

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE October 23, 2007

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Public Hearing to Consider an Appeal of Use Permit Application No. 2002-30 - Salida Hulling Association, a Request for an Almond Hulling & Shelling Facility on Approximately 50.42 Acres, in the A-2-40 (General Agriculture) Zoning District, Located on the Northeast Corner of State Route 132 (Maze Boulevard) and
(Continued on Page 2)

PLANNING COMMISSION ACTIONS AND STAFF RECOMMENDATION:

Based on all evidence on the record, and on the ongoing discussion, staff recommended the Planning Commission certify the Final Environmental Impact Report (EIR) for Salida Hulling Association (SCH#2002102074) and approve Use Permit Application No. 2002-30 - Salida Hulling Association. Following a public hearing on September 6, 2007, the Planning Commission took the following actions:

By a 6-0 vote, the Planning Commission approved certification of the Final EIR based on the following actions Nos.1 -6 outlined on pages 12 and 13 of the Planning Commission Staff Report:

(Continued on Page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-842

On motion of Supervisor Grover, Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: Grover, DeMartini, and Chairman O'Brien

Noes: Supervisors: Monteith

Excused or Absent: Supervisors: None

Abstaining: Supervisor: Mayfield

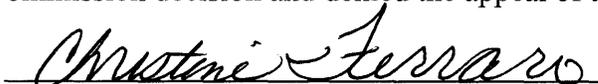
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: Conducted the public hearing; based upon the staff report, presentations by staff including PowerPoint presentations, all comments received during the public hearing including comments made by consultants, all testimony received during the public hearing, and all materials that were supplied to the Board and were taken into consideration in making the decision, the Board upheld the Planning Commission decision and denied the appeal of the Planning Commission's decision and



MOTION CONTINUED ON PAGE 1-a

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Public Hearing to Consider an Appeal of Use Permit Application No. 2002-30 - Salida Hulling Association, a Request for an Almond Hulling and Shelling Facility on Approximately 50.42 Acres, in the A-2-40 (General Agriculture) Zoning District, Located on the Northeast Corner of State Route 132 (Maze Boulevard) and Dakota Avenue Intersection, in the Modesto Area. APN: 007-024-006. This Matter is a Continuance of an Appeal Considered on November 4, 2003, by the Board of Supervisors; However, this Appeal is Based on Different Grounds

Page 1-a

MOTION CONTINUED FROM PAGE 1

approved Use Permit Application #2002-30, Salida Hulling Association, a request for an almond hulling and shelling facility on approximately 50.42 acres in the A-2-40 (General Agriculture) zoning district located on the northeast corner of State Route 132 (Maze Boulevard) and Dakota Avenue intersection, in the Modesto area; the Board finds that sufficient information has been received to support the adoption of the Final EIR; the Board finds that there is substantial evidence to support the conclusion set forth in the EIR and its adequacy; the Board finds that the EIR for this project evaluated several different alternatives, including a no project alternative, alternative site design and a hypothetical offsite alternative and that the alternative analysis meets the requirements of CEQA and that the Board has taken into consideration all of the alternatives and found that the proposed project location at the northeast corner of State Route 132 and Dakota Ave is appropriate; the Board independently reviewed the Final EIR and finds that the EIR in the Board's opinion meets all the requirements of CEQA; the Board finds that the project assists the County in implementing the goals and policies of the General Plan and the Agricultural Element; the Board finds and adopts Staff Recommendations Nos. 1-9 located on pages 2 and 3 of the staff report to the Board as follows: 1) certified that the Final Environmental Impact Report (EIR) (SCH#2002102074) for this project has been prepared and circulated for public review and comment as required by the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq., and the CEQA Guidelines, California Code of Regulations, Title 14, §15000 et seq.; 2) finds the Final EIR responded to the public comments submitted during the review period pursuant to CEQA, the CEQA Guidelines, and the County's Rules and Procedures for the implementation of CEQA; 3) finds the Planning Commission and Board of Supervisors have reviewed and considered the information contained in the Draft and Final EIR for the Salida Hulling Association project and that the EIR reflects the independent judgment of the County; 4) adopted the attached Findings including Statement of Overriding Considerations concerning unmitigated significant impacts; 5) adopted the mitigation monitoring program with which all future development associated with the Salida Hulling Association project shall comply; 6) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; 7) finds that the project is consistent with the overall goals and policies of the Stanislaus County General Plan; 8) finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; (b) the use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district; (c) the use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district; uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; and, (d) the use will not result in the significant removal of adjacent

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Page 1-b

MOTION CONTINUED FROM PAGE 1-a

contracted land from agricultural or open-space use; and, 9) approved Use Permit Application #2002-30 - Salida Hulling Association, subject to the attached Conditions of Approval/Mitigation Measures; in addition the Board adopted the three additional findings proposed by the applicant that were submitted to the Board as follows: (1) the proposed project is consistent with the County General Plan, and is a Tier One use in the A-2-40 Zone; all findings necessary for approval can be made and supported by substantial evidence in the Record (applicant's written presentation, evidence of comparable hullers, Board members' personal observations and experience); the project is of average size in relation to hullers recently constructed in Stanislaus County and other counties in the central valley (Final EIR, information submitted by applicant); the board is aware of several hullers, including Howser's Almond Shelling and Golden West Nuts, which operate in close proximity to adjacent, contiguous residences, without adverse impacts on the health, safety and welfare of residents, the neighborhood or surrounding properties (information submitted by applicant, letter from City of Ripon Code Compliance Officer, Board members' personal observations and experience); other hullers, including Howser's Almond Shelling and Golden West Nuts, do not incorporate the setbacks, large landscaped buffer, berms, fencing and other visual screening which will be required of Salida Hulling (information and photos submitted by applicant, Final EIR, board members' personal observations and experience); the final EIR contains mitigation measures which mitigate all but three minor impacts of the project (Final EIR); the project is a Tier One agricultural use, which promotes vertical integration of agriculture, consistent with the goals and policies of the general plan (Staff Report, Stanislaus County General Plan, testimony of Paul Wenger to Planning Commission); while neighbors and Friends of the Central Valley have expressed environmental concerns, there is no evidence that the proposed use will be detrimental to health, safety, welfare of persons, neighborhood or surrounding properties; the Board notes that this finding is designed primarily to ensure that non-agricultural zone, do not conflict with adjacent agricultural uses; the bulk of the information submitted to the board deals with alleged inconsistencies with adjacent residential land uses; the proposed project is an agricultural processing facility, which will process almonds from the balance of the site, from adjacent SHA member lands, and from other lands owned and/or operated by SHA members; there are several hullers within the immediate area of the huller, including Howser's Almond Shelling (1.8 miles) and Mc Manis Hulling (1.5 miles) which operate without any apparent or reported land use conflicts; therefore, the project is consistent with agricultural uses of other property in the area, and not detrimental to those uses; (2) the proposed project is a compatible use under the Williamson Act. (applicant's written presentation, evidence of comparable hullers, Board members' personal observations and experience); the County has allowed other huller/shellers to be constructed on Williamson Act property in the past (list of hullers submitted by applicant); the evidence presented to the Board demonstrates that virtually all of the surrounding counties consider huller/shellers to be compatible uses under the Williamson Act; these counties do not interpret Government Code §51238.1 or their own ordinances to restrict huller/shellers to those which process products from the same or contiguous properties (summary presented by applicant); the proposed project will process products from the subject parcel (the balance of which will be planted in almonds), as well as products from adjacent orchards (15 accounts within 2 1/2 miles of the facility, 60 accounts within 5 miles of the facility) and orchards further

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Page 1-c

MOTION CONTINUED FROM PAGE 1-b

from the subject property; §51238.1 and the County ordinance should not be interpreted to exclude essential agricultural processing from occurring on contracted parcels (Applicant's testimony, Table 1-7 Final EIR); the application and EIR has been referred to the California Department of Conservation, which has expressed no objection to the proposed use (Staff Report); (3) the EIR prepared for the project satisfies the requirements of the California Environmental Quality Act (Draft and Final EIR, oral and written presentations by County Staff, EIR author, applicant representatives, members of the public, Staff Report and addenda thereto); the essential informational purposes of CEQA have been satisfied; the EIR is complete and accurate, and evaluates environmental impacts at an appropriate level of detail, given the nature and scope of the project; project alternatives were properly evaluated; the failure to study alternatives involving members' lands was not a violation of CEQA for reasons stated in the EIR and the applicant's letter dated 10/20/07; the Responses to Comments demonstrate a good faith effort to deal with the issues raised; many comments by project opponents are re-submittals of comments on previous EIR, without recognizing the changes in the document; the late submittal of detailed criticisms of the Final EIR should have been submitted to the Planning Commission, but in any event, the Board is satisfied with the Responses to Comments, and the explanations provided by the EIR author at the Board hearing of 10/23/07; the proposed traffic signal at Highway 132/Dakota Avenue is a feasible mitigation measure; the EIR traffic consultant, as well as the County's own Public Works Department, has confirmed that the proposed traffic signal at the intersection of Highway 132 and Dakota Avenue is a feasible mitigation measure; these experts have also correctly noted that the timing of the installation of the traffic signal is subject to the review and permitting requirements of Caltrans; Caltrans staff, as noted in the Final EIR, has not objected to the traffic analysis or the signal requirement, and has agreed that the signal warrant analysis should wait until after project approval, as part of the encroachment permit process; the Board finds that this is not "deferred mitigation", as argued by FOCV; the Findings and Statement of Overriding Considerations are supported by substantial evidence in the whole Record, including the Final EIR, public testimony and oral and documentary evidence submitted during hearings before the Planning Commission and the Board of Supervisors; the Board finds that the EIR represents the independent judgment of the Board of Supervisors, and that the preparation of the EIR at the request of the applicant did not violate CEQA for the following reasons: the County's 1989 policy requiring that the County directly retain environmental professionals for the preparation of environmental impact reports pre-dates California case law establishing that project applicants may do so, provided that the Final EIR reflect the independent judgment of the Lead Agency; the County has permitted applicants to directly retain qualified environmental professionals to prepare environmental documents on numerous occasions in the past; County staff exercised a high degree of control over the preparation of the EIR for the Salida Hulling project; InSite Environmental Inc. has prepared a detailed and adequate EIR in this case, and both the Planning Commission and Board of Supervisors have carefully reviewed and exercised their independent judgment with respect to the contents of the Final EIR; and, County Staff had originally recommended a Negative Declaration for the Salida Hulling project; the EIR was subsequently requested by the applicant; the Board **amended** Condition of Approval No. 1 to read 'This use shall be conducted as described in the application and supporting information (including the plot plan, landscape plan, environmental impact

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Page 1-d

MOTION CONTINUED FROM PAGE 1-c

report, technical analysis, and project description) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.’; the Board **amended** the last sentence of Condition of Approval No. 13 to read as follows: ‘These road improvements are mitigation measures that shall be constructed prior to the final and/or occupancy of the almond huller facility except for signalization, which will be constructed upon approval of a Signal Warrant by Caltrans, and the applicant shall deposit the full cost of the signal with the County prior to the occupancy or operation of the project.’; and, the Board **added** Condition of Approval No. 28(b) as follows: ‘The daily import/export activity (as it relates to Table 16-5 in the EIR) shall not exceed 56 trucks, or 112 total trips, and Salida Hulling shall maintain records of total import and export trucks, which shall be available for inspection and verification by County staff during normal business hours’

SUBJECT: (Continued)

Dakota Avenue Intersection, in the Modesto Area. APN: 007-024-006. This Matter Is a Continuance of an Appeal Considered on November 4, 2003, by the Board of Supervisors, However, this Appeal Is Based on Different Grounds.

PLANNING COMMISSION ACTIONS AND STAFF RECOMMENDATION: (Continued)

1. Certify that the Final Environmental Impact Report (EIR) (SCH#2002102074) for this project has been prepared and circulated for public review and comment as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq.;
2. Find the Final EIR responded to the public comments submitted during the review period pursuant to CEQA, the CEQA Guidelines, and the County's Rules and Procedures for the implementation of CEQA;
3. Find the Planning Commission and Board of Supervisors have reviewed and considered the information contained in the Draft and Final EIR for the Salida Hulling Association project and that the EIR reflects the independent judgement of the County;
4. Adopt the attached Findings including Statement of Overriding Considerations concerning unmitigated significant impacts (Exhibit "C");
5. Adopt the mitigation monitoring program with which all future development associated with the Salida Hulling Association project shall comply;
6. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.

By a 4-2 vote (Gammon, Shores), the Planning Commission approved Use Permit Application No. 2002-30 - Salida Hulling Association based on the following actions Nos. 7-9 outlined on page 13 of the Planning Commission Staff Report:

7. Find that the project is consistent with the overall goals and policies of the Stanislaus County General Plan;
8. Find that:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- B. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - C. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - D. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use; and
9. Approve Use Permit Application No. 2002-30 - Salida Hulling Association, subject to the attached Conditions of Approval/Mitigation Measures.

With respect to the appeal being considered, staff recommends the Board of Supervisors uphold the Planning Commission's decision to certify the Final EIR and approve Use Permit Application No. 2002-30 - Salida Hulling Association and deny the appeal.

DISCUSSION:

This item is an appeal of Use Permit Application No. 2002-30 - Salida Hulling Association, a request to construct and operate an almond hulling and shelling facility on a 50.42 acre parcel in the A-2 (General Agriculture) zoning district located on the northeast corner of State Route 132 (Maze Boulevard) and Dakota Avenue intersection, in the Modesto area. This item was originally scheduled to be heard at a public hearing on October 2, 2007, but due to some issues concerning the required public notice the item was rescheduled to October 23, 2007. As outlined in the 'background' section of the attached Planning Commission Staff Report (pages 2-4), this project was originally brought before the Board of Supervisors on November 4, 2003, as an appeal of the Planning Commission's September 18, 2003 approval of the project.

The 2003 appeal was filed by Robert and Monica Ramos who expressed concern that the Planning Commission had not received sufficient information and that the Conditions of Approval did not adequately protect the interests of neighboring property owners or the general public. In a unanimous decision, the Board of Supervisors approved a motion to continue the appeal to an unspecified future date to allow the re-circulation of the California Environmental Quality Act (CEQA) document and for the Planning Commission to consider the re-circulated document, take action on the Use Permit, and report to the Board on its conclusion.

This matter is a continuance of the appeal considered on November 4, 2003, by the Board of Supervisors, however, this appeal is based on different grounds. Since the 2003 continuance, an Environmental Impact Report (EIR) has been prepared for the project. A 45-day public review of the Draft EIR was conducted from March 9, 2006 to June 23, 2006.

Due to information which was omitted from the CD version of the Draft EIR provided during the public review period and given the level of public interest in the project, it was determined that re-circulation of the Draft EIR would be advisable and consistent with the principles of public participation and disclosure codified in CEQA. The 45-day public review of the Recirculated Draft EIR (RDEIR) for the subject project was conducted from February 7, 2007 to March 26, 2007. A Final EIR responding to all the environmental comments received on the RDEIR has been prepared for this project, and certified by the Planning Commission on September 6, 2007.

A complete project description and project objective is provided in the EIR documents and the September 6, 2007 Planning Commission Staff Report. Individual copies of all the EIR documents and the September 6, 2007 Planning Commission Staff Report were made available to the members of the Board of Supervisors on September 24, 2006. The Planning Commission Staff Report provides a detailed discussion of the General Plan, Zoning, and Required Use Permit findings for approval of the project, a discussion of the landscaping and noise berm incorporated into the project design, required Williamson Act findings, and an environmental review discussion. The environmental review discussion provides an outline of the various Final EIR sections, a summary of the revisions outlined in Section 4.0 -Errata of the Final EIR, an overview of the levels of significance for the identified potential impacts after mitigation, and a summary overview of the issues surrounding the conclusions reached in the EIR.

The EIR identified the following as potentially significant impacts which would be mitigated to a level of less than significance based on identified mitigation measures:

- Residential/Agriculture Land Use Conflicts — **Agriculture**
- Construction-Related Emissions — **Air Quality**
- Impacts to Wetlands and Waters of the US — **Biological Resources**
- Impacts on Sensitive Wildlife Species — **Biological Resources**
- Potential Impacts on Prehistoric Cultural Resources — **Cultural Resources**
- Potential Project Effects on Historical Resources — **Cultural Resources**
- Exposure on Proposed Improvements to Soil Constraints — **Geology and Soil**
- Hazardous and Toxic Materials and Sites — **Hazards and Hazardous Materials**
- Project Effects on Surface Water Quality — **Hydrology and Water Quality**
- Noise Impacts of Mobile Equipment Backup Alarms — **Noise**
- Construction Noise Impacts — **Noise**
- Public Impact of Law Enforcement Services — **Public Services**
- Project Impact on Fire Protection Services — **Public Services**
- Traffic Impacts Under “Existing Plus Project” Conditions — **Transportation and Circulation**

- Traffic Impacts Under “Cumulative Plus Project” Conditions — ***Transportation and Circulation***
- Adequacy of Wastewater Disposal Services — ***Utilities***
- Adequacy of Storm Drainage Services — ***Utilities***
- Consistency with Storm Water Quality Regulations — ***Utilities***

A Mitigation and Monitoring Reporting Program (MMRP) has been developed for this project to insure identified mitigation measures are properly implemented over the life of the project. The MMRP is located in Appendix “G” of the Appendices to the Final EIR and was incorporated as Exhibit “D” of the Planning Commission Staff Report. (See Attachment “1”) All mitigation measures identified in the MMRP have been incorporated into the Conditions of Approval for the project.

The EIR concludes light and glare, in terms of aesthetics, will remain a potentially significant impact even with mitigation identified and concludes air quality and noise will remain potentially considerable cumulative impacts with no feasible mitigation measures available or available for implementation by the proposed project.

When taking an action on the project for which an EIR was prepared, the lead agency (in this case, Stanislaus County) may disapprove a project because it has significant environmental effects or require changes in a project to reduce or avoid a significant environmental effect. The Lead Agency may approve a project despite its significant environmental effect, if the proper findings and statements of overriding consideration are adopted. The Lead Agency is not required to select the most environmentally superior alternative. A detailed evaluation of alternatives for the subject project can be found in Chapter 19 - Alternatives of the Proposed Project of the RDEIR and a summary of alternatives is provided in Chapter 2.0 of the RDEIR.

The “no project” alternative would involve the least environmental effects of the alternatives considered in detail. However, with the exception of impacts on “sky glow”, most of the potentially significant environmental effects of the project would be reduced to less than significant with proposed mitigation measures. The EIR does not identify an environmentally superior “build alternative” as no identified alternative to the project would result in avoidance or substantial reduction in the significant effects of the project.

CEQA findings for the project are included as Exhibit “C” of the Planning Commission Staff Report.

Several members of the public spoke both in favor and in opposition to the project at the September 6, 2007 Planning Commission Hearing. The following is a summary of the persons speaking in opposition to the project and the issues raised:

- Marc Chyttilo spoke as a representative of “Friends of the Central Valley” which is described as a nonprofit organization and community-based organization that is concerned about the future of the Central Valley, the effects that planning decisions have on the overall quality of both agricultural as well as residential and environmental features in our community. Mr. Chyttilo stated concerns regarding traffic and routing of traffic were an issue in 2003 and are still issues. He stated that the project was cited in the wrong location and is a regional project involving much more in terms of the size and scale of impacts than is appropriate as a Tier One use under the County’s Zoning Ordinance and under the Williamson Act for the site. He stated that the EIR does not meet minimum CEQA disclosure requirements in terms of clarifying traffic impacts and lacks a stable project description. He further stated the responses to comments were not substantive. Mr. Chyttilo identified three specific planning issues he felt needed to be addressed. First, was the issue of traffic. He indicated concern with the project routing/trip distribution citing the EIR was prepared based on a natural distribution of truck traffic prior to the applicant entering into agreement with Hart Ransom School to avoid sending trucks past the school during peak traffic hours, concern with the need for a traffic warrant analysis still needing to be preformed, and concerns the project does not adequately address future improvements associated with the realignment of SR 132.

The second planning issue identified by Mr. Chyttilo was with regards to the project’s compatibility with the Williamson Act. Mr. Chyttilo does not believe the findings necessary for approval of the project on Williamson Act land can be made due to the regional nature of the facility. The third planning issue identified questions the lack of an alternative site being available when the applicant controls 12,500 acres of potential project sites.

Commissioner Layman requested clarification from Mr. Chyttilo regarding who is “Friends of the Central Valley”. Mr. Chyttilo did not want to disclose who the specific members were, but did identify it as a 501c3 non-profit organization with a membership including neighbors, almond farmers, and interested local citizens. Commissioner Layman also clarified that while Dakota Avenue is identified as one of multiple route options for re-alignment of SR 132, a decision on the final route/alignment has not been made.

In response to the concerns regarding traffic generation and distribution raised by Mr. Chyttilo during the Planning Commission hearing, staff has worked with the EIR consultant to provide the Board of Supervisors with clarification regarding traffic generation and distribution. Specifically with respect to Mr. Chyttilo’s concern, the applicant’s agreement with Hart Ransom School to exclude project-related truck traffic from the school vicinity during arrival departure hours has destabilized the project description. Developing this argument a little more, Mr. Chyttilo asserts that, while the RDEIR considered the “natural distribution” of traffic, the Hart Ransom agreement would substantially alter that distribution, thereby altering the project description assumed in the EIR.

The RDEIR clearly describes its assumptions regarding traffic generation and distribution. Project traffic generation and distribution are discussed in detail on RDEIR pages 16-11 and 16-12; this discussion references a more-detailed technical memorandum prepared by Wood Rodgers that was included in an appendix to the project traffic study, which was Appendix "F" of the RDEIR. Traffic generation for the project is detailed in the RDEIR on Table 16-5, and the distribution of traffic is shown by percentage and predicted volume in Table 16-7, Figure 16-3, Figure 16-4 and Figure 16-5. (See Attachment "4" for copies of all Tables and Figures listed above)

Staff's review of the traffic study indicates that the applicant's agreement with Hart-Ransom School would not result in any substantial change in the distribution of traffic assumed in the RDEIR. The Hart-Ransom agreement would affect the routing of only those trucks assumed to pass through the intersection of Dakota Avenue/Shoemake Avenue: this would include approximately 13% of the raw material trips, 30% of the finished meat trips, and 14% of the byproduct trips. This amounts to about 24 truck trips on a peak day. However, only those trips that would occur during Hart-Ransom arrival-departure hours would be diverted to other routes. If we assume, conservatively, that this would amount to 20% of the daily trips, then only five of the 148 truck trips per day assumed in the traffic study (3%) would be diverted to other routes, which is not substantial and would not substantially change the analysis or conclusions of the RDEIR. It is anticipated that the EIR traffic consultant will provide additional clarification of the traffic study information at the October 23rd Board of Supervisors meeting.

Mr. Chtyilo also suggests in his comments that traffic generation and distribution should (but apparently didn't) address all of the traffic associated with the project including raw material, finished nut meats and byproducts. It is clear from a review of Table 16-5 that all of these traffic sources were quantified and incorporated into the traffic calculations.

- Veronica Broom, 1817 Kansas Avenue and member of "Friends of the Central Valley", identified concerns with traffic on Kansas Avenue. Stating she had written letters in opposition to the project from the start, she identified the proposed facility as industrial and not compatible with the Williamson Act. She is concerned with the impact the proposed use will have on the existing neighborhood and favors an alternative site for the facility.
- Jeff Broom, 1817 Kansas Avenue, expressed concerns with the impact the proposed use would have on an existing neighborhood. Specifically, he identified noise pollution and traffic as concerns. He feels health issues associated with the proposed project have not been addressed and that the project will benefit a few while impact thousands which already live in the area.
- Rosemary Howser, 1106 Dakota Avenue, stated she is in opposition to the project due to traffic concerns. She described Dakota Avenue as a narrow and heavily traveled roadway. She feels the traffic study does not include all the fatal accidents in the area and that alternative sites have not seriously been considered. She questioned the nuts coming from out of the area and pointed to the fact hullers in the area have been denied in the past. Mrs. Houser stated her husband is co-owner and operator of a hulling facility on Shoemake Avenue.

Following the Planning Commission hearing, Ms. Howser e-mailed planning staff with questions regarding the Salida Hulling Association membership, the traffic study, hours and days of operation, transcript availability of the Planning Commission hearing, truck traffic on State Route 132 (Maze Boulevard), and the reasons for the denial of a 1988 use permit request to operate an almond huller on a 10-acre parcel located at 3860 N. Hart Road, in the Modesto area. Attachment '5' consists of the e-mail response to the questions asked by Ms. Howser.

- Dr. Ray Cimino - 4101 Kansas Avenue, identified traffic conditions as an issue in the area and roads being inadequate. Dr. Cimino stated traffic has tripled in the area over the last 10-years.
- Dr. Chopra - 6978 Hillcrest Drive, Dr. Chopra identified himself as a pulmonologist practicing in Modesto who is concerned with air quality associated with the project.
- Robert Ramos, 137 N. Dakota Avenue, stated he has lived across the street from the proposed project site for 15 years and identified himself as a member of the "Friends of the Central Valley". He expressed concern that there are no guidelines to protect people living in the area in terms of mitigating noise, glare, and traffic. He stated that almonds are a relatively new crop in the valley, 60-years, with the neighborhood being older. He expressed concerns with the information being dropped, added, and re-written in the EIR documents and irregularities in the documents.
- Ed Andretta - 812 Yankee Drive, stated he heard Kansas Avenue would be a main route of travel for the proposed facility and expressed concern with the condition of Kansas Avenue. He suggested Salida Hulling be required to put in new roads and four-way stops at all intersections. He also identified the need for a sound wall to be constructed on Kansas Avenue.
- Jose Munoz - 225 Dakota Avenue, expressed concern with the impacts of the proposed facility located across the street from his residence.
- Monica Ramos - 137 N. Dakota Avenue, identified herself as a member of "Friends of the Central Valley" and stated that the issue with the proposed facility was that of size and to disregard traffic information would be indifferent to safety for those living along Dakota Avenue. She expressed concern that approval of this project would turn the area into more of a quasi-industrial area which would probably raise property values in the long-run, but there may be a cost. She expressed the need for alternative sites to be looked at seriously.
- Wayne Lewis - 3437 Dragoo Park, identified himself as a realtor who has provided information on alternative sites for the proposed use. Mr. Lewis stated that his office is directly across the street from Salida Hulling Association's existing facility in the Landmark Business Center and expressed how perfectly suited the industrial area was for that type of operation. He stated there are better places for the proposed use that could be more effective and less of an impact on the environment, quality of life, and on day-to-day living.

The following is a summary of the persons speaking in favor of the project and the issues they addressed:

- Tom Terpstra, representative for Salida Hulling Association, addressed the issues raised by those in opposition to the project by stating none of the issues raised were new and the issues have been addressed by the EIR. He stated that the agreement with Hart Ransom School was not being used as a means to circumvent the process. Mr. Terpstra provided the Planning Commission with a handout including Table 1- Salida Hulling Associations Annual Production and a vicinity map from the RDEIR. (See Attachment "3") The handout also included a list of existing hullers, with their production volumes, located throughout the Central Valley and various aerial photos of the applicants existing Salida facility. The aerials reflect the transition of the area surrounding the existing Salida facility from rural to urban since establishment of the facility. The handout also includes an editorial regarding the subject project featured in The Modesto Bee.

With respect to the Williamson Act, Mr. Terpstra pointed out that as a Tier One use hullers are found by the county to meet the principles of compatibility required for location on property enrolled under a Williamson Act contract. Mr. Terpstra also clarified that the county zoning ordinance does not set limits on the size of a huller or the area a huller may serve in order to be considered a Tier One use. Mr. Terpstra stated that based on his research he has been unable to locate another huller in the Central Valley required to prepare an EIR.

In addressing the concerns about available alternative sites, Mr. Terpstra stated there was no membership owned sites available and that Salida Hulling looked for land available in the open market because they did not want to create a conflict of issues by purchasing land owned by the membership of the Salida Hulling Association. He pointed out that the orchard on the project site was at the end of its useful life at the time it was purchased and is centrally located to the membership of Salida Hulling. Mr. Terpstra made the statement that the proposed facility would produce less dust than farming as a result of the more effective emission controls being required for the new facility. Mr. Terpstra stated that hullers can and do co-exist with residential uses and the proposed facility is not abnormal in size or location.

With respect to the adequacy of the EIR, Mr. Terpstra pointed out that air and traffic are treated in the EIR with no assumption of an existing base line associated with the existing facility. The cumulative impacts identified in the EIR associated with the project site would be applicable to any site. Mr. Terpstra did concede that the EIR has changed over the years, but only to address comments from those opposing the project.

As mentioned earlier in this report, the Planning Commission Staff Report discusses the landscaping and berm feature incorporated into the project. As proposed by the applicant, the landscaping along the Dakota Avenue frontage will be located immediately inside of the chain link fence. Staff is concerned with the location of the chain link fence in terms of achieving the optimal aesthetic benefit of the proposed landscaping. Staff's preference is to see the chain link fencing located behind the landscaping; between the landscaping and the almond orchard buffer. As a Condition of Approval, staff requested the chain link fencing be placed behind the landscaping. Mr. Terpstra explained to the Planning Commission the applicants concerns with trespassing and littering if the fence is not located in front of the landscaping.

After asking for clarification of the reason for the applicant wanting the fence located in front of the landscaping, Commissioner Mataka expressed concern that the location, as requested by the applicant, might establish a precedence which is not desired. Commissioner Gammon asked for clarification regarding the central location of the proposed facility and was directed to figure 1-7 of the RDEIR which shows the location of Salida Hulling orchards and other hulling operations in Stanislaus County. Commissioner Shores asked for clarification on how many alternative sites were looked at and how many trips per day were associated with the facility. Commissioner Mataka asked for clarification on the height of the almond piles to insure the EIR reflected an accurate representation.

- Robert Driver - 3043 North Avenue, spoke as a representative of Driver Farms which has been growing almonds in the Modesto, Salida, and Waterford area since 1948 and have been members of Salida Hulling Association since it began over 35 years ago. He spoke in support of the project and pointed out the project is a Tier One agricultural use consistent with the Stanislaus County General Plan.
- Paul Wenger - 4256 Beckwith Road, identified himself as a third generation farmer, member of Salida Hulling Association and former president of the Farm Bureau. He explained how he had been involved with the development of the County's first and existing Agricultural Element, the County's Right-to-Farm Ordinance, and A-2 (General Agriculture) tiered uses. He expressed understanding that the project would be difficult for people living across the street (Dakota Avenue). But he concluded by stating the proposed use is a permitted use in the agricultural area.
- Dr. Mitch Etchebarne - identified himself as a large animal nutritionist, small almond grower, and current 1st vice president of the Stanislaus County Farm Bureau. As a spokesman for the Farm Bureau, Mr. Etchebarne expressed support for the project based on the site's agricultural zoning and consistency with the Agricultural Element of the County General Plan.
- Tony Plaza - manager of the Salida Hulling Association expressed frustration with the Association being wrongly accused of not caring about their impact on the neighborhood. He discussed how the Association is spending money on the latest technology, fire protection, and roadway improvements. In response to an early inquiry by the Commission regarding the height of the almond piles, Mr. Plaza

stated the piles could only be a maximum of 12-feet in height in order to be sealed under plastic sheets which are only available in a maximum width of 40-feet. In response to a question by Commissioner Souza regarding the average acreage owned by a member of the Association, Mr. Plaza responded 80 to 100 acres.

- Merlyn Garber - 7848 Shackelford Avenue, identified himself as a director of the Salida Hulling Association since back in 1970. Mr. Garber expressed support of the project and stated that with respect to traffic and traffic hazards the greatest potential for injury is associated with people not obeying the laws and not the trucks.
- Rick Belstler - 1845 Dodds, identified himself as a small family farmer who raises almonds on roughly 133 acres. He urged the Commission to support the project. He expressed how we are a nation that feeds itself and need to have provisions to grow crops without punishing farmers and making it impossible to grow crops.

Following the close of the public hearing, the EIR consultant (Charlie Simpson - InSite Environmental Inc.), the air quality consultant (Ray Kapahi - Air Permitting Specialist), and the traffic consultant (Ravi Narayanan - Wood Rodgers) spoke in an effort to clarify the facts outlined in the EIR with respect to the issues discussed during the public hearing. Questions the consultants were asked directly by the Commission included: the use of alternative fuels to address air quality, clarification on the time frame for the agreement with Hart Ransom School, trip generation associated with byproducts, and clarification regarding the routes trucks will be taking when leaving the facility and percentage of trucks using the freeway.

With respect to alternative fuels, the air quality consultant explained how a switch to an alternative fuel may just result in a transfer of one carcinogen for another. He explained how future emissions of trucks in California are expected to go down, while a greater cause in asthma is associated with cars. Mr. Terpstra addressed the question regarding the agreement with Hart Ransom School by clarifying it is a handshake agreement with the school board and was not included in the traffic analysis. The agreement is a best effort to route trucks away from the school during school pick-up and drop-off hours. The traffic analysis did address traffic associated with byproducts as reflected in Table 16-5 - Project Trip Distribution of the RDEIR. The traffic consultant explained that 4% of the traffic was anticipated to use Kansas Avenue and likely 50% of the trucks would use SR 132.

As reflected in the final actions of the Planning Commission, the project was considered in two parts; 1) Certification of the Final EIR, and 2) Consideration of the Use Permit.

With respect to certification of the Final EIR, the Planning Commission voted unanimously 6-0 to certify the Final EIR. With respect to consideration of the Use Permit, the Planning Commission voted 4-2 (Gammon, Shores) to approve the Use Permit application, subject to the conditions of approval/mitigation measures attached to the Planning Commission Staff Report. Both Commissioners Gammon and Shores expressed concern with the project being proposed in the wrong location. Commissioner Gammon expressed concerns with safety issues and impacts to the neighbors.

POLICY ISSUES:

The project is consistent with the Board's goals and priorities of a strong agricultural economy/heritage and a strong local economy. The proposed almond hulling and shelling facility is classified as a Tier One Use which is permitted by Use Permit in the A-2 (General Agriculture) zoning district.

