

# STANISLAUS COUNTY PLANNING COMMISSION

April 5, 2007

## STAFF REPORT

USE PERMIT APPLICATION NO. 2006-36  
FISCALINI CHEESE CO.

**REQUEST: TO RELOCATE AND EXPAND THE EXISTING FARMSTEAD CHEESE PROCESSING FACILITY TO PROVIDE A VISITOR'S CENTER, OFFICE, PROCESSING AND PACKAGING ROOMS, CHEESE STORAGE AND EQUIPMENT ROOM.**

### APPLICATION INFORMATION

Applicant/Property Owner:	John Fiscalini
Location:	Southeast of the Kiernan Avenue and Jackson Road intersection, in the Modesto area (4648 Jackson Road)
Section, Township, Range:	6-3-8
Supervisory District:	Three (Supervisor Grover)
Assessor's Parcel:	012-004-019
Referrals:	See Exhibit "F" Environmental Review Referrals
Area of Parcels:	36.6 acres
Water Supply:	Water well
Sewage Disposal:	Aerobic septic/leach field system
Existing Zoning:	A-2-40
General Plan Designation:	General Agriculture
Community Plan Designation:	Not applicable
Williamson Act Contract No.:	77-2785
Environmental Review:	Negative Declaration
Present Land Use:	Dairy facility, three dwellings, cheese making facility, and vineyard
Surrounding Land Use:	Agricultural uses and scattered single-family dwellings

### PROJECT DESCRIPTION

This is a request to relocate and expand an existing farmstead cheese processing facility on a 36.6 acre parcel. The new facility will consist of a two-story 81,800 square foot building designed to provide a visitor's center, office, processing and packaging rooms, cheese storage, and an equipment room. The building footprint will be 45,100 square feet. A depressed loading dock will be added to the eastern section of the building. The applicant is proposing to conduct tours of the facility to educate professional and public officials about the cheese making process as well as innovations and conservation methods available to the dairy industry. Tours are not expected to exceed two per day, Monday thru Friday, during normal business hours. The visitor center will include a research and development kitchen and 3,500 square foot retail store.

An anaerobic methane digester will be constructed and operated in conjunction with the cheese facility in order to provide electricity and hot water to the building. The methane digester will consist of two 25' tall above-ground concrete tanks with 85-foot diameters. A plastic removable roof will enclose the tanks and ancillary equipment such as a pump, thickening devices, and water clarifier will process and separate waste. The tanks will be located on the southeastern portion of the Fiscalini dairy facility near the dairy lagoon. (The methane digester and processing facility will be located on adjoining separate legal parcels.) The CHP unit (combined heat and power) which converts the methane gas will be housed in the equipment room of the proposed processing facility.

### **SITE DESCRIPTION**

The 36.6-acre project site (consisting of two parcels) is located south of Kiernan Avenue, at the southeast intersection of Kiernan Avenue and Jackson Road, in the Salida area. The northern parcel and proposed site is improved with one dairy barn, three cattle sheds, an agricultural storage building (housing the existing cheese making facility, cold room, and tasting room) and three single-family dwelling units. The surrounding land uses consist of agriculture and scattered single-family dwellings.

### **BACKGROUND**

Use Permit Application No. 99-16 was approved on October 21, 1999, to allow an 18-foot by 50-foot cheese making facility within an existing 50-foot by 176-foot agricultural storage building. Staff Approval Application No. 2001-39 was approved on June 12, 2001, to allow a 36-foot by 40-foot cold room addition to the approved cheese making facility. The requested retail sales and tasting room were not part of the original use permit or staff approval. Use Permit No. 2002-07, approved on July 18, 2002, allowed for the expansion of an existing cold storage area, retail sales, and a tasting room within the existing 50-foot by 176-foot agricultural storage building. Use Permit No. 2002-07 further allowed tours of the cheese processing facility by professional, dairy-related organizations touring the on-site dairy.

In April 2006, the Planning Department and Code Enforcement visited Fiscalini Farms. The tour was sponsored by Western United Dairymen, as the Fiscalini Dairy with its cheese processing facility is considered by them to be a model of efficiency. The tour had the added benefit of allowing the Planning Department to observe the cheese processing facility that had evolved from the Use Permit process and to sample the cheese products and recipes offered by the Fiscalini Cheese Company.

### **DISCUSSION**

The existing and proposed cheese making facility and accessory cold storage area, retail sales, and tasting room are classified by Section 21.20.030(B) of the Stanislaus County Zoning Ordinance as Tier Two uses. Tier Two consists of agriculturally related commercial and industrial uses that may be allowed when the Planning Commission or Board of Supervisors finds that:

1. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity; and

2. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and
3. It is necessary and desirable for such establishments to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.

In addition, compliance with the following criteria was necessary for approval of the existing facility and must continue to be met for approval of the proposed cheese processing facility's relocation and expansion:

Section 21.20.030(3)(b) - Agricultural processing plants and facilities, such as wineries, dehydrators, canneries, and similar agriculture-related industrial uses provided:

1. The plant or facility is operated in conjunction with, or as a part of, a bona fide agricultural production operation;
2. At least fifty percent of the produce to be processed is grown on the premises or on property located in Stanislaus County in the same ownership or leases; and
3. The number of full-time, year-round employees involved in the processing shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.

Furthermore, the following criteria must be met in order to approve the proposed relocation and expansion of the cheese processing facility, visitor's center/research and development kitchen, and retail store:

Section 21.20.030(3)(c) - Incidental retail sales, tasting rooms and/or facilities for on-site consumption of agricultural produce processed on the premises, provided:

1. The primary purpose is to promote sales of the agricultural product(s) produced and processed on the premise;
2. The use is subordinate to the production of such product and the use of such agricultural processing facility; and
3. The number of full-time, year-round employees involved in the operation shall not exceed ten, and the number of part-time, seasonal employees shall not exceed twenty.
4. However, the total number of full-time, year-round employees allowed under Subsection b(3) and c(3) shall not exceed ten, and the total number of part-time, seasonal employees shall not exceed twenty.

The existing facility operates with three employees. Mr. Fiscalini expects the amount of employees to increase to ten following completion of the proposed cheese processing facility. Tours of the cheese processing facility are being proposed as a means to educate professional and public officials about the cheese making process as well as innovations and conservation methods available to the dairy industry. Tours are not expected to exceed two per day, Monday thru Friday, during normal business hours. Products served during tours of the cheese processing facility and dairy will be limited to cheese, cheese products, water, and wine as reflected in the Conditions of Approval for this project.

The proposed two-story cheese processing facility will include a basement for the storage and aging of Fiscalini Brand cheese. The second story will be devoted to office space. A processing room, packaging room, visitor center, and equipment room will occupy the first floor of the building. Activities within the packaging room will include packing, cutting, and boxing of the aged cheese. The processing room, in which the cheese making process begins, and the packaging room will be located adjacent to the visitor center so that guests can observe the cheese making process. The visitor center will include a research and development kitchen. The kitchen may be used by cooking professionals and Farmstead Cheese Store employees to demonstrate alternate uses of the cheese produced and for the continued development of new cheese products. The retail store will encompass 3,500 square-feet of the visitor center. Retail items are limited to Fiscalini cheese, locally grown processed food items (25%), and promotional non-food items intended to educate the public and advance agricultural sales (5%).

Parking for two tour buses and up to thirty passenger vehicles will be provided along the north and west sides of the cheese processing facility. Parking will be shielded from Kiernan Avenue and Jackson Road by a series of landscaped berms. The applicant expects truck traffic will decrease as a result of the expansion of the cheese processing facility. Currently, Fiscalini farms requires twenty-one truck trips per week to transfer milk from the on-site dairy. Yet, were the relocation and expansion to be approved, milk would be piped directly from the dairy to the cheese plant. As cheese making concentrates the solid portion of milk, the total milk produced by Fiscalini Farms would fit into four trailer loads as cheese. The goal of Fiscalini Farms is to use all of the milk produced on site to make cheese.

Staff finds the proposed request meets all of the necessary findings and criteria listed above. The relocated and expanded cheese processing facility will be accessory to and operated in conjunction with the on-site dairy operation. The applicant's primary intent for the tours is to educate professional and public officials about the cheese making process as well as innovations and conservation methods available to the dairy industry. This project, as described, limits the frequency of tours and retail sales. Outdoor tasting activities/events and/or the use of other existing on-site structures for tasting activities are not permitted as part of this project. The existing cheese processing facility, located on the east of the proposed site, will be converted to dry storage.

In general, staff believes the proposed use to be consistent with the General Plan designation of "General 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 nature of the applicant's cheese operation is an implementation of the County General Plan's Agricultural Element policy to encourage vertical integration of agriculture as a goal of strengthening the agricultural sector of our economy.

### **WILLIAMSON ACT**

The project site is currently enrolled under the Williamson Act (Contract No. 77-2785). Government Code Section 21238.1 requires all lands under a Williamson Act Contract to be found consistent with all of the following 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 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 may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels 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 use.

Staff finds the proposed use to meet the principles of compatibility listed above. The proposed use will not compromise the long-term agricultural capability and/or displace the agricultural activities being conducted on the site or neighboring lands. It does not appear this project will negatively impact the project site and/or adjacent lands due to its physical scale.

