



Referral
Early Consultation

Date: February 22, 2022
To: Distribution List (See Attachment A)
From: Emily Basnight, Assistant Planner
Planning and Community Development
Subject: VARIANCE APPLICATION NO. PLN2022-0009 – FRITO-LAY, INC.
Respond By: March 9, 2022

\*\*\*\*PLEASE REVIEW REFERRAL PROCESS POLICY\*\*\*\*

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Daniel O'Brien, Frito-Lay Maintenance & Engineering Site Director
Project Location: 600 Garner Road, between SR 132 (Yosemite Boulevard) and Finch Road, in the Modesto area
APN: 009-018-055
Williamson Act Contract: N/A
General Plan: Industrial
Current Zoning: Industrial (M)

Project Description: Request for a Variance to the Industrial (M) zoning district height limit to allow for the construction of a 97-foot-tall 27,000± square-foot warehouse building at an existing manufacturing facility on a 71.35± acre parcel in the Industrial (M) zoning district within the LAFCO adopted Sphere of Influence (SOI) for the City of Modesto. The 27,000± square-foot warehouse is proposed to be 84± feet tall with an HVAC unit at the top bringing the total height to 97± feet tall. The additional height of the building is needed for a two-crane automated storage and retrieval system. The structure will be manned daily with up to four employees to operate forklifts and the automated crane system from ground levels. §21.60.040(A) requires building and appurtenant structures not to exceed 75 feet in height in the Industrial (M) zoning district.

In addition to the 97-foot-tall warehouse, the facility also proposes to expand the current Frito-Lay facility by constructing a 62,000± square-foot manufacturing building, corn and cornmeal silos, and site improvements consisting of the following: a second rail branch; new solar photovoltaic carport; 14 vehicle charging stations for employees; a publicly available compressed natural gas fueling station; and a near zero emission and zero emission on and off-road fleet upgrades to increase the production capacity and reduce the need to import packaged snack food products from other plants. The number of employees is anticipated to increase by 130 as part of this project; increasing the number of employees to 486 during a maximum shift. Current hours of operation are 24 hours per day, seven days a week; no change to the hours of operation are proposed under this request. Customers and visitors on-site per day is anticipated to increase by six for a total of 26 per day as part of the expansion. The project will also result in an increase of seven outbound truck trips from the facility, for an average of 93 outbound delivery truck trips per day, a decrease of one inbound truck trip for a total of five inbound delivery truck trips per day, and an additional five railcar deliveries for a total of 33 railcars per week. Truck deliveries and loadings are anticipated to continue to occur 24 hours per day, seven days a week. The applicant also proposes 10,500± square feet of landscaping consisting of a vegetative buffer around the outside edge of the parking stalls on the south portion of the parcel. With the exception of the Variance request for additional height, all of the proposed uses are permitted uses in the Industrial (M) zoning district and do not require discretionary approval.

The site is currently served with public sewer and water facilities by City of Modesto, and private wells. The site has access to County-maintained Garner Road and Leckron Road.

Full document with attachments available for viewing at:  
<http://www.stancounty.com/planning/pl/act-projects.shtm>



**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT**

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
 Planning Phone: (209) 525-6330 Fax: (209) 525-5911  
 Building Phone: (209) 525-6557 Fax: (209) 525-7759

**VARIANCE APPLICATION NO. PLN2022-0009 – FRITO-LAY, INC.**

Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: MODESTO	X	STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 5: CONDIT
X	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	STAN COUNTY COUNSEL
	GSA:	X	StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: MODESTO	X	STANISLAUS LAFCO
X	MOSQUITO DIST: EASTSIDE		STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:	X	TELEPHONE COMPANY: AT&T
X	PACIFIC GAS & ELECTRIC		TRIBAL CONTACTS (CA Government Code §65352.3)
	POSTMASTER:		US ARMY CORPS OF ENGINEERS
X	RAILROAD: UNION PACIFIC AND MODESTO AND EMPIRE TRACTION		US FISH & WILDLIFE
X	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 1: EMPIRE UNION		USDA NRCS
X	SCHOOL DIST 2: MODESTO UNION		WATER DIST:
	WORKFORCE DEVELOPMENT	X	MODESTO CITY-COUNTY AIRPORT
X	STAN CO AG COMMISSIONER	X	FEDERAL AVIATION ADMINISTRATION
X	TUOLUMNE RIVER TRUST		



## STANISLAUS COUNTY CEQA REFERRAL RESPONSE FORM

**TO:** Stanislaus County Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

**FROM:** \_\_\_\_\_

**SUBJECT:** VARIANCE APPLICATION NO. PLN2022-0009 – FRITO-LAY, INC.

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

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Response prepared by:






Name	Title	Date
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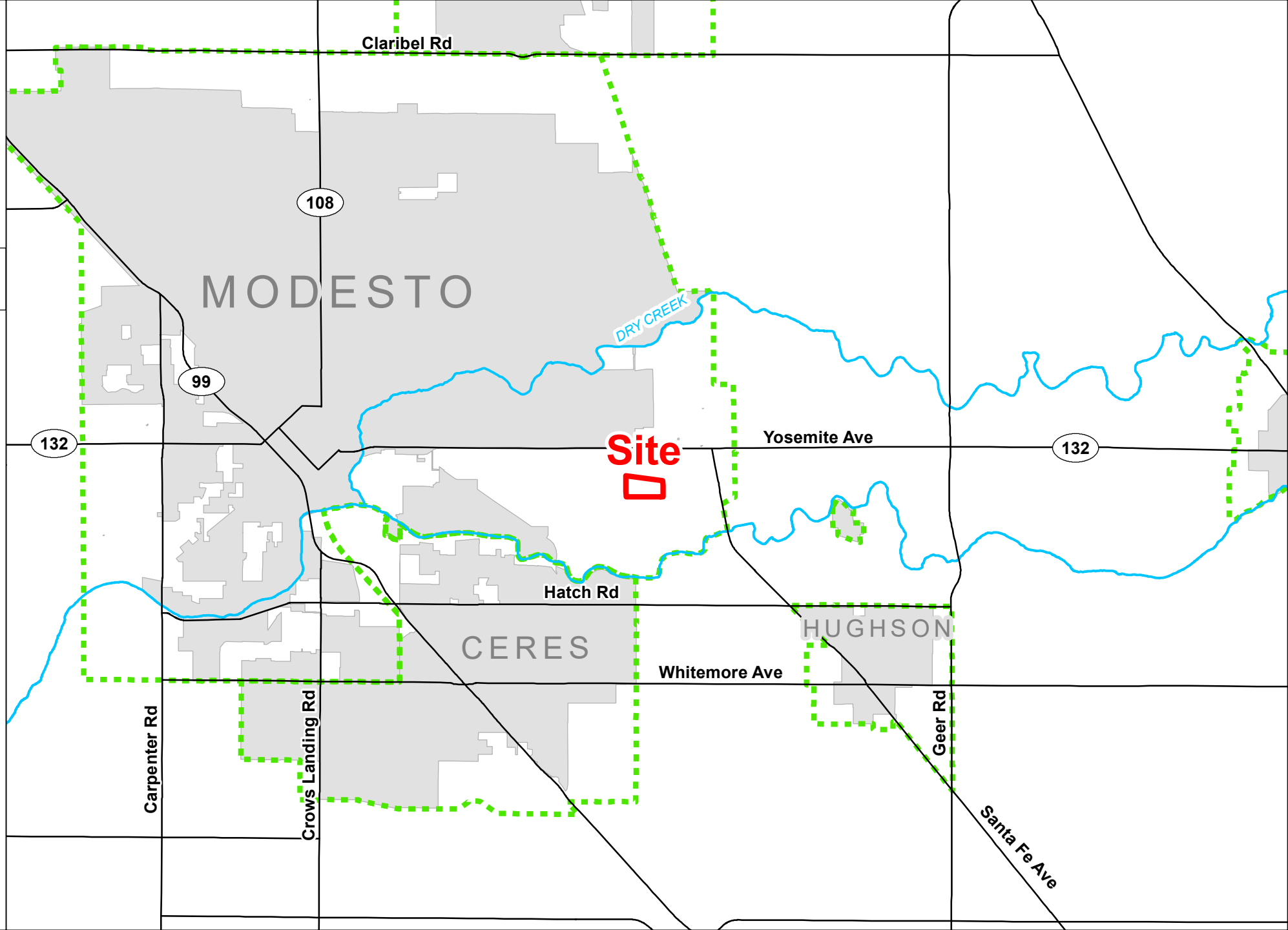
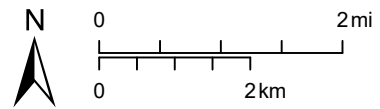
# FRITO LAY INC

