

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

DEPT: Environmental Resources

BOARD AGENDA # *B-8

Urgent

Routine

AGENDA DATE June 16, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Submit a Use Permit Application for a Transfer Station and Recycling Facility at the Geer Road Landfill

STAFF RECOMMENDATIONS:

1. Authorize the Director of Environmental Resources, or her designee, to sign and submit a Use Permit application for a transfer station and recycling facility at the Geer Road Landfill.
2. Authorize the Chairman of the Board of Supervisors to sign the Use Permit application as the property owner for Stanislaus County.

FISCAL IMPACT:

If the Board of Supervisors approves this recommendation, there will be a Department of Planning and Community Development Use Permit application processing fee of \$2,590 and potentially a Department of Fish and Game fee of \$1,993. These costs are budgeted for in the Department of Environmental Resources Fink Road Landfill Enterprise Fund for Fiscal Year 2008-2009.

BOARD ACTION AS FOLLOWS:

No. 2009-406

On motion of Supervisor Chiesa, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

Assembly Bill (AB) 939, the Integrated Waste Management Act of 1990, as one of its provisions, required that cities and counties achieve and maintain a 50% waste diversion rate from landfill disposal. In recent years, there have been several legislative attempts to raise this requirement to 60%, and while none have successfully become law to date, there is a strong likelihood that this could happen in 2009.

In keeping with AB 939s requirements, one of the expected outcomes in the Board of Supervisors' goals of promoting effective solid waste disposal is to begin the permitting process for a transfer station at the Geer Road Landfill. Targeted outcomes also include: 1) Implementing programs that reduce the amount of waste entering the Landfill to extend its lifespan; 2) Exceeding the 50% waste diversion mandate by meeting a 75% waste diversion rate; and 3) Completing a transfer station at the Geer Road Landfill to further reduce the amount of waste entering the Landfill and to decrease the amount of illegal dumping in the County.

By way of background, Stanislaus County constructed a Temporary Transfer Station at the Geer Road Landfill in late 1988 and operated it until the closure of the Landfill on July 1, 1990. This temporary measure was necessary at the time because other waste transferring infrastructure was not yet in place to transport refuse in bulk to the waste-to-energy facility and/or the Fink Road Landfill in a cost efficient manner. Some time following the Landfill's closure, the concrete slab that was constructed for the facility was converted to housing the landfill flare and related equipment which remains in place today.

Since the closure of the Temporary Transfer Station, the public's access to waste disposal and recycling opportunities has been somewhat limited in the northeastern portion of Stanislaus County. In response to this need, the County began operating a drop-off program at the City of Oakdale corporation yard several years ago in order to better serve the northeastern portion of the County again. This facility, however, is only open on Friday's and Saturday's and accepts only bulky and hard-to-handle waste such as mattresses, furniture, appliances, televisions, and computers. Items not accepted at the Oakdale drop-off site are construction/demolition materials, tires, household garbage, and green waste.

As mentioned above, one of the Board's Targeted Outcomes for a Well-Planned Infrastructure is to re-establish a small scale transfer station at the Geer Road Landfill. A facility of this nature would primarily target self-haul loads from "Mom & Pop" type individuals and small businesses that haul their own waste. The facility would not accept loads from franchise or industrial waste haulers or large businesses hauling their own waste in commercially sized vehicles because it is not the County's desire to compete with existing local transfer stations; rather, the County's intent is to provide

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greater access to transfer and recycling opportunities for the northeastern portion of the County to increase waste diversion and decrease illegal dumping activities.

Department staff envision re-establishing a facility very much like the previous one, as follows: a simplistic design such as a covered concrete slab, approximately 80 feet x 90 feet, with reinforced concrete walls approximately four (4) feet high, bordering on two (2) sides to assist in containing refuse during unloading and loading operations. An access road would likely circle the facility and be graded to an elevation of approximately six (6) feet below the slab on one side. Waste diversion opportunities would be offered through a series of drop box containers where the public is either encouraged or required to deposit specified materials prior to unloading onto the tipping floor. The facility would be constructed near the landfill's former main entrance which is essentially the only available area that does not have waste buried beneath it.

Department of Planning and Community Development (Planning) staff have advised that a Use Permit would be required for this project. In order to pursue obtaining a Use Permit, an application is required which must have the signature of the property owner(s) and applicant. In this case, staff is recommending that the Board Chairman sign as the property owner for the County and that the Director of Environmental Resources, or her designee, be authorized to sign the application as the applicant. Because the City of Modesto shares a 50% ownership of the property, staff will request that this item be presented to the City Council as well after the Board has considered staff's recommendation. The application requires both signatures in order to be deemed complete.

