



February 20, 2025

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT APPLICATION NO. PLN2018 – 0102 – AVILA AND SONS
PACKING HOUSE PROJECT**

This item was originally considered by the Planning Commission at a public hearing on January 16, 2025. At the conclusion of the public hearing, the item was continued to the February 20, 2025 Planning Commission meeting. The project is a request to construct a 184,311 square-foot warehouse facility in seven phases to receive, sort, store, pack, and ship agricultural produce on a 25.72-acre parcel located at 1301 N. Washington Road, between Fulkerth Road and West Main Street, in the Turlock area. A detailed project description, project history, proposed development by phase, project issues, and environmental analysis is provided in the January 16, 2025 Planning Commission staff report which is available online at the following link: <http://www.stancounty.com/planning/agenda>

Four pieces of correspondence regarding the project, that were too late for the agenda, were provided to the Planning Commission at the start of the January 16, 2025 meeting (see Attachment A) which included: a Campaign Disclosure (Levine Act) form from the applicant and project representative; an email from the applicant's representative requesting that specific improvements for the project not be required until the warehouse is constructed with Phase 3; a letter from the City of Turlock requesting that City Capital Facility Fees (CFF), road frontage improvements, and paving of the site be requirements applied to the project; and a letter from Blue Diamond Growers requesting that the project be continued to allow them additional time to review the project's impacts. During the public hearing, two people spoke in opposition to the project, Bill Morris and Mallorie Hayes, and two people spoke in favor of the project, Dan Avila and Elwyn Heinen. Video of the January 16, 2025, Planning Commission meeting is also available online at the link provided above.

Bill Morris, City Engineer for the City of Turlock, requested that requirements for installation of curb, gutter, and sidewalk along N. Washington Road, as well as for the drive aisles on the project site to be paved, and for the payment of CFF be applied to the project as requested in the City's original project referral response (see Exhibit D – *Correspondence from the City of Turlock, dated September 30, 2021 of the January 16, 2025 Planning Commission Staff Report*).

Mallorie Hayes, a representative of Blue Diamond Growers, a neighboring business to the east, expressed concerns with dirt track out onto N. Washington Road and with concerns that Blue Diamond Growers did not have enough time to properly review the Staff Report. Ms. Hayes requested that the project be continued to allow Blue Diamond Growers additional time to review the project materials and to determine if there would be any nuisance issues as a result of the project.

Dan Avila, and his representative Elwyn Heinen of Advanced Design Group, Inc, both spoke on the project history and the applicant's request to amend proposed conditions of approval relating to installation of the Blue Diamond Growers driveway and N. Washington intersection improvements, landscaping, and public water system; specifically the requirement that they be completed with Phase 1 of the project and prior to operation, and with the restriction of only having 18-months to complete these improvements in order to activate the use permit. The applicant has requested that activation be triggered with the submittal of any required permit related to on and off-site improvements and that installation of a public water system not be required until new building square footage is added to the project site. The applicant also expressed opposition to installation of curb, gutter, and sidewalk along the project road frontage and to payment of CFF fees due to the use being agricultural in nature.

Following the close of the public hearing, the Planning Commission, on a vote of 6-1, continued the public hearing to February 20, 2025, to allow Blue Diamond Growers additional time to review the project materials and meet with staff and the applicant.

An email from Commissioner Huff was received by staff on January 20, 2025 requesting: that staff explore the possibility of extended paved drive aisles to prevent gravel or dirt track out on N. Washington Road; for clarification on setbacks, CFF, and on the timing for the permitting of Phase 1; and requested that the timing for the landscaping improvements be revisited (see Attachment B – *Correspondence from Commissioner Huff, dated January 20, 2025*).

