



## **NUISANCE ABATEMENT HEARING BOARD**

**STAFF REPORT  
0 Bystrum Road  
Modesto, CA 95351  
APN: 038-012-009**

**DATE OF HEARING:** June 27, 2013

**TITLE:** Nuisance Abatement Hearing: CE #12-0224

**SUPERVISORIAL DISTRICT:** 5

**ZONING DESIGNATION:** C-2 (General Commercial District)

**RECOMMENDATION:** It is County staff's recommendation that after considering the information contained in the attached Inspection Report and any testimony presented, that the Nuisance Abatement Hearing Board finds that a nuisance exists at 0 Bystrum Road, Modesto pursuant to Section 2.92 of the Stanislaus County Code. If the Nuisance Abatement Hearing Board finds this property to be a nuisance, within thirty days of that finding, the Stanislaus County Board of Supervisors will be asked to adopt, modify or reject that finding. If adopted the Board of Supervisors would:

- Order the interested parties to abate the nuisance and return the property to its permitted use as defined in the Stanislaus County Code.
- Authorize the abatement of the nuisance and charge the cost to the owner(s).
- Authorize the disposal of material removed from the property and charge the cost of removal to the owner.
- Order a lien to be recorded against the property if the owner fails to pay the County for the cost of the abatement.

**COUNTY OF STANISLAUS  
NUISANCE ABATEMENT HEARING BOARD REPORT**

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**PROPERTY ADDRESS, APN AND DESCRIPTION:**

0 Bystrum Road, Modesto, CA – Assessor's Parcel Number: 038-012-009

The parcel is zoned C-2, General Commercial District - §21.56 of the Stanislaus County Code. According to the Stanislaus County Assessor's Office records the parcel is a vacant lot approximately 60,112 square feet (1.38 acres).

**PROPERTY OWNER INFORMATION:**

Stanley A. Goblirsch and Joyce O. Goblirsch are the current owners of record according to the Stanislaus County Assessor's Office, the Stanislaus County Clerk-Recorder's Office, and a title report obtained from Stewart Title Company.

**GENERAL BACKGROUND INFORMATION:**

The business identified as "Central Valley Recycling" (CVR) is operated on two adjoining parcels, by Donald Francis Sr. and Donald Francis Jr. Said parcels are both zoned C-2 and identified as APN 038-012-008 (524/526 S. 9th St, Modesto) and APN: 038-012-009 (0 Bystrum Rd, Modesto) and are owned by Stanley A. Goblirsch and Joyce O. Goblirsch. The parcel identified as APN 038-012-008 is improved with two (2) Quonset hut type buildings used to primarily collect California Redemption Value (CRV) recycling. CRV recycling typically includes household items such as aluminum cans, and plastic and glass bottles. There are no land use/zoning complaints associated with the portion of this business operating on APN 038-012-008. The parcel identified as APN 038-012-009 is improved with a truck scale and scale house (no building permits for either on record), containers, machinery, and piles utilized for the collection of scrap metal items (Exhibit 2). The scrap metal portion of the business, and the operating practices employed by the operator have resulted in noise and air quality complaints.

In 2009, the Stanislaus County Director of Planning and Community Development, based on the evidence at hand at the time, determined that CVR's scrap metal recycling operation was similar in character and purpose to uses enumerated in County Code Chapter 21.56 General Commercial (C-2) and approved the issuance of a business license to CVR for scrap metal recycling. In 2012, in response to complaints received by County officials from residents of the adjoining neighborhood, it was determined that the scrap metal recycling portion of the business was no longer, or may never have been, operated in a manner consistent with the character of permitted C-2 uses and a business license

renewal was denied. Consequently, the scrap metal recycling operation that occurs at APN: 038-012-009 (0 Bystrum Rd, Modesto) must cease.

For reference purposes, the subject property is identified as APN: 038-012-009 (0 Bystrum Rd, Modesto), and contains the alleged violations:

(1) §21.56.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use (scrap metal recycling operation).

(2) §21.56.040(D) of the Stanislaus County Code. No operation (scrap metal recycling 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.

## HISTORY

CVR's location is adjacent to a residential area. (Maps)

In February of 2009, Stanislaus County (County) received a complaint about Central Valley Recycling (CVR) alleging they were operating a non-permitted scrap metal recycling business with a fencing violation in the C-2 zone. Staff opened code enforcement case CE# 09-0158.

In May of 2009, CVR applied for a business license to operate a "recycling and scrap" business to conduct "buying cans plastic, glass & scrap metal". (Exhibit 5)

On July 19, 2009, staff informed CVR of the County Zoning Ordinance requirements regarding fencing for the outside storage of scrap metal. (Exhibit 3)

On July 21, 2009, based on staff's understanding at the time of CVR's materials processing activities, and the type of materials to be accepted and the anticipated height of the scrap piles, staff provided CVR with a letter notifying CVR that staff reviewed the application for a business license and approved it upon compliance with section 21.08.020(b)(1) of the County Code regarding fencing and pile height of materials stored outside an enclosed building. (Exhibit 4) Staff closed CE# 09-0158 case after the fencing requirements were met and a business license was approved.

In 2010 and 2011, CVR submitted applications for Scrap Metal Dealer/business licenses renewal, which were both approved. (Exhibits 6 and 7)

On June 19, 2012, the County mailed a Scrap Metal Dealer/business license renewal notice to the operator (Exhibit 9) and CRV subsequently submitted a renewal application. (Exhibit 10)

In 2012, County officials received complaints from residents of the adjoining neighborhood relating to noise and air pollution from the on-site movement of scrap metal. In response to the complaints, renewal of the business license application was placed on hold to allow the Planning Department an opportunity to review the complaints and the current operations. (Exhibit 12, p. 1 – 3, 7) One of the issues identified during staff's review of CVR's operation is the fact that CVR accepts and processes vehicles, which was not considered part of the materials to be processed in 2009. (Pictures 7 and 8)

On September 5, 2012, the Planning Director of the Department of Planning and Community Development (DPCD) informed CVR that the County would not approve the business license because of complaints from the surrounding neighborhood. Due to the nuisance conditions arising out of CVR's operations that were affecting the neighboring residential areas, the Director determined that the "operation of the scrap metal recycling business is not in character with permitted C-2 uses." The Director informed CVR that if they wished to contest this determination they may submit a written appeal request under County Code 21.112.020(B), but that the appeal must be submitted within 10 days of the notice (Exhibit 11). No appeal was submitted.

On October 31, 2012, code enforcement staff visited the property and spoke with Donald Francis, Sr. and Donald Francis, Jr. (co-owners of CVR) at CVR regarding the non-permitted scrap metal recycling operation. Staff photographed both parcels from the public right of way and said photographs are hereby attached as photographs 1 & 2, depicting accurate representations of the observations described herein.

On November 7, 2012, code enforcement staff visited CVR and met with Donald, Sr.; Donald, Jr.; Glenda Teague (bookkeeper), and Richard Francis (son of Donald, Sr.). Code enforcement staff obtained verbal consent from Donald, Sr. and Donald, Jr. to enter both parcels (APN 038-012-008 and APN: 038-012-009) and permission to take photographs. Richard and Donald, Jr. escorted staff throughout the entire inspection. The subject property contained a truck scale area, industrial type equipment such as a forklift, a water truck, and excavators. Staff also observed large metal bins placed throughout the property and semi-trucks & trailers. Situated to the center of the subject property, staff observed a large pile of scrap metal that included broken pieces of cement, metal wires, two wrecked vehicles, several vehicle parts (e.g.: alloy rims, etc), motors, steel pipes, and other iron metal material. The distance between the pile of scrap metal and the fence along Bystrum Road was approximately 100 feet. Richard said that they do not sell the vehicles and only accept vehicle frames for the purpose of transporting them to a processor and that CVR is not considered an automobile dismantler. Richard also stated the scrap metal operation has not changed since

2009. While at the site, staff observed customers at the scale and it appeared customers were also off-loading scrap metal at the subject property. Staff photographed both parcels from a legal position and said photographs are hereby attached as photographs 3, 4, 5, 6, 7, 8, 9, 10, & 11, depicting accurate representations of observations described herein.

Planning staff reports that while CVR may not be considered an auto dismantler according to State law, the acceptance of vehicle frames was not a consideration in issuance of the original 2009 business license or subsequent renewals and, due to its similarity in character to auto wrecking, is not considered a permitted C-2 use.

On November 13, 2012, code enforcement staff received a call from Don, Sr. requesting a meeting to review documents showing CVR was in the scrap metal business prior to 2009. Later on the same date staff met with Stanley Goblirsch (property owner), Donald Sr. & Richard at CVR. Richard provided copies of Solid Waste Permits that indicate that CVR received scrap metal prior to obtaining a business license in 2009.

Planning staff reports the scrap metal that CRV may have received prior to 2009 likely occurred in conjunction with the CRV operation on APN 038-012-008, which was not limited to CRV type recycling; however, APN 038-012-009 was not recognized as part of the recycling operation at that time and, prior to the staff approval of the business license for scrap metal recycling in 2009, had been used for truck parking.

On November 13, 2012, code enforcement staff spoke with Scott Van Dyke (San Joaquin Valley Air Pollution Control) and was informed CVR had an informal dust control plan. Scott said he conducted routine inspections to verify CVR used their water trucks to limit the amount of dust created at the subject property. Staff sent an inquiry to the Sheriff's Department requesting a report of disturbance calls from the subject property between the hours of 7:00pm – 7:00am, from the dates of January, 2009 through November, 2012. According to the Sheriff's Department records, there were no complaints filed or reports of disturbances at the subject property during the requested time periods.

On December 7, 2012, public works staff received a Request for Investigation of a Complaint regarding sediment control and dirt/debris tracking. (Exhibit 12, p.6)

In late 2012 or early 2013, CVR requested Bollard Acoustical Consultants, Inc., to prepare a noise study to address noise concerns. (Exhibit 13) CVR solicited input from County staff on the scope of work and provided a copy of the January 30, 2013 noise study to staff. The noise study showed that the CVR facility exceeded Stanislaus County's daytime noise level standards contained in County

Code section 10.46.120(B) by 2 to 4 dB on the days the facility was in operation and by as much as 6dB Lmax and 9 dB L50 at the east property line 50 feet from the existing residences (Exhibit 13 at pp. 3, 10, and 11).

On February 6, 2013, staff received a complaint regarding noise, dust and odor from CRV's operations. (Exhibit 12, pp. 4-5)

On February 21, 2013, the planning department acknowledged receipt of the noise study and of noise study's finding that County noise standards were being exceeded. Staff notified CVR that the scrap metal facility is not permitted to continue operating. (Exhibit 14).

On February 21, 2013, the Department of Environmental Resources notified CVR that contaminated storm water had been identified on the property and that the storm water is hazardous waste and ordered the correction of the violation. (Exhibit 15).

On February 27, 2013, the operator's attorney, Thomas H. Terpstra, submitted two (2) letters. The first letter argued that CRV had a vested right as a scrap metal recycler and the second letter contained a Public Records Request (Exhibits 16 and 17). On March 7, 2013 staff acknowledged receipt of the Public Records Request. (Exhibit 18)

On April 2, 2013, code enforcement staff conducted a follow-up inspection from the public right of way, further identified as South 9th Street and the intersection of Souza Avenue and Bystrum Road. While standing on the corner of Souza Avenue & Bystrum Road, staff noted the scrap metal recycling operation continued at the subject property and issued a Notice and Order to Abate. (Exhibit 1). Staff photographed both parcels from the public right of way and said photographs are hereby attached as photographs 12, 13, 14, & 15, depicting accurate representations of observations described herein.

On April 4, 2013, building department staff received a complaint that a concrete wall was being constructed along the eastern property line of APN: 038-012-009. Staff investigated and confirmed the construction of a 10-foot high wall without first obtaining building permits. A Notice to Builder and Record of Stop Work Order were posted on site identifying the non-permitted construction of an 84-foot long by 10-foot high concrete wall constructed with 2-foot by 6-foot concrete blocks along the eastern property line. The following day, April 5, 2013, a certified letter was mailed to the operators and property owners identifying the need for a building permit. The operator informed the County's building permit staff that they would reduce the wall height to six feet to eliminate the need for a building permit and then contact staff for a compliance inspection. The Stop work order is currently still active. (Exhibit 12, pp. 7, 8)

On May 22, 2013, code enforcement staff conducted a compliance inspection and noted the property remained in violation as described on April 2, 2013. Both parcels were photographed from the public right of way and said photographs are hereby attached as photographs 16 & 17, depicting accurate representations of observations described herein.

On May 30, 2013, a Notice of Hearing to Abate Nuisance regarding the April 2, 2013 Notice to Abate was delivered to all interested parties. Nuisance Abatement Hearing Board scheduled for June 27, 2013. (Exhibit 22)

On June 4, 2013, the public works director issued a Notice and Order to Abate/Notice of Violation of County Code Sections 2.92.010 (Public Nuisances) and 14.14 (Stormwater Management and Discharge Control) issued (Exhibit 12, p. 9-11). The June 4, 2013 Notice and Order is still outstanding and not at issue before this board at this time.

#### EXHIBITS:

- **Exhibit 1:** On April 2, 2013 staff generated a Notice and Order to Abate (N&O) and issued it pursuant to Section 2.92.030 of the Stanislaus County Code (SCC), to the owners of record, Stanley A. Goblirsch and Joyce O. Goblirsch, PO BOX 1010, Ceres, CA 95307. On April 10, 2013, the Department of Environmental Resources (DER) received the United States Postal Service (USPS) certified receipt card dated April 5, 2013 bearing the printed name and signature of "Joyce Goblirsch." Copies were also delivered via USPS regular and certified mail to the following: Central Valley Recycling (CVR), 524 S. 9th St, Modesto, CA 95351 (on 4/10/13 DER received the USPS certified receipt card dated 4/5/13 with the signature of Modesta Diaz); Donald G. Francis, Business Owner of CVR, 2220 Millcreek Dr, Modesto, CA 95351 (on 4/11/13 DER received the USPS certified receipt card dated 4/10/13 with the signature of Don Francis); Thomas H. Terpstra, Attorney at Law, 578 N. Wilma Ave, STE: A, Ripon, CA 95366 (on 4/10/13 DER received the USPS certified receipt card dated 4/4/13 with the signature of Rosie Ruppel); Mark Niskanen, JB Anderson Land Use Planning, 139 S. Stockton Ave, Ripon, CA 95366 (on 4/10/13 DER received the USPS certified receipt card dated 4/4/13 with the signature of Mark Niskanen); Paul Bollard, President of Bollard Acoustical Consultants, Inc., 3551 Bankhead Rd, Loomis, CA 95650 (on 4/10/13 DER received the USPS certified receipt card dated 4/4/13 with the signature of Christina Hamberger). A copy was delivered via department mail to: Angela Freitas, Department of Planning & Community Development (DPCD) Director, 1010 10th St, STE: 3400, Modesto, CA 95354.

- **Exhibit 2:** Map layout obtained from CVR which depicts where the California Redemption Value and scrap metals are stored. It also shows the ingress and egress routes for the customer drop-off.
- **Exhibit 3:** July 19, 2009, the DPCD generated a letter issued to Stanley Goblirsch regarding the necessary improvements to bring the subject property into compliance with the C-2 zoning district.
- **Exhibit 4:** July 21, 2009, the DPCD generated an approval letter issued to Donald G. Francis regarding the 2009 business license application.
- **Exhibit 5:** 2009 Business License & Scrap Metal Dealer License Application (including correspondences).
- **Exhibit 6:** 2010 Business License & Scrap Metal Dealer License Renewal Applications.
- **Exhibit 7:** 2011 Business License & Scrap Metal Dealer License Renewal Applications.
- **Exhibit 8:** January 3, 2012, CVR obtained a Recycling Center Permit (PR-1001-12), from the DER Solid Waste Division.
- **Exhibit 9:** June 19, 2012, the Office of Treasurer/Tax Collector generated a letter issued to CVR reporting that their Scrap Metal Dealer's License was due to expire 7/20/12.
- **Exhibit 10:** 2012 Business License & Scrap Metal Dealer License Renewal Applications (including correspondences).
- **Exhibit 11:** September 5, 2012, the DPCD generated a denial letter issued to Donald Francis/CVR regarding the 2012 renewal applications.
- **Exhibit 12:** Complaints received by the County.
- **Exhibit 13:** January 30, 2013, Environmental Noise Analysis, prepared by Bollard Acoustical Consultants, Inc.
- **Exhibit 14:** February 21, 2013, the DPCD generated a letter issued to Donald G. Francis and Stanley A. & Joyce O. Goblirsch stating that the scrap metal recycling operation was not permitted to continue.



- **Exhibit 15:** February 21, 2013, the DER Hazardous Materials Division generated a letter issued to CVR advising the facility was in violation.
- **Exhibit 16:** February 27, 2013, the County received a letter from Thomas H. Terpstra (attorney for CVR) responding to the DPCD letter dated 2/21/13.
- **Exhibit 17:** February 27, 2013, the County received a Public Records Act Request from Thomas H. Terpstra.
- **Exhibit 18:** March 7, 2013, County Counsel generated a letter issued to Thomas H. Terpstra in response to the 2/27/13 letter received by the County.
- **Exhibit 19:** April 16, 2013, the County received a letter from Thomas H. Terpstra responding to the Notice and Order to Abate issued on 4/2/13.
- **Exhibit 20:** May 8, 2013, the County received a letter from Thomas H. Terpstra requesting a hearing to dispute the Notice and Order to Abate issued on 4/2/13.
- **Exhibit 21:** May 10, 2013, County Counsel generated a letter issued to Thomas H. Terpstra in response to the 4/16/13 letter received by the County.
- **Exhibit 22:** May 30, 2013, staff generated a Notice of Hearing to Abate Nuisance and issued it pursuant to Section 2.92.070 of the SCC, to the owners of record, Stanley A. Goblirsch and Joyce O. Goblirsch, PO BOX 1010, Ceres, CA 95307 (on 6/4/13, the DER received the USPS certified receipt card dated May 31, 2013 bearing the signature of Joyce Goblirsch). Copies were also delivered via USPS regular and certified mail to the following: CVR, 524 S. 9th St, Modesto, CA 95351 (on 6/4/13 DER received the USPS certified receipt card dated 5/31/13 with the signature of Richard Francis); Donald G. Francis, Business Owner of CVR, 2220 Millcreek Dr, Modesto, CA 95351 (on 6/4/13 DER received the USPS certified receipt card dated 5/31/13 with the signature of Donald Francis); Thomas H. Terpstra, Attorney at Law, 578 N. Wilma Ave, STE: A, Ripon, CA 95366 (on 6/3/13 DER received the USPS certified receipt card dated 5/31/13 with the signature of Rosie Ruppel); Mark Niskanen, JB Anderson Land Use Planning, 139 S. Stockton Ave, Ripon, CA 95366 (on 6/3/13 DER received the USPS certified receipt card dated 5/31/13 with the signature of Tarise Adarada); Paul Bollard, President of Bollard Acoustical Consultants, Inc., 3551 Bankhead Rd, Loomis, CA 95650 (on 6/5/13 DER received the USPS certified receipt card dated 5/31/13 with the signature of Christina Hamberger). A copy was delivered via department mail to: Angela Freitas, DPCD Director, 1010 10th St, STE: 3400, Modesto, CA 95354.

**VIOLATIONS:**

Based upon the conditions staff observed at the property and reviewing County files, staff found the property owner violated the following provisions of the Stanislaus County Code:

1. §21.56.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use (scrap metal recycling operation).
2. §21.56.040(D) of the Stanislaus County Code. No operation (scrap metal recycling 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.





Streets City Zoom Tools Show Search Box Print Help



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717 719

709

Souza Ave

604

621

606

609

718

722 724

622

720

610

657

638

628

717

721

603

607

609

Hosmer Ave

50 m

300 ft

614

655

708

615



1



PHOTOGRAPH

10/31/2012

2

SCUZZA AVE  
700  
BYSTR.

