnuts and almond meats, blended with rice hulls. They are then pressed under high pressure, which produces oil and dry cake. The site and building was used in the past as an almond storage facility. The site includes the existing warehouse/office building, silos, loading area, truck scales. Additions to the site will be employee parking, security fencing & gates, new septic system, and landscaping. The business will 24 hour operation with the 7 employees on maximum shift. The estimated number customer/visitor on site is 4, with 6 truck trips per day during 8 am to 5 pm.

**REZ 2006-13
CALOY COMPANY OIL & FEED
AREA MAP**



15

EXHIBIT B

**MERCED
COUNTY**

**REZ 2006-13
CALOY COMPANY OIL & FEED
GENERAL PLAN DESIGNATION**

AG

AG

129.52

140.90

15.27

153.50

SITE

5.65

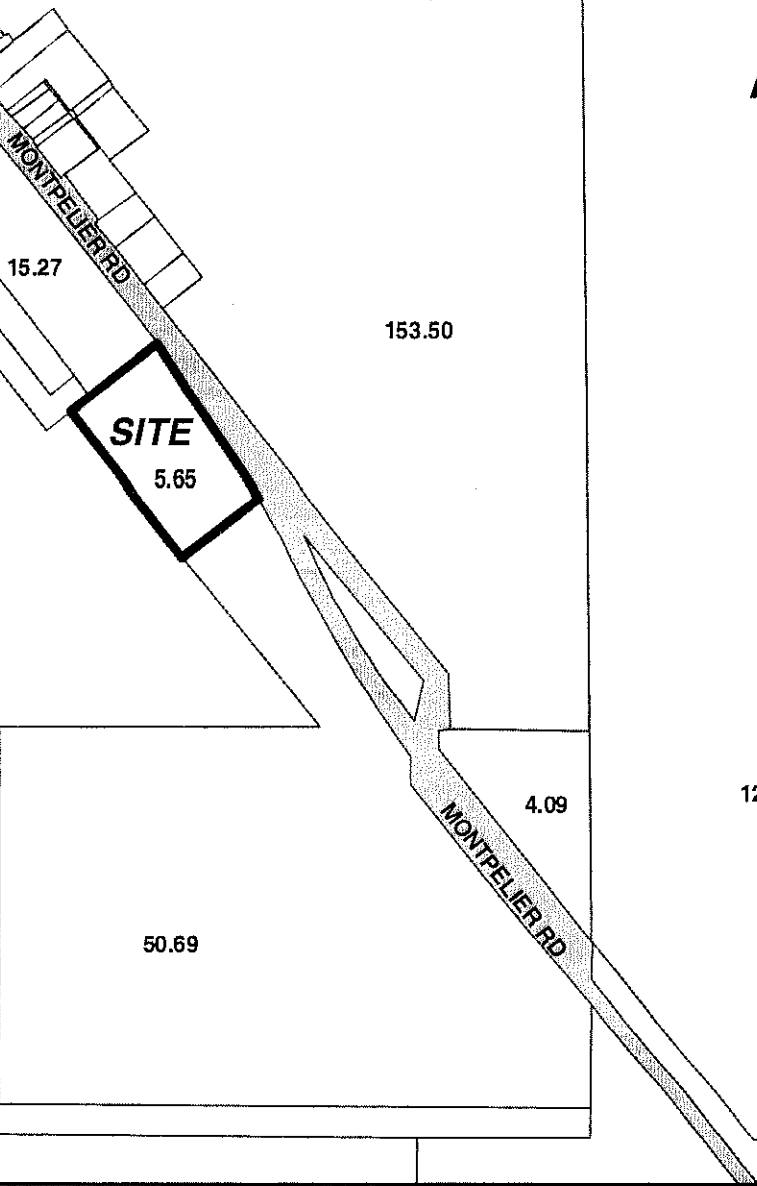
1275.61

4.09

125.33

AG

50.69



**REZ 2006-13
CALOY COMPANY OIL & FEED
ZONING DESIGNATION**

A-2-40

A-2-40

SITE

5.65

15.27

153.50

129.52

140.90

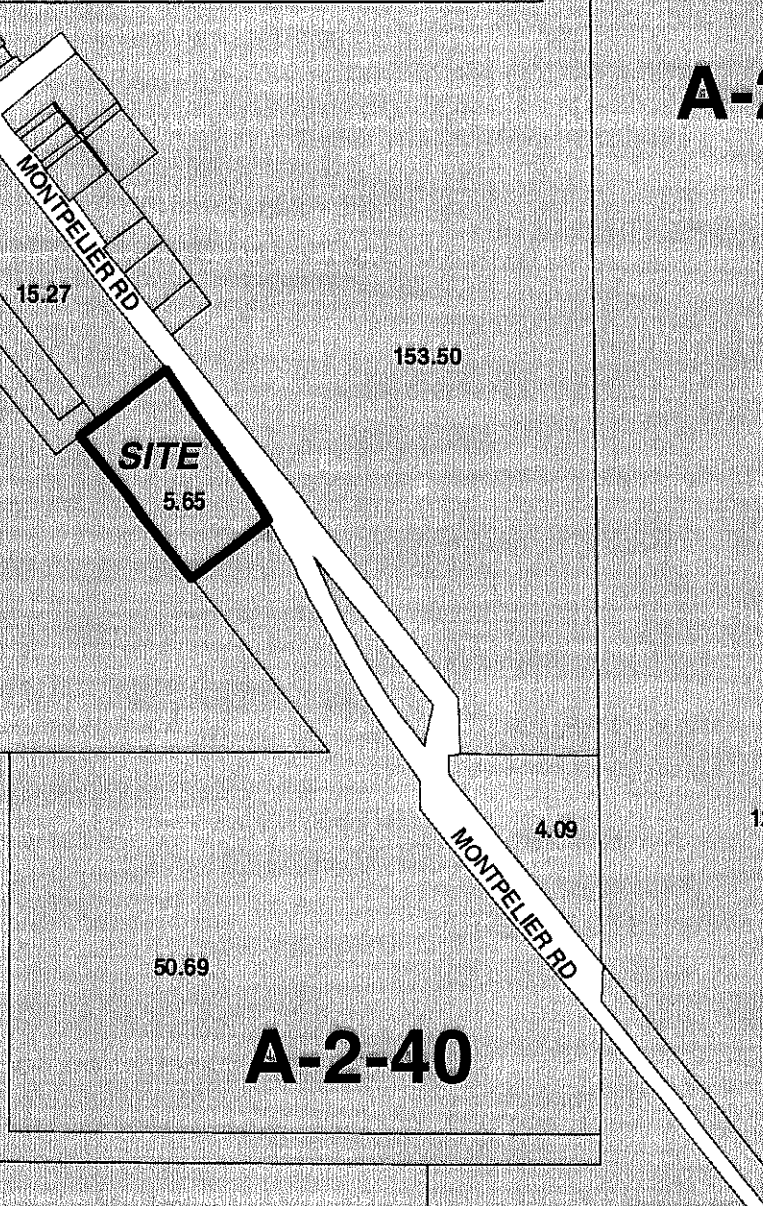
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50.69

