



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

Date: February 4, 2020

To: Distribution List (See Attachment A)

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

Subject: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, & DEVELOPMENT
AGREEMENT APPLICATION NO. PLN2018-0093 – THE GENEZEN PROJECT

Comment Period: February 4, 2020 – March 9, 2020

Respond By: March 9, 2020

Public Hearing Date: April 2, 2020

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: Anthony Verruso dba The Genezen Project

Project Location: 485 Bitritto Way, between Charity Way and Kiernan Avenue, in the Modesto area.

APN: 004-094-017

Williamson Act Contract: N/A

General Plan: Planned Industrial (P-I)

Current Zoning: P-I (20) (Planned Industrial)

Project Description: Request to amend the General Plan and zoning designation of a 1.53-acre property from P-I to P-D (Planned Development), and to obtain a Use Permit and Development Agreement, to allow indoor commercial cannabis cultivation, manufacturing (volatile), distribution and potential future retail in an existing 25,758 square-foot warehouse building. The applicant is currently on the wait list for a retail permit, should they qualify in the future, a Use Permit shall also be required to be obtained prior to operation. The property is served by a well and septic system. Proposed hours of operation for the cultivation, manufacturing and distribution are Monday through Sunday, 7:00 a.m. to 10:00 p.m., with a maximum of 12 employees per shift. There is approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five trips per week for distribution activities.

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



**GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, & DEVELOPMENT AGREEMENT
APPLICATION NO. PLN2018-0093 – THE GENEZEN PROJECT**

Attachment A

Distribution List

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

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

FROM: _____

SUBJECT: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, & DEVELOPMENT
AGREEMENT APPLICATION NO. PLN2018-0093 – THE GENEZEN PROJECT

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
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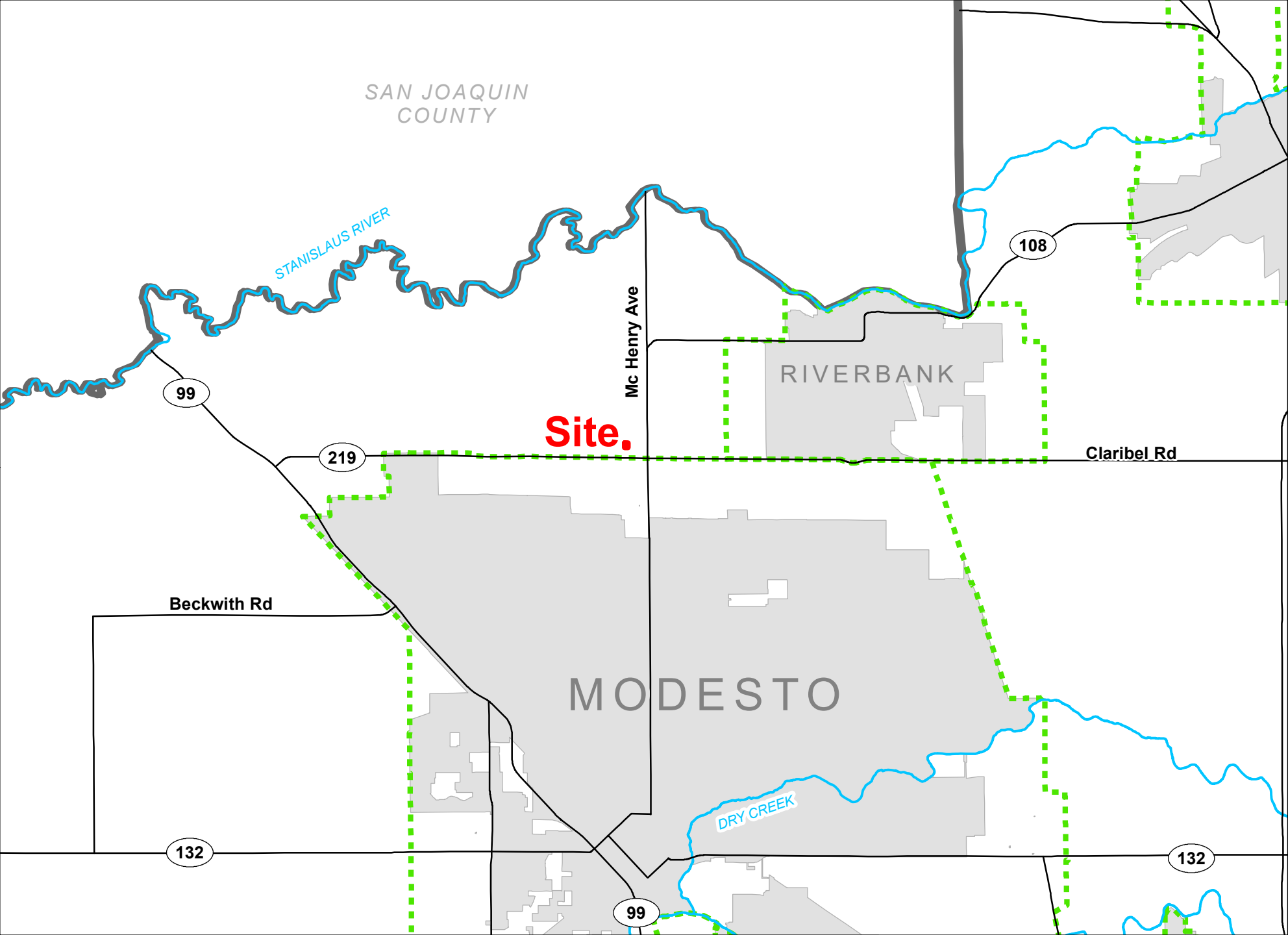
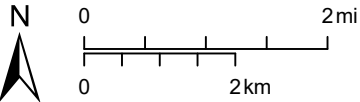
THE GENEZEN PROJECT

GPA, REZ, UP & DA
PLN2018-0093

AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road











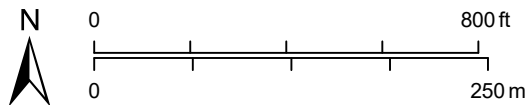
THE GENEZEN PROJECT

GPA, REZ, UP & DA
PLN2018-0093

GENERAL PLAN MAP

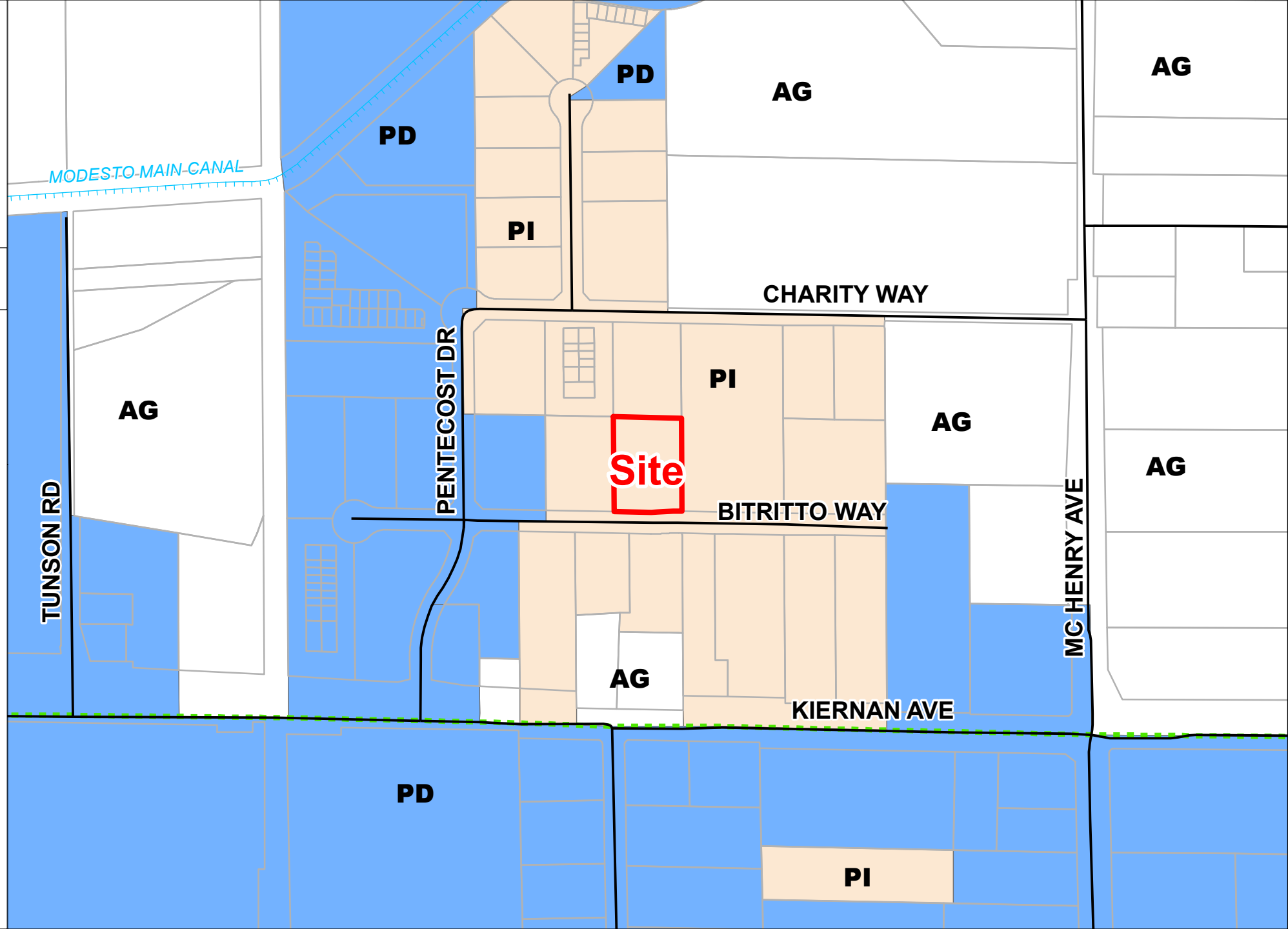
LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  Road
- General Plan**
 -  Agriculture
 -  Planned Industrial
 -  Planned Development



