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

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

Date: **October 4, 2024**

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

From: **Kristy Doud, Deputy Director**
Planning and Community Development

Subject: **USE PERMIT APPLICATION NO. PLN2022-0130 – HORIZON LANDSCAPING WHOLESALE NURSERY**

Comment Period: **October 4, 2024 – November 6, 2024**

Respond By: **November 6, 2024**

Public Hearing Date: **December 5, 2024**

Time: **6:00 P.M.**

Location: **Tenth Street Place**
1010 10th Street, Modesto, CA 95354
Chambers – Basement Level

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 10th 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.

Applicant: **Horizon Landscaping Wholesale Nursery**

Project Location: **1367 Crawford Road, between Coffee and Oakdale Roads, in the Riverbank area.**

APN: **074-012-009**

Williamson Act Contract: **None**

General Plan: **Agriculture**

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

Project Description: **Request to establish a wholesale nursery and a landscaping contracting business on a 1.43-acre parcel in the General Agriculture (A-2-40) zoning district.**

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

USE PERMIT APPLICATION NO. PLN2022-0130– HORIZON LANDSCAPING WHOLESALE NURSERY
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		STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: RIVERBANK	X	STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 1: B. CONDIT
X	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	STAN COUNTY COUNSEL
X	GSA: STRGBA		StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: MODESTO	X	STANISLAUS LAFCO
X	MOSQUITO DIST: EASTSIDE	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES	X	SURROUNDING LANDOWNERS
	MUNICIPAL ADVISORY COUNCIL:		INTERESTED PARTIES
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: UNION PACIFIC		US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD		US FISH & WILDLIFE
X	SCHOOL DIST 1: SYLVAN UNION		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 2: MODESTO UNION		USDA NRCS
	WORKFORCE DEVELOPMENT		
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM

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

FROM: _____

SUBJECT: **USE PERMIT APPLICATION NO. PLN2022-0130 – HORIZON LANDSCAPING WHOLESALE NURSERY**

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

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
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CEQA INITIAL STUDY

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

1.	**Project title:**	Use Permit Application No. PLN2022-0130 – Horizon Landscaping and Wholesale Nursery
2.	**Lead agency name and address:**	Stanislaus County 1010 10th Street, Suite 3400 Modesto, CA 95354
3.	**Contact person and phone number:**	Kristy Doud, Deputy Director (209) 525-6330
4.	**Project location:**	1367 Crawford Road, between Coffee and Oakdale Roads, in the Riverbank area (APN: 074-012-009).
5.	**Project sponsor's name and address:**	John and Nancy Dickman 1367 Crawford Road Modesto, CA 95357
6.	**General Plan designation:**	Agriculture
7.	**Zoning:**	General Agriculture (A-2-40)

8. Description of project:

Request to establish a wholesale nursery and a landscaping contracting business on a 1.43-acre parcel in the General Agriculture (A-2-40) zoning district. Approximately 60% of the business will be associated with the wholesale nursery, 15% to landscaping installation, 20% to the installation of irrigation systems, and 5% to irrigation system maintenance. The operation of the nursery will consist of outdoor storage, irrigation and growing of nursery stocks including perennials, shrubs, and trees within potted containers. Ground cover plants in the form of no more than 50 flats of annual flowers and potting soil may be stored on-site. Small plants will arrive in flats of potted containers and then will be transferred into one, five, and 15-gallon potted containers to mature. Once mature, they will be purchased by wholesale clients and installed by the landscaping side of the business. Potted nursery stock will be located within a 0.25-acre area at the northwest corner of the project site. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. Landscaping customers will come to the site to view the nursery stock and select plants for their project. The nursery will not be open to the general public. Installation of irrigation systems associated with the landscape contracting business is expected to occur once every two months.

The project site is improved with a 3,600 square-foot single-family dwelling, three garages of 900, 416, and 735 square feet in size; a 640 square-foot recreational vehicle carport; a 2,107 square-foot pole barn; and a 100 square-foot shed. The project site is improved with landscaping consisting of turf, shrubs, and trees along Crawford Road, and screening trees along the eastern and western property lines. The site is also improved with graveled drive aisles and a 12 space parking area. The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. No other on-site structures will be utilized as part of the wholesale nursery. Seven pickup trucks with three open and four enclosed 14-foot-long trailers will be used to deliver, install, and maintain nursery stocks, landscaping materials, and irrigation materials. Irrigation equipment will be stored in the trailers. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars. The site is located within the City of Riverbank Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI). The site is served by a private well and septic system and has access to County-maintained Crawford Road.

9.	**Surrounding land uses and setting:**	Ranchettes and agricultural properties with scattered single-family dwellings and accessory structures surround the site on all sides; the City of Riverbank is located 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.):**	Stanislaus County Department of Public Works Stanislaus County Department of Environmental Resources San Joaquin Valley Air Pollution Control District
11.	**Attachments:**	None

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

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

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

☒ **I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**

☐ **I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.**

☐ **I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.**

☐ **I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.**

☐ **I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.**

Signatue on File
Prepared by Kristy Doud, Deputy Director

September 25, 2024
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

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

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). References to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significant criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

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

Discussion: The site itself is not considered to be a scenic resource or unique scenic vista. The only scenic designation in the County is along Interstate 5, which is not near the project site nor within view of the project site. The project is a request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. An 0.25± acre area is proposed to be utilized to maintain nursery stock and 0.50 acres will be utilized for the landscaping business. The balance of the property is improved with a single-family residence and accessory structures. No construction is proposed; however, the applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. Activities associated with the business are proposed to take place outdoors; however, the area utilized for the business is screened from the road by existing landscaping consisting of turf, shrubs, and trees along Crawford Road, and screening trees along the eastern and western property lines. The site is also improved with graveled drive aisles and a 12 space parking area.

Aesthetics associated with the project site and surrounding area will not change as a result of this project. The site itself is not considered to be a scenic resource or a unique vista. The project will not degrade the existing visual character or quality of the site or its surroundings. No outdoor lighting is proposed; however, Standard conditions of approval will be added to this project to address glare from any future on-site lighting. No adverse impacts to the existing visual character of the site or its surroundings are anticipated.

Mitigation: None.

References: Application information; Stanislaus County Zoning Ordinance; Stanislaus County General Plan and Support Documentation[1].

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	**Potentially Significant Impact**	**Less Than Significant With Mitigation Included**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			**X**	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			**X**	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?			**X**	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			**X**	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			**X**	

Discussion: The project site is not enrolled in Williamson Act Contract. The project site is classified as "Urban and Built-Up Land" by the California Department of Conservation's Farmland Mapping and Monitoring Program. The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the project parcel is comprised of Grade 1 Hanford sandy loam (HdpA), with 0 to 1 percent slopes and a California Revised Storie Index Rating of 90 and Classification on II. The California Revised Storie Index is a rating system based on soil properties that dictate the potential for soils to be used for irrigated agricultural production in California. This rating system grades soils with an index rating of 81 and 100 as Grade 1, which are considered to be excellent soils to be used for irrigated farmland. Soils under the Classification of II indicates soils with an ability to grow a variety of crops with some limitations. Grade 1 soils and soils with a Classification of I or II are deemed prime farmland by Stanislaus County's Uniform Rules, which comprises 100% of the project site.

The project site is surrounded on all sides by ranchettes and agricultural properties, ranging in size from 20- acre to 130 acres, mostly planted in orchard with scattered single-family dwellings and accessory structures. The nearest property enrolled in a Williamson Act contract is located ½ mile north of the project site. The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. This project is considered to be a Tier One use. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production, such as Tier One uses, are "necessary for a

healthy agricultural economy," provided it is found that the proposed use "will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity."

To minimize conflicts between agriculture operations and non-agricultural operations Buffer and Setback Guidelines (Appendix A of the Agricultural Element) will be adopted for this project. Policy 1.10, Buffer and Setback Guidelines is applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Permitted uses within a buffer area shall include landscaping, parking lots, and similar low-people intensive uses." General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission and is not subject to agricultural buffers.

Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved Sphere of Influence (SOI) of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Riverbank's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The project was referred to the City of Riverbank who responded saying they had no comments on the proposed project.

The project site is located within the Modesto Irrigation District (MID) service area. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work.

The project was referred to the Stanislaus County Agricultural Commissioner, and no response has been received to date. There is no indication this project will result in the removal of adjacent contracted land from agricultural use or negatively impact surrounding agricultural lands. The project is anticipated to have less than significant impacts to Agriculture Resources. No forest or timberland exist in Stanislaus County. Therefore, this project is not anticipated to have impact to forest land or timberland.

Mitigation: None.

References: Application Information; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Referral response from the City of Riverbank, dated December 1, 2023; Natural Resources Conservation Service Soil Survey; Natural Resources Conservation Service Stanislaus Soil Survey (1957); California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2018; Stanislaus County General Plan and Support Documentation[1].

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

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

The primary source of air pollutants generated by this project would be classified as being generated from operation via "mobile" sources. Mobile sources would generally include dust from roads and equipment and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will not substantially increase traffic in the area and, thereby, impact air quality. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation related emissions for the project would have a less than significant impact on air quality and are not expected to exceed any of the District's annual emissions significant thresholds, which includes: 100 tons per year of carbon monoxide (CO), ten tons per year of oxides of nitrogen (NOx), ten 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 ten microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Further the SJVAPCD recommended the proposed business incorporate vegetative screening into the project site and utilize energy efficient vehicles and equipment and solar facilities. Further the comment letter indicated that the project may be subject to District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review (ISR), District Rule 4601 - Architectural Coatings, District Rule 4102 – Nuisance, Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District's rules and regulations prior to issuance of a building, grading, or encroachment permit. As the project must comply with District regulations, the project's emissions would be less than significant for all criteria pollutants, would not be inconsistent with any applicable air quality attainment plans, and would result in less than significant impacts to air quality.

Potential impacts to air quality from the proposed project are also evaluated by Vehicle Miles Traveled (VMT). The calculation of VMT is the number of cars/trucks multiplied by the distance traveled by each car/truck. California Environmental Quality Act (CEQA) Guidelines Section 15064.3, subdivision (a), defines VMT as the amount and distance

of automobile travel attributable to a project. A technical advisory on evaluating transportation impacts in CEQA published by the Governor's Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same OPR technical advisory, many local agencies have developed a screening threshold of VMT to indicate when detailed analysis is needed. Projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less than significant transportation impact. As the anticipated vehicle trips associated with the request are below the District's threshold of significance for vehicle and heavy truck trips, no significant impacts from vehicle and truck trips to air quality are anticipated.

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

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District, dated November, 13, 2023; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, November 13, 2020; Federal Highway Administration, Summary of Travel Trends: Office of Planning and Research April 2018 Technical Advisory Memo on Evaluating Transportation Impacts in CEQA; 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The project is located within the Riverbank Quad based on the California Natural Diversity Database (CNDDB). There are thirteen species which are state or federally listed, threatened, or identified as species of special concern within the Riverbank Quad including two species of vernal pool shrimp, two bird species (Swainson's hawk and burrowing owl), the valley elderberry longhorn beetle, and eight fish species (green sturgeon, Sacramento hitch, hardhead, Sacramento splittail, Pacific lamprey, steelhead, and two varieties of chinook salmon). CNNDDB data indicated the following special status species observations: Burrowing owl was observed 1.25 miles east of the project site in 1994 within the City of Riverbank city limits; there were several records of valley elderberry bushes with exit holes, which indicates the presence of valley elderberry longhorn beetles, observed in the 1980s and 1990s along the Stanislaus and Tuolumne Rivers; and a Swainson's hawk nest was recorded in 1995 in cottonwood and oak trees near the Stanislaus River. The project site does include a few ornamental trees but is otherwise developed and is improved with a single-family residence, accessory structures, and a gravel outdoor surface. The Stanislaus River is located approximately three miles north of the project site and the Tuolumne River is located approximately six miles south of the project site. Being that the site is developed, that no vernal pools or water bodies exist on or adjacent to the project site, and the far distance from the project site to the species on record, the presence of any special status species on the project site very unlikely. The project was referred to the California Department of Fish and no response has been received to date.

It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site. Therefore, the project is considered to be less than significant.

Mitigation: None.

References: Application information; California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; California Natural Diversity Database, Planning and Community Development GIS, accessed September 25, 2024; Stanislaus County General Plan and Support Documentation[1].

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

Discussion: As this project is not a General Plan Amendment it was not referred to the tribes listed with the Native American Heritage Commission (NAHC), in accordance with SB 18. Tribal notification of the project was not referred to any tribes in conjunction with AB 52 requirements, as Stanislaus County has not received any requests for consultation from the tribes listed with the NAHC. It does not appear this project will result in significant impacts to any archaeological or cultural resources. The project site is developed with a single-family residence, accessory structures, and a gravel outdoor surface. Conditions of approval will be placed on the project, requiring that any construction activities shall be halted if any resources are found, until appropriate agencies are contacted, and an archaeological survey is completed.

Mitigation: None.

References: Application Information; Stanislaus County General Plan and Support Documentation[1].

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

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

The project site is located within the Modesto Irrigation District (MID) service area and utilizes MID for electrical services. A referral response received from MID indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical utility facilities shall conform to the District's Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

Energy consuming equipment and processes include construction equipment, trucks, and the employee vehicle. As discussed in Section III – *Air Quality*, these activities would not significantly increase Vehicle Miles Traveled (VMT), due to the number of vehicle trips not exceeding a total of 110 vehicle trips per-day. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars. Truck traffic, consisting of seven truck trips per-day, is the main consumer of energy associated with this project but will be subject to applicable Air District regulations, including rules and regulations that increase energy efficiency. Consequently, emissions would be minimal. Therefore, consumption of energy resources would be less than significant without mitigation for the proposed project.

A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation related emissions for the project would have a less than significant impact on air quality and are not expected to exceed any of the District's annual emissions significant thresholds, which includes: 100 tons per year of carbon monoxide (CO), ten tons per year of oxides of nitrogen (NOx), ten 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 ten microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Further the SJVAPCD recommended the proposed business incorporate vegetative screening into the project site and utilize energy efficient vehicles and equipment and solar facilities. Further the comment letter indicated that the project may be subject to District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review (ISR), District Rule 4601 - Architectural Coatings, District Rule 4102 – Nuisance, Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District's rules and regulations prior to issuance of a building, grading, or encroachment permit.

No construction is proposed; however, if any construction or additional on-site lighting related to the proposed facility are proposed in the future, it 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). A tenant improvement permit will be required for the office and restroom and will be required to meet all applicable building and fire codes through the building

permit review process. Conditions of approval will be added to the project requiring building permits to be obtained from the Stanislaus County Building Permits Division.

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

Mitigation: None.

References: Application Information; Referral response from the San Joaquin Valley Air Pollution Control District, dated November 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023.

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 United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS) Web Soil Survey indicates that the project parcel is comprised of Hanford sandy loam (HdpA), with 0 to 1 percent slopes. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. No construction is

proposed; however, any future construction would require a building permit which requires structures to be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.

The proposed wholesale nursery and landscape contractor facility is proposed to be served by an existing on-site well and septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that if future construction were to occur that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all proposed OWTS that meets all of DER's standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. These comments will be added as conditions of approval.

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

A tenant improvement permit will be required for the office and restroom and will be required to meet all applicable building and fire codes through the building permit review process. DER, Public Works, and the Building Permits Division review and approve any building or grading permit to ensure their standards are met. Conditions of approval regarding these standards will be applied to the project and will be triggered when a building permit is requested.

Mitigation: None.

References: Referral response from the Department of Environmental Resources (DER), dated November 8, 2023; Referral response from the Stanislaus County Department of Public Works dated September 25, 2024; Stanislaus County General Plan and Support Documentation[1].

