

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**



Application Number: PLN2018-0102
Application Title: Use Permit
Application Address: 1301 N. Washington Road, Turlock, CA
Application APN: Bk 023, Pg 039, Parcels 017 & 018

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes No Mr. Dan Avila

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Subcontractor	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

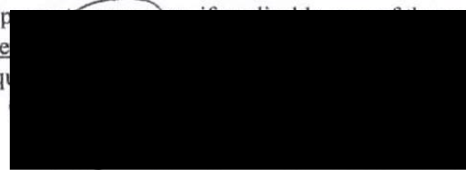
Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____
Name of Contributor: _____
Date(s) of Contribution(s): _____
Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subcontractants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or subcontractor, or the applicant's proposed subcontractors or the applicant's agent or lobbyist after the approval, renewal, or extension of the request within 12 months following the approval, renewal, or extension of the request.

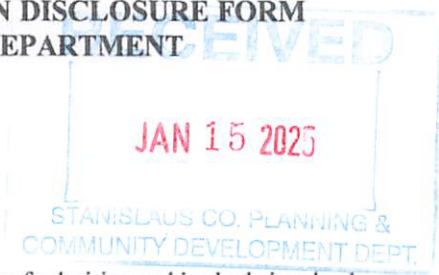
01-15-25
Date



Owner
Print Firm Name if applicable

Signature of Applicant
Mr. Dan Avila
Print Name of Applicant

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Yes No Advanced Design Group, Inc.

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Subcontractor	Yes <input type="checkbox"/>	No <input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use

01-15-25

Date

Signature of Applicant

Advanced Design Group, Inc.

Print Firm Name if applicable

Elwyn V. Heinen P.E.

Print Name of Applicant



From: Advanced Design Group, Inc.
To: Jeremy Ballard
Cc: [REDACTED]
Subject: PLN2018-0102 / Avila
Date: Wednesday, January 15, 2025 10:57:20 AM

***** WARNING:** This message originated from outside of **Stanislaus County**. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe *******

Emailed; January 15, 2025

Stanislaus County
Planning and Community Development
1010 Tenth Street 3rd Floor
Suite 3400, Modesto, CA 95354
(209) 525-6330 / Fax; (209) 525-5911

Project:

Title: **_Use Permit for Agricultural Processing Facility**
Owners: Assessor's Parcel: _Bk 023, Pg 039, Parcel 017; Avila Dan J & Lori L
Assessor's Parcel: _Bk 023, Pg 039, Parcel 018; Avila 2017 REV Trust
Jobsite: _1301 N. Washington Road, Turlock, CA
Assessor's Parcel: _Bk 023, Pg 039, Parcels 017 & 018
Jurisdiction: _Stanislaus County, PLN2012-0017 / PLN2017-0141 / PLN2018-0056
PLN2018-0102
ADG's Project No. 18047

Attn: Mr. Jeremy Ballard, ballardj@stancounty.com

This letter is to address/clarify/confirm several items of concern with respect to the design of the above project. Please note the following:

The following is the list of items that Mr. Dan Avila is requiring and will be presenting / discussing at the Thursday Planning Commission. Please provide screen display at the meeting.

1. Condition #8; the unpermitted structure on the southern adjacent property (APN 023-039-018) is to be permitted in compliance with STATE LAW.
2. Activation within 18 months; the Activation of the Use Permit is to be based upon the submittal of the House conversion to office construction permit application.
3. Activation of encroachment permit; the bonded encroachment permit should not be required until ISF of additional building construction is to be performed. This permits the house conversion to office and the working on dirt (standard farm practice) to be performed.
4. Activation of the project's public water system is to only be in compliance with STATE LAW. The house conversion does not justify a public water system per STATE LAW. The working on dirt (standard farm practice) does not justify a public water system.
5. Activation of grading permit; a grading permit should not be required until ISF of additional building construction is to be performed. This permits the house conversion to office and the working on dirt (standard farm practice) to be performed.