The project is not located within the City of Turlock's Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) or within its General Plan boundary; accordingly, County Land Use Element policies which require the County to consult with the City and consider applying their standards to a project do not apply; however, N. Washington Road, which runs along the project site, is located within and is maintained by the City. The roadway serves as the western boundary for the City limits, General Plan study area, SOI, and its adopted Westside Industrial Specific Plan (WISP). Due to the project's proximity to the City, the project was referred to the City for comment in August of 2021 and the City provided a response requesting that the project be required to pay City CFF, install full road frontage improvements and complete the fourth leg of the Blue Diamond Growers driveway and N. Washington intersection, and that the site include onsite improvements such as paving, landscaping, and storm drainage consistent with City standards.

As discussed in the January 16, 2025 Planning Commission Staff Report, the EIR certified on June 16, 2016 for the 2012 Use Permit, included mitigation measures which required road frontage improvements, including curb, gutter, and sidewalk, be installed and payment of the CFF; however, the addendum prepared for this current request, the 2018 Use Permit, found that these mitigation measures were no longer required due to the reduction in truck trips and reduced development footprint being proposed. The Addendum prepared for the 2018 Use Permit has identified that the only mitigation measures needed to address potential traffic/transportation impacts are the completion of the fourth leg of the Blue Diamond Growers driveway and N. Washington Road intersection, obtainment of an encroachment permit for the improvements from the City, and payment of the County's adopted Public Facilities Fees (Mitigation Measures No. 3.13.1a and 3.13.1c).

The ultimate road right-of-way for N. Washington Road, which is designated by the City of Turlock as a 4-lane Expressway, is 110 feet. All building setbacks are required to be

maintained 15 feet from the property line, or 20 feet for any building with a vehicle opening facing the roadway. The applicant has already dedicated the road right-of-way to the City of Turlock to bring the west side of N. Washington road to its ultimate 55-foot road width. As required by the adopted mitigation measure for the 2012 Use Permit, the applicant would have been responsible for paying an estimated \$403,044 in CFF over the buildout of each phase. As described in the correspondence received from the City (see Attachment A – *Planning Commission Correspondence Received Too Late for the Agenda*), for City projects subject to payment of the CFF, the CFF is meant to pay for improving the half width of the roadway and developers are responsible for paying for and installing roadway improvements consisting of curb, gutter, and sidewalk along their road frontage. While not required to mitigate the impacts of the project, the Planning Commission may add conditions of approval to the project requiring the payment of CFF and/or installation of road frontage improvements; however, as part of the encroachment permit, the City may require additional road improvements, in accordance with their adopted standards and specifications and could authorize the bonding and/or deferring of the road improvements. Three projects recently considered by the Planning Commission with similar circumstances (Rezone Application No. PLN2017- 0098 – Best RV Center, Rezone Application No. PLN2019-0108 – Price Honda of Turlock, and Rezone Application No. PLN2021-0112 – Top Shelf Mega Storage) were not required to pay CFF fees. While these projects were also not located within the City SOI, they were, unlike this project, located within the City’s General Plan Study Area.

Phases 1 and 2 are concurrent phases due to Condition of Approval No. 8 which requires that an unpermitted agricultural storage building, located on the adjoining parcel, be fully permitted in compliance with all applicable building and zoning codes (Phase 2), prior to issuance of any building, grading, or encroachment permit (Phase 1). The intent of this condition is to ensure that existing building code violations be addressed before any additional investment is made in improving the project site.

The applicant has requested to change the timing for when the use permit is considered to be activated. As reflected in Condition of Approval No. 11, the use permit will be considered active when all of the following have been met:

- Issuance of a grading permit, including a storm water basin (Mitigation Measure 3.9-5)
- Issuance of two building permits for conversion of the unpermitted structures (the residence to administrative office on the project site and the agricultural storage building on the adjoining property)
- Approved landscaping plans, consistent with the City of Turlock West Industrial Specific Plan (WISP) standards, and installation of the landscaping along the project’s road frontage (Mitigation Measure 5.3.3-2)
- Approved plans for the fourth leg of the Blue Diamond Growers and N. Washington intersection, including the encroachment permit (Mitigation Measure 3.13.1c). If required by the encroachment permit, the road frontage improvements must be bonded for or installed.

