



## CEQA Referral Initial Study and Notice of Intent to Adopt a Negative Declaration

**Date:** September 25, 2019

**To:** Distribution List (See Attachment A)

**From:** Jeremy Ballard, Associate Planner  
Department of Planning and Community Development

**Subject:** GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, & DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING

**Comment Period:** September 25, 2019 – October 28, 2019

**Respond By:** October 28, 2019

**Public Hearing Date:** November 21, 2019

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You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

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**Applicant:** Natural Remedies, Cheryl King

**Project Location:** 5272 Jerusalem Court, Suite D, north of Kiernan Avenue, in the Modesto area.

**APN:** 004-065-019

**Williamson Act Contract:** N/A

**General Plan:** Planned Industrial (P-I)

**Current Zoning:** P-I (7) (Planned Industrial)

**Project Description:** Request to rezone a 1.01-acre property from to P-I to P-D (Planned Development), and to obtain a Use Permit and Development Agreement, to allow indoor commercial cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing 12,000 square-foot warehouse building. A General Plan Amendment to amend the project site's designation from P-I to P-D is also included in this project request to allow for the retail sale of cannabis products. The property is served by a well and septic system. Proposed hours of operation are Monday through Saturday, 10 a.m. to 8 p.m., and Sunday, 10 a.m. to 5 p.m., with a maximum of 21 employees. Cultivation, manufacturing, and distribution will have weekday operating hours from 9 a.m. to 5 p.m. Monday through Friday. The retail operation anticipates an average of 216 customers per day during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies for the entire operation and approximately one trip per week for distribution activities.

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

**GENERAL PLAN AMENDMENT, REZONE, USE PERMIT AND DEVELOPMENT AGREEMENT  
APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING**

Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		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	X	STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES/SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	FIRE PROTECTION DIST: SALIDA		STAN CO SUPERVISOR DIST 4: BERRYHILL
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: MODESTO		StanCOG
X	MOSQUITO DIST: EASTSIDE	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTIAN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
	MUNICIPAL ADVISORY COUNCIL:	X	STATE OF CA SWRBC – DIV OF DRINKING WATER DIST. 10
X	PACIFIC GAS & ELECTRIC	X	SURROUNDING LAND OWNERS
	POSTMASTER:	X	TELEPHONE COMPANY: ATT
X	RAILROAD: UNION PACIFIC RAILROAD	X	TRIBAL CONTACTS (CA Government Code §65352.3)
X	SAN JOAQUIN VALLEY APCD		TUOLUMNE RIVER TRUST
X	SCHOOL DIST 1: STANISLAUS UNION		US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 2: MODESTO UNION		US FISH & WILDLIFE
	WORKFORCE DEVELOPMENT	X	US MILITARY (SB 1462) (7 agencies)
X	STAN CO AG COMMISSIONER	X	CDFA – CALCANNABIS CULTIVATION LICENSING
X	CA DEPT OF PUBLIC HEALTH MANUFACTURED CANNABIS SAFETY BRANCH	X	CA DEPARTMENT OF CONSUMER AFFAIRS – BUREAU OF CANNABIS CONTROL:

**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

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

**FROM:** \_\_\_\_\_

**SUBJECT:** GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, & DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING

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



## CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment, Rezone, Use Permit, & Development Agreement Application No. PLN2018-0101 – Natural Remedies Consulting
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
4. **Project location:** 5272 Jerusalem Court, Suite D, North of Kiernan Avenue, in the Modesto area.  
APN: 004-065-019.
5. **Project sponsor's name and address:** Cheryl King dba Natural Remedies Consulting  
5272 Jerusalem Court, Suite D  
Modesto, CA 95356
6. **General Plan designation:** Planned Industrial (P-I)
7. **Zoning:** P-I (7) (Planned Industrial)
8. **Description of project:**

Request to rezone a 1.01-acre property from to P-I to P-D (Planned Development), and to obtain a Use Permit and Development Agreement, to allow indoor commercial cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing 12,000 square-foot warehouse building. A General Plan Amendment to amend the project site's designation from P-I to P-D is also included in this project request to allow for the retail sale of cannabis products. The property is served by a well and septic system. Proposed hours of operation are Monday through Saturday, 10 a.m. to 8 p.m., and Sunday, 10 a.m. to 5 p.m., with a maximum of 21 employees. Cultivation, manufacturing, and distribution will have weekday operating hours from 9 a.m. to 5 p.m. Monday through Friday. The retail operation anticipates an average of 216 customers per day during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies for the entire operation and approximately one trip per week for distribution activities.
9. **Surrounding land uses and setting:** Light industrial, warehouse, and low traffic generating commercial uses to the west and south, MID canal and open space to the north, orchards to the east, and the City of Modesto to the south.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans  
Stanislaus County Department of Public Works  
Department of Environmental Resources
11. **Attachments:** Maps  
Application  
Early Consultation Referral Response

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Jeremy Ballard

Prepared by

September 25, 2019

Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

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

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

**ISSUES**

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

**Discussion:** The site itself is not considered to be a scenic resource or unique scenic vista. The site is currently adjacent to light industrial development that includes warehouses and low traffic generating retail to the west and south of the project site. The project site abuts an agriculturally zoned parcel, which is planted in orchards to the east and another agriculturally zoned parcel which is vacant and separated by the MID Main Canal to the north. The project site fronts onto Jerusalem Court which was developed in the early nineties. The buildings all feature a similar aesthetic design that include stucco, glass incorporated into the facades, and metal warehouses. The project site is currently developed with a 12,000 square-foot commercial building separated into three suites which is consistent with neighboring light industrial development. The proposed operation will include the use of all but one of the suites and will feature interior tenant improvements but no exterior changes or expansion of the building. A condition of approval will be applied to the project which requires that all existing exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow and to prevent light trespass onto neighboring properties. The proposed project is not anticipated to have a substantial negative effect on a scenic vista, damage scenic resources, or substantially degrade the existing visual character of the site or its surroundings.

**Mitigation:** None.

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

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

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

The 1.52-acre project site is made up of Delhi sand soils which are classified as Urban and Built-Up Land by the State of California’s Farmland Mapping and Monitoring Program. The site is zoned P-I (7), which allowed for the operation of various light industrial uses consistent with the Planned Industrial zoning district. The proposed operation will consist of 12,000 square feet of indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing warehouse building. All commercial cannabis uses are required under Stanislaus County Code 6.78.080(a) to participate in State of California’s and Stanislaus County’s Agricultural Commissioners Track and Trace Program for all cannabis grown within the facility. Additionally, the use of any fertilizers or pesticides must be in accordance with the Agricultural Commissioners rules and regulations.

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. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The project proposes a maximum of 21 employees at full build out and include a retail component, which would be considered to be people intensive and require a 300-foot setback from the proposed use to adjacent agriculturally zoned property. The site is surrounded by light industrial uses to the west and south and agriculturally zoned parcels to the north and east. The parcel that is agriculturally zoned to the north is separated by a 100-foot wide Modesto Irrigation District (MID) Canal. The agriculturally zoned parcel to the east is planted in trees. The project site is physically separated from both parcels with a chain link fence with slats. Furthermore, the building entrances are facing westerly away from the agriculturally zoned parcels, and only emergency exists face east at the backside of the building. The building would shield a majority of the areas of the proposed project that are people intensive. However, the project proposes an agricultural buffer alternative on the northern and eastern property lines with a reduced setback and the existing chain link fence.

MID was referred the project but did not respond with any comments regarding their irrigation facilities.

The project site does not contain forest land or timberland, and it is not currently subject to a Williamson Act contract. Therefore, the project would not negatively affect Important Farmland, agriculturally zoned land, land subject to a Williamson Act contract, or timberlands. Impacts to agricultural resources are considered to be less than significant.

**Mitigation:** None.

**References:** California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2019; USDA NRCS Soil Survey; Chapter 6.78 and Title 21 of the Stanislaus County Code; FEIR CalCannabis Cultivation Licensing Program; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The project site is in the San Joaquin Valley Air Basin which has been classified as "severe nonattainment" for ozone and respirable particulate matter (PM<sub>10</sub>) 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 site is zoned P-I (7), which allowed for the operation of various light industrial uses consistent with the Planned Industrial zoning district. The proposed operation will consist of 12,000 square feet of indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing warehouse building.

The primary source of operational air pollutants generated by this project would be classified as being generated from "mobile" sources created from increased vehicle trips generated by employees and shipping/receiving vehicles. The retail operation anticipates an average of 216 customers per day, during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies for the entire operation and approximately one trip per week for distribution activities. Mobile sources are generally regulated by the California Air Resources Board of the California Environmental Protection Agency 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 Air Basin. The applicant has proposed to utilize hybrid or zero emission vehicles for distribution activities furthering the likelihood of the proposed project having less than a significant impact on air quality. The San Joaquin Valley Air Pollution Control District indicated that the proposed project was below the District's thresholds of significance for criteria pollutant emissions.

The California Department of Public Health (CDPH) circulated an environmental review of permitted commercial cannabis distribution and microbusiness manufacturing activities. The Air Quality section of the environmental review touched on how the incorporation of the previously unpermitted and unregulated commercial cannabis industry would potentially make beneficial contributions to nonattainment conditions or violations of plans, policies, or standards.

Cannabis has the potential to generate odor that can be considered objectionable. However, as required by County Code Section 6.78.120(9)(D), the project applicant has developed an odor control plan that includes several elements to ensure odors will not affect adjacent properties including carbon absorption filters on HVAC equipment prior to discharge of exhaust; carbon filters attached to fans in grow rooms to scrub the interior air; packaging of cannabis product in low emissions mylar to reduce odors from finished product; conducting product transfers in closed and secure vehicles; and minimizing the time facility doors are open during loading of packaged product. Implementation of the odor control measures would ensure a substantial number of people would not be affected by project-generated odors.

**Mitigation:** None.

**References:** Application material; EIR CalCannabis Cultivation Licensing Program; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program, Referral Response from San Joaquin Valley Air Pollution Control District, dated November 5, 2018; Chapter 6.78 and Title 21 of the Stanislaus County Code; Stanislaus County General Plan and Support Documentation.<sup>1</sup>

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

**Discussion:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project is located within the Riverbank Quad of the California Natural Diversity Database. There are 17 plants and animals that are state or federally listed, threatened, or identified as species of special concern in this quad. These species include the Swainson's hawk, burrowing owl, vernal pool fair shrimp, vernal pool tadpole shrimp, chum salmon, hardhead, steelhead, chinook salmon, obscure bumble bee, Crotch bumble bee, valley elderberry longhorn beetle, Moestan blister beetle, western ridged mussel, northern California legless lizard, and northern California black walnut. Because the project site is already developed and landscaped, the likelihood for these species to be present on the project site is very low. The site is zoned P-I (7), which allowed for the operation of various light industrial uses consistent with the Planned Industrial zoning district. The operation is proposed to operate out of a site that is already developed including a 12,000 square-foot warehouse and paved parking lot. Furthermore, there is no sensitive habitat present on the site including wetlands or other waters of the State or of the United States.

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

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

**Mitigation:** None.

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

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

**Discussion:** The project falls under the requirements for tribal consultation, as required by AB 52 or SB 18, as the project request is for a General Plan Amendment. A letter providing a consultation invitation to all known tribes in the region was sent on November 13, 2018. To date, none of the tribes contacted have responded to the letter from the County to request formal consultation of the project.

The project applicant submitted a record's search from the Central California Information Center (CCIC), which indicates that the project area has low sensitivity for cultural resources and that no prehistoric or historic archaeological resources or historic properties have been reported to the CCIC. The Stanislaus County General Plan indicates that many of the geologic units in the County are sensitive for paleontological resources, therefore there is potential to encounter these resources during any future ground disturbance. The project does not include any new building construction and is proposing to operate out of a site that is already developed with a 12,000 square-foot warehouse and paved parking lot. However, conditions of approval will be placed on the project requiring that construction activities be halted if any cultural or paleontological resources are encountered until appropriate agencies are contacted and an archaeological survey is completed.

**Mitigation:** None.

**References:** Central California Information Center Report for the project site, August 22, 2018; Consultation Letter to Tribes, dated November 13, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

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

The California Department of Public Health (CDPH) circulated an environmental review of permitted commercial cannabis distribution and microbusiness manufacturing activities. The evaluation of energy consumption concluded that activities of indoor and mixed light cultivation could consume larger quantities of energy. However, both state and local jurisdictions have required renewable energy portfolios for all commercial cannabis activities, which will lower the energy demand of the activity types to less than significant levels.

The operation proposes to operate out of an existing 12,000 square-foot warehouse and to conduct indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution activities. The project includes indoor cultivation which will involve artificial lighting which utilizes wattage at a rate above twenty-five watts per square foot, temperature/humidity/air flow control, carbon filters, and irrigation and water treatment equipment. Additionally, the project proposes to incorporate solar panels, LED lights, and zero emission or hybrid vehicles into their business plan, which will reduce energy consumption for the project. The distribution portion of the project will include transportation vans. No additional building square footage is proposed. However, a condition of approval will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

The retail operation anticipates an average of 216 customers per day, during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies for the entire operation and approximately one trip per week for distribution activities. This is below the Air District's threshold of significance for criteria emissions per a referral response from the District.

The project was referred to Modesto Irrigation District (MID) who's electrical division responded with information of the existing facilities onsite. The applicant will be required to comply with MID's requirements for operation, a condition of approval will be added for consultation with MID prior to operation.

The operation is also required to meet state standards regarding energy use and cannabis cultivation. The EIR prepared for the State's Cultivation Permitting Program identified that the program's offset of illegal operator energy use would improve energy use overall. Additionally, the State's regulations require mixed-light and indoor cannabis cultivation and nursery licensees, beginning January 1, 2023, to ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code. As evidence of meeting the standard, licensees shall provide information on the average weighted greenhouse gas emission intensity of their operation and of their utility provider. The licensee is required to cover the excess of their emissions in carbon offsets. Beginning January 1, 2022, an application for renewal of a license shall include details on the total electricity supplied by local utility provider, name of local utility provider, and greenhouse gas emission intensity per kilowatt hour reported by the utility provider under section 398.4(c) of the Public Utilities Code for the most recent calendar year available at time of submission. The permittees must also identify what percentage of their energy provider's energy comes from a zero-net energy renewable sources and what percentage comes from other unspecified sources.

The manufacturing being proposed with this operation will consist of the use of low temperature mechanical presses to create concentrates from the cannabis flower. Secondly, the process will feature use of food grade ethanol to create cannabis oil from trim and waste product from the presses. Equipment used in this process is not expected to expend significant amounts of energy and will be required to meet all Title 24, Green Building Code, which includes energy efficiency requirements for installation and use. Additionally, all equipment used must pass inspection from the appropriate Fire Authority and the County's Agricultural Commissioner Weights and Measures Division.

With existing requirements in place that the project is required to meet and with the proposed additional measures providing energy efficient improvements, it does not appear this project will result in significant impacts to the wasteful, inefficient, or unnecessary consumption of energy resources.

**Mitigation:** None.

**References:** Application material; EIR CalCannabis Cultivation Licensing Program; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program, Referral response from the Modesto Irrigation District, dated November 7, 2018; Referral response received from the Stanislaus County Department of Planning and Community Development, Building Division, dated November 1, 2018; California Stanislaus County General Plan EIR.

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

**Discussion:** The 1.52-acre project site is made up of Delhi sand soils which are classified as Urban and Built-Up Land by the State of California's Farmland Mapping and Monitoring Program. 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. The General Plan EIR identifies the portion of the County most susceptible to liquefaction as the western margin of the valley because of the combination of young geologic units (Quaternary fan deposits and Dos Palos Alluvium) and potential for strong ground shaking. The project site is located considerably east of this area, and therefore would not be subject to significant risk of fault rupture or liquefaction. The project site is flat, so there would be no risk of landslide. The California Building Code identifies all of Stanislaus County as located within a geologic hazard zone (Seismic Design Category D, E, or F), and a soils test may be required at building permit application to determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An Early Consultation referral response from the County's Building Division stating that, prior to operation, the existing building would be subject to a building permit for a change in occupancy for the new use. Each subsequent phase would be subject to this requirement. Subsequently, the Department of Public Works provided a comment letter stating that a grading and drainage plan will be required for any new construction onsite, subject to Public Works Standards and Specifications, that consider the potential for erosion and runoff prior to permit approval. Conditions of approval will be added to this project to address comments from both the Building Department and Public Works.