4.09

1275.61

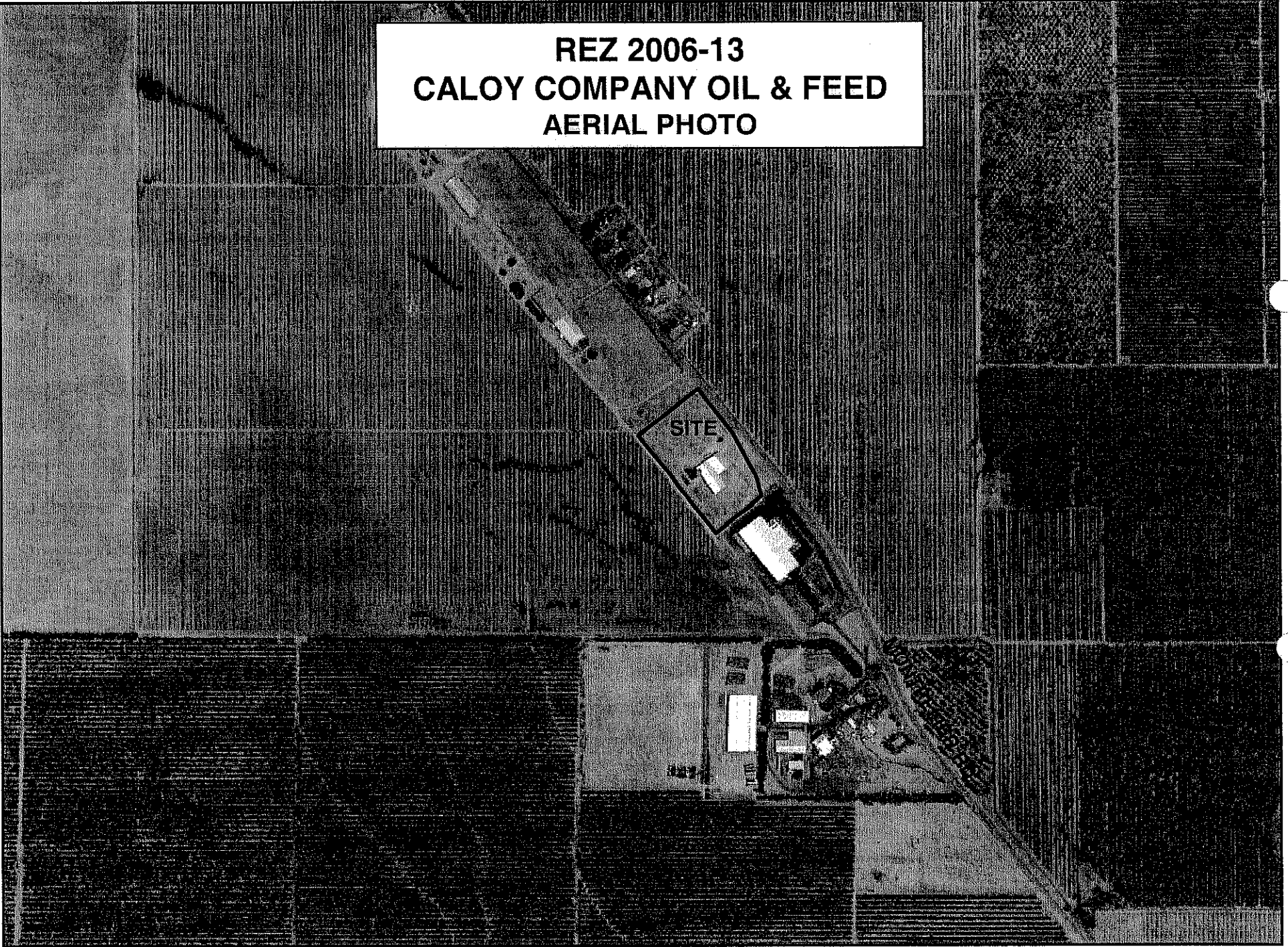
A-2-40



17

EXHIBIT B-2

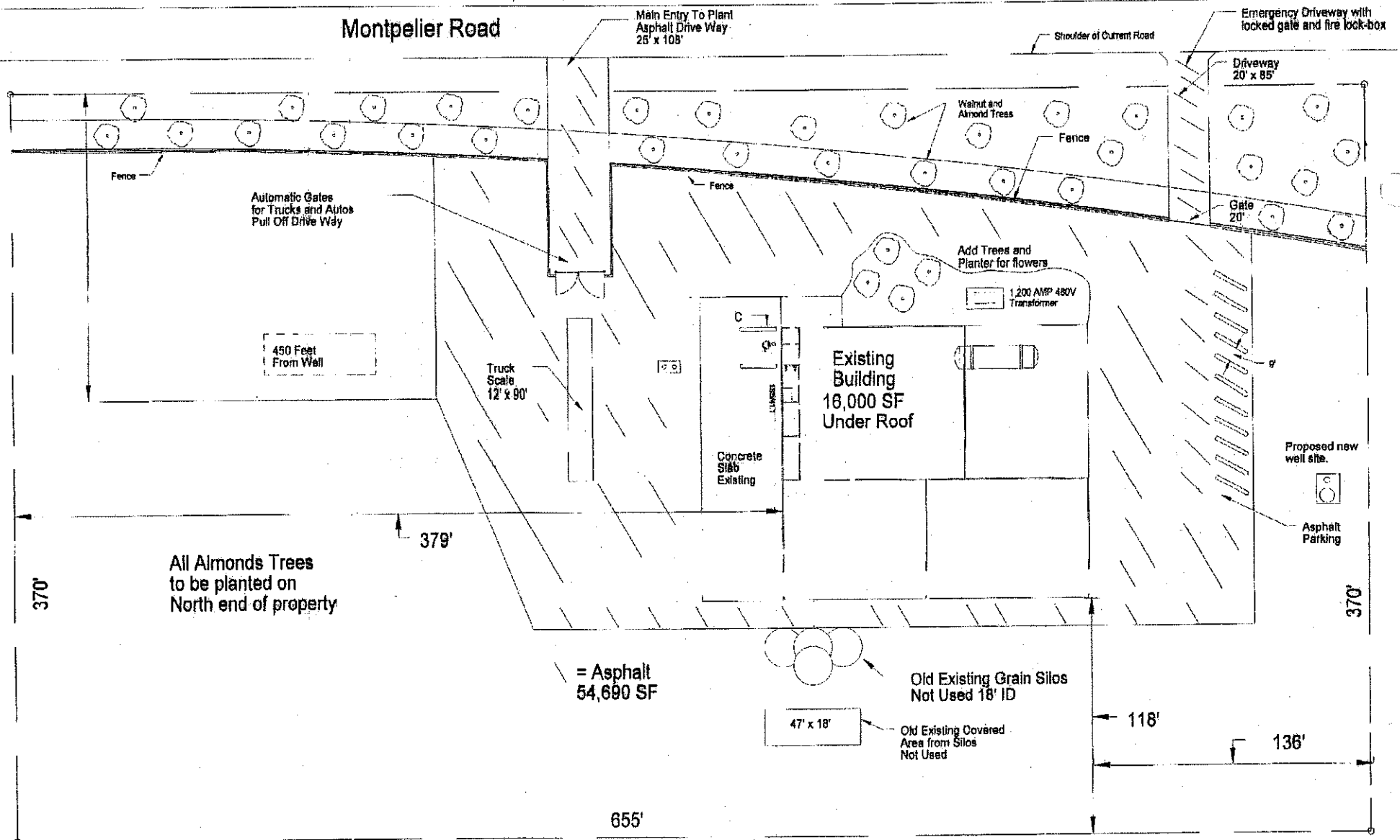
**REZ 2006-13
CALOY COMPANY OIL & FEED
AERIAL PHOTO**



**REZ 2006-13
CALOY COMPANY OIL & FEED
AERIAL PHOTO**



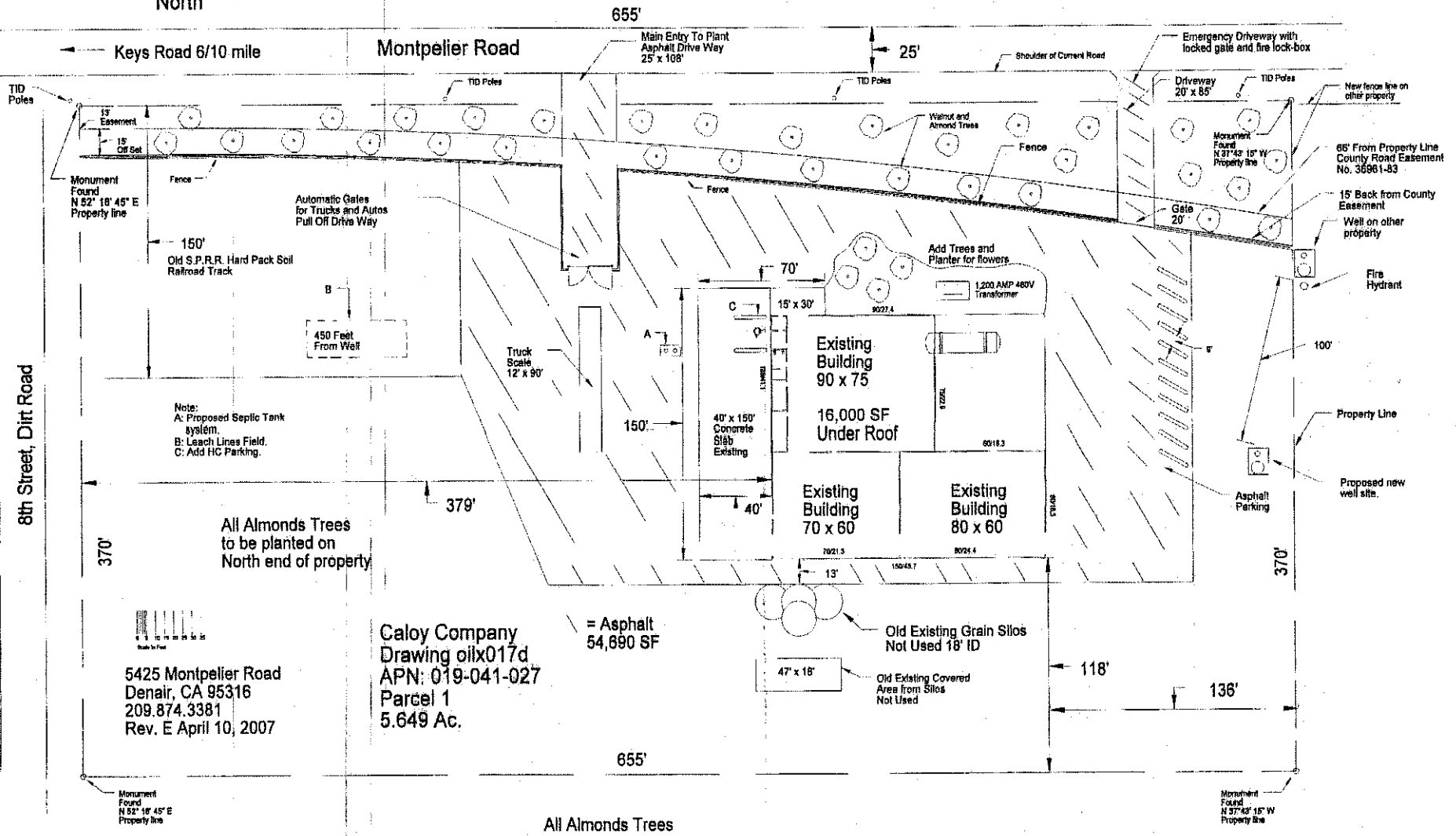
REZ 2006-13 CALOY COMPANY OIL & FEED SITE PLAN



Rezone Application 2006-13
 Caloy Company Oil & Feed Plant
 Walnut and Almond Oil

North

All Almonds Trees



Keys Road 6/10 mile

Montpelier Road

655'

25'

Emergency Driveway with locked gate and fire lock-box

TID Poles

15' Easement

15' Off Set

Monument Found N 52° 18' 45" E Property line

Fence

Automatic Gates for Trucks and Autos Pull Off Drive Way

150'

Old S.P.R.R. Hard Pack Soil Railroad Track

450 Feet From Well

B

Truck Scale 12' x 90'

Note:
 A: Proposed Septic Tank system.
 B: Leach Lines Field.
 C: Add HC Parking.

A

15' x 30'

C

40' x 150' Concrete Slab Existing

150'

Existing Building 90 x 75

16,000 SF Under Roof

6018.3

Existing Building 70 x 60

7021.3

Existing Building 80 x 60

8024.4

150-45.7

13'

118'

136'

Old Existing Grain Silos Not Used 18' ID

47' x 18'

Old Existing Covered Area from Silos Not Used

Asphalt Parking

Proposed new well site.

Property Line

Fire Hydrant

Well on other property

15' Back from County Easement

68' From Property Line County Road Easement No. 36961-83

New fence line on other property

Driveway 20' x 85'

TID Poles

Shoulder of Current Road

Main Entry To Plant Asphalt Drive Way 25' x 108'

Walnut and Almond Trees

Fence

Monument Found N 87° 49' 15" W Property line

All Almonds Trees to be planted on North end of property

Caloy Company Drawing oilx017d
 APN: 019-041-027
 Parcel 1
 5.649 Ac.

= Asphalt 54,890 SF

655'

All Almonds Trees

Monument Found N 52° 18' 45" E Property line

Monument Found N 37° 45' 15" W Property line

5425 Montpelier Road
 Denair, CA 95316
 209.874.3381
 Rev. E April 10, 2007

CALOY COMPANY

PROCESSORS OF ALMOND & WALNUT OILS

Landscaping
5425 Montpelier Road
Denair, CA 95316
Rezone 2006-13

April 10, 2007

In front of the building and along the front fence area the following trees and plants will be used.

Almond trees
Walnut trees
Apricot trees

The above are trees we make oil from and most of our customer have no idea what the tree looks like that produces the nut/seed for the oil.

Olive – *Olea europaea* "Little Ollie"
Fountain Grass – *Pennisetum stecum* "Little Bunny"
English Lavender – *Lavendula angustifolia* "Munstead"

Wood chip covering will be used for weed control.

Irrigation system using drip and small orchard nozzles on a timed zone control system.

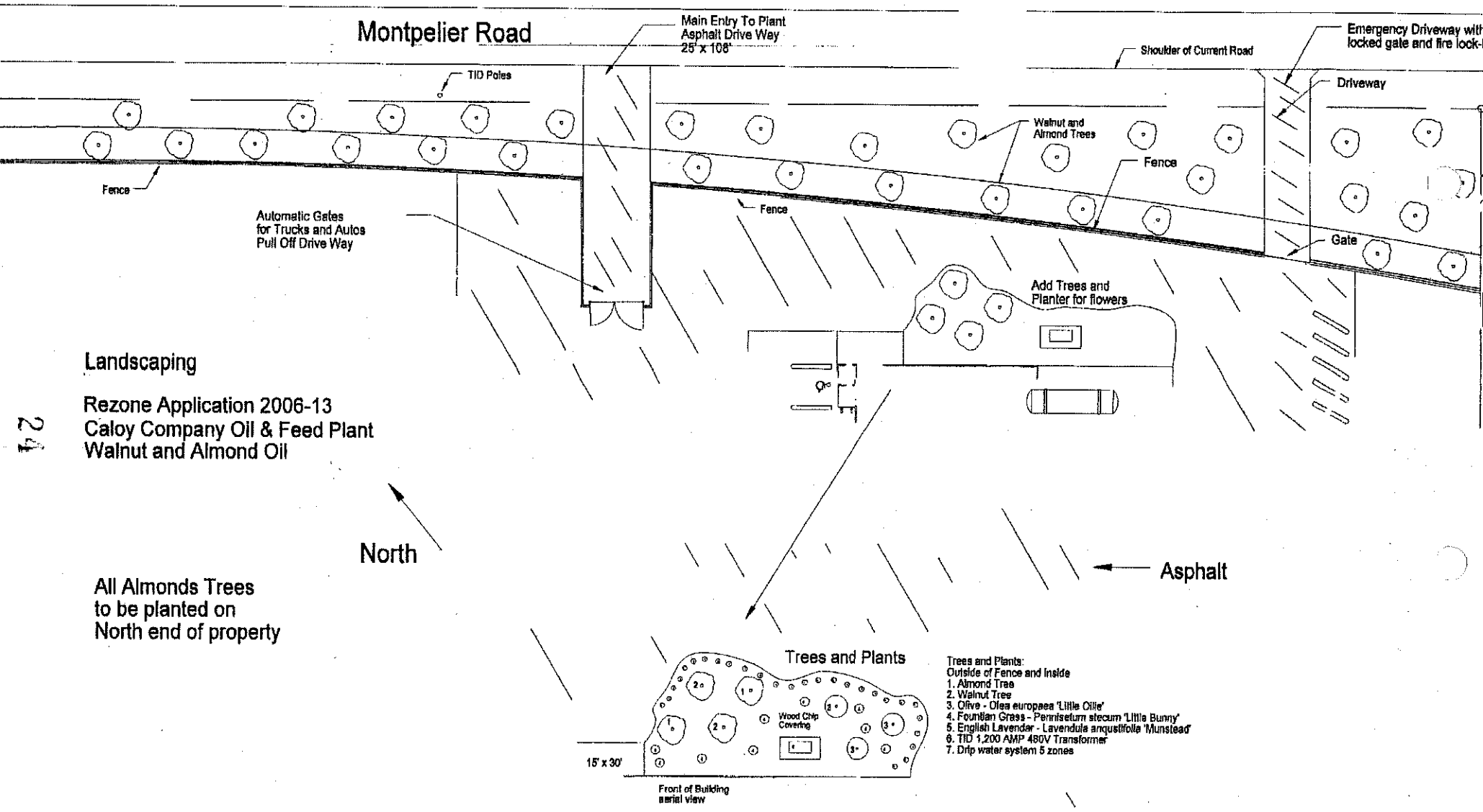
The empty lot area on the north side of the building to our property line will be planted with almond trees to match the new almond orchard just planted at the north end of our property.