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

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

The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

The project site is located within the Modesto Irrigation District (MID) service area and utilizes MID for electrical services. A referral response received from MID indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical

utility facilities shall conform to the District's Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

A comment was received from SJVAPCD in response to the Early Consultation prepared for the proposed project indicating that construction and operation related emissions for the project would have a less than significant impact on air quality and are not expected to exceed any of the District's annual emissions significant thresholds, which includes: 100 tons per year of carbon monoxide (CO), ten tons per year of oxides of nitrogen (NOx), ten 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 ten microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5). Further the SJVAPCD recommended the proposed business incorporate vegetative screening into the project site and utilize energy efficient vehicles and equipment and solar facilities. Further the comment letter indicated that the project may be subject to District Rules 2010 and 2201 – Air Quality Permitting for Stationary Sources, District Rule 9510 – Indirect Source Review (ISR), District Rule 4601 - Architectural Coatings, District Rule 4102 – Nuisance, Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. A condition of approval will be placed on the project requiring that the applicant be in compliance with the District's rules and regulations prior to issuance of a building, grading, or encroachment permit. As the project must comply with District regulations, the project's emissions would be less than significant for all criteria pollutants, would not be inconsistent with any applicable air quality attainment plans, and would result in less than significant impacts to air quality.

Mitigation: None.

References: Referral response from the San Joaquin Valley Air Pollution Control District, dated November, 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; San Joaquin Valley Air Pollution Control District's Small Project Analysis Level (SPAL) guidance, November 13, 2020; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; Stanislaus County General Plan and Support Documentation[1].

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 proposed wholesale nursery and landscape contractor facility will include incidental storage of pesticides and agricultural chemicals used in standard nursery operations, as well as gasoline, oil, and batteries.

The Stanislaus County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials. A referral response from the Hazardous Materials Division of DER is requiring the applicant to contact DER regarding appropriate permitting requirements for hazardous materials and/or wastes. The applicant is required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations including any Hazardous Materials Business Plan with the Fire Warden, if applicable. The Hazardous Materials Division requested that the developer contact the Hazardous Materials Division to determine what regulatory requirements and permits will be required to be obtained. These comments will be reflected through the application of a condition of approval. With conditions of approval in place, no significant impacts associated with hazards or hazardous materials are anticipated to occur as a result of the proposed project.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after obtaining permits. A discussion on the project and agricultural buffers is included in Section II – *Agriculture and Forest Resources*. The project was referred to the Stanislaus County Agricultural Commissioner, and no response has been received to date.

The project site is not listed on the EnviroStor database managed by the CA Department of Toxic Substances Control or within the vicinity of any airport. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by the Stanislaus Consolidated Fire Protection District. The project was referred to the fire district, however no response was received.

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

Mitigation: None.

References: Application Information; Referral Response from the Department of Environmental Resources – Hazardous Materials Division, dated November 13, 2023; Stanislaus County General Plan and Support Documentation[1].

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

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

Discussion: Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site is located in FEMA Flood Zone X, which includes areas determined to be outside the 0.2 percent annual chance floodplains. An Early Consultation referral response received from Stanislaus County Department of Public Works (PW) indicated that a grading, drainage, and erosion and sediment control plan for the project will be required, subject to PW review and Standards and Specifications.

The project is a request to establish a wholesale nursery and landscape contractor facility, which will consist of 0.25 acres of nursery stock and a landscape installation business operating on 0.50 acres of a 1.43-acre property. The balance of the property consists of an existing single-family residence and several accessory structures.

The proposed wholesale nursery and landscape contractor facility is proposed to be served by an existing on-site well and septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that if future construction were to occur that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all proposed OWTS that meets all of DER's standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. These comments will be added as conditions of approval.

DER also commented that the proposed project does not meet the definition of a Public Water System and therefore is not subject to the requirements of SB1263; however, they indicated that at the time, the project meets the definition of a regulated water system, the applicant shall be subject to all applicable requirements, including SB1263. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

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

Goal Two, Policy Seven, of the Stanislaus County General Plan Conservation/Open Space Element requires that, new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment. Additionally, all development requests shall be reviewed to ensure that sufficient evidence has been provided, to document the existence of a water supply sufficient to meet the short and long-term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 with the goal of ensuring the long-term sustainable management of California's groundwater resources. SGMA requires agencies throughout California to meet certain requirements including forming Groundwater Sustainability Agencies (GSA), developing Groundwater Sustainability Plans (GSP), and achieving balanced groundwater levels within 20 years. The site is located in the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) Groundwater Sustainability Agency, which manages the Modesto Subbasin. A Groundwater Sustainability Plan was submitted to the California Department of Water Resources (DWR) in January of 2022; however, the plan is currently undergoing corrections to address inadequacies found within the plan that were identified in 2024. Additional details were submitted to DWR in July of 2024.
The project was referred to the Central Valley Regional Water Quality Control Board (CVRWQCB) who responded with a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact CVRWQCB to determine which permits/standards must be met prior to construction as a condition of approval.

The project site is located within the Modesto Irrigation District (MID) service area. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work. These requirements will be added to the conditions of approval applied to the project.

As a result of the project details, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact.

Mitigation: None.

References: Referral response from the Department of Environmental Resources (DER), dated November 8, 2023; Referral response from Department of Public Works, dated September 25, 2024; Referral response from the Central Valley Regional Water Quality Control Board, dated November 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Stanislaus County General Plan and Support Documentation[1].

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 is a request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. An 0.25± acre area is proposed to be utilized to maintain nursery stock and 0.50 acres will be utilized for the landscaping business. The balance of the property is improved with a single-family residence and accessory structures. The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office.

The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

Pursuant to County Zoning Code Section 21.20.030(A), wholesale nurseries and landscape contracting business may be operated provided a Tier One Use Permit is first obtained. In this case, approximately 60% of the business will be associated with the wholesale nursery, 15% to landscaping installation, 20% to the installation of irrigation systems, and 5% to irrigation system maintenance.

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

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

The growing of nursery plants is considered to be an agricultural use. The request is not expected to perpetuate any significant conversion of farmland to non-agriculture use. No impacts to agriculture are anticipated to occur as a result of this project. Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of surrounding contracted lands in the A-2 zoning district. There is no indication this project will result in the removal of adjacent contracted land from agricultural use. During project review, this application was referred to the Department of Conservation (DOC) for review and input and no response has been received to date.

With the application of conditions of approval, there is no indication that, under the circumstances of this particular case, the proposed operation will be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use or that it will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

To minimize conflicts between agriculture operations and non-agricultural operations Buffer and Setback Guidelines (Appendix A of the Agricultural Element) will be adopted for this project. Policy 1.10, Buffer and Setback Guidelines is applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Permitted uses within a buffer area shall include landscaping, parking lots, and similar low-people intensive uses." General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission and is not subject to agricultural buffers.

Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved Sphere of Influence (SOI) of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Riverbank's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects within the sphere of influence of a city gain written support of the project and be referred to that city for an application of that city's development standards. The project was referred to the City of Riverbank who responded saying they had no comments on the proposed project.

The project will not physically divide an established community nor conflict with any habitat conservation plans.

Mitigation: None.

References: Application Information; Referral response from the City of Riverbank, dated December 1, 2023; Stanislaus County General Plan and Support Documentation[1].

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

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The proposed project shall comply with the noise standards included in the General Plan and Noise Control Ordinance. The Stanislaus County General Plan identifies noise levels up to 75 dB Ldn (or CNEL) as the normally acceptable level of noise for industrial and agricultural uses. Additionally, agricultural activity is exempt from the Stanislaus County Noise Control Ordinance (Ord. CS 1070 §2, 2010). No construction is proposed. Noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The project proposes to operate Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars. The nearest sensitive noise receptors are single-family residences located adjacent to the project site to the east and west.

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

Mitigation: None.

References: Application information; Stanislaus County Noise Control Ordinance (Title 10); Stanislaus County General Plan, Chapter IV – Noise Element; Stanislaus County General Plan and Support Documentation[1].

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

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

Mitigation: None.

References: Application Information; Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The County has adopted Public Facilities Fees, as well as Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. School Districts also have their own adopted fees. All facility fees are required to be paid at the time of building permit issuance.