Source: Planning Department GIS

Date: 1/22/2020












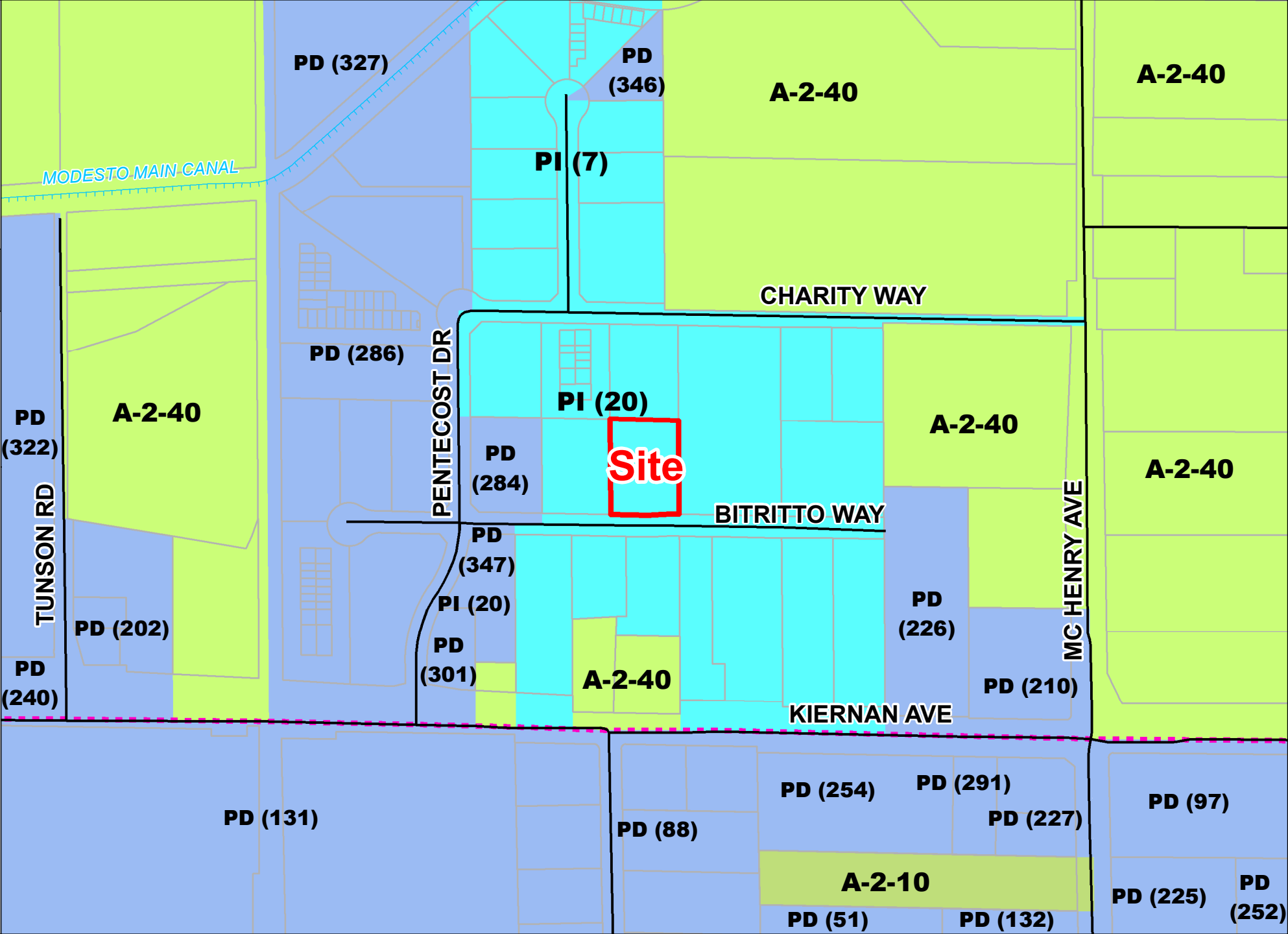
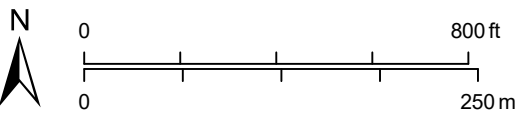
THE GENEZEN PROJECT

GPA, REZ, UP & DA
PLN2018-0093

ZONING MAP

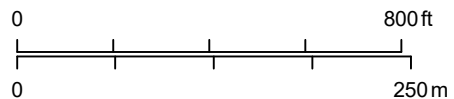
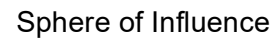
LEGEND

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  Road
- Zoning Designation**
 -  Industrial
 -  Planned Development
 -  General Agriculture 10 Acre
 -  General Agriculture 40 Acre

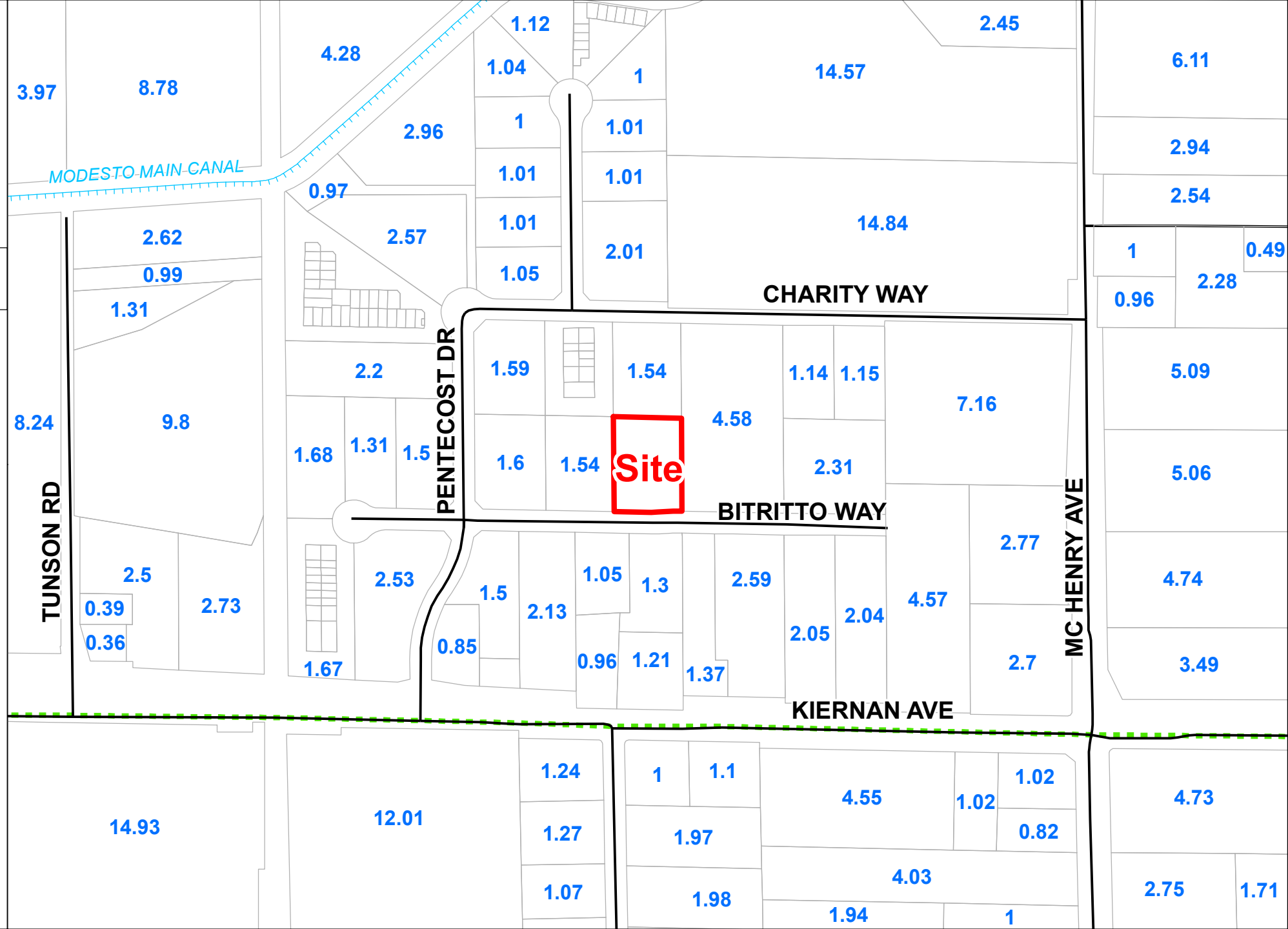


GPA, REZ, UP & DA
PLN2018-0093

LEGEND



Date: 1/22/2020







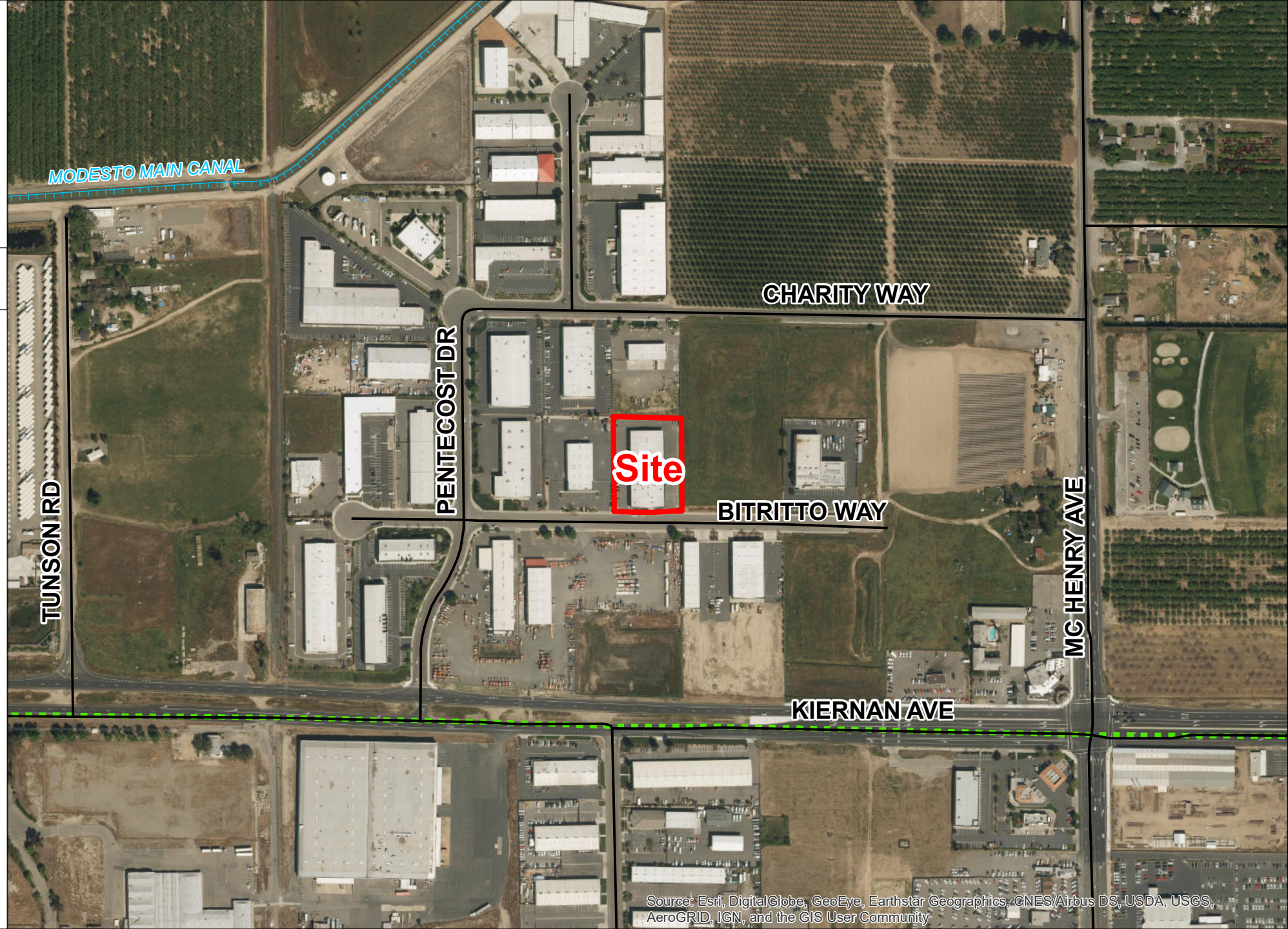
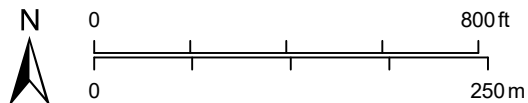
THE GENEZEN PROJECT

