

**UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC
AREA MAP**

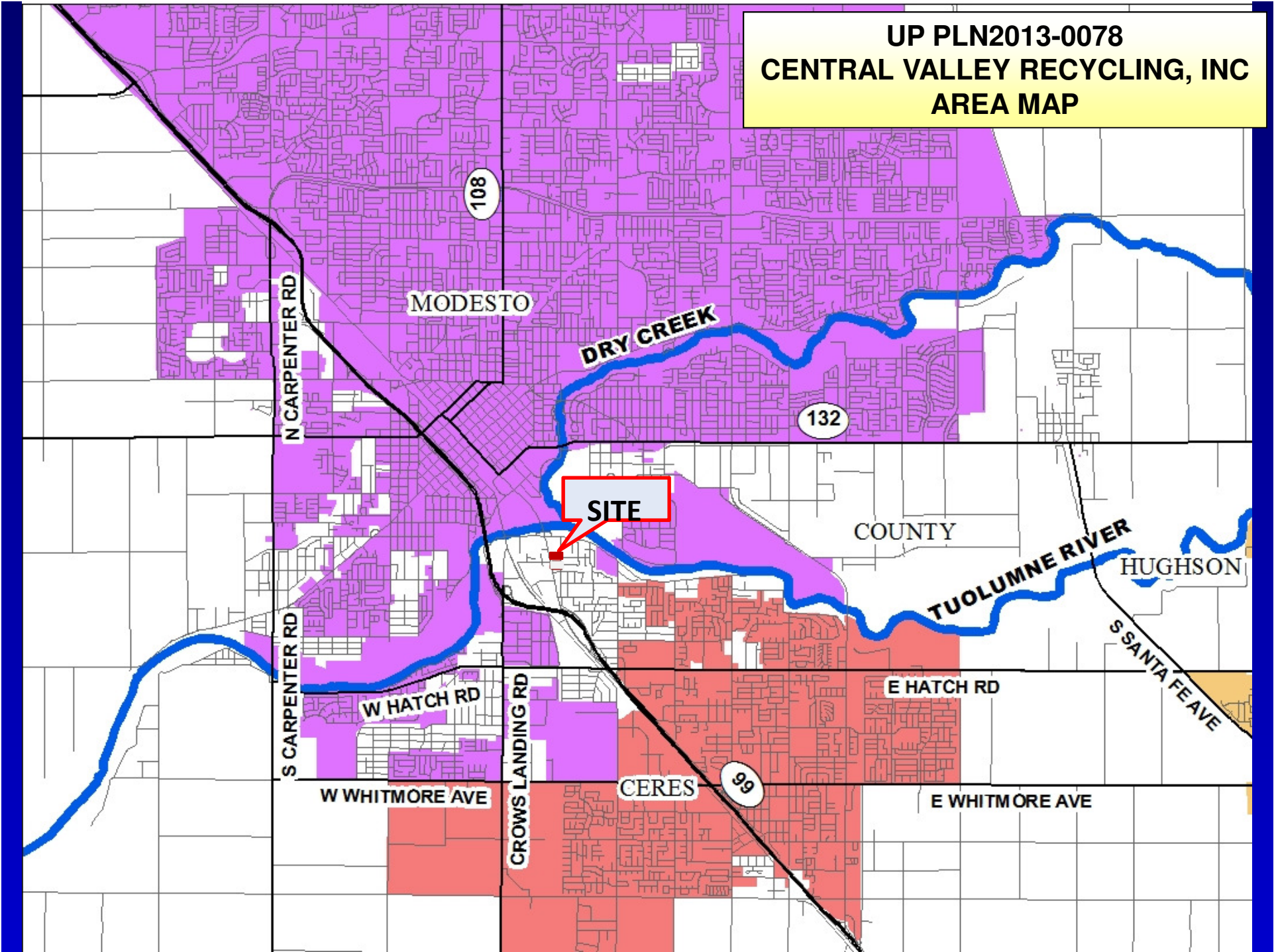