The County’s Zoning Ordinance specifies that use permits are allowed 18-months for activation and up to one additional year of a time extension. As defined in Section 21.104.030 – *Expiration*, a use permit may be activated when “the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is working diligently to

complete all project improvements”. The Planning Commission could decide to amend Condition of Approval No. 11 to require that the building and grading permits, and landscaping and intersection improvement plans be submitted rather than issued, in order to trigger activation of the use permit, if they see it as a more reasonable criteria for activation.

The applicant has requested to change the timing for when the intersection and landscaping improvements and Public Water System (PWS) permitting requirements (currently included in Phase 1) are triggered to be prior to issuance of a building permit for the new warehouse, which begins with Phase 3. Although Phase 1 will not include the construction of any new buildings, Phase 1 will include a building permit for interior improvements, a grading permit, and the allowance of up to 80 vehicles, 38 tractor-trailers, and 43 employees to utilize the site. The fourth leg of the Blue Diamond Growers driveway and N. Washington intersection is required to be installed to ensure truck traffic enters and exits the site safely. Development of the fourth leg will require an encroachment permit be obtained from the City. While it is staff’s position that these truck and vehicle trips will come along with impacts that will require improvements be made before the site begins operations, the Planning Commission could amend the mitigation measures to delay the improvements required to complete the fourth leg of the Blue Diamond Growers driveway and N. Washington intersection and landscaping improvements until the warehouse construction begins; this would change the trigger to “Prior to issuance of a building permit for Phase 3”. To amend a mitigation measure the Planning Commission must find that the amended mitigation measure is equivalent in mitigating or more effective in mitigating or avoiding potential significant effects and that in itself it will not cause any potential significant effect on the environment.

Even after the use permit is activated, they may not operate until Phase 1 and 2 are completed, which includes permitting of the PWS. Timing for when the PWS permitting is triggered is dictated by California Health and Safety Code Section 116275(h), which defines a PWS as a system that regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Phase 1 of the project anticipates up to 43 employees reporting to the site, which will trigger the PWS permitting requirement. The applicant has requested additional time to complete the PWS requirements, as indicated in the correspondence submitted to the Planning Commission and the comments made during the public hearing (see Attachment A – *Planning Commission Correspondence Received Too Late for the Agenda*). Following the January 16, 2025 Planning Commission hearing, staff from the County’s Planning and Environmental Resources Departments met to discuss the timing requirements for permitting of the PWS. The current conditions of approval requires the PWS to be permitted prior to issuance of the building, grading, or encroachment permit; to provide the applicant with additional flexibility to complete the PWS, staff is now recommending an amendment to Condition of Approval No. 10, to allow the PWS be permitted prior to final of a building, grading, or encroachment permit (deleted text is in ~~strikeout~~ and new text is in bold):

10. A Water Supply Permit shall be issued prior to ~~issuance~~ **the final** of a building, grading, or encroachment permit for Phase 1. **No project activities shall commence prior to obtaining the Water Supply Permit.**

Project activities may not commence prior to obtaining the PWS, as reflected in Condition of Approval No. 25, which requires the PWS be constructed during Phase 1 and be operational

and maintained in compliance with state and federal regulations prior to commencement of operations. However, the use permit may be activated prior to the PWS being fully permitted.

On January 23, 2025, planning staff met with representatives of Blue Diamond Growers to discuss the concerns they raised during the public hearing. Concerns discussed during the meeting included: driveway placements; dirt track out onto N. Washington Road; and compliance with dust control measures if complaints are received or conditions lead to opacity limits being exceeded. At the conclusion of the January 23, 2025 meeting the representatives for Blue Diamond Growers indicated they would be submitting additional correspondence, however, as of the time this memo was prepared, no further correspondence had been received. On January 29, 2025, the applicant's representative sent correspondence to Blue Diamond Growers outlining the applicant's position on why the project would not have an adverse impact on the generation of dust or traffic (see Attachment C – *Correspondence to Blue Diamond Growers from Advanced Design Group, Inc, dated January 29, 2025*).

