

# STANISLAUS COUNTY PLANNING COMMISSION

December 15, 2016

## STAFF REPORT

### USE PERMIT APPLICATION NO. 2016-0055 - RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH

**REQUEST: TO AMEND PREVIOUSLY APPROVED USE PERMIT 2006-0037, TO ALLOW FOR A REORGANIZED OPERATIONS PLAN AND ON-SITE IMPROVEMENTS FOR AN EXISTING COMPOSTING FACILITY ON A 112.45 ACRE PARCEL AND TO ESTABLISH A MAINTENANCE AND TRUCK WASHING STATION ON A 38.47 ACRE PARCEL**

#### APPLICATION INFORMATION

Applicant/Property owner:	Recology Blossom Valley Organics – North
Agent:	Laura J. Ferrante – Recology Blossom Valley Organics North (BVON)
Location:	3909 and 3432 Gaffery Road, east of Koster Road and west of Welty Road, in the Vernalis area.
Section, Township, Range:	9-4-6 and 16-4-6
Supervisorial District:	Five (Supervisor DeMartini)
Assessor's Parcel:	016-003-010 and 016-016-023
Referrals:	See Exhibit L Environmental Review Referrals
Area of Parcel(s):	112.45 acres (APN 016-003-010) and 38.47 acres (APN 016-016-023)
Water Supply:	Private well
Sewage Disposal:	Septic system
Existing Zoning:	A-2-40 (General Agriculture)
General Plan Designation:	Agriculture
Sphere of Influence:	Not Applicable
Community Plan Designation:	Not Applicable
Williamson Act Contract No.:	1975-1888 (APN 016-003-010 only)
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Existing composting operation on property north of Gaffery Road, an almond orchard and maintenance yard on the property south of Gaffery Road.
Surrounding Land Use:	Sun Dry Products to the east; an orchard to the north; Delta Mendota Canal to the west; and orchards to the south and southeast

#### RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval.

## **PROJECT DESCRIPTION**

This is a request to amend Use Permit 2006-0037, to continue operation of the composting site by reorganizing and relocating the composting operations conducted on the property located north of Gaffery Road (APN 016-003-010) and to establish a maintenance and truck washing station on property south of Gaffery Road (APN: 016-016-023).

### **On-site Improvements**

Recology – Grover Environmental Products (RGEP) is requesting to reorganize and improve the existing 112.45± acre composting facility, see Exhibit B, Maps. Proposed on-site improvements include the following:

- (1) Relocation of the area utilized for receiving and sorting feedstock, from the entrance area to the interior of the property to address odor and litter concerns.
- (2) Relocation of the truck weigh station and scale house.
- (3) Relocation and expansion of the employee break room and scale house,
- (4) Addition of a second feedstock pre-processing line.
- (5) Installation of a dual fence system and redesign of the existing 22 foot high mesh litter and dust fence along the southern property line, including a 300 foot long extension on the western boundary. This fencing will be installed just inside of the entrance and exit of the site. Additional 22 foot high fencing will be installed along the northern property line and at the west and south of the final blending pad area. The fencing on the eastern side of the property will extend north approximately 200 feet east of the pond in the southeast corner of the property. Mobile fencing will continue to be used around the delivery and sorting area. These improvements would be accompanied with the installation of new landscaping.
- (6) Wastewater/stormwater infrastructure improvements.
- (7) Installation of an Aerated Static Pile composting system in a small area of the property is proposed as a pilot effort, with a plan to convert all of the existing windrows area into a smaller footprint ASP composting area.
- (8) Construction of a public water system for use on the site.
- (9) Installation of a fully contained equipment wash facility on the property located south of Gaffery Road.

In addition to the physical modifications described above, the project also involves implementation of a Litter Management Plan, an Odor Control Plan, a Dust Control Plan, and a Vector Control Plan, see Exhibits I, J, K. The Litter Management Plan stipulates operation measures and best practices to contain litter and airborne debris within the site. These measures include regular, daily litter patrol on-site and along the perimeter of the property; temporarily discontinuing the sorting of incoming feedstock material during times of high winds; the use of a vacuum truck to collect litter; and use of portable skid-mounted litter fences in the interior of the site to capture airborne debris near the receiving area. The Vector Control Plan, attached as the Nuisance Fly Integrated pest management for Recology Organics describes efforts to mitigate the generation of flies on the site. Lastly, the facility operator will employ the use of a third-party calling hot-line to receive, record, and respond to any neighborhood complaints, which are then relayed to the County of Stanislaus.

### **Composting Operations**

Composting is a natural process by which organic materials decompose. Making compost is a controlled or managed version of the natural process. By concentrating the activity in one place and balancing food, air, and water, compost happens faster. Compost is the soil amendment product that results from proper composting. The end product of the compost process is a soil- or humus-like material that will increase the health of soil.



The facility is currently permitted to receive up to 2,000 tons per day of green, agricultural, and food materials for composting, commonly referred to as “feedstock”. The proposed project would not increase this overall capacity. Composting activities currently take place within an area of approximately 123.27+/- acres on APNs 016-003-010 (112.45 acres) in Stanislaus County and 265-010-21 (10.82 acres) in San Joaquin County, as shown on Exhibit B, Maps. With project implementation, incoming material would continue to be reviewed, sorted to remove non-compostable (non-organic) residuals, and placed into windrows within 72 hours of receipt at the facility.

The compost facility produces a soil amendment sold primarily in bulk for application to vineyards, orchards, and other agricultural crops. A majority of the finished compost goes directly to local farmers in Stanislaus and San Joaquin County. The facility operator utilizes an aerobic open windrow composting system with an integrated watering system which directly applies and incorporates water to the windrows as they are turned. The facility consists of areas for compost windrows, curing piles, and compost storage as well as processing activities including the unloading, mixing, and grinding of materials. Additional operations include screening, blending, and loading of finished compost product.

Feedstocks are generally arranged into windrows approximately 600 feet long, up to 18 feet wide and typically up to nine (9) feet high. Windrows are separated by approximately eight (8) feet to allow sufficient room to implement moisture conditioning and dust control activities. A six-inch (6) cap of finished compost, referred to as “overs,” is placed on the peak of the windrows to reduce odor and volatile organic compounds (VOC).

The applicant proposes to install and utilize an Aerated Static Pile (ASP) system on a portion of the composting site. The windrow composting system will eventually be converted to the ASP composting system covering about half of the current site. The process is expected to take place over a six (6) year period. The ASP system is designed to provide a constant flow of oxygen through pipes that are placed underneath a sedentary eight (8) foot high layer of feedstocks. (See Exhibit B - Maps.) With the ASP, the composting process would be completed in approximately 45 days, compared with the 90- to 120-day period required with windrow composting. The ASP system would also reduce emissions of volatile organic compounds (VOCs) and reduce anaerobic conditions for improved odor control. ASP systems typically consist of one (1) or more aeration fans, aeration piping, electrical control panels, and improved concrete or asphalt or concrete surfaces. A pilot-scale ASP system (170 feet X 120 feet) was being installed at the time of preparation of this report and will be operational by end of 2016. Implementation of the full-scale ASP system will require construction of an approximately 40-acre concrete pad located to the southeast of the feedstock receiving and processing area. Construction of the pad, and simultaneous transition from the current windrow composting process to the ASP system, will be phased in over six (6) years beginning in summer 2017. With installation of the ASP system, facility operations would remain within the 2,000-ton-per-day permit limit. The ASP system will be used in conjunction with the windrows composting process, with a plan to convert all composting efforts into solely utilizing the ASP system. The site’s composting footprint is planned to be reduced by about 40 percent from 112 acres to approximately 70 acres. The area of the property that will no longer be used for composting will be put into agricultural production.

Waste materials/feedstocks proposed by this request to be composted at this facility include: (1) “Green Material” consisting of any plant material, (except food and vegetative food material), such as tree and yard trimmings, untreated wood wastes, natural fiber products, and construction wood waste; (2) “Agricultural Material” consisting of plant or animal origin which results directly from agricultural operations or animal husbandry, such as manure, orchard and vineyard prunes, grape pomace, and crop residues, and (3) “Food Material” consisting of waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption, that

are separated from the municipal solid waste stream, such as food waste from food facilities such as restaurants, grocery stores, institutional cafeterias, and residential food scrap collection. Incoming "Food Material" feedstock is estimated at 40 percent of incoming material. Composting requires a combination of green and organic waste and the volume percentage will vary depending on temperature and moisture levels.

Generally, composting operations consist of the following processing steps: receiving, sorting, mixing, moving, curing and screening, and testing and shipment. The specific locations of the various operations on the compost pad are dynamic and are subject to change depending on the current processing operation, stockpile fire concerns (due to heat generated by composting piles), incoming feedstock characteristics, product sales, and variable vector, dust, and odor control activities. The current composting process utilizing windrows takes approximately 90 to 120 days to complete, from the active composting phase through the curing phase.

The facility operation will expand from a twelve hour operation, Monday through Saturday to 24 hours per day, 7 days per week with employee numbers increased from 40 up to 65 employees on-site during peak hours. Grinding, shredding, and size-reduction operations on incoming feedstock occur from 5:00 a.m. to 10:00 p.m., Monday through Saturday, and on Sundays in the event of an emergency. Activities occurring at night may include fire watch, windrow turning, final screening of finished compost, and processing of incoming feedstock when necessary. Currently, the facility receives 80 to 120 trucks per day, including shipments via belt trailers, transfer trucks, and pickups. Additionally, during peak sales season, typically in October and April, approximately 68 compost hauling vehicles per day leave the facility carrying finished product. At other times of the year, off-hauling of finished product involves an average of approximately 5 truck trips per day. Truck trips to and from the site are generally concentrated during normal business hours. The operation overall employs approximately 90 employees and may employ two (2) shifts per day during the summer and fall seasons.

### **The Equipment Wash Facility**

The property south of Gaffery Road is currently developed with an almond orchard and a 3,000 square-foot agricultural shop that has been used as an equipment and machine shop. The maintenance yard is contained on a 2.17 acre portion of this parcel and is enclosed by a six (6) foot high chain-link fence. The maintenance yard has two (2) existing entrance gates and a third entrance gate is proposed to access Gaffery Road. The applicant proposes the development of a self-contained truck washing facility. Only vehicles operated and stationed at the facility will utilize the equipment wash. Delivery trucks and trailers will not be washed at this facility. All wash sediment will be regularly collected and disposed of at a landfill. The truck wash will result in the development of a new driveway entrance onto Gaffery Road.

### **SITE DESCRIPTION**

The existing Recology Blossom Valley Organics - North (BVON) composting facility is located on a 112.45± acre property located on the north side of Gaffery Road, east of Koster Road and west of Welty Road, in the Vernalis area. The facility includes an additional 10.82± acre parcel located in San Joaquin County. Composting activities currently take place within a total area of approximately 123.27 acres on APN 016-003-010 in Stanislaus County and APN 265-010-021 in San Joaquin County.

In addition, the 38.47 acre property located on the south side of Gaffery Road (APN 016-016-023) is currently farmed as an almond orchard and includes a 2.17-acre portion of the property utilized as an equipment/machine shop for the operation.

Access to the site is taken via Gaffery Road, with regional access via Koster Road or Welty Road and State Route 132 (SR-132).

The property to the east is developed with another recycling facility operated by Sun Dry Products, Inc. The Sun Dry Products, Inc. property is zoned Planned Development (P-D) No. 318, which allows for the reclamation and recycling of agricultural products (e.g.: cannery waste) and the processing of commercial feed products and construction debris. The operation processes agriculturally related by-products, soil amendments, vermicomposting, and animal feed products. Other uses of the Sun Dry facility include: composting of green waste; dehydration/re-use of food processing by-products; processing of wood landscape materials, bio-mass for fuel material, and demolition debris; and recycling of metal, tires, wood pallets, concrete, asphalt, geothermal sulfur, gypsum, and wallboard.

The properties to the north and south are in agricultural production as orchards. The properties to the west contain the Delta Mendota Canal and further west consists of irrigated open land.

## **BACKGROUND**

In 1999, Use Permit Application No. 98-19 – Grover Landscape Services, Inc. was approved by the Planning Commission to allow establishment of a composting facility on approximately 60 acres of the 112.45 +/- acre site located in Stanislaus County. The approval allowed for processing of green waste, grass, and other organic materials, commonly referred to as “feedstocks”.

In 2003, Use Permit No. 2002-22 – Grover Landscape Services, Inc. was approved to allow relocation of the composting facility to a 58± acre property comprised of a 38.47 acre parcel and 19.23 acre parcel both located directly south of the current site, on the south side of Gaffery Road; however, this expansion never occurred and the Use Permit has since expired. These properties are still under the ownership of Recology BVON and serve as a “buffer” between the composting facility and property to the south.

In 2008, Use Permit Application No. 2006-37 – Grover Landscape Services, Inc. was approved to allow an expansion of the existing composting operations onto the balance of the property for a total of approximately 112.45± acres in use for the entire composting facility in Stanislaus County. The additional 10.82+/- acres located in San Joaquin County were also approved by San Joaquin County for composting operations. No new uses were proposed. In 2008, the following waste types were identified: green yard material, leaves, brush, wood chips, municipal green waste, Christmas trees, clean fresh agricultural product (fruit, olive pumice, manure, and vegetables), and potentially contaminate-free post consumer food waste.