STAFFING IMPACT:

There are no staffing impacts associated with item.

ATTACHMENTS:

1. Planning Commission Staff Report, September 6, 2007
 - Exhibit A - Maps, Site Plan, and Landscape Plans
 - Exhibit B - Conditions of Approval/Mitigation Measures
 - Exhibit C - CEQA Findings for Salida Hulling Almond Hulling Facility
 - Exhibit D - Mitigation and Monitoring Report Program - Appendix "G" of the Appendices to Final EIR
 - Exhibit E - Table 2-1 - Revised Summary of Impacts and Mitigation Measures - Final EIR
 - Exhibit F - *Final Environmental Impact Report (EIR)
 - Exhibit G - *Appendices to Final EIR
 - Exhibit H - *Recirculated Draft Environmental Impact Report (RDEIR)
 - Exhibit I - *Appendix to the RDEIR

**COPIES OF THESE DOCUMENTS ARE AVAILABLE FOR REVIEW AT THE COUNTY PLANNING DEPARTMENT OFFICE OR VIA THE INTERNET AT <http://www.co.stanislous.ca.us/planning/salidahulling.htm>. HARD COPIES OF THESE DOCUMENTS WERE PROVIDED TO EACH MEMBER OF THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS*

2. Planning Commission Minutes, April 5, 2007
3. Handout provided by Tom Terpstra to the Planning Commission at the September 6, 2007 public hearing.
4. Figures 16-3, 16-4, 16-5, and Table 16-5 and Table 16-7 of the RDEIR
5. E-mail response sent to Rosemary Howser dated October 10, 2007

**ATTACHMENTS AVAILABLE
FROM YOUR CLERK**

STANISLAUS COUNTY PLANNING COMMISSION

September 6, 2007

STAFF REPORT

USE PERMIT APPLICATION NO. 2002-30
SALIDA HULLING ASSOCIATION
(STATE CLEARINGHOUSE NO. 2002102074)

REQUEST: TO CONSTRUCT AND OPERATE AN ALMOND HULLING AND SHELLING FACILITY ON A 50.42 ACRE PARCEL IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT LOCATED ON THE NORTHEAST CORNER OF STATE ROUTE 132 (MAZE BOULEVARD) AND DAKOTA AVENUE INTERSECTION, IN THE MODESTO AREA.

APPLICATION INFORMATION

Property owner/applicant:	Salida Hulling Association
Representative:	Thomas H. Terpstra
Location:	Northeast corner of the State Route 132 (Maze Boulevard) and Dakota Avenue intersection in the Modesto area
Section, Township, Range:	26-3-8
Supervisorial District:	Three (Supervisor Grover)
Assessor's Parcel:	007-024-006
Referrals:	See Exhibit "G" Appendix "A" of Appendices to Final EIR
Area of Parcel(s):	50.42 acres
Water Supply:	Private well
Sewage Disposal:	Septic System
Existing Zoning:	A-2-40 (General Agriculture - 40 acre minimum)
General Plan Designation:	Agriculture
Williamson Act Contract Number:	92-4231
Community Plan Designation:	Not applicable
Environmental Review:	Environmental Impact Report
Present Land Use:	Unimproved farmland
Surrounding Land Use:	Agricultural uses, primarily orchards, ranging from 10 to 79 acres; ranchette homes ranging from 1 to 4 acres to the west of the project site

PROJECT DESCRIPTION

This is a request to construct and operate an almond hulling and shelling facility on approximately 50.42 acres. The proposed almond hulling and shelling facility will include facilities for receiving and storage of un-hulled and un-shelled (raw) almonds; processing equipment to be located within an approximately 20,000 square foot proposed structure that would receive, clean, hull, shell, and

sort almond products and byproducts; a dryer facility; conveyors that transport nut meats and byproducts; outdoor storage areas for hulls, shells, and byproducts; a maintenance shop; and on-site administration, circulation, parking, truck scale, and other improvements associated with proposed operations. The project will also include air quality and noise controls, including construction of an earthen noise berm, landscaping treatment of the project site perimeter and off-site transportation improvements (see Exhibit "A" - Site Plan and Landscape Plans).

The production objective of the proposed facility is an average of 20 million meat pounds of almonds annually within an August-December processing time frame; this would accommodate an average annual production of 1,600 meat pounds per acre of almonds from 12,500 grower acres. The facility would operate at its highest levels during a production season ranging from August through December. During this period, Salida Hulling Association would operate as much as six days a week (Monday-Saturday) and 24 hours a day, employing between 18 and 25 persons. During the off-season, the facility would be open five days a week, typically between 7:00 a.m. and 5:00 p.m. with approximately five employees.

A complete project description and site plan for the project can be found in the Final and Recirculated Draft Environmental Impact Report (EIR) documents (see Exhibits "F" and "H").

SITE DESCRIPTION

The 50.42 acre site is located on the northeast corner of Maze Boulevard (State Route 132) and Dakota Avenue. The surrounding area primarily consists of agricultural uses, primarily orchards, (ranging in size from 10 to 79 acres). Ranchette homes ranging from one to three acres are located along the west side of Dakota Avenue to the west of the project site. The project site consists of unimproved farmland previously planted in almonds.

BACKGROUND

This Use Permit application was originally submitted to the Planning Department for processing in October of 2002. Since being submitted, the following actions have been taken:

- **September 18, 2003** - A Public Hearing for the project was held by the Planning Commission. While the project was originally scheduled as a consent item with a Mitigated Negative Declaration to be considered, it was removed from the consent calendar and heard as a non-consent item. Speaking in opposition to the project were Robert and Monica Ramos, property owners living on the west side of Dakota Avenue, directly across from the project site. Based on testimony given during the Public Hearing and its independent review of the project, the Planning Commission approved the Use Permit Application after modifying Conditions of Approval relating to landscape requirements and traffic improvements.

The landscape condition required the applicant prepare and implement a landscape plan for review and approval by the Director of Planning and Community Development. Intended to further reduce noise, fugitive dust, and visual impact, this condition required the applicant to install landscaping along the perimeter of the project. The Planning Commission directed staff to work with the applicant to design a landscape plan that would provide taller trees (such as redwoods) adjacent to the hull piles to create a more effective visual and dust barrier for neighboring residences, orchards, and other crops.

The Planning Commission deleted traffic improvement conditions incorporated into the project at the request of Caltrans and identified as Mitigation Measures. These conditions were designed to reduce the impact of slow-moving trucks accessing SR-132 (Maze Boulevard) from Dakota Avenue by redirecting outbound trucks from the facility to the north via Dakota Avenue. Outbound trucks would be restricted to a right-turn movement exiting the facility through the installation of a raised island and the implementation of a routing policy by the applicant to encourage the use of alternative routes to SR-132. The Planning Commission felt that the impacts of these conditions on the local road system had not been adequately analyzed and could result in unidentified traffic impacts, so the Commission deleted those conditions in its motion.

- **November 4, 2003** - A request to consider an appeal of the Planning Commission's September 18th approval of the project was scheduled to be heard by the Board of Supervisors. The appeal was filed by Robert and Monica Ramos who expressed concern that the Planning Commission had not received sufficient information for their decision and that the Conditions of Approval did not adequately protect the interests of neighboring property owners or the general public.

While both the Planning Commission and staff found the project to be consistent with the General Plan and the Zoning Ordinance based on previous evidence, a new traffic study submitted by the applicant following the Planning Commission hearing, and prior to the appeal hearing, presented new information that the project might not be consistent with the General Plan. Staff believed the information substantially revised the negative declaration for the project which would require re-circulation of the document to the public and reconsideration by the Planning Commission. Therefore, staff recommended approval of the appeal of the Planning Commission's approval of the Use Permit, without prejudice, to allow staff to work with the applicant to re-circulate the environmental document to the public and bring it back to the Planning Commission in an expeditious manner.

In a unanimous decision, the Board of Supervisors approved a motion finding that a supplemental traffic report was provided which was not available at the time of the Planning Commission consideration of the proposed negative declaration and proposed project; and, continued the appeal to an unspecified future date to allow the recirculation of the CEQA document and for the Planning Commission to consider the recirculated document, take action on the Use Permit, and report to the Board on its conclusion.

- **June 17, 2004** - A second public hearing for the project was scheduled to be held by the Planning Commission. The Planning Commission was presented with a memo from planning staff at the hearing requesting an indefinite continuance so the applicant and its representatives could prepare an Environmental Impact Report (EIR). The Planning Commission approved the indefinite continuance.
- **May 9, 2006 to June 23, 2006** - A 45-day public review of the Draft Environment Impact Report, dated May 3, 2006, for the subject project was conducted. Unbeknownst to the Lead Agency (Stanislaus County) and the EIR author, the CD version of the Draft EIR provided during the public review period omitted Chapter 11.0 - Hydrology and Water

Quality of the Draft EIR. Given the level of public interest in the project and the voluminous comments received on the Draft EIR, it was determined that recirculation of the Draft EIR would be advisable and consistent with the principles of public participation and disclosure codified in the California Environmental Quality Act (CEQA).

- **February 7, 2007 to March 26, 2007** - A 45-day public review of the Recirculated Draft EIR (RDEIR), dated February, 2007, for the subject project was conducted. As part of the RDEIR both the EIR and the accompanying technical reports have been revised to incorporate text revisions and additional information that address concerns raised in the comments received on the May 3rd Draft EIR. In addition, the RDEIR reflects minor modifications to the proposed project site plan that have resulted in corresponding changes to the project description and the various technical analysis included in the EIR. A summary of revisions made to the May 3rd Draft EIR was provided in Section 2.5 of the RDEIR. As part of the Notice of Availability for the RDEIR reviewers were advised that the entire Draft EIR was being recirculated and that reviewers were required to submit new comments.

A Final EIR responding to all the environmental comments received on the RDEIR has been prepared for this project. The task of the Planning Commission at this time is to consider certification of the Final EIR and, upon certification, make a determination to approve or deny the requested Use Permit.

DISCUSSION

General Plan, Zoning, and Required Use Permit Finding:

The project site is designated Agriculture and zoned A-2-40 (General Agriculture - 40-acre minimum). The proposed almond hulling and shelling facility is classified as a Tier One use, which is a permitted use in the A-2 (General Agriculture) zoning district with a Use Permit. Tier One uses are defined as being "closely related to agriculture and are necessary for a healthy agricultural economy." In order to approval a Use Permit for a Tier One use, the Planning Commission must make the following findings:

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

The "Agricultural" designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas and is intended for areas of land which are presently or potentially desirable for agricultural usage. The County General Plan encourages "vertical integration" of agriculture as a means of strengthening the agricultural sector of our economy. Vertical integration is reflected in the A-2 zoning district through the incorporation

of a Tiered Use system requiring a Use Permit be secured for each use. In the case of Tier One uses, which are already determined to be closely related to agriculture, the need to be located in the A-2 zone is not in question. As reflected in the Use Permit findings for a Tier One use, in question is the need to insure a proposed use does not result in a detrimental impact or conflict to the people living or working in the surrounding area or to agricultural use of other property in the area.

Chapter 12.0 - Land Use of the RDEIR prepared for this project provides an extensive overview of the project's consistency with the County General Plan and a discussion of land use conflicts. Table 2-1 of the RDEIR provides an outline of project consistency in terms of specific General Plan policies from the various elements of the County General Plan (see Exhibit "E").

Despite all the controversy surrounding this project, there has been no indication the use as proposed will be substantially detrimental to or in conflict with agricultural use of other property in the vicinity. The concerns have been with the potential for land use conflicts with ranchettes located in close proximity to the site boundary. However, the ranchettes are residential uses located in an agricultural area and, as such, must be viewed as secondary to the agricultural uses in the area. The project site is in relative proximity to a total of nine existing rural residential uses; eight of these residences are located immediately west of Dakota Avenue on parcels ranging in sizes of one to four acres, and one additional residence is located east of the project site.

Conflicts with the proposed facility and residences in the area could result from the close proximity of these dissimilar land uses, each of which serves substantially different objectives. Potential conflicts would normally be experienced by the residential use in the form of unsightly views, light and glare, air pollution, noise, sanitation or heavy traffic associated with the proposed use of the site. Analysis of each of these issues with respect to the surrounding residential uses is provided in the various chapters of the RDEIR. In terms of land use conflicts, in each case, the potential impacts of the project are less than significant, or these impacts would be reduced to less than significant with proposed mitigation measures. Specific mitigation measures are discussed below in the Environmental Review section of this report. The Environmental Review section also provides a discussion of potential impacts which cannot be mitigated to a level of less than significant.

Landscaping and Noise Berm:

One of the features of the proposed project is the incorporation of a noise berm and landscaping along the perimeter as a means of providing a noise and aesthetic barrier between the project site and surrounding property not owned by Salida Hulling Association. The noise barrier consists of a 6-foot high earthen berm to be constructed along the Dakota Avenue frontage. Landscaping trees along Dakota Avenue frontage of the project site will consist of a staggered double row of evergreen trees to be planted between the road right-of-way and the earthen berm. The area between the trees and the western slope of the berm will be planted with flowering shrubs and ground cover. Landscaping consisting of conifer trees are also proposed to be provided along the north and east boundaries of the site.

Additional visual buffering along Dakota Avenue frontage will be provided by a buffer area consisting of a minimum 250-foot strip of almond orchard. A similar buffer consisting of a minimum 60-foot wide strip of almond orchard will be planted along the east property line. Additional landscaping consisting of spreading shade trees and flowering shrubs will be provided

along both sides of the proposed entry drive as well as at the northeast corner of SR 132 and Dakota Avenue. As a Condition of Approval, the landscaping proposed at the entry drive and the northeast corner of SR 132 and Dakota Avenue will need to be installed and maintained to insure compliance with County vision clearance standards.

As proposed by the applicant, the landscaping along the Dakota Avenue frontage will be located immediately inside of a chain link fence. Staff is concerned with the location of the fence in terms of achieving the optimal aesthetic benefit of the proposed landscaping. Staff's preference is to see the fencing located behind the landscaping; between the landscaping and the almond orchard buffer. Representatives of the Salida Hulling Association have cited littering and trespassing as reasons for placing the fence in front of the landscaping. As a Condition of Approval, staff is requesting the fencing be placed behind the landscaping.

Williamson Act Findings:

The property is located on land designated "Prime Farmland" by the State Department of Conservation's Farmland Mapping and Monitoring Program. The entire site is enrolled under Williamson Act Contract No. 92-4231.

In compliance with Government Code Section 51238.1, Section 21.20.045(A) of the A-2 zoning district requires that all uses requiring use permits that are approved on Williamson Act contracted lands shall be consistent with three principles of compatibility:

- 1) *The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on the other contracted lands in the A-2 zoning district.*
- 2) *The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or neighboring lands, including activities such as harvesting, processing, or shipping.*
- 3) *The use will not result in the significant removal of adjacent contracted land from agricultural or open-space uses.*

Pursuant to Section 21.20.045(B) of the A-2 zoning district, Tier One uses have been determined to be consistent with the principles of compatibility and may be approved on contracted land unless the Planning Commission and/or Board of Supervisors makes a finding to the contrary. Chapter 5 - Agricultural Resources of the RDEIR provides additional discussion regarding the subject projects consistency with the Williamson Act.

This project has been circulated to the Department of Conservation on various occasions and no comments have been received from that Department.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) evaluating the potential environmental effects that would result from approval of the subject project has been completed. As discussed in the background section of this report, a Draft EIR for the project was originally circulated in May-June of 2006. For the reasons discussed in the background section of this report, the Draft EIR was recirculated in February-March of 2007.

The Recirculated Draft EIR (RDEIR) provides a detailed overview of the reasons for recirculating the Draft EIR (including a summary of revisions to the Draft EIR), project description, impacts and mitigation measures, evaluation of alternatives, cumulative impacts, growth-inducing impacts, and detailed overviews of the following environmental issues: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards, hydrology and water quality, land use, noise, population and housing, public services, transportation/circulation, and utilities and service systems.

In order to approve the subject project, certification of the Final EIR is required. The Final EIR prepared for this project incorporates the RDEIR by reference and includes the information necessary to meet the specific requirements of the California Environmental Quality Act (CEQA) Guidelines. The following is an outline of the various Final EIR sections:

- Section 1.0 is the introduction to the project background, purpose, processing history and format of the FEIR;
- Section 2.0 displays the summary of the RDEIR;
- Section 3.0 lists all the comments received concerning the RDEIR, displays the text of each comment letter, and provides the County's response to each of the substantive comments;
- Section 4.0, titled Errata, sets forth any required revisions to the RDEIR, including revisions originating with County staff; and
- Section 5.0 includes copies of transmitted documents, the notice of availability of the RDEIR for review, distribution lists for the public notices, the Notice of Completion and other records associated with the public review period for the RDEIR.

The following is a summary of the revisions outlined in Section 4.0 - Errata of the Final EIR: (As with the errata, this summary is arranged in accordance with the chapter numbering system of the RDEIR.)

- Chapter 2.0 - Summary — The RDEIR summary has been amended to reflect any changes to the project description, environmental effects of the project, the significance of those effects, changes to mitigation measures and the significance of environmental effects with the identified mitigation measures. Any specific changes to environmental effects, mitigation measures and significance levels are described specifically within the errata section of the Final EIR.
- Chapter 3.0 - Project Description – References to "receiving pit" are revised to specify "receiving conveyor." Figure 3-1 of the RDEIR has been revised to label the pre-cleaner structure. The revised figure is shown as Figure 1-7 of the Final EIR. Text has been added to the project description of site preparation and the description of the proposed water system has been revised.

- Chapter 4.0 - Aesthetics — Figures 4-1 and 4-2 have been revised to incorporate updated project information. Revised figures are shown as figures 4-1 and 4-2 of the Final EIR. The definition of “glare” has been amended.
- Chapter 6.0 - Air Quality — A discussion on global climate change has been added.
- Chapter 11.0 - Hydrology and Water Quality — A discussion of “significance thresholds” has been added to the beginning of the Environmental Impacts and Mitigation Measures section of Chapter 11.
- Chapter 13 - Noise — The section has been amended to reflect the incorporation of a new figure illustrating the location of field noise measurements and clarifying parenthetical notes with respect to locations. The new figure is shown as 4-3 of the Final EIR.
- Chapter 16 - Transportation/Circulation — This section has been amended to incorporate a discussion clarifying an analysis of left-turns from southbound Dakota Avenue to the projects main access driveway discussed in a technical memorandum prepared by Wood Rodgers. (See Exhibit “G” – Appendix “I”) The analysis finds no left turn pocket is needed.

A discussion addressing the need for a comprehensive signal warrant analysis for the SR 132/Dakota Avenue signalization improvement has also been added. A new mitigation measure reflecting the need for a comprehensive signal warrant analysis to be submitted in conjunction with the application for an encroachment permit for the signalization project has been incorporated into the project. The discussion includes strategies which could be offered as alternative mitigation measure language for implemented in the event the traffic signal is not operational prior to the opening of the proposed facility. The alternative language stems from concern the comprehensive signal warrant will delay issuance of the encroachment permit needed for installation of the traffic signal.

The new mitigation measure and the alternative mitigation measure language discussed above are reflected in the Mitigation and Monitoring Reporting Program (MMRP) being considered for certification of the Final EIR and approval of the subject project.

While this alternative language has been added to Mitigation Measure No. 4 of the Transportation and Circulation (traffic impacts under “existing plus project”) section of the MMRP (Condition of Approval/Mitigation Measure No. 62 of this report), the County Public Works Department has identified a condition of approval requiring signalization of the intersection be constructed prior to the final and/or occupancy of the proposed facility. If the Public Works condition is adopted, the alternative mitigation measure language will not be applicable, but the original language requiring the project applicant pay the entire cost of installing of a traffic signal will still apply.

The MMRP is included as Appendix “G” of the Appendices to the Final EIR. The original Appendix “G” omitted the new mitigation measure identified in the errata to address a comprehensive signal warrant. The MMRP included with this staff report and revised version posted on the internet reflects the new measure (see Exhibit “D”).

- Chapter 18 - Cumulative Impacts — A discussion on global climate change has been added.
- Chapter 19 - Alternatives — Text has been added to the 'No Project Alternative' to address the event the proposed use permit is not approved.

Table 2-1 of the Final EIR provides a revised summary of impacts and mitigation measures (see Exhibit "E"). The following is an overview of the levels of significance for the identified potential impacts after mitigation: (This overview does not include less than significant impacts with no identified mitigation measures.)

Less than Significant (with mitigation measures identified):

- Residential/Agriculture Land Use Conflicts — **Agriculture**
- Construction-Related Emissions — **Air Quality**
- Impacts to Wetlands and Waters of the US — **Biological Resources**
- Impacts on Sensitive Wildlife Species — **Biological Resources**
- Potential Impacts on Prehistoric Cultural Resources — **Cultural Resources**
- Potential Project Effects on Historical Resources — **Cultural Resources**
- Exposure on Proposed Improvements to Soil Constraints — **Geology and Soil**
- Hazardous and Toxic Materials and Sites — **Hazards and Hazardous Materials**
- Project Effects on Surface Water Quality — **Hydrology and Water Quality**
- Noise Impacts of Mobile Equipment Backup Alarms — **Noise**
- Construction Noise Impacts — **Noise**
- Public Impact of Law Enforcement Services — **Public Services**
- Project Impact on Fire Protection Services — **Public Services**
- Traffic Impacts Under "Existing Plus Project" Conditions — **Transportation and Circulation**
- Traffic Impacts Under "Cumulative Plus Project" Conditions — **Transportation and Circulation**
- Adequacy of Wastewater Disposal Services — **Utilities**
- Adequacy of Storm Drainage Services — **Utilities**
- Consistency with Storm Water Quality Regulations — **Utilities**

Potentially Significant (with mitigation measures identified):

- Light and Glare — **Aesthetics**

Cumulative Impacts identified as potentially considerable with no feasible mitigation measures available or available for implementation by the proposed project:

- Air Quality
- Noise

The following is a summary overview of the issues surrounding the conclusions reached in the EIR with regards to light and glare and the cumulative impacts associated with air quality and noise.

- **Light and Glare**
(See 'Light and Glare' section of RDEIR Chapter 4.0 - Aesthetics)

The proposed project will be located in a rural area with limited existing night lighting. The project will illuminate approximately three acres of outdoor areas involved in night operations, approximately 7% of the project site. New lighting would contribute reflected light to the night sky resulting in some effects on night views from existing residences in the project vicinity. Methods for quantifying sky glow impacts and their significance have not been developed; potential impacts are presumed significant for residences of the immediate project vicinity.

- **Air Quality - Cumulative Impacts**

(See Section 18.2 - Air Quality of RDEIR Chapter 18.0 - Cumulative Impacts)

The project-level analysis of the project's air quality effects, which quantifies the project's output of criteria air pollutants in comparison to the significance thresholds established by the San Joaquin Valley Air Pollution Control District (SJVAPCD), indicates that these contributions are less than significant and that no mitigation is necessary. These findings would also indicate that the project's contributions would not be considerable at the regional level. However, it can also be argued that any increase in emissions of the non-attainment pollutants would tend to degrade already polluted air and could therefore be considered cumulatively considerable.

As described in Chapter 6.0 of the RDEIR, the project would not involve significant air quality impacts at the project level and does not warrant the inclusion of mitigation measures in the proposed project. Incorporation of additional mitigation measures into the project would further reduce but not completely eliminate its potential emissions; therefore, the incorporation of additional mitigation measures, even if feasible, would not result in a substantial reduction or avoidance of the potentially cumulatively considerable contribution of the project to regionally significant air quality impacts.

- **Noise - Cumulative Impacts**

(See Section 18.10 - Noise of RDEIR Chapter 18.0 - Cumulative Impacts)

Chapter 13.0 of the RDEIR addresses the potential noise impacts of the project and identifies mitigation measures that would reduce these potential effects to a less than significant level. Mitigation measures needed to reduce future transportation-related noise impacts could potentially mitigate any potential cumulative noise impacts associated with the subject project, but it would be speculative to assume so. These potential mitigation measures are, however, not warranted in the proposed project context and would, in the future, be the responsibility of another project lead agency. Those other projects could include relocation of SR 132 or development of future major circulation routes in conjunction with urban development in Modesto.

Final EIR Certification and Findings:

In order to approve the subject Use Permit, the County, acting as Lead Agency, must certify that the Final EIR was prepared in compliance with CEQA, was reviewed and considered by the decision-making body, and represents the independent judgement and analysis of the Lead Agency. County CEQA guidelines allow for the Planning Commission to certify the EIR for discretionary projects not requiring a determination by the Board of Supervisors. As with the Use Permit determination, the EIR certification is appealable to the Board of Supervisors.

When taking an action on a project for which an EIR was prepared, the lead agency may disapprove a project because it has significant environmental effects or require changes in a project to reduce or avoid a significant environmental effect. The Lead Agency may approve a project despite its significant environmental effects, if the proper findings and statements of overriding consideration are adopted. The Lead Agency is not required to select the most environmentally superior alternative.

In order to support its decision to approve a project for which an EIR was prepared, the Lead Agency must provide written findings of fact for each significant environmental impact identified in the EIR. Each finding must contain an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion. For each finding, the Lead Agency must find that the project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact. Or if the Lead Agency cannot make these findings, it must make the finding either that changes to the project are within another agency's jurisdiction and have been or should be adopted, or specific economic, social, legal, technical or other considerations make mitigation measures or alternatives infeasible.

Specific reasons must be provided if the Lead Agency is to find a mitigation measure or an alternative to be infeasible. A mitigation measure or alternative is considered feasible if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. When a Lead Agency makes a finding that changes or alterations have been required in, or incorporated into, the project to mitigate impacts, the agency shall adopt a Mitigation Monitoring Program designed to insure compliance.

A Statement of Overriding Considerations is necessary if the Lead Agency is to approve a project which will have a significant effect on the environment after imposition of feasible mitigation or alternatives. The Statement of Overriding Considerations must explain why the benefits of the proposed project outweigh the unavoidable adverse environmental effects.

A detailed evaluation of alternatives for the subject project can be found in Chapter 19 - Alternatives to the Proposed Project of the RDEIR. The project alternatives include: no project alternative, a reduced project size and/or capacity alternative, project design alternative (relocation of processing facility to southeast quadrant of the site and relocation of processing facility to the northeast quadrant of the site), alternative uses of the project site, and alternative locations for the project. A summary of alternatives is provided in Chapter 2.0 of the RDEIR. The reduced project size and/or capacity alternative, project design alternative (relocation to southeast quadrant), and alternative uses of the project site were not addressed in detail since these alternatives did not meet the CEQA Guidelines criteria for detailed analysis; that is, the alternatives 1) did not meet most of the basic objectives of the project, 2) were infeasible, or 3) did not have the ability to avoid or substantially reduce the significant environmental effects of the project.

The "no project" alternative would involve the least environmental effects of the alternatives considered in detail. However, with the exception of impacts on "sky glow", most of the potentially significant environmental effects of the project would be reduced to less than significant with proposed mitigation measures. The EIR does not identify an environmentally superior "build alternative" as no identified alternative to the project would result in avoidance or substantial reduction in the significant effects of the project.

The project objectives as outlined in Chapter 3.0 of the RDEIR can be summarized as follows:
(Pages 3-2 - 3-4)

- To replace Salida Hulling Association's (SHA) existing almond hulling and shelling facility on Nutcracker Lane in Salida with an expanded processing facility that provides adequate space to accommodate the proposed facility (approximately 40 acres), that is owned or controlled by SHA, that is centrally located with respect to the existing SHA membership and is otherwise suitable for the association's existing and planned operation.
- To develop almond hulling and shelling facilities that would accommodate an average annual production of 1,600 meat pounds of almonds per acre from 12,500 grower acres.
- To take the existing SHA facility on Nutcracker Lane out of service for almond hulling and shelling.

Exhibit "C" consists of the findings needed for certification of the EIR and the Findings and Statement of Overriding Considerations needed for approval of the subject Use Permit. Both the findings and statement were prepared by the environmental consultant firm which prepared the EIR documents. The Mitigation Monitoring and Reporting Program (MMRP) for this project is included as Appendix "G" of the Appendices to the Final EIR (see Exhibit "G"). All mitigation measures identified on the monitoring plan have been included as Conditions of Approval of this project.

RECOMMENDATION

Based on all evidence on the record, and on the ongoing discussion, staff recommends the Planning Commission certify the Final EIR for Salida Hulling Association (SCH#2002102074) and approve Use Permit Application 2002-30 - Salida Hulling Association. If a decision is made to certify and approve, staff recommends the Planning Commission take the following actions:

1. CERTIFY THAT THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) (SCH#2002102074) FOR THIS PROJECT HAS BEEN PREPARED AND CIRCULATED FOR PUBLIC REVIEW AND COMMENT AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PUBLIC RESOURCES CODE SECTION 21000 et seq.; AND THE CEQA GUIDELINES, CALIFORNIA CODE OF REGULATIONS, TITLE 14, SECTION 15000 et seq.;
2. FIND THE FINAL EIR RESPONDED TO THE PUBLIC COMMENTS SUBMITTED DURING THE REVIEW PERIOD PURSUANT TO CEQA, THE CEQA GUIDELINES, AND THE COUNTY'S RULES AND PROCEDURES FOR THE IMPLEMENTATION OF CEQA;
3. FIND THE PLANNING COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE DRAFT AND FINAL EIR FOR THE SALIDA HULLING ASSOCIATION PROJECT AND THAT THE EIR REFLECTS THE INDEPENDENT JUDGEMENT OF THE COUNTY;
4. ADOPT THE ATTACHED FINDINGS INCLUDING STATEMENT OF OVERRIDING CONSIDERATIONS CONCERNING UNMITIGATED SIGNIFICANT IMPACTS (EXHIBIT "C");
5. ADOPT THE MITIGATION MONITORING PROGRAM WITH WHICH ALL FUTURE DEVELOPMENT ASSOCIATED WITH THE SALIDA HULLING ASSOCIATION PROJECT SHALL COMPLY;

6. ORDER THE FILING OF A NOTICE OF DETERMINATION WITH THE STANISLAUS COUNTY CLERK-RECORDER'S OFFICE PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152 AND CEQA GUIDELINES SECTION 15075.
7. FIND THAT THE PROJECT IS CONSISTENT WITH THE OVERALL GOALS AND POLICIES OF THE STANISLAUS COUNTY GENERAL PLAN;
8. FIND THAT:
 - A. THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF THE PROPOSED USE OR BUILDING APPLIED FOR IS CONSISTENT WITH THE GENERAL PLAN DESIGNATION OF "AGRICULTURE" AND WILL NOT, UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE USE AND THAT IT WILL NOT BE DETRIMENTAL OR INJURIOUS TO PROPERTY AND IMPROVEMENTS IN THE NEIGHBORHOOD OR TO THE GENERAL WELFARE OF THE COUNTY.
 - B. THE USE WILL NOT SIGNIFICANTLY COMPROMISE THE LONG-TERM PRODUCTIVE AGRICULTURAL CAPABILITY OF THE SUBJECT CONTRACTED PARCEL OR PARCELS OR ON OTHER CONTRACTED LANDS IN THE A-2 ZONING DISTRICT.
 - C. THE USE WILL NOT SIGNIFICANTLY DISPLACE OR IMPAIR CURRENT OR REASONABLY FORESEEABLE AGRICULTURAL OPERATIONS ON THE SUBJECT CONTRACTED PARCEL OR PARCELS OR ON OTHER CONTRACTED LANDS IN THE A-2 ZONING DISTRICT. USES THAT SIGNIFICANTLY DISPLACE AGRICULTURAL OPERATIONS ON THE SUBJECT CONTRACTED PARCEL OR PARCELS MAY BE DEEMED COMPATIBLE IF THEY RELATE DIRECTLY TO THE PRODUCTION OF COMMERCIAL AGRICULTURAL PRODUCTS ON THE SUBJECT CONTRACTED PARCEL OR PARCELS OR NEIGHBORING LANDS, INCLUDING ACTIVITIES SUCH AS HARVESTING, PROCESSING, OR SHIPPING.
 - D. THE USE WILL NOT RESULT IN THE SIGNIFICANT REMOVAL OF ADJACENT CONTRACTED LAND FROM AGRICULTURAL OR OPEN-SPACE USE; AND
9. APPROVE USE PERMIT APPLICATION NO. 2002-30 - SALIDA HULLING ASSOCIATION, SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL/MITIGATION MEASURES.