In response to Blue Diamond Grower's concerns regarding the driveway and dirt track out, staff explained that the driveway will be required to meet City standards and specifications, which require the project to maintain a paved driveway approach of 60-feet in width with a 78-foot throat depth. Additionally, Condition of Approval No. 22 requires that the driveway entrance contain adequate storage depth for trucks coming onto and leaving the site. To clarify that this requirement is based on County standards, which includes a minimum of 100 feet of paving from the back edge of the paved driveway approach, staff is recommending Condition of Approval No. 22 be amended to read as follows (deleted text is in ~~strikeout~~ and new text is in bold):

22. **In addition to the driveway apron required to be installed subject issuance of a City of Turlock encroachment permit, the on-site storage depth for oncoming trucks outside of any gate shall meet the County requirements of Standards and Specifications Plate No. 3-G2, which requires a paved driveway throat depth of 100' beginning from the western edge of the driveway approach** ~~be adequate for trucks coming off the road. The entry vehicles shall not block any travel lane or shoulder. If the storage depth is inadequate, it may require that the fence be moved further into the property.~~

The paving of the driveway throat depth is intended to limit track out; however, to further address track out onto N. Washington Road, the Planning Commission could require a longer paved driveway, that all drive aisles be paved, or could require larger gravel (1-1.5 inches or larger in size) be utilized, as a means avoiding gravel from getting stuck in tire treads.

In response to Blue Diamond Growers concerns regarding dust control, staff explained that Mitigation Measure 5.3.3-4, requires that if visible dust emissions (VDE) exceed 20% or a complaint related to dust is filed with the San Joaquin Valley Air Pollution Control District (SJVAPCD), operational activity must be halted for either reapplication or maintenance of the selected control measure. In this case, the applicant is proposing to utilize a uniform layer of washed gravel, however, the mitigation measure allows for a range of prevention techniques including watering, application of chemical/organic dust suppressants, vegetative materials, paving, roadmix, or another method that can be demonstrated to the satisfaction of the

SJVAPCD Air Pollution Control Officer (APCO) to effectively limit VDE to 20 percent opacity and meet the conditions of a stabilized unpaved road, as defined by SJVAPCD Rule 8011.

Staff also explained that Condition of Approval No.13 allows the project to be returned to the Planning Commission for review at the discretion of the Planning Director to amend conditions of approval, as necessary, to address nuisance concerns. Condition of Approval No. 17 requires the applicant to pay for the County's use of a qualified consultant to address any nuisance mitigation related to the project operation, as determined by the Planning Department.

RECOMMENDATION

Staff recommends the Planning Commission approve the project as outlined in Exhibit A of the January 16, 2025 Planning Commission Staff Report and with the amendments to Conditions of Approval No. 10 and No. 22 as outlined in this memo. The findings required for staff's amended recommendation are as follow:

1. Find that:
 - a. The Addendum to the certified Environmental Impact Report (EIR) for the Avila and Sons Packing House Project (State Clearinghouse No. 2012102021) was prepared in compliance with California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA) together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).
 - b. The Mitigation Monitoring and Reporting Plan adopted on June 16, 2016 for Use Permit No. PLN2012-0017 Avila and Sons N. Washington Road Warehouse remain in effect and has been incorporated as conditions of approval for Use Permit Application No. PLN2018-0102 – Avila and Sons Packing House Project, with the exceptions of Mitigation Measure, #3.131b, #3.13.1c and #5.3.3-4 which have been modified or removed based on a finding that the project and revised mitigation measures do not meet any of the criteria described in CEQA Guidelines Section 15162 and 15164 and that the revised mitigation measure is equivalent in mitigating or more effective in mitigating or avoiding potential significant effects and that in itself it will not cause any potential significant effect on the environment.
 - c. Accept the Addendum to the certified Final EIR prepared for the Use Permit Application No. PLN2018-0102 – Avila and Sons Packing House Project including the amended mitigation monitoring reporting program and find that the Addendum, reflects Stanislaus County's independent judgement and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and 15164.
3. Find that:

- a. The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
 - b. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the general plan and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - c. The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
 - d. The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agriculture operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
 - e. The use will not result in the significant removal of adjacent contracted land for agricultural or open space use.
 - f. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements
4. Approve Use Permit Application No. PLN2018-0102 – Avila and Sons Packing Housing Project, subject to the Conditions of Approval/Mitigation Measures included in Exhibit C of the January 16, 2025, Planning Commission Staff Report, and including the amendments to Conditions of Approval No. 10 and 22, as outlined in the February 20, 2025, Staff Memo.

PROPERTY OWNER AND REPRESENTATIVE INFORMATION

Applicant/ Property owner:	Dan and Lori Avila
Agent:	Elwyn Heinen, Advanced Design Group, Inc.
Environmental Consultant:	Jaymie Brauer, Quad Knopf
Attachments:	
Attachment A –	Correspondence Received Too Late for the January 16, 2025 Stanislaus County Planning Commission Agenda
Attachment B –	Correspondence Received from Commissioner Huff, dated January 20, 2025
Attachment C –	Correspondence to Blue Diamond Growers from Advanced Design Group, Inc, dated January 29, 2025

**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 subconsultants, and/or agent/lobbyist made campaign contributions)

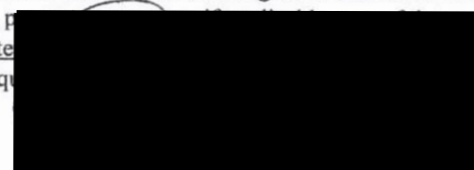
By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or the applicant's agent or lobbyist within 12 months following the approval, renewal, or extension of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

01-15-25

Date

Owner

Print Firm Name if applicable

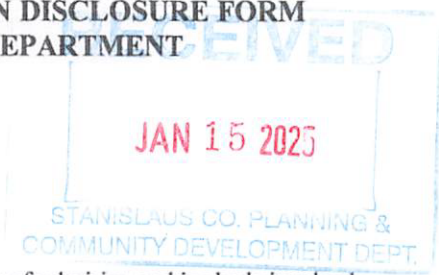


Signature of Applicant

Mr. Dan Avila

Print Name of Applicant

**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 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"/>

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 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, 



**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.

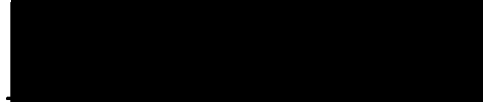
As Washington Road is located within the City limits, in accordance with City and County General Plan policy and in order to meet the required Use Permit finding that the approval of the project "...will not be detrimental to the health, safety and general welfare of persons residing or working in the 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,

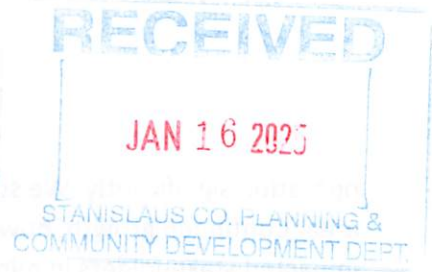


Adrienne Werner
Development Services Director



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.