EXHIBIT B

UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
GENERAL PLAN MAP

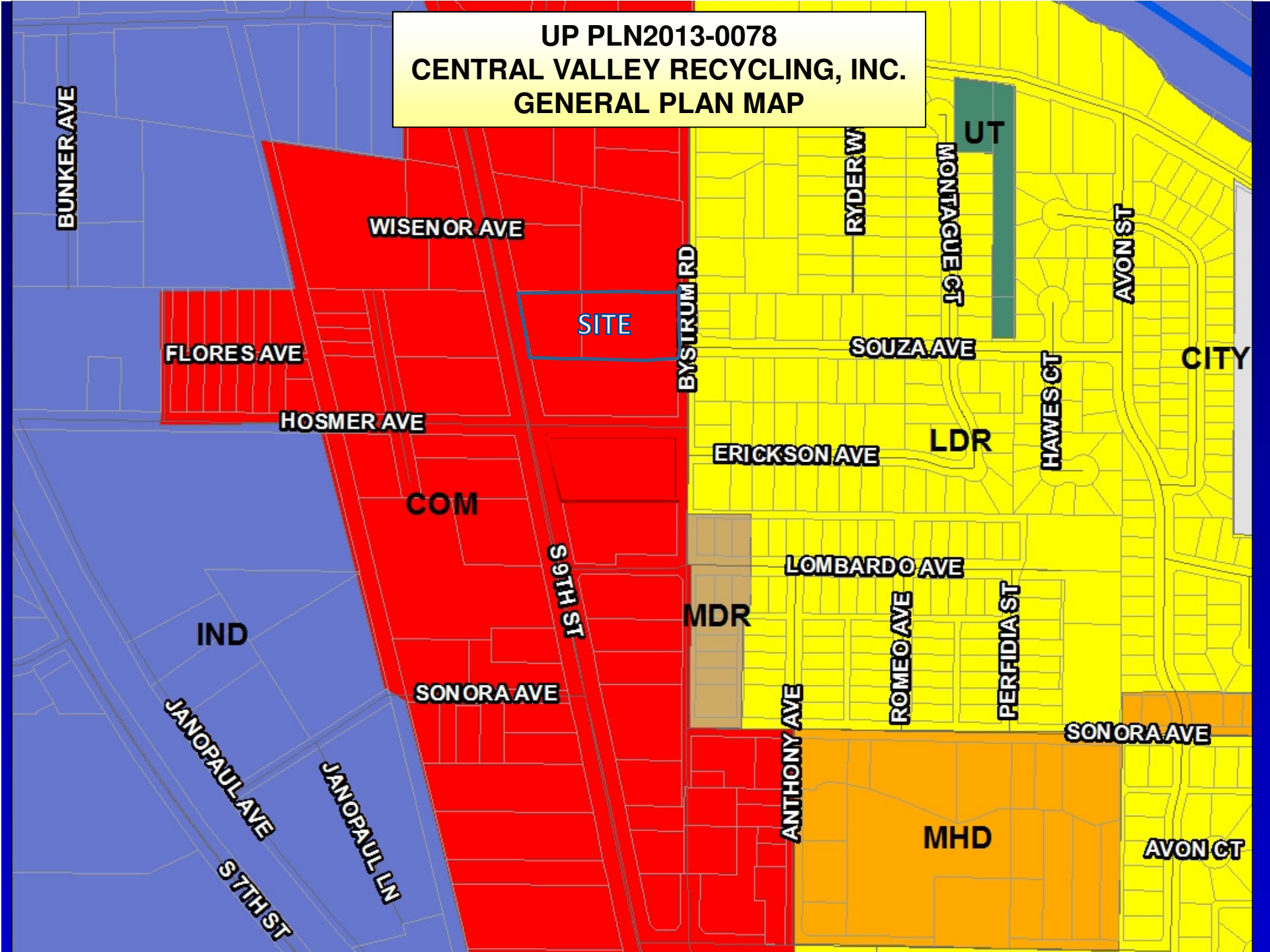


EXHIBIT B-1

UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