The Department of Conservation had recommended non-renewing the cheese factory/visitor center portion of the contract based on the information provided in the Early Consultation. Staff worked with the applicant to scale back the project, and a revised project description and site plan were referred out to all consulting agencies with the Initial Study. No further comments were received from the Department of Conservation.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA) the proposed project was circulated to all interested parties and responsible agencies for review and comment (see Exhibit "F" for the Environmental Review Referral list). Based on the comments received and the initial study discussion, a Negative Declaration is being recommended for adoption (see Exhibit "E"). Conditions of Approval have been added to the project to address less than significant impacts associated with this project.

### **RECOMMENDATION**

Based on the preceding discussion, staff recommends the Planning Commission take the following actions:

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgement and analysis.

2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find That:
  - A. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General 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; and
  - B. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - C. 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.
  - D. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
  - E. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
  - F. The use as proposed meets the criteria of Sections 21.20.030(3)(b) and 21.20.030(3)(c), of the Stanislaus County Zoning Ordinance, outlined and discussed in this report.
4. Approve Use Permit Application 2006-36 - Fiscalini Cheese Co., subject to the attached Conditions of Approval.

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project. Therefore, the applicant will further be required to pay \$1,857.00 for the Department of Fish and Game, and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

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Staff Report  
April 5, 2007  
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Report written by: Rachel Wyse, Assistant Planner, March 15, 2007

Attachments: Exhibit A - Maps  
Exhibit B - Conditions of Approval  
Exhibit C - Findings for Approval  
Exhibit D - Initial Study  
Exhibit E - Negative Declaration  
Exhibit F - Environmental Review Referrals

Reviewed by:



Kirk Ford, Deputy Director

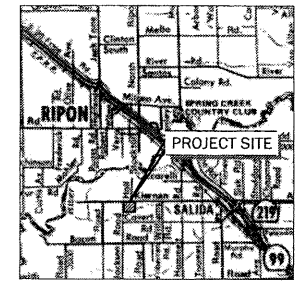
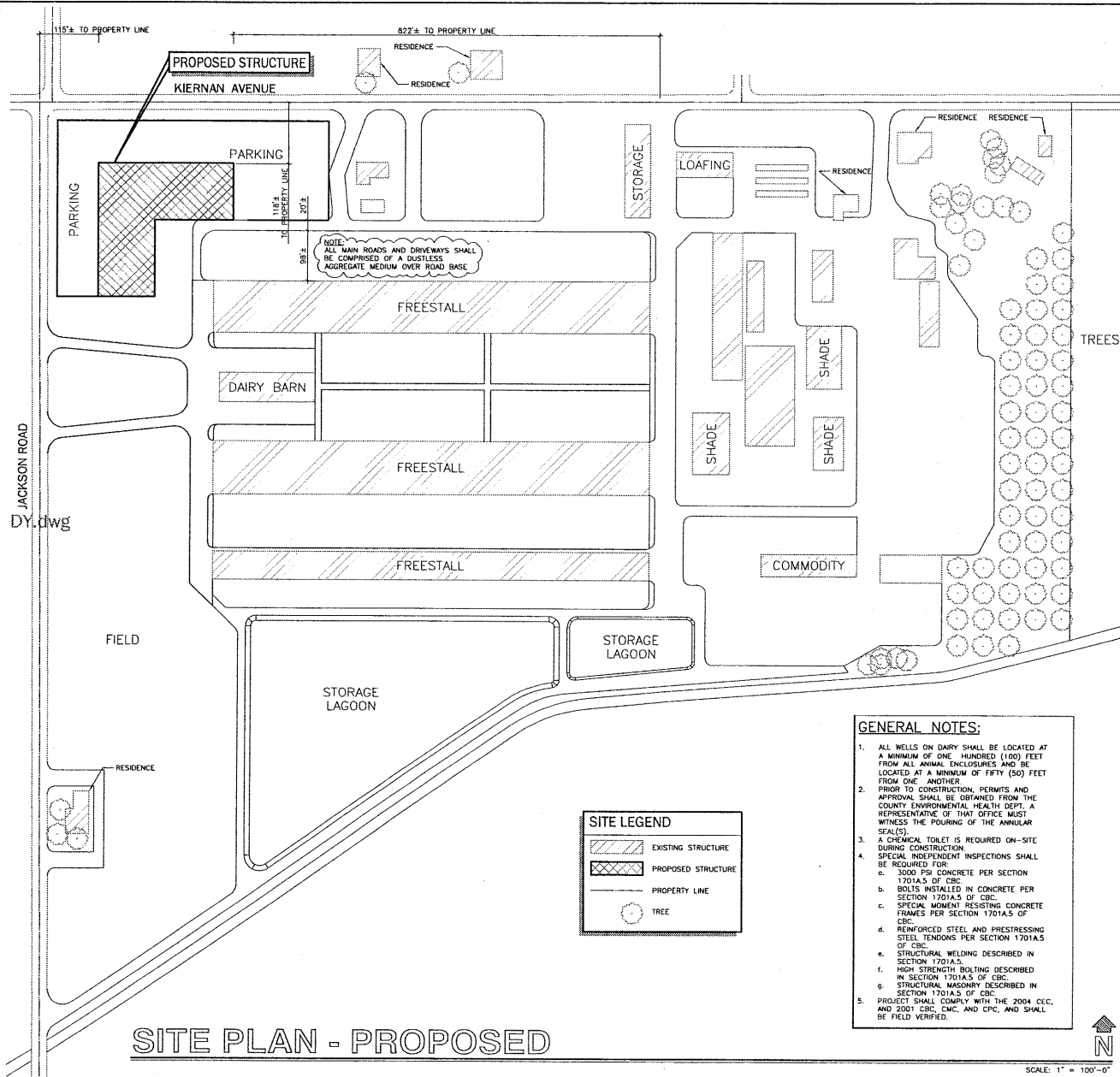
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Call Two Working Days  
Before You Dig!



1-800-227-2600



VICINITY MAP  
NO SCALE

SITE DATA	
OWNER:	JOHN FISCALINI 7206 KIERNAN AVE. MODESTO, CALIFORNIA 95358 (209) 545-5495
JURISDICTION:	STANISLAUS COUNTY
ZONE:	AGRICULTURE
SITE AREA:	37 ACRES
A.P.N.:	12-04-19
SITE ADDRESS:	ON THE CORNER OF KIERNAN AVE. AND JACKSON AVE.
SEISMIC ZONE:	# 3
WATER:	DOMESTIC WELL
SEWER:	SEPTIC SYSTEM
GAS:	PROPANE
ELECTRIC:	MODESTO IRRIGATION DISTRICT

- GENERAL NOTES:**
- ALL WELLS ON DAIRY SHALL BE LOCATED AT A MINIMUM OF ONE HUNDRED (100) FEET FROM ALL ANIMAL ENCLOSURES AND BE LOCATED AT A MINIMUM OF FIFTY (50) FEET FROM ONE ANOTHER.
  - PRIOR TO CONSTRUCTION, PERMITS AND APPROVAL SHALL BE OBTAINED FROM THE COUNTY ENVIRONMENTAL HEALTH DEPT. A REPRESENTATIVE OF THAT OFFICE MUST WITNESS THE POURING OF THE ANNULAR SEAL(S).
  - A CHEMICAL TOILET IS REQUIRED ON-SITE DURING CONSTRUCTION.
  - SPECIAL INDEPENDENT INSPECTIONS SHALL BE REQUIRED FOR:
    - 3000 PSI CONCRETE PER SECTION 1701A.5 OF CBC.
    - BOLTS INSTALLED IN CONCRETE PER SECTION 1701A.5 OF CBC.
    - SPECIAL MOMENT RESISTING CONCRETE FRAMES PER SECTION 1701A.5 OF CBC.
    - REINFORCED STEEL AND PRESTRESSING STEEL TENDONS PER SECTION 1701A.5 OF CBC.
    - STRUCTURAL WELDING DESCRIBED IN SECTION 1701A.5 OF CBC.
    - HIGH STRENGTH BOLTING DESCRIBED IN SECTION 1701A.5 OF CBC.
    - STRUCTURAL MASONRY DESCRIBED IN SECTION 1701A.5 OF CBC.
  - PROJECT SHALL COMPLY WITH THE 2004 CBC, AND 2001 CBC, CMC, AND CPC, AND SHALL BE FIELD VERIFIED.

**SITE LEGEND**

	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	PROPERTY LINE
	TREE

**SITE PLAN - PROPOSED**

SCALE: 1" = 100'-0"

SCALES  
0 1" = 100'-0"  
0 25mm  
IF THIS BAR IS NOT  
DIMENSION SHOWN, ADJUST  
SCALES ACCORDINGLY.