Once Planning staff receives a complete application, they will take the lead on processing it as well as circulating necessary California Environmental Quality Act documents. Obtaining a Use Permit is only the first in a series of steps which are necessary before a facility of this nature could once again be constructed onsite. A feasibility study would be needed to estimate costs and whether there is sufficient available space at the landfill to accommodate this type of facility, along with permits from various regulatory agencies. Without a Use Permit, however, the project cannot move forward.

POLICY ISSUE:

The Board of Supervisors should determine if submitting a Use Permit application for a possible recycling facility and transfer station at the Geer Road Landfill is consistent with the Board's priorities of a safe community, a healthy community, a well-planned infrastructure system, and the efficient delivery of public services. If this project is ultimately constructed, it would assist the County in extending the life of the Fink Road Landfill and in meeting additional waste diversion mandates if passed into State law.

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Facility at the Geer Road Landfill
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STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Sonya K. Harrigfeld, Director. Telephone: 209-525-6770



STANISLAUS COUNTY PLANNING & COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400
Modesto, CA 95354

<http://www.co.stanislaus.ca.us/planning/planhome.htm>

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

APPLICATION INFORMATION

HOW DO I APPLY?

Complete and submit this application/questionnaire form to the Stanislaus County Department of Planning & Community Development. Copies of this application may be obtained in person or on-line at our website, www.co.stanislaus.ca.us. You are urged to meet and discuss your application with Planning staff. Pre-application meetings are not required, but are highly recommended.

HOW LONG WILL IT TAKE, FROM THE TIME A COMPLETE APPLICATION HAS BEEN RECEIVED?

From start to finish 90 - 120 days. The time to process an application will take about 90-120 days due to requirements of State law regarding public hearing notification, compliance with environmental laws, and time to write a staff report. General Plan Amendment requests may take 6-9 months due to the number of times during the year the general plan can be amended.

HOW MUCH WILL IT COST?

Application fee: Reference Fee Schedule on pages 15 - 17

Fees may be paid by check, cash or credit card. Projects requiring an EIR be prepared will be subject to additional fees.

WHO APPROVES THE APPLICATION?

The Stanislaus County Planning Commission or Board of Supervisors will either approve or deny the application at an advertised public hearing.

BUILDING AND OTHER PERMITS?

After approval of your application, you may need to obtain a building permit, encroachment permit or other permit from the County and may also be required to obtain Federal or State permits from agencies such as the Department of Fish and Game, Regional Water Quality Control Board or US Army Corps of Engineers. Staff can assist you in identifying these permits.

WHAT INFORMATION WILL I NEED TO PROVIDE?

A complete application/questionnaire form including all applicable information listed on the Checklist on pages i-v.

Additional information may be required in order to complete the environmental review process. See Checklists and Notifications below.

APPLICATION CHECKLIST

All Applications:

= Information Included

- Complete Application/Questionnaire Form**
Must be signed by all property owners and the applicant(s).
- One copy of the current Grant Deed**
Must include a legal description of the property for which the project is being requested. Please note that the legal description is not the same as the Assessor's Parcel Number (APN).
- 8 1/2" by 11" reproducible, to scale, legible plot plan which clearly shows the intended project, indicate the dimensions of the property, the location and dimensions of all existing and proposed buildings, landscaping, parking spaces and driveways (include their dimensions), location of any existing or proposed septic tank and leach lines, irrigation lines and/or drainage ditches, all recorded irrigation and utility easements, north arrow, indicate scale and other data which may be pertinent.**
See example plot plans on pages 21 & 22 - Larger copies of the plot plan may also be submitted and in some cases may be required or requested by staff.

- 8 1/2" by 11" reproducible, to scale, legible area map, showing specific land uses (crops, houses, buildings, parcel lines and parcel sizes, etc.) for the adjacent two parcels in each direction from the subject property. See example area map on page 23.
- Application Fee**
Reference fee schedule on pages 15 - 17.
- "Will Serve" letter**
Required for water and/or sewer if such services are to be provided by a City, Service District, Sanitary District, etc.
- Names, address and assessment numbers of all properties located in an ADJOINING COUNTY within one quarter mile (1320 feet) and/or two parcels in each direction, of applicant(s) property.**
Said information must be taken from the latest assessment roll of the county in question.
- If your project is within the Sphere of Influence of a City.**
A letter from the City describing conformity with the City General Plan is required. Applicants are encouraged to contact the City within whose sphere the project is located at the earliest possible opportunity to determine conformity with their General Plan.