STOP

10/31/2012

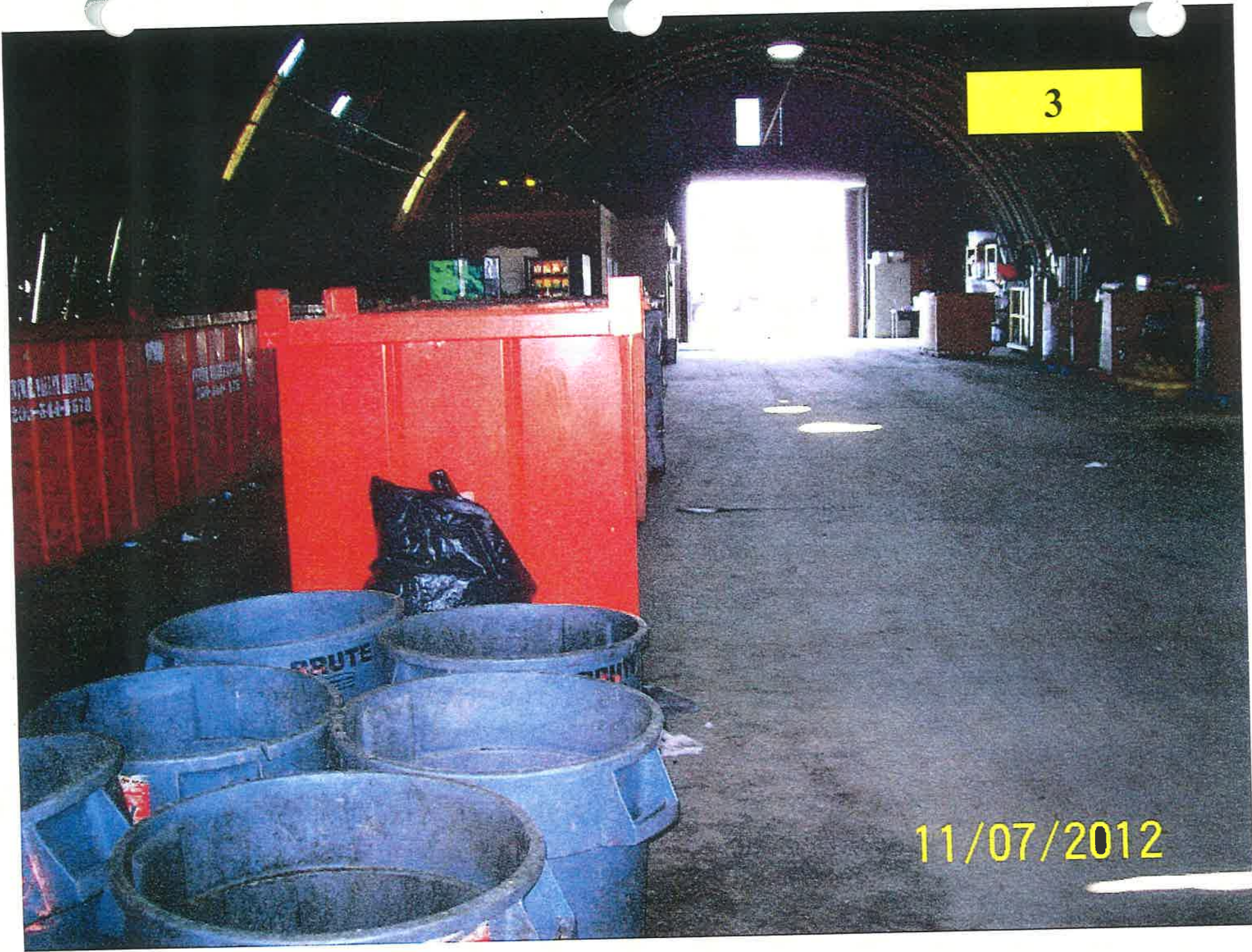
PHOTOGRAPH 2



3

11/07/2012

PHOTOGRAPH 3





4



11/07/2012

PHOTOGRAPH

4

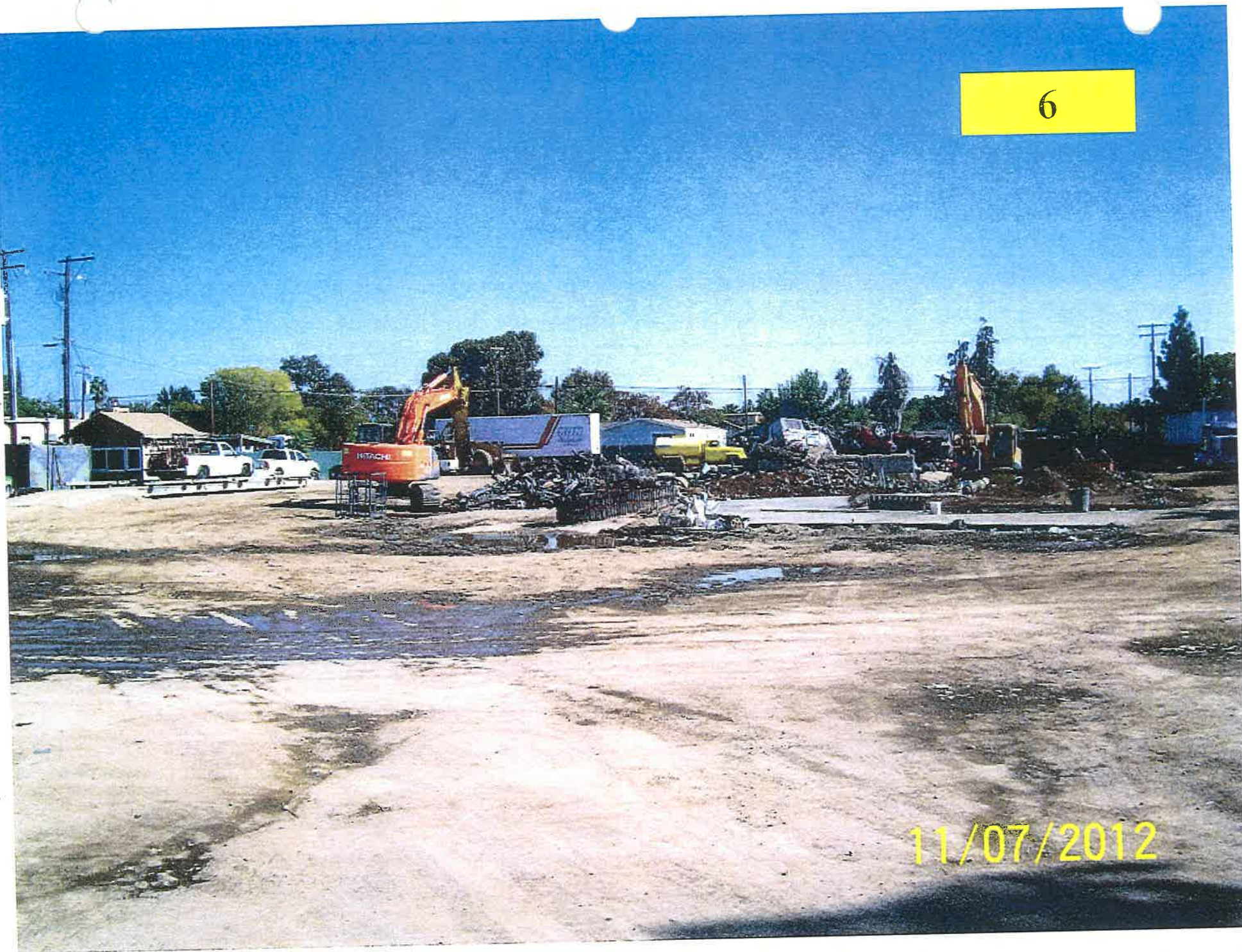
5



PHOTOGRAPH 5

11/07/2012

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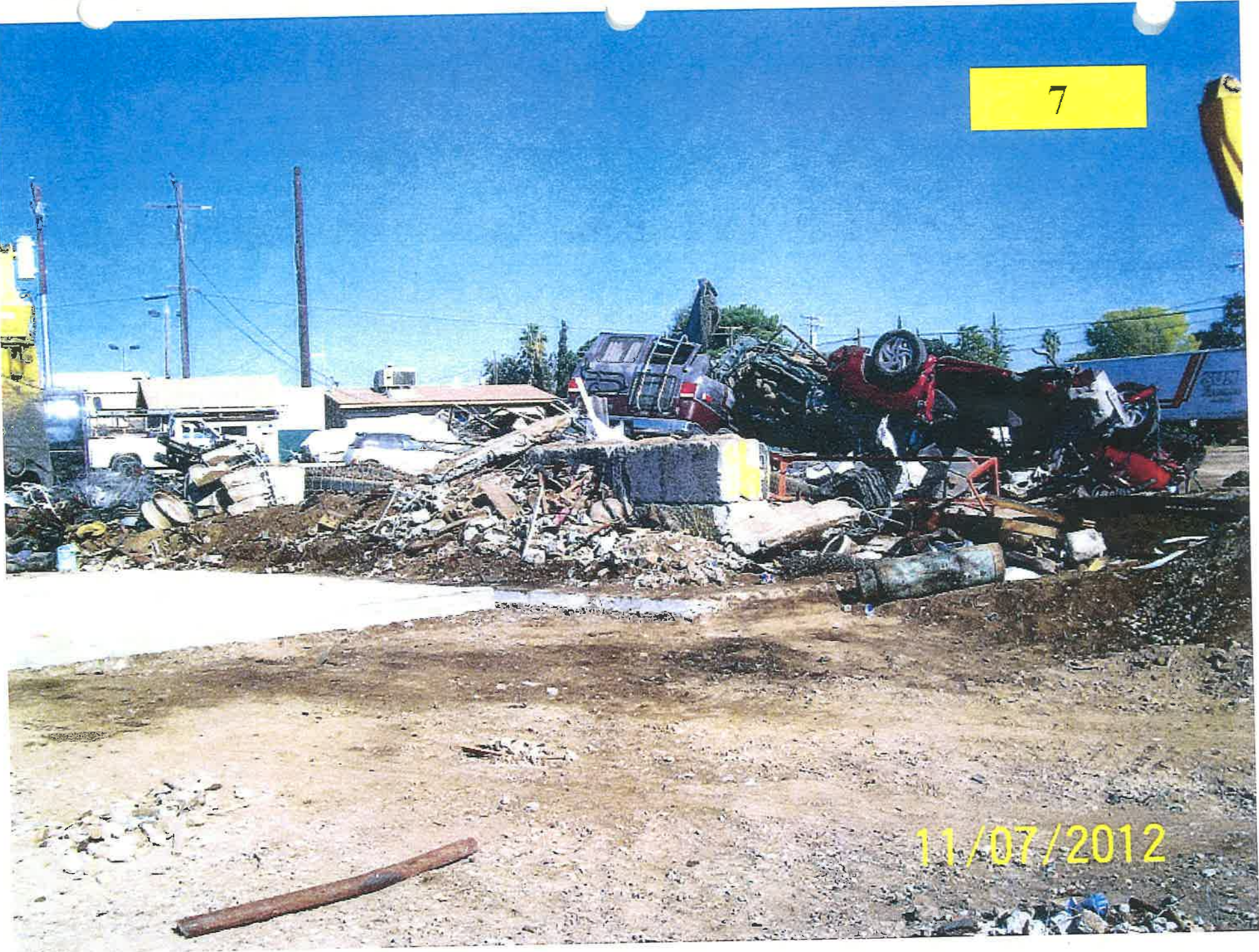


PHOTOGRAPH

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11/07/2012

7



PHOTOGRAPH

7

11/07/2012



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11/07/2012

PHOTOGRAPH 8

9



11/07/2012

PHOTOGRAPH 9

10



PHOTOGRAPH 10

11/07/2012

11



11/07/2012

PHOTOGRAPH 11



12



PHOTOGRAPH 12

13



04/02/2013

PHOTOGRAPH 13

14

CRIVA AVE 700  
BYSTRUM RD 550

STOP

04/02/2013

PHOTOGRAPH

14



BYSTR

15

ST



04/02/2013

PHOTOGRAPH 15

16



PHOTOGRAPH 16

05/22/2013

17



PHOTOGRAPH 17





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

County of Stanislaus  
Environmental  
Resources  
Attn: Code Enforcement  
Unit  
3800 Cornucopia Way,  
#C  
Modesto, CA 95358-9492

Space Above For Recorder's Use

**NOTICE AND ORDER TO ABATE**

<b>TO:</b> STANLEY A GOBLIRSCH JOYCE O GOBLIRSCH PO BOX 1010 CERES, CA 95307	<b>RE:</b> File No. DER CE 12-0224 Assessor's Parcel No. 038-012-009 Address: 0 BYSTRUM RD MODESTO, CA 95351
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**NOTICE IS HEREBY GIVEN**, pursuant to Stanislaus County Code § 2.92.030, that conditions described on **Attachment A** which, by this reference is made a part hereof, exist on the above-referenced real property in the County of Stanislaus, State of California, which conditions are in violation of Stanislaus County Code. These conditions exist to an extent that endangers, the life, health, property, safety or welfare of the public and, as such, constitute a nuisance under Stanislaus County Code § 2.92.010.

**YOU ARE HEREBY ORDERED** to commence the abatement of the aforementioned nuisance and to thereafter diligently prosecute and complete such abatement within the time frames specified on **Attachment A**. If corrective action is not undertaken and diligently pursued within the time allotted, then the responsible County department may (1) impose an administrative penalty (§ 2.92.060); (2) initiate abatement proceedings pursuant to Government Code sections 25845 or 26528 (§ 2.92.070); (3) commence criminal prosecution (§ 2.92.080); (4) file a civil lawsuit for injunctive relief (§ 2.92.090); and/or (5) initiate any other remedy available under the law (§ 2.92.100).

Pursuant to Stanislaus County Code § 2.92.070 you have the right to request a hearing and be heard before the Nuisance Abatement Hearing Board to dispute the violations contained on **Attachment A**. Requests can be made in person or by calling our office.

In the event that abatement proceedings are initiated, all costs incurred by the County to abate the nuisance will be charged to the owner of the property and shall become a lien against the property under Government Code 25845.

In the event that an administrative citation is issued, the fine or penalty imposed, as confirmed by the Board of Supervisors, shall become a lien against the property under Stanislaus County Code § 2.92.060 E.

For further information concerning this Notice, please contact the Department of Environmental Resources, 3800 Cornucopia Way, Suite C, Modesto, California 95358-9492 or call (209) 525-6700.

Dated: April 2, 2013

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By Robert Miramontes  
Robert Miramontes  
Code Enforcement Unit



**Attachment "A"**

RE: File Number CE 12-0224  
 Assessor's Parcel Number: 038-012-009  
 Address: 0 BYSTRUM RD, MODESTO, CA

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010:

Code Section Violation:	Corrective Action:	Compliance Date:
§21.56.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use (scrap metal recycling operation).	Immediately discontinuing the non-permitted land use (scrap metal recycling operation). For information regarding the allowable uses on the property in question, you may consult Stanislaus County Planning and Community Development, located at 1010 10th Street, 3rd Floor, Modesto (209-525-6330).	05/17/2013
§21.56.040(D) of the Stanislaus County Code. No operation (scrap metal recycling 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.	Discontinuing the scrap metal recycling operation which is a nuisance to the public.  <b>NOTE: Failure to comply could result in a civil/criminal action being brought against the property owner.</b>	05/17/2013

CC: Central Valley Recycling (CVR), 524 S. 9<sup>th</sup> St, Modesto, CA 95351  
 Donald G. Francis, Business Owner of CVR, 2220 Millcreek Dr, Modesto, CA 95351  
 Thomas H. Terpstra, Attorney at Law, 578 N. Wilma Ave, STE: A, Ripon, CA 95366  
 Mark Niskanen, JB Anderson Land Use Planning, 139 S. Stockton Ave, Ripon, CA 95366  
 Paul Bollard, President of Bollard Acoustical Consultants, Inc., 3551 Bankhead Rd, Loomis, CA 95650  
 Angela Freitas, Planning & Community Development Director, 1010 10<sup>th</sup> St, STE: 3400, Modesto, CA 95354

Enclosures: Stanislaus County Code

9/05/12 letter to Donald Francis from Angela Freitas, Planning & Community Development Director  
 02/21/13 letter to Donald Francis from Angela Freitas, Planning & Community Development Director

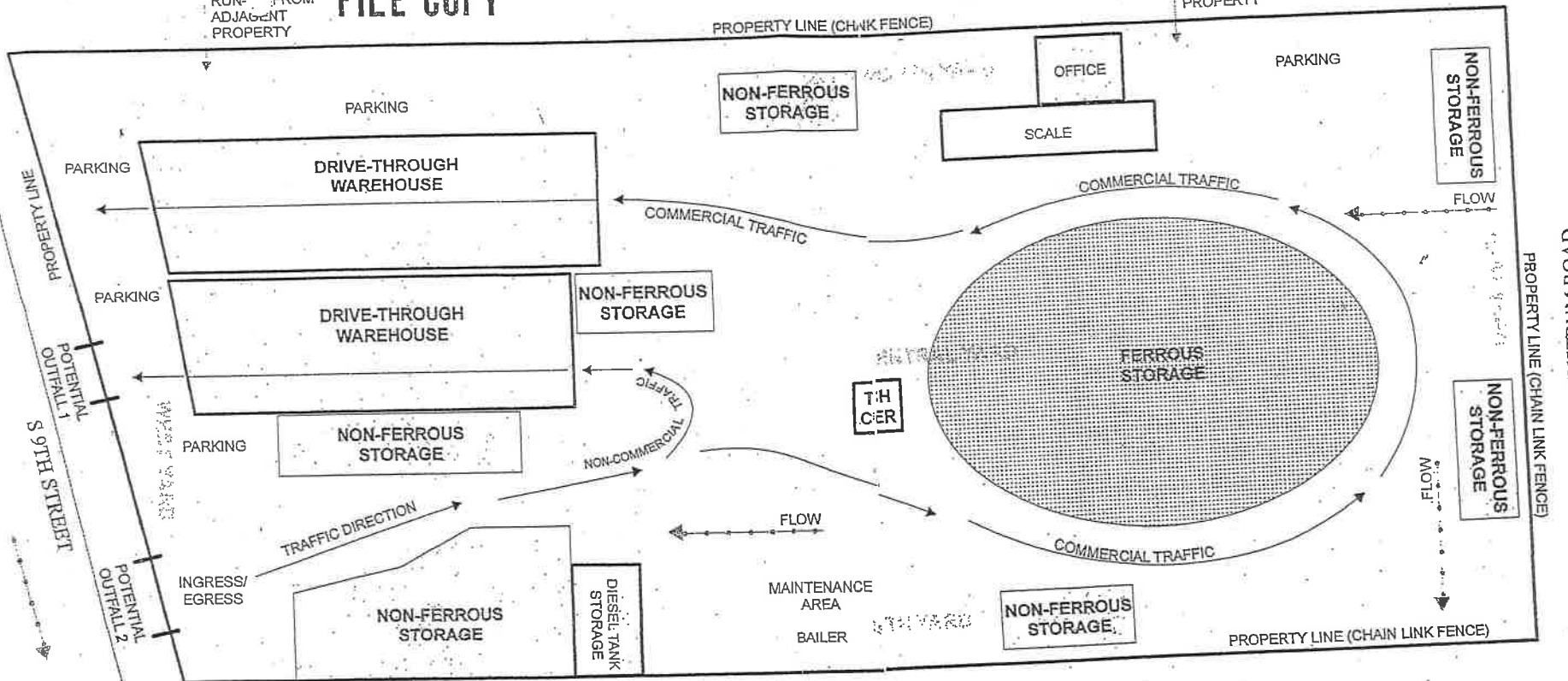


RUN FROM ADJACENT PROPERTY

FILE COPY

FILE COPY

RUN-ON FROM ADJACENT PROPERTY



**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.

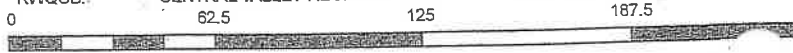
JURISDICTION: COUNTY OF STANISLAUS

SITE ZONING: INDUSTRIAL

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



250 Feet

	<b>H2E CONSULTING</b>		<b>FACILITY MAP</b>	
	CENTRAL VALLEY RECYCLING		MODesto, CA	
	DATE: 08/01/2012	ANALYST: HEDLUND	REV. 0	APPROVED:

BYSTRUM ROAD

EXHIBIT 2



July 19, 2009

Stanley Goblirsch  
4725 Faith Home Road  
Ceres, CA 95307

**SUBJECT: APN 038-012-009 - BYSTRUM ROAD, IN THE MODESTO/CERES AREA**

Dear Mr. Goblirsch:

Upon review of the scrape metal recycling business operating on the subject parcel, the Planning Department has determined the following improvements are necessary to bring the property into compliance with the C-2 (General Commercial) zoning district:

- In accordance with Section 21.08.020(B) of the County Zoning Ordinance, the outside storage of scrape metal must be enclosed within a solid fence of uniform texture of not less than six feet in height. Planning has reviewed and approved your request to utilize an enhanced chain link fence with slates designed to reduce visibility by 98%. The placement of the fence along Bystrum Road must be 30-feet from the ultimate centerline of the roadway.

Planning Department and Public Works Department staff are available to assist you in locating the ultimate centerline of Bystrum Road. Please do not hesitate to contact me at (209) 525-6330 if you have any questions regarding this letter.

Sincerely,

Angela Freitas  
Deputy Director

cc: Tod Woodward, DER Code Enforcement Division Manager

EXHIBIT 3





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

July 21, 2009

Donald G. Francis  
2220 Millcreek Dr.  
Modesto, CA 95351

**SUBJECT: BUSINESS LICENSE APPLICATION: 524 S. 9<sup>TH</sup> STREET**

Dear Mr. Francis,

Staff has reviewed your business license application and has signed off on your request. The business license application has been forwarded to the Tax Collector's Department for business license issuance. The Tax Collector's office can be contacted at 209-525-6388.

Please be aware that the use will be required to be in compliance with Section 21.08.020(B)(1) which states:

*No material shall be stored or piled so as to extend higher than fence height at any point nearer than six feet from the fence. Beginning at a line parallel to the fence and six feet within it, material may be piled an additional one foot in height for each additional two feet in distance from the fence.*

If you have any questions, our department can be contacted at 209-525-6330.

Sincerely,

  
Javier Camarena  
Assistant Planner






93390

APPROVED  
Land Use / Zoning  
JUL 21 2009  
Stanislaus County  
Planning Department

APPLICATION FOR STANISLAUS COUNTY BUSINESS LICENSE

	<input checked="" type="checkbox"/> <b>NEW BUSINESS LICENSE</b> Planning & Community Development 1010 10 <sup>th</sup> Street, Suite 3400 Modesto, CA 95354 (209) 525-6330	USE CODE _____ LICENSE NO: _____ FEE \$ _____ EXPIRATION DATE 12/31/ PENALTY \$ _____ C002-012 TOTAL \$ _____ <input type="checkbox"/> CASH <input checked="" type="checkbox"/> CHECK NO. _____ <input type="checkbox"/> CREDIT CARD
	<input type="checkbox"/> <b>BUSINESS LICENSE RENEWAL</b> Treasurer/Tax Collector P.O. Box 859 Modesto, CA 95353-0859 (209) 525-6388	PLANNING APPROVAL <u>STP</u> DATE: <u>7/21/09</u> APN: <u>038-012-008 &amp; 009</u> ZONE <u>C2</u> <input type="checkbox"/> HOME OCCUPATION <input type="checkbox"/> LEGAL NON CONFORMING <input type="checkbox"/> USE PERMIT Revised 6/2005 <span style="float: right;">For Office Purposes Only</span>

038-012-008  
038-012-009

Type of business: Recycling & Scrap Approximate date business opened: \_\_\_\_\_  
 Description of business activities conducted at business location: BUYING CANS, PLASTIC, GLASS & SCRAP METAL  
 Business name: Central Valley RECYCLING  
 (Contact the County Clerk/Recorder's Office for information on obtaining a Fictitious Business Name Statement)  
 Corporation name (if applicable): Central Valley Recyclers  
 Business location: BURNING RD # 5245 Mailing address: \_\_\_\_\_  
9th Street, Modesto (City, State, Zip) \_\_\_\_\_ (City, State, Zip)  
 Do you Own  or Rent/Lease  property at the business location identified above. (Please check one)  
 Business phone: 209 544-1578  
 Business owner's name: DONALD G. FRANCIS Driver's License No. \_\_\_\_\_  
 (State Identification) (Copy Required)  
 Business owner's home address: 2220 Millcreek Dr. Modesto, Ca 95351  
 Emergency contact person: DONNY FRANCIS Emergency phone: 209 \_\_\_\_\_  
 (May be used by law enforcement for after hours emergencies)

Home Occupation Information: (Please read reverse side and sign below)

Days of operation: MON-FRI 8-5 7days Hours: M-F 8-4<sup>30</sup> SAT 8-4 SUN 9-3  
 Type of commercial vehicle associated with business: \_\_\_\_\_  
 Additional on-site structures used for business: \_\_\_\_\_

Co-owner/Partner Information: (Attach additional sheets if necessary)

Name: DONALD L. FRANCIS Home address: 2220 Millcreek Dr. Modesto, Ca  
 Phone: 209 \_\_\_\_\_

NOTE: The purpose of this license is to verify compliance with all applicable zoning codes. A business license does not authorize business activities or uses which are not otherwise authorized by the zoning for the property or a preexisting legal nonconforming use or authorize the business owner to conduct a business in violation of local state or federal laws. It is the business owner's responsibility to maintain compliance with all applicable zoning district rules and limitations. Any violation of said rules and limitations render this license void and may result in code enforcement action and/or fine. Any change in the type of business and/or intensity, expansion of a home occupation or legal nonconforming use must be reviewed by the Stanislaus County Planning and Community Development Department for compliance.

I declare under penalty of perjury that I have fully read this application, and provided true statements under the penalty of perjury of the laws of the State of California. If applying for a home occupation, I also declare I have fully read the rules and limitations listed on the reverse side of this application, and by my signature below agree to abide by all rules and limitations.

Donald L. Francis \_\_\_\_\_ 5/4/09 \_\_\_\_\_  
 Business Owner's Signature Date

I declare under penalty of perjury that I have fully read this application and grant permission and authority for the operation of the business at the above location.

\_\_\_\_\_  
 Property Owner's Signature Date



Gordon B. Ford  
Treasurer/Tax Collector

PO Box 859, Modesto CA 95353-0859  
Phone: 209.525.6388 Fax: 209.525.7868

SCRAP METAL DEALER LICENSE APPLICATION

1) Name of owner: DONALD G Francis 2) Age: 25

3) Residential address/es: 2220 millcreek DR  
MODESTO, Ca 95351

4) Calif. DL. No. or ID No. & expiration date: [REDACTED] exp 9/29/11  
(Please attach a photocopy)

5) Name of Business: Central Valley Recycling INC.

6) Address/es of Business: 524 S. 9th Street  
MODESTO, Ca 95351

7) Phone No.: 209 544-1578 Glenda

(If the business is a partnership, association or corporation, the application should be applied by the General Manager or by one having the authority of the General Manager by stating the true name of the business, date of organization, type of business, location of the principal place of business, the names and addresses of its officers. In case of co-partnership, please state the names and addresses of all the partners)

8) Have you conducted a similar business within the twelve months preceding the date of this application:  Yes  No (Circle One)

If yes, please state the name and address of the place you conducted the business before:

Central Valley Recycling  
524 S. 9th ST MODESTO, Ca

9) Do you have a California Weighmaster License?  Yes  No (Circle one)  
(If yes, please attach a copy)  
(If no, license would be denied.)

10) Have you been convicted of any felony, or in any Court, of a crime punishable by imprisonment for a term exceeding one year?

YES /  NO (Circle one)

11) Have you read, understood and would abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

**I acknowledge that I have read Penal Code Section 496a.**  
I declare under penalty of perjury that the foregoing is true and correct.

