



August 1, 2011

MEMO TO: Ag Advisory Committee

FROM: Department of Planning and Community Development

**SUBJECT: USE PERMIT APPLICATION NO. 2010-13 & WILLIAMSON ACT
CANCELLATION APPLICATION NO. 2010-04 - RIDDLE SURFACE MINE -
ALTERNATIVE AGRICULTURAL BUFFER AND SETBACKS**

The Stanislaus County Department of Planning and Community Development has received an application to establish a sand and gravel surface mine and material processing plant complex on two (2) noncontiguous sites totaling 436± acres, located at 26861 Eastin Road and 3030 Orestimba Road, east of Interstate 5 in the Newman area. The north site consists of two (2) adjacent Assessor parcels totaling 315± acres. The south site is a single 121± acre parcel. Approximately 62 million tons of sand and gravel will be extracted from below-grade on both sites and processed on the north site in 10-year phases over a 50-year period. Reclamation will occur after each phase. Final reclamation will convert both sites to agricultural water storage areas that may also be utilized as flood control basins. Only the north site will be improved with the material processing plant complex; however, both sites will include: 15-30 foot wide perimeter access roads, perimeter fencing, and a double row of evergreen trees. The applicant has proposed an alternative to the Agricultural Buffer and Setback Guidelines. The County's Buffer and Setback Guidelines and the applicant's proposal are outlined below:

Stanislaus County Buffer & Setback Guidelines Requirements for New Non-Agricultural Uses:

- A minimum 150-foot wide buffer, measured from the property line of any adjoining property located in the A-2 zoning district, shall be incorporated. All buffers shall include solid fencing and vegetative screening consistent with the guidelines. In general, vegetative screen shall consist of two staggered rows of trees and shrubs characterized by evergreen foliage extending from the base of the plant to the crown.
- Fencing: The Agricultural Advisory Board, in September of 2008, supported a general alternative clarifying the intent of the fencing requirement is to prevent trespassing. As part of the general alternative, fencing is not required to be made up of a solid material, but is required to be at least 6-feet in height. Fencing may be installed around the perimeter of the non-agricultural use, rather than the perimeter of the property lines containing the use.

Applicant's Proposal

The applicant is proposing an alternative buffer consisting of 50-feet from property line or 100-feet from centerline, whichever is greater. The buffer will include a double row of evergreen trees planted between the road or adjacent property. A six (6) foot high, cyclone, perimeter fence and 15-30 foot wide perimeter access road will be installed behind the evergreen trees. Employees involved in excavation will periodically work within the 150-foot setback area.

Staff's Comments

The north site is improved with almonds and a mobile home and the south site is improved with two (2) single-family dwellings and an agricultural storage building. All residential and agricultural structures will be removed prior to beginning the phase of excavation in which these structures are located. Only the northern property lines of both sites and the eastern property line of the north site meet the required agricultural buffers. The remaining property lines are requesting a minimum alternative agricultural buffer of 50 feet. Minimum buffers will include a double row of evergreen trees, consistent with vegetative screening requirements, perimeter fencing, and perimeter access roads. The potential for impacts associated with on-site employees will mostly occur within the material processing plant complex.

APPLICANT'S COMMENTS:

July 27, 2011

The 150' agricultural buffer requirements for new non-agricultural uses was generally created to prevent incompatibilities with new *residential* uses (eg; exposure of citizens to overspray of agriculturally-related pesticides and/or other chemicals). However, surface mining and reclamation are both considered compatible with agricultural land uses. Since the project does not propose to construct any habitable dwellings or residential uses that would potentially expose the general public to agricultural hazards, the proposed alternative minimum buffer is believed to be reasonable and appropriate.

The perimeter of both sites will be planted in a double row of vegetation. At worst-case, there will likely be no more than two employees actually working within 150' of the property line at any given time. And those who would be working within that area will likely be within the cab of a dozer or loader working a portion of the plant stockpiles, or they would be within the air-conditioned cab of the dragline or excavator which will work along the project's outer slopes. So there will be minimal exposure among a very small number of people, if any.

Thanks,

Geoff Goacher

RGP Planning & Development Services

On November 2, 2009 the Stanislaus County Agricultural Advisory Board considered and motioned to support the following Agricultural Buffer Alternatives as providing equal or greater protection than the Buffer and Setback Guidelines adopted in December of 2007 as Appendix 'A' of the Stanislaus County General Plan - Agricultural Element.

AGRICULTURAL BUFFER ALTERNATIVES

The December 2007 update to the Agricultural Element of the Stanislaus County General Plan established a buffer requirement for all new or expanding non-agricultural uses within or adjoining the A-2 zoning district. Appendix A of the Agricultural Element lays out guidelines for these buffers, which includes the following:

- ✓ A 150 ft buffer (300 feet for people intensive outdoor activities) from all property lines.
- ✓ A 6 ft high solid fence along the perimeter where a project adjoins agricultural property and 2 rows of vegetative screening (including evergreen trees and shrubs).
- ✓ Expansion of existing uses must provide fencing and vegetative screening in the area available and a 150-foot minimum building setback is required.

Any alternative to the currently adopted buffer standards must be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to Planning Commission consideration. ***These alternative standards shall be determined to provide equal or greater protection.***

*Planning staff would like the Agricultural Advisory Board to review and give its support to the following buffer alternative applicable to **all expanding non-agricultural uses** within the A-2 General Agriculture zoning district:*

- ✓ Allow the expansion of an existing non-agricultural use without a 150-foot setback or vegetative screening provided the expansion does not intensify the on-site activity.
- ✓ Allow riparian areas adjacent to rivers to serve as setbacks and vegetative screening.
- ✓ Allow permitted non-agricultural uses (including but not limited to legal non-conforming uses and homesites) adjoining the subject property to serve as part of the required setback area, provided the adjoining use is of a permanent nature which is not likely to be returned to agriculture. The overall distance from the requested use and the nearest agricultural operation (as defined by the Stanislaus County General Plan Agricultural Element) must be equal to or greater than the required setback distance. Vegetative screening shall not be required provided the minimum setback to the nearest agricultural operation is provided.

