



Date September 1, 2016

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: USE PERMIT APPLICATION NO. PLN2013-0078 – CENTRAL VALLEY RECYCLING, INC. – CONSIDERATION OF A RECOMMENDATION OF REVOCATION OF THE USE PERMIT TO THE BOARD OF SUPERVISORS.

BACKGROUND AND ANALYSIS

On May 7, 2015, the Planning Commission approved Use Permit Application No. PLN2013-0078 – Central Valley Recycling, Inc. and adopted a Mitigated Negative Declaration for this project on a 5-1 vote. The Use Permit allows for the intensification of an existing California Redemption Value (CRV) and scrap metal recycling facility on a 2.2 +/- acre property in the C-2 (General Commercial) zoning district. The project site is located at 522 and 524 South 9th Street, north of Hosmer Avenue in the Ceres area (APNs: 038-012-008 and 038-012-009).

An appeal of the Planning Commission's approval of the use permit was submitted by Ms. Rebecca Harrington on May 18, 2015. Ms. Harrington contended that "not all the facts were accurately represented and given the track record of CVR to date, they would be unable to comply with new permit agreement." On June 16, 2015, the Board of Supervisors considered and denied the appeal request and voted to uphold the Planning Commission's decision, subject to findings and amended Conditions of Approval. [See Exhibit A – *Portion of June 16, 2015, Board of Supervisor's Agenda Report* (which includes the May 7, 2015 Planning Commission Staff Report.)]

The Board of Supervisors determined that the proposed on-site processing of scrap metal, which requires the use of heavy machinery, is not customary or consistent with permitted uses in the C-2 zoning district, and therefore, the proposed use is inconsistent with the "Commercial" General Plan designation when located in close proximity to residential uses. Because the proposed use does not demonstrate a valid supportive relationship to the existing residential development, the Board determined that Conditions of Approval Nos. 20 and 24 and Mitigation Measures Nos. 42, 44 and 45 needed to be amended in order to protect the health, safety, and general welfare of nearby residents, and to protect property and improvements in the neighborhood. (See Exhibit A – *Portion of June 16, 2015, Board of Supervisor's Agenda Report*.)

A Use Permit must be exercised and all conditions of approval implemented within 18 months of approval. The Central Valley Recycling (CVR) Use Permit also contained several Conditions of Approval which were to be implemented within shorter time periods ranging from 3 (three) to 6

(six) months of project approval. Planning staff has reviewed the project's Conditions of Approval (COA), inspected the subject property for compliance and has determined that Conditions of Approval Nos.: 14, 19, 24, 25, 30, 40, 41, 42, 43, and 46 have not been completed within the required time frame. These conditions of approval are associated with making physical improvements to the site to address nuisance issues. On-site conditions are reflected in Exhibit C – Site Pictures – July 2016.

These Conditions of Approval were intended to mitigate the impacts of the scrap metal recycling use on the adjacent residential uses. The failure to complete these Conditions of Approval in the time required and the continued operation of the scrap metal recycling use has created a nuisance condition, impacting the adjacent residential neighborhood. Neighboring residential property owners have approached the Board of Supervisors to express concerns about CVR's operation and its generation of nuisance dust, noise, vibration, and trash.

Use Permits may be considered for revocation or amendment, as required, to address nuisance conditions as provided for by Chapter 21.104 of the County's Zoning Ordinance - Revocation of Permits. (See Attachment B of Exhibit B - *Notification of Revocation Hearing to Central Valley Recycling, letter dated August 8, 2016.*)

Planning staff met with the business owners and inquired about the status of completing the Permit's Conditions of Approval. The property owner, Donald Francis informed staff that the scrap metal recycling business cannot financially support the required improvements as the value of recyclable materials, especially scrap metal, has significantly declined.

On August 12, 2016, planning staff provided written notification to the applicant/operator that a number of Use Permit Conditions of Approval, which identified specific performance deadlines, have not been completed, and that failure to complete these Conditions of Approval in the time required is grounds for consideration of revocation of the Use Permit, (see Exhibit B – *Notification of Revocation Hearing to Central Valley Recycling, letter dated August 8, 2016.*) A summary of staff's compliance review findings is included in this correspondence. The applicant was also provided with written notification that the Planning Commission will consider a recommendation of revocation of Use Permit No. PLN 2013-0078 – Central Valley Recycling at its September 1, 2016, meeting. If approved, the Stanislaus County Board of Supervisors is required to act on the revocation within sixty days of receipt of the recommendation of the Planning Commission.

CVR's inability to complete their Use Permit's Conditions of Approval is reported to be due to financial limitations. If the recycling market improves in the future, they may be able to complete the adopted Conditions of Approval. CVR's Use Permit has not reached its 18 month threshold and the portion of the business (scrap metal recycling) that required the Conditions of Approval can be postponed until the business is able to complete the approved Conditions of Approval.

RECOMMENDATION

Option One:

Staff recommends that Planning Commission conduct a public hearing, hear testimony, and make the following findings along with amending the Conditions of Approval for Use Permit No. PLN2013-0078 – Central Valley Recycling, Inc. as follows

A. Findings:

1. Find that the current use of the property without having fully implemented the Conditions of Approval constitutes a nuisance to adjacent residential occupants.
2. Find that the applicant has continued to operate a scrap metal recycling operation on the property without completing required Conditions of Approval.
3. Find that amendment of the Conditions of Approval, to prevent the use of the property for scrap metal recycling uses until **ALL** Conditions of Approval have been met, will abate the nuisance impacts to the adjacent residential properties.

B. Amend Conditions of Approval of Use Permit No. PLN2013-0078, Central Valley Recycling, Inc. to include the following:

- 48. On-site scrap metal recycling shall not be conducted until implementation of all Conditions of Approval have been completed and verified by the Planning Department.**
- 49. All on-site recycling activities shall be limited to California Redemption Value (CRV) containers, and only when processed and handled within an enclosed building, until implementation of all Conditions of Approval and have been completed and verified by the Planning Department.**
- 50. The Director of Planning and Community Development may amend the conditions of the permit in order to address nuisance concerns, subject to the following:**
 - A. A written Notice of Amended Conditions shall be provided to the property owner 30-days prior to any amendment being effective.**
 - B. The Planning Director's decision to amend conditions, as reflected in the Notice of Amended Conditions, may be appealed pursuant to Section 21.112.020(B) of the Stanislaus County Zoning Ordinance.**

Option Two:

Recommend to the Board of Supervisors revocation of Use Permit 2013-0078 Central Valley Recycling, Inc.

Exhibits:

- A. Portion of June 16, 2015, Board of Supervisors Agenda Report
- B. Notification of Revocation Hearing to Central Valley Recycling, letter dated August 8, 2016
- C. Site Pictures – July 2016

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # 6:40 P.M.

Urgent Routine

AGENDA DATE June 16, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider an Appeal of Planning Commission's Approval for Use Permit Application No. 2013-0078, Central Valley Recycling, Inc., a Request to Intensify a California Redemption Value (CRV) and Scrap Metal Recycling Facility Located at 522 and 524 S. 9th Street in the Ceres area; and Adoption of a Mitigated Negative Declaration

STAFF RECOMMENDATIONS:

The Planning Commission, after conducting and receiving testimony at a public hearing during its regular meeting of May 7, 2015, on a 5-1 (Gibson) vote, followed staff's recommendation and approved the subject Use Permit application. If the Board of Supervisors decides to uphold the Planning Commission's decision, denying the appeal, staff recommends the following actions be taken:

(CONTINUED ON PAGE 2)

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2015-274

On motion of Supervisor De Martini, Seconded by Supervisor Chiesa
and approved by the following vote,
Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini and Chairman Withrow
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

PLEASE SEE PAGE 1-A FOR AMENDED MOTION

ATTEST: *Christine Ferraro*
CHRISTINE FERRARO TALLMAN, Clerk 4

EXHIBIT A
File No.

Public Hearing to Consider an Appeal of Planning Commission's Approval for Use Permit Application No. 2013-0078, Central Valley Recycling, Inc., a Request to Intensify a California Redemption Value (CRV) and Scrap Metal Recycling Facility Located at 522 and 524 S. 9th Street in the Ceres Area; and Adoption of a Mitigated Negative Declaration

Page 1-A **AMENDED MOTION**

Based upon the staff report, presentations by staff and consultants, including PowerPoint presentations, all comments and testimony received during the public hearing including comments made by consultants, and all materials that were supplied to the Board of Supervisors and which were taken into consideration in making the decision, the Board of Supervisors denied the appeal, upheld the Planning Commission decision with amendments to the Conditions of Approval, and approved **amended** Staff Recommendations Nos. 1-12 as follows: (1) conducted a public hearing to consider the appeal of Planning Commission's approval for Use Permit No. 2013-0078, Central Valley Recycling, Inc., a request to intensify a California Redemption Value (CRV) and scrap metal recycling facility by increasing the volume of scrap metal recycling allowed at a facility located at 522 and 524 South 9th Street, in the Ceres area; (2) adopted the Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis; (3) ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; (4) finds that the proposal for on-site processing of scrap metal requires the on-going regular use of heavy machinery, which is not customary or consistent with permitted uses in the C-2 zoning district, and therefore, the proposed use is inconsistent with the "Commercial" General Plan designation when located in close proximity to residential uses. Because the proposed use does not demonstrate a valid supportive relationship to the existing residential development, the Board determined that Conditions of Approval Nos. 20 and 24, and Mitigation Measures Nos. 42, 44 and 45 must be amended in order to make the necessary findings for approval of a use permit that protects the health, safety, and general welfare of nearby residents, and to protect property and improvements in the neighborhood; (5) amended Condition of Approval No. 20 to read as follows: "A maximum of 2,000 tons of scrap metal per month is permitted. The on-site handling of scrap metal shall be limited to collection and transfer only. The use of shears, cutters, crushers or any other equipment intended to shred and/or dismantle scrap metal, vehicles, heavy equipment, household or commercial appliances, or other similar items on-site is expressly prohibited. The use of any equipment for loading, unloading, or transfer of scrap metal shall be kept at least 150 feet away from the fence/property line located to the east."; (6) amended Condition of Approval No. 24 to read as follows: "The business operator and/or property owner shall pave the entire site and 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 pave the entire site and complete construction of the on-site storm basin within 6 months of design approval by the County."; (7) amended Mitigation Measure listed as Condition of Approval No. 42 to read as follows: "Limit use of any equipment used for loading, unloading, or transfer of scrap metal to the area west of the tin pile as shown on the Project site plan."; (8) amended Mitigation Measure listed as Condition of Approval No. 44 to read as follows: "Hours of operation for any outdoor activities associated with scrap metal recycling shall be limited to

Public Hearing to Consider an Appeal of Planning Commission's Approval for Use Permit Application No. 2013-0078, Central Valley Recycling, Inc., a Request to Intensify a California Redemption Value (CRV) and Scrap Metal Recycling Facility Located at 522 and 524 S. 9th Street in the Ceres Area; and Adoption of a Mitigated Negative Declaration

Page 1-B **AMENDED MOTION CONTINUED**

Monday through Friday, 8:00 a.m. to 4:30 p.m., and Saturday 8:00 a.m. to 2:30 p.m.”; (9) deleted Mitigation Measure listed as Condition of Approval No. 45; (10) Pursuant to CEQA Guidelines section 15074.1 (b)(2), the Board of Supervisors makes a written finding that the amendments to Mitigation Measures No. 42 and 44 and the deletion of Mitigation Measure No. 45 are equivalent or more effective in mitigating or avoiding potentially significant noise effects because the on-site processing of scrap metal, including crushing and cutting, will no longer be permitted, and because the amendment to Mitigation Measure No. 44 further clarifies and limits outdoor activities. The Board of Supervisors further finds that the changes in Mitigation Measures and the Conditions of Approval will not themselves cause any potentially significant effect on the environment; (11) finds that: (a) the establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of “Commercial” and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, and (b) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and, (12) approved Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. subject to the Conditions of Approval and Mitigation Measures as amended

STAFF RECOMMENDATIONS CONTINUED:

1. Conduct a public hearing to consider the appeal of Planning Commission's approval for Use Permit No. 2013-0078, Central Valley Recycling, Inc., a request to intensify a California Redemption Value (CRV) and scrap metal recycling facility by increasing the volume of scrap metal recycling allowed at a facility located at 522 and 524 South 9th Street, in the Ceres area.
2. Adopt the Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
4. Find That:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
 - (b) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
5. Approve Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. subject to the attached conditions of approval.

DISCUSSION:

An appeal to the Planning Commission's May 7, 2015 project approval of Use Permit Application No. 2013-0078 – Central Valley Recycling, Inc. (CVR) was received on May 18, 2015 from Rebecca Harrington, a resident in the project area, representing neighbors of Bystrum Road and Souza Avenue (see Attachment 1, Appeal Letter, May 18, 2015). The appeal letter, in summation, raises concern that not all facts have been accurately represented and given the track record of CVR to date, they will be unable to comply with a new permit agreement.

The Use Permit application is a request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility. The applicant, CVR, is requesting increasing the volume of scrap metal collected on-site from a monthly average of 1,350 tons to a maximum of 2,500 tons per month, and increase the number of employees from nine (9) full-time employees to eighteen (18) and five (5) part time employees. The applicant proposes to use two excavators to handle the recyclables on-site. Scrap metal is collected, sorted, cut, crushed, baled on-site and transported off-site for further processing. Recycling scrap metals consists of a variety of surplus or discarded ferrous and non-ferrous (non-magnetic) metals including, but not limited to, whole vehicles and vehicle parts.

The site is generally located on the east side of South 9th Street, north of Hosmer Avenue in the Ceres area. The subject site consists of two parcels totaling approximately 2.2 acres in the C-2 (General Commercial) zoning district, in the Ceres Sphere of Influence. The properties to the north, south, and west are also zoned C-2. The properties to the east of the site, across Bystrum Road, are zoned R-3 (Multiple Family Residential) and are developed with single family and multi-family residences.

A detailed project description along with a site and operational description, area and zoning maps, and site plans for the project site are provided in the May 7, 2015 Planning Commission Staff Report. (See Attachment "2") The Planning Commission Staff Report also provides a background discussion detailing the County's enforcement actions against CVR for operations as a nuisance which resulted in a Settlement Agreement approved by the Board of Supervisors on September 10, 2013 requiring CVR apply for a conditional use permit to determine the appropriate level of intensity for the scrap metal recycling. (See Exhibit "F" of Attachment "2")

Staff's recommendation to the Planning Commission included the following conditions: (1) approving intensification of the scrap metal operation to collect up to a maximum of 2,000 tons of scrap metal per month, instead of the maximum 2,500 tons per month requested by the applicant; (2) including a provision that limits use of the two excavators in terms of time and location of use; and (3) including a provision that will require that the Use Permit be brought back to the Planning Commission after one year of operation for possible amendments to operations and/or conditions of approval or at the discretion of the Planning and Community Development Director.

Planning Commission Hearing:

At its regular scheduled meeting of May 7, 2015, after a public hearing, the Planning Commission voted 5-1 (Gibson) to approve the subject project as recommended by staff, which included the conditions discussed above. (See Attachment "3" – Planning Commission Minutes) Attachment "4" includes both correspondence received too late for the agenda, which was provided to the Planning Commission at the start of the meeting, and correspondence received during the hearing. Correspondence too late for the agenda included emails in opposition to the project from Gloria Ortega and Debbie Miller and a letter from the applicants representative, J.B. Anderson, expressing support

for staff's recommendation while requesting a modification to Condition of Approval No. 20.

Condition of Approval No. 20 limits the use of excavators on-site, for any purpose, to Monday through Friday and further limits use of the excavator with a shearing attachment or the excavator for crushing vehicles to Monday through Friday 11:00 a.m. to 2:00 p.m. The applicant's representative requested a modification allowing use of the excavator with the shearer attachment to be permitted Monday thru Friday, between the hours of 8:00 a.m. to 10:59 a.m. and 2:01 to 4:30 p.m. for non-vehicle related products, and the use of one excavator on Saturdays from 8:00 a.m. to 2 p.m. for the loading and unloading of trucks. The applicant's proposed modification was not approved by the Planning Commission.

The Planning Commission, upon hearing the staff report, requested clarification regarding the source of water for the neighboring residents; the type of existing and propose fencing along Bystrum Road; the location and type of storm drain basin proposed; existing storm drainage run off patterns for the area; type of landscaping screen to be planted, clarification regarding the operation of Universal Services Recycling (USR) to the south; and timing for improvements.

The neighboring residents receive water via wells operated by the City of Modesto (former Del Este wells); the existing fence is 6-ft chain link with slates and concrete block along the inside; the location of the on-site storm drain basin has not yet been identified, however, an underground, French drain system, will most likely be utilized; the area surrounding the project site is not served by a storm drain system - water drains north to the river – unless contained on-site; and the exact type of landscaping to be planted for screening has not been identified, however, Italian cypress have been discussed as a good option and would grow above the proposed 10-foot concrete wall. One Commissioner did caution about the use of redwoods which are high water users.

A Use Permit was issued to the USR operation located south of the project site, just south of Hosmer Road, in 2014 to allow for CRV and scrap metal recycling. At the time of the CVR hearing, staff indicated that USR did not take in vehicles or use an excavator, thus having a lower intensity based on the types of equipment used on-site. Since the hearing, staff has confirmed that USR is utilizing an excavator, on rubber tracks, and does accept vehicles as scrap. USR is in compliance with its conditions of approval as there is no condition prohibiting the collection of junked vehicles or the use of an excavator, provided the excavator is used only to transfer materials for transporting and not used for crushing or shearing.

Project conditions of approval for CVR identify the following triggers for the timing of improvements:

- Within 30-days of project approval: contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or waste. (Condition of Approval No. 30)

- Within 60-days of project approval: install fencing in the front yard along the southern property line. (Condition of Approval No. 17)
- Within 60-days of project approval: obtain a building permit for the 10-foot block wall along the eastern property line. (Condition of Approval No. 17)
 - Within 6-months of project approval: install the 10-foot block wall along the eastern property line. (Condition of Approval No. 17)
- Within 60-days of project approval: complete a Screening Level Analysis for potential risk associated with project related truck traffic and exposure to heavy metals. (Condition of Approval No. 39)
- Within 60-days of Use Permit approval: install approved landscaping. (Condition of Approval No. 14)
- Within 6-months of project approval: complete and submit drainage plan designs for review and approval by the Public Works Department (Condition of Approval No. 24)
 - Within 6-months of Public Works approval of drainage plan designs: complete on-site storm drain (Condition of Approval No. 24)

If a Health Risk Assessment is determined to be warranted, by the San Joaquin Valley Air Pollution Control District (SJVAPCD) upon review of the Screening Level Analysis, the following triggers shall apply:

- Within 3-months of the SJVAPCD's determination: commence implementation of conditions associated with the findings of the Health Risk Assessment. (Conditions of Approval No. 15 and 39)
 - Within 6-months: fully complete implementation. (Conditions of Approval No. 15 and 39)

If the appeal is denied and the project approval upheld, June 16, 2015 will be the date of project approval/use permit approval.

Two persons spoke at the May 7, 2015 Planning Commission hearing in opposition of the project. Matthew Harrington, resident of 522 Bystrum Road, located east of the project site, and vice-chair of the South Modesto Municipal Advisory Council (MAC), explained how his family has lived in the area since the 1970's and how the sound, smell, and vibration generated by the CVR operation have diminished the enjoyment of their property. He expressed concern with the ability of a masonry wall and trees to contain emissions leaving the site in an upward direction. Mr. Harrington requested that the Planning Commission consider the multi-generational families living in the area in their decision.

Mr. Harrington was asked if the MAC had taken a position regarding the 2014 Use Permit for USR. Mr. Harrington stated that the MAC had not opposed the project due to the sites existing asphalt, USR's upgrades to the property, and USR's efforts to inform the neighbors of their operation. He also expressed that USR's use of rubber tracks, on the excavator, do not cause vibration and no crushing occurs on-site. He indicated that

noise from the USR operation is only noticed when materials are being placed in trucks for processing off-site.

In response to the letters of support received for the project, Exhibit "G" of Attachment "2", Mr. Harrington was asked on his thoughts about the reference to CVR being a "great neighbor". Mr. Harrington expressed disagreement with the claim and expressed that the community feels they have not been heard and, as such, are no longer showing up at meetings.

Following his testimony, Mr. Harrington provided staff with a packet containing letters in opposition to the project. (See Attachment "4") The letters were from Rebecca Harrington (one unsigned copy and one signed on behalf of John and Emily Ortega residents of 522 Bystrum), Maggie Mejia (President, Latino Community Roundtable), Alfred Garcia (Commander – USMC Veteran, American GI Forum), Barbara England, Martin and Oralia Martinez, and Julia Martinez. Upon receipt, these letters were circulated to the Planning Commission for their review during the hearing.

Also speaking in opposition to the project was Cynthia Carillo, a neighborhood resident, whose family has lived in the area since the 1950's. Ms. Carillo expressed how the aesthetics of the CVR operation have negatively impacted the neighborhood and how she, and other family members, attended previous meetings in an effort to be heard in opposition to the project.

Speaking in favor of the project was Mark Niskanen, the applicant's representative, and Paul Bollard, the applicant's noise consultant. Mr. Niskanen expressed how the Use Permit establishes the rules and regulations needed to address the concerns of the neighbors and how the improvements to be made to CVR will result in an operation that looks similar in nature to the USR operation in terms of on-site improvements. The one difference in operations, as noted by Mr. Niskanen, is the use of an excavator with a shear by CVR to cut materials.