Executed at MODESTO, California, on 5/21/09

Signature/s: [Signature]

**Notes:**

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

**(For Office Use only)**

Date application received by Tax Collector: \_\_\_\_\_ Receipt No. \_\_\_\_\_

<u>Approved</u>	<u>Disapproved</u>	<u>Signatures</u>
<input type="checkbox"/>	<input type="checkbox"/>	Sheriff: _____
<input type="checkbox"/>	<input type="checkbox"/>	Planning & C.D.D.: _____
<input type="checkbox"/>	<input type="checkbox"/>	Env.Resources: _____

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_



**BUSINESS LICENSE**  
**COUNTY OF STANISLAUS – STATE OF CALIFORNIA**

DATE ISSUED

07/21/2009

TYPE OF BUSINESS / BUSINESS NAME & ADDRESS

RECYCLING & SCRAP

LICENSE NUMBER

933390

THE PERSON, FIRM OR CORPORATION  
HEREIN NAMED IS HEREBY ISSUED THIS  
LICENSE TO CONDUCT BUSINESS IN  
ACCORDANCE WITH COUNTY ORDINANCE.  
THIS LICENSE IS SUBJECT TO INVESTIGATION.

CENTRAL VALLEY RECYCLING  
524 S. 9TH ST.  
MODESTO, CA 95351

EXPIRATION DATE

07/20/2012

POST IN A CONSPICUOUS PLACE

AMOUNT PAID

\$150.00

CENTRAL VALLEY RECYCLING  
DBA CENTRAL VALLEY RECYCLING  
524 S. 9TH ST.  
MODESTO, CA 95351

**GORDON B. FORD**  
TREASURER/TAX COLLECTOR



Stanislaus County Planning and Community Development  
 1010 10th Street, Suite 3400 Modesto, CA 95354  
 (209) 525-6330 Fax: (209) 525-5911  
 E-mail Planning@mail.co.stanislaus.ca.us

7/21/2009

RECEIVED FROM:  
 Donald G. Francis (Central Valley Recycling)

LOCATION OF PROJECT:  
 524 S. 9th St.

PLANNER	APPLICATION #	ZONE	STR	GP	APN
JFC	Business License	C-2			038-012-008 & 009

QTY.		UNIT PRICE	TOTAL
1	Business License		\$70.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
SUBTOTAL			
SALES TAX RATE %			\$0.00
SALES TAX			\$0.00
TOTAL PAID			\$70.00

Thank You

Please Make Check Payable to:  
 Stanislaus County

Additional Information:

Payment Method:

Check 4676

EXHIBIT 5 (pg 5)



**STANISLAUS COUNTY TAX COLLECTOR  
Gordon B. Ford**

Stanislaus County Tax Collector, 1010 10th St, Ste 2500  
Modesto, CA 95354 PH: 209 525 6388  
(209) 525 6388

Date: 07/24/09  
Time: 10:45 AM  
Page: 1 of 1

**PAYMENT RECEIPT**

Payor:

CENTRAL VALLEY RECYCLERS  
524 S 9TH ST  
MODESTO, CA 95351  
CK 4676

Assessee:

Non-Parcel Fee(s) Paid	Qty	Total Fees
BUSINESS LICENSE -PERMIT	70 \$	70.00
<b>Payment(s) Tendered</b>	<b>Transactions</b>	<b>Total</b>
Check (Check #4676)	1 \$	70.00
Register C002 Collection 12	<b>Total Tendered: \$</b>	<b>70.00</b>
	<b>Change Given: \$</b>	<b>0.00</b>

0300

THANK YOU FOR YOUR PAYMENT  
ayrest - Deputy Tax Collector

EXHIBIT 5 (pg 6)

State of California  
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAR 28 2006

BRUCE McPHERSON  
Secretary of State

2001071

ENDORSED - FILED  
in the office of the Secretary of State  
of the State of California

MAR 2 8 2006

ARTICLES OF INCORPORATION

OF

Central Valley Recycling

ONE: The name of this corporation is Central Valley Recycling.

TWO: The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

THREE: The name and address in this state of the corporation's initial agent for service of process is: Don Francis, 524 s Ninth Street Modesto, California 95351.

FOUR: This corporation is authorized to issue only one class of shares of stock, which shall be designated common stock. The total number of shares it is authorized to issue is 10,000 shares.

FIVE: The names and addresses of the persons who are appointed to act as the initial directors of this corporation are:

Name	Address
Byron McBroom	901 Country Club Circle Ripon, Ca 95366

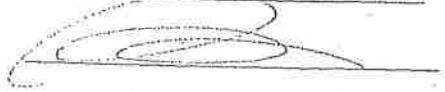
SIX: The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

SEVEN: The corporation is authorized to indemnify the directors and officers of the corporation to the fullest extent permissible under California law.



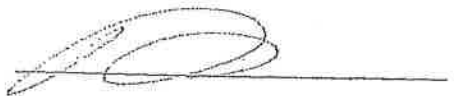
IN WITNESS WHEREOF, the undersigned, being all the persons named above as the initial directors, have executed these Articles of Incorporation.

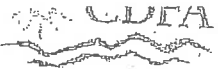
Dated: 3-15-06



The undersigned, being all the persons named above as the initial directors, declare that they are the persons who executed the foregoing Articles of Incorporation, which execution is their act and deed.

Dated: 3-15-06





42-002(Rev 7/04)

DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS

Remit fees to: PO Box 942872, Sacramento, CA 94271-2872  
6790 Florin-Perkins Rd., Ste. 100, Sacramento, CA 95828-1812  
Email: [dms@cdfa.ca.gov](mailto:dms@cdfa.ca.gov) Web Address: [www.cdfa.ca.gov/dms/programs/wm/wm.html](http://www.cdfa.ca.gov/dms/programs/wm/wm.html)  
Phone #: (916) 229-3040 Fax #: (916) 229-3055

# WEIGHMASTER LICENSE

Weighmaster

LICENSE NO. 012531

CENTRAL VALLEY RECYCLING INC.

524 S. 9TH ST  
MODESTO, CA 95351

Total Fees Remitted: \$275.00

Effective Date: 3/3/2009

License Year: 03/01/2009 - 03/01/2010

The Weighmaster is responsible to renew this license. (Division 5, Chapter 7, Section 12707, Business and Professions Code)

**THIS LICENSE SHALL BE AVAILABLE TO WEIGHTS AND MEASURES OFFICIALS AT EACH WEIGHING LOCATION.**  
This license is not transferable. Any change in ownership requires a new license.

Principal Location

524 S. 9th St  
Modesto, CA 95351  
County: Stanislaus  
(209) 544-1578

Only persons listed below may perform the functions of a Deputy Weighmaster for the licensed Weighmaster.  
(Division 5, Chapter 7, Section 12703, Business and Professions Code)

For instructions on adding/deleting Deputies to your license, refer to the instruction sheet on our website.  
<http://www.cdfa.ca.gov/dms/programs/wm/wm.html>

Deputy Weighmaster(s) - 10

- |                    |                |                  |
|--------------------|----------------|------------------|
| CYRUS, DERRICK     | FLORES, DAVID  | FORREST, LAURA   |
| FRANCIS, DON       | FRANCIS, DONNY | MCDONOUGH, CHUCK |
| MCKENZIE, SCOTT    | PEREZ, ANTHONY | TEAGUE, GLENDA   |
| VELAQUEZ, ANGELICA |                |                  |

Number of vacant deputy positions: 0

# California Business Portal

Secretary of State DEBRA BOWEN

**DISCLAIMER:** The information displayed here is current as of SEP 18, 2009 and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
CENTRAL VALLEY RECYCLING		
Number: C2861071	Date Filed: 3/28/2006	Status: active
Jurisdiction: California		
Address		
524 NINTH ST.		
MODESTO, CA 95351		
Agent for Service of Process		
DONALD G FRANCO		
2220 MILLCREEK LN.		
MODESTO, CA 95351		

Blank fields indicate the information is not contained in the computer file.

If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code Section 2114 for information relating to service upon corporations that have surrendered.

EXHIBIT 5 (pg 11)

Angela Freitas - RE: 9th Street Recycle Center

**From:** TOD WOODWARD <TWOODWARD@envres.org>  
**To:** 'Angela Freitas' <Angela@stancounty.com>  
**Date:** 7/21/2009 10:30:33 am  
**Subject:** RE: 9th Street Recycle Center

**CC:** ROBERT MIRAMONTES <RMIRAMONTES@envres.org>, ROW...  
 Yes.

-----Original Message-----

From: Angela Freitas [mailto:Angela@stancounty.com]  
 Sent: Tuesday, July 21, 2009 9:21 AM  
 To: TOD WOODWARD  
 Subject: RE: 9th Street Recycle Center

Based on your e-mail response, is Code Enforcement satisfied the issues have been addressed? If yes, we will send sent written correspondence with a copy of the approved business license explaining the height restricts.

>>> TOD WOODWARD <TWOODWARD@envres.org> 7/21/2009 9:13 am >>>  
 Robert and I looked at it this morning and the fence looks good. In regards to the scrap pile, the ordinance is somewhat confusing and I would suggest having a meeting with the Francis' and the property owner to explain the ordinance. Let us know if you want us to attend a meeting.

-----Original Message-----

From: Angela Freitas [mailto:Angela@stancounty.com]  
 Sent: Tuesday, July 21, 2009 9:02 AM  
 To: TOD WOODWARD  
 Cc: Javier camarena  
 Subject: RE: 9th Street Recycle Center

If approved, Planning will issue the business license to include both parcels. The height restriction is in Section 21.08.020(B)(1). Planning does not intend to approve the business license until Code Enforcement has confirm the original complaint has been addressed.

>>> TOD WOODWARD <TWOODWARD@envres.org> 7/21/2009 6:14 am >>>  
 Is Planning approving the business license and will it include both parcels? Where can I find the scrap metal height restrictions - I could only find building height restrictions contained in the Development Standards for §21.56.040. I was unable to find any in the general provisions.

-----Original Message-----

From: Angela Freitas [mailto:Angela@co.stanislaus.ca.us]  
 Sent: Friday, July 17, 2009 5:08 PM  
 To: Tod Woodward  
 Subject: 9th Street Recycle Center


Tod,

Please let me know how you want to proceed. The property owner called to inform us he has installed the fence and the business operators have re-submitted their business license. We've inspected and found the fence installed on the east, north, and south. Technically, the entire outside storage yard needs to be enclosed by a fence. In addition, it appears the storage area may be migrating to the adjacent parcel along 9th street and

the height of the scrap metal pile may exceed maximum allowance.  
Attached  
is the last letter sent to the property owner.



**APPLICATION FOR STANISLAUS COUNTY BUSINESS LICENSE**

	<input type="checkbox"/> <b>NEW BUSINESS LICENSE</b> Planning & Community Development 1010 10 <sup>th</sup> Street, Suite 3400 Modesto, CA 95354 (209) 525-6330	USE CODE _____ LICENSE NO: _____ FEE \$ _____ EXPIRATION DATE <u>12/31/</u> _____ PENALTY \$ _____ TOTAL \$ _____ <input type="checkbox"/> CASH <input type="checkbox"/> CHECK NO. _____ <input type="checkbox"/> CREDIT CARD
	<input checked="" type="checkbox"/> <b>BUSINESS LICENSE RENEWAL</b> Treasurer/Tax Collector P.O. Box 859 Modesto, CA 95353-0859 (209) 525-6388	PLANNING APPROVAL _____ DATE: _____ APN: _____ ZONE _____ <input type="checkbox"/> HOME OCCUPATION <input type="checkbox"/> LEGAL NON CONFORMING <input type="checkbox"/> USE PERMIT Revised 6/2005 <span style="float:right">For Office Purposes Only</span>

Type of business: Recording Approximate date business opened: 3/10/06  
 Description of business activities conducted at business location: Recording  
 Business name: Central Valley Recorders  
 (Contact the County Clerk/Recorder's Office for information on obtaining a Fictitious Business Name Statement)  
 Corporation name (if applicable): Central Valley Recorders  
 Business location: 524 S. 9th St Mailing address: same

Do you Own  or Rent/Lease  property at the business location identified above. (Please check one)  
 Business phone: 209 544-1578  
 Business owner's name: Donald Francis Driver's License No. \_\_\_\_\_ (State Identification) \_\_\_\_\_ (Copy Required)  
 Business owner's home address: 2220 Millcreek Dr Modesto, Ca 95201  
 Emergency contact person: Don Francis Emergency phone: 209 \_\_\_\_\_  
 (May be used by law enforcement for after hours emergencies)

**Home Occupation Information:** (Please read reverse side and sign below)  
 Days of operation: m-f Hours: m-f 8:45-4:00 SUN 9-3  
 Type of commercial vehicle associated with business: \_\_\_\_\_  
 Additional on-site structures used for business: \_\_\_\_\_

**Co-owner/Partner Information:** (Attach additional sheets if necessary)  
 Name: Donald Francis Home address: 2220 Millcreek Dr  
 Phone: 209 544-1578

NOTE: The purpose of this license is to verify compliance with all applicable zoning codes. A business license does not authorize business activities or uses which are not otherwise authorized by the zoning for the property or a preexisting legal nonconforming use or authorize the business owner to conduct a business in violation of local state or federal laws. It is the business owner's responsibility to maintain compliance with all applicable zoning district rules and limitations. Any violation of said rules and limitations render this license void and may result in code enforcement action and/or fine. Any change in the type of business and/or intensity, expansion of a home occupation or legal nonconforming use must be reviewed by the Stanislaus County Planning and Community Development Department for compliance.

I declare under penalty of perjury that I have fully read this application, and provided true statements under the penalty of perjury of the laws of the State of California. If applying for a home occupation, I also declare I have fully read the rules and limitations listed on the reverse side of this application, and by my signature below agree to abide by all rules and limitations.

D. F. Business Owner's Signature 5/27/10 Date

I declare under penalty of perjury that I have fully read this application and grant permission and authority for the operation of the business at the above location.  
Don Francis Property Owner's Signature 8-31/10 Date



OFFICE OF TREASURY/TAX COLLECTOR

Gordon B. Ford  
Treasurer/Tax Collector

PO BOX 850, Modesto CA 95353-0850  
Phone 208, 635, 8800 Fax 208, 625, 7800

**SCRAP METAL DEALER LICENSE RENEWAL APPLICATION**

- 1) Name of owner: DOMINIC FRANCIS 2) Age: 27
- 3) Residential address/es: 2220 Millbrook DR
- 4) Calif. DL. No. or ID No. & expiration date: 9/29/11  
(Please attach a photocopy)
- 5) Name of Business: Central Valley Recycling
- 6) Address/es of Business: 524 S. 9TH ST  
MODESTO, Ca 95351
- 7) Telephone No.: 209 544-1578

(If the business is a partnership, association or corporation, the application should be applied by the General Manager or by one having the authority of the General Manager by stating the true name of the business, date of organization, type of business, location of the principal place of business, the names and addresses of its officers. In case of co-partnership, please state the names and addresses of all the partners)

8) Have you conducted a similar business within the twelve months preceding the date of this application:

yes  
 Yes /  No (Circle One)

If yes, please state the name and address of the place you conducted the business before:

Renewal #933390

Central Valley Recycling  
524 S. 9TH ST MODESTO, Ca  
95351

9) Do you have a California Weighmaster License?  
(If yes, please attach a copy)  
(If no, license will be denied.)

Yes /  No (Circle one)

10) Have you been convicted of any felony, or in any Court, of a crime punishable by imprisonment for a term exceeding one year?

YES /  NO (Circle one)





OFFICE OF TREASURER/TAX COLLECTOR

Gordon B. Ford  
Treasurer/Tax Collector

PO Box 859, Modesto CA 95359-0859  
Phone: 209.525.6388 Fax: 209.525.7888

**SCRAP METAL DEALER LICENSE RENEWAL APPLICATION**

1) Name of owner: DOMINIC FRANCIS 2) Age: 27

3) Residential address/es: 2220 Millcreek DR

4) Calif. DL. No. or ID No. & expiration date: 9/29/11  
(Please attach a photocopy)

5) Name of Business: Central Valley Recycling

6) Address/es of Business: 524 S. 9TH ST  
MODESTO, Ca 95351

7) Telephone No.: 209 544-1578

(If the business is a partnership, association or corporation, the application should be applied by the General Manager or by one having the authority of the General Manager by stating the true name of the business, date of organization, type of business, location of the principal place of business, the names and addresses of its officers. In case of co-partnership, please state the names and addresses of all the partners)

8) Have you conducted a similar business within the twelve months preceding the date of this application: NO (Circle One)

If yes, please state the name and address of the place you conducted the business before: \_\_\_\_\_

9) Do you have a California Weighmaster License? YES (Circle one)  
(If yes, please attach a copy)  
(If no, license will be denied.)

10) Have you been convicted of any felony, or in any Court, of a crime punishable by imprisonment for a term exceeding one year? NO (Circle one)

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

**YES** / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a. I declare under penalty of perjury that the foregoing is true and correct.

Executed at MODESTO, Ca, California, on 8/27/10

Signature/s: [Signature]

**Notes:**

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

**(For Office Use only)**

Date application received by Tax Collector: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Approved

Disapproved

Signatures

Sheriff: \_\_\_\_\_ Date \_\_\_\_\_

Planning & C.D.D.: \_\_\_\_\_ Date \_\_\_\_\_

Env.Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a. I declare under penalty of perjury that the foregoing is true and correct.

Executed at MODESTO, Ca, California, on 8/27/10

Signatures: [Signature]

Notes:

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00.

(For Office Use only)

Date application received by Tax Collector: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Approved

Disapproved

Signatures

Sheriff: [Signature] Date 9-2-10

Planning & C.D.D.: \_\_\_\_\_ Date \_\_\_\_\_

Env. Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit Issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a. I declare under penalty of perjury that the foregoing is true and correct.

Executed at MODesto, Ca, California, on 8/27/10

Signature/s: [Signature]

Notes:

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00.

(For Office Use only)

Date application received by Tax Collector: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Approved

Disapproved

Signatures

Sheriff: \_\_\_\_\_ Date \_\_\_\_\_

Planning & C.D.D.: C. Meber Date 9-7-2010

Env. Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a. I declare under penalty of perjury that the foregoing is true and correct.

Executed at MODESTO, Ca, California, on 8/27/10

Signature/s: [Signature]

**Notes:**

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

(For Office Use only)

Date application received by Tax Collector: \_\_\_\_\_ Receipt No. \_\_\_\_\_

<u>Approved</u>	<u>Disapproved</u>	<u>Signatures</u>	
<input type="checkbox"/>	<input type="checkbox"/>	Sheriff: _____	Date _____
<input type="checkbox"/>	<input type="checkbox"/>	Planning & C.D.D.: _____	Date _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Env. Resources: <u>[Signature]</u>	Date <u>9/3/10</u>

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_



DEPARTMENT OF FOOD AND AGRICULTURE  
 DIVISION OF MEASUREMENT STANDARDS  
 Remit fees to: PO Box 942872, Sacramento, CA 94271-2872  
 6780 Florin-Perkins Rd., Ste. 100, Sacramento, CA 95828-1812  
 Email: [dms@cdfa.ca.gov](mailto:dms@cdfa.ca.gov) Web Address: [www.cdfa.ca.gov/dms/programs/wm/wm.html](http://www.cdfa.ca.gov/dms/programs/wm/wm.html)  
 Phone #: (916) 229-3040 Fax #: (916) 229-3055

## WEIGHMASTER LICENSE

LICENSE NO. 012531

Weighmaster

**CENTRAL VALLEY RECYCLING INC.**  
 524 S. 9TH ST  
 MODESTO, CA 95351

Total Fees Remitted: \$315.00  
 Effective Date: 6/7/2010

**License Year: 03/01/2010 - 03/01/2011**

The Weighmaster is responsible to renew this license. (Division 5, Chapter 7, Section 12707, Business and Professions Code)

THIS LICENSE SHALL BE AVAILABLE TO WEIGHTS AND MEASURES OFFICIALS AT EACH WEIGHING LOCATION.  
 This license is not transferable. Any change in ownership requires a new license.

Principal Location

524 S. 9th St  
 Modesto, CA 95351  
 County: Stanislaus  
 (209) 544-1578

Only persons listed below may perform the functions of a Deputy Weighmaster for the licensed Weighmaster.  
 (Division 5, Chapter 7, Section 12703, Business and Professions Code)

For instructions on adding/deleting Deputies to your license, refer to the instruction sheet on our website.  
<http://www.cdfa.ca.gov/dms/programs/wm/wm.html>

Deputy Weighmaster(s) - 12

- |                 |                    |                     |
|-----------------|--------------------|---------------------|
| CYRUS, DERRICK  | FLORES, DAVID      | FORREST, LAURA      |
| FRANCIS, DON    | FRANCIS, DONNY     | MACHICHI, REY DAVID |
| MARTINEZ, DAVID | McKENZIE, SCOTT    | RAMERIZ, MICHAEL    |
| TEAGUE, GLENDA  | VELAQUEZ, ANGELICA | WALLIS, KRISTINA    |

Number of vacant deputy positions: 0





NEW BUSINESS LICENSE APPLICATION

Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354  
Ph: (209) 525-6330

BUSINESS LICENSE RENEWAL

Treasurer/Tax Collector  
1010 10<sup>th</sup> Street, Suite 2500  
Modesto, CA 95354  
Ph: (209) 525-6388

FEE \$ 150 - PENALTY \$ \_\_\_\_\_ TOTAL \$ \_\_\_\_\_ LICENSE NO: 933390  
 CASH  CHECK NO. \_\_\_\_\_  CREDIT CARD EXPIRATION DATE: 7-20-2012  
 APN: \_\_\_\_\_ ZONE: \_\_\_\_\_ PLANNING APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 HOME OCCUPATION  LEGAL NON CONFORMING  USE PERMIT USE CODE: \_\_\_\_\_ For County Office Use Only  
 Revised 6/2010

Type/description of Business: Recycling Date Business Opened \_\_\_\_\_

Descr of Activities: we buy car & scrap from public

Corporation Name (If applicable) CENTRAL VALLEY RECYCLING  
(If owned by a corporation, please include Articles of Incorporation/LLC papers and list of officers or authorized agents)

Business Name CENTRAL VALLEY RECYCLING  
(A Fictitious Business Name Statement may be required-contact the County Clerk/Recorders Office for more info at (209) 525-5250)

Business Address 524 S. 9<sup>th</sup> ST City MODESTO State CA Zip 95351

Do you  Own or  Rent/Lease the property at the business location above (Please select one)

Mailing Address 524 S. 9<sup>th</sup> ST State CA Zip 95351

Business Owner's Name DONALD FRANCIS Phone# (209) 544-9578

Business Owner's Home Address 2220 Milla City MODESTO State CA Zip 95351

Dr Lic/ID# \_\_\_\_\_ Emergency Contact Per: \_\_\_\_\_ (May be 1)  
(COPY REQUIRED)

Sole Proprietorship  Partnership (Please select one)

Co-owner/Partner Information: \*\*\*Copy of State ID required for each owner\*\*\* (Attach additional sheets if necessary)

Name: \_\_\_\_\_ Phone # ( ) \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Occupation Information: (Please read reverse side and sign below)

Days of operation: \_\_\_\_\_ Hours: \_\_\_\_\_

Type of commercial vehicle associated with business: \_\_\_\_\_  
Additional on-site structures used for business: \_\_\_\_\_

NOTE: The purpose of this license is to verify compliance with all applicable zoning codes. A business license does not authorize business activities or uses which are not otherwise authorized by the zoning for the property or a preexisting legal nonconforming use or authorize the business owner to conduct a business in violation of local state or federal laws. It is the business owner's responsibility to maintain compliance with all applicable zoning district rules and limitations. Any violation of said rules and limitations render this license void and may result in code enforcement action and/or fine. Any change in the type of business and/or intensity, expansion of a home occupation or legal nonconforming use must be reviewed by Stanislaus County Planning and Community Development Department for compliance.

I declare under penalty of perjury that I have fully read this application and, provided true statements under the penalty of perjury of the laws of the State of California. If applying for a home occupation, I also have fully read the rules and limitations on the reverse side of this application, and by my signature below agree to abide by all rules and limitations.