The project site is developed with a 12,000 square-foot building which includes both warehouse and commercial retail space and a private septic tank. As proposed, the existing septic systems will only be utilized for bathroom facilities. The operation proposes to reuse any air conditioning condensation for the commercial cannabis operation. A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all State Water Resources

Control Board measures for collection and disposal of process wastewater including a manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement.

A referral response was received from the Department of Environmental Resources stating that the existing septic systems are fitted with a Measure X septic system as defined under County Code Section 16.010.040. However, it is the applicant's responsibility to contact the Department prior to issuance of any building permit to determine the adequacy of the septic facilities. A condition of approval will be added to the project for this requirement.

**Mitigation:** None.

**References:** Referral response from the Department of Environmental Resources (DER), October 16, 2018; Referral response from the Stanislaus County Department of Public Works October 17, 2018; Stanislaus County Building Permits Division, dated September 17, 2019; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The principal greenhouse gases (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and tropospheric ozone (O<sub>3</sub>). CO<sub>2</sub> is the reference gas for climate change, because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different greenhouse gases, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. The EIR prepared for the CalCannabis Cultivation Licensing Program indicates that cannabis cultivation generates energy demand and GHG emissions from use of high-intensity lighting, ventilation, and temperature control necessary to grow cannabis indoors and in mixed-light operations. The high energy demand of indoor cultivation represents the largest contributor of GHG emissions. However, both state and local jurisdictions have required renewal energy portfolios for all commercial cannabis activities, which will lower the energy demand of the activity types, which will reduce overall GHG emissions. Construction emissions, which are temporary in nature, distribution, and employee vehicle use and truck trips are also GHG emission generators associated with indoor cultivation and distribution activities. The EIR concludes that GHG emissions would remain essentially unchanged, with implementation of the State's Cultivation Licensing Program, due to a corresponding decrease in illegal cultivation as permitted cultivation increases.

The proposed project would include the use of an existing 12,000 square-foot building for the cultivation, non-volatile manufacturing, and retail sales of cannabis. The proposed operation is required to obtain building permits for interior tenant improvements, which would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The project will include rooftop solar photovoltaic panels and LED lighting as part of the proposed operation. The applicant also proposes the use of zero-emission or hybrid vehicles, which would further reduce operational emissions. Thus, project operations would not generate substantial greenhouse gas emissions, and the project would not result in the wasteful or inefficient use of energy. The retail operation anticipates an average of 216 customers per day, during the weekdays, 322

daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies for the entire operation and approximately one trip per week for distribution activities. The SJVAPCD was referred the proposed project and responded by stating that the project, as proposed, falls below the District’s threshold of significance for criteria emissions. It is not anticipated that the project will create any significant impacts to greenhouse gas emissions.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District referral response, November 5, 2019; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program, Referral Response from CDFA CalCannabis Division, dated October 11, 2018; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The EIR completed by CalCannabis for their Cannabis Cultivation Program indicates that cannabis cultivation operations may involve the use of hazardous materials, such as fuel for power equipment and backup generators, and pesticides. Additionally, indoor and mixed-light cultivation operations may use high-powered lights, which could contain hazardous components that could enter the environment during disposal. Routine transport, handling, use, and disposal of these types of materials could expose people to hazards if adequate precautions are not taken. However, evidence suggests that improper storage, use, and disposal of hazardous materials is a major problem at unpermitted cannabis cultivation sites. Permitted cannabis cultivation, such as the proposed project, must comply with local and state hazardous materials handling, use procedures and regulations, and are regularly inspected for compliance by both local and state departments.

The County’s Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in the project area. During project construction, various hazardous materials would likely be used, such as diesel fuel, gasoline,

oil, and paints. The applicant would also be required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The proposed project would include the storage and use of fertilizers and pesticides. All fertilizers and pesticides will be stored in isolated fireproof cabinets. In addition, all cultivation activities would occur indoors with direct application of water, pesticides, and fertilizers to eliminate drift of chemicals to areas outside the project area. A referral response was received from DER HAZMAT, stating that the project is not anticipated to have a significant impact on the environment regarding hazardous materials, however, would need to be permitted through the department for storage and use of any hazardous materials. A condition of approval will be added to the project to address this requirement.

A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all State Water Resources Control Board measures for collection and disposal of process wastewater including a manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement.

The operation includes a request for the non-volatile manufacturing of commercial cannabis, which is classified as a Type 6 License with the California Department of Public Health Manufactured Cannabis Safety Branch. The manufacturing being proposed with this operation will consist of the use of low temperature mechanical presses (Master Press – Rosin Press) to create resin from the cannabis flower. A second manufacturing process will consist of a cold extraction system (HAL extraction booth) with food grade ethanol to create cannabis oil from trim and waste product from the presses. The used ethanol will be recycled and disposed of at certified facilities. Specification plans for both machines used will be required to be reviewed and inspected by both the appropriate Fire District and the County’s Building Permits Division. Both processes for the non-volatile manufacturing of commercial cannabis must be in compliance with all regulations set by the State of California’s Department of Public Health Manufactured Cannabis Safety Branch, which requires local fire code official approval to operate.

The project site is not located within an airport land use plan or a wildlands area. The project site is not located in a very high or high fire severity zone and is located in the Salida Fire Protection District. The project was referred to the Salida Fire Protection district, which responded with conditions of approval pertaining to water for fire suppression, access for emergency responders, and payment of District fees. During the building permit phase, each permit request will be reviewed by the Stanislaus County’s Fire Prevention Bureau to ensure all activities meet the appropriate federal, state, or local fire code requirements.

**Mitigation:** None.

**References:** Application material; CCR Title 17 Chapter 13 Manufactured Cannabis Safety; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program; Referral response from the Salida Fire Protection District, dated October 24, 2018; Referral response from the Department of Environmental Resources HAZMAT Division dated, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

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

**Discussion:** The project site is currently served by a private well for water and a private septic system. There are no rivers or streams in the project vicinity, therefore the project would not alter the course of a stream or river in a manner which would result in substantial erosion or siltation on or off-site. This project will result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h) and will utilize the existing well. Prior to receiving occupancy of any building permit, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for a water supply permit with the associated technical report to Stanislaus County DER. The technical report will evaluate the water quality of the existing well for compliance with Title 22 of the State of California Code of Regulations. If it is determined to contain constituents about the maximum containment level, water treatment measures will be required. This will be added as condition of approval.

Prior to any ground disturbance, grading and drainage plans are required to be submitted to the County Department of Public Works for review and approval to demonstrate that all storm water generated from the proposed project will be maintained on-site. This requirement will be reflected as conditions of approval for the project.

A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all State Water Resources Control Board measures for collection and disposal of process wastewater including a manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement. Process wastewater shall not be discharged to the on-site septic system, or to any outdoor surface, soil, landscape, or the County’s storm drain system.

Areas subject to flooding have been identified in accordance with the Federal Emergency Management Agency (FEMA). The project site is located in FEMA Flood Zone X (Map# 06099C03300E), which includes areas determined to be outside the 0.2 percent annual-chance flood. The project site is not located in an area subject to dam inundation, nor is it in an area subject to seiche, tsunami, or mudflow. As such, significant impacts are not anticipated in relations to hydrology and water quality.

**Mitigation:** None.

**References:** Application material; FEIR CalCannabis Cultivation Licensing Program; Correspondence received from Department of Environmental Resources, dated October 18, 2018; Referral Response from the Department of Public Works, dated October 17, 2018; Stanislaus County General Plan Conservation/Open Space Element and Support Documentation.<sup>1</sup>

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

**Discussion:** The project has a general plan designation of Planned Industrial (P-I) and is zoned P-I (7), which was adopted by the Board of Supervisors in 1993 and was approved for uses consistent with the Planned Industrial zoning district such as food processing, warehousing, machine and welding shops, laboratories, and other uses that would be considered light industrial in nature. However, the Planned Industrial General Plan designation does not, nor does the P-I 7 zoning permit standalone retail uses nor does it allow a storefront retail commercial cannabis. Therefore, in accordance with Section 21.108, a zone changed to a Planned Development to allow for indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution is required. In addition, zoning districts must be consistent with their General Plan Designation. Therefore, a General Plan Amendment to change the existing Planned Industrial Designation to Planned Development is required. Additionally, Section 6.78.060 requires that all commercial cannabis applicants be subject to a Commercial Cannabis Activity Permit, Development Agreement, Land Use Permit, and State Licensure for Commercial Cannabis Activities.

Furthermore, per Section 6.78, each commercial cannabis activity must meet and maintain operating standards for odor control, security, minimum building standards, track and trace, as well as meeting specialized setbacks. To reduce land use conflicts, Section 6.78.120 requires that all commercial cannabis activities are setback a minimum of 200 feet from adjacent residents and libraries. Additionally, commercial cannabis activities must be setback from day cares, schools, or other similar uses a minimum of 600 feet at time of initial permitting. The closest dwelling to the project site is to the north and is approximately 650 feet from the building to the adjacent dwelling. There are no known libraries, schools, or day cares in the restricted distances of the project site.

The proposed project must meet existing requirements for off-street parking and landscaping. A landscaping plan that complies with County standards has been submitted. The applicant will be subject to parking requirements for each proposed use. The manufacturing, cultivation, and distribution components of the proposed operation will be subject to County Code Section 21.76.070's parking standard, which manufacturing or warehousing uses are required to provide enough spaces on-site for the number of employees on a maximum shift plus three additional spaces. County Code Section 21.76.150 pertains to the retail parking standard of 1 space per 300 feet of gross floor area. The proposed retail area consists of approximately 2,100 square feet of space, which would require 7 total parking spaces. As stated in the project description, a total of 21 employees on a maximum shift is anticipated, which would require 24 total parking spaces. The project site has already been developed with 39 spaces, which would exceed the off-street parking requirement of 31 spaces. A condition of approval will be added to ensure that, prior to operation, compliance with the off-street parking requirement is met.

The project would not conflict with any applicable land use plan, policy, or regulation intended to avoid or mitigate an environmental effect. No natural community conservation plans have been adopted in Stanislaus County, so the project would not result in any conflicts.

**Mitigation:** None.

**References:** Application Material; Stanislaus County Code Chapter 6.78 and Chapter 21; Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County have been mapped by the State Division of Mines and Geology in Special Report 173 (and portions of Special Report Nos. 91-03, 160, and 199 include Stanislaus County). There are no known mineral resources underlying the site or in the project vicinity.

**Mitigation:** None.

**References:** Application materials; Stanislaus County General Plan Conservation/Open Space Element and Support Documentation<sup>1</sup>

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

**Discussion:** A temporary increase in noise and vibration, associated with required tenant improvements to the existing building, is anticipated. However, there are no sensitive receptors in the vicinity of the project site. Cultivation activities would not generate substantial noise. Project activities during operation would occur indoors, including loading of packaged product. However, the project’s proposed hours of operation are Monday through Saturday, 10 a.m. to 8 p.m. and Sunday, 10 a.m. to 5 p.m., with a maximum of 21 employees. Cultivation, manufacturing, and distribution will have weekday operating hours from 9 a.m. to 5 p.m. Monday through Friday. The retail operation anticipates an average of 216 customers per day, during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies and approximately one trip per week associated with distribution activities. The proposed use is not anticipated to exceed ambient noise levels in the vicinity as the surrounding area has existing light industrial and commercial development. Section 6.78.120(8)(N) require that any commercial cannabis activities comply with County’s previously adopted Noise Control Ordinance. According to the County’s Noise Element of the General Plan, acceptable noise levels in industrial land use categories is 75 decibels, which the proposed project is not anticipated to exceed. The proposed project is not within two miles of a public airstrip, and because workers would be located indoors, would not expose workers to noise associated with a private airstrip.

**Mitigation:** None.

**References:** Application materials; Chapter 6.78, Chapter 10.46, and Title 21 of the Stanislaus County Code; Stanislaus County General Plan Noise Element and Support Documentation.<sup>1</sup>

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

**Discussion:** The site does not involve any additional housing. An existing single-family dwelling will be demolished during the third phase of this project. However, it is not located on a site that was included in the vacant sites inventory for the 2016 Stanislaus County Housing Element, which covers the 5<sup>th</sup> cycle Regional Housing Needs Allocation (RHNA) for the County and will, therefore, not impact the County’s ability to meet their RHNA. No population growth will be induced, nor will any existing housing be displaced as a result of this project.

**Mitigation:** None.

**References:** Application materials; Stanislaus County General Plan Housing Element and Support Documentation<sup>1</sup>

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

**Discussion:** Section 6.78.060 requires that all commercial cannabis applicants be subject to a Commercial Cannabis Activity Permit, Development Agreement, Land Use Permit, and a State Licensure for Commercial Cannabis Activities. Per Section 6.78, each commercial cannabis activity must meet and maintain operating standards for odor control, security control, minimum building standards, and track and trace. State and local regulations must also be met in order to maintain an active commercial cannabis permit. The Development Agreement establishes two fees to be collected from each project applicant; the Community Benefit Contribution and the Community Benefit Rate. The Contribution fee will be paid quarterly and utilized for local community charities or public improvement projects. The Rate fee will also be paid quarterly but will be utilized for County enforcement activities of illegal cannabis. The funds received from the Community Benefit fees are anticipated to address any increase in service impacts induced by commercial cannabis activities.

Additionally, the County has adopted Public Facilities Fees, as well as one for Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to ensure that the proposed development complies with all applicable federal, state, and local requirements. The project has submitted a safety and security plan with fire evacuation plans, fire suppression, employee training, 24-hour video surveillance, and onsite security personnel. The safety and security plan are required to be reviewed and approved by the County Sheriff’s Department, as well as the appropriate fire district for each project. Upon project approval, the applicant shall be required to obtain building permits for tenant improvements in accordance with the adopted building and fire codes. A referral response was received from the Salida Fire Protection district, which stated the proposed project as being subject to the Fire Service Impact Mitigation Fees. A condition of approval will be added to ensure this requirement is met. With conditions of approval and public facility fees in place, no impacts to public services are anticipated.

**Mitigation:** None.

**References:** Application materials; Chapter 6.78 and Title 21 of the Stanislaus County Code; EIR CalCannabis Cultivation Licensing Program; Stanislaus County General Plan Safety Element and Support Documentation<sup>1</sup>

<b>XVI. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>a) 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?</b>			<b>X</b>	
<b>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?</b>			<b>X</b>	

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

**Mitigation:** None.

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

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

**Discussion:** The proposed operation will consist of 12,000 square feet of indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing warehouse building. The retail operation anticipates an average of 216 customers per day, during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 15 vehicle trips per week associated with the delivery of supplies for the entire operation and approximately one trip per week for distribution activities.

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

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

The project was referred to the State of California Department of Transportation (CalTrans), who responded by stating that the applicant should pay a “traffic impact mitigation fee.” The fee would be collected by the County as a proportional share for future improvements to adjacent state facilities. However, upon further clarification from staff as to what established traffic mitigation program fee or proportional share could be applied, Caltrans stated there is no current nexus to require these fees. The adjacent facilities identified by Caltrans include Charity Way and State Route 108 intersection and Pentecost Drive and State Route 219. The Pentecost and State Route 219 intersection has been previously upgraded to accommodate the expansion State Route 219 and has no plans for any future traffic improvements. Any improvements to the Charity Way and State Route 108 intersection would be funded through collection of fees during the building construction process. However, if approved, the proposed project would be required to obtain a building permit for any tenant improvements or change in occupancy of the building. Those building permits would require Public Facility Fees to be paid to the County prior to issuance. Those fees would contribute to any improvements to the local road infrastructure impacted by the proposed project.

The project was also referred to the County’s Public Works Department and Environmental Review Committee, both reviewed the project and did not provide any comments or concerns with traffic impacts that would be generated as a result of this project.

The project is proposed to occur on a parcel that was previously developed to accommodate light industrial uses. The project will not alter any existing streets, pedestrian/bicycle paths, or create a substantial demand for transit. The project would not affect air traffic patterns or create substantial hazards on any roadways.

**Mitigation:** None.

**References:** Referral response from Caltrans, dated October 23, 2018; Referral response Stanislaus County Department of Public Works, dated October 15, 2018; Revised Referral Response from Stanislaus County Environmental Review Committee, dated November 14, 2018; Circulation Element of the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

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

**Discussion:** The proposed project site is served by a private well and private septic system, and the Modesto Irrigation District for electricity.

This project will result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h) and will utilize the existing well. Prior to receiving occupancy of any building permit, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263), and submit an application for a water supply permit with the associated technical report to Stanislaus County DER. The technical report will evaluate the water quality of the existing well for compliance with Title 22 of the State of California Code of Regulations. If it is determined to contain constituents about the maximum containment level, water treatment measures will be required. This will be added as condition of approval.