GPA, REZ, UP & DA
PLN2018-0093

2017 AERIAL AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  Canal





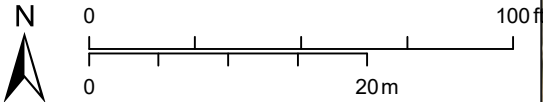
THE GENEZEN
PROJECT

GPA, REZ, UP & DA
PLN2018-0093

2017 AERIAL SITE MAP

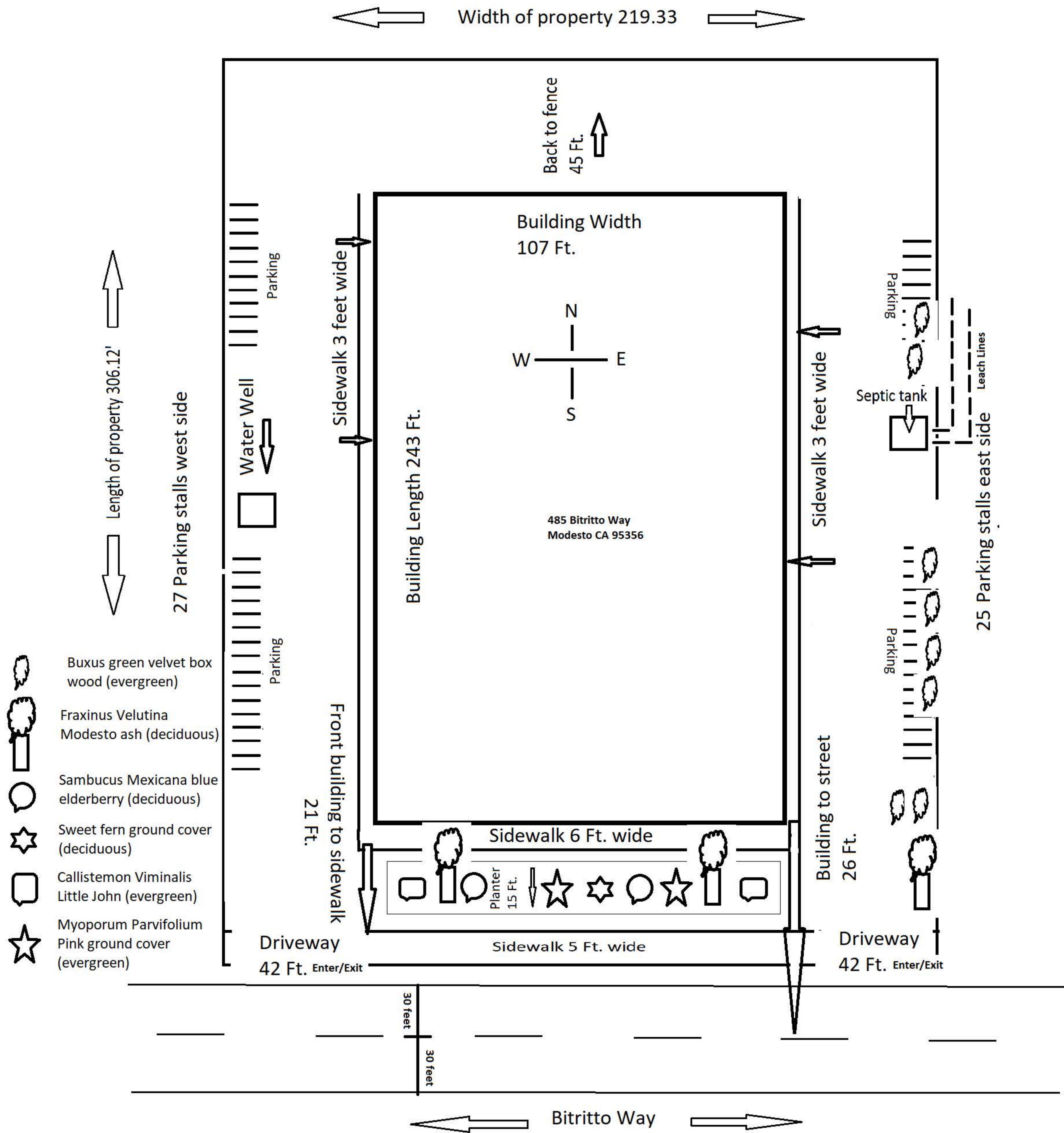
LEGEND

-  Project Site
-  Road



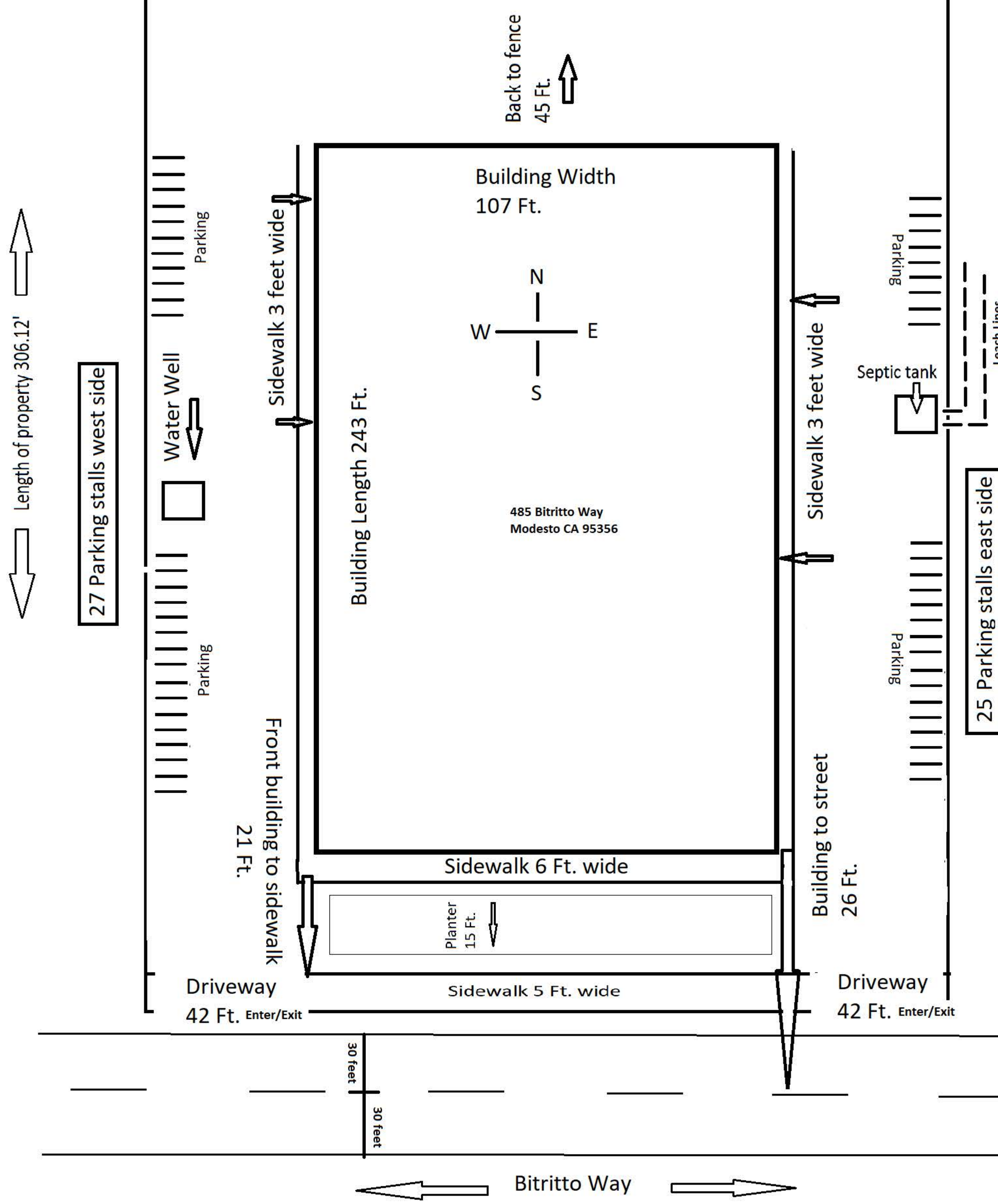
Landscaping and Tree Planting Plan

See attached landscape and tree document



Parking Analysis

Total parking spaces 52



Plan A

Office - 609 sq ft. Parking spaces required 3
Cultivation - 3380 sq ft. Parking spaces required 8
Manufacturing - 160 sq ft. Parking spaces required 4
Distribution - 100 sq ft. Parking spaces required 4

Precision Stairs / Warehouse 6750 sq ft. Parking spaces required 8
H&H / Warehouse 2250 sq ft. Parking spaces required 5
Audio Outlaws / Warehouse 2250 sq ft. Parking spaces required 5
SAT Solutions / Warehouse 8000 sq ft. Parking spaces required 8