Donald Francis  
Business Owner's Signature Date 7/20/11

I declare under penalty of perjury that I have fully read this application and grant permission and authority for the operation of the business at the above location

Property Owner's Signature or copy of signed leased agreement Date 7/20/11





OFFICE OF TREASURER/TAX COLLECTOR

Gordon B. Ford  
Treasurer/Tax Collector

PO Box 859, Modesto CA 95353-0859  
Phone: 209.525.6388 Fax: 209.525.7868

SCRAP METAL DEALER LICENSE RENEWAL APPLICATION

1) Name of owner: DONALD FRANCIS 2) Age: 28

3) Residential address/es: 2220 MILLARECIC DR  
MODESTO, CA 95357

4) Calif. DL. No. or ID No. & expiration date: \_\_\_\_\_  
(Please attach a photocopy)

5) Name of Business: CENTRAL VALLEY RECYCLING

6) Address/es of Business: 524 S. 9TH ST  
MODESTO, CA 95351

7) Telephone No.: 209 544-1578

(If the business is a partnership, association or corporation, the application should be applied by the General Manager or by one having the authority of the General Manager by stating the true name of the business, date of organization, type of business, location of the principal place of business, the names and addresses of its officers. In case of co-partnership, please state the names and addresses of all the partners)

8) Have you conducted a similar business within the twelve months preceding the date of this application: NO (Circle One)

If yes, please state the name and address of the place you conducted the business before:

RENEWAL 933390

9) Do you have a California Weighmaster License? NO (Circle one)  
(If yes, please attach a copy)  
(If no, license will be denied.)

10) Have you been convicted of any felony, or in any Court, of a crime punishable by imprisonment for a term exceeding one year?

YES / NO (Circle one)

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a.  
I declare under penalty of perjury that the foregoing is true and correct.

Executed at MORSON, California, on 6/25/11

Signature/s: Ronald Tran

Notes:

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

(For Office Use only)

Date application received by Tax Collector: 7/20/11 Receipt No. C004004

Approved

Disapproved

Signatures

Sheriff: \_\_\_\_\_ Date \_\_\_\_\_

Planning & C.D.D.: \_\_\_\_\_ Date \_\_\_\_\_

Env.Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?  
YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a.  
I declare under penalty of perjury that the foregoing is true and correct.

Executed at MADERA, California, on 6/25/11

Signature/s: Ronald Juan

Notes:

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

(For Office Use only)

Date application received by Tax Collector: 7/20/11 Receipt No. C004 004

Approved

Disapproved

Signatures



Sheriff: Sayon # DA Date 9-7-11



Planning & C.D.D.: \_\_\_\_\_ Date \_\_\_\_\_



Env.Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a. I declare under penalty of perjury that the foregoing is true and correct.

Executed at MORRO, California, on 6/25/11

Signature/s: [Signature]

Notes:

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

(For Office Use only)

Date application received by Tax Collector: 7/20/11 Receipt No. C 004 004

Approved

Disapproved

Signatures

Sheriff: \_\_\_\_\_ Date \_\_\_\_\_

Planning & C.D.D.: C. Maben Date July 20, 2011

Env. Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES / NO (Circle one)

I acknowledge that I have read California Penal Code Section 496a. I declare under penalty of perjury that the foregoing is true and correct.

Executed at MARSDEN, California, on 6/25/11

Signature/s: Donald Fion

Notes:

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

(For Office Use only)

Date application received by Tax Collector: 7/20/11 Receipt No. C004004

<u>Approved</u>	<u>Disapproved</u>	<u>Signatures</u>	<u>Date</u>
<input type="checkbox"/>	<input type="checkbox"/>	Sheriff: _____	_____
<input type="checkbox"/>	<input type="checkbox"/>	Planning & C.D.D.: _____	_____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Env.Resources: <u>[Signature]</u>	<u>7/20/11</u>

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_



**STANISLAUS COUNTY TAX COLLECTOR**  
**Gordon B. Ford, Stanislaus County Tax Collector**  
1010 10th St. Ste 2500 Modesto, CA 95354, Ph:209-525-6388

Date: 07/20/11  
Time: 02:33 PM  
Page: 1 of 1

### PAYMENT RECEIPT

Payor:

CENTRAL VALLEY RECYCLING  
SCRAP METAL RENEWAL  
CK 10448

Assessee:

Non-Parcel Fee(s) Paid	Qty	Total Fees
SCRAP METAL DEALER	150 \$	150.00
Payment(s) Tendered	Transactions	Total
Check (Check #10448)	1 \$	150.00
Register C004 Collection 4	<b>Total Tendered: \$</b>	<b>150.00</b>
	Change Given: \$	0.00



002(Rev 7/04)

DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS

Remit fees to: PO Box 942872, Sacramento, CA 94271-2872  
6790 Florin-Perkins Rd., Ste. 100, Sacramento, CA 95828-1812

Email: dms@cdfa.ca.gov Web Address: www.cdfa.ca.gov/dms/programs/wm/wm.html  
Phone #: (916) 229-3040 Fax #: (916) 229-3055

**WEIGHMASTER LICENSE**

LICENSE NO. 012531

Weighmaster

**CENTRAL VALLEY RECYCLING INC.**  
524 S. 9TH ST  
MODESTO, CA 95351

Total Fees Remitted: \$390.00

Effective Date: 7/30/2011

**License Year: 03/01/2011 - 03/01/2012**

~~The Weighmaster is responsible to renew this license. (Division 5, Chapter 7, Section 12703, Business and Professions Code)~~

THIS LICENSE SHALL BE AVAILABLE TO WEIGHTS AND MEASURES OFFICIALS AT EACH WEIGHING LOCATION.  
This license is not transferable. Any change in ownership requires a new license.

Principal Location

524 S. 9th St  
Modesto, CA 95351  
County: Stanislaus  
(209) 544-1578

Only persons listed below may perform the functions of a Deputy Weighmaster for the licensed Weighmaster.  
(Division 5, Chapter 7, Section 12703, Business and Professions Code)

For instructions on adding/deleting Deputies to your license, refer to the instruction sheet on our website.  
<http://www.cdfa.ca.gov/dms/programs/wm/wm.html>

Deputy Weighmaster(s) - 10

CASTELLANOS, ALFONSO	CASTILLO, MAYRA	FARIAS, MODESTA
FORREST, LAURA	FRANCIS, DON	MANZO, GERALD
MARTINEZ, DAVID	MURILLO, JESUS	ORTIZ, GABRIEL
TEAGUE, GLENDA		

Number of vacant deputy positions: 2

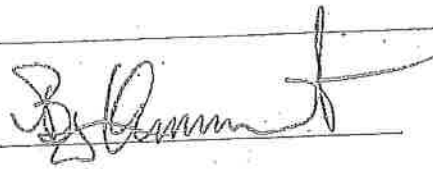






DEPARTMENT OF ENVIRONMENTAL RESOURCES  
 3800 Cornucopia Way, Suite C Modesto, CA 95358-9494  
 Phone: 209.525.6700 Fax: 209.525.6774

### RECYCLING CENTER PERMIT

PERMIT #:	PR-1004-12
PERMIT TERM:	1/1/2012 to 12/31/2012
PERMIT LOCATION:	524 S. 9 <sup>TH</sup> MODESTO, CA
PERMITTEE:	DONALD L. FRANCIS & DONALD G. FRANCIS
BUSINESS/SITE NAME:	CENTRAL VALLEY RECYCLING
BUSINESS ADDRESS:	524 S. 9 <sup>TH</sup> , MODESTO, CA 95351
Issued by:   <u>BRYAN KUMIMOTO REHS</u> (Print name)	Date: <u>1/31/12</u>

The referenced Permittee is hereby granted permission to operate as a Recycling Center in Stanislaus County.

#### STANDARD CONDITIONS:

This Permit may be suspended or revoked by the Department for cause. This Permit is granted on condition that the person(s) named in the Permit will comply strictly with the laws, ordinances, regulations, and any specific conditions that are now or may hereafter be in force by the State of California, Stanislaus County and the Department of Environmental Resources in the incorporated or unincorporated areas of Stanislaus County pertaining to the above mentioned business.





OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford

Treasurer / Tax Collector

P. O. Box 859, Modesto, CA 95353-0859

Phone: 209.525.6388 Fax: 209.525.7868

June 19, 2012

CENTRAL VALLEY RECYCLING  
DONALD FRANCIS  
524 S 9TH ST  
MODESTO CA .95351

RE: Scrap Metal Dealer's License #933390

Dear DONALD FRANCIS:

Our records indicate that your Scrap Metal Dealer's License expires on 07/20/12.

Please complete and return the enclosed applications and include copies of your current driver's license and Weighmaster license along with the renewal fee of \$150.00 in the envelope provided. Please submit your renewal application by 07/01/12, to allow sufficient time (60 days per County Code) for processing the application.

If your application is not received timely, this could result your license lapsing. If you continue to operate your business without a current license, you will be in violation of County Code.

If you have any questions, please contact our office at (209) 525-6388.

Sincerely,

Gordon B. Ford  
Treasurer - Tax Collector  
Stanislaus County

GBF:dr

Enclosures





NEW BUSINESS LICENSE APPLICATION  
 Planning & Community Development  
 1010 10<sup>th</sup> Street, Suite 3400  
 Modesto, CA 95354  
 Ph: (209) 525-6330

BUSINESS LICENSE RENEWAL  
 Treasurer/Tax Collector  
 1010 10<sup>th</sup> Street, Suite 2500  
 Modesto, CA 95354  
 Ph: (209) 525-6388

FEE \$ 72 PENALTY \$ \_\_\_\_\_ TOTAL \$ \_\_\_\_\_ LICENSE NO: \_\_\_\_\_  
 CASH  CHECK NO. \_\_\_\_\_  CREDIT CARD EXPIRATION DATE: \_\_\_\_\_  
 APN: 038-012-608 ZONE: C-2 PLANNING APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 HOME OCCUPATION  LEGAL NON CONFORMING  USE PERMIT USE CODE: \_\_\_\_\_  
 Revised 6/2010 For County Office Use Only

Type/description of Business: Recycling & scrap yard Date Business Opened 1973  
 Descr of Activities: Buy mat'l from public & send the mat'l board to process  
 Corporation Name (If applicable) Central Valley Recycling  
*(If owned by a corporation, please include Articles of Incorporation/LLC papers and list of officers or authorized agents)*  
 Business Name Central Valley Recycling  
*(A Fictitious Business Name Statement may be required-contact the County Clerk Recorder's Office for more info at (209) 525-5250)*  
 Business Address 524 S. 9<sup>th</sup> St City MODESTO State CA Zip 95351

Do you  Own or  Rent/Lease the property at the business location above (Please select one)  
 Mailing Address SAME City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Business Owner's Name Donald Francis Business Phone# (209) 544-1578  
 Business Owner's Home Address 2220 Millcreek Dr Modesto, Ca 95351

Dr Lic/ID# \_\_\_\_\_ Emergency Contact Person: Donald Francis Emergency Phone# (209) \_\_\_\_\_  
 (COPY REQUIRED) *(May be used by law enforcement for after hours emergencies)*  
 Sole Proprietorship  Partnership  Corporation  LLC (Please select one)

**Co-owner/Partner Information:** \*\*\*Copy of State ID required for each owner\*\*\* (Attach additional sheets if necessary)  
 Name: Donald L Francis Phone # (209) 544 1578  
 Address 2220 Millcreek Dr. City MODESTO State CA Zip 95351

**Home Occupation Information:** (Please read reverse side and sign below)  
 Days of operation: \_\_\_\_\_ Hours: \_\_\_\_\_  
 Type of commercial vehicle associated with business: \_\_\_\_\_  
 Additional on-site structures used for business: \_\_\_\_\_

NOTE: The purpose of this license is to verify compliance with all applicable zoning codes. A business license does not authorize business activities or uses which are not otherwise authorized by the zoning for the property or a preexisting legal nonconforming use or authorize the business owner to conduct a business in violation of local state or federal laws. It is the business owner's responsibility to maintain compliance with all applicable zoning district rules and limitations. Any violation of said rules and limitations render this license void and may result in code enforcement action and/or fine. Any change in the type of business and/or intensity, expansion of a home occupation or legal nonconforming use must be reviewed by Stanislaus County Planning and Community Development Department for compliance.

I declare under penalty of perjury that I have fully read this application and, provided true statements under the penalty of perjury of the laws of the State of California. If applying for a home occupation, I also have fully read the rules and limitations on the reverse side of this application, and by my signature below agree to abide by all rules and limitations.

DF Business Owner's Signature 7/5/12 Date

I declare under penalty of perjury that I have fully read this application and grant permission and authority for the operation of the business at the above location  
Donald Francis Property Owner's Signature or copy of signed leased agreement 7/5/12 Date



OFFICE OF TREASURER/TAX COLLECTOR

Gordon B. Ford  
Treasurer/Tax Collector

PO Box 859, Modesto CA 95353-0859  
Phone: 209.525.6388 Fax: 209.525.7868

**SCRAP METAL DEALER LICENSE RENEWAL APPLICATION**

1) Name of owner: DONALD Francis 2) Age: 28

3) Residential address/es: 2220 Mill Creek Dr  
MODESTO, CA 95351

4) Calif. DL. No. or ID No. & expiration date: \_\_\_\_\_  
(Please attach a photocopy)

5) Name of Business: Central Valley Recycling

6) Address/es of Business: 524 S. 9th St  
MODESTO, Ca 95351

7) Telephone No.: 209 544-1578

(If the business is a partnership, association or corporation, the application should be applied by the General Manager or by one having the authority of the General Manager by stating the true name of the business, date of organization, type of business, location of the principal place of business, the names and addresses of its officers. In case of co-partnership, please state the names and addresses of all the partners)

8) Have you conducted a similar business within the twelve months preceding the date of this application:  Yes /  No (Circle One)

If yes, please state the name and address of the place you conducted the business before: \_\_\_\_\_  
\_\_\_\_\_

9) Do you have a California Weighmaster License?  Yes /  No (Circle one)  
(If yes, please attach a copy)  
(If no, license will be denied.)

10) Have you been convicted of any felony, or in any Court, of a crime punishable by imprisonment for a term exceeding one year?  YES /  NO (Circle one)

11) Have you read, understood and will you abide by the County Code No. C.S.994 (Chapter 6.74) of 2007 relating to Junk dealers and Scrap Metal recyclers?

YES NO (Circle one)

**I acknowledge that I have read California Penal Code Section 496a.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed at MOESTU, California, on 7/5/12

Signature/s: [Signature]

**Notes:**

1. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of Ten dollars to any person except by paper draft or check.
2. The business hours should be between 7.00 am through 7.00 pm only. No exceptions.
3. The fee for new license is \$250 valid for one year from date of issuance. The annual renewal fee is \$150.00 and the denial appeal fee is \$50.00

**(For Office Use only)**

Date application received by Tax Collector: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Approved

Disapproved

Signatures

Sheriff: \_\_\_\_\_ Date \_\_\_\_\_

Planning & C.D.D.: \_\_\_\_\_ Date \_\_\_\_\_

Env.Resources: \_\_\_\_\_ Date \_\_\_\_\_

Permit issued Number and date: \_\_\_\_\_

Issued by \_\_\_\_\_

**EXHIBIT 10 (Pg 3)**

State of California  
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 2 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAR 28 2006

BRUCE McPHERSON  
Secretary of State



2801071

ENDORSED - FILED  
in the office of the Secretary of State  
of the State of California

MAR 28 2006

## ARTICLES OF INCORPORATION

OF

Central Valley Recycling

ONE: The name of this corporation is Central Valley Recycling.

TWO: The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

THREE: The name and address in this state of the corporation's initial agent for service of process is: Don Francis, 524 s Ninth Street Modesto, California 95351.

FOUR: This corporation is authorized to issue only one class of shares of stock, which shall be designated common stock. The total number of shares it is authorized to issue is 10,000 shares.

FIVE: The names and addresses of the persons who are appointed to act as the initial directors of this corporation are:

Name	Address
Byron McBroom	901 Country Club Circle Ripon, Ca 95366

SIX: The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

SEVEN: The corporation is authorized to indemnify the directors and officers of the corporation to the fullest extent permissible under California law.

IN WITNESS WHEREOF, the undersigned, being all the persons named above as the initial directors, have executed these Articles of Incorporation.

Dated: 3-15-06



The undersigned, being all the persons named above as the initial directors, declare that they are the persons who executed the foregoing Articles of Incorporation, which execution is their act and deed.

Dated: 3-15-06





42-002(Rev 7/04)

**DEPARTMENT OF FOOD AND AGRICULTURE  
DIVISION OF MEASUREMENT STANDARDS**

Remit fees to: PO Box 942872, Sacramento, CA 94271-2872  
6790 Florin-Perkins Rd., Ste. 100, Sacramento, CA 95828-1812

Email: [dms@cdfa.ca.gov](mailto:dms@cdfa.ca.gov) Web Address: [www.cdfa.ca.gov/dms/programs/wm/wm.html](http://www.cdfa.ca.gov/dms/programs/wm/wm.html)

Phone #: (916) 229-3040 Fax #: (916) 229-3055

## **WEIGHMASTER LICENSE**

**LICENSE NO. 012531**

**Weighmaster**

**CENTRAL VALLEY RECYCLING INC.**

**524 S. 9TH ST  
MODESTO, CA 95351**

**Total Fees Remitted: \$315.00**

**Effective Date: 3/1/2012**

**License Year: 03/01/2012 - 03/01/2013**

The Weighmaster is responsible to renew this license. (Division 5, Chapter 7, Section 12707, Business and Professions Code)

**THIS LICENSE SHALL BE AVAILABLE TO WEIGHTS AND MEASURES OFFICIALS AT EACH WEIGHING LOCATION.**

This license is not transferable. Any change in ownership requires a new license.

**Principal Location**

524 S. 9th St  
Modesto, CA 95351  
County: Stanislaus  
(209) 544-1578

Only persons listed below may perform the functions of a Deputy Weighmaster for the licensed Weighmaster.

(Division 5, Chapter 7, Section 12703, Business and Professions Code)

For instructions on adding/deleting Deputies to your license, refer to the instruction sheet on our website.

<http://www.cdfa.ca.gov/dms/programs/wm/wm.html>

**Deputy Weighmaster(s) - 12**

CASTELLANOS, ALFONSO

FARIAS, MODESTA

FORREST, LAURA

FRANCIS, DON

FRANCIS, RICHARD

MANZO, GERALD

MARTINEZ, DAVID

MURILLO, JESUS

ORTIZ, GABRIEL

SANCHEZ, HUGO

STOTTLEMEYER, RONNIE

TEAGUE, GLENDA

**EXHIBIT 10 (pg 7)**

**Daniel Perez - Central Valley Recycling**

---

**From:** Rachel Wyse  
**To:** Forrest Bryant; Jegan Raja  
**Date:** 7/12/2012 12:24 PM  
**Subject:** Central Valley Recycling  
**CC:** Angela Freitas

---

Hello:

Thank you for sending the applicants to our office without renewing their application. We are currently researching their business and are in possession of the application(s) and check(s) for the business license and the scrap metal license.

I would like to request that you please not assess a late fee on this application while we research this business.

Thank you,

Rachel Wyse  
Assistant Planner  
Stanislaus County Planning  
and Community Development  
1010 10th St., Ste. 3400  
Modesto, CA 95354  
209.525.6330  
wyser@stancounty.com

--- -- Let Us Know How We Are Doing --- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.stancounty.com/customercenter/index.shtml>

EXHIBIT 10 (pg 8)





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

September 5, 2012

**CERTIFIED MAIL**

Donald Francis  
Central Valley Recycling  
2220 Millcreek Drive  
Modesto, CA 95351

**SUBJECT: CENTRAL VALLEY RECYCLING – BUSINESS LICENSE RENEWAL AND  
SCRAP METAL DEALER LICENSE RENEWAL APPLICATIONS – 524/526 9<sup>TH</sup>  
STREET, MODESTO.**

Dear Mr. Francis:

The Planning and Community Development Department (Planning) has reviewed the subject renewal applications and determined that the County cannot approve the applications. The subject business is located on property in the C-2 (General Commercial) zoning district, which does not allow the use of the property for scrap metal recycling. It is our understanding, however, that there are two types of recycling operations occurring on the subject property. One type is California Redemption Value (CRV) recycling that occurs within the building located on the west side of the property (524 S. 9<sup>th</sup> Street). The second type is the scrap metal recycling that occurs outdoors on the east side of the property (526 S. 9<sup>th</sup> Street). The CRV recycling is a permitted use in the C-2 zoning district and may be issued a business license.

In 2009, Planning approved a business license for "recycling and scrap" with business activities identified as "buying cans, plastic, glass and scrap metal" with the understanding that the business would operate in compliance with Stanislaus County Code Section 21.08.020(B)(1) with respect to the height of stored or piled material and installation of a chain link fence along Bystrum Road with slates designed to reduce visibility to 98% was required. The business license for the scrap metal recycling was allowed in accordance with County Code Section 21.56.020(E) which identifies permitted uses in the C-2 zoning district to include "other uses which in the opinion of the director of planning and community development are similar in character and purpose to uses enumerated in this section."

While the scrap metal recycling operation is similar to automobile wreacking yards operating along the South 9<sup>th</sup> Street corridor, the wreacking yards are permitted as legal nonconforming uses. The subject scrap metal recycling operation was not being conducted on the subject property until 2009 and, as such, has no legal nonconforming status. Since the scrap metal recycling business began operating in 2009, Stanislaus County has received numerous complaints from the surrounding residential properties relating to noise and air pollution from the on-site movement of scrap metal. Upon review, Stanislaus County has determined that the operation of the scrap metal recycling business is not in character with permitted C-2 uses and, as such, cannot approve renewal of the subject licenses.

Donald Francis  
Central Valley Recycling  
September 5, 2012  
Page 2

If you wish to contest staff's determination that the scrap metal business is not a permitted use in the C-2 zoning district, you may submit a written appeal request outlining the reasons for your objections and attaching all supporting documents. Stanislaus County Code Section 21.112.020(B) requires an appeal of a staff determination be filed within 10 days of the notice of the decision being sent and an appeal fee of \$628.00 must be received as part of the request. The appeal will be presented to the Stanislaus County Planning Commission for consideration.

Enclosed with this letter are your renewal applications and associated checks for the applicable renewal fees. As discussed above, a business license for only the CRV recycling may be approved; however, a new application reflecting only CRV recycling must be submitted.

This letter is your notice that operation of the scrap metal recycling operation must be ceased. If you continue this use beyond September 30, 2012, the County will take appropriate legal action. Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,



Angela Freitas  
Planning and Community Development Director

cc: Property Owner, Stanley A. & Joyce O. Goblirsch, P.O. Box 1010, Ceres, CA 95307  
Jami Aggers, DER – Code Enforcement  
Supervisor Jim DeMartini







STANISLAUS COUNTY  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
3800 Cornucopia Way, Suite C, Modesto, CA 95358

SUMMARY OF RETURN TO COMPLIANCE REPORT  
OFFICIAL NOTICE

Phone: (209)525-6700  
Fax: (209)525-6774

Owner: Don Francis Operator: "  
Facility: Central Valley Recycling Address: 524 S. Ninth St - Modesto, CA  
Phone Number: \_\_\_\_\_ EPA #: \_\_\_\_\_ Date: 5/3/12  
Purpose: Complaint odor Inspection: Initial Follow-up Routine Complaint X

Meet w/ Don Francis -  
All vehicles are received by or from Auto wrecker - all fluid has been drained  
from vehicles at the wrecking yard. Vehicles inspected and (looking for any liquids  
in vehicles) after OK placed on ~~the~~ pile and put into truck. Metal pile is  
on concrete slab ≈ 1/3 of the property, n Vehicles have junk titles when they  
receive them.

- American Valley - hauls waste oil  
is no evidence of any improper disposal, spills - Every effort is made to  
be in compliance.

- Add - 1,000 gallon waste oil tank. to HMBP Red Diesel

- The only odor noticed was the mercaptan in the propane tank, when filling. Air Board  
cares that.

- The facility has made every effort to comply with regulations, neighborhood.

- No further action is required at this time.

- All Dirt areas were wetted during the inspection.

This facility X is, is not in compliance with all regulatory and statutory requirements. Deficiencies listed must be corrected within 0 days.  
Stanislaus County Ordinance requires a charge of \$ 0 per reinspection of your facility if violations are not corrected by the noted date.