Additionally, as stated under Section 6.78.080(C)(1) of the County Code, the applicant proposes to utilize recycled irrigation water, which would reduce the overall project demand for water. A project referral was sent to the Modesto Irrigation District, which responded with information about the facilities present on-site. No issues were raised or conditions of approval requested. It is not anticipated that the proposed project would have a significant impact on existing wastewater facilities or require expanded entitlements for water supplies.

Furthermore, all storm water generated from the proposed project will be required to be maintained on-site. As stated previously, prior to any ground disturbance, grading and drainage plans are required to be submitted to the County Department of Public Works for review and approval. It is not anticipated that any future expansion to maintain storm water generated by this project on-site will create any significant impacts to existing storm water facilities.

The project would be required to comply with all regulations related to solid waste. The solid waste generated by the project would be primarily organic waste from the cannabis plants, which would be composted on-site or rendered unusable prior to transport to the appropriate solid waste facility. The project would not generate an amount of solid waste, such that the landfill's capacity would become impacted and expansion required.

**Mitigation:** None.

**References:** Correspondence received from Department of Environmental Resources, dated October 18, 2018; Referral Response from the Department of Public Works, dated October 17, 2018, Modesto Irrigation District, dated November 7, 2018, Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** This project is served by the Salida Fire Protection District. The site is not located in a State Responsibility Area. The site has access to a County-maintained road. The terrain is relatively flat, and it is not located near any bodies of water. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

**Mitigation:** None.

**References:** Application materials; Stanislaus County General Plan Safety Element and Support Documentation<sup>1</sup>

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

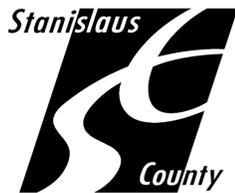
**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

**Mitigation:** None.

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

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



## NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment, Rezone, Use Permit, & Development Agreement Application No. PLN2018-0101 – Natural Remedies Consulting

**LOCATION OF PROJECT:** 5272 Jerusalem Court, Suite D, North of Kiernan Avenue, in the Modesto area. Stanislaus County. APN: 004-065-019

**PROJECT DEVELOPERS:** Cheryl King dba Natural Remedies Consulting  
5272 Jerusalem Court, Suite D  
Modesto, CA 95356

**DESCRIPTION OF PROJECT:** Request to rezone a 1.01-acre property from P-I to P-D (Planned Development), and to obtain a Use Permit and Development Agreement, to allow indoor commercial cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing 12,000 square-foot warehouse building. A General Plan Amendment to amend the project site's designation from P-I to P-D is also included in this project request to allow for the retail sale of cannabis products.

Based upon the Initial Study, dated **September 25, 2019**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Jeremy Ballard, Associate Planner

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

# NATURAL REMEDIES CONSULTING GPA REZ UP DA PLN2018-0101 AREA MAP

SAN JOAQUIN  
COUNTY

STANISLAUS

RIVER

OAKDALE

108

Site

RIVERBANK

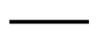
CLARIBEL RD

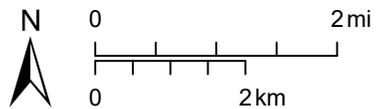
## LEGEND

 Natural Remedies Site

 Sphere of Influence

 City  River

 Road



Source: Planning Department GIS

Date: 8/29/2018

MCHENRY AVE

MODESTO

ALBERS RD

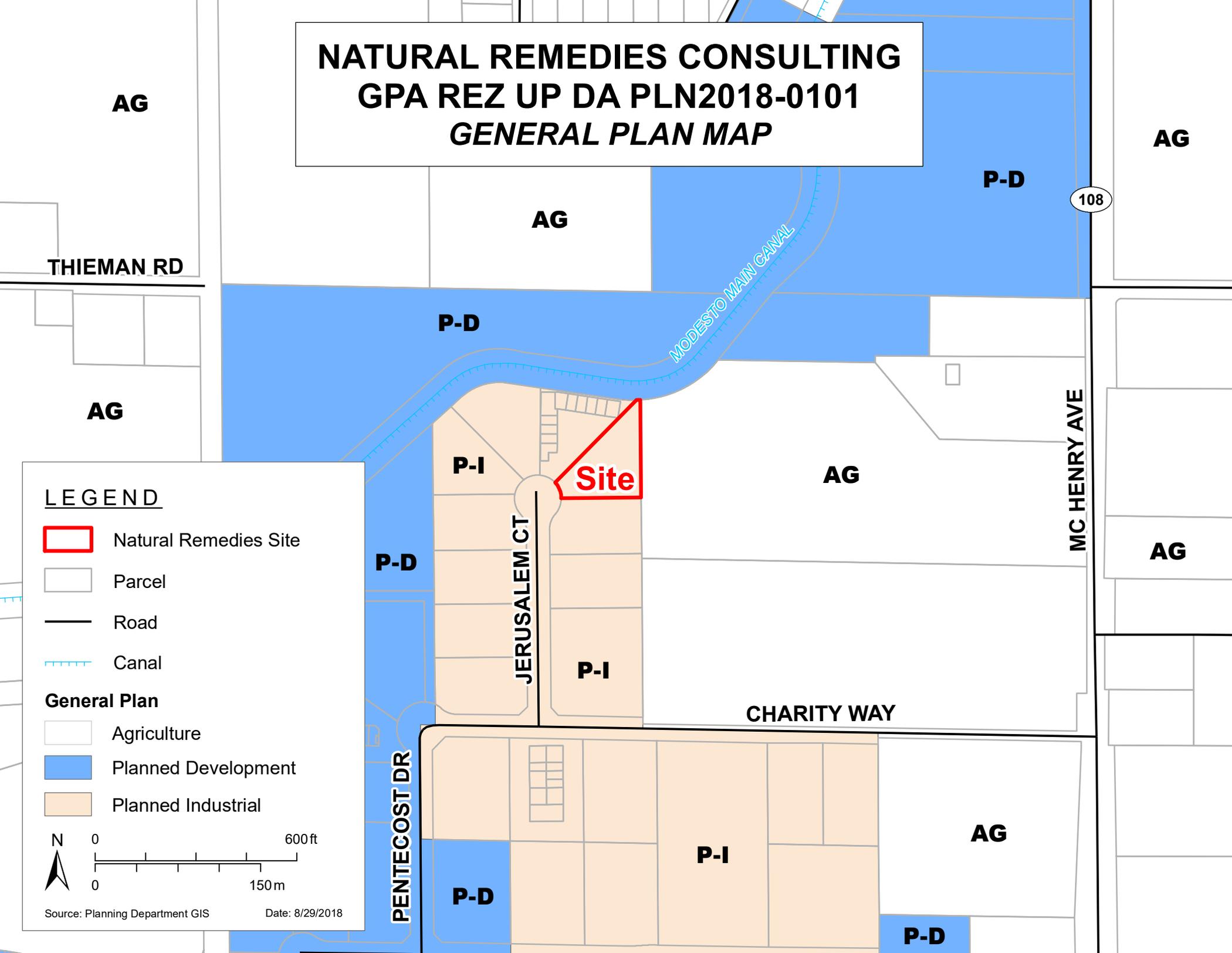
DRY

CREEK

132

99

# NATURAL REMEDIES CONSULTING GPA REZ UP DA PLN2018-0101 GENERAL PLAN MAP



THIEMAN RD

108

## LEGEND

 Natural Remedies Site

 Parcel

 Road

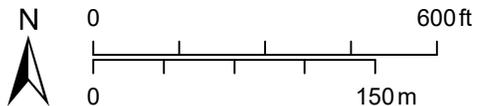
 Canal

### General Plan

 Agriculture

 Planned Development

 Planned Industrial



Source: Planning Department GIS

Date: 8/29/2018

MC HENRY AVE

JERUSALEM CT

CHARITY WAY

PENTECOST DR

Site

# NATURAL REMEDIES CONSULTING GPA REZ UP DA PLN2018-0101 ZONING MAP

A-2-40

A-2-40

A-2-40

P-D  
(327)

108

THIEMAN RD

MODESTO MAIN CANAL

P-D  
(327)

A-2-40

P-I  
(7)

Site

A-2-40

MC HENRY AVE

## LEGEND

 Natural Remedies Site

 Parcel

 Road

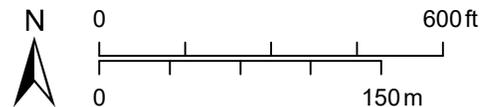
 Canal

## Zoning Designation

 Planned Development

 Planned Industrial

 General Agriculture 40 Acre



Source: Planning Department GIS

Date: 8/29/2018

P-D  
(286)

JERUSALEM CT

P-I  
(7)

CHARITY WAY

PENTECOST DR

P-I  
(20)

P-I  
(9)

P-I  
(25)

P-D  
(284)

P-D  
(226)