Roger Russell
Cell 209.968.6414

PHONE /MOBILE (209) 541-4180
OFFICE (209) 521-5544
FAX (209) 521-5164

REZ 2006-13 CALOY COMPANY OIL & FEED LANDSCAPE PLAN



Landscaping

Rezone Application 2006-13
Caloy Company Oil & Feed Plant
Walnut and Almond Oil

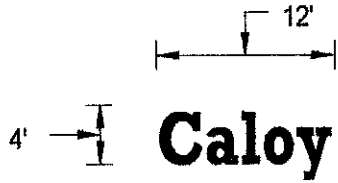
All Almonds Trees
to be planted on
North end of property

North

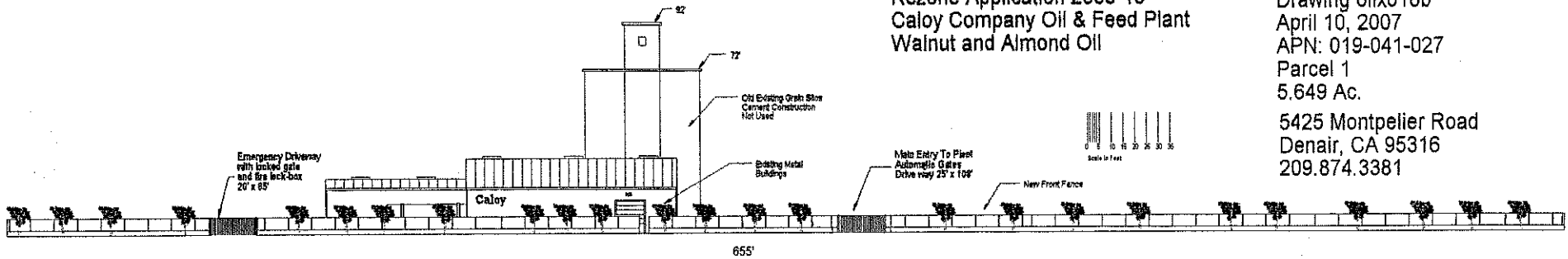
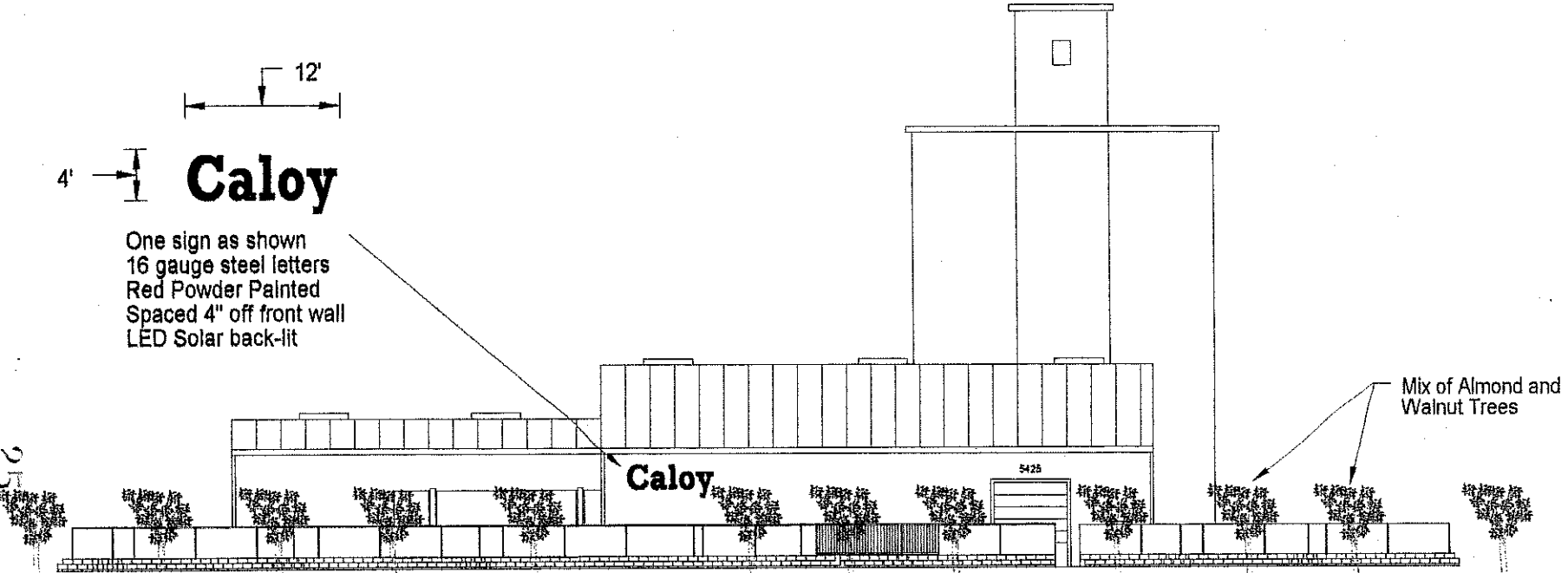
Asphalt

- Trees and Plants:**
Outside of Fence and Inside
1. Almond Tree
 2. Walnut Tree
 3. Olive - *Olea europaea* 'Little Olive'
 4. Fountain Grass - *Pennisetum setaceum* 'Little Bunny'
 5. English Lavender - *Lavandula angustifolia* 'Munstead'
 6. TID 1,200 AMP 480V Transformer
 7. Drip water system 5 zones

24



One sign as shown
 16 gauge steel letters
 Red Powder Painted
 Spaced 4" off front wall
 LED Solar back-lit



Rezone Application 2006-13
 Caloy Company Oil & Feed Plant
 Walnut and Almond Oil

Caloy Company
 Drawing oilx018b
 April 10, 2007
 APN: 019-041-027
 Parcel 1
 5.649 Ac.

5425 Montpelier Road
 Denair, CA 95316
 209.874.3381

DEVELOPMENT STANDARDS

**REZONE APPLICATION NO. 2006-13
CALOY COMPANY OIL AND FEED**

Stanislaus County - Department of Planning & Community Development

1. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project in accordance with other laws and ordinances.
2. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
3. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
4. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director prior to installation.
5. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction or landscaping as approved by the Planning Director. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director.
7. Applicant, and/or subsequent property owner(s), must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
8. Prior to occupancy, a landscaping plan indicating the type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the County Planning Director. The landscaping shall be consistent with the approved "Landscaping Plan".
9. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.

10. A business license shall be obtained for all businesses operating on-site.
11. 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.
12. The developer shall pay all applicable Public Facilities Impact Fees and Fire Protection Development/Impact Fees as adopted by Resolution of the Board of Supervisors. For the Public Facilities Impact Fees, the fees shall be based on the Guidelines Concerning the Fee Payment Provisions established by County Ordinance C.S. 824 as approved by the County Board of Supervisors, and shall be payable at the time determined by the Department of Public Works.
13. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
14. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
15. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary.
16. Prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan. Once complete, and prior to construction, a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Stanislaus County Department of Planning and Community Development.
17. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

18. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$1,857.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

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

19. 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.

Stanislaus Consolidated Fire Protection District

20. A change of use (occupancy) Permit shall be obtained from the Stanislaus County - Building Permits Division to change the use of the existing building from almond storage to a processing facility that extracts oil and processes cattle feed from walnut and almond meats, blended with rice hulls.
21. Approved fire apparatus access roads shall be provided. Fire access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
22. An approved water supply for fire protection shall be provided. The actual amount of water required will be determined once actual plans for the change of use (occupancy) are submitted to the Building Permits Division.
23. Piles of product stored outside shall comply with current fire code requirements which include pile height, length, width, separation, etc.

Stanislaus County - Department of Environmental Resources (DER)

24. The on-site wastewater disposal system (OSWDS) shall be by individual Primary & Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
25. The engineered on-site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of the building.
26. The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the on-site wastewater installed under pavements is to be doubled.

Stanislaus County Environmental Review Committee (ERC)

27. All buildings/structures over 5,000 square feet in area shall be equipped with an approved automatic fire sprinkler system. The project must comply with all applicable County and State Codes, Ordinances, and Regulations. Fire protection water supply and access will be required at the time of building permit application.
28. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
29. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
 - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
 - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

Stanislaus County - Department of Public Works

30. A paved driveway approach shall be installed to a county commercial "Collector" standard on Montpelier Road at the driveway location between the existing edge of road pavement and the right-of-way line. The driveway approach shall be constructed in a manner as to prevent runoff from going into the county road right-of-way. The approach shall be installed prior to final and/or occupancy of the office.

31. An encroachment permit must be obtained for the driveway approaches on Montpelier Road.
32. All driveway locations and widths shall be approved by this Department.
33. A fence shall be installed along the Montpelier Road frontage in order to limit access to the proposed driveway location.
34. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Montpelier Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
35. The employee parking area shall be paved and double striped to county standards.
36. A Grading and Drainage Plan for the property shall be approved by the Department of Public Works prior to the issuance of any building permit that verifies all runoff shall be kept on-site. Any proposed drainage system shall be installed prior to final and/or occupancy of any building.

Stanislaus County - Building Permits Division

37. A building permit shall be required for the installation of equipment, related to the project.
38. Prior to occupying the existing warehouse building, a general inspection shall be completed, for a change in occupancy type.

*Please note: If 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 first page of the Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

STANISLAUS COUNTY PLANNING COMMISSION

August 6, 2009

STAFF REPORT

USE PERMIT APPLICATION NO. 2009-03
CALOY COMPANY

REQUEST: TO EXPAND AN EXISTING NUT OIL PROCESSING FACILITY LOCATED ON A 5.3-ACRE PARCEL WITHIN THE P-D (312) ZONING DESIGNATION. THE PROPERTY IS LOCATED AT 5425 MONTPELIER ROAD, SOUTHEAST OF E. KEYES ROAD, EAST OF DENAIR.