Plan B

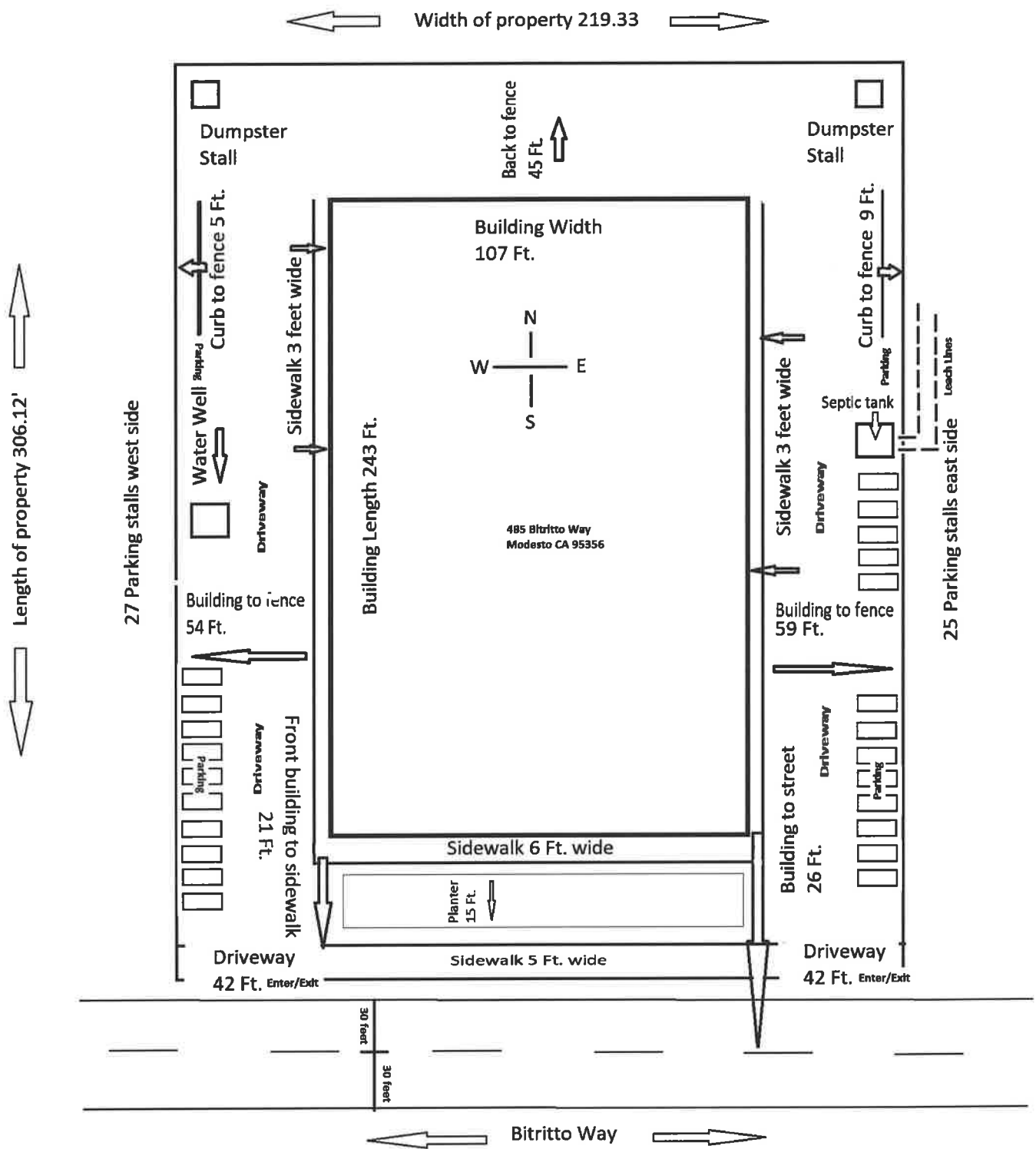
The Genezen Project, Inc.

Office - 1734 sq ft. Parking spaces required 6
Cultivation - 7150 sq ft. Parking spaces required 10
Manufacturing - 324 sq ft. Parking spaces required 5
Distribution - 180 sq ft. Parking spaces required 5

Precision Stairs / Warehouse 6750 sq ft. Parking spaces required 8
H&H / Warehouse 2250 sq ft. Parking spaces required 5
Audio Outlaws / Warehouse 2250 sq ft. Parking spaces required 5

Plan C

Office - 1734 sq ft. Parking spaces required 6
Cultivation - 18,400 sq ft. Parking spaces required 21
Manufacturing - 324 sq ft. Parking spaces required 5
Distribution - 180 sq ft. Parking spaces required 7





CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment, Rezone, Use Permit, & Development Agreement Application No. PLN2018-0093 – The Genezen Project
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Jeremy Ballard, Associate Planner
4. **Project location:** 485 Bitritto Way, between Charity Way and Kiernan Avenue, in the Modesto area.
APN: 004-094-017.
5. **Project sponsor's name and address:** Anthony Verruso dba The Genezen Project
485 Bitritto Way
Modesto, CA 95356
6. **General Plan designation:** Planned Industrial (P-I)
7. **Zoning:** P-I (20) (Planned Industrial)
8. **Description of project:**

Request to amend the General Plan and zoning designation of a 1.53-acre property from to P-I (Planned Industrial) to P-D (Planned Development), and to obtain a Use Permit and Development Agreement, to allow indoor commercial cannabis cultivation, manufacturing (volatile), and distribution activities, and for potential future retail activities in an existing 25,758 square-foot warehouse building. The applicant is currently operating within six suites, totaling 16,864 square feet and proposes to utilize the remaining suites as part of Phase 2. The applicant is currently on the wait list for a retail permit and has requested to include commercial cannabis retail activities to be included in the allowed uses in the proposed Planned Development zoning district. However, should they qualify for retail activities in the future, a Use Permit shall also be required to be obtained prior to operation. The property is served by a well and septic system. Proposed hours of operation for the cultivation, manufacturing, and distribution activities are Monday through Sunday, 7:00 a.m. to 10:00 p.m., with a maximum of 12 employees on a shift. There is approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five vehicle trips per week for distribution activities.

9. **Surrounding land uses and setting:** Light industrial, warehouse, and low traffic generating commercial uses to the west, north and south, vacant parcel to the east, and the City of Modesto to the south.

-
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** CalTrans; Stanislaus County Department of Public Works and Department of Environmental Resources; California Department of Food and Agriculture, CalCannabis Division; California Department of Public Health, Cannabis Manufacturing Division; California Department of Consumer Affairs, Bureau of Cannabis Control
11. **Attachments:** Maps
Negative Declaration
Application
Central California Information Center Records Search
Early Consultation Referral Responses

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

Jeremy Ballard

Prepared by

February 4, 2020

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 site is currently adjacent to light industrial development, including warehouses and low traffic generating retail to the west, north, and south of the project site. To the east of the site is a vacant parcel that is zoned for light industrial uses. The project site fronts onto Bitritto Way, which was developed in 2006. The buildings all feature a similar aesthetic design that include stucco, glass incorporated into the facades, and metal warehouses. The project site is currently developed with a 25,758 square-foot commercial building separated into 10 suites which is similar with neighboring light industrial development. The proposed operation will include continued use of six suites with plans to utilize up to all 10 suites. The project will feature interior tenant improvements but no exterior changes or expansion of the building. A condition of approval will be applied to the project which requires that all existing exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow and to prevent light trespass onto neighboring properties. The proposed project is not anticipated to have a substantial negative effect on a scenic vista, damage scenic resources, or substantially degrade the existing visual character of the site or its surroundings.

Mitigation: None.

References: Application material; FEIR CalCannabis Cultivation Licensing Program; Stanislaus County Zoning Ordinance; the 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

The 1.53-acre project site is made up of Tujunga loamy sand soils and is classified as Urban and Built-Up Land by the State of California's Farmland Mapping and Monitoring Program. The site is zoned P-I (20), which allowed for the operation of various light industrial uses consistent with the Planned Industrial zoning district. The site has been previously developed with an industrial warehouse building and fully paved. The proposed operation will utilize six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. All commercial cannabis uses are required under Stanislaus County Code 6.78.080(a) to participate in State of California's and Stanislaus County's Agricultural Commissioners Track and Trace Program for all cannabis grown within the facility. Additionally, the use of any fertilizers or pesticides must be in accordance with the Agricultural Commissioners rules and regulations.

In December of 2007, Stanislaus County adopted an updated Agricultural Element which incorporated guidelines for the implementation of agricultural buffers applicable to new and expanding non-agricultural uses within or adjacent to the A-2 Zoning District. The purpose of these guidelines is to protect the long-term health of agriculture by minimizing conflicts such as spray-drift and trespassing resulting from the interaction of agricultural and non-agricultural uses. Alternatives may be approved provided the Planning Commission finds that the alternative provides equal or greater protection than the existing buffer standards. The adjacent lot to the east of the project site is vacant but not within an agricultural zoning district, nor are any other adjacent parcels and therefore would not be subject to the buffer requirement.

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

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

Mitigation: None.

References: California State Department of Conservation Farmland Mapping and Monitoring Program – Stanislaus County Farmland 2019; USDA NRCS Soil Survey; Chapter 6.78 and Title 21 of the Stanislaus County Code; FEIR CalCannabis Cultivation Licensing Program; Stanislaus County General Plan and Support Documentation.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 project site is in the San Joaquin Valley Air Basin which has been classified as "severe nonattainment" for ozone and respirable particulate matter (PM₁₀) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants. The site is zoned P-I (20), which allowed for the operation of various light industrial uses consistent with the Planned Industrial zoning district. The proposed operation will utilize six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. As stated in the project description the applicant is currently on the wait list for a County commercial cannabis retail permit and has requested to include the potential retail activity as an allowed use under the new Planned Development zoning district. However, if allowed to proceed to a retail operation, the applicant would be required to obtain additional land use permits prior to operation. The land use permit for retail would be subject to CEQA, which would include further environmental analysis regarding any potential impacts to air quality.

The primary source of operational air pollutants generated by this project would be classified as being generated from "mobile" sources created from increased vehicle trips generated by employees and shipping/receiving vehicles. No construction emissions are anticipated as the project site is already developed, and only interior improvements are proposed. The applicant anticipates 12 employees on a maximum shift. Additionally, there will be approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five vehicle trips per week for distribution activities, which would be below the District's threshold for significance. Mobile sources are generally regulated by the California Air Resources Board of the California Environmental Protection Agency which sets emissions for vehicles and acts on issues regarding cleaner-burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin-wide programs and policies to prevent cumulative deterioration of air quality within the Air Basin. The San Joaquin Valley Air Pollution Control District was referred the project but no response has been received to date.

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

Cannabis has the potential to generate odor that can be considered objectionable. However, as required by County Code Section 6.78.120(9)(D), the project applicant has developed an odor control plan that includes several elements to ensure odors will not affect adjacent properties including carbon absorption filters on HVAC equipment prior to discharge of exhaust; carbon filters attached to exhaust fans in areas for cultivation, manufacturing and employee break rooms. Implementation of the odor control measures would ensure a substantial number of people would not be affected by project-generated odors.

Mitigation: None.

References: Application material; EIR CalCannabis Cultivation Licensing Program; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program; Chapter 6.78 and Title 21 of the Stanislaus County Code; 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: It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The project is located within the Salida Quad of the California Natural Diversity Database. There are 14 plants and animals that are state or federally listed, threatened, or identified as species of special concern in this quad. These species include: the Swainson's hawk, conservancy fairy shrimp, vernal pool tadpole shrimp, chinook salmon, tricolored blackbird, California Tiger Salamander, valley elderberry longhorn beetle, willow flycatcher, western yellow-billed cuckoo, riparian brush rap and woodrat, San Joaquin Kit Fox, least Bell's vireo, and Greene's tuctoria. Because the project site is already developed, completely paved, and landscaped, the likelihood for these species to be present on the project site is very low. The site is zoned P-I (20), which allowed for the operation of various light industrial uses consistent with the Planned Industrial zoning district. The project site is currently developed with a 25,758 square-foot commercial building separated into 10 suites, which are occupied by various light industrial uses and includes a paved parking lot. Furthermore, there is no sensitive habitat present on the site including wetlands or other waters of the State or of the United States.

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

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

Mitigation: None.

References: California Department of Fish and Wildlife's Natural Diversity Database Quad Species List; Stanislaus County General Plan and Support Documentation.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: The project falls under the requirements for tribal consultation, as required by AB 52 or SB 18, as the project request is for a General Plan Amendment. A letter providing a consultation invitation to all known tribes in the region was sent on November 13, 2018. To date, none of the tribes contacted have responded to the letter from the County to request formal consultation of the project.