In response to questions from the Planning Commission, Mr. Niskanen explained how the project site is CVR's only facility, that there have been no issues with law enforcement regarding the acceptance of stolen materials, and addressed that the difference between the requested 2,500 tons vs. recommended 2,000 tons of scrap per month is not a problem for the applicant.

Mr. Bollard explained how the initial noise assessment found that the operation was exceeding acceptable County noise standards, however, with the incorporation of identified mitigation measures, the operation has reached compliance with acceptable noise standards (even with operation of the excavators with the grappler and the shear at the same time). Mr. Bollard expressed that the applicant's proposed modification to Condition of Approval No. 20, to allow operation of an excavator on Saturday, would be in compliance with County noise standards, as a different noise standard does not apply to Saturday.

Richard Francis, speaking on behalf of the Francis Family, owner/operators of CVR, explained how CVR has taken a proactive approach in cleaning up garbage along their fence line in an effort to be a good neighbor, while acknowledging that their efforts have been limited. In response to how quickly improvements would be made, Mr. Francis expressed that funding for the improvements are an issue, but that improvements would be made as quickly as possible and in compliance with the Use Permit timelines. Mr. Francis did acknowledge that the family has explored other sites, but that, given the areas high traffic, CVR is in the best location for this use.

The minute of the Planning Commission, see Attachment "3", fail to reflect Mr. Francis as having spoken in favor of the project at the May 7, 2015 hearing. The minutes will be returned to the Planning Commission for correction at the next meeting.

In acknowledgment of CVR's current operations being in compliance with County noise standards and focused on the need to determine if a proposed use is compatible with the zoning and consistent with the general plan, the Planning Commission approved the subject Use Permit. In reaching a decision, the Commission considered both the need for recycling facilities and the need to take the burden off the residents, while expressing that CVR could do more to be a good neighbor.

The applicant's representative has provided a written rebuttal to statements provided in the appeal letter. (See Attachment "5") The rebuttal notes as important the applicant's acceptance of Condition of Approval No. 18 requiring the Use Permit be brought back to the Planning Commission one year after approval for review and, if necessary, amendments to the operational limits; and that the permit be subsequently brought back at the discretion of the Planning Director, as necessary, to address nuisance concerns.

As confirmed by the applicant's original noise study, the intensity of the scrap metal portion of CRV's operation on September 10, 2013, when the Settlement Agreement was approved, was a nuisance. Since the settlement agreement, CVR has conducted additional noise studies concluding changes made to the operation, through incorporation of noise study recommendations, have brought the facility into compliance with County noise standards.

Conditions of approval being applied to CVR through the Use Permit process will address air quality, hydrology/water quality, and noise and vibration concerns through site improvements and operational controls (such as limitations on the use of equipment and location of activities). Without a use permit, CVR will still have the right to conduct an unspecified amount of scrap metal recycling (including vehicles); however, the mechanism to establish the rules and regulations needed to address the concerns of the neighbors will not be in place.

POLICY ISSUES:

Upholding the Planning Commission's approval of the subject Use Permit, by denying the appeal, furthers the Boards priorities of A Well Planned Infrastructure System and A Strong Local Economy by recognizing that a certain level of intensity of scrap metal

recycling is consistent with the C-2 (General Commercial) zoning district while providing the conditions of approval need to address compatibility with surrounding land uses through operational controls.

STAFFING IMPACT:

There are no staffing impacts associated with item.

CONTACT PERSON:

Angela Freitas, Director of Planning & Community Development.
Telephone: 209-525-6330

ATTACHMENTS:

1. Appeal Letter from Rebecca Harrington dated May 18, 2015
2. UP 2013-0078 – Central Valley Recycling Staff Report
3. Planning Commission Minutes of the May 7, 2015, Regular Meeting
4. Correspondence Received at Planning Commission Hearing, May 7, 2015
5. Letter dated June 1, 2015 from Mark Niskanen, JB Anderson Land Use Planning

May 18, 2015

Stanislaus County Board of Supervisors
1010 Tenth Street, Suite 6700
Modesto, CA 95354

BOARD OF SUPERVISORS

2015 MAY 18 P 4:41

Re: Appeal from Planning Commission approval of Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc. on May 7, 2015.

To the Honorable Board of Supervisors:

APPEAL. The neighbors of Bystrum Road and Souza Avenue, appeals to the Stanislaus County Board of Supervisors to overturn the decision of the Planning Commission dated May 7, 2015 to grant the request the Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc.

APPELLANT. The neighbors of Bystrum Road and Souza Avenue, a group of residents in the unincorporated area of Modesto, California 95351 respectfully request an appeal from the Stanislaus County Board of Supervisors regarding the Planning Commission approval of Use Permit Application No. PLN2013-0078 Central Valley Recycling, Inc. The residential neighborhood to the east of Central Valley Recycling, Inc. is a predominately-lower income community of Mexican, White and persons of mixed heritage. This community is known as "No man's land", but now is in the sphere of influence of the City of Ceres and is part of the South Modesto Municipal Advisory Council.

NOTICE. The neighbors of Bystrum Road and Souza Avenue requests notice of any hearings or any action in this matter to be addressed as follows:

Neighbors of Bystrum Road and Souza Avenue
C/O Rebecca Harrington
522 Bystrum Road
Modesto, CA 95351

GROUNDS FOR APPEAL. Staff report dated May 7, 2015, Page 3, Background through Page 4: in the report the County states it informed CVR on September 5, 2012 that the county would not approve a business license renewal and determined that the operation of the scrap metal recycling business had grown exponentially and was no longer in character with permitted C-2 uses....The County did in fact send a certified notice one via regular mail to CVR. The certified mailing was returned and the regular mailed item was not. CVR continued to operate unlicensed and did not attempt to communicate with the County per my conversations with County Personnel in the Planning Department. CVR operated unlicensed and to the best of my knowledge continued to do so for at least six months.

The County Planning department apparently relied on CVR to come into the County offices to resolve the matter; instead, the County Planning department had to make a trip to CVR site to speak with the owners.

Page 4 continuing to Page 5, ISSUES, item **A. Air Quality**

In 2013 the applicant (CVR) represented that the entire surface of the CVR facility is paved with concrete and, in most areas, covered with dirt/sediment that been tracked in overtime via customer and

commercial vehicle traffic. At the May 7 hearing, owner Richard Francis contradicted his previous statement of 2013, he stated that as a small family owned business they are not certain of how they would obtain the funds necessary to pave the dirt areas of the their site. These areas require watering to keep the dust down as much as possible. Our state is in a drought and it is reprehensible that valuable water is the means used to keep dust down because CVR does not want to spend the money needed to pave over the dirt. In addition, the air quality within the 95351 zip code per the Stanislaus County Health Department, reports that this area has a high incidence of Asthma and Asthma related illnesses in the area.

Page 5, Item **B. Hydrology and Water Quality**

It is proposed that CVR pave the entire site and maintain storm water run-off on-site, the Applicant again sites the tremendous cost to the company. There is no way to assess the future damages to the aquifer water table that is less than 300 feet from the former Del Estes Water well now a part of the City of Modesto water department. A county employee stated the storm water run-off that goes to the drains on 9th Street goes to the Tuolumne River. It is a proven fact that the continuous leaching of chemicals into the ground close to residential water wells will cause contamination, which over time will cause health problems. To say that the percolation of the water run-off into the ground will be adequately filtered through French drains at CVR is at best a guess and not factual. It is impossible to determine the long-range effects the chemicals will have to the ground water in the area.

In 2011, I put in over forty hours making calls to various state agencies and departments within the County of Stanislaus; I determined that not one of the entities had any idea of the type of business CVR was conducting or under whose jurisdiction they would come under. It is quite possible that the predecessor of the current Planning Department head had ignored the type of business CVR petitioned the County solely for the sake of revenues. This does not excuse the lack of policy and procedures that the County of Stanislaus does not possess, and should have had in place before this situation escalated to this level. The quality of our day-to-day lives hang in the balance while the Applicant continues business as usual and the Stanislaus County decides how to proceed.

The Board of Supervisors approved a settlement agreement on September 10, 2013 even though they received a negative Nuisance Abatement Commission recommendation, and CVR has yet to comply with the letter of the agreement. It is my opinion that CVR will continue to operate business as usual for as long as they are able to do so. A Stanislaus County Code Enforcement employee told me that CVR maintained the attitude, "if they don't like what we do here they can move (referring to the residents of Bystrum and Souza)." I believe this to be true, as the CVR has never made an effort to reach out to the community.

During the May 7 hearing Stanislaus County Planning Department employee, Mr. Galvez stated that CVR business is conducive to the businesses on South 9th Street. I walked and drove that area and found the following: 3 tire companies, 3 automotive repair shops, 2 motels, 1 gas station, 1 store, 2 auto body shops; 1 car sales lot; 2 auto dismantlers (neither doing the crushing of vehicles); Zaff Recycling that does industrial recycling where his customers drop off bins to be shipped off site; Universal Service Recycler that accepts California Redemption Value items, basic household metal recyclables and do not take any type of autos; 1 appliance repair and a small business site that has miscellaneous businesses not related to recycling. The representation that CVR is doing the same type of business as its neighboring businesses is an inaccurate statement and can be contested. In addition, a contradiction that was stated at the meeting is that diesel trucks travel on Bystrum Road on a regular basis. This is an

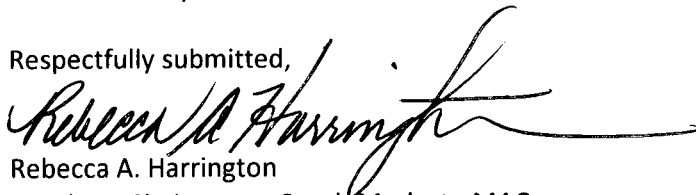
erroneous statement as well. There is a County sign on Hosmer Road specifically stating that no truck weighing 7 tons shall travel past Hosmer. While some do travel on Bystrum on occasion, it is more infrequent than claimed by the County and Mr. Niskanen. Rocha Trucking Company has moved from the area and is no longer is to the north of CVR. They moved their business to a location that was better suited for their type of business. Mr. Francis said he could not find an adequate location for CVR. Rocha Trucking found a better location for their 50 plus trucks and I believe there are better locations for CVR that are not within 50 feet of the residences. It is semantics to say that the moving the pile of recycled cars, trucks, farm equipment, buses, trailers and other large items 100 feet west of a residential area will diminish the affects to our neighborhood. A wall will not stop the noise, the house shaking and the noxious odors coming from the CVR site.

Another fact that not mentioned at the meeting, CVR has taken in stolen vehicles on more than one occasion. Officer Chuck Leon, from the CHP informed me that on two separate occasions they went to CVR to discuss with the owners the issue of receiving stolen vehicles. This is an example of what we do know and may not accurately reflect what else has gone unreported.

This is not an emotional plea, but one of concern for the lack of policy and procedures to govern this type of business. Second, in this day and year I find it reprehensible that these types of businesses continue to establish themselves close to communities of predominately Mexican, Spanish speaking and economically disadvantaged. Many people in this community have owned their homes for more than fifty years, and there are more than three generations in some of these homes. We matter and our quality of life is adversely affected by the scrapping of all vehicles done at the CVR site. It has never been my intention to stop CVR from doing CRV recycling of cans, bottles, plastic or paper. I am not adverse to recycling general household metals; it is the vehicle recycling part of their business, which has caused the distress in our neighborhood.

In summation, I contend that not all the facts were accurately represented and given the track record of CVR to date, I find it unbelievable that they will comply with a new permit agreement. Mr. Richard Francis himself stated, they do not have the resources (money) to do all that will be required of them to meet the expectations of the permit. In which case, our neighborhood will suffer at the expense of their inability to meet the guidelines set forth in the permit. I respectfully ask the Board of Supervisors to go back and view the video from June 27, 2013 Nuisance Abatement Hearing Board to hear what the members of the board had to say. I urge you to take the time to drive over to 524 S. 9th Street to see for yourself what CVR does on a daily basis. Then drive over to our family home at 522 Bystrum Road and then go north two houses to the home of Terry Peralta. If this still does not convince you that this decision by the Stanislaus County Planning Commission was wrong, then I will have no other choice than to take this matter to the next level. Please understand, I have paid the appeal fee of \$622.00 because our community deserves to be heard and should not have to live under these deplorable conditions.

Respectfully submitted,



Rebecca A. Harrington
Resident, Chairperson South Modesto MAC
522 Bystrum Road
Modesto, CA 95351
(209) 968-3210
Two photos include March 2013





STANISLAUS COUNTY PLANNING COMMISSION

May 7, 2015

STAFF REPORT

USE PERMIT APPLICATION NO. PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.

REQUEST: REQUEST TO INTENSIFY A CALIFORNIA REDEMPTION VALUE (CRV) AND SCRAP METAL RECYCLING FACILITY BY INCREASING THE VOLUME OF SCRAP METAL RECYCLING ALLOWED.

APPLICATION INFORMATION

Applicant:	Central Valley Recycling, Inc.
Owner(s):	Donald Francis Sr. and Donald Francis Jr.
Agent:	Mark Niskanen, J.B. Anderson Land Use Planning
Location:	522 and 524 South 9 th Street, on the east side of S. 9 th Street, north of Hosmer Avenue, in the Ceres area
Section, Township, Range:	4-4-9
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	038-012-008 and 038-012-009
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcel(s):	2.2 Acres
Water Supply:	City of Modesto
Sewage Disposal:	City of Ceres
Existing Zoning:	C-2 (General Commercial)
General Plan Designation:	Commercial
Sphere of Influence:	Ceres
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	California Redemption Value (CRV) and scrap metal recycling facility
Surrounding Land Use:	Commercial uses to the north, west and south, and low and medium density residential development to the east.

RECOMMENDATION

Staff recommends project approval based on the following operating conditions: (1) approving intensification of the scrap metal operation to collect up to a maximum of 2,000 tons of scrap metal per month, instead of the maximum 2,500 tons per month requested by the applicant; (2) including a provision that limits use of the two excavators in terms of time and location of use; and (3) including a provision that will require that the use permit be brought back to the Planning Commission after one year of operation for possible amendments to operations and/or conditions of approval or at the

discretion of the Planning and Community Development Director (see Exhibit C – Conditions of Approval).

Should the Planning Commission decide to approve the request, as recommended by staff, based on the discussion below and on the whole of the record provided to the County, Exhibit A provides an overview of the all of the findings required for project approval which includes use permit findings.

PROJECT DESCRIPTION

This is a request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility. The applicant is requesting increasing the volume of scrap metal collected on-site from a monthly average of 1,350 tons to a maximum of 2,500 tons per month, and increase the number of employees from nine (9) full-time employees to eighteen (18) and five (5) part time employees. The applicant proposes to use two excavators to handle the recyclables on-site. Scrap metal is collected, sorted, cut, crushed, baled on-site and transported off-site for further processing. Recycling scrap metals consists of a variety of surplus or discarded ferrous and non-ferrous (non-magnetic) metals including, but not limited to, whole vehicles and vehicle parts.

The applicant, Central Valley Recycling (CVR), proposes to make site improvements consisting of installing concrete in the interior yard, incorporating an on-site storm water retention system, installing a 10-foot high masonry wall along the east property line and installing landscaping along the Bystrum Road frontage of the property.

SITE AND OPERATIONAL DESCRIPTION

The site is generally located on the east side of South 9th Street, north of Hosmer Avenue in the Ceres area. The subject site consists of two parcels totaling approximately 2.2 acres in the C-2, (General Commercial) zoning district, in the Ceres Sphere of Influence; refer to Exhibit B – Maps, Area and Zoning Maps.

The site is presently developed with two storage buildings (Quonset huts) on the western portion of the property, measuring 6,000 and 5,200 square feet respectively. The southern Quonset hut building includes the site's main office space. Other buildings on site include a 350 square foot mechanic's shed, and a storage shed, both located along the southern property line. A 144 square foot scale office and truck scale is located in east half of the property near the northern property line. The operation also utilizes a variety of storage containers throughout the site; refer to the site plans included in Exhibit B – Maps, Site Plans.

The site includes three access driveways onto South 9th Street. The southern access driveway is used for incoming customer vehicle traffic and outgoing vehicular traffic associated with the scrap metal recycling; the facility's transportation trucks. The middle access driveway is used for recycling patrons exiting the indoor collection of CRV recycling in the southern Quonset hut. The northern driveway is used to access an employee parking lot and the northern Quonset hut, which is used for storage.

The recycling operation consists of outdoor storage of non-ferrous storage of metals on each side of the southern entrance driveway, baled cardboard, aluminum and plastics are also stored here on occasion. A large stationary baler is located mid-property, near the south property line. A 6-foot high concrete block wall is located east of the baler (each concrete block measures about 2 feet high, 6 feet long and 2 feet deep.) Scrap metal is weighed and then received in the center of the property, unloaded and stored outdoors in a pile (referred to as the "tin pile"). The tin pile is surrounded by

concrete block walls along the north, east and south. The height of the tin pile concrete block wall presently varies in height from 2 to 6 feet high. The height of the "tin pile" reaches up to 13 feet in height.

A second pile of scrap metal (referred to as the "steel pile") is located northwest of the central tin pile. The steel pile is bounded by a 6-foot high concrete block wall along the north and west edge of the pile. An excavator with a shearer arm attachment operates near the steel pile, cutting scrap metals. A second excavator with a grappler arm attachment operates west of the tin pile to crush, move, unload and load scrap metal. Loose scrap metal is transported off site in dump body trailers or transfer boxes. Baled recycling material is transported off-site on flatbed trailers.

The rear or east half of the property is used for outdoor storage, internal circulation and employee parking. The northern and southern property lines are presently developed with an 8-foot high chain link fence with privacy slats and barbed wire. The rear or eastern property line is bounded by a 6-foot high concrete block wall and 6-foot high chain link fence with slats and capped with 2-feet of razor ribbon wire. The front of the business is enclosed with a 6-foot high chain link fence with privacy slats and razor ribbon wire and an entrance gate.

The southern Quonset hut is used to receive CRV (aluminum cans, plastic bottles, glass bottles, and card board). Vehicles enter the site along the southern entrance and turn northwest into the Quonset hut from the east, exiting onto South 9th Street. Employee parking is provided in front and to the north of the business and at the rear of the property. The interior driveway appears to be composed of a mixture of road base and deteriorated concrete.

The properties to north are also zoned C-2 (General Commercial), and consists of a truck bed/top and a trucking business (Rocha Trucking). South 9th Street, lies to the west of the site and a trailer park, church, motel, tire shop and a recycling center (Zaff's Scrap Metal, opened in 1989) are located west of S. 9th Street. The area to the south is also zoned C-2 and is developed with a donut shop, an auto body shop, and a truck driving school. Another recycling center (Universal Service Recycling, opened in 2014) lies to the south, across Hosmer Avenue. The properties to the east of the site, across Bystrum Road, are zoned R-3 (Multiple Family Residential) and are developed with single family and multi-family residences. Bystrum Road is used by neighboring trucking businesses and local residents.

The Central Valley Recycling facility is open to the public between 8:00 a.m. and 4:30 p.m., Monday through Friday and between 8:00 a.m. and 4:00 p.m. on Saturday. The business is closed on Sundays. Presently, vehicle crushing and cutting is limited to the hours of 11:00 am and 2:00 p.m. The business typically operates privately a half-hour before opening to set-up and a half-hour after closing, to put things away. The business receives an average of 250 customers per day. The operation generates approximately 6 loading truck trips per day leaving the site. An on-site storm water retention system is planned to be located on-site. The yard area and interior driveway are "watered down" by a water truck on an as needed basis to address dust generated at the site.

BACKGROUND

The business has been in operation recycling CRV material since 1991. In 2009, the applicant obtained a business license to operate a recycling center for both CRV and scrap metal. Over time, the scrap metal component grew exponentially and resulted in numerous complaints from neighbors. On September 5, 2012, the County informed CVR that the County would not approve a business license renewal and determined that the operation of the scrap metal recycling business had grown exponentially and was no longer in character with permitted C-2 uses because of

complaints received from surrounding neighborhood of nuisance conditions arising out of CVR's operation (dust and noise).

Beginning in 2012, neighboring residents expressed concerns relating to noise and air quality impacts originating from the Central Valley Recycling site. Heavy machinery, such as an excavator with shearers, an excavator with a grappler, and an unimproved (dirt) site, were the cause of these impacts. It was determined that the scope and intensity of the scrap metal portion of this business had changed and was no longer appropriate for the South 9th Street location. Enforcement action ultimately resulted in the recycling operation being deemed a nuisance by the Nuisance Abatement Hearing Board and forwarded to the Board of Supervisors for consideration. A Settlement Agreement was approved on September 10, 2013, refer to Exhibit F, which included the following terms:

1. The County would recognize that a certain level of intensity of scrap metal recycling is consistent with the C-2 zone;
2. CVR would apply for a conditional use permit to determine the appropriate level of intensity, conditions of approval, and environmental impacts; and
3. CVR would be allowed to continue operating under certain operating conditions while diligently pursuing the conditional use permit, including limiting its on-site crushing activities to three (3) hours a day (11:00 a.m. to 2:00 a.m. only), to minimize impacts to the surrounding neighborhood.