The project site is served by the Modesto Irrigation District (MID) for irrigation and electric service. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this

infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work. MID's referral response indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical utility facilities shall conform to the District's Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

The project was referred to the Central Valley Regional Water Quality Control Board (RWQCB) who responded with a list of the Board's permits and programs that may be applicable to the proposed project. The developer will be required to contact RWQCB to determine which permits/standards must be met prior to construction as a condition of approval.

This project was circulated to the Stanislaus Consolidated Fire Protection District, Sylvan Union and Modesto City School Districts, and the Stanislaus County Sheriff during the Early Consultation referral period and no concerns were identified with regard to public services.

Mitigation: None.

References: Application Information**;** Referral response from the Central Valley Regional Water Quality Control Board, dated November 13, 2023; Referral response from Department of Public Works, dated September 25, 2024; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Stanislaus County General Plan and Support Documentation[1].

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

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

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

The project site fronts on Crawford Road which is classified as a 60-foot-wide Local Road; the facility and all traffic will take access off an existing driveway located on County-maintained Crawford Road. This project was referred to the Department of Public Works who responded to the project requesting that an irrevocable offer of dedication be provided for the remaining ten-foot needed north of centerline of Crawford Road, an encroachment permit be obtained for the driveway, and that full driveway approach improvements be made to the existing driveway in accordance with Public Work's Standards and Specifications. Public Work's response letter also indicated that the parking, loading, or unloading of vehicles will not be permitted within the County road right-of-way and that the developer will be required to install or pay for the installation of any signs and/or markings, if warranted. These comments will be added as conditions of approval. Increased traffic resulting from the proposed use of the site is insignificant; therefore, staff has no evidence to support that this project will significantly impact County roads.
As required by CEQA Guidelines Section 15064.3, potential impacts to transportation should be evaluated using Vehicle Miles Traveled (VMT). As required by CEQA Guidelines Section 15064.3, potential impacts regarding Air Quality should be evaluated using Vehicle Miles Traveled (VMT). A technical advisory on evaluating transportation impacts in CEQA published by the Governor's Office of Planning and Research (OPR) in December of 2018 clarified the definition of automobiles as referring to on-road passenger vehicles, specifically cars and light trucks. While heavy trucks are not considered in the definition of automobiles for which VMT is calculated for, heavy-duty truck VMT could be included for modeling convenience. According to the same OPR technical advisory, many local agencies have developed a screening threshold of VMT to indicate when detailed analysis is needed. Projects that generate or attract fewer than 110 trips per-day generally may be assumed to cause a less than significant transportation impact. As the anticipated vehicle trips associated with the request are below the threshold of significance for vehicle and heavy truck trips, no significant impacts from increased VMT are anticipated.

The proposed project is not anticipated to conflict with any transportation program, plan, ordinance, or policy.

Mitigation: None.

References: Referral response from Department of Public Works, dated September 26, 2024; Federal Highway Administration, Summary of Travel Trends: 2017 National Household Travel Survey; Office of Planning and Research April 2018 Technical Advisory Memo on Evaluating Transportation Impacts in CEQA; Stanislaus County General Plan and Support Documentation[1].

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

Discussion: It does not appear that this project will result in significant impacts to any archaeological or cultural resources. The project site is already regularly disturbed as part of the site's use for production agriculture. In accordance with SB 18 and AB 52, this project was not referred to the tribes listed with the Native American Heritage Commission (NAHC) as the project is not a General Plan Amendment and no tribes have requested consultation or project referral noticing. A condition of approval regarding the discovery of cultural resources during the construction process will be added to the project.

Mitigation: None.

References: Application Information; Stanislaus County General Plan and Support Documentation[1].

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

Discussion: Limitations on providing services have not been identified. The proposed wholesale nursery and landscape contractor facility is proposed to be served by an existing on-site well and septic system. A referral response received from Stanislaus County Department of Environmental Resources (DER) indicated that if future construction were to occur that prior to issuance of any grading or building permit, the applicant(s) shall submit a site plan that includes the location, layout and design of all proposed OWTS that meets all of DER's standards, including a future 100% expansion (replacement) area, Measure X and LAMP standards and setbacks. These comments will be added as conditions of approval.

DER also commented that the proposed project does not meet the definition of a Public Water System and therefore is not subject to the requirements of SB1263; however, they indicated that at the time, the project meets the definition of a regulated water system, the applicant shall be subject to all applicable requirements, including SB1263. The California Safe Drinking Water Act (CA Health and Safety Code Section 116275(h)) defines a Public Water System as a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:

1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.

2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.

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

This project was referred to the Department of Public Works who responded to the project requesting that an irrevocable offer of dedication be provided for the remaining ten-foot needed northwest of centerline, an encroachment permit be obtained and full driveway approach improvements be made in accordance with Public Work's Standards and Specifications. All of Public Works' comments will be added to the project as conditions of approval.

The project was referred to the Central Valley Regional Water Quality Control Board (CVRWQCB) who responded with a list of regulatory permits and requirements under their purview. A condition of approval will be applied to the project requiring that the applicant coordinate with their agency to determine if any permits or CVRWQCB requirements be obtained/met prior to operation.

The project site is located within the Modesto Irrigation District (MID) service area. A referral response received from MID indicates that the project site currently has a 30-inch concrete irrigation pipeline, maintained by MID, at the northern property boundary. Their response specified that any proposed change in use or modification to this infrastructure must be done in conformance with MID standards and that if construction is to occur that MID should be consulted and all plans shall be submitted to MID for review and approval prior to the onset of any work. The site also utilized MID for electrical services. MID's referral response indicated that existing easements for electrical infrastructure shall remain and that additional easements may be required. Additionally, any project related site improvements shall protect existing overhead, and underground electric facilities within or adjacent to the proposed project and any relocation or installation of electrical utility facilities shall conform to the District's Electric Service Rules. These requirements will be added to the conditions of approval applied to the project.

No significant impacts related to Utilities and Services Systems have been identified.

Mitigation: None.

References: Referral response from the Department of Environmental Resources (DER), dated November 8, 2023; Referral response from Department of Public Works, dated September 25, 2024; Referral response from the Central Valley Regional Water Quality Control Board, dated November 13, 2023; Referral response from the Modesto Irrigation District (MID), dated November 14, 2023; Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The Stanislaus County Local Hazard Mitigation Plan identifies risks posed by disasters and identifies ways to minimize damage from those disasters. With the Wildfire Hazard Mitigation Activities of this plan in place, impacts to an adopted emergency response plan or emergency evacuation plan are anticipated to be less than significant. The terrain of the site is relatively flat, and the site has access to a County-maintained road. The site is located in a Local Responsibility Area (LRA) for fire protection and is served by Stanislaus Consolidated Fire Protection District. The project was referred to the fire district; however, no response was received. A tenant improvement permit will be required for the office and restroom and will be required to meet all applicable building and fire codes through the building permit review process. This requirement will be applied as conditions of approval for the project. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation[1].

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

Discussion: The project is a request to establish a wholesale nursery and landscape contracting business on a 1.43± acre parcel in the General Agriculture (A-2-40) zoning district. An 0.25± acre area is proposed to be utilized to maintain nursery stock and 0.50 acres will be utilized for the landscaping business. The balance of the property is improved with a single-family residence and accessory structures. The applicant proposes to use a 210 square-foot portion of the existing single-family dwelling as an office. The proposed hours of operation are Monday through Friday from 7:00 a.m. through 3:30 p.m., with three employees including the owner on a maximum shift, and up to two customer visits per week. The operation utilizes seven pickup trucks with three open and four enclosed 14-foot-long trailers for the landscaping portion of the operation. Traffic generated for the proposed business is estimated to be a maximum of seven trips per-day in pickup trucks, up to two daily trips by the property owner in a passenger car, two weekly trips by customers in a passenger car, and two daily trips by employees in passenger cars.