## VAR PLN2022-0009

### AREA MAP

#### LEGEND








-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River









**FRITO LAY INC**  
**VAR**  
**PLN2022-0009**

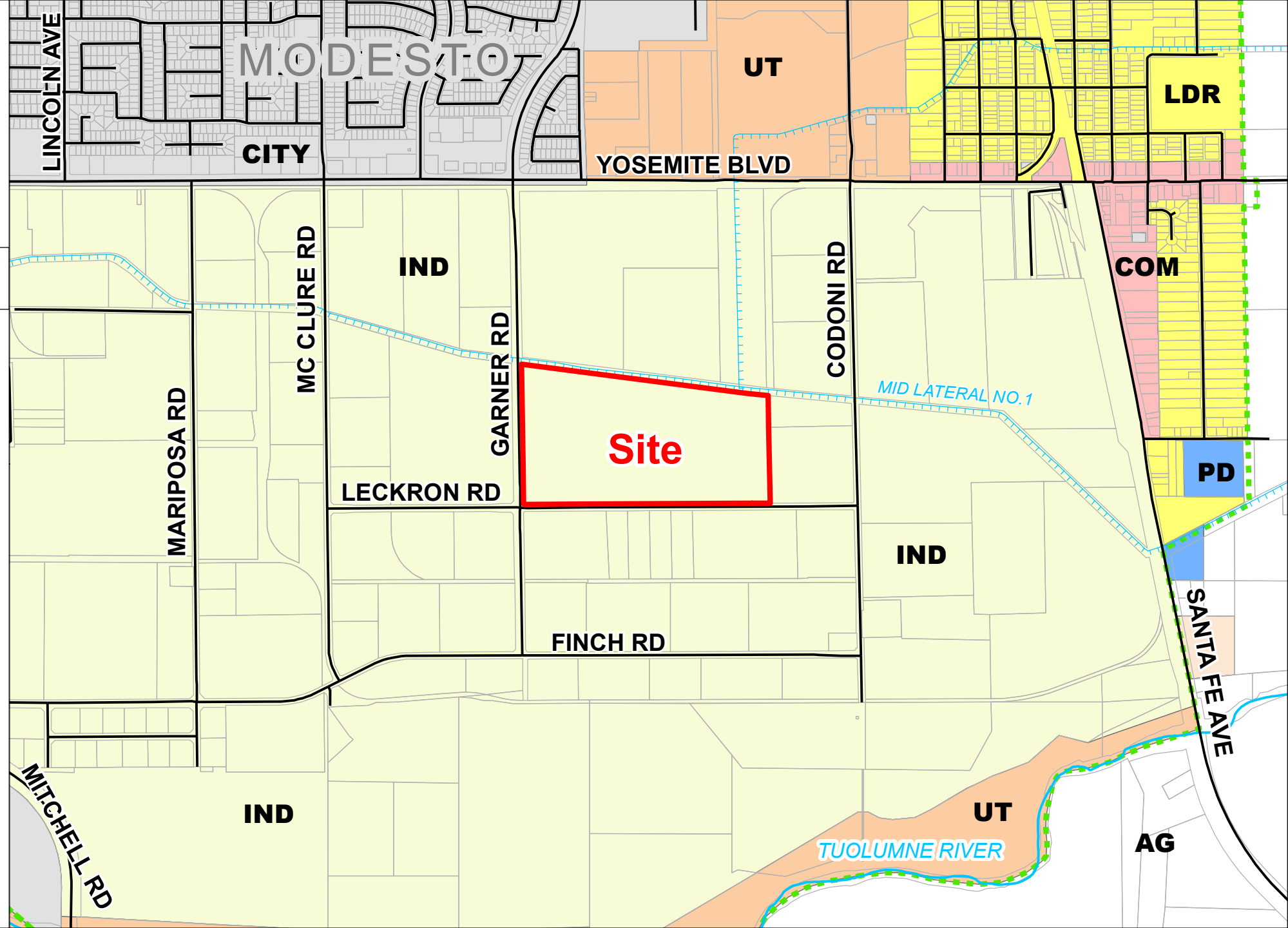
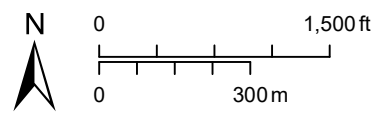
*GENERAL PLAN MAP*

**LEGEND**

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel
-  River
-  Road
-  Canal

**General Plan**

-  Agriculture
-  Commercial
-  Urban Transition
-  Industrial
-  Low Density Residential
-  Planned Development



# FRITO LAY INC

## VAR

### PLN2022-0009

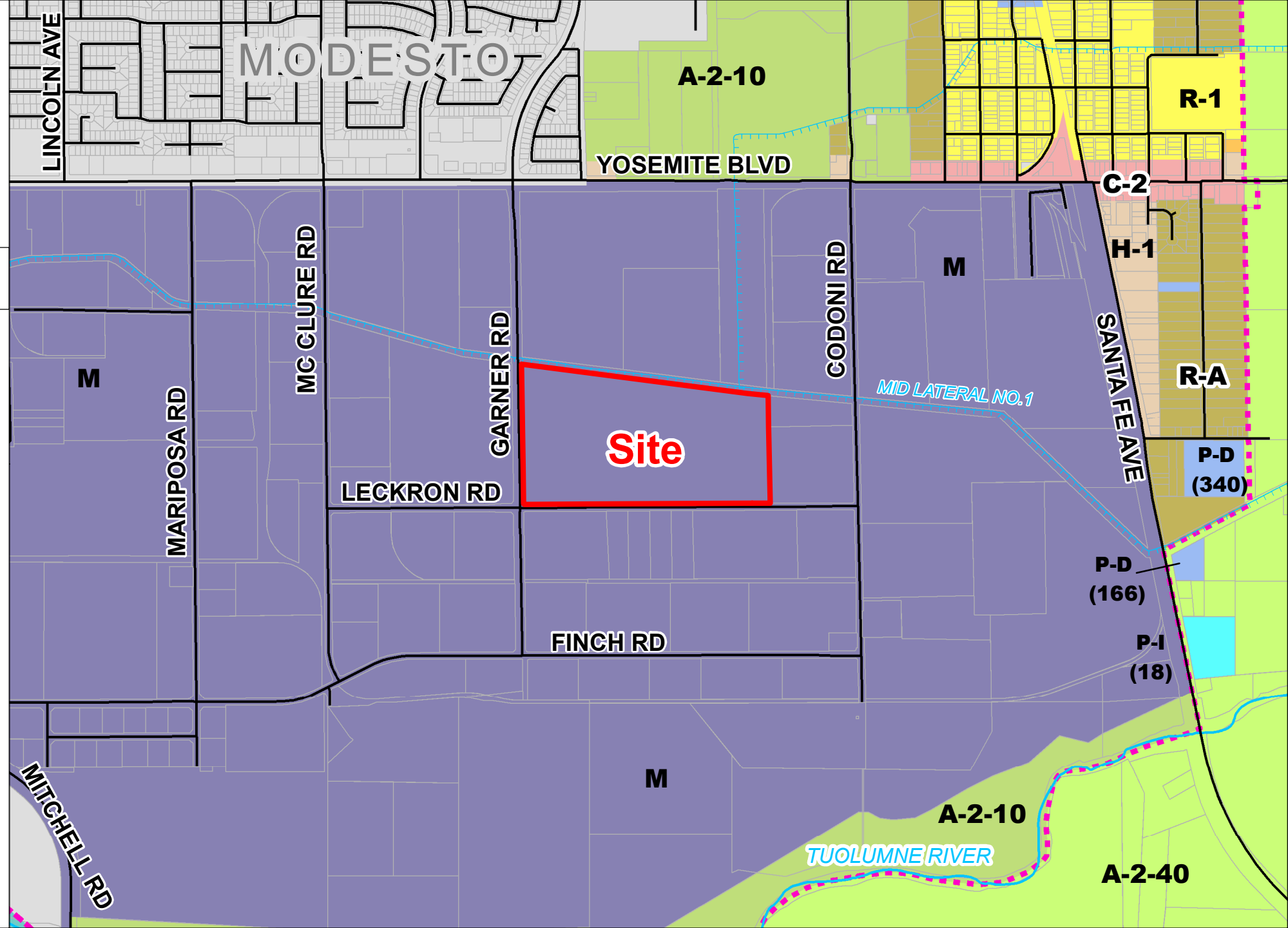
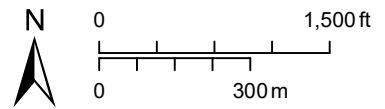
## ZONING MAP