UP 2002-30
Staff Report
September 6, 2007
Page 14

Report written by: Angela Freitas, Senior Planner, August 23, 2007

Attachments:

- Exhibit A - Maps, Site Plan, and Landscape Plans
- Exhibit B - Conditions of Approval/Mitigation Measures
- Exhibit C - CEQA Findings for Salida Hulling Almond Hulling Facility
- Exhibit D - Mitigation and Monitoring Report Program - Appendix "G" of the Appendices to Final EIR
- Exhibit E - Table 2-1 - Revised Summary of Impacts and Mitigation Measures - Final EIR
- Exhibit F - *Final Environmental Impact Report (EIR)
- Exhibit G - *Appendices to Final EIR
- Exhibit H - *Recirculated Draft Environmental Impact Report (RDEIR)
- Exhibit I - *Appendix to the RDEIR

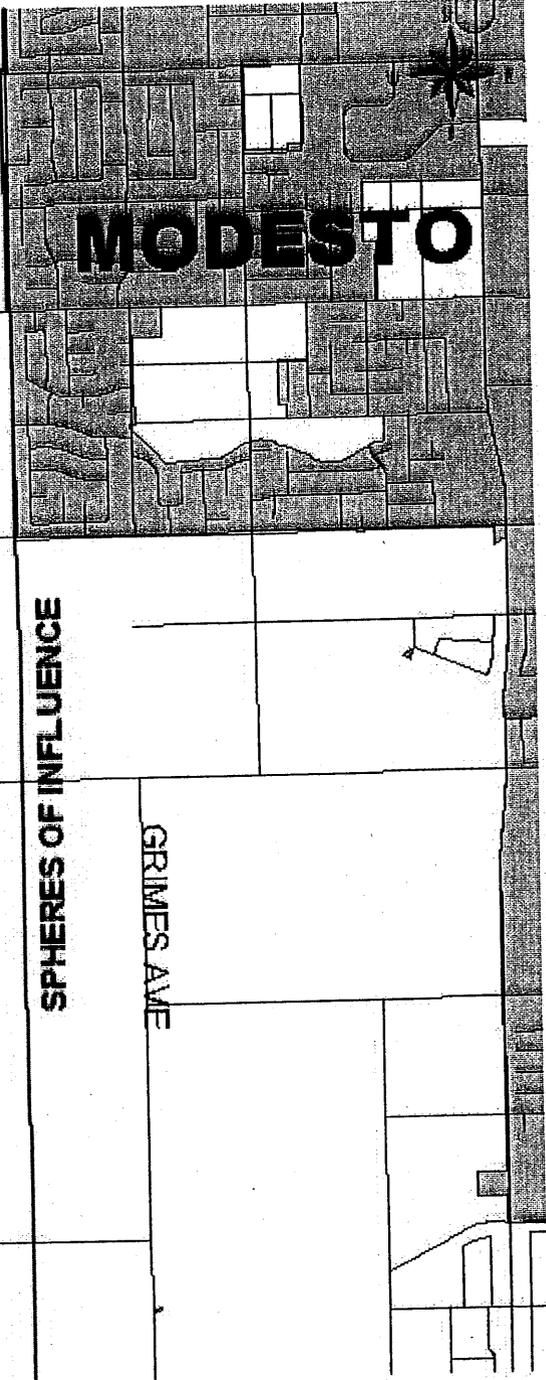
** COPIES OF THESE DOCUMENTS ARE AVAILABLE FOR REVIEW AT THE COUNTY PLANNING DEPARTMENT OFFICE OR VIA THE INTERNET AT <http://www.co.stanislaus.ca.us/planning/salidahuulling.htm>. HARD COPIES OF THESE DOCUMENTS HAVE BEEN PROVIDED TO EACH MEMBER OF THE PLANNING COMMISSION.*

Reviewed by:



Ron E. Freitas, Director

UP 2002-30
BY: SALIDA HULLING ASSOCIATION



MODESTO

SITE

WOODLAND AVE

CLARK RD

KANSAS AVE

DAKOTA AVE

MAZE BLV

STONE AVE

GARRISON AVE

PAULINE AVE

SPHERES OF INFLUENCE

GRIMES AVE

CALIFORNIA AVE

BROYLES

UP 2002-30
 BY: SALIDA HULLING ASSOCIATION
 GENERAL PLAN DESIGNATIONS



34.44 AC.

29.11 AC.

39.60 AC.

9.95 AC.

9.65 AC.

KANSAS AVE

18.26 AC.

19.67 AC.

10.35 AC.

19.83 AC.

AG

145.77 AC.

19.67 AC.

37.40 AC.

0.95
 0.95
 0.95
 1.00
 0.93

S DAKOTA AVE

**SITE
 50.42 AC.**

74.07 AC.

1.38

4.08 AC.

2.40

MAZE BLV

33.07 AC.

12.30 AC.

12.41 AC.

2.69
 0.90
 0.88
 0.91
 0.88

25.22 AC.

GARRISON AVE

15.20 AC.

2.19

1.14

8.67 AC.

20.33

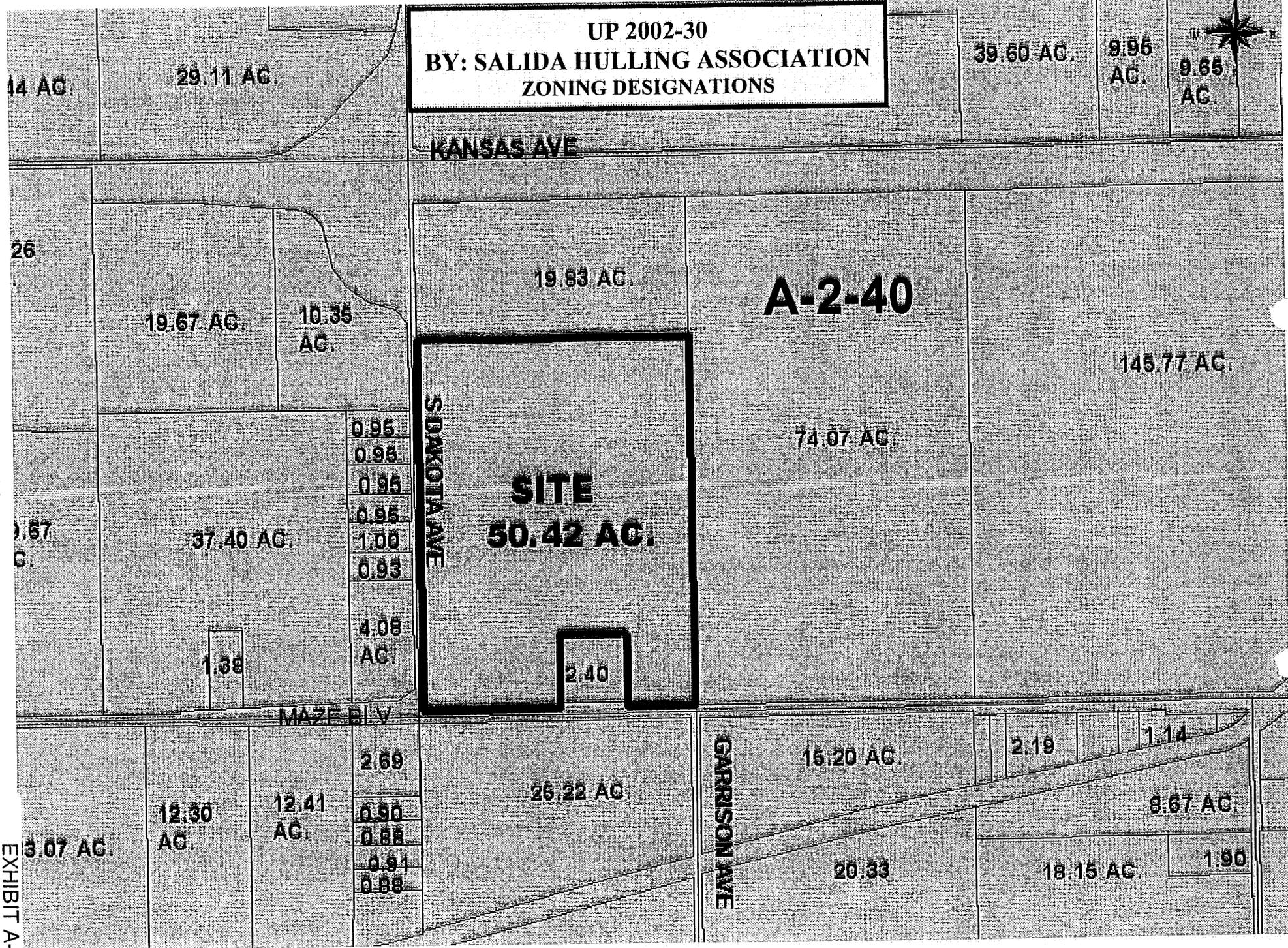
18.15 AC.

1.90

15

EXHIBIT A-1

UP 2002-30
BY: SALIDA HULLING ASSOCIATION
ZONING DESIGNATIONS



KANSAS AVE

A-2-40

SITE
50.42 AC.

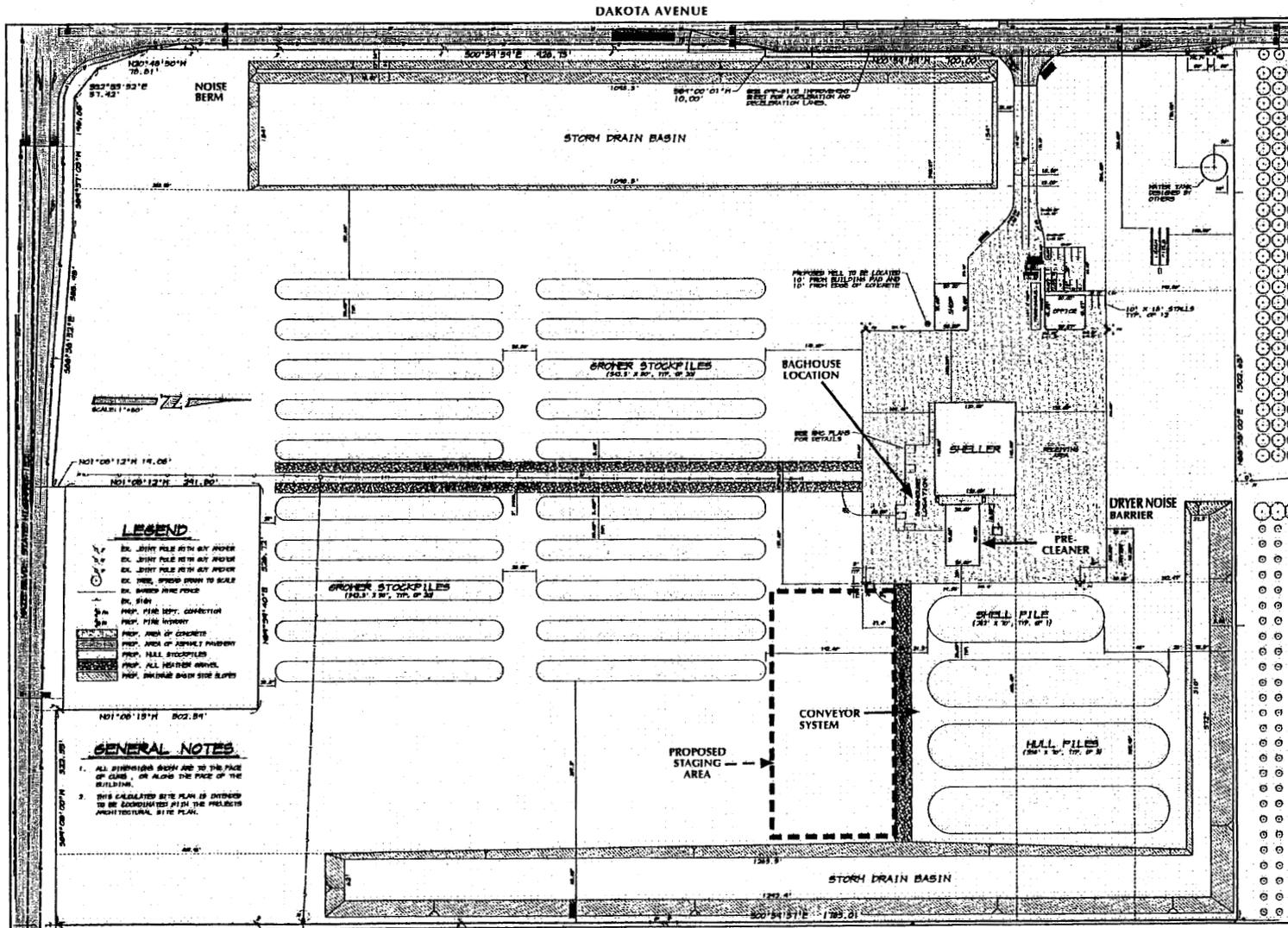
SDAKOTA AVE

MAFE BLV

GARRISON AVE

17

EXHIBIT A-2



NOTE: See Appendix G for Additional detail
 Source: ASSOCIATED ENGINEERING
 INSITE ENVIRONMENTAL, INC.

Figure 1-7
 Revised Figure 3-1
 PROPOSED SITE PLAN

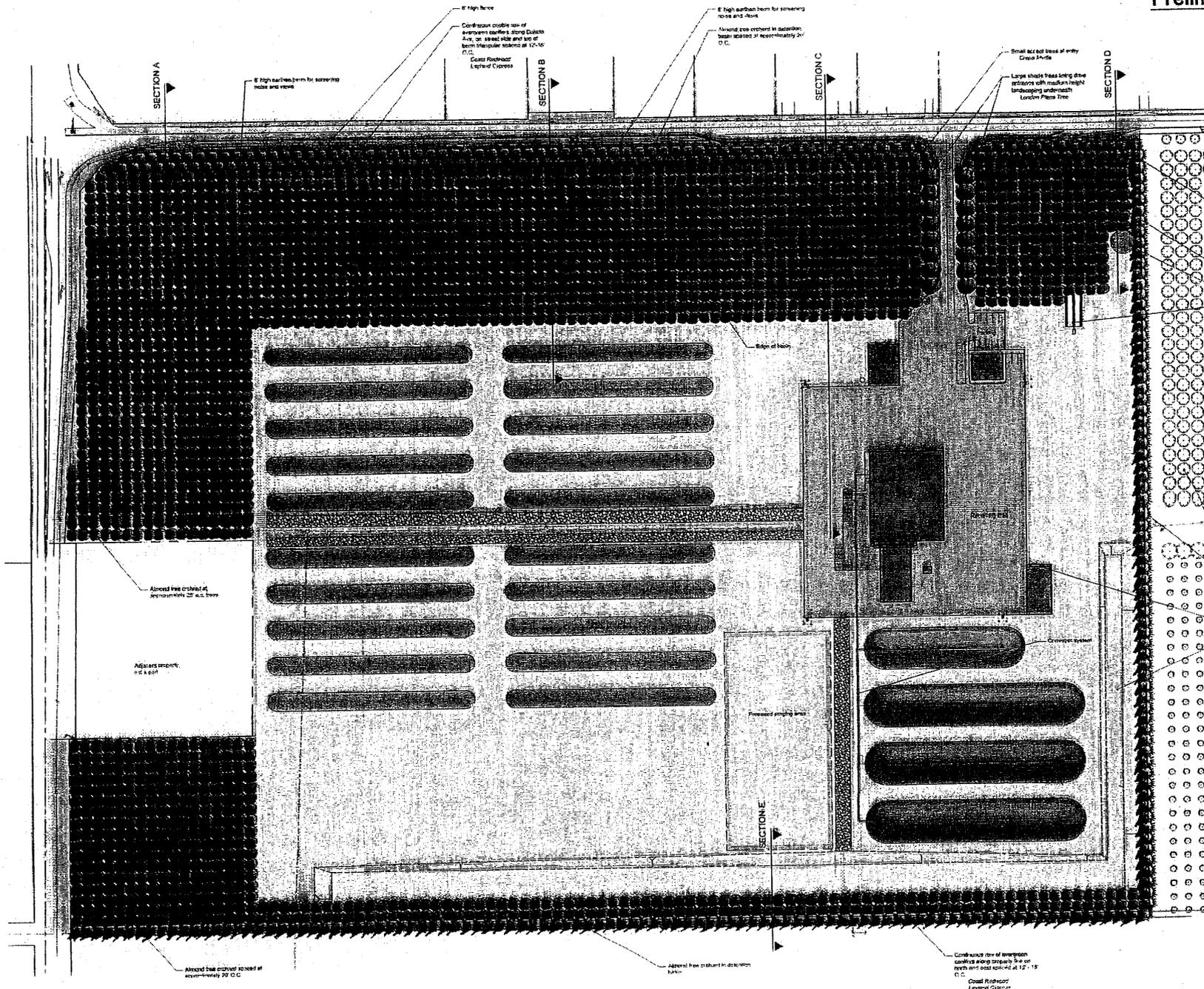
7-25-07

Preliminary Landscape Plan

Saldia Huling
Stanislaus County, CA



Associated Engineering
January 22, 2015
SALDI A-4
15-001-001-01



Continuous double row of evergreen shrubs along Dakota Ave. Interpole spaced at 12'-15' O.C.
 Coast Redwood
 Leyland Cypress
 Almond tree on level ground at approximately 20' O.C.
 Walnut tree
 Lawn field underground

Existing orchard, not a part of property
 Continuous row of evergreen shrubs along property line on slope in front of road at 12'-15' O.C.
 Coast Redwood
 Leyland Cypress
 Olive tree barrier
 Detention basin

Preliminary Plant Palette

Trees			
Code	Plant Name	Spacing	Plant Size
ALM	Almond	20'	8" - 10" caliper
WAL	Walnut	20'	8" - 10" caliper
CLP LEY	Coast Redwood / Leyland Cypress	12'-15'	15 Galton
LAR WED	Lawn Field / Weeping Elm	18"	15 Galton
PLA ACE	Plum / Almond	30'	15 Galton
SEQ BEM	Sequoia / Elm	12'-15'	15 Galton
Shrubs			
ARC HEM	Arctostaphylos / Hemlock	6"	1 Galton
CLD 91	Claytonia / 91	6"	1 Galton
COL MC	Colony / MC	6"	5 Galton
ROE P C	Rose / P C	6"	2 Galton

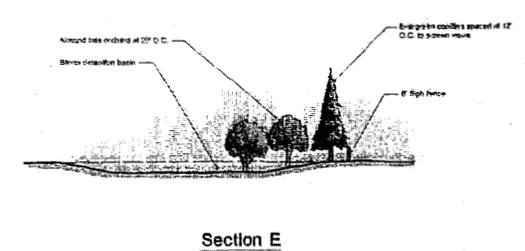
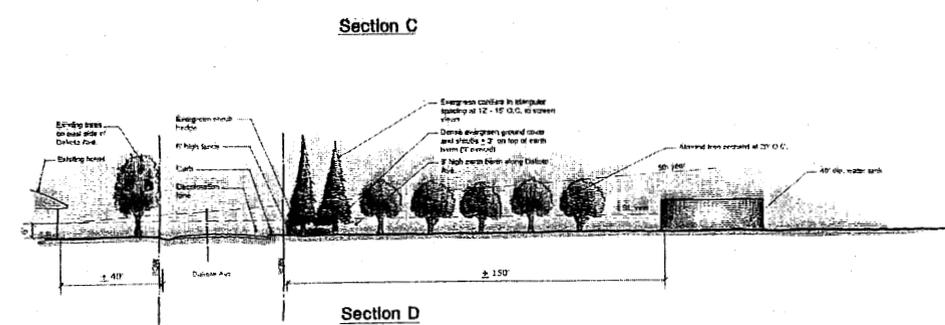
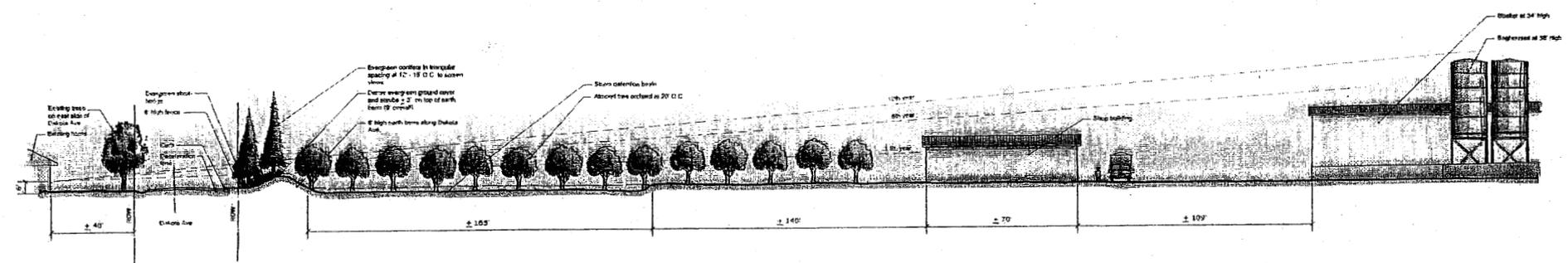
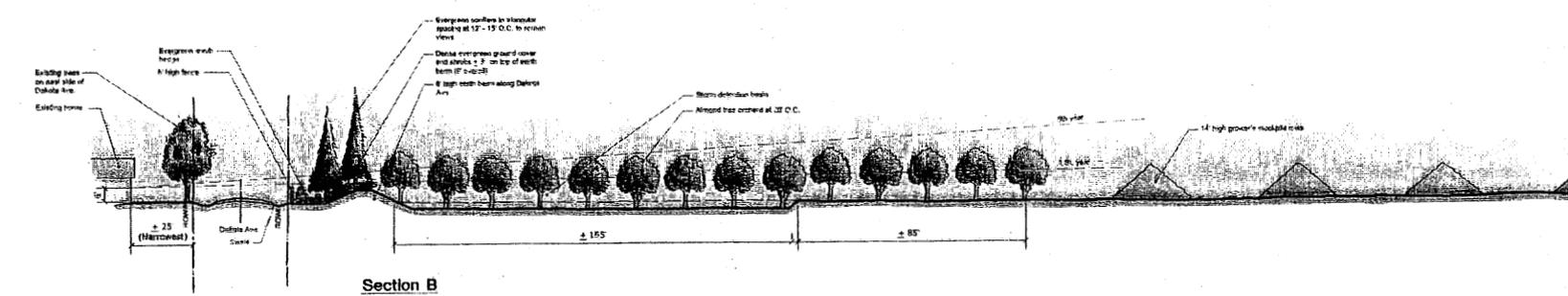
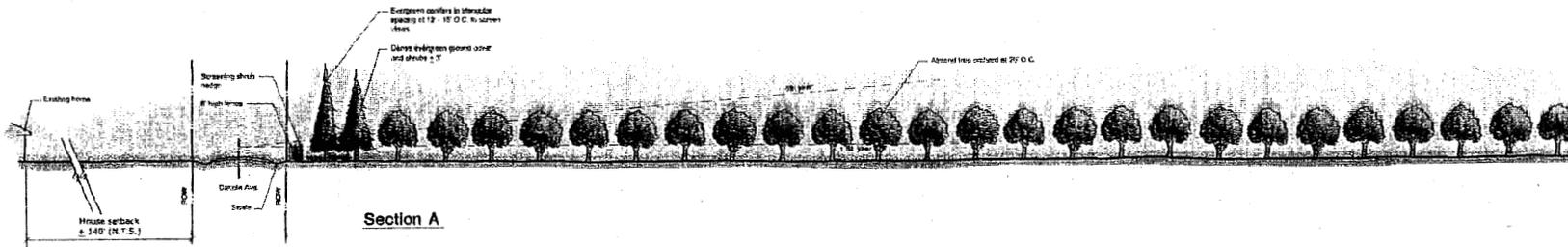


19

EXHIBIT A-4

Preliminary Landscape Sections

Saldia Huling
Stanislaus County, CA



VIEWS INTO THE PROPERTY FROM THE NEIGHBORING HOMES ON DAKOTA AVE:
The view screening achieved in the first year will be from the earthen berm and shrub planting and will be 100% screening below that line. The screening for the 5th year is based on growth from the conifer trees (selected for fast growth). These views at the 5th year are estimated to be around 70% screening or greater below this line, best described as filtered views. The views by the 18th year should be fully filled in the lower areas (demarcated by the 5th year line) and provide only partial views of the tallest elements of the main plant at 50 to 75% screening. Beyond the 10th year the screening should improve to 100% by the 15th year or sooner.



20

EXHIBIT A-5

DRAFT

NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL/MITIGATION MEASURES

USE PERMIT APPLICATION NO. 2002-30 SALIDA HULLING ASSOCIATION

Department of Planning and Community Development

1. This use shall be conducted as described in the application and supporting information (including the plot plan and landscape plan) as approved by the Planning Commission and/or the Board of Supervisors and in accordance with other laws and ordinances.
2. Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, and visibility and obstructions along roadways.
3. The chain link fencing proposed to be located along the frontage of Dakota Avenue shall be installed behind the approved landscaping.
4. The applicants, and subsequent operators, shall obtain and maintain a valid business license. Application may be made in the Planning Department. (Section 6.04 of the Stanislaus County Ordinance Code)
5. Engineering plans for grading, site excavation, and all structures shall be submitted as required for issuance of any required building or grading permits as required by the Uniform Building Code.
6. Fire access and water for fire protection shall be provided and maintained in accordance with all applicable codes and ordinances. This shall include fire sprinklers, if applicable. Fire access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface as to provide all-weather driving capabilities. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
7. All applicable fire protection development/impact fees shall be paid prior to issuance of any building permit for construction.
8. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceeding against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

9. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,557.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.

Department of Public Works

11. Prior to the issuance of any building permit, sufficient right-of-way shall be dedicated to Stanislaus County to provide 55 feet east of the existing Dakota Avenue centerline along the parcel's entire frontage. The developer's engineer shall prepare the Road Deed for this right-of-way dedication. This dedication is based on the designation of Dakota Avenue as a 4-lane Expressway (Class C) per County adopted Circulation Element.
12. Road improvements shall be constructed on Dakota Avenue along the property's frontage to include the following:
 - A. A deceleration right turn lane (12' wide) shall be required and approved by the Department of Public Works south of the driveway entrance.
 - B. In addition to the deceleration lane/right turn lane, pavement road widening in front of the parcel on Dakota Avenue shall be done. This shall include, but not be limited to, 12-foot wide vehicle lanes and 4-foot wide paved shoulders on both north and southbound lanes along and opposite the parcel's frontage, drainage plans, signing and striping plans, and traffic control plans.
 - C. All driveway locations and widths shall be approved by the Department of Public Works.
 - D. A 40-foot wide commercial paved driveway approach with 50-foot radius shall be installed at the site's entrance. The southern most portion of the driveway shall be located directly across from or slightly north of the northern property line of the property (APN: 007-022-008) across from the project site. The driveway approach shall be constructed in a manner to prevent runoff from going into the county road right-of-way. In the future, the access on Dakota Avenue may become a right in/right out access due to the road's expressway classification.

All required road improvements along Dakota Avenue shall be installed prior to final and/or occupancy of the almond huller facility.

13. Road improvements shall be constructed per Caltrans Standards for State Route 132 (Maze Boulevard) and Dakota Avenue intersection to include the following:
 - A. Signalization of the intersection.
 - B. The eastbound left turn pocket shall be extended per Caltrans Standards for storage.
 - C. The radii need to be reconfigured to accommodate truck turning movements onto and from Dakota Avenue.

These road improvements are mitigation measures that shall be constructed prior to the final and/or occupancy of the almond huller facility.
14. Prior to the issuance of any building permit, improvement plans for the Dakota Avenue improvements shall be approved by the Department of Public Works.
15. Improvements plans for the State Route 132 (Maze Boulevard) improvements shall be approved by Caltrans.
16. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the Dakota Road improvements shall be deposited with the Department prior to the issuance of any building permit.
17. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the State Route 132 (Maze Boulevard) improvements shall be deposited with the Department prior to the issuance of any building permit.
18. An Engineers Estimate shall be provided for both the Dakota Avenue and State Route 132 (Maze Boulevard) improvements to determine the amount of the financial guarantees.
19. An Encroachment Permit must be obtained from the Stanislaus County Department of Public Works for the roadway improvements on Dakota Avenue.
20. An Encroachment Permit must be obtained from Caltrans for all work within the State Route 132 right-of-way.
21. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Dakota Avenue. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
22. A Grading and Drainage Plan shall be submitted prior to issuance of any building permit that complies with County standards. After the plan is determined to be acceptable to the Department of Public Works, the plan shall be implemented prior to final and/or occupancy of any building.
23. Prior to the issuance of the Grading Permit, the subdivider shall file a Notice of Intent (NOI) with the California Regional Water Quality Control Board. (CRWQCB). A Waste Discharge Identification Number must be obtained from CRWQCB and provided to the Department of Public Works since this project will disturb more than one acre of land.

Modesto Irrigation District

24. In conjunction with related site/road improvement requirements, existing overhead electric facilities within or adjacent to the proposed development shall be protected, relocated, or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
25. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
26. Costs for relocation and/or undergrounding the District's facilities at the request of others shall be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.
27. The applicant shall contact the District's Electric Engineering Department to arrange for electric service to the project.
28. A 10-foot irrigation easement shall be granted and recorded for an existing irrigation pipeline located along the east and north property lines. Any proposed landscaping shall not be planted within the irrigation easement to provide a safe distance to the pipeline.

Mitigation Measures:

All mitigation measures identified in Section 2.0 - Mitigation Implementation and Monitoring Plan of the Final EIR Appendices have been included in this section as Conditions of Approval of the project. The following conditions reflect both the specific mitigation measures and key conditions needed for implementation and monitoring of the measures.

Pursuant to California Public Resources Codes 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

- 1) *Hold a public hearing to consider the project; and*
- 2) *Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.*

Aesthetics Mitigation Measures

29. Design specifications for new outdoor lighting associated with the project shall require that all light fixtures be installed and aimed as required to prevent spill light or glare in off-site areas. Fixture aiming and/or shielding shall prevent direct illumination of the night sky. Developer/operator shall be responsible for the installation and on-going maintenance of light fixtures consistent with this mitigation measure.

Agriculture Mitigation Measures

30. The applicant shall implement the mitigation measures specified in Chapter 6.0 - Air Quality, Chapter 13.0 - Noise and other chapters of this EIR. Developer/operator shall be responsible for the implementation and monitoring of all mitigation measures approved for the project. The time frame for mitigation shall be as specified in the Mitigation Monitoring and Reporting Program.

Air Quality Mitigation Measures

31. During construction, the owners, developers, and/or successors-in-interest will comply with SJVAPCD Regulation VIII (Fugitive Dust Rules). Developer/operator shall be responsible for preparation and submittal of any required Dust Control Plan incorporating the applicable requirements of Condition of Approval/Mitigation Measure No. 32 to the SJVAPCD and the on-going implementation of all requirements identified by the SJVAPCD. The developer/operator shall be responsible for on-going record keeping and other requirements of Regulation VIII.
32. The owners, developers, and/or successors-in-interest shall implement the following dust control practices, drawn from Tables 6-2 and 6-3 of GAMAQI, during construction:
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by pre-soaking.
 - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
 - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
 - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - g. Limit traffic speeds on unpaved roads to 15 mph.
 - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - i. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified above shall be applied as required to maintain the VDE standard.
- Developer/operator shall be responsible for the on-going implementation of all dust control practices identified by this Condition of Approval/Mitigation Measure.
33. The project shall comply with any applicable requirements of SJVAPCD Rule 9510 - Indirect Source Rule. Developer/operator shall be responsible for the on-going implementation of any applicable requirements of SJVAPCD Rule 9510 - Indirect Source Rule.

Biological Mitigation Measures

34. Off-site road improvements associated with the project shall be subject to inspection by a qualified biologist during the design process for the presence of Waters of the US or wetlands. Developer/operator shall be responsible during the design process for retaining a qualified biologist to inspect off-site improvement locations for the presence of Waters of the US or wetlands.
35. If Waters of the US or wetlands are present within off-site improvement areas, the applicant shall design the subject improvements to avoid impacts on these resources wherever practicable.
36. Where it is not practicable to avoid wetland impacts, the owners, developers and/or successors-in-interest shall retain a qualified biologist to prepare a wetland delineation pursuant to the applicable US Army Corps guidelines and obtain any required permits from the agencies with jurisdiction, including the US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board. Where it is not practicable to avoid wetland impacts, the developer/operator shall obtain any required permit from the agencies with authority prior to construction of any off-site improvements.
37. The owners, developers and/or successors-in-interest shall provide mitigation for wetland losses as specified in required permits, which may include the payment of mitigation bank fees acceptable to the agencies with jurisdiction. The developer/operator shall be responsible for any required wetland mitigation, including payment of all applicable mitigation bank fees, prior to construction of any off-site improvements.
38. If construction activities would occur between March 1 and September 15, the applicant shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson's hawks on adjoining lands pursuant to CDFG (1994) guidelines. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1994). The developer/operator shall be responsible for retaining a qualified biologist to perform surveys and produce a report detailing the need for temporal restrictions, if needed, prior to any construction activities taking place. The developer/operator shall also be responsible for incorporating temporal restrictions in all plans and specifications. California Department of Fish and Game Impact: Impacts on Sensitive Wildlife Species.
39. If construction activities would occur between February 1 and August 31, the applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls on lands east of Dakota Road that are within 250 feet of project construction areas. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1995). The developer/operator shall be responsible for retaining a qualified biologist to perform surveys and produce a report detailing the need for temporal restrictions, if needed, prior to any construction activities taking place. The developer/operator shall also be responsible for incorporating temporal restrictions in all plans and specifications. California Department of Fish and Game Impact: Impacts on Sensitive Wildlife Species.

Cultural Resources Mitigation Measures

40. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines. The developer/operator shall be responsible of halting construction, obtaining a qualified archaeologist and notifying the Stanislaus County Department of Planning and Community Development if any subsurface cultural resources are encountered during construction of this project.
41. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin. The developer/operator shall be responsible of halting construction and notifying both the County Coroner and the Stanislaus County Department of Planning and Community Development if any human remains are encountered at any time during development of this project. If remains are determined to be those of a Native American, the developer/operator shall obtain a qualified archaeologist to evaluate the archaeological implications of the find.
42. To address potential project effects on historical resources, the applicant shall implement Conditions of Approval/Mitigation Measures No. 40 and 41 addressing prehistoric archaeological resources.

Geology and Soils Mitigation Measures

43. The applicant shall submit a geotechnical report prepared by a qualified professional engineer or geologist to the Stanislaus County Building Permits Division for review and approval. Developer/operator shall be responsible for submitting a geotechnical report prior to issuance of any building permit.
44. Project design and development shall conform to applicable specifications of the approved geotechnical report. Developer/operator shall be responsible for submitting a geotechnical report prior to issuance of any building permit.

Hazards and Hazardous Materials Mitigation Measures

45. If underground tanks, hazardous wastes or other contaminated materials are encountered during construction of the project, the applicant shall immediately contact the Stanislaus County Department of Environmental Resources. Developer/operator shall be responsible for immediately contacting the County Department of Environmental Resources if underground tanks, hazardous wastes or other contaminated materials are encountered during construction of the project.

46. The applicant shall prepare and implement a business plan for the proposed project pursuant to, and comply with all other applicable requirements of, Chapter 6.95 of the California Health and Safety Code, including required updating of the business plan. The applicant shall contact and coordinate with the Stanislaus County Department of Environmental Resources with respect to these and other applicable requirements. The developer/operator shall prepare and implement a business plan prior to operation of the approved use and shall periodically update that plan as required.
47. Application of pesticides and fumigants to commodity piles shall be restricted to qualified trained personnel. Pesticide and fumigant application, entry into treated areas and any other potential exposure to these products shall be in accordance with the specifications of product labeling. The operator shall ensure that entry into treated areas and the application of any pesticides and fumigants to the commodity piles are restricted to qualified trained personnel in accordance with the specifications of product labeling.