The project site is surrounded on all sides by ranchettes and agricultural properties, ranging in size from 20- acre to 130 acres, mostly planted in orchard with scattered single-family dwellings and accessory structures. The nearest property enrolled in a Williamson Act contract is located ½ mile north of the project site. The A-2 (General Agriculture) zoning district of the County Zoning Ordinance encourages vertical integration of agriculture by organizing uses requiring use permits into three tiers based on the type of uses and their relationship to agriculture. Tier One includes uses closely related to agriculture such as nut hulling and drying, wholesale nurseries, and warehouses for storage of grain and other farm produce grown on-site or in proximity to the site. This project is considered to be a Tier One use. Within the A-2 zoning district, the County has determined that certain uses related to agricultural production, such as Tier One uses, are "necessary for a healthy agricultural economy," provided it is found that the proposed use "will not be substantially detrimental to or in conflict with the agricultural use of other property in the vicinity."

To minimize conflicts between agriculture operations and non-agricultural operations Buffer and Setback Guidelines (Appendix A of the Agricultural Element) will be adopted for this project. Policy 1.10, Buffer and Setback Guidelines is applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district. Appendix A states: "All projects shall incorporate a minimum 150-foot-wide buffer setback. Projects which propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot-wide buffer setback. Permitted uses within

a buffer area shall include landscaping, parking lots, and similar low-people intensive uses." General Plan Amendment No. 2011-01 - Revised Agricultural Buffers was approved by the Board of Supervisors on December 20, 2011, to modify County requirements for buffers on agricultural projects. As this is a Tier One use, if not considered people intensive by the Planning Commission and is not subject to agricultural buffers.

Goal Two, Policy 2.5, Implementation Measure One, of the County General Plan Agricultural Element, when defining the County's most productive agricultural areas, it is important to recognize that soil types alone should not be the determining factor; "Most Productive Agricultural Areas" do not include any land within Local Agency Formation Commission (LAFCO) approved Sphere of Influence (SOI) of cities. The project site is not considered to be a most productive agricultural area as it is located within the City of Riverbank's LAFCO adopted SOI. Generally, urban development will only occur upon annexation to a city, but such development may be appropriate prior to annexation provided the development is not inconsistent with the land use designation of the general plan of the affected city. The project site is designated as Lower-Density Residential (LDR) in the City of Riverbank's General Plan (GP) Land Use Diagram. The Stanislaus County General Plan Land Use Element Policy 27 requires all discretionary projects within the sphere of influence of a city gain written support of the project and be referred to that city for an application of that city's development standards. The project was referred to the City of Riverbank who responded saying they had no comments on the proposed project.

Future development of the surrounding area is limited to the County's current General Agriculture (A-2-40, 40-Acre Minimum) zoning district standards or would require the annexation of land by the City of Riverbank. Such future development potential would be required to obtain land use entitlements prior to development, which would require additional environmental review.

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. The project will not physically divide an established community. Development standards regarding the discovery of cultural resources during any future construction resulting from this request will be added to the project. 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.

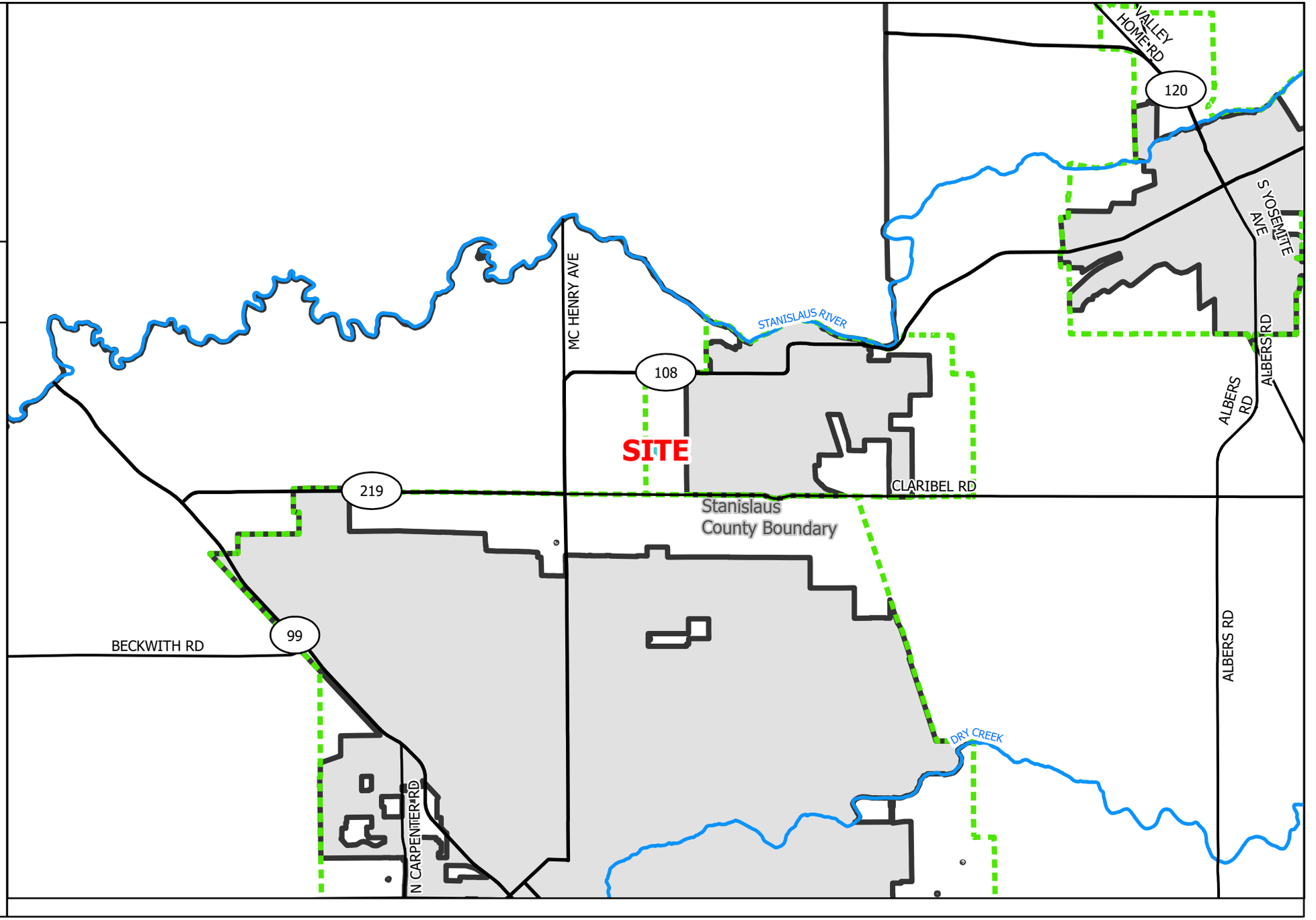
References: Referral response from the City of Riverbank, dated December 1, 2023; Initial Study; Stanislaus County General Plan and Support Documentation[1].