A-2-40

# NATURAL REMEDIES CONSULTING GPA REZ UP DA PLN2018-0101 2017 AERIAL AREA MAP

THIEMAN RD

108

MODESTO MAIN CANAL

Site

JERUSALEM CT

MC HENRY AVE

PENTECOST DR

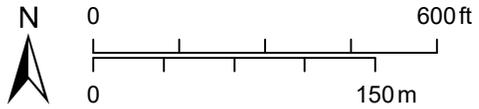
CHARITY WAY

## LEGEND

 Natural Remedies Site

 Road

 Canal



Source: Planning Department GIS

Date: 8/29/2018

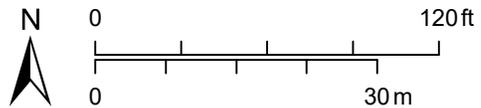
# NATURAL REMEDIES CONSULTING GPA REZ UP DA PLN2018-0101 2017 AERIAL SITE MAP

**Site**

## LEGEND

 Natural Remedies Site

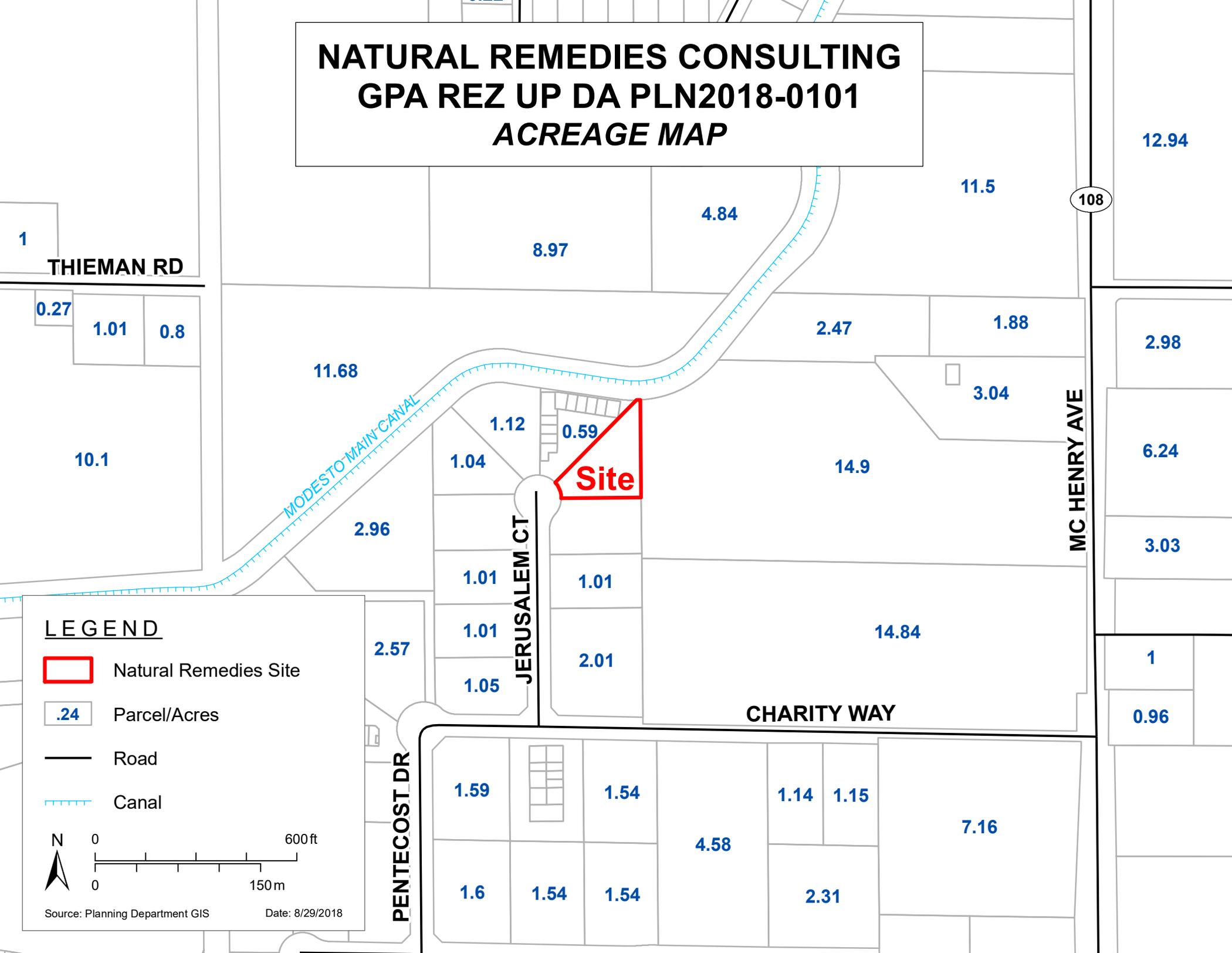
 Canal



Source: Planning Department GIS

Date: 8/29/2018

# NATURAL REMEDIES CONSULTING GPA REZ UP DA PLN2018-0101 ACREAGE MAP



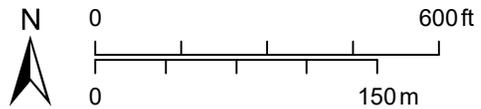
## LEGEND

 Natural Remedies Site

 Parcel/Acres

 Road

 Canal



Source: Planning Department GIS

Date: 8/29/2018



PHOTO 1



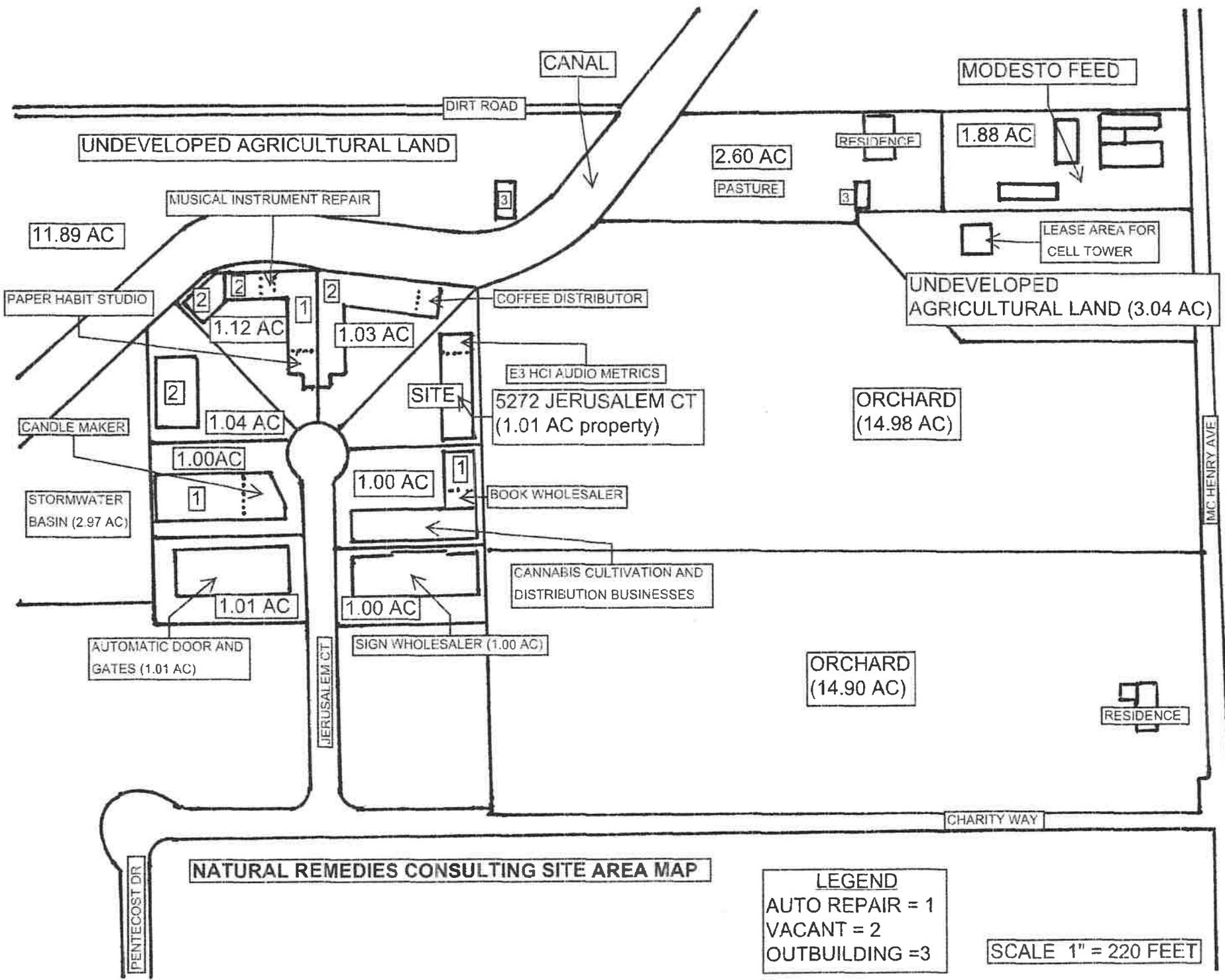
PHOTO 2



PHOTO 5



PHOTO 6



**NATURAL REMEDIES CONSULTING SITE AREA MAP**

**LEGEND**  
 AUTO REPAIR = 1  
 VACANT = 2  
 OUTBUILDING = 3

**SCALE 1" = 220 FEET**





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> 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>  <b>APPLICATION FOR:</b>  <i>Staff is available to assist you with determining which applications are necessary</i></p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> General Plan Amendment</td> <td><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td><input checked="" type="checkbox"/> Rezone</td> <td><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td><input checked="" type="checkbox"/> Use Permit</td> <td><input type="checkbox"/> Exception</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td><input type="checkbox"/> Historic Site Permit</td> <td><input checked="" type="checkbox"/> Other <u>DA</u></td> </tr> </table>	<input checked="" type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map	<input checked="" type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map	<input checked="" 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 checked="" type="checkbox"/> Other <u>DA</u>	<p><b>PLANNING STAFF USE ONLY:</b>  Application No(s): <u>GPA REZ UZ DA PUN 2018</u>  Date: <u>8/28/18</u>  S <u>32</u> T <u>2</u> R <u>9</u>  GP Designation: <u>P1</u>  Zoning: <u>P1(7)</u>  Fee: <u>\$11,642</u>  Receipt No. _____  Received By: <u>KCD</u>  Notes: _____</p>
<input checked="" type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map										
<input checked="" type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map										
<input checked="" 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 checked="" type="checkbox"/> Other <u>DA</u>										

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

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# 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 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 004 Page 065 Parcel 019

Additional parcel numbers: \_\_\_\_\_

Project Site Address  
or Physical Location:

5272 Jerusalem Court, Suite D, Modesto, CA 95356

Property Area: Acres: 1.01 or Square feet: \_\_\_\_\_

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

Google Earth 5/1993 to 12/2005 Agricultural Land; Currently Industrial Park

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)

Menghetti Construction Site on Jerusalem Court, approved in 2005 and build in 2006

Existing General Plan & Zoning: General Plan (GP) adopted 8/23/16 and zoned Planned Industrial (PI)

Proposed General Plan & Zoning: GP change to allow cannabis businesses in Rezoned Planned Development  
(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: Agricultural Land - Orchard

West: Industrial Park businesses adjacent to stormwater basin

North: Industrial Park businesses adjacent to Agricultural Land

South: Industrial Park businesses

## 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: Existing Landscaped trees and shrubs on property (approximately 5.3% of property area)

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: 12,000 Sq. Ft. Landscaped Area: 2,345 Sq. Ft.

Proposed Building Coverage: 0 Sq. Ft. Paved Surface Area: 20,669 Sq. Ft.

**BUILDING CHARACTERISTICS:**

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

Number of floors for each building: \_\_\_\_\_  
\_\_\_\_\_

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

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) \_\_\_\_\_  
\_\_\_\_\_

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

**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: Modesto Irrigation District Sewer\*: on-site Septic Tank and Leachfield

Telephone: AT&T Gas/Propane: PG&E

Water\*\*: on-site Groundwater Well Irrigation: Groundwater well

**\*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:)

No \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: \_\_\_\_\_

(complete if applicable)	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): Existing Building approximately 12,000 square feet

Type of use(s): Cannabis businesses: Cultivation (existing), Manufacturing with non-volatile solvents (ethanol), and Distribution, Retail (existing); E3 HCl, Hearing Aid/Equipment Wholesaler (existing)

Days and hours of operation: Retail 10 am to 8 pm; Mon-Sat and 10 am to 5 pm Sunday

Cultivation, Distribution and Manufacturing 8 am to 5 pm Mon - Fri

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

Occupancy/capacity of building: Suites D - Retail (8-10 personnel), Suite B - Cultivation (3-4 personnel), Suite C - Split into Manufacturing (2-3 personnel) and Distribution (1-2 personnel)/Capacity of building area Leased by NRC is 29

Number of employees: (Maximum Shift): 19 (Minimum Shift): 14

Estimated number of daily customers/visitors on site at peak time: 10am-5pm 147; after hours 72 from 5-8pm

Other occupants: Suite A is leased to E3 HCl (Hearing Aid/Equipment Company) with 2-3 personnel. The capacity of their leased building area is 10

Estimated number of truck deliveries/loadings per day: Estimate 4 van deliveries/loading all indoors

Estimated hours of truck deliveries/loadings per day: 0-30 minutes

Estimated percentage of traffic to be generated by trucks: < 1%

Estimated number of railroad deliveries/loadings per day: 0

Square footage of:

Office area: 300 Warehouse area: 2,100

Sales area: 2,100 Storage area: \_\_\_\_\_

Loading area: 200 indoor Manufacturing area: 1,400

Other: (explain type of area) Cultivation space 3,000 (this is not the canopy area)

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

Ethanol is flammable and can be harmful if swallowed. All the ethanol is recycled.

No hazardous waste is generated.

### 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)

Jerusalem Court

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) Surface water runoff to the south across the paved area and into the street gutters.

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.

N/A

**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)

None



5272 Jerusalem Court, Suite D, Modesto, California, 95356

## PROJECT DESCRIPTION

### **Introduction**

Natural Remedies Consulting (NRC) is an established cannabis dispensary serving the Modesto community that is dedicated to only offering environmentally consumer safe cannabis products. Ultimately, all products produced and sold by NRC will be tested for 215 pesticides and certified to be free of these 215 pesticide residues (not just the California required 66 pesticides). NRC produced products will also be tested to insure that the 17 toxic trace elements regulated by California do not occur in cannabis products at concentration above action limits that would result in long-term health impacts to our clients. In 2019, California cannabis regulation will only require testing for the four (4) most toxic trace elements.

The goal of the Natural Remedies Consulting is to obtain the necessary Stanislaus County Cannabis Business Permits to operate Retail, Cultivation, Manufacturing and Distribution facilities so that 1) NRC can control the environmental quality of its' products and 2) become a vertically intergraded cannabis business and thereby switch several cost centers into profit generating activities that will contribute to NRC's financial stability.

### **The Project**

The existing building on the property was constructed in 2006 on parcel 004-065-019 (See attached Plot Plan and Area Map) and zoned Planned Industrial. As of October 6, 2017, the Stanislaus County "staff recommendations" for commercial cannabis permitting requires the property be rezoned from PI to Planned Development (PD) to accommodate all cannabis business operations (i.e., Retail, Cultivation, Distribution and Manufacturing businesses). Currently, NRC has been instructed to submit an application for a General Plan Amendment, Rezone and Use Permit.

NRC has operated as a non-profit medical cannabis dispensary since July 2016 at the 5272 Jerusalem Court, Suite D, Modesto, California and has a lease for Suites B, C and D<sup>1</sup>. Indoor cultivation under Prop 215 began in April 2017 within Suite B with cannabis processing conducted in Suite C. Currently, the only cannabis business operating at 5272 Jerusalem Court property is the dispensary in Suite D.

The proposed Project will not alter the current building footprint nor any exterior doors, windows, or surfaces as shown on the attached Elevation<sup>2</sup> drawing and photographs. NRC will apply for Building permits to slightly expand Suite D into Suite C and

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<sup>1</sup> Suite A is currently leased to E3 HCl Hearing Aid/Equipment Company.

<sup>2</sup> The Elevation Drawing shows the frontage façade 200 feet long with a building height of 24 feet.



5272 Jerusalem Court, Suite D, Modesto, California, 95356

reconfigure Suite C into two (2) separate spaces. One space is designed for buildout for Distribution Operations and the other is designed for buildout as a non-volatile Manufacturing Operation.

### **NRC Project Operations**

NRC Retail business operations (10 am to 8 pm Monday – Saturday and 10 am to 5pm on Sunday) will not change. However, the retail area will be expanded so the existing four (4) points of sale can be increased to eight (8) points of sale. The expansion will double the number of clients that can be served. This increased service capacity will insure that parking spaces are always available (see discussion below).

Cannabis flowers and trim products from the Cultivation operations will be exclusively handled by the Distribution Facility. Distribution will have all products tested under State requirements and Certified Pure By Analysis, packaged and distributed to both the Manufacturing Facility and to the Retail business.

The Manufacturing Facility will 1) use low temperature presses to create contaminant free concentrates from the flowers and 2) use ethanol extraction to generate pure cannabis oil from trim and waste product from the presses. These products will also be handled by Distribution which will have all products tested under State requirements and Certified Pure By Analysis, packaged and distributed to the Retail business.

The NRC Cultivation, Manufacturing and Distribution facilities will have weekday operating hours from 9 am till 5 pm and closed on weekends.

### **Project Characteristics**

The NRC facility is ideally located for a cannabis business since it is within an Industrial Park with very low vehicle traffic volume on Jerusalem Court and there is no pedestrian traffic. Also, NRC contracts for Security Guard protection outside the front entrance of the Retail Business during business hours (10 am to 8 pm Monday – Saturday and 10 am to 5pm on Sunday). The presence of the Security Guard insures that no individuals are loitering on the property. NRC also uses the services of 1st Security & Sound to monitor for fire, afterhours building security and has a video surveillance system within the Retail Business areas.

The Project buildout and modifications for the Cultivation, Manufacturing and Distribution operations, will incorporate the following (see Floor Plan):

- Additional video cameras both indoors and outdoors of each facility

### **Off-Street Parking and Landscaping**

- The property is 1.01 acre or 43,996 ft<sup>2</sup>.
- The existing building is about 12,000 ft<sup>2</sup> so that 40 parking spaces are required.
- The asphalt paved area is approximately 20,700 ft<sup>2</sup> or 47% of the total property. The paved area has 41 parking spaces (two are handicap spaces). Plus, there is additional room to add 4 parking spaces.
- The total developed landscaped area is 2,350 ft<sup>2</sup> or 5.3% of the property.
- Parking has always been more than adequate for both employees and clients.

### **Estimated NRC Personnel On-Site**

The calculated occupancy of the NRC portion of the building using 1 person per 300 ft<sup>2</sup> for all businesses except distribution (1 person per 500 ft<sup>2</sup>) is 29. The estimated number of personnel associated with NRC operations is given below by each business (assumes expansion of the Retail space).

- Retail will have from 8 to 10 personnel on-site.

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<sup>3</sup>Although the Cultivation, Manufacturing and Distribution facilities close at 5 pm during weekdays, the Security Station will remain manned till the Retail operation closes at 8 pm.



5272 Jerusalem Court, Suite D, Modesto, California, 95356

- Manufacturing will have from 2 to 3 personnel on-site
- Distribution will have from 1 to 2 on-site
- Cultivation will have from 3-4 on-site
- There will be two security guards on-site during working hours.

On any given day, there will be from 14 to 19 employees and 2 security guards on-site.

### **Parking Space Availability**

The property currently has 39 non-handicap parking spaces and two handicap parking spaces available. Given that NRC will have 16 to 21 personnel on-site and Suite A uses 2-3 spaces, at least 18 to 25 spaces will be used per weekday during business hours from 9 am to 5 pm. This would leave 14 to 21 non-handicap parking spaces available for Retail clients.

Based on NRC's Retail Check-in records, NRC serves, during business hours, an average of 21 clients an hour. With the permitting of NRC facilities, NRC Retail will be able to serve approximately 48 clients an hour. Afterhours Retail operations serve on average 23 clients per hour with approximately 29 non-handicap parking spaces available.

### **Environmental Controls and Mitigation of Impacts on the Neighborhood**

The operations of the NRC facility will safeguard the environmental quality of the surrounding neighborhood as well as the community by implementing the following controls and procedures:

- All facilities will have carbon adsorption systems on all air exhaust ducts to the atmosphere to eliminate any cannabis or chemical odor from facility operations.
- All doors will be closed and monitored to insure there are no open doors. All cannabis transfers will occur indoors so that no odor emissions will occur through open doors during cannabis transfers.
- None of NRC's operations will generate hazardous waste.
- All of the ethanol used in Manufacturing will be recycled.
- No chemicals, fertilizers or pesticides will be discharged to the septic system.
- All cannabis waste will be made unusable and stored in locked bins indoors. Disposal will be handled by a solid waste management contractor.
- Water produced by the dehumidifiers and air conditioning units will be recycled (if possible) and used for landscape irrigation and/or to flush toilets .
- No deliveries are expected from trucks having more than 2 axles

**NRC CANNABIS BUSINESS PROJECT SCHEDULE**

<i>ID</i>	<i>Task Name</i>	<i>Start</i>	<i>Finish</i>	<i>Duration</i>	
					12
1	Obtain County Permission to get State Temp Permits and Submit	8/27/2018	9/5/2018	1.6w	
2	Obtain State Cannabis Permits	9/6/2018	9/27/2018	3.2w	
3	Obtain Building Permits and clean out Suite C – begin planting	9/7/2018	9/28/2018	3.2w	
4	Expansion of Cultivation processing rooms and entry Lobby	10/1/2018	10/22/2018	3.2w	
5	Evaluate and Lease Equipment for manufacturing	9/17/2018	11/2/2018	7w	
6	Buildout of Distribution and Manufacturing	10/22/2018	12/7/2018	7w	
7	Expand Retail Space	11/5/2019	12/20/2019	6.8w	

## Buffer and Setback Guidelines Statement

The existing property was developed in 2006 with one building located within ten feet from the eastern property line with a chain link fence with slates. This fence borders the adjacent almond orchard. The nearest resident is approximately 750 from the property.

All cannabis activities will be indoors and the indoor air is filtered prior to discharge to the outside. Given the existing permitted site conditions, there will be no impact to the adjacent almond orchard.

## SIGN PLAN

All signs required by Stanislaus County will be posted as specified below:

1. At the entrance to each Suite (B, C and D), the following will be painted in black lettering (not less than 2 inches high with to total sign area not less than 1 ft<sup>2</sup>) on a portion of the glass entryway: "LOITERING PROHIBITED: VIOLATION OF THIS NOTICE CONSTITUTES A MISDEMEANOR – SECTION 6.78.120(d)(6)"
2. At the entrance to each Suite (B, C and D), the following will be painted in black lettering on a portion of the glass entryway: "SMOKING, INGESTING OR CONSUMING CANNABIS IN OR ADJACENT TO THE PARKING AREA IS PROHIBITED."
3. At the entrance to the parking area, a posted sign will display the following (This stationary sign will be no larger than 6ft<sup>2</sup>)

"NRC BUSINESS NOTICE"



"NO PERSON UNDER THE AGE OF TWENTY-ONE (21) YEARS OF AGE IS PERMITTED TO ENTER ANY NRC PREMISES UNLESS OTHERWISE PERMITTED BY LAW."

"LOITERING PROHIBITED: VIOLATION OF THIS NOTICE CONSTITUTES A MISDEMEANOR – SECTION 6.78.120(d)(6)"

The following business signs are proposed:

**Signs will be painted on the glass entryway of each Suite  
All in Black Lettering**

**SUITE B**

**NRC EMPLOYEE ENTRANCE**

**NO DELIVERIES**

**SUITE C**

**NRC SECURITY**

**NRC EMPLOYEE ENTRANCE  
VISTOR CHECK-IN (BY APPOINTMENT)**

**SCHEDULED DELIVERIES ONLY**

SUITE D



NO DELIVERIES



Posting of Business Documents:

The following documents will be posted in a location readily-visible to the public within the Suite D Reception Area (Retail), Suite C Security Entrance (Manufacturing and Distribution), and the Suite B Lobby (Cultivation):

- Commercial Cannabis Activity Permit and County Business License
- California Bureau of Cannabis Control Permits and California Department of Food and Agriculture Permit and California Department of Public Health Permit

## 5272 Jerusalem Ct. General Plan Amendment Findings

### Description of Studies or Policies Responsible for Change:

See description of policy in Tab 15.