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DOUG HIGBY  
LICENSE NO:  
CE 47,393

DRAWN BY: CHECKED BY:  
P & P D. HIGBY

SCALE: AS SHOWN  
DATE: 10-18-2006  
JOB NO: 3167-06VI  
DWG. NO:  
SHEET

1 of

PRELIMINARY  
NOT FOR CONSTRUCTION

CAL COAST DAIRY SYSTEMS  
STANISLAUS COUNTY, CALIFORNIA  
UTILITY BUILDING  
SITE PLAN

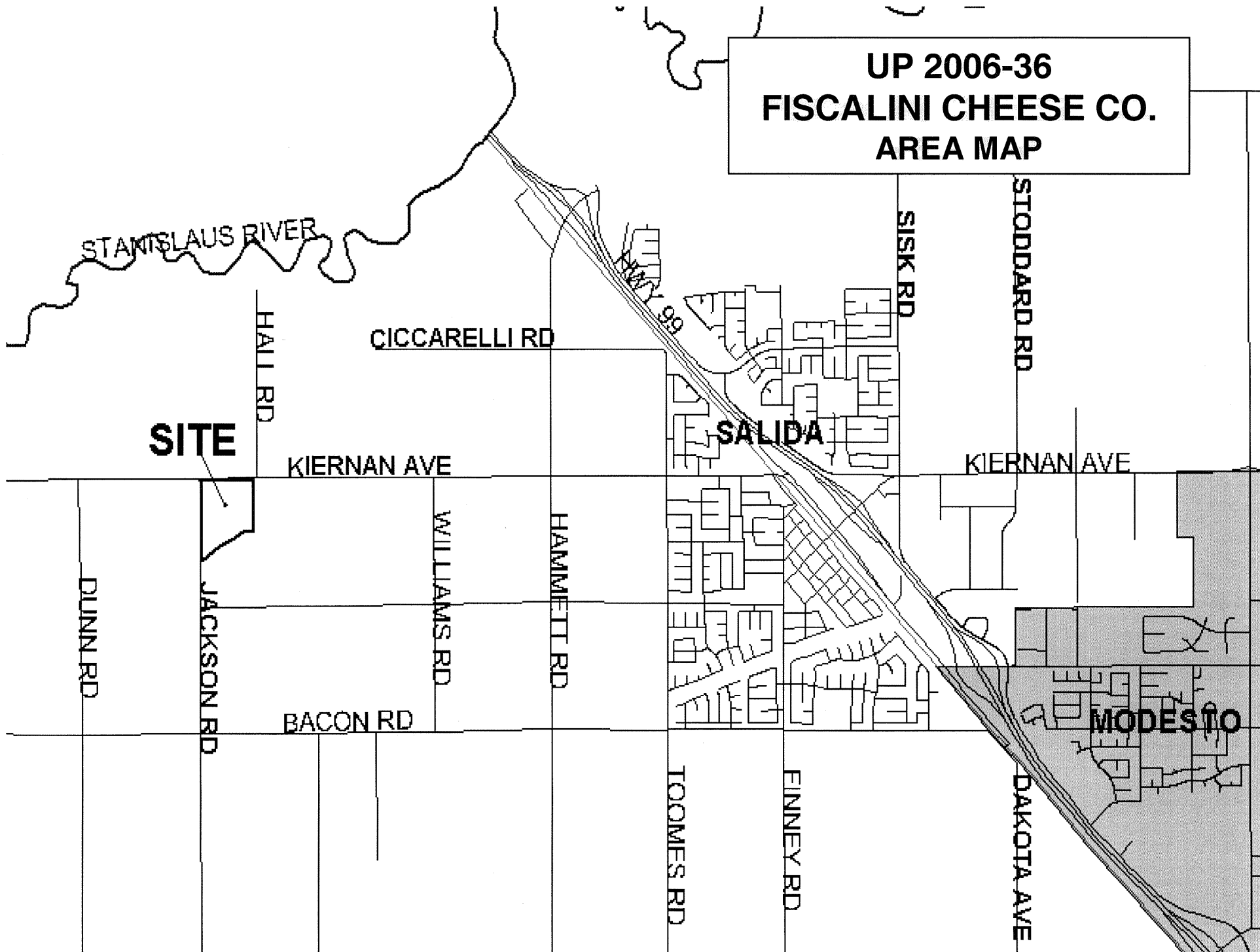
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EXHIBIT A