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

HORIZON LANDSCAPING

UP PLN2022-0130

AREA MAP



HORIZON LANDSCAPING

UP PLN2022-0130

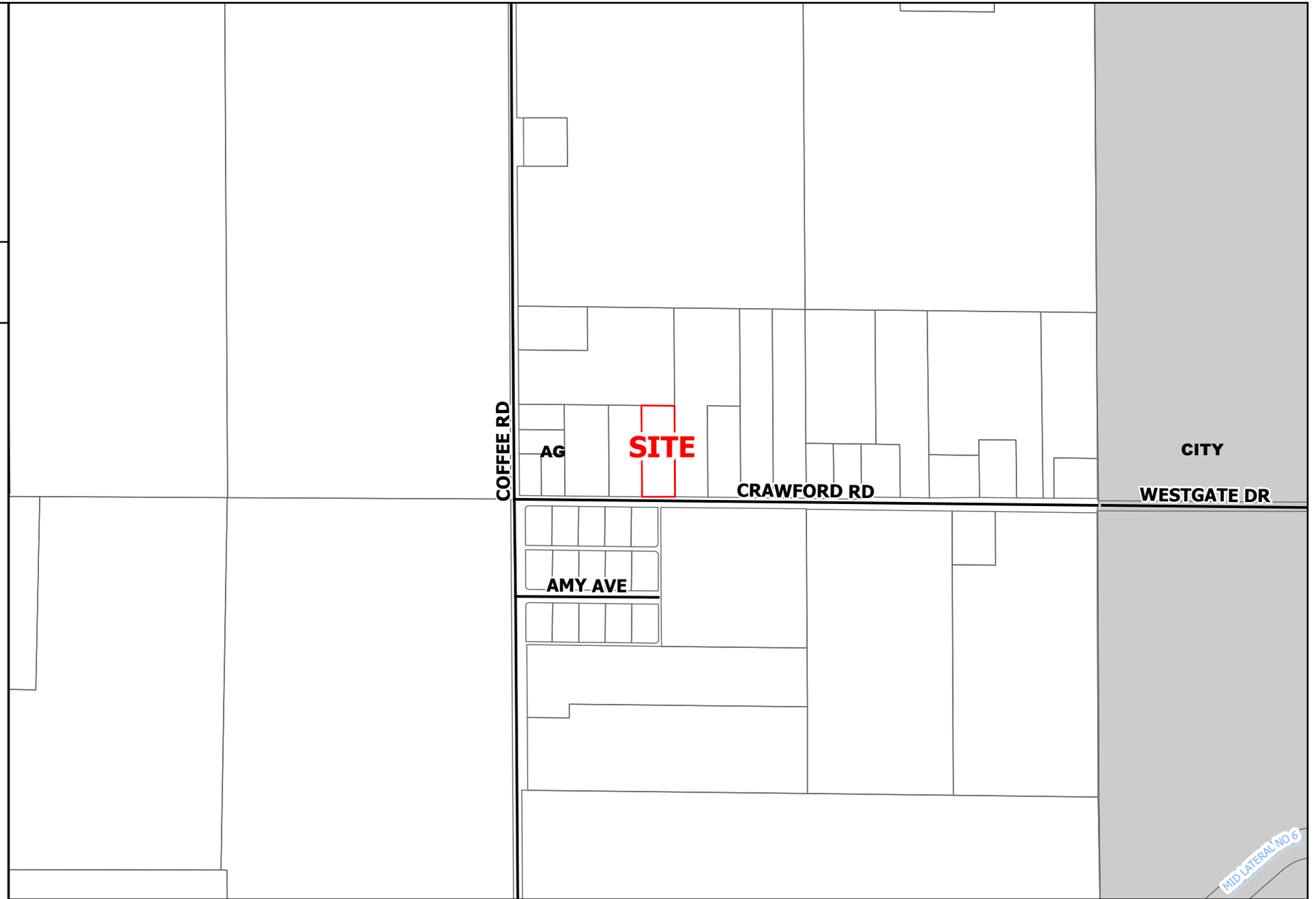
GENERAL PLAN

LEGEND

- Project Site
- Parcel
- Street
- Canal

General Plan

- Agriculture
- City



N

0 490 980 Feet

0 125 250 Meters

Source: Planning Department GIS

Date Exported: 9/16/2024

HORIZON LANDSCAPING

UP PLN2022-0130

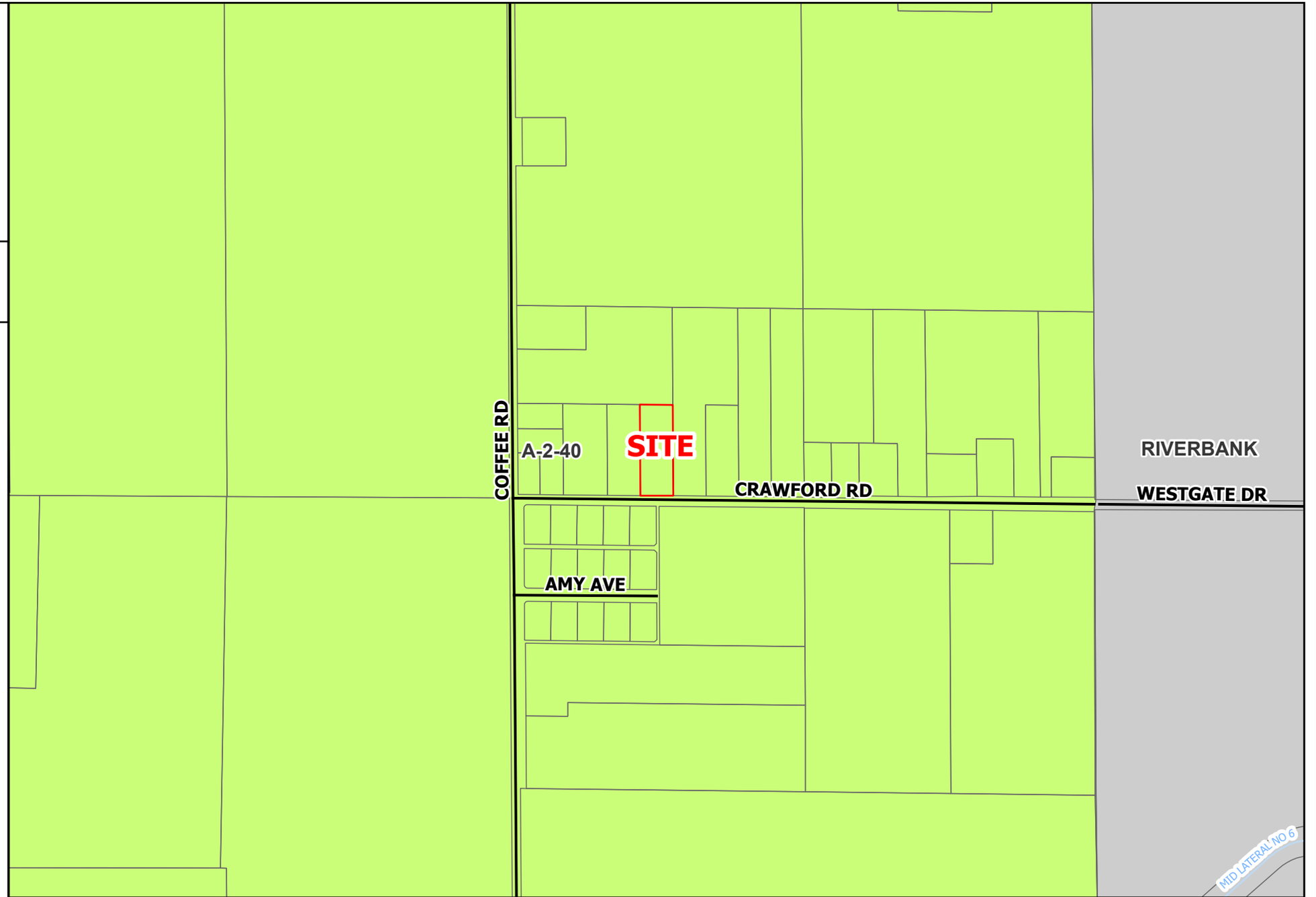
ZONING

LEGEND

- Project Site
- Parcel
- Street
- Canal

Zoning Designation

- General Agriculture 40 Acre
- City



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0 125 250 Meters

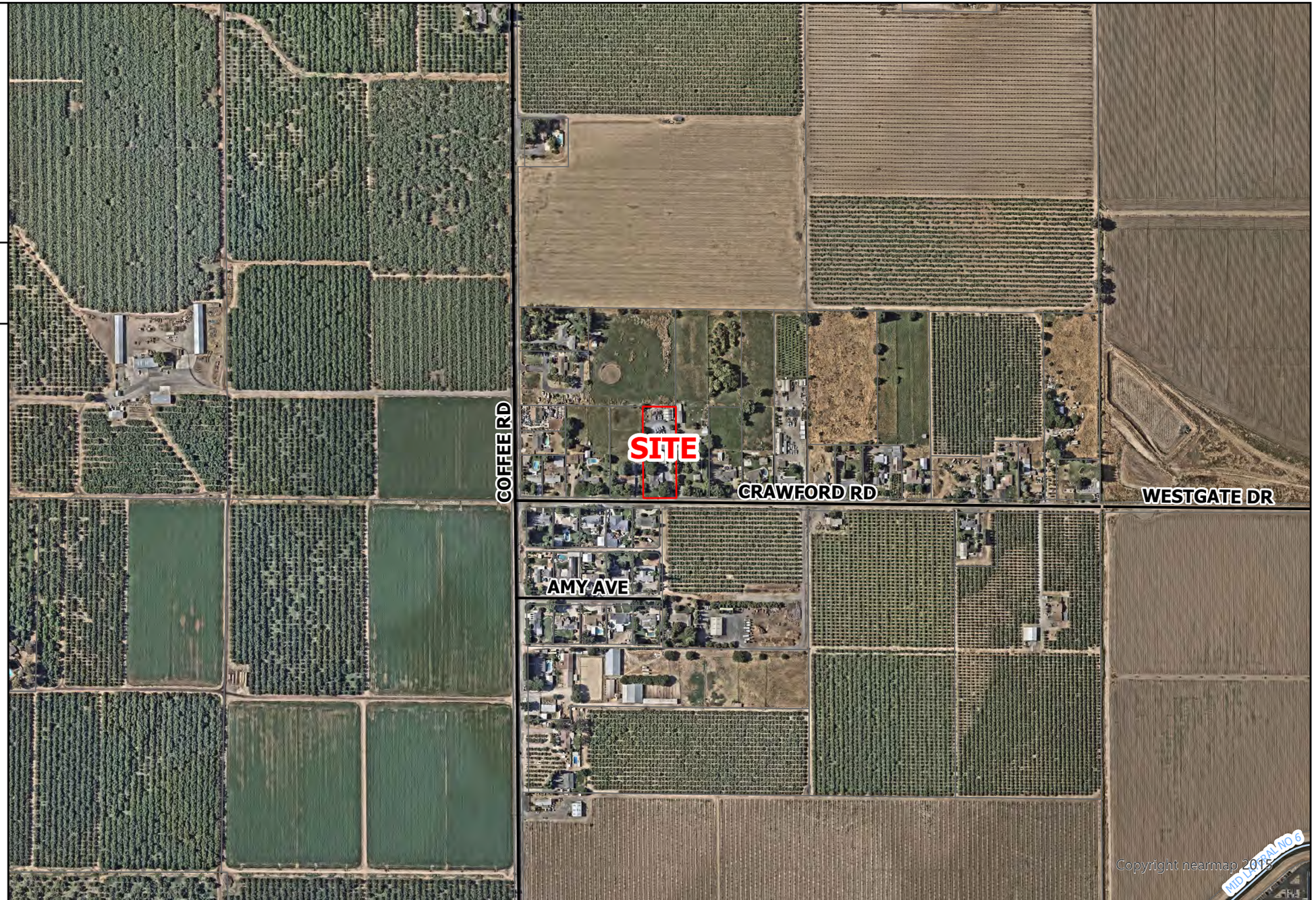
Source: Planning Department GIS