In 2012, Recology Grover Environmental Products applied for a new Use Permit (Use Permit Application No.2012-04) to expand the existing 112.45± acre composting facility to add an adjacent 42.87± acre parcel, located to the northeast of the current site, to re-organize the site for better efficiency and to expand the allowable composting feedstocks, to be composted on-site. On June 6, 2013, due to the lack of a majority vote by the Planning Commission, the Use Permit application was denied.

Overall, the Planning Commission discussion centered on potential issues that the proposed expansion may cause as a result of approving the Use Permit. Specifically, Commissioners focused on the following: (1) potential groundwater contamination; (2) the possible presence of contaminants or hazardous materials; (3) the composition of “urban organics;” (4) containing “trash” on-site; paper or plastic trash being blown into adjacent orchards; and (5) increased truck trips and need for road

maintenance. The Commissioners in favor of the project stated that they felt the expansion would not present a significant problem given the State's permitting and inspection, as well as the Use Permit's proposed Conditions of Approval.

On June 12, 2013, Recology Grover Environmental Products submitted an appeal to the Board of Supervisors of the Planning Commission's denial. The appeal requested that the Board of Supervisors direct the item back to the Planning Commission in order for Recology to provide additional information and address issues raised by the Planning Commission at its June 6, 2013, hearing. Issues which were requested to be addressed included, but were not limited to:

1. Off-site litter control and litter containment
2. Groundwater/Water quality
3. Truck and tonnage capacity
4. Incoming material types
5. Use of the proposed expansion area

The Stanislaus County Board of Supervisors, at its regular meeting on July 30, 2013, held a public hearing and, on a unanimous vote, returned the project to the Planning Commission to reconsider the application in light of new information and to address outstanding issues.

The Board of Supervisors July 30<sup>th</sup> Agenda Report, including the June 6<sup>th</sup> Planning Commission Staff Report, is available on-line: <http://www.stancounty.com/bos/agenda/2013/20130730/PH910.pdf>

The 2012-04 Use Permit application was scheduled for Planning Commission reconsideration on June 19, 2014, but the item was continued at the request of the applicant and subsequently withdrawn. However, the composting operation had been modified in a number of ways, operating outside of approved Use Permit 2006-37. The changes include (1) relocation of composting operations conducted on-site not reflected in the approved Use Permit (relocation of receiving and processing area, relocation of the weigh station, changes to the stormwater and waste water basins), (2) increases in the percentage of food waste being incorporated for composting, and (3) an increase in non-organic polluting material (i.e.: plastic bags) in the feedstocks.

In February, April, and August of 2015, the Planning Department conducted a series of Neighborhood Meetings to address the following neighbor concerns: litter control and contaminants; odor; dust and air quality; birds and vector control; hazardous materials; groundwater quality; truck traffic and road improvements; storm water runoff; and impacts to agricultural operations and products. Several neighbors, representatives of Recology, and staff from various local and state agencies attended the meetings. Meeting notices were sent to properties within a one mile radius of the project site.

In December 2015, Staff met with Recology BVON representatives and requested that a new use permit application be submitted to address (1) changes conducted on the site, (2) to address neighborhood concerns relating to the operation of the composting site, and (3) to include an applicant request to add a truck wash facility on the property on the south side of composting site. Recology submitted the current Use Permit Application on June 13, 2016.

## **ISSUES**

The following is an overview of the concerns/complaints raised by neighbors over the last few years and issues have been identified as part of the review of this current Use Permit request.

The change in feedstock composition to a mixture that includes increased food waste has resulted in a number of nuisance complaints submitted by area residents. Specifically, residents have contacted the County to express objection to the following concerns:

- Bird and Vector control
- Odors
- Fires and Air Quality
- Fugitive debris (litter)
- Fugitive dust
- Hazardous materials
- Truck traffic and road impacts
- Storm water runoff
- Impacts to neighboring agricultural operations and products

#### Birds and Vector Control

The primary vectors associated with composting projects are nuisance flies and birds. Vectors can be kept to a minimum by using good housekeeping procedures, such as, cleaning all spills between windrows, ensuring timely incorporation of new feedstock into windrows, and managing stockpiles. The Applicant obtained the services of an entomologist and a pest control service to analyze the conditions at the facility and to propose possible Mitigation Measures. On September 11, 2016, a Nuisance Fly Integrated Pest Management report was prepared. (See Exhibit K – *Nuisance Fly Integrated pest Management*.) The highest populations of flies are found at the newest waste placed in windrows. Fly control measures include application of insecticide, bait traps, turning new windrows of organic waste more frequently to disrupt fly breeding and attraction, and to continue to monitor fly activity on-site and on surrounding properties. Mitigation Measure MM HAZ1 (Condition of Approval no. 44) requires the applicant to contract with a licensed pest management service to develop and implement a fly control plan that will reduce the fly population on-site and in the area to levels that are beyond what is customary on agricultural operations.

To address birds, the applicant has retained the services of a falconer to employ the use of falcons to keep seagulls and other birds from landing on-site. Seagulls in California are protected by the Migratory Bird Treaty Act and cannot be harmed. The falconer is employed to come on-site on an “as needed basis”. The applicant reports that seagulls are known to be transported in the feedstock trailers. A condition of approval is added to require the operator to screen the delivery trucks for birds before allowing them to leave their point of origin.

#### Odors

Neighbors have complained about the presence of malodor in the air that affects the enjoyment of their home(s) and property. The applicant proposed implementation of an Odor Management Plan for the reduction of on-site sources of malodor and to minimize off-site nuisance odor impacts. The Plan includes the following components: (1) odor monitoring protocol, (2) monitoring of meteorological conditions, (3) implementing an odor complaint protocol, (4) enacting new designs for composting that minimize the creation of odor, such as implementation of the Aerated Static Pile, (5) enhancing operating procedures to locate the source of malodors and address it as a priority. Mitigation Measure MM – AIR 2 – Odor Complaint Response, MM AIR 3 - Facility Improvement and Process Adjustments to Reduce Odor, and MM AIR 4 - Facility-wide ASP System Implementation are incorporated as Conditions of Approval to address odor impacts, refer to Mitigation Measures Nos. 37, 38, and 39.

### Litter Management Plan

Neighbors, including farmers and the El Solyo Irrigation District have expressed concern with litter leaving the site and ending up in canals, orchards and along the side of the surrounding roads. The applicant proposes implementation of a Litter Management Plan to control debris contained on-site and along Gaffery Road. It is comprised to address four components (1) Transport vehicles; (2) Operational controls; (3) Litter fencing; and (4) Relocation of the materials processing area. The Plan requires that all transport vehicles be covered. It includes operational controls to collect litter between windrows, at receiving areas, along the perimeter and on areas surrounding the site. It provides for temporarily stopping operations during high wind occurrences, and other litter collection methods. The applicant is proposing the installation of additional fencing with cantilever tops to keep airborne debris from leaving the site. Additional 22 foot high fencing is proposed at the sorting, blending, and entrance areas. The receiving and sorting area was relocated from the entrance area, north to the middle interior of the property. CalRecycle conducts routine site inspections of the composting facility to determine if permit violations are observed. To date, CalRecycle has not reported of any observed violations on-site. However, reports from neighbors have noted litter found off-site. The Litter Management Plan is included as an attachment in Exhibit I. Implementation of the Litter Management Plan is included as Condition of Approval No. 15.

### Dust Control

The applicant addresses dust control through the use of water to keep moistures levels at levels that are beneficial for composting as well as keeping the composting from drying and blowing off. The operation utilizes water trucks, street sweepers, and the installation of 22 foot high mesh-fencing to capture fugitive dust during high wind occurrences. Mitigation Measures No. MM AIR 1 - Fugitive Dust Control identifies dust control measures that the applicant will need to follow to limit visible dust emissions to 20 percent opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011 from the region's Air Quality Plan, refer to Mitigation Measure No.36.

### Hazardous Materials

Hazardous materials are not accepted as composting feedstock. The applicant has enacted a truck and load checking system at the receiving area. Loads that contain hazardous materials are rejected and not accepted at the site.

### Truck Traffic

Incoming and outgoing truck traffic is directed to utilize Koster Road. According to the applicant truck drivers that do not follow this truck route are disciplined, even to the point of dismissal. The applicant currently contributes to truck impact fees adopted in a previous Use Permit. The truck mitigation fee is used to maintain the public roads used by the applicant. Collected funds have already been applied to resurface Gaffery Road in front of the project site.

### Impacts to Neighboring Agricultural Operations and Products

Impacts of fugitive dust, flies, birds, and litter to agricultural crops on adjacent properties have been reported to the County. The applicant is proposing measures to address this concern through the installation of fencing, enhanced practices to reduce fly reproduction, and bird management. Where crop damage does occur, the applicant has expressed a willingness to compensate for any realized loss of revenue by the farmer. The County has reviewed and conditioned this project in an effort to avoid off-site impacts. Condition of Approval No. 17 allows for annual monitoring and adjustment to operational performance standards in an effort to effectively address impacts from operations on the project site.

Since the original neighborhood meeting, Recology has assigned new staff to manage the facility and they have worked to improve facility operations and communications with surrounding neighbors. There has been a decrease in complaints since the change of the site's management. Any proposed increases to the allowable tonnage would be subject to a new Use Permit application.

### Stormwater Runoff

Neighbors expressed concern about stormwater runoff leaving the site in a "sheet flow" fashion. The site is under the jurisdiction of the Regional Water Quality Control Board, which required, reviewed, and approved an on-site wastewater and stormwater retention system. Conditions of Approval also require a grading and drainage plan be submitted to and approved by the County prior to any building permit is issued for the site. Stormwater containment includes the development of site perimeter raised berms to keep water on-site.

### **GENERAL PLAN CONSISTENCY**

The site is currently designated "Agriculture" in the Stanislaus County General Plan, which is consistent with its A-2 (General Agriculture) zoning district. The agricultural designation recognizes the value and importance of agriculture by acting to preclude incompatible urban development within agricultural areas.

Composting facilities, as discussed below in the Zoning Ordinance Consistency section of this report, are considered Tier Two uses which are agriculturally related commercial and industrial uses. The Recology BVON composting facility produces a soil amendment sold primarily in bulk for application to vineyards, orchards, and other agricultural crops. A majority of the finished compost goes directly to local farmers in Stanislaus and San Joaquin County.

The following are the relevant goals, policies, and objectives of the General Plan that apply to this project:

#### **Agricultural Element**

**Goal One:** Strengthen the agricultural sector of our economy.

**Objective No. 1.2:** Support the development of agriculture-related uses.

**Objective No. 1.3:** Minimizing agricultural conflicts.

**Policy 1.10:** The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.

In response to Policy 1.10, Buffer and Setback Guidelines (Appendix A of the Agricultural Element) applicable to new or expanding uses approved in or adjacent to the A-2 (General Agriculture) zoning district have been adopted. Appendix A states that low people intensive Tier One and Tier Two Uses (such as nut hulling, shelling, dehydrating, grain warehousing, and agricultural processing facilities) which do not serve the general public shall not be subject to compliance with these guidelines; however, Conditions of Approval consistent with these guidelines may be required as part of the project approval. The decision making body (Planning Commission) shall have the ultimate authority to determine if a use is "low people intensive". The applicant is not proposing a formal buffer, as the use is considered by Staff and the applicant to be "low people intensive", but Staff is recommending a 100-foot setback for composting operations from the northern and southern property boundaries once the site is fully converted to an ASP system within six (6) years of project

approval. The site is buffered from surrounding agricultural uses by the 25 foot high berm of the Delta Mendota along the western property line, and the Sun Dry Products recycling operation along the eastern property line.

### **Conservation/Open Space Element**

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

**Policy 22:** The County will support the solid waste management hierarchy established by the California Public Resources Code, Section 40051, and actively promote the goals and objectives specified in the Countywide Integrated Waste Management Plan.

**Implementation Measure No. 5:** Encourage and promote activities, projects, legislation, businesses, and industries that cause special wastes (e.g., food processing residue, demolition/construction waste, inert wastes, tires, de-watered sludge, household hazardous waste, etc.) to be safely diverted from landfills or transformation facilities, including composting and co-composting operations.

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

**Policy 30:** 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.

**Implementation Measure 2:** The County shall actively pursue and implement projects, plans, and programs that will effectively protect and conserve existing and future landfill capacity.

Staff believes this project can be found to be consistent with the General Plan in the implementation of operational standards to address all identified issues and neighbor concerns with the projects compatibility. The project is a reorganization of an existing use that produces compost for agricultural application and a small expansion of the existing service shop located on the southern property. The composting facility is not open to the general public and is buffered by the Delta-Mendota canal to the west, Sun Dry Products composting facility to the east, and an orchard to the southeast also owned by Recology BVON.