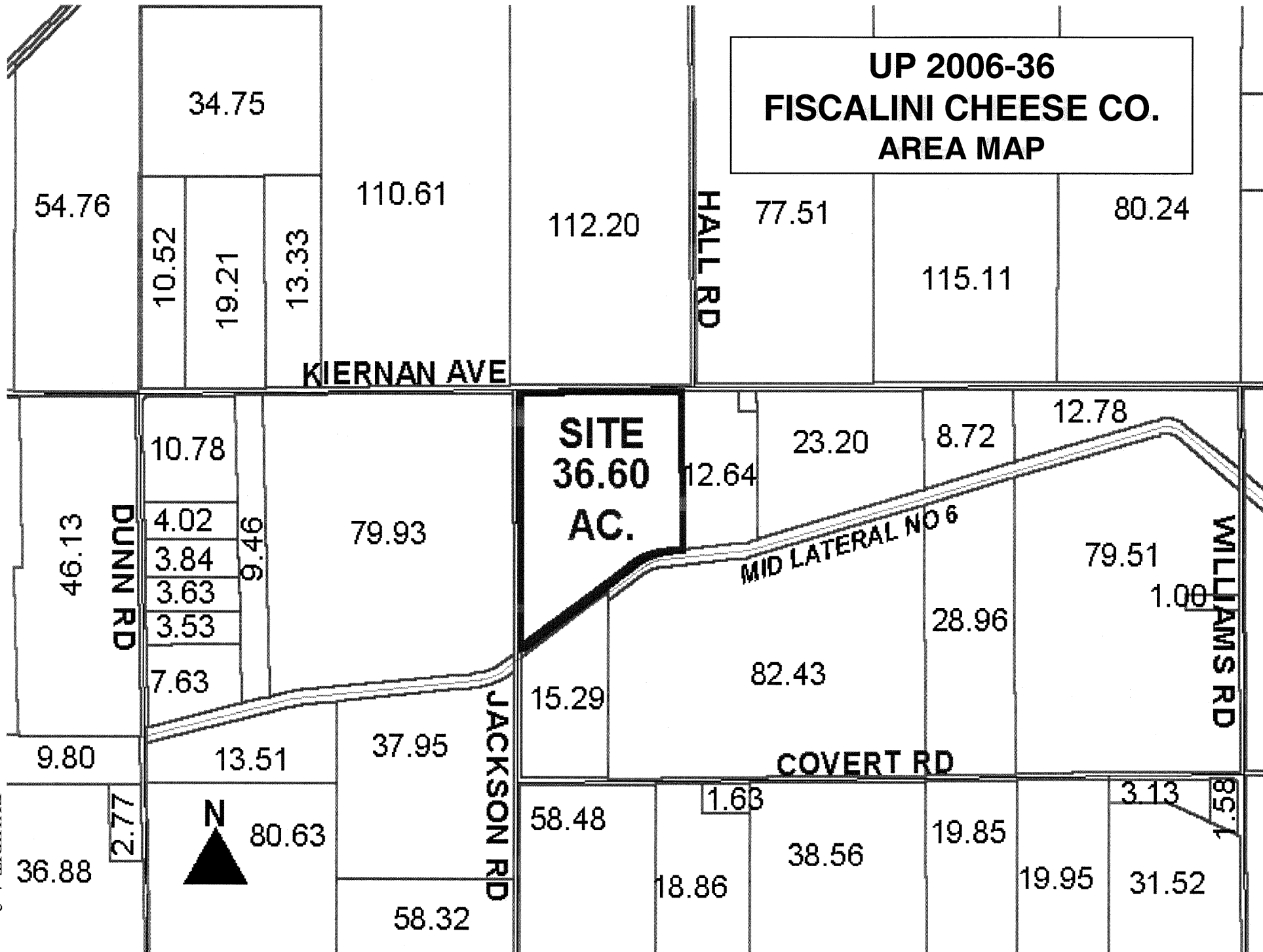




**UP 2006-36  
FISCALINI CHEESE CO.  
AREA MAP**



**UP 2006-36  
FISCALINI CHEESE CO.  
AREA MAP**



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EXHIBIT A-3

**UP 2006-36  
FISCALINI CHEESE CO.  
ZONING MAP**

**A-2-40**

**SITE  
36.60  
AC.**

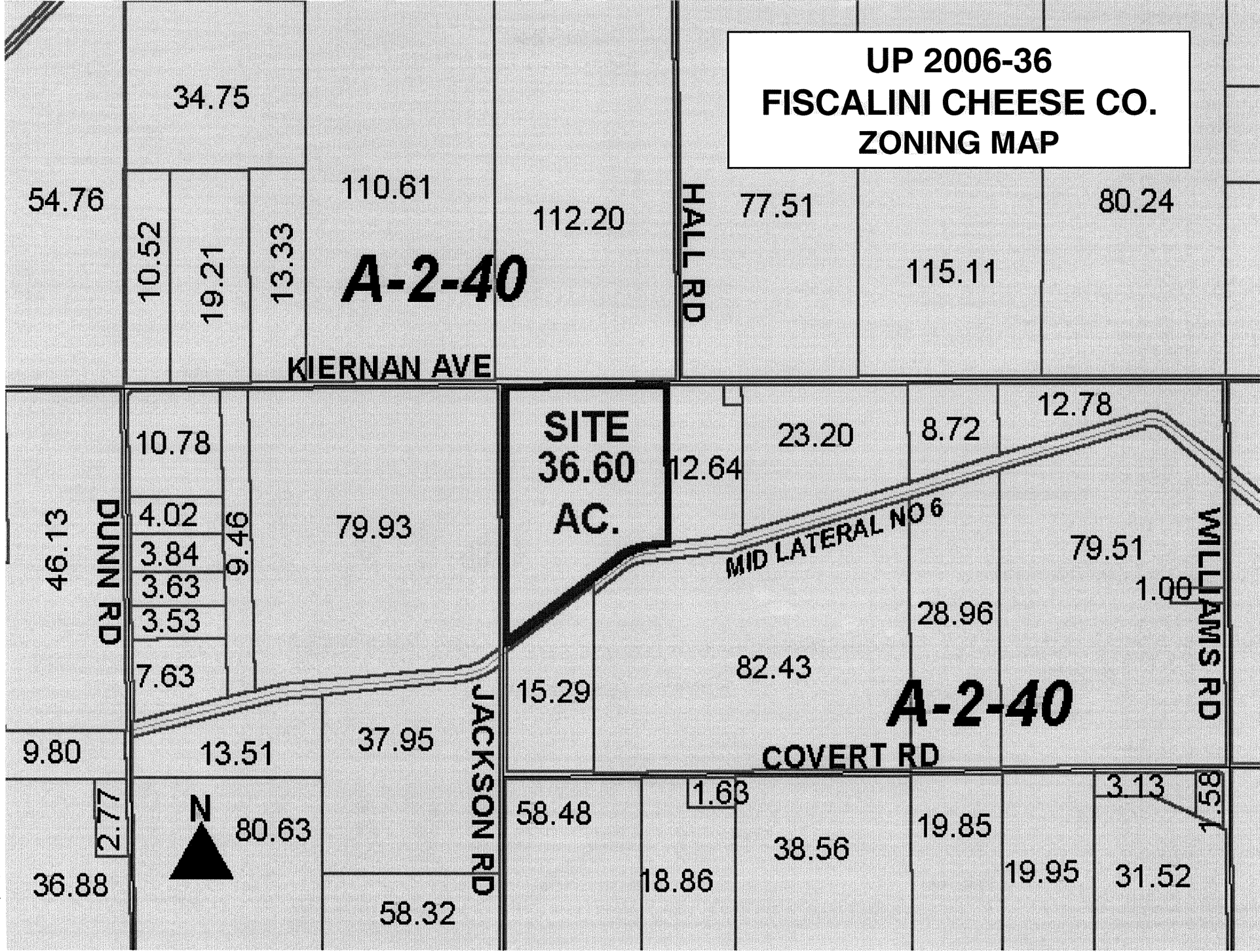
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MID LATERAL NO 6

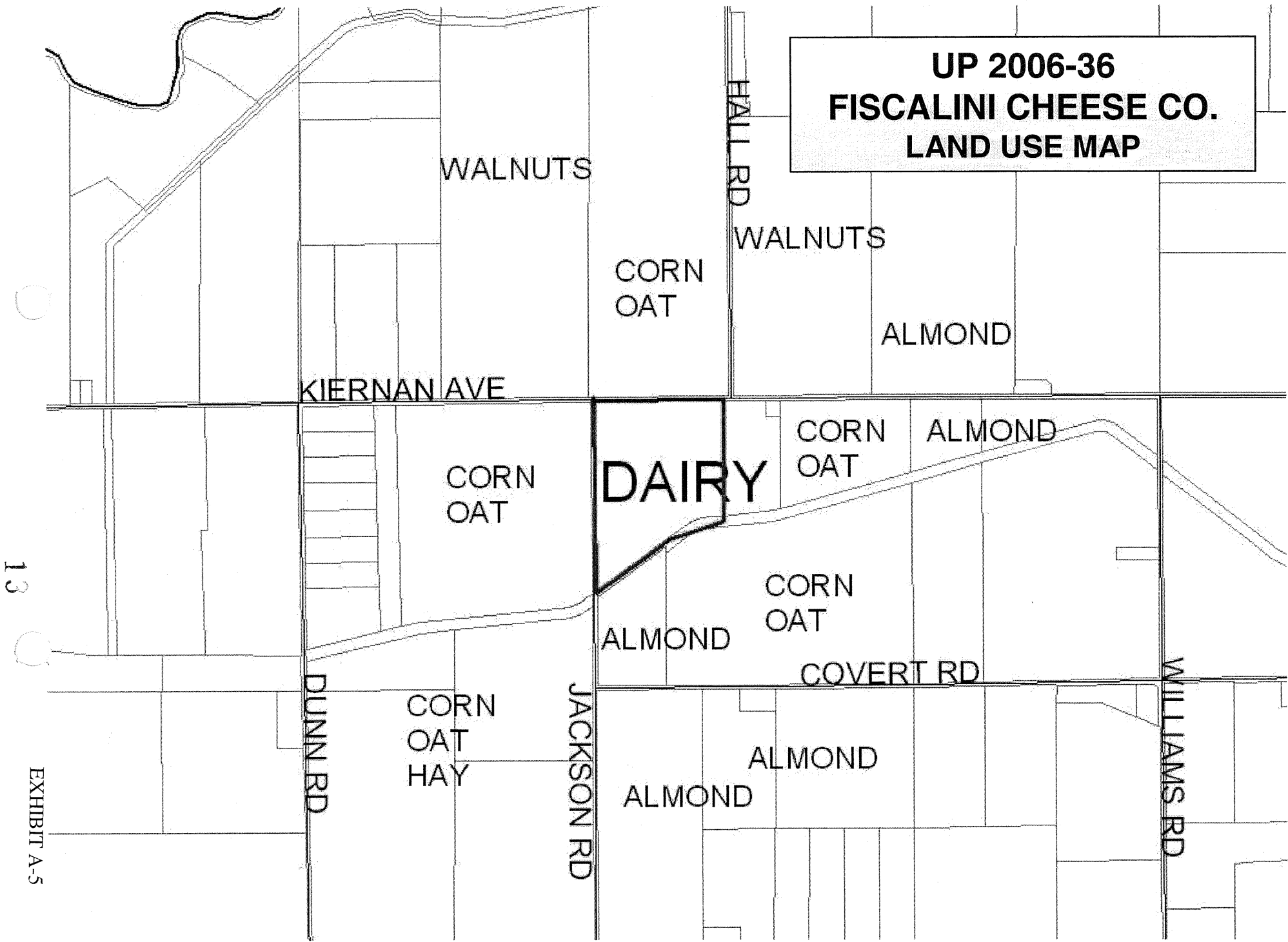


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EXHIBIT A-4



**UP 2006-36  
FISCALINI CHEESE CO.  
LAND USE MAP**



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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)

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**CONDITIONS OF APPROVAL**

**USE PERMIT APPLICATION NO. 2006-36  
FISCALINI CHEESE CO.**

**Department of Planning and Community Development**

1. This use shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Upon approval of Use Permit No. 2006-36, Use Permits No. 99-16, No. 2002-07, and Staff Approval No. 2001-39 will terminate and cease to exist.
3. A landscape plan consistent with Section 21.102, Landscape and Irrigation Standards of the Stanislaus County Zoning Ordinance, shall be submitted and approved by the Planning Director prior to installation of any required landscaping.
4. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.
5. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
6. Prior to the occupancy of any building, or operation of the approved use, the applicant shall meet all the requirements of the Department of Fire Safety for on-site water storage.
7. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
8. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director prior to installation.
9. Fences and landscaping adjacent to roadways shall be in compliance with County's "Visibility and Obstructions at Public Intersections" ordinance.

10. Retail items are limited to Fiscalini cheese, locally grown processed food items (25%), and promotional non-food items intended to educate the public and advance agricultural sales (5%).
11. Products served during tours of the cheese processing facility and dairy shall be limited to cheese, cheese products, water, and wine.
12. Outdoor activities/events and/or the use of other existing on-site structures for activities/events shall not be permitted.
13. The existing cheese processing facility, located on the east of the proposed site, shall be transitioned to accessory dry storage upon completion of the proposed cheese processing facility.
14. The applicant, 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).
15. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings 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.
16. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The Fees shall be payable at the time of issuance for any building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
17. 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 **\$1,857.00**, 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.

18. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.

19. 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.
20. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
21. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
22. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate streambed alteration agreements, permits or authorizations, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
23. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.

#### **Public Works Department**

24. Paved driveway approaches shall be installed to a county "Collector" standard on Jackson Road and Kiernan Avenue at the two driveway locations between the existing edge of road pavement and the right-of-way line. The driveway approaches shall be constructed in a manner as to prevent runoff from going into the county road right-of-way. The approaches shall be installed prior to final and/or occupancy of the relocated cheese processing building.



25. An encroachment permit must be obtained for the driveway approaches.
26. All driveway locations and widths shall be approved by the Public Works Department.
27. Prior to issuance of any building permit, road right-of-way shall be dedicated to Stanislaus County to provide the following:
  - A. 30 feet east of the centerline of Jackson Road along the portion of property to be developed;
  - B. 30 feet south of the centerline of Kiernan Avenue along the portion of property to be developed; and
  - C. The chord distance of a 25 foot radius at the Jackson / Kiernan intersection.

The applicant's engineer shall prepare the Road easement document for the right-of-way dedication.

28. No parking, no loading or unloading of vehicles shall be permitted within the right-of-ways of Jackson Road and Kiernan Avenue. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
29. Prior to the issuance of a building permit, a Grading and Drainage Plan shall be approved that provides sufficient information to verify all runoff will be kept from going onto adjacent property and into the county road right-of-ways. After the plan is determined to be acceptable, the plan shall be implemented prior to final and/or occupancy of the processing building.
30. The customer and employee parking area(s) shall be paved and double striped per county standards. Parking, loading, and unloading areas for uses and trucks shall also be paved.