## 5272 Jerusalem Ct. General Plan Amendment Findings

### General Plan Impact:

Based on the extent of the current PD property zoning adjacent to the 5272 Jerusalem Court, changing this property to a PD zoning designation will have negligible impact fiscally on the viability of the surrounding businesses and property values. Future development of this area, which is largely built-out with industrial buildings, will not be impacted.

## 5272 Jerusalem Ct. General Plan Amendment Findings

### Events rendering General Plan inadequate:

In recent years, California voters and the state legislature have created a legal framework to regulate the cannabis industry. In response to these changes, the Stanislaus County Board of Supervisors passed Ordinance NO. C.S. 1206 (An Ordinance Relating to the Regulation of Commercial Cannabis Activities) on January 19, 2018. This ordinance established a comprehensive program to permit and regulate cannabis cultivation, distribution, manufacturing, laboratory and retail business activities in the unincorporated areas of Stanislaus County. This ordinance will tightly regulate the cannabis industry while preserving our environmental resources, protecting the health and safety of our communities, and prioritizing fiscal responsibility for tax payers.

Per the direction of the Stanislaus County Board of Supervisors in establishing a Cannabis Allowance Ordinance, and Planning's recommendation that retail dispensaries not be allowed in Planned Industrial zones, the General Plan PI zoning is not adequate to support these uses.

## 5272 Jerusalem Ct. General Plan Amendment Findings

### Reasons and Justification for Change:

Based on the Draft Commercial Cannabis Permitting Zoning District matrix (10.6.17) a retail cannabis dispensary (NRC Holistic Health Services, 5272 Jerusalem Court, Modesto, CA) would not be permitted in a Planned Industrial zone. However, it could continue to operate in this location in a Planned Development zone. Per the advice of Stanislaus County Planning staff, the property in question should be rezoned to Planned Development, which necessitates the General Plan Amendment.



## 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

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

**Date:** August 22, 2018

**CCaIC File #:** 10813N

**Re: Project:** Rezone application for  
5272 Jerusalem Ct., Modesto, CA;  
APN 004-065-019

Cheryl King  
NRC Holistic Health Services Clinic  
5272 Jerusalem Ct., Suite D  
Modesto, CA 95356

Dear Ms. King,

We have conducted a records search as per your request for the above-referenced project area located on the Riverbank 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 National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), *California Inventory of Historic Resources* (DPR 1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current computer lists dated 3-20-2014 and 4-05-2012, respectively), the *Survey of Surveys* (1989), GLO Plats and other historic maps on file for the area, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

**Prehistoric or historic resources within the project area:**

No prehistoric or historic-era archaeological resources or historic properties have been reported to the CCaIC.

**Prehistoric or historic resources within the immediate vicinity of the project area:**

No prehistoric or historic-era archaeological resources have been reported to the CCaIC. The MID Modesto Main Canal is adjacent, and has been formally recorded as Primary file #P-50-002002; evaluations received to date have not considered it eligible for the NRHP. This resource is not likely to be impacted by this project.

**Resources that are known to have value to local cultural groups:**

None have been formally reported to the Information Center.

**Previous investigations within the project area:**

One cultural resources field survey has been reported that included the whole parcel area:

**CCaIC Report ST-03879**

Cartier, R. (Archaeological Resource Management)

1986 *Cultural Resource Evaluation of Seven Parcels in the Cities of Modesto and Stockton, Counties of Stanislaus and San Joaquin.*

**Previous investigations within the immediate vicinity of the project area:**

No others have been reported to the CCaIC.

**Recommendations/Comments:**

Based on existing data in our files the project area has a minimal sensitivity for the possible discovery of prehistoric or historic-era archaeological resources or historic properties. Prior to the current development, the area was subject to archaeological survey with negative results. Furthermore, the area has been subject to agricultural use, later use as industrial waste pond area, and more recently has been developed into commercial space with modern buildings and paved lots. No recommendations for further study are offered at this time.

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. 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. In case you should need it, the Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the 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 using the California Historical Resources Information System (CHRIS). Please let us know when we can be of further service. Please sign and return the attached Access Agreement Short Form.

**Note:** Billing (\$150.00) will be transmitted separately via email from our Financial Services Office ([lamarroquin@csustan.edu](mailto:lamarroquin@csustan.edu) or [MSR270@csustan.edu](mailto:MSR270@csustan.edu)), payable within 60 days of receipt of the invoice.

Sincerely,



R. L. Hards, Assistant Research Technician  
Central California Information Center  
California Historical Resources Information System

\*Invoice to: Laurie Marroquin [lamarroquin@csustan.edu](mailto:lamarroquin@csustan.edu), Financial Services

## NRC Air Quality/Odor Control Plans

### Indoor Air Quality and Worker Exposures:

- There will be no volatile organic chemicals used in any of the permitted NRC facilities that require OSHA regulated monitoring for worker exposure.
- Cultivation workers using pesticides will follow all warning labels and when applying powers will put on OSHA approved dust/particulate masks.

### Odor and Vapor Emissions Control

- All HVAC exhaust will be processed through state-of-the-art carbon adsorption filters prior to discharge. NRC will follow all manufacturer recommendations to insure the filters are replaced as specified and all required maintenance is accomplished at indicated intervals.
- All distribution vehicles are loaded and unloaded behind closed and locked rollup doors to eliminate both security issues and the detection of odor from immediately outside the premises.
- All packaging is constructed of materials that limit or eliminate odor.
- All cannabis transfers are conducted within closed and secured vehicles so that there is no detectable odor emitted during transport out of the facility or during transport.
- Facility rollup doors are only opened to allow vehicular egress and ingress. The metal rollup doors will be high-speed and fast acting to minimize the potential transfer of the indoor atmosphere out of the facility.

## NRC Enhanced Product Safety

### Human Exposure to Unknown Pesticides

- Quality Control will be maintained by our distribution business that will require all cannabis products and produced cannabis from cultivation not only be tested under State of California Cannabis testing regulations that require cannabis products be tested for 66 pesticides but be tested for a minimum of 202 pesticides that can occur in California agricultural products. All products must have no detected pesticides.

When lists of compounds are restricted for use, growers switch to other pesticides. Therefore, it is necessary to test for the majority of pesticides that can be used and not just test for a selected list.

- All of the products sold or distributed by NRC will be labeled with the “Certified Pure by Analysis” shield and all of the Analytical Laboratory Results published online for each batch of cannabis at [certifiedpurebyanalysis.com](http://certifiedpurebyanalysis.com).



### Child Safety

- All packages will be child resistant.

## NRC Environmental Benefits

### Transportation Vehicles

- The NRC Retail business will use hybrid or zero emission vehicle for deliveries.
- The NRC Distribution business will use hybrid or zero emission vehicle for regional pickup and deliveries.

### Lighting

- The Manufacturing and Distribution businesses will use solar light tube in the ceiling for daytime light but will be combined with LED lighting that will be activated when natural light begins to fade and will increase in intensity as natural light fails.

### HVAC Savings

- The distribution facility utilize large low energy fans to reduce heating and cooling costs.

### PV Solar

- Will have local solar contractors provide bids for PV solar rooftop installations or providing services to the total facility, when the total facility energy is known and operations have been established. When this is complete, the most efficient system/\$ will be installed.

### Dehumidifiers

- Water produced by the dehumidifiers used in the cultivation operations will be treated and recycled for irrigation water.

## NRC Neighborhood Compatibility Plan

The site plan and photographs of the property show the following:

- The property is surrounded on the North, West and South by industrial facilities and business that do not generate foot or vehicular traffic either near or on the property. The East is occupied by orchards.
- These conditions are not conducive to local foot traffic or the potential for creating a condition that would result in loitering.

### Security

- The parking area is clean and well maintained and patrolled by on-site security during working hours to insure that there will be no loitering on the property.
- All transfers of cannabis are conducted behind closed and locked doors and/or supervised by security.
- Customers visiting the retail facility arrive by vehicle and a security officer supervise their egress and ingress and do not allow prolonged stays in the parking lot.

The unique characteristics of the property and its management will result in no impact or nuisance on the adjacent neighbors or surrounding community.



November 1, 2018

Kristin Doud  
County of Stanislaus  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



**Project: PLN20178-0101-Natural Remedies Consulting**  
**District CEQA Reference No: 20181083**

Dear Ms. Doud:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above proposing the use of up to 12,000 square feet of an existing warehouse building for cannabis cultivation (for re-sale and distribution) (Project) located at 5272 Jerusalem Court, Suite D in the Modesto, California area. The District offers the following comments:

**District Comments**

- 1) Based on information provided to the District, Project specific annual emissions of criteria pollutants are not expected to exceed any of the following District significance thresholds: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Therefore, the District concludes that the Project would have a less than significant impact on air quality when compared to the above-listed annual criteria pollutant emissions significance thresholds.
- 2) Based on the information received, the proposed project is not subject to District Rule 9510 (Indirect Source Review).
- 3) If the project proponent proposes or plans to install stationary source equipment including but not limited to: engines, turbines, boilers, etc., the District recommends the project proponent contact the District's Small Business Assistance (SBA) office prior to the start of construction/installation of stationary source equipment to identify applicable District rules and regulations that may apply to the proposed project. In particular, in case the project involves the installation of an engine to produce power

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

using an electrical generator, it might be important that you be aware of the very strict state and local regulations that apply to these type of equipment. SBA staff can be reached at (559) 230-5888.

- 4) Should the proposed project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the proposed project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Should you have any questions regarding the written notification or Dust Control Plan requirements, please contact District Compliance Staff at (559) 230-6062.
- 5) The District recommends that a copy of the District's comments be provided to the Project proponent.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this Project. If you have any questions or require further information, please call Cherie Clark at (559) 230- 5940.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



Brian Clements  
Program Manager

AM: cc

Assigned AQS: CC

Complexity

Request sent thru email

Project#: 20181083

Comments Due: 10-26-18 Real Data

A

B

C

Senior and Supervisor review

**CEQA Document Type:**

- Consultation – EC / EA
- Initial Study / (Mitigated) Negative Declaration
- Notice of Preparation/Intent
- Environmental Impact Report/Statement
- Other \_\_\_\_\_

- No Comment Letter
- No Comment Needed

**Project Type:**

- Residential
- Commercial
- Office
- Recreation Area
- Transportation / Transit
- Public Works (Waste / Utilities / Roads)
- Dairy / Poultry / Other Confined Animals
- Agriculture, General
- General Plan Update (needs entry in AIRnet)
- Other \_\_\_\_\_

- Industrial
- Educational
- Government

**Previous Comments / Referral / Notes**

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**STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development  
FROM: Department of Environmental Resources  
SUBJECT: **ENVIRONMENTAL REFERRAL- GENERAL PLAN AMENDMENT,  
REZONE, USE PERMIT AND DEVELOPMENT AGREEMENT  
APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES  
CONSULTING**

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

- Will not have a significant effect on the environment. See comment below
- 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.

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.

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

**Water:**

This project will result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h). Prior to receiving occupancy of any building permit, the property owner must obtain concurrence from the State of California

Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for water supply permit with the associated technical report to Stanislaus County Department of Environmental Resources.

**Onsite Wastewater:**

The existing site is served by an existing onsite wastewater treatment system (OWTS) that meets Measure X requirements as defined in Stanislaus County Ordinance Section 16.010.040. Prior to receiving occupancy of any building permit, the property owner must provide this Department with the information of the existing OWTS for evaluation. The existing OWTS must have adequate capacity to handle the proposed operation.

Any wastewater generated from business operation that does not meets the definition of residential strength wastewater as defined in (Decentralized Wastewater Glossary) shall not be disposed into the OWTS.

Response prepared by

Date: October 16, 2018

*Bella Badal*

BELLA BADAL, PhD, REHS  
SENIOR REGISTERED ENVIRONMENTAL HEALTH SPECIALIST  
Department of Environmental Resources



October 18, 2018

Charlie Menghetti  
Menghetti Construction  
PO Box 577516  
Modesto, CA 95357

**RE: Natural Remedies Consulting New Public Water System – 5272 Jerusalem Court, Suite D, Modesto, CA 95350**

Dear Charlie Menghetti:

The Department of Environmental Resources (DER) is the Local Primacy Agency (LPA) for Stanislaus County. As the LPA, DER is responsible for the oversight of small water systems (less than 200 service connections) within Stanislaus County. DER oversight includes the permitting of small water systems in accordance with California Health and Safety Code (HSC) and regulation of small water systems in accordance to California Code of Regulation (CCR).

HSC Section 116275 (h) defines a public water system as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Based on the project description in the Use Permit Application No. PLN2018-0101, the **Natural Remedies Consulting** will establish a new public water system at 5272 Jerusalem Court, Suite D, Modesto, CA 95350, as it will serve a maximum of 24 employees and 216 customers a day on a year-round basis.

HSC Section 116527 requires that, before any water related improvements or application for water supply permit can be initiated for a new public water system, the ownership must submit a preliminary technical report six months in advance to beginning construction of any water related improvement to the LPA and receive concurrence from the Water Boards. In order to assist in expediting the permitting process, it is encouraged, but not required, that a person considering submitting an application for a permit for a proposed new public water system should submit the preliminary technical report no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement.

The Water Boards is requiring that preliminary technical reports be submitted six months in advance of the anticipated construction date to ensure adequate time to determine if concurrence will be given. Therefore, DER is requesting that Mr. Menghetti, as owner of the property, contact this Department so that we may assist with these and other public water system requirements.

Please contact Rachel Riess at [rariess@envres.org](mailto:rariess@envres.org) or (209) 525-6720 weekdays 7:30 a.m. – 5:00 p.m. to initiate this process. Enclosed with this letter are the applicable sections of HSC Section 116527, SB126 FAQ's and a Preliminary Technical Report Guideline for your reference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Waleed Yosif".

Waleed Yosif, REHS  
Registered Environmental Health Specialist

cc: Kristin Doud, Senior Planner, Stanislaus County Planning and Community Development  
Cheryl King, Natural Remedies Consulting – 5272 Jerusalem Court, Suite D, Modesto, CA 95350  
State of CA SWRCB, Drinking Water Division, District 10

# California Health and Safety Code Section 116527

## *(Applicable Sections)*

### **§116527. Water-Related Improvement.**

(a) As used in this section, "water-related improvement" includes, but is not limited to, a water pipe, a water pump, or drinking water infrastructure.

(b)

(1) Before a person submits an application for a permit for a proposed new public water system, the person shall first submit a preliminary technical report to the state board at least six months before initiating construction of any water-related improvement.

(2) In order to assist in expediting the permitting process, a person that is considering submitting an application for a permit for a proposed new public water system is encouraged, but is not required, to submit the preliminary technical report no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement.

(3) For a proposed new public water system that would be regulated by a local primacy agency, the applicant shall also submit a copy of the preliminary technical report to the state board.

(c) The preliminary technical report shall include all of the following:

(1) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.

(2) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.

(3) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.

(4) All sources of domestic water supply for the proposed new public water system.

(5) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.

(6) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.

(7) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.

(8) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.

(9) Any information provided by the local agency formation commission. The applicant shall consult with the local agency formation commission if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

**State Water Resources Control Board**  
Division of Drinking Water

**Senate Bill 1263**  
**Responses to Frequently Asked Questions (FAQ)**

In January 2017, the State Water Resources Control Board (State Board), Division of Drinking Water (DDW) sent out a summary of Senate Bill 1263 (SB 1263), effective January 1, 2017, to planning departments, environmental health departments and local area formation commissions in each California County. SB 1263 amended section 116540 and added section 116527 to the California Health and Safety Code (CHSC) and added section 106.4 to the Water Code. The full text of SB 1263 may be found at the following website link:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1263](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1263).

In response to that correspondence, DDW received questions about the implementation of the bill. The following is a summary of responses to the most commonly received questions.

**Question 1**—How will this regulation impact state small water systems as they grow? Will they be subject to the new requirements of SB 1263 when they meet the definition of a public water system?

**Response 1**—Yes, the legislation applies to all new public water systems. The definition of a public water system has *not* been changed by SB 1263. A public water system is defined in CHSC Section 116275 (h) as: "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year." Human consumption is defined in Section 116275 (e) as "the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes."

**Question 2**—How will counties communicate the requirements placed into the CHSC Sections 116527 and 116540 by SB 1263 to potential water systems for well permits? Well permits are typically ministerial.

