Subject: Conditional Use Permit for the Bear River Walnut Huller and Dryer Building located 2071 Spenceville Road in the City of Wheatland.

Prepared by: Tim Raney, Community Development Director

Recommendation

Staff recommends that the Planning Commission approve the Conditional Use Permit for the Bear River Walnut Huller and Dryer located at 2071 Spenceville Road.

Discussion

On December 7, 2015, City staff received a completed project application for the Bear River Walnut Huller and Dryer from the applicant (North Valley Building Systems, Bret Wood), which consists of a Universal Planning Application Form (see Attachment 1), an Environmental Assessment Form (see Attachment 2), and preliminary project plans (See Attachment 3). The applicant is requesting a Conditional Use Permit to locate an 18,480 square foot pre-engineered metal building to house a new walnut huller and dryer for the private use of Bear River Walnut Ranch located at 2071 Spenceville Road, identified as Yuba County Assessor Parcel Number (APN) 015-360-052, in the City of Wheatland.

The proposed structure consists of a pre-engineered steel building with the enclosed portion housing the steel drying bins and the roof only portion protecting the huller equipment.

The proposed hulling and drying facility would be in operation during the months of September through November for walnut harvest only. Walnuts harvested on-site would enter the green line huller where the walnut hull is removed. Once the hull is removed the walnuts are then conveyed into the dryer building where they are dried with fans and burners. After the walnuts
have been dried, they are then loaded in a truck and taken off-site. The dried walnuts would leave the site in-shell and in bulk. Packaging and retail sales are not proposed on-site.

The proposed project includes the construction of a restroom and associated leach field. In addition, the proposed project would connect to the existing on-site water well and the existing gas line within the Spenceville Road right-of-way.

**CEQA Review**

The Conditional Use Permit is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15311, *Accessory Structures.*

It should be noted a Wetland Evaluation and Cultural Resources Investigation were prepared to ensure the project would not impact the environment in order to support the exemption.

**Wetland Evaluation**

A Wetland Evaluation was prepared for the proposed project (available at the City for review) and consisted of the following:

- Review of 2009 wetland evaluation of the area;
- Review Google Earth aerial photography of the site from 1993 to 2015;
- Field review of the site on February 29, 2016; and
- Review of North Valley Building Systems' Site Plans (Sheets S2 and S3) dated April 13, 2016.

The field survey confirmed the existence of a seasonal wetland swale east and north of the proposed huller facility. A stake was driven along the western edge of the swale closest to the proposed development to establish a minimum 50-foot buffer between the swale and the development footprint.

The proposed project includes a gas line which would extend from the huller facility northward to the existing gas line within the Spenceville Road right-of-way. The proposed gas line would cross a potential extension of the existing on-site seasonal wetland swale. According to the Wetland Evaluation, if the proposed gas line is bored under the swale, any impacts to the swale would be avoided.

In addition, the Wetland Evaluation recommends the use of orange construction fencing as well as a silt fence placed along the 50-foot buffer between the swale and construction area in order to prevent impacts to the wetland swale during construction. The use of construction fencing as well as a silt fence would prevent inadvertent encroachment by heavy equipment and prevent sediment from entering the buffer area and wetland swale.

According to the Wetland Evaluation, the proposed project would not affect the seasonal wetland swale with the establishment of a 50-foot buffer, the boring of the gas line, and inclusion of construction safeguards.
Cultural Resources Investigation

Tremaine & Associates completed a cultural resources study (available at the City for review) on behalf of the Bear River Walnut Ranch, LLC, regarding a proposed huller and dryer facility project, situated on the outskirts of Wheatland, along Spenceville Road in Yuba County. A pedestrian survey was conducted on April 4, 2016. One historical resource, a concrete pad associated with a 1960s hop splitter building was identified. The hop splitter building was determined to be an exempt historical resource type having few if any associated artifacts or ecofacts and no potential for subsurface archaeological deposits. In addition, prehistoric resources were not found on-site. Given the Pliocene age of the surficial geology and lack of indication of buried paleosols observed in a backhoe trench excavated to reveal the subsurface, the likelihood for encountering buried resources during construction is considered low.

However, in the event that unknown human remains or associated funerary objects are encountered during construction, all work shall cease within the vicinity of the discovery. In accordance with CEQA Section 1064.5 and the California Health and Safety Code Section 7050.5, the Yuba County Coroner shall be contacted immediately. If the human remains are determined to be Native American, the Coroner shall notify the NAHC, who would notify and appoint a Most Likely Descendent (MLD). The MLD would work with a qualified archaeologist to decide the proper treatment of the human remains and any associated funerary objects.

