

CHAPTER ONE

INTRODUCTION

CHAPTER ONE – INTRODUCTION

This section of the Environmental Impact Report (EIR) briefly describes the proposed project, delineates the procedure and methodology for environmental evaluation of the project, and outlines the contents of the EIR.

1.1 Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Washington Road Warehouse project (State Clearinghouse No. 2013082091). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.). This Draft EIR is intended to serve as an informational document for the public agency decision makers and the public regarding the proposed project.

1.1.1 PROJECT OVERVIEW

The Project proponent, Dan Avila & Sons, proposes to construct a 180,000 square foot warehouse (in three phases), also utilizing an existing 5,500 square foot pole barn and associated facilities for receiving, handling, packaging and shipping harvested crops (water melons, sweet potatoes, beans, wheat, pumpkins and squash) on two parcels totaling approximately 61.7 acres in unincorporated Stanislaus County.

In accordance with County requirements, the proposed operation would require a use permit. In its review of use permit application (No. PLN2012-0017), the County commissioned the preparation of an air quality/greenhouse gas emissions study. That study determined that projected air emissions associated with vehicle traffic from operation of the proposed warehouse would result in environmental impacts that cannot be mitigated to a level of less than significant. Accordingly, it was determined that an environmental impact report is required in order for further consideration of the use permit application to occur.

1.1.2 TYPE AND PURPOSE OF THIS DRAFT EIR

According to Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

Inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

Because detailed information has been provided describing the construction and operational aspects of the project, a Project-level EIR has been prepared.

Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the proposed project. The environmental impacts of the proposed project are analyzed in the EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the construction and operation of the proposed project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found Not To Be Significant
- Areas of Known Controversy

1.1.3 LEAD AGENCY DETERMINATION

Stanislaus County is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as “. . . the public agency, which has the principal responsibility for carrying out or approving a project.” Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by Quad Knopf, an environmental consultant. Prior to public review, it was extensively reviewed and evaluated by Stanislaus County. This Draft EIR reflects the independent judgment and analysis of Stanislaus County, as required by CEQA. Organizations and persons consulted in the preparation of this Draft EIR are listed in Chapter Eight.

1.2 Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. Stanislaus County issued a Notice of Preparation (NOP) for the proposed project on August 30, 2013, which circulated between August 31, 2013 and October 2, 2013 for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts

identified in the NOP and issues raised by agencies in the public response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

Six comment letters were received in response to the NOP. Copies of the written comments received during the public review period are contained in Appendix A. This Draft EIR has taken into consideration the comments received from the various agencies in response to the NOP. Table 1-1 summarizes the issues identified by the commenting agencies, along with a reference to the section of this Draft EIR where the issues are addressed.

**Table 1-1
NOP Comment Letters**

Commenting Agency/Person	Comment Type/Summary	Issue Addressed in:
San Joaquin Valley Air Pollution Control District David Warner, Director of Permit Services	Air Quality District's attainment and non-attainment status under State and federal regulations was noted. Advisory provided regarding required air quality study, including odor analysis and health analysis, and recommended mitigation. Applicable District rules and regulations also were provided.	Section 3.3 Air Quality
California Central Valley Regional Water Quality Control Board Trevor Cleak, Environmental Scientist	Water resources Advisory regarding standard State and federal permit requirements associated with ground disturbance and storm water release.	Section 3.9 Hydrology and Water Quality
Native American Heritage Commission Dave Singleton, Program Analyst	Cultural Lead agency is required to perform a record search per state guidelines in order to assess whether the proposed project will have an adverse impact on cultural or archeological resources. Requested that lead agency contact the Native American Heritage Commission (NAHC) and Native American contacts provide by the NAHC. Provided recommendations to include in mitigation monitoring plan in the event cultural and/or archeological finds are made.	Section 3.5 Cultural Resources
State of California Governor's Office of Planning and Research (OPR) Scott Morgan, Director	General OPR has identified the agencies involved with the project and issues that may be impacted by the project. OPR requested that copies of responses to the NOP from agencies also be sent to the State Clearinghouse.	Not Applicable
City of Turlock, Development Services, Planning Division Debra Whitmore, Deputy	Multiple topics addressed. Conversion of important farmland to non-agricultural use, criteria pollutants and	Section 3.1 Aesthetics, Section 3.2 Agricultural Resources, Section 3.3 Air Quality, Section