### **ZONING ORDINANCE CONSISTENCY**

The site is currently zoned A-2-40 (General Agriculture). The proposed compost facility is classified by Section 21.20.030 of the Stanislaus County Zoning Ordinance as a Tier Two use. More specifically, Section 21.20.030(e) states the following:

*Commercial or municipal composting, processing, and/or spreading of whey, treated sludge or biosolids (including Class A and Class B), or other organic matter when the matter to be composted, processed, and/or spread is not generated on-site and the composting, processing, and/or spreading is not part of a routine farming practice. Composting operations with less than 1,000 cubic yards or 300 tons of active composting material on-site at any given time shall be considered an agricultural use and shall be exempt from this provision. (This provision is intended to apply to operations whose primary function is the*



*composting, processing, and/or spreading of organic matter; it is not intended to apply to composting and/or the use of fertilizers and other soil amendments or feed additives in conjunction with agricultural production.)*

Tier Two uses are agriculture related commercial and industrial uses that may be allowed when the Planning Commission finds that:

- 1. The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Agriculture" 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;*
- 2. The establishment as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity;*
- 3. The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity; and*
- 4. It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.*

Based on past operations, there have been concerns expressed from neighbors about nuisances emanating from the site. The proposed reorganization, improvements and operations will be subject to performance standards to address compatibility issues with neighboring properties. It is expected that application of the recommended Conditions of Approval will result in a composting facility that will not be substantially detrimental to or in conflict with agricultural uses of other property in the vicinity. The operator has been proactive in taking steps to ensure that any potential conflicts, such as materials (trash) leaving the site, are resolved. Although Staff has received many complaints relating to the current and past operation of the composting facility, Staff has received fewer concerns related to the proposed application improvements and changes. Staff is proposing Condition of Approval No. 17 to require a review of the Use Permit by the Planning Commission one (1) year after project approval and annually thereafter at the discretion of the Planning Director. The condition of approval allows for the Planning Commission to amend conditions as part of the review process, as needed to address nuisance concerns.

The project will not create any new commercial or industrial uses in the vicinity. The proposed project is a reorganization and improvement of an already existing composting facility and not the establishment of a new business. The composting facility will be operated in a new, efficient, and responsive manner, while handling the same volume of materials as before.

The A-2 zone is a logical area for composting facilities because they require a large area of land in order to operate. The operation requires land for receiving, sorting, crushing and grinding, compost windrows, internal roads, and other operational areas. This type of land is not normally found in urbanized areas.

### **Williamson Act Contract**

The northern parcel is enrolled in Williamson Act Contract No. 1975-1888. It will be out of the Williamson Act after December 31, 2016. A finding of compatibility was made as part of the previous Use Permit approval. Nevertheless, Section 21.20.045(A) of the A-2 zoning district

requires that all uses requiring use permits that are approved on Williamson Act contracted lands shall be consistent with the following three principles of compatibility:

1. *The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district;*
2. *The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping; and*
3. *The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.*

The reorganization and improvement of operating composting facility will not significantly compromise the long-term productive agricultural capability of the subject property. Although there is no agricultural commodity being grown or raised on-site, the composting operation provides large quantities of compost for soil amendment purposes to the agricultural community. The proposed project will not result in new facilities limiting the return of the property to agricultural production in the future. The proposed truck wash improvement will not remove any contracted land from agricultural or open-space use. All surrounding lands will be able to continue their agricultural operations.

The project was circulated to the State Department of Conservation during the two-week Early Consultation and 30-day Initial Study reviews and no comments were received.

The specific findings required for approval of the proposed Use Permit are outlined in Exhibit A of this report. Based on the information provided in this report, Staff believes that all of the findings necessary for approval of this request 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 L - *Environmental Review Referrals*.) 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 Exhibit F - *Mitigated Negative Declaration*.) Conditions of Approval reflecting referral responses have been placed on the project. The Initial Study prepared by First Carbon Solutions identified potential impacts to the following areas: Cultural and Historical resources, Soil Erosion, Hazards and creation of nuisance conditions, Impact to water quality, impacts related to noise, wastewater impacts. However, identified impacts are considered less than significant with the application of identified Mitigation Measures (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 **\$2,267.25** 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 Galvez, Deputy Director, (209) 525-6330

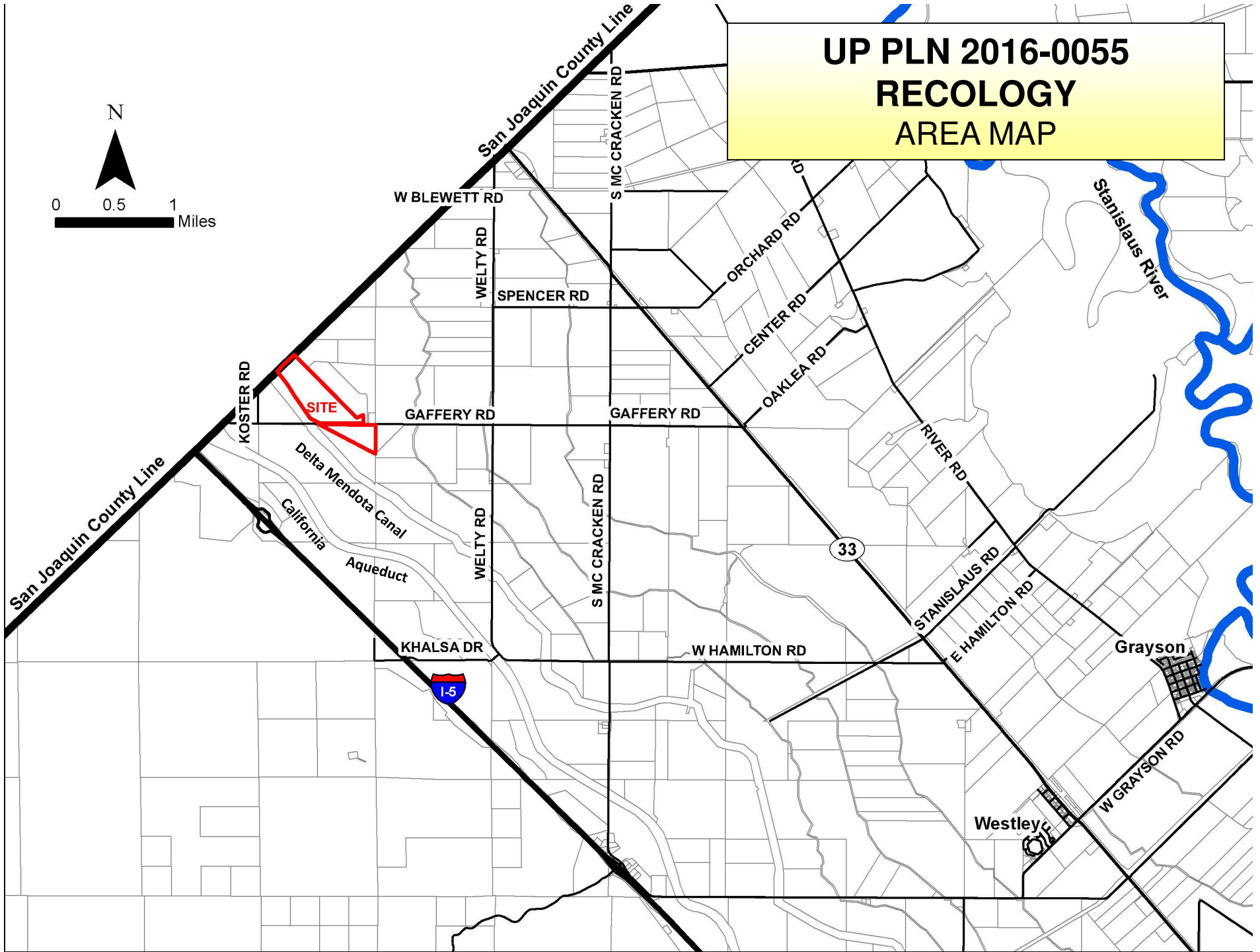
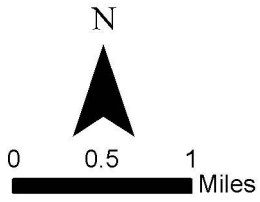
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Initial Study
- Exhibit E - Initial Study Referral Responses
- Exhibit F - Mitigated Negative Declaration
- Exhibit G - Mitigation Monitoring and Reporting Program
- Exhibit H - Application Project Description
- Exhibit I - Litter Management Plan, dated June 2016
- Exhibit J - Odor Management Plan, dated June 2016
- Exhibit K - Nuisance Fly Integrated Pest Management, dated September 11, 2016
- Exhibit L - 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 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 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 is consistent with the General Plan designation of "Agriculture" 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.
  - (b) The use as proposed will not be substantially detrimental to or in conflict with agricultural use of other property in the vicinity.
  - (c) The establishment as proposed will not create a concentration of commercial and industrial uses in the vicinity.
  - (d) It is necessary and desirable for such establishment to be located within the agricultural area as opposed to areas zoned for commercial or industrial usage.
  - (e) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in the A-2 zoning district.
  - (f) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural product on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.
  - (g) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.
  - (h) 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. PLN2016-0055 – Recology – Blossom Valley Organics - North, subject to the attached Conditions of Approval and Mitigation Measures

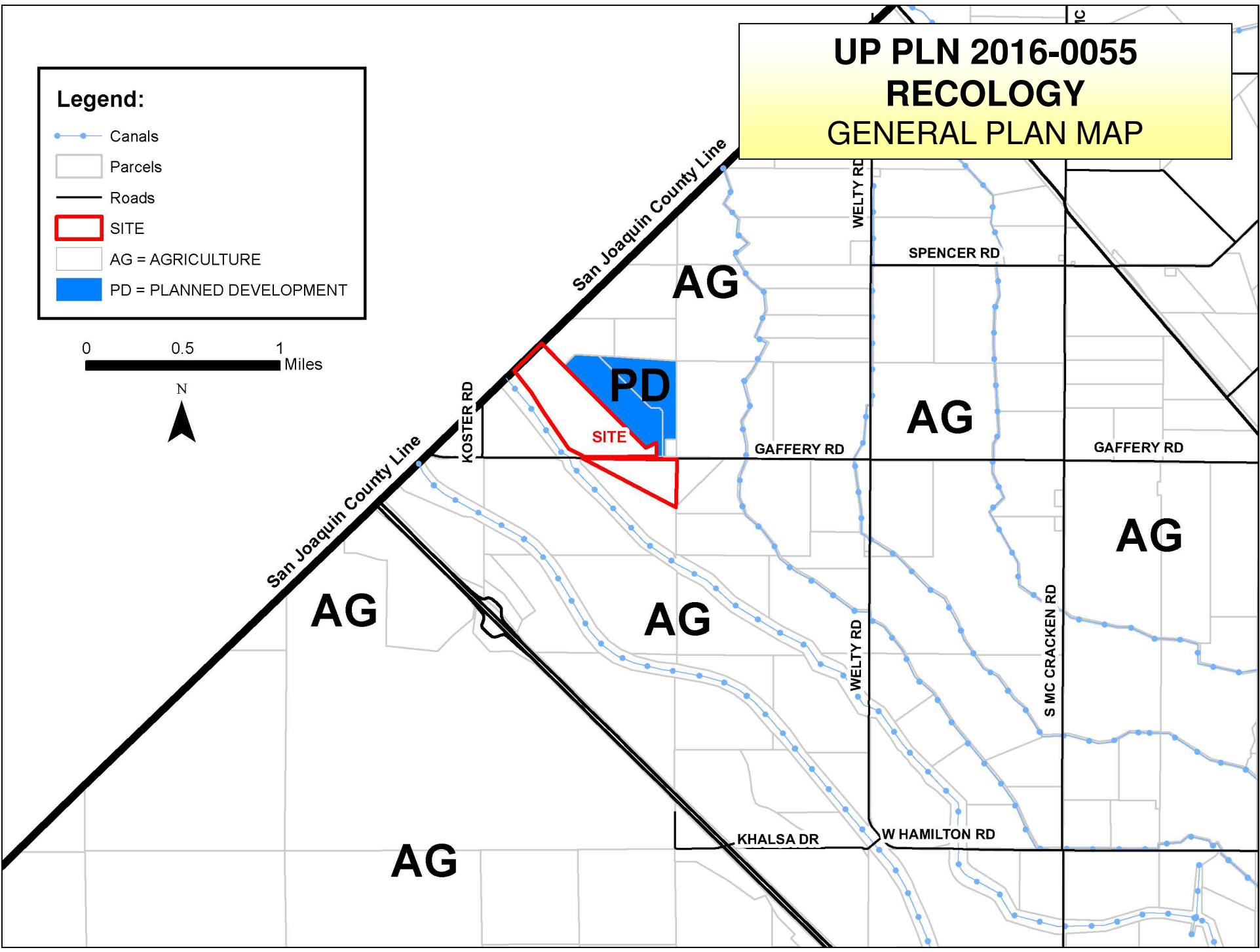
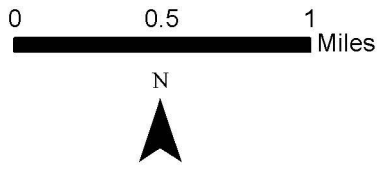
# UP PLN 2016-0055 RECOLOGY AREA MAP