Additional alternative standards may be presented to the Agricultural Advisory Board for review and for a recommendation of approval to the Planning Commission. Ultimate approval will be based upon a determination of equal or greater protection.

On September 8, 2008 the Stanislaus County Agricultural Advisory Board considered and motioned to support the following Agricultural Buffer Alternatives as providing equal or greater protection than the Buffer and Setback Guidelines adopted in December of 2007 as Appendix 'A' of the Stanislaus County General Plan - Agricultural Element.

AGRICULTURAL BUFFER ALTERNATIVES

The December 2007 update to the Agricultural Element of the Stanislaus County General Plan established a buffer requirement for all new or expanding non-agricultural uses within or adjoining the A-2 zoning district. Appendix A of the Agricultural Element lays out guidelines for these buffers, which includes the following:

- ✓ A 150 ft buffer (300 feet for people intensive outdoor activities) from all property lines.
- ✓ A 6 ft high solid fence along the perimeter where a project adjoins agricultural property and 2 rows of vegetative screening (including evergreen trees and shrubs).
- ✓ Expansion of existing uses must provide fencing and vegetative screening in the area available and a 150-foot minimum building setback is required.

Any alternative to the currently adopted buffer standards must be reviewed and supported by the Stanislaus County Agricultural Advisory Board prior to Planning Commission consideration. ***These alternative standards shall be determined to provide equal or greater protection.***

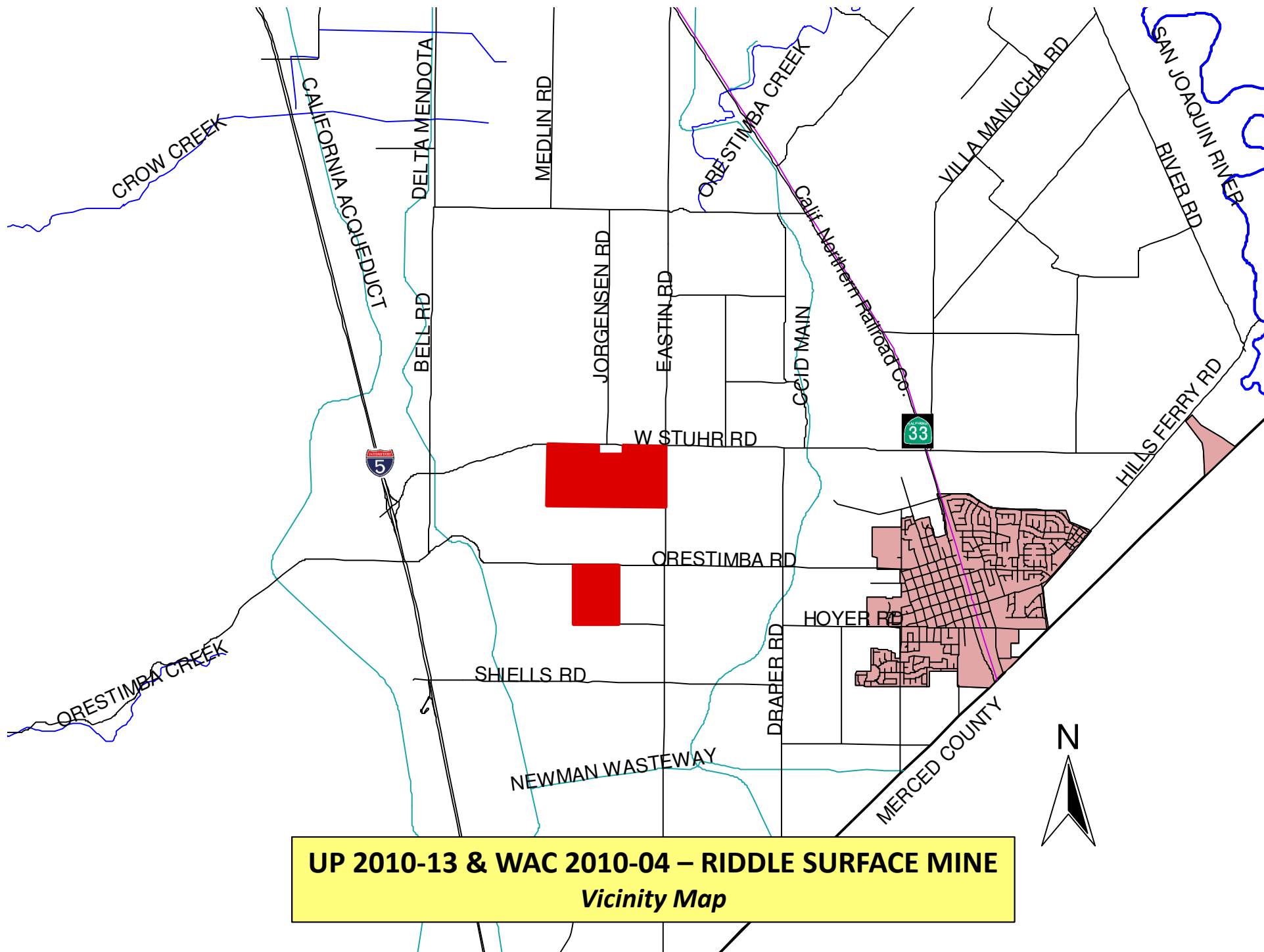
*Planning staff would like the Agricultural Advisory Board to review and give its support to the following buffer alternative applicable to **all non-agricultural uses** within the A-2 General Agriculture zoning district:*