#### **Building Permits Division**

31. All development to comply with current adopted Title 24 building codes.

#### **Modesto Irrigation District (MID)**

32. In conjunction with related site improvements, existing overhead electric facilities 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.
33. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
34. 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.

35. Existing electric service to the project site may not be adequate to serve any proposed load (changes) additions. If additional electric service is desired, the customer should contact the District's Electric Engineering Department and coordinate service requirements for the project.
36. A 15-foot Public Utility Easement (PUE) is required along Kiernan Avenue and Jackson Road street frontages.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

37. Prior to construction, the developer shall be responsible for contacting the San Joaquin Valley Air Pollution Control District (SJVAPCD) and shall be responsible for obtaining all appropriate permits, authorizations, as well as providing an Air Quality Impact Assessment (AQIA), if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
38. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
39. The 3,500 square foot retail store shall be subject to the District's Rule 9510 (Indirect Source Review).
40. Project to comply with the following rules as listed in the January 22, 2007 letter from the SJVAPCD:
  - Rule 2010 (*Permits Required*)
  - Rule 2201 (*New and Modified Stationary Source Review*)
  - Regulation VIII (*Fugitive PM10 Prohibitions*)
  - Rule 4102 (*Nuisance*)
  - Rule 4601 (*Architectural Coatings*)
  - Rule 4641 (*Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations*)
  - Rule 4702 (*Internal Combustion Engines-Phase 2*)
  - District Permitting

**Department of Environmental Resources (DER)**

41. Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER) that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of the DER.
42. On-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X. The engineered on site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of an office building. The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the onsite wastewater installed under pavements is to be doubled.

43. Applicant shall submit (3) three sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facilities Law (Section 27550).
44. The existing water system does not meet minimum standards for a public water system and shall be sufficiently upgraded prior to issuance of a building permit for the proposed cheese processing facility. The existing water system serving the retail cheese store is currently a non-public water system and is regulated under the California Uniform Retail Food Facilities Law through guidelines developed by the Department of Environmental Resources (DER). The proposed cheese processing facility will redefine the water system as a public transient non-community water system according to the CA Health and Safety Code (HSC) Section 116275. As such, the owner must obtain a public water supply permit from DER. The water supply permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of an acceptable quantity and quality. The owner must submit a water system technical report that is prepared, stamped, and signed by a qualified professional engineer (HSC Section 116530). A qualified engineer typically has 2-3 years experience in public water system design. Include detailed plans and specifications on the water system and identify facilities that are served. Include a physical description of the existing and proposed water system, include water quality information (Title 22 California Code of Regulations).

#### **Salida Fire Protection District**

45. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
46. All buildings shall meet the District's requirements for on-site water for fire protection and/or fire hydrants and hydrant locations, blue reflective street hydrant markers, sprinkler and alarm systems, key-box rapid entry systems, adherence to all applicable codes and ordinances, etc.
47. The cheese facility shall be required to have fire sprinklers or an approved detection/extinguishment system that best fulfills the District's needs.
48. The project shall meet fire apparatus access standards. Two ingress/egress accesses meeting the requirements listed within the California Fire Code, Section 902.
49. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire access and fire protection water supplies.

#### **United Cerebral Palsy**

50. Provide appropriate accessibility for individuals with disabilities (i.e. cubeouts, gradings, ramps and restrooms) and access to public transportation as outlined in ADA guidelines.

#### **Regional Water Quality Control Board (RWQCB)**

51. A Waste Discharge Report (WDR) shall be obtained as required by the RWQCB.

## **FINDINGS FOR APPROVAL**

### **USE PERMIT APPLICATION NO. 2006-36 FISCALINI CHEESE CO.**

#### **FINDINGS**

These findings must be made by the Planning Commission in order to approve the project:

1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "General 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; and
2. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
3. 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.
4. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
5. The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
6. The use as proposed meets the criteria of Sections 21.20.030(3)(b) and 21.20.030(3)(c), of the Stanislaus County Zoning Ordinance, outlined and discussed in this report.

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## FINDINGS FOR APPROVAL

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2. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
3. 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.
4. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
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RW/er  
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# Stanislaus County

## Planning and Community Development

1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

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

### CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, October 26, 1998

1. **Project title:** Use Permit Application No. 2006-36 - Fiscalini Cheese Co.
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Rachel Wyse, Planner  
(209) 525-6330
4. **Project location:** Southeast of the Kiernan Avenue and Jackson Road intersection, in the Modesto area. (4648 Jackson Road - APN: 012-004-019)
5. **Project sponsor's name and address:** John Fiscalini  
7231 Covert Road  
Modesto, CA 95358
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture 40-acre minimum)
8. **Description of project:**

This is a request to relocate and expand an existing farmstead cheese processing facility on a 38 acre parcel. The new facility will consist of a two-story 81,800 square foot building designed to provide a visitor's center, office, processing and packaging rooms, cheese storage, and an equipment room. The building footprint will be 45,100 square feet. A depressed loading dock will be added to the eastern section of the building. The applicant is proposing to conduct tours of the facility to educate professional and public officials about the cheese making process as well as innovations and conservation methods available to the dairy industry. Tours are not expected to exceed two per day, Monday thru Friday, during normal business hours. The visitor center will include a research and development kitchen and 3,500 square foot retail store. Retail items are limited to Fiscalini cheese, locally grown processed food items (25%), and promotional non-food items intended to educate the public and advance agricultural sales (5%).

An anaerobic methane digester will be constructed and operated in conjunction with the cheese facility in order to provide electricity and hot water to the building. The methane digester would consist of two 25' tall above ground concrete tanks with 85' diameters. A plastic removable roof will enclose the tanks and ancillary equipment such as a pump, thickening devices, and water clarifier will process and separate waste. The tanks will be located on the southeastern portion of the Fiscalini dairy facility near the dairy lagoon. (The methane digester and processing facility will be located on adjoining separate legal parcels.) The CHP unit (combined heat and power) which converts the methane gas will be housed in the equipment room of the proposed processing facility. The existing cheese processing facility, located on the east of the proposed site, will be converted to dry storage.

***This project has been revised based on comments received in response to the CEQA Early Consultation referral process. Revisions include limiting the frequency of tours, defining tour participants, reducing parking, and limiting retail sales. Revisions are reflected in the attached project addendum and site plan.***

9. **Surrounding land uses and setting:** Vineyard to the north and west and Fiscalini Farms Dairy to the south and east.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Public Works Department  
Stanislaus County Department of Environmental Resources  
Stanislaus Consolidated Fire
11. **Attachments:** Project description, addendum, and revised site plan.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

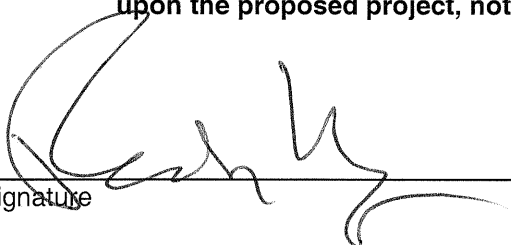
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

  
 \_\_\_\_\_  
 Signature

January 22, 2007  
 \_\_\_\_\_  
 Date

Rachel Wyse  
 \_\_\_\_\_  
 Printed name

Stanislaus County Planning Department  
 \_\_\_\_\_  
 For



**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
  - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

**ISSUES**

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b> Aesthetics associated with the project site and existing building are not anticipated to change as a result of this project. The proposed building will be comprised of concrete, metal, and wood. Materials consistent with the existing cheese processing facility and other dairy structures. Standard Conditions of Approval will address glare. A landscaped berm adjacent to Jackson Road and Kiernan Avenue will form a visual barrier to parking.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> County policies and staff experience.</p>				
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	
<p><b>Discussion:</b> The project site is enrolled under the Williamson Act, Contract No. 77-2785, and has soils classified as Prime Farmland by the Farmland Mapping and Monitoring Program. County Code Section 21.20.045, in compliance with Government Code Section 51238.1, specifies that uses approved on contracted lands shall be consistent with specified principles of compatibility. In order to be approved the Planning Commission will need to find the project consistent with the following principles of compatibility:</p> <ol style="list-style-type: none"> <li data-bbox="203 1875 1528 1929">1. 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.</li> </ol>				

- 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 parcels 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 use.

The Department of Conservation (DOC) has reviewed this project and indicated support for the production of value added products from the landowners dairy. However, the DOC has expressed concerns regarding the visitors center serving bus tours and serving lunches and unspecified events going beyond the principles of compatibility. Based on the DOC's comments the project has been revised to eliminate special events, restricting tours, and limiting use of proposed on-site kitchen to research and development of on-site production. The proposed expansion and associated use of the facility is viewed by Stanislaus County as vertical integration necessary for the maintenance of a strong agricultural sector. While the introduction of people into an agricultural area has the potential to introduce conflict, the purpose of the proposed tours is to provide an educational opportunity. While people and agriculture can be a conflict, the potential for conflict in this case is minimal. Activities will be confined to an area within the proposed processing plant, with minimal outdoor activity beyond exiting and entering the facility. The project site is buffered from surrounding agricultural operations by public roadways and the applicants on-site dairy operation. The proposed retail outlet is restricted in terms of the volume and types of projects which may be sold. As with produce stands and produce markets, the purpose of the proposed retail outlet is to encourage and promote the sales of local agricultural products. Both the processing facility and associated activities are accessory to the on-site dairy operation and the volume of cheese produced is limited to the milk produced on site.