Hydrology and Water Quality Mitigation Measures

48. The applicant shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan (2004, or as amended), including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board. The SWPPP shall include BMPs that address both construction and operation of the proposed project, consistent with the SWPPP. The developer/operator shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan prior to issuance of any building permit or off-site improvement construction.
49. The applicant shall submit a copy of the SWPPP and the NOI to the Building Permits Division for review and approval prior to the issuance of building permits. The developer/operator shall be responsible for submitting a copy of the SWPPP and the NOI prior to the issuance of any building permit.
50. The applicant shall implement all mitigation measures for hazardous materials use prescribed in Chapter 10.0 Health and Safety. (Conditions of Approval/Mitigation Measures No. 45-47)

Noise Mitigation Measures

51. The applicant shall install backup alarms on all resident, on-site, mobile equipment that uses "smart alarm" technology. This technology produces an alarm level that is approximately 5 dB above the existing ambient noise level so that excessive alarm levels are avoided. This system should comply with all applicable U.S. Department of Labor standards. The operator shall be responsible for installation and on-going maintenance of required backup alarms on all resident on-site mobile equipment prior to equipment operation.

52. The applicant shall incorporate radar or sonar sensing equipment to activate backup alarms only when objects are detected behind the vehicle. The sensing area should be of sufficient size for persons to easily avoid the vehicle path. This equipment should comply with all applicable U.S. Department of Labor standards. The operator shall be responsible for incorporating radar or sonar sensing equipment prior to operation of mobile equipment on the project site.
53. The applicant shall restrict construction activities to between the hours of 7 a.m. – 6 p.m., Monday-Friday and 8 a.m. to 5 p.m. on Saturday. No construction activities shall occur on Sunday or holidays. The developer/operator shall be responsible for restricting construction activities in accordance with the applicable mitigation measure.
54. All construction equipment shall be fitted with factory installed mufflers and shall be in good working order. The developer/operator shall be responsible for insuring all construction equipment is fitted with factory-installed mufflers in good working order.

Public Services Mitigation Measures

55. SHA shall pay required Public Facility Fees (PFF) to defray capital facilities costs associated with expanding law enforcement services. The developer/operator shall be responsible for paying all required PFF prior to issuance of any building permit.
56. SHA shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Sheriff's Department. The developer/operator shall be responsible for fencing and monitoring of contractors' storage yards during the construction phases of the project.
57. SHA shall pay required Fire Service Impact mitigation fees prior to issuance of building permits. The developer/operator shall be responsible for paying all required Fire Service Impact mitigation fees prior to issuance of any building permit.
58. SHA shall coordinate the project design with Woodland Avenue Fire Department (WAFD) and incorporate the District's reasonable requirements regarding project access, site identification, water supply and other fire suppression needs, including adequate access and water supply during construction. The developer/operator shall be responsible for coordinating the project design with WAFD and incorporation of the District's reasonable requirements during construction.

Transportation and Circulation Mitigation Measures

59. SHA shall design and construct improvements to the eastbound Maze Boulevard (SR 132) left turn lane on to northbound Dakota Avenue to provide at least 150 feet of storage length (to accommodate up to two large trucks), including sufficient truck turning radius. These improvements would need to be coordinated with Caltrans' eastbound left-turn extension project (#EA OL0801). The developer/operator shall design and construct improvements to eastbound Maze Boulevard (SR 132) prior to operation of the approved use.

60. SHA shall design and construct improvements that reconfigure or make other geometric design improvements to the westbound Maze Boulevard (SR 132) right-turn on to northbound Dakota Avenue, and to the southbound Dakota Avenue left-and right-turn movements on to eastbound Maze Boulevard (SR 132) in order to effectively turn large trucks through these traffic movements. The developer/operator shall design and construct improvements to Maze Boulevard (SR 132) and Dakota Avenue prior to operation of the approved use.
61. The improvements specified in Conditions of Approval/Mitigation Measures No. 59 and 60 shall be in place prior to "opening day" and shall be subject to the review and approval of Stanislaus County and Caltrans.
62. SHA shall pay the entire cost of installation of a traffic signal at the SR 132 / Dakota Avenue intersection identified herein as required under existing conditions. SHA may apply for reimbursement of costs in excess of its fair share from future benefitting parties under a reimbursement mechanism to be developed between SHA, Stanislaus County and/or Caltrans. The developer/operator shall be responsible for payment of all fees prior to issuance of building permit.

In the event that the above-described traffic signal cannot be operational prior to the opening of the proposed project, the following would be considered reasonable alternative mitigation measures, subject to the approval of the Public Works Director, and Caltrans where required:

- Operation of a temporary (construction phase) traffic signal at the SR 132/Dakota Avenue intersection.
 - Limiting SHA operations to a nominal fraction of their anticipated maximum throughput for the first year of operation or until the season the recommended traffic signal is operational.
 - Entering SHA into an agreement with Caltrans and County that the monies needed to fully construct the recommended traffic signal are deposited up-front into a public account and that the improvement is guaranteed to be in place within the time-line for formal approval and construction of the traffic signal. The developer shall be responsible for obtaining and operating a temporary signal, or for limiting SHA operations, or payment of required security.
63. SHA shall complete a comprehensive signal warrant analysis that shall be submitted to Caltrans for approval in conjunction with its application for encroachment permit to construct any improvements required by Conditions of Approval/Mitigation Measures 59-62.
 64. SHA shall be responsible for its proportionate share of intersection improvements required under Cumulative Base conditions, as specified in Appendix F, the Wood Rodgers traffic study. The developer/operator shall be responsible for payment of all fees prior to issuance of building permit.

Utilities Mitigation Measures

65. The applicant shall complete any required soils testing to demonstrate the suitability of the project site for septic tank/leach field system use. The developer/operator shall be responsible for completing any required soils testing prior to issuance of building permit.

66. The applicant shall obtain a sewage disposal permit and meet all applicable requirements of the Stanislaus County Environmental Health Division. The developer/operator shall be responsible for obtaining a sewage disposal permit and meeting all applicable requirements prior to issuance of building permit.
67. Proposed storm drainage plans shall be subject to the review and approval of the Director of Public Works. Storm drainage plans shall be reviewed and approved by the Director of Public Works prior to issuance of any building permit.
68. The property owners, developers and/or successors-in-interest shall prepare and submit a Storm Water Pollution Prevention Plan and Notice of Intent to the Regional Water Quality Control Board, and to the Stanislaus County Public Works and Building Departments prior to issuance of project building permits. The SWPPP shall include both construction stage and permanent storm water pollution prevention provisions.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right hand corner of the Conditions of Approval/Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

**CEQA FINDINGS
FOR
SALIDA HULLING ALMOND HULLING FACILITY**

Use Permit No. 2002-30—Salida Hulling Association

TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION	1-1
1.1 Purpose and Scope of this Document	1-1
1.2 Proposed Project	1-2
1.3 Environmental Review of the Project Under CEQA	1-3
1.4 Required Findings	1-4
2.0 FINDINGS OF THE LEAD AGENCY WITH REGARD TO THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT	2-1
2.1 Less Than Significant Impacts Without Mitigation	2-1
2.2 Significant or Potentially Significant Impacts Prior to Mitigation	2-2
2.2.1 Significant Environmental Effects that can be avoided or substantially reduced by changes or alterations to the project	2-3
(a) Residential/Agriculture Land Use Conflicts	2-3
(b) Construction Related Emissions	2-4
(c) Impacts on Wetlands and Waters of the U.S.	2-5
(d) Potential Impacts on Sensitive Wildlife Species	2-6
(e) Potential Impacts on Prehistoric Cultural Resources	2-7
(f) Potential Project Effects on Historic Resources	2-7
(g) Exposure of Proposed Improvements to Soil Constraints	2-8
(h) Hazardous and Toxic Materials and Sites	2-8
(i) Project Effects on Surface Water Quality	2-9
(j) Noise Impacts of Mobile Equipment Backup Alarms	2-10
(k) Construction Noise Impacts	2-10
(l) Project Impact on Law Enforcement Services	2-11
(m) Project Impact on Fire Protection Services	2-11
(n) Traffic Impacts Under "Existing Plus Project" Conditions	2-12
(o) Traffic Impacts Under "Cumulative Plus Project" Conditions	2-13
(p) Adequacy of Wastewater Disposal Services	2-13
(q) Adequacy of Storm Drainage Services	2-14
(r) Consistency with Storm Water Quality Regulations	2-14
2.2.2 Environmental Effects that can be avoided or substantially lessened by changes or alterations adopted by another public agency with responsibility and jurisdiction	2-15
(a) Cumulative Impacts on Noise	2-15

Table of Contents (cont.)

Page

2.2.3	Environmental effects that cannot be avoided or reduced because mitigation measures or alternatives are infeasible	2-15
(a)	Light and Glare	2-15
(b)	Cumulative Impacts on Air Quality	2-16
(c)	Cumulative Impacts on Noise	2-16
3.0	FINDINGS OF THE LEAD AGENCY WITH REGARD TO ALTERNATIVES TO THE PROJECT	3-1
3.1	Introduction Regarding Project Alternatives	3-1
3.2	Alternatives Not Addressed In Detail	3-2
3.3	No Project Alternative	3-3
3.4	Project Design Alternative	3-3
3.5	Alternative Locations for the Project	3-4
4.0	STATEMENT OF OVERRIDING CONSIDERATIONS	4-1

CEQA FINDINGS FOR SALIDA HULLING ALMOND HULLING FACILITY

SECTION 1.0 INTRODUCTION

This document sets forth the findings of the Stanislaus County Planning Commission (the "Commission") related to the Salida Hulling Almond Hulling Project, including a Statement of Overriding Considerations. Under the California Environmental Quality Act (CEQA) the Lead Agency, in this case the agency considering approval of the project, the Commission, is required to make specific findings regarding the potential environmental effects of the project before approving it. The primary source document for these findings is the *Final EIR for the Salida Hulling Almond Hulling Project* (SCH# 2002102074) (the "EIR"). When referenced as such, the EIR includes both the Recirculated Draft EIR (RDEIR) and Final EIR (FEIR) for the project as well as any documents that have been incorporated into those documents by reference.

1.1 PURPOSE AND SCOPE OF THIS DOCUMENT

CEQA requires that a public agency that is the considering the approval of a project that may involve significant effects on the environment, the Lead Agency, is required to prepare an Environmental Impact Report (EIR). The EIR is required to identify the significant or potentially significant effects of the project, identify the mitigation measures that could avoid or reduce those effects and compare the environmental effects of a reasonable range of alternatives to the project to the effects of the project itself. Prior to approval of the project, the Lead Agency is required to certify that the EIR was completed in compliance with CEQA, and that the Lead Agency reviewed and considered the information in the EIR. If the EIR identifies significant or potentially significant environmental effects, CEQA requires that the Lead Agency make specified written findings the degree to which the mitigation measures would reduce the identified environmental effects. If the Lead Agency finds that mitigation measures would not reduce the significant effects of the project to the level required by CEQA, or are not feasible, it must also adopt a Statement of Overriding Considerations.

The project that is the subject of these findings, the environmental review process, the environmental documentation prepared for the project, and the findings that the Commission must make to fulfill the requirements of CEQA are described below. The

Commission's actual findings and the Statement of Overriding Considerations for the project are described in subsequent sections of this document, as follows:

- 2.0 Findings of the Lead Agency With Regard to the Significant Environmental Effects of the Project
- 3.0 Findings of the Lead Agency With Regard to Alternatives to the Project
- 4.0 Statement of Overriding Considerations

The Lead Agency must also adopt a Mitigation Monitoring and Reporting Program (MMRP) for any mitigation measures identified in the EIR; this document is contained in Appendix G of the Final EIR.

1.2 PROPOSED PROJECT

The proposed project involves the development of an expanded almond hulling and shelling facility by the Salida Hulling Association (SHA), an agricultural cooperative, on an approximately 50.4-acre site located at the northeast corner of SR 132 and Dakota Avenue, west of the City of Modesto, in unincorporated Stanislaus County. The proposed facility would replace Salida Hulling's existing 5.8-acre almond hulling and shelling facility located on Nutcracker Lane, south of Kiernan Road, in Salida; the existing facility will be taken out of service as soon as the new facility is in use.

The objective of the Salida Hulling project is to replace SHA's existing facility with an expanded processing facility with a production capability of an average of 20 million meat pounds of almonds. Production would occur seasonally annually within an August-December processing timeframe; this would accommodate an average annual production of 1,600 meat pounds of almonds from 12,500 grower acres. The proposed facility would provide expanded storage space for raw almonds and byproducts as well as space to accommodate production downtime and other contingencies.

Major elements of the expanded facility would include an approximately 20,000 square foot structure that would house receiving, hulling, shelling and sorting equipment; a dryer facility; conveyor systems; outdoor storage areas for hulls, shells and byproducts; a maintenance shop; and on-site administration office, circulation facilities, parking, truck scale, and other improvements associated with proposed operations. The project would also include air quality and noise controls. Utility services would be provided on-site, including an on-site water system, sewage collection and disposal system, and storm drainage swales and percolation areas.

The facility would operate seasonally from August through December, six days a week and 24 hours a day, employing between 18 and 25 persons. During the off-season, the

facility would be open five days a week during daytime hours employing approximately five employees.

1.3 ENVIRONMENTAL REVIEW OF THE PROJECT UNDER CEQA

The potential environmental effects of the project, mitigation measures needed to avoid or reduce these effects and alternatives to the project were addressed in the EIR prepared by the Stanislaus County.

Stanislaus County prepared a Notice of Preparation of the EIR that was circulated for agency review as required by CEQA. Detailed information on the content, circulation and comments received by the County on the Notice of Preparation is contained in the RDEIR that has been incorporated herein by reference.

A Draft EIR (DEIR) dated May 3, 2006 was prepared by the County and distributed for agency and public comment between May 9, 2006 and June 23, 2006. Subsequent to this initial review, and in response to comments received on the May 3, 2006 DEIR, the County elected to revise and re-circulate the EIR. The Recirculated Public Review Draft EIR (the RDEIR, February 7, 2007) was distributed for agency and public comment between February 7, 2007 and March 23, 2007. Documentation of the DEIR and RDEIR distribution processes is detailed in the Final EIR (FEIR) which, together with the RDEIR, is incorporated into this document by reference, below.

The County also received substantial written comment on the RDEIR. The County has prepared the FEIR, which incorporates the RDEIR by reference; the FEIR includes all comments received on the RDEIR, provides the County's responses to those comments, and makes any required revisions to the RDEIR.

The RDEIR and FEIR are hereby incorporated by reference. Copies of these documents, specifically cited below, are available for review at the offices of the Stanislaus County Planning and Community Development Department, 1010 Tenth Street, Modesto, CA 95354.

InSite Environmental. 2007. Recirculated Public Review Draft, Environmental Impact Report for Salida Hulling Almond Hulling Facility, Dakota Road and State Route 132 (Maze Boulevard), Stanislaus County, CA. Stanislaus County Use Permit File No: 2002-30. State Clearinghouse Number 2002102074. February 7, 2007.

InSite Environmental. 2007. Final Environmental Impact Report for Salida Hulling Almond Hulling Facility, Dakota Road and State Route 132 (Maze Boulevard), Stanislaus County, CA. Stanislaus County Use Permit File No: 2002-30. State Clearinghouse Number 2002102074. August 13, 2007.

1.4 REQUIRED FINDINGS

CEQA requires that, prior to approval of a project, the Lead Agency make specified findings related to each of the significant or potentially significant environmental effects considered in the EIR. The EIR identified several significant or potentially significant effects on the environment. The reporting of significant environmental effects requires the adoption of the findings required by the State CEQA Guidelines in Section 15091 through 15093. The County's findings with respect to each of these significant or potentially significant environmental effects are set forth in Section 2.0 of this document.

In the event that the County chooses to approve the proposed project, the County will need to certify the EIR, to adopt the mitigation measures specified in the EIR and the MMRP and make the findings specified in this document. After taking all of these actions, and based on the evidence presented in the EIR, all but three of the project environmental effects will be reduced to Less Than Significant. These remaining impacts are considered potentially significant and potentially unavoidable.

Because the project may involve impacts that are potentially significant and unavoidable, the County is also required to make findings with respect to the alternatives to the proposed project. These findings are set forth in Section 3.0 of this document. For the same reason, in order to approve the project, the County must also adopt a Statement of Overriding Considerations, as provided in Section 15093 of the State CEQA Guidelines. The Statement of Overriding Considerations and related information are set forth in Section 4.0 of this document.

The CEQA findings for the proposed project are based upon substantial evidence, comprised primarily of the information, analysis and mitigation measures described in the RDEIR and FEIR, and other information incorporated into these documents by reference. Specific references to supporting information are provided in conjunction with each finding set forth in Sections 2.0, 3.0 and 4.0.

SECTION 2.0
FINDINGS OF THE LEAD AGENCY WITH REGARD TO THE SIGNIFICANT
ENVIRONMENTAL EFFECTS
OF THE PROJECT

2.1 LESS THAN SIGNIFICANT IMPACTS WITHOUT MITIGATION

Environmental effects which the EIR found to be Less Than Significant without mitigation do not require findings under CEQA. These effects include the following:

- Aesthetic Effects of Proposed Hulling Facility
- Conversion of Agricultural Land
- Williamson Act Contracts
- Agricultural Access and Irrigation
- Air Quality Impacts from Operating Emissions (Criteria Air Pollutants)
- Net Regional and Local Air Emission Effects
- Operating Emissions (Toxic Air Pollutants)
- Non-Cancer Health Impacts
- Odor Impacts
- Impacts on Existing Vegetation and Project Site Habitat Values
- Loss of Sensitive or Special Status Plants
- Exposure of Proposed Improvements to Faulting and Seismic Shaking Hazards
- Exposure of Proposed Improvements to Other Geologic Hazards
- Effects on Mineral Resources
- Impacts on Soil Erosion
- Impacts Associated with Wastewater Disposal Systems
- Hazardous Material Transportation Concerns
- High-Voltage Power Lines
- Direct Impacts on Surface Water Features, Volumes or Flows
- Exposure of Proposed Development to Flooding Hazards
- Project Effects on Groundwater Quantity
- Potential Project Effects on Groundwater Quality
- Overall Change in Land Use
- Consistency with Stanislaus County General Plan
- Consistency with Stanislaus County Zoning
- Land Use Conflicts
- Noise Impacts of On-Site Hulling/Shelling Equipment Operations
- Off-Site Traffic Noise Impacts Including Project Trucks
- Project Effects on Population Growth
- Project Effects on Housing
- Project Impacts on Schools
- Project Impacts on Parks and Recreation

Solid Waste Generation
Availability of Adequate Domestic Water Supply
Project Effects on Domestic Water Distribution Systems
Project Effects on Irrigation Water Supply and Distribution Systems
Demands for Public Utilities
Cumulative Impacts on Aesthetics
Cumulative Impacts on Agricultural Resources
Cumulative Impacts on Biological Resources
Cumulative Impacts on Cultural Resources
Cumulative Impacts on Geology and Soils
Cumulative Impacts on Hazards and Hazardous Materials
Cumulative Impacts on Hydrology and Water Quality
Cumulative Impacts on Land Use and Planning
Cumulative Impacts on Population and Housing
Cumulative Impacts on Public Services
Cumulative Impacts on Transportation
Cumulative Impacts on Utilities and Services

2.2 SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS PRIOR TO MITIGATION

The Commission hereby finds as follows regarding each of the environmental effects that were found by the EIR to be significant and/or potentially significant prior to the application of mitigation measures. The following findings consider each of the individual significant or potentially significant environmental effects of the project on an individual basis. Each environmental effect is briefly identified and its significance prior to the application of mitigation measures is identified. All of the mitigation measures identified in the EIR are listed, and the significance of each environmental effect after application of the mitigation measures is identified. Following this, the Commission's finding with respect to the environmental effect, and the location of source information for the Commission's rationale in making that finding, is identified. Additional information and evidence may be produced at the public hearing(s) on the proposed project, and may be incorporated into these findings at a later date.

The following findings are based upon the whole of the information and analysis included in the EIR and, in particular, on the implementation of the project mitigation measures. Implementation of the mitigation measures will be required as a condition of project approval. The County will also adopt a Mitigation Monitoring and Reporting Program (MMRP); a copy of the MMRP is shown in Appendix G of the Final EIR. The actions required by these documents will ensure that feasible mitigation measures are incorporated into the project.

The County received substantial amounts of comment on the RDEIR, and certain comments expressed the concern that the significance of the environmental effects as identified in the RDEIR would be more severe than as characterized by the RDEIR, or that the identified mitigation measure(s) would not be sufficient to reduce the environmental effects to Less Than Significant. The County considered each of these comments in detail in the Final EIR. After due consideration and analysis, the EIR's analysis and mitigation recommendations were revised as appropriate, as shown in the Final EIR. In general, however, these comments did not result in substantial changes in the analysis and conclusions of the EIR.

Potential findings for the significant and potentially significant effects of the project are prescribed in Sections 15091 of the State CEQA Guidelines. The three potential findings as they apply to the significant effects of the project are listed below. The findings are listed by reference only in the discussion of the individual significant effects.

Finding 1 Changes or alterations to the project have been required of, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. (This is the finding made by the Commission for all but three of the environmental effects identified in the EIR.)

Finding 2 Changes or alterations to the project that would avoid or substantially lessen the subject environmental effect are within the responsibility and jurisdiction of another public agency and not the County. Such changes or alterations have been adopted by such other agency, or can and should be adopted by such other agency. (This finding is not applied to one of the environmental effects identified in the EIR.)

Finding 3 Mitigation measures or alternatives that would avoid or substantially lessen the subject environmental effect are infeasible as a result of specific economic, legal, social, technological or other considerations. (The Commission adopts this finding in regard to three potentially significant cumulative effects that cannot definitely be reduced to Less Than Significant by mitigation measures. The Commission adopts a Statement of Overriding Considerations for these effects in Section 4.0.)

2.2.1 Significant environmental effects that can be avoided or substantially reduced by changes or alterations to the project.

(a) Residential/Agriculture Land Use Conflicts (RDEIR, Chapter 5.0 Agriculture)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall implement the mitigation measures specified in Chapter 6.0 Air Quality, Chapter 13.0 Noise and other chapters of this EIR.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 5-1 and 5-2 and pages 5-4 and 5-5 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-104 through 3-106.

(b) Construction Related Emissions (Chapter 6.0 Air Quality)

This environmental effect is identified by the RDEIR as Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. During construction, the owners, developers, and/or successors-in-interest will comply with San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules).
2. The owners, developers, and/or successors-in-interest shall implement the following dust control practices, drawn from Tables 6-2 and 6-3 of GAMAQI, during construction:
 - All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
 - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified above shall be applied as required to maintain the VDE standard.
3. The project shall comply with any applicable requirements of SJVAPCD Rule 9510 Indirect Source Rule.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 6-1 through 6-9 and pages 6-11 through 6-13 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-123 through 3-166.

(c) Impacts on Wetlands and Waters of the U.S. (Chapter 7.0 Biological Resources)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. Off-site road improvements associated with the project shall be subject to inspection by a qualified biologist during the design process for the presence of Waters of the US or wetlands.

2. If Waters of the US or wetlands are present within off-site improvement areas, the applicant shall design the subject improvements to avoid impacts on these resources wherever practicable.
3. Where it is not practicable to avoid wetland impacts, the owners, developers and/or successors-in-interest shall retain a qualified biologist to prepare a wetland delineation pursuant to the applicable US Army Corps guidelines and obtain any required permits from the agencies with jurisdiction, including the US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board.
4. The owners, developers and/or successors-in-interest shall provide mitigation for wetland losses as specified in required permits, which may include the payment of mitigation bank fees acceptable to the agencies with jurisdiction

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 7-1 through 7-8 and page 7-10 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including page 3-86.

(d) Potential Impacts on Sensitive Wildlife Species (RDEIR, Chapter 7.0)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. If construction activities would occur between March 1 and September 15, the applicant shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson's hawks on adjoining lands pursuant to CDFG (1994) guidelines. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1994).
2. If construction activities would occur between February 1 and August 31, the applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls on lands east of Dakota Road that are within 250 feet of project construction areas. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1995).
3. The applicant shall observe temporal restrictions on construction identified by the biologist pursuant to Mitigation Measures 1 and 2.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 7-1 through 7-8 and pages 7-10 and 7-11 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including page 3-86.

(e) Potential Impacts on Prehistoric Cultural Resources (RDEIR Chapter 8.0 Cultural Resources)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.
2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 8-1 through 8-3 and pages 8-3 and 8-4 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including page 3-86.

(f) Potential Project Effects on Historic Resources (RDEIR Chapter 8.0 Cultural Resources)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall implement the mitigation measures for prehistoric archaeological resources.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 8-1 through 8-3 and pages 8-4 and 8-5 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including page 3-86.

(g) Exposure of Proposed Improvements to Soil Constraints (RDEIR Chapter 9.0 Geology and Soils)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall submit a geotechnical report prepared by a qualified professional engineer or geologist to the Stanislaus County Building Department for review and approval.
2. Project design and development shall conform to applicable specifications of the approved geotechnical report.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 9-1 through 9-3 and pages 9-4 and 9-5 of the RDEIR.

(h) Hazardous and Toxic Materials and Sites (RDEIR Chapter 10.0 Hazards and Hazardous Materials)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. If underground tanks, hazardous wastes or other contaminated materials are encountered during construction of the project, the applicant shall immediately contact the Stanislaus County Department of Environmental Resources.

2. The applicant shall prepare and implement a business plan for the proposed project pursuant to, and comply with all other applicable requirements of, Chapter 6.95 of the California Health and Safety Code, including required updating of the business plan. The applicant shall contact and coordinate with the Stanislaus County Department of Environmental Resources with respect to these and other applicable requirements.
3. Application of pesticides and fumigants to commodity piles shall be restricted to qualified trained personnel. Pesticide and fumigant application, entry into treated areas and any other potential exposure to these products shall be in accordance with the specifications of product labeling

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 10-1 through 10-3 and pages 10-4 through 10-6 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including page 3-89.

(i) Project Effects on Surface Water Quality (RDEIR Chapter 11.0 Hydrology and Water Quality)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan (2004, or as amended), including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board. The SWPPP shall include BMPs that address both construction and operation of the proposed project, consistent with the SWMP.
2. The applicant shall submit a copy of the SWPPP and the NOI to the Public Works Department for review and approval prior to the issuance of building permits.
3. The applicant shall implement all mitigation measures for hazardous materials use prescribed in Chapter 10.0 Health and Safety.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 11-1 through 11-3

and pages 11-4 through 11-6 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-92 through 3-94.

(j) Noise Impacts of Mobile Equipment Backup Alarms (RDEIR Chapter 13.0 Noise)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall install backup alarms on all resident, on-site, mobile equipment that uses "smart alarm" technology. This technology produces an alarm level that is approximately 5 dB above the existing ambient noise level so that excessive alarm levels are avoided. This system should comply with all applicable U.S. Department of Labor standards.
2. The applicant shall incorporate radar or sonar sensing equipment to activate backup alarms only when objects are detected behind the vehicle. The sensing area should be of sufficient size for persons to easily avoid the vehicle path. This equipment should comply with all applicable U.S. Department of Labor standards.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 13-1 through 13-4 and page 13-13 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-97 through 3-102 and 3-167 through 3-182.

(k) Construction Noise Impacts (RDEIR Chapter 13.0 Noise)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall restrict construction activities to between the hours of 7 a.m. – 6 p.m., Monday-Friday and 8 a.m. to 5 p.m. on Saturday. No construction activities shall occur on Sunday or holidays.
2. All construction equipment shall be fitted with factory-installed mufflers and shall be in good working order.

3. The applicant shall locate all staging areas for construction equipment as far as possible from existing residential areas, consistent with the preliminary location shown in Figure 3-1.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 13-1 through 13-4 and page 13-15 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

(l) Project Impact on Law Enforcement Services (RDEIR Chapter 15.0 Public Services)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. SHA shall pay required Public Facility Fees to defray capital facilities costs associated with expanding law enforcement services.
2. SHA shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Sheriff's Department.
3. SHA shall coordinate with, and provide an opportunity for Sheriff's Department review of, project plans prior to County approval for construction.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on page 15-1 and page 15-2 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

(m) Project Impact on Fire Protection Services (RDEIR Chapter 15.0 Public Services)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. SHA shall pay required Fire Service Impact mitigation fees prior to issuance of building permits.

2. SHA shall coordinate the project design with WAFD and incorporate the District's reasonable requirements regarding project access, site identification, water supply and other fire suppression needs, including adequate access and water supply during construction.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on page 15-3 and pages 15-3 and 15-4 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

(n) Traffic Impacts Under "Existing Plus Project" Conditions (RDEIR Chapter 16.0 Transportation and Circulation)

This environmental effect is identified by the RDEIR as Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. SHA shall design and construct improvements to the eastbound Maze Boulevard (SR 132) left turn lane on to northbound Dakota Avenue to provide at least 150 feet of storage length (to accommodate up to two large trucks), including sufficient truck turning radius). These improvements would need to be coordinated with Caltrans' eastbound left-turn extension project (#EA OL0801.)
2. SHA shall design and construct improvements that reconfigure or make other geometric design improvements to the westbound Maze Boulevard (SR 132) right-turn on to northbound Dakota Avenue, and to the southbound Dakota Avenue left-and right-turn movements on to eastbound Maze Boulevard (SR 132) in order to effectively turn large trucks through these traffic movements.
3. The above improvements shall be in place prior to "opening day" and shall be subject to the review and approval of Stanislaus County and Caltrans.
4. SHA shall pay the entire cost of installation of a traffic signal at the SR 132 / Dakota Avenue intersection identified herein as required under existing conditions. SHA may apply for reimbursement of costs in excess of its fair share from future benefiting parties under a reimbursement mechanism to be developed between SHA, Stanislaus County and/or Caltrans.
5. SHA shall complete a comprehensive signal warrant analysis that shall be submitted to Caltrans for approval in conjunction with its application for encroachment permit to construct the above-described improvements.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 16-2 through 16-10 and pages 16-14 through 16-23 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-219 through 3-246.

(o) Traffic Impacts Under “Cumulative Plus Project” Conditions (RDEIR Chapter 16.0 Transportation and Circulation)

This environmental effect is identified by the RDEIR as Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. SHA shall be responsible for its proportionate share of intersection improvements required under Cumulative Base conditions, as specified in Appendix F, the Wood Rodgers traffic study.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 16-2 through 16-10 and pages 16-25 through 16-32 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

(p) Adequacy of Wastewater Disposal Services (RDEIR Chapter 17.0 Utilities)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The applicant shall complete any required soils testing to demonstrate the suitability of the project site for septic tank/leach field system use.
2. The applicant shall obtain a sewage disposal permit and meet all applicable requirements of the Stanislaus County Environmental Health Division.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 17-1 through 17-3 and pages 17-2 and 17-3 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

(q) Adequacy of Storm Drainage Services (RDEIR Chapter 17.0 Utilities)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. Proposed storm drainage plans shall be subject to the review and approval of the Director of Public Works.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 17-1 through 17-3 and pages 17-6 and 17-7 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-92 through 3-94.

(r) Consistency with Storm Water Quality Regulations (RDEIR Chapter 17.0 Utilities)

This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. The property owners, developers and/or successors-in-interest shall prepare and submit a Storm Water Pollution Prevention Plan and Notice of Intent to the Regional Water Quality Control Board, and to the Stanislaus County Public Works and Building Departments prior to issuance of project building permits. The SWPPP shall include both construction stage and permanent storm water pollution prevention provisions.

The above-described mitigation measures would reduce the subject environmental effect to Less Than Significant. The Commission hereby makes *Finding 1* as described earlier in this section. The rationale for this finding is documented on pages 17-1 through 17-3 and pages 17-7 and 17-8 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, including pages 3-92 through 3-94.

2.2.2 Environmental effects that can be avoided or substantially lessened by changes or alterations adopted by another public agency with responsibility and jurisdiction.

(a) Cumulative Impacts on Noise (RDEIR Chapter 18.10)

This environmental effect involved potential project contributions to future significant noise levels along Dakota Avenue, which is programmed for development as an arterial road or SR 132 bypass. The project's contribution is identified by the RDEIR as Potentially Considerable prior to the application of mitigation measures. The RDEIR identified several mitigation measures that could apply to future noise conditions and which could reduce potential future noise levels to Less Than Significant; these mitigation measures would be the responsibility of transportation agencies responsible for future improvements, and the implementation of these mitigation measures would remain somewhat speculative. Thus, this impact would be Potentially Significant and unavoidable. The Commission therefore makes *Findings 2 and 3*, as described earlier in this section, with respect to this impact; that is, the responsibility for mitigation of this impact is with another agency, and even so the impact could remain significant after mitigation. The rationale for this finding is documented on pages 18-11 to 18-13 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

2.2.3 Environmental effects that cannot be avoided or reduced because mitigation measures or alternatives are infeasible.

(a) Light and Glare (Sky Glow) (RDEIR, Chapter 4.0 Aesthetics)

The RDEIR identifies the project's potential light and glare effects, including potential effects on night sky glow during project operations. This environmental effect is identified by the RDEIR as Potentially Significant prior to the application of mitigation measures. The RDEIR includes the following mitigation measures for this environmental effect.

1. Design specifications for new outdoor lighting associated with the project shall require that all light fixtures be installed and aimed as required to prevent spill light or glare in off-site areas. Fixture aiming and/or shielding shall prevent direct illumination of the night sky.

The above-described mitigation measures would not reduce the project's potential sky glow effects to Less Than Significant; as a result, this potential impact would remain Potentially Significant and unavoidable. The Commission hereby makes *Finding 3* as

described earlier in this section. The rationale for this finding is documented on pages 4-1 and 4-2 and pages 4-10 and 4-11 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR, specifically page 4-2.

