

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

DEPT: Planning and Community Development

BOARD AGENDA # 6:50 p.m.

Urgent  Routine

AGENDA DATE April 21, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment Application 2007-04, Rezone Application 2007-04, Parcel Map 2008-11, and Williamson Act Cancellation No. 2007-03 - Sun Dry Products, To amend the General Plan and Rezone 114.8 acres of a  
(Continued on page 2)

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

Following a public hearing on March 19, 2009, the Planning Commission, by a 6-0 vote, recommended the Board approve the project subject to the actions outlined on pages 16-19 of the Planning Commission Staff Report and modification to development standards 7-9, 11, and 55 as outlined in the March 19, 2009 Planning Commission Memo. Based on the Planning Commission recommendation and discussion within this Board report, staff recommends the project be approved as follows:

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-255

On motion of Supervisor Chiesa, Seconded by Supervisor Monteith  
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION: **INTRODUCED, ADOPTED, AND WAIVED THE READING OF ORDINANCE  
C.S. 1061 FOR REZONE APPLICATION #2007-04.**



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-J-8

**SUBJECT CONTINUED:**

200± Acre Parcel from Agriculture/A-2-40 (General Agriculture) to P-D (Planned Development), To Allow the Continued Operation of the Reclamation and Recycling of Agricultural Products and Add an Industrial Hauler, Processing of Commercial Feed Products and Construction Debris (Such as Pallets and Sulfur and Gypsum Wall Board). A Parcel Map Is Being Requested to Subdivide the Total 200± Acre Parcel into Four Parcels (63.69, 51.11, 42.87, and 42 Acres Respectively). The Two Larger Parcels Require a Williamson Act Cancellation. The Two Proposed Smaller Parcels Would Continue in Agricultural Uses. The Project Is Located at 3401 Gaffery Road, on the North Side of Gaffery Road, East of Koster Road, Adjacent to the Delta Mendota Canal, in the Westley Area. The Project Is Also Located in San Joaquin County, Which Splits the Property Leaving a Small Amount in San Joaquin County.

**PLANNING COMMISSION AND STAFF RECOMMENDATION CONTINUED:**

1. Adopt the Mitigated Negative Declaration pursuant to California Code of Regulations 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Adopt the Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(d).
3. 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.
4. In relation to the request for a Parcel Map, find:
  - A. The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
  - B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
  - C. The site is physically suitable for the type of development.
  - D. The site is physically suitable for the proposed density of development.
  - E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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- F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
  - G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
  - H. The resulting parcels following a subdivision of land are large enough to sustain their agricultural use.
  - I. The subdivision will not result in residential development not incidental to the commercial agricultural use of the land.
5. In relation to the request for a General Plan Amendment and Rezone, find:
- A. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
  - C. The amendment is consistent with the General Plan goals and policies.
  - D. Overall, the proposal is consistent with the goals and policies of the General Plan.
  - E. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
  - F. No feasible alternative site exists in areas already designated or planned for the proposed uses.
  - G. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
  - H. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.

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- I. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
  - J. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources.
  - K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation.
  - L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
6. In relation to the request to cancel a portion of Williamson Act Contract 75-1888, find:
- A. Find that, based on the discussion above and the whole of the record:
    1. A notice of non-renewal has been served,
    2. Removal of adjacent land from agricultural use is unlikely,
    3. The alternative use is consistent with the General Plan,
    4. Discontiguous patterns of urban development will not result, and
    5. There is no proximate non-contracted land, which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
  - B. That cancellation is in the public interest based on findings that: 1. Other public concerns substantially outweigh the objectives of Government Code, specifically as they relate to the expansion and continued operation of the Sun Dry facility; and 2. That there is no proximate non-contracted land, which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
7. Accept the Cancellation Value of the Subject Property as determined by the County Assessor to be \$1,198,000.
8. Certify to the County Auditor the Cancellation Fee, which must be paid as deferred taxes to be 12½% of the accepted cancellation value or \$149,750.



9. Find that, based on all evidence presented including discussions in the Staff Report, in the Landowners Statements and Application Materials, the letters from Department of Conservation, and obtained in the Public Hearing, and based on the whole of the record, that the Cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.
10. Give tentative approval of Cancellation of Williamson Act Contract No. 75-1888 subject to payment of the Cancellation Fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law.
11. Direct the Clerk of the Board to Record a Certificate of Tentative Cancellation within 30 Days of this Action.
12. Direct the Clerk of the Board, within 30 Days of the Board action, to publish Notice of the Decision, Pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.
13. Approve Parcel Map Application No. 2008-11, subject to the March 19, 2009 recommendation of the Stanislaus County Planning Commission and the addition of the following Development Standards:
  - The recorded parcel map shall be prepared by a licensed land surveyor or a qualified registered engineer.
  - All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
  - All new parcels shall be surveyed and fully monumented.
14. Approve General Plan Amendment Application No. 2007-04, subject to the March 19, 2009 recommendation of the Stanislaus County Planning Commission.
15. Approve Rezone Application No. 2007-04, subject to the March 19, 2009 recommendation of the Stanislaus County Planning Commission.

**DISCUSSION:**

This project has three main parts: First, is a request to amend the General Plan land use designation and rezone 114.8 acres of a 200+ acre parcel from Agriculture/A-2-40 (General Agriculture) to Planned Development (PD) to allow the addition of new non-agricultural uses. Second, is a request to cancel the Williamson Act contract on 114.8 acres in order to allow approval of the general plan amendment and rezone. Third, is a request to subdivide a 200+ acre parcel into four parcels (Parcel "1": 63.69 acres; Parcel "2": 51.11 acres; Parcel "3": 42 acres; and Parcel "4": 42.87 acres). Proposed parcels "1" and "2" are comprised of the 114.8 acres proposed to be to redesignated to PD. Proposed parcels "3" and "4" are proposed to remain in agricultural use.

Attachments "1" and "2" of this report provide addition project information, background information, and project clarification. Based on the clarification provided in the March 19, 2009 Planning Commission Memo, the applicant desires to have the following uses under this application:

Existing permitted uses to remain:

- processing of agricultural-related byproducts
- processing of soil amendments and animal feed products
- Vermicompost (worm castings)
- equipment parking and storage

Proposed new uses:

- industrial hauler
- composting of green waste and other organic materials
- processing of wood-related products for wood fiber for composite lumber, decorative landscape materials and ground cover
- bio-mass for fuel material
- demolition debris
- metal and tire recycling
- recycling and repair of wood pallets
- recycling of concrete and asphalt materials
- geothermal sulfur, gypsum and wallboard recycling

The project site is located on a portion of the long-closed Vernalis Naval Air Station, a World War II-era airport. The air station was construction in 1942 on 700 acres of land supporting two bomber squadrons. In 1945, the air station was placed on caretaker status and abandoned. Approximately 80 acres of the air station property was developed with a 7,000-foot x 500-foot concrete runway and taxiway. The project site encompasses roughly half the runway and taxiway area with the remaining area to the west being utilized by Grover Landscape Service's compost facility. The project applicant, Sun Dry Products has been operating a drying yard (cannery waste) and compost (vermicompost) facility since the mid-seventies.

In February 2006, Sun Dry Products was added to the list of recycling centers in the County's Waste Management Plan, which required the applicant to get a permit from the State. Sun Dry Products has been allowed to apply for a Medium Volume Construction and Demolition/Inert Debris Processing Facility Permit to allow the facility to operate as a Medium Volume Construction, Demolition and Inert Debris (CDI) Facility. As such, the facility operation would incorporate the additional functions of collecting, separating, grinding, baling, and/or transferring CDI materials. This included construction and demolition processing on the site. This was approved November 30, 2006. State agencies, including the Regional Water Quality Control Board and the California Integrated Waste Management Board now have regulatory power over the Sun Dry operation.

The permits to operate as a CDI facility were issued without consideration on the limitations placed on the property by both zoning and issued land use permits.

**General Plan Amendment and Rezone:**

To evaluate a General Plan Amendment, the goals and policies of the General Plan must be reviewed. A complete discussion on general plan consistency can be found in the attached March 19, 2009 Planning Commission Staff Report (See Attachment No. "2"). The discussion focuses on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan.

To approve a Rezone, the Board must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the proposed Planned Development designation.

**Williamson Act Cancellation:**

In order for a Williamson Act contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by state law. In general the findings are very difficult to make and such requests are seldom approved. Listed below are the findings required by Government Code Section 51282 for tentative approval for cancellation of contract:

1. That the cancellation is consistent with the purposes of this chapter; or
2. That cancellation is in the public interest.

The County's Williamson Act contract requires both findings be made in order to approve a cancellation request. Staff's analysis of the required findings is provided on pages 10-13 of the Planning Commission Staff Report. (See Attachment "2")

A Williamson Act cancellation on proposed Parcels "1" and "2", approximately 114.8 acres, is required in order to allow for the rezoning of the 114.8 acres from A-2-40 to a Planned Development. A Notice of Non-Renewal for the entire existing parcel, 200+ acres, was recorded in February of 2007 to begin the process of removing the site from the Williamson Act.

Prior to giving tentative approval to the cancellation of the contract, the Board of Supervisors shall determine and certify to the County Auditor the amount of the cancellation fee the landowner shall pay the County Treasurer upon cancellation. The cancellation fee shall be an amount equal to 12 ½ percent of the cancellation valuation of the property. The County Assessor has determined the current fair market value of the

property to be \$1,198,000. Based on the market value of the property, the cancellation fee is \$149,750. Attachment "4" consists of the Certificate of Tentative Approval of Cancellation to be recorded by the Clerk of the Board if the requested cancellation is approved.

**Parcel Map:**

If the proposed General Plan Amendment and Rezone to Planned Development (PD) is approved, proposed parcels "1" and "2" will be consistent with the adopted development plan for the PD. Proposed parcels "3" and "4" are currently designated, and propose to remain designated, Agriculture on the County General Plan and zoned A-2-40 (General Agriculture). Proposed parcels "3" and "4" are currently enrolled, and propose to remain enrolled, under a Williamson Act contract. The analysis of the parcel map provided in the Planning Commission Staff report addresses approval in conjunction with the general plan amendment, rezone, and Williamson Act cancellation requests and independently of those requests.

**Planning Commission Hearing**

The Planning Commission held a public hearing on this project at its regular meeting on March 19, 2009. Speaking in opposition to the project were three neighbors who expressed concerns regarding the impact of truck-traffic and potential/existing odors produced by the activities on the project site.

- **Salam Aziz - 2460 Gaffery Road** - Expressed concern with there being no limits on the hours of truck travel and the bad condition of the existing road.
- **Joe Rarden - 3515 Welty Road** - Expressed concern with Welty Road being inadequate as a truck route due to the road being too narrow and in bad condition. Mr. Rarden explained how trucks must utilize the shoulder of the road when making left turns and damage which has been caused to orchards and irrigation lines as a result of truck movements. Mr. Rarden also expressed concern with the existing odors coming from the direction of the project site.
- **Cheryl Santos - 348 Orchard Road** - Expressed concern with trucks, odors, the proposal to establish a pallet yard, endangered species, and requested clarification on the County's project notification area. She discussed how trucks travel very fast and at high volumes past the Rising Sun School located on the northwest corner of the Spencer and Welty Roads intersection. She stated the area already has one pallet yard. She expressed concern with compost already having caught on fire. And she expressed concern with the project's impact to the Great Horn Owl, which she stated was an endangered species living in the area. With respect to project notification, Ms. Santos resides well outside of the County's landowner notification area of 1/4 mile or two parcels, whichever is greatest.

In response to the concerns raised, it is unclear if the existing truck traffic and odor are associated with the existing Sun Dry Products operation or the neighboring Grover Landscaping Services operation. This project does include mitigation requiring the applicant enter into an agreement with Stanislaus County Department of Public Works to pay a fee of \$0.055 per ton of material entering or leaving the property to offset the traffic impacts to County roads.

Speaking in favor of the project was the applicant's representative, Michael Normoyle, Esq, and the applicant, Jim Davis. Mr. Normoyle provided an overview of the projects history and state regulation requirements. He also discussed the mitigation identified to address traffic impacts. In response to questions raised by the Planning Commission, Mr. Davis clarified there would be an average of 50-60 trucks per day associated with his operation. He stated the truck traffic would be staying the same, since tonnage was not being raised. Mr. Davis indicated there would be seasonal 24 hour per day truck traffic, but most of the traffic would be during daylight hours. When asked to compare his truck traffic with the truck traffic from Grover Landscape Services, Mr. Davis responded it was a 50/50 split with Sundry Products operation being more seasonal. Mr. Davis identified 80-90% of his operations truck traffic occurring between 7 a.m. and 6 p.m.. In response to the concerns regarding odor, Mr. Davis indicated most of his products do not have odor and the odors in the area may be associated with neighboring operations.

In response to questions raised by the Planning Commission regarding the traffic impact mitigation, Public Works staff stated the fee collected would be used exclusively to improve Gaffery Road and other surrounding roadways. Based on historic tonnage per year, Mr. Davis estimated the traffic impact fee would be \$30,000 per year. The same traffic impact mitigation being proposed for this project was applied to the neighboring Grover Landscape Services operation as part of a 2006 Use Permit request to expand their composting operation.

Several of the Planning Commissioners expressed belief the traffic impact mitigation will in time be able to correct the existing roadway conditions. The Planning Commission identified Sundry Products as a needed use/essential business to support county industry. The Commission's recommendation, on a motion by Commissioner Poore, seconded by Commissioner Assali, voted 6-0 to support the project in its entirety and recommend the Board approve the project subject to the modifications to the Development Standards as outlined in the Planning Commission Memo.

Following the Planning Commission hearing, the Department of Public Works requested the following development standards be added to the project to address the parcel map portion of the project:

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- The recorded parcel map shall be prepared by a licensed land surveyor or a qualified registered engineer.
- All structures not shown on the tentative parcel map shall be removed prior to the parcel map being recorded.
- All new parcels shall be surveyed and fully monumented.

These development standards reflect typical condition language applied to all parcel map requests. These development standards have been incorporated into the staff recommendation portion of this report. Also incorporated into the staff recommendation of this report is a modification to action item no. 13. Item no. 13 as outlined in the Planning Commission Staff Report incorrectly identified the need for a Williamson Act contract rescission and approval of a new contract. Action items no. 13-15 have also been amended to reflect the Planning Commissions recommendation.

#### **POLICY ISSUES:**

The policy question here is whether to grant the requested amendment to the Stanislaus County General Plan Land Use Diagram. The General Plan is a policy document which helps guide land use patterns and development for the future of the community. The Board should consider the potential conformance of this project with the priorities of maintaining a strong local economy, a strong agricultural economy/heritage, and a well-planned infrastructure system.

#### **STAFFING IMPACT:**

None.

#### **ATTACHMENTS:**

1. Planning Commission Memo, March 19, 2009
2. Planning Commission Staff Report, March 19, 2009
3. Planning Commission Minutes, March 19, 2009
4. Certificate of Tentative Approval of Cancellation



March 19, 2009

**TO: STANISLAUS COUNTY PLANNING COMMISSION**

**FROM: STANISLAUS COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**SUBJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04, REZONE APPLICATION NO. 2007-04, WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-03, AND TENTATIVE PARCEL MAP APPLICATION NO. 2008-11 - SUN DRY PRODUCTS/JIM DAVIS**

This memo is being provided to clarify information and Development Standards provided in the March 19, 2009 Planning Commission Staff Report for the subject project. The clarifications are being made at the request of the Stanislaus County Department of Environmental Resources (DER) and the project applicant. Other clarifications, particularly to Development Standards, are being made directly by the Planning Department. The clarifications are as following:

- DER is concerned the wording of the last paragraph on page 3 of the Staff Report may not clearly reflect their role in the oversight and permitting of composting facilities. DER does not oversee the permitting or operations of composting facilities. Composting is regulated by the California Integrated Waste Management Board (CIWMB).
- The 120 tons of peach pits per day referenced in the last paragraph on page 3 of the Staff Report reflects only an amendment made on June 25, 2008 to the Food Processing By-Products Use Site Permit issued by DER. The plans approved Plan of Operation and approved amendment to the Plan of Operation to allow for the following maximum amounts, at this time:
  - 175 tons of peach pits allowed to be received at the site per day - 10,000 tons per year
  - 1,700 tons of grape pomace allowed to be received at the site per day - 40,000 tons per year
  - 75 tons of apricot pits allowed to be received at the site per day - 3,000 tons per year
  - 600 tons of tomato pomace allowed to be received at the site per day - 60,000 tons per year
  - 100 tons of prune pomace allowed to be received at the site per day - 20,000 tons per year
  - 125 tons of apple pomace allowed to be received at the site per day - 10,000 tons per year
  - 125 tons of pear pomace allowed to be received at the site per day - 8,000 tons per year
  - 50 tons of olive pits allowed to be received at the site per day - 5,000 tons per year

**ATTACHMENT 1**

- 25 tons of cherry pits allowed to be received at the site per day - 2,000 tons per year
- 875 tons of other fruits & vegetables allowed to be received at the site per day - 80,000 tons per year

A total of 2,500 tons (Aggregate Permit Limit) is allowed to be received at the site per day - 665,000 tons per year. The actual food processing by-product total tonnage received at the Sun Dry Products site in 2008 was 32,527.72 tons total for the year. Only apricot pits, peach pits and grape pomace were the food processing by-products received at the Sun Dry Products site in 2008. DER inspects the site in relation to the Food Processing By-Product Use Site Permit on a weekly basis from July 1 through the end of the cannery season which usually ends in mid-October.

- The second paragraph on page 4 of the Staff Report incorrectly references the CIWMB as the permit authority for sulfur and food residue. The Regional Water Quality Control Board (RWQCB) is the permit authority for sulfur under their Waste Discharge Requirements and DER permits "food residue" use (or food processing by-products as termed by DER and the industry).
- Page 2 of the Staff Report identifies composting as an existing use to remain. The existing composting consists of Vermicompost (worm castings) in which worms are used to breakdown organic matter. In accordance with the existing A-2 (General Agriculture) zoning district, worm farming is considered to be small livestock farming which is a permitted use. This type of composting is not currently regulated by the CIWMB, but the applicant anticipates this may change in the near future. This project would introduce composting of green waste and other organic materials to produce aerobic compost as a new use. The proposed new type of composting would be similar to the composting approved for the adjoining parcel to the west, Grover Landscape, and would involve the use of windrows required to be turned. A permit from the CIWMB is required for the proposed new type of composting. The Initial Study prepared for this project considered the operation of both types of composting.

The air quality section of the Initial Study prepared for this project identified a recommendation for the incorporation a misting/fogging system, use of a negative aeration method of composting, turning of composting piles 1-3 times per week, and/or addition of water and wood chips, when available, to composting materials be installed. This recommendation was not specifically included as part of the proposed Development Standards for this project, however, Development Standards for this project do require compliance with San Joaquin Valley Air Pollution Control District Rules.

- The project description states there are no new buildings proposed at this time, however, Development Standard No. 42 specifically addresses construction of a three-sided concrete/wood storage structure. While the applicant's project description did not identify specific new buildings to be constructed, it did address the possible future need for additional buildings/structures associated with the proposed use. Since the application was submitted, the RWQCB has identified the need for the sulfur processing to be contained within a covered structure. A building permit for the covered structure has been submitted to the County and is specifically addressed by Development Standard No. 42. The applicant does anticipate the need for future buildings for the storage of various commodities.



- The applicant currently has a hauler permit issued by DER for the hauling of cannery waste. The project requests approval for an industrial hauler which allows hauling of cannery waste in excess of 500 pounds per day. While the applicant does not currently haul cannery waste, they are requesting the industrial hauler use as part of this project to insure the option exists in the future. Currently the only hauling conducted by the applicant is the hauling of wood products.
- The aesthetics section of the Initial Study prepared for this project identified a recommendation for the incorporation of landscape and fencing plan and installation of trees along the southern entrance of Gaffery Road as a means of reducing aesthetic issues for the project a condition (Development Standard) of the project. Development Standards 7-9 address landscaping and fencing, however, the language of the standards may be interpreted to require more landscaping than staff intended to require. The intent of requiring a landscaping and fencing plan is to visually enhance the entrance to the project site and not to screen the on-site use. Furthermore, the Development Standards as currently drafted would trigger prior to occupancy, however the site is already occupied. Staff recommends Development Standards 7-9 be revised as follows:
  7. Within 60-days of project approval, a landscaping and fencing plan shall be submitted and approved by the Director of Planning and Community Development, or his appointed designee, for the entrance onto Gaffery Road. The plan shall indicate the type of plants, initial plant size, location and method of plant irrigation, fence type, and fencing location. Approved landscaping and fencing shall be installed within 120-days of project approval.
  8. The required landscaping shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of plant origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.
  9. The applicant 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. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
- Development Standard No. 55 requires detachment of proposed parcels "1" and "2" from the Del Puerto Water District prior to approval of the proposed Planned Development. Due to the fact that detachment prior to approval is impractical and to clarify which of the proposed parcels need to detach, staff recommends Development Standard No. 55 be revised as follows:
  55. District guidelines state that lands within the district that are converted to municipal and/or industrial (i.e. "Planned Development") uses are no longer eligible for District water service and are to be detached from the District at the landowner's expense. The process for detachment of the lands identified as proposed parcels "1" and "2" shall be initiated by the property owner within 30-days of project approval.

The revised language has been presented to Williams Harrison, General Manager, of the Del Puerto Water District and no objection has been expressed.

- Development Standard No. 11 needs to be revised to reflect application only to proposed parcels "3" and "4". However, the revised language below also includes a provision making the Development Standard applicable to all proposed parcels in the case the Parcel Map is the only portion of the proposed project to be approved:

11. A "No Build" restriction on the construction of any residential development on proposed parcels "3" and "4" shall be observed until the parcels are no longer enrolled under a Williamson Act Contract or the following criteria are met:

- A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.
- B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquiculture operation.

This condition shall also apply to proposed parcels "1" and "2" if the Parcel Map is the only portion of this project to be approved.

This memo has been shared with the applicant and their representative and no objects or concerns have been expressed.

#### **RECOMMENDATION:**

Staff recommends the proposed modifications to Development Standards 7-9, 11, and 55 outlined in this memo be integrated into the Planning Commissions recommendation of the project to the Board of Supervisors. With integration of the modifications proposed, staff continues to recommend the Planning Commission recommend approval of the subject project as outlined on pages 16-19 of the Planning Commission Staff Report.

# STANISLAUS COUNTY PLANNING COMMISSION

March 19, 2009

(Continued from the March 5, 2009 Planning Commission Meeting)

## STAFF REPORT

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04  
REZONE APPLICATION NO. 2007-04  
PARCEL MAP APPLICATION NO. 2008-11  
WILLIAMSON ACT CANCELLATION NO. 2007-03  
SUN DRY PRODUCTS / JIM DAVIS**

**REQUEST: TO AMEND THE GENERAL PLAN AND REZONE 114.8 ACRES OF A 200± ACRE PARCEL FROM AGRICULTURE/A-2-40 (GENERAL AGRICULTURE) TO P-D (PLANNED DEVELOPMENT) TO ALLOW THE CONTINUED OPERATION OF THE RECLAMATION AND RECYCLING OF AGRICULTURAL PRODUCTS AND ADD AN INDUSTRIAL HAULER, PROCESSING OF COMMERCIAL FEED PRODUCTS AND CONSTRUCTION DEBRIS (SUCH AS PALLETS AND SULFUR AND GYPSUM WALL BOARD). A PARCEL MAP IS BEING REQUESTED TO SUBDIVIDE THE TOTAL 200± ACRE PARCEL INTO FOUR PARCELS (63.69, 51.11, 42.87, AND 42 ACRES RESPECTIVELY). THE TWO LARGER PARCELS REQUIRE A WILLIAMSON ACT CANCELLATION.**

### APPLICATION INFORMATION

Property Owner:	Sun Dry Products Inc.
Applicant:	Sun Dry Products / Jim Davis
Agents:	Jesse Stanley, Michael C. Normoyle
Location:	3401 Gaffery Road, Westley area
Section, Township, Range:	9-4-6
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	016-003-009
	San Joaquin County APN: 265-001-009
Referrals:	Exhibit J, Environmental Review Referrals
Area of Parcels:	200-total acres approximately
Water Supply:	Well
Sewage Disposal:	Septic tank/leach field system
Existing Zoning:	A-2-40 (General Agriculture)
Community Plan Designation:	Not applicable
General Plan Designation:	Agriculture
Williamson Act Contract:	75-1888
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Sun Dry Products - agricultural-related processing and recycling of products including agricultural-waste products. The majority of the project site is already developed with an old runway and roads. Structures

Surrounding Land Use:

on the property include three mobile homes, a pump house, two metal storage buildings, a shed, a shop, a 600 square foot office, a housing mill structure, a three-sided, concrete and wood storage area, a 50,000-gallon water tank for fire suppression, various machinery and portable water tanks, and a garage. The site is surrounded by agricultural uses, with exception of Grover Landscaping and the Delta Mendota Canal, located directly west of the proposal. A single-family dwelling can be found on the southeastern corner of the property, an apricot orchard to the north, almond orchards to the south, and a gravel mine to the northwest, which is within the County of San Joaquin.

**PROJECT DESCRIPTION & BACKGROUND**

This project has three main parts: First, is a request to amend the General Plan land use designation and rezone 114.8 acres of a 200+ acre parcel from Agriculture/A-2-40 (General Agriculture) to Planned Development (PD) to allow the addition of new non-agricultural uses. Second, is a request to cancel the Williamson Act contract on 114.8 acres in order to allow approval of the general plan amendment and rezone. Third, is a request to subdivide a 200+ acre parcel into four parcels (Parcel "1": 63.69 acres; Parcel "2": 51.11 acres; Parcel "3": 42 acres; and Parcel "4": 42.87 acres). Proposed parcels "1" and "2" are comprised of the 114.8 acres proposed to be to redesignated to PD. Proposed parcels "3" and "4" are proposed to remain in agricultural use.

The applicant desires to have the following uses under this application:

Existing uses to remain:

- Processing of agricultural-related byproducts
- Processing of green waste to include landscape material
- Processing of soil amendments and animal feed products
- Worm-casting
- Composting
- Equipment parking and storage

Proposed new uses:

- Industrial hauler (waste haulers, to haul industrial waste to the facility)
- Processing of wood-related products for wood fiber for composite lumber, decorative landscape material, ground cover
- Bio-mass for fuel material
- Demolition debris
- Metal and tire recycling
- Recycling and repair of wood pallets
- Recycling of concrete and asphalt material
- Geothermal sulfur, gypsum and wallboard recycling

Currently, there are 20 to 30 employees working on the property. Sun Dry operates 24 hours a day, seven days a week. The number of trucks for the operation is about 50 to 60 trucks Monday through Friday, and five to ten trucks on the weekends. This is not a retail operation, as all sales are wholesale, delivered by trucks to various sites. No new buildings are proposed at this time. No additional machinery, to include grinders or shredders, are proposed unless an old machine fails.

## **BACKGROUND**

The project site is located on a portion of the long-closed Vernalis Naval Air Station, a World War II-era airport. The air station was constructed in 1942 on 700 acres of land supporting two bomber squadrons. In 1945, the air station was placed on caretaker status and abandoned.

Approximately 80 acres of the air station property was developed with a 7,000-foot x 500-foot concrete runway and taxiway. The project site encompasses roughly half the runway and taxiway area with the remaining area to the west being utilized by Grover Landscape Service. The project applicant, Sun Dry Products, and the adjoining Grover Landscape Service, have been operating a drying yard and compost facility, to include cannery waste and construction debris since the mid-seventies. A chronological history of discretionary land use permits and other permits issued to the project site provided in Exhibit D, *Property History*.

In February 2006, the Board of Supervisors added Sun Dry Products to the list of recycling centers in its Waste Management Plan, which required the applicant to get a permit from the State. The Board allowed Sun Dry Products to apply for a Medium Volume Construction and Demolition/Inert Debris Processing Facility Permit to allow the facility to operate as a Medium Volume Construction, Demolition and Inert Debris (CDI) Facility. As such, the facility operation would incorporate the additional functions of collecting, separating, grinding, baling, and/or transferring CDI materials. This included construction and demolition processing on the site. This was approved November 30, 2006. State agencies, including the Regional Water Quality Control Board and the California Integrated Waste Management Board now have regulatory power over the Sun Dry operation.

The permits to operate as a construction and demolition/inert debris processing facility were issued without consideration on the limitations placed on the property by both zoning and issued land use permits.

The operations of both Sun Dry Products and Grover Landscape Services are overseen by the Department of Environmental Resources (DER), which has the same responsibility for agricultural waste sites throughout the County. Grover Landscape Service operates under Use Permit No's. 98-19 and 2006-37. The DER has a Food Processing By-Products Use Site Permit and/or Hauler Permit for Sun Dry Products, which was approved and amended in June 25, 2008. This permit allows acceptance of 120 tons of peach pits per day for a three-month period on a permitted dehydration site. They also have an Organic Recycling Facility Permit, which was approved February 28, 2007. The DER has allowed this permit under the assumption that it falls within the previously approved Planning permits.

In February of 2007, the Planning Commission approved Parcel Map No. 2006-52 allowing Sun Dry Products and Grover Landscape Services to separate their operations onto individual parcels. The Grover Landscape Services property processes similar products such as compost and recycling material, to include: compost, food scraps, grass clippings, leaves, pallets and broken wood debris, and untreated yard trimmings.

The current California Integrated Waste Management Board permit allows a maximum of 220,000 cubic yards to be processed at the Sun Dry Products facility. The Board has permit authority for the processing of sulfur, gypsum, paper pulp, wood, green waste, and food residue, which is presently found and processed on-site. The applicant has stated that if the expansion were to be approved, there would be no increase in this number, and the approval would allow the applicant to better organize the operation. Raw materials are brought to the site by trucks owned by and contracted with Sun Dry Products. These products arrive from across the County and from other northern counties and cities as well. An example of the material hauled can be found in the *Applicant's Submittal and Findings*, Exhibit A.

This project was continued from the March 5, 2009 Planning Commission meeting for additional time to work out issues and concerns with the project. Staff has discussed these issues with the applicant and resolved the concerns regarding this project so the application can move forward at this time.

### **SITE DESCRIPTION**

The project site consists of approximately 200+ acres located on Gaffery Road, between Koster and Welty Roads, in the Vernalis area. The site is presently being used as a composting and recycling facility on 63 of those acres. The owner wishes to include 51.11 acres into the project as the main operations of the business, which includes most of the buildings and storage in the overall recycling operations facility. Approximately 80 acres of the site have been in agricultural operations as a worm-casting operation. Historically, row crops have also been planted on the northern property. Piles of mulch and soil covered in vegetation can be found in this location.

The property is presently served by septic systems and private wells. There is also a pump house on the property that provides water to the operation. The mobile homes and other storage and mill structures use this well for water. There are no structures existing on the planned parcels to the north. An irrigation pump can be found and irrigation lines stretch out from this pump, which can serve the northern part of the property. The site also has irrigation rights to the Delta Mendota Canal.

The surrounding area is mostly agriculture. It is sparsely populated and is dominated by relatively large agricultural parcels. To the south of the project, almond orchards and open farmland are the dominant land use. To the west of the property, open land, alfalfa crops, and the Delta Mendota Canal are found, including Grover Landscaping on the western half of the old Vernalis runway site. To the north of the property (in San Joaquin County), an open field and apricot orchards can be seen. To the east of the property are mostly agricultural uses, including cherry orchards and grape vineyards. Two gravel mines to the northwest of the parcel are also a significant feature of the area. These large open-pit mines are found within the County of San Joaquin, a mile northwest from the property. A major thoroughfare near the property is Interstate 5, which is about a mile west of the site.

## **GENERAL PLAN POLICIES**

### **General Plan Amendment**

General Plan amendments affect the entire County and any evaluation must give primary concern to the County as a whole, therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County, in reviewing General Plan Amendments, shall consider the additional costs to the County that might be anticipated (economic, environmental, social) and how levels of public and private service might be affected. In each case, in order to take action regarding the General Plan Amendment application, it must be found that:

1. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
2. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.

In the case of a proposed amendment to the diagram of the Land Use Element, the following additional finding must be established:

3. The amendment is consistent with the General Plan goals and policies.

These findings are established by the Board of Supervisors policy for processing General Plan Amendments. The Planned Development designation (PD) is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. Staff believes that the proposed Planned Development will allow Sun Dry to logically expand. They have been in business at this location for many years and is consistent with the neighboring business that would not be detrimental to existing and planned land uses.

Finding Number 2 also can be met. There is no evidence that the project would adversely impact provisions of services. Furthermore, any impacts to County services will be mitigated through the payment of impact mitigation fees and compliance with development standards.

The goals and policies of the General Plan listed below are focused on those goals and policies which staff believes are most relevant to making the findings necessary for determining the subject project's consistency with the overall General Plan. Goals and policies, which can be found consistent with the proposed project with incorporation of development standards/mitigation measures have not been included in the list below. Exhibit A, *Applicant's Submittal and Findings*, consists of the applicant's findings statement and a General Plan evaluation, dated September 25, 2008. The following are the relevant goals and policies of the General Plan that apply to this project:

**Land Use Element**

**Goal One -** Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County.

Policy 3 - Land use designations shall be consistent with the criteria established in this element.

Policy 10 - New areas of urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Implementation Measure No. 1 - Requests for designation of new urban areas shall be reviewed by the County to determine whether the land is located in a less productive agricultural area based on considerations identified in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

Implementation Measure No. 3 - Proposed amendments to the General Plan map that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the conversion criteria stated in the Agricultural Element. (See Agricultural Element goals/policies/implementation measures listed below.)

**Goal Two -** Ensure compatibility between land uses.

Policy 14 - Uses shall not be permitted to intrude into an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

**Goal Three -** Foster stable economic growth through appropriate land use policies.

Policy 16 - Agriculture, as the primary industry of the County, shall be promoted and protected.

Policy 18 - Accommodate the siting of industries with unique requirements.

**Conservation/Open Space Element**

**Goal Three -** Provide for the long-term conservation and use of agricultural lands.

Policy 11 - In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

**Goal Eleven -** Conserve resources through promotion of waste reduction, reuse, recycling, composting, ride-share programs and alternative energy sources such as mini-hydroelectric plants, gas and oil exploration, and transformation facilities such as waste-to-energy plants



Policy 31- The County shall provide zoning mechanisms for locating material recovery facilities, recycling facilities, composting facilities, and new energy producers when the proposed location does not conflict with surrounding land uses.