### LEGEND

- Project Site
- Sphere of Influence
- City of
- Parcel
- River
- Canal
- Road

### Zoning Designation








- General Agriculture 10 Acre
- General Agriculture 40 Acre
- Planned Development
- Planned Industrial
- Single Family Residential
- General Commercial
- Industrial

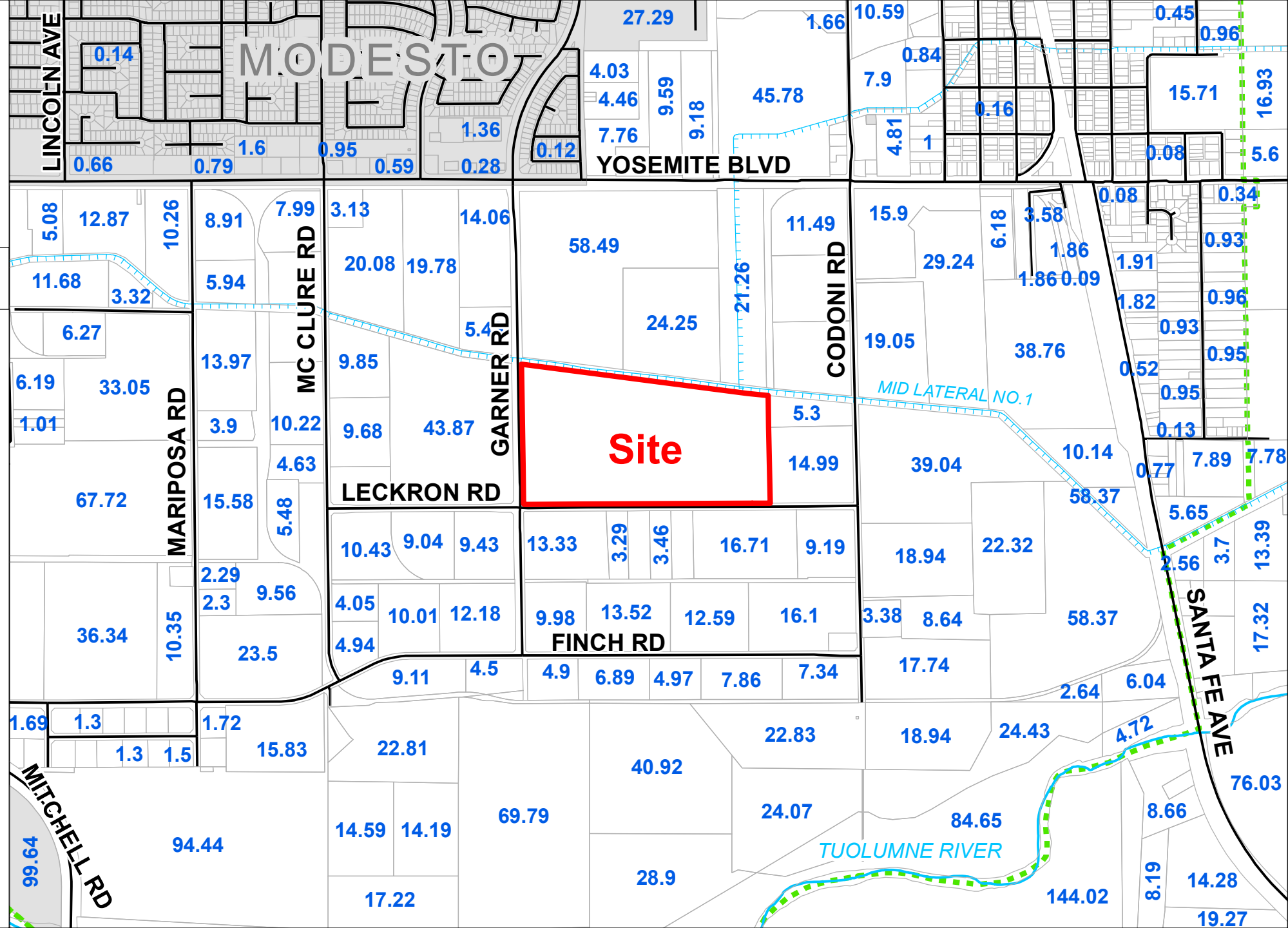
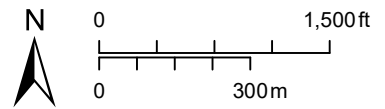


**FRITO LAY INC**  
**VAR**  
**PLN2022-0009**

*ACREAGE MAP*

**LEGEND**

-  Project Site
-  Sphere of Influence
-  City of
-  Parcel/Acres
-  Road
-  River
-  Canal