(b) Cumulative Impacts on Air Quality (RDEIR Chapter 18.3)

This environmental effect is identified by the RDEIR as Potentially Considerable prior to the application of mitigation measures. No feasible mitigation measures are available for implementation by the proposed project. This impact would be Potentially Significant and unavoidable. The Commission hereby makes *Finding 3* as described earlier in this section. The rationale for this finding is documented on pages 18-5 to 18-7 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

(c) Cumulative Impacts on Noise (RDEIR Chapter 18.10)

This environmental effect involved potential project contributions to future significant noise levels along Dakota Avenue, which is programmed for development as an arterial road or SR 132 bypass. The project's contribution is identified by the RDEIR as Potentially Considerable prior to the application of mitigation measures. The RDEIR identified several mitigation measures that could apply to future noise conditions and which could reduce potential future noise levels to Less Than Significant; these mitigation measures would be the responsibility of transportation agencies responsible for future improvements, and the implementation of these mitigation measures would remain somewhat speculative. Thus, this impact would be Potentially Significant and unavoidable. The Commission therefore makes *Findings 2 and 3*, as described earlier in this section, with respect to this impact; that is, the responsibility for mitigation of this impact is with another agency, and even so the impact could remain significant after mitigation. The rationale for this finding is documented on pages 18-11 to 18-13 of the RDEIR. Additional discussion of this issue is provided in Chapters 3.0 and 4.0 of the FEIR.

SECTION 3.0 FINDINGS OF THE LEAD AGENCY WITH REGARD TO ALTERNATIVES TO THE PROJECT

3.1 INTRODUCTION REGARDING PROJECT ALTERNATIVES

The State CEQA Guidelines require that an EIR include a discussion of a reasonable range of alternatives to the proposed project or to the location of the project. When, in making the findings required by Section 15091 of the Guidelines, a Lead Agency finds that specific considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR (Finding 3 in this document), the Lead Agency must also describe the specific reasons for rejecting identified mitigation measures and alternatives. The County has made Finding 3 with regard to three environmental effects identified in the EIR; these effects may not be reduced to Less Than Significant by mitigation measures. Consequently, the Commission makes the following findings with regard to project alternatives.

The EIR evaluated several alternatives to the proposed Project. These alternatives, which were discussed in detail in RDEIR Chapter 19.0, are hereby rejected by the Commission because they are considered infeasible, they are unlikely to avoid or substantially lessen the project's significant or potentially significant environmental effects, or they are incapable of meeting most of the basic objectives of the project. The following sections briefly describe the alternatives to the proposed project that were considered in the RDEIR and the specific reasons why those alternatives are being rejected. Additional reasons for rejecting the alternatives are contained in Section 4.0 Statement of Overriding Considerations.

Additional evidence in support of the County's findings regarding alternatives may be introduced by the project applicant at public hearing(s) on the proposed project. This is consistent with the provisions of CEQA, because evidence in support of the findings may be contained not only in the Final EIR but also in the record as a whole.

A principal purpose of the EIR is to establish mitigation measures that will reduce the significant environmental effects of the project to Less Than Significant. All of the mitigation measures identified in the EIR will be incorporated into the project through conditions of approval imposed on the Use Permit by the Commission. As discussed in Section 2.0 and based on the evidence provided in the RDEIR, these measures will reduce all but three of the significant or potentially significant environmental effects of the project to Less Than Significant. Consideration of alternatives with respect to the environmental effects that would be reduced by mitigation measures to Less Than Significant is not required in this analysis.

The three environmental effects that cannot necessarily be reduced to Less Than Significant are the contributions of the project to cumulatively significant effects on air quality and noise, specifically:

Sky Glow Impacts. The proposed project is located in a rural area with limited existing night lighting, and night operations would illuminate approximately three acres, or about 7%, of the site. New lighting would contribute reflected light to the night sky resulting in some effects on night views from existing residences in the project vicinity; potential impacts were presumed significant by the RDEIR, and other than proposed shielding and aiming of light fixtures no mitigation measures are available (RDEIR page 4-11).

Cumulative Air Quality Impacts. The proposed project would result in small contributions to regional ozone and inhalable particulate matter levels that are subject to cumulatively significant impacts from regional emissions. With proposed mitigation measures, these contributions are Less Than Significant at the project level. The RDEIR finds, however, that it can also be argued that *any* increase in emissions of the non-attainment pollutants would tend to degrade already polluted air and could therefore be considered cumulatively considerable. The incorporation of additional mitigation measures, even if feasible, would not result in a substantial reduction or avoidance of the project contribution to significant cumulative impacts (RDEIR page 18-6).

Cumulative Noise Impacts. The proposed project would result in imperceptible contributions (less than one decibel) to predicted future noise levels along Dakota Avenue. The RDEIR indicates that mitigation measures would be available to mitigate future noise impacts, but that mitigation actions would be in the hands of other agencies. The RDEIR also indicates that the project's contributions are small, but that it can be argued that *any* increase in a significant noise level could be considered cumulatively considerable.

3.2 ALTERNATIVES NOT ADDRESSED IN DETAIL

The RDEIR identified and discussed three alternatives to the proposed project that were not addressed in detail. These alternatives included:

Reduced Project Size and/or Capacity

Project Design Alternative – Relocation of Processing Facility to Southeast Quadrant of the Site

Alternative Uses of the Project Site

The three alternatives were not addressed in detail, because they did not meet the criteria for detailed analysis defined in the introduction to RDEIR Chapter 19.0. The Commission hereby rejects these three alternatives for the same reasons: the three alternatives not addressed in detail 1) would not meet most of the objectives of the project, 2) were infeasible, or 3) did not have the ability to avoid or substantially reduce the significant environmental effects of the project. The evidence in support of these findings is provided in the RDEIR on pages 19-1 through 19-8.

3.3 NO PROJECT ALTERNATIVE

The no project alternative is defined as the continuation of existing conditions and trends on the project site. This alternative would involve no action on the part of Stanislaus County to approve the requested use permit or any other approvals required for development of the proposed project. Under the no project alternative development of the proposed hulling/shelling facilities would not occur. It is anticipated that the existing vacant agricultural land would be returned to agricultural land use. Alternatively, other uses permitted under the Stanislaus County Zoning Code could be developed on the site; the implications of alternative uses of the site are discussed in RDEIR Section 19.2.

The Commission hereby rejects the No Project Alternative because it is incapable of meeting most of the basic objectives of the project. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and 19-8 through 19-9.

With three exceptions, the environmental effects of the project would be avoided or reduced to Less Than Significant by mitigation measures included in the RDEIR. Consequently, this alternative would not result in any substantial reduction in the significant environmental effects of the project, after mitigation. The evidence in support of this finding is provided in the RDEIR in Chapters 4.0 through 18.0.

Additional reasons for rejection of this alternative in favor of the proposed project are provided in Section 4.0 Statement of Overriding Considerations.

3.4 PROJECT DESIGN ALTERNATIVE

The Project Design Alternative involves potential changes in the proposed site plan for the project that would have the potential to result in substantial reductions or avoidance of one or more of the significant environmental effects of the project. A range of potential design changes were explored in the RDEIR analysis. The RDEIR assumed for the purposes of the alternatives analysis that the design alternatives would occur on the proposed project site and that the size or capacity of the project would be unchanged.

The RDEIR also assumed that this alternative was feasible and would meet most of the objectives of the proposed project.

The Commission hereby rejects the Project Design Alternative because it unlikely to avoid or substantially lessen the project's significant or potentially significant environmental effects. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and 19-9 through 19-10.

This alternative would not involve the potential to reduce the potential sky glow effects of the project. Alternative designs would still require the illumination of outdoor equipment circulation and material handling areas, and this alternative would present no additional opportunities for mitigation of this impact.

Briefly summarized, this alternative would involve the potential to reduce potential air quality and noise impacts for residences located to the west of the project while at the same time increasing potential impacts for an existing residence located to the east. However, at a "project" analysis level, air quality impacts are Less Than Significant and proposed noise mitigation measures would reduce the project's potential impacts to Less Than Significant.

This alternative would not involve any reduction in the project's potential contribution to significant cumulative noise impacts identified in Chapter 18.0 of the RDEIR. This alternative could reduce but not eliminate the project's small potential contribution to potentially significant cumulative noise impacts.

Additional reasons for rejection of this alternative in favor of the proposed project are provided in Section 4.0 Statement of Overriding Considerations.

3.5 ALTERNATIVE LOCATIONS FOR THE PROJECT

The RDEIR considered a range of potential alternative locations for the proposed project. Alternative locations considered in the analysis included locating the proposed project within a developed industrial park, locating the project on agricultural lands owned by SHA members, locating the project on one of three alternative sites or locations identified by the public during the project scoping meeting, locating the project on one of 24 parcels identified in a comment letter submitted to the County in response to the Notice of Preparation, locating the project on alternative sites investigated by the project applicant and locating the project on a hypothetical alternative site.

The Commission hereby rejects the alternative of locating the project within an industrial park as this alternative is considered infeasible on the basis of cost. As noted in the RDEIR, the land cost of such sites would exceed the costs of Tier 1 sites by as much as 10 times. Furthermore, the Commission finds that the Stanislaus County General Plan

and Zoning Code have defined appropriate locations for uses such as the proposed project as the A-2 Agriculture zoning district within which "Tier 1" uses may be permitted subject to issuance of a use permit. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and pages 19-10 and 19-11.

The Commission hereby rejects the alternative of locating the project on SHA members' lands as this alternative is considered infeasible and inconsistent with the project objectives. The SHA board determined that the project should not be located on a site previously owned by an SHA member, and furthermore there were no member sites that were available for sale. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and page 19-11.

The Commission hereby rejects the three alternative sites identified by members of the public during the January 2005 scoping meeting as these alternatives are considered infeasible and/or inconsistent with the project objectives. Locating the proposed project in a Planned Industrial District in the Salida area, the first suggestion, is not considered a feasible alternative. No sites of suitable size were available to SHA, and due to ongoing urbanization of the area, Salida area is not considered a suitable long-term location for a Tier 1 facility. Locating the project within the Westside Industrial Park in Turlock, the second suggestion, is not a feasible location as it well outside of the core area of SHA membership and this location would be inconsistent with the basic objectives of the project, which are primarily to serve existing and future SHA members. This alternative would also involve increased travel distances and potential increases in air quality impacts. Locating the proposed project within the Fairview Industrial Park in the City of Ceres is also not centrally located to SHA growers, and available land in this area would not be a viable alternative for the proposed project. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and page 19-11 through 19-12.

The Commission hereby rejects the 24 alternative sites identified by NOP commentor Marc Chytilo as these alternatives are considered infeasible and/or inconsistent with the project objectives. None of the identified parcels would represent reasonable alternative sites for the proposed project. All but three of the identified parcels are located well outside of the SHA membership core area. The remaining three parcels are inconsistent with the basic objectives of the project based on unsuitable site size. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and page 19-12 through 19-13.

The Commission does not specifically reject the alternative sites investigated by the project applicants. None of these alternatives were subjected to detailed environmental analysis but instead provided background information and context for the consideration of other alternatives.

The RDEIR's analysis also considered whether an ideally-situated "theoretical" alternative site could result in avoidance or substantial reduction of the significant

environmental effects of the proposed project. The "theoretical alternative site" was assumed to consist of a parcel of land at least 32 acres in size located in an area that is predominantly in agricultural row crop and/or orchard use and which is in ownerships of 40 acres or larger, thereby involving no concentrations of existing residences in the immediate vicinity.

The analysis found that potential light and glare, noise and traffic effects of the project could be avoided at a theoretical alternative site. However, the analysis noted that these potential impacts could be avoided or reduced to Less Than Significant at the proposed project site with mitigation measures.

This alternative would not involve any reduction in the project's potential contribution to significant cumulative air quality impacts identified in Chapter 18.0 of the RDEIR. This alternative could eliminate the project's small potential contribution to potentially significant cumulative noise impacts.

The Commission, therefore, hereby rejects the "theoretical" alternative site as this alternative would be unlikely to avoid or substantially lessen the project's significant or potentially significant environmental effects. The evidence in support of this finding is provided in the RDEIR on pages 19-1 through 19-5 and page 19-14 through 19-15.

SECTION 4.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15093, and with respect to the three environmental effects of the project identified in Section 2.0 that are significant or potentially significant and would not be mitigated to Less Than Significant by mitigation measures, the Commission hereby adopts and makes the following Statement of Overriding Considerations regarding the potentially unavoidable significant environmental effects of the project. This section identifies the significant or potentially significant environmental effect that cannot necessarily be reduced to Less Than Significant and describes the anticipated economic, legal, social, technological and/or other benefits or considerations which warrant the Commission's decision to adopt the project even though not all of the environmental effects of the project are fully mitigated.

The Commission finds that, to the extent that any environmental effects (including, without limitation, any cumulative impacts) attributable to the project may not be mitigated to Less Than Significant, or which are otherwise considered to be unavoidable, such environmental effects are considered acceptable in light of the overriding social, economic and other benefits or considerations related to the project, as set forth in this section. In other words, the Commission finds that the social, economic and other benefits or considerations described in this chapter outweigh the unmitigated or unavoidable environmental effects of the project, thereby warranting its approval.

The significant and potentially significant environmental effects of the project as identified in the project EIR would be reduced to Less Than Significant by proposed mitigation measures with the following three exceptions:

Sky Glow Impacts. The proposed project is located in a rural area with limited existing night lighting, and night operations would illuminate approximately three acres, or about 7%, of the site. New lighting would contribute reflected light to the night sky resulting in some effects on night views from existing residences in the project vicinity; potential impacts were presumed significant by the RDEIR, and other than proposed shielding and aiming of light fixtures no mitigation measures are available (RDEIR page 4-11).

Cumulative Air Quality Impacts. The proposed project would result in small contributions to regional ozone and inhalable particulate matter levels that are subject to cumulatively significant impacts from regional emissions. With proposed mitigation measures, these contributions are Less Than Significant at the project level. The RDEIR finds, however, that it can also be argued that *any* increase in emissions of the non-attainment pollutants would tend to degrade already polluted air and could therefore be considered cumulatively considerable. The incorporation of additional mitigation measures, even if feasible, would not

result in a substantial reduction or avoidance of the project's contribution to significant cumulative impacts (RDEIR page 18-6).

Cumulative Noise Impacts. The proposed project would result in imperceptible contributions (less than one decibel) to predicted future noise levels along Dakota Avenue. The RDEIR indicates that mitigation measures would be available to mitigate future noise impacts, but that mitigation actions would be in the hands of other agencies. The RDEIR also indicates that the project's contributions are small, but that it can be argued that *any* increase in a significant noise level could be considered cumulatively considerable.

The above-described impacts are the subject of this Statement of Overriding Considerations. With respect to these effects, the Commission made Finding 3 which indicates that mitigation measures or alternatives that would avoid or substantially lessen the subject environmental effects are infeasible as a result of specific economic, legal, social, technological or other considerations. While the EIR identifies the feasible mitigation measures that would reduce these effects, a reduction to Less Than Significant is not anticipated.

The Commission considers the following information relevant in its consideration of the unavoidable significant effects of the project. This information is drawn from the RDEIR and FEIR on the project.

Project Site Appropriately Designated and Zoned for Proposed Development. The proposed project is located on land that is designated by the Stanislaus County General Plan and zoned for agriculture, consistent with the prevailing land uses of the project vicinity. The Stanislaus County General Plan promotes the development of uses that are closely-related to agriculture, such as the proposed project, that support agricultural use of other lands within the County. The Stanislaus County Zoning Ordinance "defines nut hulling and drying" as a Tier 1 use, which is a permitted use in the A-2 District with a Use Permit (RDEIR Chapter 12.0).

Project Implements the Goals and Policies of the Stanislaus County General Plan. The proposed project involves the expansion and modernization of almond hulling and shelling facilities that are available to Stanislaus County growers. As a result, the project assists the County in the achievement of important policies and objectives of the General Plan. Specifically, the project supports the attainment of Goal One of the Agricultural Element of the Stanislaus County General Plan:

"Strengthen the agricultural sector of our economy."

The project would also be consistent with four of the Agricultural Element policies listed under Goal One; these policies are intended to guide development toward the above-cited goal, including:

Policy 1.1, Efforts to promote the location of new agriculture-related business and industry in Stanislaus County shall be supported.

Policy 1.7, Processing facilities and storage facilities for agricultural products either grown or processed on the site shall be permissible in agricultural areas.

Policy 1.9, To encourage vertical integration of agriculture, the County shall allow research, production, processing, distribution, marketing, and wholesale and limited retail sales of agricultural products in agricultural areas, provided such uses do not interfere with existing agricultural operations.

The proposed project was also evaluated with respect to other potentially applicable provisions of the General Plan; this analysis indicated that the project would be consistent with all of the applicable policies (RDEIR pages 12-3 through 12-7).

Proposed Huller Expansion is Necessary. The proposed project is needed to serve existing and projected future membership in Salida Hulling. The association has been subject to substantial growth over the years, and this growth is expected to continue with continuing expansion of the almond industry in Stanislaus County (RDEIR pages 1-3, 1-4).

Proposed Huller Expansion is of an Appropriate Size and Scale. The proposed project is sized to accommodate an annual production of approximately 20 million meat pounds of almond meats annually. At an average productivity of 1,600 meat pounds per acre, this equates to a membership acreage of approximately 12,500 acres, which is 50% higher than the associations 2005 member acres. Salida Hulling's membership acreage more than doubled from 1991 through 2005; as a result, this amount of membership growth is considered modest and consistent with the historic growth of the organization (RDEIR pages 1-4 and 3-1).

The proposed hulling and shelling facility is modest in size compared with other existing hullers in the San Joaquin Valley and Stanislaus County. The production levels of other facilities in the Valley range from three to 60 million meat pounds annually; about 1/3 of the hullers have productivity substantially greater than the project, and about 20% are in the range of the proposed project (RDEIR pages 1-2 and 1-3).

Project Designed and Equipped to Minimize Environmental Effects on Surrounding Land Uses. The proposed project has been designed and equipped to minimize potential aesthetic, air quality, noise and other impacts on surrounding land uses.

Proposed unloading and loading, hulling and shelling, storage and other planned facilities involving dust or noise-generation are located in the north-central portion of the project site; these facilities are set back a minimum of 340 from the nearest right-of-way line of Dakota Avenue and more than 390 feet from the nearest

residential property line on the west side of Dakota Avenue. The facilities to existing residences are the proposed office and maintenance shop, which are not substantial noise or dust-generating facilities; the nearest point of the proposed sheller is more than 510 feet from Dakota Avenue, and the proposed unloading area and dryer shed are more than 650 feet from Dakota Avenue (RDEIR Figure 3-1).

The proposed project includes a landscaping plan that provides for substantial planting of the Dakota Avenue frontage of the project site in order to minimize the visibility of proposed facilities. Landscaping would include staggered plantings of fast-growing conifer trees and other landscaping plants along the frontage as well as an adjoining area to the east that would be planted in almond orchards; together, these plantings would total more than 250 feet in width. Additional landscaping and/or orchard plantings would be provided along the north, south and east boundaries of the project site (RDEIR Figure 3-3).

Proposed site improvements include measures to reduce potential air quality and noise impacts. Air quality protection measures include negative air pressure over most plant equipment and extraction of particulate matter through the proposed baghouse facility. Noise control features would include construction of a noise berm along the Dakota Avenue project frontage, the construction of noise walls adjacent to baghouse and dryer facilities, and insulation of the sheller building (RDEIR Chapter 3.0). Additional environmental controls would be imposed by mitigation measures identified in the EIR.

All But Three Project Impacts Are Reduced to Less than Significant Level with Proposed Mitigation Measures. The County considered 71 potential environmental effects in its EIR for the proposed project. With three exceptions, all of the significant or potentially significant environmental effects identified in the EIR would be reduced to Less Than Significant with mitigation measures that are identified in the EIR and which will be attached to the proposed project with conditions of approval; these impacts are listed in Section 2.0 of this document. No Statement of Overriding Considerations is required with respect to impacts that are Less Than Significant.

Significant Unavoidable Impacts Are Insubstantial. The proposed project would involve three potentially significant effects that cannot definitely be reduced to Less Than Significant with mitigation measures; these include potential project impacts on sky glow in a rural area during the project operating season, potential marginal contributions to significant cumulative air quality impacts and potential marginal contributions to potentially significant cumulative noise impacts. All feasible mitigation measures for these impacts have been identified in the EIR and will be incorporated into the proposed project.

Sky glow impacts are identified as potentially significant but this determination has occurred without reference to a clear-cut methodology or threshold of significance.

Potential sky glow effects would occur seasonally, during the hulling and shelling period of August to December; outdoor lighting other than security lighting would not be operated, except occasionally, during the remaining seven months of the year.

As discussed in RDEIR Chapters 6.0, 13.0 and 18.0, the project's potential impacts on air quality and noise as analyzed at the project would be reduced to Less Than Significant with proposed mitigation measures. These potential effects would, then, not ordinarily be considered significant at a cumulatively level; however, the RDEIR acknowledges that even small contributions to cumulatively significant impacts can be considerable and therefore significant, and it is on this basis that these impacts are identified as potentially significant at the cumulative level.

The analysis of potential cumulative noise impacts includes a discussion of potential mitigation measures that could and probably will be implemented by the transportation agencies responsible for future improvements along Dakota Avenue; these mitigation measures could be expected to reduce predicted future noise impacts to Less Than Significant. However, since this conclusion relies on speculation on the future activities of agencies other than the County, this potential effect was classified as Potentially Significant and unavoidable.

No Feasible, Less Environmentally-Damaging Alternatives Are Available. The EIR considered a range of alternatives to the proposed project. None of these alternatives would result in a substantial reduction in the significant or potentially significant environmental effects of the project identified in the EIR. The County's consideration of the alternatives is documented in RDEIR Chapter 19.0 and Section 3.0 of this document.

Employment Benefits. The proposed project would result in expanded direct seasonal employment opportunities at Salida Hulling. The proposed facility would employ between 18 and 25 employees during the hulling season and five employees during the off-season. The project would result in indirect seasonal and permanent employment benefits associated with ongoing and expanded almond production on up to 12,500 acres of almond orchards to be served by the proposed facilities as well as in related almond processing activities in the County (RDEIR Chapter 3.0).

Support for Agriculture and Almond Production. The proposed project would provide essential services (almond hulling and shelling) in support of countywide almond production, adding to the capacity and quality of almond production facilities in the County. Almond hulling is the second leading agricultural product in Stanislaus County; according to the Agricultural Commissioner's report, almond production in 2005 amounted to \$476 million, or approximately 24% of the overall agricultural productivity of the County. The project would support almond production on up to 12,500 acres of agricultural land in the general vicinity of the proposed facility, which amounts to approximately 13% of the 2005 County acreage in almonds. Almonds are a growth sector of agriculture, which expanded more than

40% in Stanislaus County from 1995 to 2004, consistent with expansion in the State of California as a whole; during this same period, the almond orchard acreage owned by SHA members increased by more than 50% (RDEIR pages 1-4, 5-1, 5-2, 18-2).

Applicant's Voluntary Mitigation Measures. The proposed project would involve relatively small increases in traffic on local roads and at the intersection of Dakota Avenue and SR 132; both in the short- and long-term, the project's obligation would amount to a small proportionate share of required traffic improvements, including installation of a traffic signal at SR 132/Dakota Avenue. In the absence of other funding sources, the installation of this signal could be delayed indefinitely. However, the applicant has committed to fund the construction of this signal, subject to potential reimbursement when and if available. Although the project would not involve significant traffic impacts or truck traffic increases at rural road intersections along Dakota Avenue, including the vicinity of the Hart-Ransom School, the applicant has nonetheless agreed to coordinate with school officials in an effort to schedule Salida Hulling truck trips so as to avoid school arrival/departure hours.

The previously-described economic, legal, social, technological and other benefits or considerations of the project outweigh the environmental effects of the project that may remain unmitigated or are considered to be unavoidable. These environmental effects of project implementation are, therefore, considered to be acceptable.

MITIGATION MONITORING AND REPORTING PROGRAM

FOR

**SALIDA HULLING
ALMOND HULLING FACILITY**
Dakota Road and State Route 132 (Maze Boulevard)
Stanislaus County, CA

August 13, 2007

Prepared for:

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1.0 INTRODUCTION

This document describes the Mitigation Monitoring/Reporting Program (MMRP) for the Salida Hulling Almond Hulling Facility project. The primary source document for the MMRP is the Final EIR for the Salida Hulling Almond Hulling Facility project (Use Permit Application No: 2002-30, SCH #2002102074) (the "Final EIR").

The project site is located at the northeast corner of Dakota Avenue and SR 132 in Stanislaus County, California. When referenced as such, the Final EIR includes both the Recirculated Public Review Draft of the EIR (February 7, 2007) and the Final EIR (August 13, 2007) for the project, as well as any documents that have been incorporated into those documents by reference.

1.1 CEQA REVIEW OF PROPOSED PROJECT

The Salida Hulling project involves the development of an expanded almond hulling and shelling facility by the Salida Hulling Association (SHA), an agricultural cooperative, on an approximately 50.4-acre site. The proposed facility would replace Salida Hulling's existing 5.8-acre almond hulling and shelling facility located on Nutcracker Lane in Salida. The expanded processing facility would have an annual production capability of an average of 20 million meat pounds of almonds. Production would occur seasonally annually within an August-December processing timeframe. The proposed facility would provide expanded storage space for raw almonds and byproducts as well as space to accommodate production downtime and other contingencies.

Major elements of the expanded facility would include an approximately 20,000 square foot structure that would house receiving, hulling, shelling and sorting equipment; a dryer facility; conveyor systems; outdoor storage areas for hulls, shells and byproducts; a maintenance shop; and on-site administration office, circulation facilities, parking, truck scale, and other improvements associated with proposed operations. The project would also include air quality and noise controls. Utility services would be provided on-site, including an on-site water system, sewage collection and disposal system, and storm drainage swales and percolation areas.

The County prepared a Draft EIR (the Public Review Draft EIR, dated May 3, 2006) to address the potential environmental effects of the Salida Hulling project. The DEIR was distributed through the State Clearinghouse (SCH #2002102074) for agency and public comment between May 9, 2006 and June 23, 2006. Subsequent to this initial review, and in response to comments received on the May 3, 2006 DEIR, the County elected to revise and re-circulate the EIR. The Recirculated Public Review Draft EIR (the RDEIR, February 7, 2007) was distributed for agency and public comment between February 7, 2007 and March 23, 2007. The County has prepared responses to comments received on the RDEIR

and incorporated the comments, responses and other information into the Final EIR for the project (August 13, 2007), which will be considered concurrently with this MMRP.

1.2 CEQA REQUIREMENTS REGARDING MITIGATION MONITORING AND REPORTING

To ensure that mitigation measures included in an EIR are actually implemented, CEQA requires the adoption of a mitigation monitoring or reporting program (CEQA Guidelines Section 15074). Specifically, the Guidelines require that the lead agency:

" . . . adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects."

The majority of these requirements are met by the Mitigation Monitoring and Reporting Program table shown in Section 2.0 of this document. The table lists all of the potentially significant environmental effects of the project that were identified in the EIR, identifies all of the mitigation measures which address these effects, and identifies the entities that would be responsible for implementing, and monitoring implementation of, the mitigation measures. Section 3.0 of this document describes the mitigation reporting program for the project.

2.0 MITIGATION IMPLEMENTATION AND MONITORING PLAN

The following table summarizes the environmental effects that could result from approval of the proposed project. The table identifies 1) each environmental effect and its significance prior to mitigation, 2) how each significant environmental effect would be mitigated, 3) the responsibility for implementation of each mitigation measure, and 4) the responsibility for monitoring of the mitigation measures, if the project is approved. The table follows the same sequence as the impact analysis in the EIR. Reporting actions required to ensure that the mitigation measures are implemented are described in Section 3.0 of this document.

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

4.0 AESTHETICS

Impact: Light and Glare

1. Design specifications for new outdoor lighting associated with the project shall require that all light fixtures be installed and aimed as required to prevent spill light or glare in off-site areas. Fixture aiming and/or shielding shall prevent direct illumination of the night sky.

Developer/operator shall be responsible for the installation and on-going maintenance of light fixtures consistent with the mitigation measure.

Stanislaus County Planning and
Community Development Department

5.0 AGRICULTURE

Impact: Residential/Agriculture Land Use Conflicts

1. The applicant shall implement the mitigation measures specified in Chapter 6.0 Air Quality, Chapter 13.0 Noise and other chapters of this EIR.

Developer/operator shall be responsible for the implementation and monitoring of all mitigation measures approved for the project. The timeframe for mitigation shall be as specified in the Mitigation Monitoring and Reporting Program.

As identified for specific measures in
the Mitigation Monitoring and
Reporting Program

6.0 AIR QUALITY

Impact: Construction-Related Emissions

1. During construction, the owners, developers, and/or successors-in-interest will comply with SJVAPCD Regulation VIII (Fugitive Dust Rules).

Developer/operator shall be responsible for preparation and submittal of any required Dust Control Plan incorporating the applicable requirements of Mitigation Measure #2 to the SJVAPC District and the on-going implementation of all requirements identified by the SJVAPCD. The developer/operator shall be responsible for on-going record keeping and other requirements of Regulation VIII.

San Joaquin Valley Air Pollution
Control District

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

2. The owners, developers, and/or successors-in-interest shall implement the following dust control practices, drawn from Tables 6-2 and 6-3 of GAMAQI, during construction:

Developer/operator shall be responsible for the on-going implementation of all dust control practices identified by this measure.

San Joaquin Valley Air Pollution
Control District

- 72
- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
 - b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
 - c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
 - d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
 - e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
 - f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

- g. Limit traffic speeds on unpaved roads to 15 mph.
 - h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
 - i. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified above shall be applied as required to maintain the VDE standard.
2. The project shall comply with any applicable requirements of SJVAPCD Rule 9510 Indirect Source Rule.

Developer/operator shall be responsible for the on-going implementation of any applicable requirements of SJVAPCD Rule 9510 Indirect Source Rule.

San Joaquin Valley Air Pollution Control District

7.0 BIOLOGICAL RESOURCES

Impact: Impacts on Wetlands and Waters of the US

- 1. Off-site road improvements associated with the project shall be subject to inspection by a qualified biologist during the design process for the presence of Waters of the US or wetlands.
- 2. If Waters of the US or wetlands are present within off-site improvement areas, the applicant shall design the subject improvements to avoid impacts on these resources wherever practicable
- 3. Where it is not practicable to avoid wetland impacts, the owners, developers and/or successors-in-interest shall retain a qualified biologist to prepare a wetland delineation pursuant to the applicable US Army Corps guidelines and obtain any required permits from the agencies with

Developer/operator shall be responsible during the design process for retaining a qualified biologist to inspect off-site improvement locations for the presence of Waters of the US or wetlands.

Stanislaus County Public Works

If Waters of the US or wetlands are present within off-site improvement areas, the developer/operator shall redesign the improvements to avoid impacts to the greatest extent possible.

US Army Corps of Engineers and Stanislaus County Public Works

Where it is not practical to avoid wetland impacts, the developer/operator shall obtain any required permit from the agencies with authority prior to construction of any off-site

US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board and Stanislaus County Public Works

73

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

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| <p>3. Where it is not practicable to avoid wetland impacts, the owners, developers and/or successors-in-interest shall retain a qualified biologist to prepare a wetland delineation pursuant to the applicable US Army Corps guidelines and obtain any required permits from the agencies with jurisdiction, including the US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board.</p> | <p>Where it is not practical to avoid wetland impacts, the developer/operator shall obtain any required permit from the agencies with authority prior to construction of any off-site improvements.</p> | <p>US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board and Stanislaus County Public Works</p> |
| <p>4. The owners, developers and/or successors-in-interest shall provide mitigation for wetland losses as specified in required permits, which may include the payment of mitigation bank fees acceptable to the agencies with jurisdiction.</p> | <p>The developer/operator shall be responsible for any required wetland mitigation, including payment of all applicable mitigation bank fees, prior to construction of any off-site improvements.</p> | <p>US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board and Stanislaus County Public Works</p> |

Impact: Impacts on Sensitive Wildlife Species

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| <p>1. If construction activities would occur between March 1 and September 15, the applicant shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson's hawks on adjoining lands pursuant to CDFG (1994) guidelines. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1994).</p> | <p>The developer/operator shall be responsible for retaining a qualified biologist to perform surveys and produce a report detailing the need for temporal restrictions, if needed, prior to any construction activities taking place. The developer/operator shall also be responsible for incorporating temporal restrictions in all plans and specifications.</p> | <p>California Department of Fish and Game Impact: Impacts on Sensitive Wildlife Species</p> |
| <p>2. If construction activities would occur between February 1 and August 31, the applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls on lands east of Dakota Road that are within 250 feet of project construction areas. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1994).</p> | <p>See Mitigation Measure 1.</p> | <p>See Mitigation Measure 1.</p> |

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

8.0 CULTURAL RESOURCES

Impact: Potential Impacts on Prehistoric Cultural Resources

1. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.

The developer/operator shall be responsible of halting construction, obtaining a qualified archaeologist and notifying the Stanislaus County Department of Planning and Community Development if any subsurface cultural resources are encountered during construction of this project.

Stanislaus County Planning and Community Development Department

2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.

The developer/operator shall be responsible of halting construction and notifying both the County Coroner and the Stanislaus County Department of Planning and Community Development if any human remains are encountered at any time during development of this project. If remains are determined to be those of a Native American, the developer/operator shall obtain a qualified archaeologist to evaluate the archaeological implications of the find.

Stanislaus County Planning and Community Development Department

Impact: Potential Project Effects on Historic Resources

1. The applicant shall implement the two mitigation measures for prehistoric archaeological resources listed immediately above.

See the implementation responsibilities for the two mitigation measures for prehistoric archaeological resources listed immediately above.

See the monitoring responsibilities for the two mitigation measures for prehistoric archaeological resources listed immediately above.