Date Exported: 9/16/2024

HORIZON LANDSCAPING

UP PLN2022-0130

2023 AERIAL AREA MAP



LEGEND

- Project Site
- Parcel
- Street
- Canal

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0 490 980 Feet

0 125 250 Meters

Source: Planning Department GIS

Date Exported: 9/16/2024

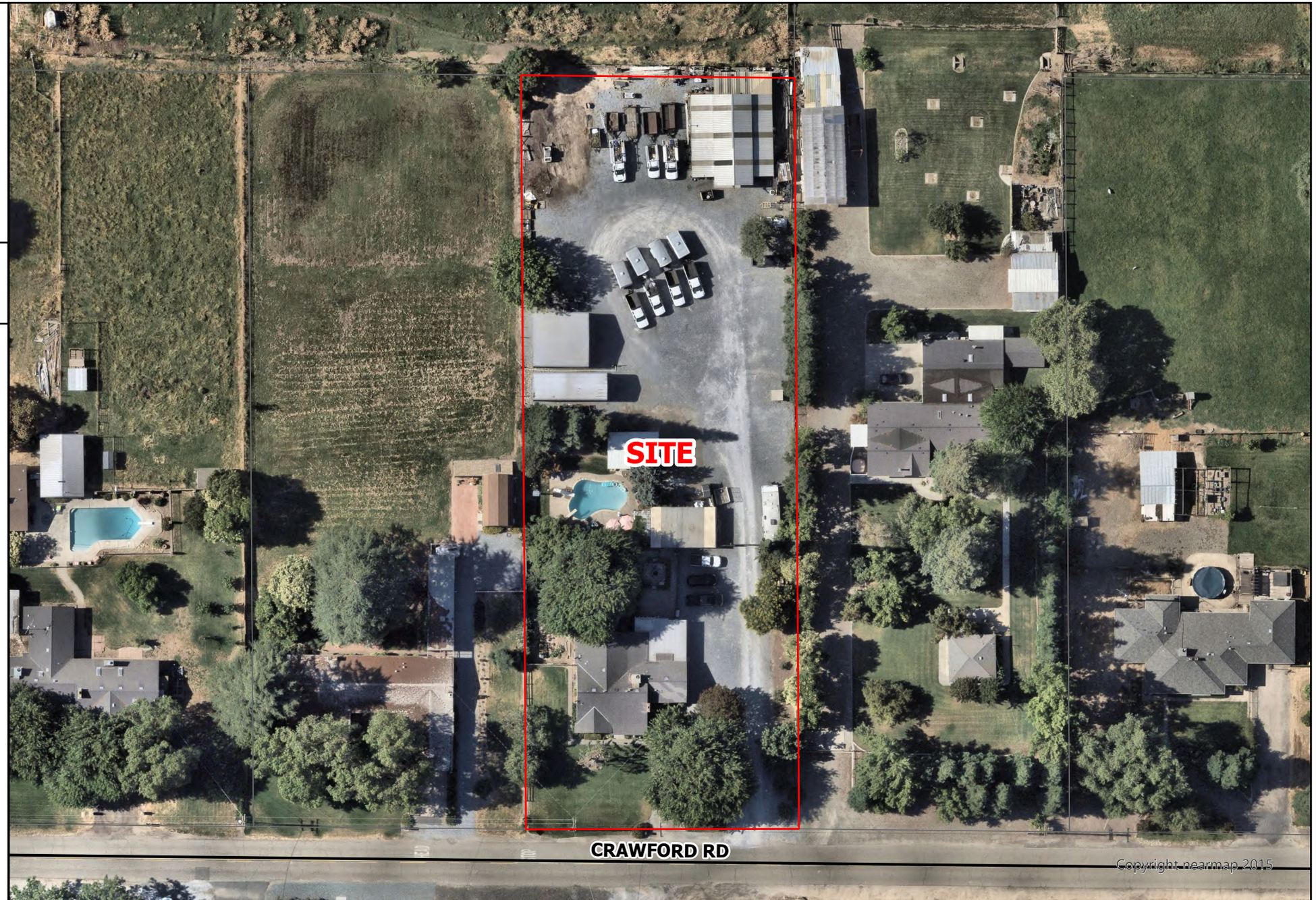
HORIZON LANDSCAPING

UP PLN2022-0130

2023 AERIAL SITE MAP

LEGEND

- Project Site
- Parcel
- Street



N

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0 15 30 Meters

Source: Planning Department GIS

Date Exported: 9/16/2024

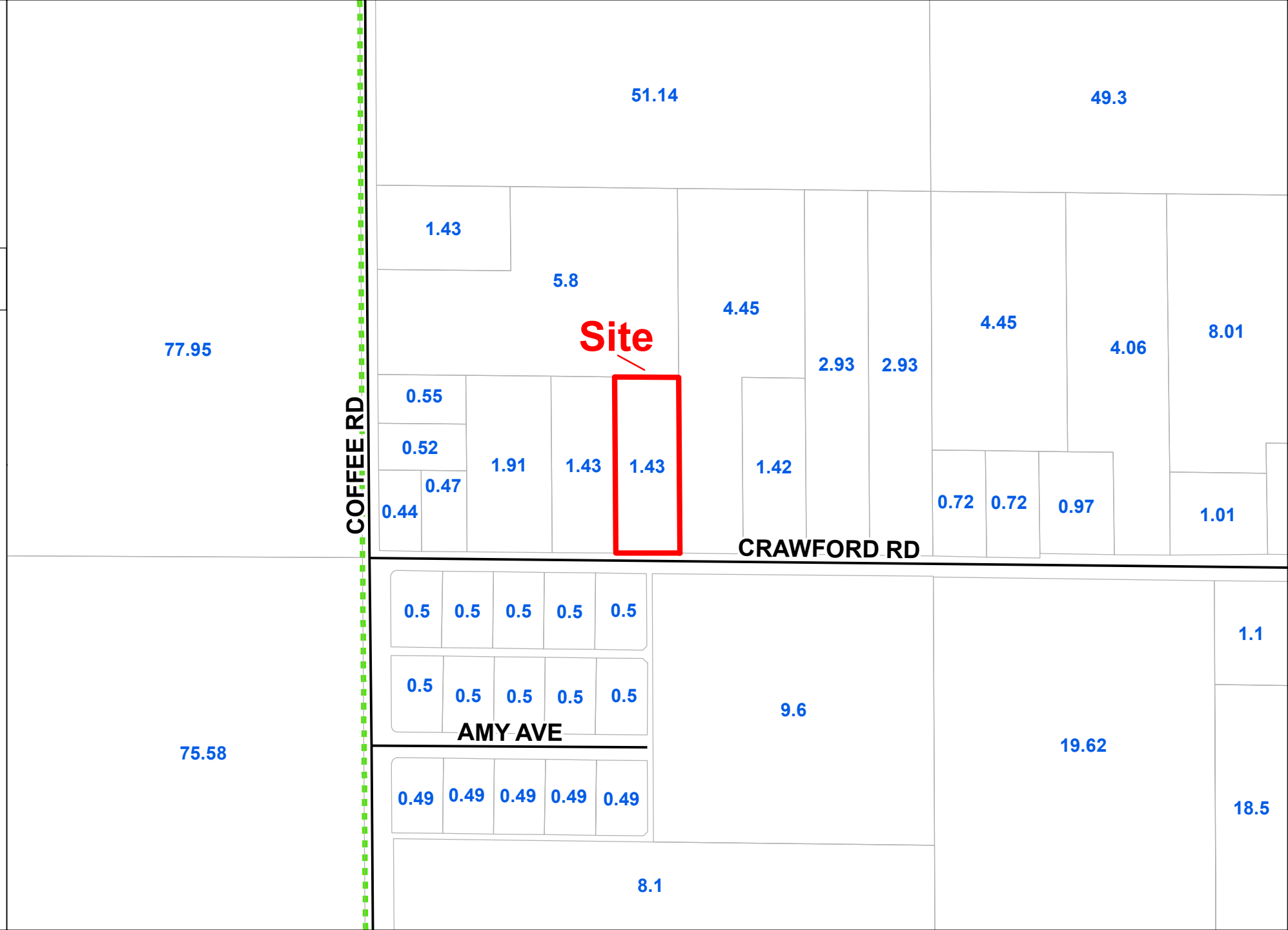
HORIZON LANDSCAPING

UP PLN2022-0130

ACREAGE MAP

LEGEND

- Project Site
- Sphere of Influence
- # Parcel/Acres
- Road