# UP PLN 2016-0055 RECOLOGY GENERAL PLAN MAP





**Legend:**

- Canals
- Parcels
- Roads
- SITE
- AG = AGRICULTURE
- PD = PLANNED DEVELOPMENT






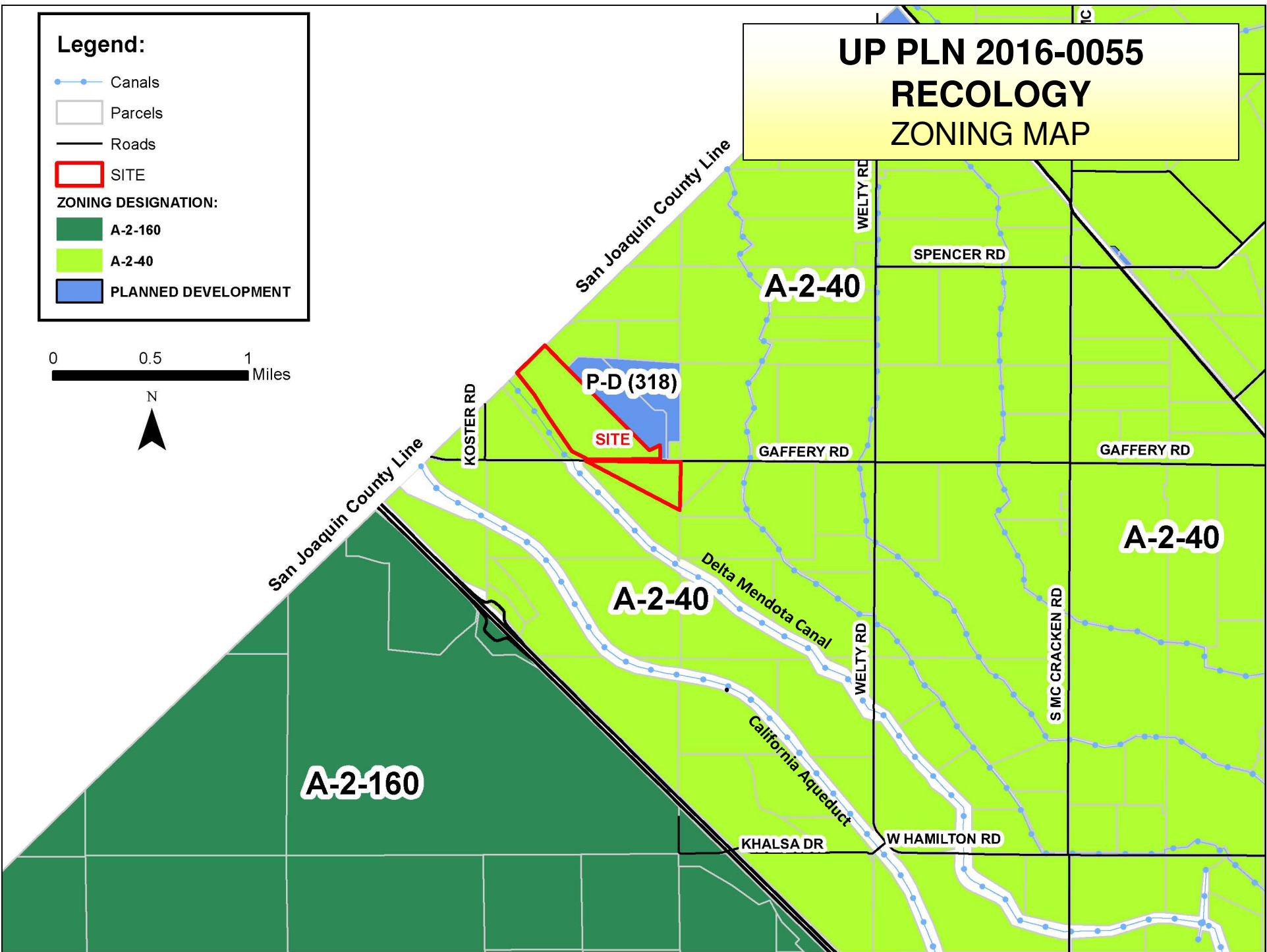
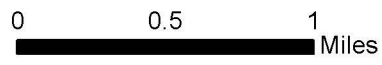
# UP PLN 2016-0055 RECOLOGY ZONING MAP