6. Activation of onsite fire water; onsite fire water should not be required until ISF of additional building construction is to be performed. This permits the house conversion to office and the working on dirt (standard farm practice) to be performed.

7. The County must stop restricting the owner from developing a private well.

Please keep us informed at all times and contact us if you have any further questions.

Sincerely,

Elwyn V. Heinen, P.E.

General Manager

Advanced Design Group, Inc., 1128 6th Street, Modesto, Ca 95354

(209) 577-3108, adgi@att.net

Cc: Mr. Dan Avila, C209 495 3899, [REDACTED]



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354

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

Building Phone: (209) 525-6557 Fax: (209) 525-7759

January 16, 2025

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: USE PERMIT APPLICATION NO. PLN2024-0005 – BA DIGESTER

The applicant is requesting that the subject application be continued indefinitely to allow additional time to address a change in the contractor who will operate the digester and to identify any necessary modifications to the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission approve an indefinite continuance of Use Permit Application No. PLN2024-0005 – BA Digester.



**DEVELOPMENT SERVICES
ENGINEERING DIVISION**

156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT 2203 | FAX 209-668-5107 | TDD 1-800-735-2929

January 16, 2025

Angela Freitas, Director
Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: REMOVAL OF CITY OF TURLOCK CONDITIONS FOR USE PERMIT PLN2018-0102

Dear Ms. Freitas:

The City of Turlock appreciates the opportunity to comment on the proposed project and respectfully requests the Stanislaus County Planning Commission require the conditions of approval submitted by the City of Turlock for Use Permit PLN2018-0102 be reinstated. The proposed project is immediately adjacent to the City of Turlock City limits and will take access from Washington Road located within the city limits and thus will have impacts upon the City of Turlock.

The Addendum prepared for the project proposes to remove the requirement for the payment of City of Turlock Capital Facility Fees (CFF). The reason cited for removal of this requirement is a reduction in trips from the original project description and that payment of the CFF fees and installation of improvements along Washington Road as well as payment of County PFF constitutes a double exaction.

The City contends that although a trip reduction is shown from the original project description the project will still have impacts upon City transportation facilities. Transportation impact fees are collected from development on a project-by-project basis to mitigate the cumulative impacts of development on the City's roadways and transportation network. These fees pay for improvements to interchanges, improvements of roadways, and the construction of bicycle and transit facilities. All development within the City and in the City's Sphere of Influence pays their fair share toward these improvements. Although this project is not located within the Sphere of Influence it is located immediately adjacent to the City Limits. Truck traffic servicing the site will utilize City roads such as Washington Road, West Main Street and Fulkerth Road to access the site. In addition, employees are likely to come from all parts of the region, passing through the City and utilizing City transportation systems. To address these cumulative impacts, the City requires the payment of the citywide transportation development impact fees from all development in the area.

Payment of County PFF and City CFF does not constitute a double exaction as the transportation impacts covered under each fee program contain different projects and transportation network impacts. Development in the City limits is required to pay both City CFF and County PFF fees for this very reason. This project will contribute to the cumulative transportation impacts of roadways within each jurisdiction and thus should pay both fees to offset these impacts unless a separate fair share analysis is completed for this project.

Furthermore, it is stated that payment of the CFF Fee and installation of improvements along Washington Road is also a double exaction. The CFF transportation fees are collected to fund improvements for the roads and intersections throughout the city. This project is not only impacting N. Washington Road adjacent to the development, but other city roads and intersections connecting and surrounding this project. Collecting the CFF transportation fees and installing the road improvements along the frontage of the project is not a double charge.