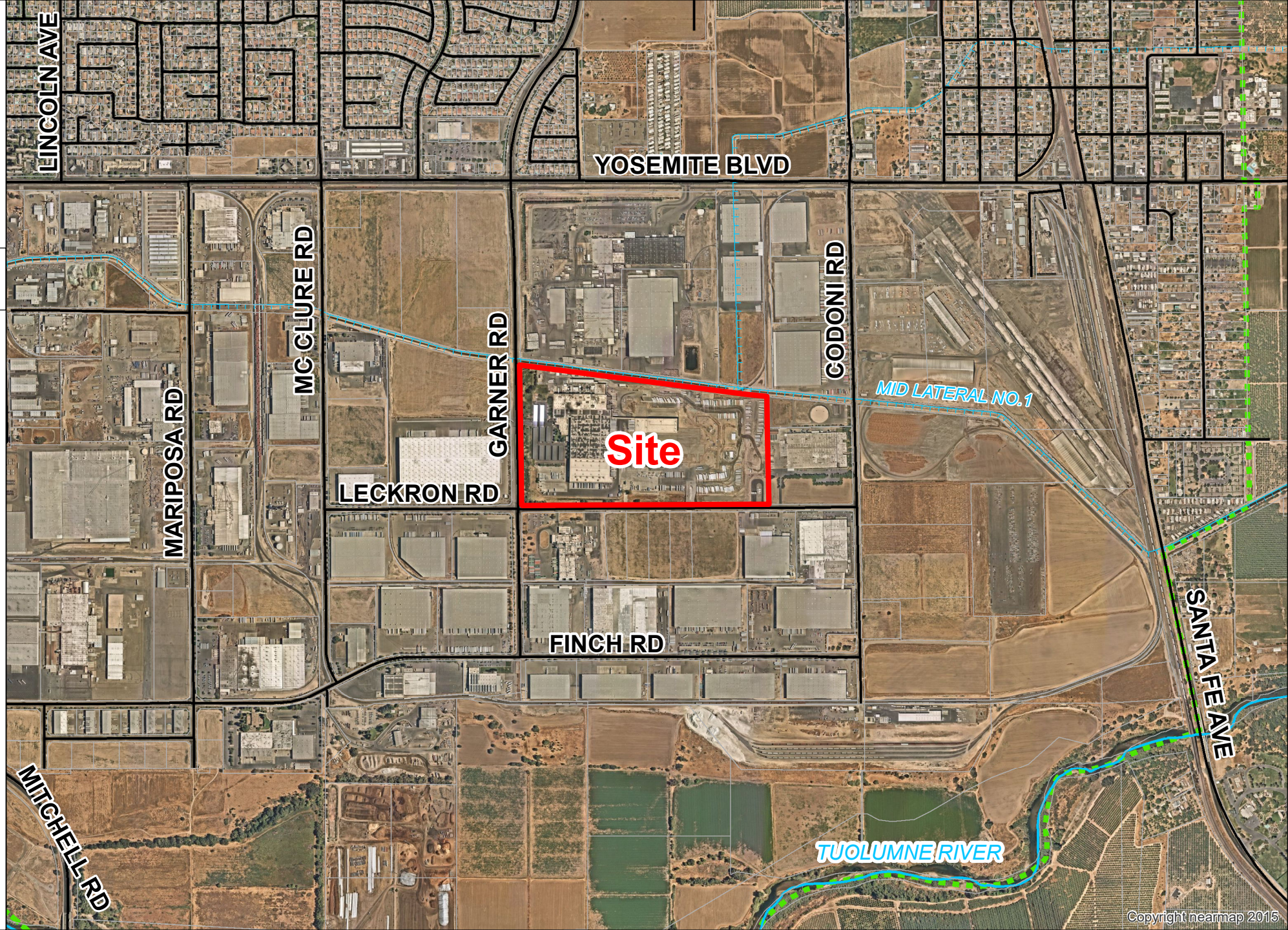
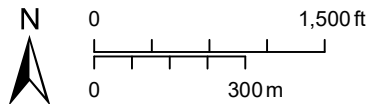
# FRITO LAY INC