75

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

9.0 GEOLOGY AND SOILS

Impact: Exposure of Proposed Improvements to Soil Constraints

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| <p>1. The applicant shall submit a geotechnical report prepared by a qualified professional engineer or geologist to the Stanislaus County Building Permits Division for review and approval.</p> | <p>Developer/operator shall be responsible for submitting a geotechnical report prior to issuance of any building permit.</p> | <p>Stanislaus County Planning and Community Development Department – Building Permits Division</p> |
| <p>2. Project design and development shall conform to applicable specifications of the approved geotechnical report.</p> | <p>See Mitigation Measure 1.</p> | <p>See Mitigation Measure 1.</p> |

10.0 HAZARDS AND HAZARDOUS MATERIAL

Impact: Hazardous and Toxic Materials and Sites

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| <p>1. If underground tanks, hazardous wastes or other contaminated materials are encountered during construction of the project, the applicant shall immediately contact the Stanislaus County Department of Environmental Resources.</p> | <p>Developer/operator shall be responsible for immediately contacting the County Department of Environmental Resources if underground tanks, hazardous wastes or other contaminated materials are encountered during construction of the project.</p> | <p>Stanislaus County Department of Environmental Resources</p> |
| <p>2. The applicant shall prepare and implement a business plan for the proposed project pursuant to, and comply with all other applicable requirements of, Chapter 6.95 of the California Health and Safety Code, including required updating of the business plan. The applicant shall contact and coordinate with the Stanislaus County Department of Environmental Resources with respect to these and other applicable requirements.</p> | <p>The developer/operator shall prepare and implement a business plan prior to operation of the approved use and shall periodically update that plan as required.</p> | <p>Stanislaus County Department of Environmental Resources</p> |
| <p>3. Application of pesticides and fumigants to commodity piles shall be restricted to qualified trained personnel. Pesticide and fumigant application, entry into treated areas and any other potential exposure to these products shall be in</p> | <p>The operator shall ensure that entry into treated areas and the application of any pesticides and fumigants to the commodity piles are restricted to</p> | <p>Stanislaus County Department of Environmental Resources and Stanislaus County Agriculture</p> |

76

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

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| <p>3. Application of pesticides and fumigants to commodity piles shall be restricted to qualified trained personnel. Pesticide and fumigant application, entry into treated areas and any other potential exposure to these products shall be in accordance with the specifications of product labeling.</p> | <p>The operator shall ensure that entry into treated areas and the application of any pesticides and fumigants to the commodity piles are restricted to qualified trained personal in accordance with the specifications of product labeling.</p> | <p>Stanislaus County Department of Environmental Resources and Stanislaus County Agriculture Commissioner</p> |
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11.0 HYDROLOGY AND WATER QUALITY

Impact: Project Effects on Surface Water Quality

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| <p>1. The applicant shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan (2004, or as amended), including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board. The SWPPP shall include BMPs that address both construction and operation of the proposed project, consistent with the SWMP.</p> | <p>The developer/operator shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan prior to issuance of any building permit or off-site improvement construction.</p> | <p>Stanislaus County Department of Public Works and the Stanislaus County Planning and Community Development Department – Building Permits Division</p> |
| <p>2. The applicant shall submit a copy of the SWPPP and the NOI to the Building Permits Division for review and approval prior to the issuance of building permits.</p> | <p>The developer/operator shall be responsible for submitting a copy of the SWPPP and the NOI prior to the issuance of any building permit.</p> | <p>Stanislaus County Planning and Community Development Department – Building Permits Division</p> |
| <p>3. The applicant shall implement all mitigation measures for hazardous materials use prescribed in Chapter 10.0 Health and Safety.</p> | <p>See Section 10.0.</p> | <p>See Section 10.0.</p> |

13.0 NOISE

Impact: Noise Impacts of Mobile Backup Alarms

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| <p>1. The applicant shall install backup alarms on all resident, on-site, mobile equipment that uses "smart alarm" technology. This technology produces an alarm level that is approximately 5 dB above the existing ambient noise</p> | <p>The operator shall be responsible for installation and on-going maintenance of required backup alarms on all resident on-site mobile equipment prior</p> | <p>Stanislaus County Planning and Community Development Department</p> |
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SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

2. The applicant shall incorporate radar or sonar sensing equipment to activate backup alarms only when objects are detected behind the vehicle. The sensing area should be of sufficient size for persons to easily avoid the vehicle path. This equipment should comply with all applicable U.S. Department of Labor standards.

The operator shall be responsible for incorporating radar or sonar sensing equipment prior to operation of mobile equipment on the project site.

Stanislaus County Planning and
Community Development Department

Impact: Construction Noise Impacts

1. The applicant shall restrict construction activities to between the hours of 7 a.m. – 6 p.m., Monday-Friday and 8 a.m. to 5 p.m. on Saturday. No construction activities shall occur on Sunday or holidays.
2. All construction equipment shall be fitted with factory-installed mufflers and shall be in good working order.

The developer/operator shall be responsible for restricting construction activities in accordance with the applicable mitigation measure.

Stanislaus County Planning and
Community Development Department

The developer/operator shall be responsible for insuring all construction equipment is fitted with factory-installed mufflers in good working order.

Stanislaus County Planning and
Community Development Department

15.0 PUBLIC SERVICES

Impact: Project Impact on Law Enforcement Services

1. SHA shall pay required Public Facility Fees to defray capital facilities costs associated with expanding law enforcement services
2. SHA shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Sheriff's Department.
3. SHA shall coordinate with, and provide an opportunity for Sheriff's Department review of, project plans prior to County approval for construction

The developer/operator shall be responsible for paying all required PFF prior to issuance of any building permit.

Stanislaus County Planning and
Community Development Department
– Building Permits Division

The developer/operator shall be responsible for fencing and monitoring of contractors' storage yards during the construction phases of the project.

Stanislaus County Planning and
Community Development Department

The developer/operator shall obtain Sheriff's Department review of project plans prior to issuance of any building permit.

Stanislaus County Planning and
Community Development Department
– Building Permits Division

78

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

Impact: Project Impact on Fire Protection Services

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| <p>1. SHA shall pay required Fire Service Impact mitigation fees prior to issuance of building permits.</p> | <p>The developer/operator shall be responsible for paying all required Fire Service Impact mitigation fees prior to issuance of any building permit</p> | <p>Stanislaus County Planning and Community Development Department – Building Permits Division</p> |
| <p>2. SHA shall coordinate the project design with Woodland Avenue Fire Department (WAFD) and incorporate the District's reasonable requirements regarding project access, site identification, water supply and other fire suppression needs, including adequate access and water supply during construction.</p> | <p>The developer/operator shall be responsible for coordinating the project design with WAFD and incorporation of the District's reasonable requirements during construction.</p> | <p>Stanislaus County Planning and Community Development Department</p> |

16.0 TRANSPORTATION AND CIRCULATION

Impact: Traffic Impacts Under "Existing Plus Project" Conditions

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| <p>1. SHA shall design and construct improvements to the eastbound Maze Boulevard (SR 132) left turn lane on to northbound Dakota Avenue to provide at least 150 feet of storage length (to accommodate up to two large trucks), including sufficient truck turning radius). These improvements would need to be coordinated with Caltrans' eastbound left-turn extension project (#EA OL0801).</p> | <p>The developer/operator shall design and construct improvements to eastbound Maze Boulevard (SR 132) in accordance with Mitigation Measure 1 prior to operation of the approved use.</p> | <p>Stanislaus County Department of Public Works and Caltrans</p> |
| <p>2. SHA shall design and construct improvements that reconfigure or make other geometric design improvements to the westbound Maze Boulevard (SR 132) right-turn on to northbound Dakota Avenue, and to the southbound Dakota Avenue left-and right-turn movements on to eastbound Maze Boulevard (SR 132) in order to effectively turn large trucks through these traffic movements.</p> | <p>The developer/operator shall design and construct improvements to Maze Boulevard (SR 132) and Dakota Avenue in accordance with Mitigation Measure 2 prior to operation of the approved use.</p> | <p>Stanislaus County Department of Public Works and Caltrans</p> |

79

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

3. The above improvements shall be in place prior to "opening day" and shall be subject to the review and approval of Stanislaus County and Caltrans.
4. SHA shall pay the entire cost of installation of a traffic signal at the SR 132 / Dakota Avenue intersection identified herein as required under existing conditions. SHA may apply for reimbursement of costs in excess of its fair share from future benefiting parties under a reimbursement mechanism to be developed between SHA, Stanislaus County and/or Caltrans.

See Mitigation Measures 1 and 2.

See Mitigation Measures 1 and 2.

The developer/operator shall be responsible for payment of all fees prior to issuance of building permit.

Stanislaus County Planning and
Community Development Department
– Building Permits Division

In the event that the above-described traffic signal cannot be operational prior to the opening of the proposed project, the following would be considered reasonable alternative mitigation measures, subject to the approval of the Public Works Director, and Caltrans where required:

The developer shall be responsible for obtaining and operating a temporary signal, or for limiting SHA operations, or payment of required security.

Stanislaus County Public Works
Department and Caltrans

- Operation of a temporary (construction phase) traffic signal at the SR 132/Dakota Avenue intersection.
- Limiting SHA operations to a nominal fraction of their anticipated maximum throughput for the first year of operation or until the season the recommended traffic signal is operational.
- Entering SHA into an agreement with Caltrans and County that the monies needed to fully construct the recommended traffic signal are deposited upfront into a public account and that the improvement is guaranteed to be in place within the timeline for formal approval and construction of the traffic signal.

08

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

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| <p>5. SHA shall complete a comprehensive signal warrant analysis that shall be submitted to Caltrans for approval in conjunction with its application for encroachment permit to construct the above-described improvements.</p> | <p>The developer/operator shall be responsible for preparing a comprehensive signal warrant analysis to be approved by Caltrans prior to issuance of any required encroachment permit.</p> | <p>Stanislaus County Public Works and Caltrans</p> |
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Impact: Traffic Impacts Under "Cumulative Plus Project" Conditions

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| <p>1. SHA shall be responsible for its proportionate share of intersection improvements required under Cumulative Base conditions, as specified in Appendix F, the Wood Rodgers traffic study.</p> | <p>The developer/operator shall be responsible for payment of all fees prior to issuance of building permit.</p> | <p>Stanislaus County Planning and Community Development Department – Building Permits Division</p> |
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17.0 UTILITIES

Impact: Adequacy of Wastewater Disposal Services

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| <p>1. The applicant shall complete any required soils testing to demonstrate the suitability of the project site for septic tank/leach field system use.</p> | <p>The developer/operator shall be responsible for completing any required soils testing prior to issuance of building permit.</p> | <p>Stanislaus County Department of Environmental Resources and Stanislaus County Planning and Community Development Department – Building Permits Division</p> |
| <p>2. The applicant shall obtain a sewage disposal permit and meet all applicable requirements of the Stanislaus County Environmental Health Division.</p> | <p>The developer/operator shall be responsible for obtaining a sewage disposal permit and meeting all applicable requirements prior to issuance of building permit.</p> | <p>Stanislaus County Department of Environmental Resources and Stanislaus County Planning and Community Development Department – Building Permits Division</p> |

81

SALIDA HULLING ALMOND HULLING FACILITY MITIGATION IMPLEMENTATION AND MONITORING PLAN

Impacts and Mitigation Measures

Responsibility for
Implementation and Reporting

Responsibility for Monitoring

Impact: Adequacy of Storm Drainage Services

1. Proposed storm drainage plans shall be subject to the review and approval of the Director of Public Works.

Storm drainage plans shall be reviewed and approved by the Director of Public Works prior to issuance of any building permit.

Stanislaus County Department of Public Works and Stanislaus County Planning and Community Development Department – Building Permits Division

Impact: Consistency with Storm Water Quality Regulations

1. The property owners, developers and/or successors-in-interest shall prepare and submit a Storm Water Pollution Prevention Plan and Notice of Intent to the Regional Water Quality Control Board, and to the Stanislaus County Public Works and Building Departments prior to issuance of project building permits. The SWPPP shall include both construction stage and permanent storm water pollution prevention provisions.

See Section 11.0, which contains equivalent requirements.

See Section 11.0.

3.0 MITIGATION REPORTING PROGRAM

The mitigation measures contained in this MMRP shall be included as conditions of approval of the proposed use permit for the Salida Huling project, to the extent permitted by law. The Stanislaus County Planning and Community Development Department shall ensure that project operations conform with the conditions of the mitigated project, and the mitigation monitoring table shown in Section 2.0 of this document shall be attached to all related permits as a condition of approval.

Unless otherwise specified, the developer/operator of the project will have the responsibility for taking all actions necessary to (a) implement the mitigation measure according to the specifications provided for each measure and (b) demonstrating to the agency or individual responsible for monitoring that the action required by the mitigation measure has been successfully completed (i.e., submittal of reports, permits or other documentation).

As a condition of approval, the developer/operator will be required to monitor the implementation of all required mitigation measures, and the developer/operator shall work directly with all responsible monitoring agencies in this effort. The developer/operator will be responsible for all costs associated with the monitoring of mitigation measures for the life of the project. The developer/operator shall be responsible for verifying that the required actions have been successfully completed. Verification will typically be accomplished by the acceptance and approval of documents or plans demonstrating compliance with the mitigation measure by the responsible monitoring governmental agency.

Both the developer/operator and the monitoring governmental agency share the responsibility for preparing and maintaining the document stream (paper trail). Reports shall be submitted to all responsible monitoring governmental agencies as determined necessary by each individual governmental agency. The developer/operator shall be responsible for notifying the Planning Director and the responsible monitoring governmental agency immediately in the event that:

1. Any mitigation measure is not being implemented in accordance with all mitigation specifications and consistent with the specified implementation timing. In this case, the County may impose those sanctions available under its County Code, and/or may grant a time extension, if warranted. The MMRP will be incorporated as a condition of approval and shall be enforceable under authority of the County Ordinance Code and other appropriate County powers.
2. If it reasonably appears a mitigation measure will not be effective in either avoiding or substantially lessening the significant effect toward which it is directed, a replacement mitigation measure shall be developed to the approval of the County and implemented by the developer/operator. Any

proposed change to a mitigation measure or its enforcement that the Planning Director determines to be significant shall be subject to review pursuant to the CEQA Guidelines and to approval of the Planning Commission following a public hearing. Fees and processing for such modification shall be the same as for modification of a Use Permit.

Unless otherwise specified in this MMRP or in later actions taken by the County, all costs associated with the MMRP shall be borne by the developer/operator. Such costs include all sums expended to implement the mitigation measures and costs incurred to monitor and verify implementation of the MMRP.

Compliance with use permits as well as other local land use regulations is monitored by the Stanislaus County Planning and Community Development Department, and enforced through the Department of Environmental Resources Code Enforcement Division. Upon evidence of, or receipt of complaints of, noncompliance, the Department conducts inspections for such noncompliance, the remedies for which are citations, fines, permit modifications, permit revocation, and even criminal charges.

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
4.0 AESTHETICS			
Aesthetic Effects of Proposed Hulling Facility	LS	None required	
Light and Glare	PS	1. Design specifications for new outdoor lighting associated with the project shall require that all light fixtures be installed and aimed as required to prevent spill light or glare in off-site areas. Fixture aiming and/or shielding shall prevent direct illumination of the night sky.	PS
5.0 AGRICULTURE			
Conversion of Agricultural Land	LS	None required	
Residential/Agriculture Land Use Conflicts	PS	1. The applicant shall implement the mitigation measures specified in Chapter 6.0 Air Quality, Chapter 13.0 Noise and other chapters of this EIR.	LS
Williamson Act Contracts	LS	None required	
Agricultural Access and Irrigation	LS	None required	
6.0 AIR QUALITY			
Construction-Related Emissions	S	1. During construction, the owners, developers, and/or successors-in-interest will comply with SJVAPCD Regulation VIII (Fugitive Dust Rules). 2. The owners, developers, and/or successors-in-interest shall implement the following dust control practices, drawn from Tables 6-2 and 6-3 of GAMAQI, during construction: a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.	LS

S = Significant, PS = Potentially Significant, LS = Less than Significant

Salida Hulling Almond Hulling Facility, Final EIR

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained. e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. g. Limit traffic speeds on unpaved roads to 15 mph. h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 	

S = Significant, PS = Potentially Significant, LS = Less than Significant

86

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		one percent.	
		i. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified above shall be applied as required to maintain the VDE standard.	
		2. The project shall comply with any applicable requirements of SJVAPCD Rule 9510 Indirect Source Rule.	
Air Quality Impacts from Operating Emissions (Criteria Air Pollutants)	LS	None required	
Net Regional and Local Air Emission Effects	LS	None required	
Operating Emissions (Toxic Air Pollutants)	LS	None required	
Non-Cancer Health Impacts	LS	None required	
Odor Impacts	LS	None required	
7.0 BIOLOGICAL RESOURCES			
Impacts on Existing Vegetation and Project Site Habitat Values	LS	None required	
Loss of Sensitive or Special Status Plants	LS	None required	
Impacts on Wetlands and Waters of the US	PS	1. Off-site road improvements associated with the project shall be subject to inspection by a qualified biologist during the design process for the presence of Waters of the US or wetlands. 2. If Waters of the US or wetlands are present within off-site improvement areas, the applicant shall design the subject improvements to avoid impacts on these	LS

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Salida Hulling Almond Hulling Facility, Final EIR

28

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		resources wherever practicable.	
		3. Where it is not practicable to avoid wetland impacts, the owners, developers and/or successors-in-interest shall retain a qualified biologist to prepare a wetland delineation pursuant to the applicable US Army Corps guidelines and obtain any required permits from the agencies with jurisdiction, including the US Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board.	
		4. The owners, developers and/or successors-in-interest shall provide mitigation for wetland losses as specified in required permits, which may include the payment of mitigation bank fees acceptable to the agencies with jurisdiction.	
Impacts on Sensitive Wildlife Species	PS	<p>1. If construction activities would occur between March 1 and September 15, the applicant shall retain a qualified biologist to conduct pre-construction surveys for nesting Swainson's hawks on adjoining lands pursuant to CDFG (1994) guidelines. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1994).</p> <p>2. If construction activities would occur between February 1 and August 31, the applicant shall retain a qualified biologist to conduct pre-construction surveys for burrowing owls on lands east of Dakota Road that are within 250 feet of project construction areas. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be made pursuant to criteria set forth by CDFG (1995).</p>	LS

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**TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
8.0 CULTURAL RESOURCES			
Potential Impacts on Prehistoric Cultural Resources	PS	<p>3. The applicant shall observe temporal restrictions on construction identified by the biologist pursuant to Mitigation Measures 1 and 2.</p> <p>1. If any subsurface cultural resources, including either prehistoric or historic resources, are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance. The Stanislaus County Department of Planning and Community Development shall be notified, and the owners, developers and/or successors-in-interest shall be responsible for mitigation of any significant cultural resources pursuant to the CEQA Guidelines.</p> <p>2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Planning and Community Development shall be notified immediately. If it is determined that the remains are those of a Native American, the Coroner must contact the Native American Heritage Commission. At the same time, a qualified archaeologist must be contacted to evaluate the archaeological implications of the finds. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.</p>	LS
Potential Project Effects on Historic Resources	PS	<p>1. The applicant shall implement the mitigation measures for prehistoric archaeological resources.</p>	LS
9.0 GEOLOGY AND SOILS			
Exposure of Proposed Improvements to Faulting and	LS	None required	

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Salida Hulling Almond Hulling Facility, Final EIR

68

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Seismic Shaking Hazards			
Exposure of Proposed Improvements to Other Geologic Hazards	LS	None required	
Effects on Mineral Resources	LS	None required	
Exposure of Proposed Improvements to Soil Constraints	PS	<ol style="list-style-type: none"> 1. The applicant shall submit a geotechnical report prepared by a qualified professional engineer or geologist to the Stanislaus County Building Department for review and approval. 2. Project design and development shall conform to applicable specifications of the approved geotechnical report. 	LS
Impacts on Soil Erosion	LS	None required	
Impacts on Soil Productivity	N/A	Discussed in Chapter 5.0 Agriculture	
Impacts Associated with Wastewater Disposal Systems	LS	None required	
10.0 HAZARDS AND HAZARDOUS MATERIAL			
Hazardous Material Transportation Concerns	LS	None required	
High-Voltage Power Lines	LS	None required	
Hazardous and Toxic Materials and Sites	PS	<ol style="list-style-type: none"> 1. If underground tanks, hazardous wastes or other contaminated materials are encountered during construction of the project, the applicant shall immediately contact the Stanislaus County Department of Environmental Resources. 2. The applicant shall prepare and implement a business plan for the proposed project pursuant to, and comply with all other applicable requirements of, Chapter 6.95 of the California Health and Safety Code, including required updating of the business plan. The 	LS

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Salida Hulling Almond Hulling Facility, Final EIR

06

**TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		applicant shall contact and coordinate with the Stanislaus County Department of Environmental Resources with respect to these and other applicable requirements.	
		3. Application of pesticides and fumigants to commodity piles shall be restricted to qualified trained personnel. Pesticide and fumigant application, entry into treated areas and any other potential exposure to these products shall be in accordance with the specifications of product labeling.	
11.0 HYDROLOGY AND WATER QUALITY			
Direct Impacts on Surface Water Features, Volumes or Flows	LS	None required	
Exposure of Proposed Development to Flooding Hazards	LS	None required	
Project Effects on Surface Water Quality	PS	1. The applicant shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan (2004, or as amended), including preparation of a Storm Water Pollution Prevention Plan (SWPPP) and filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board. The SWPPP shall include BMPs that address both construction and operation of the proposed project, consistent with the SWMP. 2. The applicant shall submit a copy of the SWPPP and the NOI to the Public Works Department for review and approval prior to the issuance of building permits. 3. The applicant shall implement all mitigation measures for hazardous materials use prescribed in Chapter 10.0 Health and Safety.	LS
Project Effects on Groundwater Quantity	LS	None required	

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Salida Hulling Almond Hulling Facility, Final EIR

91

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Potential Project Effects on Groundwater Quality	LS	None required	
12.0 LAND USE AND PLANNING			
Overall Change in Land Use	LS	None required	
Consistency with Stanislaus County General Plan	LS	None required	
Consistency with Stanislaus County Zoning	LS	None required	
Land Use Conflicts	LS	None required	
13.0 NOISE			
Noise Impacts of On-Site Hulling/Shelling Equipment Operations	LS	None required	
Noise Impacts of Mobile Equipment Backup Alarms	PS	<ol style="list-style-type: none"> 1. The applicant shall install backup alarms on all resident, on-site, mobile equipment that uses "smart alarm" technology. This technology produces an alarm level that is approximately 5 dB above the existing ambient noise level so that excessive alarm levels are avoided. This system should comply with all applicable U.S. Department of Labor standards. 2. The applicant shall incorporate radar or sonar sensing equipment to activate backup alarms only when objects are detected behind the vehicle. The sensing area should be of sufficient size for persons to easily avoid the vehicle path. This equipment should comply with all applicable U.S. Department of Labor standards. 	LS
Off-Site Traffic Noise Impacts Including Project Trucks	LS	None required	
Construction Noise Impacts	PS	<ol style="list-style-type: none"> 1. The applicant shall restrict construction activities to between the hours of 7 a.m. – 6 p.m., Monday-Friday and 8 a.m. to 5 p.m. on Saturday. No construction activities shall occur on Sunday or holidays. 	LS

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 Salida Hulling Almond Hulling Facility, Final EIR

92

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		<ol style="list-style-type: none"> 2. All construction equipment shall be fitted with factory-installed mufflers and shall be in good working order. 3. The applicant shall locate all staging areas for construction equipment as far as possible from existing residential areas, consistent with the preliminary location shown in Figure 3-1. 	
14.0 POPULATION AND HOUSING			
Project Effects on Population Growth	LS	None required	
Project Effects on Housing	LS	None required	
15.0 PUBLIC SERVICES			
Project Impact on Law Enforcement Services	PS	<ol style="list-style-type: none"> 1. SHA shall pay required Public Facility Fees to defray capital facilities costs associated with expanding law enforcement services 2. SHA shall fence and monitor contractors' storage yards during the construction phases of the project to prevent theft and vandalism, and to reduce calls for assistance from the Sheriff's Department. 3. SHA shall coordinate with, and provide an opportunity for Sheriff's Department review of, project plans prior to County approval for construction 	LS
Project Impact on Fire Protection Services	PS	<ol style="list-style-type: none"> 1. SHA shall pay required Fire Service Impact mitigation fees prior to issuance of building permits. 2. SHA shall coordinate the project design with WAFD and incorporate the District's reasonable requirements regarding project access, site identification, water supply and other fire suppression needs, including adequate access and water supply during construction. 	LS

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36

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Project Impacts on Schools	LS	None required	
Project Impacts on Parks and Recreation	LS	None required	
Solid Waste Generation	LS	None required	
16.0 TRANSPORTATION AND CIRCULATION			
Traffic Impacts Under "Existing Plus Project" Conditions	S	<ol style="list-style-type: none"> 1. SHA shall design and construct improvements to the eastbound Maze Boulevard (SR 132) left turn lane on to northbound Dakota Avenue to provide at least 150 feet of storage length (to accommodate up to two large trucks), including sufficient truck turning radius). These improvements would need to be coordinated with Caltrans' eastbound left-turn extension project (#EA OL0801. 2. SHA shall design and construct improvements that reconfigure or make other geometric design improvements to the westbound Maze Boulevard (SR 132) right-turn on to northbound Dakota Avenue, and to the southbound Dakota Avenue left-and right-turn movements on to eastbound Maze Boulevard (SR 132) in order to effectively turn large trucks through these traffic movements. 3. The above improvements shall be in place prior to "opening day" and shall be subject to the review and approval of Stanislaus County and Caltrans. 4. SHA shall pay the entire cost of installation of a traffic signal at the SR 132 / Dakota Avenue intersection identified herein as required under existing conditions. SHA may apply for reimbursement of costs in excess of its fair share from future benefiting parties under a reimbursement mechanism to be developed between SHA, Stanislaus County and/or Caltrans. 	LS

94

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
		5. <u>SHA shall complete a comprehensive signal warrant analysis that shall be submitted to Caltrans for approval in conjunction with its application for encroachment permit to construct the above-described improvements.</u>	
Traffic Impacts Under "Cumulative Plus Project" Conditions	S	1. SHA shall be responsible for its proportionate share of intersection improvements required under Cumulative Base conditions, as specified in Appendix F, the Wood Rodgers traffic study.	LS
17.0 UTILITIES			
Adequacy of Wastewater Disposal Services	PS	1. The applicant shall complete any required soils testing to demonstrate the suitability of the project site for septic tank/leach field system use. 2. The applicant shall obtain a sewage disposal permit and meet all applicable requirements of the Stanislaus County Environmental Health Division.	LS
Availability of Adequate Domestic Water Supply	LS	None required	
Project Effects on Domestic Water Distribution Systems	LS	None required	
Project Effects on Irrigation Water Supply and Distribution Systems	LS	None required	
Adequacy of Storm Drainage Services	PS	1. Proposed storm drainage plans shall be subject to the review and approval of the Director of Public Works.	LS
Consistency with Storm Water Quality Regulations	PS	1. The property owners, developers and/or successors-in-interest shall prepare and submit a Storm Water Pollution Prevention Plan and Notice of Intent to the Regional Water Quality Control Board, and to the Stanislaus County Public Works and Building Departments prior to issuance of project building permits. The SWPPP shall include both construction stage and permanent storm water pollution prevention	LS

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 Salida Hulling Almond Hulling Facility, Final EIR

**TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Demands for Public Utilities	LS	provisions. None required	

96

**TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
18.0 CUMULATIVE IMPACTS			
Aesthetics	Less than Considerable	None required	
Agricultural Resources	Less than Considerable	None required	
Air Quality	Potentially Considerable	No feasible mitigation measures are available for implementation by the proposed project.	
Biological Resources	Less than Considerable	None required	
Cultural Resources	Less than Considerable	None required	
Geology and Soils	Less than Considerable	None required	
Hazards and Hazardous Materials	Less than Considerable	None required	
Hydrology and Water Quality	Less than Considerable	None required	
Land Use and Planning	Less than Considerable	None required	
Noise	Potentially Considerable	No feasible mitigation measures available	PC
Population and Housing	Less than Considerable	None required	
Public Services	Less than Considerable	None required	

S = Significant, PS = Potentially Significant, LS = Less than Significant
Salida Hulling Almond Hulling Facility, Final EIR

26

TABLE 2-1
REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES

Potential Impact	Significance Before Mitigation Measures	Mitigation Measures	Significance After Mitigation
Transportation	Less than Considerable	None required	
Utilities and Services	Less than Considerable	None required	

98

- G. USE PERMIT APPLICATION NO. 2002-30 - SALIDA HULLING ASSOCIATION** - This is a request for an almond hulling and shelling facility on approximately 50.42 acres, in the A-2-40 (General Agriculture) zoning district, located on the northeast corner of State Route 132 (Maze Boulevard) and Dakota Avenue intersection, in the Modesto area. The project will consist of a shelling plant, dryer, office, shop, and truck scale. The project will not serve members of the public, only members of Salida Hulling Association. Operation is seasonal, August to December, 6 days a week (Monday through Saturday), 24 hours a day, 18-22 employees. Off-season, operated for maintenance purpose only (5 employees), 5 days a week. The Planning Commission will consider Certification of a Final EIR.

APN: 007-024-006

Staff Report: Angela Freitas Recommends **CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF THE PROJECT.**

Public hearing opened.

OPPOSITION: Mark Chyttilo, Santa Barbara, CA, representing "Friends of the Central Valley"; Veronica Broome, 1817 Kansas Avenue; Jeff Broome, 1817 Kansas Avenue; Rosemary Houser, 1106 Dakota Avenue; Dr. Ray Cimino, 4099 Kansas Avenue; Dr. Chopra, 6978 Hillcrest; Robert Ramos, 137 N. Dakota Avenue; Ed Andreetta, 812 Yankee Drive; Jose Munoz, 225 Dakota; Monica Ramos, 137 N. Dakota Avenue; Wayne Lewis, 3437 Dragoo Park.

8:00 p.m. - Recessed

8:12 p.m. - Reconvened

FAVOR: Tom Terpstra, 578 N, Wilma Avenue, representing Salida Hulling Association; Robert Driver, 3043 North Avenue; Paul Wenger, 4256 Beckwith Road; Dr. Mitch Etchebarne, Farm Bureau; Tony Plaza, 544 Clover Avenue, Patterson; Merlyn Garber, 7848 Shackelford Avenue; Rick Belstler

Public hearing closed.

9:40 p.m. - Recessed

9:45 p.m. - Reconvened

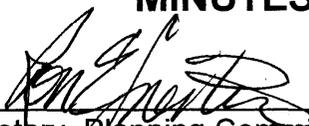
Mataka/Hardie, Unanimous (6-0), **BASED ON THE STAFF REPORT, THE PRESENTATION AND COMMENTS BY STAFF AND BY CONSULTANTS, THE ENVIRONMENTAL DOCUMENTATION, AND THE TESTIMONY RECEIVED, THE PLANNING COMMISSION CERTIFIED THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT HAS BEEN PREPARED AND CIRCULATED FOR PUBLIC REVIEW AND COMMENT AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PUBLIC RESOURCES CODE SECTION 21000 ET SEQ.; AND THE CEQA GUIDELINES, CALIFORNIA CODE OF REGULATIONS, TITLE 14, SECTION 15000 ET SEQ; AND MADE THE SPECIFIC FINDINGS IDENTIFIED ON PAGES 12 AND 13 OF THE STAFF REPORT, UP TO AND INCLUDING RECOMMENDATION NO. 6**

Layman/ Hardie, 4-2 (Gammon, Shores), **BASED ON THE STAFF REPORT, THE PRESENTATION AND COMMENTS BY STAFF AND BY CONSULTANTS, THE ENVIRONMENTAL DOCUMENTATION, AND THE TESTIMONY RECEIVED, THE PLANNING COMMISSION APPROVED USE PERMIT APPLICATION NO. 2002-30, SALIDA HULLING ASSOCIATION, SUBJECT TO THE CONDITIONS OF APPROVAL/MITIGATION MEASURES AND MADE THE PARTICULAR FINDINGS SET FORTH IN RECOMMENDATIONS 7 AND 8 ON PAGE 13 OF THE STAFF REPORT.**

EXCERPT

PLANNING COMMISSION

MINUTES


Secretary, Planning Commission

Date

9/26/07

SUBMITTED TO PK @
 SE.EMBER 6, 2007
 PUBLIC HEARING

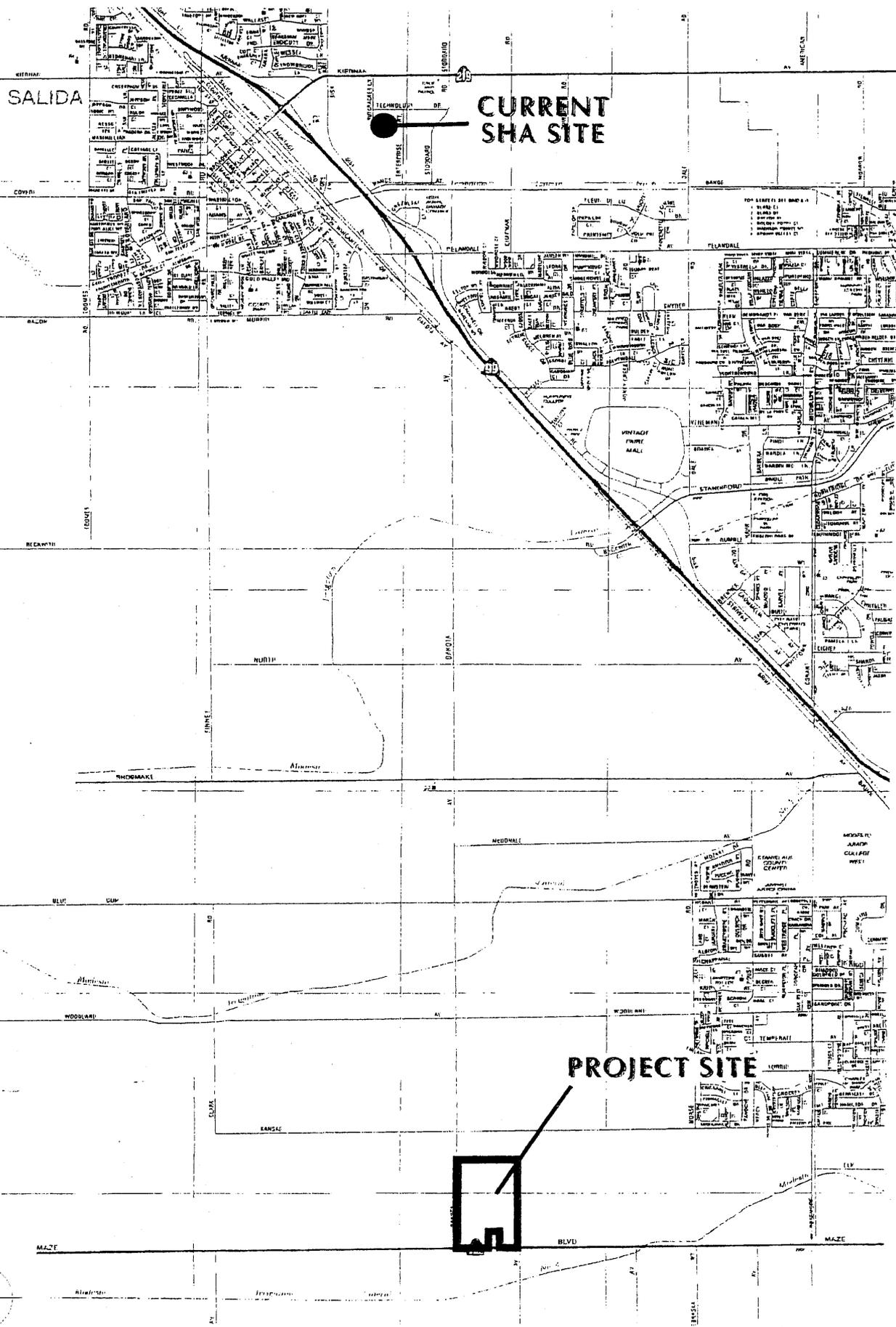
TABLE 1-1
 SALIDA HULLING ASSOCIATION ANNUAL PRODUCTION
 1991-2005

Crop Year	Member Meat lbs.	Bearing Acres	Acreage Growth	Avg. Meat lbs. Per Acre
2005	11,800,000	8,335	0.98%	1,415
2004	14,101,736	8,135	1.0%	1,733
2003	14,199,315	8,067	8.0%	1,760
2002	15,497,032	7,467	4.0%	2,075
2001	11,464,477	7,175	11.0%	1,598
2000	9,672,384	6,478	12.0%	1,493
1999	12,048,675	5,772	6.0%	2,087
1998	7,196,329	5,422	1.0%	1,327
1997	12,165,600	5,392	2.0%	2,256
1996	6,966,777	5,265	-1.0%	1,323
1995	5,356,206	5,321	-3.0%	1,007
1994	9,826,846	5,505	3.0%	1,785
1993	7,617,739	5,324	14.0%	1,431
1992	6,847,887	4,650	18.0%	1,473
1991	4,995,948	3,953		1,264
Average Productivity 1991-2005				1,601
Average Productivity 1970-2005				1,631
Acreage Increase 1991-2005			106%	

The relatively small size of the existing facility also limits SHA's ability to serve its existing member base; SHA is unable to accommodate additional membership or member acres at this facility. During the harvest season, many of the existing member growers need the flexibility to stockpile unprocessed nuts at the hulling site, and the existing site is unable to meet these needs while accommodating the plant and the required levels of other raw material and byproduct storage needs; by products of the hulling and shelling process includes almond hulls and almond shells as well as twigs, rock and soil. Over the years, the existing site has been surrounded by other industrial uses, eliminating the potential for expansion.