**Agricultural Element (Adopted April, 1992)**

*(Because the General Plan Amendment and Rezone portion of this project was received and deemed complete prior to the Board of Supervisors adopting the Agricultural Element Update of the General Plan in December of 2007, this project is required to be in conformance with the previously adopted Agricultural Element. Differences between the 1992 and 2007 versions are noted. The Parcel Map application came in after the 2007 Agricultural Element was approved and, as such, is required to comply with the 2007 Agricultural Element.)*

**Goal Two** - Conserve our agricultural lands for agricultural uses.

Policy 2.4 - To the greatest extent possible, development shall be directed away from the County's most productive agricultural areas.

*(Policy 2.4 of the 1992 Agricultural Element is reflected as Policy 2.5 of the 2007 Agricultural Element Update.)*

Implementation "A" - Until the term "Most Productive Agricultural Areas" is defined on a countywide basis, the term will be determined on a case-by-case basis when a proposal is made for the conversion of agricultural land. Factors to be considered include but are not limited to soil types and potential for agricultural production; the availability of irrigation water; ownership and parcelization patterns; uniqueness and flexibility of use; the existence of Williamson Act contracts; existing uses and their contributions to the agricultural sector of the local economy. As an example, some grazing lands, dairy regions and poultry-producing areas as well as farmlands can be considered "Most Productive Agricultural Areas." Failure to farm specific parcels will not eliminate them from being considered "Most Productive Agricultural Areas." Areas considered to be "Most Productive Agricultural Areas" will not include any land within LAFCO-approved Spheres of Influence of cities or community services districts and sanitary districts serving unincorporated communities. Agricultural lands outside these boundaries and not considered to be "Most Productive Agricultural Areas" will be considered "Less Productive Agricultural Areas."

*(Implementation "A" of the 1992 Agricultural Element is reflected as Implementation Measure No. 1 of Policy 2.5 of the 2007 Agricultural Element Update. The 2007 update eliminated the last sentence of the above factors to be considered in defining "Most Productive Agricultural Areas".)*

Policy 2.5 - New areas for urban development (as opposed to expansion of existing areas) shall be limited to less productive agricultural areas.

Policy 2.7 - Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to non-agricultural uses shall be approved only if they are consistent with the County's conversion criteria.

Implementation "D" - Current procedures for processing General Plan Amendments will be changed to include the following requirements for evaluating proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses:

**Conversion Consequences:** The direct and indirect effects, as well as the cumulative effects, of the proposed conversion of agricultural land shall be fully evaluated.

**Conversion Considerations:** In evaluating the consequences of a proposed amendment, the following factors shall be considered: plan designation; soil type; adjacent uses; proposed method of sewage treatment; availability of water, transportation, public utilities, fire and police protection, and other public services; proximity to existing airports and airstrips; impacts on air and water quality, wildlife habitat, endangered species and sensitive lands; and any other factors that may aid the evaluation process.

**Conversion Criteria:** Proposed amendments to the General Plan Diagram (map) that would allow the conversion of agricultural land to urban uses shall be approved only if the Board of Supervisors make the following findings:

- A. Overall, the proposal is consistent with the goals and policies of the General Plan, and specifically is consistent with Policies 2.4 and 2.5 of the Agricultural Element.
- B. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
- C. No feasible alternative site exists in areas already designated or planned for the proposed uses. (This will be discussed in a moment.)
- D. Approval of the proposal will not constitute part of, or encourage, piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
- E. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.
- F. Adequate and necessary public services and facilities are available or will be made available as a result of the development.

- G. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources.

A compost facility in an agricultural area is a logical site as a large area of land, which is required. A site for the receiving area, vehicle ingress and egress, compost and ag-waste processing, compost windrows and internal rows require large vacant lands, not normally found within urbanized areas. Composting is considered distinctive from other waste disposal uses (such as solid waste, trash, and household garbage) because it potentially provides a service directly to the agricultural community, and potentially to the agricultural premises on which it would be located, by removing green waste and providing large quantities of compost for soil amendment purposes. Although there is no agricultural commodity being grown or raised on-site, it is the applicant's belief that the Sun Dry facility can be considered compatible given the finished product (compost) is supplied to agricultural operations in the immediate vicinity as a soil enhancement. Nevertheless, in order to approve this project, the Planning Commission must find that the proposed use meets the conversion criteria listed above.

The Planned Development designation (P-D) is intended for land that, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. An example of uniqueness to the property is the concrete runway, an established operation to include storage, milling and machinery, access to a major thoroughfare (Interstate 5), and a large tract of land to process and recycle materials outside an urban setting. Although these current uses are not entirely consistent with the current A-2 zoning district, the applicants have been in business at this location for many years and have shown that they can be compatible and consistent with the surrounding land uses in the area. These uses need to be memorialized into a Planned Development, due to the nature of the business, which is beyond the scope of an agricultural service establishment. Hence, the applicant's need to rezone a portion of this area to a P-D zone.

The site is located outside the limits of an incorporated city. The surrounding properties are zoned A-2-40 and are relatively large agricultural properties. There is no indication that this project will impact existing agricultural activities in the area or result in conversion of farmland to non-agricultural uses. Staff regards this General Plan Amendment as consistent with the goals and policies of the County General Plan. Staff also considers that all the appropriate findings can be met. The proposal does not add any residential or new commercial uses in an agricultural area. Furthermore, there is no urban development in the vicinity to require buffering or impediments to the facility.

This General Plan Amendment is a policy decision to be approved by the Board of Supervisors. If this property's General Plan designation is changed and ultimately rezoned, the Board needs to determine that this project will be a logical land use pattern that would not be detrimental to existing and planned land uses. From a land-use perspective, staff believes this use can safely continue on the site. The actual regulatory responsibility will be focused in the areas covered by the Air Pollution Control District, the Water Quality Control Board, and the Hazardous Materials Division of the Department of Environmental Resources. With on-going permits in place, these agencies will continue the monitoring and regulation required for the Sun Dry Products business.

### Agriculture Element Consistency

The Agricultural Element contains numerous goals and policies that call for the conservation of agriculture in the County of Stanislaus. These goals and policies are designed to preserve economically productive farm and ranch land, to guide high-density development away from rural, agricultural lands, and to protect agricultural lands from adverse urban influence. The general plan amendment and rezone portions of this project was deemed complete prior to the adoption of the 2007 Agricultural Element Update and therefore, this project will be subject to the Agricultural Element adopted in 1992.

While overall this project is consistent with the goals and policies of the 2007 update, it does not comply with the Buffers and Setback Guidelines (Appendix A). The guidelines apply to all new or expanding non-agricultural uses approved by a discretionary permit in the A-2 zoning district. In accordance with the guidelines, nonagricultural uses are subject to setbacks, vegetation and fencing requirements. Buffer and setback requirements established by these guidelines shall be located on the parcel for which a discretionary permit is sought and shall protect the maximum amount of adjoining farmable land. In regards to new proposals for a non-agricultural use, projects shall incorporate a minimum 150-foot wide buffer. Projects that propose people intensive outdoor activities, such as athletic fields, shall incorporate a minimum 300-foot wide buffer. Although this project falls under the old Agricultural Element, the Planning Commission may wish to incorporate some buffering or screening to the proposal.

### Rezone

To approve a Rezone, the Planning Commission must find that it is consistent with the General Plan. In this case, PD zoning would indeed be consistent with the Planned Development General Plan designation.

### WILLIAMSON ACT

The applicant is requesting a Williamson Act cancellation on Parcels 1 and 2, approximately 114.8 acres, to allow for the rezoning of the 114.8 acres from A-2-40 to a Planned Development. A Notice of Non-Renewal for the entire parcel recorded in February of 2007 to begin the process of removing the site from the Williamson Act.

The California Department of Conservation (DOC) commented on this project in a letter dated May 30, 2007 (see Exhibit H). The agency had concerns about the conversion of the project to urban uses. They have stated that the cancellation and rezoning of the property will start precedence for commercialization in the area and will have a direct impact on the environment and adjacent lands, specifically the neighboring vineyards and orchards. They also state that impacts would include increased traffic and pollution as a result of the operation, diminished productivity, and a threat to food safety and increased pressure to convert agricultural land. Finally, the applicant has attached proposed findings and a response to the Department of Conservation letter defending their position (Exhibit A).

Cancellation of the Contract: Based on the requirements outlined in Government Code, the applicant has submitted a request for cancellation of the Williamson Act Contract. In order to permit cancellation of the contract, Government Code Sections 51280 through 51287 apply. Section 51282 states:

“The Board or Council may grant tentative approval for cancellation of a contract only if it makes one of the following findings:

- (1) That the cancellation is consistent with the purposes of this chapter; or
- (2) That cancellation is in the public interest.”

The current contract requires both findings be made in order to approve a cancellation request. The Board of Supervisors must determine that the action is consistent with the Land Conservation Act of 1965. The law requires that five findings be made. The following is staff’s analysis of the required findings:

1. *That the cancellation is for land on which a Notice of Non-Renewal has been served pursuant to Section 51245.*

A Notice of Non-Renewal for the entire parcel was recorded on February 23, 2007 to begin the process of removing the site from the Williamson Act. Under the Non-Renewal, the contract is set to expire on December 31, 2016.

2. *That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.*

The cancellation is proposed for 114.8 acres of what is currently a 200-acre site. The proposal would release the existing business from Williamson Act Contract No. 75-1888. The proposed properties to the north will remain in the Williamson Act contracts for the remaining 84.87 acres. The Sun Dry project is not a development that is likely to attract or require additional development of adjacent lands. No known urban development is presently planned within five miles from the facility. The applicant is not proposing changes to the existing land use patterns or impacts to existing farming activities. Much of the adjacent land will remain restricted by land use contracts that prohibit the uses for purposes other than agriculture, open space or compatible uses. Furthermore, the project will not result in removal of adjacent lands because adjacent properties are not undergoing urbanized uses, not proposing changes to their farming practices, and broad-scale rezoning is unlikely.

3. *That cancellation is for an alternative use, which is consistent with the applicable provision of the City or County General Plan.*

In order to approve the proposed alternative use, a general plan amendment and rezone must be approved. If the general plan amendment and rezone are approved, the proposed alternative use will be consistent with the applicable provisions of the County General Plan. The proposed cancellation will not be approved if the general plan amendment or rezone are denied.

4. *That cancellation will not result in discontinuous patterns of urban development.*

The existing project, an industrial-type use, is not a normal urban (i.e. city-like) development. The siting of the existing facility will not result in a discontinuous pattern of urban development, in that the facility is unlikely to attract urban development for the reason set forth above, and therefore, will not indirectly result in a discontinuous pattern of urban development. To the extent one might consider such an industrial development to be urban, the facility exists on a site that is near an existing business, gravel mines and Grover Landscape Service. If the application is approved, it will not result in any new potentially leap-frogging patterns of urban development in the area.

5. *That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

The concrete runway provides the operation the needed facilities for storage and processing of products they process. Nevertheless, obtaining additional land not under contract would not serve to substantially limit additional industrial-type developments on either contracted land or non-contracted lands within the vicinity of the proposed cancellation. Reversion of the property back to agricultural uses would also be impractical, as the site is an existing concrete runway with several buildings on-site and has been in operations for many years. Conversion of the property back to agricultural uses would also be impractical.

A proximate land search for non-contracted properties indicates there are no 100-plus acre properties, in an industrial zone available for purchase designated for uses and suitable for the development of the existing facility. Two properties that have similar uses, Central Valley Agriculture Grinding and a composting facility in the Beard Tract have similar issues. The City of Riverbank has indicated that truck-traffic going through their city as a potential problem as well. Relocating a facility near a city would also be difficult due to these particular environmental issues as well. Land that is not restricted by contract, which is sufficiently close to the land presently being utilized, has not been found.

Government Code Section 51282 further specifies that cancellation of a contract shall be in the "public interest" only if the council or board makes the following findings:

1. *That other public concerns substantially outweigh the objectives of this chapter.*

Approval of this project would bring this recycling facility into full regulatory compliance and allow for the continued operation of a unique facility, which cannot realistically be relocated to any other proximate property. It also bears to mention that it should be deemed to be in the best interest of the applicant and the public, for the business to remain at its current location, where it can be a complete project with capital improvements in place, and in regulatory compliance with other resource agencies such as the California Regional Water Quality Control and the San Joaquin Valley Air Pollution Control District.

As discussed earlier, most of the property has been disturbed and is not prime farmland. The portion of the lands on which a cancellation will occur, will have no significant agricultural or open space value, as they are currently used for the composting and recycling operations.

2. *That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.*

Because the underlying purpose of the cancellation is to facilitate expansion and continued operation of the Sun Dry site, there is no proximate non-contracted land, which is both available and suitable for the use to which it is proposed.

The applicant has provided a statement explaining how each of the findings can be made (see Exhibit "A" - Applicant's Submittal and Findings). Staff forwarded this statement to the Department of Conservation for review and comment.

### **COUNTY ASSESSOR REQUIREMENTS**

In accordance with Government Code Section 51283:

Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the current fair market value of the land as though it were free of the contractual restriction. The assessor shall certify to the board or council the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the assessor shall send a notice to the assessed indicating the current fair market value of the land as though it were free of the contractual restriction. The notice shall advise the assessed of the right to appeal the fair market value of the land under Section 1605 of the Revenue and Taxation Code and that the appeal shall be filed within 60 days of the date of mailing printed on the notice or the postmark date therefor whichever is later.

Prior to giving tentative approval to the cancellation of any contract, the board or council shall determine and certify to the county auditor the amount of the cancellation fee that the landowner shall pay the county treasurer upon cancellation. That fee shall be an amount equal to 12 ½ percent of the cancellation valuation of the property.

The Assessor has determined the cancellation valuation of 114.8 acres to be \$1,198,000. The cancellation fee (12½%) would be \$149,750 (see Exhibit I).

### **Parcel Map**

This project includes a request to subdivide the 200+ acre project site into four parcels: Parcel "1": 63.69-acres; Parcel "2": 51.11-acres; Parcel "3": 42-acres; and Parcel "4": 42.87-acres. The project is proposing to redesignate parcels "1" and "2" to Planned Development (PD). Parcels "1" and "2"

are considered to be "Urban and Built Up Land" according to the Department of Conservation's Farmland Mapping and Monitoring Program. The applicant wishes to split these two parcels in half for future sales and financial reasons, to bestow the property to his children, or at a future date, sell the property to the neighbor. The main desire would be to keep the two properties in the family. Finally, the properties are also proposed to have their own separate water sources.

Agricultural uses are proposed to remain on the northern parcels; proposed parcels "3" and "4". The northern parcels will retain access to existing irrigation facilities and be planted in row crops or orchard. Parcels "3" and "4" are considered to be "Farmland of Statewide Importance" and "Prime Agricultural Land" according to the Department of Conservation's Farmland Mapping and Monitoring Program. Staff is requesting as a Development Standard, some barrier or fence to separate the Planned Development portion of the project, parcels "1" and "2" from the agricultural portion of the project, parcels "3" and "4" (see Development Standard No. 26).

All proposed parcels will have legal and physical access to a county-maintained road via Gaffery Road and 30-foot access easements as required. Thirty-foot access easements can be found along the southern border of Parcel 1, a 60-foot wide road also connects to Parcel 4, and Parcel 3 has a 30-foot access easement on the eastern border of Parcel 2. The entrance to the Sun Dry operation has a width of 75 feet on Parcel 2, and Parcel 1 has a 170 foot width.

If the proposed Planned Development (PD) is approved, proposed parcels "1" and "2" will be consistent with the adopted development plan for the PD. Proposed parcels "3" and "4" are currently designated, and propose to remain designated, Agriculture on the County General Plan and zoned A-2-40 (General Agriculture). Proposed parcels "3" and "4" are currently enrolled, and propose to remain enrolled, under a Williamson Act contract. The discussion to follow applies only to proposed parcels "3" and "4" if the proposed general plan amendment, rezone, and Williamson Act cancellation are approved for parcels "1" and "2". However, if these other applications are denied, the following analysis of the Williamson Act may be applied to all four proposed parcels if the applicant wishes to have the parcel map request considered independently of the other requests.

Under the Williamson Act, lands are presumed to be too small to sustain their agricultural use if the lands are less than 40 acres in size in the case of non-prime agricultural land; 10 acres in size in the case of prime agricultural land; or the subdivision will result in residential development not incidental to the commercial agricultural use of the land. This project will not conflict with any bonafide agricultural activities in the area and/or other lands enrolled under the Williamson Act. The proposed parcels will be restricted by the General Agriculture (A-2) zoning district to on-site residential development which is incidental to the agricultural use of the land and will not diminish the agricultural viability. All parcels will remain enrolled under the existing Williamson Act Contract. Staff believes that the proposed map will not result in residential development that could be considered not incidental to the commercial agricultural use of the land, specifically because, at this point, no residential development is proposed and two of the three parcels currently contain single-family dwellings.

The current zoning (A-2-40) allows only one single-family residence per parcel on all parcels that meet or exceed the minimum area requirements of the zoning district. In addition, a second dwelling may be allowed on parcels greater than 20 acres as long as the placement of the second dwelling is designed in such a way as to minimize disruptions of agricultural land and to take maximum advantage of existing facilities, including utilities and driveways. (County Code 21.20.020(B))



In addition, staff has instituted a process by which all building permit applications submitted for any new structures (including new single-family houses) on Williamson Act properties, must be accompanied by a signed Landowners Statement that verifies compatibility with the Williamson Act contract. The Landowners Statement further acknowledges that, pursuant to AB1492, severe penalties may arise should the County or the Department of Conservation determine in the future that the structure is in material breach of the contract.

The statement specifically requires the landowner to verify that:

1. The activity, use, or construction as proposed will be conducted in such a way as to maintain the agricultural viability of the parcel.
2. They are aware of the provisions of the Williamson Act (Section 51250 of the California Government Code) and of the allowable uses on Williamson Act properties as defined by Stanislaus County Code and the Stanislaus County Uniform Rules governing Williamson Act properties.
3. They understand that AB1492 (Govt. Code Section 51250) defines specific and substantial financial penalties (up to 25% of the market value of the land and construction) if construction on the parcel is found by the County of Stanislaus or State of California to result in a material breach of the contract provisions.
4. They acknowledge that the Department of Conservation has indicated that: "Residences not incidental to an agricultural use are prohibited, and may trigger AB1492 penalties. These may include residences for family members not involved with the agricultural use, or residences constructed on contracted parcels with no commercial-agricultural use."
5. They acknowledge that the activity, use, or construction as proposed is of size and type that would not adversely affect the on-site or adjacent farming operations and understand that the County has a "right to farm" policy.
6. They understand that it is their sole responsibility as the landowner to ensure that all activities, uses, and construction on this parcel are in compliance with the provisions of the Williamson Act and Stanislaus County Code, and that those activities will not result in a material breach of the Williamson Act contract.

By requiring a separate review of the compatibility of each building permit application submitted on Williamson Act properties, staff can ensure that no structures are constructed that are not incidental to the agricultural use of the property.

Stanislaus County adopted an update to the Agricultural Element of the General Plan on December 18, 2007, which requires that a Condition of Approval requiring a "no build" restriction be placed on parcels of less than 160 acres in size that consist of unirrigated farmland, unirrigated grazing land, or land enrolled under the Williamson Act. The Parcel Map application is subject to conformance with the recently adopted Agricultural Element, notably Agricultural Element Policy 2.8 and Zoning Ordinance §21.20.050. A Condition of Approval has been placed on the project in order to ensure that each parcel shall be in conformance with these policies.

### **NATIVE AMERICAN TRIBES NOTIFICATION**

General Plan Amendments currently are required to be referred to the local Native American tribes. The Native American tribes have 90 days to ask local governments if they want to “consult” on these applications. This General Plan application was referred to the local tribes, none of which requested a consultation.

### **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 J, *Environmental Review Referrals*). The Initial Study that was circulated had some minor changes and added the proposed parcel map. Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption (see Exhibit E, *Initial Study* and Exhibit G, *Mitigation Monitoring Plan*).

### **RECOMMENDATION**

Staff recommends that the Commission forward the following recommendation to the Board of Supervisors for action:

1. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County’s independent judgement and analysis.
2. Adopt the Mitigation Monitoring Plan pursuant to CEQA Guidelines Section 15074(d).
3. 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.
4. In relation to the request for a Parcel Map, find:
  - A. The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
  - B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
  - C. The site is physically suitable for the type of development.
  - D. The site is physically suitable for the proposed density of development.

- E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.
  - G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
  - H. The resulting parcels following a subdivision of land are large enough to sustain their agricultural use.
  - I. The subdivision will not result in residential development not incidental to the commercial agricultural use of the land.
5. In relation to the request for a General Plan Amendment and Rezone, find:
- A. The General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - B. The County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service.
  - C. The amendment is consistent with the General Plan goals and policies.
  - D. Overall, the proposal is consistent with the goals and policies of the General Plan.
  - E. There is evidence on the record to show a demonstrated need for the proposed project based on population projections, past growth rates, and other pertinent data.
  - F. No feasible alternative site exists in areas already designated or planned for the proposed uses.
  - G. Approval of the proposal will not constitute part of, or encourage piecemeal conversion of a larger agricultural area to non-agricultural uses, and will not be growth-inducing (as used in the California Environmental Quality Act).
  - H. The proposed project is designed to minimize conflict and will not interfere with agricultural operations on surrounding agricultural lands or adversely affect agricultural water supplies.

- I. Adequate and necessary public services and facilities are available or will be made available as a result of the development.
  - J. The design of the proposed project has incorporated all reasonable measures, as determined during the CEQA review process, to mitigate impacts to fish and wildlife resources, air quality, water quality and quantity, or other natural resources.
  - K. The proposed Planned Development zoning is consistent with the proposed Planned Development General Plan designation.
  - L. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
6. In relation to the request to cancel a portion of Williamson Act Contract 75-1888, find:
- A. Find that, based on the discussion above and the whole of the record:
    1. A notice of non-renewal has been served,
    2. Removal of adjacent land from agricultural use is unlikely,
    3. The alternative use is consistent with the General Plan,
    4. Discontiguous patterns of urban development will not result, and
    5. There is no proximate non-contracted land, which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
  - B. That cancellation is in the public interest based on findings that: 1. Other public concerns substantially outweigh the objectives of Government Code, specifically as they relate to the expansion and continued operation of the Sun Dry facility; and 2. That there is no proximate non-contracted land, which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.
7. Accept the Cancellation Value of the Subject Property as determined by the County Assessor to be \$1,198,000.
8. Certify to the County Auditor the Cancellation Fee, which must be paid as deferred taxes to be 12½% of the accepted cancellation value or \$149,750.
9. Find that, based on all evidence presented including discussions in the Staff Report, in the Landowners Statements and Application Materials, the letters from Department of Conservation, and obtained in the Public Hearing, and based on the whole of the record, that the Cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.

10. Give tentative approval of Cancellation of Williamson Act Contract No. 75-1888 subject to payment of the Cancellation Fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State Law.
11. Direct the Clerk of the Board to Record a Certificate of Tentative Cancellation within 30 Days of this Action.
12. Direct the Clerk of the Board, within 30 Days of the Board action, to publish Notice of the Decision, Pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.
13. Approve Parcel Map Application No. 2008-11 and Approve to Rescission of All or a Portion of Williamson Act Contract No. 75-1888 and Approve a New Contract Pursuant to Parcel Map Application No. 2008-11 and Authorize the Planning Director to Execute a New Contract.
14. Approve General Plan Amendment Application No. 2007-04, subject to the attached Development Standards and Development Schedule.
15. Approve Rezone Application No. 2007-04, subject to the attached Development Standards and Development Schedule.

\* \* \* \* \*

**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 **\$2,050.00** for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Report written by: Sean D. Purciel, Associate Planner, March 5, 2009

- Attachments:
- Exhibit A - Applicant's Submittal, Findings, and response to Department of Conservation
  - Exhibit B - Project Maps
  - Exhibit C - Development Standards
  - Exhibit D - Property History
  - Exhibit E - Initial Study
  - Exhibit F - Mitigated Negative Declaration
  - Exhibit G - Mitigation Monitoring Plan
  - Exhibit H - Letter dated May 30, 2007, from the Department of Conservation
  - Exhibit I - Cancellation Value Letter dated February 23, 2009 from the Stanislaus County Assessor's Office
  - Exhibit J - Environmental Review Referrals

**SUN DRY PRODUCTS, INC.**  
(REZONE APPLICATION - PROJECT DESCRIPTION)

This rezone (Planned Development) application is being submitted as part of a cooperative effort between Sun Dry Products, Inc. ("Sun Dry") and Stanislaus County planning officials to create and maintain consistency between land use approvals and present and planned or potential future uses, activities and operations at Sun Dry's property in the western part of Stanislaus County.

The rezone application is accompanied by an application for approval of a parcel map and an application for partial cancellation of a Williamson Act contract.

Sun Dry's property includes the site of the former Vernalis U.S. Naval Auxiliary Air Station, (with runway and taxi way improvements still existing), and is therefore distinct and different from other agriculturally zoned properties in Stanislaus County. For a number of years Sun Dry has operated a multi-faceted recycling, reclamation and re-use processing operation under a County-issued conditional use permit (processed through the Planning Department) and County-issued Recycling Facility Permits (issued through the Department of Environmental Resources). Other permits applicable to operation of the facility have included an industrial hauler permit (issued to Jim Davis/Davis Pacific by Stanislaus County), a commercial feed license (from the California Department of Food and Agriculture), and a demolition process permit (from the California Integrated Waste Management Board). Other state agencies which regulatory jurisdiction over Sun Dry's facility and its operations are the San Joaquin Valley Air Pollution Control Board and the Central Valley Regional Water Quality Control Board.

The Sun Dry property has had a Williamson Act contract since about 1975.

Within the recent past, portions of Sun Dry's property (about 117 acres) have been sold. Those portions of the property, both before and after the sale, have been used for composting activities by Grover Landscape Services, Inc. Grover's composting operations have been the subject of separate state and county permit proceedings. Only the remainder of Sun Dry's property, approximately 200 acres, is the subject of the Planned Development application.

To ensure ongoing zoning consistency and compliance, Sun Dry seeks approval of a Planned Development which will serve as an umbrella-type approval under which Sun Dry can conduct and maintain activities generally associated with handling, processing and creating viable end uses for by-product materials, reclaimed materials, and recycled materials, most of which have front-end and/or back-end uses that are ag-related. While at Sun Dry's property, various products and materials are subjected to a

number of difference potential processes, including solar drying, milling, screening, composting, blending, grinding, bagging, sorting, shredding, and commodity stockpiling and storage.

More specifically, the current and/or potential recycling processes Sun Dry desires to include within its application are:

- Processing agriculture-related by-products
- Processing wood-related by products
- Processing green waste
- Processing of landscape materials
- Processing of soil amendments
- Processing of animal feed products
- Processing bio-mass fuel material
- Composting
- Processing demolition debris (existing CIWMB permit)
- Limited tire recycling *transferring / cutting*
  
- Recycling and repair of wood pallets
- Worm castings
- Recycling of concrete and asphalt materials
- Equipment parking and storage

There are a number of benefits associated with Sun Dry's processing of food residues and organic and inorganic materials and by-products, including: (1) reduction in landfill loading, (2) production of animal feeds and animal bedding, (3) production of bio-mass fuel; (4) production of landscape materials, and (5) production of soil amendments.

Sun Dry plans to continue using currently installed building improvements and may be constructing other improvements, possibly including storm water collection ponds and materials storage facilities, in conjunction with permitting oversight and permitting by the Central Valley Regional Water Quality Control Board.

Sun Dry has filed and recorded a Notice of Non-Renewal of the Williamson Act contract, and will apply for at least partial cancellation of the contract in connection with the application for Planned Development approval. Sun Dry will also be submitting a parcel map application, through which Sun Dry desires to divide its property into three parcels, all of which would be covered by Planned Development approvals and conditions.

Regarding the Williamson Act contract cancellation request, the following findings should be able to be made:

- (1) Sun Dry's proposed planned development uses will continue activities, processes and operations that are largely ag-related, even though a good portion of those activities, processes and operations are presently occur on land that, while zoned agriculture, is marginally productive at best for traditional agricultural uses. As such, Sun Dry's proposed use will not significantly compromise the long-term productive agricultural capability of the subject property. Nor will it significantly compromise the long-term productive capability of the former Sun Dry property now used by Grover Landscape Services, Inc. or other contracted lands in the A-2 zoning district.
- (2) For the same reasons, Sun Dry's proposed planned development uses will not significantly displace or impair either current or reasonably foreseeable agricultural operations on the subject property or on other contracted lands in the A-2 zoning district.
- (3) Finally, there is no indication that Sun Dry's proposed planned development uses will result in the significant removal of adjacent contracted land from agricultural or open-space use.

Operating Hours:

Sun Dry currently operates and seeks approval for the continuation of operating hours that are 24 hours a day, 365 days per year.

Number of Employees:

It is estimated that Sun Dry operations could employ 20-30 people when the facility is developed to its highest and most beneficial potential.

Customers:

Sun Dry's facility currently provides, and would continue to provide, an appropriate "home" for many different types of by-products and materials that can be reclaimed and recycled. The materials come from a number of different locations and sources, with most of the materials being transported and delivered to the facility by third-party haulers.



SUN DRY PRODUCTS, INC.  
(REZONE APPLICATION - DEVELOPMENT SCHEDULE)

Sun Dry Products, Inc. plans to continue with activities and operations that have been taking place under the Recycling Facility Permits that have been issued by the Stanislaus County Department of Environmental Resources. Those activities and operations will continue to take place at existing facilities and structures, but Sun Dry would hope to obtain and have sufficient latitude through approval of the Planned Development to do repair, maintenance and remodeling work on those facilities and structures.

There is a possibility that through ongoing regulatory compliance work being done with the Central Valley Regional Water Quality Control Board, and possibly with the California Integrated Waste Management Board as well, that additional physical structures and improvements may be constructed. It is difficult to predict in advance exactly when those improvements may need to be constructed.

Operating Hours:

Sun Dry currently operates and seeks approval for the continuation of operating hours that are 24 hours a day, 365 days per year.

Number of Employees:

It is estimated that Sun Dry operations could employ 20-30 people when the facility is developed to its highest and most beneficial potential.

Customers:

Sun Dry's facility currently provides, and would continue to provide, an appropriate "home" for many different types of by-products and materials that can be reclaimed and recycled. The materials come from a number of different locations and sources, with most of the materials being transported and delivered to the facility by third-party haulers.

## DEMENSIONS OF PROPERTY (200 ± Acres)

EAST BOUNDARY: Begins at N.E. corner, goes south for 3,300 feet, jogs west for 300 feet, then continues south for 470 feet.

SOUTH BOUNDARY: Begins at S.E. corner, goes west 325 feet.

WEST BOUNDARY: Begins at S.W. corner, continues N.W. for 4,600 feet.

NORTH BOUNDARY: Begins at N.W. corner, continues N.E. 800 feet, jogs E.N.E. for 350 feet, then continues east for 2782 feet, ends at N.E. corner.

## LIST OF EXISTING BUILDING WITH DEMENSIONS OF EACH BUILDING

1. Shop	96x150 =	14,400
2. Mill	80x125 =	10,000
3. Office	14x50 =	700
4. Metal Storage Building	45x50 =	2,250
5. Concrete Block Storage Building	24x42 =	1,008
6. Mobile Home #1	20x60 =	1,200
7. Mobile Home #2	24x60 =	1,440
8. Garage	27x60 =	1,620
		<hr/>
	TOTAL SQUARE FOOTAGE	32,618

# **WILLIAMSON ACT FINDINGS STATEMENT**

Tentative Parcel Map Application  
A.P.N. 016-003-003 and 265-01-20  
SUN DRY PRODUCTS Inc.,  
3401 GAFFERY ROAD  
WESTLEY CA.. 95387

1. The proposed project will not significantly compromise the long-term productive agricultural related capability of the subject contracted parcel, an Application has been submitted for a zone change to Planned Development, a notice of non-renewal for the Williamson Act has been filed. The current parcel is 199.7 Acres of land. The current use is agricultural related and has been for a number of years in as much as it is a multi-faceted recycling , reclamation and re-use processing operation.
2. The intended use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel as the current use of the contracted parcel is not intended to change.
3. The use will not result in the significant removal of adjacent contracted land from agricultural or open space use and in fact will not result in the removal of any adjacent contracted land from agricultural use or open space use. All adjacent contracted lands will remain in agricultural use.

# FINDINGS STATEMENT

## TENTATIVE PARCEL MAP APPLICATION

A.P.N. 016-003-003

SUN DRY PRODUCTS INC.,

3401 GAFFERY ROAD

WESTLEY, CA. 95387

The Proposed Project is consistent with applicable general and specific plans. This Project will not change the intent or content of the general plan designation for this property.

B. The design **is consistent** with applicable general and specific plans. The new Parcels will not conflict with County Policies.

C. The site **is physically suitable** for the proposed density of development. The zoning for this property is A-2-40. The zoning will allow three Parcels to be created. All parcels meet the requirements of minimum lot size.

D. The site **is physically suitable** for the type of development. The current land use in this area by permit from Stanislaus County consists of a multi-faceted recycling, reclamation, and re-use processing operation under a County issued conditional use permit, which is consistent with the planned development and is Agriculture related.

E. The design or the proposed improvements **will not** cause substantial environmental damage or substantially avoidable injure to fish or wildlife or their habitat. The development that will occur from this Project will create three parcels on an existing reclamation site. The proposed improvements **will not pose** a threat to wildlife.

F. The design and the type of improvements **will not** cause serious public health problems. Due to the character and location of this project, public health problems **are not anticipated**. The planned improvements are consistent with the permit as issued by the County of Stanislaus.

G. The design or improvements **will not conflict** with easements, acquired by the public at large, for access through or use of the property.

H. There are no Public Easements on this property.

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MICHAEL C. NORMOYLE, ESQ.  
*Legal Counseling and Advocacy*

September 25, 2008

**HAND-DELIVERY**

Sean Purciel  
Associate Planner  
Stanislaus County Department of Planning and  
Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Re: Sun Dry Products, Inc.

Dear Sean:

I am writing on behalf of Sun Dry Products and its President, Jim Davis, to address matters pertaining to a May 30, 2007 letter sent to Joshua Mann from Dennis O'Bryan of the California Department of Conservation (DOC). In that letter the DOC raised questions and concerns about the portion of Sun Dry's then-pending application to Stanislaus County that included a proposed cancellation of Williamson Act Contract No. 75-1888.

As you aware, but the DOC perhaps is not, significant changes have been made to the application that will now be processed by the County. Specifically, a parcel map component has been added and the proposed cancellation of the Williamson Act Contract will now pertain to only two of the four parcels being created, cutting significantly both the size and impact of any cancellation. Not knowing for sure whether the DOC's questions and concerns would be voiced in the same manner to the modified application, we think it is helpful to comment on the DOC's earlier letter in light of what we know about the current state of the application.