General Plan, Community Plan and Specific Plan Amendment:

- A description of the specific area(s) of the General Plan (and Community/Specific Plan, if applicable) which are requested to be changed.
- A full statement of the reasons and justifications for such changes in the General Plan (and Community/Specific Plan, if applicable) to support your application.
- A description of the events which have taken place which have rendered portions of the General Plan (and Community/Specific Plan, if applicable) inadequate or unattainable unless the proposed amendment is approved.
- A description of any studies or policies which have brought into question the specific policies or portions of the General Plan sought to be changed.
- A description of the effect of the General Plan (i.e., fiscal impact, etc.) upon future development of a specific area or the overall development of Stanislaus County.
- All applications for a General Plan and Specific Plan Amendment must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).

Rezone: (Non-Planned Development/Planned Industrial):

- Optional - Written information to support your application is recommended.
- All applications for a rezone must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).

Rezone: (Planned Development) - Reference Chapter 21.40 of the Stanislaus County Zoning Ordinance:

- 18" by 26" reproducible, to scale, legible plot plan which clearly shows the intended project, indicate the dimensions of the property, the location and dimensions of all existing and proposed building, landscaping, parking spaces and driveways, irrigation lines and/or drainage ditches, all recorded irrigation and utility easements, north arrow, indicate scale and other data which may be pertinent.**
See plot plan example on page 21.
- Development Schedule**
Must include completion date of each proposed phase of development.
- Elevations**
Drawings or pictures showing those sides of any proposed or existing building(s) which will be visible to the public. Said elevations shall need not be final plans, but should at least give an accurate representation of the outside appearance of the structures.
- Sign Plan**
Must include location and size of all proposed signs.
- Parking Analysis**
Reference Chapter 21.76 – Off Street Parking of the Stanislaus County Zoning Ordinance. Plan must account for the use of all proposed and existing buildings/uses.
- Landscaping and Tree Planting Plan**
Reference Chapter 21.102 – Landscape of the Stanislaus County Zoning Ordinance.
- All applications for a rezone must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).**

Rezone: (Planned Industrial) – Reference Chapter 21.42 of the Stanislaus County Zoning Ordinance:

- All items required for a Planned Development**
- Circulation Plan**
Must illustrate the movement and parking of trucks within the development.
- Landscape Analysis**
At least 5% of the parcel area shall be landscaped. 5% required for each phase of development.
- All applications for a rezone must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).**

Rezone: (Industrial Business Park or Light Industrial) – Reference Chapters 21.61 and 21.62 of the Stanislaus County Zoning Ordinance:

- All items required for a Planned Development**
(Landscape Plans reference Chapters 21.61.070 and/or 21.62.070 of the Stanislaus County Zoning Ordinance)
- Proof of compliance with Development Standards as defined in Chapters 21.61.040 and/or 21.62.040 of the Stanislaus County Zoning Ordinance.**
- All applications for a rezone must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).**

Use Permit:

- Elevations**
Drawings or pictures showing those sides of any proposed or existing building(s) which will be visible to the public. Said elevations shall need not be final plans, but should at least give an accurate representation of the outside appearance of the structures.
- Parking Analysis**
Reference Chapter 21.76 – Off Street Parking of the Stanislaus County Zoning Ordinance. Plan must account for the use of all proposed and existing buildings/uses.
- Landscaping and Tree Planting Plan**
Reference Chapter 21.102 – Landscape of the Stanislaus County Zoning Ordinance.

Variance:

- Information sufficient to support the required "Variance Findings" on page 19.