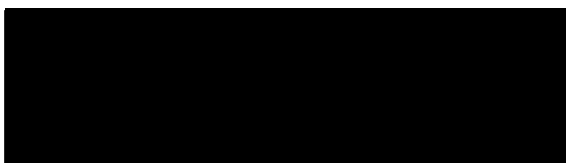
Blue Diamond is a 116-year-old cooperative representing almost 3,000 almond farmers, many of whom live and grow within Stanislaus County. We take pride in our central valley roots and the fact that we manufacturer and grow here in the Turlock area. Our Turlock facility was built in 2014 and is a critical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

From: [Andrew](#)
To: [Angela Freitas](#)
Cc: [Jeremy Ballard](#)
Subject: PLN2018-0102 Avila Packing House
Date: Monday, January 20, 2025 1:08:27 PM

***** 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 *******

Good morning team,

Since we've got a continuance on this proposed project.

1. Can you please explore the possibility of extended drives as a potential mitigation of gravel/dirt trackout from the proposed project area? Would something like a drive that is 2x the length of a typical tractor trailer mitigate much of the trackout potential?
2. I tend to agree with City of Turlock that some frontage landscaping should be constructed as part of the overall project, however, I disagree with the timing - I think this would be more appropriate to be incorporated as part of Phase 3, when actual building commences.
3. Turlock city engineer mentioned road is planned to be an expressway - what is the easement setback on this property?
4. Considering the road width does not seem to be in its final planned state, I'd disagree that curb/gutter/sidewalk are warranted at this juncture.
5. How much was the city of Turlock CFF fee? Is it possible at this juncture that we can run some sort of analysis like City of Turlock had done with Pattar Trucking Proposal and limit fees to development of specific intersections (I see the biggest problem intersection as Washington/Fulkerth; based on the amount of truck traffic anticipated. (I cannot imagine that increased regular vehicular traffic for employees will have anything but a negligible impact to this or any intersection in Turlock).

6. Specific language questions on conditions of use:

Condition #8. "Unpermitted Structure on APN 023-039-018 shall be fully permitted... prior to ... permit for development of Phase 1." What was the reasoning for requiring this prior to anything? Can this be concurrent with Phase 1?

Mitigation Measures: 3.8-2b. add which building permit this is in reference to... presumably it's referencing phase 3 building permit?

Thank you,

Andrew Huff, PE, Architect
Stanislaus County Planning Commissioner

ATTACHMENT B

From: [REDACTED]
To: [REDACTED]
Cc: [Jeremy Ballard](#)
Subject: 1301 N. Washington Road, Turlock / Avila
Date: Wednesday, January 29, 2025 12:04:56 PM

***** 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 29, 2025

Blue Diamond Growers Turlock
1300 N. Washington Rd,
Turlock CA, 95380
[REDACTED]

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. Travis Hill, [REDACTED]

This letter is to address / clarify / confirm a response from Mr. Dan Avila, owner, with regard to your 01/28/25 email letter. Please note the following:

1. With regard to Ms. Mallorie Hayes' statement at the 01/16/25 Planning Commission and your email letter noting concerns with dust and debris from the above project's site, we are a bit confused. Note the following:
 - a. Your firm is stating a concern with dust and debris from an agricultural property; which your firm was aware of when you choose to place your company at your company's site.
 - b. Mr. Avila is requesting to establish a commercial agricultural business at this site which will reduce the present agricultural dust and debris that you are concerned about; but you are opposing. If your firm is concerned with dust and debris, we feel that you should be attending the next Planning Commission meeting and noting that you are in favor of Mr. Avila's proposed project to reduce dust and debris.
2. With regard to your email letter noting concerns with traffic; we note that all traffic concerns are addressed within the Staff report and recommend for you to review. To our knowledge, the development of the above project will be improving the Washington Road's traffic conditions, and again, if your firm is concerned with traffic, we feel you should be attending the next Planning Commission meeting and noting that you are in favor of Mr. Avila's proposed project to reduce traffic concerns.

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

Sincerely,

ATTACHMENT C

Elwyn V. Heinen, P.E.
General Manager
Advanced Design Group, Inc., 1128 6th Street, Modesto, Ca 95354
[REDACTED], [REDACTED]

Cc: Mr. Dan Avila, [REDACTED]
Mr. Jeremy Ballard, ballardj@stancounty.com