**Response 2**—Section 116527 requires a person submitting an application for a proposed new public water system to first submit a technical report to the State Board. Subdivision (b) (2) of Section 116527 states: "In order to assist in expediting the permitting process, a person that is considering submitting an application for a permit for a proposed new public water system is encouraged, but is not required, to submit the preliminary technical report no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement." Counties that are not local primacy agencies should consult their county counsel in order to determine the scope of their responsibilities under Section 116527.

**Question 3**—It can often take many years for the building permitting process to go to completion. How will potential water systems that are currently still within the county planning agencies pipeline be addressed?

**Response 3**—Section 116527 does not apply to "an application for a permit for a new public water system that was deemed complete prior to January 1, 2017." If a potential water system applicant has not submitted a complete domestic water supply permit application prior to January 1, 2017, they will need to fulfill the requirements of CHSC Sections 116527 and 116540 by submitting the specified preliminary technical report and waiting six months after submission of the report before initiating construction of any water related facilities.

**Question 4**—Will the six month waiting period be necessary for a rural water system where it is readily apparent that there is no option of consolidation?

**Response 4**—In addition to the consolidation aspect of the preliminary technical report, Section 116527 of the CHSC contains other required information as specified in Subsections (4), (5), (7), and (8). These subsections require the following:

- (4) All sources of domestic water supply for the proposed new public water system.
- (5) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
- (7) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
- (8) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.

These requirements apply to new public water systems regardless of whether a consolidation possibility exists or not. Therefore, the preliminary technical report will still be required.

The only exemptions to the preliminary technical report requirements, which are in Subdivision (h) of Section 116527 are for applications deemed complete prior to January 1, 2017, "an extension of, or annexation to, an existing public water system" and "a service area where an applicant certifies in writing to the state board that the applicant will not rely on the establishment of a new public water system for its water supply." In addition, subdivision (i) provides that a person can apply for an exemption for a "proposed new public water system that ... consolidates two or more existing public water systems, existing state small water systems, or other existing water systems, which results in the creation of a new public water system ... or provides water service in lieu of individual domestic wells."

Section 116527 provides: "Before a person submits an application for a permit for a proposed new public water system, the person shall first submit a preliminary technical report to the state board at least six months before initiating construction of any water-related improvement." Thus, while the State Board may approve the preliminary technical report prior to the end of the 6-month period, section 116527 (b) (1), provides that construction not be initiated until six months after the report is submitted.

**Question 5**—How will the six month window of time impact the Permit Streamlining Act on the part of the County and State?

**Response 5**—Operational permits are not included in the Permit Streamlining Act. The State Board recommends that Counties discuss any questions regarding the Permit Streamlining Act with their legal counsel.

**Question 6**—General concern was raised about the inability of hauled or bottled water as a source and what that may do to some rural communities, particularly for seasonal homes.

**Response 6**—SB 1263 added section 106.4 to the Water Code, which states that, with certain exceptions: "A city, including a charter city, or a county shall not issue a building permit for the construction of a new residential development where a source of water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility." The latter terms are defined in section 106.4 Again, the definition of a public water system has not been changed and is still as defined in Section 116275 (h) of the Health and Safety Code.

For any questions with respect to the status of a particular public water system applicant, please contact the State Board's District Engineer in the applicable county for verification. A map of contact information is provided at the website listed below:

[http://www.waterboards.ca.gov/drinking\\_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf](http://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf)

## Preliminary Technical Report Guidance

*This guidance is intended to assist applicants in completing the preliminary technical report required in the California Health and Safety Code (CHSC), Section 116527 for all new public water systems that are not subject to the exemptions specified in Section 116527(h). Section 116527(h) provides exemptions under the following conditions: (1) domestic water supply applications deemed complete prior to January 1, 2017, (2) extension of, or annexation to, an existing public water system, or (3) building construction applicants that certify they will not rely on the establishment of a new public water system. In accordance with Section 116527(b), this report is required to be completed 6 months before doing water-related construction for a new public water system.*

*This guidance provides a comprehensive summary of the elements that may be necessary to consider in completing a preliminary technical report. However, all the elements included in this guidance will not apply to all proposed public water systems. The applicant for each proposed public water system must evaluate the elements included in this guidance for its applicability for his or her project. Throughout this guidance sections of the California Health and Safety Code and the California Code of Regulations (CCR) are provided as a reference for the requirements included. This guidance also includes a description at the end of the requirement for a new public water system to demonstrate adequate financial, managerial, and technical capacity to ensure delivery of pure, wholesome, and potable drinking water to enable the State Board to issue it a domestic water supply permit.*

### **Section I. Applicant General Information:**

Name of applicant:

Phone number of applicant:

Email address of applicant:

Name of engineering consultant responsible for the project:

Phone number of engineering consultant:

Email of engineering consultant:

Have you applied to be a public water system previously for this property? Yes No

Who is the legal owner of the property? (Proof of ownership of any water treatment facilities and well sites must be documented.)

### **Section II. General Information on the Proposed Water System**

County of proposed new public water system:

Assessor's Parcel Number(s) or address of proposed new public water system:

Number of proposed connections (e.g. buildings, homes, etc.) the new public water system would serve:

Number of people the new public water system would serve:

Number of days per year the new public water system will serve water (e.g. 365):

What are the sources of water for the proposed public water system (mark all that apply, note: more detailed source information is required in Section VI):

- Lake or Pond                       River/Stream                       Creek  
 Spring                               Well                                   Multiple Wells  
 Well within 100 feet of a lake, river, or creek                       Unknown/source does not exist yet

What type of properties will be served, indicate all that are applicable, or provide a copy of the use permit:

- Residential community                       Businesses                       Industrial Park                       Schools/Daycares  
 Winery                                       Restaurant                       Park/Recreation                       Mobile Home Park  
 Other:

If the proposed water source is surface water (e.g. lake, river, creek, well near river, etc.) do you currently possess water rights to the source?  Yes  No (Surface water rights must be documented.)

Is any treatment known to be required for the source water? If yes, explain.

Provide a summary description of the proposed water system (physical facilities, type of legal entity it will be, who it will serve, who will manage it, existing facilities that will be incorporated, any contamination in the local area that could impact the water quality, other pertinent factors).

A map of the proposed boundaries of the new public water system will be required.

**Section III. Discussion of the Potential for the Proposed Water System to be served by an Existing Water System:**

List the names of all public water systems with boundaries within a 3-mile distance from the proposed public water system's service below. CHSC (116527(c)(1)

Ways to find nearby public water systems include:

A list and phone numbers of all public water systems by county can be found on our website at: <https://sdwis.waterboards.ca.gov/PDWW/>

Please do not consider those water systems with a status of "I", which means they are inactive.

A map showing the locations of some, but not all, public water systems can be found on the following website: [http://cehtp.org/page/water/water\\_system\\_map\\_viewer](http://cehtp.org/page/water/water_system_map_viewer). We are currently in the process of collecting data for this website, so it is not yet a complete list of public water systems.

If you are still unable to find a nearby public water system using these tools, please contact our District Offices and verify that none exist in the 3-mile radius. A map of the contact numbers for our District Offices can be found on the following website: [http://www.waterboards.ca.gov/drinking\\_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf](http://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf)

**Public Water Systems in 3-mile Radius**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

(add additional systems, if present in the 3-mile radius)

Is the proposed water system in the County Local Area Formation Commission's (LAFCo) sphere of influence boundary for any city or municipal water service? CHSC 116527(c)(9)     Yes    No

Attach a feasibility report evaluating the possibility of obtaining water supply from each public water system listed above and the estimated costs. The report should include dates of contact with the public water systems, the names and titles of all parties involved as well as phone numbers and email addresses of all parties, and a summary of their responses. All actions taken to obtain service for the proposed new public water system's service area must be provided. The report must also include all information provided by each identified public water system regarding the feasibility of annexing, connecting or otherwise supplying domestic water to the proposed service area. The feasibility report should include dates of contact with the County Local Area Formation Commission's (LAFCo) executive officer and/or staff regarding identified public water systems. Also include any other actions taken to obtain water supply from an existing public water system. CHSC 116527(c)(2)

**Please note: If as a result of this process you decide to be served by another public water system and not become a new public water system, write a letter to the State Water Resource Control Board, Division of Drinking Water and the County building/planning department indicating that it is your intent. Provide the name and contact of the water system that will be supplying water service to your development and begin the process of obtaining water service.**

#### **Section IV. Managerial Consolidation**

If physically connecting to another water system appears unfeasible, submit a discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from the identified public water systems in Section III. This should include a summary of names, dates and contact information of those individuals you have interacted with as well as their responses. CHSC 116527(c)(7)

#### **Section V. Cost of Proposed New Public Water System**

We recommend that you review the "Drinking Water Related Regulations" related to operating a public water system. The regulations are located on the State Water Resource Control Board website:

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/Lawbook.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.shtml)

Please attach a report on the proposed cost to construct, operate, and maintain the proposed new public water system for 20 years. The report must also include a discussion of the proposed rates based on the costs. CHSC 116527(c)(5) We recommend this report be prepared by an engineer who is knowledgeable regarding the legal requirements for public water systems, typically an engineer that has experience in working on public water systems. The new water system should consider the following costs listed below, as they would apply to the proposed water system. Other costs may also be applicable, particularly those with other regulatory agencies, such as Division of Water Rights, LAFCo, Public Utilities Commission, business licenses, etc. To facilitate review of each cost, the section from the CCR Title 22, Division 5 discussing the specific requirements is included in parentheses. If the requirement comes from another regulatory section, the location is noted.

- System engineering and design costs for construction and permitting (§64552), including pump tests (§64554), two water supply well sources for communities (§64554c and §64561), a 50-foot source protection zone around wells (§64560), and initial monitoring costs
- Construction costs, backup electricity for pumps to maintain 40 pounds per square foot (psi) minimum pressure at all times (§64602), proper construction of distribution systems (§64570-64580), installation of meters (§64561), adequate storage capacity (§64554 and 64585) and fire capacity (contact local fire official)
- Monthly electricity costs for pumps, other utilities, interest on any debt service
- Cost of as-built maps (§64604)
- Annual water-treatment quality chemical costs (§64590), and equipment for distribution monitoring of any added chemical treatment (dependent on the type of needed treatment)
- Ongoing raw water chemical monitoring sampling and analysis costs (§64431-64445.2)
- Ongoing bacteriological monitoring sampling and analysis costs for untreated water (§64430)

- Ongoing bacteriological monitoring sampling and analysis costs for treated water (§64421-64430, Table 64423-A)
- Maintenance of bacteriological plans (§64422) and emergency notification plans for notification of water quality emergencies (§64463-64466)
- Required lead and copper monitoring sampling and analysis costs and maintenance of lead and copper plan (§64670-64690.80, Table 64675-A)
- Required disinfection byproducts monitoring costs and maintenance of associated plan (§64530-64537.6, Table 64534.2-A)
- Customer water quality complaint program (§64470)
- Flushing (§64575), valve and meter maintenance (§64600), and maintaining maps (§64604)
- Cross connection program and annual backflow device testing and maintenance (from Title 17, §7583-7605)
- Salary for licensed operator staff costs, including time for reports and inspections required by Division of Drinking Water staff (§64413.1-64413.7)
- The cost to maintain written procedures for system maintenance, for example main line breaks procedures, etc. (§64580, 64582, and 64583)
- Source capacity planning studies and permit amendments for any additional growth (§64558 and §64556)
- Annual Consumer Confidence Report preparation and distribution costs (§64480-64483)
- Annual electronic Report to State Water Resource Control Board-Division of Drinking Water (Health and Safety Code §116530)
- Records of the estimated life of all pumps, treatment, storage, and distribution system and an annual capital improvement plan to fund replacement
- Metering and billing staff costs
- Emergency reserve costs for drought, regulatory changes, public notice of bacteriological or chemical failures, etc.
- Maintaining of business licenses and paying annual permit fees (Ca Health and Safety Code §116565) and any State enforcement fees for actions resulting from water system non-compliance (Ca Health and Safety Code §116577)
- Appropriate workspace to house staff, records (§64470, §64423.1), and appropriate containment of chemicals
- Insurance and liability for staff, for duties including climbing tanks, handling hazardous chemicals, if appropriate.
- Knowledgeable management staff costs to coordinate the above and maintain financial controls (per Corporation Code and Government Code requirements and Health and Safety Code §116540 ) and office supplies

- If the source is surface water (lake, stream, pond, etc.), additional costs should be considered for the following:
- A water treatment plant meeting all the requirements of the Surface Water Treatment Rule (§64650 through §64666)
  - Continuous operator supervision of the water treatment plant when operating (§64660)
  - Chemical monitoring equipment, at minimum turbidity and chlorine (§64655-64656.5, §64659)
  - Operations Plan (§64661)
  - Alarms (§64659)
  - Monthly monitoring reports to the Division of Drinking Water (§64662-64664.2)
  - Additional raw water sampling requirements (§64654.8)
  - Watershed Sanitary Survey, every five years (§64665), and
  - Engineering Report after one year of operation for system optimization for alternative technologies (§64653 (i)).

**Resources to help with cost analyses:**

Rural community assistance corporation (RCAC) provides FREE live and online classes on water system financial management, budgeting, rate setting, board training, as well as a host of other water system related classes. Training schedules can be found on their website at [www.rcac.org](http://www.rcac.org).

**Section VI. 20 Year Evaluation of Proposed New Public Water System's Supply Capacity CHSC 116527(c)(8)**

Submit an analysis of the proposed new public water systems' total projected water supplies available during normal, single dry, or multiple dry water years to meet current demand, and any anticipated growth, for the next 20 years. If a source has not yet been constructed (e.g. a well) an engineer shall evaluate demands required under these scenarios. Please be aware that for a community water system using wells, it will be required to have at least two well sources and must be capable of meeting the maximum day demand with the highest-capacity source off-line, prior to being granted an initial domestic water supply permit, per Section 64554(c).

**Section VII. Cost-Comparison CHSC 116527(c)(6)**

Submit an analysis comparing the estimated costs associated with the construction, operation and maintenance of the proposed new public water system to the costs associated with providing water through connecting to an existing public water system. Also, compare the long-term sustainability of each water system, including but not limited to local groundwater contamination migration, global climate change, and potential treatment needs.

Some water systems will require proposed water system to annex or enter into an out-of-area service agreement to obtain water. These identified water systems may not be excluded from cost comparison evaluation due to the need for annexation or out-of-area agreements.

