

STAFF REPORT

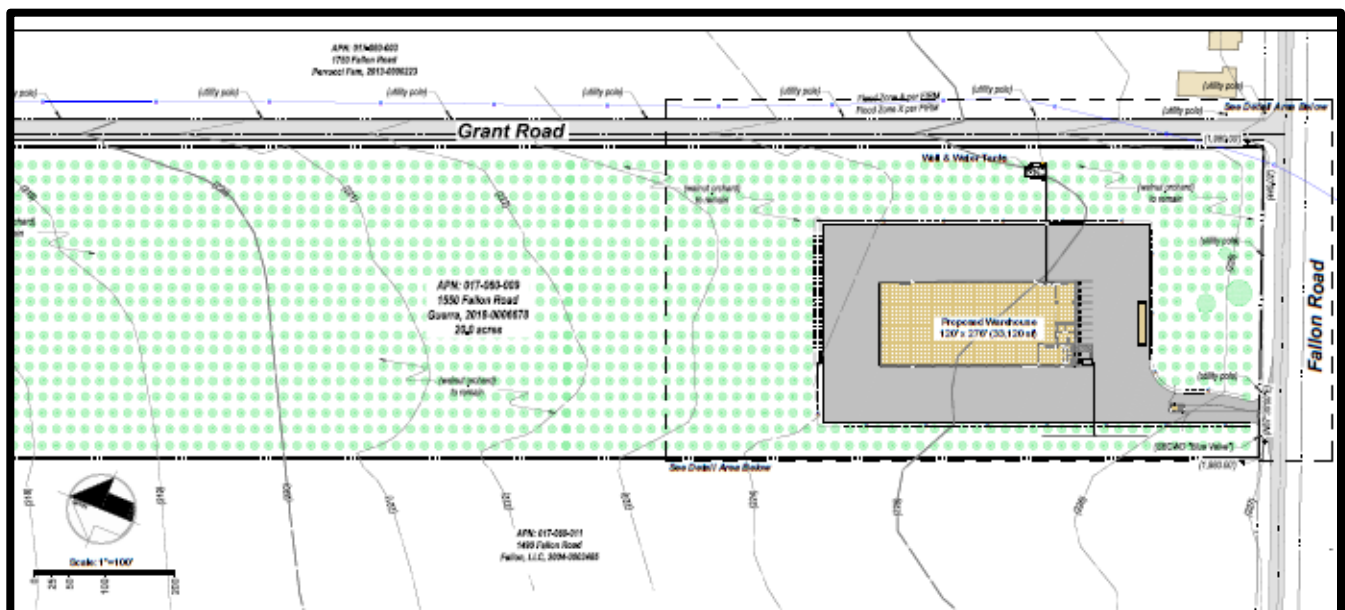
PROJECT INFORMATION

Application: PLN210005 (Use Permit)
Public Hearing: November 17, 2021
Applicant: Frank Guerra, Guerra Nut Shelling Co.
Owners: Lorraine Guerra, Lorraine and Louis Guerra Trust, Albert Frank Guerra, Gary Anthony Guerra, Frank Vincent Guerra, Donna G. Howe Trust, Bruce H. and Donna G. Howe Living Trust, Anthony Andrade Trust, Gina M. Ryssemus, Mark J. Guerra, Curtis R. Miller Family Trust, Francine Ann Reich, Albert F. Guerra, Gary A. Guerra, Frank V. Guerra, Jeffrey A. Guerra
Location: 1550 Fallon Road, 2/3-mile west-southwest of Fairview Road–Fallon Road intersection
APN: 017-060-009
Zoning: Agricultural Productive (AP)
General Plan: Agriculture (A)
Planner: Michael Kelly, Associate Planner

PROJECT DESCRIPTION

The applicant proposes to construct and operate for storage of harvested walnuts from owner's walnut orchard. A portion of the walnut orchard currently present on the land would be removed for the building plus its parking areas and paved entry, which together would cover 3.15 acres of the 20-acre walnut orchard property. The warehouse would be part of the owner's existing walnut processing business, which operates primarily in its main facility located inside Hollister city limits. The great majority of the building would consist of goods storage, while 2,250 square feet would contain an office area, including reception, an employee break room, and bathrooms. Additional storage would be found on a second level above and near the offices and would contain 3,000 square feet of storage. Vehicular traffic arriving at the site would meet a 200-square-foot gatehouse. Grading would take place with 250 cubic yards of cut material and 250 cubic yards of fill to form the building site, entrance and surrounding driveway, and drainage swale.