ZONING MAP

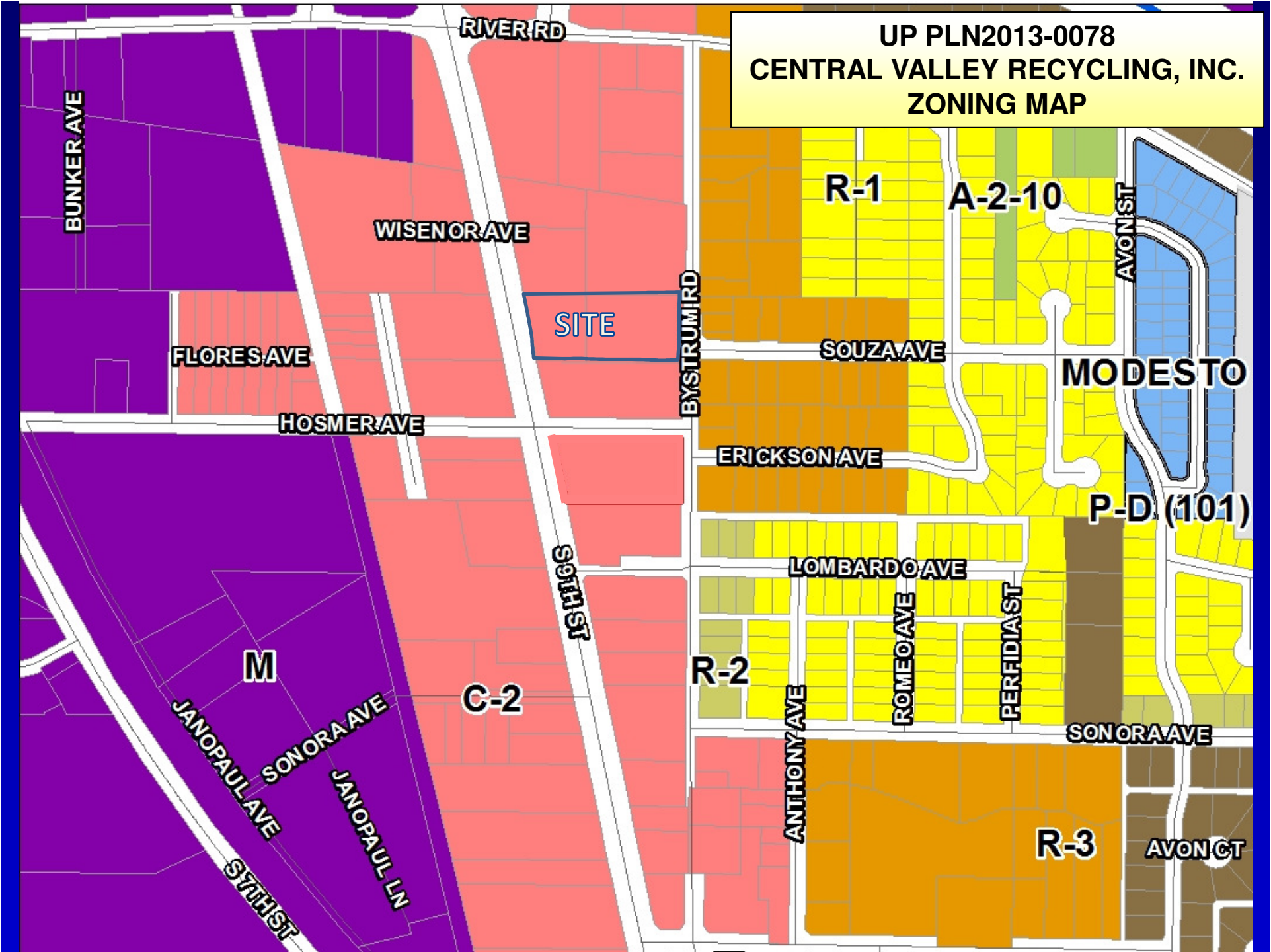
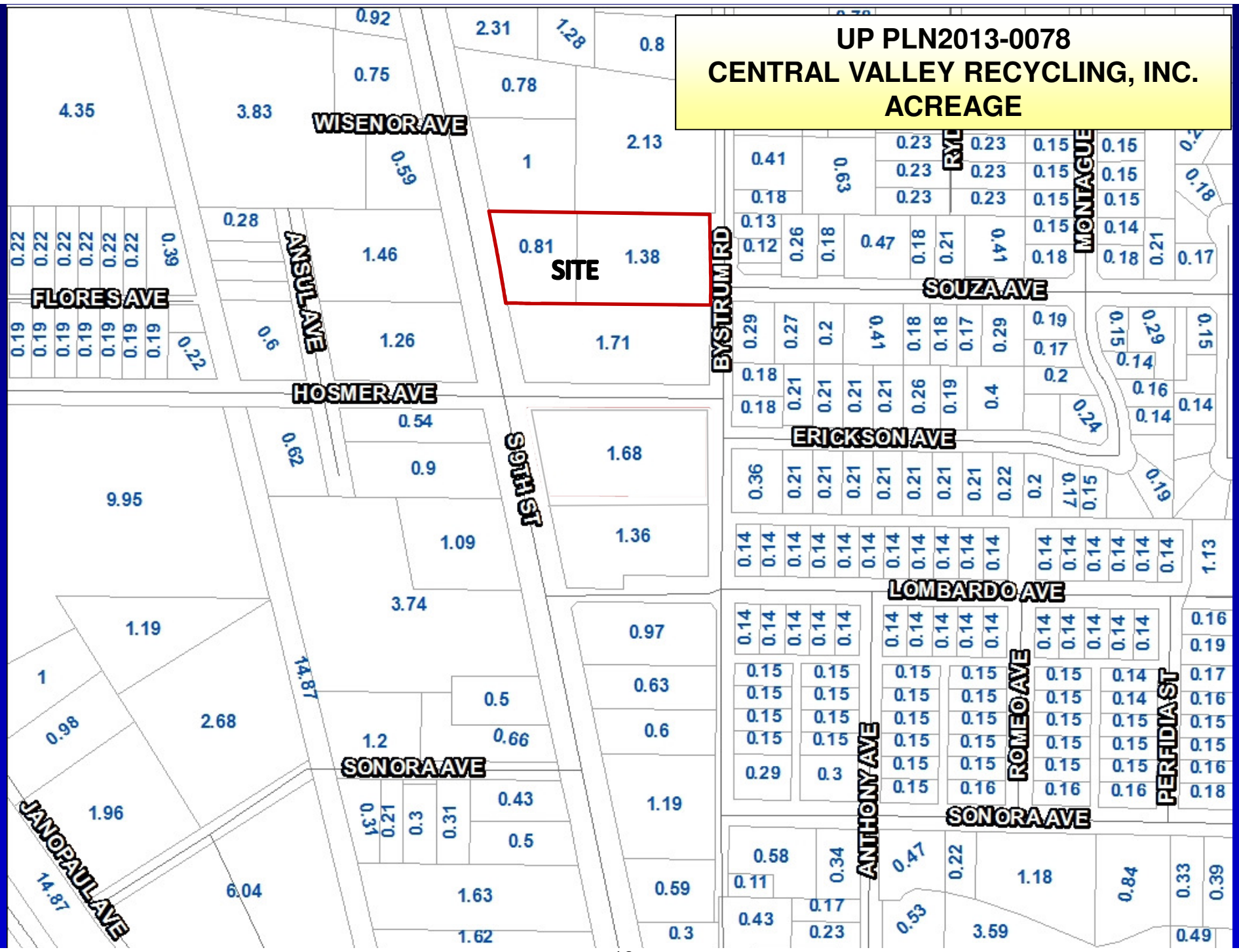