## VAR PLN2022-0009

### 2021 AERIAL AREA MAP

#### LEGEND

-  Project Site
-  Sphere of Influence
-  Road
-  River
-  Canal








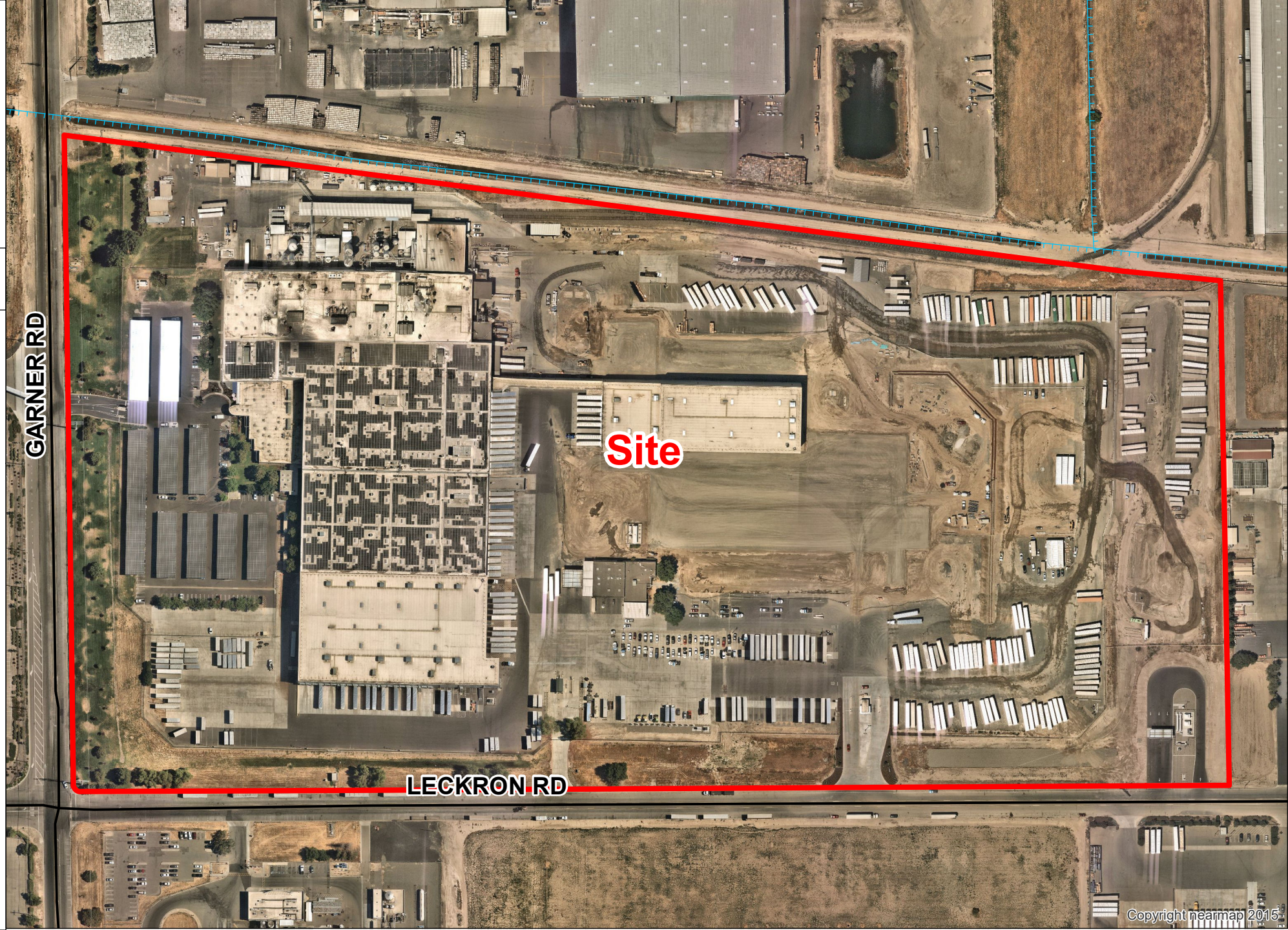
# FRITO LAY INC

## VAR PLN2022-0009

### 2021 AERIAL SITE MAP

#### LEGEND

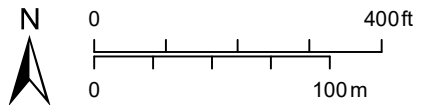
-  Project Site
-  Road
-  Canal



GARNER RD

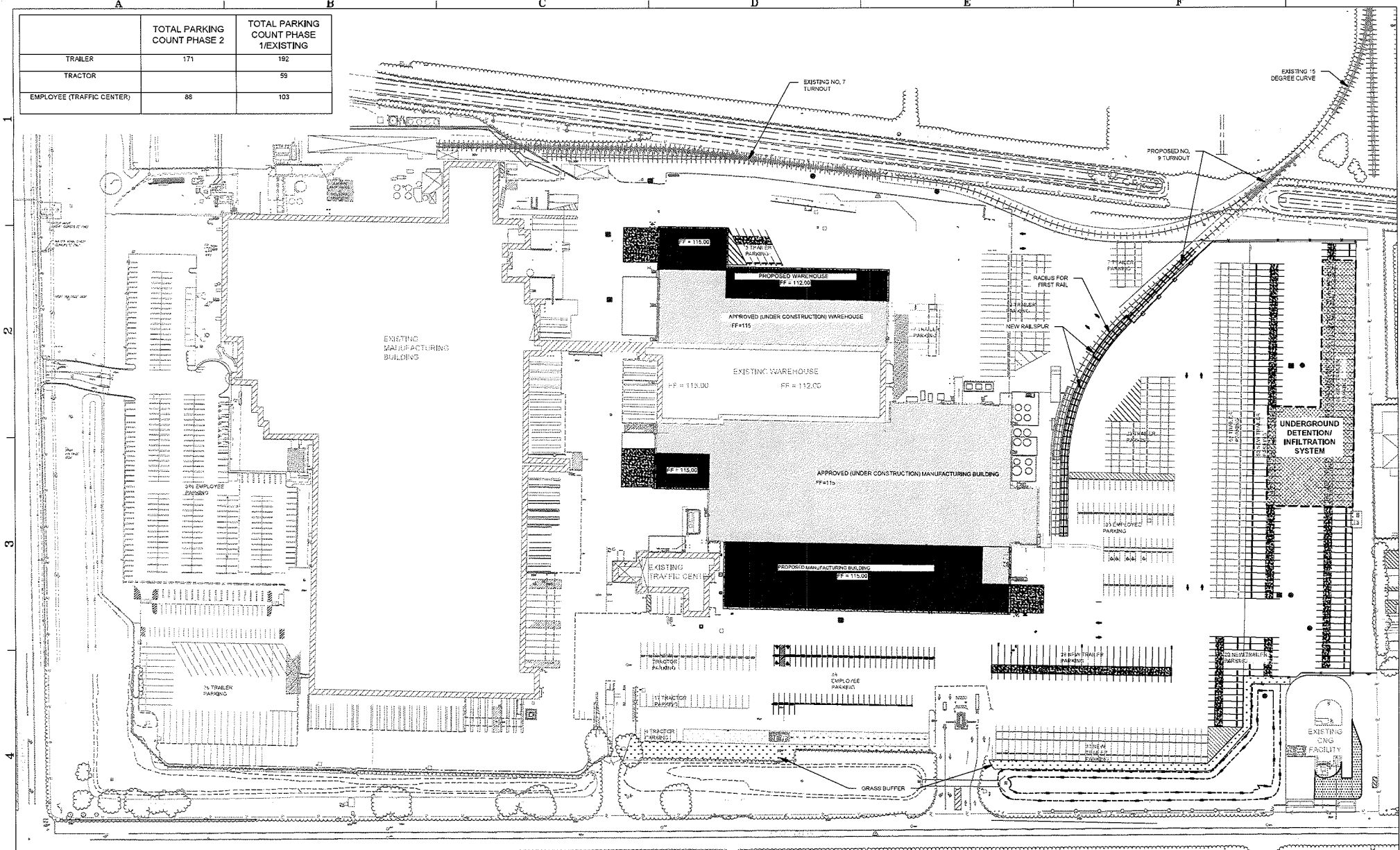
LECKRON RD

Site





	TOTAL PARKING COUNT PHASE 2	TOTAL PARKING COUNT PHASE 1/EXISTING
TRAILER	171	192
TRACTOR		59
EMPLOYEE (TRAFFIC CENTER)	88	103



**LEGEND**

EXISTING BUILDING	
NEW BUILDING (PHASE I)	
NEW BUILDING (PHASE II)	
VEGETATED BUFFER	
UNDERGROUND RETENTION	

1	ISSUED FOR GRADING PERMIT	10/15/2010	0/15/20						

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**BURNS & MCDONNELL**

LANDSCAPE ARCHITECTS, INC.

DATE OF PROFESSIONAL SEAL: 10/15/2010

PROJECT NUMBER: 107293

PROJECT NAME: FRUITO LAY MODESTO EXPANSION

**CONFIDENTIAL**

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Vendor Project Number: 127390

Vendor Drawing Number: ---

Scale: 1"=60'

Sheet Number: - 07 -

MODESTO, CA  
FRUITO LAY EXPANSION  
CIVIL  
OVERALL SITE PLAN

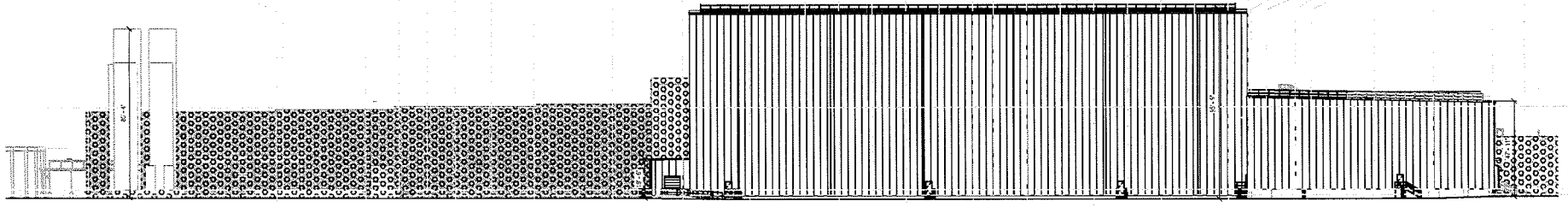
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DRAWING NUMBER: ---

SHEET NUMBER: 07

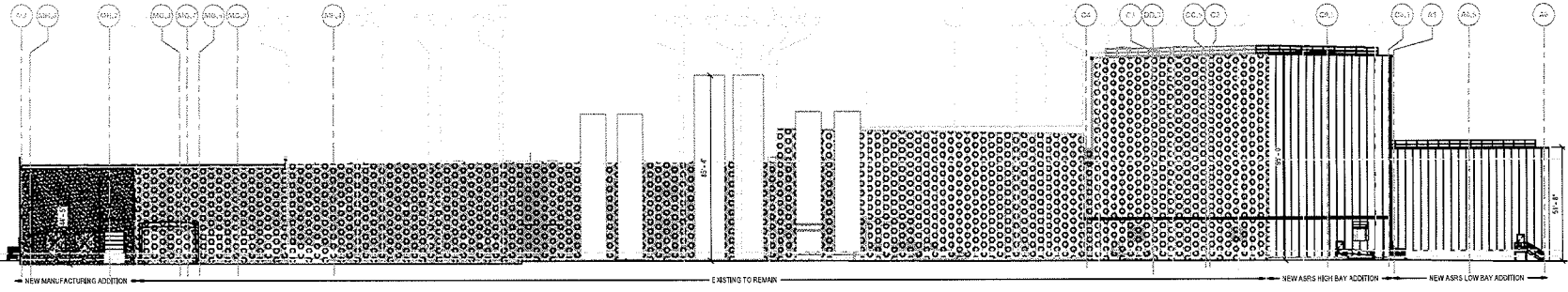
TOTAL SHEETS: 11

PROJECT LOCATION: 1717 W. JOHNSON ST. MODESTO, CA 95354. DRAWING NUMBER: 107293-TRAFFIC PLAN (OVERALL SITE PLAN) 10/15/2010 BY: A.M. ARRIETA



NORTH-OFS  
ELEVATION ①

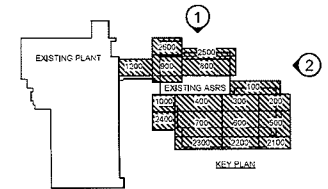
20' 10' 0' 20'



EAST-OFS  
ELEVATION ②

20' 10' 0' 20'

LEGEND:  
 EXISTING BUILDING



PRELIMINARY - NOT FOR CONSTRUCTION

NO.	REVISION	DATE	BY	CHK	APP	DESCRIPTION

**BURNS & MCDONNELL**  
 9400 WARD PARKWAY  
 KANSAS CITY, MO 64114  
 BURNS & MCDONNELL ENGINEERING CO., INC.  
 BURNS & MCDONNELL  
 755206