**Submit the COMPLETED Preliminary Technical Report to:**

State Water Resource Control Board, Division of Drinking Water's District Office

The report should be addressed to the District Engineer for the County where the water system will be located. Their name and address can be found on the following website at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf](http://www.waterboards.ca.gov/drinking_water/programs/documents/ddwem/DDWdistrictofficesmap.pdf)

*In the following Counties, an additional copy must be submitted to the County's Small Water System Program, typically found in the Environmental Health Department. If you have any questions as to who to address in these Counties, you may also contact Wendy Killou at (916) 449-5158 or via email at [DDW-PLU@waterboards.ca.gov](mailto:DDW-PLU@waterboards.ca.gov) for more information.*

1. Alpine  
<http://www.alpinecountyca.gov/index.aspx?NID=304>
2. Amador  
<http://www.co.amador.ca.us/departments/environmental-health/small-public-water-systems>
3. Butte  
<http://www.buttecounty.net/publichealth/EnvironmentalHealth/DrinkingWater/PublicWater.aspx>
4. Calaveras  
<http://envhgmt.calaverasgov.us/>
5. Contra Costa  
<http://cchealth.org/eh/small-water/>
6. El Dorado  
[https://www3.edcgov.us/EMD/EnvironmentalHealth/Small\\_Water\\_System\\_Program.aspx](https://www3.edcgov.us/EMD/EnvironmentalHealth/Small_Water_System_Program.aspx)
7. Inyo  
[http://www.inyocounty.us/EnvironmentalHealth/drinking\\_water.html](http://www.inyocounty.us/EnvironmentalHealth/drinking_water.html)
8. Los Angeles  
[http://www.publichealth.lacounty.gov/eh/EP/dw/dw\\_small\\_water.htm](http://www.publichealth.lacounty.gov/eh/EP/dw/dw_small_water.htm)
9. Madera  
<http://www.madera-county.com/index.php/envprograms/drinking-water-program>
10. Mono  
<http://monohealth.com/environmental-health/page/about-environmental-health>
11. Monterey  
<http://www.co.monterey.ca.us/government/departments-a-h/health/environmental-health/drinking-water-protection>
12. Napa  
<http://www.countyofnapa.org/PBES/Environmental/>
13. Nevada  
<https://www.mynevadacounty.com/nc/cda/eh/Pages/Small-Water-System-Program.aspx>
14. Placer  
<http://www.placer.ca.gov/departments/environmental-health/small-water-systems>
15. Plumas  
<http://www.plumascounty.us/index.aspx?NID=280>
16. Riverside  
<http://www.rivcoeh.org/Programs/water>
17. Sacramento  
<http://www.emd.saccounty.net/EC/Pages/Smallwater.aspx>
18. San Bernardino  
[http://www.sbcounty.gov/dph/dehs/Depts/EnvironmentalHealth/BusinessServices/water\\_liquid\\_waste\\_land\\_use.aspx](http://www.sbcounty.gov/dph/dehs/Depts/EnvironmentalHealth/BusinessServices/water_liquid_waste_land_use.aspx)
19. San Diego  
[http://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu\\_sws.html](http://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu_sws.html)
20. San Joaquin  
[http://www.sjcehd.com/Programs/Consumer\\_Protection/small\\_public\\_water\\_systems\\_monitoring.htm](http://www.sjcehd.com/Programs/Consumer_Protection/small_public_water_systems_monitoring.htm)

21. San Luis Obispo  
<http://www.slocounty.ca.gov/health/publichealth/ehs/services/water/watersystems.htm>
22. Santa Barbara  
<http://cosb.countyofsb.org/phd/environmentalhealth.aspx?id=20066&pghead=18958&footer=18960&menu2id=174>
23. Santa Cruz  
<http://scceh.com/Home/Programs/WaterResources/WaterSupply/PrivateandSmallWaterSystems.aspx>
24. Shasta  
[http://www.co.shasta.ca.us/index/drm\\_index/eh\\_index/ehd\\_programs/wells.aspx](http://www.co.shasta.ca.us/index/drm_index/eh_index/ehd_programs/wells.aspx)
25. Stanislaus  
<http://www.stancounty.com/er/environmentalhealth/water-program.shtm>
26. Tehama  
<http://www.co.tehama.ca.us/env-health-header/environmental-health>
27. Yolo  
<http://www.yolocounty.org/community-services/environmental-health-services/land-environmental-protection/drinking-water-program>
28. Yuba  
<http://www.co.yuba.ca.us/Departments/Community%20Development/EH/>
29. Imperial  
<http://www.icphd.com/environmental-health/drinking-water>

### Technical, Managerial, and Financial (TMF) Capacity - CHSC 116540(a)(1)

Please note that if both physical and managerial consolidations are unfeasible, you will be asked to submit additional information regarding the technical, managerial and financial capacity of the proposed water system in order for the proposed water system to be issued a domestic water supply permit. This is one of the initial permit requirements for all new public water systems. If the Division and/or County Environmental Health deem that the required TMF components are adequate, the project proponent may submit a permit application. A permit application will include items such as initial water monitoring, and a permit engineering report containing detailed plans and specifications, etc. The details of the permit application will be provided separately.

**For a proposed water system with existing infrastructure, TMF Instructions and forms can be found on our website at:**

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/TMF.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/TMF.shtml)

**For a proposed community water system with no existing infrastructure please provide the following:**

1. A copy of the deed of trust for the location where water treatment facilities, including any wells, are proposed to be located.
2. An organizational chart and description of what organization will own and operate the water system.
3. List the median household income(s) of the zip code(s) in the area to be served by the public water system based on the most recent year available from the U.S. census. Median household incomes can be found on the following website: <https://www.census.gov/quickfacts/table/PST045216/06>
4. Calculate the average annual rate per customer needed to support the water costs previously calculated in Section V, including depreciation and replacement of all infrastructure based on its usable life over a 20-year time period.

Average usable life of typical water treatment equipment can be found on our website at:

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/documents/tmfplanningandreports/Typical\\_life.pdf](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/tmfplanningandreports/Typical_life.pdf).

A sample excel spreadsheet for budgeting can be found on our website at:

[http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/TMF.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/TMF.shtml)

5. Is the annual rate per customer greater than 1.5% of the surrounding median household income?



Referral
Early Consultation

Date: October 8, 2018
To: Distribution List (See Attachment A)
From: Kristin Doud, Senior Planner, Planning and Community Development
Subject: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING
Respond By: October 26, 2018

\*\*\*\*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: Natural Remedies, Cheryl King
Project Location: 5272 Jerusalem Court, Suite D, north of Leman Ave., in the Modesto area
APN: 004-065-019
Williamson Act Contract: N/A
General Plan: Planned Industrial
Current Zoning: P-I (7) (Planned Industrial)

Project Description: Request to Rezone a 1.01-acre property from to P-I to Planned Development, and to obtain a Use Permit and Development Agreement, to allow up to 12,000 square feet of indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution in an existing warehouse building. A General Plan Amendment to amend the project site's





**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

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

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designation from Planned Industrial to Planned Development is also included in this project request to allow for the retail sale of cannabis products. The property is served by a well and septic system. Proposed hours of operation are Monday through Saturday, 10am to 8pm and Sunday, 10am to 5pm, with a maximum of 21 employees. Cultivation, manufacturing, and distribution will have weekday operating hours from 9am to 5pm Monday through Friday. The retail operation anticipates an average of 216 customers per day, during the weekdays, 322 daily customers on Saturday, and 196 daily customers on Sunday. There are approximately 20-25 truck trips per week associated with the distribution activities and the delivery of supplies per week for the entire operation, with a maximum of 30 truck trips anticipated at full build out.

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

**STRIVING TOGETHER TO BE THE BEST!**



October 11, 2018

Kristin Doud, Senior Planner  
Stanislaus County Planning and Community Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: CEQA Early Consultation Referral Response, Use Permit and Development Agreement Application  
No. PLN2018-0101 – Natural Remedies – 5272 Jerusalem Court

Dear Ms. Doud:

The California Department of Food and Agriculture's (CDFA's) CalCannabis Division (CalCannabis) appreciates the opportunity to respond to Stanislaus County's request for early consultation on the above-referenced project.

#### **CalCannabis Authority and CEQA Responsibilities**

CalCannabis has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in the State of California. CalCannabis issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. Bus. & Profs. Code, Div. 10, Ch. 2, Section 26012(a)(2). For a complete list of all license requirements please visit: <https://cannabis.ca.gov/wp-content/uploads/sites/13/2018/06/CA-Department-of-Food-and-Agriculture-Final-Text-of-Readopted-Emergency-Regulations.pdf>.

The CDFA certified a Programmatic Environmental Impact Report (PEIR) for its cannabis licensing activities on November 13, 2017. The PEIR can be found at the following link: <https://www.cdfa.ca.gov/calcannabis/PEIR.html>. The PEIR provided general conclusions regarding the likelihood and types of impacts caused by cannabis cultivation, including the cumulative impacts that would be expected under the statewide CalCannabis Program.

Pursuant to state regulations, CalCannabis requires an annual license applicant to provide evidence of exemption from, or compliance with, the California Environmental Quality Act (CEQA). Cal. Code Regs., tit. 3, section 8102. Under CEQA, CalCannabis may act as either a Responsible Agency or a Lead Agency. CalCannabis will act as a Responsible Agency when the local permitting agency acts as the Lead Agency and prepares a site-specific CEQA compliance document that contains the information required by CalCannabis to issue an annual license. This improves the efficiency with which CalCannabis can issue annual licenses for projects located within that jurisdiction. Such evidence may take various forms, depending on the CEQA compliance path completed by the local permitting agency.



For projects that the local Lead Agency determines are exempt from CEQA, CalCannabis requests that the Lead Agency complete a Notice of Exemption (NOE), file it with both the County Clerk and the State Clearinghouse, CalCannabis requests and provide a copy of the signed and dated NOE to the project applicants for submission to CalCannabis.

For projects involving the preparation of Initial Study/Negative Declarations, Initial Study/Mitigated Negative Declarations, or Environmental Impact Reports, Cal Cannabis requests that the Lead Agency provide applicants a copy of the signed and dated Notice of Determination prepared for the project, and either a copy of the CEQA document or a link to where it can be downloaded.

## **Background**

Stanislaus County's Cannabis ordinance establishes a discretionary review, ranking, and permit process for all commercial cannabis activities, including annual cultivation permits. Stanislaus County specifically requires CEQA review and a public hearing before the Board of Supervisors prior to issuance of a Commercial Cannabis Activity permit. CalCannabis understands that Stanislaus County's permitting decisions will be discretionary actions within the meaning of CEQA, which will require Stanislaus County to complete site-specific CEQA review for each permit application. CalCannabis also understands that Stanislaus County intends to act as CEQA Lead Agency for licensing of cultivation projects within its jurisdiction.

## **Comments and Recommendations**

**Comment 1:** If the above-referenced project is clearly not eligible for a categorical exemption under the provisions of CEQA Guidelines section 15300 et seq., CalCannabis strongly recommends Stanislaus County complete an initial study for the project to determine what CEQA review may be required.

**Comment 2:** The CalCannabis PEIR determined that some environmental topics generally fell outside of CalCannabis' regulatory authority because these topics are regulated by local land use. Additionally, there are other topics for which detailed analysis in the CalCannabis PEIR was not possible because of the statewide nature of the CalCannabis licensure program. Many of these topics involve the evaluation of site-specific conditions, the details of which were infeasible to identify and evaluate in a statewide PEIR, and the characteristics of which were unknown at the time the PEIR was published (e.g., the locations of new cultivation sites that would be planned and licensed were unknown at the time the PEIR was published). For those topics, listed below, the CalCannabis PEIR determined that potential impacts would most appropriately be evaluated in local regulatory program-level documents or site-specific documents.

CalCannabis requests that CEQA documents prepared by or on behalf of cannabis cultivation applicants evaluate the impacts of commercial cannabis cultivation projects for these resource topics, at an appropriate regionally-focused and site-specific level, and include mitigation measures that will ensure projects will not result in significant adverse impacts on the environment.

## **Aesthetics**

Substantial adverse effects on scenic vistas, scenic resources, or State-designated scenic highway, and/or the existing visual character or quality of a site and its surroundings.

## **Land Use and Planning**

Conflicts with any and all local land use plans, ordinances, policies, and/or resource programs; including but not limited to applicable Habitat Conservation Plans and Natural Community Conservation Plans.

## **Mineral Resources**

Potential loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Potential for the extraction of substantial mineral resources from lands classified by the State as areas that contain mineral resources (Mineral Resource Zone [MRZ]-3).

Loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

## **Noise**

Exposure of people or residences to excessive noise levels within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport.

Generation of excessive groundborne vibration or groundborne noise levels.

Substantial permanent increase in ambient noise levels in the vicinity of a licensed cultivation activities above existing levels.

Excessive noise for sensitive receptors, and/or resulting in a substantial temporary or periodic increase in ambient noise levels.

Short-term construction-related impacts to noise (if applicable).

Long-term operation-related noise impacts resulting from traffic and related changes to existing noise levels.

## **Odor (Air Quality)**

Create objectionable odors affecting a substantial number of people as a result of cannabis cultivation.

## **Recreation**

Potential impacts to existing neighborhood and regional parks or other recreational facilities.

## Public Services and Utilities

Exceedance of wastewater treatment requirements resulting in the need to expand wastewater treatment facilities or resulting in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project.

Require or result in the construction of new or expanded water treatment and/or stormwater facilities.

Potential to be served by a landfill with insufficient capacity.

## Traffic and Transportation

Conflict with circulation plans, ordinances, policies, or congestion management programs.

Increase hazards due to a design feature or incompatible uses.

**Comment 3:** It is critical for CEQA analysis to consider the cumulative impacts of cannabis cultivation in Stanislaus County. Of particular importance are topics for which the impacts of individual project may be less than significant, but where individual projects may contribute to a significant cumulative impact. These topics include:

- Impacts of surface water diversions on aquatic species and habitats, including riparian habitats reliant on stream flows;
- Impacts of groundwater diversions on the health of the underlying aquifer, including impacts on other users, impacts on stream-related resources connected to the aquifer;
- Impacts on terrestrial biological species and habitats, particularly special-status species as defined under CEQA;
- Impacts related to noise;
- Impacts related to traffic;
- Impacts related to air quality and objectionable odors.

## Conclusion

Thank you again for the opportunity to respond to your early consultation request. Please notify CDFA as a Responsible Agency of all future CEQA filings that may be prepared for this project. If you require additional information, please contact Kevin Ponce, Senior Environmental Scientist, at [(916) 263-0801] or via e-mail at [kevin.ponce@cdfa.ca.gov](mailto:kevin.ponce@cdfa.ca.gov).

Sincerely,



Lindsay Rains  
Licensing Program Manager



**ENVIRONMENTAL REVIEW COMMITTEE REFERRAL RESPONSE  
FORM**

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

**FROM: Caltrans District 10: Metropolis Planning Branch  
1976 East Dr. Martin Luther King Jr., Blvd.  
Stockton, CA 95205**

**SUBJECT: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND  
DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 –  
NATURAL REMEDIES CONSULTING.**

Based on this agencies 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 sheets if necessary)

1. Traffic general

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

1. This proposed development should pay a “traffic impact mitigation fee”. The cumulative impacts of this project and other existing and proposed land use development, in this area, will contribute to the degradation of the level of service on the State Highway System. This degradation may eventually require improvements to accommodate the increase in traffic volumes to the intersections at State Route 219 and Pentecost Drive as well as State Route 108 at Charity Way. Therefore, the Department recommends that the County collect a transportation impact mitigation fee on a “proportional share” basis from the developer to hold until the fee can be contributed towards the local portion of funding for future improvements to these State Highway facilities.

Response prepared by:

Steven R. Martinez	Associate Transportation Planner	October 23, 2018
Name	Title	Date

Central Valley Regional Water Quality Control Board

19 October 2018

Kristin Doud  
Stanislaus County  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354



CERTIFIED MAIL  
7014 3490 0001 3008 4491

**COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION, GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING PROJECT, STANISLAUS COUNTY**

Pursuant to the Stanislaus County Department of Planning and Community Development's 8 October 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Early Consultation* for the General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0101 – Natural Remedies Consulting Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**

**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Cannabis General Order**

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed.

Visit the Water Boards Cannabis Cultivation Programs Portal at:  
<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at:  
[www.waterboards.ca.gov/cannabis](http://www.waterboards.ca.gov/cannabis)

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at:  
[centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) or (916) 464-3291.

For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: [CannabisReg@waterboards.ca.gov](mailto:CannabisReg@waterboards.ca.gov) or (916) 319-9427.

#### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

#### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

#### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

#### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Wildlife for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

#### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

### **Waste Discharge Requirements – Discharges to Waters of the State**

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board’s website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

- 2. Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

#### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

#### **NPDES Permit**

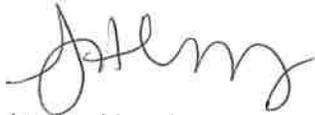
If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require

coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



Jordan Hensley  
Environmental Scientist

Sent 10/24/18

# STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM



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

FROM: *Jalida Fire*

SUBJECT: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND  
DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 –  
NATURAL REMEDIES CONSULTING

Based on this agencies 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).

*See Attached*

Response prepared by:

<i>Pat Brown</i>	<i>Captain</i>	<i>10/24/18</i>
Name	Title	Date

*Scanned 10/29*



## SALIDA FIRE PROTECTION DISTRICT

P.O. Box 1335, Salida, CA 95368  
Fire Station: 209.545-0365 Fax: 209 545-3840  
Admin: 209 543-0190 Fax: 209 543-6719

October 24, 2018

Stanislaus County  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

### **RE: PLN2018-0101 / APN 004-065-019 General Plan Amendment, Rezone, Use permit, and Development Application**

The Salida Fire Protection District ("District") has reviewed the proposed project and offers the following comments:

- This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
- This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
- Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
- A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
- Buildings of 5,000 square feet and greater shall be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments.
- For buildings of 30 feet or three (3) or more stories in height, gated 2 ½ " hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
- The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
- If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.