Subdivision Map:

- Twenty-five (25) 18" by 26" copies of the tentative map drawn to a scale of one inch equals 50 feet (1" = 50') for small subdivisions and one inch equals 100 feet (1" = 100') for large subdivisions. The map must contain the following physical data:
 - A key or location map showing the general area;
 - The subdivision name, date, north arrow, scale, boundaries, street names and sufficient description to define location;
 - Name and address of record owners;
 - Name and address of subdivider;
 - Name and address of person(s) preparing map;
 - Acreage to the nearest tenth of an acre;
 - Sufficient elevations or contours to show the general slope of the land and high and low points thereof;
 - Location, name, width, elevation and grades of streets and alleys within the land adjacent to the proposed subdivision;
 - Location and size of all pipelines, existing irrigation and drainage facilities, irrigation and drainage patterns, existing or proposed water wells, septic tanks and drainage (leach) fields, sewage lines and structures used in connecting therewith. Sewer leach fields including those bordering the proposed subdivision may be required to be shown at the discretion of the Director of Environmental Resources;
 - Location and character of existing or proposed utilities;
 - Width, location, and purpose of existing or proposed easements;
 - Lot layout with appropriate dimensions of each lot, and each lot and block shall be numbered;
 - Outline of existing buildings and mobile homes to remain in place within the subdivision and in relation to existing and proposed streets, lot and building lines;
 - Location of all areas subject to inundation by floods or storm water overflow and the width and direction of flow of all water courses;
 - Typical street sections;
 - Tax Assessor's parcel number as shown on the latest County Assessment Roll;
 - Any improvements proposed which are not a requirement;
 - Proposed method of storm water drainage;
 - Proposed method of sewage disposal;
 - Proposed method of providing domestic water, location and type of fire hydrants and existing or proposed wells to be used; and,
 - Preliminary soil report of the subdivision, prepared by a registered civil engineer.

* All maps **must** be folded to no greater than 8 ½" x 11" upon submittal.

* For vesting maps, additional information, including detailed grading plans, building details, sewer, water, storm drain and road details and information on proposed building uses may be required, at the discretion of the County.

- 8 ½" by 11" reproducible copy of tentative map
- Tree Planting Plan**
Reference Chapter 21.102 – Landscape of the Stanislaus County Zoning Ordinance.
- Information supporting compliance with County General Plan Policies regarding parks.**
Not required for parcels being created within non-residential zoning districts.
- All applications for a subdivision map must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).

Parcel Map:

- Ten (10) 18" by 26" copies of the tentative map drawn to a legible scale. The map must contain the following physical data:
 - Sufficient description to define the location, date, north arrow, scale and boundaries; (full width of all streets bordering the property must be shown);
 - Name and address of record owner(s);
 - Name and address of person(s) preparing map;
 - Acreage to the nearest tenth of an acre; parcels less than one acre in area may be noted in square feet;
 - Location and size of all pipelines, existing irrigation and drainage facilities, irrigation and drainage patterns, existing or proposed water wells, septic tanks and drainage (leach) fields, sewage lines and structures used in connecting therewith, water table depth, soil type, slope of the land;
 - Outline of existing buildings and mobile homes to remain in place within the subdivision, showing the distance to existing or proposed streets, lots and building lines;
 - Tax Assessor's parcel number as shown on the latest County Assessment Roll.

**All maps must be folded to no greater than 8 ½ " x 11" upon submittal.*
- 8 ½" by 11" reproducible copy of parcel map
- Information supporting compliance with County General Plan Policies regarding parks**
Not required for parcels being created within non-residential zoning districts.

** For vesting maps, additional information, including detailed grading plans, building details, sewer, water, storm drain and road details and information on proposed building uses may be required, at the discretion of the County.*
- All applications for a parcel map must include a records search for historical and cultural resources obtained from the Central California Information Center, 801 Monte Vista Avenue, Turlock 95382, (209) 667-3307 (contact Elizabeth Greathouse).

Exception (To the Subdivision Ordinance):

- Information sufficient to support the required "Exception Findings" shown on page 20.

Williamson Act Cancellation:

- Written information discussing alternative use of the land and anticipated time frame for implementation of the alternative use.

APPLICATION CHECKLIST MUST BE SUBMITTED WITH APPLICATION QUESTIONNAIRE



APPLICATION QUESTIONNAIRE

<p>Please Check all applicable boxes. APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table border="0"> <tr> <td><input type="checkbox"/> General Plan Amendment</td> <td><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td><input type="checkbox"/> Rezone</td> <td><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td><input checked="" type="checkbox"/> Use Permit</td> <td><input type="checkbox"/> Exception</td> </tr> <tr> <td><input type="checkbox"/> Variance</td> <td><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td><input type="checkbox"/> Historic Site Permit</td> <td><input type="checkbox"/> Other _____</td> </tr> </table>	<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map	<input type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map	<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation	<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____	<p>PLANNING STAFF USE ONLY: Application No(s): _____ Date: _____ S _____ T _____ R _____ GP Designation: _____ Zoning: _____ Fee: _____ Receipt No. _____ Received By: _____ Notes: _____</p>
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Subdivision Map										
<input type="checkbox"/> Rezone	<input type="checkbox"/> Parcel Map										
<input checked="" type="checkbox"/> Use Permit	<input type="checkbox"/> Exception										
<input type="checkbox"/> Variance	<input type="checkbox"/> Williamson Act Cancellation										
<input type="checkbox"/> Historic Site Permit	<input type="checkbox"/> Other _____										