SENT TO ENTER GIVEN BY:

INSPECTOR: Janae Ther Coley RECEIVED BY: Donald Francis DF  
(Print) (Signature)

**From:** Kacey Smith  
**To:** Freitas, Angela  
**CC:** AGGERS, JAMI  
**Date:** 11/29/2012 9:29 AM  
**Subject:** Re: 9th Street Recycle

Angela & Jami, I shared your(Angela) email with **CONFIDENTIAL** and she is now requesting a meeting to discuss. Jim has agreed to meet with her and would like you both to join. What is your availability for 12/3, 12/10 or 12/14 at 4:00pm.

THANK YOU, Kacey

Kacey Smith  
Field Representative for  
Supervisor Terry Withrow, District 3 209-525-6560  
Supervisor Dick Monteith, District 4 209-525-4445  
Supervisor Jim DeMartini, District 5 209-525-4470  
smithk@stancounty.com

>>> Angela Freitas 11/26/2012 3:30 PM >>>  
Yes. Feel free to forward the e-mail.

>>> Kacey Smith 11/26/2012 3:02 PM >>>  
Hello, Thank you.. May I forward your email to **CONFIDENTIAL**?  
Thanks, Kacey

Kacey Smith  
Field Representative for  
Supervisor Terry Withrow, District 3 209-525-6560  
Supervisor Dick Monteith, District 4 209-525-4445  
Supervisor Jim DeMartini, District 5 209-525-4470  
smithk@stancounty.com

>>> Angela Freitas 11/26/2012 12:32 PM >>>  
Next Steps:

1) Planning will be coordinating a meeting with the City of Ceres to discuss the City's thoughts on the County moving forward with a discretionary permit to allow the scrap metal recycling to continue. The meeting does not mean that the County is supporting any type of permit, but rather an opportunity to see if the City will object.

2) Planning will be working with the current operator to get more information on how they historically handled non-CRV items in the past. There is some permitting history on the 9th street portion of the property.

Once we complete steps 1 and 2 we will reassess the options available.

>>> Kacey Smith 11/26/2012 10:58 AM >>>  
Hello Angela, I need an update as to what was decided at the meeting on 11/20/12 regarding the 9th Street recycle business. **CONFIDENTIAL** called me on 11/21/12 and wanted an update. Thanks, Kacey

Kacey Smith

**From:** Angela Freitas  
**To:** John Anderson; Mark Niskanen  
**CC:** JAMI AGGERS  
**Date:** 12/21/2012 10:01 AM  
**Subject:** Central Valley Recycling

John & Mark:

Below is the information you requested regarding the various complaints received by County Code Enforcement regarding the subject operation:

1. 524 S. 9th Street, Modesto:

- A. Complaint #1077618; received on 10/9/12 - Complaint regarding odor coming from the property/recycling junk cars on premises;
- B. Complaint #1021311; received on 8/2/12 - Complaint regarding owners of the premises are taking cars apart and a very bad odor is coming from the premises;
- C. Complaint #970138; received on 6/1/12 - Complaint regarding oil on the ground and a strong diesel odor coming from the premises; and
- D. Complaint #696726; received on 7/18/11 - Complaint regarding strong odor of chemicals coming from the premises, a large amount of scrap metal is being move about the back of the premises, and the persons working on the premises are beginning too early.

2. 526 S. 9th Street, Modesto:

- A. Complaint #114681; received on 10/19/12 - Complaint regarding the property not properly zoned to conduct recycling business on the east side of the owner's property and said business must cease.

If you have any question regarding the information provided, please contact Jami Aggers, Director of the Department of Environmental Resources. Planning is still review the properties land use permit history.

From: **CONFIDENTIAL INFORMATION REDACTED**  
 To: "DemartiniJ@StanCounty.com" <DemartiniJ@StanCounty.com>, "ObrienW@stanco...  
 CC: "ninoM@stancounty.com" <ninoM@stancounty.com>, "mendezr@stancounty.com" ...  
 Date: 2/6/2013 1:34 PM  
 Subject: What a view from my house  
 Attachments: Bystrum view 02.06.2013.jpg

Board of Supervisors Stanislaus County, Angela Frietas, Raul Mendez and Monica Nino:

Two years ago I brought the Central Valley recycling company to your attention nothing happened. Last year I went through an extensive process to search out the legality of what they are doing as "scrap metal recycling". After several calls to local county departments, State of California departments, and federal agency there was one thing I was certain of; this business should not be located in such close proximity to a residential area. By folly they were originally granted a permit to do business in an area that is not zoned for industrial businesses. This area is a mixed commercial zoning that backs up to a residential area. This does not include the most recent offense of accepting a stolen vehicle for scrapping without proper documentation hence the stolen vehicle citation from the California Highway Patrol.

This company has been operating without a county business license since 07/19/2012. How is this remotely legal? They had to know their days were number when the renewal license was not accepted. They have continued to operate "business as usual" ignoring notifications and purportedly trying to work with the county by hiring an independent company to assist them with the process. To what end does our community have to go to get resolution to this continual attack on the senses? And, it is not just visual, the constant noise, the dust and worst of all the smell that emanates as a direct result from the vehicles that come in there with lingering fluids of a combustible nature. Oh and that brings me to a situation that occurred about two weeks ago. An explosion was heard and a huge fireball rose up from their site. They worked quickly to contain it so the Ceres Fire department would not be called and this has happened more than once.

Let me ask you this; would you like to see from your window? Would you like to have your elderly parents not be able to rest soundly because of the noise? Or better yet, how about not be able to be outside and enjoy your yard because of the noxious smell, the dust all over your outside furniture, and the noise and ground shaking. My neighborhood might not be the best in town, but there are those of us who still take pride in our homes! My parents have owned their property since 1948 and I would like to see the remainder of their time there to be one of enjoyment and peace, and not have to stay indoors because of this nuisance. As for the rest of the people who live there and afraid to be heard, I am speaking for them! I fully intend to take this to then next level by contacting the Modesto Bee, CRLA, LCR, Call Curtis, KCRA channel 3 and anyone else who will listen. Quite frankly, I am tired of calling every two weeks to be told it takes time. Tell me how much time would you allow if it was in your front yard?

Please feel free to contact me at **CONFIDENTIAL** **CONFIDENTIAL INFORMATION REDACTED**. I await your prompt response; if I do not hear back from any or all of you, I will be contacting the aforementioned by Friday, February 15, 2013.

**CONFIDENTIAL**  
**CONFIDENTIAL INFORMATION REDACTED**

EXHIBIT 12 (pg 4)

NOTICE OF CONFIDENTIALITY:

The information contained in this transmission is confidential and may be privileged and/or contain confidential health information that is legally protected from disclosure by state and federal law, including the Health Insurance Portability and Accountability Act of 1996 and related regulations. This information is intended only for the use of the individual or organization to whom it is addressed. Use, disclosure, distribution or copying of documents transmitted to you in error is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original message and all copies.

**CONFIDENTIAL**

# STORM WATER POLLUTION PREVENTION PROGRAM Request for Investigation of a Complaint



Mailing: Stanislaus County Public Works, Storm Water Division  
1716 Morgan Road, Modesto, CA 95359  
Phone: (209) 525-4130 | Fax: (209) 525-4188

Date: Dec 7, 2012

Taken by: Michael Luevano

Complainant: Storm Water Compliance Officer

Response Requested: Yes   
No

Phone: 209-544-1578

Email Address: storm@stancounty.com

Subject Address: 524 South 9th Street

Cross Street: Hosmer Avenue

APN# 038-012-008

### Storm Water Pollution Complaint Activity Details (Specific As Possible)

Business operations at the above parcel site is in violation of the County Code 14.14.150 due to poor housekeeping and best management practices related to sediment control and tracking of dirt/debris from project site onto County road right-of-way along 9th Street.

Property Owner: GOBLIRSCH STANLEY A and DON FRANCIS and RICHARD FRANCIS

Address: 524 South 9th Street

City: Modesto

State: CA

Zip: 95351

### BELOW TO BE FILLED OUT BY INVESTIGATING FIELD INSPECTOR

#### Field Investigation Results:

Date: Dec 7, 2012 Inspector: M. Luevano

Time: \_\_\_\_\_ Photos: Yes  No

Call Back Complainant:  
Yes   
No

Inspection Results Inputted:  
Yes   
No

Contacted State Board:  
Yes   
No

#### Comments/Notes:

Implement good housekeeping and best management practices to control sediment tracking from project site onto County road right-of-way.

#### Resolution:

Resolution Pending.

Referrals:  Planning  
 Zoning

Department of Environmental Resources  
 Stanislaus Consolidated Fire Department

Case Closed:  Yes  No

Resolved

Inspector Michael Luevano

#### Complaint Case #

SWMP-93

EXHIBIT ~~12~~ 12 (p6)



**Department of Planning and Community Development  
Building Permit Division**

1010 10<sup>th</sup> St, Suite 3400, Modesto, CA 95354-0847

Phone: 209.525.6557

Fax: 209.525.7759

April 5, 2013

**CERTIFIED MAIL**

Stanley & Joyce Goblirsch  
P.O. Box 1010  
Ceres, CA 95307

Subject: Construction of an 84 foot long 10 foot high Concrete wall located on the eastern property line of parcel #038-012-009 without a permit.

Located at: 524 S 9<sup>th</sup> street

APN #: 038-012-008 and 038-012-009

Dear Sir or Madam:

On April 4, 2013, a representative from our department inspected the subject structure. During the inspection it was noted that there was not a building permit posted on the job. A review of our records reveals that a building permit has not been issued by this department for the above address.

Pursuant to Section 114 and 115 of the California Building Code, a "Stop Work Order" was left on the job site. Section 105 of the California Building Code requires a building permit for such work in Stanislaus County.

Please submit three (3) sets of plans, a site plan, a copy of the property owner's grant deed and obtain the required building permit prior to continuing any further work on the subject job. Also, obtain a letter from your school district regarding the Developer's Fee ("exempt" or "subject to").

Please be advised that failure to contact this office within fifteen (15) days of receiving this letter may be cause to seek further action. Your immediate cooperation in this matter is appreciated. If you have any questions please feel free to contact our office Monday through Friday between 8:00 a.m. and 5:00 p.m. at (209) 525-6557.

Sincerely,

Steve Treat  
Chief Building Official

CC: Central Valley Recycling (524 S 9<sup>th</sup> street, Modesto, CA 95351),  
File, Planning and Community Development

CMP2013-0042

Gov Outreach # 1271217

EXHIBIT 12 (p.7)

# NOTICE TO BUILDER

LOCATION 524 9<sup>TH</sup> ST DATE 04/04/13  
OWNER \_\_\_\_\_

A SEARCH OF OUR FILES INDICATE THAT THE PROPER PERMITS HAVE NOT BEEN ISSUED FOR THE WORK BEING PERFORMED.

- Pursuant to Section 106.1 of the Uniform Building Code, you must obtain a Building Permit to erect, construct, enlarge, alter, move, improve, remove, convert or demolish a structure. Therefore a permit is required for your project CONSTRUCTION OF 8' x 6' x 10' HIGH CONCRETE WALL CONSTRUCTION WITH 2' x 6' CONCRETE BLOCKS, LOCATED ON EAST PL
- Pursuant to Section 104.2.4 of the Uniform Building Code, a Stop Work Order is being placed on your project and this will be in effect until a building permit is obtained.

- Come in to our office within 10 days of this notice and start the permit process to avoid further action.

The following items will be required:

- Scaled Site Plan (3 Ea.)
- Dimensioned Floor Plan (3 Ea.)
- Foundation Plan (2 Ea.)
- Roof Framing Plan (2 Ea.)
- Framing Details (2 Ea.)
- Truss Calculations (2 Ea.)
- Structural Design with Engineering Calculations (2 Ea.)
- Heating and Air Calculations
- Copy of the Grant Deed
- Other \_\_\_\_\_

- Please call our office for further assistance.

Please notify the Stanislaus County Building Department, 1010 10<sup>th</sup> Street Suite 3400, Modesto CA. Phone 525-7550 for re-inspection or for additional information 525-7589 between 7:00 am and 8:00 am Monday through Friday. 525-6557

Inspector \_\_\_\_\_

DEVSVC-116

CMP 2013-0042

## FOR OFFICE USE

DATE 04/04/13 TIME 10:30 LOCATION 524 9<sup>TH</sup>  
CONTRACTOR \_\_\_\_\_ STAGE OF CONSTRUCTION F.I.M  
INSPECTOR D. D. D.

## RECORD OF STOP WORK ORDER

T:\Forms\Forms in Word\Stop Work Order.doc 02/07/08 (PW-224)

CMP 2013-0042

EXHIBIT 12 (p.8)



# DEPARTMENT OF PUBLIC WORKS - STORM WATER DIVISION



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

County of Stanislaus  
Department of Public Works  
Attn: Encroachment Division  
1010 Tenth St, Ste 3500  
Modesto, CA 95354

Space Above For Recorder's Use Only

## NOTICE AND ORDER TO ABATE / NOTICE OF VIOLATION

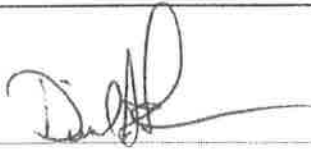
NOV ISSUE DATE: 6/4/2013

<b>TO:</b> GOBLIRSCH STANLEY A and DON FRANCIS 524 South 9th Street Modesto, CA 95354	<b>RE:</b> NOV038012008-02 APN: 038-012-008 APN Site: 524 South 9th Street APN City/Zip: Modesto, CA 95354
---	---


NOTICE IS HEREBY GIVEN, pursuant to Stanislaus County Code § 2.92.030 and §14.14, that conditions described on Attachment A which, by this reference is made a part hereof, exist on the above-referenced real property in the County of Stanislaus, State of California, which conditions are in violation of Stanislaus County Code. These conditions exist to an extent that endangers, the life, health, property, safety or welfare of the public and, as such, constitute a nuisance under Stanislaus County Code § 2.92.010 and §14.14.

YOU ARE HEREBY ORDERED to commence the abatement of the aforementioned nuisance and to thereafter diligently prosecute and complete such abatement within the time frames specified on Attachment A. If corrective action is not undertaken and diligently pursued within the time allotted, then the responsible County department may (1) impose an administrative penalty (§ 2.92.060); (2) commence criminal prosecution (§ 2.92.080; § 14.14.150); and/or (3) initiate any other remedy available under the law (§ 2.92.100; § 14.14.160).

In the event that abatement proceedings are initiated, all costs incurred by the County to abate the nuisance will be charged to the owner of the property and shall become a lien against the property under Government Code 25845. In the event that an administrative citation is issued, the fine or penalty imposed, as confirmed by the Board of Supervisors, shall become a lien against the property under Stanislaus County Code § 2.92.060 E. For further information concerning this Notice, please contact the Department of Public Works, 1010 Tenth St, Suite 3500, Modesto, California 95354 or call (209) 525-6550.

APPROVED BY: 

PRINTED NAME: David Leamon  
TITLE: Senior Civil Engineer, RCE/QSD

ENFORCEMENT OFFICIAL: 

PRINTED NAME: Matt Machado  
TITLE: Director of Public Works, RCE, LRP

**NOTICE AND ORDER TO ABATE / NOTICE OF VIOLATION**  
**Attachment "A"**

**NOV ISSUE DATE:** 6/4/2013

**RE:** NOV038012008-02  
APN: 038-012-008  
APN Site: 524 South 9th Street  
APN City/Zip: Modesto, CA 95354

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010 and § 14.14:

Code Violation:	Code Section Violation Description	Compliance Date:
14.14.120.A	Reduction of Pollutants in Stormwater, Business-Related Activities	05-Jul-13
14.14.120.E	Reduction of Pollutants in Stormwater, Compliance with BMPs	05-Jul-13
14.150.B	Violations deemed a Public Nuisance	05-Jul-13

**Required Corrective Action:**

Any person engaged in activities that may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake the measures set forth to reduce the risk of non-stormwater discharge and/or pollutant discharge using Best Management Practices (BMPs).

**Corrective Actions Required:**

1. Install and maintain proper BMPs for onsite business operations to prevent road sediment tracking.
2. Perform street sweeping operations to remove road sediment tracking.
3. Clean storm drain catch basins that may have been impacted by road sediment tracking.

The above corrective actions must be completed by the compliance date date shown above or before the next rain storm event, which ever may occur first. Failure to take the corrective actions as noted may lead to an Administrative Civil Citation per Section 14.14.150 c.3.

Enclosures: Stanislaus County Code Sections

EXHIBIT 12 (p.10)



EXHIBIT 12 (p. 11)

11



## Environmental Noise Analysis

# Central Valley Recycle Facility

Modesto (Stanislaus County), California

BAC Job # 2013-003

Prepared For:

Central Valley Recycling

Attn: Mr. Richard Francis  
524 S. 9<sup>th</sup> Street  
Modesto, CA. 95351

Prepared By:

**Bollard Acoustical Consultants, Inc.**



Paul Bollard, President

January 30, 2013



EXHIBIT 13 (Pg 1)

## Introduction

Central Valley Recycling (CVR) is a full scale recycling center located at 524 South 9<sup>th</sup> Street in Modesto, Stanislaus County, California. The project site is located in an industrial/commercial area adjacent to a truck bed cover retailer to the north, an auto body and trucking school to the south, and single-family homes to the east (on opposite side of Bystrum Road).

Due to concerns expressed by the residential neighbors to the east regarding noise generated at the facility, CVR retained Bollard Acoustical Consultants (BAC), to conduct noise measurements of the facility during normal operations. This analysis has been prepared to specifically assess compliance of those measured noise levels with Stanislaus County noise exposure standards at the existing residences to the east.

Figure 1 shows an aerial photograph of the project vicinity, including the CVR facility, nearest residences, and BAC noise monitoring positions.

## Background on Noise and Acoustical Terminology

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that the human ear can detect. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second, called Hertz (Hz).

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals of pressure), as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Figure 2 illustrates common noise levels associated with various sources.




The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighing the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels. Please see Appendix A for definitions of acoustical terminology used in this report.

**Figure 1**  
 Central Valley Recycle Facility - Modesto (Stanislaus County), California  
 Project Area, Nearest Residences, and Noise Measurement Sites

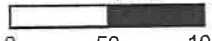


EXHIBIT 13 (A9 3)

**Legend**

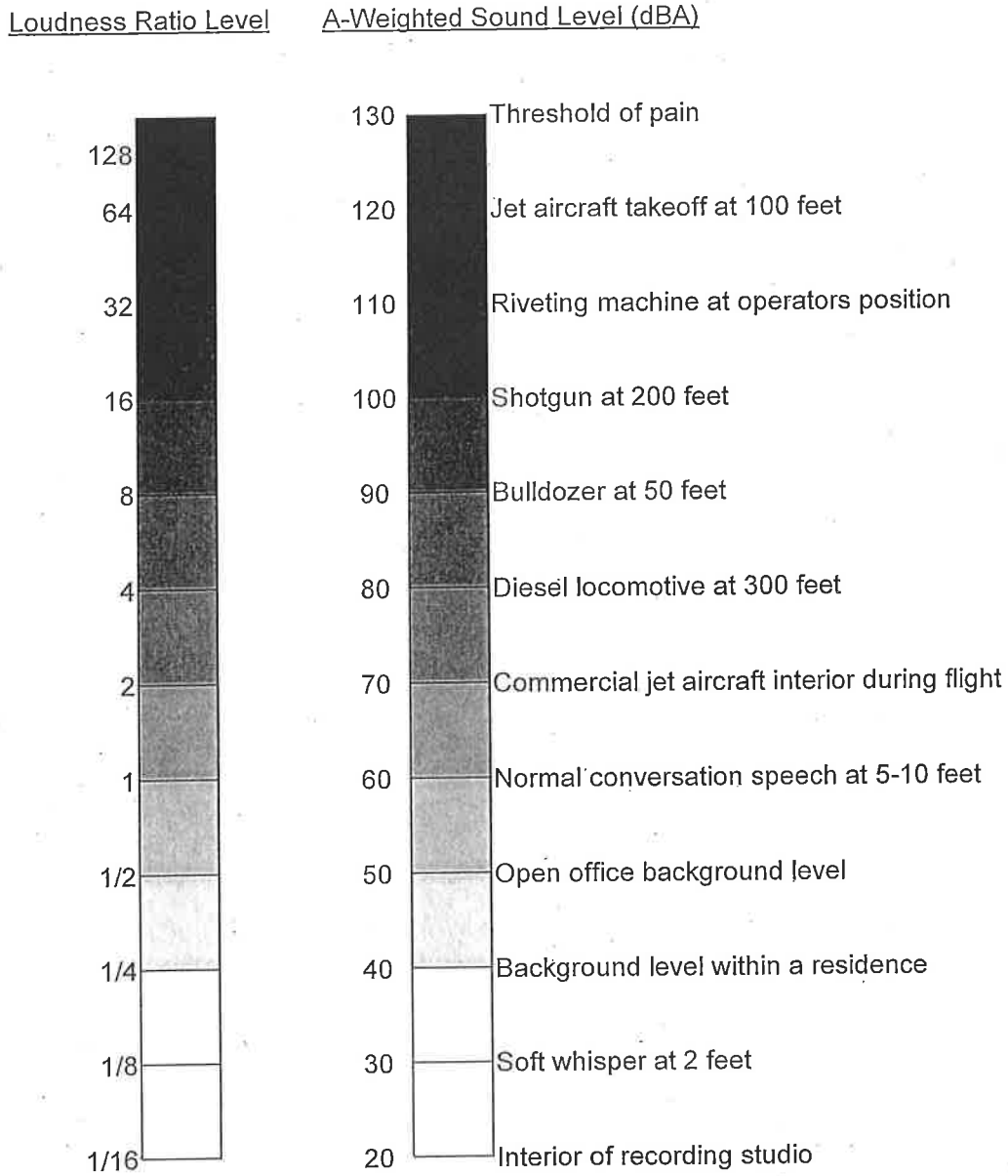
-  Short-Term Noise Measurement Location
-  Long-Term Noise Measurement Location
-  Approximate Project Border

 **BOLLARD**  
 Acoustical Consultants

Scale (feet)  
  
 0 50 100



**Figure 2**  
**Typical A-Weighted Sound Levels of Common Noise Sources**





## Criteria for Acceptable Noise Exposure

### Stanislaus County Code

The Noise Control Section of the Stanislaus County Code establishes acceptable noise level criteria for non-transportation noise sources, such as the Central Valley Recycling Facility operations. Section 10.46.050 of the Stanislaus County Code provides sound limits for sensitive receptors in Stanislaus County. The specific language of that provision is provided below:

#### 10.46.50 Exterior Noise Level Standards

- A. It is unlawful for any person at any location within the unincorporated area of the county to create to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards set forth below:
1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

**Table 1**  
**Exterior Noise Level Standards**  
**Stanislaus County Code – Noise Control Section**

Designated Noise Zone	Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (Lmax)	
	Daytime (7 a.m. - 10 p.m.)	Nighttime (10 p.m. - 7 a.m.)
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

Source: Stanislaus County Code

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

**Table 2  
Cumulative Duration Allowance Standards  
Stanislaus County Code – Noise Control Section**

Designated Noise Zone	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table 1 plus 0 dB
Equal to or greater than 15 minutes per hour	Table 1 plus 5 dB
Equal to or greater than 5 minutes per hour	Table 1 plus 10 dB
Equal to or greater than 1 minutes per hour	Table 1 plus 15 dB
Less than 1 minute per hour	Table 1 plus 20 dB

Source: Stanislaus County Code

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table 1 shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.
4. In the event the measured ambient noise level exceeds the applicable noise level standards above, the ambient noise level shall become the applicable exterior noise level standard.

Because the operations at CVR are limited to daytime hours, and because the receiving use is residential, the noise standards which would be most applicable at the residential property line are as follows:

- 50 dB L<sub>50</sub> (Median Noise Level)
- 70 dB L<sub>max</sub> (Maximum Noise Level)

Although the Table 2 standards provide for noise generated during different durations, the median and maximum noise level standards identified above effectively bracket all noise generated at the CVR facility. As a result, satisfaction with these “boundary” standards would likely ensure satisfaction with the 1-minute, 5-minute, and 15-minute standards as well.