**Legend:**

-  Canals
-  Parcels
-  Roads
-  SITE

**ZONING DESIGNATION:**

-  A-2-160
-  A-2-40
-  PLANNED DEVELOPMENT

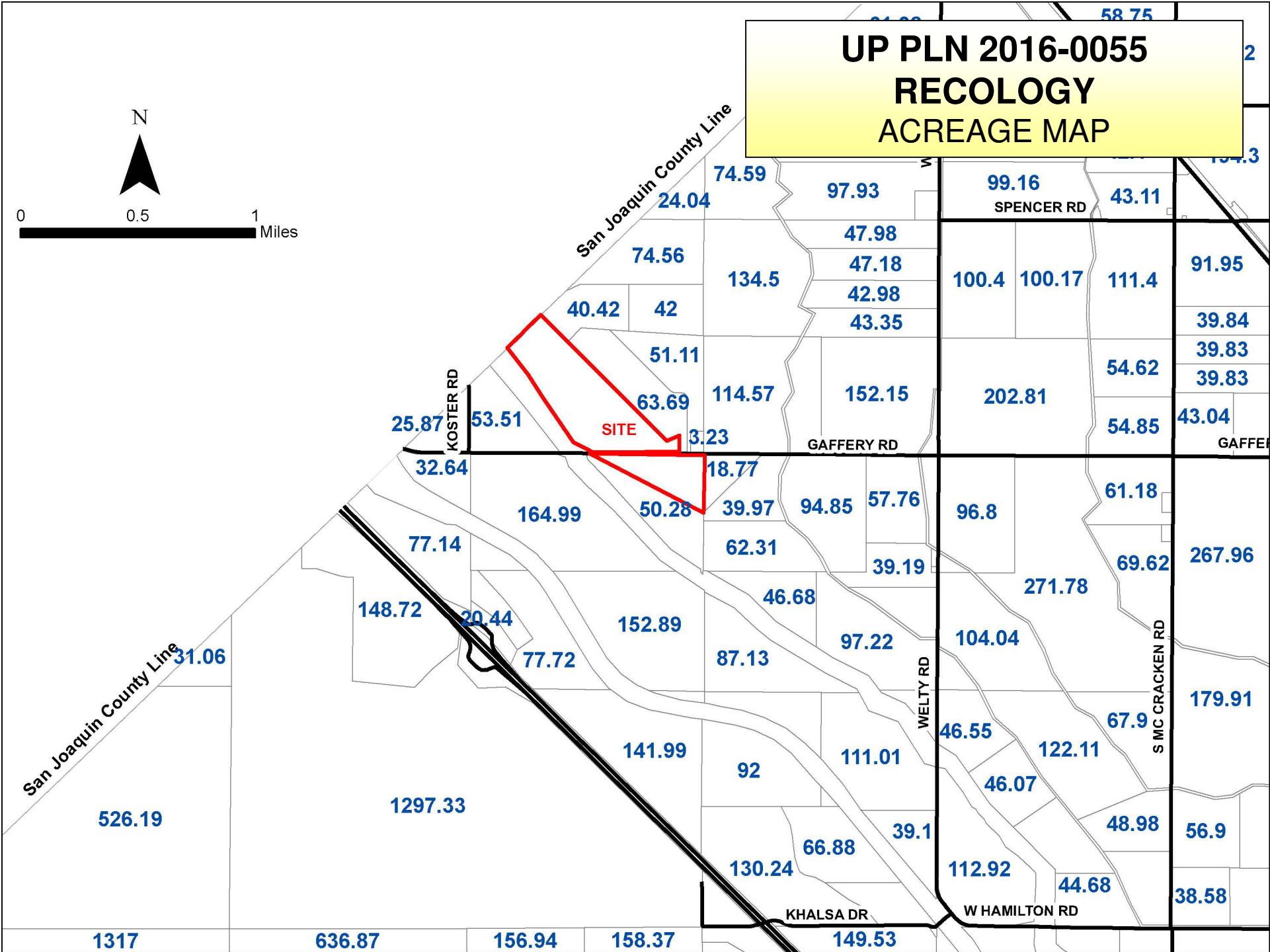




# UP PLN 2016-0055 RECOLOGY ACREAGE MAP



0 0.5 1 Miles

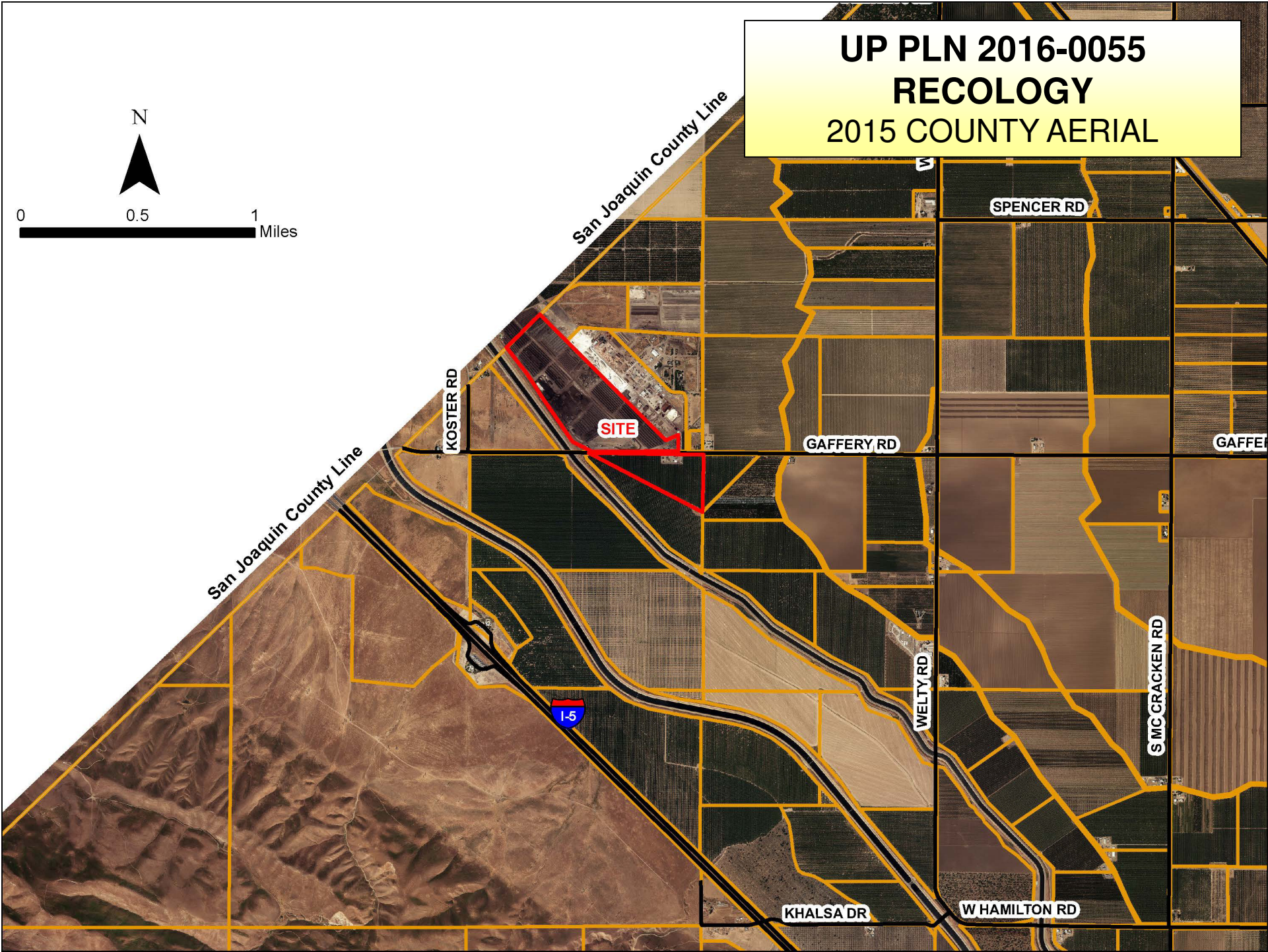




**UP PLN 2016-0055  
RECOLOGY  
2015 COUNTY AERIAL**



0 0.5 1 Miles

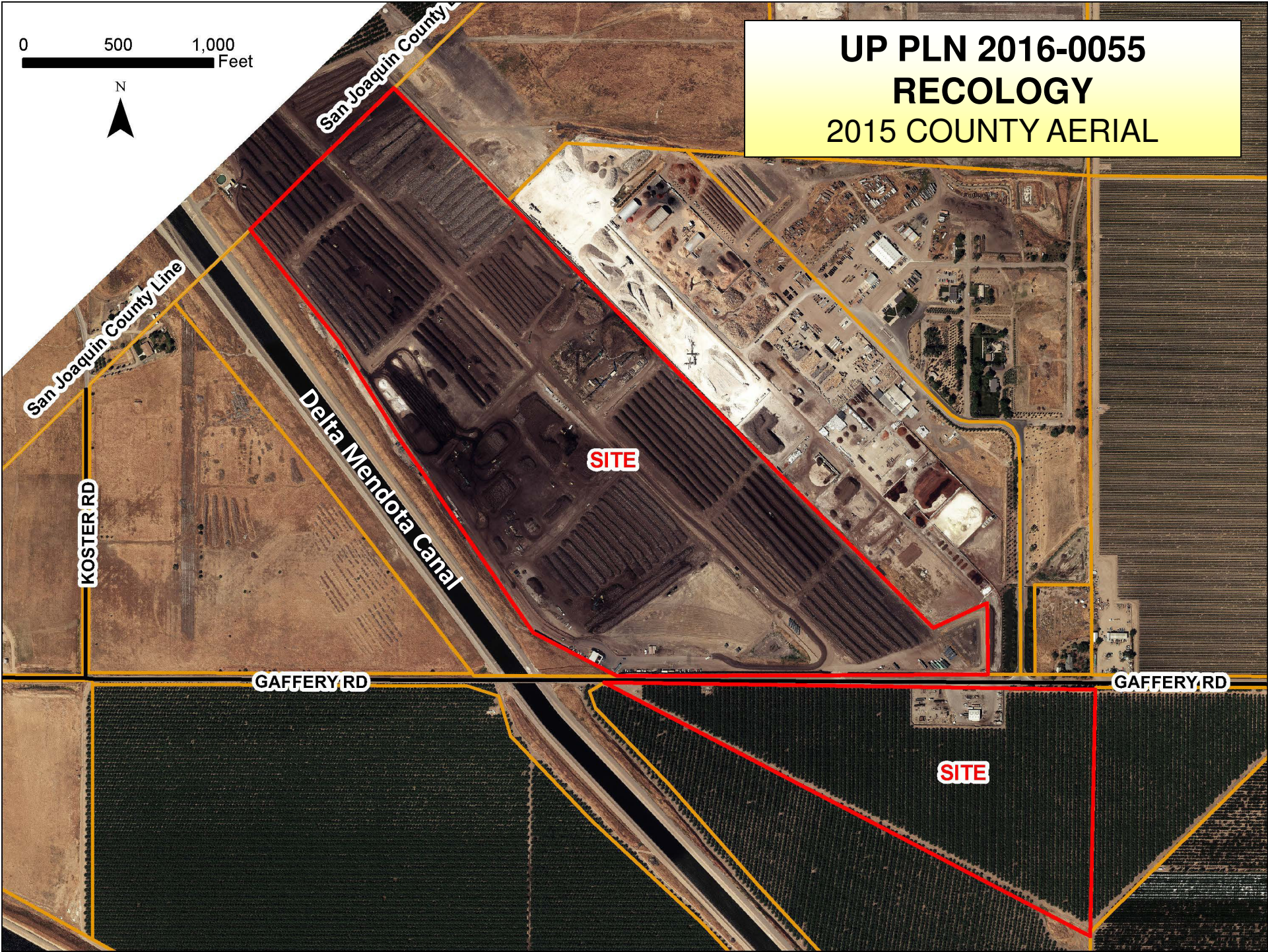




0 500 1,000 Feet



**UP PLN 2016-0055  
RECOLOGY  
2015 COUNTY AERIAL**







**PROJECT DATA**

OWNER / APPLICANT: RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
 231 N. MAIN STREET  
 DIXON, CA 95620

SITE ADDRESS: 3909 GAFFNEY ROAD  
 VERNALIS, CA

ASSESSORS PARCEL NUMBER: SAN JOAQUIN COUNTY: 055-010-71 (10.87 ACRES)  
 STANISLAUS COUNTY: 010-060-010 (12.45 ACRES)  
 010-016-003 (0.67 ACRES)

TOTAL SITE AREA: 16.74 ACRES

EXISTING USE: COMPOST FACILITY

PROPOSED USE: COMPOST FACILITY

WATER SUPPLY: PRIVATE WELL

SEWAGE DISPOSAL: PRIVATE 4'x6'x20' TANK

GENERAL PLAN LAND USE: AGRICULTURE (SAN JOAQUIN COUNTY & STANISLAUS COUNTY)

**SITE PLAN**  
 RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
 3909 GAFFNEY ROAD  
 VERNALIS, CALIFORNIA

Submitted / Revisions
1
2
3
4
5
6
7
8
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10

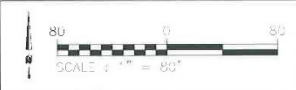
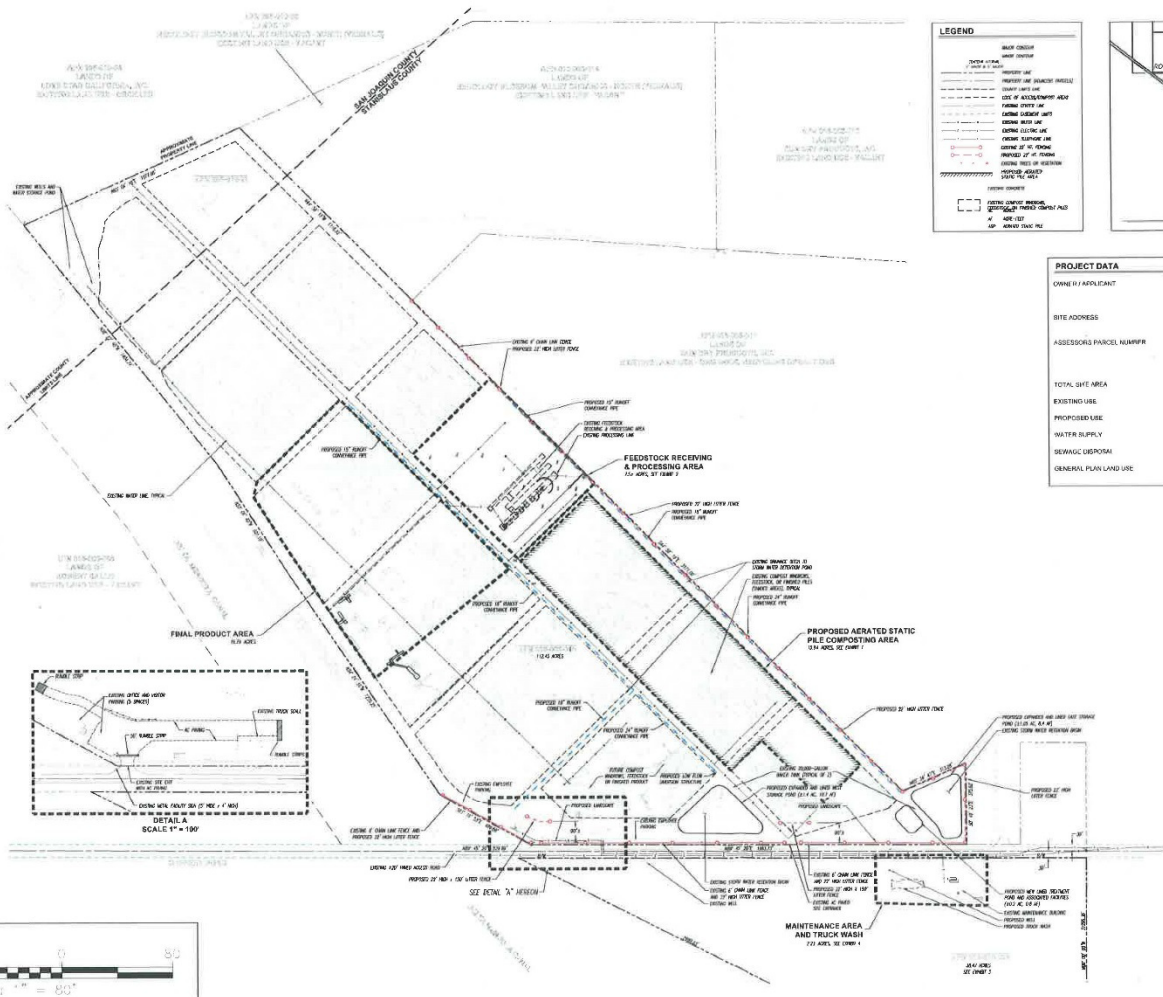
Job No: 16-2350  
 Drawn By: SDA  
 Checked By: DS  
 Date: 2016-08-01

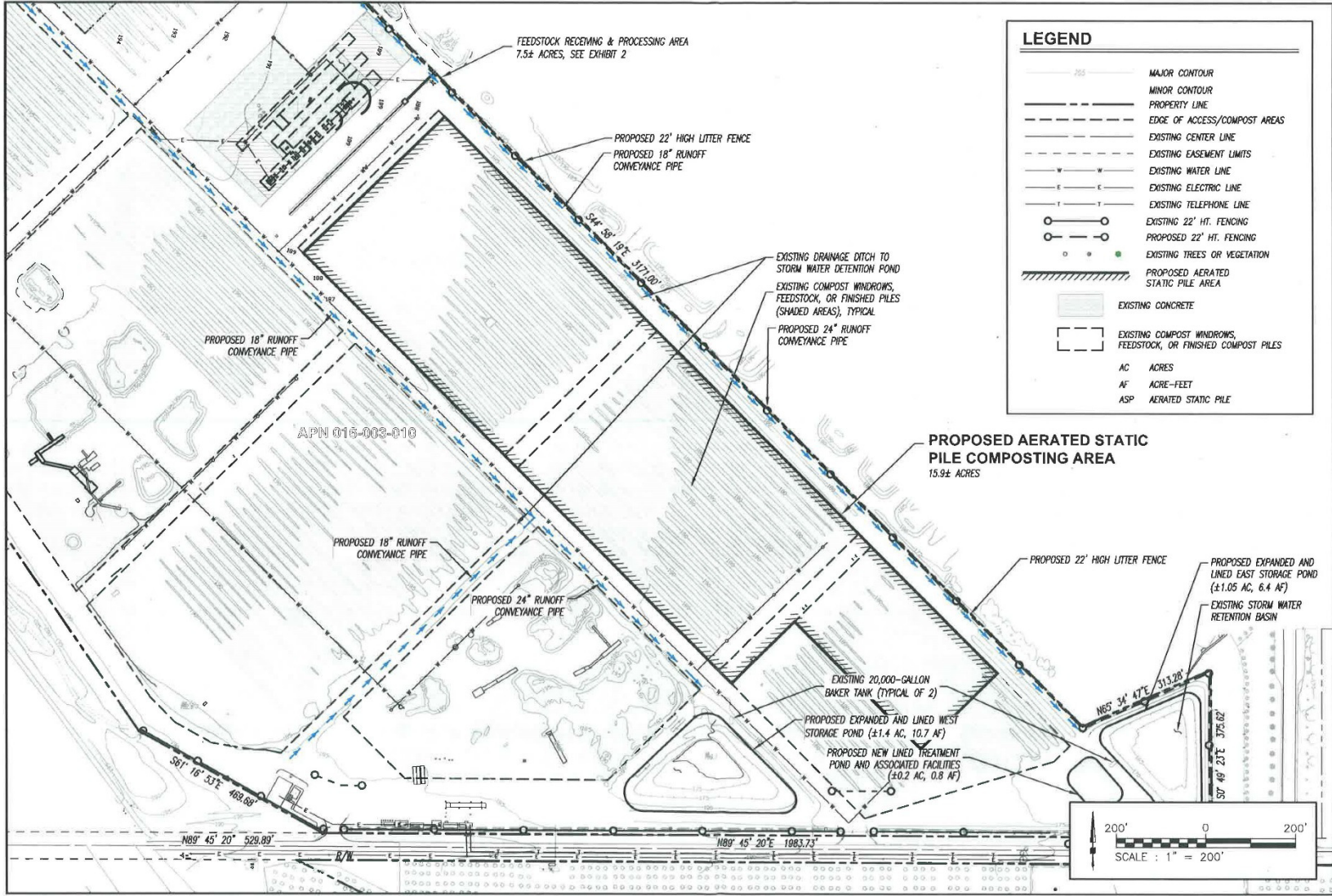
Sheet Number  
**1**  
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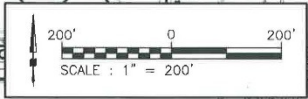
**LEGEND**

BLACK DASHED	EXISTING BOUNDARY
RED DASHED	PROPOSED BOUNDARY
GREEN DASHED	PROPOSED BOUNDARY
BLUE DASHED	PROPOSED BOUNDARY
YELLOW DASHED	PROPOSED BOUNDARY
PINK DASHED	PROPOSED BOUNDARY
ORANGE DASHED	PROPOSED BOUNDARY
PURPLE DASHED	PROPOSED BOUNDARY
BROWN DASHED	PROPOSED BOUNDARY
TEAL DASHED	PROPOSED BOUNDARY
SLATE DASHED	PROPOSED BOUNDARY
NAVY DASHED	PROPOSED BOUNDARY
BLACK SOLID	PROPOSED BOUNDARY
RED SOLID	PROPOSED BOUNDARY
GREEN SOLID	PROPOSED BOUNDARY
BLUE SOLID	PROPOSED BOUNDARY
YELLOW SOLID	PROPOSED BOUNDARY
PINK SOLID	PROPOSED BOUNDARY
ORANGE SOLID	PROPOSED BOUNDARY
PURPLE SOLID	PROPOSED BOUNDARY
BROWN SOLID	PROPOSED BOUNDARY
TEAL SOLID	PROPOSED BOUNDARY
SLATE SOLID	PROPOSED BOUNDARY
NAVY SOLID	PROPOSED BOUNDARY
BLACK DOTTED	PROPOSED BOUNDARY
RED DOTTED	PROPOSED BOUNDARY
GREEN DOTTED	PROPOSED BOUNDARY
BLUE DOTTED	PROPOSED BOUNDARY
YELLOW DOTTED	PROPOSED BOUNDARY
PINK DOTTED	PROPOSED BOUNDARY
ORANGE DOTTED	PROPOSED BOUNDARY
PURPLE DOTTED	PROPOSED BOUNDARY
BROWN DOTTED	PROPOSED BOUNDARY
TEAL DOTTED	PROPOSED BOUNDARY
SLATE DOTTED	PROPOSED BOUNDARY
NAVY DOTTED	PROPOSED BOUNDARY
BLACK LONG DASH	PROPOSED BOUNDARY
RED LONG DASH	PROPOSED BOUNDARY
GREEN LONG DASH	PROPOSED BOUNDARY
BLUE LONG DASH	PROPOSED BOUNDARY
YELLOW LONG DASH	PROPOSED BOUNDARY
PINK LONG DASH	PROPOSED BOUNDARY
ORANGE LONG DASH	PROPOSED BOUNDARY
PURPLE LONG DASH	PROPOSED BOUNDARY
BROWN LONG DASH	PROPOSED BOUNDARY
TEAL LONG DASH	PROPOSED BOUNDARY
SLATE LONG DASH	PROPOSED BOUNDARY
NAVY LONG DASH	PROPOSED BOUNDARY