Commenting Agency/Person	Comment Type/Summary	Issue Addressed in:
Director	greenhouse gas emissions, noise, water quality, and groundwater quality and supply. Noted that additional information is needed on the site plan to clarify the project description. Asked for additional information regarding proposed equipment. Asked for clarification regarding proposed chemicals in wash water. Asked that the EIR analyze impacts to Population and Housing as well as Recreation. Requested analysis of aesthetics, agricultural land conversion, air emissions, biological resources, septic system suitability, hazards associated with on-site storm water retention, wastewater discharge, vehicle and machinery noise, impact on City of Turlock Police and Fire services, and traffic.	3.4 Biological Resources, Section 3.6 Geology and Soils, Section 3.7 Greenhouse Gases, Section 3.8 Hazards and hazardous Materials, Section 3.9 Hydrology and Water Quality, Section 3.11 Noise, Section 3.12 Public Services and Utilities, Section 3.13 Transportation and Traffic
County of Stanislaus Environmental Review Committee Tera Chumley, Senior Management Consultant	Hazards/hazardous materials, Transportation/traffic Requested that a Phase I Environmental Site Assessment be completed. Asked that the traffic study assessment traffic based on the project driveway on N. Washington Road.	Section 3.8 Hazards and Hazardous Materials and Section 3.13 Transportation and Traffic

Source: County of Stanislaus, Responses to NOP for the Avila & Sons North Washington Road Warehouse Project, 2013

1.2.1 SCOPING MEETING

Pursuant to CEQA Guidelines Section 15082(c)(1), Stanislaus County held a scoping meeting for the proposed project on Tuesday, September 17, 2013 at Turlock City Hall. No citizens or outside agencies attended the meeting, thus there were no verbal or written comments submitted at the scoping meeting.

1.2.2 ENVIRONMENTAL ISSUES DETERMINED NOT TO BE SIGNIFICANT

Stanislaus County determined that an EIR would be required for this project and issued a Notice of Preparation (NOP) on August 30, 2013 (see Appendix A), to the State Clearinghouse, responsible agencies, and interested parties. An Initial Study was not prepared, as permitted by CEQA. The NOP process is used to help determine the scope of the environmental issues to be addressed in the Draft EIR. Based on this process, certain environmental categories were identified as having the potential to result in significant impacts. Issues considered Potentially Significant are addressed in this Draft EIR. Issues identified as Less Than Significant or having No Impact are not addressed.

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Chapter 7.0, Effects Found To Be Less Than Significant. These topical areas are as follows:

- Mineral Resources
- Population and Housing
- Recreation

1.2.3 POTENTIALLY SIGNIFICANT ENVIRONMENTAL ISSUES

The NOP found that the following topical areas may contain potentially significant environmental issues that will require further analysis in the Draft EIR. These sections are as follows:

- | | |
|--------------------------|-----------------------------------|
| ▪ Aesthetics | ▪ Hazards and Hazardous Materials |
| ▪ Agricultural Resources | ▪ Hydrology/Water Quality |
| ▪ Air Quality | ▪ Land Use and Planning |
| ▪ Biological Resources | ▪ Noise |
| ▪ Cultural Resources | ▪ Public Services and Utilities |
| ▪ Geology and Soils | ▪ Transportation and Traffic |
| ▪ Greenhouse Gases | |

1.3 Organization of the EIR

This Draft EIR is organized into the following main sections:

Section ES: Executive Summary. This section includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.

Chapter One: Introduction. This section provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.

Chapter Two: Project Description. This section includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.