(A copy of the September 10, 2013, Stanislaus County Board of Supervisors Agenda Item B-6 can be viewed at this web link: <http://stancounty.com/bos/agenda/2013/20130910/B06.pdf>.)

Since the settlement agreement, Central Valley Recycling applied for a Use Permit application, conducted a series of noise studies, incorporated recommendations from the noise studies and is proposing additional project modifications to address identified nuisances - which are discussed in more detail in the Issues Section below.

Planning Staff conducted two neighborhood meetings, one on November 13, 2013, for this project along with the Universal Service Recycling Use Permit Application (a request to expand a permitted household recycling business to allow for the on-site collection of scrap metal on a 1.44 acre parcel in the C-2 (General Commercial) zoning district at 570 S. 9th Street, Modesto) and a second neighborhood meeting on January 22, 2015, neighborhood comments are summarized below.

The site is presently approved to collect and store CRV and an unspecified limit of scrap metal tonnage at the facility for eventual recycling.

ISSUES

The following section is a discussion of issues identified by County staff. Staff has evaluated these issues and provides the following comments, which will be reflected as conditions of approval and/or mitigation measures.

A. Air Quality

The applicant represents that the entire surface of the Central Valley Recycling facility is paved with concrete and, in most areas, covered with dirt/sediment that has been tracked in overtime via

customer and commercial vehicle traffic. The loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure.

The project was referred to the San Joaquin Valley Air Pollution Control District (SJVAPCD) who responded with standard conditions of approval and a determination that project specific criteria pollutant emissions are not expected to exceed the District's significance thresholds (10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10). Additional comments indicate 250 daily truck trips result in diesel truck emissions which are a source of toxic air contaminants (TACs) that are known to the State of California to have a potential health impact on sensitive receptors.

The SJVAPCD also commented that, due to potential exposure to heavy metals, a screening level analysis for potential risk associated with project related daily truck traffic will be required. If the screening analysis indicated a risk of greater than 10 in one million, the SJVAPCD recommended the preparation of a health risk assessment. Planning staff and the SJVAPCD recommended a screening level analysis for potential risk associated be prepared prior to project consideration. However, the applicant elected to postpone conducting this analysis to receiving Planning Commission approval. If the health risk assessment concludes a risk of greater than the Air District's threshold, the Air District may elect to modify or close the operation of the recycling facility.

The following mitigation measure has been incorporated into the project and is reflected as Condition of Approval 38

Mitigation Measure:

1. *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.*

Condition of Approval No. 15 is included to address timing for completing the health risk assessment, if needed, and implementation of any findings associated with the health risk assessment.

B. Hydrology and Water Quality

The applicant proposes to pave the entire site and will maintain stormwater run-off on-site. An on-site storm water retention basin system will need to be designed and approved by the Stanislaus County Department of Public Works. Condition of Approval No. 24 is proposed.

The project proponents submitted a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program as prepared by H2E Consulting. The draft SWPPP and Monitoring Plan identify Best Management Practices (BMP) to protect water quality. BMPs are methods that will be, or have been, implemented to effectively reduce the potential for pollution associated with storm water run-off. BMPs include maintenance and operation procedures, use of devices for control of site run-off, spills, leaks, and drainage from the storage areas. They also contain a list of actions to be taken to reduce the discharge of pollutants.

The following mitigation measure has been incorporated into the project and is reflected as Condition of Approval 40.

Mitigation Measure:

2. *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.*

C. Noise and Vibration

In January of 2013, Central Valley Recycling (CVR) retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations and prepare a noise analysis. In August of 2013, BAC conducted additional noise testing to determine if noise levels had decreased. In January 2015, a subsequent noise analysis was conducted by BAC to analyze the increased tonnage to 2,000 tons per month and to evaluate potential impacts associated with vibration. These studies and their results are highlighted below.

1. The Environmental Noise Analysis, prepared by BAC, dated January 30, 2013, concluded that noise generated during typical operations at the Central Valley Recycling facility exceeded the County's exterior noise standards and recommended noise mitigation measures to reduce facility noise generation to a state of compliance with Stanislaus County noise standards. In response to the Noise Analysis, the following noise control measures were identified, some of which have already been implemented.
 - a) The tin pile was relocated 150 feet away from the fence line located along the eastern property line. Implemented.
 - b) Excavator usage is now limited to areas in front of the tin pile, and the excavator no longer operates in the back of the site. Implemented.
 - c) Concrete blocks were placed around the tin pile in a U-shape to form a partial noise barrier to mitigate noise level emanating to the east. Partially implemented, the concrete block wall has not been fully installed and maintained as recommended by BAC.
 - d) Trucks are now loaded in front of the tin pile and cars are unloaded in front of the tin pile instead of the previous locations behind the pile. Partially implemented as County staff has observed truck loading conducted south of the tin pile, where block wall components are missing.
 - e) Concrete blocks were placed around the metal baler to block the noise from the nonferrous material and baler to mitigate noise levels heard by residences located to the east. Implemented.
 - f) Other facility equipment was also moved away from the back fence along Bystrum Road. Implemented
2. On August 19, 2013, BAC conducted additional noise testing in follow-up to implementation of noise control measures identified on January 30, 2013. This analysis states:

"This analysis concludes that the noise mitigation measures implemented by CVR in recent months have resulted in a clearly noticeable decrease of facility noise

emissions at the nearest residences to the east (4-5 dB reduction). Although the resulting noise levels still exceeded the County's noise standards, the magnitudes of the exceedances (1-4 dB over the County standards), were greatly reduced relative to the pre-mitigation conditions. To further reduce facility noise emissions at the nearby residences to the east, the following additional mitigation measures are recommended:

- a) The new block walls which have been erected near the eastern property line and around the tin pile should be increased an additional 4 feet in height each. This measure would provide further shielding of CVR noise at the existing residences to the east.
- b) Continue to limit excavator usage to areas in front of the tin pile.
- c) Continue to load trucks in the front of the tin pile (further west of the nearest residences to the east).
- d) Continue to unload cars in front of the tin pile.

These measures are expected to both lower overall facility noise emissions at the nearest residences to the east and reduce the potential for adverse public reaction from those residences to noise generated by CVR.”

These measures were identified in the CEQA Initial Study and added to the project's Conditions of Approval as Mitigation Measures.

3. January 2015 Noise Analysis to Evaluate Increased Tonnage and Vibration Impacts.

In October 2014, Stanislaus County requested additional analysis pertaining to potential noise impacts associated with increasing the permitted scrap volume tonnage to 2,500 tons per month from the current baseline of approximately 950 tons per month, along with an evaluation of potential impacts associated with project generated vibrations. In response to the County's request, BAC conducted vibration monitoring at the project site in December of 2014, as well as additional analysis of impacts associated with a tonnage volume of 2,000 tons instead of the 2,500 tonnage requested by County staff. The results of this analysis were published in January 2015 and represent an update to the August 19, 2013 Noise Analysis for Central Valley Recycling.

The 2015 analysis concluded that “no adverse noise impacts are expected as a result of the proposed increase in monthly tonnage.” (See Exhibit E – Initial Study – Special Studies)

The data listed on Table 5 of the January 2015 report indicates that the noise mitigation measures incorporated into the current CVR operations has resulted in achieving a state of compliance with the County's noise standards. Specifically, CVR noise generation was found to range from 3 to 16 dB below County noise standards in the various categories. As a result, no additional noise attenuation measures beyond those identified in the August 19, 2013 noise analysis appear to be warranted for this facility to achieve compliance with County noise standards. Elevated noise levels heard at test sites located by the residents were attributed to the tractor-trailer truck traffic that uses Bystrum Road.

As this vibration analysis is very technical, staff has only incorporated highlights of BAC January 2015 vibration analysis, which is included in its entirety as Exhibit E – Special Studies).

“To quantify vibration levels associated with CVR operations, Bollard Acoustical Consultants, Inc. conducted vibration measurements of all major activities occurring at the project site on December 9, 2014. The measurements were conducted near the CVR project site boundaries, and adjacent to Bystrum Road opposite the nearest existing residences. Figure 4 of the 2015 report shows the locations where vibration monitoring was conducted. Figure 5 shows photographs of representative vibration monitoring locations.

The vibration measurements consisted of peak particle velocity sampling using a Larson Davis Laboratories Model HVM100 Vibration Analyzer with a PCB Electronics Model 353B51 ICP Vibration Transducer. The test system is a Type I instrument designed for use in assessing vibration as perceived by human beings, and meets the full requirements of ISO 8041:1990(E). The results of the vibration measurements are shown in Table 6.” [Source: page 11 of the January 16, 2015 Environmental Noise Analysis for Central Valley Recycling Facility.]

“This analysis concludes that the noise mitigation measures implemented at the CVR facility in Stanislaus County have effectively reduced facility noise generation to a state of compliance with Stanislaus County noise standards. In addition, this analysis concludes that vibration levels generated by heavy equipment and operations at the CVR site would be well below thresholds for annoyance and damage to structures at sensitive locations of neighboring uses, including the existing residences to the east. Finally, this analysis concludes that the proposed increase in tonnage would not cause an exceedance of the County’s noise level standards at the nearest noise-sensitive land uses to the project site (residences to the east). These conclusions are based on noise level data collected at the project site in 2013 and 2014, vibration data collected at the project site in 2014, operational information provided by CVR, and on the analysis contained herein.” [Source: page 15 of the January 16, 2015 Environmental Noise Analysis for Central Valley Recycling Facility.]

The project will be conditioned to continue to implement the following Mitigation Measures:

3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10-foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*
5. *Continue to load and unload trucks west of the tin pile.*
6. *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.*
7. *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.*

8. *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.*

D. Vehicular Access and On-site Circulation

The project will have direct access to S. 9th Street, which is a County-maintained road and the project is not expected to substantially increase traffic for this area. The project was referred to Caltrans and the Stanislaus County Department of Public Works. A referral response was not received from Caltrans; however, Public Works responded with standard conditions of approval and a mitigation measure to address any future issues with vehicles stacking in the right-of-way. Stacking contributes to traffic impacts and safety issues if autos trying to enter the site back up into the County right-of-way. Should stacking occur two (2) times in any two (2) week period, the applicant will be responsible for preparing and implementing a traffic circulation plan within 15 calendar days of the second incident.

The following mitigation measure has been incorporated into the project and is reflected as Condition of Approval 47.

Mitigation Measure:

9. *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 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.*

The project site consists of two parcels, the western parcel fronts on S. 9th Street and eastern parcel fronts on Bystrum Road. Vehicular access is not proposed between the eastern parcel and Bystrum Road. A Staff Approval Application will be required 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 will be required as a Condition of Approval on this Use Permit to provide vehicle access from the eastern parcel, across the western parcel, to access S. 9th Street.

E. Nuisances and Neighborhood Concerns

Neighbors through neighborhood meetings and phone calls to County staff have expressed a variety of concerns relating to the operation of Central Valley Recycling. Fifteen people attended a County sponsored neighborhood meeting on November 13, 2013. Six residents attended a second neighborhood meeting held on the January 22, 2015. Concerns expressed during these meetings and phone calls to planning staff include nuisances complaints associated with the following issues:

- Increased litter in the neighborhood surrounding the recycling centers.
- Accumulation of abandoned shopping carts near the recycling centers;
- Increased dust, dirt, noise, vibration;
- Unsightliness of piled metal;
- Motor vehicle fluids leaking onto the ground;

- vehicular traffic trespassing on adjacent businesses to reach the site.; and
- Increased truck traffic and parking in the vicinity.

Identified nuisance issues associated with CVR operations will be addressed by project conditions of approval, and code enforcement efforts if necessary, as follows. Trash cans will be required to be placed at the business entry and exit points for customer use to address any on-site litter. A shopping cart rack will be maintained on site and located out of the public view to store shopping carts brought on site, until shopping carts are returned. Dust, noise and vibration issues have already been addressed. The project will be required to install interior landscaping to help screen the view of piled metals. The project will be required to maintain and adhere to its hazardous material management plan in addressing any hazardous material leaks. The project will be required to 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. "No parking" signs have already been installed along the project's frontage to Bystrum Road.

Condition of Approval No. 18 is proposed to require that the Use Permit be brought back to the Planning Commission one year after approval for review, if necessary, amendments to operational limits; and to allow the permit to be subsequently brought back at the discretion of the Planning Director to address nuisance concerns.

CORRESPONDENCE

Staff received signed form letters of support from 7 residents and 2 businesses, refer to Exhibit G

GENERAL PLAN CONSISTENCY

This site, located within the City of Ceres Sphere of Influence (SOI), is currently designated "Commercial" in the Stanislaus County General Plan and this designation is consistent with the C-2 (General Commercial) zoning district. The Commercial designation indicates areas best suited for various forms of light or heavy commercial uses including, but not limited to, retail, service, and wholesaling operations. Building intensity, setbacks, landscaping, height, and parking requirements are determined by the Stanislaus County Zoning Ordinance.

Land Use Element:

Goal Five: Compliment the general plans of cities within the County.

Policy 24: Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

The Implementation Measures for Policy 24 require that all discretionary development proposals within the SOI of cities, or in areas of specific designation of a city, shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets the city's development standards. This project was referred to the City of Ceres, provider of sewer service to the project site and, in compliance with SOI General Plan requirements, and to the City of Modesto, provider of water service to the project site. The City of Modesto reviewed this project, but provided no comments.

The City of Ceres provided two responses. The Early Consultation referral response, a letter dated October 24, 2013, indicated that the City would reserve comment until the environmental review process. The Initial Study referral response, an e-mail dated April 2, 2015, requested that a condition of approval be placed on the project to allow the County Planning Commission to conduct revocation proceedings of the use permit "if the owner/operator of the recycling facility fails to comply with the use permit or if the conditions of approval and mitigation measures imposed on the project do not adequately address the impacts of this project." This condition was not added to the project as Chapter 21.104 of the County Code allows the County to begin revocation proceedings if any of the conditions or terms of a permit are violated.

The City also commented that it appears that mitigation measures proposed would be adequate to address potential impacts that may arise with the project. The City also requested the opportunity to provide comment on the final conditions of approval, if necessary. (See Exhibit E – Initial Study Comments – *e-mail from the City of Ceres.*)

Conservation Element:

Goal Seven: Support efforts to minimize the disposal of solid waste through source reduction, reuse, recycling, composting, and transformation activities.

Policy 22: Implementation Measure No. 1 states that the County shall encourage and promote activities, projects, legislation, business, and industries that cause solid waste to be reduced at the source, reused, recycled, and/or composted.

Goal Eleven: Conserve resources through promotion of waste reduction, reuse, recycling, composting, ride-share programs, and alternative energy sources such as min-hydroelectric plants, gas and oil exploration, and transformation facilities such as waste-to-energy plants.

Policy 31: The County shall provide zoning mechanisms for locating material recovery facilities, recycling facilities, composting facilities, and new energy producers when the proposed location does not conflict with surrounding land uses.

Staff believes that recycling facilities help fulfill goals included the Conservation Element with the reduction of solid waste that may end up in long term solid waste disposal facilities. The County allows certain levels of recycling in commercial and industrial zones provided that nuisance activities are eliminated or reduced to acceptable levels.

ZONING ORDINANCE CONSISTENCY

The property is zoned C-2 (General Commercial) which permits the establishment of CRV recycling. Scrap metal collection is not permitted outright; however, the potential impacts are consistent with other uses permitted by use permit and, therefore, it requires a use permit be obtained to address

the environmental impacts, including potential conflicts with surrounding uses, of the intensified use. Two other CRV and scrap metal recyclers have been approved in the vicinity; Universal Service Recycling received use permit approval in May 2014. Zaff's Scrap Metal Recycling has operated at 571 S. 9th Street since 1989.

Planning staff believes this CRV and scrap metal recycling is consistent with the character of the surrounding businesses along South 9th Street. However, a significant distinction between this proposal and other recycling and auto wrecking uses in the area exists in the nature of how the business is operated. Specifically, CVR is proposing a use that through noise studies and neighborhood complaints has confirmed that nuisances are generated on-site that needs to be mitigated.

The General Plan and Zoning Ordinance's overarching goals deal with land use compatibility and prevention of conflict between adjacent land uses. Section 21.56.040(D) Nuisance states:

"No operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke, vibration or electrical interference detectable off the site."

Central Valley Recycling has made changes to their past operation to address nuisance issues. It has identified additional mitigation measures that need to be incorporated into the project's operation to minimize impacts. However, nuisance complaints are still being voiced by neighboring residents. Recycling facilities and auto wrecking uses in the area are not known to generate this level of concern. Consequently, staff is recommending the following operating conditions:

- (1) Approving intensification of the scrap metal operation to collect up to a maximum of 2,000 tons of scrap metal per month, instead of the maximum 2,500 tons per month requested by the applicant; (See Condition of Approval No. 20.)
- (2) A provision that limits use of the two excavators to Monday through Friday and not on Saturday or Sunday; use of the excavator with a shearer attachment limited between the hours of 11:00 a.m. and 2:00 p.m. Monday through Friday; use of the excavator to crush vehicles between the hours of 11:00 a.m. and 2:00 p.m. Monday through Friday; the use of either of the excavators to be kept at least 150 feet away from the fence/property line to the east. (See Condition of Approval No. 20.)
- (3) 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.

In conclusion, Planning staff believes this project is consistent with the General Plan and zoning of the site and that the project scope and handling of scrap metal recycling, as amended by staff's recommendation, does not conflict with the surrounding land uses; however, due to the presence of residential subdivisions and the potential for conflict, mitigation measures and conditions of approval have been added to this project and are discussed in the Environmental Review section of this report.

Consequently, planning staff believes all of the findings required for approval, as outlined in Exhibit A - *Findings and Actions Required for Project Approval*, can be made.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised (see Exhibit J - *Environmental Review Referrals* and Exhibit E – Initial Study comments.) For the record, Bollard Acoustical Consultants, Inc. submitted a letter dated April 17, 2015, reporting that the block wall around the tin pile was 6 feet high and that no additional increase to the barrier height at the boundary of the tin pile is recommended. The Mitigation measures will reflect this change in the Conditions of Approval (see Exhibit E - Initial Study Comments).

A Mitigated Negative Declaration has been prepared for approval prior to action on the use permit itself as the project will not have a significant effect on the environment. (See Exhibits H - *Mitigated Negative Declaration* and Exhibit I *Mitigation Monitoring Plan*.) Conditions of Approval reflecting referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

Note: Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,267.00** for the California Department of Fish and Wildlife (formerly the Department of Fish and Game) and the Clerk Recorder filing fees. The attached Conditions of Approval ensure that this will occur.