Alternatives

The Planning Commission could choose not to approve the Conditional Use Permit to construct an 18,480-square-foot, pre-engineered metal building to house a new walnut huller and dryer for the private use of Bear River Walnut Ranch located at 2071 Spenceville Road. The Planning Commission could also continue the public hearing to a future meeting date and require revisions to the proposed site plan.

Conclusion

Based on the information contained in the staff report, staff recommends that the Planning Commission take the following actions:

- Approve the Conditional Use Permit subject to the conditions and based upon the findings of fact below.

Conditions of Approval

1. Any deviation from the Walnut Huller Building for Gilbert Orchards project plans, dated June 9, 2015, shall be subject to City staff review and approval.
2. The Bear River hulling operation shall be reserved for private use and the processing of on-site walnuts only.
3. Noise generated from the proposed use shall not exceed the noise level standards at the nearest sensitive receptors as described in Table 9-1 in the City of Wheatland General Plan.
4. If any on-site lighting is proposed, a photometric plan shall be prepared and submitted to City staff for review and approval.
5. The proposed gas line, which extends from the huller facility northwards to Spenceville Road shall be bored under the potential extension of the seasonal wetland swale as shown in Exhibit S-2.
6. During construction activities, orange construction fencing as well as a silt fence shall be placed along the 50-foot buffer between the swale and construction area.

7. In the event that human remains or associated funerary objects are encountered during construction, all work shall cease within the vicinity of the discovery. In accordance with CEQA Section 1064.5 and the California Health and Safety Code Section 7050.5, the Yuba County Coroner shall be contacted immediately. If the human remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC), who shall notify and appoint a Most Likely Descendent (MLD). The MLD shall work with a qualified archaeologist to decide the proper treatment of the human remains and any associated funerary objects.

**Findings of Fact**

The Planning Commission may grant an application for a Conditional Use Permit as the use permit was applied for or in modified form if, on the basis of the application and the evidence submitted, the Commission make the following findings:

1. The proposed location of the conditional use is in consistent with the adopted Hop Farm Stage One Development Plan (June 2012) and the Tier One Development Agreement by and between the City of Wheatland and Bear River Walnut Ranch, LLC. in which the site is located.

2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties of improvements in the vicinity.

3. The proposed Walnut Huller and Dryer Building would be compatible in design and use with the surrounding area.

**Attachments**

1. Universal Planning Application
2. Environmental Assessment Form
3. Proposed Project Plans (dated June 9, 2016)
CITY OF WHEATLAND

UNIVERSAL PLANNING APPLICATION FORM

DATE: 10/29/15

APPLICANT NAME: North Valley Building Systems (Bret Wood)

MAILING ADDRESS: North Valley Building Systems #30 Seville Ct Chico, Ca 95928

TELEPHONE: 530-228-4565 (HOME) 530-345-7296 (BUSINESS)

PROJECT NAME: Bear River Walnut Huller and Dryer

PROJECT ADDRESS: 2071 Spenceville Rd. Wheatland, Ca 95692

ASSESSOR'S PARCEL #: 015-360-052-000

EXISTING ZONING/GENERAL PLAN CATEGORIES: AE-40

PROPOSED ZONING/GENERAL PLAN CATEGORIES (if applicable):

APPLICATION TYPE (CHECK)

_____ VARIANCE

_____ CONDITIONAL USE PERMIT

_____ GENERAL PLAN AMENDMENT (Includes specific plan amendments)

_____ ZONING AMENDMENT

_____ APPEAL

DESCRIPTION OF APPLICATION/PROJECT:

We are proposing an 18,480 square foot pre-engineered metal building to house a new walnut huller and dryer. The Walnut huller and dryer would only be used 2-3 months out of the year and it would be for Bear Rivers own use.

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

__________________________________________

DATE: 10/29/15

FOR CITY USE ONLY:

RECEIPT NO: ____________________________ FEE: ____________________________

DATE FILED: ____________________________ DEPOSIT: ____________________________

DATE OF COMPLETE APPLICATION: ____________________________

DATE OF ACTION: ____________________________
Environmental Assessment Form

This form is intended to assist the City in complying with the California Environmental Quality Act (CEQA). Except for relatively minor projects, which are categorically exempt from the requirements of CEQA, all proposed projects must be analyzed to determine the degree to which the project will affect the environment.