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 NAME: Geer Road Landfill Transfer Station & Recycling Facility
 (Desired name for project, if any)

CONTACT PERSON: Who is the primary contact person for information regarding this project?

Name: Jami Aggers Telephone: (209) 525-6768

Address: 3800 Cornucopia Way, Suite C, Modesto, CA 95358

Fax Number: (209) 525-6773 email address: jaggers@envres.org

(Attach additional sheets as necessary)
PROPERTY OWNER'S NAME: Stanislaus County

Mailing Address 3800 Cornucopia Way, Suite C, Modesto, CA 95358

Telephone: (209) 525-6700 Fax: (209) 525-6773

APPLICANT'S NAME:

Stanislaus County Department of Environmental Resources

Mailing Address

3800 Cornucopia Way, Suite C, Modesto, CA 95358

Telephone: **(209) 525-6700** Fax: **(209) 525-6773**

ENGINEER / APPLICANT:

Mailing Address

Telephone: _____ Fax: _____

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 18 – 20 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).**

Stanislaus County would like to re-establish a small scale transfer station at this

site to include waste diversion (recycling) opportunities for its residents as well.

The transfer portion of the project is envisioned to consist of a simplistic design such as a covered concrete slab, approximately 80 feet x 90 feet, with reinforced concrete walls approximately 4 feet high, bordering two (2) sides of the slab to assist in

containing refuse during unloading and loading operations. An access road will likely circle the facility and be graded to an elevation of approximately six (6) feet below the slab on one side (see detailed project description). Waste diversion opportunities will be offered through a series of drop box containers where the public is either encouraged or required to deposit specified materials prior to unloading onto the tipping floor.

The type of refuse that would be accepted at this facility would be self-hauled loads from "mom and pop-type" individuals and small businesses hauling their own waste.

The facility would not accept loads from franchised or industrial waste haulers or large businesses hauling their own waste in commercial sized vehicles.

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 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): Book 009 Page 029 Parcel 009

Additional parcel numbers: _____

Project Site Address
or Physical Location:

751 Geer Road, Modesto CA 95357

Property Area: Acres: 49.94 or Square feet: _____

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

Until 1990 this site was a temporary transfer station. Prior to that it was a landfill.

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)

Temporary transfer station facility permit 50-AA-0011 was issued 11-18-1988.

Existing General Plan & Zoning: A-2-40

Proposed General Plan & Zoning: A-2-40
(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: A-2-40 Open Land, A-2-40 Farming

West: A-2-40 Farming

North: A-2-40 Farming, A-2-40 with a restaurant and retail fruit stand (The Fruit Yard)

South: A-2-40 Farming, A-2-40 open land

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.) Approximately 3 acres

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) _____

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: 260 Sq. Ft. Landscaped Area: xxx Sq. Ft.
 Proposed Building Coverage: 300 Sq. Ft. Paved Surface Area: 10,000 Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) _____

10 x 30 mobile office with restroom

Number of floors for each building: _____

1

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary) _____

14 feet

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) _____

n/a

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

3/4 inch aggregate rock

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: MID account # 26000021407 Sewer*: not available
 Telephone: AT&T Gas/Propane: not available
 Water**: not available Irrigation: MID account # 5011095501

***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:)

No

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): Existing 13x20 scale house used to check load weights for incoming and outgoing trucks . New mobile office would be 10 x 30.

Type of use(s): New office to check incoming and outgoing loads and collect fees. Could also provide employee work space, break room and restroom.

Days and hours of operation: _____

7:30 am to 5:00 pm Monday thru Sunday.