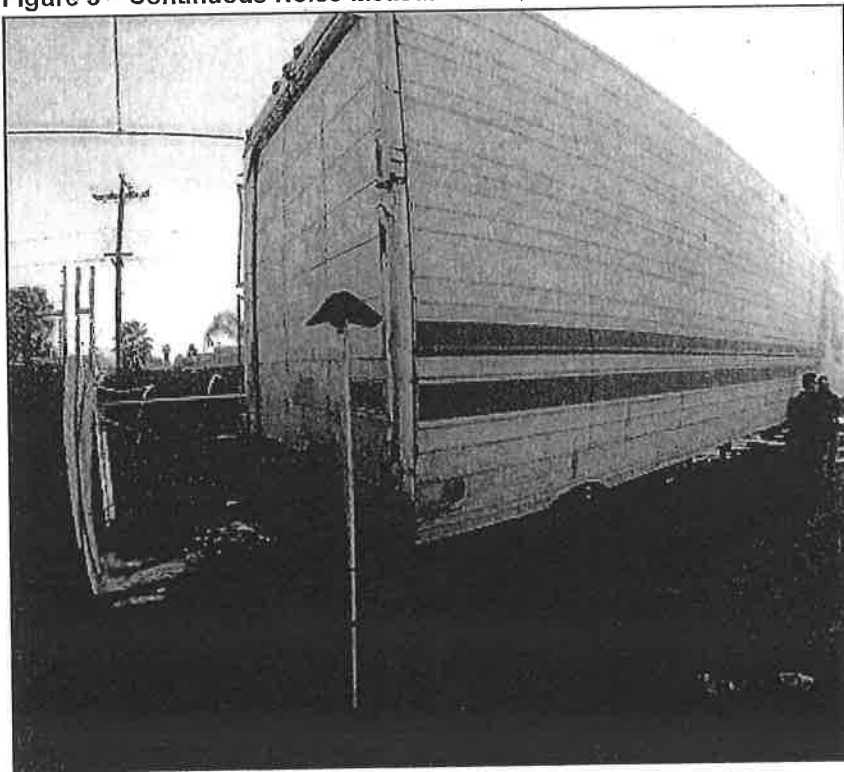
## Existing Ambient Noise Environment

The nearest noise-sensitive receivers to the project site are the existing residences located on the east side of Bystrum Road, as identified on Figure 1. The noise environment at these nearest residences was observed by BAC staff to be defined primarily by operations at CVR and local traffic on Bystrum Road. More distant traffic on South 9<sup>th</sup> street and periodic aircraft departures also contributed to the observed ambient noise environment at these residences, but to a lesser extent.

To generally quantify existing ambient noise levels in the project vicinity, Bollard Acoustical Consultants, Inc. conducted a long-term (24-hour) ambient noise level measurement in the northeast corner of the project site on January 18-21, 2013. The noise measurement location is depicted in Figure 1 as Site "A". A photograph of the long-term noise measurement location is provided in Figure 2. The long-term monitoring site was selected because it provided a complete view of the CVR facility operations and was approximately the same distance from Bystrum Road as the existing residences to the east.

The long-measurement results are provided in Table 3. Detailed noise measurement results can be seen in Appendices B and C. Noise measurement equipment included a Larson-Davis Laboratories (LDL) Model 820 precision integrating sound level meter equipped with a LDL Model 2560 1/2" microphone. The system was calibrated in the field before use using a LDL CAL200 acoustical calibrator.

**Figure 3 – Continuous Noise Measurement Site Photo**



**Table 3  
Summary of Long-Term Noise Measurement Results at Site A  
Central Valley Recycling Facility – Merced (Stanislaus County), California**

Date	L <sub>dn</sub>	Measured Noise Levels, dBA					
		Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
		L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>
Friday 1/18/13	67	64	59	76-87	60	56	73-81
Saturday 1/19/13	65	60	56	73-83	58	55	73-83
Sunday 1/20/13	63	57	50	72-83	57	53	72-82
Monday 1/21/13	65	61	57	72-92	58	55	69-78

Notes: Bollard Acoustical Consultants, Inc.

It should be noted that the noise level data provided in Table 3 includes noise generated by both the CVR facility and Bystrum Road traffic. As such, the data does not directly reflect the noise generation of the CVR facility alone. It should also be noted that the nearest residential property lines to the east are located approximately 60 feet further from the CVR facility noise sources than the long-term noise measurement microphone. As a result, CVR-facility generated noise levels would be approximately 5 dB lower than those measured at the long-term site.

Because the CVR facility was in normal operation on Friday, Saturday and Monday, and closed on Sunday, the Table 3 data indicate that daytime median noise levels were approximately 5-9 dB higher on days when the facility was in operation, with typical maximum noise levels also being 4-9 dB higher on days when the facility was in operation. Because the long-term noise meter operated remotely (without an observer present), it is not known if the maximum noise levels reported in Table 3 and Appendices B and C were generated by CVR operations or local traffic on Bystrum Road. Nonetheless, the Table 3 data clearly indicate that noise levels were considerably higher on days the facility was in operation versus the Sunday period when the facility was closed.

A more focused evaluation of the noise-generation specific to the CVR facility is provided in the next section, but if a -5 dB offset is applied to the Table 3 daytime noise level data to account for the additional distance from the CVR noise sources to the existing residential property line, the measured L50 noise levels would have exceeded the Stanislaus County 50 dB L50 daytime noise level standards by 2-4 dB on the days the facility was in operation. Due to the presence of traffic on Bystrum Road, a similar relationship cannot be applied to the measured maximum noise level data shown in Table 3. CVR-specific maximum noise levels are discussed in the next section.

## Evaluation of Specific CVR Facility Noise Generation

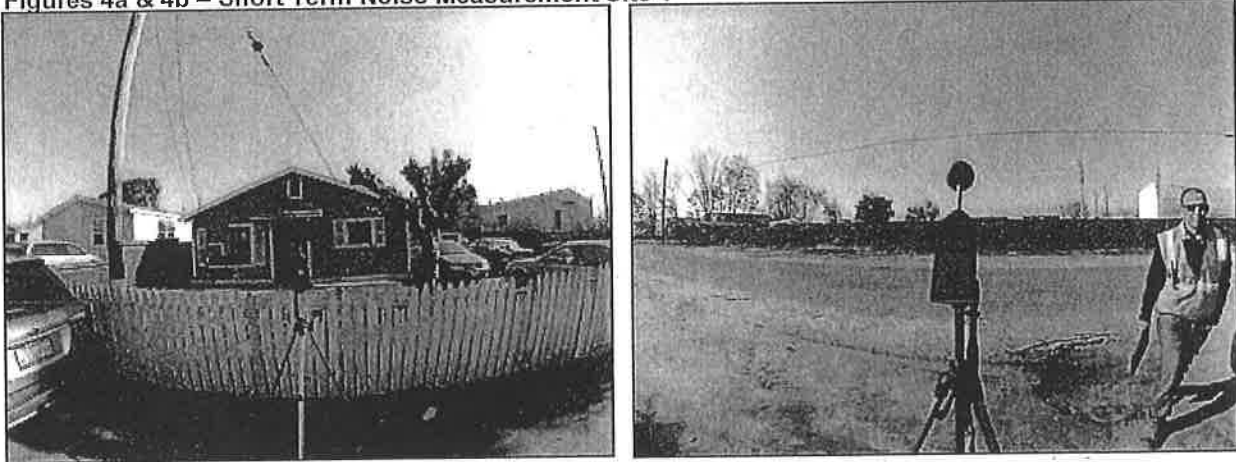
The major noise sources associated with the CVR operations include the following:

- Excavator
- Rotating Shear
- Baler
- Metal Cutting Saw
- Truck Loading

To specifically quantify the noise generation of the existing CVR operations, including the noise sources identified above, BAC conducted a series of short-term noise level measurements both on the CVR grounds and at the residential property line to the east. The short-term measurements were conducted on January 17, 2013, at the locations identified in Figure 1 using similar equipment as that described for the long-term noise measurement survey.

Short-term noise measurement Site 1 was located at the property line of the nearest existing residence to the east. Photographs of that noise measurement location are shown in Figure 4. Site 1 was monitored from approximately 11 am to 1 pm, a period of two hours. During that monitoring period, BAC staff remained with the noise meter to conduct observations and to pause the meter whenever a car approached the monitoring site on Bystrum Road to prevent contamination of the noise measurement results by sources of noise other than CVR operations.

Figures 4a & 4b – Short Term Noise Measurement Site 1



Short-term noise monitoring Sites 2, 3 and 4 were located near the Baler, Metal Saw, and Scrap Metal Pile to allow specific quantification of these noise sources. Figure 5 shows photographs of the Baler and Scrap Pile Area Operations. The results of the short-term noise measurement surveys at Sites 1-4 are provided in Table 4.

Figure 5a – Photograph of Baler in Operation



Figure 5b – Photograph of Scrap Pile Activity, Including Excavator



Figure 5c – Photograph of Excavator Loading Transfer Truck



**Table 4**  
**Summary of Short-Term Noise Measurement Results**  
**Central Valley Recycling Facility – Merced (Stanislaus County), California**

Site	Noise Source	Distance (ft)	Measured Noise Levels, dBA		Notes
			L <sub>50</sub>	L <sub>max</sub>	
1	All	50' from P/L	59	76	Idling engines caused elevated L <sub>50</sub> .
2	Baler	50' from baler	70	75	Baler operates infrequently and for short duration
3	Metal Saw	25' from saw	80	85	Saw operates infrequently and for short duration
4	Excavator & Shear	50'-100' from Equipment	65	85	Most significant noise sources due to frequency and duration of operations.

Notes: Bollard Acoustical Consultants, Inc.

## Analysis & Recommendations

The Table 4 data indicate that the baler and metal saw generated the highest L<sub>50</sub> values while in use. However, given the relatively infrequent use and short durations of both baler and metal saw operations, and the increased distance between those sources and the nearest residences to the east, the hourly L<sub>50</sub> associated with the baler and saw usage are predicted to be satisfactory relative to County noise standards at the nearest residences to the east.

BAC staff observations indicated that use of the excavator and shear resulted in the highest measured noise levels at the property line of the nearest residences to the east. Examination of the Table 4 short-term noise monitoring data indicates that noise generated during typical operations of the CVR facility exceeded the County's exterior noise standards by approximately 6 dB L<sub>max</sub> and 9 dB L<sub>50</sub> at the property line of the existing residences to the east. These exceedances were observed to be due to excavator and shear usage. To reduce the measured noise levels to a state of compliance with Stanislaus County noise standards at those nearest residences, the following specific measures are recommended:

1. A solid barrier should be erected near the eastern project site boundary to provide partial shielding of shear and excavator noise at the residences to the immediate east of the project site. The barrier could consist of a series of trailers placed end to end (similar to the existing trailer located in the northeast corner of the site – see Figure 3), provided no substantial gaps existed between the trailers. As an alternative, concrete blocks could be stacked to a height comparable to the top of

the existing trailer height to form a solid barrier. A permanent masonry noise barrier at the eastern site boundary (replacing the existing fence) is not recommended as it would likely attract graffiti.

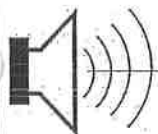
2. The "tin" portion of the scrap metal pile shown on Figure 1 could be relocated further west on the project site, to the opposite side of the heavy metal portion of the scrap metal pile. This measure, which would relocate the tin pile approximately 100 feet further west from its current position, would create a larger buffer between one of the noisier aspects of the CVR operation and the existing residences to the east. In addition, the heavy metal portion of the scrap metal pile would provide partial shielding of tin pile activities in the easterly direction. This measure would also relocate loading and unloading activities associated with the tin pile (which are louder than the heavy metal activities) further from the existing residences to the east.
3. Vehicle crushing activities using the shear should also be relocated further west to reduce maximum noise levels generated by such activities at the existing residences to the east. A distance of at least 100 feet from the current crushing location should be implemented if feasible.
4. CVR should continue to adhere to its current operating hours, which limit on-site noise generation to daytime hours.

Due to the proximity of existing tin pile operations to the residences to the east, and the fact that there is little or no shielding of those operations in that easterly direction, these recommendations are expected to result in an appreciable reduction in CVR noise emissions at those residences. Once these recommendations are implemented, BAC recommends that follow-up noise monitoring be conducted to verify the effectiveness of these mitigation measures. In the event that such monitoring revealed exceedances of the County's noise standards, additional specific recommendations could be developed at that time.



**Appendix A  
Acoustical Terminology**

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>Leq</b>	Equivalent or energy-averaged sound level.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Masking</b>	The amount (or the process) by which the threshold of audibility for one sound is raised by the presence of another (masking) sound.
<b>Noise</b>	Unwanted sound.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
<b>RT<sub>60</sub></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
<b>SEL</b>	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.



**BOLLARD**

Acoustical Consultants

Appendix B-1  
 Central Valley Recycling Facility  
 24hr Continuous Noise Monitoring at Site A  
 Friday, January 18, 2013

Hour	Leq	Lmax	L50	L90
0:00	58	81	56	53
1:00	60	80	56	54
2:00	59	77	54	51
3:00	58	78	55	52
4:00	63	74	59	56
5:00	61	73	59	57
6:00	60	75	59	57
7:00	65	80	61	58
8:00	68	87	67	62
9:00	69	86	65	57
10:00	62	84	56	51
11:00	61	87	56	49
12:00	67	84	60	53
13:00	61	81	58	54
14:00	62	82	60	54
15:00	62	77	60	52
16:00	62	82	60	52
17:00	60	86	56	52
18:00	60	82	56	54
19:00	60	79	56	54
20:00	59	76	55	53
21:00	60	82	56	53
22:00	57	73	56	54
23:00	58	77	55	53

Statistical Summary						
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	69	59	64	63	57	60
Lmax (Maximum)	87	76	82	81	73	76
L50 (Median)	67	55	59	59	54	56
L90 (Background)	62	49	54	57	51	54

Computed Ldn, dB	67.0
% Daytime Energy	82%
% Nighttime Energy	18%

EXHIBIT 13 (pg 14)

Appendix B-2  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Saturday, January 19, 2013**

Hour	Leq	Lmax	L50	L90
0:00	57	79	54	53
1:00	55	73	53	51
2:00	57	78	53	50
3:00	57	79	54	51
4:00	60	83	55	52
5:00	59	77	56	53
6:00	60	78	59	56
7:00	59	74	58	56
8:00	62	73	61	55
9:00	62	75	60	54
10:00	62	80	61	54
11:00	60	76	54	48
12:00	59	76	53	47
13:00	62	77	60	49
14:00	60	74	57	50
15:00	60	74	56	48
16:00	57	73	51	48
17:00	57	77	54	51
18:00	59	83	55	53
19:00	57	73	55	53
20:00	56	74	54	52
21:00	58	74	55	53
22:00	58	76	55	53
23:00	57	79	53	51

Statistical Summary						
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	62	56	60	60	55	58
Lmax (Maximum)	83	73	76	83	73	78
L50 (Median)	61	51	56	59	53	55
L90 (Background)	56	47	51	56	50	52

Computed Ldn, dB	64.8
% Daytime Energy	71%
% Nighttime Energy	29%

EXHIBIT 13 (pg 15)

Appendix B-3  
**Central Valley Recycling Facility**  
**24hr Continuous Noise Monitoring at Site A**  
**Sunday, January 20, 2013**

Hour	Leq	Lmax	L50	L90
0:00	56	73	53	51
1:00	57	80	53	52
2:00	57	81	53	51
3:00	54	76	52	50
4:00	57	76	52	49
5:00	55	73	53	51
6:00	55	76	54	52
7:00	56	82	53	51
8:00	57	72	54	52
9:00	56	76	51	47
10:00	56	77	47	44
11:00	57	76	45	42
12:00	55	75	45	41
13:00	56	82	44	42
14:00	53	72	44	41
15:00	60	80	46	42
16:00	55	74	48	45
17:00	57	75	51	47
18:00	57	72	53	51
19:00	57	83	53	51
20:00	57	73	54	52
21:00	56	74	54	53
22:00	61	82	55	52
23:00	55	72	54	50

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	60	53	57	61	54	57
Lmax (Maximum)	83	72	76	82	72	76
L50 (Median)	54	44	50	55	52	53
L90 (Background)	53	41	47	52	49	51

Computed Ldn, dB	63.3
% Daytime Energy	61%
% Nighttime Energy	39%

EXHIBIT 13 (0916)



Appendix B-4  
 Central Valley Recycling Facility  
 24hr Continuous Noise Monitoring at Site A  
 Monday, January 21, 2013

Hour	Leq	Lmax	L50	L90
0:00	57	75	52	50
1:00	55	73	52	50
2:00	56	75	54	51
3:00	58	71	55	50
4:00	62	78	59	56
5:00	60	78	59	56
6:00	60	78	57	55
7:00	60	78	57	54
8:00	65	89	62	60
9:00	63	79	59	54
10:00	61	83	56	50
11:00	61	77	56	51
12:00	62	76	61	52
13:00	62	78	60	56
14:00	63	85	60	55
15:00	62	88	57	53
16:00	63	92	55	52
17:00	59	84	54	52
18:00	58	82	54	52
19:00	58	72	55	52
20:00	59	79	55	53
21:00	59	75	57	54
22:00	55	70	54	52
23:00	54	69	52	50

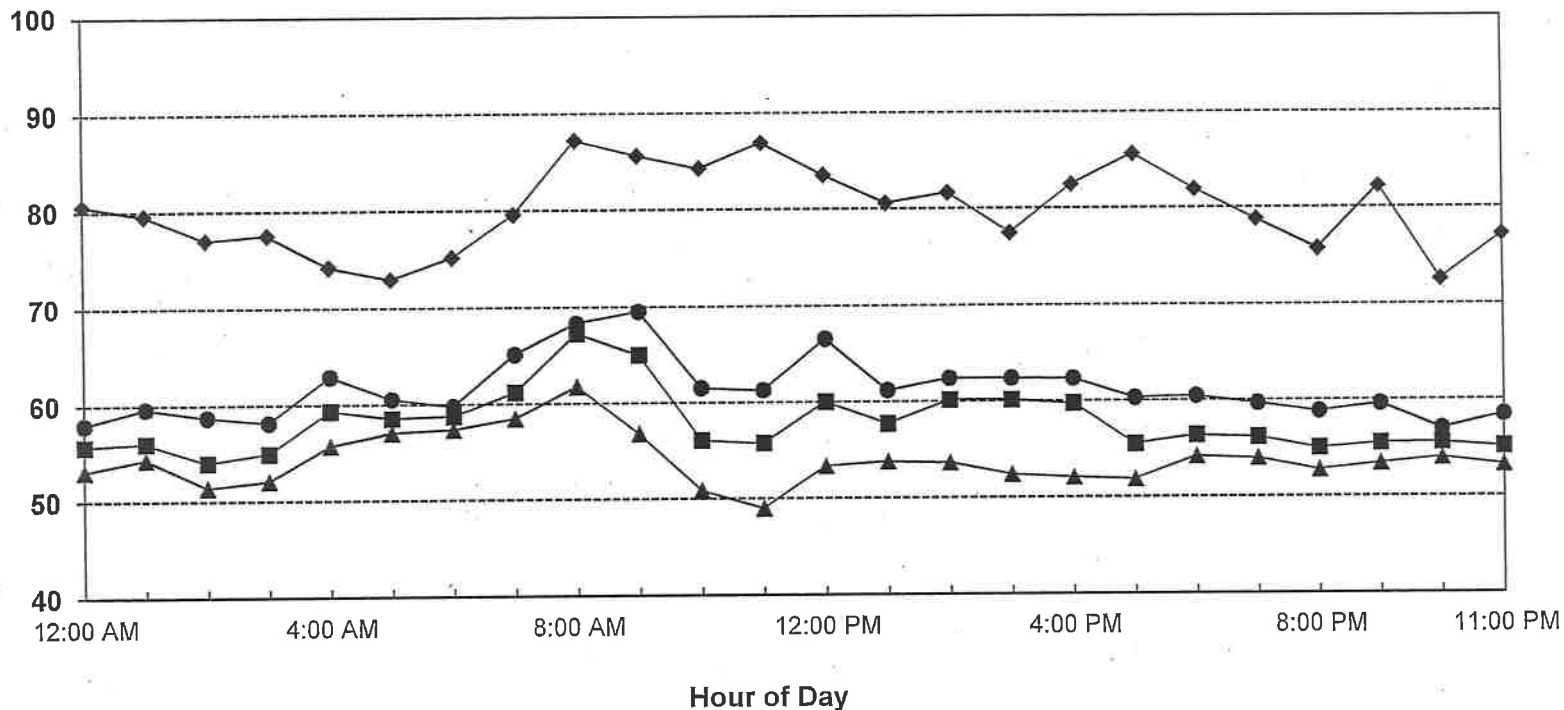
	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	65	58	61	62	54	58
Lmax (Maximum)	92	72	81	78	69	74
L50 (Median)	62	54	57	59	52	55
L90 (Background)	60	50	53	56	50	52

Computed Ldn, dB	65.4
% Daytime Energy	77%
% Nighttime Energy	23%

EXHIBIT 13 (pg 17)

**Appendix C-1  
 Central Valley Recycling Facility  
 24hr Continuous Noise Monitoring at Site A  
 Friday, January 18, 2013**

Sound Level, dBA



Ldn: 67 dB

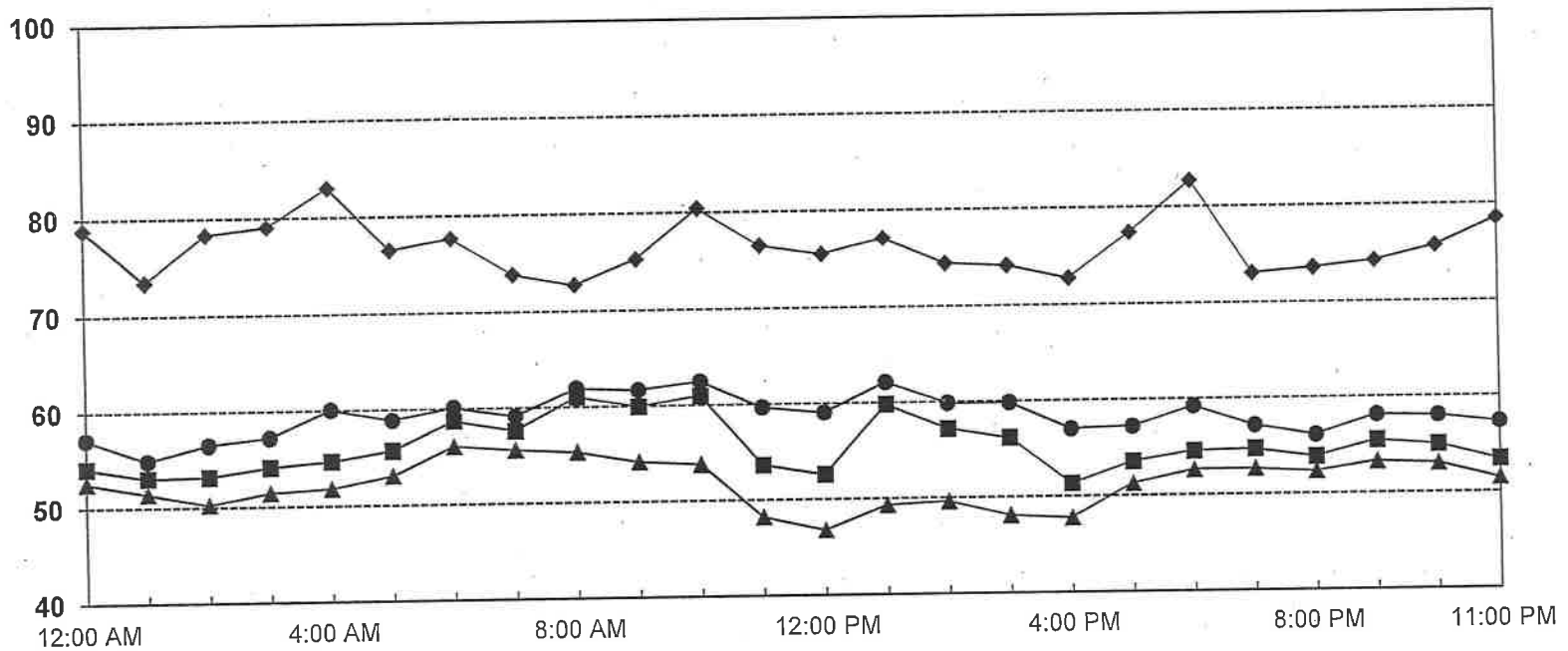
● Average (Leq)   
 ◆ Maximum (Lmax)   
 ■ L50   
 ▲ L90