Based on the specific features and design of this project, it does not appear this project will impact the long-term productive agricultural capability of the subject contracted parcel or other contracted lands in the A-2 zoning district. The proposed use itself is displacing a limited amount of agricultural use, but the proposed use is related directly to the production of commercial agricultural products on the subject contracted parcel. There is no indication this project will result in the removal of adjacent contracted land from agricultural use.

**Mitigation:** None.

**References:** Application Information, County Policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>, Stanislaus County Agricultural Element<sup>1</sup>, Stanislaus County Zoning Ordinance, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 1996, California State Department of Conservation - referral response dated January 2, 2007.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X

e) Create objectionable odors affecting a substantial number of people?				X
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**Discussion:** The project site is within the San Joaquin Valley Air Basin, which has been classified as "non-attainment" for ozone and particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants. The District has reviewed and expects the project will not have a significant impact on air quality. The applicants are in contact with the SJVAPCD and are addressing the recommendations made by SJVAPCD. Prior to being scheduled for the Planning Commission the applicant must provide proof they have submitted an application addressing Rule 9510 (Indirect Source Review). The proposed project will be subject to Regulation VIII and all associated Rules, as well as District Rule 2010 and Rule 2201.

Any pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions standards for vehicles, and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the SJVAPCD has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. Standard Conditions of Approval will address emission standards.

**Mitigation:** None.

**References:** San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Referral response received on January 19, 2007 from the San Joaquin Valley Air Pollution Control District, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IV. BIOLOGICAL RESOURCES -- Would the project:

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
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**Discussion:** It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site. The project site is located south and east of the Stanislaus River. There are California Natural Diversity Database records of California Tiger Salamander (*Ambystoma californiense*) .74 miles north of the project site and Swanson Hawk (*Buteo swainsoni*) 1.3 miles northwest of the project site.

**Mitigation:** None.

**References:** California Natural Diversity Database, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

**V. CULTURAL RESOURCES -- Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

**Discussion:** Cultural resources are not known to exist on the project site. A standard Condition of Approval will be added to this project to address any discovery of cultural resources during the construction phases.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

**VI. GEOLOGY AND SOILS -- Would the project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	

iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**Discussion:** As contained in Chapter 5 of the General Plan Support Documentation<sup>1</sup>, the areas of Stanislaus County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. Any structures resulting from this project shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed.

**Mitigation:** None.

**References:** Application information, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p><b>Discussion:</b> The County Department of Environmental Resources is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. Pesticide exposure is a risk in areas located in the vicinity of agricultural uses. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays are strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The groundwater is not known to be contaminated in this area.</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<b>VIII. HYDROLOGY AND WATER QUALITY -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** An approved Grading and Drainage plan will be required prior to the issuance of a building permit for the proposed building. The water needs of the proposed new uses will be minimal and will be served by the existing water source serving the existing cheese facility, which is to be permitted and monitored by the County Department of Environmental Resources. The Department of Environmental Resources (DER) has deemed the water delivery system a Public water supply, subject to specific construction standards and monitoring by DER.

**Mitigation:** None.

**References:** Referral response dated January 3, 2007 from the Stanislaus County Public Works Department, Referral response dated January 2, 2007 from the Stanislaus County Department of Environmental Resources, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:** The project site is designated Agriculture and zoned General Agriculture 40-acre minimum (A-2-40). Both the existing and proposed cheese facilities are classified as Tier Two uses. Tier Two uses are defined agricultural-related commercial and industrial uses that may be allowed with approval of a Use Permit. As with the original use permit, this project will not conflict with any applicable habitat conservation plan or natural community conservation plan, and will not physically divide an established community. The existing cheese processing facility will be converted to dry storage for the proposed cheese processing facility within 18-30 months of the facility's completion date.

**Mitigation:** None.

**References:** Application information, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

X. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X



<p><b>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</b></p>				X
<p><b>Discussion:</b> The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources in or around the project site.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> State Division of Mining &amp; Geology - Special Report 173 (1993), Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<p><b>XI. NOISE -- Would the project result in:</b></p>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<p><b>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b></p>				X
<p><b>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</b></p>				X
<p><b>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</b></p>				X
<p><b>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</b></p>				X
<p><b>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</b></p>				X
<p><b>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</b></p>				X
<p><b>Discussion:</b> There is no indication that approval of this project will result in either a temporary or permanent increase in ambient noise levels. The equipment for the anaerobic methane digester will be housed within the proposed cheese processing facility. A pump will be located adjacent to the tanks. Any increase in noise levels, generated by the pump, would be buffered by the tanks and surrounding agricultural uses. No sensitive noise receptors have been identified in or near the proposed pump site. Both the proposed expansion and new uses will be located adjacent to a commercial dairy operation.</p>				
<p><b>Mitigation:</b> None</p>				
<p><b>References:</b> Application Information, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

XII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<p><b>Discussion:</b> The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing, as services are already available to this property. No housing or persons will be displaced by this project.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
XIII. PUBLIC SERVICES:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
<p><b>Discussion:</b> The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of Approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection.</p>				
<p><b>Mitigation:</b> None.</p>				
<p><b>References:</b> County policies, Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				

XIV. RECREATION:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<b>Discussion:</b> This project is not anticipated to increase significant demands for recreational facilities, as such impacts typically are associated with residential development.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
XV. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
<b>Discussion:</b> Stanislaus County Public Works and CalTrans have reviewed and commented that there is no indication this project will result in a significant impact associated with transportation/traffic. CalTrans identified the need for impact fees to be collected, however no nexus or fee amount was identified. We have requested the nexus to be identified and a determination of fees to be made. Milk would remain on-site to produce cheese thereby eliminating the need to truck milk off-site. Tours of the facility are to be educational in nature to assist professionals and public officials in understanding the dairy industry and cheese making process. Tours are not expected to exceed around fifty customers/visitors per bus load.				

The tours will take place Monday thru Friday from 8 a.m to 5 p.m. The facility currently has three employees with an additional seven employees anticipated. The majority of the expansion area will be used for processing, packaging, and storing of cheese which will not in itself generate traffic. Right-of-way dedication, street improvements, and driveway locations will be addressed in the Conditions of Approval. Off-street parking will be provided for twenty vehicles, two ADA spaces. Parking for two tour buses will be provide on the north side of the proposed cheese processing facility.

**Mitigation:** None.

**References:** Application Information, Referral response dated January 2, 2007 from the Stanislaus County Public Works Department, Referral response dated January 2, 2007 from CalTrans, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

**Discussion:** Limitations on providing services have not been identified. The original use permit was approved to allow development with a private water system and an aerobic/leach field septic system. The Department of Environmental Resources has identified the need for the facility to be classified as a public water system. A Condition of Approval will be added to the project requiring a public water system permit and wastewater disposal system subject to Measure X. Impacts to the existing utility and service systems are anticipated to be minimal as a result of this project. Less than significant impacts associated with public utility and irrigation easement(s) will be reflected in the project's Conditions of Approval.

**Mitigation:** None.

**References:** Referral response dated January 2, 2007 from the Stanislaus County Department of Environmental Resources, Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
<p><b>Discussion:</b> Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or adjacent areas.</p>				

I:\Staff\p\UP\2006\UP 2006-36 - Fiscalini Cheese Co\Initial Study - ver3.wpd

<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and revised elements of the General Plan and Support Documentation: **Agricultural Element** adopted on April 23, 1992. **Housing Element** adopted on December 12, 2003, and certified by the California Department of Housing and Community Development Department on March 26, 2004. **Circulation Element** and **Noise Element** adopted on April 18, 2006.

This project is for the expansion and minor relocation of Fiscalini Cheese Company, which is a vertical integration of Fiscalini Farms Dairy. Fiscalini Farms was founded in 1912 at the same location of the present facility, and has been an operating dairy farm in Stanislaus County ever since. Four generations of the Fiscalini Family have been involved in the ownership and management of the operation. The family owned dairy farm has grown since 1912 to 530 acres and a milking herd of 1500 registered Holstein cows. In the year 2000, Fiscalini Cheese Company was founded with the intention of producing "value added products" from the farm's milk. In its six years of operation, the cheese company has done exactly that, taking raw milk and creating hand-crafted, award-winning, farmstead artisanal cheeses. In those six years, a brand was also created, vaulting the name "Fiscalini Farmstead" and its association with Modesto Stanislaus County and California, to national recognition among both food professionals and consumers. The current facility has run out of storage space for our aged cheeses, and as demand for our products increases, we soon will be unable to fill all our orders. As the Fiscalini brand gains market share nationwide, additional products have been and will continue to be developed, further requiring additional production and storage space. The proposed facility would have an underground aging room, incorporating energy saving technology by using the lower temperatures of the subterranean earth to cool and insulate the storage rooms. Additional space would also be dedicated to the cheese making and packaging areas and for a visitor center. It is our intent to build a facility now, large enough to utilize all of our own milk some time in the future. We do not intend to expand rapidly, but would like to have the ability for the next generation of Fiscalini Family members to grow the business should they wish to do so.