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

n/a

Occupancy/capacity of building: _____

4 people

Number of employees: (Maximum Shift): 4 (Minimum Shift): 2

Estimated number of daily customers/visitors on site at peak time: **40 per day**

Other occupants: **none**

Estimated number of truck deliveries/loadings per day: **1 to 3 loads per day**

Estimated hours of truck deliveries/loadings per day: **7:00 am to 5:00 pm**

Estimated percentage of traffic to be generated by trucks: **1%**

Estimated number of railroad deliveries/loadings per day: **0**

Square footage of:

Office area: **10 x 30**

Warehouse area: **0**

Sales area: **0**

Storage area: **0**

Loading area: **100 x 100**

Manufacturing area: **0**

Other: (explain type of area) _____

Yes No Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

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)

Geer and Jantzen Road. The closest major intersection is Geer and Yosemite Blvd.

The access road is 250 feet (Geer Road to the gate) and 24 feet wide.

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) _____

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.

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)

NOTICES TO ALL APPLICANTS:

REQUIRED ADDITIONAL FEE: CALIFORNIA FISH & GAME CODE:

Pursuant to California Fish & Game Code §711.4, as of January 1, 2007, the County of Stanislaus is required to collect filing fees for the Department of Fish and Game for all projects subject to the California Environmental Quality Act (CEQA) unless a fee exemption is provided in writing from the Department of Fish and Game. Pursuant to California Fish & Game Code §711.4(d), **within 5 DAYS of approval** of any project subject to CEQA, all applicants will be required to pay as follows, with a check made payable to "**Stanislaus County**" for the Fish and Game filing fee:

(1) For a project which is statutorily or categorically exempt from the California Environmental Quality Act, including those certified regulatory programs which incorporate statutory and categorical exemptions, ***no filing fee*** shall be paid. (If a project is determined to be exempt from CEQA, a **\$57.00** County recording fee will be required for the filing and posting of a Notice of Exemption. Check should be made out to "**Stanislaus County**".)

(2) For a project for which a negative declaration is prepared pursuant to subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is one thousand eight hundred seventy six dollars and seventy five cents (**\$1,876.75**). The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of that code or to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of that code, as appropriate. (A **\$57.00** County recording fee will also be required for the filing and posting of a Notice of Determination. Check should be made out to "**Stanislaus County**".)

(3) For a project with an environmental impact report prepared pursuant to the California Environmental Quality Act, the filing fee is two thousand six hundred six dollars and seventy five cents (**\$2,606.75**). The filing fee shall be paid to the county clerk at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code or to the Office of Planning and Research at the time of filing a notice of determination pursuant to Section 21108 of that code, as appropriate. (A **\$57.00** County recording fee will also be required for the filing and posting of a Notice of Determination. Check should be made out to "**Stanislaus County**".)

(4) For a project that is subject to a certified regulatory program pursuant to Section 21080.5 of the Public Resources Code, the filing fee is eight hundred eighty six dollars and twenty five cents (**\$886.25**). The filing fee shall be paid to the department prior to the filing of the notice of determination pursuant to Section 21080.5 of that code. (A **\$57.00** County recording fee will also be required for the filing and posting of a Notice of Determination. Check should be made out to "**Stanislaus County**".)

If a required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid. (Section 711.4(c)(3) of the Fish and Game Code.)

Under the revised statute, a lead agency may no longer exempt a project from the filing fee requirement by determining that the project will have a de minimis effect on fish and wildlife. Instead, a filing fee will have to be paid unless the project will have *no effect* on fish and wildlife. (Section 711.4 (c)(2) of the Fish and Game Code). If the project will have any effect on fish and wildlife resources, even a minimal or de minimis effect, the fee is required.

A project proponent who believes the project will have *no* effect on fish and wildlife should contact the Department of Fish and Game. If the Department of Fish and Game concurs the project will have no such effect, the Department will provide the project proponent with a form that will exempt the project from the filing fee requirement. Project proponents may contact the Department by phone at (916) 651-0603 or through the Department's website at www.dfg.ca.gov.

Pursuant to California Fish & Game Code §711.4(e)(3), the department (CDFG) shall assess a penalty of 10 percent of the amount of fees due for any failure to remit the amount payable when due. The department may pursue collection of delinquent fees through the Controller's office pursuant to Section 12419.5 of the Government Code.

Additionally California Fish & Game Code §711.4(f) states the following: Notwithstanding Section 12000, failure to pay the fee under subdivision (d) is not a misdemeanor. All unpaid fees are a statutory assessment subject to collection under procedures as provided in the Revenue and Taxation Code.

Failure to pay the necessary fee will also extend the statute of limitations for challenging the environmental determination made by the County, thus increasing exposure to legal challenge. The type of environmental determination to be made by the County may be discussed with the project planner following the environmental review stage of the project and will be outlined in Planning Commission staff report.