At the time DOC's letter was written, the Sun Dry application sought a General Plan Amendment and Rezone, along with a Williamson Act cancellation, for almost 200 acres (the entire area covered by the application). Prior to the submission of the application questions had arisen about whether all of the recycling activities at Sun Dry

Sean Purciel  
September 24, 2008  
Page Two

were consistent with the provisions of its use permit and the Williamson Act Contract, and the suggestion from the County was that a new application should be submitted to update the General Plan and zoning designation for the property and – assuming the new designations would cover the entire 200+ acreage – address the issue of whether the Williamson Act Contract should be cancelled. It was not the original idea of Sun Dry to cancel the contract entirely, but Sun Dry agreed with the County that cancellation of the contract would be a way to possibly eliminate any questions about whether it would be appropriate for the contract to continue in light of the possible grant of new land use entitlements from the County.

As referenced above, the Sun Dry application now includes a request for approval of a parcel map which would partition the approximately 200 acres into four (4) parcels. Of the four parcels, two parcels (Parcel 4, consisting of 56.00 +/- acres and Parcel 3, consisting of 40.64 +/- acres) will remain in and available for continued agricultural use. Since both of these parcels will remain in agricultural use and none of Sun Dry's recycling activities will take place on either of these parcels, the request for Williamson Act Contract cancellation will be revised to exclude the acreage associated with those two parcels. The remaining two parcels (Parcel 1, consisting of 49.48 +/- acres, and Parcel 2, consisting of 53.54 +/- acres) contain the land where the recycling activity has been taking place and will continue take place in the future. Parcels 1 and 2 also contain the land where large amounts of the acreage were historically associated with operation of a military air station (including landing strips and taxiways) and where the land has never been committed to any type of traditional crop or tree-growing ag-related uses.<sup>1</sup>

It also needs to be pointed out that during recent years significant portions of the property owned previously by Sun Dry Products, Inc. (i.e. a total of 117 acres thus far) has been sold to the owner of Grover Landscaping, Inc. a large, successful and well-regarded composting operation. The Grover holdings will be increased with Grover's acquisition of Parcel 4 (the 56.00 +/- acre parcel). This will provide further assurance that properties adjacent to the Sun Dry property are not likely to be removed from agricultural use.<sup>2</sup>

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<sup>1</sup> Objective reality brings into question the appropriateness of describing these approximately 103 acres as "Prime Farmland" or of suggesting that changing the land use designation of the 103 acres to PD (when the use of the property will remain the same) results in a "loss of agricultural land."

<sup>2</sup> In addition to the Grover holdings, other uses in the area include fairly new to well-established orchards and vineyards and land that is or will be devoted to large sand and gravel mining operations.

With the significantly modified nature of the its application, Sun Dry believes that findings for cancellation of the Williamson Act contract can be made as to the approximately 103 acres included in Parcels 1 and 2. More specifically, referencing the criteria discussed in the DOC letter:

**Cancellation Is Consistent With The Purposes Of The Williamson Act:**

- (1) Notice of Non-Renewal Has Been Served: The DOC letter notes that the notice has already been recorded (February 2007). This finding clearly can be made.
- (2) Removal Of Adjacent Land From Agricultural Use Is Not Likely: Sun Dry's revised application lessens (by about half) the amount of land that would be subject to cancellation. The sale to Grover insures that Parcel 4 will remain in agricultural use and Sun Dry is willing to commit to continued agricultural use of Parcel 3. Since the application will not result in the introduction of a new use, and since levels of activity and traffic associated with Sun Dry's operations are already established, there is no reason to believe -- and no evidence to support the conclusion -- that approval of the applications will likely result in the removal of any adjacent land from agricultural use, that adjacent lands will be somehow encouraged to convert to non-agricultural uses, or that Sun Dry's development proposal (which essentially is to continue what it has been doing) or partial cancellation of the contract somehow increases "premature development pressures on neighboring agricultural properties." It would be one thing if the entitlements introduced materially different kinds or quantities of activities or impacts but that simply is not the case here. .
- (3) Alternative Use Is Consistent With County's General Plan: The DOC letter notes that General Plan consistency will be created when the changes requested by Sun Dry are approved by the County.
- (4) Discontiguous Patterns Of Urban Development Will Not Result: The General Plan Amendment and Rezone application, as revised, involves significantly less acreage than before. No request is being made now for the change of zoning for Parcels 4 and 3 for the current A-2-40 designation. Moreover, if granted the applications will not result in the introduction of any new use and will not result in the creation of any new,

potentially discontinuous or leap-frogging pattern of urban development. To the contrary, the applications, if granted, will merely place a new General Plan and zoning designation on what is a long-established existing use and operation.

- (5) There Is No Available And Suitable Proximate Non-Contracted Land For The Use Proposed On The Contracted Land: Sun Dry's business activities utilize and are significantly dependent on the various existing improvements at the current premise. Key among them is the old air strip, which is about twenty (20) acres in size (plus taxi ways and roadways covering another 7-10 acres). There are no similar improvements anywhere in the County, much less proximate to Sun Dry's property, and it would be financially infeasible – even if permitted by the County and acceptable to neighboring landowners – for other structures and improvements currently at the property to be relocated to another location.

**Cancellation Is In The Public Interest:**

- (1) Other Public Concerns Substantially Outweigh the Objectives of the Williamson Act: Neither the granting of Sun Dry's application for a new General Plan designation and zoning nor the cancellation of the current Williamson Act contract results in the introduction of a new use that would limit or deplete what is now "open space" or land in active "agricultural use." Quite the opposite: granting of the applications for appropriate land use entitlements eliminates possible inconsistencies between present uses of the property and those referenced in historical use permits, and cancellation of the Williamson Act contract eliminates possible inconsistencies between the continued use of land for purposes accepted and permitted in the past but perhaps questionable to the DOC if the contract were to remain in place. Most importantly, it would bring this important recycling facility into full regulatory alignment and allow for the continued operation of a valuable and unique recycling facility which cannot realistically be relocated to any other proximate property. It also bears mentioning that it should be deemed to be in the best interest of the



Sean Purciel  
September 24, 2008  
Page Five

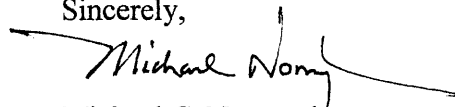
applicant and the general public for the business to remain at the current location where it can complete significant in-progress capital improvements that are part of Sun Dry's regulatory commitment to the California Regional Water Quality Control.

- (2) There Is No Proximate Non-contracted Land Which Is Available And Suitable For The Use Proposed On the Contracted Land: See (5) above; answer would be the same.

Sun Dry Products, Inc. inherited the Williamson Act Contract at issue here. It is questionable, given the history of a property where significant portions have never been in "open space" or traditional agricultural uses, whether a contract covering the entire property should have been approved in the first place. But it was. Sun Dry's preference probably would be to have the contract terminate over time, through completion of the notice of non-renewal process. This is not a case where the impetus for cancellation was generated by the applicant and certainly not a case where the request for cancellation is being made because "development is desirable or profitable for the landowner" and the landowner wants to introduce a use that may eliminate open space or terminate viable agricultural activities. In this case, where the request is being made largely to eliminate potential conflicts between historical uses, present uses and future uses of the property which may be acceptable to the County but arguably inconsistent with the DOC's notion of what constitutes permissible "agricultural" activity on property covered by a contract, Sun Dry believes that it is in the best interest of all concerned – the public, the County, the Department of Conservation, and Sun Dry – to have the contract kept in place as to Parcels 3 and 4 but cancelled as to the acreage included in Parcels 1 and 2 on parcel map.

Sun Dry believes that the County can and should make the findings in support of the limited cancellation now being requested. Sun Dry stands ready to address any questions the County may have, and we thank you for your continuing cooperation and assistance with the processing of Sun Dry's application.

Sincerely,



Michael C. Normoyle

cc: Mr. Jim Davis for Sun Dry Products, Inc.

GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# LARGE AREA MAP

Project  
Location

016-003-009

KOSTER RD

GAFFERY RD

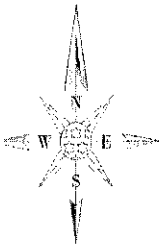
WELTY RD



San Joaquin County

32

EXHIBIT B



GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# AREA MAP

Project  
Location

016-003-009

San Joaquin County

KOSTER RD

GAFFERY RD

WELTY RD



33

EXHIBIT B-1

GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# ACREAGE

Project Location

San Joaquin County

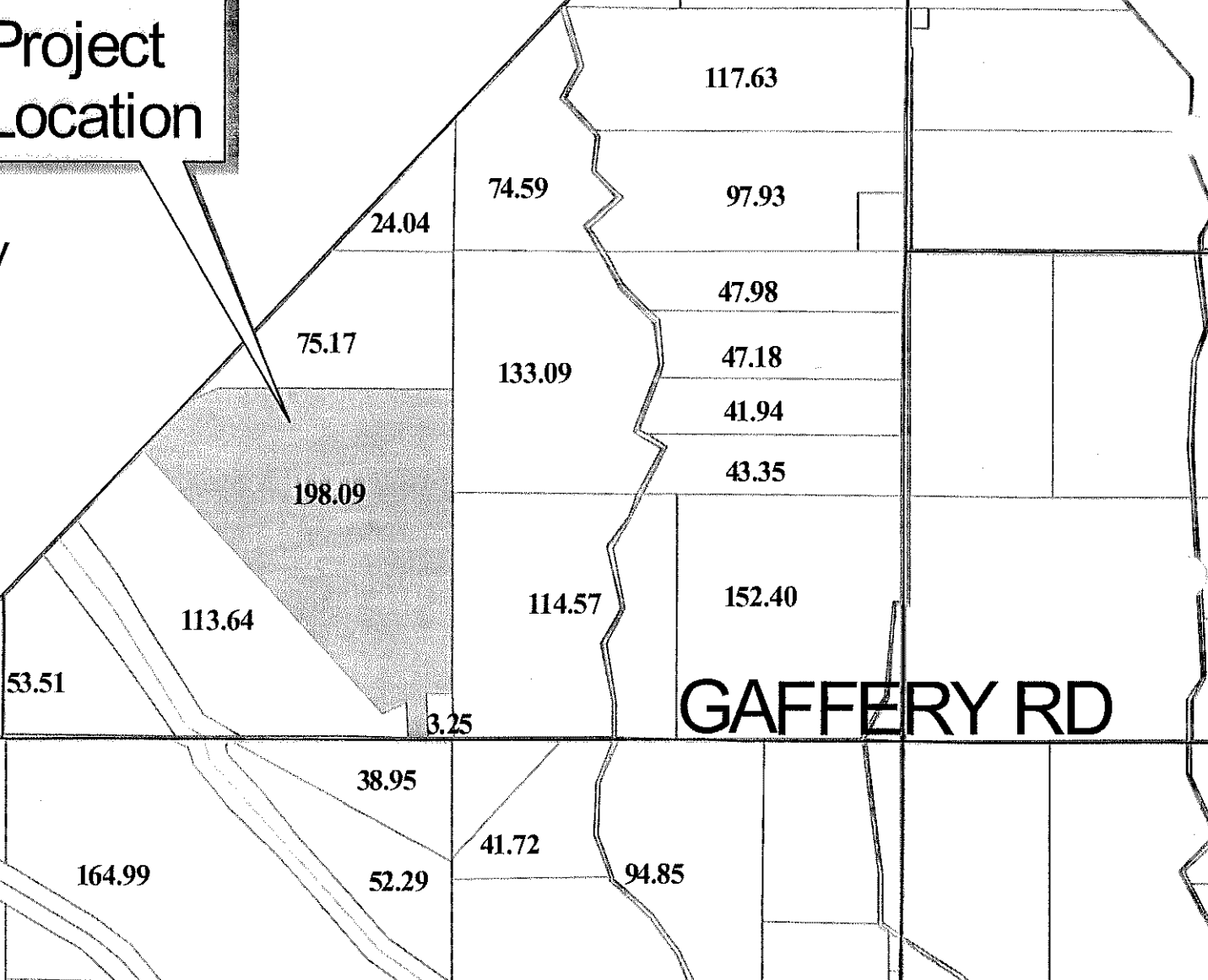
KOSTER RD

GAFFERY RD



EXHIBIT B-2

34



GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# GP/ZONING DESIGNATION

SPENCER RD

Project  
Location

A-2-40

San Joaquin County

016-003-009

# AGRICULTURE

GAFFERY RD

KOSTER RD

WELTY RD

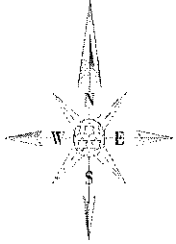


EXHIBIT B-3

15  
15

GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# PROPOSED GENERAL PLAN

San Joaquin County

Parcel "2" Parcel "3"  
**AGRICULTURE**

**PLANNED  
DEVELOPMENT**

GAFFERY RD

36

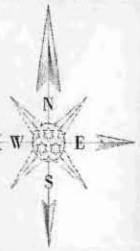


EXHIBIT B-4



GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# PROPOSED ZONING

San Joaquin County

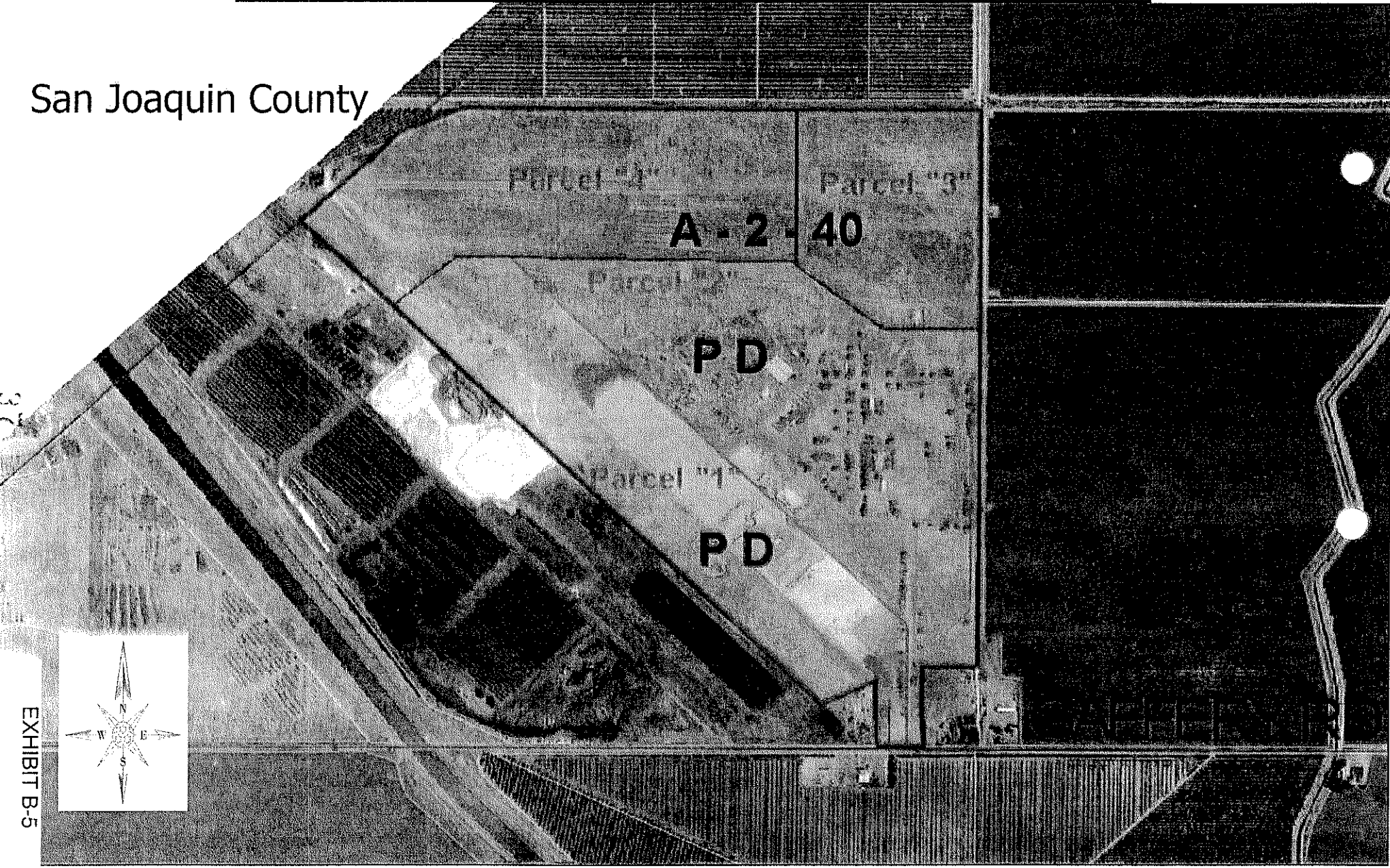


EXHIBIT B-5

GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# AERIAL PHOTO



38

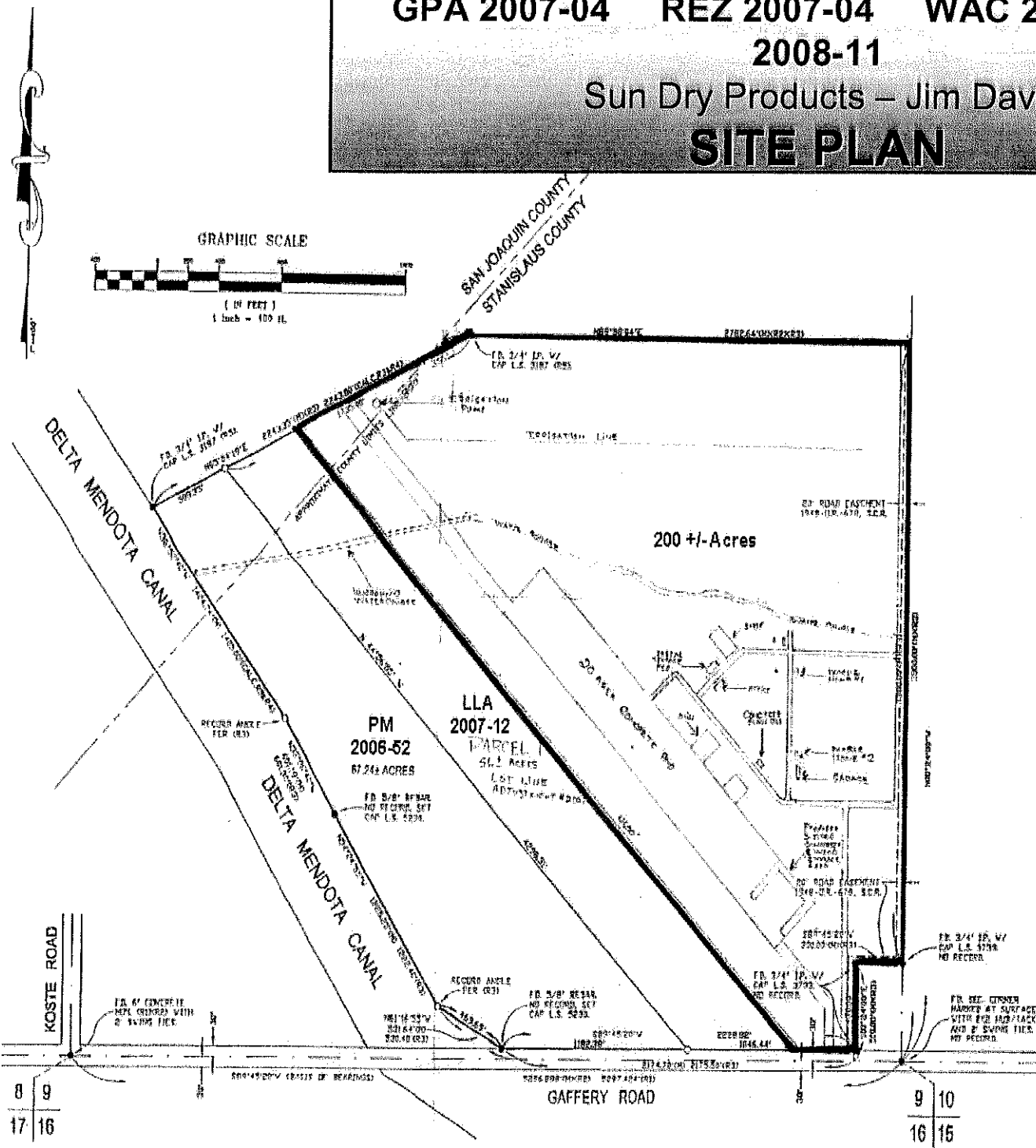
EXHIBIT B-6



2008-11

Sun Dry Products – Jim Davis

# SITE PLAN

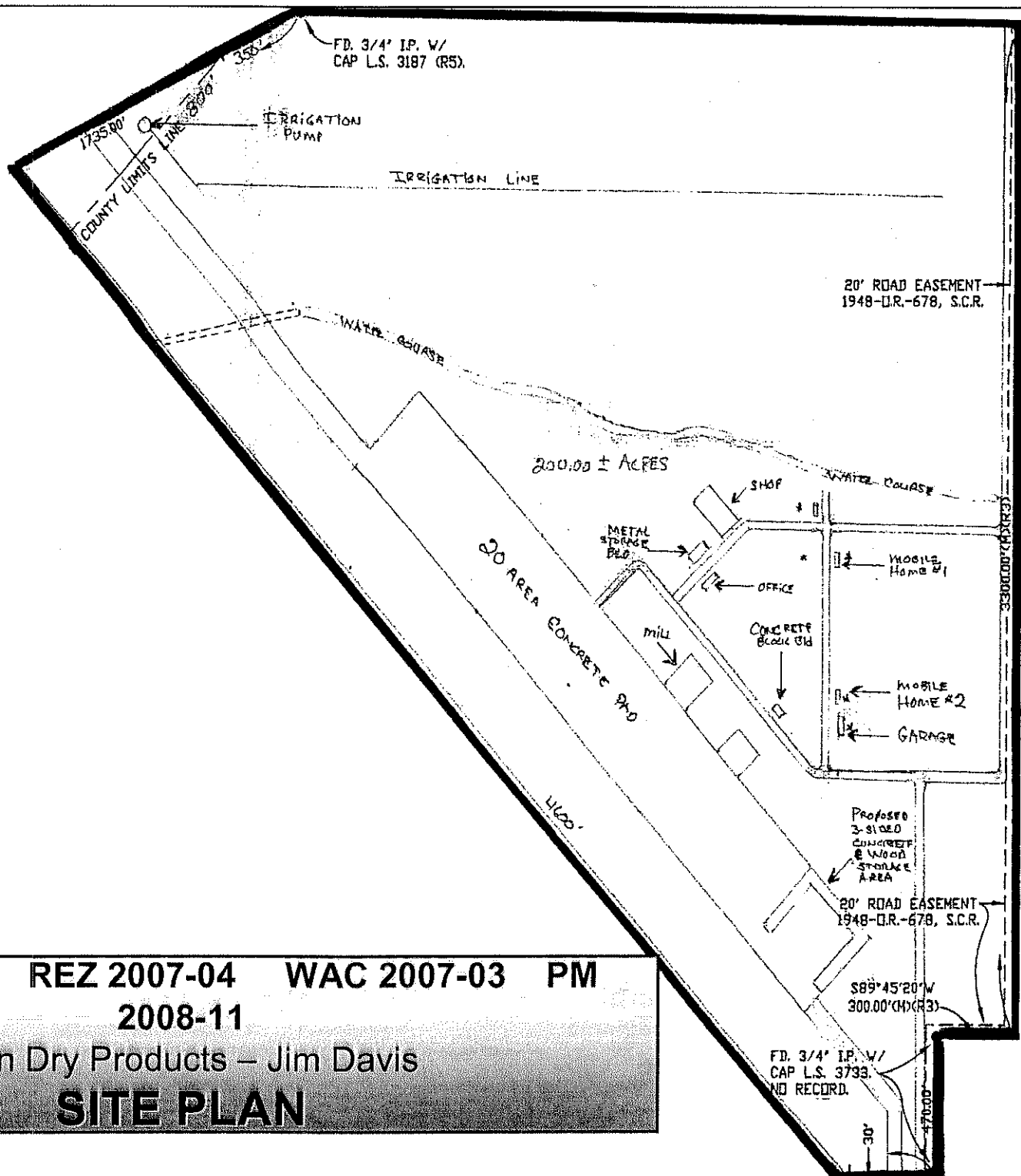


33

EXHIBIT B-7

8	9
17	16

9	10
16	15



40

GPA 2007-04 REZ 2007-04 WAC 2007-03 PM  
2008-11  
Sun Dry Products – Jim Davis  
**SITE PLAN**

EXHIBIT B-8

GPA 2007-04

REZ 2007-04

WAC 2007-03

PM 2008-11

Sun Dry Products – Jim Davis

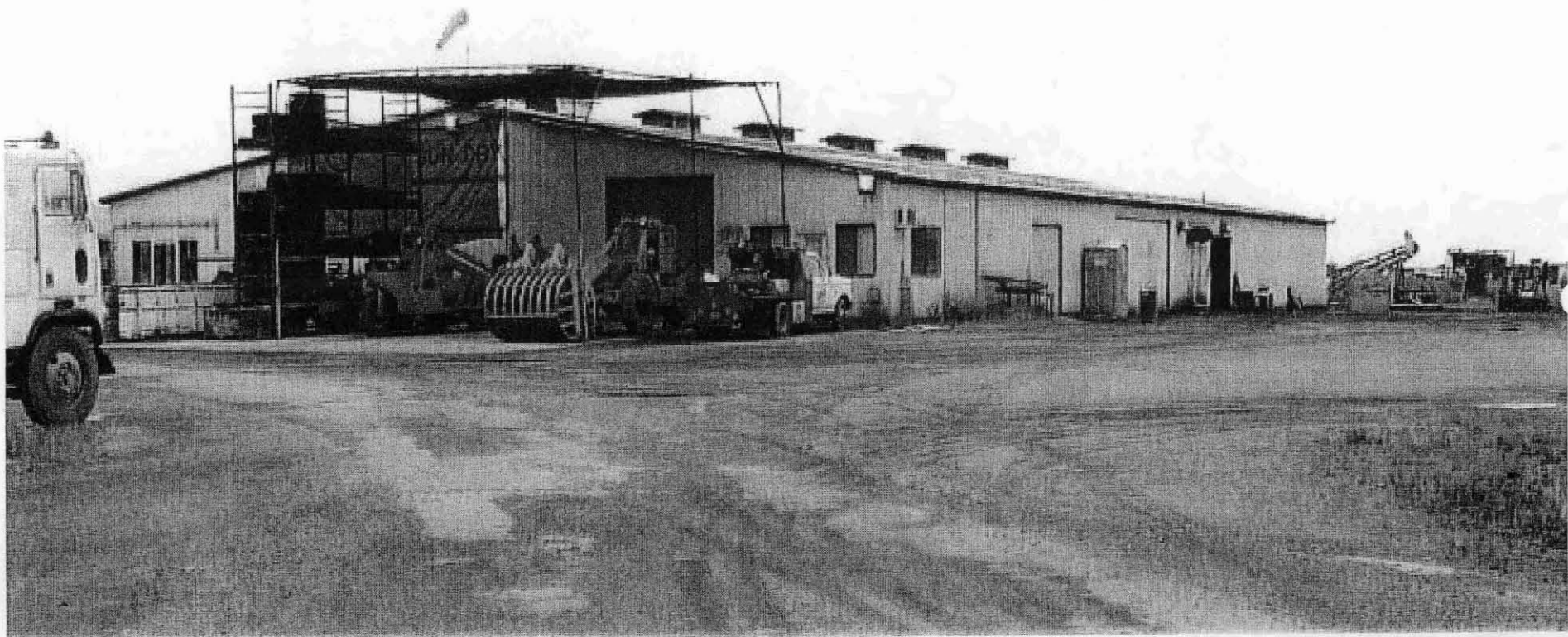
## PROJECT PHOTOS



**GPA 2007-04   REZ 2007-04   WAC 2007-03   PM 2008-11**

**Sun Dry Products – Jim Davis**

**PROJECT PHOTOS**

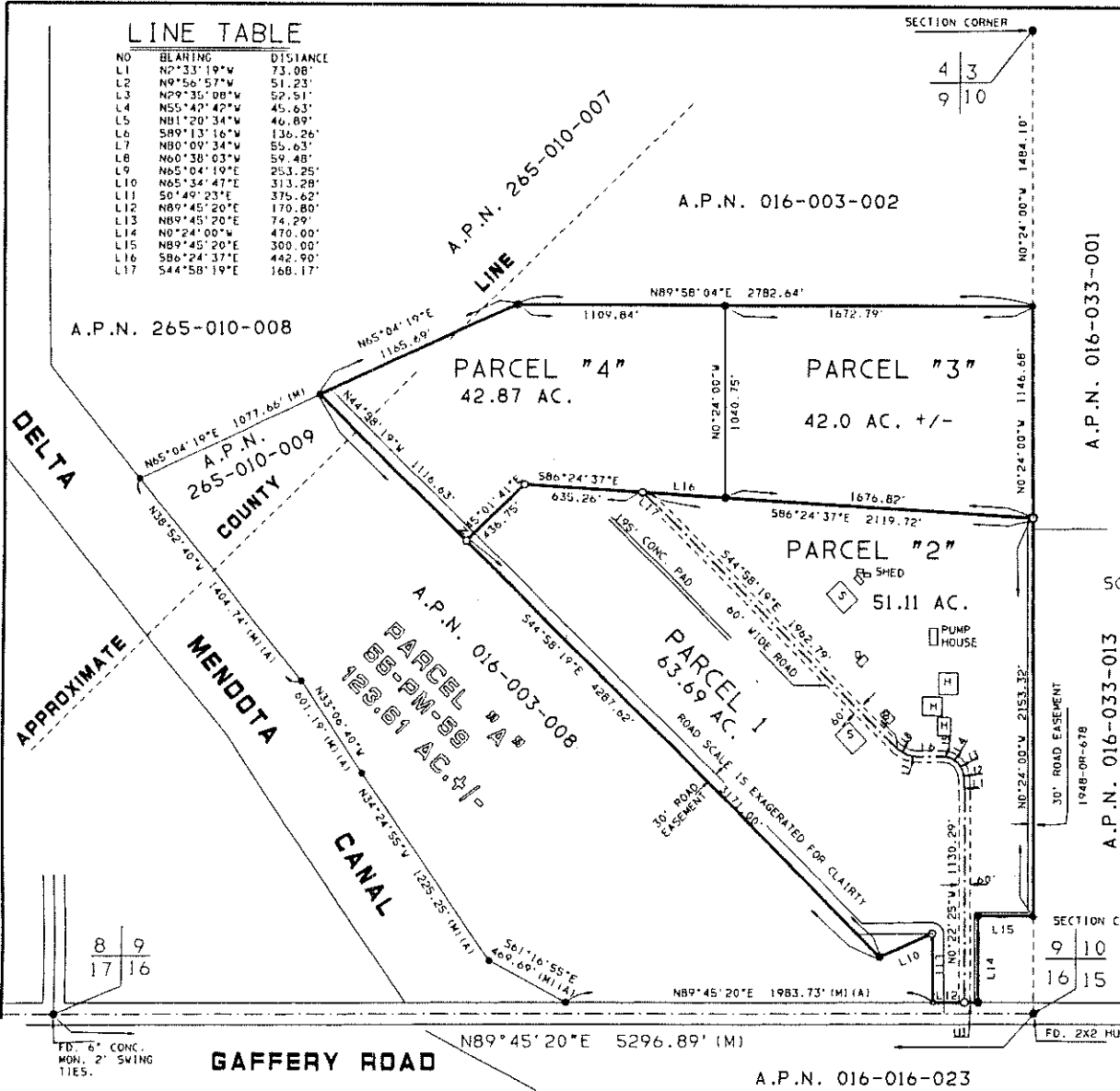


42

EXHIBIT B-10

**LINE TABLE**

NO	BLAZING	DISTANCE
L1	N2°33'19"W	73.08'
L2	N9°56'57"W	51.23'
L3	N29°35'08"W	52.51'
L4	N53°42'42"W	45.63'
L5	N81°20'34"W	46.89'
L6	S89°13'16"W	136.26'
L7	N80°09'34"W	55.63'
L8	N60°38'03"W	59.48'
L9	N65°04'19"E	253.25'
L10	N65°34'47"E	313.28'
L11	S0°49'23"E	375.62'
L12	N89°45'20"E	170.80'
L13	N89°45'20"E	74.29'
L14	N0°24'00"W	470.00'
L15	N89°45'20"E	300.00'
L16	S86°24'37"E	442.90'
L17	S44°56'19"E	166.17'



SECTION CORNER

4	3
9	10

**OWNER**

SUN DRY PRODUCTS INC.  
 (JIM DAVIS) PRESIDENT  
 3401 GAFFERY ROAD,  
 WESTELY, CA. 95387

A.P.N. 016-003-007

ZONING: A2-40

**LEGEND**

- H = HOUSE
- S = SHOP
- O = OFFICE

SCALE 1" = 400'

**TENTATIVE PARCEL MAP**

BEING A PORTION OF SECTION 9, T.4S., R.6E.,  
 M.D.M. STANISLAUS & SAN JOAQUIN COUNTIES, CA.