## Referral

### Early Consultation

**Date:** October 8, 2018  
**To:** Distribution List (See Attachment A)  
**From:** Kristin Doud, Senior Planner, Planning and Community Development  
**Subject:** GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING  
**Respond By:** October 26, 2018

**\*\*\*\*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:** Natural Remedies, Cheryl King  
**Project Location:** 5272 Jerusalem Court, Suite D, north of Kiernan Ave., in the Modesto area  
**APN:** 004-065-019  
**Williamson Act Contract:** N/A  
**General Plan:** Planned Industrial  
**Current Zoning:** P-I (7) (Planned Industrial)

**Project Description:** Request to Rezone a 1.01-acre property from to P-I to Planned Development, and to obtain a Use Permit and Development Agreement, to allow up to 12,000 square feet of indoor cannabis cultivation, manufacturing (non-volatile), retail, and distribution in

*STRIVING TOGETHER TO BE THE BEST!*

November 1, 2018



Stanislaus County – Planning and Community Development  
Attention: Kristin Doud, Senior Planner  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**RE: General Plan Amendment, Rezone, Use Permit and Development Agreement  
Applic. No. PLN2018-0101 – Natural Remedies Consulting  
APN: 004-065-019 (5272 Jerusalem Court)**

Thank you for allowing the District to comment on this referral. Following are the recommendations from our Electrical, Irrigation and Domestic Water Divisions:

**Irrigation**

- No comments at this time.

**Domestic Water**

- No comments at this time.

**Electrical**

- The attached drawing shows the approximate location of the District's existing electrical facilities within or adjacent to the project area.
- High voltage is present within and adjacent to the project area. This includes 12,000 volts underground primary and secondary facilities. Use extreme caution when operating heavy equipment, hand held tools or any other type of equipment near the existing MID electric lines and cables. Assume all underground electric facilities are energized at all times.
- The contractor shall verify actual depth and location of all underground utilities prior to start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600) before trenching, grading, excavating, drilling, pipe pushing, tree planting, post-hole digging, etc. USA will notify all utilities to mark the location of their underground facilities.

- Please contact Modesto Irrigation District at (209) 526-7337 or (888) 335-1643 and ask for the Electrical Engineering Design Group if additional information is required.

**The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.**

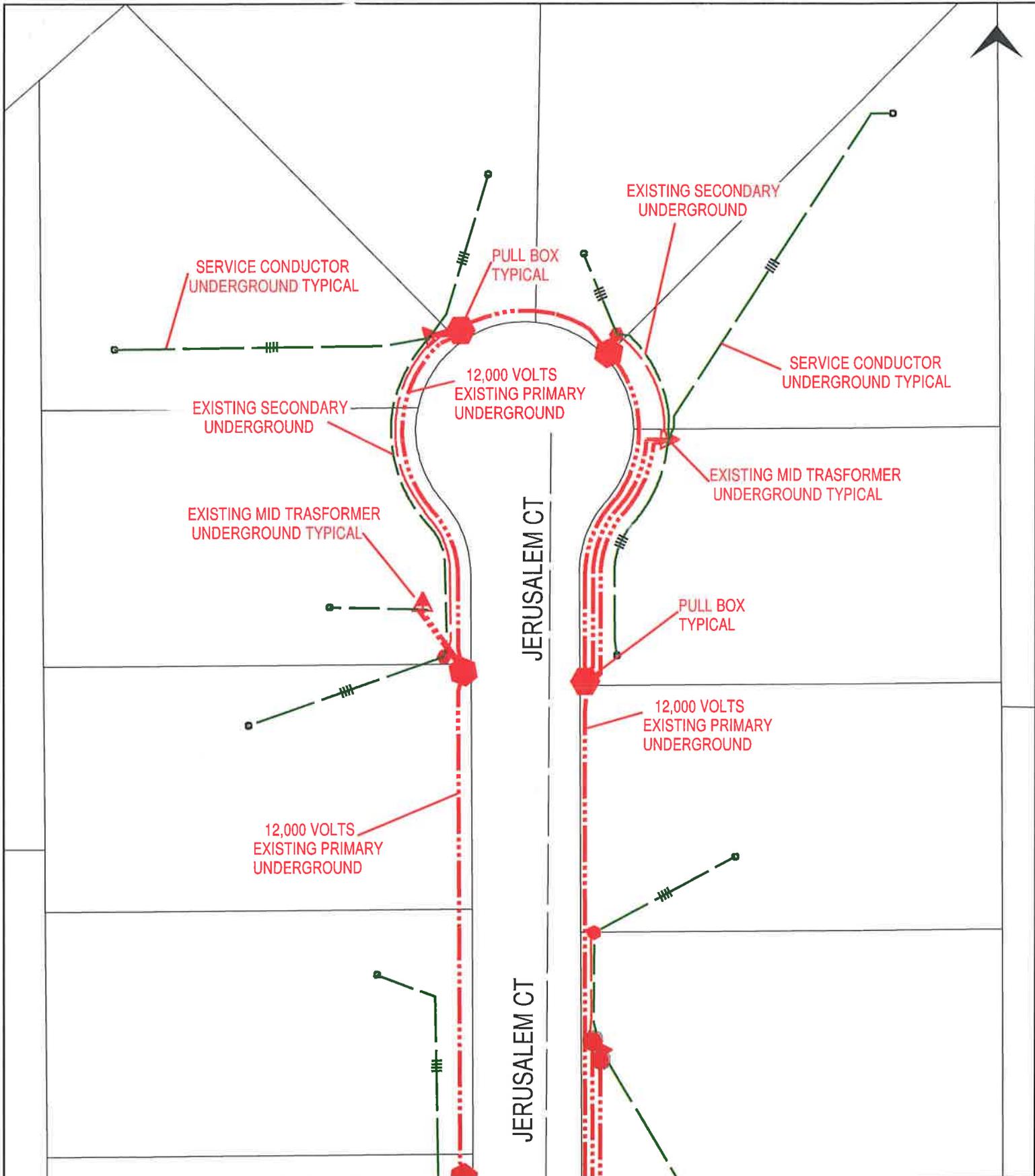
If you have any questions, please contact me at 526-7447.

Sincerely,



Lien Campbell  
Risk & Property Analyst

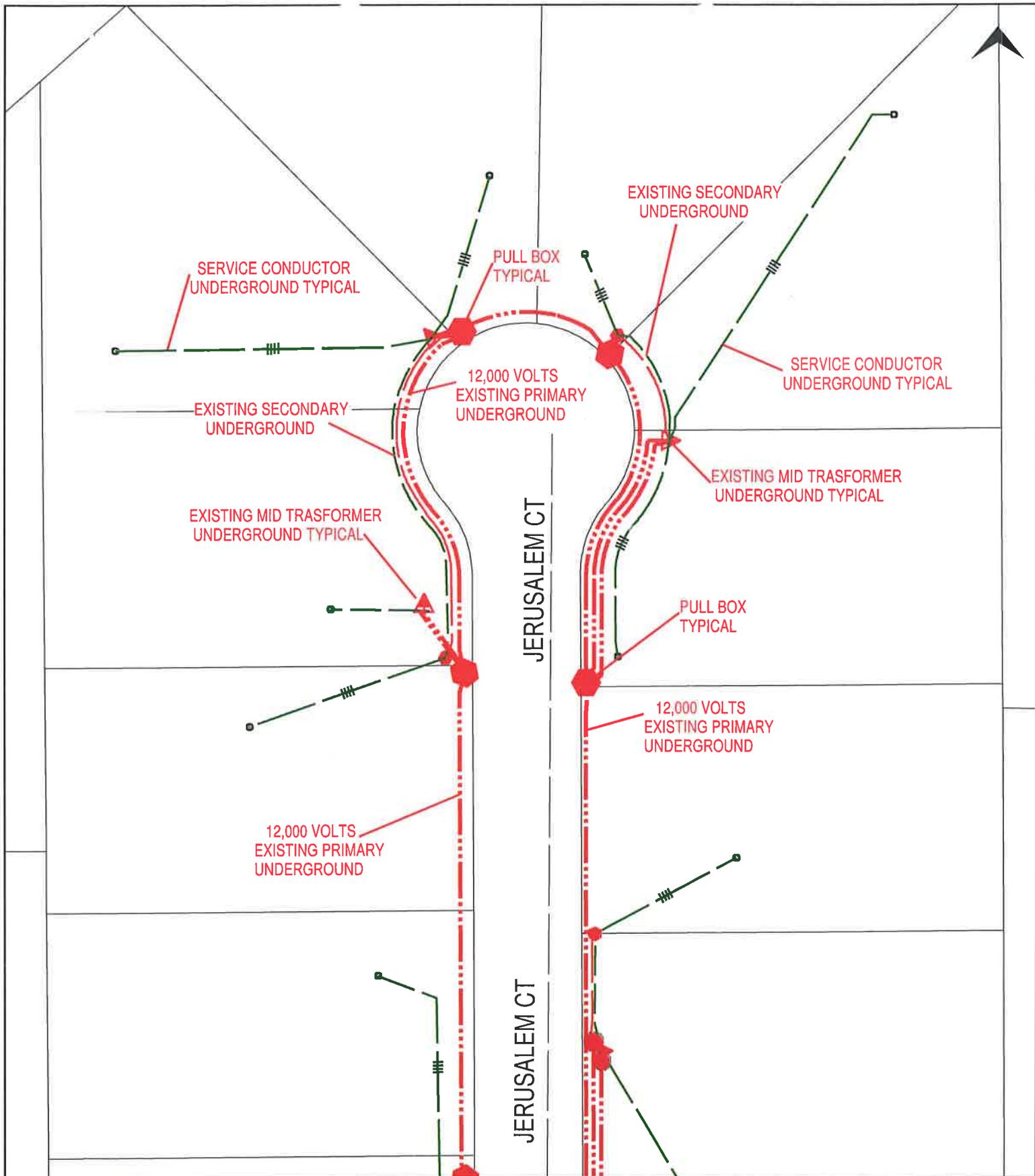
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NO.	REVISION	DATE

**5272 Jerusalem Ct.**

DATE: 10/17/2018	DWG. BY: victor0618
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1



NO.	REVISION	DATE

**5272 Jerusalem Ct.**

DATE: 10/17/2018	DWG. BY: wictor0618
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1

STANISLAUS COUNTY  
CEQA REFERRAL RESPONSE FORM



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

FROM: Kristin Doud, Senior Planner, Planning and Community Development

SUBJECT: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND  
DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 –  
NATURAL REMEDIES CONSULTING

Based on this agencies 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).

NO COMMERCIAL CANNABIS ACTIVITY IS PERMITTED WITHIN 600 FEET FROM SCHOOL SITE.

Response prepared by:

12-7-18

Date

Duane Wolterstorff  
Sr. Director, Business Services  
Modesto City Schools  
209-492-5002

## Kristin Doud

---

**From:** Steve Mitchell <smitchell@modestogov.com>  
**Sent:** Friday, January 04, 2019 2:27 PM  
**To:** Kristin Doud  
**Cc:** Tera Chumley; Joe Lopez; Jaylen French; Julia Maniscalco  
**Subject:** Natural Remedies Consulting at 5272 Jerusalem Drive

Kristin:

The City of Modesto has no objections to the Natural Remedies Consulting application for a cannabis cultivation/manufacturing/distribution/dispensary business at 5272 Jerusalem Court. If you have any questions, please feel free to contact us.

**Steve Mitchell**  
Planning Manager  
City of Modesto  
Community & Economic Development Dept.  
1010 Tenth St. Ste. 3300  
Modesto, CA 95354  
(209) 577-5287



**CHIEF EXECUTIVE OFFICE**

*Jody L. Hayes*  
Chief Executive Officer

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

*Keith D. Boggs*  
Assistant Executive Officer

*Patrice M. Dietrich*  
Assistant Executive Officer

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

November 13, 2018

Kristin Doud, Senior Planner  
Stanislaus County Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – NATURAL REMEDIES CONSULTING –  
GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND  
DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – EARLY  
CONSULTATION (AMENDED RESPONSE)**

Ms. Doud:

Thank you for the opportunity to review the Early Consultation phase of the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reconsidered the subject project and rescinds the requirement for a traffic impact study as requested in our letter dated October 23, 2018.

However, the ERC supports the request in the same letter to provide clarification on how wastewater is being collected and where wastewater will be disposed.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Cavanah".

Patrick Cavanah, Sr. Management Consultant  
Environmental Review Committee

PC:ss

cc: ERC Members



**DEPARTMENT OF PUBLIC WORKS**

*David Leamon, PE*  
*Interim Public Works Director*  
*Construction Administration/Operations*

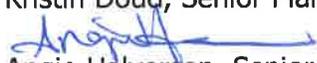
*Chris Brady, PE*  
*Deputy Director - Design/Survey/Fleet Maintenance*

*Frederic Clark, PE, LS*  
*Deputy Director - Development/Traffic*

*Letti Ortiz*  
*Senior Business and Finance Manager*

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

October 15, 2018

To: Kristin Doud, Senior Planner, Planning and Community Development  
From:  Angie Halverson, Senior Land Development Coordinator  
Subject: PLN2018-0101 Natural Remedies REZ, GPA, UP, & DA

This is a request to obtain a General Plan Amendment, a Rezone, a Use Permit and an associated Development Agreement. This action will allow for 12,000 square feet of indoor cultivation, manufacturing, retail and distribution of marijuana in an existing warehouse. This project is located at 5272 Jerusalem Court, north of Kiernan Avenue, in the Modesto area. Public Works recommends the following conditions:

1. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted with any building permit that will create a larger or smaller building footprint for the site. The grading and drainage plan shall include the following information:
  - The plan shall contain drainage calculations and enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
  - The grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the projects Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.
  - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

\\PW04\Pwh\Development Services\Development Permits\Use Permit Archive\UP PLN 2018\Canabis Permits\PLN2018-0101 Natuarl Remedies GPA, REZ, UP, & DA.Docx



**DEPARTMENT OF PUBLIC WORKS**

*David Leamon, PE  
Interim Public Works Director  
Construction Administration/Operations*

*Chris Brady, PE  
Deputy Director - Design/Survey/Fleet Maintenance*

*Frederic Clark, PE, LS  
Deputy Director - Development/Traffic*

*Letti Ortiz  
Senior Business and Finance Manager*

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

**DATE:** October 11, 2018

**TO:** Kristin Doud, Senior Planner, Planning & Community Development

**FROM:** Dhyan Gilton, Stormwater Program Manager, Public Works

**SUBJECT:** Stormwater Conditions of Approval for: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0101 – NATURAL REMEDIES CONSULTING

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1. Applicant shall comply with State Water Resources Control Board Order #WQ2017-0023-DWQ General WDRs and Waiver of WDRs for Discharges of Waste Associated with Cannabis Cultivation Activities.
2. Applicant shall comply with Stanislaus County Code, Chapter 14.14 Stormwater Management and Discharge Controls.
3. Applicant shall provide a characterization of all process wastewater to Stanislaus County Public Works prior to the issuance of a Commercial Cannabis Permit, Building Permit, Grading Permit or Tenant Improvement Permit. Characterization to include quantity of process wastewater in gallons per day, and composition of pollutant loadings; i.e. the physical, chemical and biological constituents present in the process wastewater.
4. Applicant shall provide a plan to separate process wastewater from domestic wastewater to Stanislaus County Public Works prior to the issuance of a Commercial Cannabis Permit, Building Permit, Grading Permit or Tenant Improvement Permit. Plan to include details for the storage and disposal of process wastewater. Process wastewater shall not be discharged to the on-site septic system.
5. Applicant shall maintain process wastewater disposal manifests on-site. Manifests shall be made available for inspection by Stanislaus County Public Works staff during regular business hours.



## DEPARTMENT OF PUBLIC WORKS

David A. Leamon, PE, MPA  
Public Works Director

Chris Brady, PE  
Deputy Director - Design/Survey/Fleet Maintenance

Frederic Clark, PE, LS  
Deputy Director - Development/Traffic

Letti Ortiz  
Senior Business and Finance Manager

[www.stancounty.com/publicworks](http://www.stancounty.com/publicworks)

### Wastewater Disposal Information for Cannabis Cultivation Applicants:

- All cultivation process wastewater, such as irrigation runoff, RO filter backwash and any other wastewater related to the production of Cannabis must be collected and stored in a sealed, adequately sized holding tank.
- Cannabis cultivation process wastewater may not be discharged to an on-site septic system, landscape, ground or any other outdoor area of the facility, or onto an adjoining property or facility.
- Water balance information for all wet processes will be required for each Cannabis cultivation facility and will be reviewed by Stanislaus County Public Works prior to the issuance of a Permit.
- Holding tank wastewater must be routinely collected by a licensed waste hauler and disposed of at an appropriate facility. Collection frequency to be determined by facility's wastewater production, based upon water balance information provided above.
- Waste hauler must provide a Waste Disposal Manifest to the Cannabis cultivation facility for each load of wastewater collected.
- Cannabis cultivation facility must keep Waste Disposal Manifests on-site and available to Stanislaus County Public Works inspection staff during regular business hours.
- Domestic (non-process) wastewater from facility restrooms and kitchens, such as toilets, hand-washing sinks and dish-washing sinks, may be discharged to an on-site septic system.

December 2018