Per the exaction policy as described in the CFF for roadway and intersection improvements, a portion of the construction cost will be borne by developers along their property frontage. The CFF specifies what portion of a new roadway and/or intersection, is the responsibility of the project applicant to construct depending upon the roadway classification and lanes per direction. CFF costs for individual improvements were developed assuming that a portion of each new roadway would be funded by the CFF and a portion would be funded by new adjacent development. For roadway improvements identified in the CFF the developer of the adjacent fronting parcel is responsible for the first 36 feet of the roadway improvement, covering curb, gutter, sidewalk, streetlights, landscaping, wall, and roadway as required by each individual roadway cross section. The remaining section of each roadway is funded by the CFF. For this development the roadway half-width is 59 feet, the developer is responsible for the first 36 feet and the CFF is responsible for the remaining 23 feet through reimbursements to the developer. This ensures that installation of the improvements and payment of the CFF transportation fee is not a double exaction. For example, Washington Road from Fulkerth Road to West Main is listed as a Roadway Improvement Project in the CFF with a total estimated cost of \$10,183,523 but the CFF share of this project is \$2,122,324.

The Addendum also proposes removal of the requirement for the project to install full frontage improvements along Washington Road. Although the property itself is not located in the City Limits of the City of Turlock, Washington Road is in the City and access to the roadway is required to meet City requirements and standards through the approval of an encroachment permit. As such, the improvements must meet City standards with regard to design and traffic safety. In addition, Policy 27 of the Stanislaus County General Plan indicates the County will consider applying City development standards to property located within one mile of the City's adopted Sphere of Influence (SOI). Furthermore Policy 26 of the General Plan requires City approval when a project is located within a LAFCO adopted SOI and the City should specify what development standards are necessary to ensure the development will comply with City development standards. Although the project site is not located within the City limits or the SOI, Washington Road, which is being used as a part of this project, is located in the City and thus in accordance with County General Plan policies improvements to Washington Road should be required to comply with City of Turlock requirements.

Additionally, the Transportation Element of the County General Plan states, "Within the sphere of influence of any city, roadway improvements, dedications, building setbacks and road

reservations shall meet the development standards of the city consistent with the Spheres of Influence Policy in the Land Use Element of the General Plan, except in those areas subject to an individual city/county agreement. These requirements may change from time-to-time through the adoption or revision of local land use plans or standards. To ensure consistency with a city's development standards, additional right-of-way may be required for each of the roadway classifications described above. Where design and access requirements of a city differ from those established by the County, development shall be required to meet the standards of the city. The County will consult with the city prior to the construction of transportation improvements within its sphere of influence to ensure consistency with the standards of that city".

The City of Turlock General Plan identifies Washington Road as an Expressway and the County General Plan identifies this segment of Washington Road as a Principal Arterial. The following is the County General Plan description of a Principal Arterial:

"The function of a Principal Arterial is to move high volumes of people and goods between urban areas within the County at higher speeds, while still providing access to abutting properties as permitted by the standards for each Principal Arterial class. Principal Arterials serve a similar function to that of Freeways and Expressways (the fast and safe movement of people and goods within the County) and provide access to the interregional freeway system. On-street parking is not permitted on Principal Arterials. The design features of Principal Arterials are determined by the level of access control and the number of lanes designated for each Principal Arterial route segment. Pedestrian and bicycle facilities may be provided on these types of roadways. Farm machinery is permitted on these types of roadways..."

Washington Road is planned by both agencies to move high volumes of traffic at higher speeds and as such to ensure the safe and efficient movement of people and goods through the transportation network as development occurs each developer is required to install the necessary improvements along the frontage of their property.

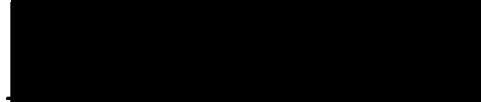
As Washington Road is located within the City limits, in accordance with City and County General Plan policy and in order to meet the required Use Permit finding that the approval of the project "...will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County" full frontage improvements to Washington Road should be a condition of approval for this project.