Tourism into agricultural manufacturing areas is a rapidly growing industry, as upscale consumers attempt to understand where and how their food is produced. This is highly evident in the wine industry as many hundreds of wineries have blossomed throughout California, showcasing their wines with tasting rooms, and hosting tours of their winemaking facilities. We believe that an upscale tasting room and visitor center would attract that same audience to our cheese making facility, further building the agri-tourism industry in Stanislaus County. As those people make plans to visit Fiscalini Cheese Company, the community benefits with their overnight stays in local hotels, and their shopping and restaurant experiences while in the area. We expect this visitor center to prosper, as Fiscalini Farms already has hundreds of visitors annually, usually dairy related professionals opting to visit the well managed facility known for its innovation, milk quality, and attention to cow comfort. Most of these visitors already request tours of the cheese facility. Our visitor center would include a store where the public could purchase our cheese, gift baskets, Fiscalini brand items, and cheese related effects. In our efforts to understand the agri-tourism business, we have become aware of the many tourism busses that pass through Stanislaus County each day, transporting tourists to Lake Tahoe, Yosemite, Monterrey, and many other destinations by way of local highways. Tour bus operators have expressed

interests in routing some of these busses to Fiscalini Cheese Company, so the riders have the opportunity to have a break from the bus ride, observe the cheese making process, shop, and eat. The ability to serve lunch to tour bus visitors seems to be important to the tour companies; hence a small kitchen/deli is requested in this proposal.

Even as consumers wish to visit food production facilities, we have found that food professionals also have a great interest in both observing the production site of the food they sell, and in further educating themselves (and eventually passing this information to the consumer) in food production, storage, tasting, and uses. We would like to include in this proposal, to host cheese-related events at our facility, primarily with the intent of providing education about cheese and many cheese related activities.

Heavy truck traffic might actually decrease with this project. Currently Fiscalini Farms produces two full tanker loads of milk each day, and another partial load daily, or twenty one truck trips per week. As cheese making concentrates the solid portion of milk, the total milk produced by Fiscalini Farms would actually fit into four trailer loads as cheese. This expansion relocates the cheese making facility in close proximity to the dairy barn, and would include piping the milk directly from the dairy to the cheese plant.

A methane digester is being proposed as a separate project, but would dovetail with this cheese expansion project. Liquid manure generated from Fiscalini Farms, blended with whey from the cheese company would provide a stable renewable source of "clean" energy to power both the dairy and cheese operations. In addition to producing electric power, the digester would also generate hot water and steam to be used in making cheese, and sanitation of both companies. Preliminary feasibility studies indicate that the digester would produce additional electricity to sell to the Modesto Irrigation District. The methane digester project could stand alone without the cheese facility, but power generation would become much more efficient with the addition of whey to the project. Air emissions and odors from the dairy would decrease, and some nitrates and phosphates would be removed from the dairy lagoon water used to irrigate crops upon the completion of the digester project.

Fiscalini Cheese Company markets all its products under the brand "Fiscalini Farmstead". To legally use the word "farmstead" we must use only milk from our own cows to produce our cheese. This designation is paramount to us, and we have absolutely no intention of ever relinquishing it. This proposed expansion is solely for the vertical integration of Fiscalini Farms, and in no manner suggests purchasing milk from any entity to be transported into our facility.

Addendum to Use Permit Number 2006-36: Fiscalini Cheese Company  
January 8, 2007

1. Anaerobic Digester

An anaerobic digester with the expectation to produce heat and electricity is proposed as an addendum to the current Use Permit application number 2006-36: Fiscalini Cheese Company expansion project. The digester would consist of two above ground concrete tanks, enclosed by a plastic removable roof. Each tank would be approximately 85' in diameter and approximately 25' high. In addition the two tanks, there would be ancillary equipment to pump liquid manure from the dairy and whey from the cheese plant through thickening devices and a water clarifier to the digester. This equipment would allow the sludge/slurry (8-10% moisture) to enter the actual digester, and the liquid portion to return to the existing lagoon for reused in flushing the dairy facilities.

A CHP unit (combined heat and power) which converts the methane gas from the digester to electrical energy and heat will be located on the property, inside the proposed cheese facility. Methane will be produced at the digester, than piped to the CHP unit. Electricity will be produced by the CHP unit and used to power the dairy facility and the cheese facility. The heat produced from the CHP unit will be transferred in the form of hot water and will be used in the dairy facility, the cheese facility and returned to the digester to maintain temperature. Excess electricity will be sold through a power purchase agreement with Modesto Irrigation District.

2. Additional information

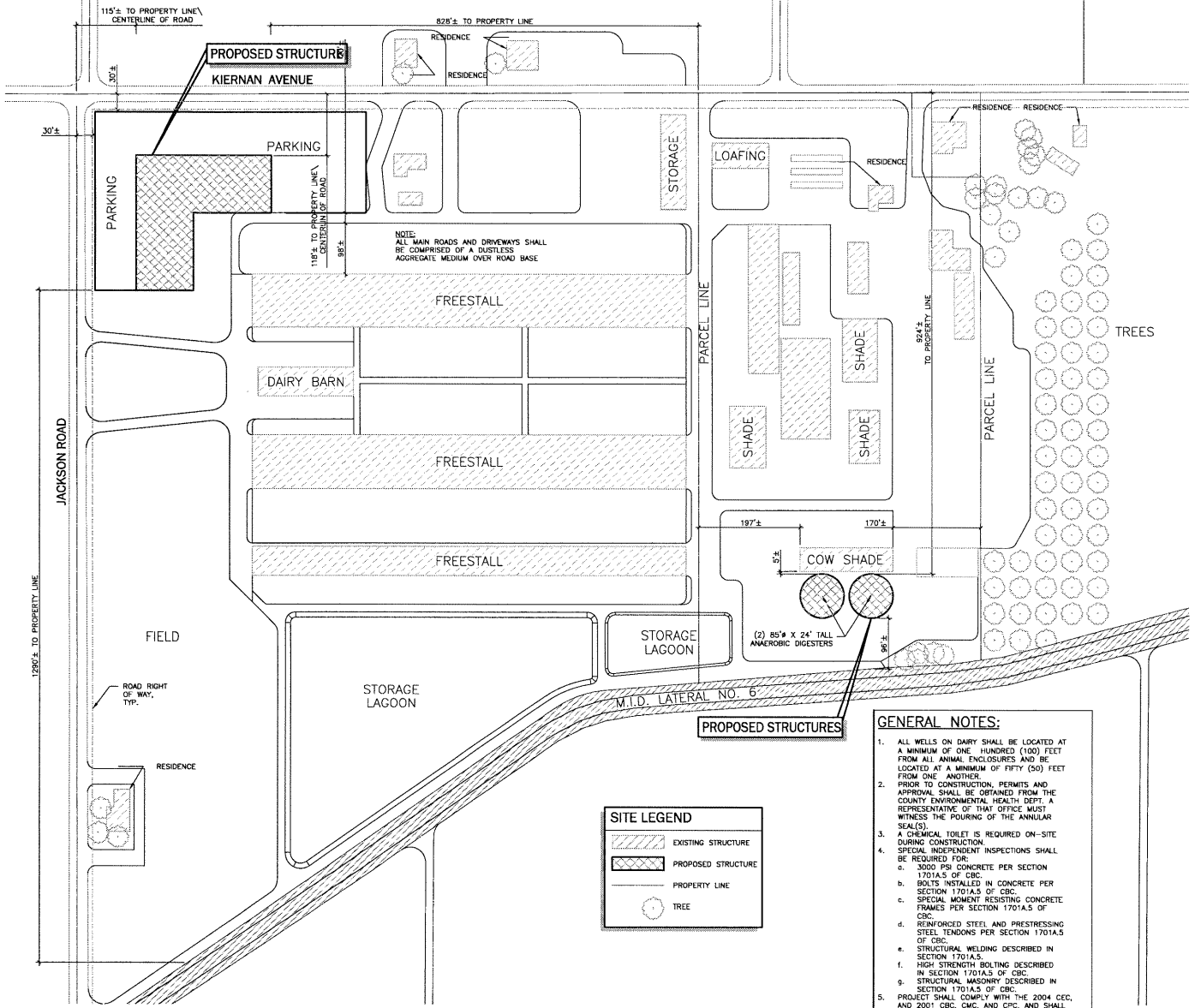
- a. The tours of the dairy and cheese plant facilities will be educational in nature to assist professionals and public policy in understanding the dairy industry and cheese making process. The legislators may include Local, State and Federal officials that are involved in developing public policy (laws, regulations) that directly and indirectly impact agricultural production and specifically the dairy industry. Examples of policy type include bio-security, food processing, cheese handling and labeling, etc.
- b. The tours will take place during normal business hours of 8 am to 5 pm, Monday through Friday. It is expected there will be no more then two tour buses at any one given time and the maximum per each tour will be 53 people.
- c. A kitchen will be developed at the cheese plant for use by cooking professionals and employees of The Farmstead Cheese Store for the further demonstration of alternate uses of the cheese produced and for the continued development of new cheese products.
- d. The products served during the dairy and cheese plant facilities tour would include cheese and cheese products, water and wine only.