The applicant describes October as walnut harvest season, the warehouse's busiest time of the year. At this time 10 employees would be on-site with five trucks arriving each operating day. The business would operate 12 hours per day, from 5 a.m. to 5 p.m., on each day of the week in that month. From November through May,



one or two trucks would arrive daily. In the remaining months from June through September, minimal activity involving weekly site maintenance and preparing for the following harvest would take place. The applicant specifically acknowledges that the business's walnut processing such as shelling would not take place here, with the current proposal limited to storage.

SITE DESCRIPTION

The 20-acre project site, mapped as Prime Farmland, has been used for orchard for many decades, with this proposal the site's first building. Properties in the area are all agricultural, including row crops and trees. Among these lands, additional properties northward along Grant Road also grow walnuts. Two residences are located immediately across Grant Road at its intersection with Fallon Road. The site is not mapped as having biological or archaeological sensitivity and contains no Grade-1 soil.

Minimum Building Site Allowed: Five acres under AP zoning.

Sewage Disposal: Septic system.

Water: On-site well.

State Farmland Map Designation: Prime Farmland.

Land Conservation Act (Williamson Act): Not a preserve.

Soils: Clear Lake clay (Grade 3) except Pacheco clay loam over clay (Grade 3) along south half of Grant Road frontage.

Seismic: Not within an Alquist-Priolo Earthquake Fault Zone.

FEMA Flood Zone: Zone X (outside the 100-year floodplain) except for a portion of Zone A (within 100-year floodplain) at far southeast outside development footprint according to FEMA Flood Insurance Rate Maps 06069C0070D and 06069C0090D, effective April 16, 2009.

Fire Severity: Non-Wildland/Non-Urban (local responsibility area).

Archaeological sensitivity: Not archaeologically sensitive.