SCALE 1" = 400'

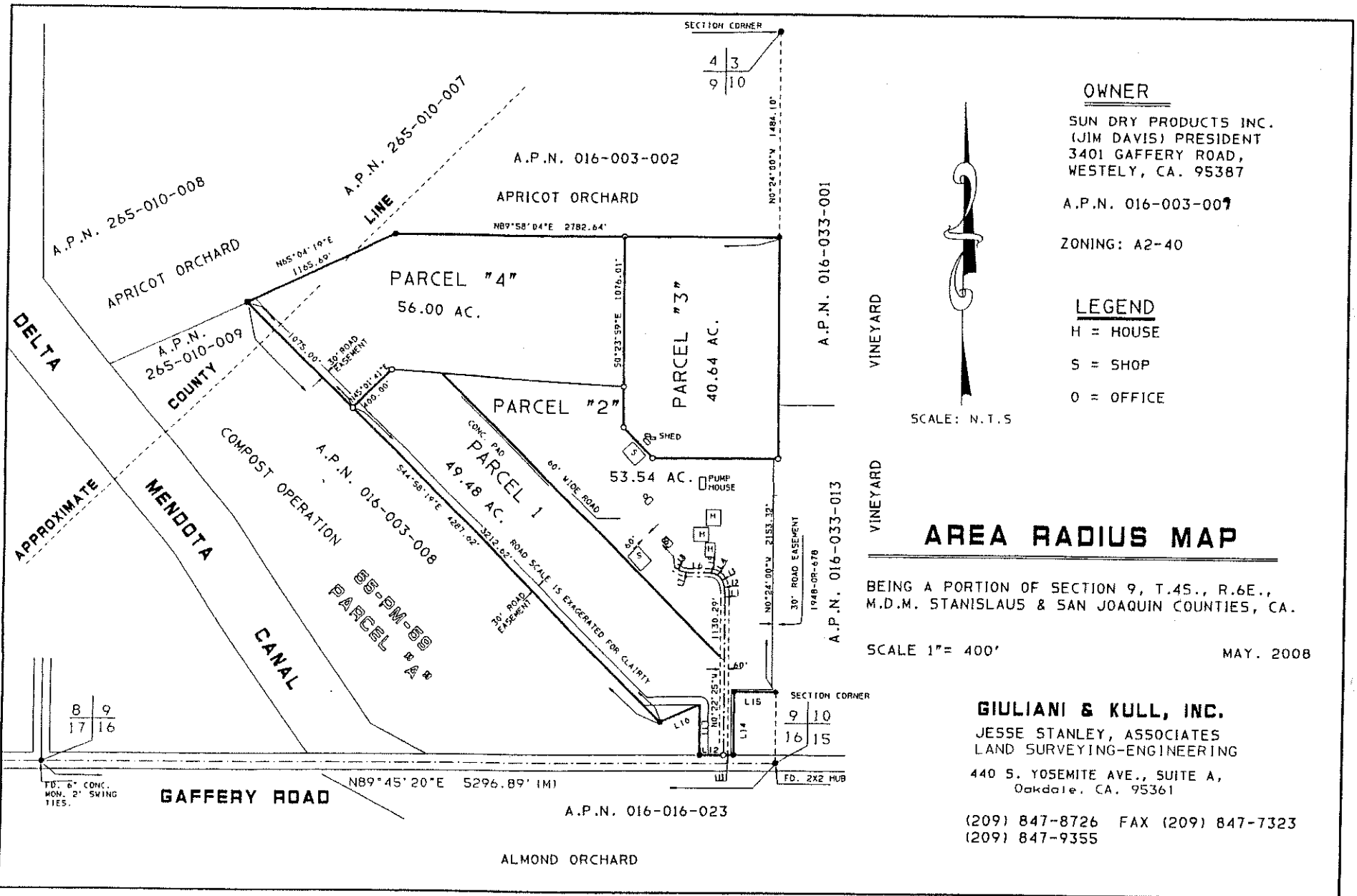
MAY, 2008

GIULIANI & KULL, INC.  
 JESSE STANLEY, ASSOCIATES  
 LAND SURVEYING-ENGINEERING  
 440 S. YOSEMITE AVE., SUITE A,  
 Oakdale, CA. 95361

(209) 847-8726 FAX (209) 847-7323

EXHIBIT B-1

DAVIS, ASC  
 SURVOR 112, PL



**OWNER**

SUN DRY PRODUCTS INC.  
(JIM DAVIS) PRESIDENT  
3401 GAFFERY ROAD,  
WESTELY, CA. 95387

A.P.N. 016-003-007

ZONING: A2-40

**LEGEND**

- H = HOUSE
- S = SHOP
- O = OFFICE



SCALE: N.T.S

**AREA RADIUS MAP**

BEING A PORTION OF SECTION 9, T.4S., R.6E.,  
M.D.M. STANISLAUS & SAN JOAQUIN COUNTIES, CA.

SCALE 1" = 400'

MAY. 2008

**GIULIANI & KULL, INC.**

JESSE STANLEY, ASSOCIATES  
LAND SURVEYING-ENGINEERING  
440 S. YOSEMITE AVE., SUITE A,  
Oakdale, CA. 95361

(209) 847-8726 FAX (209) 847-7323  
(209) 847-9355



## DEVELOPMENT STANDARDS

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04  
REZONE APPLICATION NO. 2007-04,  
PARCEL MAP APPLICATION NO. 2008-11  
WILLIAMSON ACT CANCELLATION NO. 2007-03  
SUN DRY PRODUCTS / JIM DAVIS**

***All adopted Development Standards shall apply to all phases of the project unless specifically noted***

### **Department of Planning & Community Development**

1. This project will be constructed and operated as described in the application information and plot plans submitted including submittals modifying the project in accordance with other laws and ordinances.
2. The applicants are 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 map as set forth in Government Code Section 66474.9. The County shall promptly notify the applicants of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
3. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect.
4. The applicant, and/or property owner(s), must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
5. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the Planning Director or his appointed designee prior to installation.
6. The applicant shall instal a physical barrier, to be approved by the Planning Director or his appointed designee, to separate the agricultural parcel from the non agricultural parcels, with in six months of approval
- ~~7. Prior to occupancy, a landscaping plan indicating the type of plants, initial plant size, location and method of irrigation shall be submitted and approved by the Director of Planning and Community Development prior to issuance of building permits. The project is required to install ten percent landscaping per the Standards of Landscape Design Implementation (F), *Commercial Landscaping* (new construction) and must be installed along both sides of the property prior to occupancy.~~
7. **Within 60-days of project approval, a landscaping and fencing plan shall be submitted and approved by the Director of Planning and Community Development, or his appointed designee, for the entrance onto Gaffery Road. The plan shall**

**indicate the type of plants, initial plant size, location and method of plant irrigation, fence type, and fencing location. Approved landscaping and fencing shall be installed within 120-days of project approval.**

~~8. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plants origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.~~

**8. The required landscaping shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of plant origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.**

~~9. The applicant 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. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger. The landscape and fencing plan will include installation of tall trees along the southern entrance of Gaffery Road.~~

**9. The applicant 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. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.**

10. All businesses (current & future) operating on-site shall obtain and maintain a valid business license. Application may be made with the Planning Department (Section 6.04 of the Stanislaus County Ordinance Code).

11. A "No Build" restriction on the construction of any residential development on ~~parcels 1-14~~ **proposed parcels "3" and "4"** shall be observed until the ~~parcels~~ **parcels are** no longer enrolled under a Williamson Act Contract or the following criteria are met:

A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.

B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

This condition shall also apply to proposed parcels "1" and "2" if the Parcel Map is the only portion of this project to be approved.



12. The final recorded map shall contain the following statement:

“All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”
13. 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 of a 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.
14. 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. Surveys are recommended for historic and prehistoric features if grading or construction is proposed.
15. 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 **\$1,993.00** for the Department of Fish and Game, and \$57 for the Clerk Recorder filing fees for a total of **\$2,050.00**. The check should be made out **Stanislaus County**.

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.
16. 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.
17. 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 stream-bed alteration agreements, permits or authorizations, if necessary.
18. 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.

19. 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.
20. 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.
21. The project shall be conducted as described in the application information, including revisions and responses to comments, as approved and in accordance with other laws and ordinances.
22. The project shall at all times comply with all requirements of, and obtain all necessary permits from the San Joaquin Air Pollution Control District, or any successor agency. All costs to the District associated with issuance of approvals and or monitoring compliance shall be paid by the applicant, in a manner approved by the District.
23. The project shall at all times comply with all requirements of and obtain all necessary permits including a Solid Waste Facility Permit if deemed necessary by the Department of Environmental Resources. Any and all costs to DER associated with issuance of approvals and or monitoring compliance shall be paid by the applicant, in a manner approved by the DER.
24. The project shall comply with all requirements of the California Regional Water Quality Control Board and any other state-regulating agency, which may have the authority over the project.
25. The applicant shall obtain the necessary Waste Discharge Permit form the California Regional Water Quality Control Board prior to the importation of any contaminated soil.
26. Each parcel shall have an approved independent water supply. Prior to issuance of any building permit, each parcel shall have its own well, or the applicant will have a recorded agreement, which will indicate that utilization of existing water supplies are available via existing pumps and wells.
27. The applicant shall install a barrier, such as concrete traffic median barriers, or a fence similar to the one separating the Grover Landscape Service Property, to separate the Planned Development property from the Agricultural portion of the project. The Planned Development and operations shall not overflow onto the new agricultural properties.

**San Joaquin Valley Air Pollution Control District**

28. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District. All composting, grinding, and shredding shall comply with these standards adopted by the District. Examples of dust control measures

shall include a misting/fogging system, use of a negative aeration method of composting, turning of composting piles 1 - 3 times per week, and or addition of water and wood chips, when available, to composting materials shall be operated in accordance with District policies. Compost piles will also be turned a minimum of two times per week to further aerate piles.

29. The San Joaquin Valley Air Pollution Control District has recommended that all waste and refuse hauling and transfer trucks will be covered prior to entering and before leaving the site to avoid debris, refuse and or landscaping material from escaping into the environment.
30. The applicant will maintain all vehicles in good operating condition with regular service and maintenance.
31. The District rules shall apply to the project to help reduce emissions such as Rule 3135 (Dust Control Plan Fee), Rule 4102 (Nuisance), Rule 4103 (Open Burning), and Rule 4550 (Conservation Management Practices).
32. All composting, grinding, and shredding shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

**Department of Environmental Resources**

33. Each parcel shall have an approved independent water supply. Prior to issuance of any building permit, each parcel shall have its own well. A drilling permit shall be obtained from the Department of Environmental Resources (Stanislaus County Policy and State Model Well Standards Ordinance).
34. The existing septic system(s) is/are to be contained within the proposed parcel boundaries as per required Department of Environmental Resources setback standards.
35. 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 and II studies) 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 DER.
36. The properties shall be subject to Measure X requirements (as applicable).
37. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to (Calif. H&S, Division 20):
  - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compresses gas.

- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
  - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.
38. Any future projects for Sun Dry shall comply with the California Integrated Waste Management Board (CIWMB) regulations regarding waste tire storage.
39. Sun Dry shall comply with all conditions listed in their Organic Recycling Facility Permit issued by Environmental Resources on February 28, 2007.
40. The project must comply with all applicable County and State Code, ordinance, and regulations. Fire protection, water, and access will be required at the time of building permit application.

**Building Permits Division**

41. Future construction of all buildings and development, to include wood storage buildings will need to comply with Building Permit Requirements, adopted California Building Codes, and Title 24.
42. Construction of the three-sided concrete/wood storage structure to comply with Building Permit Requirements.

**West Stanislaus County Fire**

43. The applicant shall complete the water system for fire protection meeting the needs of the Fire District, as well as a care and maintenance program for such system.
44. Operations shall be set up such that fire ignition sources are downwind from storage facility, based on prevailing winds.
45. No smoking shall be permitted at this facility.
46. Adequate spacing between compost piles shall be required as well as size limitations of piles.
47. Should there be any buildings constructed on any parcels created by this action, the applicant shall enter into an agreement with the Fire District for development fees to reduce these negative effects.
48. Any building constructed shall comply with National Fire Protection Association (NFPA) #13.

**Department of Public Works**

49. An encroachment permit must be obtained prior to the start of any work within the county right-of-way.
50. If a new driveway is installed, all new driveway locations and widths shall be approved by this Department.
51. No parking, no loading or unloading of vehicles shall be permitted within the right-of-way of Gaffery Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
52. 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 way. After the plan is determined to be acceptable, the plan shall be implemented prior final and/or occupancy of a building.
53. The employee parking area shall be paved and double striped per county standards. The parking, loading, and unloading areas for service vehicles and trucks may have gravel or road base in lieu of pavement.

**California Regional Water Quality Control Board, Central Valley Region**

54. Construction and operations of the project shall comply with water quality standards and permits obtained by the California Regional Water Quality Control Board. The following correspondence shall be considered in regards to this project and shall be made as Development Standards: Letter from Mary Boyd, 14 March 2008, 29 October 2007, September 19, 2007, and June 13, 2007.

**Del Puerto Water District**

- ~~55. District guidelines state that lands within the district that are converted to municipal and/or industrial (i.e. "Planned Development") uses are no longer eligible for District water service and are to be detached from the District at the landowner's expense, prior to approval.~~
55. **District guidelines state that lands within the district that are converted to municipal and/or industrial (i.e. "Planned Development") uses are no longer eligible for District water service and are to be detached from the District at the landowner's expense. The process for detachment of the lands identified as proposed parcels "1" and "2" shall be initiated by the property owner within 30-days of project approval.**

**Williamson Act Contract Cancellation (Department of Planning and Community Development, Auditor's Office, Assessor's Office and Clerk of the Board)**

56. Upon tentative approval of a petition, the Clerk of the Board or council shall record a Certificate of Tentative Cancellation, which shall set forth the name of the landowner requesting the cancellation, the fact that a Certificate of Cancellation of the contract will be issued and recorded at the time that specified conditions and contingencies are satisfied,

a description of the conditions and contingencies which must be satisfied, and a legal description of the property. Conditions to be satisfied shall include payment in full of the amount of the fee computed under the provisions of Section 51283, together with a statement that unless the fee is paid, or a Certificate of Cancellation of the contract is issued within one year from the date of the recording of the Certificate of Tentative Cancellation, the fee shall be re-computed as required.

57. Prior to the Final Map being submitted, the Applicant shall make payment in full of the amount of the fee computed under the provisions of Government Code Section 51283.
58. Within 30 days of approval, the Clerk of the Board shall publish notice of the decision, including the date, time, and place of the public hearing, a general explanation of the decision, the findings made pursuant to Section 51282, and a general description, in text or by diagram, of the land under contract, as a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city or county. In addition, within 30 days of the tentative cancellation of the contract, the Clerk of the Board shall deliver a copy of the published notice of the decision, as described above, to the Director of Conservation.

### **Mitigation Measures**

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

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

59. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
60. Prior to any new construction or additional disturbance on undisturbed soils, a pre-construction survey for San Joaquin kit fox shall be conducted by a qualified biologist and submitted to the Director of Planning, California Department of Fish and Game, and U.S. Fish and Wildlife Service. If the survey shows any indication of kit fox on the property, no construction may begin without approval of CDFG and the Service.
61. The project shall comply with the California Regional Water Quality Control Board regulations.
  - a. The Discharger shall contain the sulfur piles in a roofed enclosure and to store any sulfur leachate in an above ground storage tank (AST). By correctly installing and operating the enclosed building, sump, and AST, the Discharger will be exempt from the requirement to contain the sulfur leachate in a Class II Surface Impoundment.

- b. For the remaining food and industry by-product stockpiles, the Discharger shall limit the quantity of water in contact with the stockpiles. The Discharger may be able to reduce the capacity of any Class II Surface Impoundment through a reduction in leachate volume.
62. Hours of construction - If there is any construction on this project, the construction hours will be limited to 7:00 a.m. to 6:00 p.m. Monday thru Friday, with no construction allowed on holidays.
63. An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan if complaints are received by neighboring property owners for any on-site activities, which exceed the maximum allowable noise levels as allowed by the Noise Element.

If the county determines that the project's noise emissions exceed acceptable noise limits, source-specific noise control measures shall be implemented. The noise measures shall be designed to meet ambient noise limits as soon as practicable. Such measures shall include consideration of partial or complete equipment enclosures, erection of local noise barriers, and under extreme conditions, relocation of major noise-producing equipment.

64. The applicant shall enter into an agreement with Stanislaus County Department of Public Works to pay a fee of \$0.055 per ton of material entering or leaving the property to offset the traffic impacts to County roads. The agreement shall be in place within three months of the approval of this application. The fee shall be tied to the Engineering News Record Construction Cost Index as published in the January edition; the base Construction Cost Index is 8090.06 as of January 2008.

\* \* \* \* \*

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

## **Sun Dry Products Inc. Property History**

The following is the chronology of discretionary land use permit approvals that have been issued on Vernalis Naval Auxiliary Air Station.

<b>Use Permit No. 753</b>	For melting aluminum and treating of metallic residues at the old Vernalis Naval Air Station.
<b>Use Permit No. 951</b>	Allowed for a drag strip on the property ( <b>Expired in Mach 1969</b> ).
<b>Use Permit No. 1074</b>	Continued the drag strip on the property ( <b>Expired in March 1975</b> ).
<b>Use Permit No. 75-38</b>	Established the fruit drying operation on the paved portions.
<b>Rezone No. 78-34</b>	Proposed to rezone the property for the cannery waste and chicken manure operation, spread over the runway for drying, and a feedlot and facilities to convert dried materials into cattle feed for retail sales ( <b>This project was withdrawn</b> ).
<b>Use Permit No. 79-11 Sun Dry Products, Inc.</b>	Rezone No 78-34 to continue the operation as proposed
<b>Staff Approval No. 81-80 Sun Dry Products, Inc.</b>	Allowed for a replacement of a mobile office, which was destroyed by fire.
<b>Staff Approval No. 87-20 Sun Dry Products, Inc.</b>	Established a milling and storage building, which also was destroyed by fire.
<b>Staff Approval No. 89-04 Sun Dry Products, Inc.</b>	A re-roof and building addition was approved under this application.
<b>Staff Approval No. 89-11 Harvest Splendor, Sun Dry Products, Inc.</b>	Established a gift-basket use on the property.
<b>Rezone No. 91-09 Sun Dry Products, Inc.</b>	Established a compost facility to process green waste and other organic materials for aerobic compost for agriculture and horticulture markets, and a proposal to rezone a 20-acre parcel site formerly used as an air base runway, to treat contaminated soils. <b>This application was denied at the Board of Supervisors.</b>
<b>Use Permit No. 91-41 Granite Construction Company</b>	Requested sand and gravel excavation on 309.5 acres in Stanislaus County and 13.5 acres in San Joaquin County. This application was never acted on in its full capacity.



**Parcel Map No. 2004-13  
Sun Dry Products, Inc.**

Requested to create parcels of 67.0 and 252.96 acres. The purpose is to legally separate two existing businesses, the 67-acre business producing compost for agricultural use from green waste (Use Permit No. 98-19). The other is a recycling facility, which includes 75 acres of worm casting producing a soil amendment, 80 acres of concrete surface used to process product into animal feed, and for feedstock storage and blending. The composting facility, granted a Use Permit in February 2003 to move to and occupy 55 acres of orchard land on the south side of Gaffery Road, will remain at its current site (**This map was never recorded**).

**Parcel Map No. 2006-52  
Sun Dry Products, Inc.**

Requested to split the 310-acre property into a 67-acre parcel, all of which is occupied by Grover Landscape Services, leaving a remainder of approximately 243 acres.

**Lot Line Adjustment No. 2007-12  
Grover & Davis**

Requested to adjust the lines on two parcels, 123.54 ac. and 199.74 acres, the Grover Composting site and the Sun Dry Products site.

**County Department of Environmental Resources**

**Food Processing By-Products Use Site Permit or Hauler Permit No. FP/PR-1021-08**, Approved and Amended June 25, 2008. This permit allows acceptance of 120 tons of peach pits per day for a three-month period on a permitted dehydration site. Renewed November 24, 2008 (FP-1029-09) amendment to Plan of Operation and increased tonnage and accepts peach pits, apricot pits tomato pomace and grape pomace among other types of food processing by products.

175 tons of peach pits allowed to be received at the site per day - 10,000 tons per year  
1,700 tons of grape pomace allowed to be received at the site per day - 40,000 tons per year  
75 tons of apricot pits allowed to be received at the site per day - 3,000 tons per year  
600 tons of tomato pomace allowed to be received at the site per day - 60,000 tons per year

**Organic Recycling Facility Permit No. FP/PR-1021-06**, Approved February 28, 2007.  
**California Integrated Waste Management Board**

**Medium Volume Construction and Demolition/Inert Debris Processing Facility Permit No. SWIS 50-AA-0028**, Approved November 30, 2006 to allow the facility to operate as a Medium Volume Construction, Demolition and Inert Debris (CDI) Facility. As such, the facility operation would incorporate the additional functions of collecting, separating, grinding, baling, and/or transferring CDI materials.



# Stanislaus County

## Planning and Community Development

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

Phone: (209) 525-6330  
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### CEQA INITIAL STUDY

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

1. **Project title:** General Plan Amendment Application No. 2007-04, Rezone Application No. 2007-04, Parcel Map Application No. 2008-11, Williamson Act Cancellation Application No. 2007-03 - Sun Dry Products Inc.
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Sean Purciel, Associate Planner  
(209) 525-6330
4. **Project location:** The project is located at 3401 Gaffery Road, on the north side of Gaffery Road, east of Koster Road, adjacent to the Delta Mendota Canal. The project is also located in San Joaquin County, which splits the property, leaving a small amount in San Joaquin County. (APN: 016-003-009 & San Joaquin County APN: 265-001-009)
5. **Project sponsor's name and address:** Sun Dry Products Inc.  
Jim Davis, President  
3401 Gaffery Road  
Westley, CA 95387
6. **General plan designation:** Agriculture
7. **Zoning:** A-2-40 (General Agriculture)
8. **Project Description:**

This is a request to amend the General Plan and rezone the Sun Dry property from Agriculture/A-2-40 (General Agriculture) to P-D (Planned Development) on 103.2 acres, and to subdivide the total 200± acre parcel into four parcels. The proposed new business is no longer limited to serving the agricultural community and requires a land use designation change. Major expansion of the operation is not proposed at this time, and no new buildings are proposed. Most of the buildings on the property are found on (proposed) Parcel 2. The proposal would allow the continued operation of the reclamation and recycling of agricultural products. It would include an industrial hauler, processing of commercial feed products, and demolition operations (to include construction debris, pallets, and sulfur and gypsum wall board). The following activities are occurring on-site presently: processing agricultural waste, wood products, green and landscape waste, animal feed, reclaimed and recycled materials, wood pallets, concrete and asphalt, drying of agricultural products, milling, screening, composting, blending, grinding, bagging, sorting, shredding, and commodity stockpiling and storage. These uses, which are fully described in the Applicant's Submittal (Exhibit D), would be considered consistent with a Planned Development zone.

The business is currently established on-site as an agricultural service establishment under Use Permit Nos. 79-11 and 91-41, which allow for similar uses. (The Project Description for the proposal can be found in Exhibit D - Applicant's Submittal.) The business is serving the agricultural community presently, and is proposing to allow alternative uses, discussed above, that are beyond the scope of agricultural waste processing, hence the need for the General Plan Amendment and Rezone. The project is currently under Williamson Act Contract No. 75-1888.

The project also requests a Parcel Map to subdivide the property into four parcels. The land division is proposed as: Parcel 1) 49.48-acres, Parcel 2) 53.54-acres, Parcel 3) 40.64-acres, and Parcel 4) 56-acres. The entire site is not proposed to have its land use designation changed. The project is proposing two non-agricultural parcels for the intended uses for the business, and two parcels for continued farming operations. Parcel 3 and Parcel 4 will remain in agriculture, and will not be part of the General Plan Amendment, Rezone, or Williamson Act Cancellation, while Parcel 1 and Parcel 2 will be involved in a Williamson Act Cancellation, which is required for approval of the requested General Plan Amendment and Rezone applications.

The original application submitted did not include a Parcel Map application. A Parcel Map application was applied for because Parcel 4 is proposed to be sold to Grover Landscaping for financial reasons. Flood irrigation and laterals can be found on this parcel, which may be used for agricultural purposes in the future. Currently, there are 20 to 30 employees working on the property. Sun Dry operates 24 hours a day, seven days a week. The number of trucks for the operation is about 50 to 60 trucks Monday through Friday, and five to ten trucks on the weekends. Truck traffic has been restricted from 7:00 a.m. to 4:00 p.m.

**9. Surrounding land uses and setting:** The site is surrounded by agricultural uses, with exception to Grover Landscaping and the Delta Mendota Canal, located directly west of the proposal. A single-family dwelling can be found on the southeastern corner of the property, an apricot orchard to the north, almond orchards to the south, and a gravel mine to the northwest, which is within the County of San Joaquin.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** Stanislaus County Public Works, Department of Environmental Resources, West Stanislaus Fire, San Joaquin Valley Air Pollution Control District, Department of Conservation, California Regional Water Quality Control Board

- 11. Attachments:**
- A - Negative Declaration
  - B - Mitigation Monitoring Plan
  - C - Project Maps
    - 1. Large Area Map
    - 2. Area Map
    - 3. General Plan Designation
    - 4. Zoning District
    - 5. Aerial Photo 1
    - 6. Aerial Photo 2
    - 7. Tentative Parcel Map
    - 8. Area Radius Map
    - 9. Project Photos
  - D - Applicant's Submittal
    - 1. Site Plan
    - 2. Project Description
    - 3. Development Schedule
    - 4. Williamson Act Findings Letter
    - 5. Project Application Information
    - 6. Use Permit Chronology
  - E - Environmental Review Referrals



**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		

**Discussion:** This environmental issue focuses on the impacts of a project on scenic vistas and the overall appearance of the project in the community context. Issues of light and glare, community view-sheds, architectural compatibility with existing development or a specific site or setting are all part of the issue of "Aesthetics" as addressed within the framework of CEQA.

The project site is in a rural area located in the western portion of the County of Stanislaus. The 200-acre property was once the old Vernalis Naval Air Station, consisting of concrete runways, which are the centerpiece of the Sun Dry property. There are no significant trees, rock outcroppings, or historic buildings in the vicinity of the site. The project is not identified as a scenic vista in the Stanislaus County General Plan, *Land Use and Circulation Element*. Interstate 5 is the only officially designated State Scenic Highway in Stanislaus County. Interstate 5 is about a mile west from the site. Generally, this project will have minimal effects on the I-5 Corridor, therefore this issue can be considered less than significant.

The immediate area is generally flat and surrounded by agricultural operations, mostly almond and apricot orchards with the Delta Mendota Canal to the west. The immediate area is sparsely populated and is dominated by relatively large parcels. There are small structures existing on the parcel, including mobile homes, a garage, a metal building and storage buildings. The larger buildings include an office building, a building housing a grinding mill, and a shop building.

Proposed Parcels 1 and 2 will continue as a composting operation. Proposed Parcels 3 and 4 will remain in agricultural production. The composting and recycling operation can be found on Parcels 1 and 2 which also includes most of the structures for the site. The primary operation for composting can be found on the old runway site, which includes staging, processing and loading. The northwest portion of the parcel is not currently in agricultural production and has historically been in the worm-casting operation. The project will not result in new visual character being diminished. At this time, no new buildings are proposed. Composting piles usually do not exceed six feet in height.

The existing project may create a new source of light. The County of Stanislaus calls for all night lighting to be hooded and/or fitted with directional lenses to prevent illumination and glare onto adjoining properties, adjacent right-of-ways, and glare into on-going traffic as a mitigation measure of the proposed project. This issue will be made a mitigation measure. Therefore, the emission of light and glare associated with the installation of night lighting would be considered less than significant.

The existing facility shall provide and install landscaping at appropriate locations (i.e., public roadways along Gaffery Road and the entrance to the parcel) consistent with the County Landscape Ordinance. A Condition of Approval shall require a fencing and landscaping plan as it relates to the Stanislaus County General Plan, *Old Agriculture Element and Landscape and Irrigation Ordinance*.

The following Condition of Approval will be recommended to reduce Aesthetic issues for the project:

The applicant will prepare a landscape and fencing plan and install tall trees along the southern entrance of Gaffery Road.

**Mitigation:** The following measure(s) are proposed to mitigate potential Aesthetic issues of the project:

1. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

**References:** Stanislaus County General Plan<sup>1</sup>, *Land Use and Circulation Element*, Stanislaus County Code Title - 21 - Zoning Ordinance.

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		

**Discussion:** This environmental issue focuses on the impacts of a project on farmland and agricultural productivity. Environmental concerns focus on the loss of agricultural cropland as inventoried by the Farmland Mapping and Monitoring Program of the California Resources Agency as well as agricultural zoning and Williamson Act Contract lands. Additional areas of concern are the potential changes resulting from a project that could lead to future conversion of agricultural lands to non-agricultural uses.

Agricultural land surrounds the project, and about 96.64 acres of the project (proposed Parcels 3 and 4) are still in agricultural uses. Although not currently in production, the applicant is proposing row crops on Parcel 3 and Parcel 4. Historically, these two parcels were in a worm-casting operation. The two parcels have irrigation, to include a well and irrigation canals. To characterize the agricultural resources for the area, the Important Farmland Maps produced by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) for Stanislaus County were reviewed. The farmland map category for the site as defined by the Department of Conservation's FMMP is considered for the property as "Urban and Built Up Land." The proposed project would not convert important farm resources to urban uses as the site has been compromised by the former Vernalis U.S. Navy Auxiliary Air Station, to include taxiway and improvements which still exist. The rest of the project site is considered to be "Prime Agricultural Land."

Proposed Parcels 3 and 4 will remain in agricultural production. Parcels 1 and 2 will continue the composting operations as proposed. The site has been zoned A-2-40 for over twenty years. The project was A-2-10 in October 1971 and was changed to A-2-40 in May 1983. The property has also been enrolled under the Williamson Act since 1975. The applicant is requesting a Williamson Act cancellation on Parcels 1 and 2, of approximately 103 acres, to retain the reclamation and recycling business established on the project site. A Notice of Non-Renewal for the entire parcel has been filed with the County to begin the process of removing the site from the Williamson Act. In January 2007, Sun Dry Products, Inc. filed the notice with the Planning Department. The Notice of Non-Renewal was recorded on February 23, 2007 for the entire Williamson Act Contract for 311.2-acres, which includes the Grover Landscape parcel to the west.

The site is located outside the limits of an incorporated city. It is designated as Agriculture in the Stanislaus County General Plan, Land Use Element. The surrounding properties are zoned A-2-40 and are relatively large agricultural properties. There is no indication that this project will impact existing agricultural activities in the area or result in conversion of farmland to non-agricultural uses.

A letter, dated May 30, 2007 by the Department of Conservation was received. This agency had concerns about the conversion of the project to urban uses. They have stated that the cancellation and rezoning of the property will start precedence for commercialization in the area and will have a direct impact on the environment and adjacent lands, specifically the neighboring vineyards and orchards. They also state that impacts would include increased traffic and pollution as a result of the operation, diminished productivity, and a threat to food safety and increased pressure to convert agricultural land. With mitigation measures in place, as well as Conditions of Approval, the level of significance will be considered less than significant. Finally, the applicant has attached proposed findings and a response to the Department of Conservation letter defending their position.

**Mitigation:** None.

**References:** Department of Conservation correspondence, dated May 30, 2007, Stanislaus County General Plan<sup>1</sup>, *Agricultural Element*, Farmland Mapping Layer, California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland, August 2004, <http://www.consrv.ca.gov/dlrp/FMMP/>.



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		

**Discussion:** This environmental issue focuses on the impacts of a project on air quality. Issues over project consistency with applicable air quality plans, policies and regulations, and increases of pollutants have been designated as "non-attainment" in this area. Additional concerns are over the exposure of sensitive receptors, such as people, to high levels of air pollution or odors. According to the San Joaquin Valley Air Pollution Control District, the San Joaquin Valley, which includes Stanislaus County, air quality has been designated non-attainment by the Environmental Protection Agency and by the Air Resources Board for ozone and PM-10 (fine particulate matter and dust). The District maintains permit authority over stationary sources of pollutants. The Federal Clean Air Act and the California Clean Air Act require areas that are designated non-attainment to reduce emissions until standards are met.

The County of Stanislaus is within the San Joaquin Valley Air Basin (SJVAB). The County is one of eight counties within the SJVAB. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the agency with jurisdiction over air quality regulation in the SJVAB. The SJVAB is currently in non-attainment for both the Federal and State designation for one-hour ozone (O3) and PM-10. Build-out of the urban areas of the County General Plan would exceed the growth accounted for in the 1991 Air Quality Attainment Plan for the SJVAB.



The primary source of air 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 for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin.

The project could be a source of dust or odor. The project will also have on-site grinding, moving of compost and debris, and other dust-born particulates. To control dust, all non-landscaped areas on-site shall be covered. This excludes agricultural portions of the property. However, paved areas will need to be cleaned regularly. Piles of recyclable materials on bare earth shall also be treated to avoid fugitive odors and dust. A recommendation to reduce impacts of dust and odors could be the installation of a misting/fogging system or use of a negative aeration method of composting combined with turning of composting piles 1 - 3 times per week, and/or addition of water and wood chips, when available, to composting materials. This will need to be provided to control dust and odors, or an alternative method approved by SJVAPCD Regulations, which should be considered as to provide the proper dust control measures and odor controls for the project.

The project has the potential to create odors downwind. The most objectionable odors from recyclable and compost facilities result from the decomposition of damp organic materials, such as rotting food from residential waste. Due to the size and planned activity of the facility, waste materials are expected to cycle through daily, giving no opportunity for decay. Due to the design of the proposed project, odor impacts are not expected to exceed air quality thresholds beyond the property line, although odors are expected to be occasionally detectable offsite.

The project was referred to the SJVAPCD, and a correspondence has been received, dated September 24, 2008. The agency has considered the proposed project as having less than significant impacts with the implementation of their rules and regulations, which will be conditioned into the project. The proposed project will not expose sensitive receptors to pollutant concentrations within the area.

The district has reviewed the referral for the use and has considered the project as having less than significant adverse air quality impacts. However, the District did recommend that permitted stationary sources and non-emitted mobile sources be analyzed separately. They suggested that the environmental document should include compliance with: Regulation VIII - Fugitive PM-10 Prohibitions; Rule 4102 - Nuisances; Rule 4601 - Architectural Coatings; and Rule 4641 - Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The District has indicated that District Rule 9510 - Indirect Source Review is not required. Greenhouse Gas Emissions was suggested as another topic for the document. At this time, staff is unaware of any air quality violations, greenhouse gas emissions (other than from truck traffic), or other air emissions associated with the proposed project. For compliance with adopted rules and regulations set forth by the SJVAPCD, several Conditions of Approval will be imposed on the project.

Staff is recommending the submitted comments from the September 24, 2008 SJVAPCD correspondence, which included but are not limited to the following, for Conditions of Approval to reduce Public Service issues for the project:

1) All construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District; 2) All waste and refuse hauling and transfer trucks will be covered prior to entering and before leaving the site to avoid debris, refuse and or landscaping material from escaping into the environment; 3) The applicant will maintain all vehicles in good operating condition with regular service and maintenance; 4) The District rules shall apply to the project to help reduce emissions such as Rule 3135 (Dust Control Plan Fee), Rule 4102 (Nuisance), Rule 4103 (Open Burning), and Rule 4550 (Conservation Management Practices); 5) A misting/fogging system, use of a negative aeration method of composting, turning of composting piles 1 - 3 times per week, and or addition of water and wood chips, when available, to composting materials shall be installed. Compost piles will also be turned a minimum of two times per week to further aerate piles; and 6) All composting, grinding, and shredding shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Circulation Element*, San Joaquin Valley Air Pollution Control District, letter dated September 24, 2008, San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis, Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), Rule 9510 Indirect Source Review (ISR) (Adopted December 15, 2005), <http://www.valleyair.org/index.htm>.