The limited available space at SHA's existing site does not provide sufficient space to store more than minimal volumes of hull and shell byproducts. As a result, SHA must dispose of these materials more or less as they are generated; SHA is therefore unable to offer their products for sale at more advantageous times in the marketing cycle. In addition, the encroachment of other land uses on the existing plant, and the outdated facilities, result in seasonal dust problems that could be more effectively handled at a larger site. The small

Kamps Shelling Bill Kamps	Ripon 209-595-5089	8 million lbs.
Travaille & Phippen Schott Phippen	Manteca 209-599-6111	10 Million lbs.
Swanson Hulling Jay Swanson	Delhi 209-667-8410	10 Million Lbs.
Hilltop Ranch Dave Long	Ballico 209-874-1875	10 Million Lbs.
Montpelier Farming Jim Credelius	Denair 209-883-4826	10-12 Million Lbs.
Golden West Nuts Steve Gikas	Ripon 209-599-6013	12 Million Lbs.
North State Rick Barnett	Chico 530-895-8686	15 Million Lbs.
Pohl & Holmes David Pohl	Hughson 209-883-4853	18 Million Lbs.
Roy Johnson Farms Roy Johnson	Denair 209-874-5343	20 Million Lbs.
Cortez Growers Joe Kollmeyer	Turlock 209-632-3118	15-20 Million Lbs.
Almond Tree Hulling Ron Leach	Chowchilla 559-665-2410	17-20 Million Lbs.
Northern Merced Don Harcksen	Ballico 209-667-2308	25-27 Million Lbs.
Stewart & Jasper Jim Jasper	Newman 209-862-9600	25 Million Lbs.
Minturn Huller Jeff Hamilton	Chowchilla 553-665-1185	35-40 Million Lbs.
Campos Bros. Tony Campos	Caruthers 559-864-9488	50-60 Million Lbs.

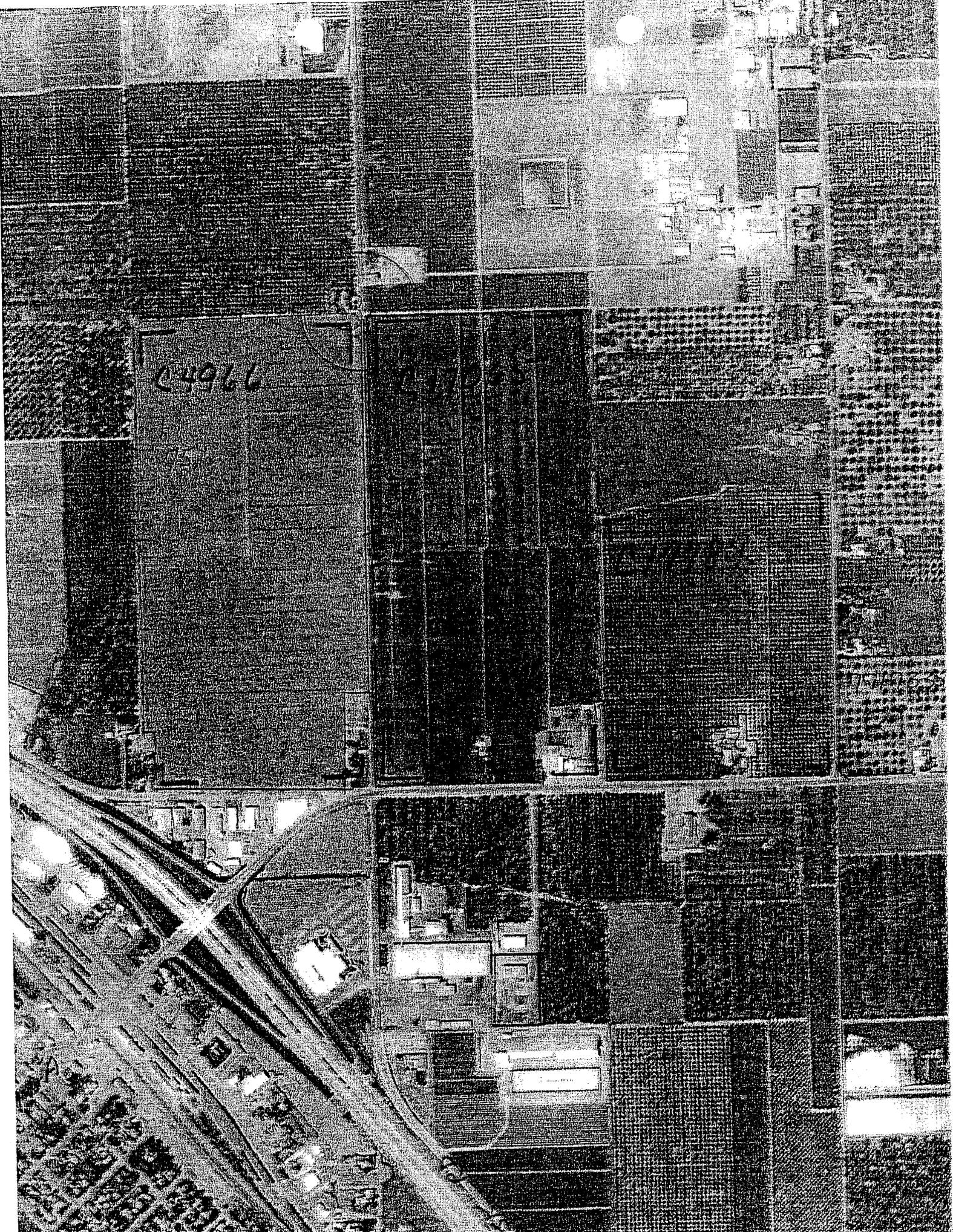


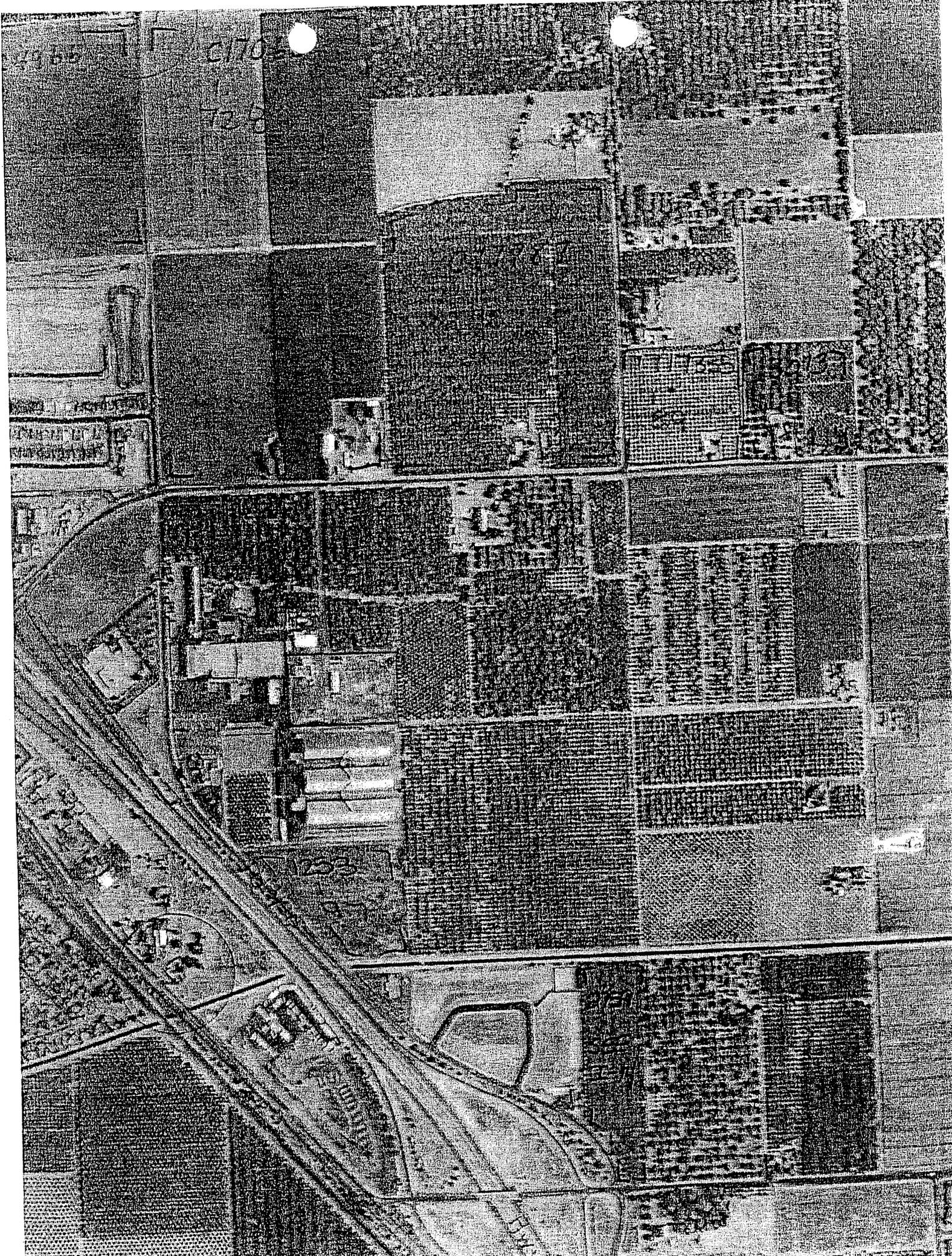
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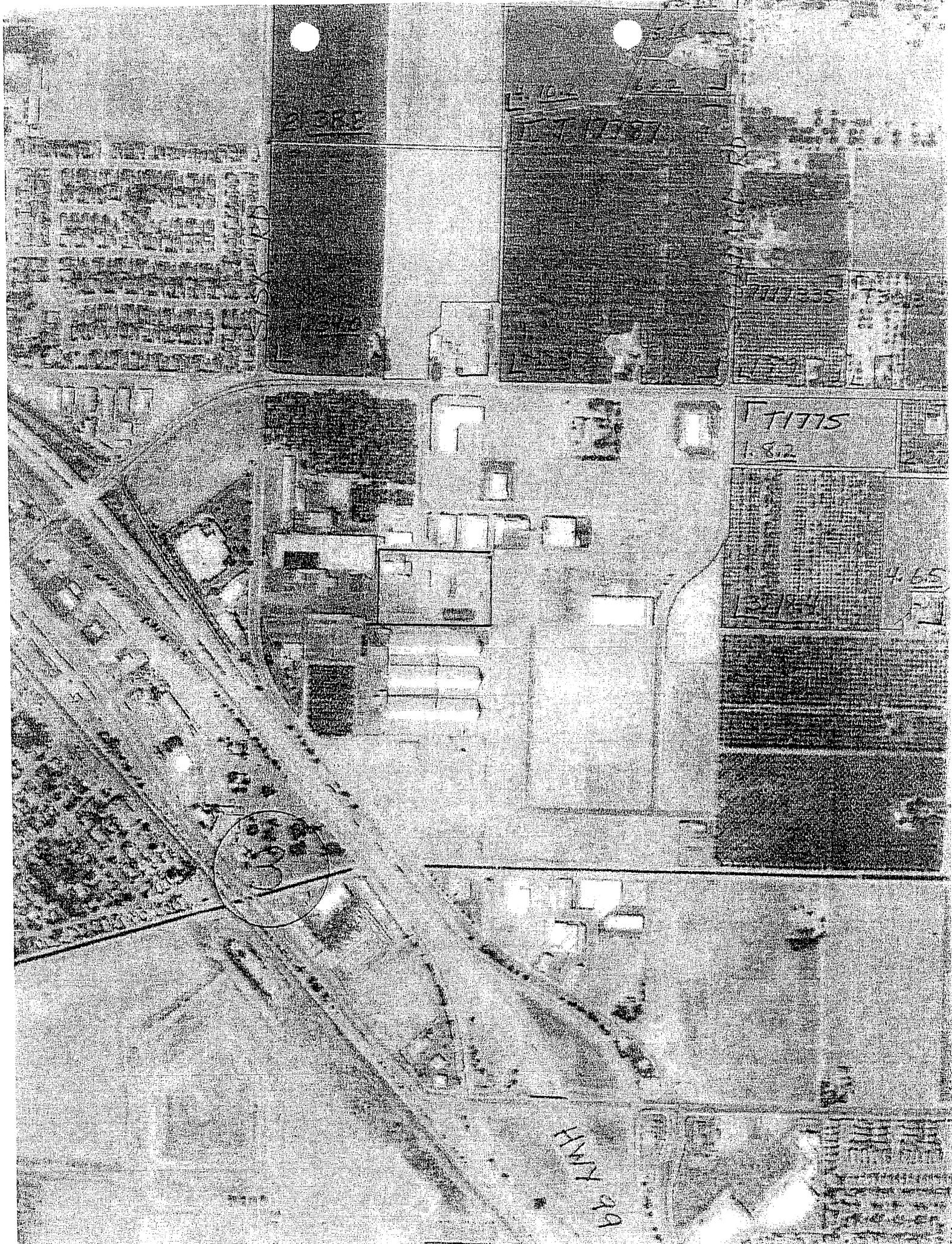




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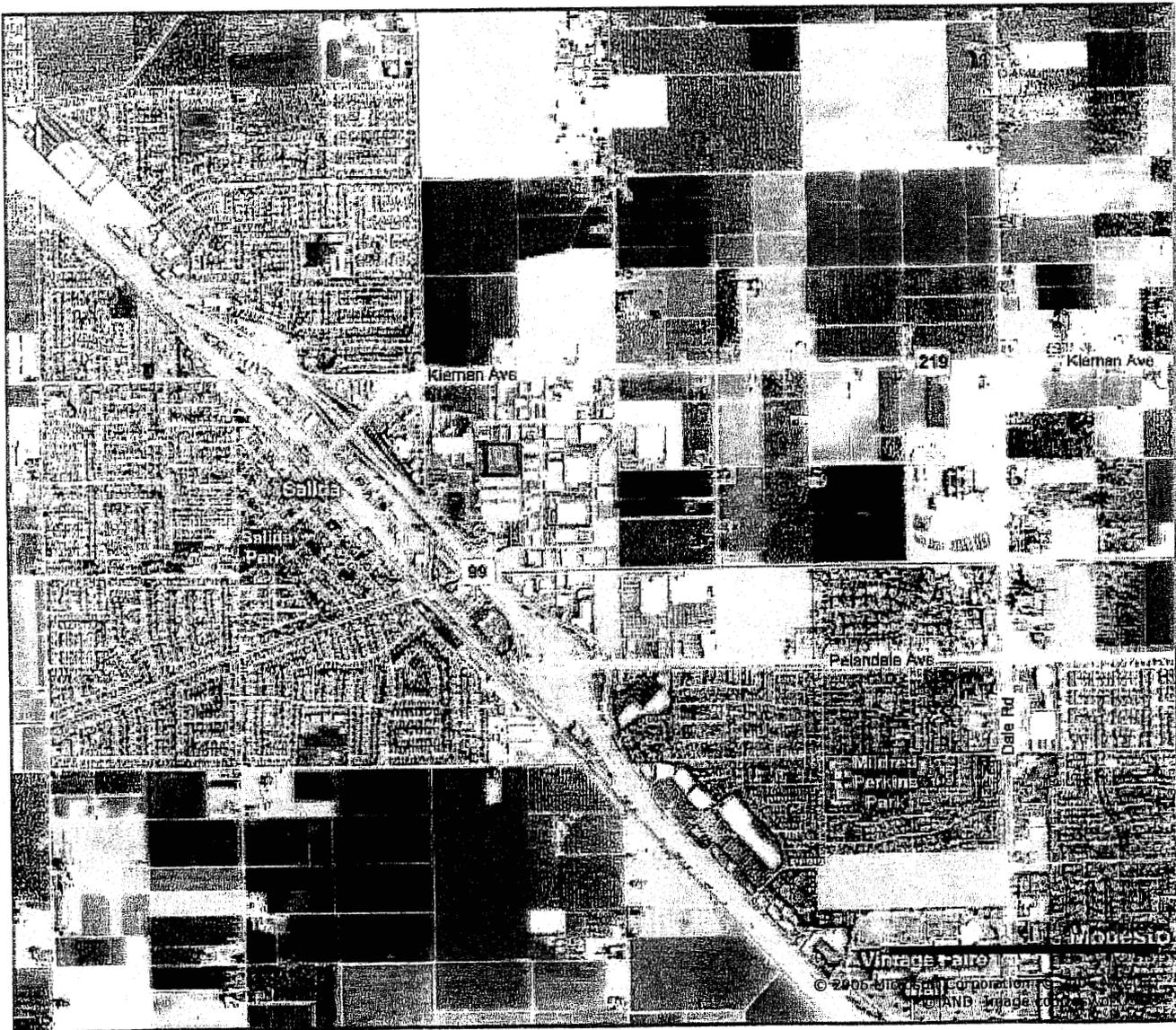
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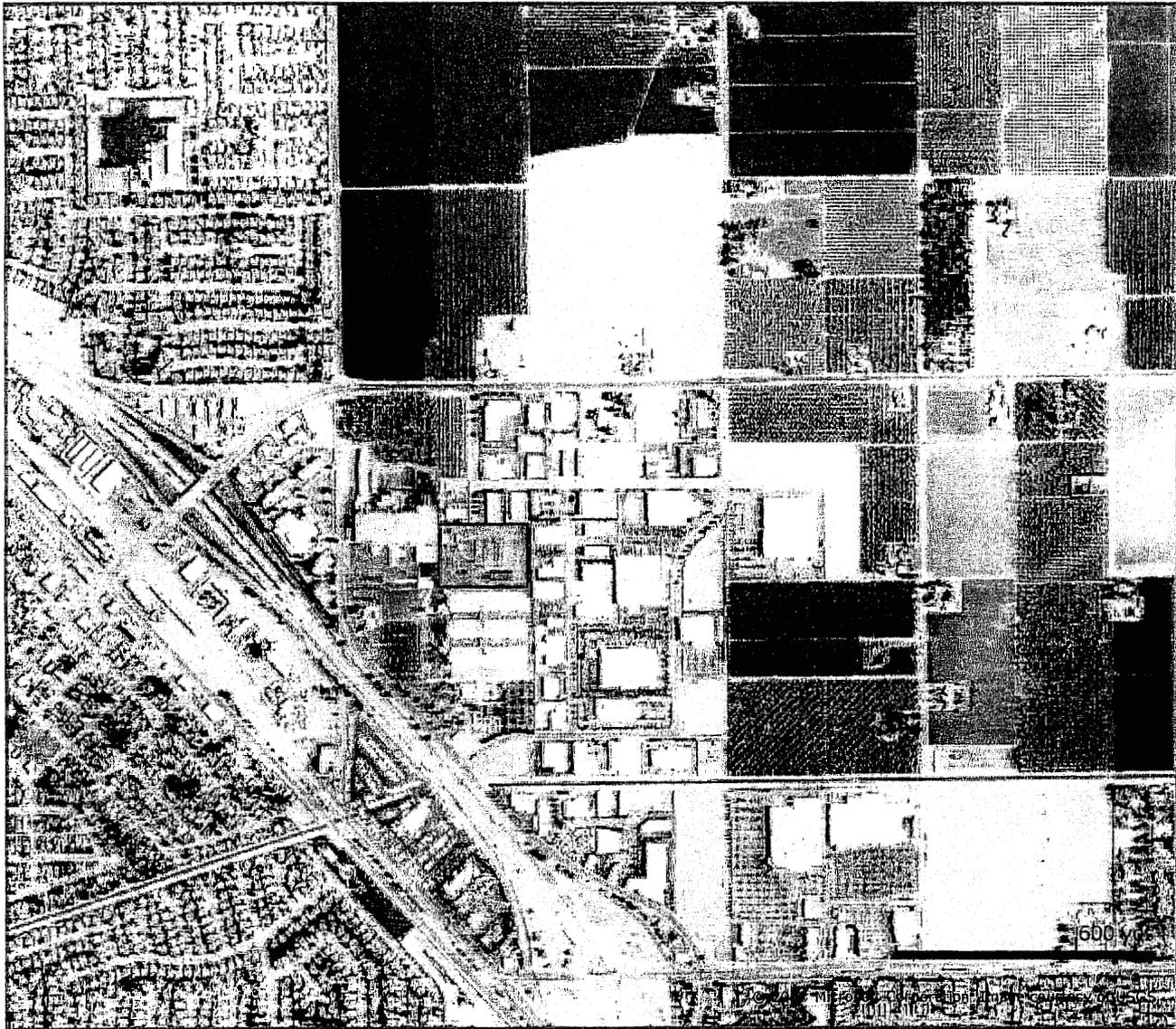
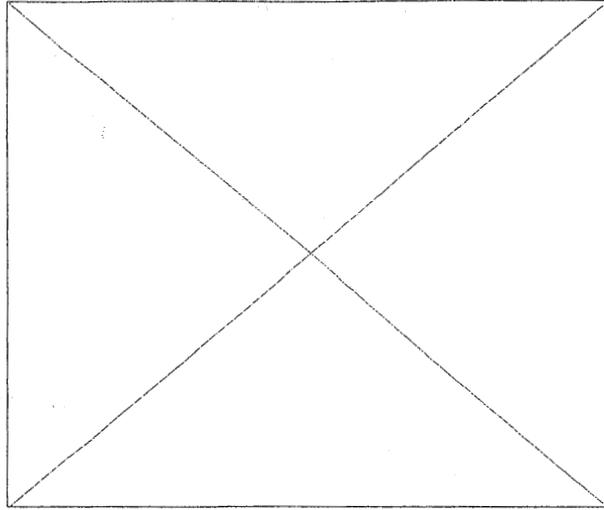


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- 3. Select Your Credit
Good

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Association shells away reasons to reject plant

In 2003, the Stanislaus County Planning Commission OK'd the Salida Hulling Association's plan to move its almond hulling operation to a more rural location, on agriculturally zoned land along Dakota Avenue at the west edge of Modesto.

Next week, the Planning Commission should approve the project all over again — and allow it to finally get built.

Because of the threat of a lawsuit by owners of nearby ranchettes, the association paid for an expensive environmental impact report that runs 356 pages and covers everything from traffic and air pollution to the glare caused by lighting.

County planning staff has concluded that the environmental impact report and the proposed mitigations satisfy California Environmental Quality Act requirements. An even more persuasive argument is that the huller will be located in an ag zone, where direct ag-related facilities are permitted.

This is a classic urban-rural conflict. People who wanted country living oppose the disruptions associated with farming. This is why Stanislaus County has a right-to-farm ordinance, to make it clear to all that farmers have a right to practice their trade so long as they abide by existing regulations.

Almonds are an important crop in Stanislaus; No. 2 on the list of the top 10 commodities. Hulling is an essential part of almond processing, and there are small hullers scattered throughout the region.

Salida Hulling faces a long list of regulations in building and operating the facility. It will have to abide by the San Joaquin Valley Air Pollution

- Control District rules for dust control. It will monitor noise, and a noise berm is part of the design. The association is

AT A GLANCE

Salida Hulling Association

■ **Current site:** 5.8 acres on Nutcracker Lane, at the southwest corner of the Kiernan Avenue interchange of Highway 99

■ **New site:** 50 acres on Dakota Avenue, just north of Maze Boulevard

■ **Hulling season:** about 100 days in the fall

■ **Traffic:** 74 trucks a day at the busiest times

■ **Employment:** six to eight people per shift, round the clock during the hulling season. About five employees weekdays the remainder of the year.

■ **What happens at a hulling facility:** Almonds are weighed, hulled (the outer covering is removed), shelled (hard cover removed), sized and sorted. Almond hulls are sold for cattle feed.

paying for a huge water tank for the Woodland Avenue Fire District in case of a fire. And it likely will help pay for a traffic signal at Maze Boulevard and Dakota. Also, the project is set well back onto its property so it should not interfere with the eventual widening of Maze (Highway 132).

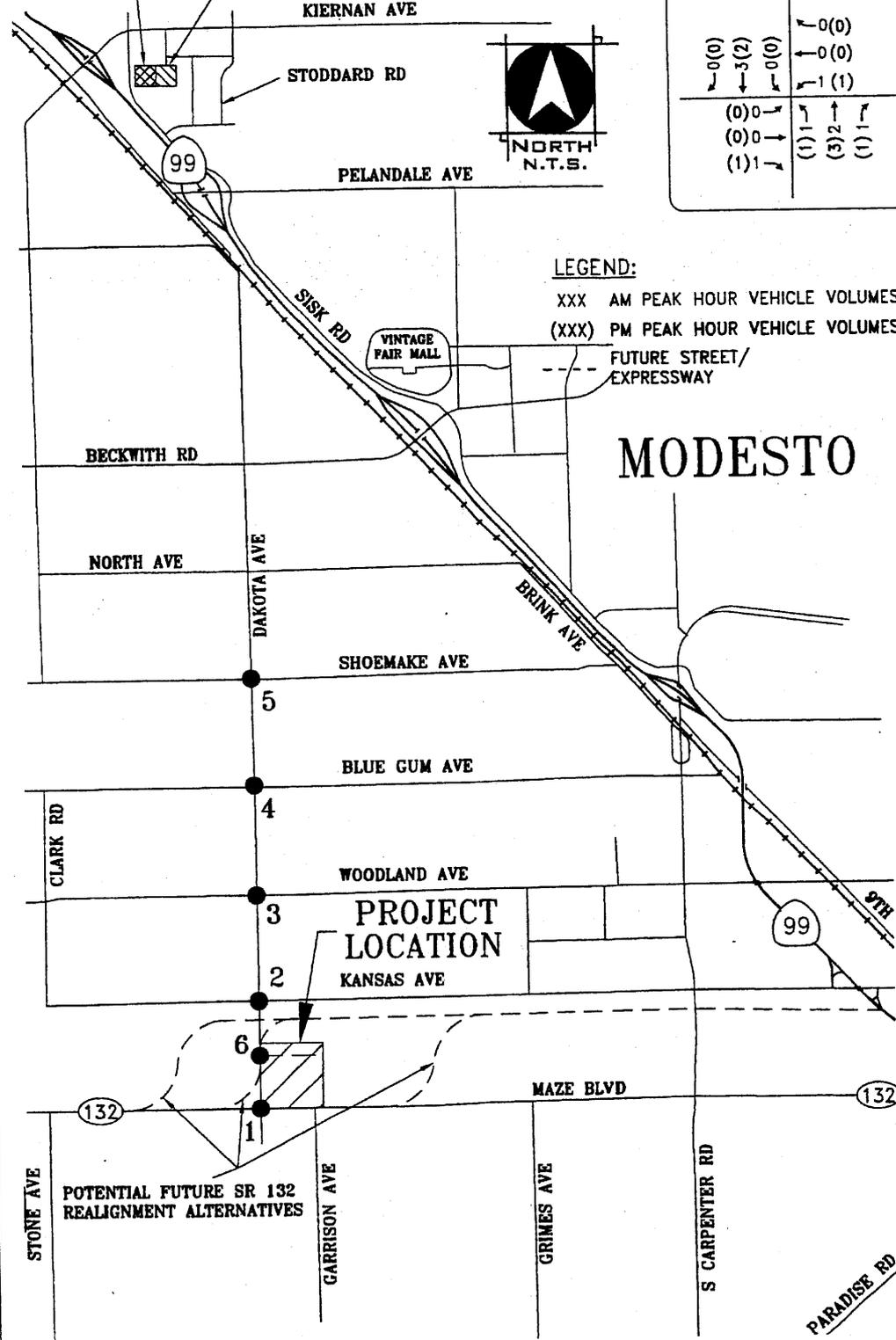
In other words, the association is meeting the many obligations placed upon it. Comments submitted by and on behalf of neighbors suggest that mere modifications to the project won't ever satisfy them; they want it go elsewhere.

The Salida Hulling Association started in 1970 in what was then a rural location. Now that location is surrounded by other businesses and there are homes nearby. It has chosen a new location accessible to almond growers but not in the path of Modesto or Salida's growth. Most important, it bought property with the appropriate zoning. This project deserves approval again.

The county Planning Commission meets at 6 p.m. Sept. 6 in the basement of Tenth Street Place, 1010 10th St., downtown Modesto. The long EIR (27.44 megabytes) is available online at www.co.stanislaus.ca.us/planning/planhome.htm.