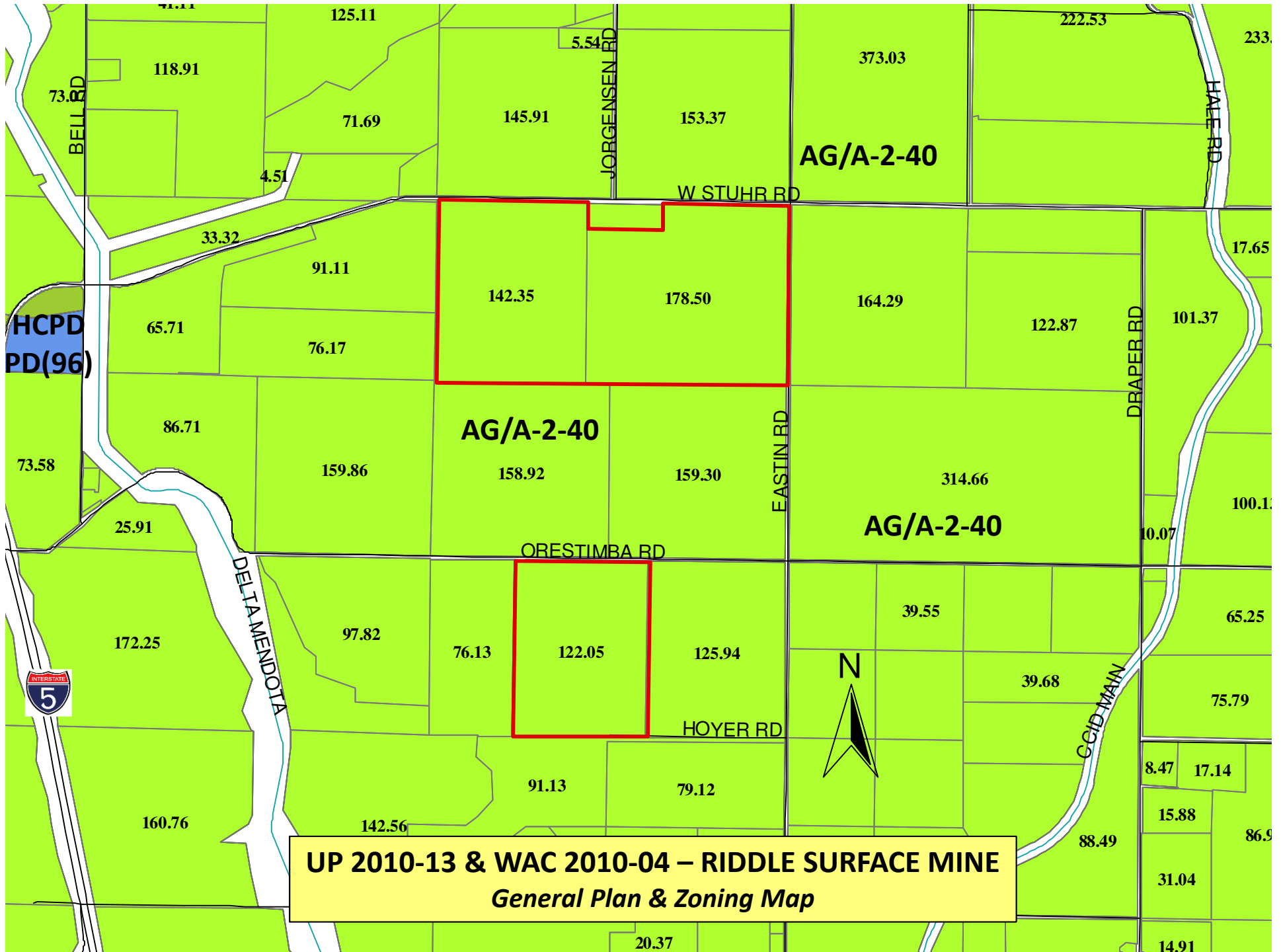
- ✓ Fencing is not required to be made up of a solid material, but shall be required to be at least 6 feet in height. The intent of the fencing requirement is to prevent trespassing.
- ✓ As a point of clarification, fencing may be installed around the perimeter of the non-agricultural use, rather than the perimeter of the property lines containing the use.
- ✓ Vegetative screening along road frontages shall only be required to the greatest extent possible giving consideration to driveways and other existing hardscape.
- ✓ Buffer and Setback standards shall not apply to projects located on a site surrounded by a minimum of 150-feet of residential type uses (including parcels of 3-acres or less in size), parks, schools or other similar non-agricultural uses.