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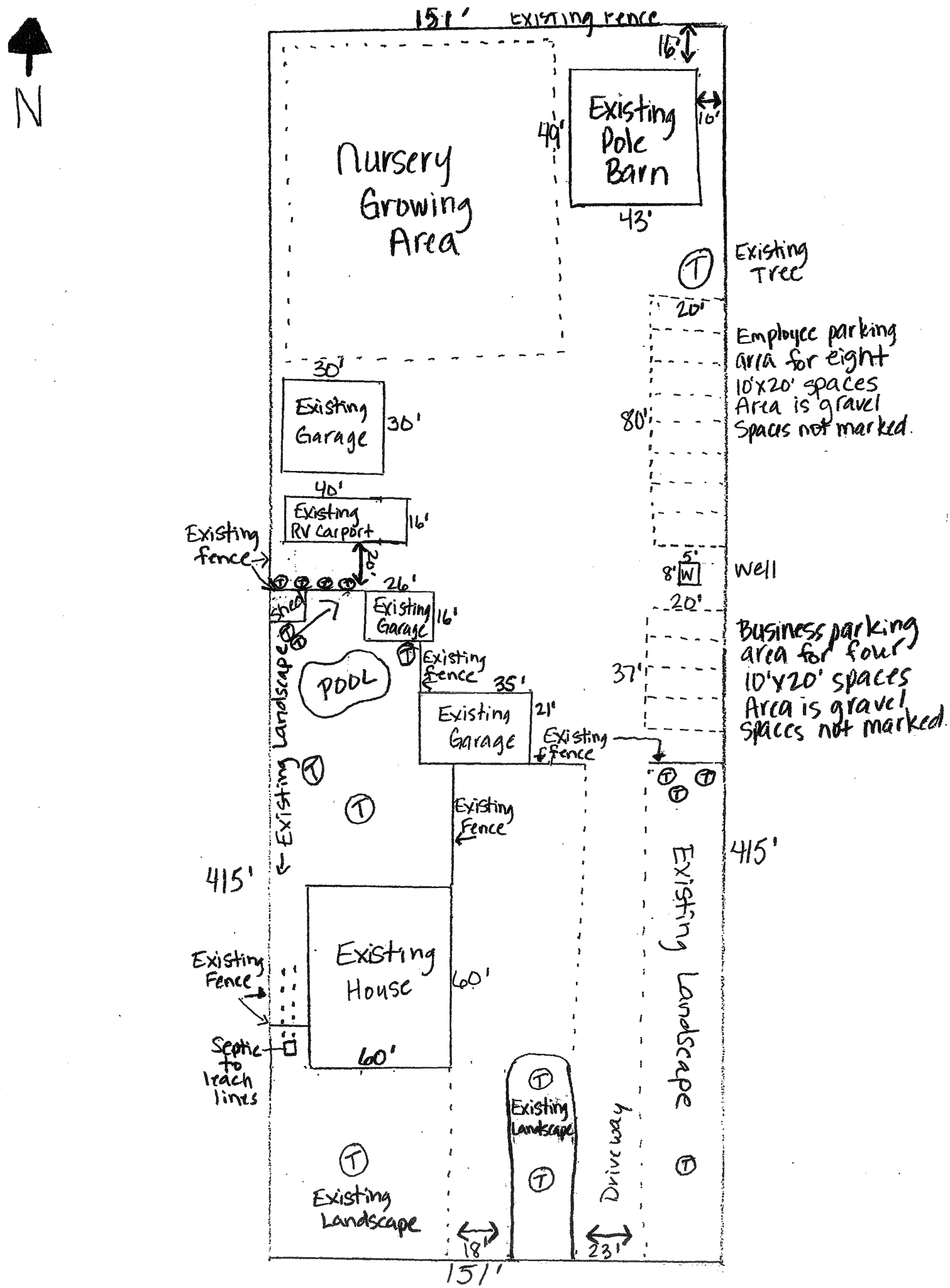
N
151'
Existing Fence
16'
Existing Pole Barn
10'
49'
43'
Nursery Growing Area
Existing Tree
20'
Employee parking area for eight 10'x20' spaces Area is gravel Spaces not marked.
80'
30'
Existing Garage
30'
40'
Existing RV carport
16'
Existing fence
10'
26'
Shed
Existing Garage
16'
8'
5'
W
Well
20'
Business parking area for four 10'x20' spaces Area is gravel spaces not marked.
37'
Existing Landscape
POOL
Existing Fence
35'
Existing Garage
21'
Existing Fence
Existing Fence
415'
415'
Existing Landscape
Existing House
60'
Existing Fence
Septic to leach lines
60'
Existing Landscape
Existing Landscape
Driveway
18'
23'
151'