BLUE DIAMOND FACILITY

EXISTING SALIDA HULLING ASSOCIATION FACILITY
KIERNAN AVE



LEGEND:

- XXX AM PEAK HOUR VEHICLE VOLUMES
- (XXX) PM PEAK HOUR VEHICLE VOLUMES
- FUTURE STREET/ EXPRESSWAY

5 SHOEMAKE AVE/ DAKOTA AVE

0(0)	3(2)	0(0)	0(0)
0(0)	0(0)	1(1)	1(1)

4 BLUE GUM AVE/ DAKOTA AVE

0(0)	4(4)	0(0)	0(0)
0(0)	0(0)	1(1)	3(3)

3 WOODLAND AVE/ DAKOTA AVE

0(0)	6(5)	0(0)	0(0)
0(0)	0(0)	1(1)	6(4)

2 KANSAS AVE/ DAKOTA AVE

0(0)	7(6)	0(0)	0(0)
0(0)	0(0)	1(1)	7(6)

6 PROJECT ACCESS/ DAKOTA AVE

0(0)	8(8)	7(8)	9(11)
0(0)	0(0)	0(0)	1(1)

1 MAZE BLVD (SR 132)/ DAKOTA AVE

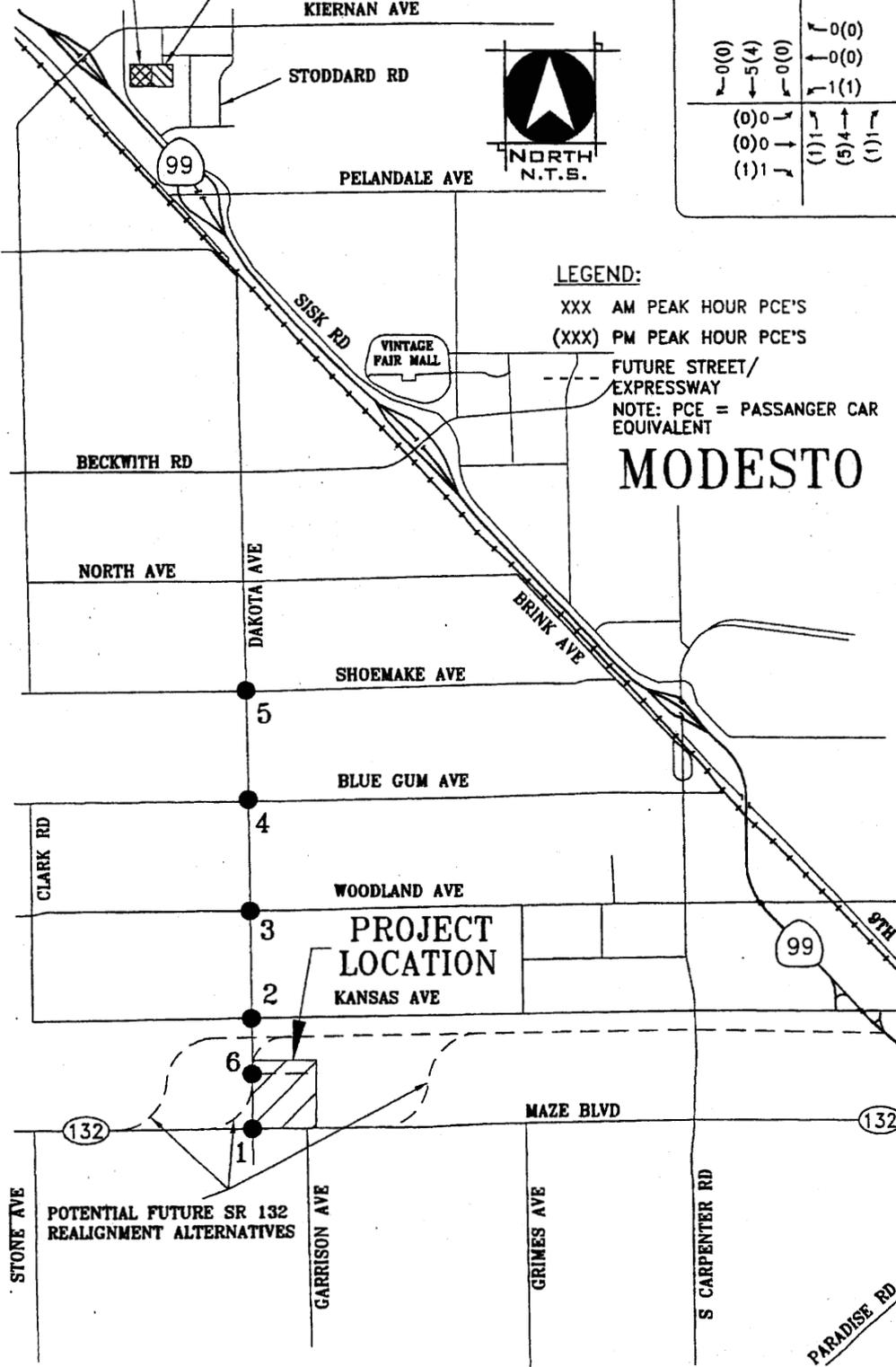
3(3)	0(0)	7(6)	8(7)
0(0)	0(0)	0(0)	0(0)

SOURCE: WOOD RODGERS

INSITE ENVIRONMENTAL, INC.

Figure 16-4
"PROJECT ONLY" TRAFFIC VOLUMES (IN VEHICLES)

BLUE DIAMOND FACILITY
EXISTING SALIDA HULLING ASSOCIATION FACILITY
KIERNAN AVE



5 SHOEMAKE AVE/ DAKOTA AVE

0(0)	5(4)	0(0)	0(0)
(0)0	(0)0	(1)1	(5)4
(1)1	(1)1	(1)1	(1)1

4 BLUE GUM AVE/ DAKOTA AVE

0(0)	7(7)	0(0)	0(0)
(0)0	(0)0	(1)1	(7)6
(1)1	(1)1	(1)1	(1)1

3 WOODLAND AVE/ DAKOTA AVE

0(0)	9(6)	0(0)	0(0)
(0)0	(0)0	(2)2	(9)8
(2)2	(2)2	(1)1	(1)1

2 KANSAS AVE/ DAKOTA AVE

0(0)	11(10)	0(0)	0(0)
(0)0	(0)0	(1)1	(11)10
(1)1	(1)1	(1)1	(1)1

8 PROJECT ACCESS/ DAKOTA AVE

0(0)	13(12)	12(13)	22(24)
(0)0	(0)0	(23)24	(23)24
(0)0	(0)0	(0)0	(0)0

1 MAZE BLVD (SR 132)/ DAKOTA AVE

6(6)	0(0)	16(17)	17(17)
(6)6	(0)0	(0)0	(0)0
(0)0	(0)0	(0)0	(0)0

SOURCE: WOOD RODGERS

INSITE ENVIRONMENTAL, INC.

Figure 16-5
"PROJECT ONLY" TRAFFIC VOLUMES (IN PCE'S)

TABLE 16-5
PROJECT TRIP GENERATION VOLUMES

Type of Material (Weight %)	Weight (million lbs.)	Weight (tons)	Annual Truck Loads	Annual Truck trip-ends	"Average Day" Truck Trips			"Seasonal Peak Day" Truck Trips								
					Total	In	Out	Daily			AM Peak Hour			PM Peak Hour		
					Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out
Import Activity																
Raw Almonds (100%)	77.4	38,700	2,680	5,360	46	23	23	96	48	48	10	5	5	10	5	5
Export Activity																
Meat (26%)	20	10,000	456	912	8	4	4	16	8	8	2	1	1	2	1	1
Hulls (51%)	40	20,000	896	1,792	12	6	6	24	12	12	4	2	2	4	2	2
Shells (16%)	12	6,000	281	562	4	2	2	8	4	4	2	1	1	2	1	1
Dirt (7%)	5.4	2,700	124	248	2	1	1	4	2	2	0	0	0	0	0	0
Totals (Trucks)			4,437	8,874	72	36	36	148	74	74	18	9	9	18	9	9
Employee Trips (autos)								50	25	25	17	10	7	18	8	10
Total Vehicular Traffic Generation (trucks + autos)								198	99	99	35	19	16	36	17	19
Truck Trips in "PCE"s (3 cars per average truck)								444	222	222	54	27	27	54	27	27
Total PCE Traffic Generation								494	247	247	71	37	34	72	35	37

Notes:

1. One ton = 2,000 pounds PCE = Passenger Car Equivalent

2. The term trucks, as used in this table, includes all types of trucks, and not just double-hoppers. A "weighted average" PCE of 3.0 per truck is used, as described in Table 8.

TABLE 16-7
PROJECT TRIP DISTRIBUTION ESTIMATES

Direction	Trip Distribution (Percent of Total Trip Generation)			
	Imports (Raw Material)	Trucks		Autos Employee Trips
		(Almond- Meats)	Exports (Byproducts)	
North via Dakota Ave	5%	30%	10%	20%
East via Shoemake Ave	4%	0%	2%	5%
West via Shoemake Ave	4%	0%	2%	5%
East via Blue Gum Ave	0%	0%	2%	5%
West via Blue Gum Ave	2%	0%	2%	5%
East via Woodland Ave	0%	0%	2%	5%
West via Woodland Ave	8%	0%	2%	5%
East via Kansas Ave	2%	0%	4%	5%
West via Kansas Ave	0%	0%	4%	5%
East via Maze Blvd (SR 132)	55%	50%	50%	30%
West via Maze Blvd (SR 132)	20%	20%	20%	10%
Total	100%	100%	100%	100%

Notes:

"East via Maze Blvd." includes truck traffic from/to north and south via SR 99 and from SR 132 east of SR 99.

"West via Maze Blvd." includes truck traffic from/to northwest via Hart Road.

Approximately 68% of the almond meat production will be supplied to a single location (the Blue Diamond facility at/near Kiernan Road and Sisk Road.)

Byproduct distribution patterns are highly variable because of relatively lesser degree of SHA control over their demand times or locations.

From: Angela Freitas
To: Rosemary Howser
Date: 10/10/2007 8:09 am
Subject: Questions re: Salida Hulling application

Ms. Howser,

This e-mail provides responses to the questions you asked regarding the Salida Hulling Association (SHA) application in both your September 27th and October 3rd e-mails. If you have any questions regarding the responses provided please do not hesitate to contact me for clarification. All of the Environmental Impact Report documents referenced in the comments can be viewed on-line at <http://www.co.stanislaus.ca.us/planning/salidahulling.htm>

September 27, 2007 e-mail:

1. Can/should/will SHA provide a list of their growers vs. members? This will give the Board of Supervisors a better idea of how large this operation is and exactly how far the nuts are coming from?

Section 2.0 - Summary, of the Re-circulated Draft EIR (RDEIR), provides 'Figure 1-7 - SHA Orchards and Other Hulling Locations' which reflects the almond growing lands under the control of the existing SHA membership. Figure 1-7 is illustrative of the approximate sources of raw almonds that would be directed to the proposed facility.

2. How was the traffic study done. What was the raw data used for truck trips? Is this data from their numbers now??? Does it take into account growth?

In general, the traffic study was done by taking counts of existing traffic on roads near the SHA site and adding to those numbers the amount of traffic that would be generated by SHA if its membership acreage (and corresponding nut production) increased to 12,500 acres. These numbers were then analyzed to see what "service levels" would be both with and without the project, now and in the future. Service levels are akin to a school grade; an "A" or "B" is good, and an "E" or "F" is bad.

The methods used in the traffic study are described briefly in the RDEIR. The full traffic analysis, including a detailed description of the methodology and all of the traffic calculations, is shown in Appendix F of the RDEIR; specifically, the study methodology is discussed beginning on page 5 of the traffic study.

The raw data used to estimate SHA's traffic impacts was derived from actual records of truck movements to and from SHA's existing plant. These were a full season's data for the hulling year 2004. This was the most recent data available when the EIR preparation process started. During 2004, SHA processed about 14.3 million meat pounds of almonds; since their proposal is to process an average of 20 million meat pounds per year in the future, the 2004 truck traffic counts were prorated upward to represent operations at the proposed 20 million pound production level. As a result, the traffic study accounts for increases in truck traffic that would result from planned growth in almond hulling. All of the numerical assumptions used in the traffic study are detailed in an 8-page Technical Memorandum dated August 23, 2005, which is the first appendix to the traffic study (RDEIR Appendix F); the technical memorandum immediately follows page 32 of the traffic study.

3. How does a 24 hour operation run for 5 months of the year fit into ag???

The A-2 (General Agriculture) zoning district does not restrict the hours or months of operation for any of the Tier One uses requiring a Use Permit. The SHA project is classified as a Tier One use. Uses requiring a Use Permit may be conditioned to limit the hours or months of operation if necessary to meet required findings or to avoid a potential environmental impact. In the case of SHA, the EIR has identified only the need to restrict the hours and days of construction activities. In many cases, the seasonal nature of closely related agricultural uses requires the ability to operate 24 hour a day during peak periods.

4. Will the Board of Supervisors see/read the transcript from the Planning Commission of 9-6-07???

The County has not prepared or certified a transcript of the Planning Commission meeting to provide to the Board of Supervisors.

5. What about Hwy 132? We cannot get a clear answer about outgoing trucks, the light, etc.? Are trucks going to be allowed to outgo onto Hwy 132?

As noted in the response to Question 2, the assumptions of the traffic study, including the distribution of truck and other

trips, are detailed in the Technical Memorandum that immediately follows page 32 of RDEIR Appendix F. The traffic study assumes that project-related traffic would be "naturally" distributed, meaning that drivers would select their routes based on their preferences without restriction; the traffic study did not assume that traffic on SR 132 would be restricted in any other way. So, trucks would be allowed to use SR 132, via the proposed project site access on Dakota Avenue.

In Table 3 of that Memorandum, the amount of project traffic that would utilize SR 132 is specified; as the table shows, this would vary by the type of vehicle. It is assumed that 70-75% of the incoming and outgoing truck traffic would use SR 132. This same information is disclosed in the RDEIR in Table 16-7. This information is presented graphically on Figure 16-3, and the numbers of trucks that would use SR 132 (and other roads) during peak hours is shown on Figures 16-4, 16-5 and 16-6.

According to Figure 16-4 of the RDEIR, total hourly traffic on SR 132 that would result from the project would amount to 15 and 6 vehicles/hour east and west of Dakota Avenue, respectively. This would be added to the existing peak hour traffic of approximately 1,000 vehicles/hour.

According to the traffic analysis, the proposed project would result in the need for a signal at SR 132/Dakota Avenue. As noted in the RDEIR (page 16-17), although the project would result in only a small proportion of the need for a signal (i.e. the project's small relative addition of traffic triggers the need) SHA has agreed to pay the full cost of installing the signal.

October 3, 2007 E-mail:

Why did the McManis application for a huller or sheller on Bacon Rd. near Hart Rd. get denied?

Use Permit Application No. 88-43 - Steven A. McManis - a request to operate an almond huller on a 10-acre parcel in the A-2 zoning district located at 3860 N. Hart Road, in the Modesto area, was denied. Subsequently, Use Permit Application No. 89-19 - Steven A. McManis - a request to construct and operate an almond huller on a 91.6 acre parcel in the A-2 zoning district located at 401 Stone Avenue, in the Modesto area, was approved. Based on the background discussion in the Planning Commission Staff Report for Use Permit Application No. 89-19, the reason the earlier use permit was denied "principally involved the parcel's existing size, proximity to small ranchette parcels and the project's potential dust and noise impacts upon the residents of the area." An EIR was not prepared for either of the use permit applications.

Angela Freitas, Senior Planner
Stanislaus County Planning Department
1010 10th Street, Suite 3400
Modesto, CA 95354
E-mail: angela@mail.co.stanislaus.ca.us
Phone: (209) 525-6330
Fax: (209) 525-5911

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<http://www.co.stanislaus.ca.us/SurveyChoice.htm>

BOARD OF SUPERVISORS
2007 OCT 18 P 3:28

✓

October 12, 2007

Dear Supervisor Grover and Board Members

I was disappointed to read the circulated RDEIR that was prepared for the Salida Almond Hulling Facility. All of my concerns regarding traffic safety, poor air quality and noise pollution were again admitted, understated and then labeled as either insignificant or else unavoidable.

The report assumes a great deal. By the report's own admission there will be a truck leaving the facility every few minutes, assuming that the flow of trucks leaving is at a constant rate and each can enter into the flow of traffic onto the street immediately. But it seems feasible that not all of the trucks will be leaving and coming at the same time due to time of day and seasonal flow.

The trucks will be further limited by not being able to drive by Hart Ransom School at peak times. Thus at 7am-9am and say 2pm-4pm few trucks will pass by the school and yet at say 11am-1am and each day after 4pm many more trucks will have to then drive by the school. And when the trucks are not routed by the school, they will still be in the area using streets that people are using to go to school and work. SHA also ignores the fact that Hart Ransom has a charter school that use the school outside of normal school hours and that Hart Ransom's sport fields are used throughout the afternoons and evenings by many sports teams. In addition Hart Ransom is adding new sports fields which will add even more traffic to the times the trucks will be driving in the area. Thus at times there will be even more traffic trying to enter and exit the facility and at times very little traffic will be coming and going. Thus the reader of the report is given a false picture in his mind. And who will be enforcing any violation or will it even be considered a legal violation?

The report seems to rely on Dakota soon becoming a four lane highway and traffic lights being installed mostly at the tax payer's expense. It seems to rely on many future changes that may or may not happen. And surely there are not funds for all of this to happen in the very near future.

Another safety issue for the community is the fact that there is a solitary entrance in and out of the site. This RDEIR does not seem to address what would happened if this were blocked and emergency vehicles needed to enter and leave. For example, the risk of fire is real considering the large number of stockpiles that are projected to be on the site.

Air quality will be compromised at homes and schools, bringing more health issues to our already over polluted area, not only from the project site but also from the additional trucks on the roads. This is added to the Storer Bus traffic that is already there. My guess is that with the asthma-friendly flag program in place at school, many children will be spending more of their recesses inside. This pollution is admitted but minimized. The neighbors will have to be exposed 24 hours a day. Do our lives not count?

The report addresses the issue of noise, admitting that the noise will be present 24 hours a day, in the immediate surrounding area. This is part of the business. The machines, the trucks, the beeping of the trucks backing up will be heard. But while the people who are employed can wear ear protection and can leave and go home after being exposed, the community that lives nearby will be exposed 24 hours a day, year round. There is no escape except to move! The report states that housing is not affected by it. I think any household would be affected if the sound of their clothes dryer was heard 24 hours a day.

The facility will bring a lot of change to a neighborhood, without much regard for a community that has people living up and down these streets, where residents stand to wait for buses, collect mail, and children walk and ride bikes. Commuters drive and use Dakota as an artery to and from work, students to and from school and mothers daily to run errands and transport young children. All will be put at risk by the added traffic on narrow roads with small shoulders and no sidewalks. A community that will suffer when it loses

open space and natural surroundings, and in return will deal with 24 hour noise, and lights of an industrial like site that will take years to hide. This is not for the betterment of the community, but for one small group in a much bigger population.

Although I strongly feel that the project belongs in an industrial park, the organization still has other options in ag zoned land. It could buy ag land buffered by hundreds of acres at ag prices. An established community will be changed forever but the SHA does not want to buy from its own.

The most disappointing part of the report was concerning alternate sites. I have mentioned before in an organization with many members and so much land, each member should look at his own properties as potential sites. It took almost 500 pages of reporting to try to convince that this proposed site is the perfect place.

Another interesting note is that some years ago a family wanted to build an almond huller out on Hart Road and Beacon Road, near Supervisor Grover's home and was denied. The reason given was that the family owned a parcel on Stone Road that the supervisors deemed more acceptable. And that is where the family built! They were forced to look within their own family's properties even though it was not their first choice.

I also recall a few years ago a communications tower asked the county if they could build a tower on Woodland. It was denied because it was decided that it was industrial and therefore it belonged in an industrial area. But if a committee was looking at the environmental impact of the tower and the SHA project, I think that there is no question as to which would have more negative impacts to the area as a community. And isn't that the bottom line? Are we not interested in what is best for the community as a whole? Are we not looking at the best for all?

I know that agriculture is the heart of this area. I believe that the Salida Hulling Facility has a right to expand. Yet I also believe that the people existing in the area have a right not to have their daily living put at jeopardy when there are many more appropriate places to situate this type of facility with less impact on the surrounding community.

By the RDEIR's own admission they state that the SHA had to move from its former location because it felt that it was not appropriate to its surroundings. This project is also not appropriate for the Dakota Avenue surroundings as it stand today. They are transferring many of the same problems to a new address. For the families that live in close proximity and in the surrounding area the only way to get away from harms way will be to move. And who will want to move into their homes?

The potential for SR132 to build additional roads in order to improve transportation is a project that might improve the traffic situation for the whole community. But these road improvements have not been made yet. The existing roads that the hulling trucks would use are still single lane, without adequate shoulders for a law enforcement officer to even pull any truck over to the side to enforce the law if need be without disrupting the flow of traffic. This project is not for the good of the total community, only the association's members that may or may not be servicing nuts from this county. By introducing this project now the supervisors would be putting the cart before the horse.

Sincerely,



Karen Cimino
4101 Kansas Avenue

✓
October 15, 2007

Dear Supervisor Grover and Board Members,

2007 OCT 18 A 11: 15

Re: Proposal to relocate the Blue Diamond Salida Hulling Plant to Maze Blvd. and Dakota Ave.

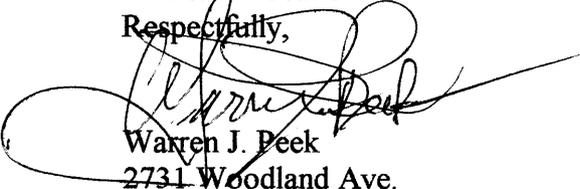
It is difficult to understand why the County Planning Commission would even consider relocating heavy truck traffic to an area that is now overloaded with traffic. An additional 8800 trucks, 7 days a week, will cripple the neighborhood for miles around. Residents move to the outer edges of town to get away from congestion and noise, not into it. A move to this area will lower the value of our property.

Woodland and Kansas Ave. will be a choice route for truckers. Preventing this is not enforceable. These streets are already in poor condition because the road base was not designed for heavy loads. Because of the Modesto City Streets that will be used our Mayor and City Council should be involved to see that these streets are not overloaded. The City should also be concerned about the safety of citizens and especially school children in this area which already has many accidents.

Another point of concern, in this area, is the presence of law enforcement personnel. Speeding on City streets is a way of life and nothing is being done. Adding a truck every 4 to 5 minutes will make this a disaster area. This will create another problem for the City as well as the County.

In a County the size of Stanislaus there obviously is a location for a Hulling Plant that is in an area that does not affect the lives of many people. I hope our Supervisors will decide on a safer location.

Respectfully,



Warren J. Peek
2731 Woodland Ave.
Modesto, CA. 95358

cc--Stanislaus County Board of Supervisors
1010, 10th St. Suite 6500
Modesto, CA. 95354

Friends of the Central Valley
P. O. Box
Modesto, CA. 95358

PETITIONS AVAILABLE
FROM CLERK

Friends of the Central Valley

From: Vikki Fraioli [vikvf@mac.com]
Sent: Tuesday, October 16, 2007 9:12 PM
Subject: SHA

Dear Supervisor Grover and Board Members:

Maze Boulevard and Dakota Avenue is not an appropriate location for the new Salida Hulling Association facility. Please encourage them to select a more suitable site by denying their current use permit application. We have numerous concerns and fears with their development in this location.

Traffic would be a major concern. Existing roads were not built for an additional 8800 truck trips. The thought of one coming and going every 4 to 5 minutes from Aug. to Dec. it unacceptable. There are concerns for safety for those living in the neighborhoods surrounding this area. . Shoulders are narrow and it will not be safe for school busses and emergency vehicles. Noise as well as air quality are also major concerns.

Little consideration has been made for the 2,000 residents who live nearby. While SHA argues that this is an agricultural are and their facility is agriculturally-related, they seem to forget that many homes in this area were built long before SHA was even formed. A permissible use is not always an appropriate use!

As long time residents of this area, who hopes to live here for many years to come, we encourage you to NOT permit the Salida Hulling Association facility to be built in this location.

Thank you,

Vikki and Tom Fraioli
1416 Shoshone Place
Modesto, CA
526-0669

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.488 / Virus Database: 269.15.0/1077 - Release Date: 10/18/2007 9:54 AM

Robert Ramos
137 N. Dakota Ave.
Modesto, CA 95358

October 18, 2007

Supervisor Jeff Grover
1010 Tenth Street, Suite 6500
Modesto, CA 95354

RE: Salida Almond Hulling Association Use Permit

Dear Supervisor Grover:

Again, as a resident of the county and affected homeowner of the proposed Salida Hulling Association (SHA) site, I must voice my objections.

I am a lifetime resident of Stanislaus County, born in Patterson and raised in Newman. My father sold farm equipment for over 35 years, and I was raised on a small farm outside of town, (Newman). I have seen a lot of changes to this area in my 49 years here.

I've only lived here on Dakota Ave since May of 1992. Property has skyrocketed, traffic has become uncontrollable. A change this large to this area, (yes I live here), will be most unfortunate. If the huller was here already or if I was aware they were planning to move here, I would not have bought this property.

If this project is allowed, land values will be significantly reduced, our beautiful landscape views will be ruined, and that doesn't even address the noise and traffic. SHA will change this area forever and that is not why I bought a home and property here.

If you, the county, cannot find a better place for this huller, not only have you done a disservice to the residents of this area, but you will be allowing SHA to change the growing Westside before it is ready. If the roads were improved (Highway 132 and Dakota), then and only then, might it be feasible. But, that would only address the traffic problem, You would still not have solved the noise, air quality, or unsightly appearance of an industrial huller in this country neighborhood.

The county and SHA must find another place to locate. This area does not fit their needs. There are simply too many obstacles to overcome.

Sincerely,

A handwritten signature in black ink that reads "Robert Ramos". The signature is written in a cursive, flowing style.

Robert Ramos

Monica Ramos
137 N. Dakota Ave.
Modesto, CA 95358

October 17, 2007

Supervisor Jeff Grover
Stanislaus County Board of Supervisors
1010 Tenth Street, Suite 6500
Modesto, CA 95354

RE: Salida Almond Hulling Association Use Permit

Dear Supervisor Grover:

I am again writing to voice my continued concern with Salida Almond Hulling Association's (SHA) proposal.

It should again be noted from the beginning that my objections have nothing to do with being for or against agriculture. I have lived in this agriculturally rich valley all my life, and like many lifelong residents, I consider it my civic obligation to do whatever I can to keep it that way. At the same time I respect a company's desire to grow and expand. However, as a responsible citizen, I demand that their desire for growth be handled in a manner that is respectful of those around them and of a planning process that is intended to assure smart growth. That is one of the reasons we have a taxpayer supported planning and community development function! That is why we have identified specific areas within cities and the county and zoned them for appropriate uses, including industrial.

I also understand that our county code permits "Tier One" uses. The mere fact that use permits are required and therefore must be evaluated on case-by-case basis, speaks to the fact that all uses are not appropriate on all parcels. My objection is not to SHA in general, it is to the specific site they have selected.

I truly believe Use Permit Application 2002-30 is wrought with problems. The full impact that this proposal will have in the area has been seriously understated. This operation is distinguished from other hullers in the area by its size and scope. While smaller operations are arguably suitable for the area, this operation clearly is not. If siting it this close to town is desired, then it belongs in an industrial tract. If they insist on siting it on agriculturally zoned ground, then a property with safe and efficient truck access needs to be selected.

Adding 8,800 truck trips to this area (as per the FEIR) is, pardon the pun, NUTS! Dakota, Kansas, Woodland, Blue Gum, Shoemake, and Beckwith are clearly not

designed to handle this added load. Disregarding the impact these vehicles will have on the safety of children is nothing short of reckless! Please, for the safety of everyone, recognize that allowing the establishment of an industrial operation at this site makes a mockery of our planning process and puts citizens at unjustified risk.

Several months ago, a columnist in the Modesto Bee argued that since there are several non-conforming businesses in the area, adding the SHA would not be a problem. This is one of the most foolish positions anyone could take. One could debate whether in fact these non-conforming businesses are appropriate for the area. The fact is, most have been here for many years; many established before we even had active planning that grouped compatible uses together and excluded those that were not compatible. Now, in seeking to establish itself in a new location, SHA is preparing to impose its operation on agriculture and residents who have been established here long before SHA was even formed!

I take serious issue with the SHA claim (through their consultant), that major issues are "less than significant". I am insulted by the suggestion that the aesthetic impact is less than significant. I enjoy and value the view of productive agriculture in front of my residence. Constructing an industrial plant across from my home will destroy my view, create excessive noise and dust, and essentially ruin the county lifestyle my family, neighbors and I currently enjoy. All these issues are indeed SIGNIFICANT, and cannot be adequately mitigated!

Although there are many critical issues that are poorly addressed in the EIR, increased traffic is probably the single most significant impact that Salida Almond Hulling Association will have on the entire area. Roads that are already in ill repair, will be made worse. Conditions at the intersection of Maze and Dakota which already exceed county standards, will admittedly be worsened. The addition of a traffic signal is suggested as a possible mitigation though it is unclear when that might happen.

As a cooperative, SHA has a unique advantage to access many acres of potentially suitable land for their desired expansion. Surely there are grower/members among them with property that is located near industrial tracts or at least near truck routes that will not have the same impact on nearby neighbors, schools, and narrow country roads. Surely, if SHA wished to be a responsible corporate citizen, they would identify a more suitable site (either to trade among their members or to purchase on the open market).

Surely you are familiar with the Stanislaus County Board of Supervisors' action to deny the application of a proposed almond huller at Hart and Bacon by the McManis Family. You must also be aware that they ultimately approved the

McManis' application to develop their almond huller at a more suitable location on Stone Ave. We ask that you exercise that same integrity in this instance.

We are all aware that objections to this proposal have been characterized as coming only from a few nearby residents. I sincerely hope that you your fellow supervisors recognize the inaccuracy of this assumption. Hundreds, (if not thousands) of people are concerned and dismayed by this proposal.

Please, do what is right. Give honest and full consideration to the hundreds of area residents as you consider this proposal. When the best interests of the masses run contrary to the special interests of a few, your job admittedly becomes more difficult. None-the-less, protecting the public interest is your job and is the right thing to do.

Sincerely,

A handwritten signature in cursive script that reads "Monica Ramos". The signature is written in black ink and is positioned below the word "Sincerely,".

Monica Ramos

October 11, 2007

3124 Blue Gum Avenue
Modesto, CA 95358

RE: Salida Hulling Association –new almond processing plant
Agenda Calendar: October 23, 2007

Dear Supervisor Grover:

I am an almond farmer, who farms and lives in Northwest Modesto. I am familiar with the operations of both farming almonds and the eventual processing of almonds for sale.

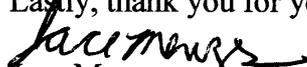
Your meeting agenda for October 23, 2007 will include a request that the Salida Hulling Association (SHA) **not be allowed** to construct a new facility near the corners of Kansas and Dakota/Highway 132 Avenues. At first glance, you could review the zoning for this location and see that in fact, the SHA does include an agriculture related business and might therefore be appropriate. This would be true, at first glance.

Unfortunately, upon further review, it is clear that placing an almond processing facility within one mile or less (as the crow flies) from the City of Modesto is NOT in the best interest of our County. This type of use – non-farming agricultural - does not belong adjacent to city residents. I am aware of many other almond processors in Stanislaus County and I cannot think of another that was built adjacent to the City limits. Certainly, there are nearby ranchette and farming neighbors to this proposed location who object to its placement here. These same residents do not object to farming activity – they have cooperatively lived with their farming neighbors for years with no problems. Again, this is not a farming use issue. This proposed use is a commercial agricultural operation of large magnitude.

I recently read in the Modesto Bee about an appeal to allow outdoor weddings on agricultural property. In that case, it was an inappropriate use for the stated zoning. In the Salida Hulling Association's application, **it is simply the inappropriate location for this type of operation**. Another important aspect regarding this application – and any other that may resemble it in scope – is the fact that Dakota Avenue is heavily used by those traveling to Interstate 5. No business with exits, entry and heavy traffic belongs near the entry and exit pathway of those utilizing Dakota Avenue to Highway 132.

Thank you in advance for carefully reviewing this agenda item. Use permits were designed for a use that is *appropriate and legal* to the zoned area. The Salida Hulling Association's application clearly does not meet these criteria.

Lastly, thank you for your commitment to public service.


Jace Menezes
(209) 526-9210

October 14, 2007

Dear Supervisors and Board Members:

The proposed Salida Hulling Association facility is not an appropriate location for this type of facility. Please encourage them to select a more suitable site by denying their current use permit application.

My biggest fear with their development at this location is that its location is less than two miles of my home. The health impact that this facility would have on my family and the residents nearby would be enormous. The air quality which is already poor in Modesto would cause even more health concerns for residents especially with asthma and related type illnesses.

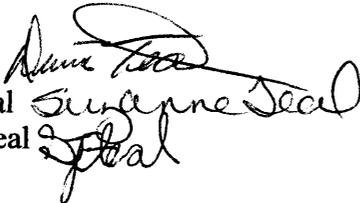
The noise, aesthetics, safety, and traffic issues are critical to residents who live nearby and who use these roads. These roads were not built for 8800 additional truck trips made every four to five minutes. This would cause great safety concerns and would not be safe for school busses and emergency vehicles that use these roads on a regular basis. Our children are at risk for the potential danger of these trucks and the traffic that will result.

In addition to these concerns it would have a detrimental impact on the home values in this area. The values would drop immensely because no one would want to submit to living around this environment.

Putting the Salida Hulling Association facility at this location on Dakota Avenue is a ridiculous alternative. The company never gave any consideration to the residents who live nearby and never even looked at the thousands of acres owned by their co-op members. Maybe they should consider putting their hulling facility next to their homes and see how they would like it. But of course the Not In My Backyard way of thinking keeps harmful businesses away from those who have power and money and puts the unsafe, unsuitable facilities in someone else's backyard with no worry to them.

Sincerely,

Dennis Teal
Suzanne Teal
Savannah Teal



1425 Remington Place
Modesto, CA 95358
209-576-0986

Stanislaus County Board of Supervisors
1010-10th St. Modesto, CA 95354
Suite 6500

Subject: Hearing on The SHA to develop a new almond
hulling processing plant at Dakota Ave and Maze Blvd.

In as much as I will not be able on Oct. 23, 2007 on
this matter, I put my comments in writing. This proposal
is indeed a matter that presents a great impact for Modesto
city. The critical issues are Traffic, mostly, noise, air quality,
and esthetics. All the problems that will result in ^{this} project are
need of more policemen, traffic lights, court overload, more
medical problems. All these will entail greater expenses
for the residents, especially for medical problems. With
the increasing population in the area, the area is not a
suitable place for such a project. Imagine the road are
meant for a 2 way traffic only, so the big issue is still
the traffic - traffic and traffic.

They better look for an area that will not be a big
critical problem for now and the future. Planning needs
vision, not for now, but for the coming years. We should
take in consideration the health of the people, which is a big
problem for the city, The county and California + U.S. as a
whole. Being a doctor I foresee bigger health problems if
this permissible use is passed. I speak for others here -
10-12-07

Leonisa F. Viloria

1617 Radcliffe Ave CA 95358-1041



BOARD OF SUPERVISORS

2007 OCT 19 A 10: 16

DEPARTMENT OF PUBLIC WORKS

Matt Machado
Director

1010 10th Street, Suite 3500, Modesto, CA 95354-0347
Phone: 209 525 6500

DATE: October 17, 2007

MEMO TO: Supervisor Jeff Grover, District 3

CC: ~~Chairman Bill O'Driscoll, District 1~~
Supervisor Tom Mayfield, District 2
Supervisor Dick Monteith, District 4
Supervisor Jim DeMartini, District 5

FROM: Matt Machado, Director of Public Works *mm*

SUBJECT: Final EIR, Salida Hulling, Almond Hulling Facility

Public Works has reviewed subject report. The project applicant has responded to all traffic concerns in conjunction with County staff review. A majority of traffic comments were presented by Prism Engineering and Robert J. Dayton Transportation Planning Services.

After review of comments submitted by Prism Engineering and Robert J. Dayton Transportation Planning Services it is Public Works position that the Final EIR has addressed these comments adequately.

Should you have any questions or comments please do not hesitate to call.