APPLICATION INFORMATION

Applicant/Owner:	Caloy Company, Joe Collins
Agent:	CB Engineering, Helen Jobe
Location:	5425 Montpelier Road, east of Denair
Section, Township, Range:	36-4-11
Supervisory District:	Two (Supervisor Chiesa)
Assessor's Parcel:	019-041-027
Referrals:	See Exhibit H Environmental Referral Reviews
Area of Parcel(s):	5.3 acres
Water Supply:	Well
Sewage Disposal:	Septic
Existing Zoning:	P-D (312)
General Plan Designation:	Agriculture
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Negative Declaration
Present Land Use:	Existing nut oil processing facility improved with a 16,400 square foot warehouse/office building, silos, loading area, and a truck scale.
Surrounding Land Use:	Orchard and row crops surround the site as well as multiple residential lots created by the Town of Montpelier Subdivision. The community of Denair exists 4+ miles west of the site.

PROJECT DESCRIPTION

This is a request to allow the applicant, Caloy Company, to amend their development plan to allow for expansion of their current operations, approved under Planned Development 312. The expansion involves construction of a second warehouse, 24,750 square feet in size and 41 feet in

height, which will house equipment for refining the nut oil. The by-product or waste from producing the oils is a cattle feed "cake" that consists of the almond/walnut meat blended with rice hulls. The actual process of extracting the oil from the nuts is achieved by a mechanical process that presses the nuts to expel the oils. The unrefined oil is currently stored in tanks until it is transported to Germany for refining. The current process will be expanded to include filtering of the pressed nut oil which will allow the product to be sold directly to distributors for use in cosmetic and pharmaceutical products.

The proposed expansion would occur in two phases. Phase 1, which must begin within 18 months of project approval, will include construction of approximately 9,000 square feet of warehouse, which will include an office, lab, boiler room, cooler and processing area. Phase 2 will include construction of the remaining square footage and will expand the processing floor area. Asphalt coverage will be increased by 20,400 square feet. Accessory structures such as silos, a boiler room and a cooling tower will also be constructed with the expansion.

The business currently operates 24 hours a day with seven (7) employees on a maximum shift, and approximately 6 truck deliveries per day. The existing site includes eleven (11) off-street parking spaces. The proposed expansion would increase the number of maximum employees on a shift to thirteen (13). The number of on-site parking spaces has been increased to twenty three (23) to provide adequate off-street parking for the expansion, which exceeds the number of spaces required for the expansion. Other than the six (6) additional employees, no increase in traffic is anticipated as the expansion will yield the same amount of product.

SITE DESCRIPTION

The 5.3 acre parcel was created by parcel map in April of 1983. The Town of Montpelier, an antiquated subdivision, is located just north of the subject parcel and includes numerous single-family homes on 3,800 to 36,000 square foot lots. The area outside of the Town of Montpelier, consists of agricultural uses, primarily orchards and vineyard. The Montpelier Farming Corporation's hulling and shelling facility is located adjacent to the southern Caloy property line. Several other warehouses and other ag-type buildings, most of which are used in connection with the large scale farming operations surround the property.

BACKGROUND

The Caloy site was rezoned in July of 2007 from A-2-40 (General Agriculture) to P-D (312) to allow for an almond and walnut oil extraction facility, under Rezone 2006-13 - Caloy Company. The approved development plan for Caloy consists of a 16,400 square foot warehouse with office utilized for nut oil processing, silos, loading area, truck scale, fencing and landscaping. The General Plan designation is Agriculture which is permitted under the General Plan in conjunction with the Planned Development zoning when an operation is related to production agriculture. Prior to the June 2007 rezone, Caloy Company had operated out of a facility in Riverbank since 1998.

The applicant originally requested a six-month time extension for the approved development schedule, which states that the entire project, including construction, landscaping and compliance with all applicable development standards be completed by August 15, 2009. The applicant has pulled several building permits in conjunction with the 2007 rezone, as listed within Exhibit C - *Building Permit Record*. Those building permits are currently in progress and include a change in

occupancy for the existing ag storage building, a grading permit for the exterior of the facility, the addition of fire water tanks and an office and restroom. Generally, discretionary permits are considered to be activated at the time building permits are pulled. In this case, Planning staff feels that the Planned Development schedule has been satisfied, as all of the required Building Permits have been issued and are consistently moving toward being issued final occupancy. Planning staff has therefore determined that a six-month time extension is not necessary, as the development schedule is considered to have already been satisfied.

In addition to these current building permit requests, building permit applications for a truck scale replacement, fire water tank, propane tank and diesel fuel tank have been submitted to the Building Permits Division during the course of this Use Permit request. Planning staff has signed off on these permits prior to Use Permit approval as they are considered to be routine improvements necessary for the proper function of the existing facility (see Exhibit A - *Maps and Site Plan* and Exhibit C - *Building Permit Record*).

Development Standard No. 8 of P-D (312) requires that a landscaping plan, consistent with the approved conceptual landscaping plan, be approved by the Planning Director prior to occupancy of the facility (see Exhibit B - *P-D (312) Development Standards*). The approved landscape plan includes of a mixture of almond and walnut trees and a small amount of apricot trees along the site's Montpelier Road frontage. The area around the entrance to the warehouse and office features olive trees and small drought tolerant shrubs, such as lavender and ornamental grasses. Because the planned development was agricultural in nature, the undeveloped portion of the property was originally required to be planted as an almond/walnut orchard to match the surrounding farming operation. As required by P-D (312) and by Condition of Approval No.3 of this request, landscaping must be installed and inspected prior to final occupancy of any building permit. This Use Permit requests to amend the approved landscape plan by reducing this orchard planting by about half to allow room for the proposed expansion and storm drainage basin. If the Planning Commission approves this Use Permit request, the current building permit requests will be allowed to meet the amended landscape plan prior to final occupancy.

DISCUSSION

As described in detail under the Project Description, the purpose of this project is to allow the applicant, Caloy Company, to amend their development plan to allow for expansion of their current operations approved under Planned Development 312. In accordance with Section 21.40.080(B) of the zoning ordinance, the Planning Director has determined that this request requires a Use Permit, as it does not conform to the current development plan but does conform to the character of the current development plan. In accordance with Chapter 21.96 - Use Permits of the Stanislaus County Code, in order to obtain a use permit, the Planning Commission must make the following finding:

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

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

Appendix A - Buffer and Setback Guidelines of the Agricultural Element, allows the project applicant to propose an alternative buffer to be reviewed and supported by the Stanislaus County Agricultural Advisory Board. In addition to the required Agricultural Advisory Board's support, the Stanislaus County Planning Commission, in accordance with Appendix A - Buffer and Setback Guidelines of the Agricultural Element, shall make a finding that the buffer alternative is found to provide equal or greater protection to surrounding agricultural uses. An alternative buffer was presented to and supported by the Agricultural Advisory Board on June 1, 2009 (see Exhibit D - *Agricultural Advisory Board June 1, 2009 Minutes*). This alternative proposes to provide a 150 foot setback from all sides of the proposed building to all property lines (with the exception of a few accessory structures that are not frequently occupied by people). The buffer proposal also includes chain link fencing along the southwestern and western property lines, a three foot solid wall topped with 3 foot wrought iron bars along Montpelier Road and along the northwestern property line, a double row of vegetative screening with olive trees and oleander shrubs along the northwestern property line and along the northern half of the western property line and a single row of almond, walnut and olive trees along Montpelier Road.

Staff believes the required Use Permit findings can be made. An agricultural buffer, supported by the Agricultural Advisory Board, has been applied to the project. The project was found to be consistent with its General Plan designation of Agriculture when the rezone was approved in 2007. Staff believes the project to still be consistent with both the Planned Development zoning and County General Plan as well as with the surrounding developments as the expansion is not adding any new uses but merely an additional filtration step to the existing operation. The proposed use should not be detrimental to agricultural uses and other property in the area which consists mainly of orchards, vineyards, and existing almond processing facilities.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to various agencies (see Exhibit H - *Environmental Review Referrals*). Based on the Initial Study prepared for this project, adoption of a Negative Declaration (see Exhibit G - *Negative Declaration*) is being proposed. The Initial Study and comments to the Initial Study (see Exhibit E - *Initial Study*) have not presented any substantial information to identify a potential significant impact needing to be mitigated. Conditions of Approval have been placed on the project (see Exhibit F - *Conditions of Approval*).

RECOMMENDATION

Based on the preceding discussion staff recommends the Planning Commission take the following actions:

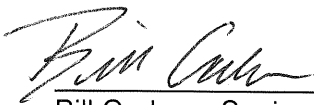
1. Find that:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - B. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
2. Approve Use Permit Application No. 2009-03 - Caloy Company, subject to the attached Conditions of Approval.

Report written by: Kristin Doud, Assistant Planner, July 16, 2009

Attachments:

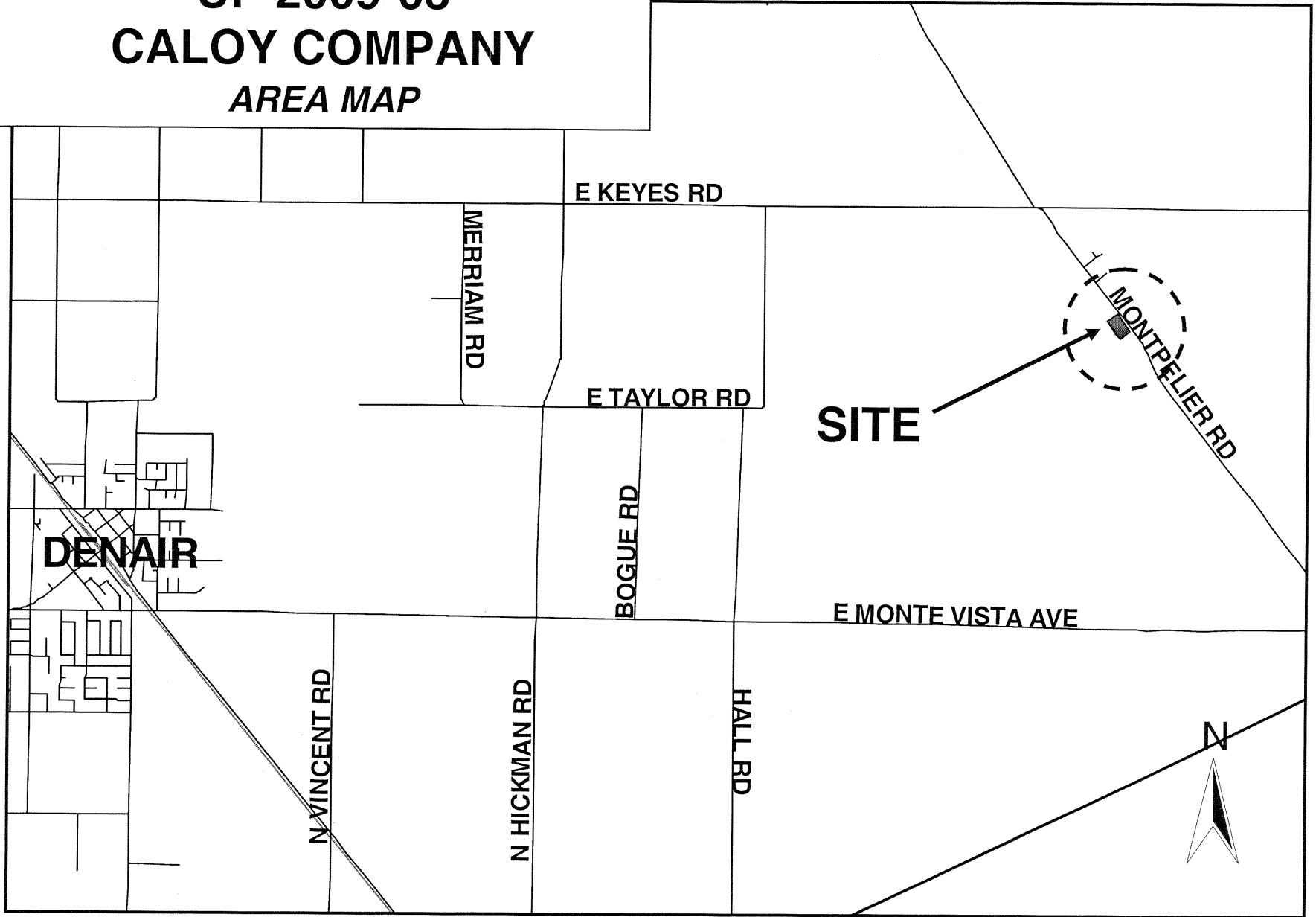
Exhibit A -	Maps & Site Plan
Exhibit B -	P-D (312) Development Standards
Exhibit C -	Building Permit Record
Exhibit D -	Agricultural Advisory Board June 1, 2009 Minutes
Exhibit E -	Initial Study
Exhibit F -	Conditions of Approval
Exhibit G -	Negative Declaration
Exhibit H -	Environmental Review Referrals