Contact Person: Miguel A. Galvez, Senior Planner, (209) 525-6330

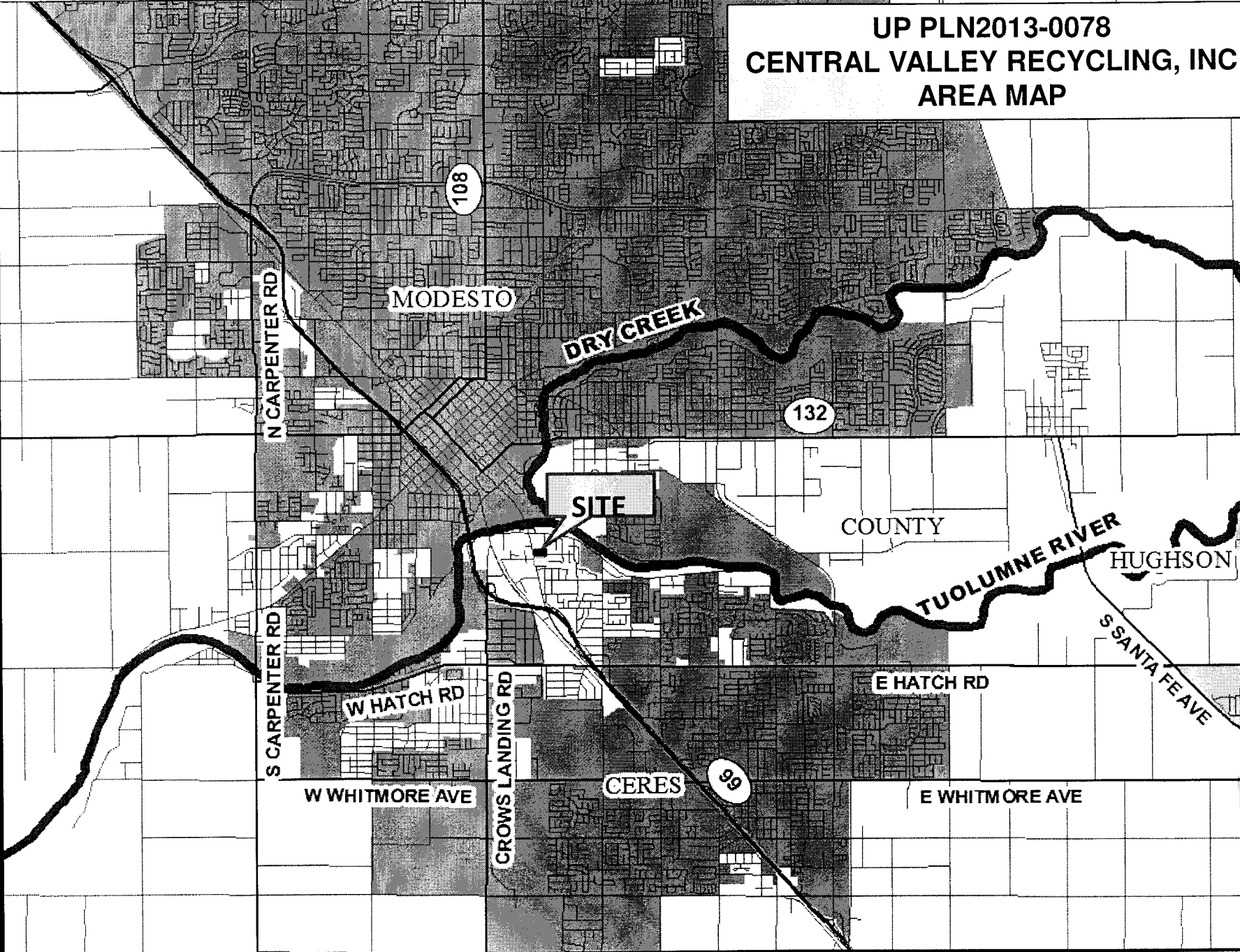
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps and Site Plans
- Exhibit C - Conditions of Approval
- Exhibit D - Applicant's Project Information
- Exhibit E - Initial Study, Special Studies and Initial Study Comments
- Exhibit F - Settlement Agreement between the County of Stanislaus and Central Valley Recycling – approved by the Stanislaus County Board of Supervisors on 9/10/2013.
- Exhibit G - Correspondence
- Exhibit H - Mitigated Negative Declaration
- Exhibit I - Mitigation Monitoring Plan
- Exhibit J - Environmental Review Referral

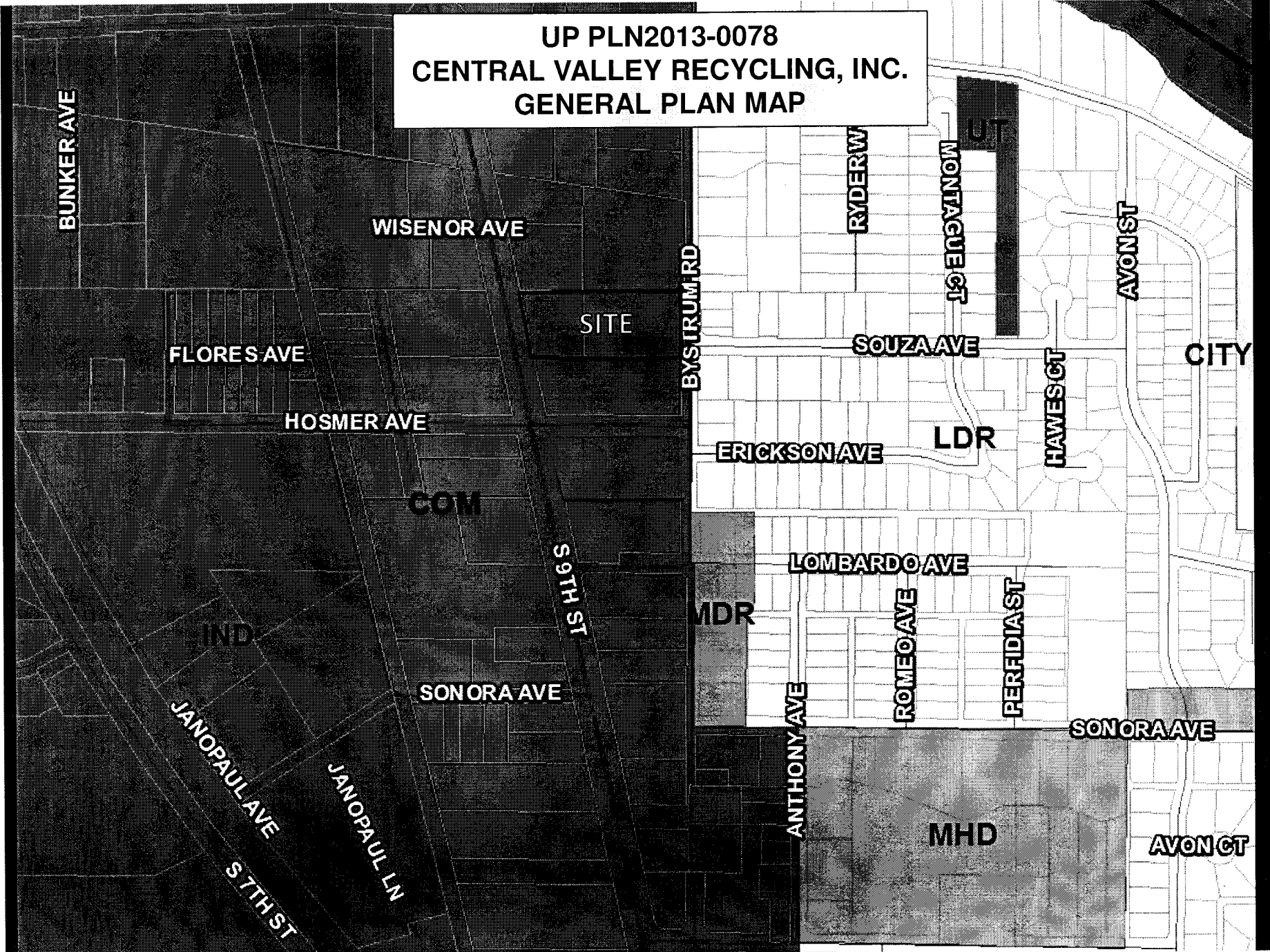
Exhibit A
Findings and Actions Required for Project Approval

1. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
3. Find that:
 - A. The establishment, maintenance, and operation of the proposed use or building applied for, as amended, is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; and
 - B. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
4. Approve Use Permit Application No. PLN2013-0078 – Central Valley Recycling, Inc., subject to the attached conditions of approval.

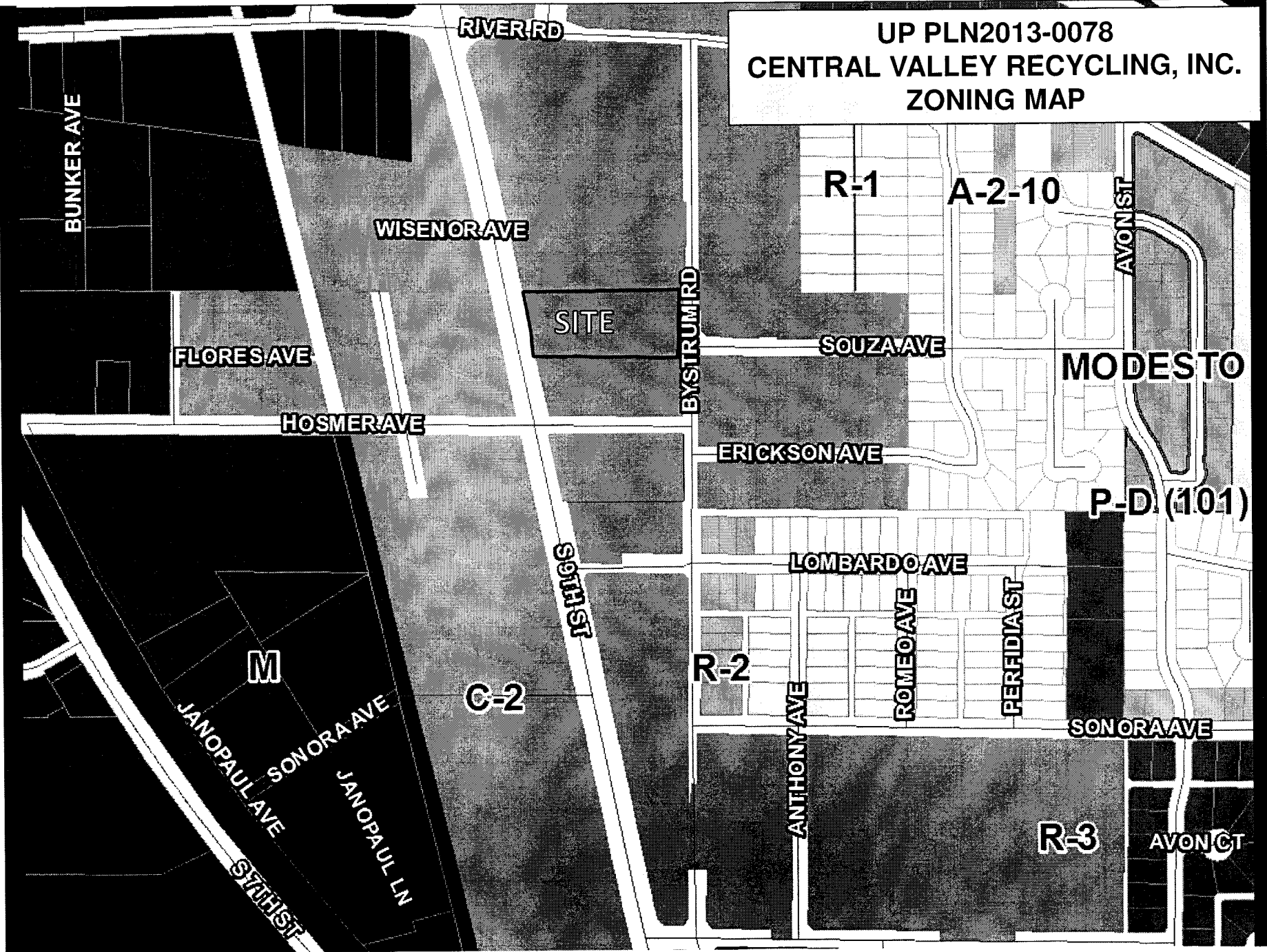
UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC
AREA MAP



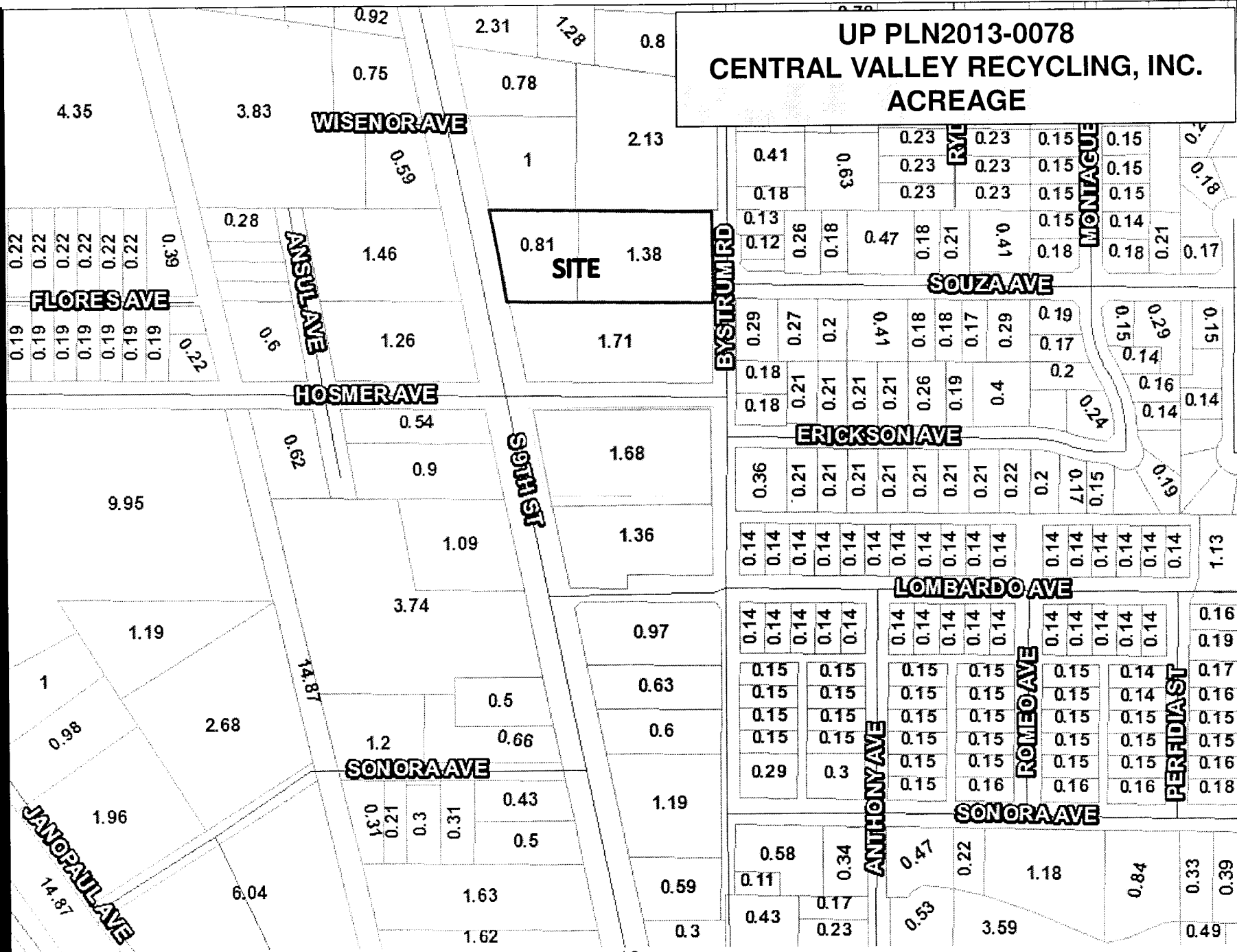
UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
GENERAL PLAN MAP



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



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

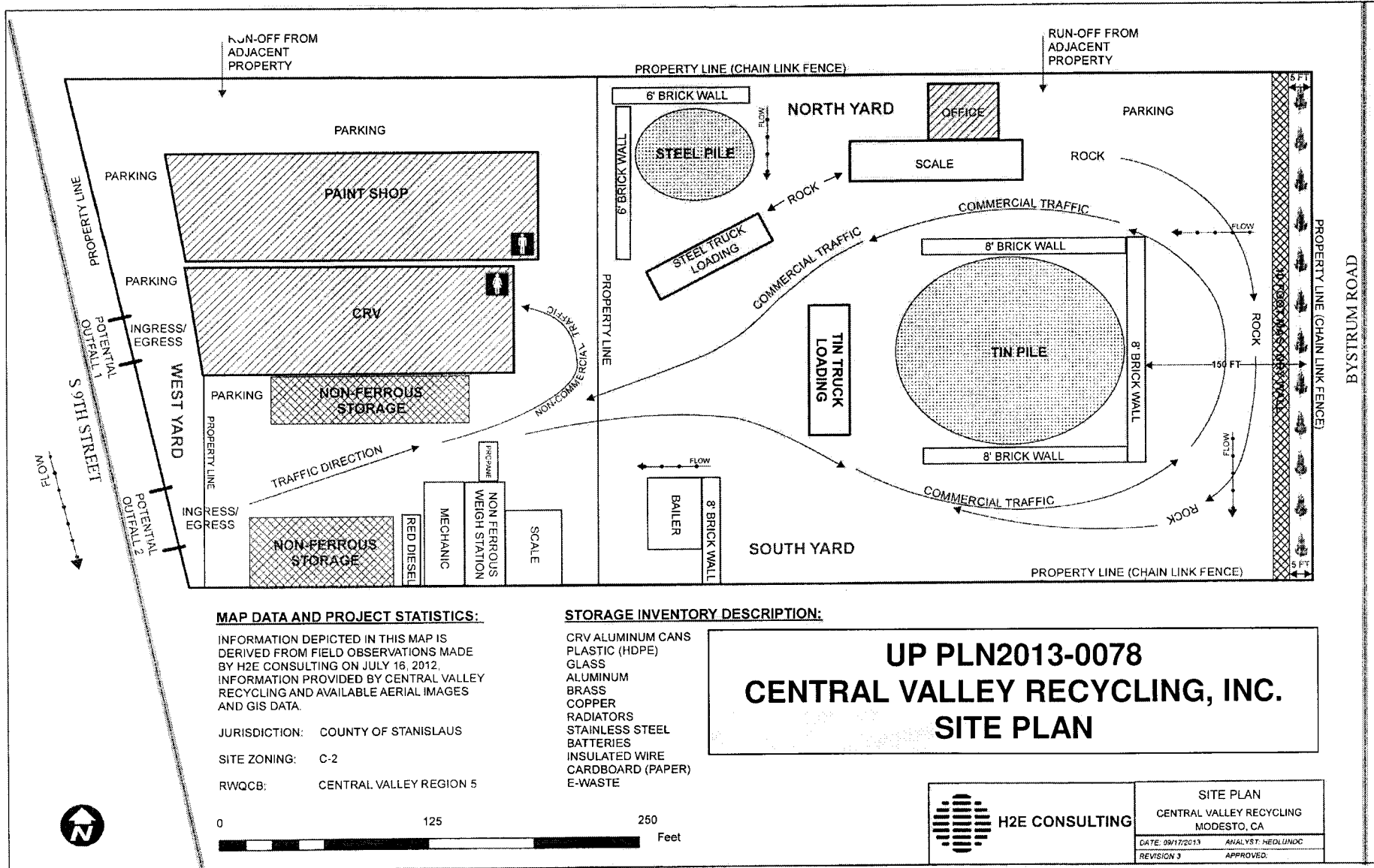


UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
2013 AREIAL



37

EXHIBIT B-4



MAP DATA AND PROJECT STATISTICS:

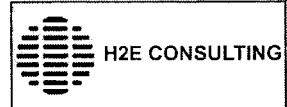
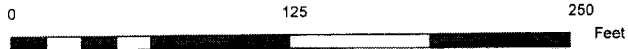
INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012. INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

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

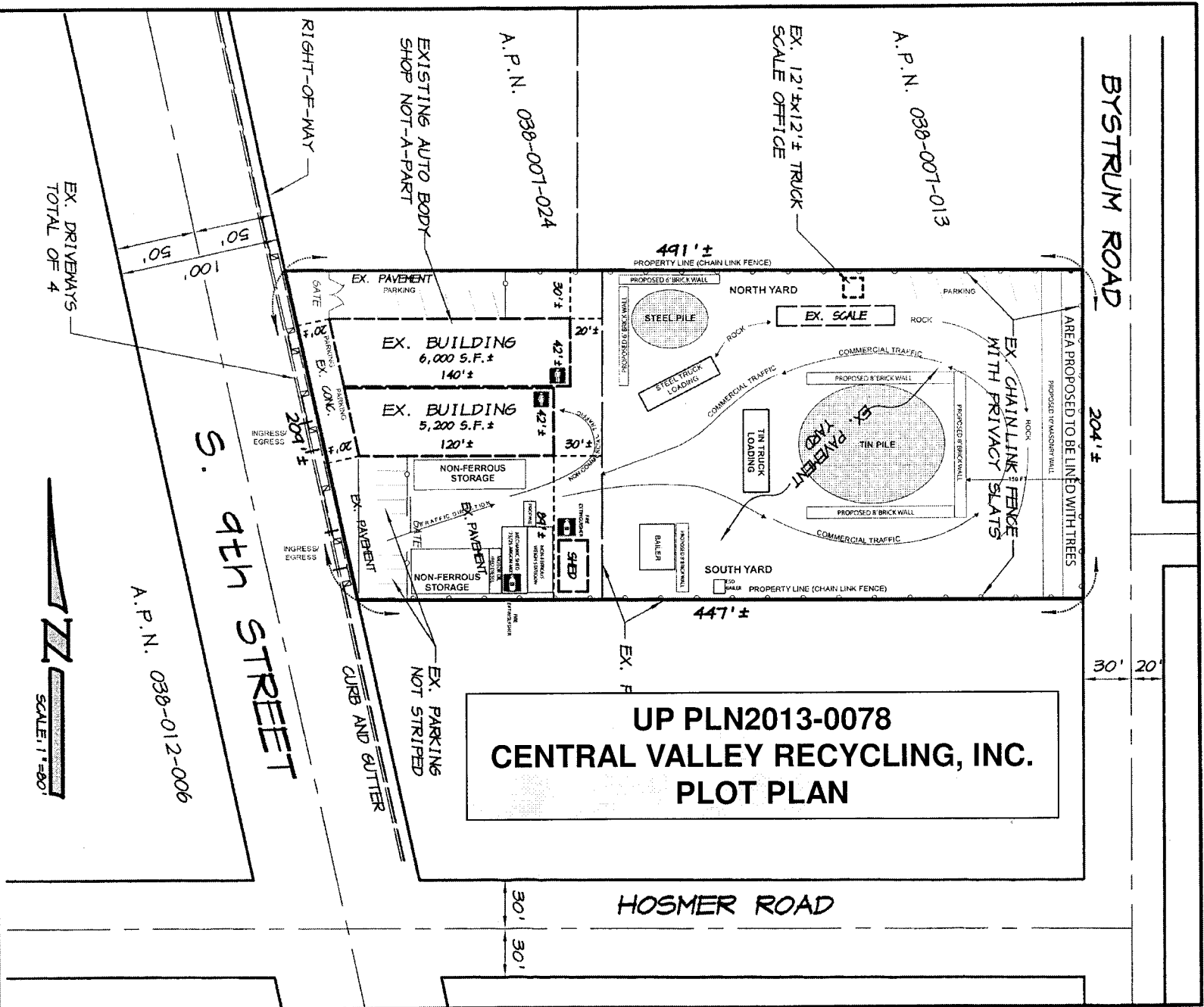
STORAGE INVENTORY DESCRIPTION:

- 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: HEDLINDC
REVISION 3	APPROVED:



DRAWN: J.F.
 DATE: 11/15/13
 SCALE: NOTED
 JOB #: 952-13
 DWG: PLOT_PLAN

524 S. 9th STREET
PLOT PLAN
 CENTRAL VALLEY RECYCLING, INC.
 STANISLAUS COUNTY CALIFORNIA

ASSOCIATED ENGINEERING GROUP
 4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95336
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.aasoceng.com

**UP PLN2013-0078
 CENTRAL VALLEY RECYCLING, INC.
 PLOT PLAN**

AS APPROVED BY THE PLANNING COMMISSION
MAY 7, 2015

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).