Projects, which are not categorically exempt, are subject to analysis by City staff through the Initial Study process. Information furnished by the applicant in this Environmental Assessment Form is used by staff in completing the Initial Study. On the basis of the Initial Study, a determination is made as to whether one of the following applies: 1) The project will have no effect on the environment or has effects which can be eliminated or at least reduced to an insignificant level, in which case a negative declaration is filed, or 2) A proposed project has potential effects which are significant or which require more detailed analysis, in which case an environmental impact report is required.

(Refer to California Environmental Quality Act and the CEQA Guidelines for additional information relative to the environmental review process.)

This form is to be completed by the applicant or the applicant's representative. In completing this form, applicants are urged to be as accurate and thorough as possible in order to facilitate the environmental review process. Where a question does not apply, indicate “N/A”. Attach additional sheets of paper, if necessary.

DATE: 11/18/15

APPLICANT NAME: North Valley Building Systems (Bret Woody)

MAILING ADDRESS:
North Valley Building Systems

#30 Seville Ct. Chico, Ca 95928

TELEPHONE: 530-228-4565 (HOME) 530-345-7296 (BUSINESS)

PROJECT NAME (IF APPLICABLE) Bear River Walnut Ranch

PROJECT ADDRESS: 2071 Spenceville Rd. Wheatland, Ca 95652

ASSESSOR’S PARCEL # 015-360-052-000

EXISTING ZONING/GENERAL PLAN CATEGORIES AE-40 /

PROPOSED ZONING/GENERAL PLAN CATEGORIES (if applicable) /
GENERAL INFORMATION

1. Project description. We are proposing a 18,480 square foot pre-engineered metal building to house a new walnut huller and dryer for the private use of Bear River Walnut Ranch.

2. Current use of land. Existing walnut orchards and winter wheat crops

3. If residential, how many dwelling units/parcels are proposed? NA

4. If non-residential, what is total square footage of floor space? What is total ground coverage by buildings? 18,480 square ft. less than .3% of coverage

5. What is the total square footage of proposed impervious surfaces, including buildings and pavement? 24,880 square ft building and concrete paving

6. Is the site subject to the Williamson Act or any open space agreement or conservation easement? No If so, when do development limitations end?

GEOLOGY/SOILS

7. Do site soils exhibit any evidence of settlement or expansiveness? No

8. Will the project involve removal of any natural resources, including rock, gravel, top soil, or other minerals? No If so describe.

9. If excavation and/or filling is proposed, what is the approximate volume of materials? 10,000 Cubic yards

DRAINAGE/HYDROLOGY

10. Is the site located within a flood plain? No

11. What is the distance to the nearest river, stream, or other year round watercourse? 1 mile north of the Bear River

12. Will the project result in the off-site transport of any chemicals, silt, or other materials due to spillage or rinsing by rain or other means? No If so, describe.

13. Does the site contain any wetlands, including marshes, seasonal wetlands, or vernal pools? No If so, describe.

VEGETATION/WILDLIFE

14. What is the predominant vegetation on the site? Currently crops (Dry land winter wheat)

15. How many trees with trunk diameter of 6 inches or larger grow on the site? Several (Walnut Orchard) How many trees will be removed by this project? None
FIRE PROTECTION

16. What is the nearest emergency source of water for fire protection purposes? (hydrant, pond, etc.) 1350'

17. Is the site adjacent to cropland or open fields which could be subject to wildfire? No, adjoining parcels are constant crop production

18. Will the project create any dead-end streets of 500 feet in length or greater? No

19. How many points of access to public streets will the project have? 1 (Existing)

20. Will the site clearing activities involve burning of brush, trees, or building materials? No If so, describe

HUMAN HEALTH

21. What is the distance to Highway 65 and the railroad tracks? 4,135 feet west to railroad tracks 4,600 feet west to hwy 65

22. What type, level, and frequency of occurrence of noise will be generated by this project? see attached

23. Will the project produce noticeable quantities of smoke, dust, or odor? No If so, explain.

24. Will any hazardous materials be kept or used on the site? No If so, describe.

25. Could the project create or aggravate vector problems, such as rodents, flies, or mosquitoes? Yes If so, explain see attached