The project applicant submitted a record's search from the Central California Information Center (CCIC), which indicates that the project area has low sensitivity for cultural resources and that no prehistoric or historic archaeological resources or historic properties have been reported to the CCIC. The Stanislaus County General Plan indicates that many of the geologic units in the County are sensitive for paleontological resources, therefore there is potential to encounter these resources during any future ground disturbance. The project does not include any new building construction and is proposing to utilize six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. However, conditions of approval will be placed on the project requiring that construction activities be halted if any cultural or paleontological resources are encountered until appropriate agencies are contacted and an archaeological survey is completed.

Mitigation: None.

References: Central California Information Center Report for the project site, August 6, 2018; Consultation Letter to Tribes, dated November 13, 2018; 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 CEQA Guidelines Appendix F states that energy consuming equipment and processes, which will be used during construction or operation, such as energy requirements of the project by fuel type and end use; energy conservation equipment and design features; energy supplies that would serve the project; and total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode; shall be taken into consideration when evaluating energy impacts. Additionally, the project's compliance with applicable state or local energy legislation, policies, and standards must be considered.

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

The proposed operation will utilize the six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. The project includes indoor cultivation which will involve artificial lighting which utilizes wattage at a rate above 25 watts per square-foot, temperature/humidity/air flow control, carbon filters, and irrigation and water treatment equipment. No additional building square footage is proposed. However, a condition of approval will be added to this project to address compliance with Title 24, Green Building Code, which includes energy efficiency requirements.

The applicant anticipates 12 employees on a maximum shift. Additionally, there will be approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five vehicle trips per week for distribution activities.

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

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

The manufacturing being proposed with this operation will consist of extraction of cannabis utilizing a hydrocarbon extractor that is a closed loop system that uses butane or propane within a premanufactured container within the existing building. Equipment used in this process is not expected to expend significant amounts of energy and will be required to meet all Title 24, Green Building Code, which includes energy efficiency requirements for installation and use. Additionally, all equipment used must pass inspection from the appropriate Fire Authority and the County's Agricultural Commissioner Weights and Measures Division.

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

Mitigation: None.

References: Application material; EIR CalCannabis Cultivation Licensing Program; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program; Referral Response from the Modesto Irrigation District, dated October 9, 2018; Referral Response from the Stanislaus County Department of Planning and Community Development, Building Division, dated November 1, 2018; California Stanislaus County General Plan EIR.

VII. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake			X	

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.				
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Discussion: The 1.52-acre project site is made up of Delhi sand soils and is classified as Urban and Built-Up Land by the State of California's Farmland Mapping and Monitoring Program. As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range west of Interstate 5. The General Plan EIR identifies the portion of the County most susceptible to liquefaction as the western margin of the valley because of the combination of young geologic units (Quaternary fan deposits and Dos Palos Alluvium) and potential for strong ground shaking. The project site is located considerably east of this area, and therefore would not be subject to significant risk of fault rupture or liquefaction. The project site is flat, so there would be no risk of landslide. The California Building Code identifies all of Stanislaus County as located within a geologic hazard zone (Seismic Design Category D, E, or F), and a soils test may be required at building permit application to determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. No construction is proposed; however, if construction ever occurs in the future any new structures must be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. An Early Consultation referral response from the County's Building Division stating that, prior to operation, the existing building would be subject to a building permit for a change in occupancy for the new use and any equipment utilized in the facility. Each subsequent phase would be subject to this requirement. Subsequently, the Department of Public Works provided a comment letter stating that a grading and drainage plan will be required for any new construction on-site, subject to Public Works Standards and Specifications, that consider the potential for erosion and runoff prior to permit approval. Conditions of approval will be added to this project to address comments from both the Building Division and the Department of Public Works.

The proposed operation will utilize the six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. The project site is served by a private well and private septic system. As proposed, the existing septic systems will only be utilized for bathroom facilities. A referral response from the Department of Public works stated that the proposed cultivation operation will be required to meet all State Water Resources Control Board measures for collection and disposal of process wastewater including a manifest of disposal activities to be monitored by the Central Valley Regional Water Quality Control Board. A condition of approval will be added to reflect this requirement.

A referral response was received from the Department of Environmental Resources (DER) stating that the existing septic systems are not required to meet the Measure X septic system requirements as defined under County Code Section 16.010.040. However, it is the applicant's responsibility to contact the DER prior to issuance of any building permit to determine the adequacy of the septic facilities. A condition of approval will be added to the project for this requirement.

Mitigation: None.

References: Referral Response from the Department of Environmental Resources (DER), dated October 11, 2018; Referral Response from the Stanislaus County Department of Public Works, dated October 15, 2018; Referral Response from the Stanislaus County Department of Planning and Community Development, Building Permits Division, dated November 1, 2018; 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 gases (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and tropospheric ozone (O₃). 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 greenhouse gases, 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] 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. The EIR prepared for the CalCannabis Cultivation Licensing Program indicates that cannabis cultivation generates energy demand and GHG emissions from use of high-intensity lighting, ventilation, and temperature control necessary to grow cannabis indoors and in mixed-light operations. The high energy demand of indoor cultivation represents the largest contributor of GHG emissions. However, both state and local jurisdictions have required renewable energy portfolios for all commercial cannabis activities, which will lower the energy demand of the activity types, which will reduce overall GHG emissions. Construction emissions, which are temporary in nature, distribution, and employee vehicle use and truck trips are also GHG emission generators associated with indoor cultivation and distribution activities. The EIR concludes that GHG emissions would remain essentially unchanged, with implementation of the State's Cultivation Licensing Program, due to a corresponding decrease in illegal cultivation as permitted cultivation increases.

The proposed operation will utilize the six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. The proposed operation is required to obtain building permits for interior tenant improvements, which would be subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). Minimal greenhouse gas emissions will occur during construction. Construction activities are considered to be less than significant as they are temporary in nature and are subject to meeting SJVAPCD standards for air quality control.

The applicant anticipates 12 employees on a maximum shift. Additionally, there will be approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five vehicle trips per week for distribution activities. The SJVAPCD was referred the proposed project and no response has been received to date. It is not anticipated that the project will create any significant impacts to greenhouse gas emissions.

Mitigation: None.

References: Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program, Referral Response from CDFA CalCannabis Division, dated October 9, 2018; 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 EIR completed by CalCannabis for their Cannabis Cultivation Program indicates that cannabis cultivation operations may involve the use of hazardous materials, such as fuel for power equipment and backup generators, and pesticides. Additionally, indoor and mixed-light cultivation operations may use high-powered lights, which could contain hazardous components that could enter the environment during disposal. Routine transport, handling, use, and disposal of these types of materials could expose people to hazards if adequate precautions are not taken. However, evidence suggests that improper storage, use, and disposal of hazardous materials is a major problem at unpermitted cannabis cultivation sites. Permitted cannabis cultivation, such as the proposed project, must comply with local and state hazardous materials handling, use procedures and regulations, and are regularly inspected for compliance by both local and state departments.

The County's Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in the project area. During project construction, various hazardous materials may be used like, gasoline, oil, and paints. The applicant would also be required to use, store, and dispose of any hazardous materials in accordance with all applicable federal, state, and local regulations. The proposed project would include the storage and use of fertilizers and pesticides. All fertilizers and pesticides will be stored in isolated fireproof cabinets. However, state regulations limit the types of chemicals that could be allowed to be applied onto cannabis products. In addition, all cultivation activities would occur indoors with direct application of water, pesticides, and fertilizers to eliminate drift of chemicals to areas outside the project area. A referral response was received from DER HazMat, stating that the project is not anticipated to have a significant impact on the environment regarding hazardous materials; however, the operation will require permitting through the Department for the storage and use of any hazardous materials. A condition of approval will be added to the project to address this requirement.

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

The operation includes a request for the volatile manufacturing of commercial cannabis, which is classified as a Type 7 License with the California Department of Public Health Manufactured Cannabis Safety Branch. The manufacturing being proposed with this operation will consist of extraction of cannabis utilizing a single PX1 hydrocarbon extractor that is a closed loop system that uses butane or propane and can process up to 40 pounds per eight hours. The extractor will be located within a 40' Extraction Master container within the existing building. All plant material used in the manufacturing will be collected and disposed by State licensed certified facilities. Specification plans for both machines used will be required to be reviewed and inspected by both the appropriate Fire District and the County's Building Permits Division. The process proposed for the volatile manufacturing of commercial cannabis must be in compliance with all regulations set by the State of California's Department of Public Health Manufactured Cannabis Safety Branch, which requires local fire code official approval to operate.

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

Mitigation: None.

References: Application material; CCR Title 17 Chapter 13 Manufactured Cannabis Safety; Initial Study Bureau of Cannabis Control Commercial Cannabis Licensing Program; Referral Response from the Salida Fire Protection District, dated October 29, 2018; Referral Response from the Department of Environmental Resources Hazardous Materials Division, dated January 29, 2020; 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: The project site is currently served by a private well for water and a private septic system. There are no rivers or streams in the project vicinity, therefore the project would not alter the course of a stream or river in a manner which would result in substantial erosion or siltation on or off-site. This project will not result in the formation of a new public

water system as defined in California Health and Safety Code (CHSC), Section 116275 (h) and will utilize the existing well. However, if retail activities were to be permitted, or the number employees increased in the future, the operation may meet the public water system definition and if the existing well does not meet Public Water System standards the applicant may need to either drill a new well or install a water treatment system for the current well. Additionally, Goal Two, Policy Seven, of the Stanislaus County General Plan's Conservation/Open Space Element requires that new development that does not derive domestic water from pre-existing domestic and public water supply systems be required to have a documented water supply that does not adversely impact Stanislaus County water resources. This Policy is implemented by requiring proposals for development that will be served by new water supply systems be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Control 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. If required, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527 (SB1263) and submit an application for a water supply permit with the associated technical report to Stanislaus County DER.

Furthermore, 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 Modesto sub-basin under the jurisdiction of the Stanislaus and Tuolumne Rivers GSA. The portion of the sub-basin is under the jurisdiction of the Modesto Irrigation District and along with other GSAs located in this sub-basin, are collaboratively developing one GSP.

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

As stated, earlier retail activities will be required to be approved through an additional land use permit, which would be subject to CEQA. Therefore, it is not anticipated the proposed project would violate any water quality or waste discharge standards or substantially decrease groundwater supplies.

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

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

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

Based on the information above, significant impacts are not anticipated in relations to hydrology and water quality.

Mitigation: None.

References: Application material; FEIR CalCannabis Cultivation Licensing Program; Correspondence received from Department of Environmental Resources, dated October 18, 2018; Referral Response from the Department of Public Works, dated October 10, 2018; Stanislaus County General Plan Conservation/Open Space Element 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 proposed operation will utilize six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. As stated in the project description the applicant is currently on the wait list for a County commercial cannabis retail permit and has requested to include the potential retail activity as an allowed use under the new Planned Development zoning district. However, if allowed to proceed to a retail operation, the applicant would be required to obtain additional land use permits prior to operation. The land use permit for retail would be subject to CEQA, which would include further environmental analysis regarding any potential impacts.