LEGEND	
	MAJOR CONTOUR
	MINOR CONTOUR
	PROPERTY LINE
	EDGE OF ACCESS/COMPOST AREAS
	EXISTING CENTER LINE
	EXISTING EASEMENT LIMITS
	EXISTING WATER LINE
	EXISTING ELECTRIC LINE
	EXISTING TELEPHONE LINE
	EXISTING 22' HT. FENCING
	PROPOSED 22' HT. FENCING
	EXISTING TREES OR VEGETATION
	PROPOSED AERATED STATIC PILE AREA
	EXISTING CONCRETE
	EXISTING COMPOST WINDOWS, FEEDSTOCK, OR FINISHED COMPOST PILES
AC	ACRES
AF	ACRE-FEET
ASP	AERATED STATIC PILE



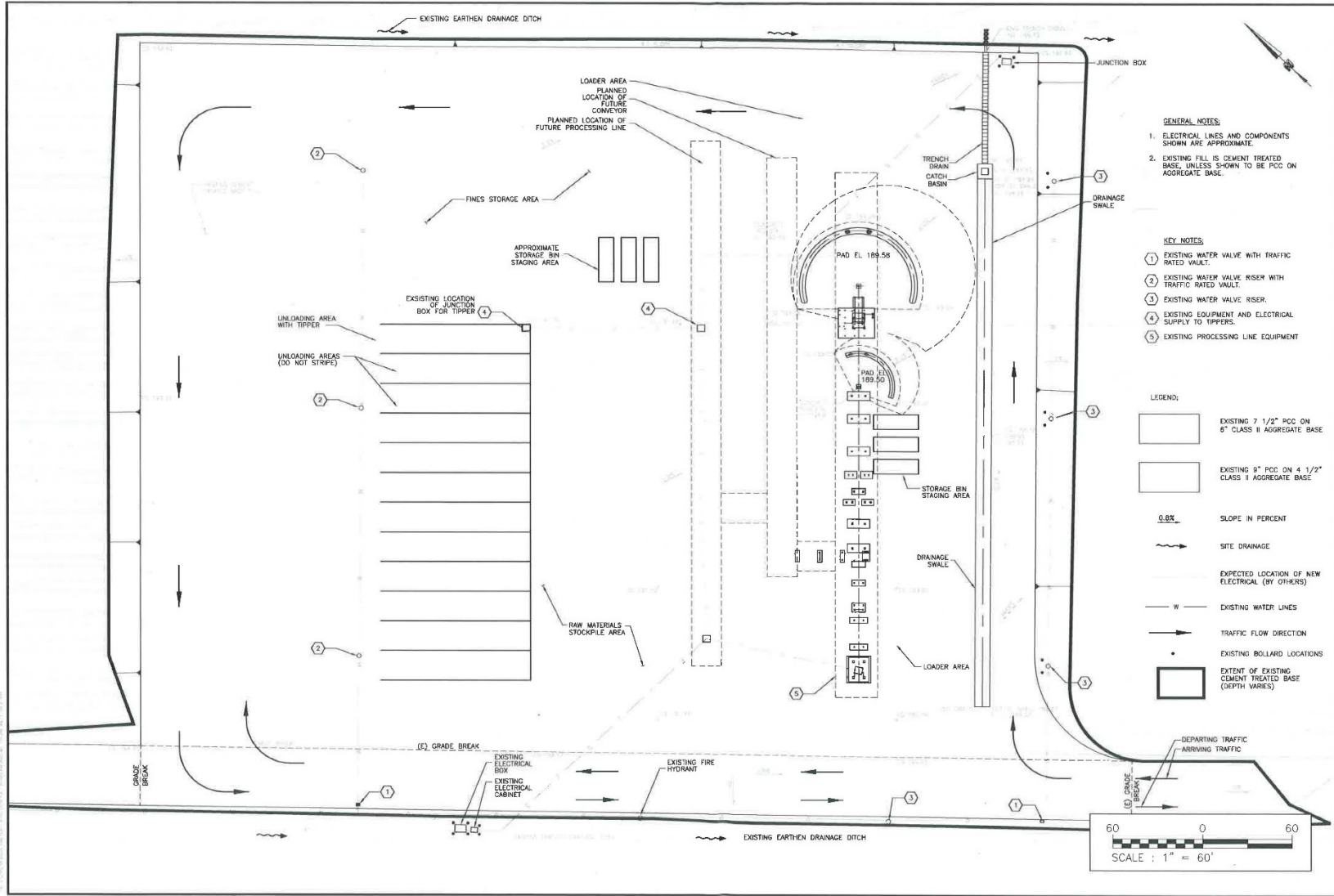
**EXHIBIT 1**  
16-2300

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**PROPOSED AERATED STATIC PILE SITE PLAN**  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

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**EBA ENGINEERING**  
825 SONOMA AVENUE  
SANTA ROSA, CA 95404  
TEL: (707) 544-0784

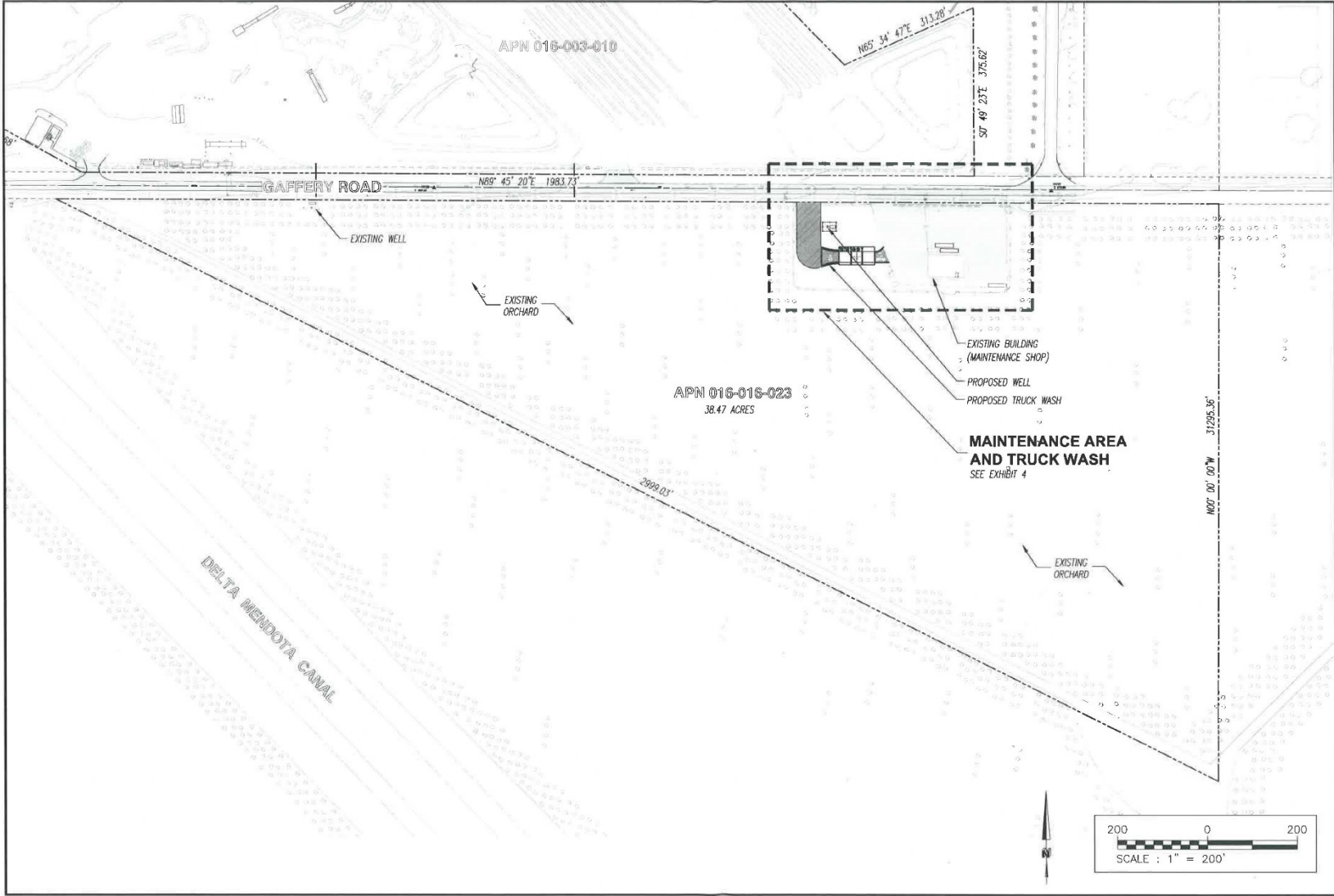


**EXHIBIT 2**  
16-2300

**RECEIVING AREA SITE PLAN**  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

**EBA ENGINEERING**  
825 SONOMA AVENUE  
SANTA ROSA, CA 95404  
TEL: (707) 544-0984

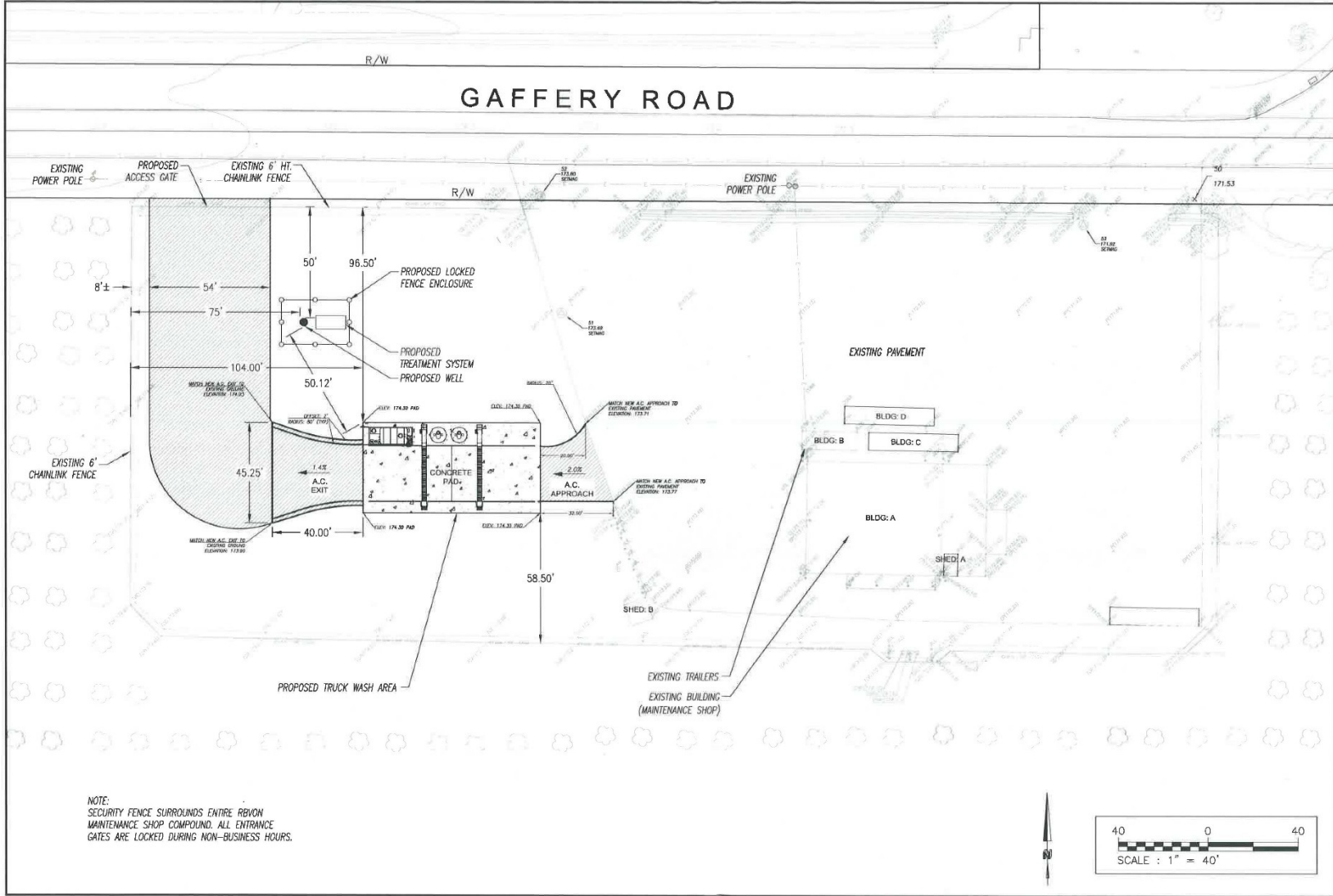




**EXHIBIT**  
**3**  
16-2300

**SITE PLAN - SOUTH**  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

**EBA**  
ENGINEERING  
825 SONOMA AVENUE  
SANTA ROSA, CA 95404  
TEL: (707) 544-0784



NOTE:  
 SECURITY FENCE SURROUNDS ENTIRE REYON  
 MAINTENANCE SHOP COMPOUND. ALL ENTRANCE  
 GATES ARE LOCKED DURING NON-BUSINESS HOURS.