REQUIRED ADDITIONAL FEE: STANISLAUS COUNTY RECORDER:

Upon approval of the proposed project, Stanislaus County will record either a "Notice of Exemption" or a "Notice of Determination" pursuant to CEQA Guidelines. The Clerk Recorder charges an additional fee of **\$57.00** for recording these documents. A separate check made payable to "Stanislaus County" is due and payable **within 5 DAYS of approval** of the project.

TECHNICAL STUDIES:

If the project site is on or near a historical site, archaeological site, landfill site, river, floodplain, state highway, freeway, railroad, or airport, or if the project is identified by a resource agency or the County as potentially impacting sensitive agricultural, biological, hydrological, geological, mineral or other resources, or if specific environmental impacts are identified throughout the course of the project review, then specific technical studies may be required. Applicants are encouraged to contact the Planning Department at the earliest possible opportunity to determine the possible need and scope of such studies. (See Acknowledgements & Authorizations below for details.)

DEED RESTRICTIONS & COVENANTS, CONDITIONS & RESTRICTIONS (CC&RS):

The property involving this permit request may be subject to deed restrictions called Covenants, Conditions and Restrictions (CC&Rs) or a variety of private easements or other deed restrictions which may restrict the property's use and development. These deed restrictions are private agreements and are **NOT** enforced by the County of Stanislaus. Consequently, development standards specified in such deed restrictions are **NOT** considered by the County when granting permits.

You are advised to determine if the property is subject to deed restrictions and if so, contact the appropriate homeowners association and adjacent neighbors about your project prior to proceeding with construction. Following this procedure will minimize the potential for disagreement among neighbors and possible litigation.

Acknowledgments/Authorizations:

CULTURAL RESOURCES REVIEW

The County of Stanislaus may refer this application to the Central California Information Center (CCIC) to determine whether a records search or focused study addressing cultural resources will need to be conducted by a cultural resource consultant. Should this referral occur, the applicant(s) understand that further study by a cultural resources consultant may be required. If a records search or further study is required, the applicant(s) will be responsible for any additional costs. **Your application may not be considered complete if a Records Search or Archaeological study is required.** The applicant(s) signature on this application form signifies an acknowledgement that this statement has been read and understood.

Senate Bill 18 COMPLIANCE

Senate Bill 18 requires the County to contact and consult with California Native American Tribes when adopting or amending a General Plan or Specific Plan or when designating land as open space. The purpose of the consultation is to protect Native American cultural places that may be impacted by the proposed action. The tribes have 90 days to respond and request a consultation. If a consultation is requested, additional studies or surveys may be required. If further study is required, the applicant(s) will be responsible for any additional costs. **Your application may not be considered complete if additional consultation with the Tribes is required.** The applicant(s) signature on this application form signifies an acknowledgement that this statement has been read and understood.

BIOLOGICAL RESOURCES REVIEW.

Stanislaus County includes areas of "Critical Habitat" as defined by the US Fish and Wildlife Service for specific federally listed threatened and endangered species. Other sensitive biological resources are also present within the County as shown on the California Natural Diversity Data Base maps. Your application will be forwarded to various resource agencies for review and comment. The applicant(s) understand that further study by a biological resources consultant may be required. If further study is required, the applicant(s) will be responsible for any additional costs. **Your application may not be considered complete if a Biological study is required.** The applicant(s) signature on this application form signifies an acknowledgement that this statement has been read and understood.

STREAMBED ALTERATION AGREEMENT AND U.S. ARMY CORPS OF ENGINEERS JURISDICTION

Prior to the commencement of any grading and/or construction activities on the property in question, that are based upon entitlements conferred by Stanislaus County permit approval(s), the applicant should consult with the California Department of Fish & Game (DFG) to determine whether or not a Streambed Alteration Agreement [§1603, CA Fish & Game Code] is required. The applicant should also consult with the U.S. Army Corps of Engineers to determine whether or not a permit is required for these activities pursuant to Section 404 of the Clean Water Act. Conditions of Approval or Mitigation Measures may be imposed on your project that will require you to conduct additional studies or obtain additional permits prior to beginning any construction activities. The applicant(s) signature on this application form signifies an acknowledgement that this statement has been read and understood.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - STORM WATER PERMIT REQUIREMENTS

Storm water discharges associated with construction activity are a potentially significant source of pollutants. The most common pollutant associated with construction is sediment. Sediment and other construction related wastes can degrade water quality in creeks, rivers, lakes, and other water bodies. In 1992, the State Water Resources Control Board adopted a statewide General Permit for all storm water discharges associated with construction activity that disturbs five or more acres of land. Effective March 10, 2003, all construction sites disturbing one or more acres of land will be required to obtain permit coverage. The General Permit is intended to ensure that construction activity does not impact water quality.