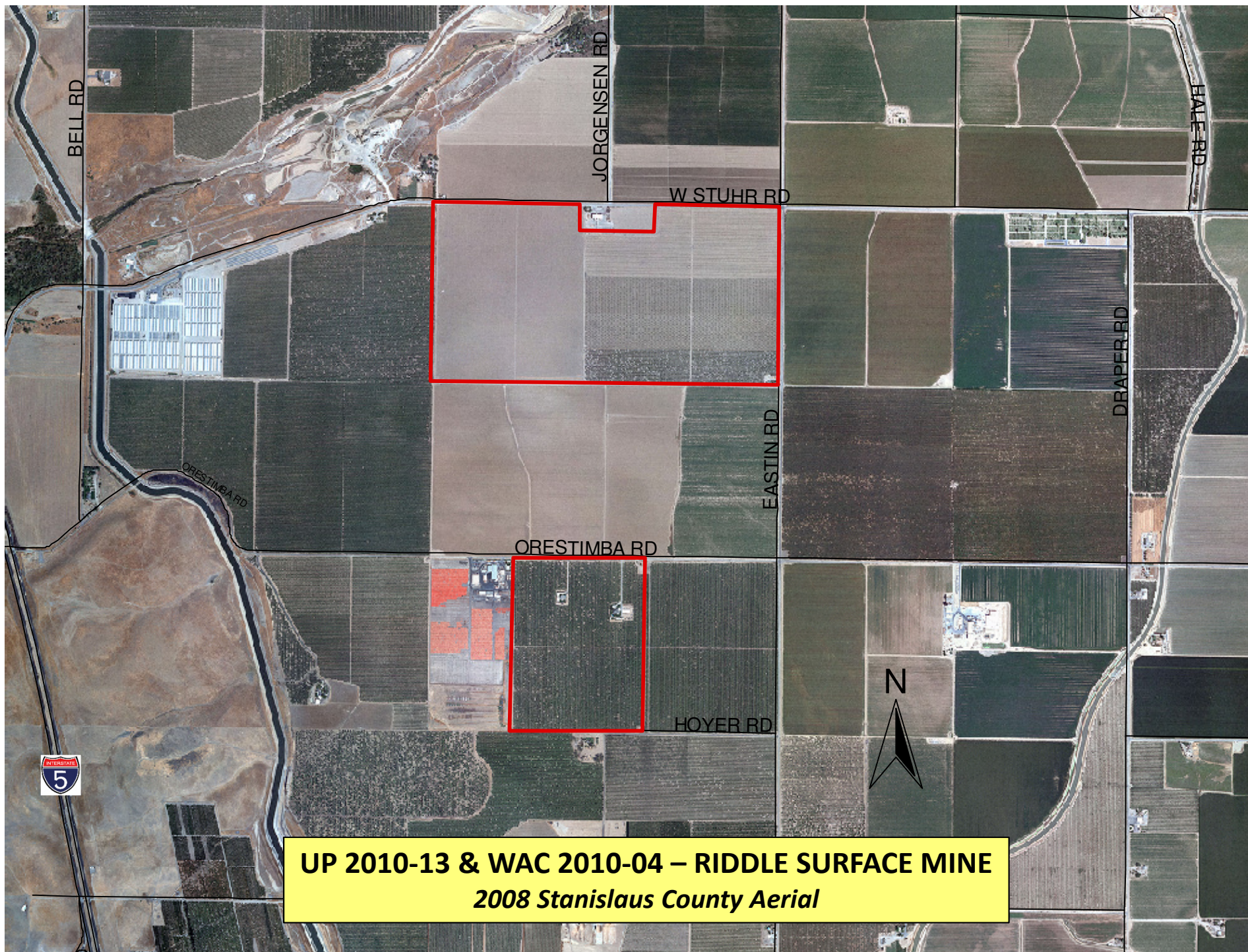
*In addition, Planning staff would like the Agricultural Advisory Board to support the following buffer alternative, applicable to **Tier 1 and Tier 2 uses** such as nut hulling, shelling, dehydrating, grain warehousing, ag processing facilities (without incidental tasting rooms or sales) and other similar low people intensive uses:*

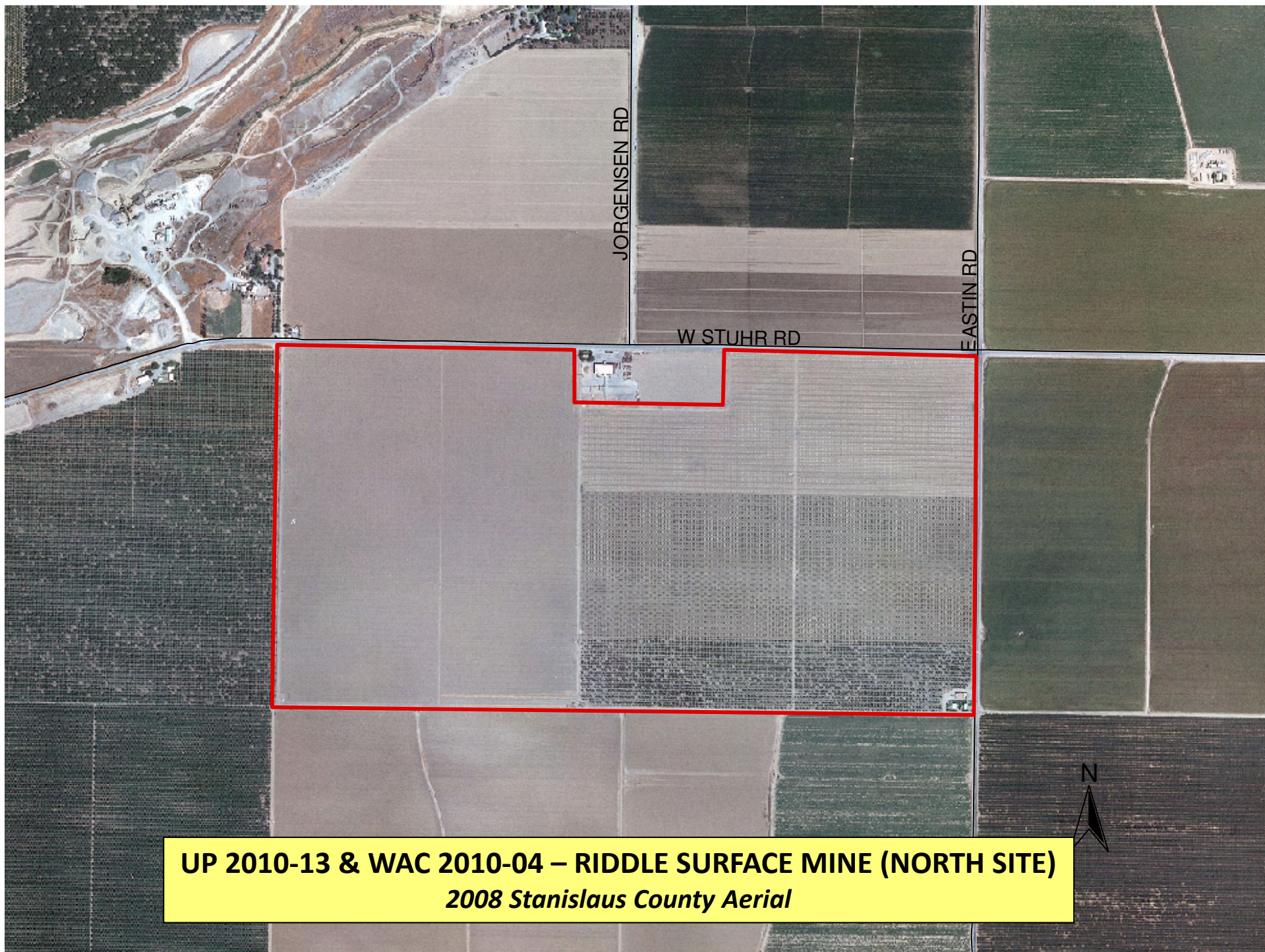
- ✓ When trespassing onto neighboring property is determined not to be an issue, the fencing requirement may be waived.
- ✓ Expansions of existing non-agricultural uses that are intended to improve efficiency and are not increasing exposure risk to spray, shall not be required to meet the 150 foot setback.
- ✓ Provided an overall distance of 150 feet or greater exists between the proposed use and the property line, no vegetative screening shall be required.