EXHIBIT  
**4**  
 16-2300

**GAFFERY ROAD PROPOSED TRUCK WASH SITE PLAN**  
 RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
 3909 GAFFERY ROAD, VERNALIS, CALIFORNIA

**EBA**  
 ENGINEERING  
 885 SONOMA AVENUE  
 SANTA ROSA, CA 95404  
 TEL: (707) 544-0794

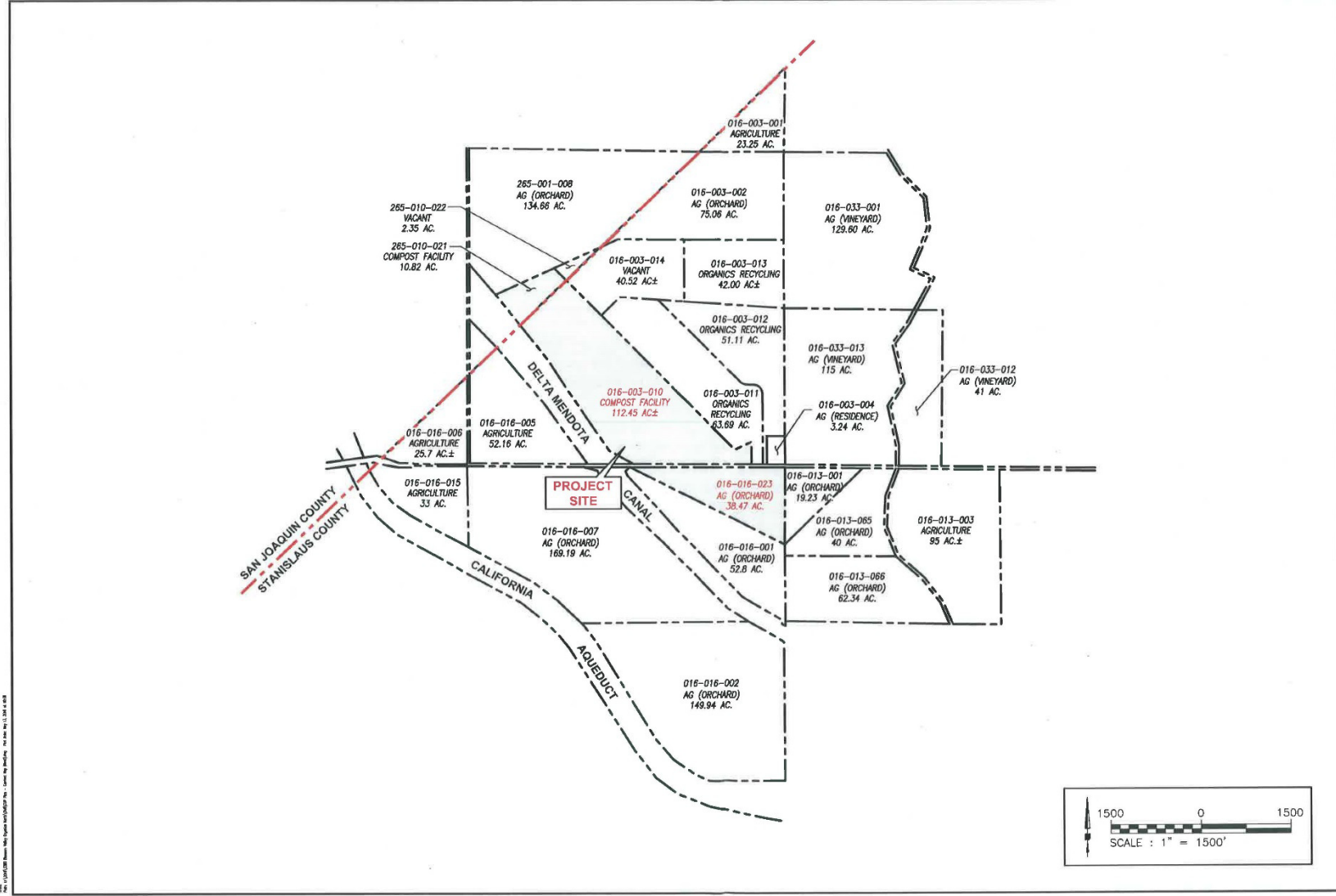


EXHIBIT 5 16-2300

AREA MAP  
RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH (VERNALIS)  
3909 GAFFERY ROAD, VERNALIS, CALIFORNIA



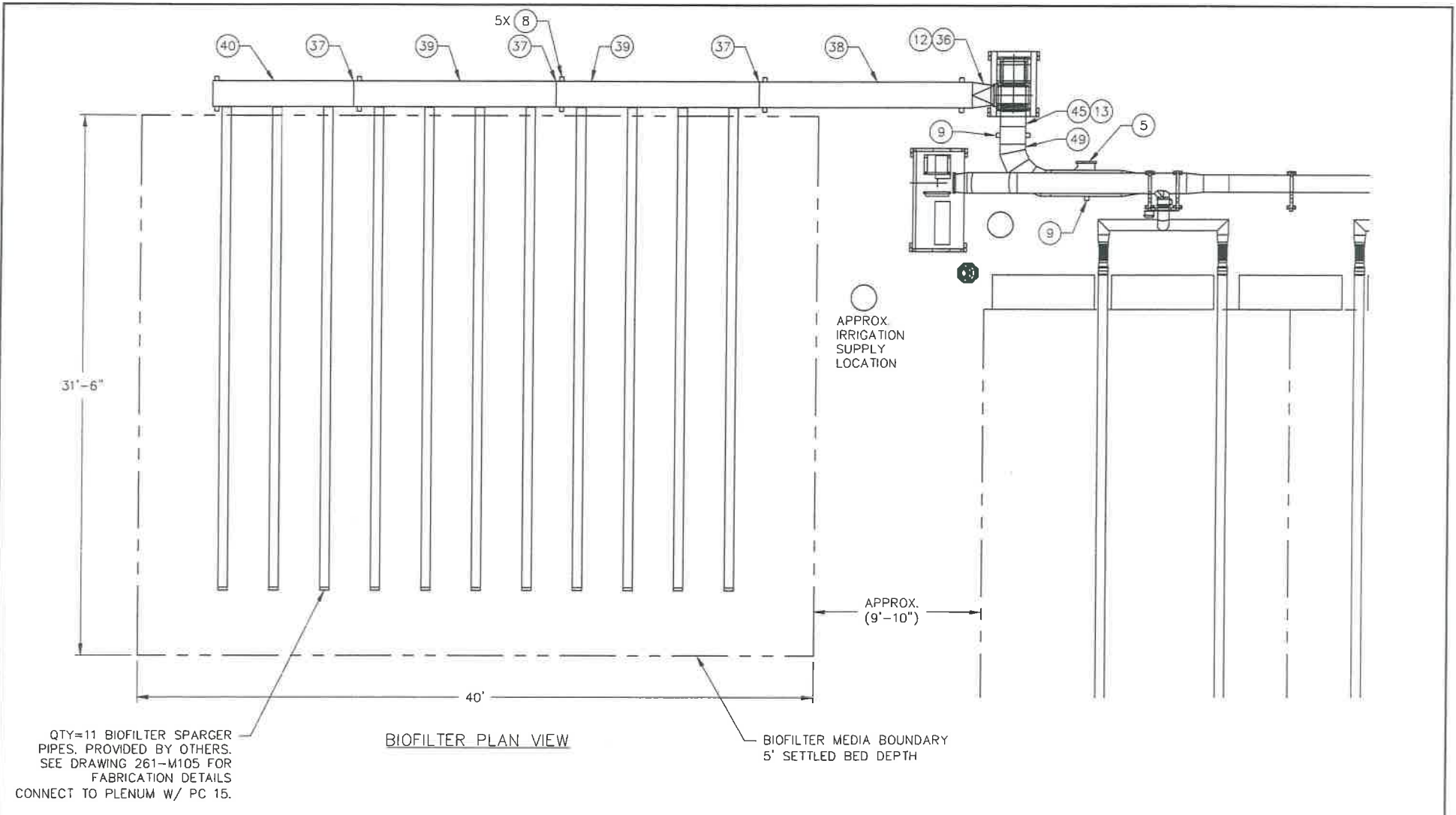
DATE: 11/11/11 11:34 AM 4.000' THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. THIS DOCUMENT IS UNCLASSIFIED.



# Upgraded Equipment at Blossom Valley



Blossom Valley Organics entered into an agreement with Engineered Compost Systems (ECS) to conduct a pilot project for an aerated static pile (asp). It is anticipated that the pilot will demonstrate the effectiveness of an asp system at Blossom Valley Organics and produce finished compost, with less possibility for odor emissions, within a 45-day period v. the current windrow turning methods which takes 90-120 days to complete the compost/curing process.



1	MODIFIED FOR MASS BED	EWH	7/11/2016	TOLERANCES UNLESS OTHERWISE SPECIFIED 2 PLACE DECIMALS: ± .00 3 PLACE DECIMALS: ± .001 FRACTIONS: ± 1/32 ANGLES: ± .1°		ALL DIMS ARE IN INCHES DO NOT SCALE DRAWINGS THIRD ANGLE PROJECTION	ENGINEERED COMPOST SYSTEMS 1211 24th Avenue NE - Seattle, WA 98109 T: 206.431.2625 F: 206.434.1109 www.ecsquality.com	DRAWN: EWH CHECKED:	SIZE: B TITLE: BVON PILOT BIOFILTER DETAIL
NO	REVISION			DATE: 25 APR 2016 SCALE: 3/16"=1'	PROJECT: P261 DWG. NO: 261-M02	SHEET: 7 OF 8 REV: 1			

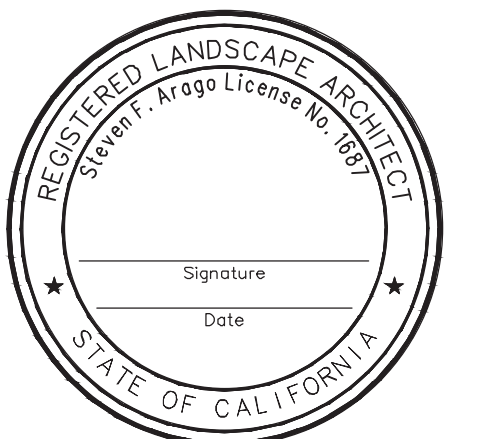




1350 Treat Blvd, Suite 380  
 Walnut Creek, CA 94597  
 925.357.2562

**VISUAL SIMULATION - BEFORE  
 WESTERN ENTRY  
 RECOLOGY BLOSSOM VALLEY ORGANICS  
 3909 GAFFERY RD., VERNALIS, CA**

DATE: 11/30/2016







1350 Treat  
 Blvd, Suite  
 380 Walnut  
 Creek, CA  
 94597  
 925.357.25  
 62

VISUAL SIMULATION - AFTER  
 WESTERN ENTRY  
 RECOLOGY BLOSSOM VALLEY  
 ORGANICS 3909 GAFFERY RD.,  
 VERNALIS, CA

DATE:

1/30/2016



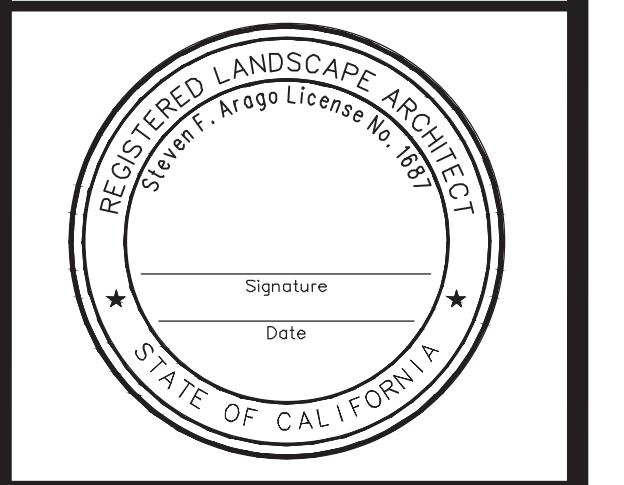




1350 Treat Blvd, Suite 380  
Walnut Creek, CA 94597  
925.357.2562

**VISUAL SIMULATION - BEFORE  
EASTERN ENTRY  
RECOLOGY BLOSSOM VALLEY ORGANICS  
3909 GAFFERY RD., VERNALIS, CA**

DATE: 11/30/2016



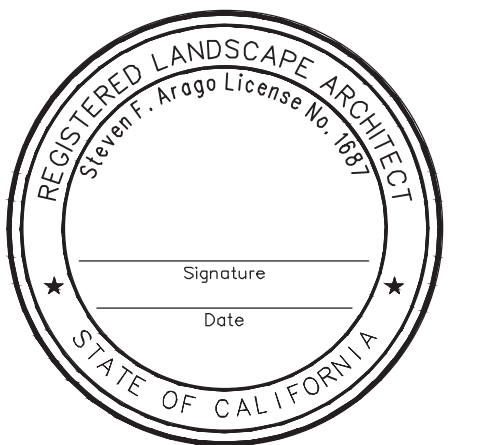




1350 Treat Blvd, Suite 380  
Walnut Creek, CA 94597  
925.357.2562

**VISUAL SIMULATION - AFTER**  
**EASTERN ENTRY**  
RECOLOGY BLOSSOM VALLEY ORGANICS  
3909 GAFFERY RD., VERNALIS, CA

DATE: 11/30/2016





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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)

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## **CONDITIONS OF APPROVAL**

### **USE PERMIT APPLICATION NO. PLN2016-0055 - RECOLOGY BLOSSOM VALLEY ORGANICS - NORTH**

#### **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. All Use Permit No. 98-19 and 2006-37 Conditions of Approval and Mitigation Measures shall remain in effect. If a conflict exists, the stricter of the requirements shall be imposed unless otherwise determined by the Planning Director.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2016), the applicant 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 applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.25**, 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 applicant/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 applicant 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. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.
7. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
8. 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.
9. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation.
10. Pursuant to Sections 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits, or authorizations, if necessary.
11. 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.
12. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.
13. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
14. The facility operator shall be responsible for keeping all materials, including litter, within the 112 acre parcel approved for composting. Installation of all of the proposed 22 foot high meshed litter and dust cantilevered-fencing shall be completely within 6 months of project approval. Installation shall include landscaping as approved by the Planning Department.
15. The facility operator shall fully implement the Odor Control Plan, the Litter Control Plan, Dust Control Plan, and the Vector Control Plan upon project approval. Any changes to the plans shall be subject to approval by the Planning Director.