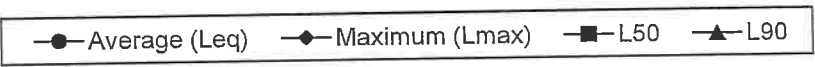
EXHIBIT 13 (9/18)

**Appendix C-2  
 Central Valley Recycling Facility  
 24hr Continuous Noise Monitoring at Site A  
 Saturday, January 19, 2013**

Sound Level, dBA



Hour of Day



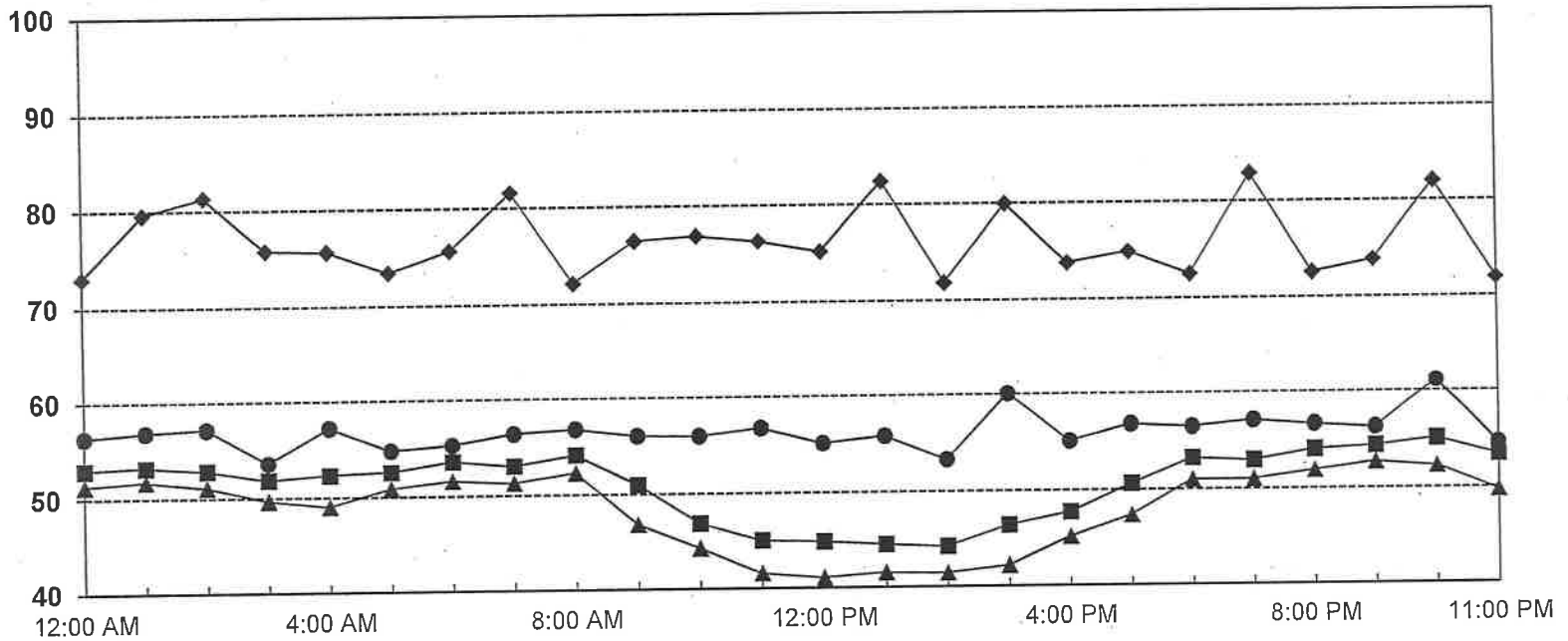
Ldn: 65 dB



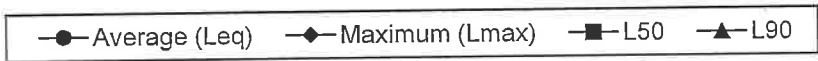
EXHIBIT 13 (pg 19)

**Appendix C-3  
 Central Valley Recycling Facility  
 24hr Continuous Noise Monitoring at Site A  
 Sunday, January 20, 2013**

Sound Level, dBA



Hour of Day



Ldn: 63 dB



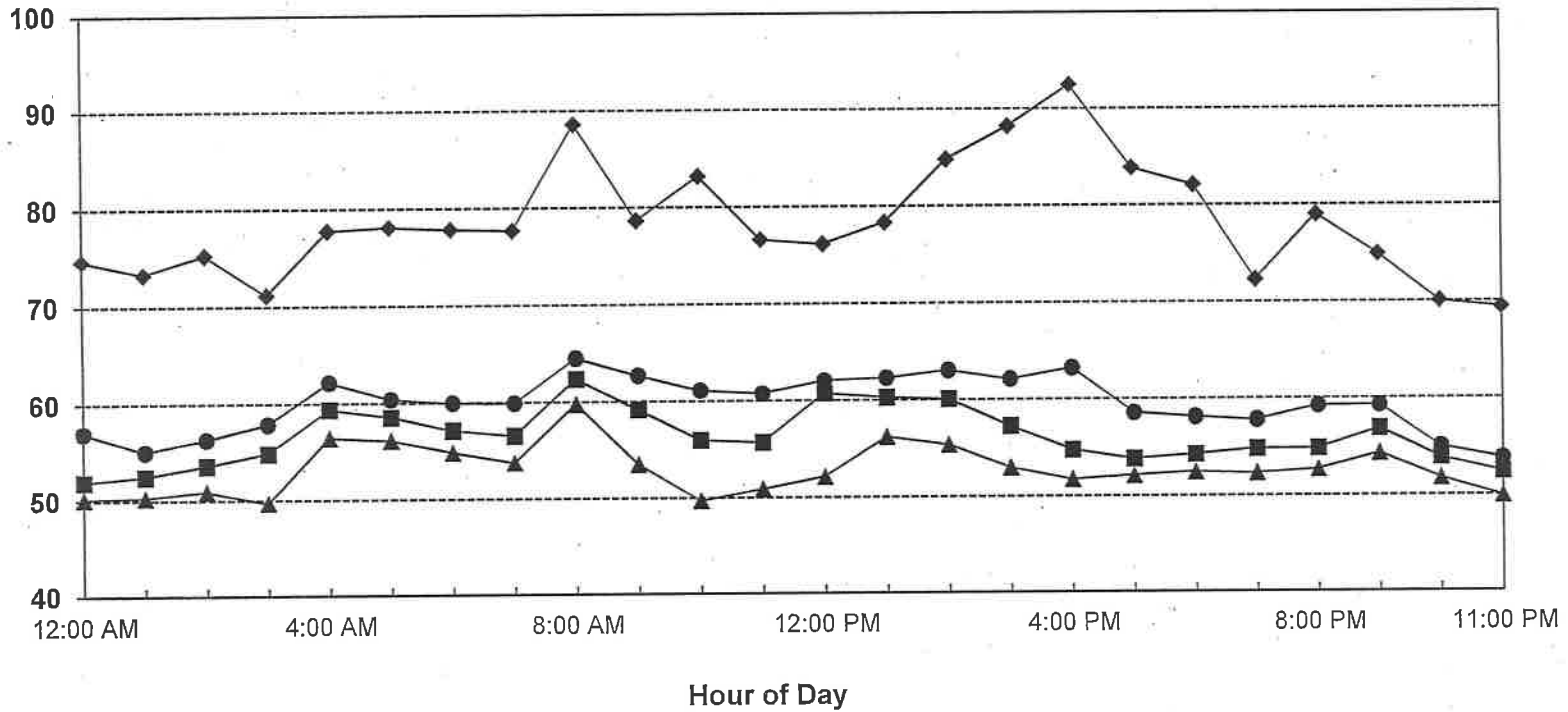
EXHIBIT 13 (pg 20)



EXHIBIT 13 (p 21)

Appendix C-4  
Central Valley Recycling Facility  
24hr Continuous Noise Monitoring at Site A  
Monday, January 21, 2013

Sound Level, dBA



● Average (Leq)    ◆ Maximum (Lmax)    ■ L50    ▲ L90

Ldn: 65 dB







DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>TH</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

February 21, 2013

**Sent by Certified and Regular Mail**

Donald G. Francis, Business Owner  
2220 Millcreek Drive  
Modesto, CA 95351

Stanley A. & Joyce O. Goblirsch, Property Owners  
P.O. Box 1010  
Ceres, CA 95307

**SUBJECT: CENTRAL VALLEY RECYCLING – 524/526 9<sup>TH</sup> STREET, MODESTO**

Dear Mr. Francis, Mr. Goblirsch, and Ms. Goblirsch,

This letter is a follow-up to the attached September 5, 2012 letter regarding the business license and scrap metal dealer license renewal applications for Central Valley Recycling. As addressed in the attached letter, the scrap metal recycling operation occurring outdoors on the east side of the property is not a permitted use in the C-2 (General Commercial) zoning district. While the September 5<sup>th</sup> letter was received by the Goblirsch's on September 7, 2012, the letter sent to Mr. Francis was returned to our office as unclaimed on December 13, 2012. The certified mail packet being sent to Mr. Francis with this letter includes the original contents of the September 5<sup>th</sup> letter. We have verified that the Millcreek address used to send the September 5<sup>th</sup> letter matches Mr. Francis's residential address information provided on the license renewal applications and accompanied driver's license. As a result of the September 5<sup>th</sup> letter being sent to Mr. Francis's correct address of record and receipt of the letter by the property owners, the 10-day appeal has expired.

The Planning Department has meet with Richard Francis and his land-use representatives (JB Anderson Land Use Planning) to discuss options for legalizing the scrap metal recycling operation. As part of the on-going discussion the Planning Department is in receipt of the January 30, 2013 Noise Study prepared for the scrap metal recycling operation. While the Planning Department has requested clarification regarding how the consultant established acceptable noise standards, the Noise Study clearly reflects that County's noise standards are being exceeded. While the Planning Department is available to continue discussing options, and the process, for legalizing the scrap metal recycling operation, the operation is not permitted to continue.

Central Valley Recycling  
February 21, 2013  
Page 2

The need to cease the scrap metal recycling operation was brought to your attention in the September 5<sup>th</sup> letter. If the activity continues, the County will pursue immediate enforcement action by issuing, to the property owner, a Notice and Order to Abate. Failure to cease and desist the activity in accordance with the Notice will result in this matter being presented to the Stanislaus County Nuisance Abatement Hearing Board and may result in any appropriate legal action being taken by the County.

Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,



Angela Freitas  
Planning and Community Development Director

Cc: Richard Francis: richardcvr@att.net  
Mark Niskanen, J.B Anderson Land Use Planning: mark@jbandersonplanning.com

Attachment: September 5, 2012 letter to Donald Francis  
Enclosures: Contents of the September 5, 2012 undelivered certified letter sent to Donald Francis (certified mail only)





DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9492  
Phone: 209.525.6770 Fax: 209.525.6773

FILE COPY

February 21, 2013

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

Dear Mr. Francis:

On December 20, 2012, the Stanislaus County Department of Environmental Resources, Hazardous Materials Division investigated a complaint at the above-mentioned facility. As a result of the investigation, contaminated storm water was identified on the property. Upon being presented with the option of having the water tested by a certified laboratory or removing it from the property as hazardous waste, the business operators declared they would remove the water as a hazardous waste.

Title 22, California Code of Regulations §66262.11 states that a determination must be made for all hazardous wastes, and §66262.40 states hazardous waste manifests must be maintained on site for at least three years following the removal of that hazardous waste from any property.

In January of 2013, I requested to see the manifest for the contaminated storm water disposal. Central Valley Recycling declared to this Department that a manifest was obtained from a third party trucking company who removed the hazardous waste water from the property. Central Valley Recycling declared, on three separate occasions, including during my visits on December 20, 2012, and January 25, 2013, that a copy of the hazardous waste manifest would be provided to this Department as proof of proper disposal, but has failed to do so after each declaration.

Your facility is in violation of the California Health & Safety Code and Title 22, California Code of Regulations. You were directed to correct the above mentioned violations numerous times. To date there have been no corrective actions submitted to this office for any of the violations. Due to the serious nature of these violations and lack of corrective action, this Department may observe the following procedures including but not limited to:

- *Routine inspections of the business may be increased to monitor compliance.*
- *Re-inspection may be conducted when significant violations occur or when the facility has a history of non-compliance.*
- *An office hearing can be held to determine reasons for non-compliance.*

STRIVING TO BE THE BEST COUNTY IN AMERICA

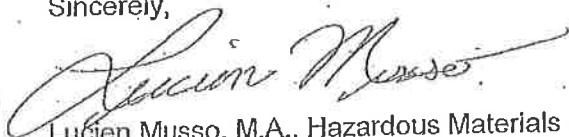
EXHIBIT 15 (pg 1)

Central Valley Recycling  
February 21, 2013  
Page 2.

Please find enclosed, the Hazardous Waste Generator Requirements Fact Sheet from the Department of Toxic Substances Control.

If you have any questions regarding this matter, please contact me directly at (209) 525-4778 or contact our office at (209) 525-6700.

Sincerely,



Lucien Musso, M.A., Hazardous Materials Specialist  
Hazardous Materials Division  
Environmental Resources, Stanislaus County  
[lmusso@envres.org](mailto:lmusso@envres.org)



**DEPARTMENT OF ENVIRONMENTAL RESOURCES  
HAZARDOUS WASTE GENERATOR NTC/SOV REPORT**

3800 CORNUCOPIA WAY, SUITE C  
MODESTO, CA 95358-9492

www.stancounty.com

PHONE: (209) 525-6700

FAX: (209) 525-6774

NTC = Notice To Comply

SOV = Summary of Violations

Facility: <u>Central Valley Recycling</u>	Bus. No.: <u>7838</u>
Address: <u>524 S Ninth</u>	Date: <u>12/20/2012</u>
City/Zip: <u>Modesto 95351</u>	EPA No.: <u>CAL000323420</u>
Contact/Title: <u>Donnie Francis</u>	Work Phone: <u>544-1578</u>
Owner: _____	Owner Phone: _____

Inspection Type: Initial  Follow-Up  Routine  Complaint

Consent to enter given by: Donnie Francis Title: Owner

The above facility was inspected this date to determine compliance with the California Health and Safety Code (H&S) Chapter 6.5 and Title 22 of the California Code of Regulations (CCR). Violations determined from this inspection are  below and must be corrected as indicated.

**I OPERATIONS**

Hazardous Waste Determination

CCR6626.11 Hazardous Waste determination not made for all waste.

Identification Number

CCR66262.12(a) An EPA number has not been obtained.

Disposal and Transportation

CCR66262.12(e) Hazardous waste transported off-site by a non-registered hauler.

H&SC25189.5 Hazardous waste disposed on-site without a permit.

Storage and Treatment

CCR66262.34 Hazardous waste stored longer than 90 days or other authorized time period.

H&SC25189.5 Hazardous waste treated on-site without a permit.

Extremely Hazardous Waste

CCR67430.1(a)(b) Extremely Hazardous Waste handled or disposed without a permit.

CCR67430.1(d) Deviation from approved handling/disposal method.

**II WALK THROUGH OBSERVATIONS**

Preparedness and Prevention

CCR66265.5(a); and Generator has not prepared contingency plan or it is not maintained on-site.

CCR66265.53

CCR66265.52 Contingency plan does not include all required information.

CCR66265.55 Emergency Coordinator is not familiar with all aspects of the site-operation and emergency procedures.

CCR66265.31 Facility not designed/operated to minimize a release of hazardous waste.

CCR66265.32(a)(b) Access to communication/alarm systems is not provided where hazardous waste is being handled.

CCR66265.32(c) Spill control/containment equipment is not available or not maintained.

CCR66265.35 Adequate aisle space is not available for unobstructed movement of personnel or equipment.



DEPARTMENT OF ENVIRONMENTAL RESOURCES  
HAZARDOUS WASTE GENERATOR NTC/SOV REPORT

II WALK THROUGH OBSERVATIONS (Continued)

Use and Management of Containers

- \_\_\_ CCR66262.34(f)(1) Hazardous waste containers are missing labels, dates, and/or improperly labeled.
- \_\_\_ (2)(3)
- \_\_\_ CCR66265.173(a) Hazardous waste containers are not kept closed while in storage.
- \_\_\_ CCR66265.171 Containers are not in good condition or are not managed to prevent leaks.
- \_\_\_ CCR66265.172 Containers are not compatible with the waste in them.
- \_\_\_ CCR66265.176 Ignitable or reactive waste are not stored 50 feet or greater from property line.
- \_\_\_ CCR66265.177(a)(b) Incompatibles are not stored or protected in separate containers.
- \_\_\_ CCR66265.177(c) Incompatibles are not managed to prevent contact or mixing.

Recyclable Materials (Used Oil)

- \_\_\_ H&SC25250.7 Intentionally contaminated used oil is mixed with other hazardous waste.
- \_\_\_ H&SC25250.5(a) Disposed of used oil by discharge to sewers or burning as fuel, or disposal on land without authorization.
- \_\_\_ CCR66266.130(c)(b) Failed to manage used oil separated from used oil filters during drainage process as hazardous waste.

III DOCUMENT REVIEW

Manifest

- \_\_\_ CCR66262.20 Manifest not used for transporting hazardous waste.
- \_\_\_ CCR66262.21 Manifest not completed with all required information.
- \_\_\_ CCR66262.22 Manifest/receipts not maintained on-site.
- \_\_\_ CCR66262.23 Copies of manifest/exception reports not submitted to DTSC.
- \_\_\_ CCR66262.40 Manifest, test results, annual/biennial reports not retained on-site for at least 3 years.
- \_\_\_ CCR66268.7(a); and Land Disposal Restriction Notification and Certification were not submitted to TSDf.
- \_\_\_ CCR8.1-8.6

Training

- \_\_\_ CCR66265.16(a)(b) Personnel training is not adequate or conducted by a person trained in hazardous waste management.
- \_\_\_ (c)(d)
- \_\_\_ CCR66265.16(e) Complete personnel training records are not being maintained on-site.

Reports and Notifications

- \_\_\_ CCR66265.41 Generator has not submitted the biennial report to DTSC.
- \_\_\_ CCR66265.56(l) State and Local authorities were not notified before resuming operation after an emergency.
- \_\_\_ CCR66265.56(j) Report not submitted to DTSC within 15 days of emergency incident.

IV SUMMARY OF VIOLATIONS & CLOSING COMMENTS:

Richard Francis to send last 6 to 12 months of storm water sample results to DER. Please clean diesel spill on rear of property. Please mitigate your storm water. Solvent sniffer detected amounts of solvent in storm water.

Accepted by: (Name/Title) DF owner Inspected by: L. Musso



THOMAS H. TERPSTRA  
ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION

February 27, 2013

Angela Freitas, Director  
Stanislaus County Department of Planning  
and Community Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: Central Valley Recycling

Dear Ms. Freitas:

This office has been retained to represent Central Valley Recycling in connection with the County's refusal to issue a renewed license to operate their facility located at 524 S. 9th Street. Earlier today, I submitted a Public Records Act request for documents pertaining to this matter. Although the County has 10 days to provide a response to my Public Records Act request, I would respectfully request that you expedite production of the relevant documents. I am particularly interested in obtaining documents and e-mails surrounding the County's 2009 decision to issue a license to operate at this location.

From my limited review to date, it appears that in your earlier capacity as a Staff Planner, you attempted to deny my clients a license to operate in 2009, but your decision was subsequently overruled within the Planning Department. At that time, the Department made an appropriate finding that both CRV recycling and scrap metal recycling was an allowable use on this site, subject only to a height limitation specifically enumerated in Section 21.08.020 of the County Code. Now, more than three years later, and after my clients have expended hundreds of thousands of dollars in site improvements, the County appears to have reversed its earlier determination. It is our position that the 2009 determination of zoning consistency was and is binding on the County, and the appropriate license(s) must be issued.

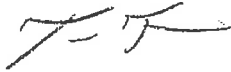
My client is willing to continue to explore opportunities for reducing noise on the site, as evidenced by its preparation of the Environmental Noise Analysis dated January 30, 2013. Further, as suggested in your February 21, 2013 letter, my client would welcome the opportunity to discuss this matter further, with the goal of reaching a mutually acceptable compromise.

Angela Freitas, Director  
Stanislaus County Department of Planning  
and Community Development  
February 27, 2013  
Page 2

In the meantime, however, it is my position that my client maintains a vested right to operate its business consistent with County codes and regulations, and they will do so pending resolution of this matter.

Very truly yours,

**Law Office of Thomas H. Terpstra**



Thomas H. Terpstra  
Attorney-at-Law

THT:kk



# THOMAS H. TERPSTRA

ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION  
578 N. WILMA AVENUE  
SUITE A  
RIPON, CA 95366

209.599.5003  
F209.599.5008

tterpstra@thtlaw.com

February 27, 2013

Angela Freitas, Director  
Stanislaus County Department of Planning  
and Community Development  
1010 10th Street, Suite 3400  
Modesto, CA 95354

Re: Public Records Act Request/Central Valley Recycling  
Records of issuance of business licenses and/or scrap metal dealers

Dear Ms. Freitas:

Pursuant to the California Public Records Act (Government Code § 6250 et seq.), I am requesting copies of all records pertaining to the issuance of business licenses and/or scrap metal dealers licenses to Central Valley Recycling located at 524/526 9th Street, Modesto, California, pursuant to Stanislaus County Code Chapters 6.04 and 6.74. This request includes licenses, notes of investigations by county officials, file notes and memoranda, zoning analyses, and any and all emails pertaining to the same.

Government Code section 6250 subdivision (e) defines Public Records as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."

A Writing is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form or communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored." (Gov. Code, § 6253 subd. (g).)

Pursuant to Government Code section 6253 subdivision (b), the copies are to be exact copies unless it is impractical to provide exact copies.

Under Government Code section 6253 subdivision (b), the County may charge the "direct costs" of making the copies. Please send an invoice to our office for any such expenses. In the event that the County requires a deposit, please fax to me the County's adopted procedures for deposits and for charging for copies under the Public Records Act, along with the requested deposit amount.

EXHIBIT 17 (pg 1)

Angela Freitas, Director  
Stanislaus County Department of Planning  
and Community Development  
February 27, 2013  
Page 2

If the County is unable to have all copies available within 10 calendar days of the date of the receipt of this request, please notify me immediately of the basis for non-compliance. (Gov. Code, § 6253(c).)

If the County denies this request, or any portion thereof, please advise me in writing of the basis of the denial, and in conformance with Government Code section 6253 subdivision (d), the name and title of the person making the denial.

Thank you in advance for your anticipated cooperation.

Very truly yours,

**Law Office of Thomas H. Terpstra**



Thomas H. Terpstra  
Attorney-at-Law

THT:kk







**STANISLAUS COUNTY COUNSEL**  
1010 Tenth Street, Suite 6400  
Modesto, CA 95354  
Phone: 209.525.6376  
Fax: 209.525.4473

**John P. Doering**  
County Counsel  
**Edward R. Burroughs**  
Assistant County Counsel

**DEPUTIES**  
Thomas E. Boze  
Vicki F. de Castro  
Alice E. Mimms  
Deirdre E. McGrath  
Robin L. McIver  
Maria Elena R. Rattliff  
Carrie M. Stephens  
Wm. Dean Wright

March 7, 2013

Thomas H. Terpstra, Esq.  
578 N. Wilma Avenue, Suite A  
Ripon, California 95366  
Phone: (209) 2599-5003  
Facsimile: (209) 599-5008  
Via email: tterpstra@thtlaw.com

Re: FEBRUARY 27, 2013, PUBLIC RECORDS ACT REQUEST.