Additional alternative standards may be presented to the Agricultural Advisory Board for review and for a recommendation of approval to the Planning Commission. Ultimate approval will be based upon a determination of equal or greater protection.

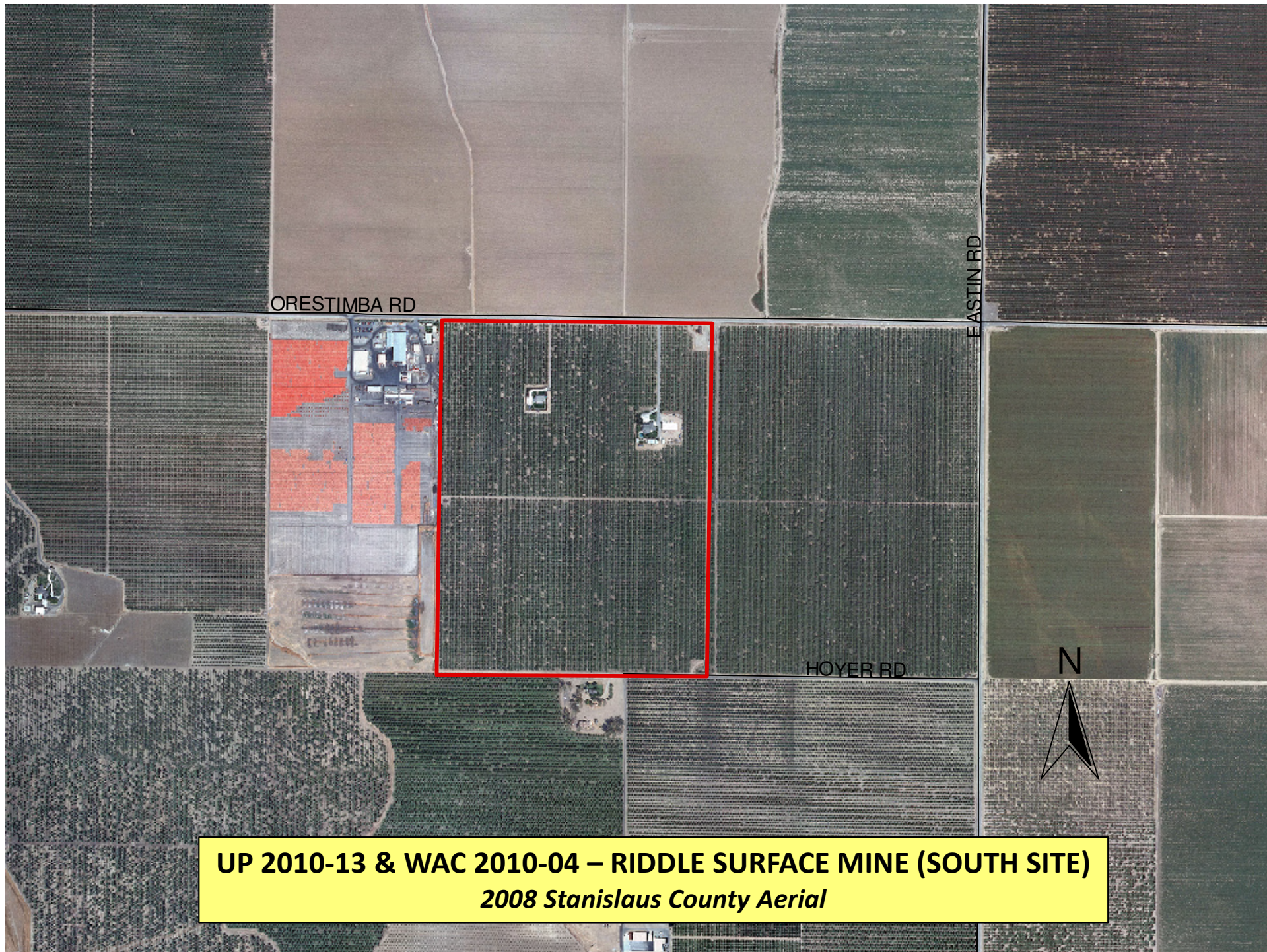








UP 2010-13 & WAC 2010-04 – RIDDLE SURFACE MINE (NORTH SITE)
2008 Stanislaus County Aerial