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

**Discussion:** This environmental issue focuses on the impacts of a project with respect to biological resources such as sensitive plant or animal species, their habitat, riparian habitat or interference with the normal movements of wildlife species in the vicinity of a project. Additional concerns focus on consistency of a project with adopted plans, policies and regulations regarding wildlife, habitat conservation planning, local wildlife preservation plans and policies or wetlands.

The Vernalis/Westley area is dedicated to agricultural production, and some mining and trucking operations. The proposed project is mostly a disturbed parcel due to the nature of the existing operation. Loss of this project site is considered a less than significant impact because of the operations by the military from 1942 to 1953, and upon converting the property to process cannery waste into cattle feed. The site has been recycling, reusing and reclaiming landscaping and recyclable materials for some time. Therefore, the proposed project would have no impact on sensitive species. On a site visit and review of the County of Stanislaus General Plan, the site contains no riparian, wetland, or other sensitive natural community. With review of the California Natural Diversity Database (CNDDDB) and the County General Plan, the project site was not found to be located within a biologically sensitive area, with exception to one species (see below).

According to the U.S. Fish and Wildlife Service Conservation Plans and Agreements Database, the California Department of Fish and Game (CDFG) Natural Community Conservation Planning Program, and the Stanislaus County General Plan, there are no approved habitat conservation plans or natural community conservation plans within the project vicinity. The project does not contain any trees or substantial vegetation to trigger a biological report as well. Therefore, implementation of the proposed project will not conflict with or have an impact on any such plans.

The project site is located in an area of the County which is considered by the U.S. Fish and Wildlife Service to be potential habitat for the San Joaquin kit fox. Stanislaus County is currently in discussions with the Service aimed at developing a possible mitigation program for the species in that portion of Western Stanislaus County. No specific impacts have been

identified as yet, and no mitigation measures are in place. The current project is relatively large; however, most of the site has been disturbed, due to the Naval Air Station over the past fifty years and to the on-going operation of the property. Commercial reclamation and recycling, as well as agricultural production make it unlikely and not suitable habitat for the fox.

The project was referred to the U.S. Fish and Wildlife Service and the California Department of Fish and Game. No comments have been received. If any evidence of kit fox is found on the property, notice shall be given to the Service Agencies to determine appropriate remediation. The following mitigation measures will reduce the impacts to potential species to less than significant. Prior to any new construction or additional disturbance on undisturbed soils, a pre-construction survey for San Joaquin kit fox shall be conducted by a qualified biologist and submitted to the Director of Planning, California Department of Fish and Game, and U.S. Fish and Wildlife Service. If the survey shows any indication of kit fox on the property, no construction may begin without approval of CDFG and the Service.

**Mitigation:** The following Mitigation Measure is proposed to reduce Biological issues for the project:

2. *Prior to any new construction or additional disturbance on undisturbed soils, a pre-construction survey for San Joaquin kit fox shall be conducted by a qualified biologist and submitted to the Director of Planning, California Department of Fish and Game, and U.S. Fish and Wildlife Service. If the survey shows any indication of kit fox on the property, no construction may begin without approval of CDFG and the Service.*

**References:** Stanislaus County General Plan<sup>1</sup>, *Conservation/Open Space Element*, California Natural Diversity Database (CNDDB), U.S. Fish and Wildlife Service Conservation Plans and Agreements Database.



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:** This environmental issue focuses on the impacts of a project on cultural resources including, but not limited to, the adverse change to a significant historical or archaeological resource. Other areas of concern include the potential for a project to adversely impact a unique paleontological resource or geologic feature or disturb any human remains. Cultural resources are not known to exist on the project site.

The site is located in a rural portion of western Stanislaus County. According to the County General Plan, the area is not known to be within a location of archaeological resources, no known historically important resources or paleontological resources are on the project site. According to the Central California Information Center (CCIC), there may be unidentified features involved with the previous use, associated with the Vernalis Naval Air Station. The naval base, or features found in the vicinity, could be a historic resource. However, none of the buildings remain to this day. The air station was in operation in 1942 and was active until the early 50's. Presently, the 3,000-foot runways are the focal point for the reclamation of landscape and recycling of agricultural waste. The sensitivity for prehistoric occupation remains low to moderate according to the CCIC, because the area has been impacted by the military, agriculture, and commercial activity. Surveys are recommended for historic and prehistoric features if grading or construction are proposed. A Condition of Approval will be added to this project to address any discovery of cultural resources during construction or grading.

The project proponent would be required to comply with the General Plan Program, in regards to finding significant resources, which requires the developer to halt construction if cultural resources are encountered unexpectedly during construction and requires consultation with a qualified archaeologist to determine the significance of the resource.

Standardized Conditions of Approval will be added to this project to address any discovery of cultural resources during the construction phase (or other phases) of the project. If there are suspected human remains identified through project construction, the Stanislaus County Coroner's Office shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately. Implementation of this program will reduce the potential impact to a less than significant level.

The following Condition of Approval will be recommended to reduce Cultural Resource issues for the project:

Surveys are recommended for historic and prehistoric features if grading or construction are proposed.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Conservation and Open Space Element*, Central California Information Center Correspondence and Records Search, dated March 21, 2007.

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:				X
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:** This environmental factor will focus on the impacts of a project with respect to natural geologic or soil conditions on a project. Specific concerns include earthquakes and seismic related hazards, or unstable soils. As contained in the County of Stanislaus General Plan, *Safety Element*, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5. If there are any new structures resulting from this project, they shall be built according to building standards appropriate to withstand shaking for the area in which they are constructed. A grading and drainage plan (if necessary) will be required as a Conditions of Approval.

According to the Stanislaus County General Plan, *Safety Element*, several known faults exist in the Diablo Range west of Interstate 5. The Ortigalita Fault, part of which is designated as an Alquist-Priolo Earthquake Fault Zone, is located in the southwestern portion of the County. The site is located in western Stanislaus County, however it is not identified by the Alquist-Priolo Earthquake Fault Zone. Therefore there is little impact in regards to this issue.

Any future modifications to existing structures, or the construction of new structures, will be subject to all applicable county policies and ordinances. The County is within Uniform Building Code Seismic Zone 3, indicating moderate potential for ground shaking. All structures and facilities constructed as part of the proposed project will be designed in compliance with the requirements of Title 24 of the Uniform Building Code (UBC) for seismic safety.

The property cannot hook up to a municipal waste water system and would be required to connect to a private septic system. There is no indication that soils on the project site are incapable of adequately supporting the use of a septic system. No new septic systems are proposed.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Safety Element*, Soil Survey of Stanislaus County, California, Western Part, <http://www.ca.nrcs.usda.gov/mlra02/wstan/>, Stanislaus County Environmental Review Committee letter, Bella Badal, PhD., Department of Environmental Resources, dated May 14, 2007, California Department of Conservation, Uniform Building Code (2007).



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

<p><b>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?</b></p>				<p>X</p>
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**Discussion:** The creation of new hazardous conditions or activities that will result in people or property being exposed to existing hazards is the primary area of focus under this environmental issue. Hazards include, but are not limited to, hazardous materials, hazards associated with aircraft and airports or wildland fires. An additional concern is the consistency of a project with emergency response plans or emergency evacuation plans.

The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concern in this area. Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. Spraying activities on adjacent properties will be conditioned by the Agricultural Commissioners Office. The project site is not located within an airport land use plan or a wildlands area. The groundwater is not known to be contaminated in this area.

The proposed project will need to comply with all Federal, State, and local regulations and policies involving the routine transport, use, or disposal of hazardous materials. The applicant will contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to (Calif. H&S, Division 20). If the applicant complies with the provisions of the DER, the possible impacts caused by the routine transport, use, or disposal of hazardous materials will be less than significant. The Environmental Review Committee, in their correspondence dated June 6, 2007 - *Revised*, has proposed conditions for the transport, use, and or disposal of hazardous materials, which the applicant will be required to comply with. These will be added to the project as Conditions of Approval.

The proposed project will comply with all applicable Federal, State, and local policies and regulations related to the release of hazardous materials. Therefore, this item can be considered less than significant.

The project is not located near a public school. The applicant will comply with all Federal, State, and local policies and regulations related to hazardous waste. Therefore, this item can be considered less than significant.

The State Department of Toxic Substances (DTS) maintains a Hazardous Waste and Substances List (also known as the "Cortese List"), in accordance with California Government Code Section 65962.5. The Cortese List includes data from the "Calsites" database of hazardous waste sites, the leaking underground storage tank database and the California Integrated Waste Management Board database of sanitary landfills with evidence of groundwater contamination. The most current Cortese List indicates that there are no hazardous waste or substance sites in the vicinity. Therefore, the site is not located in the vicinity of a hazardous materials site.

The proposed project is not located within the jurisdiction of an airport land use plan. The proposed project is not located within the vicinity of a public or private airstrip. The old Vernalis runways are not presently in use and are not considered usable as an airstrip (without significant upgrades and modifications).

According to the Stanislaus County General Plan, *Safety Element*, the areas of potential wildland fires are the Diablo Range, located west of Interstate 5, and the Sierra Nevada foothills in the eastern portion of Stanislaus County. The proposed project is not located within the Diablo Range or the Sierra Nevada foothills, therefore, this item is not applicable.

Staff will recommend as Conditions of Approval to reduce Hazards and Hazardous Materials issues for the project:

- 1) The applicant shall contact Department of Environmental Resources and obtain any and all permits for handling of hazardous materials and/or wastes;
- 2) Sun Dry shall comply with all conditions listed in their Organic Recycling Facility Permit issued by Environmental Resources on February 28, 2007; and
- 3) The project must comply with all applicable County and State Codes, ordinances, and regulations. Fire protection, water, and access will be required at the time of building permit application.

**Mitigation:** The following measure is proposed to mitigate impacts on Hazards and Hazardous Materials. The California Regional Water Quality Control Board requests the following Mitigation Measures:

3. *The project shall comply with the California Regional Water Quality Control Board regulations.*
  - a. *The Discharger shall contain the sulfur piles in a roofed enclosure and to store any sulfur leachate in an above ground storage tank (AST). By correctly installing and operating the enclosed building, sump, and AST, the Discharger will be exempt from the requirement to contain the sulfur leachate in a Class II Surface Impoundment.*
  - b. *For the remaining food and industry by-product stockpiles, the Discharger shall limit the quantity of water in contact with the stockpiles. The Discharger may be able to reduce the capacity of any Class II Surface Impoundment through a reduction in leachate volume.*

**References:** Stanislaus County General Plan<sup>1</sup>, *Safety Element*, The State Department of Toxic Substances (DTS) Hazardous Waste and Substances List - <http://www.envirostor.dtsc.ca.gov/public/>, Stanislaus County Environmental Review Committee letter, Raul Mendez, dated June 6, 2007 - *Revised*, Department of Environmental Resources letter, Bella Badal, dated May 14, 2007, West Stanislaus County Fire letter, James W. Kinnear, dated October 23, 2007, California Integrated Waste Management Board letter, Howard Levenson, dated December 13, 2006, California Regional Water Quality Control Board letter, Mary Boyd, March 14, 2008 (additional correspondences have also been received).

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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
l) 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:** This environmental issue focuses on the impacts of a project on surface and groundwater, including compliance with water quality standards and regulation, depletion of groundwater supplies, pollution or degradation of water quality. Additional concerns include water-related hazards such as flooding, mudflows and similar hazards. This area of environmental concern also addresses potential project impacts on area drainage including storm water runoff.

The proposed project will need to comply with all Federal, State, and local policies and regulations related to water quality. Currently, the site has one well that adequately serves the property. The project could result in an increase in the amount of impervious surfaces at the project site with the existing recycling business. The amount of surface water runoff from the proposed project is not anticipated to substantially alter the existing drainage pattern of the site or area. Any proposed improvements would be developed in accordance with Stanislaus County Standards and Specifications.

The proposed project is outside the 100-year flood plain, and outside a Federal Emergency Management Agency (FEMA) flood zone. The project is located outside the 500-year flood zone as well. The project is not located in an area of flood inundation. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding as a result of the failure of a dam. The likelihood of a seiche, an earthquake induced wave in a lake, or a tsunami, is less than significant due to the proposed project's distance from the above-mentioned bodies of water. Therefore, the project site is not in an area subject to seiche, tsunami, or mudflow.

If there are any new building pads, parking, and/or driveways, the current absorption patterns of water placed upon this property will be altered. A Condition of Approval will be added (if construction is proposed) that will require a Grading and Drainage Plan as part of this project. A Condition of Approval will also be added to require the developer to file a Notice of Intent (NOI) with the California Regional Water Quality Control Board prior to issuance of a grading permit. This project has been referred to the Regional Water Quality Control Board and their comments can be found in the attached agency comments, Exhibit E, *Environmental Review Referrals*.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Safety Element*, California Regional Water Quality Control Board letter, Mary Boyd, March 14, 2008 (additional correspondences have also been received), Department of Environmental Resources letter, Bella Badal, dated May 14, 2007.



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:** This environmental issue focuses on the impacts of a project on adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is potential project conflicts with established plans and policies or the potential for the project to physically divide a community area.



The proposed General Plan Amendment and rezone would reclassify the site from Agriculture to Planned Development. The project involves the continued operation of a recycling, reclamation, and reuse business on a 103.02-acre parcel in the Vernalis area (after the subdivision). The project will not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project, including but not limited to the Stanislaus County General Plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, it is determined that the proposed use of the project area does not conflict with the applicable zone designation for the project area once the General Plan Amendment, Parcel Map and Rezone are approved.

The proposed project will not conflict with an applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Land Use Element*.

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
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?				X

**Discussion:** 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 on or immediately adjacent to the project site.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Safety and Land Use Element*, State Division of Mines and Geology Special Report 173.

XI. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
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?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		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 expose people residing or working in the project area to excessive noise levels?				X
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?				X

**Discussion:** This environmental issue focuses on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary area of focus under this environmental issue.

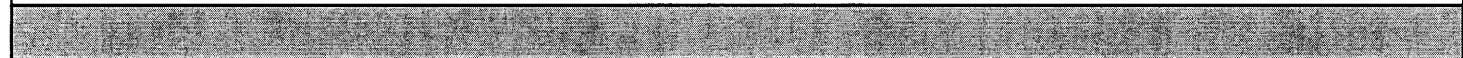
Noise issues associated with on-site activities have the potential to exceed the normally acceptable levels of noise. As required by Goal Two/Policy Two/Implementation Measure Two of the Noise Element of the County General Plan, noise generating land uses are required to show through an acoustical analysis that the noise level is/would be at or below the 60 dB Ldn (or CNEL) level when measured at the nearest sensitive noise receptor. There are no sensitive noise sources in the area. One house has been identified in the southeastern portion of the property, just off the map. This house is owned by one of the employees of the SunDry business. There has been no indication that on-site noise generating activities have disturbed off-site properties, and no complaints have been received.

**Mitigation:** The following measures are proposed to mitigate issues on Noise:

4. *Hours of construction - If there is any construction on this project, the construction hours will be limited to 7:00 a.m. to 6:00 p.m. Monday thru Friday, with no construction allowed on holidays.*
5. *An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan if complaints are received by neighboring property owners for any on-site activities, which exceed the maximum allowable noise levels as allowed by the Noise Element.*

*If the county determines that the project's noise emissions exceed acceptable noise limits, source-specific noise control measures shall be implemented. The noise measures shall be designed to meet ambient noise limits as soon as practicable. Such measures shall include consideration of partial or complete equipment enclosures, erection of local noise barriers, and under extreme conditions, relocation of major noise-producing equipment.*

**References:** Stanislaus County General Plan<sup>1</sup>, *Noise Element*.



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

**Discussion:** The proposed use of the site will not create significant service extensions or new infrastructure that could be considered growth inducing. No housing or persons will be displaced by the project. The proposed project does not include the displacement of existing housing. Therefore, this item can be considered less than significant.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Housing Element*.

**XIII. PUBLIC SERVICES:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<b>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:</b>				
<b>Fire protection?</b>		X		
<b>Police protection?</b>		X		
<b>Schools?</b>			X	
<b>Parks?</b>			X	
<b>Other public facilities?</b>		X		

**Discussion:** The County has adopted standardized mitigation measures requiring payment of all applicable 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. A Condition of Approval is proposed to insure that any proposed structures shall comply with all applicable fire department standards with respect to access and water for fire protection. (Presently no structures are proposed.) Conditions have been included to address fire concerns raised by both Stanislaus Fire Prevention Bureau and the West Stanislaus County Fire Protection District.

Staff is recommending the submitted comments from the October 23, 2007, West Stanislaus County Fire District correspondence, from James W. Kinnear, which included but are not limited to the following, for Conditions of Approval to reduce Public Service issues for the project:

- 1) The Applicant shall complete the water system for fire protection meeting the needs of the Fire District, as well as a care and maintenance program for such system;
- 2) Operations shall be set up such that fire ignition sources are downwind from storage facility, based on prevailing winds;
- 3) No smoking shall be permitted at this facility;
- 4) Adequate spacing between compost piles shall be required as well as size limitations of piles;
- 5) Should there be any buildings constructed on any parcels created by this action, the applicant shall enter into an agreement with the Fire District for development fees to reduce these negative effects;
- 6) Any buildings constructed shall comply with applicable fire codes; and
- 7) Any proposed structures shall comply with all applicable fire department standards with respect to access and water for fire protection.

**Mitigation:** None.

**References:** West Stanislaus County Fire letter, James W. Kinnear, dated October 23, 2007, Stanislaus County General Plan<sup>1</sup>, *Land Use Element*.

**XIV. RECREATION:**

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
<b>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?</b>				X

<b>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?</b>				<b>X</b>
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**Discussion:** The proposed project will not result in the construction of new residential dwellings. The use of existing parks and other recreational facilities will not be increased and no new or expanded facilities will be required. Implementation of the proposed project would not result in impacts to recreation. The Stanislaus County Parks and Recreation Department responded with a "No Comment" response.

**Mitigation:** None.

**References:** Stanislaus County General Plan<sup>1</sup>, *Land Use and Conservation/Open Space Element*.



<b>XV. TRANSPORTATION/TRAFFIC -- 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>
<b>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)?</b>		<b>X</b>		
<b>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</b>		<b>X</b>		
<b>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?</b>				<b>X</b>
<b>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</b>			<b>X</b>	
<b>e) Result in inadequate emergency access?</b>		<b>X</b>		
<b>f) Result in inadequate parking capacity?</b>			<b>X</b>	
<b>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</b>				<b>X</b>

**Discussion:** The proposed project will increase the trip generation along adjacent streets and intersections, notably Gaffery Road. The project will be conditioned to assure that all project related impacts are reduced to a level deemed to be less than significant. At this time, there are no improvements being proposed. However, if future improvements are required by the Public Works Department (i.e. curb, gutter, sidewalk), they shall be designed in accordance with the County Standards and Specifications, and shall be approved by the Public Works Department prior to development. In order to reduce any potential traffic impacts and to be consistent with County development standards, the Department recommends the following Conditions of Approval: 1) An encroachment permit must be obtained prior to the start of any work within the county right-of-way; 2) If a new driveway is installed, all new driveway locations and widths shall be approved by this Department; 3) No parking, no loading or unloading of vehicles shall be permitted within the right-of-way of Gaffery Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted; 4) 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-way. After the plan is determined to be acceptable, the plan shall be implemented prior to final and/or occupancy of a building; 5) The employee parking area shall be paved and double striped per county standards. The parking, loading, and unloading areas for service vehicles and trucks may have gravel or road base in lieu of pavement.

Both the County Public Works Department and the California State Department of Transportation (CALTRANS) have reviewed the project and determined a less than significant traffic impact. The Public Works Department has identified one mitigation measure to alleviate truck traffic along Gaffery Road addressed below.

The project will not impair any air traffic patterns associated with flights departing and arriving into a City-County Airport.

Sun Dry Inc. has been reviewed by the West Stanislaus County Fire District. The agency had few comments in regards to emergency access, fire response and fire prevention from a traffic and transportation perspective.

**Mitigation:** The following measure is proposed to mitigate Transportation issues:

- 6. *The applicant shall enter into an agreement with Stanislaus County Department of Public Works to pay a fee of \$0.055 per ton of material entering or leaving the property to offset the traffic impacts to County roads. The agreement shall be in place within three months of the approval of this application. The fee shall be tied to the Engineering News Record Construction Cost Index as published in the January edition; the base Construction Cost Index is 8090.06 as of January 2008.*

**References:** Correspondence from the Department of Public Works, dated January 18, 2008, Stanislaus County General Plan<sup>1</sup>, *Circulation Element*

**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 site will be served by private water well and private septic systems. Any future modifications to existing structures, or the construction of new structures, will be subject to all applicable County policies and ordinances. The proposed project will comply with all Federal, State, and local policies and regulations related to solid waste.

**Mitigation:** None.

**References:** Correspondence from the Department of Public Works, dated January 18, 2008, Stanislaus County Environmental Review Committee letter, Raul Mendez, dated June 6, 2007 - *Revised*, Department of Environmental Resources Correspondence, Bella Badal, PhD., dated May 14, 2007, Stanislaus County General Plan<sup>1</sup>, *Land Use and Conservation/Open Space Element*.



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

**Discussion:** On the basis of an analysis of the project and its potential adverse physical environmental impacts, as described above, it has been determined that the project would not 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.

The proposed project would have cumulative impacts on air quality, noise, public services, transportation, and utilities and service systems. However, implementation of policies found in the Stanislaus County General Plan presented herein, and mitigation measures imposed on the project would reduce these cumulative impacts to a less than significant level.

Potential adverse effects on human beings can be mitigated through the implementation of Stanislaus County General Plan policies, mitigation measures imposed on the project, and or the implementation of Conditions of Approval presented herein.

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<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.

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment Application No. 2007-04, Rezone Application No. 2007-04, Parcel Map Application No. 2008-11, Williamson Act Cancellation Application No. 2007-03 - Sun Dry Products Inc.

**LOCATION OF PROJECT:** The project is located at 3401 Gaffery Road, on the north side of Gaffery Road, east of Koster Road, adjacent to the Delta Mendota Canal. The project is also located in San Joaquin County, which splits the property, leaving a small amount in San Joaquin County. (APN: 016-003-009 & San Joaquin County APN: 265-001-009)

**PROJECT DEVELOPER:** Sun Dry Products Inc.  
Jim Davis, President  
3401 Gaffery Road  
Westley, CA 95387

**DESCRIPTION OF PROJECT:** This is a request to amend the General Plan and rezone the Sun Dry property from Agriculture/A-2-40 (General Agriculture) to P-D (Planned Development) on 103.2 acres, and to subdivide the total 200± acre parcel into four parcels. The proposed new business is no longer limited to serving the agricultural community and requires a land use designation change. Major expansion of the operation is not proposed at this time, and no new buildings are proposed. Most of the buildings on the property are found on (proposed) Parcel 2. The proposal would allow the continued operation of the reclamation and recycling of agricultural products. It would include an industrial hauler, processing of commercial feed products, and demolition operations (to include construction debris, pallets, and sulfur and gypsum wall board). The following activities are occurring on-site presently: processing agricultural waste, wood products, green and landscape waste, animal feed, reclaimed and recycled materials, wood pallets, concrete and asphalt, drying of agricultural products, milling, screening, composting, blending, grinding, bagging, sorting, shredding, and commodity stockpiling and storage. These uses, which are fully described in the Applicant's Submittal (Exhibit D), would be considered consistent with a Planned Development zone.

The business is currently established on-site as an agricultural service establishment under Use Permit Nos. 79-11 and 91-41, which allow for similar uses. (The Project Description for the proposal can be found in Exhibit D - Applicant's Submittal.) The business is serving the agricultural community presently, and is proposing to allow alternative uses, discussed above, that are beyond the scope of agricultural waste processing, hence the need for the General Plan Amendment and Rezone. The project is currently under Williamson Act Contract No. 75-1888.

The project also requests a Parcel Map to subdivide the property into four parcels. The land division is proposed as: Parcel 1) 49.48-acres, Parcel 2) 53.54-acres, Parcel 3) 40.64-acres, and Parcel 4) 56-acres. The entire site is not proposed to have its land use designation changed. The project is proposing two non-agricultural parcels for the intended uses for the business, and two parcels for continued farming operations. Parcel 3 and Parcel 4 will remain in agriculture, and will not be part of the General Plan Amendment, Rezone, or Williamson Act Cancellation, while Parcel 1 and Parcel 2 will be involved in a Williamson Act Cancellation, which is required for approval of the requested General Plan Amendment and Rezone applications.

The original application submitted did not include a Parcel Map application. A Parcel Map application was applied for because Parcel 4 is proposed to be sold to Grover Landscaping for financial reasons. Flood irrigation and laterals can be found on this parcel, which may be used for agricultural purposes in the future. Currently, there are 20 to 30 employees working on the property. Sun Dry operates 24 hours a day, seven days a week. The number of trucks for the operation is about 50 to 60 trucks Monday through Friday, and five to ten trucks on the weekends. Truck traffic has been restricted from 7:00 a.m. to 4:00 p.m.

Based upon the Initial Study, dated **October 27, 2008** the County Planning Department 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 aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).*
2. *Prior to any new construction or additional disturbance on undisturbed soils, a pre-construction survey for San Joaquin kit fox shall be conducted by a qualified biologist and submitted to the Director of Planning, California Department of Fish and Game, and U.S. Fish and Wildlife Service. If the survey shows any indication of kit fox on the property, no construction may begin without approval of CDFG and the Service.*
3. *The project shall comply with the California Regional Water Quality Control Board regulations.*
  - a. *The Discharger shall contain the sulfur piles in a roofed enclosure and to store any sulfur leachate in an above ground storage tank (AST). By correctly installing and operating the enclosed building, sump, and AST, the Discharger will be exempt from the requirement to contain the sulfur leachate in a Class II Surface Impoundment.*
  - b. *For the remaining food and industry by-product stockpiles, the Discharger shall limit the quantity of water in contact with the stockpiles. The Discharger may be able to reduce the capacity of any Class II Surface Impoundment through a reduction in leachate volume.*



4. *Hours of construction - If there is any construction on this project, the construction hours will be limited to 7:00 a.m. to 6:00 p.m. Monday thru Friday, with no construction allowed on holidays.*
5. *An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan if complaints are received by neighboring property owners for any on-site activities, which exceed the maximum allowable noise levels as allowed by the Noise Element.*

*If the county determines that the project's noise emissions exceed acceptable noise limits, source-specific noise control measures shall be implemented. The noise measures shall be designed to meet ambient noise limits as soon as practicable. Such measures shall include consideration of partial or complete equipment enclosures, erection of local noise barriers, and under extreme conditions, relocation of major noise-producing equipment.*

6. *The applicant shall enter into an agreement with Stanislaus County Department of Public Works to pay a fee of \$0.055 per ton of material entering or leaving the property to offset the traffic impacts to County roads. The agreement shall be in place within three months of the approval of this application. The fee shall be tied to the Engineering News Record Construction Cost Index as published in the January edition; the base Construction Cost Index is 8090.06 as of January 2008.*

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

Initial Study prepared by: Sean D. Purciel, Associate Planner

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

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

### Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**October 27, 2008**

- 1. Project title and location:** General Plan Amendment Application No. 2007-04, Rezone Application No. 2007-04, Parcel Map Application No. 2008-11, Williamson Act Cancellation Application No. 2007-03 - Sun Dry Products Inc.

The project is located at 3401 Gaffery Road, on the north side of Gaffery Road, east of Koster Road, adjacent to the Delta Mendota Canal. The project is also located in San Joaquin County, which splits the property, leaving a small amount in San Joaquin County. (APN: 016-003-009 & San Joaquin County APN: 265-001-009)
- 2. Project Applicant name and address:** Sun Dry Products Inc.  
Jim Davis, President  
3401 Gaffery Road  
Westley, CA 95387
- 3. Person Responsible for Implementing Mitigation Program:** Jim Davis, President
- 4. Contact person at County:** Sean Purciel, Associate Planner  
(209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### I. AESTHETICS

- No. 1 Mitigation Measure:** All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to: the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

Who Implements the Measure:	Applicant
When should the measure be implemented:	Ongoing
When should it be completed:	Ongoing
Who verifies compliance:	Stanislaus County Department of Planning and Community Development
Other Responsible Agencies:	None

EXHIBIT G

#### IV. BIOLOGICAL RESOURCES

**No. 2 Mitigation Measure:** Prior to any new construction or additional disturbance on undisturbed soils, a pre-construction survey for San Joaquin kit fox shall be conducted by a qualified biologist and submitted to the Director of Planning, California Department of Fish and Game, and U.S. Fish and Wildlife Service. If the survey shows any indication of kit fox on the property, no construction may begin without approval of CDFG and the Service.

Who Implements the Measure: Applicant

When should the measure be implemented: At any time construction takes place

When should it be completed: Upon completion of construction

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: California Department of Fish and Game, and U.S. Fish and Wildlife Service

#### VII. HAZARDS AND HAZARDOUS MATERIALS

**No. 3 Mitigation Measure:** The project shall comply with the California Regional Water Quality Control Board regulations.

- a. The Discharger shall contain the sulfur piles in a roofed enclosure and to store any sulfur leachate in an above ground storage tank (AST). By correctly installing and operating the enclosed building, sump, and AST, the Discharger will be exempt from the requirement to contain the sulfur leachate in a Class II Surface Impoundment.
- b. For the remaining food and industry by-product stockpiles, the Discharger shall limit the quantity of water in contact with the stockpiles. The Discharger may be able to reduce the capacity of any Class II Surface Impoundment through a reduction in leachate volume.

Who Implements the Measure: Applicant

When should the measure be implemented: Ongoing

When should it be completed: Ongoing

Who verifies compliance: California Regional Water Quality Control Board

Other Responsible Agencies: Stanislaus County Department of Planning and Community Development

#### XI. NOISE

**No. 4 Mitigation Measure:** Hours of construction - If there is any construction on this project, the construction hours will be limited to 7:00 a.m. to 6:00 p.m. Monday thru Friday, with no construction allowed on holidays.

Who Implements the Measure: Applicant

When should the measure be implemented: Ongoing

When should it be completed: Ongoing

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Sheriff

**No. 5 Mitigation Measure:** An acoustical analysis shall be prepared in accordance with the Noise Element of the Stanislaus County General Plan if complaints are received by neighboring property owners for any on-site activities, which exceed the maximum allowable noise levels as allowed by the Noise Element.

If the county determines that the project's noise emissions exceed acceptable noise limits, source-specific noise control measures shall be implemented. The noise measures shall be designed to meet ambient noise limits as soon as practicable. Such measures shall include consideration of partial or complete equipment enclosures, erection of local noise barriers, and under extreme conditions, relocation of major noise-producing equipment.

Who Implements the Measure: Applicant

When should the measure be implemented: Ongoing

When should it be completed: Ongoing

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Sheriff

#### XV. TRANSPORTATION/TRAFFIC

**No. 6 Mitigation Measure:** The applicant shall enter into an agreement with Stanislaus County Department of Public Works to pay a fee of \$0.055 per ton of material entering or leaving the property to offset the traffic impacts to County roads. The agreement shall be in place within three months of the approval of this application. The fee shall be tied to the Engineering News Record Construction Cost Index as published in the January edition; the base Construction Cost Index is 8090.06 as of January 2008.

Who Implements the Measure: Applicant

When should the measure be implemented: Ongoing

When should it be completed: Ongoing

Who verifies compliance: Stanislaus County Department of Planning and Community Development

Other Responsible Agencies: Stanislaus County Department of Environmental Resources and Stanislaus County Sheriff

I the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file  
Person Responsible for Implementing  
Mitigation Program

October 13, 2008  
Date



# DEPARTMENT OF CONSERVATION

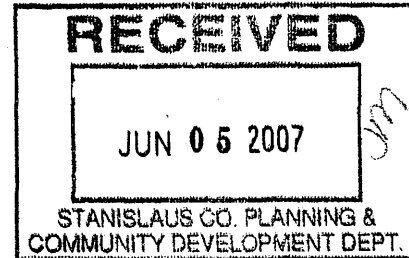
## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

May 30, 2007

Mr. Joshua Mann, Associate Planner  
Stanislaus County, Planning & Community Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354



SUBJECT: PROPOSED CANCELLATION OF LAND CONSERVATION (WILLIAMSON ACT) CONTRACT NO. 75-1888 – Sun Dry Products

Dear Mr. Mann:

Thank you for submitting notice to the Department of Conservation (Department) as required by Government Code section 51284.1 for the above referenced matter.

The applicant, Jim Davis, submitted a petition requesting cancellation of Williamson Act Contract No. 75-1888. The petition proposes to cancel approximately 200 acres of property, as part of a General Plan amendment and Rezoning application (GPA/REZ) for expansion of applicant's commercial organic recycling business. The property is currently zoned A-2-40 (General Agricultural).

The parcel, APN 016-003-003, is located at 3401 Gaffery Road, east of Koster Road, near the Delta Mendota Canal in Vernalis, along the Stanislaus/San Joaquin County line. The affected parcel is surrounded by prime agricultural land.

### California Environmental Quality Act (CEQA)

A project is deemed to be of statewide, regional, or areawide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres (California Code of Regulations Section 15206(b)(3)). This project seeks to affect over 200 acres of agricultural lands categorized as Prime Farmland.

The Department recommends the purchase of agricultural conservation easements on agricultural land of at least equal quality and acreage, to mitigate development impacts resulting in loss of agricultural land. If a Williamson Act contract is terminated, or if growth-inducing or cumulative agricultural impacts are involved, we recommend that this ratio be increased.

Agricultural conservation easements protect a portion of those remaining resources and lessen project impacts in accordance with CEQA Guideline §15370. We highlight this

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*The Department of Conservation's mission is to protect Californians and their environment by:  
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;  
Conserving California's farmland; and Saving energy and resources through recycling.*

measure because of its growing acceptance and use by lead agencies as mitigation under CEQA. The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. The purchase of agricultural easements does not obviate the requirement to make the necessary findings for cancellation of a Williamson Act contract. The Department recommends, for consistency with general principles of CEQA, Stanislaus County Board of Supervisors (Board) delay any action on this cancellation petition until mitigation for early contract termination and conversion of agricultural land are addressed. Typically, jurisdictions hear Williamson Act cancellations concurrently with the project, and therefore avoid the issue of taking a discretionary action without benefit of CEQA review.

#### Cancellation Findings

Government Code Section 51282 states that tentative approval for cancellation may be granted only if the local government makes one of the following findings: 1) cancellation is **consistent** with purposes of the Williamson Act or 2) cancellation is in the **public interest**. The Department has reviewed the petition and information submitted and offers the following comments.