Chapter Three: Environmental Impact Analysis. This section analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Section 3 are as follows:

- **Section 3.1 – Aesthetics:** Addresses the potential visual impacts of development and the overall increase in illumination produced by the project.
- **Section 3.2 – Agricultural Resources:** Describes the existing agricultural resources and potential environmental effects from project implementation on the project site and its surrounding area. .
- **Section 3.3 – Air Quality:** Provides an evaluation of the potential air quality impacts that would be caused by implementation of the proposed project
- **Section 3.4 – Biological Resources:** Addresses the project’s potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
- **Section 3.5 – Cultural Resources:** Addresses the potential impacts of project development on known historical resources and potential archaeological and paleontological resources.
- **Section 3.6 – Geology and Soils:** Addresses the potential impacts the project may have on soils and assesses the effects of project development in relation to geologic and seismic conditions.
- **Section 3.7 – Greenhouse Gases:** Addresses project emissions of greenhouse gases.
- **Section 3.8 – Hazards and Hazardous Materials:** Addresses the potential for the presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.
- **Section 3.9 – Hydrology and Water Quality:** Addresses the potential impacts of the project on local hydrological conditions, including drainage areas, and changes in the flow rates.
- **Section 3.10 – Land Use and Planning:** Addresses the related land-use impacts associated with implementation of the project including project compatibility with surrounding land uses and consistency with the Stanislaus County General Plan and Zoning Ordinance.
- **Section 3.11 – Noise:** Addresses the potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
- **Section 3.12 – Public Services and Utilities:** Addresses the potential impacts upon service providers, including fire protection and law enforcement and service systems such as water, wastewater, solid waste, and energy..
- **Section 3.13 – Transportation and Traffic:** Addresses the impacts on the local and regional roadway system, public transportation, bicycle, and pedestrian access.

Chapter Four: Evaluation of Alternatives. This section compares the impacts of the proposed project with three land use project alternatives: No Project, Alternative Site, and Reduced Greenhouse Gas Emissions. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.

Chapter Five: Cumulative Impacts. This section discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects.

Chapter Six: Other CEQA Requirements. This section provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. In addition, the proposed project's energy demand is discussed.

Chapter Seven: Impacts Found To Be Less Than Significant. This section contains analysis of the topical sections not addressed in Section 3.

Chapter Eight: References. This section contains a full list of references that were used in the preparation of this Draft EIR.

Chapter Nine: List of Preparers. This section contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR, as well as the authors who assisted in the preparation of the Draft EIR, by name and affiliation.

Appendices: This section includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include, but are not limited to:

- Stanislaus County General Plan;
- City of Turlock General Plan
- Westside Industrial Specific Plan

These documents are specifically identified in Chapter Eight, References of this Draft EIR. In accordance with CEQA Guidelines Section 15150(b), the Stanislaus County General Plan, Stanislaus County Zoning Code, and the referenced documents and other sources used in the preparation of the Draft EIR are available for review at the Stanislaus County Planning and Community Development Department at the address shown in Section 1.6 herein.

1.5 Documents Prepared for the Project

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described.

The following technical studies and analyses were prepared for the proposed project:

- Air Quality Analysis, prepared by Quad Knopf (analysis wholly contained in Section 3.3, Air Quality, modeling output provided in Appendix B);
- Cultural Resources Records Search (Appendix C);
- Phase I and II Environmental Site Assessment, prepared by J House Environmental, Inc (Appendix D);
- Noise Assessment, prepared by Bollard Acoustical (Appendix E); and
- Traffic Impact Study, prepared by KD Anderson & Associates (Appendix F).

1.6 Review of the Draft EIR

Upon completion of the Draft EIR, Stanislaus County filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). A Notice of Availability was provided to public agencies and interested parties pursuant to CEQA Guidelines Sections 15085, 15087(c).

During the public review period, the Draft EIR, including the technical appendices, is available for review at the Stanislaus County Planning and Community Development Department, the County of Stanislaus Library – Modesto Branch and the Stanislaus County Library- Turlock Branch. The address and hours of operation for each location are provided below:

- Stanislaus County Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, CA 95354
Phone: (209) 525.6330
Hours: Monday – Friday, 8:30 AM – 4:30 PM

- Stanislaus County Library – Modesto Branch
1500 "I" Street
Modesto, CA 95354
Phone: (209) 558-7800
Hours: Monday – Thursday: 10:00 AM – 9:00 PM
Friday: Closed
Saturday: 10:00 AM – 5:00 PM
Sunday: Closed
- Stanislaus County Library – Turlock Branch
550 Minaret Avenue
Turlock, CA 95380
Phone: (209) 664-8100
Hours: Monday – Wednesday: 10:00 AM – 9:00 PM
Thursday: 10:00 AM – 5:00 PM
Friday: Closed
Saturday: 10:00 AM – 5:00 PM
Sunday: Closed

The document will also be available on the Stanislaus County website:

<http://www.stancounty.com/planning/pl/act-projects.shtm>

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the Stanislaus County Planning Commission on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

1.6.1 DISCRETIONARY AND MINISTERIAL ACTIONS

Discretionary approvals and permits are required by Stanislaus County for implementation of the proposed project. The project application would require the following discretionary approvals and actions, including:

- Use Permit Application (Application No. PLN2012-0017) –Stanislaus County

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of grading and building permits, improvement plans, landscape plans, and will serve letters for potable water.