EXHIBIT C

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 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 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 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.



Stanislaus County
Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE
REFERRAL**

DATE: March 20, 2015

TO: Agricultural Commissioner - Dan Bernaciak
Chief Executive Office - Delilah Vasquez
Cooperative Extension - Theresa Spezzano
County Counsel - Thomas E. Boze
Environmental Resources - Bella Badal

Hazardous Materials - Beronia Beniamine
Stanislaus Fire Prevention Bureau - Randy Crook
Public Works - Angie Halverson
Sheriff Dept. - Lt. Charles Grom

FROM: Department of Planning and Community Development - Miguel Galvez

SUBJECT: ENVIRONMENTAL REFERRAL - USE PERMIT APPLICATION NO. PLN2013-0078 -
CENTRAL VALLEY RECYCLING, INC.

Stanislaus County has established an Environment Review Committee (ERC), which consists of representatives of the Departments of Public Works, Planning and Community Development, Environmental Resources, Fire Safety, County Counsel, and the Chief Executive Office. The ERC meets every other Wednesday at 9:30 AM at 1010 10th Street, Suite 3400, Modesto. The primary purpose of the ERC is to provide a unified County review and response to environmental issues associated with projects which are referred to the County. The Chief Executive Office has been designated as the County Agency responsible for coordinating the review process.

Each agency should review the projects from the point of view of impacts on its own areas of responsibility. Please be as specific as possible in the expected degree of impacts including costs of providing services and possible methods of mitigating the impacts to acceptable levels including mitigation fees. Please complete the attached response form or provide a written response within 2 weeks.

The California Environmental Quality Act establishes very tight time frames for review. For that reason it is very important that a prompt response be provided. It is the hope that all County responses can be sent to the referring agencies as a package; however, in some instances the time for review does not permit that to happen. Some responses will have to be sent directly to the agency, with a copy to the Chief Executive Office. Please note below the date responses are needed and where to send them. Please send the original of any comments you may have directly to the agency listed below and a copy to the Stanislaus County Chief Executive Office. Please contact me if you have any questions.

PROJECT AGENCY
Stanislaus County Planning
and Community Development

RESPOND TO
Miguel A. Galvez
Senior Planner

RESPONSE DATE
April 22, 2015

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**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE
REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

PROJECT: USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, 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



CEQA Referral Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration

Date: March 20, 2015
To: Distribution List (See Attachment A)
From: Miguel A. Galvez, Senior Planner, Planning and Community Development
Subject: USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.
Comment Period: March 20, 2015 - April 22, 2015
Respond By: April 22, 2015

Public Hearing Date: Not yet scheduled. A separate notice will be sent to you when a hearing is scheduled.

You may have previously received an Early Consultation Notice regarding this project, and your comments, if provided, were incorporated into the Initial Study. Based on all comments received, Stanislaus County anticipates adopting a Mitigated Negative Declaration for this project. This referral provides notice of a 30-day comment period during which Responsible and Trustee Agencies and other interested parties may provide comments to this Department regarding our proposal to adopt the Mitigated Negative Declaration.

All applicable project documents are available for review at: Stanislaus County Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, CA 95354. Please provide any additional comments to the above address or call us at (209) 525-6330 if you have any questions. Thank you.

Applicant: Central Valley Recycling, Inc.
Project Location: 522 & 524 S. 9th Street, on the east side of S. 9th Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area.
APN: 038-012-008 and 038-012-009
Williamson Act Contract: N/A
General Plan: Commercial
Zoning: C-2 (General Commercial)

Project Description: Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine (9) to 18 full time and five (5) part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing. Expanded project description available on Initial Study.

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

USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY RECYCLING, INC.

Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
X	CA DEPT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)	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
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DIST:		STAN CO FARM BUREAU
X	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
X	CITY OF: CERES AND MODESTO		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES / SANITARY DIST	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION	X	STAN CO SHERIFF
	COUNTY OF:	X	STAN CO SOLID WASTE
X	FIRE PROTECTION DIST: INDUSTRIAL	X	STAN CO SUPERVISOR DIST 5: DeMARTINI
	HOSPITAL DIST:	X	STAN COUNTY COUNSEL
X	IRRIGATION DIST: TURLOCK	X	StanCOG
X	MOSQUITO DIST: TURLOCK	X	STANISLAUS FIRE PREVENTION BUREAU
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	STANISLAUS LAFCO
X	MUNICIPAL ADVISORY COUNCIL: SOUTH MODESTO		SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: UNION PACIFIC		TUOLUMNE RIVER TRUST
X	SAN JOAQUIN VALLEY APCD	X	US ARMY CORPS OF ENGINEERS
X	SCHOOL DIST 1: MODESTO	X	US FISH & WILDLIFE
	SCHOOL DIST 2:	X	US MILITARY (SB 1462) (7 agencies)
	STAN ALLIANCE		USDA NRCS
X	STAN CO AG COMMISSIONER		WATER DIST:

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**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

PROJECT: USE PERMIT APPLICATION NO. PLN2013-0078 - CENTRAL VALLEY
RECYCLING, 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



Stanislaus County Planning and Community Development

1010 10th Street, Suite 3400
Modesto, California 95354

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

CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.
2. **Lead agency name and address:** Stanislaus County
1010 10th Street, Suite 3400
Modesto, CA 95354
3. **Contact person and phone number:** Miguel A. Galvez, Senior Planner
(209) 525-6330
4. **Project location:** 522 & 524 S. 9th Street, on the east side of S. 9th Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009
5. **Project sponsor's name and address:** Mark Niskanen, Senior Planner
J. B. Anderson Land Use Planning
139 S. Stockton Avenue
Ripon, CA 95366
6. **General Plan designation:** Commercial
7. **Zoning:** C-2 (General Commercial)
8. **Description of project:**

This application requests to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility located at 524 S. 9th Street. According to the application, the recycling facility processed an average of 1,350 tons per month, or approximately 16,200 tons per year, in 2009 and processed an average of 2,700 tons per month in 2013. The applicant is requesting approval to recycle a maximum of 2,500 tons of recycled materials per month or 30,000 tons per year. The scrap metal is comprised of a variety of surplus or discarded ferrous and non ferrous metals including, but not limited to, automotive parts. For additional background information, please refer to the project description submitted by the applicant.

For environmental assessment purposes, this initial study evaluates the establishment of a recycling facility for the on-site collection of household recycling and scrap metal on two parcels totaling 2.2± acres. The proposed operation includes indoor collection of household recyclables (plastics, aluminum cans, glass bottles, and card board) and outdoor collection, weighing, crushing, cutting, bailing, loading, and transporting of scrap metal up to an average of 2,500 tons per month. The recycling materials are transported off-site for subsequent processing. The operation proposes to employ up to 18 full-time and 5 part-time employees, an increase of 14 employees from July 2009.

The recycling facility proposes to utilize two existing Quonset structures, totaling approximately 11,200 square feet, for office use and storage, along with utilizing other structures (truck scale and office, mechanic shed [350 square feet], and storage shed) and storage containers on-site. The northern and southern property lines are presently

bounded by an eight (8) foot high chain link fence with privacy slats and barbed wire. The rear or eastern property line is bounded by a six (6) foot high block wall and six (6) foot high chain link fence with slats and capped with a two (2) foot high roll of razor ribbon wire.

The proposed operation includes the use of heavy equipment consisting of one excavator with a grappler attachment, one excavator with a shear attachment, and one stationary metal baler. A 10 foot high masonry wall with landscaping is proposed along the eastern portion of the property. An eight (8) foot high block wall has been installed along the north, east, and south edges of the central pile of scrap metal, referred to as the "tin pile". A six (6) foot high block wall is proposed along the western and northern edges of the "steel pile". The facility is open for business between 8:00 a.m. and 4:30 p.m. and receives approximately 250 vehicle and truck trips per day. The business proposes to operate privately, and will not be open to the public, before 8:00 a.m. and after 4:30 p.m.

- 9. **Surrounding land uses and setting:** Commercial uses to the north, west, and south, and residential development to the east. S. 9th Street is located to the west and Bystrum Road is located to the east of the site.
- 10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** Stanislaus County Department of Environmental Resources - Solid Waste Division
Stanislaus County Department of Public Works
City of Ceres
Regional Water Quality Control Board
San Joaquin Valley Air Pollution Control District

Attachments:

- 1 - Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9th Street, Modesto by H2E Consulting

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)
 On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Miguel A. Galvez, Senior Planner
 Prepared By _____

March 19, 2015
 Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
 - b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) **Mitigation Measures.** For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) the significant criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion: The site itself is not considered to be a scenic resource or a scenic vista. There are no scenic or historical resources on the property. The site is improved with two Quonset huts, various storage structures, and a six (6) foot high concrete wall and chain link fence along the eastern property boundary.

This project is within the City of Ceres Sphere of Influence (SOI). Goal Five of the Land Use Element is to complement the general plans of cities within the County and, as such, this initial study is referred to the City of Ceres to determine if the City has any objections to approval and if this project, as proposed, concurs with the City's development standards. A response from the City is pending their review of this document.

Scrap metal will be received and temporarily stored outside in piles located in the center of the site. The piles of recycled materials can reach a height of up to 13 feet above ground level. A pile of scrap metal is generally visible from properties located east of the site. Two large and tall pieces of equipment, consisting of an excavator and shearer, are also in use throughout the site cutting, moving, and loading recycled materials. The arms of this equipment may be visible from outside of the property. The project will be required to adhere to height and screening restrictions for outside storage as identified in the City of Ceres development standards for the C-2 zone (section 18.26.120.Q). The project proposes the installation of landscaping and trees along Bystrum Road and other eastern areas of the property.

Operating hours are Monday through Saturday from 8:00 a.m. to 4:30 p.m. and closed on Sundays. Ingress and egress will be from S. 9th Street. Due to the orientation of the driveways, fencing, and operating hours, it does not appear that vehicle lights will impact homes/neighbors residing in the residential zoning district to the east. A condition of approval will be added to the project requiring exterior lighting to be designed (aimed down and towards the site) to provide adequate illumination without a glare effect onto surrounding residential properties east of the project site.

The recycling facility receives recycling materials from pedestrians who bring recyclables in shopping carts. The shopping carts are often abandoned outside of the facility and pose as an eyesore until removed. The nature of the business will result in the generation of trash and litter which may blow off site. Conditions of approval will be added to the project to address litter, shopping carts, and the visual impacts of the facility's operation and scrap metal piles.

Mitigation: None.

References: Application information; Planning staff site visits on March 5, 2014, and March 12, 2015; City of Ceres Zoning Ordinance; and the Stanislaus County General Plan and Support Documentation¹.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
Discussion: The project site is located within the City of Ceres Local Agency Formation Commission (LAFCO) adopted SOI and in an urbanized setting. The site is improved with two existing Quonset hut buildings, a mechanic's shed, and a scale office all totaling approximately 12,000 square feet. There are no agricultural uses in the area; consequently, the project will not impact agricultural land and/or uses nor will the project result in the loss and/or conversion of farmland, forest land, or timberland.				
Mitigation: None.				
References: Planning staff site visits on March 5, 2014, and March 12, 2015; the Stanislaus County Geographic Information System; and the Stanislaus County General Plan and Support Documentation ¹ .				
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?			X	

Discussion: The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM 2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from the site and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA, which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will increase traffic in the area and, thereby, impact air quality. The applicant estimates that there will be 18 employees on a maximum shift, approximately 250 daily customers, and up to ten truck trips per day resulting in a 15 percent increase in truck traffic for the area.

Potential impacts on local and regional air quality are anticipated to be less than significant, falling below SJVAPCD thresholds, as a result of the nature of the proposed project and project's operation after construction. Implementation of the proposed project would fall below the SJVAPCD significance thresholds for both short-term construction and long-term operational emissions, as discussed below. Because construction and operation of the project would not exceed the SJVAPCD significance thresholds, the proposed project would not increase the frequency or severity of existing air quality standards or the interim emission reductions specified in the air plans.

For these reasons, the proposed project would be consistent with the applicable air quality plans. Also, the proposed project would not conflict with applicable regional plans or policies adopted by agencies with jurisdiction over the project and would be considered to have a less than significant impact.

Construction activities occurring in the project area could temporarily increase localized PM10, PM2.5, volatile organic compound (VOC), nitrogen oxides (NOX), sulfur oxides (SOX), and carbon monoxide (CO) concentrations in the project vicinity. The primary source of construction-related CO, SOX, VOC, and NOX emissions is gasoline and diesel-powered, heavy-duty mobile construction equipment. Primary sources of PM10 and PM2.5 emissions are generally clearing and demolition activities, grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed surfaces.

Construction activities associated with the proposed project would consist primarily of construction and installation of concrete walls, concrete pavement, and perimeter landscaping. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently graded, paved, and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Operational emissions would be generated by mobile sources as a result of passenger vehicles dropping off household recyclables (and some scrap metal) and CVR trucks picking up baled recyclables and scrap metal. The proposed project would result in approximately 250 daily vehicle and truck trips to and from the site. The project was referred to SJVAPCD who responded with standard conditions of approval and a determination that project specific criteria pollutant emissions are not expected to exceed the District's significance thresholds of: 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10; therefore, project specific criteria pollutant emissions are expected to have a less than significant adverse impact on air quality. Additional comments indicate 250 daily truck trips result in diesel truck emissions which are a source of toxic air contaminants (TACs) that are known to the State of California to have a potential health impact on sensitive receptors.

In addition, the District commented that, due to potential exposure to heavy metals, the SJVAPCD recommended a screening level analysis for potential risk associated with project related daily truck traffic. If the screening analysis indicated a risk of greater than 10 in one million, the SJVAPCD recommended the preparation of a health risk assessment. Planning staff and the SJVAPCD request a screening level analysis for potential risk associated with project completion.

The entire surface of the Central Valley Recycling facility is paved with concrete and, in most areas, covered with dirt/sediment that has been tracked in over time via peddler and commercial vehicle traffic. The loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure.

The project will include a condition of approval to have a Screening Level Analysis prepared as required by the San Joaquin Valley Air Pollution Control District.

Mitigation:

1. 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.

References: Application information; referral response from the San Joaquin Valley Air Pollution Control District dated October 28, 2013; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; www.valleyair.org; Storm Water Pollution Prevention Plan and Monitoring Program for Central Valley Recycling; and the Stanislaus County General Plan and Support Documentation¹.

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion: The property is currently zoned C-2 (General Commercial) and is partially paved and improved with several buildings totaling approximately 12,000 square feet. There is no evidence to suggest that this project would result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area.

Early consultation referral responses have not been received from either the California Department of Fish and Wildlife (formerly the Department of Fish and Game) or the U.S. Fish and Wildlife Service. The site is completely paved and has been used commercially since 1955. Due to the lack of evidence, staff believes the proposed project will have no impact to sensitive and endangered species, conservation plans, wildlife and vegetation habitat, or significant biological resources. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans.

Mitigation: None.

References: Stanislaus County Sectional District Map No. 55; California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database; and the Stanislaus County General Plan and Support Documentation¹.



V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: It does not appear this project will result in significant impacts to any archaeological or cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time. The project was referred to the Native American Heritage Commission, via the State Clearinghouse, and a referral response dated October 18, 2013, was received recommending that a records search be conducted for potential location of cultural and historical resources on the site. As the site has been previously developed and no new building construction is proposed, the potential for disturbing cultural and/or historical resources is minimal.

Mitigation: None.

References: Referral response from the Native American Heritage Commission dated October 18, 2013, and the Stanislaus County General Plan and Support Documentation¹.



VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
<p>Discussion: As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which considers the potential for erosion and run-off prior to permit approval.</p> <p>Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The project was referred to the Department of Public Works and the Building Permits Division. Both departments responded with comments which will be incorporated into the projects conditions of approval.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral responses from the Stanislaus County Chief Building Official dated October 16, 2013; referral response from the Stanislaus County Department of Public Works dated July 17, 2014; California Building Code; and the Stanislaus County General Plan and Support Documentation - Safety Element¹.</p>				

VII. GREENHOUSE GAS EMISSIONS – Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<p>Discussion: The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H₂O). CO₂ is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.</p> <p>Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).</p> <p>The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO₂, CH₄, and N₂O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF₆) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described in the air quality section, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO₂ from construction would be less than significant.</p> <p>The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to passenger vehicles and truck trips. This project would not result in emission of GHGs from any other sources. The applicant is licensed and permitted to accept household recyclables (CRV) at this location and only the scrap metal component of the proposed business is subject to a use permit. The GHG impacts of the acceptance of scrap metal are not expected to result in increases in passenger vehicles and truck trips. In fact, some reduction in vehicle emissions will be seen as customers who routinely recycle CRV at this location will no longer be required to take household scrap metal to a different location for processing. Consequently, GHG emissions are considered to be less than significant.</p>				
<p>Mitigation: None.</p>				
<p>References: Application information; www.valleyair.org; referral response from the San Joaquin Valley Air Pollution Control District dated October 28, 2013; and the Stanislaus County General Plan and Support Documentation¹.</p>				

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<p>Discussion: The recycling center accepts used motor vehicles and appliances for recycling. The applicant is required to ensure that all motor vehicle and appliance liquids (oil, fluids, and gasoline) and chemicals are removed prior to processing. DER is responsible for overseeing hazardous materials handling and disposal.</p> <p>On February 21, 2013, the DER Hazardous Materials Division (Haz Mat) cited Central Valley Recycling with violation of the California Health and Safety Code and Title 22, California Code of Regulations, relating to contaminated storm water as identified on this property. The operator was ordered to correct this violation and be in compliance.</p> <p>This proposed project was referred to DER Haz Mat and the Department reported no recent incidents of significant hazardous material spills. The Department also reported that Central Valley Recycling is in compliance with hazardous materials handling regulations.</p> <p>The project site is not located within an airport land use plan or a wildlands area.</p>				
<p>Mitigation: None.</p>				
<p>References: Department of Environmental Resources - Hazardous Materials Division inspection reports and logs (last inspection conducted on November 8, 2013, and status reconfirmed with staff on July 17, 2014), and the Stanislaus County General Plan and Support Documentation¹.</p>				

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
<p>Discussion: There are no municipal storm drain systems within the site or along S. 9th Street. Storm water flows generally drain from north to south via curb/gutter along S. 9th Street. Surface runoff would eventually be collected by municipal storm drains and ultimately discharged to the Tuolumne River.</p> <p>The parcel is graded such that surface runoff sheet flows drain from north to south and to the west. There are two outfalls at the entrance to the site where there is a potential for storm water to discharge.</p> <ol style="list-style-type: none"> One 15 foot wide driveway on the western side of the property, at S. 9th Street (Potential Outfall #1). One 25 foot wide driveway, south of Potential Outfall #1, on the western side of the property, at S. 9th Street (Potential Outfall #2). 				

The surface of the Central Valley Recycling facility is paved with concrete and, in most areas, covered with dirt/sediment that has been tracked in over time via peddler and commercial vehicle traffic. The loose dirt and sediment is currently sprayed by a water truck multiple times a day as a dust control measure.

The project proponents submitted a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program as prepared by H2E Consulting. The draft SWPPP and Monitoring Plan identify Best Management Practices (BMP) to protect water quality. BMPs are methods that will be, or have been, implemented to effectively reduce the potential for pollution associated with storm water runoff. BMPs include maintenance and operation procedures, use of devices for control of site runoff, spills, leaks, and drainage from the storage areas. They also contain a list of actions to be taken to reduce the discharge of pollutants.

The applicant proposes to install a concrete surface throughout the site and will maintain stormwater run-off on-site. An on-site storm water retention basin system will need to be designed and approved by the Stanislaus County Department of Public Works. This will be added as a condition of approval for the project if approved.

On July 9, 2012, the State Water Resources Control Board received and processed a Notice of Intent (NOI) to comply with the terms of the General Permit to Discharge Water associated with the industrial activity conducted at 524 S. 9th Street, Modesto. The Waste Discharger Identification Number is 5S501023713. The recycling operator is required to comply with all Waste Discharge Requirements in compliance with State Law.

Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). The project site itself is not located within a FEMA recognized flood zone and, as such, flooding is not considered to be an issue with respect to this project.

Mitigation:

2. *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.*

References: Referral response from the Regional Water Quality Control Board dated October 25, 2013; Storm Water Pollution Prevention Plan and Monitoring Program prepared for Central Valley Recycling, 524 S. 9th Street, Modesto by H2E Consulting; and the Stanislaus County General Plan and Support Documentation¹.

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion: This project does not propose any significant type of growth inducing features; therefore, adverse affects created by population growth are not expected to occur. No housing or persons will be displaced by the project.

The site was zoned C-2 (General Commercial) as of October 26, 1955. A CRV recycling facility has operated at the subject site since 1991. In 2001, the operation was broadened to include recycling of scrap metal (copper, radiators, stainless steel, batteries, insulated wire).