Reviewed by:

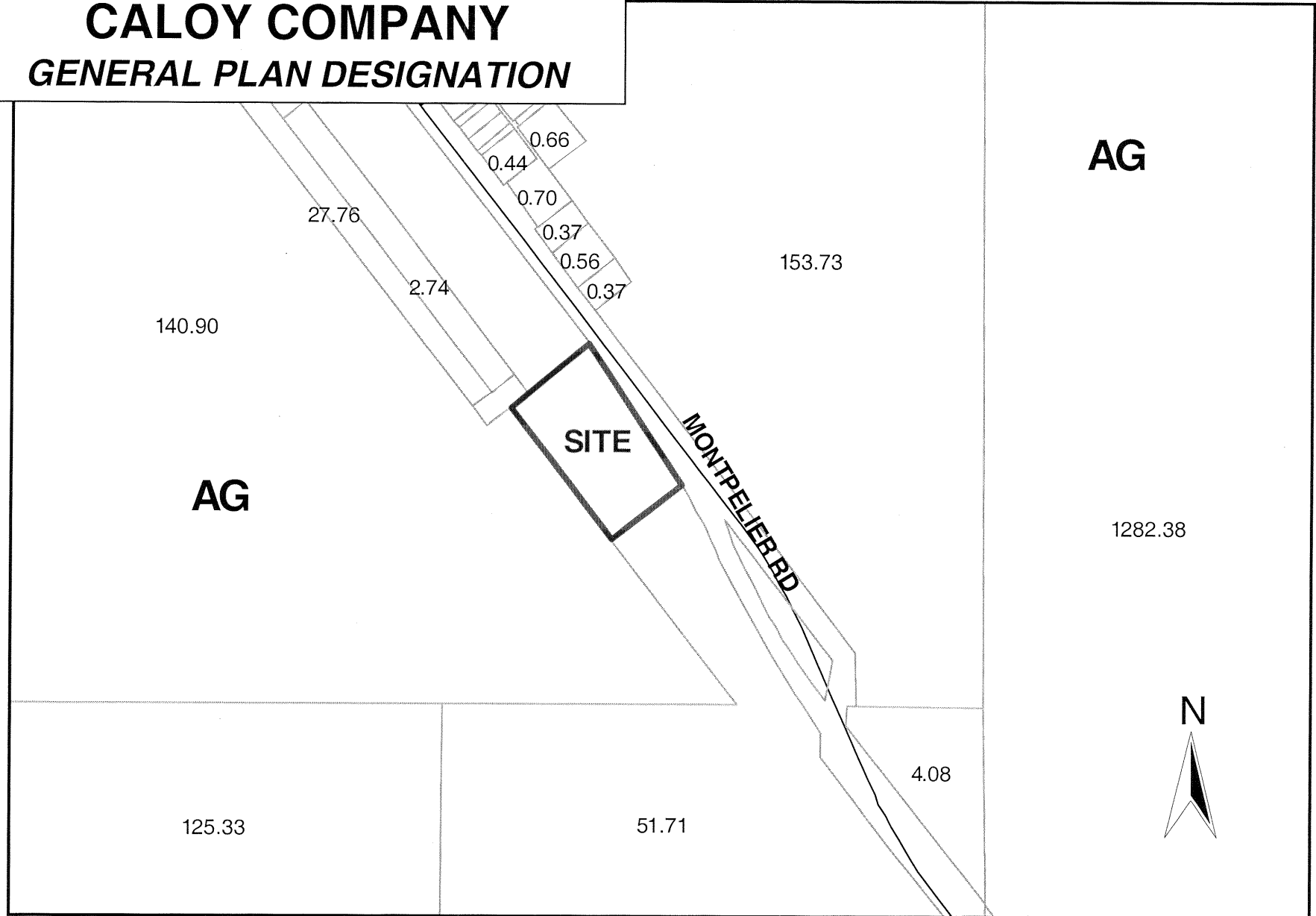


Bill Carlson, Senior Planner

**UP 2009-03
CALOY COMPANY
AREA MAP**



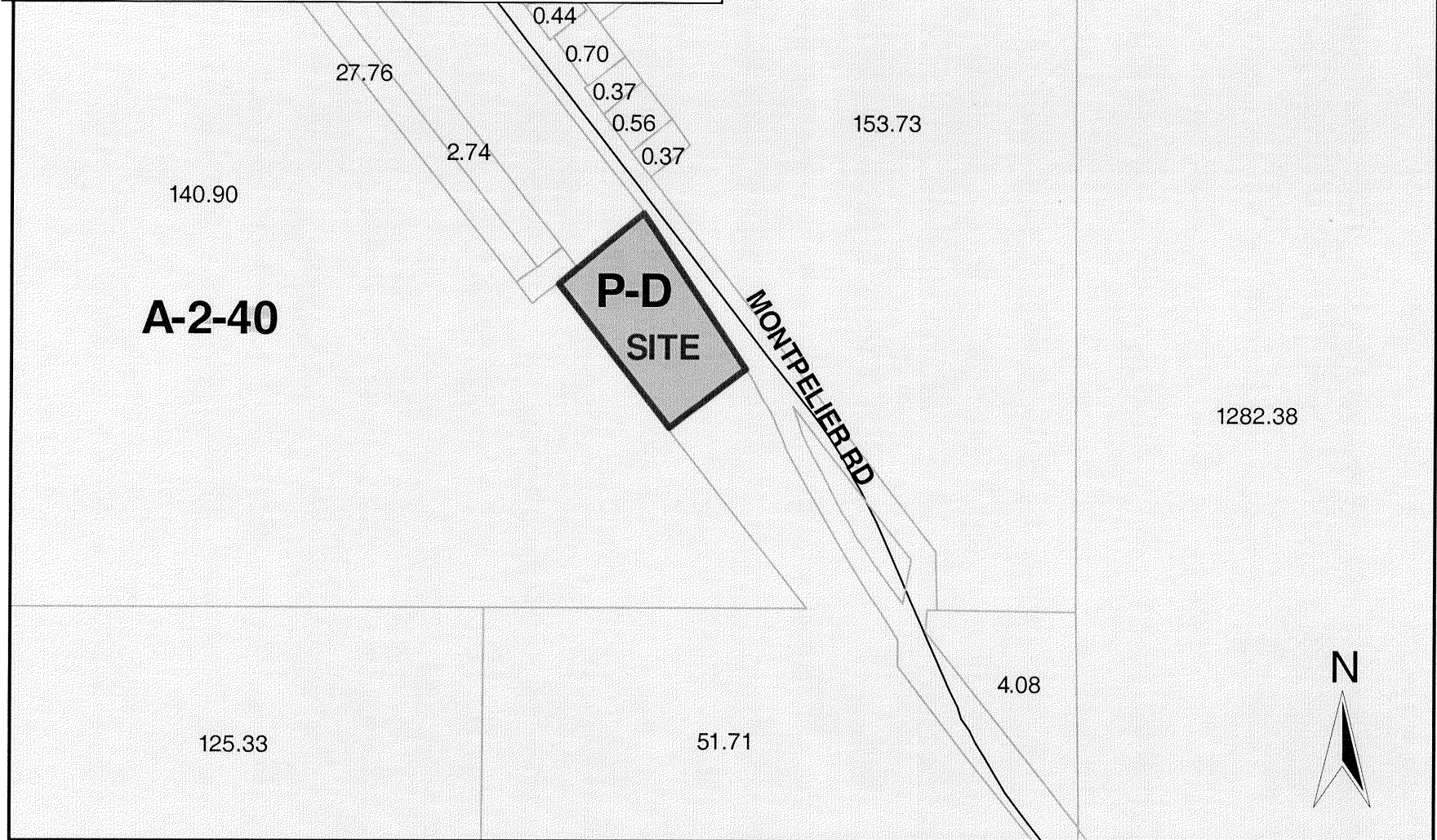
**UP 2009-03
CALOY COMPANY
GENERAL PLAN DESIGNATION**