1.6.2 RESPONSIBLE AND TRUSTEE AGENCIES

A number of other agencies in addition to Stanislaus County will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively.

This Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include but are not limited to the following.

- **Regional Water Quality Control Board (RWQCB)** – Water quality certification under Section 401 of the Clean Water Act if a 404 permit is required and approval for coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit (General Permit) under Section 402 of the CWA. Under the General Permit, a Storm Water Pollution Prevention Plan (SWPPP) must be prepared before any construction activities begin.
- **State Water Resources Control Board** – Spill Prevention Control and Countermeasure Plan (SPCCP) will be prepared for the project in accordance with the 40 CFR 112.
- **San Joaquin Valley Air Pollution Control District (SJVAPCD)** – Construction permits and dust mitigation plan.
- **U.S. Fish & Wildlife Service (USFWS)** – Coordination with mitigation of potential impacts on San Joaquin kit fox.

1.7 Final EIR Certification

This Draft EIR is being circulated for public review for a period of 45 days. Interested agencies and members of the public are invited to provide written comments on the Draft EIR to the Stanislaus County Planning and Community Development Department. Upon completion of the 45-day review period, Stanislaus County will review all written comments received and prepare written responses for each comment. A Final EIR (FEIR) will then be prepared incorporating all of the comments received, responses to the comments, and any changes to the Draft EIR that result from the comments received. The FEIR will then be presented to the Stanislaus County Planning Commission for potential certification as the environmental document for the project. All persons who commented on the Draft EIR will be notified of the availability of the FEIR and the date of the public hearing before the County.

1.8 Mitigation Monitoring

Public Resources Code Section 21081.6 requires that agencies adopt a monitoring or reporting program for any project for which they have made findings pursuant to Public Resources Code 21081 or adopted a Negative Declaration pursuant to 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration.

The Mitigation Monitoring Program for the Washington Road Warehouse project will be completed as part of the Final EIR and prior to consideration of the project by the Stanislaus County Planning Commission.

1.9 Distinction Between Review of Environmental Issues and Project Merits

Often during review of an EIR, the public raises issues that relate to the proposed project itself or the project's community benefits or consequences (referred to herein as "project merits"), rather than the environmental analyses or impacts raised in the EIR. Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the approval process for a project. However, a Lead Agency is only required to respond in its CEQA review to substantive environmental issues that are raised. Certifying an EIR (i.e., finding that it was completed in compliance with CEQA) and taking action on the proposed project rely on procedurally distinct processes and may result in separate decisions made by the Lead Agency.

An example of a project merits issue that is important, but is not a substantive environmental issue, is economic effects that do not result in any physical change to the environment. At any time that the Project comes before the Planning Commission or the Board of Supervisors, the merits of the Project will be discussed. The Planning Commission and the Board of Supervisors may hold public meetings or hearings to review Project merits that are separate from those intended for reviewing the EIR and environmental issues.

Generally, an EIR is "...a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects" (CEQA Guidelines §15362). An EIR is intended to identify significant effects on the environment defined in CEQA Guidelines §15382 as "...substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project...". An EIR is intended to be used by the public, decision-makers, interested individuals, and other agencies and organizations that may have responsibility for a project or project components. CEQA Guidelines §15091 points out that "no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." Further, CEQA Guidelines §15092 states that "after considering the final EIR and in conjunction with making findings...the lead agency may decide whether or how to approve or carry out the project," which is a separate action from EIR certification. When significant environmental effects cannot be reduced to a less than significant level, the Lead Agency must prepare a Statement of Overriding Considerations, in addition to findings, that documents how project benefits outweigh the unavoidable impacts.