The project has a General Plan designation of Planned Industrial (P-I) and is zoned P-I (20), which was adopted by the Board of Supervisors in 2001 and was approved for uses consistent with the Planned Industrial zoning district such as food processing, warehousing, machine and welding shops, laboratories, and other uses that would be considered light industrial in nature. However, neither designation currently allows for retail uses, nor does the PI zoning district allow for volatile manufacturing of commercial cannabis. Therefore, an amendment to the General Plan and zoning designations from Planned Industrial to Planned Development is required to allow for any future retail sales of commercial cannabis as well as the proposed volatile manufacturing activities. Additionally, Section 6.78.060 requires that all commercial cannabis applicants be subject to a Commercial Cannabis Activity Permit, Development Agreement, Land Use Permit, and State Licensure for Commercial Cannabis Activities.

Furthermore, per Section 6.78, each commercial cannabis activity must meet and maintain operating standards for odor control, security, minimum building standards, track and trace, as well as meeting specialized setbacks. To reduce land use conflicts, Section 6.78.120 requires that all commercial cannabis activities are setback a minimum of 200 feet from adjacent residents and libraries. Additionally, commercial cannabis activities must be setback a minimum of 600 feet from day cares, schools, and youth centers, in existence at the initial time of permitting. The closest dwelling to the project site is to the northwest and is approximately a third of a mile from the building to the adjacent dwelling. There are no known libraries, schools, or day cares in the restricted distances of the project site. There is a single youth instructional facility located within 600 feet of the proposed project site, that serves youth with instructional sports training during scheduled supervised classes.

On November 5, 2019, the Stanislaus County Board of Supervisors adopted an amendment to Chapter 6.78, the Commercial Cannabis Activities Ordinance providing for a definition for "Youth Instructional Facilities", which was defined as any "commercially operated facility that provides supervised instruction to children below 18 years old, examples include, but are not limited to, instruction in art, music, dance, gymnastics, cheer, sports, martial arts, or tutoring." The Youth Instructional Facility does not include any required setbacks. Additionally, the definition of "Youth Center" was amended to clarify that it does not include "Youth Instructional Facilities".

Staff believes that the two dance studios and two athletic training facilities located near the project site area meet the definition of a "youth instructional facility" and accordingly the 600-foot setback standard from a youth center does not apply to the facility.

The proposed project must meet existing requirements for off-street parking and landscaping. A landscaping plan that complies with County standards has been submitted. The applicant will be subject to parking requirements for the proposed use. The manufacturing, cultivation, and distribution components of the proposed operation will be subject to County Code Section 21.76.070's parking standard, which manufacturing or warehousing uses are required to provide enough spaces on-site for the number of employees on a maximum shift plus three additional spaces. With 12 employees on a maximum

shift, the total number of spaces required by code for the proposed use would be 15. The site has been developed with 44 off street parking spaces. A condition of approval will be added to ensure that, prior to operation, compliance with the off-street parking requirement is met.

The project would not conflict with any applicable land use plan, policy, or regulation intended to avoid or mitigate an environmental effect. No natural community conservation plans have been adopted in Stanislaus County, so the project would not result in any conflicts. Additionally, all commercial cannabis activities within the State of California are subject to Section 26000-26250 of California Business and Professions Code, as well as California Code of Regulations, Title's 3, 16, and 17.

Mitigation: None.

References: Application material; Stanislaus County Code Chapter 6.78 and Title 21; 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 have been mapped by the State Division of Mines and Geology in Special Report 173 (and portions of Special Report Nos. 91-03, 160, and 199 include Stanislaus County). There are no known mineral resources underlying the site or in the project vicinity.

Mitigation: None.

References: Application material; Stanislaus County General Plan Conservation/Open Space Element 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: A temporary increase in noise and vibration, associated with required tenant improvements to the existing building, is anticipated. However, there are no sensitive receptors in the vicinity of the project site. Cultivation activities would not generate substantial noise. Project activities during operation would occur indoors, including loading of packaged product. Proposed hours of operation for the cultivation, manufacturing and distribution activities are Monday through Sunday, 7:00 a.m. to 10:00 p.m., with a maximum of 12 employees. There is approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five vehicle trips per week for distribution.

activities. The proposed use is not anticipated to exceed ambient noise levels in the vicinity as the surrounding area has existing light industrial and commercial development. Section 6.78.120(8)(N) require that any commercial cannabis activities comply with County's previously adopted Noise Control Ordinance. According to the County's Noise Element of the General Plan, acceptable noise levels in industrial land use categories is 75 decibels, which the proposed project is not anticipated to exceed. The proposed project is not within two miles of a public airstrip, and because workers would be located indoors, would not expose workers to noise associated with a private airstrip.

Mitigation: None.

References: Application material; Chapter 6.78, Chapter 10.46, and Title 21 of the Stanislaus County Code; Stanislaus County General Plan Noise Element 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 does not involve any additional housing. 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 material; Stanislaus County General Plan Housing Element 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: Section 6.78.060 requires that all commercial cannabis applicants be subject to a Commercial Cannabis Activity Permit, Development Agreement, Land Use Permit, and a State Licensure for Commercial Cannabis Activities. Per Section 6.78, each commercial cannabis activity must meet and maintain operating standards for odor control, security control, minimum building standards, and track and trace. State and local regulations must also be met in order to maintain an active commercial cannabis permit. The Development Agreement establishes two fees to be collected from each project applicant; the Community Benefit Contribution and the Community Benefit Rate. The Contribution fee will be paid quarterly and utilized for local community charities or public improvement projects. The Rate fee will also be paid quarterly but will

be utilized for County enforcement activities of illegal cannabis. The funds received from the Community Benefit fees are anticipated to address any increase in service impacts induced by commercial cannabis activities.

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

Mitigation: None.

References: Application material; Chapter 6.78 and Title 21 of the Stanislaus County Code; EIR CalCannabis Cultivation Licensing Program; Referral Response from the Salida Fire Protection District, dated October 29, 2018; Stanislaus County General Plan Safety Element 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 operation will utilize six suites of the existing 25,758 square feet warehouse building for indoor cannabis cultivation, manufacturing (volatile), and distribution activities as part of Phase 1. Phase 2 will expand the previous activity types into the remaining four suites. As stated in the project description the applicant is currently on the

wait list for a County commercial cannabis retail permit and has requested to include the potential retail activity as an allowed use under the new Planned Development zoning district. However, if allowed to proceed to a retail operation, the applicant would be required to obtain additional land use permits prior to operation. The land use permit for retail would be subject to CEQA, which would include further environmental analysis regarding any potential impacts to transportation facilities. Proposed hours of operation for the cultivation, manufacturing and distribution activities are Monday through Sunday, 7:00 a.m. to 10:00 p.m., with a maximum of 12 employees. There is approximately one vehicle trip per week associated with the delivery of supplies for the entire operation and approximately five vehicle trips per week for distribution activities.

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

The EIR prepared for Stanislaus County's 2016 General Plan Update considered vehicle miles traveled (VMT) in the County, as considered by the General Plan planning horizon of 2035. The EIR identified that total daily VMT is expected to increase within the unincorporated area by 2035. However, the daily VMT in the unincorporated area is expected to decrease slightly on both a per-household and a service population basis, indicating that development that could occur under the General Plan would decrease the average distance between goods and services within the unincorporated County. Therefore, implementation of the General Plan policies is expected to have a less-than-significant impact on VMT. The proposed project site was not considered in the General Plan EIR as the project is proposing to amend the General Plan, however, based on the number of employees and vehicles trips associated with the project it is not expected to have significant impact to VMT.

The project was referred to the State of California Department of Transportation (CalTrans), who responded that they had no comment on the proposed project. No impacts to local or state transportation facilities are anticipated. However, if approved, the proposed project would be required to obtain a building permit for any tenant improvements or change in occupancy of the building. Those building permits would require Public Facility Fees to be paid to the County prior to issuance. Those fees would contribute to any improvements to the local road infrastructure impacted by the proposed project.

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

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

Mitigation: None.

References: Referral Response from Caltrans, dated September 26, 2018; Referral Response from Stanislaus County Department of Public Works, dated October 15, 2018; Revised Referral Response from Stanislaus County Environmental Review Committee, dated October 12, 2018; Circulation Element of the 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: The proposed project site is served by a private well and private septic system, and the Modesto Irrigation District for electricity. The project was referred to Modesto Irrigation District (MID) who's electrical division responded with information of the existing facilities on-site. The applicant will be required to comply with MID's requirements for operation, a condition of approval will be added for consultation with MID prior to operation.

The project site is currently served by a private well for water and a private septic system. There are no rivers or streams in the project vicinity, therefore the project would not alter the course of a stream or river in a manner which would result in substantial erosion or siltation on or off-site. As stated previously, this project will not result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h) and will utilize the existing well. A detailed discussion on if the project site every becomes a public water system is included in Section X Hydrology and Water Quality. However, if retail activities were to be permitted in the future the operation may meet the public water system definition. As stated, earlier retail activities will be required to be approved through an additional land use permit, which would be subject to CEQA.

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

Furthermore, all storm water generated from the proposed project will utilized existing community basin that is maintained by the County. With no additional square footage being added to the building it is not anticipated to diminish the existing basins capacity. As stated previously, prior to any ground disturbance, grading and drainage plans are required to be submitted to the County Department of Public Works for review and approval. It is not anticipated that any future expansion to maintain storm water generated by this project on-site will create any significant impacts to existing storm water facilities.

The project would be required to comply with all regulations related to solid waste. The solid waste generated by the project would be primarily organic waste from the cannabis plants, which would be collected and removed by State licensed operators. The project would not generate an amount of solid waste, such that the landfill's capacity would become impacted and expansion required.

Mitigation: None.

References: Correspondence from Department of Environmental Resources, dated October 11, 2018; Referral Response from the Department of Public Works, dated October 15, 2018; Referral Response from Modesto Irrigation District, dated October 9, 2018; 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: This project is served by the Salida Fire Protection District. The site is not located in a State Responsibility Area. The site has access to a County-maintained road. The terrain is relatively flat and it is not located near any bodies of water. Wildfire risk and risks associated with postfire land changes are considered to be less than significant.

Mitigation: None.

References: Application material; Stanislaus County General Plan Safety Element 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: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. Cultivation, manufacturing, and distribution activities are similar in nature to light industrial uses that were considered and designed for at the time of the initial rezone to P-I (20). Any cumulative impacts associated with those activities could be considered less than significant. Introduction of commercial cannabis retail uses could contribute to cumulative impacts to traffic in the area of the project site. If retail were to be permitted in the future with a Conditional Use Permit, further analysis of potential environmental impacts would be performed. Additionally, the County's Commercial Cannabis program limits retail activities to a total of seven permits, further limiting retail activities to not exceed five locations within or within a half mile of the Sphere of Influence of the City of Modesto and no more than three retail facilities within a mile of each. Three retail facilities have been permitted within a mile of the project site. All five locations have been identified and currently only one other retail location is within the same region as the application. Additionally, a retail uses has been previously permitted in P-I (20) and surrounding zoning districts, other higher traffic uses such a sports training and personal service establishments have been permitted. Subsequently, cumulative impacts to traffic are anticipated to be less than significant as PFF fees collected during the building permit would contribute to any improvements to the local road infrastructure impacted by the proposed project.