A truck bed cover retailer business and a trucking business are located north of the site. An auto body business, a donut shop, and a trucking school are located south of the site. Single-family dwellings are located to the east. S. 9th Street and industrial uses are located to the west. Two other recycling centers (including Universal Service Recycling) and motels are located in close proximity to the subject site.

The property is located within the City of Ceres SOI and the project's early consultation referral was forwarded to the City of Ceres for comment. A referral response from the City of Ceres, dated October 24, 2013, stated that they would review and comment on the proposal during the environmental review process.

Mitigation: None.

References: Referral response from James Michaels, Associate Planner, City of Ceres Planning and Building Division dated October 24, 2013; Stanislaus County Sectional District Map No. 55; and the Stanislaus County General Plan and Support Documentation¹.

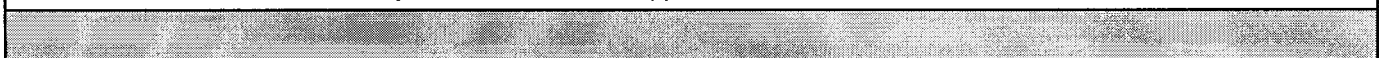


XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

Discussion: The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.



XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>				<p>X</p>
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p>				<p>X</p>

Discussion: The recycling of household CRV products is a permitted use in the C-2 (General Commercial) zoning district. As discussed previously, the applicant is requesting to collect scrap metal on-site; a use which requires approval of a use permit. The CRV recycling will be accepted and sorted within the existing Quonset hut building. An excavator with a shearer arm will be used for vehicle and scrap metal crushing and cutting along with an excavator with a grappler arm to move scrap metal. Scrap metal will be collected and handled outside utilizing two excavators to unload, move, cut, load, and crush scrap metals during normal business hours. Presently, vehicle cutting and crushing is limited to the hours of 11:00 a.m. and 2:00 p.m. during normal business hours.

Noise studies are used to determine the noise/decibel levels of a proposed project and to determine what types of mitigation measures are necessary to address the impacts associated with the proposed use. Mitigation measures may include the construction of sound walls, moving operations into a building, or limitations on operating hours of certain types of equipment.

In January of 2013, Central Valley Recycling (CVR) retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations and prepare a noise analysis. This Environmental Noise Analysis, prepared by BAC, dated January 30, 2013, concluded that noise generated during typical operations at the Central Valley Recycling facility exceeded the County's exterior noise standards and recommended noise mitigation measures to reduce facility noise generation to a state of compliance with Stanislaus County noise standards.

In response to the Noise Analysis, the following noise control measures were implemented by the applicant:

1. The tin pile was relocated 150 feet from the fence line to the eastern wall.
2. Excavator usage is now limited to areas in front of the tin pile, and the excavator no longer operates in the back of the site.
3. Concrete blocks were placed around the tin pile in a U-shape to form a partial noise barrier to the east.
4. Trucks are now loaded in front of the tin pile and cars are unloaded in front of the tin pile instead of the previous locations behind the pile.
5. Concrete blocks were placed around the metal baler to block the noise from the nonferrous material and baler to mitigate noise levels to residences located to the east.
6. Other facility equipment was also moved away from the back fence along Bystrum Road.

On August 19, 2013, BAC conducted additional noise testing in follow-up to implementation of noise control measures identified on January 30, 2013. This analysis concluded:

“Conclusions & Recommendations

This analysis concludes that the noise mitigation measures implemented by CVR in recent months have resulted in a clearly noticeable decrease of facility noise emissions at the nearest residences to the east (4-5 dB reduction). Although the resulting noise levels still exceeded the County's noise standards, the magnitudes of the exceedances (1-4 dB over the County standards), were greatly reduced relative to the pre-mitigation conditions. To further reduce facility noise emissions at the nearby residences to the east, the following additional mitigation measures are recommended:

1. The new block walls which have been erected near the eastern property line and around the tin pile should be increased an additional 4 feet in height each. This measure would provide further shielding of CVR noise at the existing residences to the east.

2. Continue to limit excavator usage to areas in front of the tin pile.
3. Continue to load trucks in the front of the tin pile (further west of the nearest residences to the east).
4. Continue to unload cars in front of the tin pile.

These measures are expected to both lower overall facility noise emissions at the nearest residences to the east and reduce the potential for adverse public reaction from those residences to noise generated by CVR.

This concludes BAC's summary of the additional noise measurement survey conducted at the CVR facility in August of 2013."

Subsequent Noise Analysis to evaluate handling of increased tonnage.

"In 2014, Stanislaus County subsequently requested additional information pertaining to potential noise impacts associated with increasing the permitted scrap volume tonnage to 2,000 tons per month from the current baseline of approximately 950 tons per month, and an evaluation of potential impacts associated with project generated vibration. In response to the County's request, BAC conducted vibration monitoring at the project site in December of 2014, as well as additional analysis of impacts associated with increased tonnage. The resulting report represents an update to the original (August 2013) study to incorporate the new noise and vibration data, and updated analysis.

The data listed on Table 5 of the report indicates that the noise mitigation measures incorporated into the current CVR operations has resulted in achieving a state of compliance with the County's noise standards. Specifically, CVR noise generation was found to range from 3 to 16 dB below County noise standards in the various categories. As a result, no additional noise attenuation measures appear to be warranted for this facility to achieve compliance with County noise standards.

Furthermore, the 2014 analysis also concluded that no adverse noise impacts are expected as a result of the proposed increase in monthly tonnage."

Analysis of Project Vibration

"To quantify vibration levels associated with CVR operations, Bollard Acoustical Consultants, Inc. conducted vibration measurements of all major activities occurring at the project site on December 9, 2014. The measurements were conducted near the CVR project site boundaries, and adjacent to Bystrum Road opposite the nearest existing residences. Figure 4 shows the locations where vibration monitoring was conducted. Figure 5 shows photographs of representative vibration monitoring locations.

The vibration measurements consisted of peak particle velocity sampling using a Larson Davis Laboratories Model HVM100 Vibration Analyzer with a PCB Electronics Model 353B51 ICP Vibration Transducer. The test system is a Type I instrument designed for use in assessing vibration as perceived by human beings, and meets the full requirements of ISO 8041:1990(E). The results of the vibration measurements are shown in Table 6."

"This analysis concludes that the noise mitigation measures implemented at the CVR facility in Stanislaus County have effectively reduced facility noise generation to a state of compliance with Stanislaus County noise standards. In addition, this analysis concludes that vibration levels generated by heavy equipment and operations at the CVR site would be well below thresholds for annoyance and damage to structures at sensitive locations of neighboring uses, including the existing residences to the east. Finally, this analysis concludes that the proposed increase in tonnage would not cause an exceedance of the County's noise level standards at the nearest noise-sensitive land uses to the project site (residences to the east). These conclusions are based on noise level data collected at the project site in 2013 and 2014, vibration data collected at the project site in 2014, operational information provided by CVR, and on the analysis contained herein."

Mitigation:

3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*
5. *Continue to load and unload trucks west of the tin pile.*

- 6. 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.
- 7. 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.
- 8. 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.

References: Environmental Noise Analysis prepared for Central Valley Recycling by Bollard Acoustical Consultants, Inc. dated January 30, 2013; correspondence from Bollard Acoustical Consultants, Inc. dated April 1, 2013, and August 19, 2013; supplemental Environmental Noise Analysis prepared for Central Valley Recycling by Bollard Acoustical Consultants, Inc. dated January 16, 2015; and the Stanislaus County General Plan and Support Documentation¹.

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion: The proposed use of the site will not create service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project. This project is surrounded by commercial uses to the north and south, S. 9th Street to the west, and a single-family residential development to the east.

Mitigation: None.

References: Stanislaus County General Plan and Support Documentation¹.

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	

Schools?				X
Parks?				X
Other public facilities?				X
<p>Discussion: This project was referred to the Department of Public Works, Industrial Fire Protection District, Modesto Regional Fire Authority (MRFA), the Stanislaus County Sheriff's Department, Modesto City Schools, Turlock Irrigation District (TID), PG&E, and AT&T. No responses were received from the Sheriff's Department, Industrial Fire, MRFA, PG&E or AT&T.</p> <p>The Department of Public Works responded to the project referral with comments regarding encroachment permits, a grading and drainage plan, driveway locations, and restrictions within the right-of-way. These comments will be reflected within the conditions of approval/mitigation measures applied to the project. No potentially significant environmental concerns were raised in regard to traffic impacts.</p> <p>TID responded with a standard condition of approval regarding facility changes for any pole or electrical facility relocation and a request for a 13 foot wide easement for an overhead 12kV distribution line along the north property line of the project site.</p> <p>Modesto City Schools responded stating that the appropriate commercial fees will be assessed on all construction during the building permit application process.</p> <p>The County has adopted Public Facilities Fees to address impacts to public services. Any construction resulting from approval of this project will be required to pay fees, at the time of building permit issuance, to public service providers such as the Sheriff's Department and school and fire districts. Conditions of approval will be added to this project to insure the proposed development complies with all applicable public service department standards.</p>				
<p>Mitigation: None.</p>				
<p>References: Referral response from the Department of Public Works dated July 17, 2014; referral response from the Turlock Irrigation District dated October 18, 2013; referral response from Modesto City Schools dated October 16, 2013; and the Stanislaus County General Plan and Support Documentation¹.</p>				
XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
<p>Discussion: The increased use of existing recreational facilities as a result of this project is anticipated to have no impact as the project does not propose any dwellings.</p>				
<p>Mitigation: None.</p>				
<p>References: Stanislaus County General Plan and Support Documentation¹.</p>				

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
<p>Discussion: This project is not expected to substantially increase traffic for this area and the proposed facility will have direct access to S. 9th Street, which is a County-maintained roads. The project was referred to CalTrans and the Stanislaus County Department of Public Works. A referral response has not been received from CalTrans; however, Public Works has responded with standard conditions of approval and a mitigation measure to address any future issues with stacking in the right-of-way. Stacking contributes to traffic impacts and safety issues if autos trying to enter the site back up into the County right-of-way. Should stacking occur two (2) times in any two (2) week period, the applicant will be responsible for preparing and implementing a traffic circulation plan within 15 calendar days of the second incident.</p>				
<p>Mitigation:</p> <p>9. <i>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 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.</i></p>				
<p>References: Referral response from the Stanislaus County Department of Public Works dated July 17, 2014, and the Stanislaus County General Plan and Support Documentation¹.</p>				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Discussion: Limitations on public utilities and service systems have not been identified. Less than significant impacts associated with utilities and service systems will be reflected within the project's conditions of approval. Water service is provided by the City of Modesto and sewer service is provided by the City of Ceres. The project was referred to both cities. Neither city indicated any concerns with the project, nor did they indicate the need for any upgrades to the existing water and sewer systems that serve the project site. Garbage service is provided by Turlock Scavenger. Conditions of approval requiring a grading and drainage plan will be incorporated into this project. The project was referred to the Regional Water Quality Control Board (RWQCB) who responded with standard conditions of approval that will be incorporated into the project. Responding agencies gave no indication that this project would result in construction of additional water, sewer, or storm drainage facilities or exceed wastewater treatment requirements of the RWQCB.

Mitigation: None.

References: Referral response from the Regional Water Quality Control Board dated October 25, 2013; referral response from the Stanislaus County Department of Public Works dated July 17, 2014; and the Stanislaus County General Plan and Support Documentation¹.



XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

<p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>			<p>X</p>	
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p>			<p>X</p>	
<p>Discussion: Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area. The presence of two (2) other scrap metal collection and recycling facilities could contribute to cumulative impacts of noise and traffic in the area; however, each environmental factor has been vetted and reviewed in the noise and traffic sections and staff has determined that the potential for cumulative impacts is mitigated through the utilization of existing conditions and mitigation measures.</p>				

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¹Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on August 28, 2012; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

MITIGATED NEGATIVE DECLARATION

NAME OF PROJECT: Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.

LOCATION OF PROJECT: 522 & 524 S. 9th Street, on the east side of S. 9th Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009

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

DESCRIPTION OF PROJECT: Request to intensify an existing California Redemption Value (CRV) and scrap metal recycling facility on two parcels totaling approximately 2.2 acres. The proposal would increase the volume of scrap metal recycling from an average of 1,350 tons to a maximum of 2,500 tons per month, and the number of employees from nine (9) to 18 full time and five (5) part time employees. Scrap metal will be cut, crushed, baled, and then transported off-site for further processing.

Based upon the Initial Study, dated **March 19, 2015**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measures (if indicated) which shall be incorporated into this project:

1. *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*
2. *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.*
3. *Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.*
4. *Limit use of excavators to the west of the tin pile.*

5. *Continue to load and unload trucks west of the tin pile.*
6. *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.*
7. *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.*
8. *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.*
9. *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 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.*

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California.

Initial Study prepared by: Miguel Galvez, Senior Planner

Submit comments to: Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto, California 95354

Stanislaus County

Planning and Community Development

1010 10th Street, Suite 3400
Modesto, CA 95354

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

Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

March 19, 2015

1. Project title and location: Use Permit Application No. PLN2013-0078 - Central Valley Recycling, Inc.

522 & 524 S. 9th Street, on the east side of S. 9th Street, north of Hosmer Avenue, west of Bystrum Road, in the Ceres area. APN: 038-012-008 and 038-012-009
2. Project Applicant name and address: Central Valley Recycling, Inc.
524 S. 9th Street
Modesto, CA 95351
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Donald Francis, Central Valley Recycling, Inc.
4. Contact person at County: Miguel A. Galvez, Senior Planner, (209) 525-6330

MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

III. AIR QUALITY

- No. 1 Mitigation Measure: 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.

Who Implements the Measure: Applicant

When should the measure be implemented: Within 60 days of project approval.

When should it be completed: As required by the San Joaquin Valley Air Pollution Control District.

Who verifies compliance: San Joaquin Valley Air Pollution Control District

Other Responsible Agencies: N/A

IX. HYDROLOGY AND WATER QUALITY

- No. 2 Mitigation Measure: 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.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Through the life of the project as necessary.
When should it be completed:	Continuous and ongoing implementation
Who verifies compliance:	Regional Water Quality Control Board
Other Responsible Agencies:	Stanislaus County Department of Public Works

XII. NOISE

- No. 3 Mitigation Measure: Maintain the height of the solid block wall around the tin pile to eight feet high and install a 10 foot high block wall along the eastern property line.
- | | |
|---|--|
| Who Implements the Measure: | Applicant |
| When should the measure be implemented: | Apply for a building permit within 60 days of project approval. |
| When should it be completed: | Within 180 days of project approval. |
| Who verifies compliance: | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies: | N/A |
- No. 4 Mitigation Measure: Limit use of excavators to the west of the tin pile.
- | | |
|---|--|
| Who Implements the Measure: | Applicant |
| When should the measure be implemented: | On an ongoing continuous basis. |
| When should it be completed: | On an ongoing continuous basis. |
| Who verifies compliance: | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies: | N/A |
- No. 5 Mitigation Measure: Continue to load and unload trucks west of the tin pile.
- | | |
|---|--|
| Who Implements the Measure: | Applicant |
| When should the measure be implemented: | On an ongoing continuous basis. |
| When should it be completed: | On an ongoing continuous basis. |
| Who verifies compliance: | Stanislaus County Department of Planning and Community Development |
| Other Responsible Agencies: | N/A |
- No. 6 Mitigation Measure: 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.

- Who Implements the Measure: Applicant
- When should the measure be implemented: On an ongoing continuous basis.
- When should it be completed: On an ongoing continuous basis.
- Who verifies compliance: Stanislaus County Department of Planning and Community Development
- Other Responsible Agencies: N/A
- No. 7 Mitigation Measure: 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.
- Who Implements the Measure: Applicant
- When should the measure be implemented: On an ongoing continuous basis.
- When should it be completed: On an ongoing continuous basis.
- Who verifies compliance: Stanislaus County Department of Planning and Community Development
- Other Responsible Agencies: N/A
- No. 8 Mitigation Measure: 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.
- Who Implements the Measure: Applicant
- When should the measure be implemented: Submit landscape and irrigation plans within 60 days of project approval.
- When should it be completed: Construct within 180 days of project approval.
- Who verifies compliance: Stanislaus County Department of Planning and Community Development
- Other Responsible Agencies: City of Ceres

XVI. TRANSPORTATION/TRAFFIC

- No. 9 Mitigation Measure: 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 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.
- Who Implements the Measure: Applicant

When should the measure be implemented:	When the number of vehicles entering the property back up onto 9 th Street for more than two (2) consecutive days within any two (2) week period.
When should it be completed:	- Within 15 calendar days of the violation.
Who verifies compliance:	Stanislaus County Department of Public Works
Other Responsible Agencies:	Stanislaus County Department of Planning and Community Development

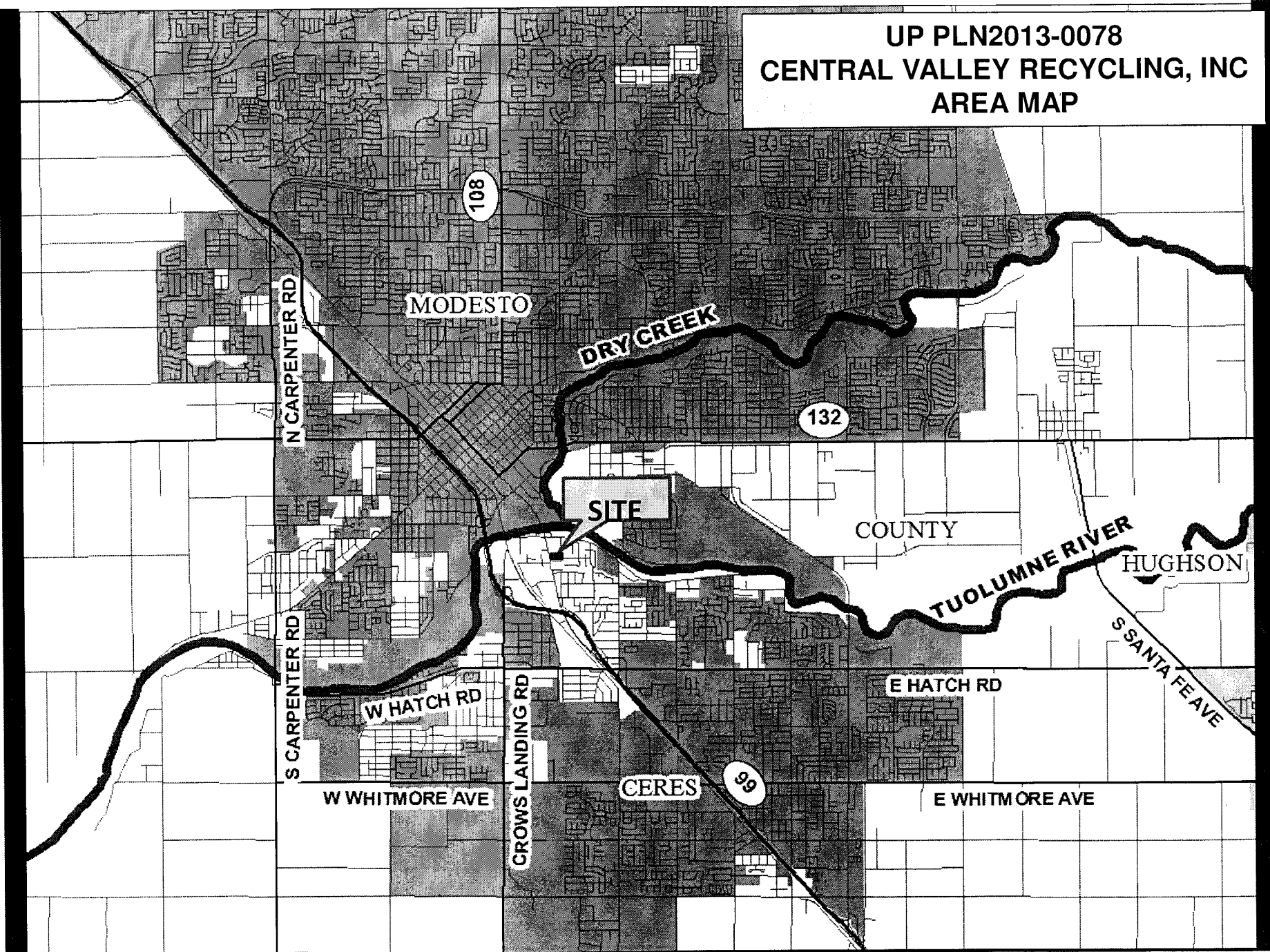
I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file
Person Responsible for Implementing
Mitigation Program