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**BURNS & MCDONNELL**  
 NAME OF PROFESSIONAL:  
 PROFESSIONAL SEAL NUMBER:  
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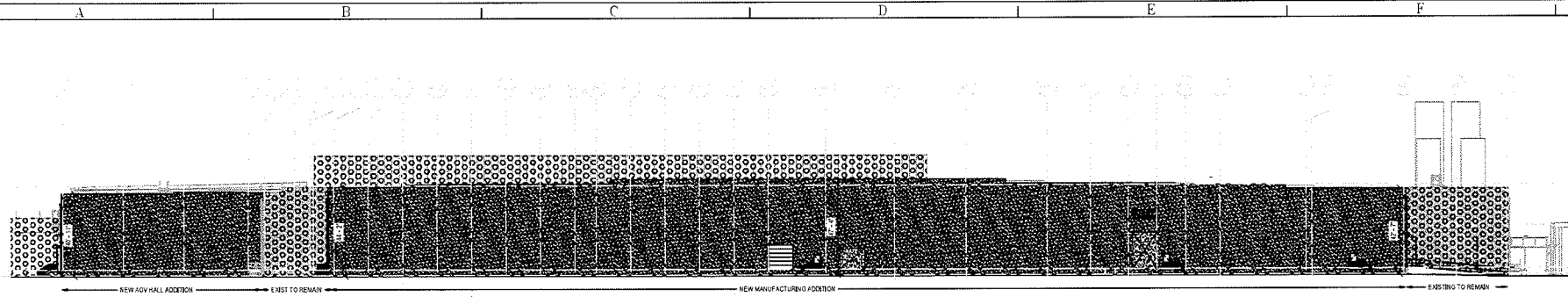
DESCRIPTION:  
 DATE: 12/2/2019  
 DRAWN BY: J. J. JENSEN  
 CHECKED BY: J. J. JENSEN  
 PROJECT NO.: 1900000000  
 VENDOR PROJECT NUMBER: 12273519  
 VENDOR DRAWING NUMBER: F000758



MODESTO, CA  
 MODESTO TRANSFORMATION PROJECT

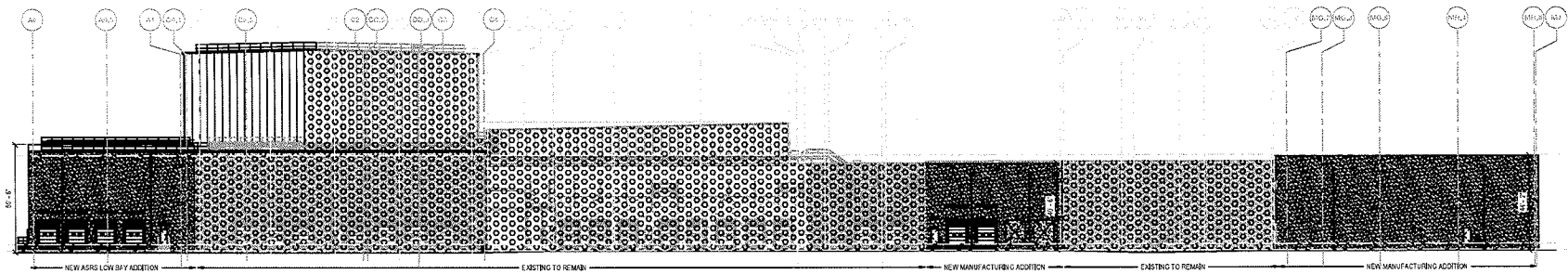
**BUILDING ELEVATIONS**

SCALE	SHEET NUMBER	TOTAL SHEETS	PL. DRAWING NUMBER	REV
1/8" = 1'	1	1	-	-



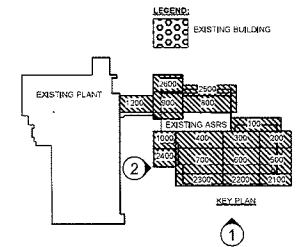
SOUTH - OPS  
ELEVATION

20' 10' 0' 20'



WEST - OPS  
ELEVATION

20' 10' 0' 20'



**PRELIMINARY - NOT FOR CONSTRUCTION**

NO.	DATE	BY	CHKD	APP'D	DESCRIPTION

**BURNS & MCDONNELL**  
 3400 WARD PARKWAY  
 KANSAS CITY, MO 64114  
 BURNS & MCDONNELL ENGINEERING CO. INC.  
 BURNS & MCDONNELL  
 75226

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**BURNS & MCDONNELL**  
 TITLE OF PROFESSIONAL  
 PROFESSIONAL SEAL NUMBER  
 PROJECT NUMBER  
 DATE

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**Frito Lay Good Start**  
 VENDOR PROJECT NUMBER: 127593  
 VENDOR DRAWING NUMBER: J102707

MODESTO, CA  
 MODESTO TRANSFORMATION PROJECT  
**BUILDING ELEVATIONS**  
 SCALE: 1/8" = 1'-0"  
 SHEET NUMBER: 1 of 1  
 PLAN DRAWING NUMBER: -  
 REV: -



# APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

**APPLICATION FOR:**

*Staff is available to assist you with determining which applications are necessary*

- |   |  |
|---|--|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Subdivision Map             |
| <input type="checkbox"/> Rezone                 | <input type="checkbox"/> Parcel Map                  |
| <input type="checkbox"/> Use Permit             | <input type="checkbox"/> Exception                   |
| <input checked="" type="checkbox"/> Variance    | <input type="checkbox"/> Williamson Act Cancellation |
| <input type="checkbox"/> Historic Site Permit   | <input type="checkbox"/> Other _____                 |

**PLANNING STAFF USE ONLY:**

Application No(s): PLN 2022-0009  
 Date: 01/13/2021  
 S 31 T 3 R 10  
 GP Designation: Industrial  
 Zoning: Industrial (M)  
 Fee: \$4,389.00  
 Receipt No. 564356  
 Received By: EB  
 Notes: VAR

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

# PROJECT INFORMATION

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

*\*Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).*

Please see Project Description, Attachment A

# PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10<sup>th</sup> Street – 3<sup>rd</sup> Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

**ASSESSOR'S PARCEL NUMBER(S):** Book 009 Page 018 Parcel 055

Additional parcel numbers: \_\_\_\_\_

**Project Site Address  
or Physical Location:**

600 Garner Road, Modesto, California 95357

**Property Area:** Acres: 71.38 or Square feet: \_\_\_\_\_

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

The site is an existing snack food production facility on unincorporated lands.

**List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.:** (Please identify project name, type of project, and date of approval)

**Existing General Plan & Zoning:** Zone M (Industrial) under the Stanislaus County General Plan

**Proposed General Plan & Zoning:** \_\_\_\_\_  
(if applicable)

**ADJACENT LAND USE:** (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

**East:** Zoned Industrial (M)

**West:** Zoned Industrial (M)

**North:** Zoned Industrial (M)

**South:** Zoned Industrial (M)

## WILLIAMSON ACT CONTRACT:

Yes  No

Is the property currently under a Williamson Act Contract?

Contract Number: \_\_\_\_\_

If yes, has a Notice of Non-Renewal been filed?

Date Filed: \_\_\_\_\_

Yes  No

Do you propose to cancel any portion of the Contract?

Yes  No

Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: \_\_\_\_\_

**SITE CHARACTERISTICS:** (Check one or more) Flat  Rolling  Steep

**VEGETATION:** What kind of plants are growing on your property? (Check one or more)

Field crops  Orchard  Pasture/Grassland  Scattered trees

Shrubs  Woodland  River/Riparian  Other

Explain Other: \_\_\_\_\_

Yes  No

Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

**GRADING:**

Yes  No

Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) 12,800 cubic yards are expected to be  
disturbed due to grading.

**STREAMS, LAKES, & PONDS:**

Yes  No

Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes  No

Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) 96-inch underground CMP storage will be installed under the trailer parking to  
account for increased runoff.