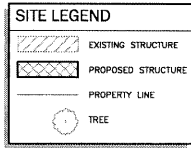
- e. The retail store footprint will encompass 3,500 feet<sup>2</sup> within the Visitor Room area identified on the site plan. This retail store area would include refrigeration to display the cheese to the tour guest, an educational materials and displays center (video center, posters, pamphlets, etc.) and display center for promotional non-food items (covered in more detail in 2.h. There will also be a section of the retail store that will be windowed off where the tour guest can watch the actual cheese making processes and packaging. The hours of operation for The Farmstead Cheese Store will be 8 am to 5 pm Monday through Friday.
- f. The location of the parking lot for The Farmstead Cheese Store will be located on the west side of the building to include approximately 30 parking spots with the appropriate number of those being handicapped accessible. There will be parking for two buses on the north side of the building.
- g. Up to 25% of the display area may be used for the display of locally grown, pre-packaged, processed, non-potentially hazardous foods such as dried fruit, roasted and salted nuts, jams and jellies, and jerky. All processed foods will be subject to any applicable retail food law and will be obtained from approved sources.
- h. Up to 05% of the display area may be used for sales of taxable items such as snack foods, craft items, and promotional non-food items (i.e. gift baskets with non-cheese items) that advance the sale of agricultural products or educate the public about the agricultural industry.
- i. The remaining 70% of the retail footprint would be used to house the items identified in 2.e.
- j. The timeframe for the transformation of the current cheese plant facility back to dry storage only will be no more than 30 months. This is based on the fact that cheese currently being produced in this facility will need to complete its process on site and will not be moved to the new facility to complete the process. All new cheese produced once the new facility is operation will be done at the new facility so it will not be housed at any time in the old facility. This is a quality control issue.

Call Two Working Days  
Before You Dig!  
1-800-227-2600

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NOTE:  
ALL MAIN ROADS AND DRIVEWAYS SHALL  
BE COMPRISED OF A DUSTLESS  
AGGREGATE MEDIUM OVER ROAD BASE



**GENERAL NOTES:**

- ALL WELLS ON DAIRY SHALL BE LOCATED AT A MINIMUM OF ONE HUNDRED (100) FEET FROM ALL ANIMAL ENCLOSURES AND BE LOCATED AT A MINIMUM OF FIFTY (50) FEET FROM ONE ANOTHER.
- PRIOR TO CONSTRUCTION, PERMITS AND APPROVAL SHALL BE OBTAINED FROM THE COUNTY ENVIRONMENTAL HEALTH DEPT. A REPRESENTATIVE OF THAT OFFICE MUST WITNESS THE POURING OF THE ANNULAR SEAL(S).
- A CHEMICAL TOILET IS REQUIRED ON-SITE DURING CONSTRUCTION.
- SPECIAL INDEPENDENT INSPECTIONS SHALL BE REQUIRED FOR:
  - 3000 PSI CONCRETE PER SECTION 1701A.5 OF CBC.
  - BOLETS INSTALLED IN CONCRETE PER SECTION 1701A.5 OF CBC.
  - SPECIAL MOMENT RESISTING CONCRETE FRAMES PER SECTION 1701A.5 OF CBC.
  - REINFORCED STEEL AND PRESTRESSING STEEL TENDONS PER SECTION 1701A.5 OF CBC.
  - STRUCTURAL WELDING DESCRIBED IN SECTION 1701A.5 OF CBC.
  - HIGH STRENGTH BOLTING DESCRIBED IN SECTION 1701A.5 OF CBC.
  - STRUCTURAL MASONRY DESCRIBED IN SECTION 1701A.5 OF CBC.
- PROJECT SHALL COMPLY WITH THE 2004 CBC, AND 2001 CBC, CMC, AND CPC, AND SHALL BE FIELD VERIFIED.

**SITE PLAN - PROPOSED**

SCALE: 1" = 100'-0"  
N

0 1" = 25mm  
SCALES ACCORDINGLY

PROVOST & PRITCHARD  
An Engineering and Construction Company  
10000 S. DE SOTO AVE., SUITE 100  
DANA POINT, CA 92629  
TEL: 949.344.1111  
WWW.PROVOSTANDPRITCHARD.COM

PRELIMINARY  
NOT FOR CONSTRUCTION

CAL COAST DAIRY SYSTEMS  
STANISLAUS COUNTY, CALIFORNIA  
UTILITY BUILDING  
SITE PLAN

DESIGN ENGINEER:  
DOLIC HIGBY  
LICENSE NO.  
CE 47,393

DRAFTED BY  
P & P D. HIGBY

SCALE: AS SHOWN  
DATE: 10-18-2006  
JOB NO: 3167-06V1

DWG. NO:  
SHEET

2 OF

1/10/2007 11:07 AM V:\Projects\Cal Coast Dairy Systems\Drawings\Site Plan.dwg - Civil 1/10/07

# NEGATIVE DECLARATION

**NAME OF PROJECT:** Use Permit Application No. 2006-36 - Fiscalini Cheese Co.

**LOCATION OF PROJECT:** Southeast of the Kiernan Avenue and Jackson Road intersection, in the Modesto Area. (4648 Jackson Road - APN 012-004-019)

**PROJECT DEVELOPER:** John Fiscalini

**DESCRIPTION OF PROJECT:**

This is a request to relocate and expand an existing farmstead cheese processing facility on a 38 acre parcel. The new facility will consist of a two-story 81,800 square foot building designed to provide a visitor's center, office, processing and packaging rooms, cheese storage, and an equipment room. The building footprint will be 45,100 square feet. A depressed loading dock will be added to the eastern section of the building. The applicant is proposing to conduct tours of the facility to educate professional and public officials about the cheese making process as well as innovations and conservation methods available to the dairy industry. Tours are not expected to exceed two per day, Monday thru Friday, during normal business hours. The visitor center will include a research and development kitchen and 3,500 square foot retail store. Retail items are limited to Fiscalini cheese, locally grown processed food items (25%), and promotional non-food items intended to educate the public and advance agricultural sales (5%).

An anaerobic methane digester will be constructed and operated in conjunction with the cheese facility in order to provide electricity and hot water to the building. The methane digester would consist of two 25' tall above ground concrete tanks with 85' diameters. A plastic removable roof will enclose the tanks and ancillary equipment such as a pump, thickening devices, and water clarifier will process and separate waste. The tanks will be located on the southeastern portion of the Fiscalini dairy facility near the dairy lagoon. (The methane digester and processing facility will be located on adjoining separate legal parcels.) The CHP unit (combined heat and power) which converts the methane gas will be housed in the equipment room of the proposed processing facility. The existing cheese processing facility, located on the east of the proposed site, will be converted to dry storage.

Based upon the Initial Study, dated January 22, 2007, the Environmental Coordinator finds as follows:

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

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

Initial Study prepared by: Rachel Wyse, Planner

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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: USE PERMIT APPLICATION NO. 2006-36 - FISCALINI CHEESE CO.**

REFERRED TO:	PUBLIC HEARING NOTICE	RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions		
		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No	
DATE: January 29, 2007											
AGRICULTURE COMMISSIONER	X		X								
AIRPORT LAND USE COMMISSION											
BUILDING PERMITS DIVISION	X	X					X			X	
CA DEPT OF FORESTRY											
CALTRANS DISTRICT 10	X	X	X	X							X
CENTRAL CALIF. INFO. CENTER - CSUS											
CITY OF											
COMMUNITY SERVICES/SANITARY											
CORPS OF ENGINEERS											
COUNTY COUNSEL	X			X							
DENAIR POSTMASTER											
DEPARTMENT OF CONSERVATION	X	X	X		X						X
ENVIRONMENTAL RESOURCES	X		X		X					X	
FIRE PROTECTION DIST: SALIDA	X	X	X			X				X	
STANISLAUS FIRE PREVENTION BUREAU	X	X		X							
FISH & GAME	X	X		X							
HOSPITAL DISTRICT:											
IRRIGATION DISTRICT: MODESTO	X	X	X		X					X	
LAFCO	X	X		X							
MOSQUITO DISTRICT: EASTSIDE	X	X		X							
MOUNTAIN VALLEY EMERGENCY MEDICAL	X	X	X				X				X
MUNICIPAL ADVISORY COUNCIL: SALIDA	X	X		X							
PARKS & FACILITIES	X			X							
P.G. & E.	X	X		X							
PUBLIC WORKS	X		X		X					X	
PUBLIC WORKS - TRANSIT	X			X							
REDEVELOPMENT											
REGIONAL WATER QUALITY	X	X	X			X				X	
StanCOG	X	X		X							
SCHOOL DISTRICT 1: SALIDA	X	X	X				X				X
SCHOOL DISTRICT 2: MODESTO	X	X	X				X				X
SHERIFF	X			X							
STANISLAUS COUNTY FARM BUREAU	X	X		X							
STANISLAUS ERC	X		X		X					X	
STATE CLEARINGHOUSE	X	X	X		X						X
STATE LANDS BOARD											
SUPERVISORIAL DISTRICT 1: GROVER	X			X							
TELEPHONE COMPANY: AT&T	X	X		X							
TUOLUMNE RIVER PRESERVATION TRUST											
UNITED CEREBRAL PALSY	X	X	X		X					X	
US FISH & WILDLIFE	X	X		X							
US MILITARY 4 AGENCIES (SB 1462)	X			X							
VALLEY AIR DISTRICT	X	X	X		X					X	
WATER DISTRICT											
DEPT. OF WATER RESOURCES	X	X	X		X						X