#### Cancellation is Consistent with the Purposes of the Williamson Act

For the cancellation to be consistent with purposes of the Williamson Act, Stanislaus County Board of Supervisors (Board) must make **all** of the following five findings: 1) a notice of nonrenewal has been served, 2) removal of adjacent land from agricultural use is not likely, 3) the alternative use is consistent with the County's General Plan, 4) discontinuous patterns of urban development will not result, and 5) that there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

#### **(1) Notice of nonrenewal has been served:**

The Stanislaus County Recorder recorded notice of nonrenewal for the subject contract in February 2007. The contract is scheduled to terminate on December 29, 2016, through the nonrenewal process.

#### **(2) Removal of adjacent land from agricultural use is not likely:**

Prime agricultural lands surround the subject parcel. The Department is concerned this proposed cancellation and rezoning will have significant and direct environmental impacts on adjacent agricultural lands, specifically to the neighboring orchards and vineyards. Such impacts, including increased traffic and pollution, potential diminished productivity, and threatened food safety, could cause neighboring agricultural parcels to face increased pressure to convert to non-agricultural uses.

Subdivision and cancellation, especially one that promotes commercial industrial development, can increase landowner expectations for non-agricultural use of their lands, and result in greater potential for land use conflicts between development and agricultural operations on adjacent agricultural land.

Nothing is mentioned in applicant's development proposal or cancellation petition to reduce premature development pressures on neighboring agricultural properties. Absent this information, the Department cannot conclusively determine that the removal of adjacent land from agricultural use is not likely, and thus, feel this finding cannot be made.

**(3) Alternative use is consistent with County's General Plan:**

The proposed cancellation site is currently zoned Agriculture/A-2-40 (General Agriculture) and designated for agricultural use in the adopted Stanislaus County General Plan.

The proposed alternative use is currently inconsistent with Stanislaus County's General Plan, and requires a General Plan amendment and Rezoning (GPA/REZ), as sought by applicant. If Stanislaus County approves the GPA/REZ, the inconsistencies would then be cured and this finding can be made.

**(4) Discontiguous patterns of urban development will not result:**

Based on the information provided, the Department believes discontiguous patterns of urban development **will occur** if cancellation and rezoning of this parcel were to occur. Development of the contracted land would result in discontiguous patterns of urban development, constituting "leap-frog" urbanization.

All properties surrounding the contracted lands are currently in agricultural production. The information suggests any urban contiguity would be based upon speculative future development.

Actual contiguity to existing urban development, either at the time of cancellation or soon thereafter, must be the standard, because any appreciable delay between construction of the alternative use and achievement of contiguity results in the very evil the contiguity requirement was intended to abolish, i.e., premature and disorderly patterns of suburban development. *Honey Springs v. Board of Supervisors*, 157 Cal. App.3d 1122, 1145 (1984).

The Department recommends that any additional substantive information regarding the intent and ability of adjacent landowners to develop their land, as well as any land-use approvals received, be added to the record.

**(5) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land:**

The petition lacks sufficient documentation to support a finding that there is no proximate, noncontracted land which is both available and suitable for the proposed use.

The applicant fails to address why available and suitable proximate noncontracted land would be barred from use. Please note the California Supreme Court pointedly stressed that:

"The purposes of the Williamson Act require that "proximate" not be construed to unreasonably limit the search for suitable noncontracted land. It would serve no purpose of the act to reject unrestricted property perfectly



suited to fill the needs addressed by the proposal simply because that property is not in the immediate vicinity of the restricted land. In fact, under some circumstances land several miles from the proposed development site may be near enough to serve the same purposes. We therefore hold that "proximate" property means property close enough to the restricted parcel to serve as a practical alternative for the proposed use." *Sierra Club v. City of Hayward*, 28 Cal. 3d 840, 861 (1981).

The Department recommends that any additional information regarding the availability and suitability of proximate non-contracted lands for this use be added to the record. This should include an analysis of other non-contracted properties within a several-mile radius of this site, and an analysis of why such properties are not suitable. See *Sierra Club*, 28 Cal.3d at 862 (requiring the determination of salient features of a proposed project as relevant to making a proximate land analysis). Such information in the record will help assure that this cancellation would meet statutory requirements and avoid future challenges.

#### Cancellation is in the Public Interest

For the cancellation to be in the public interest, the Council must make findings with respect to all of the following: (1) other public concerns substantially outweigh the objectives of the Williamson Act and (2) that there is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land. Our comments have already addressed the second finding required under public interest finding above.

In order to find that "other public concerns substantially outweigh the objectives of the Williamson Act," the Supreme Court has directed that the Council must consider the interest of the public as a whole in the value of the land for open space and agricultural use. Though the interests of the local and regional communities involved are also important, no decision regarding the public interest can be based exclusively on their parochialism.

Moreover, the paramount 'interest' involved is the preservation of land in agricultural production. In providing for cancellation, the Legislature has recognized the relevance of other interests, such as housing, needed services, environmental protection through developed uses, economic growth and employment. However, it must be shown that open space objectives, explicitly and unequivocally protected by the act, "are substantially outweighed by other public concerns before the cancellation can be deemed 'in the public interest.'" *Sierra Club*, 28 Cal.3d at 857.

Based on the information provided within the applicant's petition, the cancellation appears to be predominantly in the interest of the landowner. The applicant states an intention to expand an ongoing industrial use. It is not conclusively demonstrated that this cancellation outweighs the concerns of preserving open space land and protecting the environment. While an industrial organic recycling business may serve a benefit to the community, this

alone is insufficient to substantiate cancellation as a public interest benefit under the standard set by the California Supreme Court.

Nonrenewal

As a general rule, land should be withdrawn from Williamson Act contract through the nine-year nonrenewal process. The California Supreme Court reiterated that cancellation is allowed "only in the most extraordinary circumstances." *Sierra Club*, 28 Cal.3d at 853.

The Department encourages the County to continue considering nonrenewal on lands subject to the Williamson Act contracts. If contract cancellation were provided as an easy option for landowners, the County would be allowing contracting landowners the ability to retain their property tax advantage until development is profitable.

To pass constitutional muster, a restriction must be enforceable in the face of imminent urban development, and may not be terminable merely because such development is desirable or profitable to the landowner. *Lewis v. City of Hayward*, 177 Cal. App. 3d 103, 113 (1986). Providing contracting landowners an expectation that they can retain tax benefits from participation in the Williamson Act until development to urban uses is imminent, and also an expectation that immediate contract termination would then be available; is inconsistent with the clearly articulated finding of the Court in *Lewis*.

Based on the information provided to date, it is the Department's conclusion that the petition lacks substantial supporting evidence to permit the Board to reasonably find that it can cancel the contract based upon the required findings.

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within 30 days of the tentative cancellation pursuant to Government Code section 51284. Additionally, we request a copy of the Board's findings pursuant to Government Code section 51282.

If you have any questions concerning our comments, please contact Tom Tandoc, Environmental Planner, at (916) 323-4160.

Sincerely,



Dennis J. O'Bryant  
Program Manager



**Douglas Harms  
Stanislaus County Assessor**

Steve Yauch  
Assistant Assessor  
Valuation

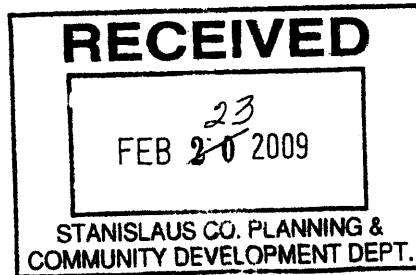
Don Oppman  
Assistant Assessor  
Administration

1010 Tenth St., Suite 2400  
Modesto, CA 95354-0847

Phone: (209) 525-6461  
Fax: (209) 525-6586

February 23, 2009

Stanislaus County Board of Supervisors  
c/o Planning and Community Development  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354



Dear Board Members:

Reference: Property Owner: Sun Dry Products, Inc  
Contact: Jim Davis  
Assessor's Parcel Number: 016-003-009-000 portion  
Williamson Act Contract Number: 1975-1888

In accordance with California Government Code Section 51283, the Assessor's Office has made the following determination:

The cancellation valuation of 114.8 acres of the above referenced property restricted under the California Land Conservation Act is one million one hundred ninety-eight thousand dollars (\$1,198,000) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of one hundred forty-nine thousand seven hundred fifty dollars (\$149,750).

I hereby certify the cancellation valuation of the above parcel to be \$1,198,000.

Respectfully,

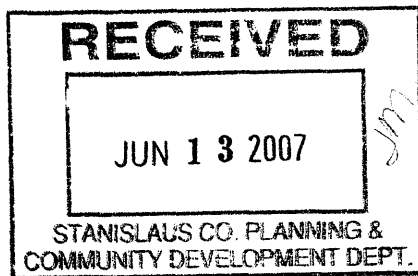
DOUG HARMS, Assessor  
Stanislaus County

DBH:PJH:emr

cc: Jim Davis, Sun Dry Products  
California Department of Conservation

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**  
**PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04, REZONE APPLICATION NO. 2007-04, PARCEL MAP APPLICATION NO. 2008-11, WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-03 - SUN DRY PRODUCTS / JIM DAVIS**

REFERRED TO:	PUBLIC HEARING NOTICE		RESPONDED		RESPONSE			MITIGATION MEASURES		Conditions	
	DATE:		YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	No
AGRICULTURE COMMISSIONER	November 17, 2009	X		X							
AIRPORT LAND USE COMMISSION											
BUILDING PERMITS DIVISION		X	X		X				X		X
CA WASTE MANAGEMENT BOARD		X	X	X	X				X	X	
CALTRANS DISTRICT 10		X	X		X						
CENTRAL CALIF. INFO. CENTER - CSUS		X	X	X	X				X		X
CHIEF EXECUTIVE OFFICE		X		X							
COUNTY OF: SAN JOAQUIN		X	X	X	X				X		X
CORPS OF ENGINEERS		X	X		X						
COUNTY COUNSEL		X		X							
DEPARTMENT OF CONSERVATION		X	X	X		X			X		X
ENVIRONMENTAL RESOURCES		X		X	X				X	X	
FIRE PROTECTION DIST: W. STANISLAUS		X	X	X	X				X	X	
STANISLAUS FIRE PREVENTION BUREAU		X		X	X				X	X	
FISH & GAME		X	X		X						
HOSPITAL DISTRICT: DEL PUERTO		X	X		X						
IRRIGATION DISTRICT:											
LAFCO											
MOSQUITO DISTRICT: TURLOCK		X	X		X						
MOUNTAIN VALLEY EMERGENCY MEDICAL		X	X		X						
MUNICIPAL ADVISORY COUNCIL:											
PARKS & FACILITIES		X		X					X		X
P.G. & E.		X	X		X						
PUBLIC WORKS		X		X	X			X		X	
PUBLIC WORKS - TRANSIT		X									
REDEVELOPMENT											
REGIONAL WATER QUALITY		X	X	X	X			X		X	
StanCOG		X	X		X						
SCHOOL DISTRICT 1: PATTERSON		X	X		X						
SHERIFF		X		X	X				X		X
STANISLAUS COUNTY FARM BUREAU		X	X		X						
STANISLAUS ERC		X		X	X				X		X
STATE CLEARINGHOUSE		X	X	X	X				X		X
STATE LANDS BOARD		X	X		X						
SUPERVISORIAL DISTRICT 5: DE MARTINI		X			X						
TELEPHONE COMPANY: AT&T		X	X		X						
TRIBAL CONTACTS		X	X		X						
US FISH & WILDLIFE		X	X		X						
US MILITARY 4 AGENCIES (SB 1462)		X	X		X						
VALLEY AIR DISTRICT		X	X	X	X			X		X	
DEPT OF WATER RESOURCES		X	X	X					X		X
WATER DISTRICT: DEL PUERTO		X	X	X	X				X	X	



CHIEF EXECUTIVE OFFICE  
Richard W. Robinson  
Chief Executive Officer

Patricia Hill Thomas  
Chief Operations Officer/  
Assistant Executive Officer

Monica Nino-Reid  
Assistant Executive Officer

Stan Risen  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404  
Phone: 209.525.6333 Fax 209.544.6226

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

June 6, 2007 – *REVISED* –

Joshua Mann, Assistant Planner  
Stanislaus County Planning Department  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**SUBJECT: ENVIRONMENTAL REFERRAL – GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04, REZONE APPLICATION NO. 2007-004, AND WILLIAMSON ACT CANCELLATION NO. 2007-03 – SUN DRY PRODUCTS**

Ms. Mann:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comment(s):

- Any future projects for Sun Dry shall comply with California Integrated Waste Management Board (CIWMB) regulations regarding waste tire storage.
- Sun Dry shall comply with all conditions listed in their Organic Recycling Facility Permit issued by Environmental Resources on February 28, 2007.
- The project must comply with all applicable County and State codes, ordinances, and regulations. Fire protection water and access will be required at the time of building permit application.
- Please refer to the memorandum from Ron Cherrier, Stanislaus County Transportation Project Coordinator, attached hereto and incorporated herein by reference.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Raul Mendez, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members  
Attachment



TO: STANISLAUS COUNTY PLANNING & COMMUNITY DEV.  
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES  
RE: ENVIRONMENTAL REVIEW COMMENTS

PROJECT TITLE: GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04,  
REZONE APPLICATION NO. 2007, AND WILLIAMSON ACT  
CANCELLATION NO. 2007-03 – SUN DRY PRODUCTS

Based on this agency's particular field(s) of expertise, it is our position the project described above:

X  See comments below.

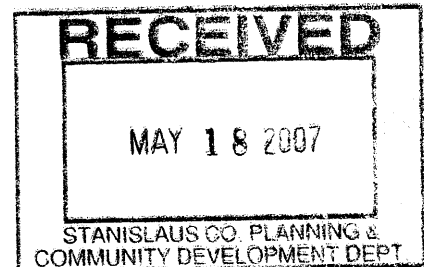
1. Any future projects for Sun Dry shall comply with California Integrated Waste Management Board (CIWMB) regulations regarding waste tire storage.
2. Sun Dry shall comply with all conditions listed in their Organic Recycling Facility Permit issued by Environmental Resources on February 28, 2007.

Response prepared by:

BELLA BADAL, PhD., R.E.H.S.  
SENIOR ENVIRONMENTAL HEALTH SPECIALIST  
Department of Environmental Resources

DATE: 5/14/07

cc: CEO'S OFFICE- Raul Mendez

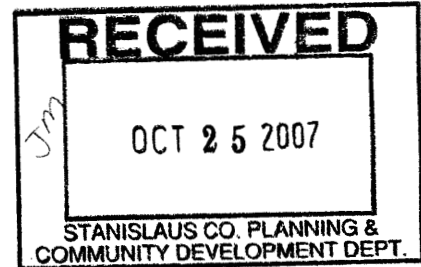




# WEST STANISLAUS COUNTY FIRE PROTECTION DISTRICT

P.O. Box 565, Patterson, CA 95363  
(209) 892-5621 fax (209) 892-7896  
email: bkinnear@ci.patterson.ca.us

**James W. Kinnear**  
Fire Chief



October 23, 2007

Stanislaus County  
Department of Planning and Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Re: West Stanislaus County Fire Protection District's Impacts From GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04, REZONE APPLICATION NO. 2007-04, AND WILLIAMSON ACT CANCELLATION NO. 2007-03 – SUN DRY PRODUCTS

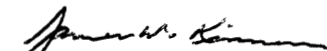
Upon review of the proposed actions, the West Stanislaus County Fire Protection District feels that this action will have an accumulative, detrimental effect upon the ability of this district to continue to provide emergency services to its existing constituents.

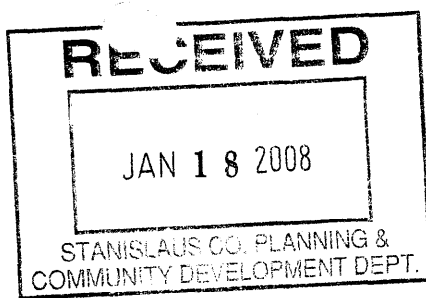
To mitigate these effects, the following requirements shall be met:

1. Applicant shall complete the water system for fire protection meeting the needs of the Fire District, as well as a care and maintenance program for such system.
2. Operations shall be set up such that fire ignition sources are downwind from storage facility, based on prevailing winds.
3. No smoking shall be permitted at the facility.
4. Adequate spacing between compost piles shall be required as well as size limitations of piles.
5. Should there be any buildings constructed on any parcels created by this action, the applicant shall enter into an agreement with the Fire District for development fees to reduce these negative effects.
6. Any buildings constructed shall comply with NFPA #13

Should there be any further questions on this issue, please refer them to this office immediately.

Respectfully,

  
James W. Kinnear  
Fire Chief



**Matt Machado, PE**  
Director

1010 10TH Street, Suite 3500, Modesto, CA 95354  
Phone: 209.525.6550

January 18, 2008

MEMO TO: Department of Planning and Community Development  
FROM: *Angie Halverson*  
Angie Halverson, Senior Land Development Coordinator  
SUBJECT: Rezone Application 2007-04 – Sun Dry Products

The proposed rezone to allow the continued operation of a recycling, reclamation and reuse business will create a significant traffic impact to Gaffery Road. Therefore, in order to reduce any potential traffic impacts and to be consistent with County development standards, this Department recommends the following conditions of approval:

1. An encroachment permit must be obtained prior to the start of any work within the county right-of-way.
3. If a new driveway is installed, all new driveway locations and widths shall be approved by this Department.
4. No parking, no loading or unloading of vehicles shall be permitted within the right-of-way of Gaffery Road. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.
5. 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 way. After the plan is determined to be acceptable, the plan shall be implemented prior final and/or occupancy of a building.
6. The employee parking area shall be paved and double striped per county standards. The parking, loading, and unloading areas for service vehicles and trucks may have gravel or road base in lieu of pavement.

Without the mitigation measure, there would be significant impacts to the County roads. With this mitigation measure in place, this project will not have a significant impact on the County road system:

7. The applicant shall enter into an agreement with Stanislaus County Department of Public Works to pay a fee of \$0.055 per ton of material entering or leaving the property to offset the traffic impacts to County roads. The agreement shall be in place within three months of the approval of the use permit. The fee shall be tied to the Engineering News Record Construction Cost Index as published in the January edition; the base Construction Cost Index is 8090.06 as of January 2008.

If you have any questions concerning the above recommended conditions, please contact me as soon as possible.

(H:\services\Rez 2007-04 SunDry.ah)





LINDA S. ADAMS  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION



ARNOLD SCHWARZENEGGER  
GOVERNOR

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812-4025  
(916) 341-6000 • WWW.CIWMB.CA.GOV

MARGO REID BROWN  
CHAIR,  
MBROWN@CIWMB.CA.GOV  
(916) 341-6051

December 13, 2006

Mr. Jim Davis  
P.O. Box 315  
Westley, CA 95387

JEFFREY DANZINGER  
JDANZINGER@CIWMB.CA.GOV  
(916) 341-6024

**Subject: Issuance of a Registration Permit for the Sun Dry Products, Inc. Medium Volume Construction and Demolition /Inert (CDI) Debris Processing Facility, SWIS No. 50-AA-0028**

ROSALIE MULÉ  
RMULE@CIWMB.CA.GOV  
(916) 341-6036

Dear Mr. Davis:

On November 17, 2006, the California Integrated Waste Management Board (CIWMB), serving as the solid waste enforcement agency (EA) for Stanislaus County, received your Registration Permit (Permit) Application for the subject facility.

CHERYL PEACE  
CPEACE@CIWMB.CA.GOV  
(916) 341-6039

The Permit Application was deemed complete and correct and accepted for filing on December 11, 2006. Enclosed is a copy of the issued Permit and accepted application for the facility. A copy of the Permit shall be maintained at the facility's office. The facility is a Medium Volume Construction and Demolition /Inert (CDI) Debris Processing Facility authorized to receive less than 175 tons of CDI waste per day for handling and processing pursuant to Section 17383.5 of Title 14, California Code of Regulations (14 CCR). Any change in operation or design at the facility is subject to review by the EA before implementation.

GARY PETERSEN  
GPETERSEN@CIWMB.CA.GOV  
(916) 341-6035

Additionally, please be advised that nothing in 14 CCR Article 5.7 shall be construed as relieving the owner, operator, or designee from complying with any other local, state, and federal permits, licenses, or other requirements.

PAT WIGGINS  
PWIGGINS@CIWMB.CA.GOV  
(916) 341-6010

The facility will be inspected on a monthly basis. All costs incurred while completing services as the EA for the facility will be billed to the facility pursuant to Public Resources Code Section 43212. The current billing rate is \$109.57 per hour.

Thank you for your cooperation throughout the permitting process. If you have questions regarding this matter, please contact Susan Markie at (916) 341-6324.



Sincerely,

Howard Levenson, Ph.D.  
Deputy Director  
Permitting & Enforcement Division

Enclosures

cc: Denny Hoeh – Stanislaus County Department of Environmental Resources  
Bryan Kumimoto - Stanislaus County Department of Environmental Resources  
Victor Izzo – Central Valley Regional Water Quality Control Board

State of California  
CIWMB - 81 (rev. 1/95)

California Integrated Waste  
Management Board

# REGISTRATION PERMIT

Facility/Permit Number (SWIS):

**50-AA-0028**

Name of Facility:

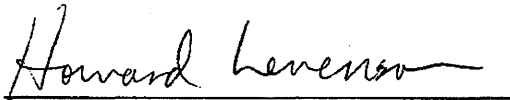
**Sun Dry Products, Inc. (SDP)**

Name and Address of Enforcement Agency:

**California Integrated Waste Management Board, 1001 I Street, Sacramento CA 95812**

Signature of Local Enforcement Agency Approving Officer:

Date of issuance: \_\_\_\_\_



Please print or type Name and Title of Approving Officer:

Howard Levenson, PhD., Deputy Director  
Permitting and Enforcement Division  
California Integrated Waste Management Board

*This permit has been issued by the enforcement agency in accordance with Title 14, California Code of Regulations, section 18104. This registration permit incorporates by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Title 14, Division 7 of the California Code of Regulations. These minimum standards include, but are not limited to the following:*

**Title 14, California Code of Regulations, Division 7, Chapter 4, Article 5.7.**

*The facility for which this permit has been issued may only be operated in accordance with the description provided in the attached application, which is hereby incorporated by reference.*

*This permit shall be reviewed at least once every five years from the date of issuance noted above pursuant to Title 14, California Code of Regulations, section 18104.7.*



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



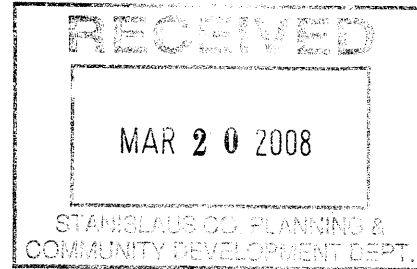
Linda S. Adams  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

Arnold  
Schwarzenegger  
Governor

14 March 2008

Jim Davis  
Sun Dry Products, Inc.  
P.O. Box 315  
Westley, CA 95387



## **REVIEW OF DISCHARGER'S COMMENTS ON TENTATIVE WASTE DISCHARGE REQUIREMENTS, SUN DRY PRODUCTS, STANISLAUS COUNTY**

The Regional Water Quality Control Board (Regional Water Board) staff has reviewed Sun Dry Products' (Discharger) comments on the Tentative Waste Discharge Requirements (WDRs), received on 29 February 2008. The comments were submitted on behalf of the Discharger by Kleinfelder.

Based on our review, staff has addressed the Discharger's comments by incorporating the following items into the revised WDRs:

1. Staff concurred with the Discharger's proposal to contain the sulfur piles in a roofed enclosure and to store any sulfur leachate in an above ground storage tank (AST). By correctly installing and operating the enclosed building, sump, and AST, the Discharger will be exempt from the requirement to contain the sulfur leachate in a Class II Surface Impoundment.
2. For the remaining food and industrial by-product stockpiles, staff concurred with the Discharger's proposal to limit the quantity of water in contact with the stockpiles and to further-characterize the leachate. Thus, the Discharger may be able to reduce the capacity of any Class II Surface Impoundment through a reduction in leachate volume.
3. Staff adjusted the Time Schedule so that the Discharger may resample the stockpile leachate, design a mechanism to limit the quantity of contact water, and to size a Class II Surface Impoundment based on any revised quantity of leachate.

In order to conserve paper and reduce mailing costs, a paper copy of the tentative WDRs has been sent only to the Discharger. Interested parties are advised that the full text of the WDRs will be available on the Regional Board's web site by **25 March 2008**. The website address is [http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders). Anyone without access to the Internet who needs a paper copy of the tentative WDRs can obtain one by calling Regional Board staff.

**California Environmental Protection Agency**



California Regional Water Quality Control Board  
Central Valley Region

Karl E. Longley, ScD, P.E., Chair



Linda S. Adams  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

Arnold  
Schwarzenegger  
Governor

13 June 2007

Joshua Mann, Associate Planner  
County of Stanislaus Department of Planning  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

**STATE CLEARINGHOUSE NO. 2007042146, NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL, SUN DRY PRODUCTS, GAFFERY ROAD, WESTLEY, STANISLAUS COUNTY**

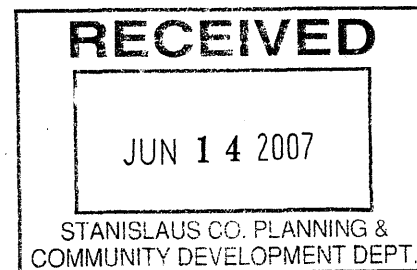
The Regional Water Quality Control Board (Regional Water Board) staff has reviewed the Notice of Completion and Environmental Document for the subject property received on 21 May 2007. Regional Water Board staff understands that the project consists of a request to amend the General Plan and to rezone from Agriculture/A-2-40 to Planned Development to allow for the continued operation of a recycling, reclamation, and reuse business on a 200± acre parcel.

Based on our review, staff finds that there are no additional water quality issues with the request to rezone. Currently, Sun Dry is under an *Order to Submit a Technical Report pursuant to California Water Code 13267* (6 April 2006). The technical report has been received. However, the Report of Waste Discharge and Form 200 based on the findings of the technical report have not been received.

Please inform the project proponent that they are required to submit the Form 200 (<http://www.waterboards.ca.gov/sbforms/form200.pdf>), the Report of Waste Discharge, and subsequently must receive either Waste Discharge Requirements or conditional waiver from the Regional Water Board.

If you have any questions, please call Mary Boyd at (916) 464-4676.

Mary Boyd  
Water Resources Control Engineer  
Lower San Joaquin River Watershed  
Waste Discharge to Land Unit



cc: State Clearinghouse, Sacramento  
Jim Davis, Sun Dry Products, Westley



California Regional Water Quality Control Board  
Central Valley Region

Karl E. Longley, ScD, P.E., Chair

Linda S. Adams  
Secretary for  
Environmental  
Protection

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Arnold  
Schwarzenegger  
Governor

8 December 2008

Jim Davis  
Sun Dry Products, Inc.  
P.O. Box 315  
Westley, CA 95387

DEC 10 2008

**ADDENDUM SURFACE WATER SAMPLING AND ANALYSIS PLAN, SUN DRY PRODUCTS, STANISLAUS COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff has reviewed the *Addendum Surface Water Sampling and Analysis Plan* (Plan) received from Sun Dry Products, Inc. (Discharger) via email on 3 December 2008. The Discharger is regulated under Cleanup and Abatement Order R5-2008-0709 (CAO) and Monitoring and Reporting Program R5-2008-0836 for mitigation and monitoring of a food and industrial by-products recycling facility. Submittal of the Plan was a requirement of the CAO.

The Discharger's Plan presented the information required by the CAO, including a map with surface water sample locations, sample collection devices and procedures, one background sample location, seven down gradient sampling locations, analytical methods, quality control procedures, and laboratory Practical Quantitation Limits and Method Detection Limits.

Based on staff's review, the Discharger may implement the Plan provided that the Discharger adheres to the following provisions:

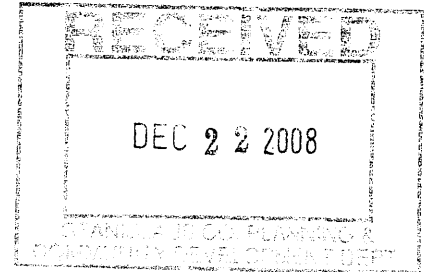
1. The upgradient and down gradient sampling devices must be installed by **17 December 2008**;
2. Samples must be obtained during the first hour of discharge from the first storm event in the wet season;
3. Samples must be obtained from at least one other storm event in the wet season;
4. Wood by-product and green waste stockpiles must be analyzed for arsenic, manganese, copper, and iron in addition to the constituents listed in the Discharger's Plan;
5. Grape products must be sampled for aluminum, iron, and copper in addition to the constituents listed in the Discharger's Plan; and
6. Almond shells must be analyzed for BOD, sulfate, aluminum, arsenic, boron, copper, iron, manganese, zinc, and nitrate-nitrogen in addition to the constituents listed in the Discharger's Plan;



P.O. Box 1596 • Patterson, CA 95363-1596

Fax (209) 892-4469 • Phone (209) 892-4470

December 22, 2008



Stanislaus County Planning & Community Development  
Attn: Sean Purciel, Associate Planner  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

VIA FAX: (209) 525-5911

Re: GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04, Rezone  
Application No. 2007-04, Parcel Map Application No. 2008-11,  
Williamson Act Cancellation Application No. 2007-03 – Sun Dry  
Products

Dear Mr. Purciel:

These comments are submitted on behalf of Del Puerto Water District ("District").

As we understand it, the County's proposed amendment would rezone ±103 acres of land currently within the District's boundaries from "Agriculture" to "Planned Development".

As a California Water District and federal water service contractor, the jurisdictional responsibilities and expertise of the District are in the area of surface water management and distribution for agricultural purposes. The District has also assumed certain responsibilities over local groundwater supplies through the adoption of an AB3030 "Groundwater Management Plan for the Northern Delta-Mendota Canal Subbasin" and assists its agricultural landowners and water users in complying with the requirements of the California Regional Water Quality Control Board's Irrigated Lands Program for the Central Valley Region through its participation in the Westside San Joaquin River Watershed Coalition.

As the agency currently responsible for providing these services to these lands, the District has some concerns about the proposed project and offers the following comment and request.

Though not considered fully "irrigable" due to the existence of landing strips, taxiways and buildings, the two parcels in question currently have access to District water supplies by virtue of the fact that they are part of a parcel that is zoned for and has remained in agricultural use. The land therefore receives an allocation of water from available District supplies. However, in accordance with the Guidelines adopted by the Board of Directors on October 19, 2005 (attached), District lands converted to municipal and/or industrial (i.e. "planned development") uses are no longer eligible for District water service and are to be detached from the District at landowner expense.

Toward this end, the District requests that detachment proceedings through Stanislaus County LAFCO be completed (at no cost to the District) for the two parcels in question prior to the approval of the proposed action(s).

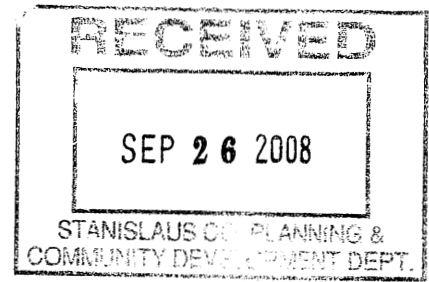
The District appreciates being kept informed as to any actions proposed to be taken by the County with regard to District lands. If your office requires any additional information in this regard, please do not hesitate to contact us.

Very truly yours,



William D. Harrison, General Manager

Cc: Stanislaus County LAFCO



September 24, 2008

Sean Purciel  
County of Stanislaus  
Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**Subject: Comments on Proposed Projects**

**Projects: General Plan Amendment No. 2007-04, Rezone No. 2007-04, Williamson Act Cancellation No. 2007-03 (Sun Dry Products)**

**District Reference No: 20070776**

Dear Mr. Purciel:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Early Consultation Referral for the continued use of the existing recycling business located on Stanislaus County APN 016-003-003 and San Joaquin County APN 265-01-09. The District offers the following comments:

**District Comments**

1) The District's initial review of the project concludes that the project's stationary source emissions are expected to have a less than significant adverse impact on air quality. However, the District recommends that a more detailed preliminary review of the project be conducted. The additional environmental review of the project's potential impact on air quality should consider the following:

1a) Project Emissions should be identified and quantified.

i) Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. Preparation of an Environmental Impact Report (EIR) is recommend should emissions from either source exceed the

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061  
www.valleyair.org

**Southern Region**  
2700 M Street, Suite 275  
Bakersfield, CA 93301-2373  
Tel: (661) 326-6900 FAX: (661) 326-6985



following amounts: 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM<sub>10</sub>).

- ii) Pre- and post-project emissions should be identified.
- 1b) Nuisance Odors should be discussed as to whether the project would create objectionable odors affecting a substantial number of people.
  - 1c) Toxic Air Contaminants (TACs) – If the project is located near residential/sensitive receptors, the proposed project should be evaluated to determine the health impact of TACs to the near-by receptors. If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. Please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org). Additional information on TACs can be found online by visiting the District's website at [http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm)
- 2) If preliminary review indicates that a Mitigated Negative Declaration should be prepared, in addition to the effects identified above, the document should include:
    - 2a) Mitigation Measures – If preliminary review indicates that with mitigation, the project would have a less than significant adverse impact on air quality, the effectiveness of each mitigation measure incorporated into the project should be discussed.
    - 2b) District's attainment status – The document should include a discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. Information on the District's attainment status can be found online by visiting the District's website at <http://valleyair.org/aqinfo/attainment.htm>.
    - 2c) Greenhouse Gases (GHGs) – At this time there are no established significance thresholds for greenhouse gas emissions; however, it is recommended that the environmental document include a discussion of greenhouse gas emissions generated by the project and the effect they will have, if any, on global climate change.
- 3) If preliminary review indicates that an Environmental Impact Report (EIR) should be prepared, in addition to the effects identified above, the document should also include the following:

- 3a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality.
- 3b) A discussion of the components and phases of the project and the associated emission projections, (including ongoing emissions from each previous phase).
- 4) The proposed project is not subject to District Rule 9510 (Indirect Source Review).
- 5) The proposed project may require District permits. Prior to the start of construction the project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- 6) The proposed project may be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner  
Director of Permit Services



for Arnaud Marjollet  
Permit Services Manager

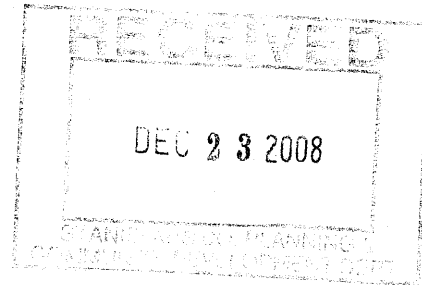
DW:jw

cc: File



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT



December 22, 2008

Sean Purciel  
 County of Stanislaus  
 Planning & Community Development  
 1010 10<sup>th</sup> Street, Suite 3400  
 Modesto, CA 95354

**Project: General Plan Amendment No. 2007-04, Rezone No. 2007-04, Parcel Map No. 2008-11 and Williamson Act Cancellation No. 2007-03 (Sun Dry Products)**

**District Reference No: 20070776**

Dear Mr. Purciel:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Initial Study and Mitigated Negative Declaration for the continued use of the existing recycling business located on Stanislaus County APN 016-003-003 and San Joaquin County APN 265-01-09. The District offers the following comments:

### District Comments

- 1) The District recommended the environmental document include the identification and quantification of pre- and post-project related emissions, including those from both stationary sources and mobile sources. The following comments are based on this recommendation:
  - 1a) The Initial Study states that major expansion of the current operations is not proposed. The document also states that the proposed new business is no longer limited to serving only the agricultural community. The Project Description provided by Sun Dry includes a list of current and/or potential recycling processes. To validate the conclusion that the project will have a less than significant impact on air quality the District recommends the clarification of project related processes and the quantification of pre- and post-project operation emissions for both stationary and mobile sources.