Yes  No

Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes  No

Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds, low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

**Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.**



**STRUCTURES:**

Yes  No  Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.)

Yes  No  Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes  No  Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes  No  Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) \_\_\_\_\_

**PROJECT SITE COVERAGE:**

Existing Building Coverage: 673,000 Sq. Ft. Landscaped Area: 383,221 Sq. Ft.

Proposed Building Coverage: 762,000 Sq. Ft. Paved Surface Area: 1,809,576 Sq. Ft.

**BUILDING CHARACTERISTICS:**

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) Please see Project Description, Attachment A

Number of floors for each building: Two floors; the manufacturing and warehouse buildings will each have one floor plus a mezzanine (excludes 'floors' of the high bay area).

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) New manufacturing building will be 46 ft, new warehouse will be 84 ft. Traffic center is 24 ft.

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary) Corn silos will be 95 ft at the top of the pipe.

Cornmeal silos will be 80 ft to the top of the davit crane. Two HVAC units on warehouse will be 97ft.

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used) Asphalt and concrete will be used.

**UTILITIES AND IRRIGATION FACILITIES:**

Yes  No  Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: Modesto Irrigation District (MID) Sewer\*: City of Modesto

Telephone: AT&T Gas/Propane: Pacific Gas and Electric (PG&E)

Water\*\*: City of Modesto/Frito-Lay wells Irrigation: Modesto Irrigation District (MID)

**\*Please Note:** A “will serve” letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.

**\*\*Please Note:** A “will serve” letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

Waste will be primarily wastewater effluent with some limited solids from the snack food production processes.

The bulk of the effluent solids generated will be separated on-site and beneficially reused off-site as animal feed.

**Please Note:** Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes  No  Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes  No  Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes  No  Does the project require extension of utilities? (If yes, show location and size on plot plan.)

**AFFORDABLE HOUSING/SENIOR:**

Yes  No  Will the project include affordable or senior housing provisions? (If yes, please explain)

**RESIDENTIAL PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots: \_\_\_\_\_ Total Dwelling Units: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Net Density per Acre: \_\_\_\_\_ Gross Density per Acre: \_\_\_\_\_

<i>(complete if applicable)</i>	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/Townhouse
Number of Units:	_____	_____	_____	_____
Acreage:	_____	_____	_____	_____

**COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS:** (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): See Project Description, Attachment A.

Type of use(s): See Project Description, Attachment A.

Days and hours of operation: The facility operates 24 hours a day, 7 days a week.

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation: N/A

Occupancy/capacity of building: Manufacturing: F1, Warehouse: S1, Offices/Miscellaneous Employee Facilities: B

Number of employees: (Maximum Shift): 486 (Minimum Shift): 231

Estimated number of daily customers/visitors on site at peak time: 26

Other occupants: None

Estimated number of truck deliveries/loadings per day: See Project Description, Attachment A.

Estimated hours of truck deliveries/loadings per day: See Project Description, Attachment A.

Estimated percentage of traffic to be generated by trucks: 8.9%

Estimated number of railroad deliveries/loadings per day: See Project Description, Attachment A.

Square footage of:

Office area: 59,000 Warehouse area: 442,000

Sales area: N/A Storage area: 54,600

Loading area: Included in warehouse Manufacturing area: 296,800

Other: (explain type of area) MCC Room (1,600 sq ft)

Yes  No  Will the proposed use involve toxic or hazardous materials or waste? (Please explain)  
Industrial operation involves use of hazardous materials which are regulated by the Certified Unified Permitting Agency (CUPA). Such materials are described in the facility's Hazardous Materials Business Plan (HMBP).

**ROAD AND ACCESS INFORMATION:**

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)  
The Project is accessed via Garner Road and Leckron Road.

Yes  No  Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)

Yes  No  Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)

Yes  No  Do you require security gates and fencing on the access? (If yes, show location and size on plot plan)

**Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.**

**STORM DRAINAGE:**

How will your project handle storm water runoff? (Check one)  Drainage Basin  Direct Discharge  Overland

Other: (please explain) There are inlets to collect storm water onsite, and underground storage is provided.

If direct discharge is proposed, what specific waterway are you proposing to discharge to? \_\_\_\_\_

**Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.**

**EROSION CONTROL:**

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

Erosion control measures are listed in Attachment L.

**Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.**

**ADDITIONAL INFORMATION:**

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

See Project Description, Attachment A.

**FRITO-LAY MODESTO TRANSFORMATION PROJECT  
VARIANCE FINDINGS**

The Project site is located on a 71.38-acre parcel at 600 Garner Road, Modesto, Stanislaus County, California, on unincorporated lands. The site is an existing snack food production facility that processes corn and potato starch to make tortilla chips, potato chips, and fried cheese puffs. The Project site is located in an area zoned as Industrial (M) under the Stanislaus County General Plan and is generally surrounded by industrial and agricultural land uses. The site is within the City of Modesto sphere of influence (SOI).

County Zoning Ordinance §21.60.040(A) requires building and appurtenant structures not to exceed 75 feet in height in the M zoning district. Frito-Lay is requesting that the Planning Commission consider the Variance for the additional height to accommodate the proposed 84 foot-tall warehouse building (97 feet with HVAC units) which requires a Variance to allow for the additional height. The Proposed Project would not be possible due the warehouse building design requirements without the additional height allowance.

A variance may be approved in situations where physical characteristics of the property exist that limit the enjoyment of development rights experienced by other properties within the same zoning designation, resulting in unnecessary hardships, from the strict application of provisions of the Zoning Ordinance. In order to grant a variance, the Planning Commission must make the following findings:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
3. That the granting of the application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The special circumstances applicable to this project are that strict application of the title would deprive the subject property of privileges enjoyed by other properties in the M zoning. The design requirements for the warehouse structure demand the additional height allowance in order to be accommodated on the property. Therefore, the granting of the application is necessary for the preservation of substantial property rights of the petitioner for this property in the M zoning.

The granting would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated. The additional height allowance is required for business operation and is not a special privilege relative to other properties in the vicinity with M zoning.

Lastly, the granting will not materially affect adversely the health or safety of other persons working the neighborhood of the property. More specifically, the additional height allowance of the warehouse required for the Project will not create additional air quality, water quality, ecological, or public safety impacts during construction or operation of the Project. Construction and operation of the warehouse will be contained on privately owned property and will not be materially detrimental to the public welfare or injurious to other property or improvements in the project neighborhood. The applicant is conforming with all other code requirements and believes the resultant project is consistent with the intent and the character of project neighborhood in the M zoning.

### **1.1 Project Background**

Frito-Lay, Inc. (Frito-Lay) is proposing to expand the existing Modesto facility to support the addition of new snack food production lines, packaging systems and warehouse operations. This Project would involve the addition of new structures, installation of new snack food production equipment, and addition of a second rail line branch. The Modesto facility investments also include new onsite solar electricity generation equipment, compressed natural gas (CNG) fueling infrastructure to support new near-zero emission (NZE) vehicles, and battery electric vehicle (BEV) charging infrastructure to support new light-duty and heavy-duty zero emission (ZE) on-road and off-road vehicles. The proposed changes will increase snack food production capacity at the Modesto facility, increase the warehouse capacity to meet the demands of the expanded production lines, and reduce the need to import of packaged snack food products from other plants.

### **1.2 Project Location**

The Project site is located on a 71.38-acre parcel at 600 Garner Road, Modesto, Stanislaus County, California, on unincorporated lands. The site is an existing snack food production facility that processes corn and potato starch to make tortilla chips, potato chips, and fried cheese puffs. The Project site is located in an area zoned as Industrial (M) under the Stanislaus County General Plan and is generally surrounded by industrial and agricultural land uses. The site is within the City of Modesto sphere of influence (SOI)

### **1.3 Existing Environment**

The site is adjacent to unrelated industrial facilities on its north, south, east, and west sides. In addition, agricultural fields are located both south and west of the facility. The closest residential use is located approximately 2000 feet north of the facility. The closest school is located approximately 4000 feet northwest of the facility.