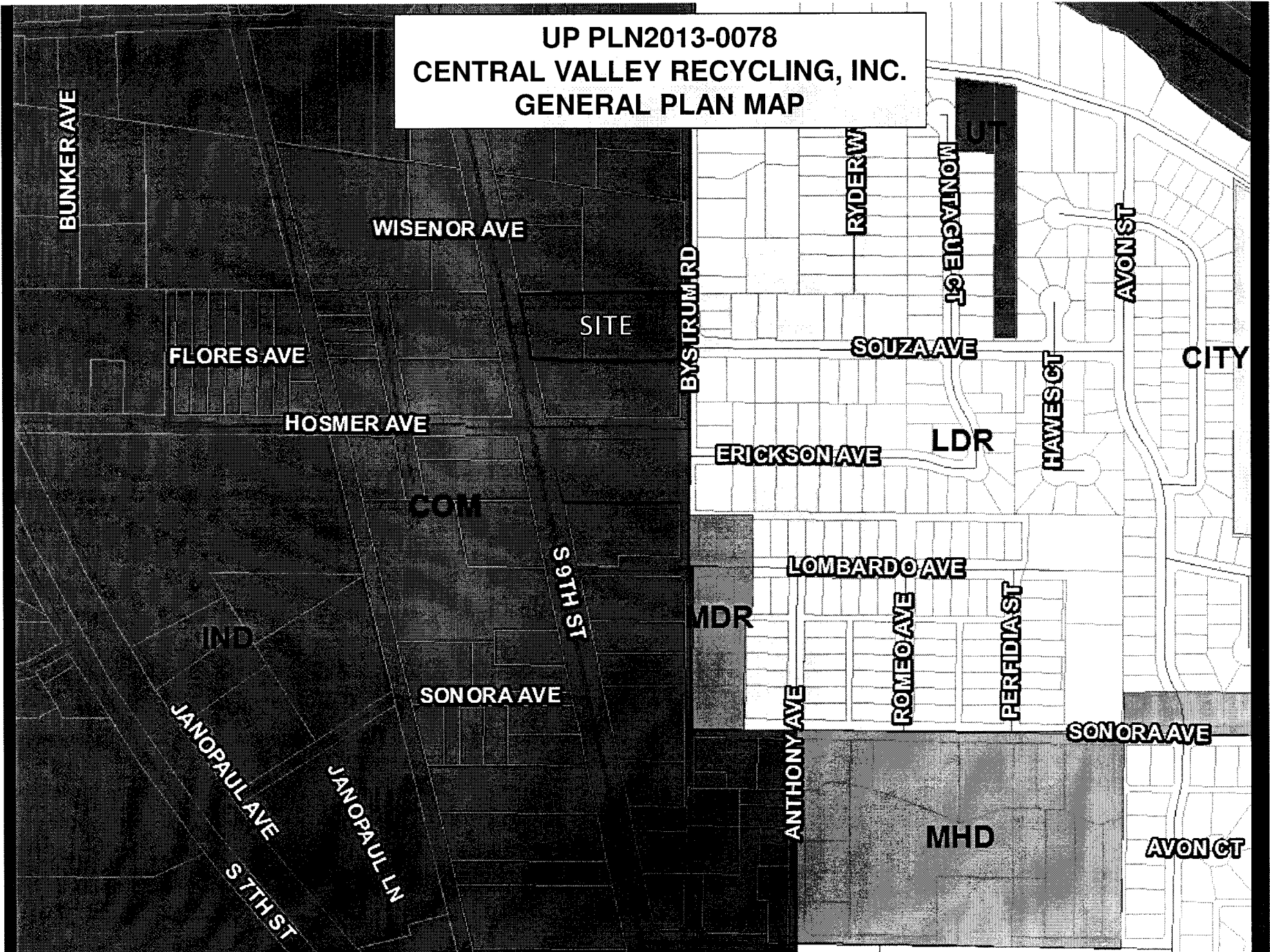
March 19, 2015
Date

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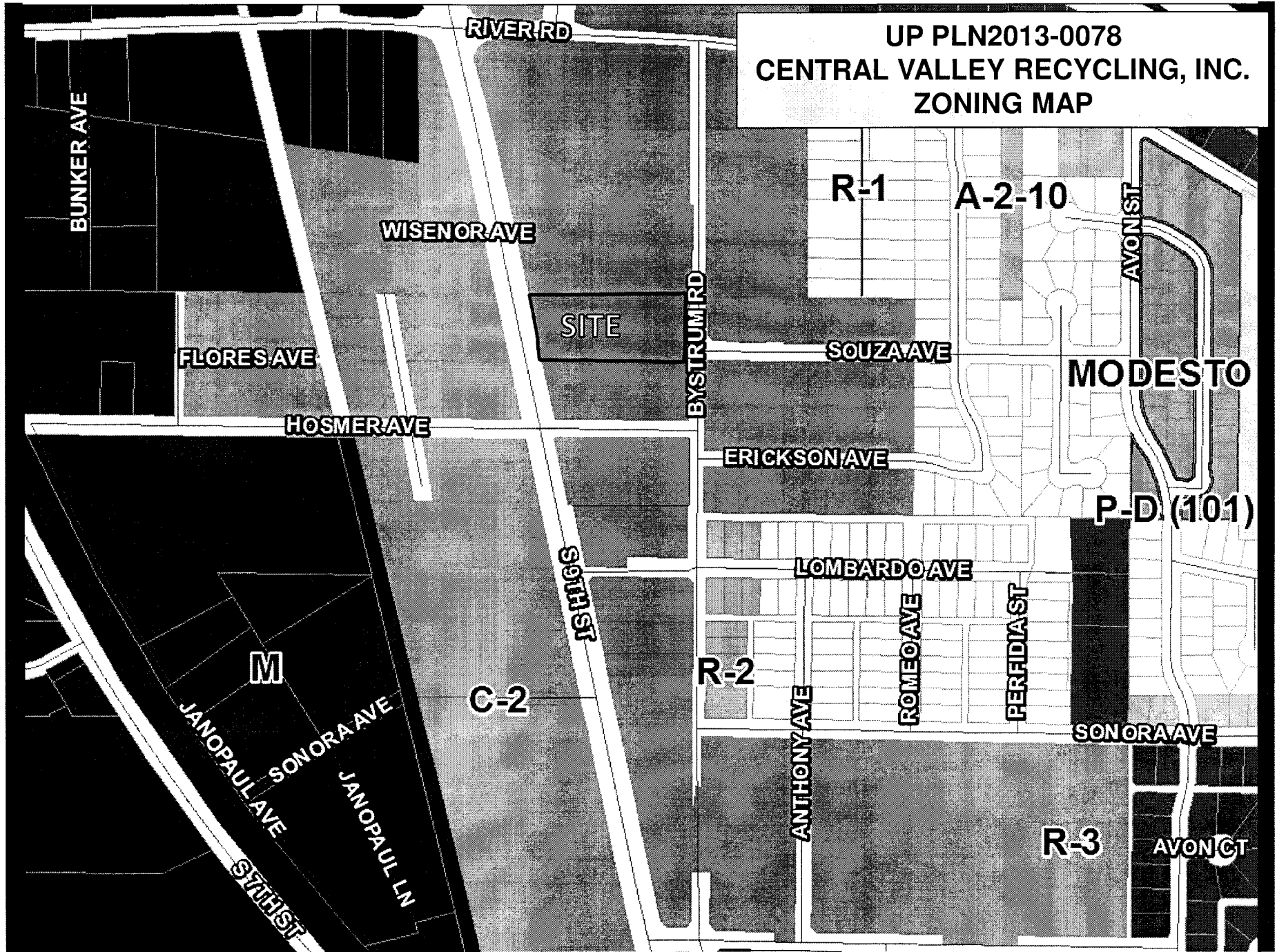
UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC
AREA MAP



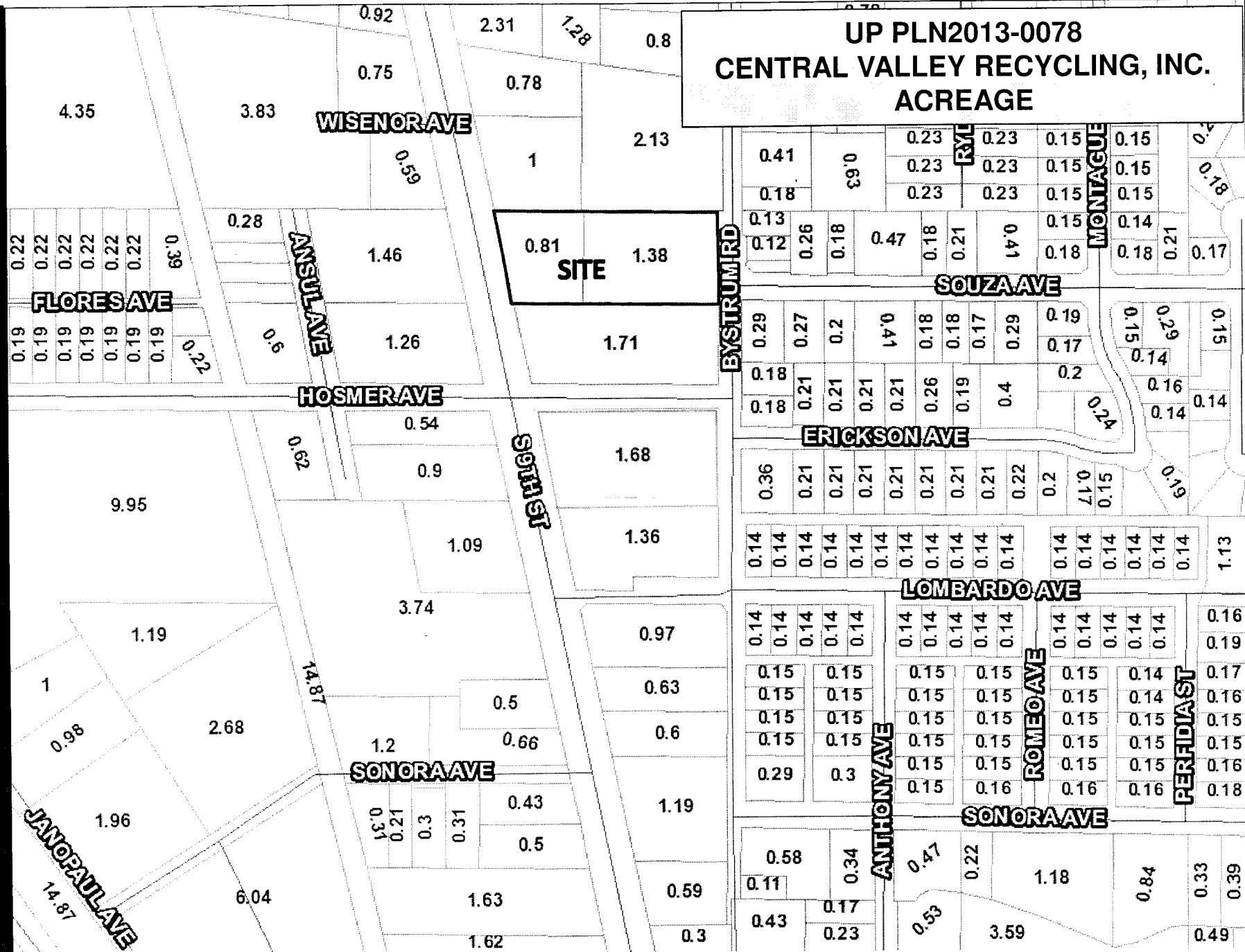
UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
GENERAL PLAN MAP



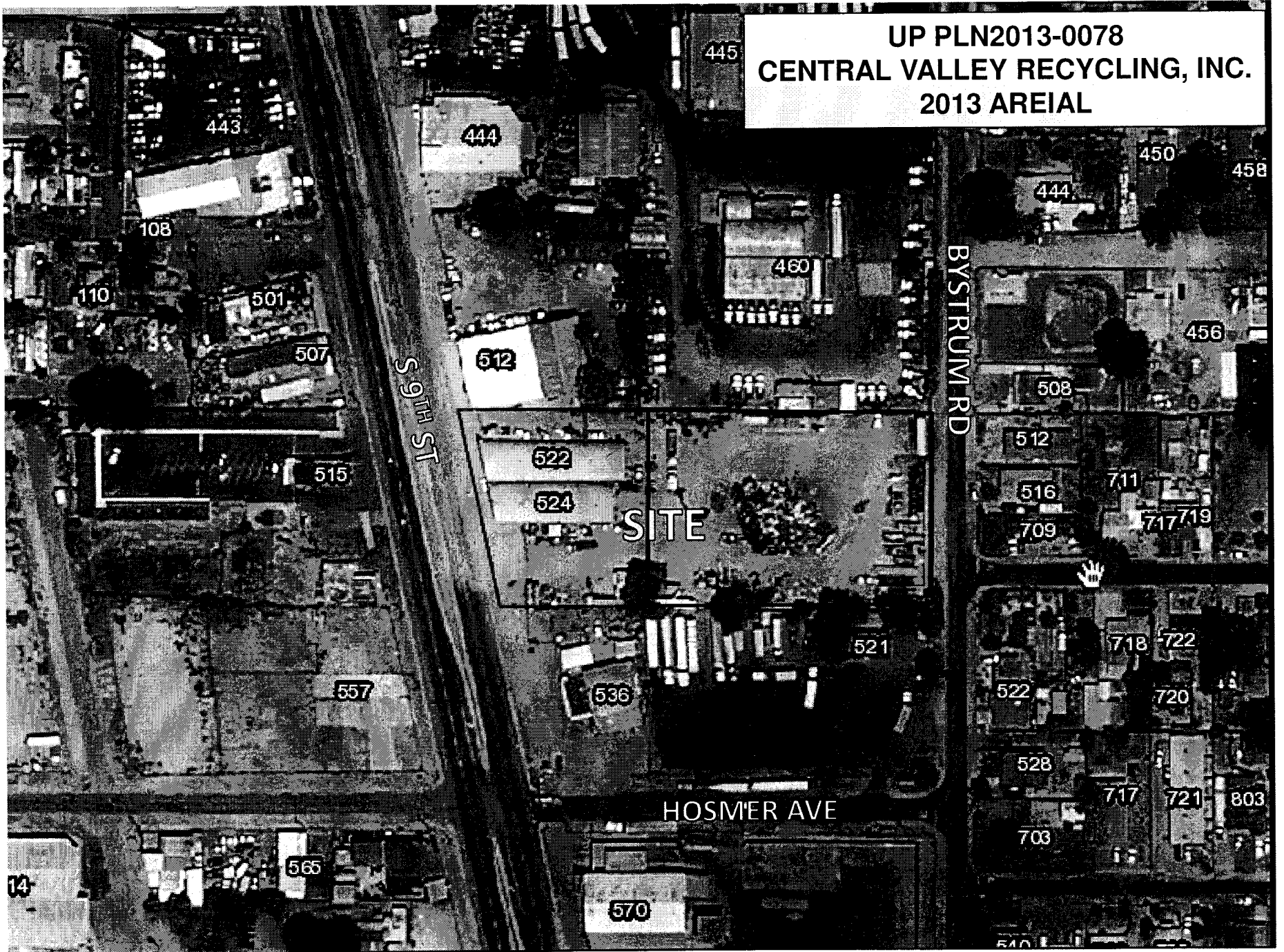
UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
ZONING MAP

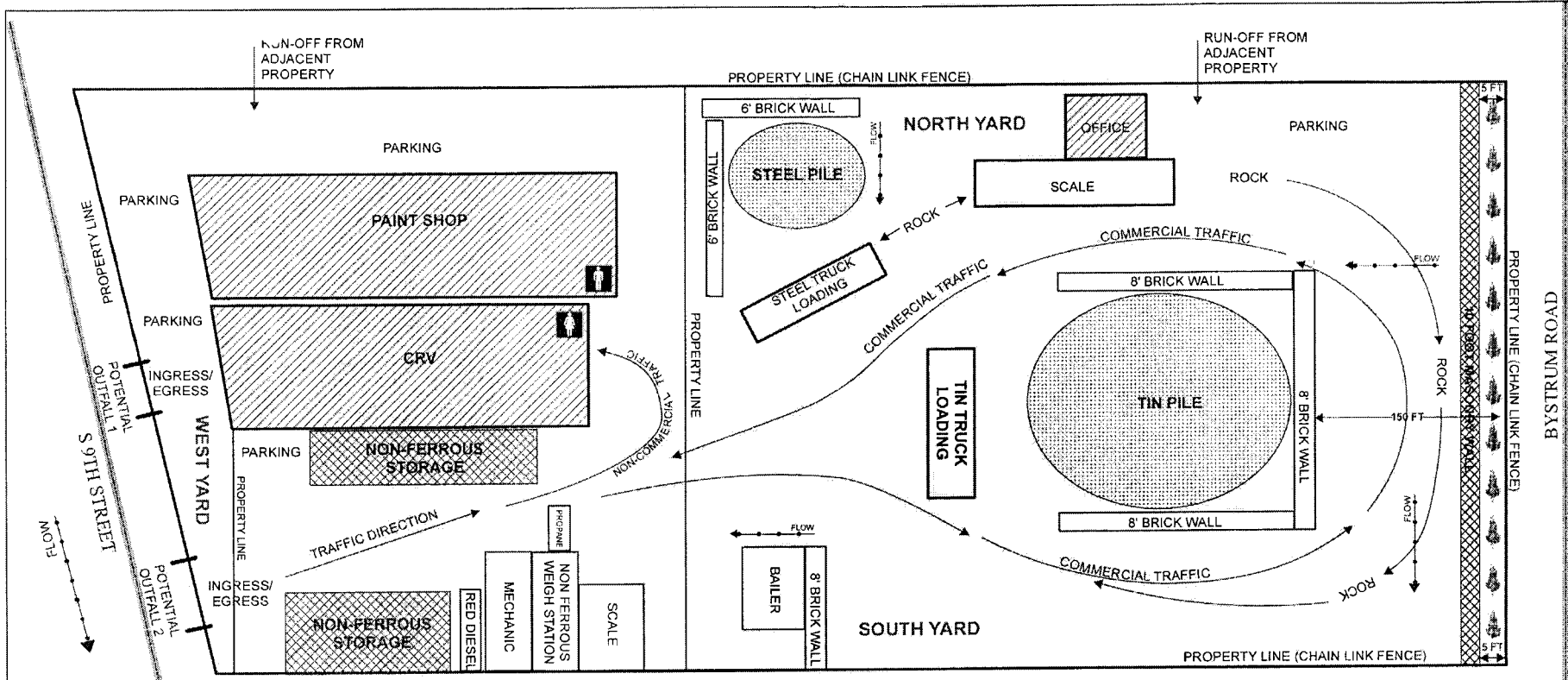


UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
ACREAGE



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





MAP DATA AND PROJECT STATISTICS:

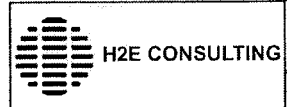
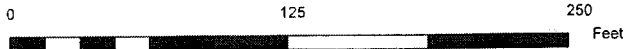
INFORMATION DEPICTED IN THIS MAP IS DERIVED FROM FIELD OBSERVATIONS MADE BY H2E CONSULTING ON JULY 16, 2012, INFORMATION PROVIDED BY CENTRAL VALLEY RECYCLING AND AVAILABLE AERIAL IMAGES AND GIS DATA.