26. Is the site adjacent to crops which are sprayed with pesticides or other chemicals? Yes

27. Will the project produce exterior illumination/glare, vibration, odor, electrical disturbance? No

WATER QUALITY/SUPPLY

28. What is the proposed source of water for consumption, manufacturing, and irrigation? Private well already existing

29. What is the estimated water demand on a daily basis? see attached

30. Describe any off-site water system improvements proposed as part of the project. None required.
SEWAGE DISPOSAL

31. What is the proposed method of sewage disposal? On-site septic from employee restrooms

32. What is the estimated sewage flow on a daily basis? 30 gallons per day (When Huller and Dryer is in use 50-60 days of the year)

33. Describe any off-site sewage system improvements proposed as part of the project. None

ARCHAEOLOGY/HISTORY

34. Describe any known cultural resources on the site, including pioneer or Indian artifacts and remains. None have been discovered in the 50 years the site has been in agricultural use

TRAFFIC/CIRCULATION

35. Provide an estimate of anticipated daily traffic volume associated with the project. There will be no additional daily traffic, employees already work on site for existing orchards

36. Describe the nature and frequency of delivery truck traffic which may be associated with the project? See attached

37. Describe any off-site improvements proposed as part of this project. None

Information provided by: Bret Wood

Date: 11/18/15
Questions per attached EAF;

22. What type, level and frequency of occurrence of noise will be generated by this project?

This huller and dryer will only be operated during the months of August - October. During harvest time there will be low levels of machinery operation from 7 am - 5 pm. The noise levels will not exceed the current levels that are being produced by that of the existing farming operation now. With the proposed location of the building on the parcel no neighboring parcels will be affected by noise.

25. Could the project create or aggravate vector problems, such as rodents, flies or mosquitoes?

Yes, flies can be a potential problem associated with walnut hullers. Measures are taken to limit them through the 60-day harvest season with pesticides. With the location of the huller on the parcel no neighboring parcels will be affected.

29. What is the estimated water demand on a daily basis?

The walnut huller line uses water to wash the walnuts prior to drying them. The amount of water used by the huller line is dictated by the condition of the walnuts when they are picked up from the field. If the walnuts are fairly clean, less water is used. The huller runs 50-60 days each year, with the possibility of using 10,000 gallons per day max without recirculating the water. The water is collected at the end of the huller line where the organic debris (walnut hulls, sticks, grass, rocks, etc.) is separated and hauled back out and spread on the ground in the existing walnut orchard. If the remaining water in the concrete sump is clean enough (minimal suspended solids) it is then pumped back up to the huller to be reused, if not it is pumped to the existing leach pond. When the water is clean enough to be recycled, it reduces water usage by 2/3.

36. Describe the nature and frequency of delivery truck traffic which may be associated with this project?

During harvest season when surrounding orchards reach full production it is possible to have 5-7 truckloads of walnuts leaving the site per day (August - October). The current walnut crop from this parcel is picked up and hauled to an off-site huller/dryer facility now. By locating our own huller/dryer on-site, we are helping to reduce truck traffic.
CASH RECEIPT

Date: 12/1/2015

Received From:
North Valley Building Systems
Dollars: $3,115.20

For:
Conditional Use Permit 2071 Spencer Rd.

ACCOUNT

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BALANCE DUE

By: R. Hugge

NORTH VALLEY BUILDING SYSTEMS, INC.
30 SEVILLE COURT
CHICO, CA 95928
(530) 345-7296

PAY TO THE ORDER OF:
CITY OF WHEATLAND
THREE THOUSAND ONE HUNDRED AND FIFTEEN 1/100 DOLLARS

MEMO: RUZIER USE PERMIT

signature

NVBS
TRI COUNTIES BANK
PILLSBURY ROAD OFFICE
CHICO, CA 95923

43992
066582917

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<tr>
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<td>MEASURE 1</td>
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<tr>
<td>MEASURE 2</td>
<td>Water Efficiency</td>
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<td>Material and Design</td>
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<td>MEASURE 5</td>
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<td>Solar panels, energy management system</td>
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**2013 California Green Building Standards Code - Nonresidential Mandatory Measures**
**2013 CALIFORNIA GREEN BUILDING STANDARDS CODE - NONRESIDENTIAL MANDATORY MEASURES**

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### Table 2: Compliance Credits

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### Table 3: Compliance Certification

- Certification Authority: California Green Building Standards Council
- Certification Number: C 0012345
- Certification Date: January 1, 2013

### Table 4: Compliance Verification

- Verification Method: Site Visit
- Verification Date: November 30, 2012

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**Note:** The above tables are placeholders and are meant to illustrate the format of the document. Actual content may vary.