Mitigation: None.

References: Initial Study, dated February 4, 2020; Stanislaus County General Plan and Support Documentation.¹

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



NEGATIVE DECLARATION

NAME OF PROJECT: General Plan Amendment, Rezone, Use Permit, & Development Agreement Application No. PLN2018-0093 – The Genezen Project

LOCATION OF PROJECT: 485 Bitritto Way, between Charity Way and Kiernan Avenue, in the Modesto area. Stanislaus County. APN: 004-094-017

PROJECT DEVELOPERS: Anthony Verruso dba The Genezen Project
485 Bitritto Way
Modesto, CA 95356

DESCRIPTION OF PROJECT: Request to amend the General Plan and zoning designation of a 1.53-acre property from to P-I to P-D (Planned Development), and to obtain a Use Permit and Development Agreement, to allow indoor commercial cannabis cultivation, manufacturing (volatile), distribution and potential future retail in an existing 25,758 square-foot warehouse building. The applicant is currently on the wait list for a retail permit, should they qualify in the future, a Use Permit shall also be required to be obtained prior to operation.

Based upon the Initial Study, dated **February 4, 2020**, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Jeremy Ballard, Associate Planner

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

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**1010 10TH Street, Suite 3400, Modesto, CA 95354

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

Building Phone: (209) 525-6557 Fax: (209) 525-7759

Form Available Online: <http://www.stancounty.com/planning/applications.shtm>

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes**APPLICATION FOR:***Staff is available to assist you with determining which applications are necessary*

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

PLANNING STAFF USE ONLY:

Application No(s): _____

Date: _____

S _____ T _____ R _____

GP Designation: _____

Zoning: _____

Fee: _____

Receipt No. _____

Received By: _____

Notes: _____

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

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

PROJECT INFORMATION

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

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

See attached

PROJECT SITE INFORMATION

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

ASSESSOR'S PARCEL NUMBER(S): Book 004 Page 094 Parcel 017

Additional parcel numbers: 004-094-017

Project Site Address or Physical Location: 485 Bitritto Way Modesto CA 95356

Property Area: Acres: 1.53 or Square feet: _____

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

Industrial Warehouse

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

N/A

Existing General Plan & Zoning: (Undefined) Planned Industrial

Proposed General Plan & Zoning: (Undefined) Planned Development
(if applicable)

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

East: Commercial Complexes

West: Vacant Lot and Commercial Complex

North: Commercial Complexes

South: Commercial Complexes

WILLIAMSON ACT CONTRACT:

Yes ☐ No ☒

Is the property currently under a Williamson Act Contract?

Contract Number: _____

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

Date Filed: _____

Yes ☐ No ☒

Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒

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

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

SITE CHARACTERISTICS: (Check one or more)

Flat ☐

Rolling ☐

Steep ☐

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

Field crops ☐

Orchard ☐

Pasture/Grassland ☐

Scattered trees ☒

Shrubs ☒

Woodland ☐

River/Riparian ☐

Other ☐

Explain Other: _____

Yes ☐ No ☒

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

GRADING:

Yes ☐ No ☒

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

STREAMS, LAKES, & PONDS:

Yes ☐ No ☒

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

Yes ☐ No ☒

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

Yes ☐ No ☒

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

Yes ☐ No ☒

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

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

STRUCTURES:

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

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

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

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

PROJECT SITE COVERAGE:

Existing Building Coverage: 25,758 Sq. Ft. Landscaped Area: 9,081 Sq. Ft.

Proposed Building Coverage: 25,758 Sq. Ft. Paved Surface Area: 31,808 Sq. Ft.

BUILDING CHARACTERISTICS:

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

No new structures being added to property.

Number of floors for each building: Single story existing building

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

25 feet

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

Not applicable

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

All parking areas are paved asphalt.

UTILITIES AND IRRIGATION FACILITIES:

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

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

Electrical: Modesto Irrigation District

Sewer*: Private Septic System

Telephone: Comcast/Att

Gas/Propane: Pg&e

Water**: Private Well

Irrigation: N/A

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

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

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

No

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

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

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

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

AFFORDABLE HOUSING/SENIOR:

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

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

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

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

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

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

Square footage of each existing or proposed building(s): 25,758

Type of use(s): Cannabis business including cultivation, manufacturing, distribution and retail

Days and hours of operation: **Monday-Sunday 7am-10pm**

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

Occupancy/capacity of building: **Unknown**

Number of employees: (Maximum Shift): **12** (Minimum Shift): **4**

Estimated number of daily customers/visitors on site at peak time: **0**

Other occupants: **N/A**

Estimated number of truck deliveries/loadings per day: **0**

Estimated hours of truck deliveries/loadings per day: **0**

Estimated percentage of traffic to be generated by trucks: **0**

Estimated number of railroad deliveries/loadings per day: **0**

Square footage of:

Office area: **1,734**

Warehouse area: **18,400**

Sales area: **0**

Storage area: **2,000**

Loading area: **1,500**

Manufacturing area: **324**

Other: (explain type of area) **1,800 Walkways**

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

Volatile liquids to be used for manufacturing in a controlled C1D1
environment.

ROAD AND ACCESS INFORMATION:

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

Kiernan Avenue, Pentecost Drive, Bitritto Way

- Yes ☐ No ☒ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
- Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

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

STORM DRAINAGE:

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

☒ Other: (please explain) Runs down gutter to street and removed by county storm drain system.

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

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

EROSION CONTROL:

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

N/A

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

ADDITIONAL INFORMATION:

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



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307

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

Date: 8/6/2018

Records Search File #: 10791N

Project: 485 Bitritto Way, Modesto;
proposed rezone from Planned
Industrial to Planned Development;
existing buildings unchanged; T2S
R9E, S ½ Section 32, MDB&M

Jason Maire
The Genezen Project
2524 Coffee Road, F119
Modesto, CA 95355

jason@thegenezenproject.com

Dear Mr. Maire:

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

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current electronic files dated 03-20-2014), the *Survey of Surveys* (1989), the Caltrans State and Local Bridges Inventory, GLO Plats, and other pertinent historic data available at the CCalIC for each specific county.

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- There are no formally recorded prehistoric or historic archaeological resources or historic buildings within the project area.
- The GLO Plat for T2S R9E, Section 32 (Sheet #44-114, dated 1853-1854) shows several unnamed roads in the south ½ of Section 32, but no other historic features.
- The Official Map of the County of Stanislaus 1906 references McHenry and Harris as

historic landowners in the project vicinity.

- The Riverbank USGS 7.5' Quadrangle (dated 1953) shows orchards and other agricultural activities on or near the project area.

Prehistoric or historic resources within the immediate vicinity of the project area: There are no formally recorded prehistoric or historic archaeological resources or historic buildings within the immediate vicinity of the project area.

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

Previous investigations within the project area: The project area is within the proposed *North County Corridor Environmental Constraints Analysis: Cultural Resources* general study area, reported upon by Far Western Anthropological Resources Group, Inc. and JRP Historical Consulting, dated 2007.

Recommendations/Comments: Based on existing data in our files and the nature of the proposed rezone (existing buildings unchanged), the project area is considered to have a low sensitivity for the possible discovery of prehistoric or historic archaeological resources and no recommendations are made for further study.

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

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

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

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

Note: Billing will be transmitted separately via email from the Financial Services office (\$225.00), payable within 60 days of receipt of the invoice.

Sincerely,

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

Copy of invoice to Laurie Marroquin, Financial Services (lamarroquin@csustan.edu)

PLN2018-0093 - THE GENEZEN PROJECT

1. All indoor cultivation, distribution and storage areas shall be considered S-1 Occupancies in accordance to the most current adopted California Building Code, California Code of Regulations Title 24.
2. All non-volatile manufacturing, processing, packaging, shall be considered F-1 Occupancies in accordance to the most current adopted California Building Code, California Code of Regulations Title 24.
3. All volatile manufacturing operations shall be considered H-1 Occupancy in accordance to the most current adopted California Building Code, California Code of Regulations Title 24.
4. A Change of Occupancy and Use permit will be required per current and adopted version of the California Existing Building Code, California Code of Regulations Title 24, Part 10.
5. No Change shall be made in the use or occupancy of any building unless such building is made to comply with the requirements of the most current adopted California Building Code, California Code of Regulations Title 24, Volume 1 and 2 of Part 2.
6. Accessibility for existing buildings shall comply with section 410 of the California Existing Building Code, California Code of Regulations Title 24, Part 10.
7. All Walls separating adjacent tenant spaces from a permitted commercial cannabis activity shall be 6 inches in width minimum per site control standards within Ordinance NO. C.S. 1206 and the Stanislaus County Code and have a fire separation as required per Chapter 5 of the most current adopted California Building Code, California Code of Regulations Title 24, Volume 1 of Part 2.
8. Any multi-tenant/use building containing a permitted commercial cannabis activity shall provide a full building analysis, included on the plans, at time of submittal of the Building Permit.
9. Separate toilet facilities shall be provided for each sex.
10. Required toilet facilities for employees and customers shall have a maximum travel distance not to exceed 500 feet.
11. It shall be unlawful for any person, firm or corporation to erect, construct, alter, or occupy any building or portions of any buildings where unpermitted work exists.
12. All unpermitted portions of existing buildings shall comply with the provisions of the code set forth in the most current adopted California Code of Regulations Title 24 or be demolished.
13. All compartmentalized portions of the existing structure relating to unpermitted interior improvements, must be made to comply with all provisions of the code set forth in the most current adopted California Code of Regulations Title 24 or be demolished.
14. All plans submitted shall be reviewed and/or designed by a California Licensed Architect or Engineer.

From: [MARY-KATE COOK](#)
To: [Jeremy Ballard](#)
Subject: RE: Questions about the application
Date: Thursday, January 30, 2020 3:48:01 PM

Good afternoon Jeremy

Currently, based on the information provided via e-mail and the results of the Water System Classification Determination Evaluation conducted by Waleed in 2018, the subject water system does not meet the definition of a public water system. However, it is still Mr. Johnson's responsibility to let us know if information changes or if there is a change in activity, operation, etc... so we may update our information and reevaluate the water system status .

Mary-Kate

Mary-Kate Cook, REHS
Senior Environmental Health Specialist
Stanislaus County Department of Environmental Resources
Tel – 209.525.6713
Mobile – 209.505.7388
E-mail – mkcook@envres.org

From: Jeremy Ballard <BALLARDJ@stancounty.com>
Sent: Thursday, January 30, 2020 1:45 PM
To: MARY-KATE COOK <MKCOOK@envres.org>
Subject: RE: Questions about the application

Just want to confirm the determination remains no PWS is needed, correct? Thanks.