ORESTIMBA RD

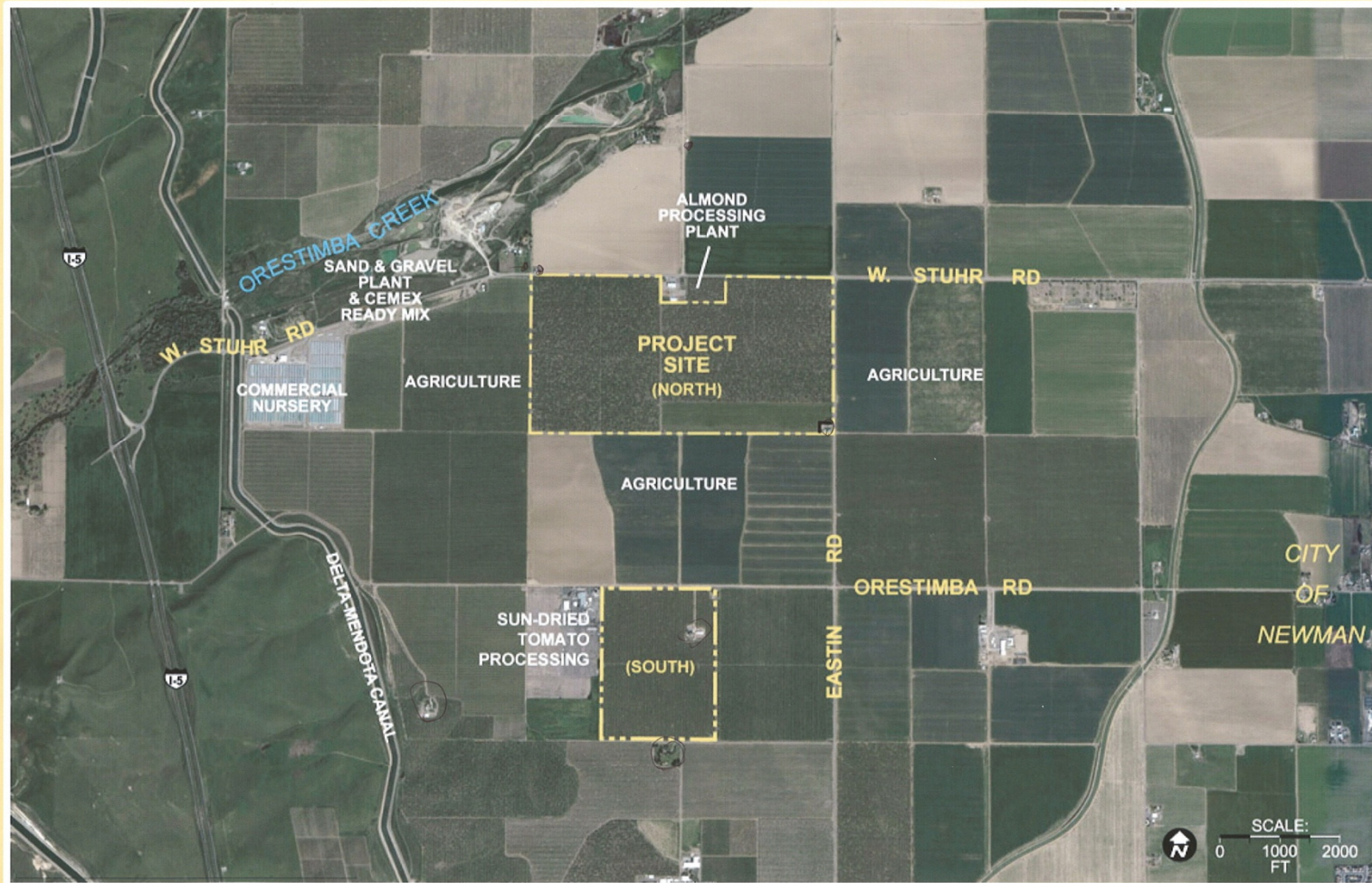
EASTIN RD

HOYER RD

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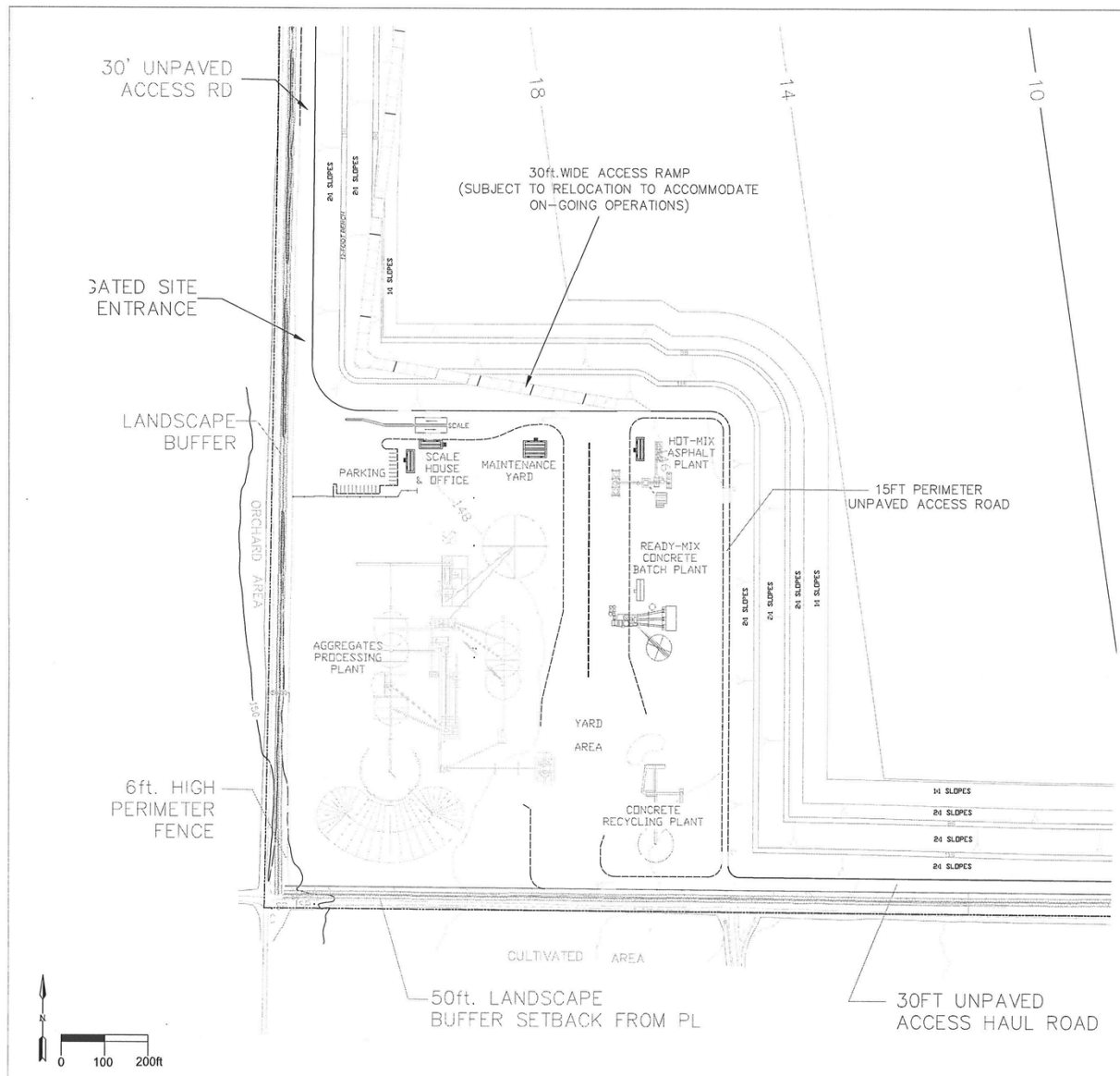
UP 2010-13 & WAC 2010-04 – RIDDLE SURFACE MINE (SOUTH SITE)
2008 Stanislaus County Aerial