EXHIBIT B-2

**UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
ACREAGE**

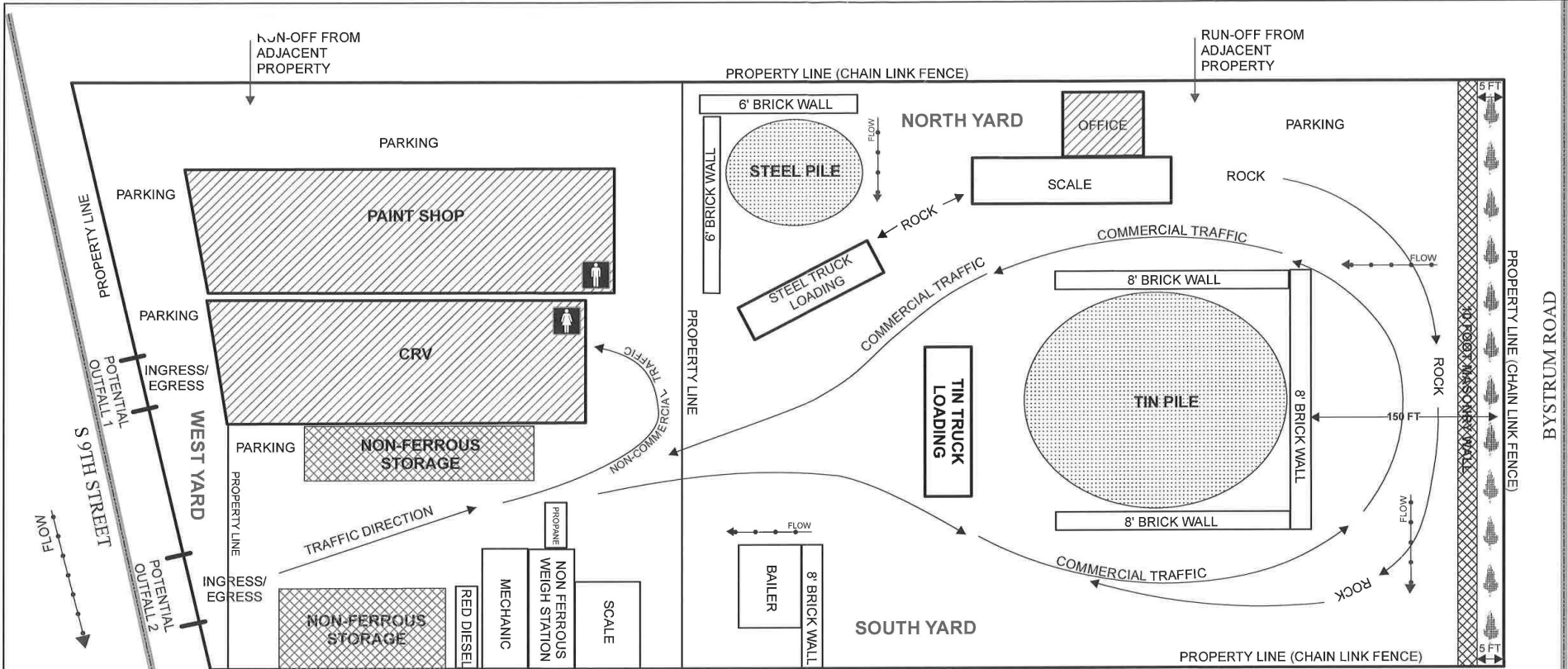
SITE
0.81 1.38



**UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
2013 AREIAL**



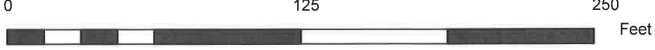
EXHIBIT B-4



MAP DATA AND PROJECT STATISTICS:

INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012, INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

JURISDICTION: COUNTY OF STANISLAUS
 SITE ZONING: C-2
 RWQCB: CENTRAL VALLEY REGION 5



STORAGE INVENTORY DESCRIPTION:

- CRV ALUMINUM CANS
- PLASTIC (HDPE)
- GLASS
- ALUMINUM
- BRASS
- COPPER
- RADIATORS
- STAINLESS STEEL
- BATTERIES
- INSULATED WIRE
- CARDBOARD (PAPER)
- E-WASTE

UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
SITE PLAN



SITE PLAN	
CENTRAL VALLEY RECYCLING MODESTO, CA	
DATE: 09/17/2013	ANALYST: HEDLUNDC
REVISION 3	APPROVED:



NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

USE PERMIT APPLICATION NO. PLN2013-0078 CENTRAL VALLEY RECYCLING

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2015), the business operator and/or property owner is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the business operator and/or property owner shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The business operator and/or property owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the business operator and/or property owner of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).

6. Landscaping shall be maintained in compliance with Chapter 21.102 of the Zoning Ordinance. Dead and dying plants shall be replaced within 30 days.
7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. New or replacement signage shall be approved by the City of Ceres and the Stanislaus County Planning Director, or appointed designee(s), prior to installation. The sign plan for all proposed on-site signs shall include plans indicating the location, height, area of the sign(s), size of letters, color scheme, and message
9. A valid Stanislaus County Business License shall be maintained for all operating businesses.
10. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
11. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
12. The business operator and/or property owner shall provide a shopping cart rack where shopping carts can be stored on-site, out of the view of the public, until the shopping carts are removed.
13. The business operator and/or property owner shall provide and maintain trash containers for use by patrons entering and exiting the site.
14. The business operator and/or property owner shall provide and maintain screen landscaping along the east property line and along the northern and southern property lines, a distance of 50 feet, west of the Bystrum Road street right-of-way. The landscaping plan to be as approved by the City or Ceres or Stanislaus County. The approved landscaping shall be installed within 60 days of Use Permit approval.
15. The business operator and/or property owner shall implement any conditions associated with the findings of the Health Risk Assessment as required by the San Joaquin Valley Air Pollution Control District. Implementation of identified conditions shall commence no later than 3 months of Air District determination and shall be fully completed within six months.
16. A Staff Approval Application shall be submitted for any subsequent and separate use of the eastern parcel. To accommodate separate development options and maintain no access onto Bystrum Road, a vehicular access easement shall be required as a Condition of Approval to provide vehicle access from the eastern parcel, across the western parcel, to access South 9th Street.