Lastly the removal of the requirement for paving on site raises serious concerns. To ensure track out of gravel onto a designated Expressway is minimized drive aisles should be paved to allow for gravel to remain on-site and not track out into the roadway. Although the air quality study prepared for the Addendum found alternative means to on-site paving would not create a significant air quality impact the City takes issue with this analysis as these dust control measures such as watering or applying chemical dust suppressants requires ongoing application of these materials which is difficult to ensure these measures will be maintained continuously throughout the life of the project to keep dust and track out to an acceptable level. Treatment of the drive aisles and employee parking area with paving ensures dust and track out from these areas will not impact Washington Road or other properties in the area. The City of

Turlock has a history of significant impacts of dust collecting on Washington Road in prior years when this property was in operation.

Thank you for consideration of the City's requests to ensure this project complies with both the City and County General Plan policies, to ensure the project does not create health and safety impacts or significant environmental impacts. The City of Turlock values the coordination and cooperation between the City and the County to ensure that development helps meet the short- and long-term needs of the broader community.

Sincerely,

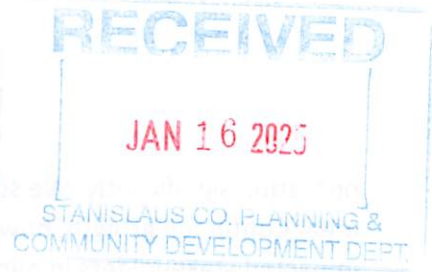


Adrienne Werner
Development Services Director



William D. Morris, RCE, PLS
City Engineer

Cc: Stanislaus County Planning Commission



Stanislaus County Planning Commission and Director Freitas
1010 10th Street, Suite 3400
Modesto, CA 95354

SUBJECT: BLUE DIAMOND GROWERS COMMENT LETTER FOR USE PERMIT APPLICATION No. PLN2018-0102

Dear Planning Commission and Director Freitas:

Blue Diamond Growers, a farmer-owned cooperative and the world's largest almond company, only recently learned of the Avila and Sons Packing House Project and its use permit application. The project site is located directly across from Blue Diamond's major manufacturing facility, where we process almonds and almond products for customers around the world. Notwithstanding this, we have significant concerns about the project that are not adequately addressed in the staff report. Blue Diamond is requesting the planning commission to continue this item off-calendar so that Blue Diamond has adequate time to understand the project and work with the County and the applicant to address our concerns.

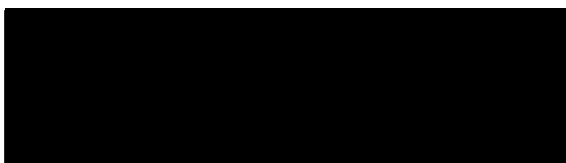
Blue Diamond is a 116-year-old cooperative representing almost 3,000 almond farmers, many of whom live and grow within Stanislaus County. We take pride in our central valley roots and the fact that we manufacturer and grow here in the Turlock area. Our Turlock facility was built in 2014 and is a critical manufacturing facility for the cooperative. We employ more than 150 team members and continually invest in the community.

The proposed project will allow for a 184,000 square foot warehouse facility directly across from our very active manufacturing facility. We are disappointed and concerned that Blue Diamond was not consulted once in the planning process of the project by the County or applicant given the proximity and inevitable impact to our facility. We also have concerns due to Blue Diamond's previous history with the applicant and the lack of erosion and dust mitigation measures currently in place, particularly given the project intends to substantially rely on graveled areas for its operations for at least the next ten years. The applicant's current practices have required Blue Diamond to spend significant time and resources to manage the issue ourselves. We are incredibly concerned that without proper erosion and dust mitigation measures in place, this issue will only be exacerbated by additional activity on the project site.

Given the lack of outreach for the project and erosion and dust issues, we believe moving the project forward without our ability to adequately address these matters will impact our

operation significantly. We support the continued growth of Stanislaus County and the Turlock area. Continued growth, however, must be done thoughtfully and collaboratively, with key impacted stakeholders in mind. It is for this reason we ask that you continue this project off-calendar until Blue Diamond, the County and the applicant can work together to address our concerns.

Thank you,



Mallorie Hayes
Government and Public Affairs Manager