PROJECT SITE & SURROUNDINGS



UP 2010-13 & WAC 2010-04 – RIDDLE SURFACE MINE
Land Use Map

AVERAS
CEMENT Group



25ac± MATERIALS PROCESSING PLANT CONCEPTUAL LAYOUT

Aggregate Processing Plant Site Components

- Operations Office
- Maintenance Building
- Sales / Scale House
- Unpaved / Non Marked Employee Parking
- Customer / Visitor Parking
- Maintenance Yard
- Stock Piles
- Water Recycling Facilities and Ponds

Recycling Plant Components

- Material Crusher
- Screen Decks
- Stock Piles
- Conveyor
- Stacker Conveyor

Ready-Mix Concrete Plant Components

- Cement Silos
- Aggregate Bins
- Conveyor
- Bag House
- Admixture Tank Farm
- Concrete Reclaimer
- Washout Basins

Hot-Mix Asphalt Plant Components

- Dryer Drum
- Aggregate Bins
- Baghouse
- Hot-Oil Tanks
- Mixing Hopper

LEGEND:

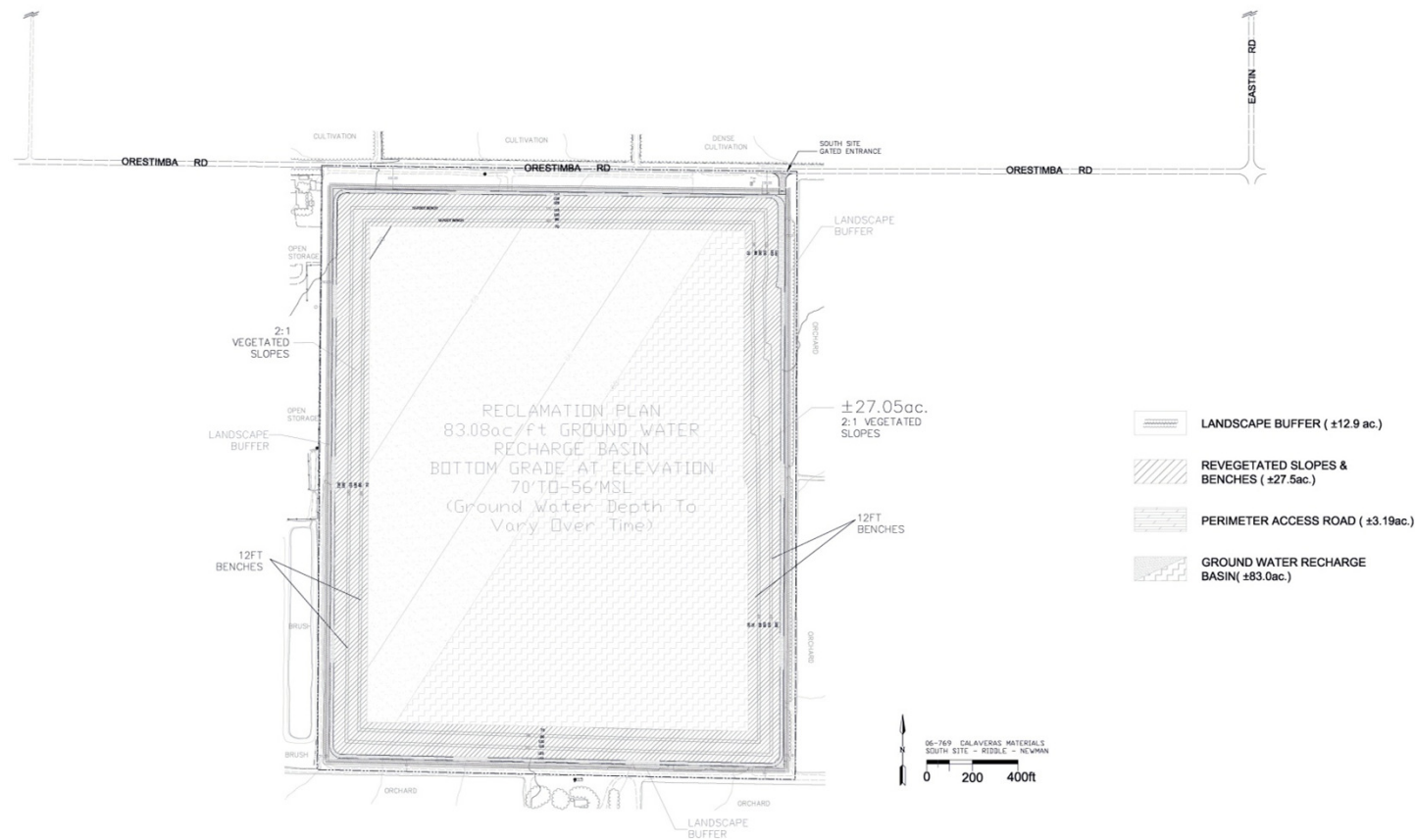
- PROPERTY BOUNDARY
- 2:1 SLOPE CONTOURS
- 10ft INDEX ELEVATION CONTOURS
- PERIMETER FENCE
- EXISTING SITE FEATURES

Processing Plant Complex Notes:

1. Processing Plant Complex Drawing is conceptual only and placement of equipment and required acreage is subject to change during the life of the operation.