17. The business operator and/or property owner shall install a 3-foot high chain-link fence in the front yard along the southern property line to keep traffic flow and access off of the adjacent property to the south. The fence shall be installed within 60 days of Use Permit approval.
18. The Use Permit shall be brought back to the Planning Commission one year after approval for review and, if necessary, amendments to operational limits; and the permit shall be subsequently brought back at the discretion of the Planning Director, as necessary, to address nuisance concerns.
19. The business operator and/or property owner shall maintain the height of the solid block wall on the north, east and south side of the tin pile to six feet high and install a 10-foot high block wall along the eastern property line. The business operator and/or property owner shall obtain a building permit for the 10-foot high block wall within 60 days of project approval and construction of the wall completed within 6 months of permit issuance.
20. A maximum of 2,000 tons of scrap metal per month is permitted. Use of the two excavators is limited to Monday through Friday and not on Saturday or Sunday. Use of the excavator with a shearer attachment is limited to operate between the hours of 11:00 a.m. and 2:00 p.m. Monday through Friday. Use of the excavator to crush vehicles is limited to the hours between 11:00 a.m. and 2:00 p.m. Monday through Friday. The use of the excavators shall be kept at least 150 feet away from the fence/property line located to the east.

Building Permits Division

21. The project shall comply with the 2013 California Code of Regulations Title 24 as well as handicap accessibility to the entire site.

Department of Public Works

22. The business operator and/or property owner shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way for South 9th Street. Access will only be allowed onto South 9th Street for both parcels. Access to Bystrum Road will not be allowed.
23. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.
24. The business operator and/or property owner shall design and construct an on-site storm water run-off retention basin to serve the site. The drainage plan design shall be completed and submitted for review and approval by the Public Works Department within six months of project approval. The business operator and/or property owner shall complete on-site storm basin within 6 months of design approval by the County.
25. A grading and drainage plan for the project site shall be submitted before any building permit for the site is issued. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
 - A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.

- B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
- C. The grading and drainage plan shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
- D. An Engineer's Estimate shall be submitted for the grading and drainage work.
- E. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.

The business operator and/or property owner of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan.

- 26. The business operator and/or property owner of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. A preliminary Engineer's Estimate for the grading and drainage work shall be submitted to determine the amount of deposit for the inspection of the grading. The deposit shall be made prior to the issuance of the building permit. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The Public Works inspector will not sign on the grading or building permit until such time that all inspection fees have been paid. Any fees left over from the deposit shall be returned to the business operator and/or property owner at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
- 27. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of any building permit. This may be deferred if the work in the right-of-way is done prior to the issuance of any building permit.
- 28. An Engineer's Estimate shall be provided and approved by Public Works for any road and sidewalk improvements so that the amount of the financial guarantee can be determined.
- 29. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way of the South 9th Street and Bystrum Road.

Department of Environmental Resources

- 30. The business operator and/or property owner shall contact the Department of Environmental Resources within 30 days of project approval regarding appropriate permitting requirements for hazardous materials and/or wastes. The business operator and/or property owner and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S, Division 20)
 - A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facility.
 - B. Requirements for registering as a handler of hazardous materials in the County.

- C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
- D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
- E. Generators of hazardous waste must notify the Department relative to the:
 - (1) quantities of waste generated; (2) plans for reducing wastes generated; and
 - (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
- G. Medical waste generators must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

Turlock Irrigation District

- 31. A review of District maps and records indicate that there are no known irrigation facilities located within this subject property. If facilities are found during construction, please contact the District.
- 32. The District's electric utility maps show an existing overhead 12kV distribution line along the north property line. We are requesting that a 13 foot wide electrical easement be dedicated to maintain this line.
- 33. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

Modesto City Schools

- 34. Modesto City Schools does not have any specific conditions to be placed on this project. The appropriate commercial fees will be assessed on all construction during the building permit process.

Central Valley Regional Water Quality Control Board

- 35. Dischargers whose projects disturb one or more acres of soil, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
- 36. The Phase I and II MS4 permits require the permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP).

37. Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

San Joaquin Valley Air Pollution Control District

38. The proposed project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review). As such, the District recommends the business operator and/or property owner contact the District's Small Business Assistance (SBA) office prior to starting construction regarding the requirements for an Authority to Construct (ATC) and to identify other District rules and regulations that apply to this project

MITIGATION MEASURES

(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:

1) Hold a public hearing to consider the project; and

Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

39. *A Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals is required within 60 days of project approval to determine if preparation of a health risk assessment is warranted as determined by the San Joaquin Valley Air Pollution Control District*
40. Implementation of Best Management Practices identified on pages 16 thru 23 of the Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9th Street, Modesto by H2E Consulting, which is Attachment 1 of the Initial Study and hereby incorporated by reference.
41. Maintain the height of the solid block wall around the tin pile to six feet high and install a 10 foot high block wall along the eastern property line.
42. Limit use of excavators to the west of the tin pile.
43. Continue to load and unload trucks west of the tin pile.
44. Limit the use of the excavators and metal baler to the hours between 8:30 a.m. and 5:00 p.m., Monday through ~~Saturday~~ **Friday**.
45. Vehicle crushing and/or vehicle cutting shall be limited to the hours of 11:00 a.m. and 2:00 p.m., Monday through ~~Saturday~~ **Friday**.
46. Install and maintain trees and landscaping along the eastern property line and a distance of 50 feet along the north and south property lines from the eastern property line. Landscaping plans and materials to be in conformance with City of Ceres Standards and Specifications or as approved by Stanislaus County.

47. Vehicle stacking in the public road right-of-way is not permitted. Should the number of vehicles entering the property back up onto 9th Street for more than two (2) consecutive days within any two (2) week period, the applicant **business operator and/or property owner** shall submit a new traffic circulation plan for the site within 15 calendar days of the violation. The plan shall be designed in such a way as to eliminate any stacking onto 9th Street and submitted to the Department of Public Works for approval of the Public Works Director or his designee.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

Central Valley Recycling, Inc.
524 S. 9th Street, Modesto, CA 95351

Conditional Use Permit Application

September 2013

Attachment A

The following is a supplement to the Conditional Use Permit (CUP) Application provided in this package, and is intended to provide the background information and Project Description that will be evaluated under this CUP.

In accordance with the Settlement Agreement between the Applicant and the County dated September 10, 2013, the purpose of the CUP is to evaluate the increase in the intensity of scrap metal recycling operations on the project site from July 21, 2009 (the "Baseline Conditions") to the present (the "Current Conditions"), as well as future operations (the "Future Conditions"). The terms "Baseline Conditions", "Current Conditions" and "Future Conditions" are specifically defined below. The Applicant seeks approval by the County of this CUP to permit operations consistent with Current Conditions, as well as Future Conditions. County staff, the Planning Commission and (potentially) the Board of Supervisors will evaluate this CUP Application to determine whether and how the environmental effects associated with Current Conditions and Future Conditions can be dealt with consistent with CEQA, and whether the CUP findings required in Chapter 21.96 of the County Code can be made.

Therefore, this Project Description is organized into the following sections: Background Information, Description of Operation on July 21, 2009, and Project Description.

BACKGROUND INFORMATION:

Central Valley Recycling, Inc. (hereinafter referred to as the "Applicant"), has operated a recycling facility at 524 S. 9th Street since 1991. Since 1991, the Applicant has operated a California Redemption Value (CRV) and scrap metal recycling business. Specifically, the type of materials recycled by the Applicant include the following; CRV Aluminum Cans, Plastic, Glass, Aluminum, Brass, Copper, Radiators, Stainless Steel, Batteries, Insulated Wire, Cardboard (paper), and E-Waste. The Applicant has leased the site since opening in 1991.

The project site is made up of two parcels; APN No. 038-012-008 and APN No. 038-012-009. The site is designated for primarily Commercial and similar land uses by the County's General Plan, and is located in the C-2 zone district. It is bounded by commercial uses to the north and south, residential development to the east and Bystrum Road, and S. 9th Street and commercial uses to the west. The site is located within the jurisdiction of Stanislaus County, but within the City of Ceres Sphere of Influence (SOI).

The site is served domestic water and sewer services by the City of Modesto. Stormwater is contained on-site, and the Applicant has prepared a Stormwater Pollution Prevention Plan (SWPP) and conducts monthly monitoring. The SWPP, dated June 26, 2012, has been included in this Application package.

DESCRIPTION OF BASELINE OPERATIONS ON JULY 21, 2009

The Settlement Agreement acknowledges that the Applicant was conducting scrap metal recycling at some intensity on July 21, 2009, the date on which Central Valley Recycling, Inc. was issued a Business License to recycle scrap metal and CRV materials. At this time, the Applicant employed nine (9) people. The Applicant processed both CRV and Scrap Metal. Scrap metal was stored in the same location as present (tin pile). Ingress and egress for the site was S. 9th Street. Hours of operation at this time was 8:00am to 4:30pm

The site improvements and equipment on-site at the time of the Business License issuance were the following:

Site Improvements and Structures:

- 800 square foot CVR Quonset Hut, including Office Space;
- Mens' and Women's Restroom Facilities (located in the Quonset Hut and Paint Shop);
- 350 square foot Mechanic Structure;
- Non-Ferrous Weigh Station;
- Scale (located on south side of project site);
- Chain link fence along perimeter of project site;
- Steel pile located on north side of project site;
- Bailer located on south side of project site; and,
- Tin pile.