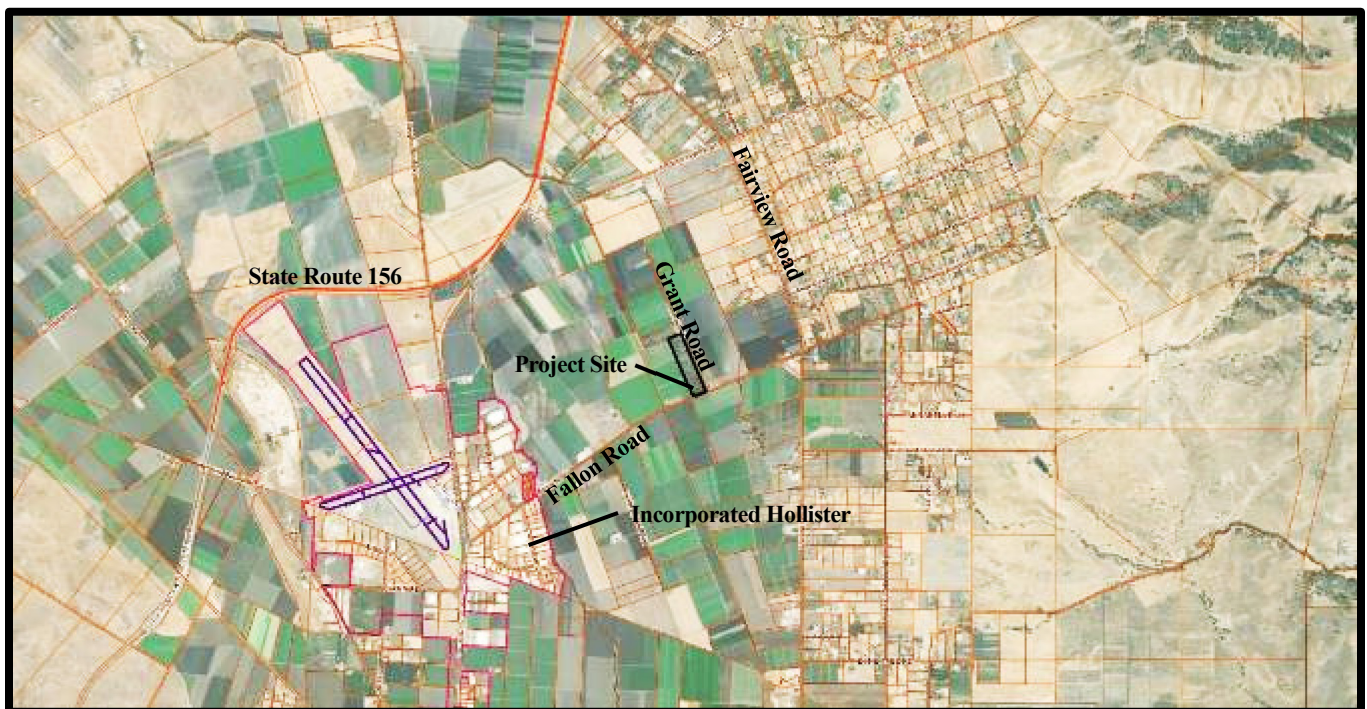
PLANNING AND ZONING

The site is under the Agriculture (A) land use designation in the San Benito County 2035 General Plan. This designation intends "to maintain the productivity of agricultural land, especially prime farmland, ... including crop land, vineyards, and grazing lands" while also allowing "agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot." One dwelling per five acres is allowed. The plan includes a policy to "encourage services such as trucking, warehousing, and distribution centers in appropriate locations, to provide support for the economic viability of commercial agriculture."

This property is also currently subject to the Agricultural Productive (AP) zone, a designation very similar to the General Plan designation of the same name in terms of land use and intensity of use. The AP zone allows agriculture in general, with County Code §25.07.022 allowing a conditional use permit for several additional uses supportive to agriculture. The proposed storage is consistent with these uses.



The subject property contains an orchard and sits among row crops and more orchard land. Grant Road runs along the property's east edge. The warehouse would be constructed close to the south end, along Fallon Road.



The site is about 3½ miles north-northeast of Downtown Hollister (out of frame southward) and 1¼ miles east of the Hollister Municipal Airport.

ENVIRONMENTAL EVALUATION

The attached draft Planning Commission resolution contains findings including one specific to the California Environmental Quality Act (CEQA). This finding refers to State CEQA Guidelines §15061(b)(3) to state that the project can be seen with certainty that no significant environmental impact would occur and that the project

is exempt from CEQA review. Although environmental effects could occur, any impact would be limited to a level less than significant provided conditions of project approval, including standard practices and regulations. The finding in the resolution expresses this in more detail and notes the low degree of environmental sensitivity existing on this site compared with other locations in the area.

STAFF ANALYSIS

The AP zoning text¹ includes conditional uses that allow businesses supportive to agriculture. These include truck parking specific to agriculture, retail sale of agricultural products, and agricultural processing such as packaging of harvested product. Agricultural warehousing is not found in the text but, being an activity closely related to the aforementioned businesses, may be considered a “[use] similar to the above as determined by the Planning Commission” under §25.07.005(HH).² General Plan Policy LU-3.6 supports this by encouraging appropriately located warehousing in service of agriculture and its economic viability.

As described in findings of the attached resolution, the present proposal can be found consistent with the General Plan:

- The General Plan Land Use Element designation for the site is Agriculture (A). The project proposes an activity supportive to agriculture. This is consistent with the A district’s intent “to maintain the productivity of agricultural land ... [and] is applied to agriculturally productive lands of various types, including crop land, vineyards, and grazing lands. This designation allows agricultural support uses, such as processing, wineries, and other necessary public utility and safety facilities and one principal residential dwelling unit per lot. ... These areas typically have transportation access, but little to no public infrastructure.”
- The General Plan land use designation of Agricultural (A) allows agricultural support uses including processing and wineries and, by extension, a warehouse to hold harvested crop.
- General Plan Policy LU-1.10 (Development Site Suitability). The subject property mostly lacks the hazards that the policy instructs projects to avoid.
- Policy LU-3.1 (Agricultural Diversification). The policy instructs that the County “support existing farms, vineyards, and other agricultural operations.”
- Policy LU-3.2 (Agricultural Integrity and Flexibility). The County is expected to “provide for flexibility and economic viability of farming and ranching operations.”
- Policy LU-3.6 (Agricultural Support Services). The policy “encourage[s] services such as trucking, warehousing, and distribution centers in appropriate locations, to provide support for the economic viability of commercial agriculture.” The project site lies along Fallon Road, mapped as a collector facility in the General Plan Circulation Element, and adjacent to a portion of the orchard from which crop would be stored in the warehouse.
- Policy ED-1.2 (Jobs/Housing Balance). The use would potentially create jobs in support of agriculture.
- Implementation Program ED-H (New and Existing Business Support). The permit would reflect the program’s direction to develop “incentives to attract new investment and support existing local businesses, particularly small locally-owned businesses.”
- Policy C-1.5 (Mitigating Transportation Impacts). The construction would require payment of impact fees upon building permit issuance in addition to driveway turning-radius improvements as proposed in submitted plans.
- Policy C-1.9 (Dedicate Rights-of-Way). In accommodation of the new, increased use on the site, a condition of approval requires the project to dedicate right-of-way according to planned dimensions of the collector Fallon Road and the local roadway Grant Road, in addition to improvements for proper interface between Fallon Road and the driveway.
- Policy NCR-1.1 (Maintenance of Open Space). Although the project would convert 16 percent of the property’s Prime Farmland from direct agricultural use, the construction would serve as a feature of overall agricultural open-space use, including that found on the remaining 84 percent. The site contains no Grade-1 soil. The site is not closely located among known features cited by Policy NCR-1.1 for

¹ County Code §25.07.022, which incorporates by reference the detailed conditional-uses lists found in §25.07.005 and §25.29.106.

² Section 25.07.005(HH) is found in Agricultural Rangeland (AR) zoning text but is incorporated by reference into AP zoning.

maintenance such as recreation, tribal resources, wildlife habitat, water-management elements, or recognized scenic resources. The development footprint lies outside of the area's 100-year flood zone found on the opposite side of Grant Road and on this property's far southeast corner, away from construction.

- Policy NCR-4.5 (Groundwater Recharge) and Policy NCR-4.7 (Best Management Practices). As a currently typical expectation of the proposed building and impermeable surfaces, the construction would direct stormwater to a swale that would approximate the recharge and off-site flow that would naturally occur.
- Policy NCR-7.12 (Archaeological Artifacts). While the project site is understood to have low sensitivity for cultural resources, compliance with standard procedures included in conditions of project approval would address potential for disturbance of any such resources.
- Policy NCR-9.1 (Light Pollution Reduction). A condition of approval requires compliance with exterior lighting limits under the Zone II regulations of County Code Chapter 19.31.
- Goal HS-5 (regarding air quality improvement). Conditions of approval include a dust-control measure to prevent particulate-matter pollution during construction. New truck traffic could create emissions to a minor extent limited under the proposed schedule of a peak five trucks per day in October followed by seven months of two daily trucks and the remaining four months idle.
- Goal HS-8 (regarding noise limitation). A condition of approval limits construction noise levels and the hours in which the construction may emit the noise, in addition to limiting operational truck noise.

The attached resolution recommended for adoption contains conditions of approval to address the introduction of this construction and operation into the proposed setting. The conditions would control environmental impact and maintain County oversight of the use permit.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the staff report, hold a public hearing, and hear any proponents and opponents of the proposed project. Staff further recommends that the Planning Commission consider Resolution 2021-____ and adopt said resolution, subject to the findings and conditions of approval included therein, in order to approve the conditional use permit under County Planning file PLN210005.

ATTACHMENT

- A. Planning Commission Resolution 2021-____ (draft), including
- Exhibit A, Conditions of Approval
 - Exhibit B, Site Illustrations