### **1.4 Project Description**

The Frito-Lay Modesto facility (Facility) was established in 1990 and currently consists of one main manufacturing/warehousing building (436,000 square feet (sq ft)), one dedicated warehouse building (63,000 sq ft), and a traffic center for management of material receiving activities and finished product shipping. On May 20, 2021, the Stanislaus County Planning Commission approved a project involving addition of a 39,000 sq ft warehouse building, a 127,000 sq ft manufacturing building, a 2<sup>nd</sup> rail spur, receiving and storage equipment, and an expansion of the retention pond.<sup>1</sup> Two new production lines will be installed as part of the approved project. That project is currently under construction with startup of the second production line scheduled for October 2022.

With this Project, Frito Lay is proposing to add additional structures to house new manufacturing and warehouse operations, new material receiving and storage operations. Site investments also include new renewable (solar) energy generation equipment, and infrastructure to support ZE and NZE vehicles. These are described in the following sections.

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<sup>1</sup> Stanislaus County Department of Planning and Community Development Variance Permit No. 2020-0079. Date of Approval: May 20, 2021.

## FRITO-LAY MODESTO PROJECT DESCRIPTION

### Manufacturing and Packaging Operations

Frito-Lay is proposing to add a new Onion Fried Snack (OFS) production line to the 127,000 sq ft manufacturing building currently under construction. Frito-Lay proposes to commence installation of the OFS production line in August 2022 and commission the equipment by March 2023. The new OFS production line will consist of dump stations, bins, a hopper, a blender, 10 extruders, a vegetable oil fryer, an ambient air cooler, an electric oven, and an OFS seasoning system equipped with a scrubber.

Additionally, Frito-Lay is proposing to add a new manufacturing building measuring approximately 62,000 sq ft with a height of approximately 46 ft. Construction of this new building would begin in early 2022 and be completed in early 2023. The building will house a new Fried Corn Chip (FCC) production line consisting of a corn cook, soak, and wash system, a vegetable oil fryer, an ambient air cooler, and a seasoning system equipped with a scrubber. In addition, Frito-Lay will be installing a new natural gas-fired boiler to generate steam for process heating.

### Warehouse Operations

Frito-Lay is proposing to add an approximately 27,000 sq ft warehouse building. This building would be equipped with new (2-crane) automated storage and retrieval systems with 5,184 pallet areas. The height of the new warehouse building will be approximately 84 ft. Construction would be complete on the new warehouse building in 2023.

### Receiving and Storage Operations

Frito-Lay is proposing to add one new corn silo, and one new cornmeal silo. The cornmeal tank would be located at the eastern side of the manufacturing building currently under construction. The corn silo would be located on the eastern side of the under-construction 127,000 sq ft manufacturing building. Bulk materials would be received either by truck or by rail. A new second rail branch would be added to the 2nd rail spur (currently under construction) and would be located east of the manufacturing building (currently under construction).

### Solar Energy and NZE and ZE Vehicle Infrastructure

Frito-Lay is also making investments to transform the Modesto facility into a near-zero emission freight facility through addition of renewable energy infrastructure, the installation of NZE and ZE infrastructure, and the purchase of NZE and ZE vehicles. These investments include:

- Installation of a solar photovoltaic carport for the on-site generation of carbon-free electricity;
- Light duty vehicle (LDV) electric vehicle supply equipment (EVSE) consisting of 14 employee charging stations and new 696 kWh energy storage equipment;
- A publicly available compressed natural gas (CNG) fueling station with renewable natural gas (RNG) attributes for use in Frito-Lay NZE CNG-fueled vehicles;
- Lithium-ion forklift chargers to support new ZE forklifts;
- 12 box truck and yard tractor EVSE;

**FRITO-LAY MODESTO  
PROJECT DESCRIPTION**

- New EVSE and new 2682 kWh energy storage system for ZE heavy-duty vehicles (HDV);
- Purchase of at least 38 CNG tractors capable of utilizing RNG;
- Purchase of at least 12 lithium-ion ZE forklifts;
- Purchase of at least 3 ZE electric yard tractors; and
- Purchase of at least 6 ZE electric box trucks.

Additional Considerations

Prior to construction, grading will be required, with an estimated 12,800 cubic yards of soil disturbance. There are no existing public utility easements inside the property fenceline for irrigation, telephone, or electric utilities. Existing customer-owned utility and irrigation facilities will not need to be removed as a result of this Project. However, existing (customer-owned) utility connections will be extended to new points of service within the Project site. Extensions include a new fire water line, new electric transformers, new service drops from overhead electrical lines, new underground electric service lines, and a new domestic water service line. The landscaped areas will increase by approximately 10,500 sq ft as a result of this Project.

Frito-Lay expects the proposed Project to add 75 employees when the OFS production line is installed, and an additional 55 employees when the FCC production becomes operational. 43 employees will be added to the minimum shift, and 51 employees will be added to the maximum shift.

Daily truck loadings and deliveries before and after the project are presented below:

<b>Loads</b>	<b>Average Daily</b>		
	<b>Currently Authorized</b>	<b>After Project</b>	<b>Change</b>
Outbound	86	93	7
Inbound	7	5	(2)

Once the new process lines are operational, products that were previously shipped to the facility will instead be manufactured at the Modesto facility. Therefore, inbound loads to the Project site are expected to decrease as a result of the Project. Truck deliveries and loadings are expected to occur 24 hours/day.

The Facility currently receives approximately 28 railcar deliveries per week. This is expected to increase to approximately 33 railcars per week as a result of the Project.

The Project is expected to result in an increase of utility usage at the site as follows:

Utility	Currently Authorized	After Project	Change
Water <sup>1</sup>	581 gpm	836 gpm	255 gpm
Electricity	61,844 MWh	94,209 MWh	32,365 MWh
Sewer	643-693 gpm	858-908 gpm	215 gpm
Natural Gas	580,420 MMBtu/yr	1,023,431 MMBtu/yr	443,011 MMBtu/yr



**FRITO-LAY MODESTO  
PROJECT DESCRIPTION**

<sup>1</sup>Facility water is supplied through a combination of onsite wells and City of Modesto service.

Stormwater is currently handled by overland flow into an at-grade retention basin located on the southeast corner of the property. This Project will add approximately 72,412 sq ft of new paved areas to the site.

**1.5 Schedule**

Frito-Lay has developed a preliminary project schedule, presented in Table 1.

**Table 1. Frito-Lay Transformation Project Schedule**

<b>Task</b>	<b>Start Date</b>	<b>End Date</b>
Construction of new 27,000 sq ft warehouse building	Aug 2022	Jul 2023
Construction of the new 62,000 sq ft manufacturing building	Mar 2023	Nov 2023
Construction of new rail branch	Feb 2022	May 2022
Construction of renewable energy and ZE/NZE infrastructure	Dec 2019	Feb 2022

## Employee Parking Analysis

The number of employee parking spots was determined as follows:

- Stanislaus County Zoning Ordinance Chapter 21.76.070 addresses off-street parking requirements at manufacturing or assembly plants and wholesale warehouses. It requires one space for each employee on a maximum shift plus three additional spaces.<sup>1</sup>
- The facility estimates the number of employees during largest shift as 461. Therefore, 464 parking spaces are required.
- Frito-Lay is providing **491 parking spaces** to account for the future shift overlap. This includes 14 EV spaces and 9 ADA spaces.
- Parking spaces are depicted on the plans on the Facility Site Plan (Attachment D)

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<sup>1</sup> Stanislaus County Zoning Ordinance. Available at: <https://www.stancounty.com/planning/forms/zoning-ordinance.pdf>.