Equipment:

- One Excavator;
- Three Forklifts;
- Two Roll-Off Trucks;
- Two 40-foot Flatbed Trailers;
- One 37-foot End Up Trailer;
- Containers varying in size from 4x4, 4x2, and 4x8. In total, there were approximately 106 Containers on-site; and,
- Ten 40-yard and 30-yard Containers.

Based upon business records maintained by the Applicant and reviewed by the County, the monthly gross tonnage of scrap metal being processed as of July 21, 2009 was approximately 904 tons. This represents the Baseline Conditions.

DESCRIPTION OF CURRENT CONDITIONS:

From July 21, 2009, the Applicant has invested in a variety of site improvements and equipment as part of their operation, all of which are included as part of this Conditional Use Permit application. In addition, the Applicant is proposing specific improvements in an effort to mitigate potential impacts to nearby residents and businesses.

Presently, the Applicant employs 18 full-time and 5 part-time employees, representing an increase of 14 employees from July 2009. Employee parking is provided on-site north of the paint shop. Primary access to the site is provided via S. 9th Street. Operations are conducted from 8:00am to 4:30pm, although in some cases employees are on-site before and after business hours cleaning the site, conducting office work, etc. In regards to the Tin Pile (as noted on the Site Plan), vehicle crushing is conducted between 11:00am and 2:00pm in accordance with the Settlement Agreement. On average, the site receives approximately 250 vehicle and truck trips per day.

Between July, 2009 and August, 2013, the Applicant constructed and/or installed the following improvements:

Post July 21, 2009 Improvements and Equipment:

- 100 square-foot scale house, located immediately adjacent to the truck scale;
- Improved drive-on truck scale;
- Installation of an 8-foot brick wall on the perimeter (south, north, and east) side of Tin Pile;
- Installation of a 6-foot brick wall on the north and west side of the Steel Pile;
- Purchase and seasonal use of water truck to mitigate dust;
- Moved Tin Pile approximately 150 feet from eastern edge of site;
- Operation of excavator only on western edge of Tin Pile;
- The unloading and loading of trucks only occurs on western edge of Tin Pile (previous practice was conducted on eastern edge of Tin Pile); and,
- Monthly soil sampling by a SWPP Company.

Between January and June 2013, the Applicant processed approximately 16,296 tons of scrap metal, or 2,716 tons per month.

DESCRIPTION OF FUTURE CONDITIONS:

In anticipation of future growth within the CRV and scrap metal recycling industry, the Applicant seeks approval within the CUP application to process 48,000 tons of scrap metal annually, which represents an average of 4,000 tons per month. In order to accommodate both Current Conditions and Future Conditions, the Applicant is proposing to install the following site improvements as part of this Conditional Use Permit application:

- Installation of a 10-foot masonry wall on the eastern edge of the site;
- Landscape treatment on the masonry wall and tree planting to provide aesthetic treatment along the eastern edge of the site;
- Installation of concrete throughout the site to help mitigate dust impacts;
- Installation of sediment grates along site frontage to prevent sediment from spilling onto County right-of-way; and,
- Daily sweeping of curb and gutter.



Neighborhood Meeting – January 22, 2015

Background:

- Established at current location (524 S. 9th Street) in 1991.
- Recycling Center focused on CRV items (aluminum cans, glass bottles, etc.), card board, and scrap metal (i.e. tin and iron).
- Currently employ 23 full-time employees, most of which have been hired since 2009. Closing the business at this location would eliminate these jobs. Monthly payroll is approximately \$44,000.
- Have spent approximately \$500,000 in site improvements and equipment, some of which was purchased to reduce impacts to neighborhood.

Further Improvements Proposed with Use Permit Application:

- Installation of a 10-foot masonry wall on the eastern edge of the site (along Bystrum Road);
- Landscape treatment on the masonry wall and tree planting to provide aesthetic treatment along the eastern edge of the site (along Bystrum Road);
- Installation of concrete/asphalt throughout the site to alleviate dust impacts;
- Installation of sediment grates along site frontage to prevent sediment from spilling onto County right-of-way; and,
- Daily sweeping of curb and gutter.