From: MARY-KATE COOK <MKCOOK@envres.org>
Sent: Wednesday, January 29, 2020 4:27 PM
To: Jeremy Ballard <BALLARDJ@stancounty.com>
Subject: RE: Questions about the application

Thank you,

Mary-Kate

Mary-Kate Cook, REHS
Senior Environmental Health Specialist
Stanislaus County Department of Environmental Resources
Tel – 209.525.6713
Mobile – 209.505.7388
E-mail – mkcook@envres.org

Sent
10/24/18

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**



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

FROM: Salida Fire

SUBJECT: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND
DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0093 – THE
GENEZEN PROJECT

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).

See attached

Response prepared by:

Pat Burns

Name

Captain

Title

10/24/18

Date

Scanned
10/29



SALIDA FIRE PROTECTION DISTRICT

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

October 24, 2018

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

RE: PLN2018-0093/ APN 004-094-017 Use Permit, Rezone, and Development Application

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

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



DEPARTMENT OF PUBLIC WORKS

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

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

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

*Letti Ortiz
Senior Business and Finance Manager*

www.stancounty.com/publicworks

DATE: October 10, 2018

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

FROM: Dhyen Gilton, Stormwater Program Manager, Public Works

SUBJECT: Stormwater Conditions of Approval for GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN 2018-0093 – THE GENEZEN PROJECT

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



DEPARTMENT OF PUBLIC WORKS

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

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

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

Letti Ortiz
Senior Business and Finance Manager

www.stancounty.com/publicworks

October 15, 2018

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

From: Angie Halverson, Senior Land Development Coordinator

Subject: PLN2018-0093 Genezen Rezone and General Plan Amendment

This is a request to Rezone a 1.53 acre parcel from a Planned Industrial to a Planned Development. The project includes the use of 18,400 square feet of indoor cannabis cultivation, manufacturing, and distribution in an existing warehouse building. Public Works recommends the following conditions.

ON-SITE:

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

\\PW04\Pwh\Development Services\Development Permits\Use Permit Archive\UP PLN 2018\Canabis Permits\PLN2018-0093 The Genezen
Project GPA, Rez, & UP.Docx

STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

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

FROM: Caltrans District 10: Metropolis Planning Branch

SUBJECT: GENERAL PLAN AMENDMENT, REZONE, USE PERMIT, AND
DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0093 – THE
GENEZEN PROJECT

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:

Steven R. Martinez	Associate Transportation Planner	9/26/2018
Name	Title	Date



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

24 September 2018

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

RECEIVED

OCT 3 2018

STANISLAUS CO. PLANNING &
COMMUNITY DEVELOPMENT DEPT.

CERTIFIED MAIL
7014 3490 0001 3008 4071

COMMENTS TO REQUEST FOR REVIEW FOR THE EARLY CONSULTATION, REZONE, USE PERMIT, AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0093 – THE GENEZEN PROJECT, STANISLAUS COUNTY

Pursuant to the Stanislaus County Department of Planning and Community Development's 14 September 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Early Consultation* for the Rezone, Use Permit, and Development Agreement Application No. PLN2018-0093 – The Genezen Project, located in Stanislaus County.

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

I. Regulatory Setting

Basin Plan

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

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan

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

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

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

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

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

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

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

requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

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

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure

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

that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

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

Clean Water Act Section 401 Permit – Water Quality Certification

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

Waste Discharge Requirements – Discharges to Waters of the State

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

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

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)

R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

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

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

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

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

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

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Senior Environmental Scientist



CHIEF EXECUTIVE OFFICE

Jody L. Hayes
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Patrice M. Dietrich
Assistant Executive Officer

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

October 12, 2018

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

**SUBJECT: ENVIRONMENTAL REFERRAL – THE GENEZEN PROJECT – GENERAL
PLAN AMENDMENT, REZONE, USE PERMIT, AND DEVELOPMENT
AGREEMENT APPLICATION NO. PLN2018-0093 – EARLY CONSULTATION**

Ms. Doud:

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

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and provides the following comments:

For the ERC to properly evaluate the project, please provide clarification on how wastewater is being collected and where wastewater will be disposed.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah, Sr. Management Consultant
Environmental Review Committee

PC:ss

cc: ERC Members



**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development

FROM: Department of Environmental Resources

SUBJECT: **ENVIROMENTAL REFERRAL- USE PERMIT APPLICATION NO.
PLN2018-0093 – GENEZEN**

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

- ☒ Will not have a significant effect on the environment. See comment below
☐ May have a significant effect on the environment.
☐ No Comments.

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

- 1.
- 2.
- 3.

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.

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

Water:

This project will result in the formation of a new public water system as defined in California Health and Safety Code (CHSC), Section 116275 (h). Prior to receiving occupancy of any building permit, the property owner must obtain concurrence from the State of California Water Resources Control Board (SWRCB), Drinking Water Division, in accordance to CHSC, Section 116527

(SB1263) and submit an application for water supply permit with the associated technical report to Stanislaus County Department of Environmental Resources.

Onsite Wastewater:

Based upon information cited in PLN2018-0099, the existing onsite wastewater treatment system/septic system (OWTS) does not meets Measure X requirements as defined in Stanislaus County Ordinance Section 16.010.040. Prior to receiving occupancy of any building permit, the property owner's responsibility to notify DER if the OWTS ever meets the definitions of Measure X.

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

Response prepared by

Date: October 11, 2018

Bella Badal

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



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

October 9, 2018

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

Re: CEQA Early Consultation Referral Response, Use Permit and Development Agreement Application
No. PLN2018-0093 – The Genezen Project – 485 Bitritto Way

Dear Ms. Doud:

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

CalCannabis Authority and CEQA Responsibilities

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

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

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



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

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

Background

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

Comments and Recommendations

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

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

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

Aesthetics

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

Land Use and Planning

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

Mineral Resources

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

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

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

Noise

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

Generation of excessive groundborne vibration or groundborne noise levels.

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

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

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

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

Odor (Air Quality)

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

Recreation

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

Public Services and Utilities

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

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

Potential to be served by a landfill with insufficient capacity.

Traffic and Transportation

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

Increase hazards due to a design feature or incompatible uses.

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

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

Conclusion

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

Sincerely,



Lindsay Rains
Licensing Program Manager



October 4, 2018

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

**RE: *Rezone, Use Permit, and Development Agreement Applic. No. PLN2018-0093 –
The Genezen Project
APN: 004-094-017 (485 Bitritto Way)***

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

Irrigation

- No comments at this time.

Domestic Water

- No comments at this time.

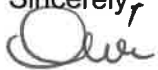
Electrical

- The attached drawing shows the approximate location of the District's existing electrical facilities within or adjacent to the project area.
- High voltage is present within and adjacent to the project area. This includes 12,000 volts underground primary and underground secondary facilities. Use extreme caution when operating heavy equipment, using a crane, ladders, scaffolding, hand held tools or any other type of equipment near the existing MID electric lines and cables. Assume all overhead and underground electric facilities are energized at all times.
- The contractor shall verify the actual depth and location of all underground utilities prior to the start of construction. Notify "Underground Service Alert" (USA) (Toll Free 800-227-2600). USA will notify each utility to mark the location of their existing underground facilities in the project area.

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

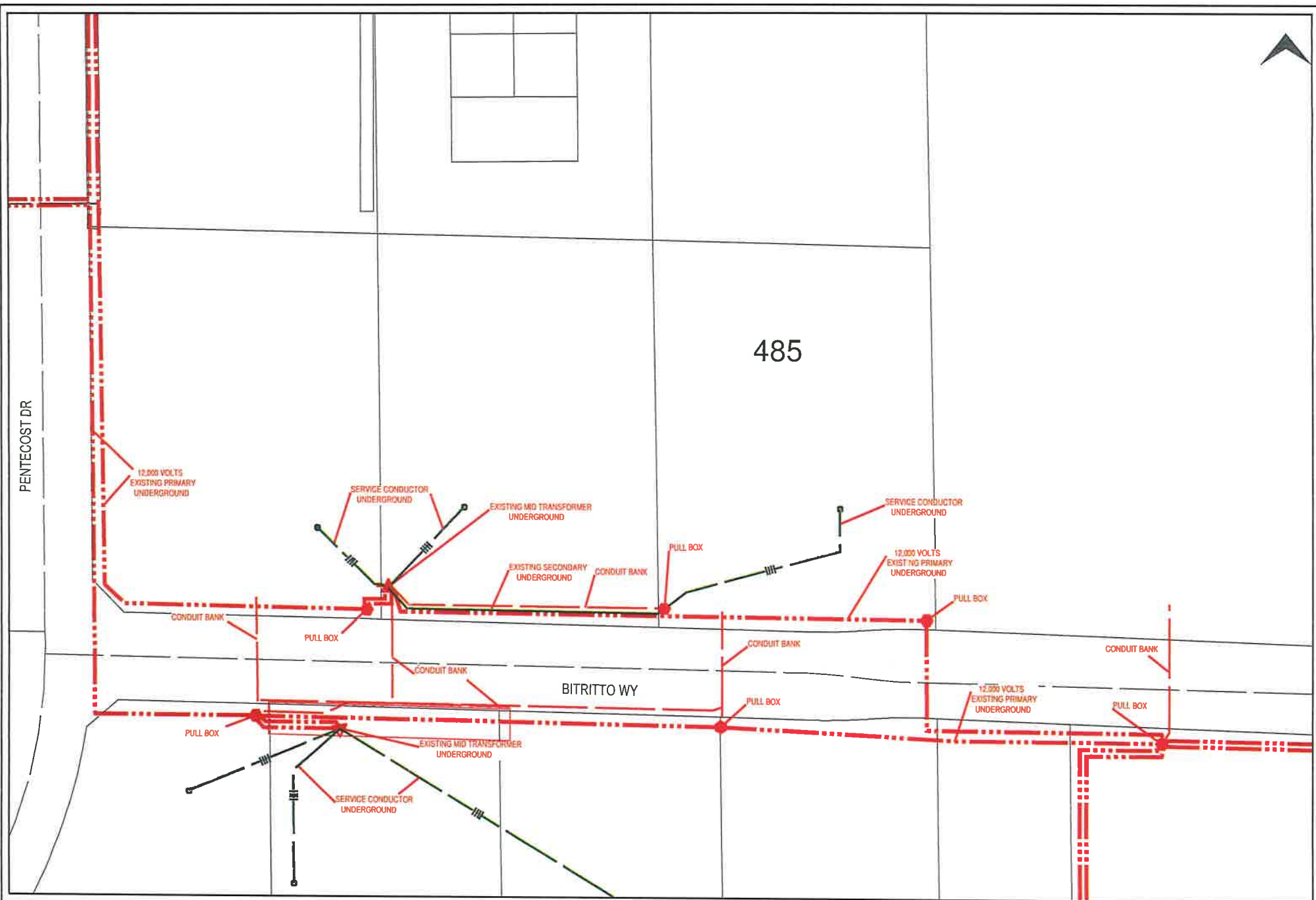
The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication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

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

Sincerely,


Lien Campbell
Risk & Property Analyst

Copy: File



NO.	REVISION	DATE



485 Bitritto Way

DATE: 09/21/2018	DWG BY: victor0618
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1