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

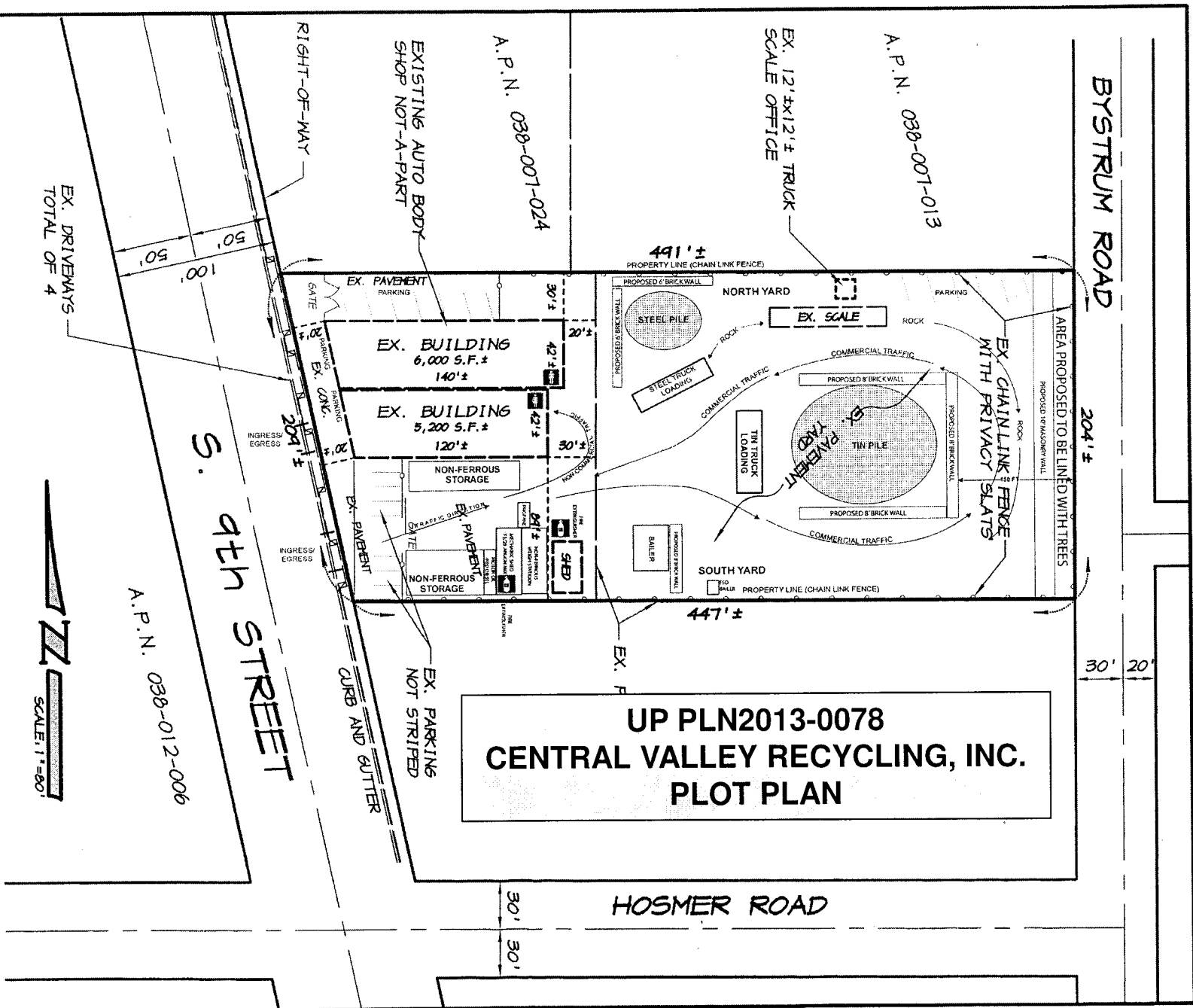
STORAGE INVENTORY DESCRIPTION:

- 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: HEDLUND
REVISION 3	APPROVED:



**UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC.
PLOT PLAN**

DRAWN: J.F.
DATE: 11/15/13
SCALE: NOTED
JOB #: 952-13
DWG: PLOT_PLAN

524 S. 4th STREET
PLOT PLAN
CENTRAL VALLEY RECYCLING, INC.
STANISLAUS COUNTY CALIFORNIA



A.P.N. 038-012-006

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.aassoceng.com



APPLICATION QUESTIONNAIRE

<p><u>Please Check all applicable boxes</u> APPLICATION FOR: <i>Staff is available to assist you with determining which applications are necessary</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> General Plan Amendment</td> <td style="width: 50%; padding: 2px;"><input type="checkbox"/> Subdivision Map</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Rezone</td> <td style="padding: 2px;"><input type="checkbox"/> Parcel Map</td> </tr> <tr> <td style="padding: 2px;"><input checked="" type="checkbox"/> Use Permit</td> <td style="padding: 2px;"><input type="checkbox"/> Exception</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Variance</td> <td style="padding: 2px;"><input type="checkbox"/> Williamson Act Cancellation</td> </tr> <tr> <td style="padding: 2px;"><input type="checkbox"/> Historic Site Permit</td> <td style="padding: 2px;"><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><u>PLANNING STAFF USE ONLY:</u> 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 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).*

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

ASSESSOR'S PARCEL NUMBER(S): Book 038 Page 012 Parcel 008

Additional parcel numbers: 038-012-009

Project Site Address or Physical Location: 524/526 S. 9th Street, Modesto

O Bystrum Road, Modesto

Property Area: Acres: _____ or Square feet: _____

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

Recycling center for CRV and Scrap metal / tin

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)

N/A

Existing General Plan & Zoning: Commercial and C-~~1~~² General Commercial

Proposed General Plan & Zoning: Same as existing
(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: Residential

West: Commercial

North: Commercial

South: Commercial

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: Site is fully improved and contains no vegetation

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.) _____

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: *(see attached Project Description)*

Existing Building Coverage: _____ Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: _____ Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

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

Number of floors for each building: _____

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

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) _____

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

Sewer*: _____ City of Modesto _____

Telephone: _____ AT&T _____

Gas/Propane: _____ Van Unen / Propane _____

Water**: _____ City of Modesto _____

Irrigation: _____ N/A _____

*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:)

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): _____

Type of use(s): Refer to Attachment A.

Days and hours of operation: Monday Through Saturday, 8:00 am to 4:30 pm

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

Occupancy/capacity of building: _____

Number of employees: (Maximum Shift): 18 full-time / 5 part-time (Minimum Shift): 10

Estimated number of daily customers/visitors on site at peak time: 250 Per day Avg.

Other occupants: 1 mechanic @ 526 S. 9th Street

Estimated number of truck deliveries/loadings per day: 6 loads per day

Estimated hours of truck deliveries/loadings per day: 8:00 am to 4:30 pm

Estimated percentage of traffic to be generated by trucks: 10%

Estimated number of railroad deliveries/loadings per day: N/A

Square footage of:

Office area: _____ Warehouse area: _____

Sales area: _____ Storage area: _____

Loading area: _____ Manufacturing area: _____

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)

South 9th Street provides primary access to the site.

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.

N/A

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)

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.



August 12, 2016

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

Subject: Notice of Public Hearing to Consider Revocation of Use Permit No. PLN2013-0078 – Central Valley Recycling.

Dear Mr. Francis,

This letter is to inform you that on September 1, 2016, the Stanislaus County Planning Commission will conduct an advertised public hearing to consider the revocation of Use Permit No. 2013-0078 – Central Valley Recycling.

As you may be aware, on June 16, 2015, the Stanislaus County Board of Supervisors upheld the approval of the Use Permit. Refer to the letter from Angela Freitas, dated June 16, 2015, see Attachment A.

Section 21.104 of the County's Zoning Ordinance includes provisions for Revocation of Permits, refer to Attachment B. The Use Permit was approved, but remains valid only if the approved Conditions of Approval are met. Planning Staff reviewed the Conditions of Approval and finds that a number of conditions with specific performance dates have not been completed, refer to Attachment C.

At the regular Planning Commission meeting of September 1, 2016, Planning staff will recommend that the Planning Commission forward a recommendation to the Board of Supervisors to revoke Use Permit No. PLN2013-0078 – Central Valley for not complying with approved conditions of approval. The Stanislaus County Board of Supervisors is required to act within sixty days of receipt of the recommendation of the Planning Commission.

The Planning Commission public hearing will be held on September 1, 2016, starting at 6:00 p.m., or as soon thereafter as the matter may be heard in the Joint Chambers, 1010 10 Street, Basement Level, Modesto, California.

Letter to Donald G. Francis, Central Valley Recycling
Notice of Revocation of Use Permit No. PLN2013-0078
August 12, 2016
Page two

Please feel free to contact me if you have any questions or desire to provide a written response to this letter.

Respectfully,



Miguel A. Galvez, Deputy Director
Planning and Community Development Department

Attachments:

- A) Letter dated June 18, 2015 from Angela Freitas with recorded Notice of Administrative Conditions and Restrictions.
- B) Section 21.104 of the Stanislaus County's Zoning Ordinance – Revocation of Permits.
- C) Planning Staff Compliance Review of Use Permit No. PLN2013-0078 – Central Valley Recycling's Conditions of Approval as of August 1, 2016.

CC: Jami Aggers, Director, Department of Environmental Resources
Thomas Boze, Assistant County Counsel

Attachment A

Letter dated June 18, 2015 from Angela Freitas
with recorded Notice of Administrative Conditions and Restrictions



June 18, 2015

Neighbors of Bystrum Road and Souza Avenue
c/o Rebecca Harrington
522 Bystrum Road
Modesto, CA 95351

SUBJECT: APPEAL OF PLANNING COMMISSION'S APPROVAL OF USE PERMIT APPLICATION NO. 2013-0078 - CENTRAL VALLEY RECYCLING, INC.

Dear Appellant:

On Tuesday, **June 16, 2015**, the Stanislaus County Board of Supervisors denied the above-entitled request and upheld the Planning Commission decision subject to the amended Conditions of Approval and Mitigation Measures.

If you wish to challenge the Board of Supervisor's action, note that the time within which judicial review must be sought is governed by Cal. Code of Civil Procedure §1094.6 and Stanislaus County Code Chapter 2.88.

Please be advised that approval of the application contains a condition which reads as follows: "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." A copy of documents to be recorded is attached for your convenience. Please contact the Clerk-Recorder's Office to obtain a recorded copy at a later date.

Sincerely,

Angela Freitas
Planning and Community Development Director

Enclosure

cc: California Rural Legal Assistance
Mark Niskanen, J.B. Anderson Land Use Planning
Stanley & Joyce Goblirsch
Central Valley Recycling, Inc.

VIA EMAIL:
Denny Ferreira, Building Permits Division
David Leamon, Public Works
John Doering, County Counsel

Angie Halverson, Public Works
Paul Saini, Public Works

Recording Requested By And For The Benefit Of
And, When Recorded, Mail To:



County of Stanislaus
Department of Planning and
Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2015-0047944-00
Monday, JUN 22, 2015 08:56:40
Ttl Pd \$0.00 Rcpt # 0003679201
MAP/R1/1-9

Space Above Reserved for Recorder's Use

NOTICE OF ADMINISTRATIVE CONDITIONS AND RESTRICTIONS

PLEASE TAKE NOTICE that the COUNTY OF STANISLAUS approved the land use development described below subject to administrative conditions and restrictions, copies of which are attached to this notice and incorporated herein by reference. The conditions and restrictions affect development of the property or parcels described below and are binding upon the named landowners and their successors in interest.

- Property Owner(s): Donald Francis Sr. and Donald Francis Jr.
- Project Site Address: 522 and 524 South 9th Street, on the east side of S. 9th Street, north of Hosmer Avenue, in the Ceres area
- Assessor's Parcel Number(s): 038-012-008 and 038-012-009
- General Plan Designation: Commercial
- Zoning District: C-2 (General Commercial)
- Community Plan Designation: Not Applicable
- Project Name/Description: Use Permit Application No. PLN2013-0078 – Central Valley Recycling

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

6.17.2015

Dated

Angela Freitas
Planning and Community Development Director

ATTACHMENTS:

- 1. Conditions of Approval
- 2. Project Area Map (For Illustrative Purposes Only)

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.~~
20. **A maximum of 2,000 tons of scrap metal per month is permitted. The on-site handling of scrap metal shall be limited to collection and transfer only. The use of shears, cutters, crushers or any other equipment intended to shred and/or dismantle scrap metal, vehicles, heavy equipment, household or commercial appliances, or other similar items on-site is expressly prohibited. The use of any equipment for loading, unloading, or transfer of scrap metal 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 **pave the entire site and** 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 **pave the entire site and** complete **construction of an** 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**

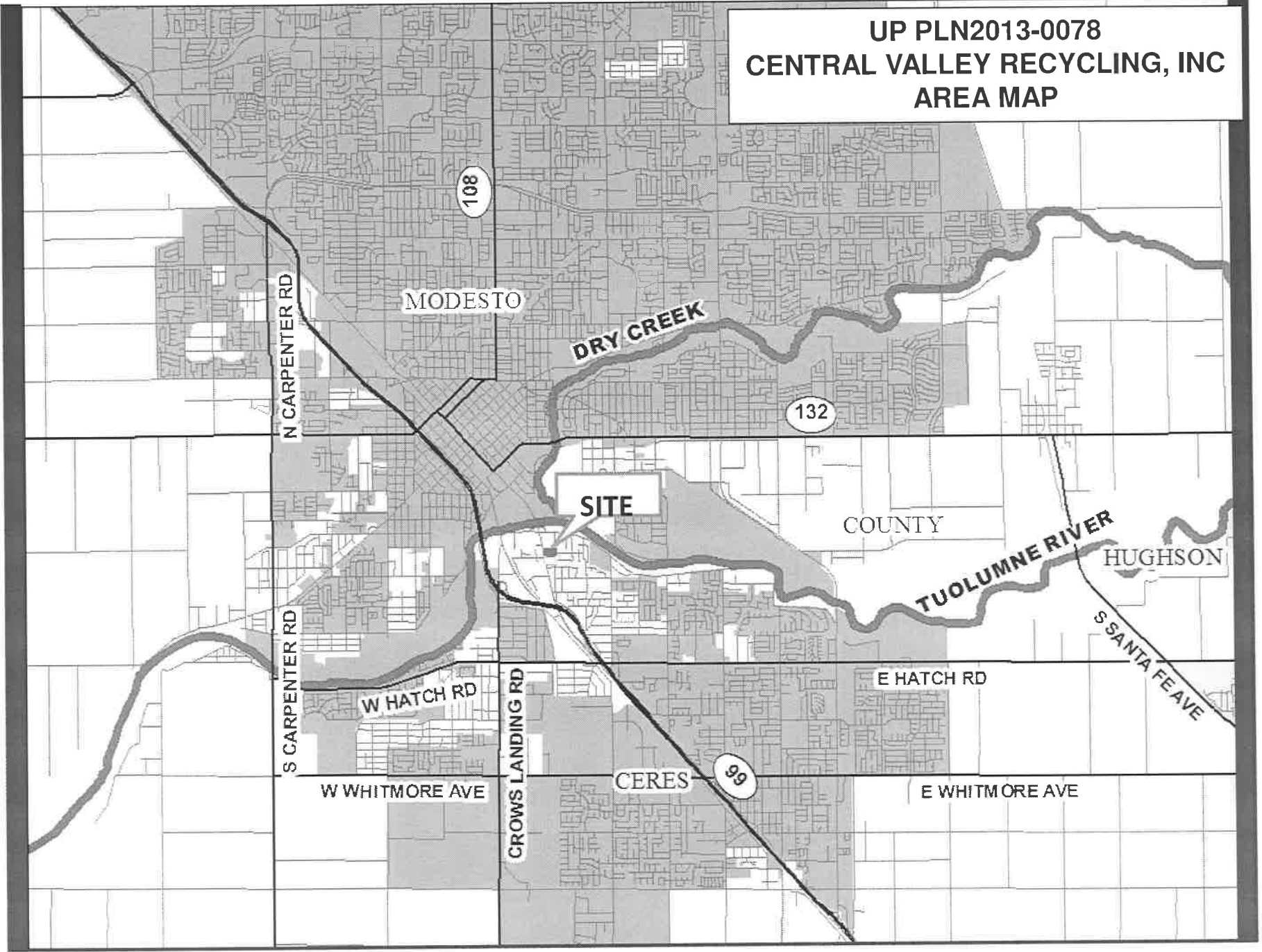
Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)

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.~~ **Limit use of any equipment used for loading, unloading, or transfer of scrap metal to the area west of the tin pile as shown on the Project site plan.**
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 Friday.~~ **Hours of operation for any outdoor activities associated with scrap metal recycling shall be limited to Monday through Friday, 8:00 a.m. to 4:30 p.m., and Saturday 8:00 a.m. to 2:30 p.m.**
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 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 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.*

UP PLN2013-0078
CENTRAL VALLEY RECYCLING, INC
AREA MAP



FOR ILLUSTRATIVE PURPOSES ONLY

Attachment B

Section 21.104 of the Stanislaus County Zoning Code – Revocation of Permits

Chapter 21.104 Stanislaus County Zoning Ordinance

REVOCACTION OF PERMITS

21.104.010 Authorized.

Any zoning permit, staff approval permit, use permit or variance granted in accordance with the conditions of this title may be revoked if any of the conditions or terms of the permit or variance are violated, or if any law or ordinance is violated in connection therewith. (Prior code §9-130).

21.104.020 Hearing.

The planning commission shall hold a hearing on any proposed revocation after giving written notice to the permittee at least ten days prior to the hearing and shall submit its recommendations to the board of supervisors. The board of supervisors shall act thereon within sixty days after receipt of the recommendation of the planning commission. (Prior code §9-130(a)).

21.104.030 Expiration.

- A. Except as provided in subsection B of this section, all land use permits, including zoning permits, staff approval permits, use permits, and variances (hereafter permits or variances), shall be null and void eighteen months from the date of final approval, unless prior to the expiration of the permit or variance, the permit or variance has been signed, and all conditions of approval have been met, and either (1) the property is being used for the purpose for which the permit or variance was granted, or (2) the landowner or developer has applied for all permits relating to project improvements, and the landowner or developer is working diligently to complete all project improvements. The planning commission, in the case of use permits or variances, may extend the expiration of any use permit or variance for not exceeding one year upon application being made by the owner of the property, in writing prior to expiration of the permit or variance, provided the use is still a permitted use in the district in which it is proposed to be located.
- B. Variances granted in conjunction with a tentative parcel map or tentative subdivision map shall be valid for the same period of time as the tentative parcel map or tentative subdivision map. This subsection is a declaration and clarification of existing law. (Ord. CS 984 §2, 2007; prior code §9-130(b)).

Attachment C

Planning Staff Compliance Review of
Use Permit No. PLN2013-0078 – Central Valley Recycling’s
Conditions of Approval as of August 1, 2016.

**Planning Staff Compliance Review of Use Permit No. PLN2013-0078 –
Central Valley Recycling’s Conditions of Approval as of August 1, 2016**

Use Permit PLN2013-0078 – Central Valley Recycling was approved subject to 47 Conditions of Approval, including 8 Mitigation Measures. The following is a review of certain Conditions of Approval that included performance measures, which required completion within identified time frames. The discussion below identifies progress made by the applicant in completing project development Conditions of Approval (COA) as observed by Planning staff (Miguel Galvez).

COA No. 14 – Provide and maintain screen landscaping. The approved landscaping shall be installed within 60 days of Use Permit approval. The applicant hired a Landscape Architect who prepared and submitted a landscape plan. The landscape plan was approved on August 11, 2015. No Landscaping has been installed on site as of August 1, 2016 – ***Condition not met.***

COA No.17.- Installation of a three-foot high chain link fence in the front yard within 60 days of Use Permit Approval. A three-foot high chain link fence was installed as required. ***Condition met.***

COA No. 19 - Maintain height of block wall around tin pile and install a 10-foot high block wall along the eastern property line. Applicant to obtain a building permit within 60 days of project approval and construction completed within six months of permit issuance. Building Permit No. BLD2015-1813 for construction of a 10-foot high block was issued on September 2, 2015, but the 10-foot high wall has not been constructed. A site inspection was called to review on-site drainage for the wall, but construction of the wall was not started as of August 1, 2016. ***Condition not met.***

COA No. 24 – Paving of the entire site and design and construct an on-site storm water retention basin. The drainage plan design was to be completed and submitted for review and approval within six months of project approval. The business operator and/or property owner was required to pave the entire site and complete construction of an on-site storm basin within six months of design approval by the County. The site has not been paved, nor has a drainage design been submitted to the County for construction of the drainage basin as of August 1, 2016. ***Condition not met.***

COA No. 25 – A grading and drainage plan for the project site to be submitted before any building permit for the site is issued. A building permit was issued for the 10-foot high block wall, which included a local grading and drainage plan for the wall site, but a drainage and grading plan for the whole site has not be submitted as of August 1, 2016. ***Condition not met.***

COA No. 30 – Hazardous Materials and Waste. The business operator and/or property owner shall contact the Department of Environmental Resources with 30 days of project approval regarding appropriate permitting requirements for hazardous materials and/or wastes. The business operator did not contact the Department of Environmental Resources regarding this requirement. ***Condition not met.***

COA No. 39 – A Screening Level Analysis for potential risks associated with project related truck traffic and exposure to heavy metals. The Analysis 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. This was completed on June 24, 2015, and the Air District determined that a Health Risk Assessment is not required. **Condition met.**

Mitigation Measure - COA No. 40 – Best Management Practices. These practices were identified in the Stormwater Pollution Prevention Plan and Monitoring Program. No storm water designs or improvements were installed as of August 1, 2016. **Condition not met.**

Mitigation Measure - COA No. 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. The 10-foot high block wall along the eastern property line was not installed as of August 1, 2016. **Condition not met.**

Mitigation Measure - COA No. 42 – Limit use of any of the equipment used for loading, unloading or transfer of scrap metal to the area west of the tin pile as shown on the project site plan. On a couple site visits, planning staff observed the loading and unloading of recycled scrap metal on the south side of the tin pile. **Condition not met.**

Mitigation Measure - COA No. 43 – Continue to load and unload trucks west of the tin pile. On a couple site visits, planning staff observed the loading and unloading of recycled scrap metal on the south side of the tin pile. **Condition not met.**

Mitigation Measure - COA No. 44 – Hours of operation for any outdoor activities associated with scrap metal recycling shall be limited to Monday through Friday, 8:00 a.m. to 4:30 p.m., and Saturday 8:00 a.m. to 2:30 p.m. Two complaints were received by the Code Enforcement office of operating outside of business hours, but the allegations were not verified by Code Enforcement staff when investigating the complaint. **Satisfaction of Condition unsubstantiated.**

~~COA No. 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 Friday. (This COA was deleted by the Board of Supervisors.)~~

Mitigation Measure - COA No. 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. A landscaping plan was submitted and approved, but plants and the irrigation system had not been installed as of August 1, 2016. **Condition not met.**

Mitigation Measure - COA No. 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 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. **No occurrences have been reported that triggered this requirement.**

Central Valley Recycling 522/524 South 9th Street

Site Pictures - July 2016



Looking northwest from Bystrum Road, south of Sousa Road. Required fencing and landscaping not installed.

122

EXHIBIT C-1

Looking east into the “tin pile.” Road surface unpaved, excavator not located west of “tin pile.”





Looking north mid property.

123



Looking east south of "tin pile."

EXHIBIT C-2



Looking north into “tin pile.” Block wall surrounding tin pile is not fully installed. All scrap metal to be loaded and unloaded west of “tin pile.”

124



Looking Northeast mid property. All loading and unloading by excavator to occur west of “tin pile.”

EXHIBIT C-3



Looking southwest from rear yard. Excavator is not allowed to operate south or east of “tin pile.”

125

Looking east to property line by Bystrum Road. The ten foot high wall, landscaping, storm drainage system and paved floor not installed.

EXHIBIT C-4





Looking west from eastern yard. Surface unpaved, no loading east, south or north of “tin yard.”

126



Looking northwest to “steel pile.” Small perimeter wall around steel pile not installed.

EXHIBIT C-5