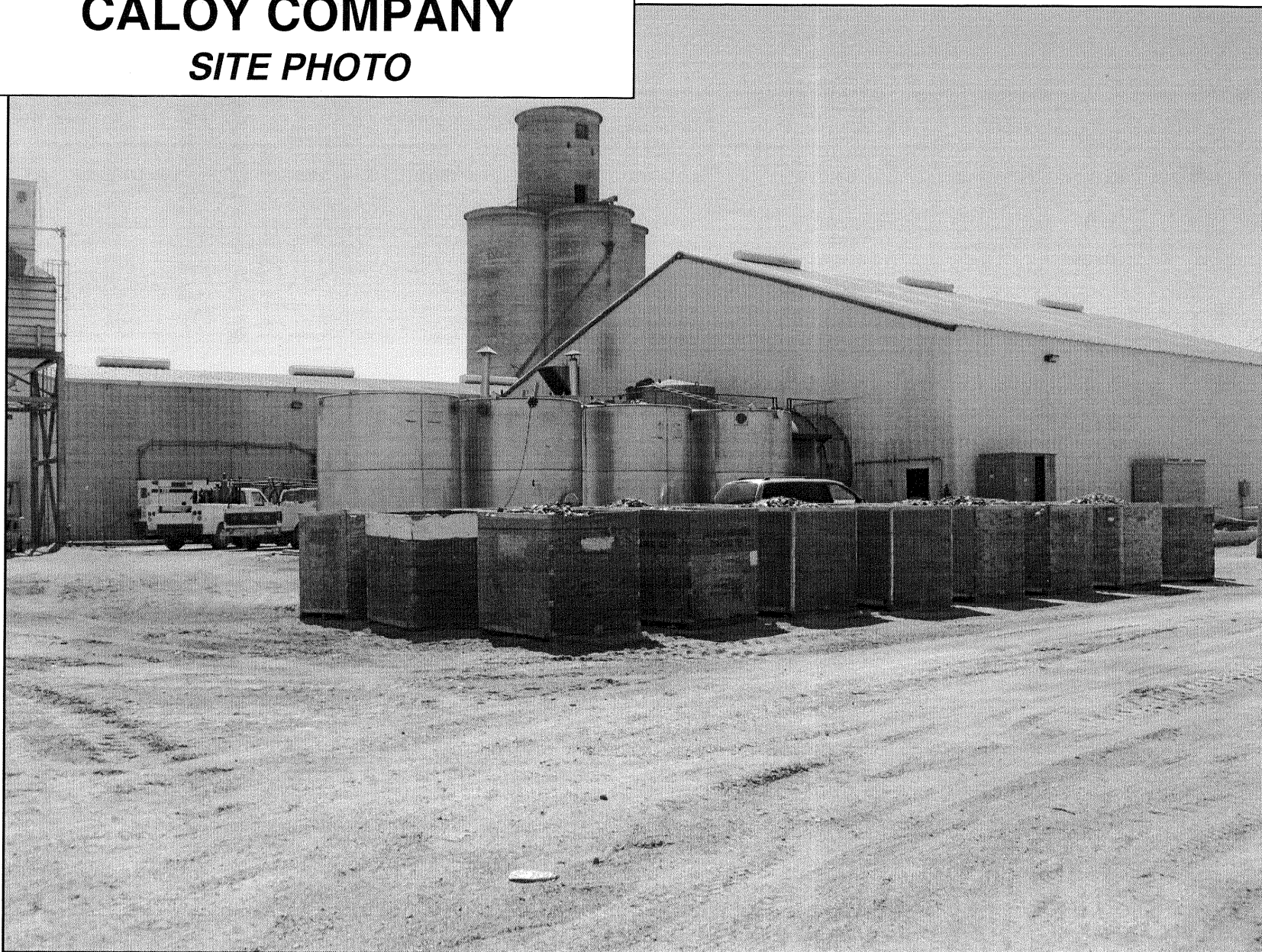
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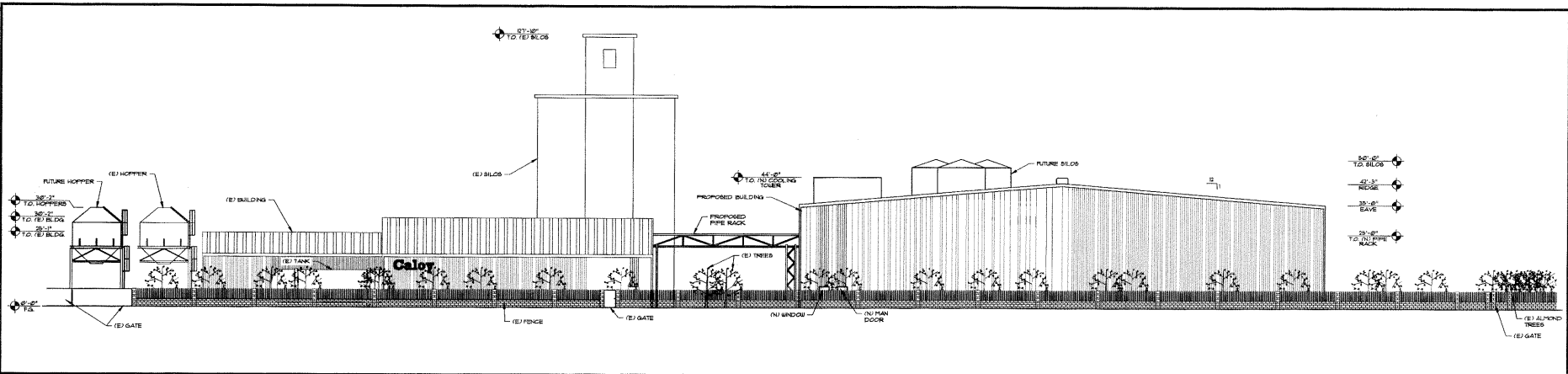
EXHIBIT A-1

**UP 2009-03
CALOY COMPANY
ZONING DESIGNATION**

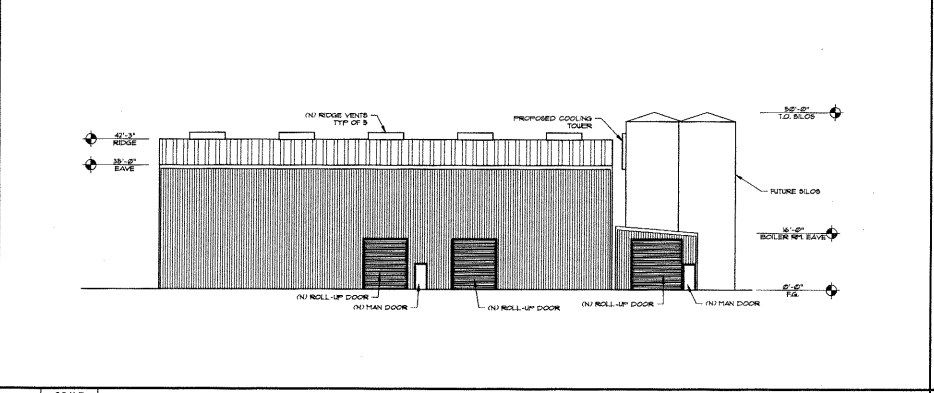


UP 2009-03
CALOY COMPANY
SITE PHOTO

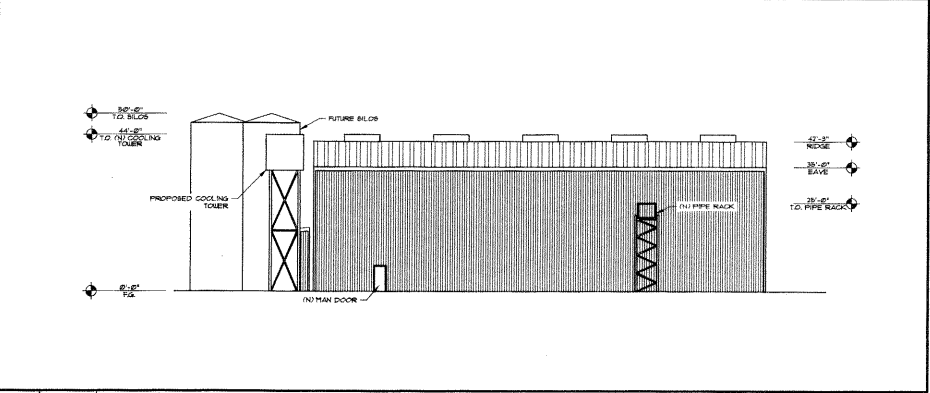




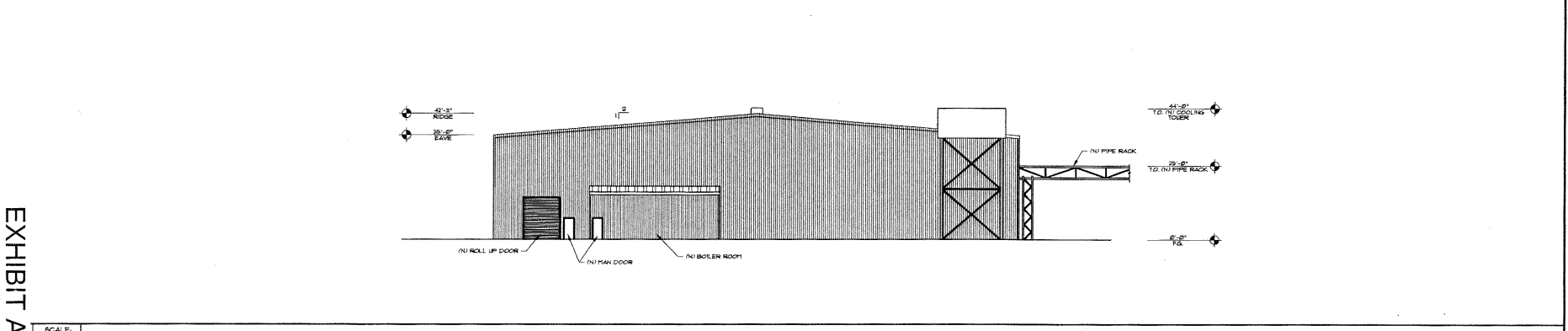
10 SCALE: 1/8" = 1'-0" FRONT ELEVATION (VIEW FROM MONTPELIER)



11 SCALE: 1/8" = 1'-0" NORTH SIDE ELEVATION



5 SCALE: 1/8" = 1'-0" SOUTH SIDE ELEVATION



SCALE: 1/8" = 1'-0" BACK ELEVATION (VIEW TOWARDS MONTPELIER)

DATE	REVISIONS	BY
2/7/09	OWNER REVIEW	CB
2/24/09	PLAN DEPT. SUBMITTAL	CB
4/6/09	USE REVISIONS	CB
12/1/09	USE REVISIONS	CB

CB ENGINEERING INCORPORATED
 1877 MONTPELIER BLVD. SUITE 200, DENVER, CO 80202
 TEL: 303.733.1111 FAX: 303.733.1112
 WWW.CALOYENGINEERING.COM

ELEVATIONS
 NEW PROCESSING BUILDING FOR:
 CALOY COMPANY
 8425 N. MONTPELIER ROAD
 DENVER, CALIFORNIA 95316

Date: 2/3/09
 Scale: Shown
 Approved: CB
 Drawn: HU
 Job #: 1336-1-09
 Sheet:
A2
 of 2 Sheets

10

EXHIBIT A-4

DEVELOPMENT SCHEDULE

REZONE APPLICATION NO. 2006-13 CALOY COMPANY OIL AND FEED

Phase One - The entire project, including construction, landscaping, and compliance with all applicable development standards by August 15, 2009*.

**Please see attached for detailed time-line submitted by the applicant.*

(I:\Staff\pt\REZ\2006\REZ 2006-13 - Caloy Company Oil and Feed Plant\staff report.wpd)

USE PERMIT 2009-03 - CALOY COMPANY

EXHIBIT C - BUILDING PERMIT RECORD

5425 MONTPELIER ROAD

Building Permit #	Status	Description
BLD 2008-01504	Ready	Tenant Improvement to convert Ag storage building to oil processing plant
GRA 2009-00001	Issued	Grading Permit
SWO 2009-00017	Received	Stop Work Order for Tenant Improvements
BLD 2009-00069	Received	Grading Permit for Storm Drain Pond
BLD 2009-00824	Issued	Office and Restroom Addition Inside Existing Warehouse
BLD 2009-01504	Received	Two Fire Water Tanks
BLD 2009-01194	Issued	Truck Scale Replacement
BLD 2009-01208	Received	1000 Gallon Propane Tanks
BLD 2009-01209	Received	Diesel Fuel Tank with CMU Containment



AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES

Gary Caseri
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
Phone: 209.525.4730 Fax: 209.525.4790

Agricultural Advisory Board

MINUTES

June 1, 2009
Stanislaus County Ag Center
Conference Room H/I
10:00 a.m.

Committee Members Present:

Bridget Riddle	John Herlihy	Rowe Barney
Tom Maring	Ed Perry	Wayne Zipser
John Azevedo	Chris Hempleman	Alan Cover

Committee Members Absent:

Norman Kline	Richard Gibson
Ray Prock, Jr.	

Ex-Officio:

Supervisor Jim DeMartini – Present
Supervisor Vito Chiesa (Alternate) - Absent
Gary Caseri, Ag Commissioner – Present

Others Present:

Al Brizard, Stanislaus County Farm Bureau	Angela Freitas, Stan Co. Planning
Bill Carlson, Stan Co. Planning	Denny Hoeh, Ag Comm Office
Cynthia Darmstandler, Ag Comm Office	Raul Mendez, Chief Executive Office
Kristin Doud, Stan Co. Planning	Tom Orvis, Stanislaus County Farm Bureau
Mich Etchebarne, Stanislaus County Farm Bureau	Dennis Wilson, Horizon Consulting

I. PLEDGE OF ALLEGIANCE TO THE FLAG

After the Pledge of Allegiance, Chairman Herlihy thanked Chris Hempleman for his service to the Ag Advisory Board, as Chris will not be renewing his term when it expires on June 30th. At a later point in the meeting, John thanked Bridget Riddle, who is retiring from her term as well.

II. PUBLIC COMMENT PERIOD

Mich Etchebarne stated that he is asking the Ag Advisory Board for an endorsement for an ordinance on zon guns. He said that an ordinance would not be another rule or regulation, but would be a tool to be utilized when the zon gun is abused. John Herlihy asked that the Ag Advisory Board move into the Bird Cannon agenda item on this matter.