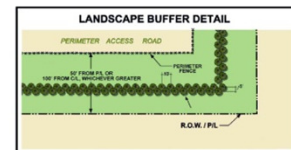
**UP 2010-13 & WAC 2010-04 – RIDDLE SURFACE MINE
Processing Plant (North Site)**

PROJECT NO.	26031-031110-8
DATE	03-26-10
BY	TJB-RGP
CHECKED BY	26031
SCALE	1"=100'
SHEET NO.	9 OF 14
PROCESSING PLANT COMPLEX DETAIL	

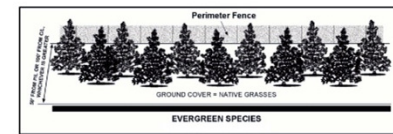
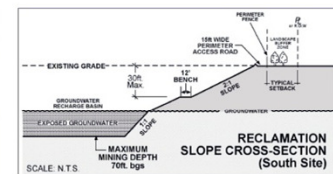


REVEGETATION NOTES:

1. Revegetation of the 2:1 slopes and any areas not used for water storage will occur at the earliest feasible time to minimize any possible wind and/or water erosion.
2. Post-reclamation end use for the site is to establish a reservoir basin in support of surrounding agricultural operations and with the possibility of the basin being used as part of the County's flood control system. A vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer shall be established on disturbed land, except for site access roads or pit perimeter maintenance access roads. All such roads shall remain to provide access in accordance with the end use.
3. With the exception of the perimeter access roads (shown above) revegetation shall be established from inside the property line, on final reclaimed 2:1 slopes. The slopes should be revegetated down to the anticipated groundwater level.
4. The vegetative density, cover, and species richness (as defined by SMARA Sec. 3701) shall be documented by use of reference areas in lieu of baseline site data since site reclamation revegetation will not be reestablished to pre-mining conditions. In lieu of test plots, the success of revegetation shall be determined by competent professional advice, and from experience with similar species and conditions relative to the species to be planted at this site.
5. Planting shall be conducted during the early to mid Fall period after the first Fall rains to take advantage of the ideal growing conditions.
6. Success of the revegetation shall be judged based upon the effectiveness of the vegetation for the approved end use. Comparisons shall be made to the reference areas per note 4, above. The cover, density and species-richness shall be sufficient to stabilize the surface against effects of long-term incident erosion.
7. Erosion and drainage control methods, procedures and systems shall be designed to handle runoff from a 20yr/1hour intensity storm event in accord with SMARA Section 3706(d).
8. The plant palette shown hereon for the revegetated slopes shall be used for this site at the application rates (#/ac) indicated. However, to the extent natural revegetation has occurred at the time of application of these seed mixes, the application rate may be adjusted such that the final success of the combined revegetation shall comply with note 6, above.
9. Revegetation shall be sustainable without irrigation after the first growing season.
10. Perimeter access road shall remain post-reclamation to accommodate subsequent water storage use.



Revegetation Palette	
Seed Type	% of Total Mix
Cucamonga Brome	35%
Rose Clover P.K.	15%
Annual Ryegrass	15%
Creeping Red Fescue	15%
Crimson Clover P.K.	10%
Zorro Fescue	5%
Nitro Persian Clover P.K.	5%
Planting Rate: 25-35 lbs/acre	
1. Approximately 150,000 seeds/lb would render 120 seeds/square foot	
2. Under best conditions about 90% would emerge - approximately 100 plants/square foot	

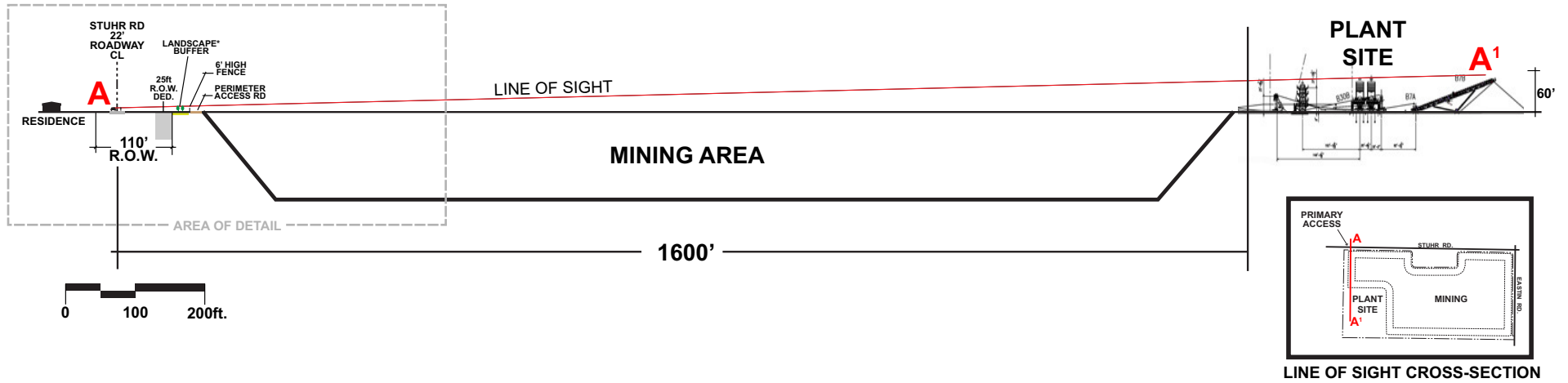


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Processing Plant (South Site) Ag Buffers

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LINE OF SIGHT SCREENING FOR VIEWS FROM STUHR ROAD



LINE OF SIGHT - DETAIL FROM STUHR ROAD

*Landscape Buffer shown with minimum of 8ft high tree for visual screening assuming 60ft high plant site