16. The facility operator shall require that all incoming feedstock delivery trucks check their trailers for the presence of seagulls and other birds at their source of departure. The applicant is to continue to use the services of the falconer to abate the presence of seagulls.
17. The Use Permit shall be reviewed by the Planning Commission one (1) year after project approval and annually thereafter at the discretion of the Planning Director. The Planning Commission, as part of the review, may amend conditions of approval, as necessary, to address nuisance concerns.
18. The facility operator shall complete the conversion of composting from windrow composting to the Aerated Static Pile composting system for the whole site within six (6) years of project approval. The composting areas shall maintain a setback distance of at least 100 feet from the northern and southern property lines.
19. Within 30 days of approval, the applicant/operator will be required to deposit the sum of \$10,000 with the Stanislaus County Department of Environmental Resources to be used to reimburse the County for any staff costs associated with monitoring and enforcing adopted Conditions of Approval and/or Mitigation Measures. The applicant shall refresh the deposit within 30 days when notified by County Staff that the available funds have dropped below 50%.

**Department of Public Works**

20. The applicant shall obtain an encroachment permit prior to any work being done in the Stanislaus County road right-of-way.
21. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway. An encroachment permit shall be taken out for any new asphalt driveway on Gaffery Road right-of-way for the maintenance and truck washing parcel prior to the issuance of a grading or building permit for that parcel
22. 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 applicant 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.

23. The applicant 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-off 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 applicant at the completion and acceptance of the grading and drainage construction by Stanislaus County Public Works.
24. 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.
25. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
26. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.

#### **Central Valley Regional Water Quality Control Board (RWQCB)**

27. The project shall be required to meet all RWQCB policies and standards in order to protect the quality of surface and groundwater. Policies and standards include, but are not limited to a Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit – Water Qualification Certification, and Waste Discharge requirements. Policies and standards shall be met prior to development and maintained during operation.

#### **San Joaquin Valley Air Pollution Control District (SJVAPCD)**

28. The applicant may be subject to the following District Rules and may be subject to additional regulations/permits, as determined by the SJVAPCD:
  - Regulation VIII (Fugitive PM10 Prohibitions);
  - Rule 4102 (Nuisance);
  - Rule 4601 (Architectural Coatings); and
  - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

#### **Building Permits Division**

29. Building permits are required and the project must conform with the California Code of Regulations, Title 24.
30. Prior to the issuance of a building permit for the truck wash facility, the applicant shall obtain a change of use to convert the agricultural building to an equipment mechanic shop and pay all applicable Public Facilities Fees, as determined by the Chief Building Official.

**CalRecycle**

31. The facility is currently permitted to operate on 123.5 acres and may receive up to 2,000 tons per day of compostable material. In order to modify the operation, the operator will be required to apply for a Revised Solid Waste Facilities Permit prior to new operations commencing.

**West Stanislaus County Fire Protection District**

32. Project shall comply with current California Fire Code requirements. Approved Fire Apparatus access roads shall be provided. Minimum width shall not be less than 20 feet.
33. Current Recology on-site water supply tanks shall be maintained in proper working order and shall have approved, unobstructed fire road access at all times.
34. Hydrants shall be maintained in proper working order at all times.
35. Water supply pond shall be filled and maintained at all times.

**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**  
**2) 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.)**

36. MM AIR-1 - Fugitive Dust Control

The owner/operator shall sufficiently implement at least one (1) of the control measures listed below to limit visible dust emissions (VDE) to 20 percent opacity or to comply with the conditions for a stabilized surface as defined in Rule 8011. The opacity limit may be achieved through implementation of any combination of the following control measures to the extent needed:

On-Site Transporting of Bulk Materials:

- Limit vehicular speed while traveling on the work site sufficient to limit VDE to 20 percent opacity; or
- Load all haul trucks such that the freeboard (the amount of material transported that rises above the walls of the truck bed) is not less than six (6) inches when material is transported across any paved public access road; or
- Apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or
- Cover haul trucks with a tarp or other suitable cover.

Off-Site Transporting of Bulk Materials:

- Clean the interior of the cargo compartment or cover the cargo compartment before the empty truck leaves the site; and

- Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate; and
- Load all haul trucks such that the freeboard is not less than six (6) inches when material is transported on any paved public access road and apply water to the top of the load sufficient to limit VDE to 20 percent opacity; or cover haul trucks with a tarp or other suitable closure.

Unpaved Road Segments:

- On each day that 75 or more vehicle daily trips (VDT), or 25 or more VDT with three (3) or more axles, will occur on an unpaved road segment, the owner/operator shall limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road by application and/or re-application/maintenance of at least one (1) of the following control measures, or shall implement an approved Fugitive PM10 Management Plan:
  - Watering;
  - Uniform layer of washed gravel;
  - Chemical/organic dust suppressants;
  - Vegetative materials;
  - Paving;
  - Road-mix;
  - Any other method(s) that can be demonstrated to the satisfaction of the APCO that effectively limits VDE to 20 percent opacity and meets the conditions of a stabilized unpaved road.

Unpaved Vehicle/Equipment Parking and Traffic Areas:

- The control measures listed below shall be implemented on unpaved surface areas dedicated to any vehicle and equipment parking and traffic activity in order to limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road as specified in Rule 8011. If vehicle activity remains exclusively within an unpaved vehicle/equipment traffic area, Section 5.3 may be implemented to limit VDE to 20 percent opacity.
- Where 50 or more annual average daily trips (AADT) will occur on an unpaved vehicle/equipment traffic area, the owner/operator shall limit VDE to 20 percent opacity and comply with the requirements of a stabilized unpaved road by the application and/or reapplication/maintenance of at least one (1) of the following control measures:
  - Watering;
  - Uniform layer of washed gravel;
  - Chemical/organic dust suppressants;
  - Vegetative materials;
  - Paving;
  - Road-mix.

37. MM AIR-2 - Odor Complaint Response

- When the site receives an odor complaint, the Odor Management Plan shall be implemented. The OMP requires use of a third-party answering service. When complaints are received by the third-party answering service, an e-mail shall be sent

to both BVON personnel and Stanislaus County alerting them of the incident. Complaints received by BVON will be forwarded to the Lead Enforcement Agency (LEA) within 24 hours of receipt or by close of business of the first business day after a weekend complaint.

- Upon notification of a complaint by the third-party service, or upon direct receipt of a complaint by the facility, a facility investigator will use an olfactometer device to determine if the odor is detectable both at the complaint location and on-site at the facility border in the area of the prevailing wind direction.
- If BVON is found to be the source of acute malodorous conditions, then the site will work to eliminate the source of the malodor and an Odor Complaint Investigation Report (OCIR) will be submitted to the LEA within 48 hours of receiving the complaint or by close of business of the first business day after a weekend complaint. The OCIR shall detail the complaint, the investigation carried out, the prevailing weather conditions at the time of complaint and investigation, and the activities occurring on-site at the time of complaint and investigation.

38. MM AIR-3- Facility Improvement and Process Adjustments to Reduce Odors

Facility improvements and adjustments to process controls used to eliminate the source of malodorous conditions shall include, but are not limited to, the following:

- Processing all incoming compostable feedstock materials into active windrows within 72 hours;
- Adequately blending feedstocks and/or adjusting food material to green material ratios to achieve desired carbon to nitrogen levels. Windrows typically have up to a one-to-one ration of food material, not comprising more than 50% of food content, to green material by weight;
- Monitoring feedstock porosity;
- Evaluating and altering moisture management operations, which shall include adding sufficient water to achieve desired moisture;
- Temperature balancing through regulation of airflow within the windrows;
- Adjusting pile sizes;
- Improving site drainage.

Odor controls on the compost pad include:

- Collection and incorporation of organics from aisles between windrows;
- Use of microbial inoculants or lime on pad surfaces and water collection systems;
- Incorporating high organic content liquids into the composting process, both as an inoculant and for moisture control.

39. MM AIR-4 - Facility-wide ASP System Implementation

State Water Resources Control Board Water Quality Order 2015-0121-DWQ (included in Appendix A of the Initial Study) establishes a timeline for compliance with the Compost General Order, as well as monitoring and reporting procedures. The project shall comply with the provisions of the order, as detailed in the Notice of Applicability for coverage under the General Order issued by the Central Valley RWQCB on January 26, 2016.

40. MM CUL-1 – Cultural Materials

An archaeologist who meets the Secretary of Interior’s Professional Qualification Standards for archaeology should be present during the initial phase of ground disturbance in order to check for the inadvertent exposure of cultural materials. This may be followed by regular periodic or “spot-check” archaeological monitoring during ground disturbance as needed, but full-time archaeological monitoring is not required at this time. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate forms and will be submitted to the County of Stanislaus, the Central California Information Center (CCIC), and the State Historic Preservation Office (SHPO), if required.

41. MM CUL-2 – Fossil-Bearing Deposits

In the event that fossils or fossil-bearing deposits are discovered during construction activities, excavations within a 100-foot radius of the find shall be temporarily halted or diverted. The project contractor shall notify a qualified paleontologist to examine the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If the applicant determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The plan shall be submitted to the County of Stanislaus for review and approval prior to implementation, and the applicant shall adhere to the recommendations in the Plan.

42. MM CUL-3 – Protection of Human Remains

In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of

the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
  - The descendant identified fails to make a recommendation.
  - The landowner or his/her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

43. MM GEO-1: - Erosion Control

In the event that windrows are permanently removed from the site, erosion control measures appropriate to local conditions shall be put in place. Measures could include the planting of vegetation or agricultural crops to decrease loss of soil by erosion.

44. MM HAZ-1 – Vector Control

To minimize potential for fly nuisance conditions, the applicant shall contract with a licensed pest management service to develop and implement a fly control plan that includes the use of measures such as:

- Adult fly knockdown agents including organic certified sprays as well as EPA Exempt (25(b)) options, fly specific bacterial and fungal sprays (Elector PSP—Spinosad, fungal pathogen—Beauveria bassiana), botanical insecticides—pyrethrurn, Pyrethrins + synergists), short residual sprays with rapid degradation.
- Granular fly baits in selected areas applied in bait trays, on bait cards or as scatter baits.
- Insect Growth Regulators (IGR) such as Tekko 10, Tekko Pro or Neporex to break the life cycle of flies by preventing molting, metamorphosis and reproduction.
- Insecticide (deltamethrin) impregnated mesh used for stable fly control.

- Increased frequency for turning of green waste to disrupt fly breeding and attraction and to make the material less conducive to flies.
- Expanded monitoring of flies on-site and in the surrounding area to determine what the seasonal fly pressure and to establish the normal background level of flies as a benchmark for future remedial action.

45. MM HYD-1 – Storm Water Pollution Prevention Plan (SWPPP)

The applicant shall prepare and implement a SWPPP as required under the General Construction Permit for Discharges of Storm Water Associated with Construction Activities, for all construction phases of the project. The SWPPP shall identify pollutant sources that may affect the quality of stormwater discharge and shall require the implementation of BMPs to reduce pollutants in stormwater discharges. BMPs include temporary erosion control measures (such as fiber rolls, staked straw bales), landscaping, and sediment basins.

46. MM HYD-2 – Surface and Groundwater Quality

In order to comply with the Regional General Order from the SWRCB, the project shall implement periodic monitoring and inspections of surface and groundwater quality to ensure protection of beneficial uses. Mitigation for surface waters is outlined in the Design Construction and Operation Requirements. Drainage conveyance systems and ditches must be properly sloped to minimize ponding and kept free and clear of debris to allow for continuous flow of liquid. Ditches must be adequately protected from erosion, and must not cause, threaten to cause, or contribute to conditions resulting in contamination, pollution, or nuisance. Ditches must be inspected and cleaned out prior to the wet season every year.

47. MM NOI-1 – Noise Impacts

Implementation of the following multi-part mitigation measure is required to reduce potential construction period noise impacts:

- The construction contractor shall ensure that all construction equipment have appropriate sound muffling devices, which are properly maintained and used at all times such equipment is in operation.
- The construction contractor shall ensure that all internal combustion-engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.
- The construction contractor shall ensure that “quiet” models of air compressors and other stationary construction equipment are utilized where such technology exists.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., in excess of five (5) minutes).
- All noise producing construction activities, including deliveries of materials and warmup of equipment shall be limited to the hours of 7:00 a.m. and 7:00 p.m. daily.

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*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~~.*