III. **APPROVAL OF MINUTES FROM MAY 4, 2009 MEETING**

The minutes from the May 4, 2009 meeting were approved.

IV. **BIRD CANNONS (Bird Frightening Device)**

There was discussion regarding a potential ordinance dealing with bird cannons. It was stated that if an ordinance were recommended, it should be stand-alone and not part of the Ag Element document. It was noted that such an ordinance would not be the responsibility of the Ag Advisory Board to craft, but that staff of the CEO and County Counsel would draft the ordinance, with feedback from the Ag Advisory Board. Gary Caseri reported the number of bird cannon complaints since his office began tracking complaints in 2004: 2004-1; 2005-1; 2006-0; 2007-2; 2008-1. Rowe Barney stated that he didn't believe that the situation warranted the number of County staff hours that would be required to work on this issue. It was also noted that Tulare County has an ordinance which was distributed at the previous meeting. John Herlihy stated that he believes the Stanislaus County guidelines and the Tulare County Ordinance should be redistributed and that the bird cannon item should be brought back again to the Ag Advisory Board.

V. **ALTERNATIVE AGRICULTURAL BUFFERS**

Use Permit 2009-03 Caloy Company:

This is an almond processing plant which is proposing to expand with an additional building on site. They are required to meet the setback of 150' and a vegetative screen. This alternative request is for the vegetative screen; instead of a double row of evergreen, the applicant is proposing oleander shrubs and olive trees.

It was M/S/P to approve the alternative buffers for this project.

GPA 2009-01 Rezone 2009-02 Derrel's Mini Storage:

This application requests a change in zoning from A2-40 to Planned Development. The north and east side of the project don't meet the buffer requirements. The applicant is proposing to leave the site "as is" with respect to agricultural buffers and setbacks.

It was M/S/P to approve the alternative buffers for this project.

Use Permit 2009-02 Camp Smeck

This project is for RV hookups and an area for family gatherings, with a maximum use of 7 times per year. There is no fencing or vegetative screening. The property is too narrow to meet the 150' setback requirements. The applicant is proposing to leave the site "as is" with respect to agricultural buffers and setbacks.

It was M/S/P that the Ag Advisory Board does not support the alternative buffers for this project.

UP 2009-08 Amerine Systems

The applicant is requesting to expand an existing agricultural sprinkler/irrigation business within A-2-40 zoning. The site is located on 12.6 acres in the Oakdale area. The applicant proposed an alternative to the ag buffer standards. The property currently has chain link fencing around the entire property and the applicant is proposing increasing the tree planting to cover the entire frontage of the property except for the entry gates.

It was M/S/P to approve the alternative buffers for this project.

Ed Perry brought up the use of evergreens as a vegetative buffer and redwoods, specifically. He suggested that other types of trees than redwoods be considered since they are not drought tolerant, they use a lot of water and they do not tolerate high temperatures well.

VI. Groundwater Management

Subcommittee members were asked to meet briefly after the meeting. John Azevedo stated there are several studies showing that the groundwater is highly re-chargeable. Al Brizard commented that there is nothing preventing a metropolitan water district from buying a plot of land in Stanislaus County and drilling a well and exporting the water to Southern California.

VII. Ag Advisory Board By-Laws

The group will wait until Ray Prock is able to meet with the subcommittee since he was particularly interested in reviewing and possibly revising the By-Laws. A subcommittee meeting will be forthcoming.

VIII. NEXT MEETING

A. Meeting Date/Time:

The next scheduled meeting is **Monday, July 13, 2009 at 10:00 a.m.**
at the Stanislaus County Ag Center, Conference Room H/I

B. Agenda Items

- ✓ Bird Cannons
- ✓ Alternative Buffers
- ✓ By-Laws Agricultural Advisory Board
- ✓ Groundwater Management

Please contact John Herlihy, Gary Caseri or Cynthia Darmstandler with items you wish placed on the agenda.

IX. ADJOURNMENT

Chairman John Herlihy adjourned the meeting.

Minutes Respectfully
Submitted,



Cynthia Darmstandler
Confidential Assistant IV
Stanislaus County



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

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

- 1. **Project title:** Use Permit Application No. 2009-03 - Caloy Company
- 2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
- 3. **Contact person and phone number:** Kristin Doud, Assistant Planner
(209) 525-6330
- 4. **Project location:** 5425 Montpelier Road, southeast of E. Keyes Road, east of Denair. (APN: 019-041-027)
- 5. **Project sponsor's name and address:** Helen Jobe
CB Engineering
1317 Oakdale Road, Suite 230
Modesto, CA 95355
- 6. **General plan designation:** Agriculture
- 7. **Zoning:** P-D (312)
- 8. **Description of project:**

This is a two part request. First this is a request to expand an existing almond and walnut oil extraction facility. The operation currently consists of a 16,400 square foot warehouse/office building, silos, loading area, and truck scales. Product currently must be shipped to a refinery site in Germany prior to retail sale. This project requests construction of a 24,750 square foot warehouse (41 feet in height) which will house equipment to allow additional processing of the nut oil. Construction of the new warehouse would occur in two phases. Phase 1, which must begin within 18 months of project approval, will include construction of approximately 9,000 square feet which will include an office, lab, boiler room, cooler and processing area. Phase 2 will include construction of the remaining square footage and will expand the processing floor area. The expansion would also increase asphalt cover by 20,400 square feet. Accessory structures such as silos and a cooling tower will also be constructed with the expansion. The business runs 24 hours a day with 13 employees on maximum shifts. No increase in traffic is anticipated as the expansion will yield the same amount of product. The operation was originally approved under Rezone Application No. 2006-13, which changed the zoning designation of the property from A-2-40 to Planned Development 312 (P-D (312)). The second portion of this application includes a request for an amendment to the development plan by way of a six month time extension, ending on February 15, 2010, to allow the applicant to comply with the development standards.

- 9. **Surrounding land uses and setting:** Orchard and row crops surround the site as well as multiple residential lots created by the Town of Montpelier Subdivision. The community of Denair exists 4+ miles west of the site.
- 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
Stanislaus Consolidated Fire District
Denair Fire District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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



 Signature

April 29, 2009

 Date

Kristin Doud, Assistant Planner

 Printed name

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p>Discussion: The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural operations. Development resulting from this project will be consistent with existing area developments.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				



II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

Discussion: The property is not currently restricted by a Williamson Act Contract. The soils are designated as "Urban and Built-Up Land" by the Farmland Mapping and Monitoring Program. The soils on site are listed as Rocklin sandy loam, 0 to 3 percent slopes, Index Rating of 41, Grade 3.

The property was re-zoned in July of 2007 from A-2-40 to P-D (312) to allow for an almond and walnut oil extraction facility. The operation currently consists of a 16,400 square foot warehouse/office building, silos, loading area, and truck scales. The General Plan designation is Agriculture which is permitted under the General Plan in conjunction with the Planned Development zoning when an operation is related to production agriculture. The nature of the applicants business, which primarily produces almond and walnut oils, is such that the raw material is strictly an agricultural commodity. Because this

Because this request is for an expansion of an existing use, it does not appear this project will impact the long-term productive agricultural capability of the adjacent properties in the A-2 zoning district. The proposed use itself is directly related to the production of commercial agricultural products.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Prior to project approval, the applicant may present an alternative to the buffer requirements to the Agricultural Advisory Board for support. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. Current buffer guideline standards require a project to provide solid fencing and a double row of landscaping around the perimeter of the proposed operation.

Mitigation: None.

References: California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2002, Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The project site is within the San Joaquin Valley Air Basin, which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. A Condition of Approval applied to the rezone project requires the operator to comply with standardized dust controls adopted by the SJVAPCD. A project referral response received from the District indicates that the operation will have to comply with District Rule 9510 (Indirect Source Review) because the operation will include over 25,000 square feet of light industrial space. Other Air District rules may apply to the project. A general Condition of Approval requiring the operator to contact the air district prior to operating their expansion will be placed on the project.

Mitigation: None.

References: Rezone Application No. 2006-13 - Caloy Company Oil and Feed - Conditions of Approval, referral response received from the San Joaquin Valley Air Pollution Control District on April 20, 2009, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, 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 US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The project site is located within the general vicinity of a 1987 observation of the native plant species San Joaquin Valley Orcutt Grass, which is noted within the California Natural Diversity Database. No additional records of this species have been documented in this area. The project site is a developed 4+ acre site that is improved with a 16,400 square foot warehouse/office building, silos, loading area, and truck scales. No vernal pool complexes exist on or around the site to provide suitable habitat for this native species. Therefore, no direct or indirect impacts to this plant are anticipated as a result of the proposed expansion.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹, California Department of Fish and Game's Species Accounts for Plants and California Natural Diversity Database.

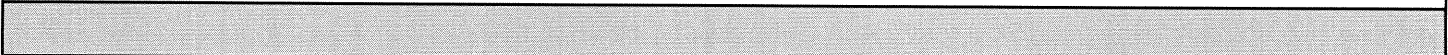
V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
<p>Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A Condition of Approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 1804.2 of the California Building Code (2007), creating substantial risks to life or property?			X	

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
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Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. However, as per the 2007 California Building Code all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources through the building permit process, which also takes soil type into consideration within the specific design requirements.

Mitigation: None.

References: California Building Code (2007), Stanislaus County General Plan and Support Documentation - Safety Element¹.



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

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
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Discussion: The current operation has a Hazardous Materials Business Plan through the Department of Environmental Resources Hazardous Materials Division. If approved, this plan must be updated to reflect the expansion. Although no formal response has been received from the Hazardous Materials Division, a Condition of Approval will be applied to the project reflecting this requirement.

Pesticide exposure is a risk in agricultural areas. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

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

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion: Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site, and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site itself is not located within a FEMA recognized flood zone and, as such, flooding is not considered to be an issue with respect to this project.

A referral response received from the Department of Public Works requires that a grading and drainage plan, that maintains drainage and storm water run-off on-site, be approved by their department prior to issuance of a building permit. This will be reflected as a Condition of Approval for the project.

A referral response received from the Central Valley Flood Protection Board did not raise any potential significant issues.

Mitigation: None.

References: Referral response received from the Department of Public Works on April 15, 2009, referral response received from the Central Valley Flood Protection Board on April 21, 2009, Stanislaus County General Plan and Support Documentation¹.

IX. LAND USE AND PLANNING -- Would the project:

IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: As previously discussed within Section II. - Agriculture Resources, the property was rezoned in July of 2007 from A-2-40 to P-D (312) to allow for an almond and walnut oil extraction facility. The operation currently consists of a 16,400 square foot warehouse/office building, silos, loading area, and truck scales. The General Plan designation is Agriculture which is permitted under the General Plan in conjunction with the Planned Development zoning when an operation is related to production agriculture.

This project requests the expansion of the existing facility with construction of a 24,750 square foot warehouse (41 feet in height) which will house equipment to allow additional processing of the nut oil. In accordance with Section 21.40.080 of the zoning ordinance, changes or amendments to a Planned Development "development plan" must be submitted to the Planning Director for review. In this case, the Director has determined that the proposed amendments do not conform with the current layout of the approved Development Plan. As such, the proposed changes are being processed in accordance with Section 21.40.080(B), which requires approval of a use permit.

In accordance with Section 21.40.090(B) of the zoning ordinance a time extension to the development schedule may be granted by the Planning Commission. The second portion of this application includes a request for an amendment to the development plan by way of a six month time extension, ending on February 15, 2010, to allow the applicant to comply with the development standards.