**Seyed Sadredin**

Executive Director/Air Pollution Control Officer

**Northern Region**  
 4800 Enterprise Way  
 Modesto, CA 95356-8718  
 Tel: (209) 557-6400 FAX: (209) 557-6475

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 Tel: (661) 326-6900 FAX: (661) 326-6985

GPA 2007-04, REZ 2007-04, WAC 2007-03, PM 2008-11  
District Reference No. 20070776


Page 2 of 2

- 1b) The District's initial review and conclusion that the project's stationary source emissions are expected to have a less than significant adverse impact on air quality was based on the assumption that the project's processes would be subject to District permitting requirements. If an Authority to Construct (ATC) is required the project applicant will have to comply with all rules and regulations, including offsets, best available control technology (BACT), public notice, etc., if applicable. The project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an ATC is required.
- 1c) The Initial Study indicated that greenhouse gas (GHG) emissions would be generated by truck traffic. The processes identified, specifically those associated with composting, generate GHGs. The District recommends the document include a discussion of those processes that generate GHGs, the quantification of GHG emissions, and the effect the GHG emissions will have, if any, on global climate change.
- 2) The District recommended that the project be evaluated to determine (1) the health impact of Toxic Air Contaminants (TACs) to near-by receptors, if any and (2) whether a health risk assessment (HRA) would be necessary. The Mitigated Negative Declaration indicates the parcel map is necessary because Parcel 4 is potentially going to be sold. As such, if Parcel 4 is developed in the future, the processes occurring on the remaining Sun Dry property may have a health impact on potential receptors within that development. The District recommends that environmental review of any future development on Parcel 4 include an evaluation of potential health risks from all surrounding land uses.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Jessica Willis at (559) 230-5818 and provide the reference number at the top of this letter.

Sincerely,

David Warner  
Director of Permit Services




*for* Arnaud Marjollet  
Permit Services Manager

DW:jw

cc: File

- B. GENERAL PLAN AMENDMENT APPLICATION NO. 2007-04, REZONE APPLICATION NO. 2007-04, TENTATIVE PARCEL MAP APPLICATION NO. 2008-11, AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-03 - SUN DRY PRODUCTS / JIM DAVIS - Continued from March 5, 2009.** This is a request to amend the General Plan and rezone 114.8 acres of a 200± acre parcel from Agriculture/A-2-40 (General Agriculture) to P-D (Planned Development) to allow the continued operation of the reclamation and recycling of agricultural products and add an industrial hauler, processing of commercial feed products and construction debris (such as pallets, and sulfur and gypsum wall board). A parcel map is being requested to subdivide the total 200± acre parcel into four parcels (63.69, 51.11, 42.87, and 42 acres respectively). The two larger parcels require a Williamson Act Cancellation. The two proposed smaller parcels will continue in agricultural uses. The project is located at 3401 Gaffery Road, on the north side of Gaffery Road, east of Koster Road, adjacent to the Delta Mendota Canal, in the Westley area. The project is also located in San Joaquin County, which splits the property, leaving a small amount in San Joaquin County. The Planning Commission will consider a Mitigated Negative Declaration on this project.
- APN: 016-003-009 (San Joaquin County APN: 265-001-009)
- Staff Report: Sean Purciel Recommends: **FORWARD FOR APPROVAL TO THE BOARD OF SUPERVISORS, SUBJECT TO THE ACTIONS OUTLINED ON PAGES 16-19 OF THE STAFF REPORT AND MODIFICATION TO DEVELOPMENT STANDARDS 7-9, 11, AND 55 AS OUTLINED IN THE PLANNING COMMISSION MEMO.**
- Report Presented by Angela Freitas.
- Public hearing opened.
- OPPOSITION:** Salam Aziz, 2460 Gaffery Road; Joe Rarden, 3515 Welty Road; Cheryl Santos, 348 Orchard Road
- FAVOR:** Mike Normoyle, representing Sun Dry Products
- Public hearing closed.
- Public hearing opened.
- FAVOR:** Jim Davis, Sun Dry Products
- Public hearing closed.
- Public hearing opened.
- FAVOR:** Jim Davis, Sun Dry Products
- Public hearing closed.
- Poore/Assali, Unanimous (6-0), **FORWARD FOR APPROVAL TO THE BOARD OF SUPERVISORS, SUBJECT TO THE ACTIONS OUTLINED ON PAGES 16-19 OF THE STAFF REPORT AND MODIFICATION TO DEVELOPMENT STANDARDS 7-9, 11, AND 55 AS OUTLINED IN THE MARCH 19, 2009 PLANNING COMMISSION MEMO.**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <p style="text-align: center;">_____ Secretary, Planning Commission</p> <p style="text-align: center;">4/15/09</p> <p style="text-align: center;">_____ Date</p>	<p><b>ATTACHMENT 3</b></p>
--	----------------------------

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION  
OF WILLIAMSON ACT CONTRACT NO. 75-1888

NOTICE IS HEREBY GIVEN that on April 21, 2009, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.75-1888, affecting the land and improvements located on a 114.8 acre portion of Assessor's Parcel No.016-003-009, owned by Sun Dry Products / Jim Davis. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 75-1888 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$ 149,750.00
2. Unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: April 21, 2009

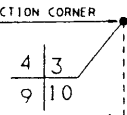
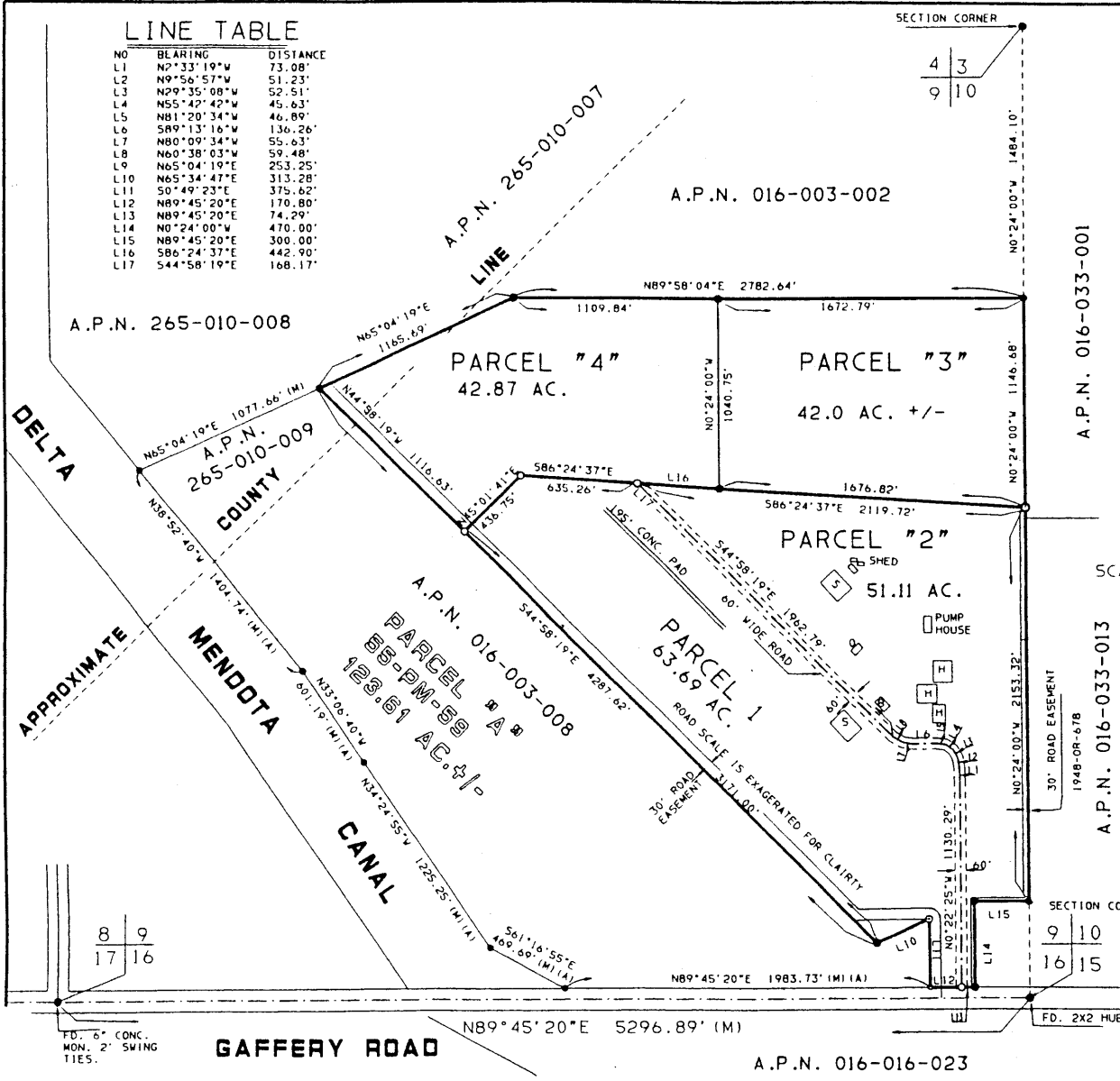
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY: \_\_\_\_\_  
Elizabeth A. King, Assistant Clerk of the Board

\*Original contract recorded on January 6, 1975, in Volume 2675, Instrument #25477. Prior Owner: Anthony C. Ruggiero-- approved by the Board of Supervisors on December 31, 1974.

**LINE TABLE**

NO	BEARING	DISTANCE
L1	N2°33'19"W	73.08'
L2	N8°56'57"W	51.23'
L3	N29°35'08"W	52.51'
L4	N55°42'42"W	45.63'
L5	N81°20'34"W	46.89'
L6	S89°13'16"W	136.26'
L7	N80°09'34"W	55.63'
L8	N60°38'03"W	59.48'
L9	N65°04'19"E	253.25'
L10	N65°34'47"E	313.28'
L11	S0°49'23"E	375.62'
L12	N89°45'20"E	170.80'
L13	N89°45'20"E	74.29'
L14	N0°24'00"W	470.00'
L15	N89°45'20"E	300.00'
L16	S86°24'37"E	442.90'
L17	S44°58'19"E	168.17'



**OWNER**  
SUN DRY PRODUCTS INC.  
(JIM DAVIS) PRESIDENT  
3401 GAFFERY ROAD,  
WESTELY, CA. 95387

A.P.N. 016-003-007  
ZONING: A2-40

**LEGEND**  
H = HOUSE  
S = SHOP  
O = OFFICE

SCALE 1" = 400'

**TENTATIVE PARCEL MAP**

BEING A PORTION OF SECTION 9, T.4S., R.6E.,  
M.D.M. STANISLAUS & SAN JOAQUIN COUNTIES, CA.

SCALE 1" = 400'

MAY. 2008

GIULIANI & KULL, INC.  
JESSE STANLEY, ASSOCIATES  
LAND SURVEYING-ENGINEERING  
440 S. YOSEMITE AVE., SUITE A,  
Oakdale, CA. 95361

(209) 847-8726 FAX (209) 847-7323

**GAFFERY ROAD**

A.P.N. 016-016-023

Cancellation of Williamson Act Contract No. 75-1888  
granted tentative approval on April 21, 2009 for the  
114.8 acres identified as Parcels "1" and "2".

**GENERAL PLAN AMEND. APPLICATION NO. 2007-04**

**REZONE APPLICATION NO. 2007-04**

**WILLIAMSON ACT CANCELLATION NO. 2007-03**

**PARCEL MAP APPLICATION NO. 2008-11**

**SUN DRY PRODUCTS**



# PROJECT DESCRIPTION

- 1) Amend the General Plan and Rezone 114.8 acres of a 200+ acre site from Agriculture/A-2-40 (General Agriculture) to allow the addition of new non-agricultural uses.
- 2) Cancel the Williamson Act contract on the 114.8 acres.
- 3) Divide 200+ acre site into four parcels.

GPA 2007-04

REZ 2007-04

WAC 2007-03

PM 2008-11

Sun Dry Products – Jim Davis

# AREA MAP

Project  
Location

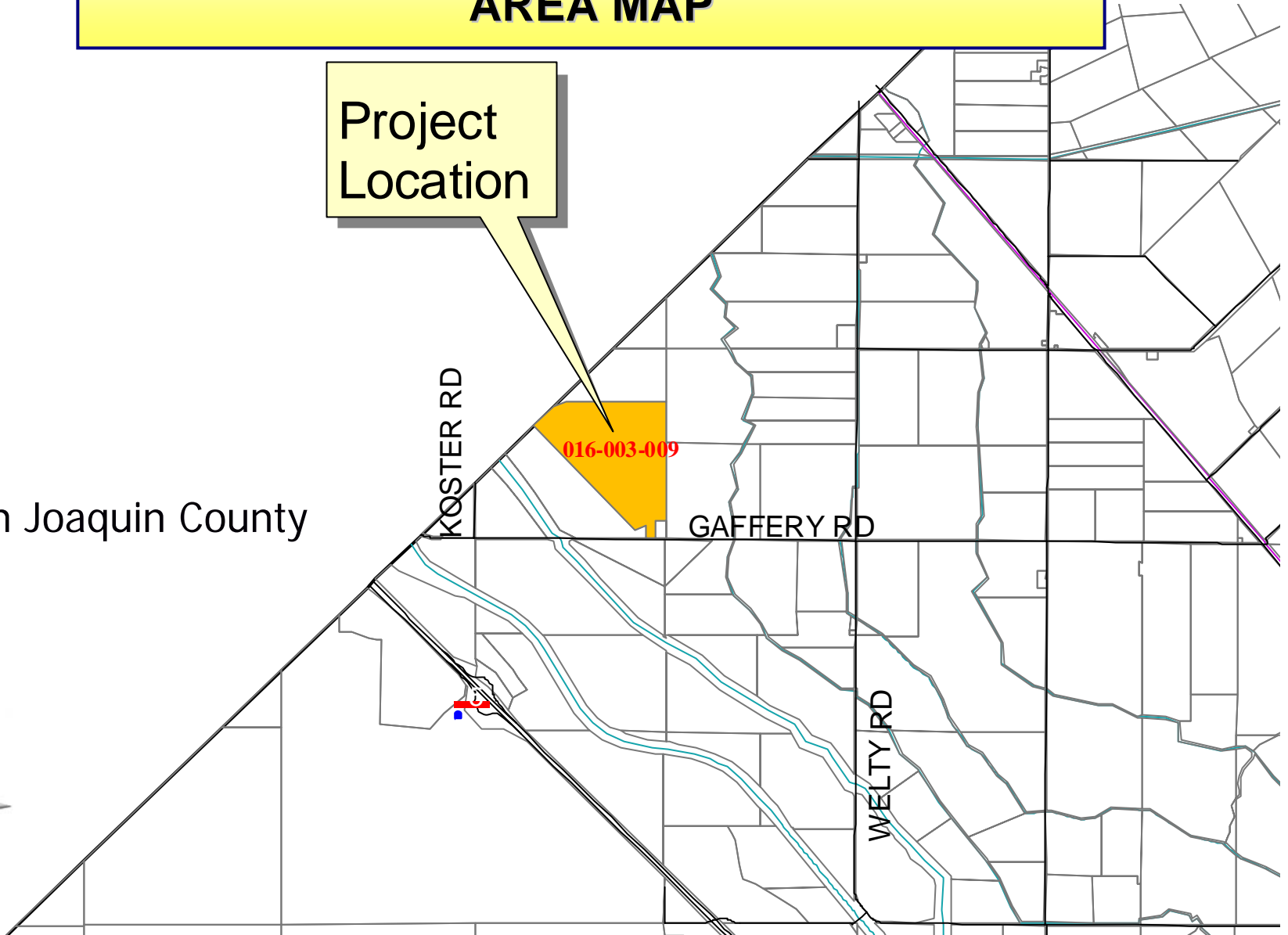
016-003-009

San Joaquin County

KOSTER RD

GAFFERY RD

WELTY RD



GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# GP/ZONING DESIGNATION

Project  
Location

A-2-40

016-003-009

# AGRICULTURE

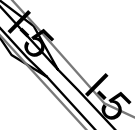
San Joaquin County

KOSTER RD

GAFFERY RD

WELTY RD

SPENCER RD



San Joaquin  
County

**SITE**

KOSTER RD

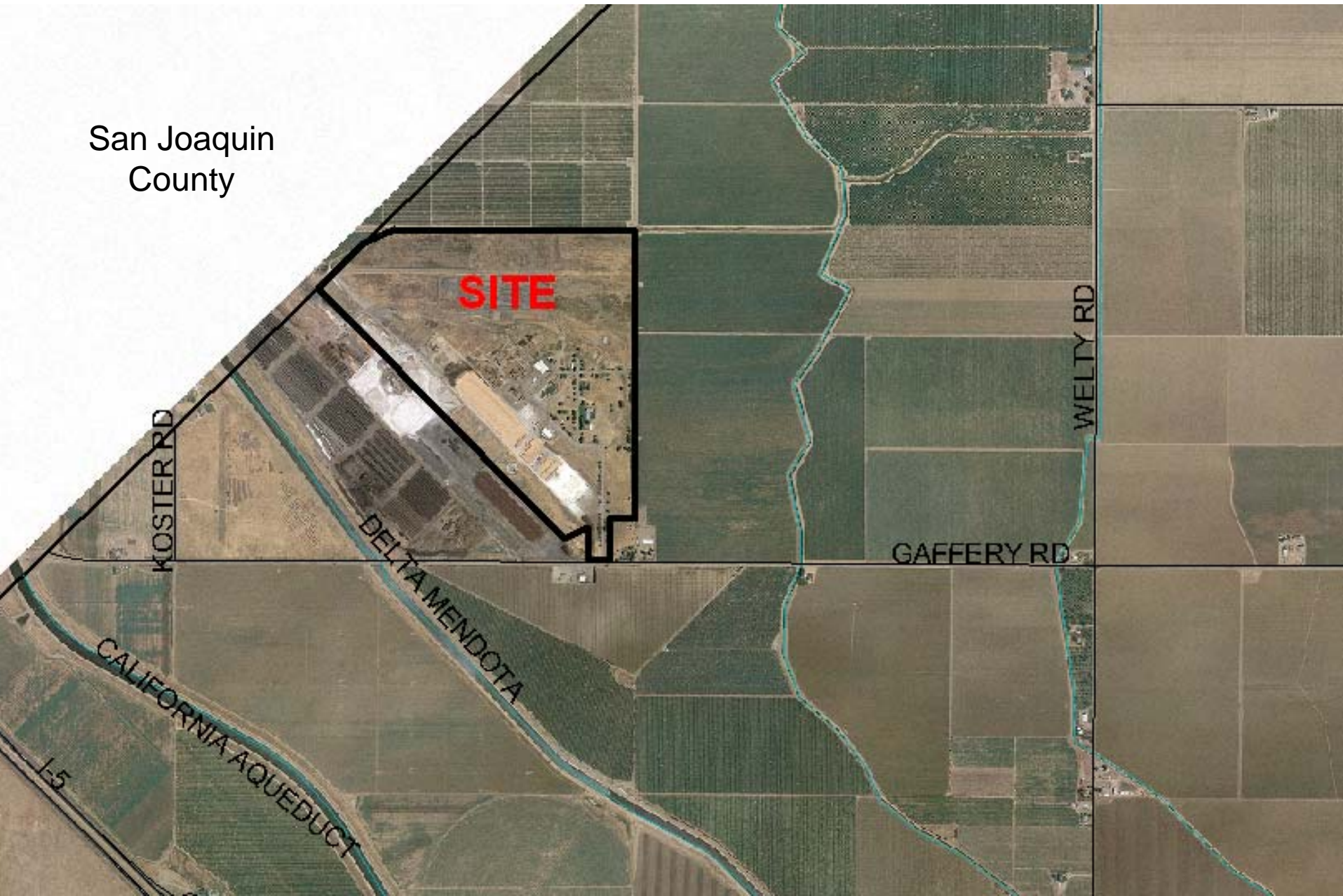
DELTA MENDOTA

GAFFERY RD

WELTY RD

CALIFORNIA AQUEDUCT

I-5



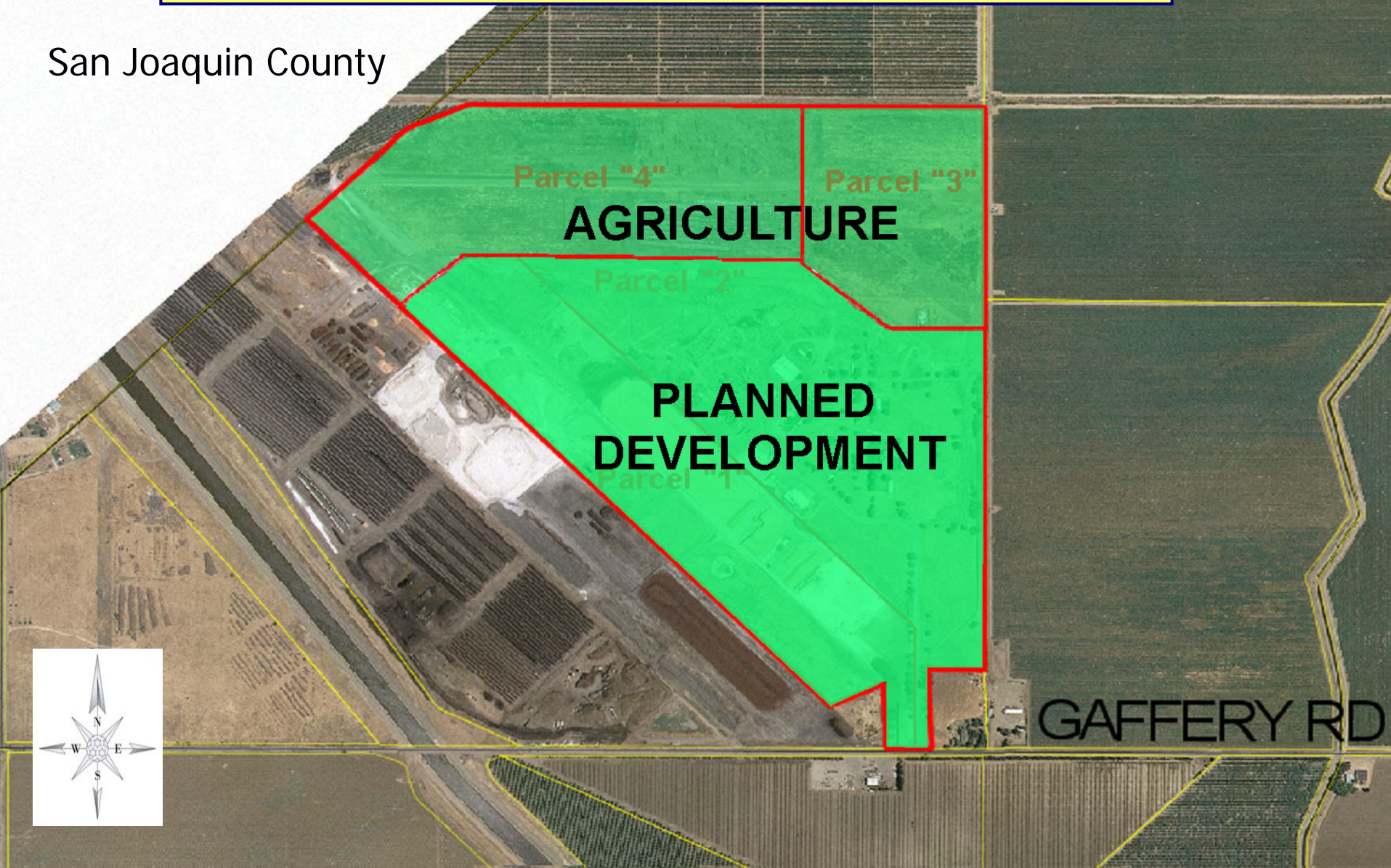


GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11

Sun Dry Products – Jim Davis

# PROPOSED GENERAL PLAN

San Joaquin County





GPA 2007-04

REZ 2007-04

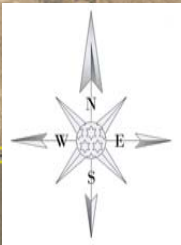
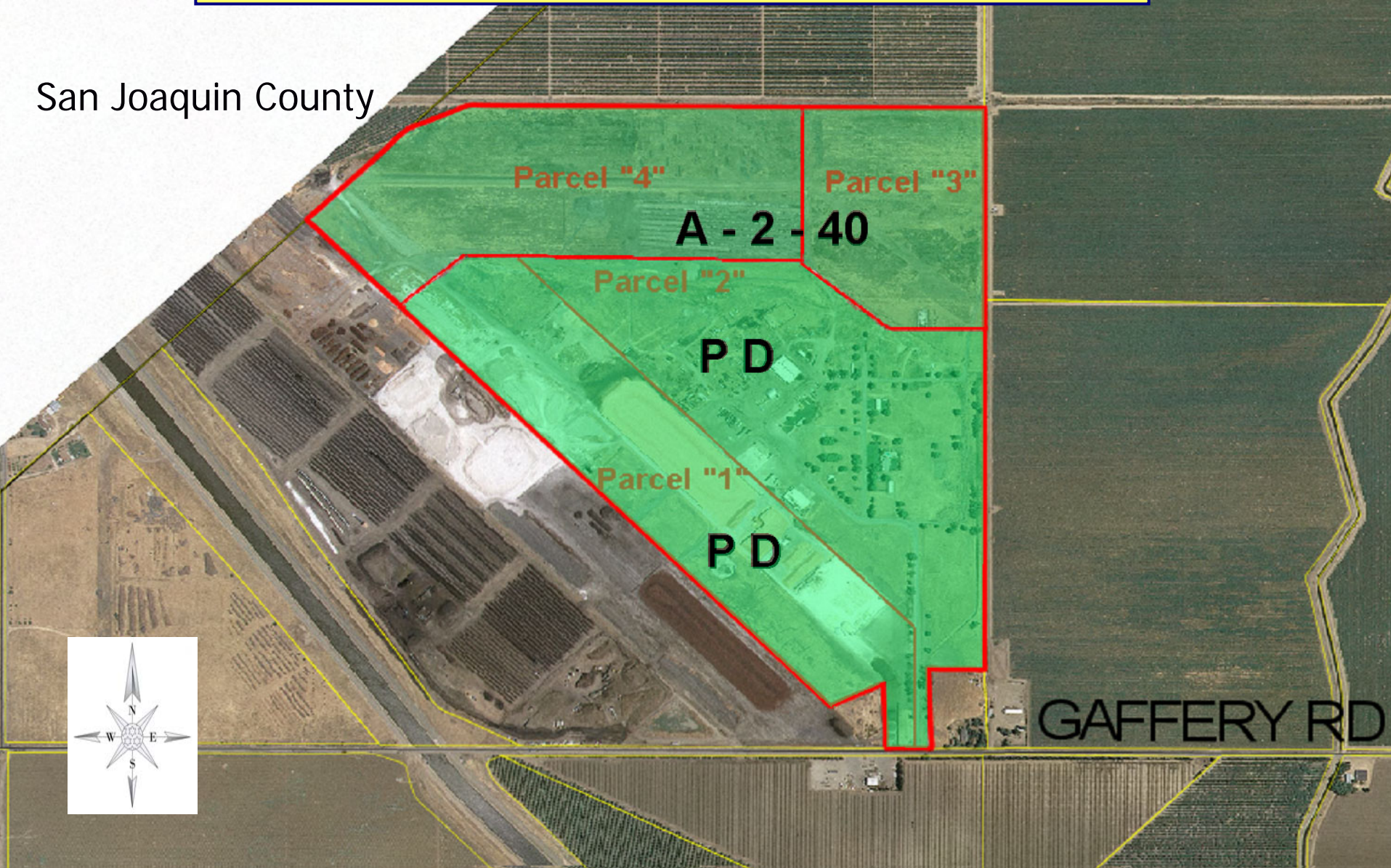
WAC 2007-03

PM 2008-11

Sun Dry Products – Jim Davis

# PROPOSED ZONING

San Joaquin County



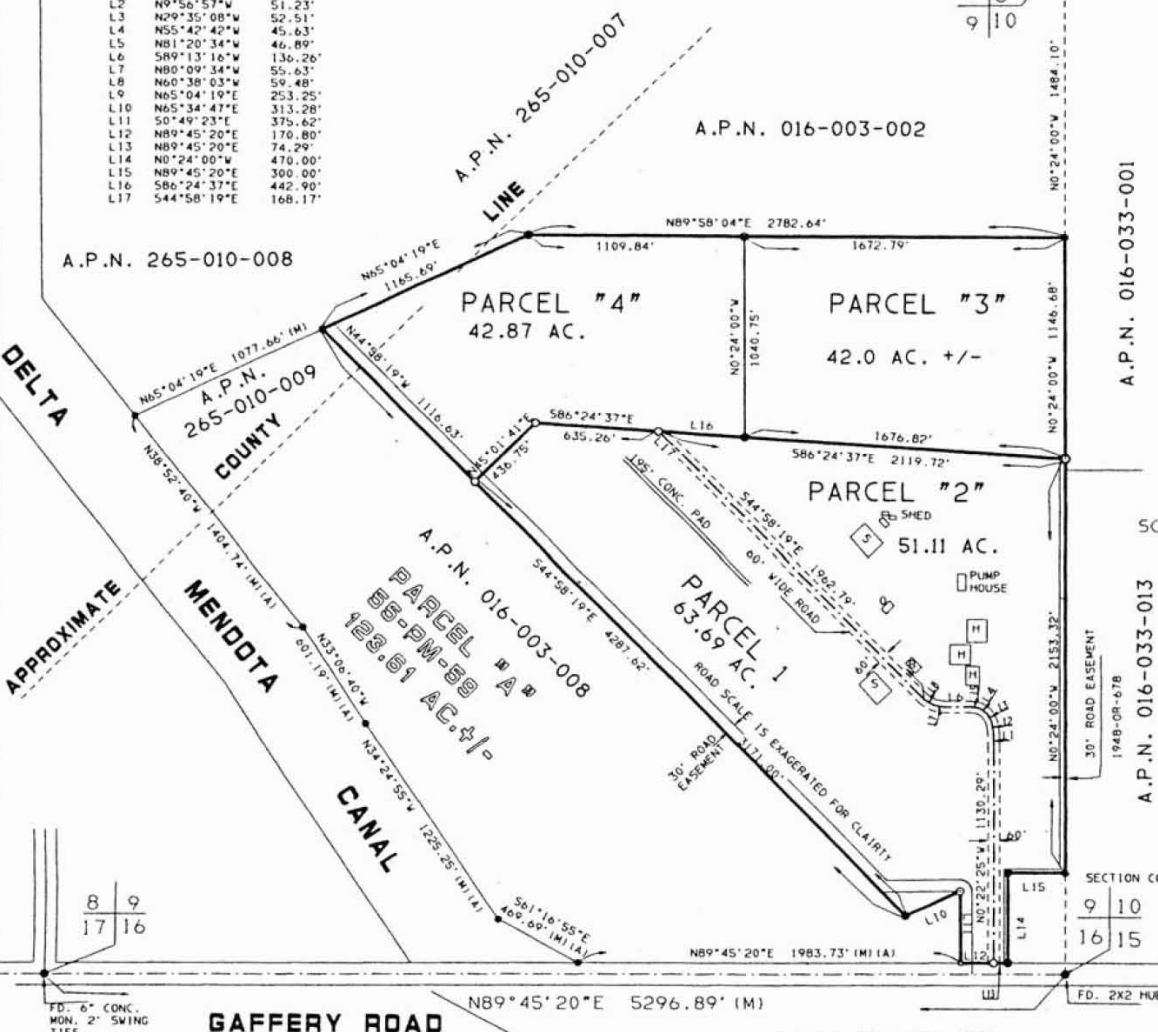
GAFFERY RD

**LINE TABLE**

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L13	N89°45'20"E	74.29'
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L15	N89°45'20"E	300.00'
L16	S86°24'37"E	442.90'
L17	S44°58'19"E	168.17'

SECTION CORNER

4	3
9	10



**OWNER**

SUN DRY PRODUCTS INC.  
(JIM DAVIS) PRESIDENT  
3401 GAFFERY ROAD,  
WESTELY, CA. 95387

A.P.N. 016-003-007

ZONING: A2-40

**LEGEND**

- H = HOUSE
- S = SHOP
- O = OFFICE



SCALE 1" = 400'

**TENTATIVE PARCEL MAP**

BEING A PORTION OF SECTION 9, T.45., R.6E.,  
M.D.M. STANISLAUS & SAN JOAQUIN COUNTIES, CA.

SCALE 1" = 400'

MAY, 2008

GIULIANI & KULL, INC.  
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LAND SURVEYING-ENGINEERING  
440 S. YOSEMITE AVE., SUITE A,  
Oakdale, CA. 95361

(209) 847-8726 FAX (209) 847-7323

EXHIBIT 1

DAVISA, ASC  
SUNDR112.P1

# BACKGROUND

- Project site is located on a portion of the closed Vernalis Naval Air Station.
- 40-acres of the concrete runway and taxiway located on the project site.