You need to obtain General Permit coverage if storm water discharges from your site and either of the following apply:

- Construction activities result in one or more acres of land disturbance, including clearing, grading, excavating, staging areas, and stockpiles or;
- The project is part of a larger common plan of development or sale (e.g., subdivisions, group of lots with or without a homeowner's association, some lot line adjustments) that result in one or more acres of land disturbance.

It is the applicants responsibility to obtain any necessary permit directly from the California Regional Water Quality Control Board. The applicant(s) signature on this application form signifies an acknowledgment that this statement has been read and understood.

STATE OF CALIFORNIA HAZARDOUS WASTE AND SUBSTANCES SITES LIST (C.G.C. § 65962.5)

Pursuant to California Government Code Section 65962.5(e), before a local agency accepts as complete an application for any development project, the applicant shall consult the latest State of California Hazardous Waste and Substances Sites List on file with the Planning Department and submit a signed statement indicating whether the project is located on a site which is included on the List. The List may be obtained on the California State Department of Toxic Substances Control web site (<http://www.envirostor.dtsc.ca.gov/public>).

The applicant(s) signature on this application form signifies that they have consulted the latest State of California Hazardous Waste and Substances List on file with the Planning Department, and have determined that the project site is or is not included on the List.

Date of List consulted: December 9, 2008

Source of the listing: California EPA Water Board GeoTracker Database (Cortese list)
(To be completed only if the site is included on the List)

ASSESSOR'S INFORMATION WAIVER

The property owner(s) signature on this application authorizes the Stanislaus County Assessor's Office to make any information relating to the current owners assessed value and pursuant to R&T Code Sec. 408, available to the Stanislaus County Department of Planning and Community Development.

INDEMNIFICATION:

In consideration of the County's processing and consideration of this application for approval of the land use project being applied for (the "Project"), and the related California Environmental Quality Act (CEQA) consideration by the County, the Owner and Applicant, jointly and severally, agree to indemnify the County of Stanislaus ("County") from liability or loss connected with the Project approvals as follows:

1. The Owner and Applicant shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul the Project or any prior or subsequent development approvals regarding the Project or Project condition imposed by the County or any of its agencies, departments, commissions, agents, officers or employees concerning the said Project, or to impose personal liability against such agents, officers or employees resulting from their involvement in the Project, including any claim for private attorney general fees claimed by or awarded to any party from County.

The obligations of the Owner and Applicant under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County will promptly notify Owner and Applicant of any such claim, action, or proceeding that is or may be subject to this Indemnification and, will cooperate fully in the defense.
3. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, actions, or proceeding in good faith. To the extent that County uses any of its resources responding to such claim, action, or proceeding, Owner and Applicant will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at their regular rate for external or non-County agencies, and any other direct or indirect cost associated with responding to the claim, action, or proceedings.
4. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.
5. The Owner and Applicant shall pay all court ordered costs and attorney fees.
6. This Indemnification represents the complete understanding between the Owner and Applicant and the County with respect to matters set forth herein.

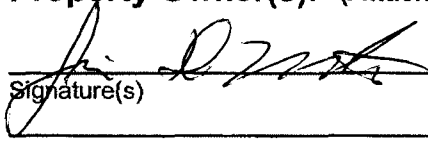
IN WITNESS WHEREOF, by their signature below, the Owner and Applicant hereby acknowledge that they have read, understand and agree to perform their obligations under this Indemnification.

PROPERTY OWNER/APPLICANT SIGNATURE

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the County. I hereby certify that I have read and fully understand all the information required in this application form including:

1. The Notices to All Applicants on page 9;
2. Acknowledgments/Authorizations on pages 11 - 12; and,
3. The Indemnification on page 13.

Property Owner(s): (Attach additional sheets as necessary)


Signature(s)

Jim DeMartini, Chairman of the Board of Supervisors,
Stanislaus County

Print Name

Applicant(s): (If different from above)

Signature(s)

Print Name