Mitigation: None.				
References: Stanislaus County Zoning Ordinance, Stanislaus County General Plan and Support Documentation ¹ .				
X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.				
Mitigation: None.				
References: Stanislaus County General Plan and Support Documentation ¹ .				
XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Discussion: The site is not located within an airport land use plan. The Stanislaus County General Plan identifies noise levels up to 75 dB L _{dn} (or CNEL) as the normally acceptable level of noise for industrial, manufacturing, utility and agricultural uses. Noise associated with increased on-site activities are not anticipated to exceed the areas existing level of noise. The proposed on-site activities would occur inside the proposed 24,750 square foot warehouse. Operational activities are contained mainly to interior spaces. Construction associated with the project will temporarily increase the area's ambient noise level.				

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XII. POPULATION AND HOUSING -- Would the project:

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

Discussion: This project does not propose any significant type of growth inducing features, therefore, adverse affects created by population growth should not occur. No housing or persons will be displaced by the project.

Mitigation: None.

References: Stanislaus County General Plan Noise Element¹, Stanislaus County General Plan Support Documentation¹.

XIII. PUBLIC SERVICES:

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

Discussion: This project was referred to Denair Fire Protection District, Stanislaus Fire Prevention Bureau, the Sheriff's Office, Denair Unified School District, Stanislaus County Department of Parks and Recreation, Turlock Irrigation District (TID), Eastside Water District, PG&E and AT&T. No responses were received from the school district, the Sheriff's Office, TID, Eastside Water District, PG&E or AT&T. A "No Comment" response was received from Stanislaus County Department of Parks and Recreation.

The Stanislaus Fire Prevention Bureau commented on behalf of the Denair Fire Protection District. Standard Conditions of Approval will be placed on the project to reflect these comments.

The Department of Public Works responded to the project referral with comments regarding encroachments permits, a grading and drainage plan, driveway locations, parking and restrictions within the right-of-way. These comments will be reflected within the Conditions of Approval applied to the project. No potentially significant environmental concerns were raised in regard to traffic impacts.

The County has adopted Public Facilities Fees to address impacts to public services. Any construction resulting from approval of this project will be required to pay fees, at the time of building permit issuance, to public service providers such as the Sheriff's Office, the school district and fire. Conditions of Approval will be added to this project to insure the proposed development complies with all applicable public service department standards.

Mitigation: None.

References: Referral response received from the Department of Public Works on April 15, 2009, referral response received from the Environmental Review Committee on behalf of Denair Fire Protection District on April 22, 2009, referral response received from Stanislaus County Department of Parks and Recreation on April 21, 2009, Stanislaus County General Plan and Support Documentation¹.

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

Discussion: The increased use of existing recreational facilities as a result of this project is anticipated to have no impact as the project does not propose any dwellings at this time. The proposed parcels are of substantial size to offer on-site recreation opportunities to the respective owners, if warranted. This project was referred to the Stanislaus County Department of Parks and Recreation and they responded with no comments regarding possible impacts to such facilities.

Mitigation: None.

References: Referral response received from the Stanislaus County Department of Parks and Recreation on April 21, 2009, Stanislaus County General Plan and Support Documentation¹.

XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion: This project will not substantially increase traffic for this area, and the proposed facility will have direct access to Montpelier Road which is a County-maintained road. As previously discussed within Section XIII - Public Services, the Department of Public Works did not raise any potentially significant environmental concerns in regard to traffic impacts. Their project response included comments on encroachments permits, a grading and drainage plan, driveway locations, parking and restrictions within the right-of-way. These comments will be reflected within the Conditions of Approval applied to the project.

Mitigation: None.

References: Referral response received from the Department of Public Works on April 15, 2009, Stanislaus County General Plan and Support Documentation¹.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
<p>Discussion: Limitations on public utilities and service systems have not been identified. Less than significant impacts associated with utilities and service systems will be reflected within the project's Conditions of Approval. Any waste water produced during the processing of the oils other than domestic waste water would be regulated through the Regional Water Quality Control Board. As the water utilized in processing the oil is continually recycled, very little waste water is produced during the refining process. The proposed development of the property will be reviewed and approved by the Department of Environmental Resources through the building permit process. This department reviews issues related to septic and well.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.</p>				

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¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on December 12, 2003 and certified by the California Department of Housing and Community Development Department on March 26, 2004; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

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

CONDITIONS OF APPROVAL

**USE PERMIT APPLICATION NO. 2009-03
CALOY COMPANY**

Planning and Community Development - Planning Division

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances and in compliance with all applicable Development Standards approved for Planned Development 312.
2. Prior to issuance of a building permit for the expansion, a landscaping plan consistent with the site plan and approved buffer alternative shall be submitted to and approved by Planning staff. The plan shall show the plant names, initial plant size, location and method of irrigation.
3. Prior to issuance of final occupancy of any building permit, conformance of the installed landscaping and fencing to the approved development plan shall be verified with an inspection.
4. Applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.
5. Hours of construction on the project site shall be limited to 7:00 a.m. to 6:00 p.m., Monday thru Friday, with no construction allowed on holidays.
6. Applicant and/or subsequent property owner(s) must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license and shall conform to 2007 California Title 24 Building Code.
7. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.

8. During the construction phases of the project, if any human remains, significant or potentially unique are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archaeologist.
9. A plan for any proposed signs indicating the location, height, and area of the sign must be approved by the Stanislaus County Planning Department prior to installation. All signs shall obtain a building permit when applicable.
10. Should trash bins be used, they shall be kept in trash enclosures constructed of materials compatible with the architecture of the development.
11. Prior to final of any building permit for the expansion, fencing shall be installed in accordance with the plot plan and approved buffer alternative. This includes installation of a three foot solid wall topped with 3 foot wrought iron bars along Montpelier Road and along the northwestern property line and chain link fencing along the southwestern and western property lines. Proper installation shall be field verified.
12. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2009), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,050.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
13. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
14. 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.

Planning and Community Development - Building Permits Division

15. Prior to construction of any new structure, building permits shall be obtained as required by 2007 California Building Code (CBC).

Public Works Department

16. An encroachment permit shall be obtained for any change on either driveway approach on Montpelier Road.
17. All driveway locations and widths shall be approved by the Public Works Department.
18. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Montpelier Road. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
19. All employee parking areas shall be paved and double striped per County standards.
20. Prior to issuance of any building permit, a Grading and Drainage Plan for the property shall be approved by the Department of Public Works. This plan shall verify that all runoff shall be kept on-site. After the plan is determined to be acceptable to the Department of Public Works, the plans shall be implemented prior to the final and/or occupancy of any building.

Fire Prevention Bureau

21. All buildings constructed shall comply with all applicable codes and ordinances, including fire apparatus access road standards, water for fire protection, and automatic fire sprinkler systems. The project shall comply with fire apparatus access standards. Two ingress/egress accesses shall be provided. All buildings 5,000 square feet and greater shall be provided with an automatic fire sprinkler system.

Department of Environmental Resources (DER)

22. Applicant shall determine, to the satisfaction of DER, that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
23. The applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at new tanks or for the modification of an existing tank facility.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of Hazardous Materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.

- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program that must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
- E. Generators of hazardous waste must notify the Department relative to the (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
- G. Medical waste generators must complete and submit a questionnaire to the Department for determination if they are regulated under the Medical Waste Management Act.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

- 24. The proposed project is subject to District Rule 9510 (Indirect Source Review) if upon full build-out the expansion exceeds 25,000 square feet of light industrial space. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District and to pay any applicable off-site mitigation fees before issuance of the first building permit.
- 25. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
- 26. Project shall comply with all applicable SJVAPCD rules. Rules that the operation may be subject to include but are not limited to the following:
 - Regulation VIII (Fugitive PM10 Prohibitions)
 - Rule 4102 (Nuisance)
 - Rule 4601 (Architectural Coatings)
 - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations)
 - Districts Permitting
 - District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

*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~~.*

NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. 2009-03 - Caloy Company

LOCATION OF PROJECT: 5425 Montpelier Road, southeast of E. Keyes Road, east of Denair. (APN: 019-041-027)

PROJECT DEVELOPERS: Helen Jobe
CB Engineering
1317 Oakdale Road, Suite 230
Modesto, CA 95355

DESCRIPTION OF PROJECT: This is a two part request. First this is a request to expand an existing almond and walnut oil extraction facility. The operation currently consists of a 16,400 square foot warehouse/office building, silos, loading area, and truck scales. Product currently must be shipped to a refinery site in Germany prior to retail sale. This project requests construction of a 24,750 square foot warehouse (41 feet in height) which will house equipment to allow additional processing of the nut oil. Construction of the new warehouse would occur in two phases. Phase 1, which must begin within 18 months of project approval, will include construction of approximately 9,000 square feet which will include an office, lab, boiler room, cooler and processing area. Phase 2 will include construction of the remaining square footage and will expand the processing floor area. The expansion would also increase asphalt cover by 20,400 square feet. Accessory structures such as silos and a cooling tower will also be constructed with the expansion. The business runs 24 hours a day with 13 employees on maximum shifts. No increase in traffic is anticipated as the expansion will yield the same amount of product. The operation was originally approved under Rezone Application No. 2006-13, which changed the zoning designation of the property from A-2-40 to Planned Development 312 (P-D (312)). The second portion of this application includes a request for an amendment to the development plan by way of a six month time extension, ending on February 15, 2010, to allow the applicant to comply with the development standards.

Based upon the Initial Study, dated **April 29, 2009**, 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: Kristin Doud, 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: USE PERMIT APPLICATION NO. 2009-03 - CALOY COMPANY

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS		
	DATE: May 12, 2009	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
AGRICULTURE COMMISSIONER	X	X				X							
AIRPORT LAND USE COMMISSION	X	X				X							
ALLIANCE	X	X	X			X							
BUILDING PERMITS DIVISION	X	X		X				X		X		X	
CENTRAL VALLEY FLOOD PROTECTION	X	X	X	X				X		X			X
CHIEF EXECUTIVE OFFICE	X	X				X							
COOPERATIVE EXTENSION	X	X				X							
COUNTY COUNSEL	X	X				X							
ENVIRONMENTAL RESOURCES	X	X		X				X		X		X	
FIRE PROTECTION DIST: Denair and Stanislaus Consolidated	X	X		X				X		X		X	
FISH & GAME, DEPT OF	X	X	X			X							
HAZARDOUS MATERIALS	X	X		X				X		X		X	
IRRIGATION DISTRICT: Turlock	X	X	X	X				X		X			X
LAFCO	X	X				X							
MOSQUITO DISTRICT: Turlock	X	X	X			X							
MT VALLEY EMERGENCY MEDICAL	X	X	X			X							
MUNICIPAL ADVISORY COUNCIL: Denair	X	X	X			X							
NATURAL RESOURCES CONSERVATION	X	X	X			X							
PACIFIC GAS & ELECTRIC	X	X	X			X							
PARKS & FACILITIES	X	X		X				X		X			X
PUBLIC WORKS	X	X		X				X		X		X	
PUBLIC WORKS - TRANSIT	X	X				X							
REGIONAL WATER QUALITY CONTROL	X	X	X			X							
SCHOOL DISTRICT 1: Denair	X	X	X			X							
SHERIFF	X	X		X				X		X			X
STANISLAUS COUNTY FARM BUREAU	X	X	X			X							
STANISLAUS ERC	X	X		X				X		X			X
STANISLAUS FIRE PREVENTION BUREAU	X	X		X				X		X		X	
STATE CLEARINGHOUSE	X	X		X				X		X			X
SUPERVISORIAL DISTRICT 2: Chiesa	X	X				X							
TELEPHONE COMPANY: AT&T	X	X	X			X							
TRIBAL CONTACTS	X	X	X			X							
US FISH & WILDLIFE	X	X	X			X							
VALLEY AIR DISTRICT (SJVAPCD)	X	X	X	X				X		X		X	
WATER DISTRICT: EASTSIDE	X	X	X			X							