# BACKGROUND

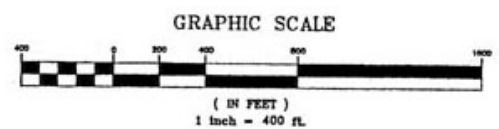
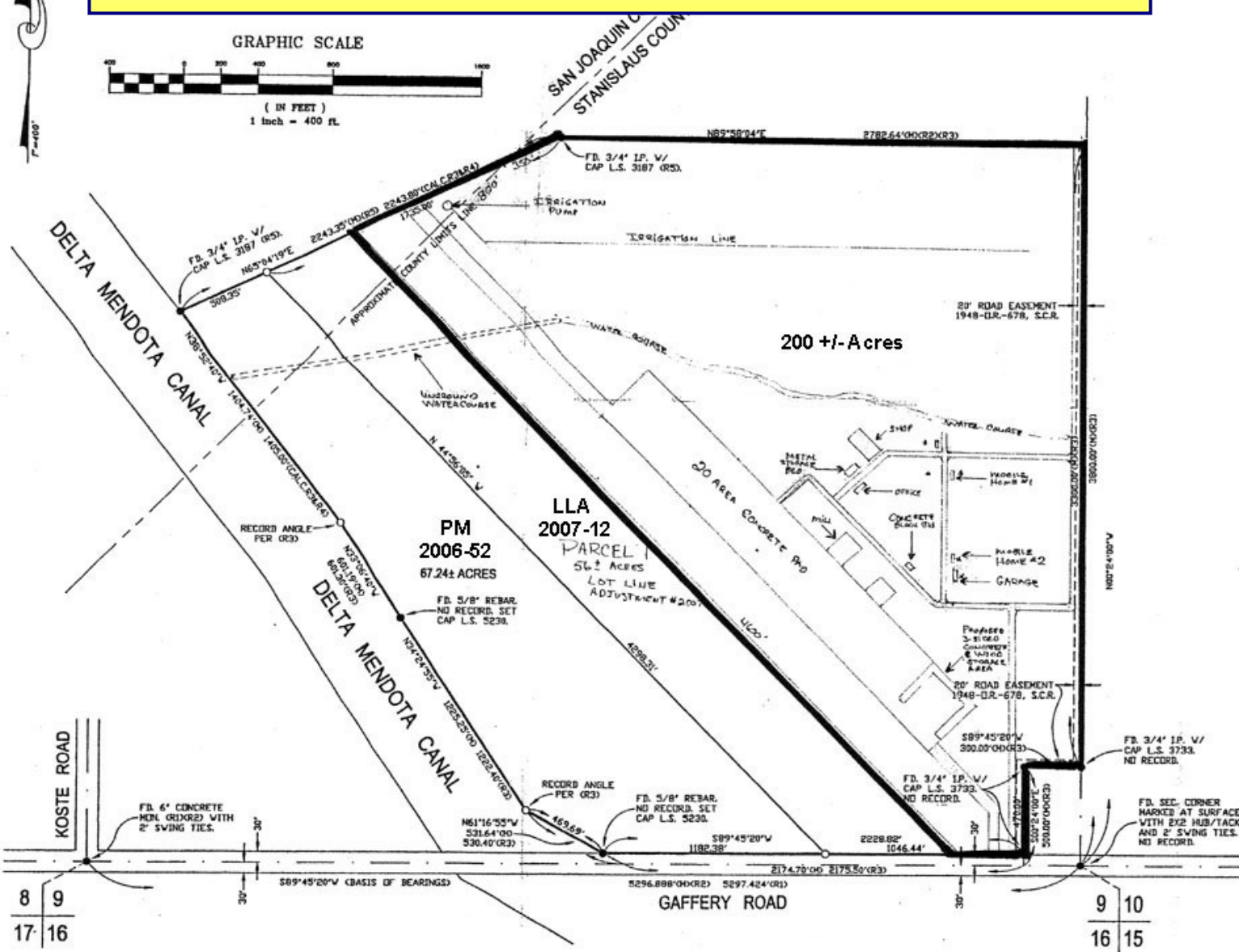
- Existing Approved Uses:
  - Dry yard (cannery waste and chicken manure) and animal feed production since mid-'70's. -- including a grinding mill.
  - Vermicompost (worm casting).

# PLANNED DEVELOPMENT

## Proposed New Uses:

- Processing of wood-related products,
- Processing bio-mass fuel materials,
- Processing demolition debris,
- Recycling and repair of wood pallets,
- Recycling of metal and tires,
- Recycling of concrete and asphalt,
- Recycling of gypsum and wallboard,
- Industrial hauler, and
- Composting of green waste and other organic materials to produce aerobic compost.

GPA 2007-04 REZ 2007-04 WAC 2007-03 PM 2008-11  
 Sun Dry Products – Jim Davis  
**SITE PLAN**



8	9
17	16

9	10
16	15







**GPA 2007-04**

**REZ 2007-04**

**WAC 2007-03**

**PM 2008-11**

Sun Dry Products – Jim Davis

## **PROJECT PHOTOS**



**GPA 2007-04**

**REZ 2007-04**

**WAC 2007-03**

**PM 2008-11**

Sun Dry Products – Jim Davis

## **PROJECT PHOTOS**





**GPA 2007-04**

**REZ 2007-04**

**WAC 2007-03**

**PM 2008-11**

Sun Dry Products – Jim Davis

## **PROJECT PHOTOS**



**GPA 2007-04**

**REZ 2007-04**

**WAC 2007-03**

**PM 2008-11**

**Sun Dry Products – Jim Davis**

# **PROJECT PHOTOS**





**GPA 2007-04**

**REZ 2007-04**

**WAC 2007-03**

**PM 2008-11**

**Sun Dry Products – Jim Davis**

# **PROJECT PHOTOS**



# **GENERAL PLAN AMENDMENT**

## ***PLANNED DEVELOPMENT***

Planned Development designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property.

# **GENERAL PLAN AMENDMENT *FINDINGS***

1. Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
2. County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.
3. Amendment is consistent with the General Plan Goals and Policies.

# **GENERAL PLAN AMENDMENT GOALS AND POLICIES**

## Land Use Element:

- Providing for diverse land use needs,
- Limiting new areas of urban development to less productive agricultural areas, (Ag Element)
- Ensuring compatibility between uses,
- Fostering stable economic growth, and
- Accommodating the siting of industries with unique requirements.

# GENERAL PLAN AMENDMENT GOALS AND POLICIES

## Conservation/Open Space Element:

- Providing for long-term conservation and use of agricultural lands,
- Conserving resources through promotion of waste reduction, reuse, recycling, composting, ..., and
- Providing zoning mechanisms for locating material recovery facilities, recycling facilities, composting facilities, ... when the proposed location does not conflict with surrounding land uses.

# GENERAL PLAN AMENDMENT GOALS AND POLICIES

## Agricultural Element: *(GPA & REZ subject to 1992 Version)*

- Amendments shall only be approved if consistent with County's conversion criteria:
  - Consistent with Goals and Policies of General Plan,
  - Show demonstrated need for proposed project,
  - No feasible alternative site exists,
  - Not constitute or encourage piecemeal conversion of agricultural area or be growth inducing,
  - Designed to minimize conflict with agriculture,
  - Public services and facilities available, and
  - Incorporates all reasonable environmental mitigation.

# REZONE

- To approve a rezone, the Board of Supervisors must find that it is consistent with the General Plan. In this case, Planned Development zoning would indeed be consistent with the Planned Development land use designation.

# WILLIAMSON ACT CANCELLATION

## *REQUIRED FINDINGS*

1. That the cancellation is consistent with the purposes of the Williamson Act, and
2. That cancellation is in the public interest.
  - Notice of Non-Renewal filed,
  - Approval of General Plan Amendment and Rezone address issues of consistency, compatibility, and logical location.
  - Need for waste reduction, reuse, recycling, and composting facilities.
  - Unique site in terms of existing use and infrastructure.



# PARCEL MAP

- Request to create four parcels: Parcel “1” 63.69 acres, Parcel “2”: 51.11 acres, Parcel “3”: 42-acres, and Parcel “4”: 42.87 acres.
- Parcels “1” and “2” proposed to be re-designated as part of General Plan Amendment and Rezone.
- Parcels “3” and “4” to remain A-2-40.

# PARCEL MAP

- Meet legal access requirements.
- Meet Williamson Act minimum parcel size.
- 2007 Agricultural Element – ‘No Build’ for Parcels 3 and 4.

# 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.

- Based on the comments received, adoption of a Mitigated Negative Declaration is being recommended.
- Mitigation Measures: Aesthetics, Biological Resources, Hazards and Hazardous Materials, Noise, and Transportation/Traffic.

# PLANNING COMMISSION MEMO

## *CLARIFICATIONS*

- Agency permitting authority,
- Actual food processing tonnage,
- Composting,
- New buildings/structures,
- Hauler permit,
- Landscaping,
- Detachment from Del Puerto Water District,  
and
- Parcels with 'no build' restriction.

# Planning Commission Hearing

- This item was presented at Planning Commission meeting March 19.
- Three neighbors spoke in opposition.
- They expressed concerns regarding the impact of truck-traffic to Gaffery Road and potential/existing odors produced on site.

# Planning Commission Hearing

- The applicant and representative spoke in favor of the project and talk about the benefits the concerns raised by the opposition.
- Truck traffic would not increase due to the project and there is a mitigation fee in place to provide revenue for the ongoing maintenance of Gaffery Road.
- Concerns over odors, which in the applicant's opinion are minor and similar to those on other agricultural parcels throughout the County.

# RECOMMENDATION

Planning Commission by a 6-0 voted to recommend this request to the Board of Supervisors or approval, subject to the actions as outlined on pages 1 - 5 Board Report which includes the Modifications to the Development Standards in the Planning Commission Memo.



**BOARD OF SUPERVISORS**

**William O'Brien, 1<sup>st</sup> District**  
**Vito Chiesa, 2<sup>nd</sup> District**  
**Jeff Grover, 3<sup>rd</sup> District**  
**Dick Monteith, 4<sup>th</sup> District**  
**Jim DeMartini, 5<sup>th</sup> District**

1010 10th Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

**CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION  
OF WILLIAMSON ACT CONTRACT NO. 75-1888**

NOTICE IS HEREBY GIVEN that on April 21, 2009, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.75-1888, affecting the land and improvements located on a 114.8 acre portion of Assessor's Parcel No.016-003-009, owned by Sun Dry Products / Jim Davis. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 75-1888 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$ 149,750.00
2. Unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: April 21, 2009

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY:   
Elizabeth A. King, Assistant Clerk of the Board

\*Original contract recorded on January 6, 1975, in Volume 2675, Instrument #25477. Prior Owner: Anthony C. Ruggiero-- approved by the Board of Supervisors on December 31, 1974.



**LINE TABLE**

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L17	S44°58'19"E	168.17'

SECTION CORNER

4 | 3  
9 | 10

**OWNER**

SUN DRY PRODUCTS INC.  
(JIM DAVIS) PRESIDENT  
3401 GAFFERY ROAD,  
WESTELY, CA. 95387

A.P.N. 016-003-007

ZONING: A2-40

**LEGEND**

- H = HOUSE
- S = SHOP
- O = OFFICE

SCALE 1" = 400'

**TENTATIVE PARCEL MAP**

BEING A PORTION OF SECTION 9, T.4S., R.6E.,  
M.D.M. STANISLAUS & SAN JOAQUIN COUNTIES, CA.

SCALE 1" = 400'

MAY. 2008

GIULIANI & KULL, INC.  
JESSE STANLEY, ASSOCIATES  
LAND SURVEYING-ENGINEERING  
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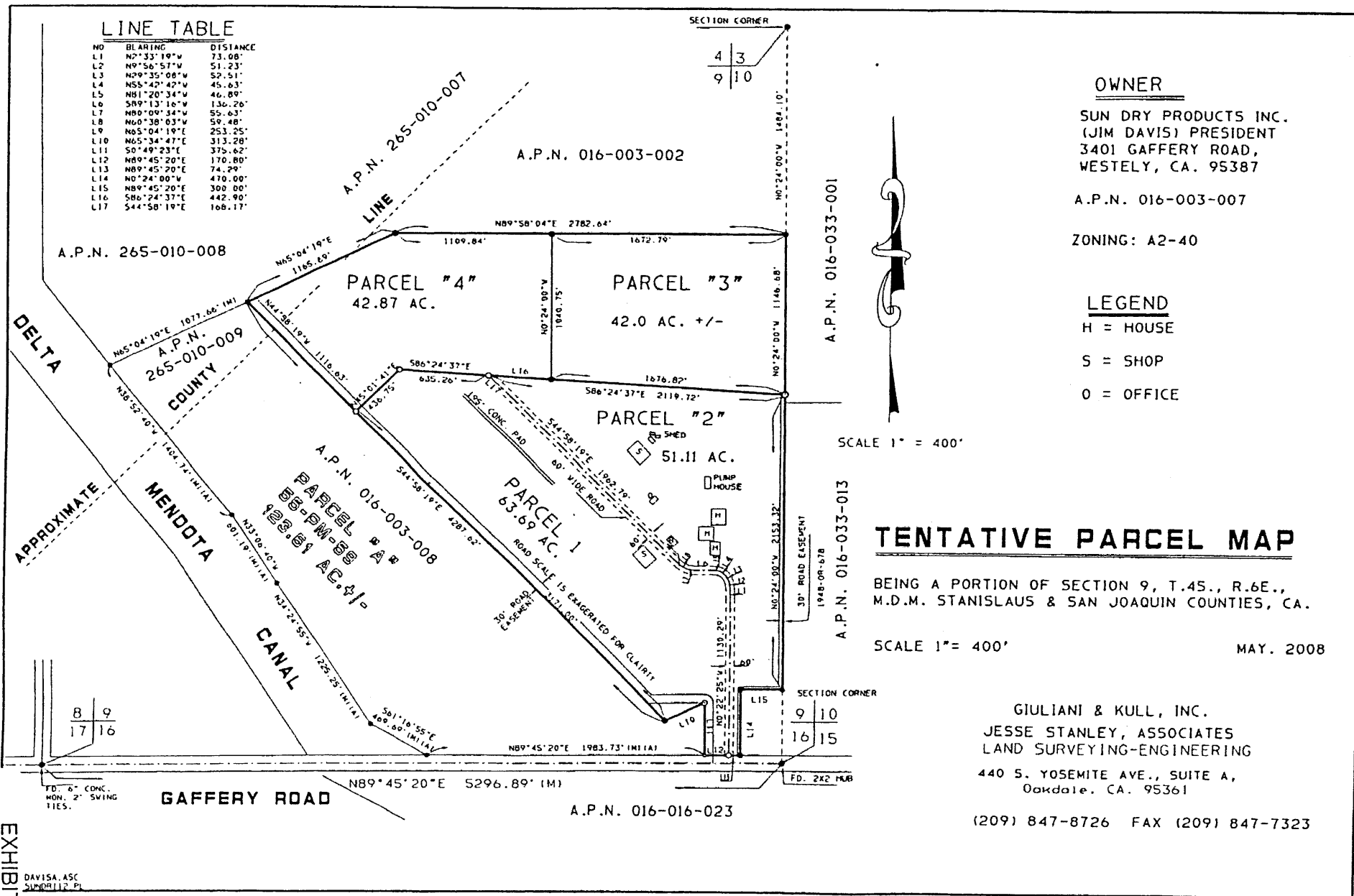


EXHIBIT I  
DAVISA, ASC  
SUMMER 12 PL



**CLERK OF THE BOARD OF SUPERVISORS**

**STANISLAUS COUNTY**

1010 10th Street, Suite 6700, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

April 27, 2009

Bridgett Luther, Director  
Department of Conservation  
801 K Street, MS 18-01  
Sacramento, CA 95814

RE: NOTICE OF DECISION OF TENTATIVE APPROVAL OF CANCELLATION OF  
WILLIAMSON ACT CONTRACT NO. 1975-1888

Dear Ms. Luther:

Enclosed is a copy of the Notice of Decision of Tentative Approval of Cancellation for Williamson Act Contract No. 1975-1888, which is to be published in the Modesto Bee. The Stanislaus County Board of Supervisors granted tentative approval to cancel this Williamson Act Contract on April 21, 2009.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King  
Assistant Clerk of the  
Board of Supervisors



**BOARD OF SUPERVISORS**

**William O'Brien, 1<sup>st</sup> District**  
**Vito Chiesa, 2<sup>nd</sup> District**  
**Jeff Grover, 3<sup>rd</sup> District**  
**Dick Monteith, 4<sup>th</sup> District**  
**Jim DeMartini, 5<sup>th</sup> District**

1010 10th Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION  
OF WILLIAMSON ACT CONTRACT NO. 75-1888**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor DeMartini, a petition to cancel Williamson Act Contract No. 75-1888, affecting the land and improvements located on Assessor's Parcel No. 016-003-009 owned by Sun Dry Products/Jim Davis, was granted tentative approval at the 6:50 p.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10<sup>th</sup> Street, Modesto, California, this 21st day of April 2009, by the following called vote:


AYES: SUPERVISORS: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini  
NOES: SUPERVISORS: None  
ABSENT: SUPERVISORS: None  
ABSTAINING: SUPERVISORS: None

NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.

**BY ORDER OF THE BOARD OF SUPERVISORS**

DATED: April 21, 2009

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY:   
Elizabeth A. King,  
Assistant Clerk of the Board



**CLERK OF THE BOARD OF SUPERVISORS**

**STANISLAUS COUNTY**

1010 10th Street, Suite 6700, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

April 29, 2009

JIM DAVIS  
SUN DRY PRODUCTS  
3401 GAFFERY ROAD  
WESTLEY CA 95387

RE: CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION OF  
WILLIAMSON ACT CONTRACT NO.75-1888 AND NOTICE OF DECISION

Dear Mr. Davis:

Please find enclosed a copy of the Certificate of Tentative Approval of Cancellation for Williamson Act Contract No. 75-1888 and the Notice of Decision. The original Certificate of Tentative Approval of Cancellation was sent to the Office of the Clerk-Recorder to be recorded. The Board of Supervisors granted tentative approval to cancel this Williamson Act Contract on April 21, 2009.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King  
Assistant Clerk of the  
Board of Supervisors



**Douglas Harms**  
**Stanislaus County Assessor**

Steve Yauch  
Assistant Assessor  
Valuation

Don Oppman  
Assistant Assessor  
Administration

1010 Tenth St., Suite 2400  
Modesto, CA 95354-0847

Phone: (209) 525-6461  
Fax: (209) 525-6586

COPY

February 23, 2009

Stanislaus County Board of Supervisors  
c/o Planning and Community Development  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Dear Board Members:

Reference: Property Owner: Sun Dry Products, Inc  
Contact: Jim Davis  
Assessor's Parcel Number: 016-003-009-000 portion  
Williamson Act Contract Number: 1975-1888

In accordance with California Government Code Section 51283, the Assessor's Office has made the following determination:

The cancellation valuation of 114.8 acres of the above referenced property restricted under the California Land Conservation Act is one million one hundred ninety-eight thousand dollars (\$1,198,000) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of one hundred forty-nine thousand seven hundred fifty dollars (\$149,750).

I hereby certify the cancellation valuation of the above parcel to be \$1,198,000.

Respectfully,

DOUG HARMS, Assessor  
Stanislaus County

DBH:PJH:emr

cc: Jim Davis, Sun Dry Products  
California Department of Conservation

ORDINANCE NO. C.S. 1061

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.988 FOR THE PURPOSE OF REZONING 114.8 ACRES OF A 200± ACRE PARCEL FROM AGRICULTURE/A-2-40 (GENERAL AGRICULTURE) TO P-D (PLANNED DEVELOPMENT) TO ALLOW THE CONTINUED OPERATION OF THE RECLAMATION AND RECYCLING OF AGRICULTURAL PRODUCTS AND ADD AN INDUSTRIAL HAULER, PROCESSING OF COMMERCIAL FEED PRODUCTS, WOOD-RELATED PRODUCTS, BIO-MASS FUEL MATERIALS, DEMOLITION DEBRIS; RECYCLING AND REPAIR OF WOOD PALLETS, METAL AND TIRES, CONCRETE AND ASPHALT, GYPSUM AND WALLBOARD, AND COMPOSTING OF GREEN WASTE AND OTHER ORGANIC MATERIALS COMPOST. THE PROJECT IS LOCATED AT 3401 GAFFERY ROAD, ON THE NORTH SIDE OF GAFFERY ROAD, EAST OF KOSTER ROAD, ADJACENT TO THE DELTA MENDOTA CANAL, IN THE WESTLEY AREA. THE PROJECT IS ALSO LOCATED IN SAN JOAQUIN COUNTY, WHICH SPLITS THE PROPERTY, LEAVING A SMALL AMOUNT IN SAN JOAQUIN COUNTY. APN: 016-003-009 (SAN JOAQUIN COUNTY APN: 265-001-009).

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110.988 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 21st day of April, 2009, by the following called vote:

- AYES: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini
- NOES: Supervisors: None
- ABSENT: Supervisors: None
- ABSTAINING: Supervisors: None



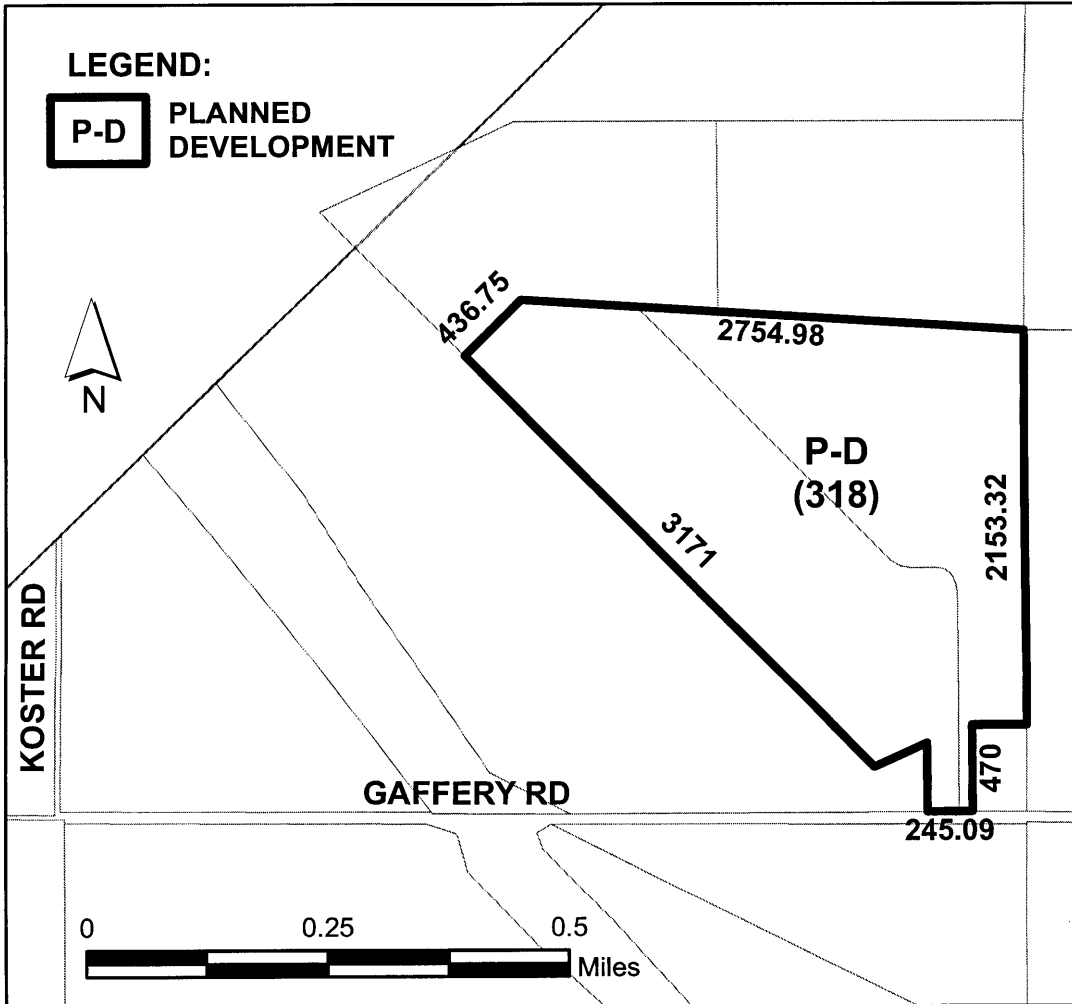
Jim DeMartini  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
of the County of Stanislaus,  
State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California



BY: Elizabeth A. King, Assistant Clerk of the Board

# SECTIONAL DISTRICT MAP NO. 9-110.988



**EFFECTIVE DATE: 21 MAY 2009**

**PREVIOUS MAP: 671 G**



**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

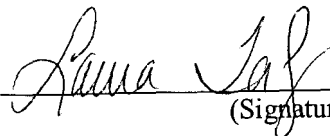
**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

**MAY 2, 2009**

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO, California** on

**MAY 2, 2009**

  
(Signature)

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF WILLIAMSON ACT CONTRACT NO. 75-1888**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor DeMartini, a petition to cancel Williamson Act Contract No. 75-1888, affecting the land and improvements located on Assessor's Parcel No. 016-003-009 owned by Sun Dry Products/Jim Davis, was granted tentative approval at the 6:50 p.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10<sup>th</sup> Street, Modesto, California, this 21st day of April 2009, by the following called vote:

AYES:	SUPERVISORS: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini
NOES:	SUPERVISORS: None
ABSENT:	SUPERVISORS: None
ABSTAINING:	SUPERVISORS: None

NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.

**BY ORDER OF THE BOARD OF SUPERVISORS**

DATED: April 21, 2009

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: Elizabeth A. King, Assistant Clerk of the Board

CS200.5

ORD-55-J-R  
4-21-09  
1:52am



✓

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

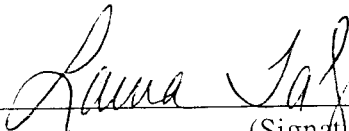
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

**MAY 2, 2009**

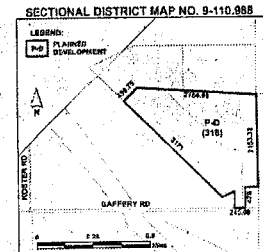
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I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

**MAY 2, 2009**

  
\_\_\_\_\_  
(Signature)

**ORDINANCE NO. C.S. 1061**  
AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.988 FOR THE PURPOSE OF REZONING 114.8 ACRES OF A 200± ACRE PARCEL FROM AGRICULTURE/A-2-40 (GENERAL AGRICULTURE) TO P-D (PLANNED DEVELOPMENT) TO ALLOW THE CONTINUED OPERATION OF THE RECLAMATION AND RECYCLING OF AGRICULTURAL PRODUCTS AND ADD AN INDUSTRIAL HAULER, PROCESSING OF COMMERCIAL FEED PRODUCTS, WOOD-RELATED PRODUCTS, BIOMASS FUEL MATERIALS, DEMOLITION DEBRIS; RECYCLING AND REPAIR OF WOOD PALLETS, METAL AND TIRES, CONCRETE AND ASPHALT, GYPSUM AND WALLBOARD, AND COMPOSTING OF GREEN WASTE AND OTHER ORGANIC MATERIALS COMPOST. THE PROJECT IS LOCATED AT 3401 GAFFERY ROAD, ON THE NORTH SIDE OF GAFFERY ROAD, EAST OF KOSTER ROAD, ADJACENT TO THE DELTA MENDOTA CANAL, IN THE WESTLEY AREA. THE PROJECT IS ALSO LOCATED IN SAN JOAQUIN COUNTY, WHICH SPLITS THE PROPERTY, LEAVING A SMALL AMOUNT IN SAN JOAQUIN COUNTY. APN: 016-003-009 (SAN JOAQUIN COUNTY APN: 265-001-009). The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows: Section 1. Sectional District Map No. 9-110.988 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:



Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California. Upon motion of Supervisor Chiesa, seconded by Supervisor Monteith, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 21st day of April, 2009, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini. NOES: Supervisors: None. ABSENT: Supervisors: None. ABSTAINING: Supervisors: None. Jim DeMartini, CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk of the Board c5345

**RECORDED AT REQUEST OF:**  
Stanislaus County Board of Supervisors  
**NO FEE**



Stanislaus County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2009-0041538-00**

Wednesday, APR 29, 2009 10:07:09  
Ttl Pd \$0.00 Nbr-0002714388  
OHK/R2/1-3

**WHEN RECORDED MAIL TO:**  
Stanislaus County Board of Supervisors  
Elizabeth A. King, Assistant Clerk  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

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CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION  
OF WILLIAMSON ACT CONTRACT NO. 75-1888  
(Document Title/s)

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BOARD OF SUPERVISORS  
2009 JUN - 2 P 12: 00

*hix*



**BOARD OF SUPERVISORS**

*William O'Brien, 1<sup>st</sup> District  
Vito Chiesa, 2<sup>nd</sup> District  
Jeff Grover, 3<sup>rd</sup> District  
Dick Monteith, 4<sup>th</sup> District  
Jim DeMartini, 5<sup>th</sup> District*

1010 10th Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

**CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION  
OF WILLIAMSON ACT CONTRACT NO. 75-1888**

NOTICE IS HEREBY GIVEN that on April 21, 2009, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.75-1888, affecting the land and improvements located on a 114.8 acre portion of Assessor's Parcel No.016-003-009, owned by Sun Dry Products / Jim Davis. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 75-1888 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$ 149,750.00
2. Unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: April 21, 2009

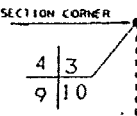
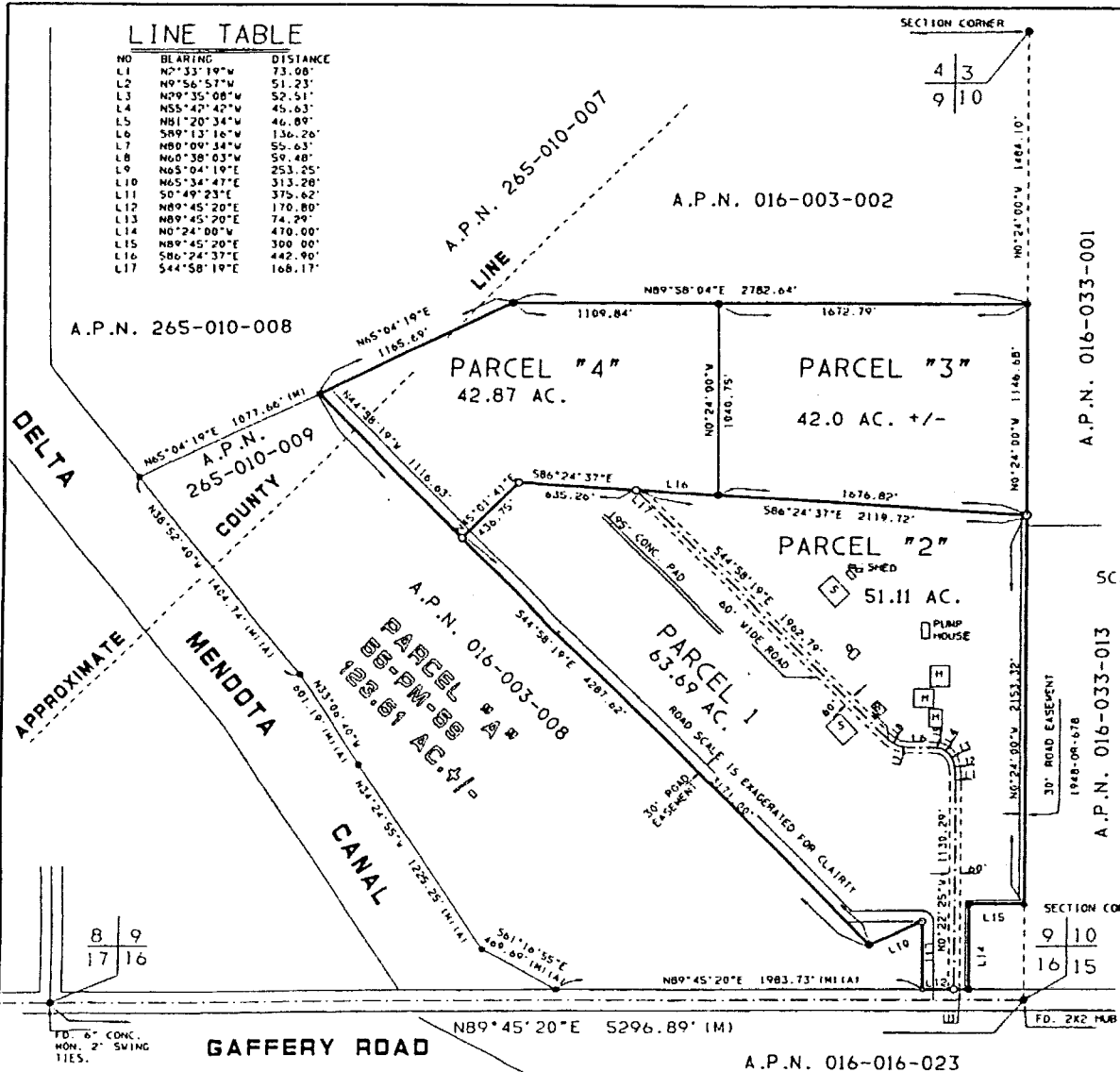
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY: Elizabeth A. King  
Elizabeth A. King, Assistant Clerk of the Board

\*Original contract recorded on January 6, 1975, in Volume 2675, Instrument #25477. Prior Owner: Anthony C. Ruggiero-- approved by the Board of Supervisors on December 31, 1974.

**LINE TABLE**

NO	BEARING	DISTANCE
L1	N0°33'19"W	73.08'
L2	N0°56'57"W	51.23'
L3	N09°35'08"W	52.51'
L4	N55°47'42"W	45.63'
L5	N81°20'34"W	46.89'
L6	S89°13'16"W	136.26'
L7	N80°09'34"W	55.63'
L8	N60°38'03"W	59.48'
L9	N65°04'19"E	253.25'
L10	N65°34'47"E	313.28'
L11	S0°49'23"E	375.62'
L12	N89°45'20"E	170.80'
L13	N89°45'20"E	74.99'
L14	N0°24'00"W	410.00'
L15	N89°45'20"E	300.00'
L16	S86°24'37"E	442.90'
L17	S44°58'19"E	168.17'



**OWNER**

SUN DRY PRODUCTS INC.  
(JIM DAVIS) PRESIDENT  
3401 GAFFERY ROAD,  
WESTELY, CA. 95387

A.P.N. 016-003-007

ZONING: A2-40

**LEGEND**

- H = HOUSE
- S = SHOP
- O = OFFICE

**TENTATIVE PARCEL MAP**

BEING A PORTION OF SECTION 9, T.45., R.6E.,  
M.D.M. STANISLAUS & SAN JOAQUIN COUNTIES, CA.

SCALE 1" = 400'

MAY, 2008

GIULIANI & KULL, INC.  
JESSE STANLEY, ASSOCIATES  
LAND SURVEYING-ENGINEERING  
440 S. YOSEMITE AVE., SUITE A,  
Oakdale, CA. 95361

(209) 847-8726 FAX (209) 847-7323

EXHIBIT 1

DAVISA, ASC  
SURV 112.P1