Dear Mr. Terpstra:

We are in receipt of your letter of February 27, 2013, requesting the disclosure of certain documents under the Public Records Act concerning Central Valley Recycling located at 524/526 9<sup>th</sup> Street, Modesto.

Pursuant to Government Code section 6253, this letter is to inform you that we have determined that your request, in part, seeks copies of disclosable public records in the possession of the County, and that the County intends to provide records responsive to your request, except for records retained by the County that are exempt from disclosure by express provisions of law, including, without limitation, preliminary drafts and notes pursuant to Government Code section 6254 (a), attorney-client communication pursuant to Government Code section 6254 (k) and Evidence Code section 1040, corporate financial and proprietary information and trade secrets pursuant to Government Code sections 6254 (k), 6254.15, 6255, and Evidence Code sections 1040 and 1060.

After staff has located the documents and they are reviewed for exemptions, I will inform you of the costs to copy the records or other cost related to production of electronic records<sup>1</sup> and how you may obtain copies.

If you have any questions you may contact me at the number above.

Sincerely,  
JOHN P. DOERING  
County Counsel

By:   
THOMAS E. BOZE  
Deputy County Counsel

TEB:tb

H:\PROJECTS\Research\Public Records Act\PRA Responses\3.7.13 Response to Tom Terpstra re Central Valley Recycling.docx

<sup>1</sup> Gov. Code, § 6253.9

Thomas H. Terpstra, Esq.  
March 7, 2013  
Page 2

***STANISLAUS COUNTY COUNSEL***

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Bcc: Angela Freitas, Interim Director Planning and Community Development

EXHIBIT 18 (pg 2)



# THOMAS H. TERPSTRA

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578 N. WILMA AVENUE  
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209.599.5003  
F209.599.5008

April 16, 2013

Deputy County Counsel Thomas Boze  
1010 Tenth Street, Suite #6400  
Modesto, California 95354

Re: *Central Valley Recycling*  
*THT Matter ID: 2886-001*



Dear Mr. Boze:

As you are aware, this office represents Central Valley Recycling ("CVR"). This letter responds to the recent correspondence from the Stanislaus County Department of Planning and Community Development indicating that CVR's application for a renewal business license has been denied in part. This letter shall also serve as CVR's request for a hearing to dispute the alleged violations described in the Notice and Order to Abate issued April 2, 2013. We have notified Robert Miramontes in the Stanislaus County Environmental Resources, Code Enforcement Unit, of CVR's request for a hearing. He has indicated that he will await a response to this letter from your office before proceeding with the hearing.

For the following reasons<sup>1</sup>, it is clear that the County's refusal to reissue CVR's business license and its service of the Notice and Order to Abate issued April 2, 2013 are improper because: (1) the scrap metal recycling operation is properly located in the C-2 zoning district; and (2) CVR has acquired a vested right to continue its scrap metal recycling operation at its present location.

### CVR's History and Dealings with the County

CVR has been in business at its present location on 9<sup>th</sup> Street (C-2 / General Commercial zoning district) since 1991. CVR's operation has been conducted pursuant to valid business licenses issued by Stanislaus County since 1991. Its operation began with California Redemption Value ("CRV") recycling and expanded into scrap metal recycling in 2009. Since 2004, CVR has expended well over \$1 Million to make improvements to its property and operation in reliance upon the business licenses issued by the County. Significantly, since the 2009 approval of CVR's scrap metal business license, CVR has expended nearly \$500,000 in physical improvements to the property associated with that aspect of its business. Additionally, as a result of the scrap metal business, CVR increased its staff from 9 employees to 23 full time employees. Thus, CVR's payroll has increased from \$14,000 per month to \$43,934, plus sub-haulers who receive approximately \$43,150 per month.

On March 4, 2009, in response to CVR's business license renewal application, the County issued a letter to CVR indicating that the operation of a scrap metal yard requires location in an M (Industrial) zoning district. Subsequently, on July 21, 2009, the County issued a letter confirming issuance of CVR's

<sup>1</sup> CVR reserves the right to provide additional information in support of its position in future proceedings.

business license, which permitted CVR to operate in the C-2 zoning district. This letter imposed no conditions on CVR's operation. Rather, it simply reminded CVR that it was required to comply with Section 21.08.020(B)(2) related to storage of material. Notably, the business license issued to CVR on July 21, 2009 identifies the type of business as "Recycling and Scrap." (emphasis added). The business license issued in 2009 was reissued annually by the County through the July 20, 2012 expiration date pursuant to a process that required CVR to submit a new application and fee each year.

CVR continued to operate as it had in the past in compliance with all applicable regulations, including observance of the storage requirements noted in the letter. It was not until September 5, 2012 that the County changed its position and concluded: (1) that only the CRV recycling portion of CVR's business is a permitted use in the C-2 zoning district; and (2) that the operation of the scrap metal recycling business is not in character with permitted C-2 uses. As a result of its conclusions, the County refused to approve renewal of CVR's business license for the scrap metal recycling aspect of its business and required that CVR submit a new application solely for CRV recycling. Notably, none of the City's correspondence identifies any change in CVR's business or violation of any regulation which would justify denying CVR's business license renewal request. Instead, for the first time, the County notified CVR that it had received complaints from surrounding residential properties relating to noise and air pollution. CVR is in compliance with all regulations imposed by the San Joaquin Valley Air Pollution Control District ("SJVAPCD"). CVR has also been visited by Stanislaus County Environmental Resources, who found everything on site to be in good order. To the extent that there have been noise complaints, CVR had not previously been provided with notice and an opportunity to address the complaints. In response to the complaints, CVR had an Environmental Noise Analysis prepared in January 2013, which was submitted to the County on February 7, 2013.

By letter dated February 21, 2013, the County reiterated its position that the scrap metal operation is not a permitted use in the C-2 zoning district. The County has indicated that the Noise Analysis reflects that the County's noise standards are being exceeded, but that the County is available to continue discussing options for CVR's scrap metal recycling operation.

Finally, the County issued a Notice and Order to Abate on April 2, 2013, indicating that the scrap metal operation constitutes a nuisance in that it endangers the life, health, property, safety, or welfare of the public. The Notice requires that CVR immediately discontinue its scrap metal business.

#### CVR's Operation in the C-2 Zoning District

It is important to note at the outset that none of the zoning districts in the County expressly permit scrap metal recycling. Accordingly, the operation must be placed in a zoning district with similar uses. The County's argument that scrap metal recycling is not similar in character and purpose to the uses expressly permitted the C-2 (General Commercial) zoning district is without merit.

Section 21.56.020 identifies permitted uses in the C-2 district.<sup>2</sup> CVR's scrap metal recycling operation is similar in character and purpose to at least the following uses enumerated in Section 21.56.020(C) and (E): service stations, automobile repair shops, body and paint shops, bottling plants,

<sup>2</sup> In addition, Sections 21.56.030(D) and (E) identify multiple similar uses that are permitted in the C-2 zoning district with a use permit, including, but not limited to: manufacturing and assembly of bottles, glass products and paper products made from previously prepared materials. While we do not believe a use permit is necessary for CVR's operation in light of the uses permitted in Section 21.56.020, we provide the foregoing examples merely to show that there are additional similar uses permitted in the C-2 zone.

building materials yards, cabinet shops, contractors yards, farm and equipment sales and service, household appliance sales and service, machine shops, motorcycle shops, recreational vehicle service and sales, storage and service, sheet metal shops, tire battery and automobile parts establishments. It defies reason to argue that a recycling yard is *not* similar in character and purpose to such a wide variety of uses.<sup>3</sup>

### Vested Rights

Even if CVR's scrap metal recycling operation is not properly placed in the C-2 zoning district, which we dispute, CVR has acquired a vested right to continue its operation as it has since 2009.

The leading case in the development of the vested rights doctrine as applied to land use law is *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785. *Avco* recognized that "[i]t has long been the rule in this state and in other jurisdictions that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit. [Citations.] Once a landowner has secured a vested right the government may not, by virtue of a change in the zoning laws, prohibit construction authorized by the permit upon which he relied." *Id.* at 791. *Avco* has been interpreted as extending the "building permit rule" by finding that permits other than building permits may afford "substantially the same specificity and definition to a project as a building permit" thereby permitting a developer to acquire a vested right even though the permit is not a building permit. *Id.* at 794. Although *Avco* dealt with a landowner's vested rights to continue to construct improvements, the vested rights principals announced in that case can be extended to apply to continued use of property after improvements have been constructed. As cases following *Avco* have explained, a vested right may be based on either a building permit or "the functional equivalent" of a building permit. In CVR's case, the County's issuance of business licenses for a number of years, and CVR's expenditure of significant funds to make improvements to its facility and operation in reliance on the business licenses, have created a vested right permitting CVR to continue its scrap metal operation.

The facts of CVR's case are similar to those in *Morton v. Superior Court of San Mateo County* (1954) 124 Cal.App.2d 577. In *Morton*, a quarry had been operating at its location for 25 years at the time the County of San Mateo enacted an ordinance requiring an operating permit. When the ordinance took effect, the quarry applied for a permit, which the county planning commission denied. The quarry filed a petition for writ of mandate challenging the validity of the county's denial of its permit application. While the mandamus proceeding was still pending, the county obtained an injunction prohibiting continued operation of the quarry based on (1) allegations that the quarry was operating in violation of regulations contained in the ordinance, which constitute a nuisance;<sup>4</sup> and (2) the quarry's operation without a permit as required by the ordinance. The quarry appealed. The Court of Appeal reversed. With respect to the injunctions based upon the alleged nuisance conditions, the Court of Appeal noted that the conditions complained of regarding the quarry's operation (noise, dust and traffic) were able to be corrected and highlighted the considerable importance of that fact because the quarry was not given the

<sup>3</sup> The County has also previously mentioned that the M (Industrial) zoning district is the appropriate location for a scrap metal recycling operation. (See County's March 4, 2009 letter). The only uses listed in Section 21.60.020(A) which are arguably similar to a scrap metal recycling yard are junkyards, wrecking yards and auto dismantling yards. Notably, however, Section 21.60.020(A) also permits all uses permitted in the C districts (except dwelling units of any kind unless otherwise specifically permitted in the M zone).

<sup>4</sup> The ordinance was violated by the quarry's use of unlawful excavation practices, failure to fence certain areas and creation of excessive noise and dust. *Id.* at 586.

opportunity to modify its operations to minimize or prevent the conditions about which the complaint was made. *Id.* at 581. The Court of Appeal found that the injunction prohibiting the quarry's operation of its lawful business was "much too broad" and improper since the evidence showed that the conditions creating the nuisance could be rectified. *Id.* at 581-582, 586. Instead, the trial court should have enjoined only the objectionable practices and imposed conditions to correct them or ordered that the business be operated in compliance with reasonable regulations. *Id.* at 586-587. Prohibiting operation of a business can only be justified where irreparable injury to others necessarily results and the condition causing the injury cannot be rectified except by complete prohibition.<sup>5</sup> *Id.* at 582. Instead, injunctions and ordinances regulating businesses should be restricted to address the condition causing a specific injury and should permit the business to operate if it is able to do so while avoiding the specific injury. *Id.* at 583. Provided that use of one's property may be had without injury to others, it is a lawful use which cannot be absolutely prohibited under the guise of the exercise of the police power. *Id.* at 585-586, quoting *In re Kelso*, 147 Cal. 609, 612. The Court of Appeal also found the injunction based on the quarry's operation without a permit was improper and premature because the planning commission's denial of the permit was under direct legal attack in the pending mandamus proceeding. *Id.* at 587-588. Since the denial of the permit was based on the same alleged nuisance circumstances which the Court found insufficient to justify imposition of an injunction, the quarry could not be deprived of its "vested right" "to engage in a lawful business" while the mandamus proceeding was still pending. *Id.* at 587-588.

The County's Notice and Order to Abate is equivalent to the injunction obtained in *Morton*, as both seek to completely halt the operation at issue. In both cases, the agency's conduct is improper. Similar to the quarry operation in *Morton*, CVR has a vested right to engage in both aspects of its business. CVR has been operating for 22 years, 4 of which have included the scrap metal recycling. Notably, there has been no change to the County's zoning that affects CVR's operation, as CVR has always been located in the C-2 district and the County has always only required a business license; no other permits or licenses are at issue. Nor has there been any change in CVR's operation since the initial 2009 issuance of a business license for both the CRV and scrap metal recycling aspects of CVR's business. Thus, there is no apparent basis for the County's sudden change of position and refusal to approve the renewal business license. Since there have been no regulatory or operational changes, CVR's case is even stronger than the quarry's case in *Morton*, where the applicable ordinance had changed. Additionally, the conditions which the County is alleging constitute a nuisance (noise and dust) are capable of being corrected. In fact, CVR has worked with the SJVAPCD and Stanislaus County Environmental Resources to ensure that its operations comply with all applicable regulations. CVR also had an Environmental Noise Analysis completed to evaluate its noise levels. Thus, CVR has been working to address any conditions which may arguably constitute a nuisance. Under the holding and reasoning of *Morton*, rather than issuing the Notice and Order to Abate requiring that CVR immediately discontinue its scrap metal business, CVR should be given an opportunity to work with the County (and/or neighboring property owners) to address any outstanding grievances.

Additionally, CVR's case should be contrasted with cases where a business license is obtained based upon misrepresentations concerning the anticipated business operations and/or where the regulations governing its business operation have changed. For example, in *Walnut Properties, Inc. v. City Council* (1980) 100 Cal.App.3d 1018, 1024, the plaintiff acquired a movie theatre that had been in operation for 25 years and obtained a business license based on the representation that it simply intended to continue the existing type of operation exhibiting "family" type films. The movie theatre closed for remodeling and did not re-open until after the city adopted a new zoning ordinance which prohibits "adult

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<sup>5</sup> Notably, the Court of Appeal found that the injunction in *Morton* practically amounted to a taking of the property since it denied the owner the right to engage in the only business for which the land is fitted. *Id.* at 582.

entertainment businesses” in certain locations of the city, including where the movie theatre was located. *Id.* at 1020, 1024. The Court of Appeal found that the plaintiff did not acquire a vested right to operate an adult entertainment business by acquiring a closed building and a business license to operate a motion picture theatre. *Id.* at 1024. Specifically, the property was not being put to a lawful use which continued up to and after the time the use became unlawful or nonconforming. *Id.* CVR’s case is distinguishable in that it obtained valid business licenses from the County from 2009 – 2012 based upon its operation of both CRV and scrap metal recycling. Thereafter, it continued to use the property *without any changes to its operations and without any changes to the County’s ordinances.* Accordingly, the facts related to CVR’s operation do not justify refusal to issue its renewal business license for both CRV and scrap metal recycling.

There is also case law to support the rule that where a vested right is based on a statute or permit other than a building permit, expiration of the building permit will not cause the vested right to expire. *See, e.g., Pardee Constr. Co. v. California Coastal Comm’n* (1979) 95 Cal.App.3d 471 (contractor who was issued building permits for construction of a condominium project, who performed substantial work and incurred substantial liabilities in reliance on the permit prior to enactment of the California Coastal Zone Conservation Act of 1972 had acquired a vested right to an exemption from the permit requirements of the act and did not lose that right under the act when the building permits lapsed where contractor did not abandon or relinquish its vested right). In CVR’s case, its vested right is based upon issuance of annual business licenses from 2009 – 2012 and its continued operation of the same business during that time. Thus, it is unlikely that even a change in the underlying regulations would justify expiration of CVR’s vested right.

#### Additional Applicable Policies

California courts have announced various other rules to protect property owners and operators from losing the right to continue to conduct business as they have in the past. For example, *City of Claremont v. Kruse* (2009) 177 Cal.App.4<sup>th</sup> 1153, 1178-1179 explained that although zoning ordinances may not operate retroactively to divest a permittee of vested rights previously acquired, a new ordinance may operate retroactively to nullify a permit already issued if the applicant has not already engaged in substantial building or incurred expenses in connection therewith.<sup>6</sup> Of course, CVR has not only operated pursuant to a validly issued business licenses since 2009, but it has also expended nearly \$500,000 specifically for the scrap metal aspect of its business in reliance on the licenses.

Finally, the vested rights doctrine is predicated upon the principal of equitable estoppel, which may be applied against the government where justice and fairness require. “An equitable estoppel requiring the government to exempt a land use from a subsequently imposed regulation must include (1) a promise such as that implied by a building permit that the proposed use will not be prohibited by a class of restrictions that includes the regulation in question and (2) reasonable reliance on the promise by the promisee to the promisee’s detriment. [Citation.]” *Hermosa Beach Stop Oil Coalition v. City of Hermosa*

<sup>6</sup> In *City of Claremont*, at the time the city enacted a moratorium related to medical marijuana dispensaries, the defendants’ applications for a business license and permit had already been denied. The Court of Appeals found that substantial evidence supported the trial court’s finding that defendants did not incur substantial expenses prior to the denial of their applications and that after the city denied defendants’ applications for a business license and permit, and after city representatives told defendants that their proposed use would not be permitted, defendants commenced operating a medical marijuana dispensary without a license or permit, in violation of the city’s municipal code. Thus, the Court of Appeal held that neither the issuance of the injunction nor the dismissal of defendants’ administrative appeal deprived defendants of any vested right.



Thomas Boze  
April 16, 2013  
Page 6 of 6

*Beach* (2001) 86 Cal.App.4<sup>th</sup> 534, 551-552. Under the circumstances of CVR's case, justice and fairness require that the County be estopped from refusing to issue the renewal business license. From 2009 – 2012, the County issued business licenses to CVR. The County's repeated issuance of the licenses is tantamount to promising that CVR will be permitted to continue its operation on the same conditions that it had in the past. Moreover, CVR has expended significant sums of money in reasonable reliance on the business licenses. CVR would be significantly injured if it is required to cease operating the scrap metal recycling aspect of its business.

**Conclusion**

For the foregoing reasons, we urge the County to abandon the abatement action and issue CVR's business license for both the CRV and scrap metal recycling operations. CVR remains willing to work with the County and neighboring property owners to resolve any outstanding issues.

Very truly yours,

**Law Office of Thomas H. Terpstra**



Thomas H. Terpstra  
Attorney-at-Law

cc: Client  
Stanislaus County Environmental Resources, Code Enforcement Unit



**THOMAS H. TERPSTRA**

ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION  
578 N. WILMA AVENUE  
SUITE A  
RIPON, CA 95366

tterpstra@thtlaw.com

RECEIVED  
2009015003 COUNSEL  
F209.599.5008  
2013 MAY 13 A 10:43

May 8, 2013

Deputy County Counsel Thomas Boze  
1010 Tenth Street, Suite #6400  
Modesto, California 95354

Re: *Central Valley Recycling*  
*THT Matter ID: 2886-001*

Dear Mr. Boze:

As you are aware, this office represents Central Valley Recycling ("CVR"). On April 16, 2013, we submitted a detailed response to the County's Notice and Order to Abate dated April 2, 2013, which also served as CVR's request for a hearing to dispute the alleged violations described in the Notice and Order to Abate. To date, no hearing has been scheduled. I want to let you know that I will be out of the office on vacation from May 17, 2013 through June 4, 2013, and will be unavailable for any hearings during that time.

While I appreciate Staff's suggestion that my client file an application for a Conditional Use Permit (while suspending recycling activities in the interim), I cannot recommend such an approach to my client. First, we continue to believe that Central Valley Recycling has a vested right to operate at this location for the reasons set forth in our April 16, 2013 letter. Secondly, in light of public statements by both County Staff and elected officials, there is no guarantee that any such application would receive a favorable staff recommendation, or any political support. Accordingly, a solution which would require my client to eliminate more than 20 well-paying jobs for an indefinite period of time is simply untenable.

We would once again reiterate our offer to work toward a resolution of the noise issues, employing the mitigation measures identified by Mr. Bollard, while continuing to work on dust control and other legitimate environmental issues. Rather than embarking on a lengthy and unpredictable planning/environmental process, we could incorporate binding and effective mitigation measures into a settlement agreement with the Code Enforcement Unit, and do so in short order. Thereafter, the project could be monitored as to the effectiveness of the mitigation measures.

My client has demonstrated a willingness to work with the neighborhood as well as County staff, and is committed to making every good faith effort to resolve the outstanding issues. At the same time, we are prepared to defend our property rights with respect to our ongoing operation. We are more than willing to meet with your office and County Planning to continue our efforts

EXHIBIT 20 (191)

Thomas Boze  
May 8, 2013  
Page 2 of 6

toward a mutually beneficial resolution. Please advise as to whether and when you might be available to meet.

Very truly yours,

**Law Office of Thomas H. Terpstra**



Thomas H. Terpstra  
Attorney-at-Law

THT:rr





**STANISLAUS COUNTY COUNSEL**

1010 Tenth Street, Suite 6400  
Modesto, CA 95354  
Phone: 209.525.6376  
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**John P. Doering**  
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Alice E. Mimms  
Maria Elena R. Ratliff  
Carle M. Stephens  
Wm. Dean Wright

May 10, 2013

Thomas H. Terpstra, Esq.  
578 N. Wilma Avenue, Suite A  
Ripon, California 95366

RE: Central Valley Recycling

Dear Mr. Terpstra,



I write in response to yours of April 16, 2013, offering up various reasons why the County must issue a business license to your client. I think I can dispose of this issue simply; your client has no Avco type vested right in an expired business license.

Stanislaus County Code Chapter 6.04 requires all businesses operating in the county to obtain a business license. Business licenses are issued for a three year term. To obtain a business license or to renew a license the operator must present an application and pay the required fee.

Issuance of the license is contingent upon compliance with State and local laws and approval of the Department Of Planning And Community Development. Appeal and review of the Planning Department's decision is available by application to the Planning Commission and ultimately by the Board of Supervisors.

The rule in *Avco Community Developers, Inc. v. South Coast Regional comm.*, is predicated on the principle of estoppel. The issuance or renewal of a County business license is contingent. No presumption of renewal is explicit or implied in the County's Code. Therefore, there can be no reasonable reliance on a promise of renewal. Your reliance on *Pardee Construction Co. v. California Coastal Comm.*, for an extension of the Avco vested rights doctrine to an expired business license is not well taken. The issues decided by *Pardee* are not on point. Unlike *Pardee*, here there was no promise of renewal for your clients to rely upon and therefore no vested right was acquired.

Your client had the opportunity to appeal the Planning Department's decision not to renew the business license and have that appeal heard by the Planning Commission and ultimately the Board of Supervisors. They failed to exhaust that administrative remedy. As you know, their failure to exhaust is fatal to any judicial review of this administrative decision.

Thomas H. Terpstra, Esq.  
May 10, 2013  
Page Two

Please inform your client that operating without a business license is a violation of Stanislaus County Code, Chapter 6.04, and is a nuisance pursuant to County Code §2.92.010, subd. (D). If they continue to operate without a business license we will take the appropriate administrative actions.

If you have any questions in this regard please contact me at the number above.

Sincerely,  
JOHN P. DOERING  
County Counsel

By:   
THOMAS E. BOZE  
Deputy County Counsel

TEB:tb

c: Angela Frietas, Director Department of Planning and Community Development  
Jamie Aggers, Director Department of Environmental Resources





# COUNTY OF STANISLAUS



## NOTICE OF HEARING TO ABATE NUISANCE

**TO:** Stanley A Goblirsch  
Joyce O Goblirsch  
PO BOX 1010  
Ceres, CA 95307

**RE:** File No. DER-CE 12-0224  
Assessor's Parcel No. 038-012-009  
Address: 0 Bystrum Rd  
Modesto, CA 95351

**NOTICE IS HEREBY GIVEN TO APPEAR**, before the Planning Commission sitting as the Nuisance Abatement Hearing Board on **June 27, 2013** the hour of **6:00 p.m.**, or as soon thereafter as the matter may be heard, in the Joint Chambers, Basement Floor, 1010 Tenth Street, Modesto, CA, then and there to show cause or give legal reason, if any there be, why such conditions listed on **Attachment "A"** should not be condemned as a nuisance and why such nuisance should not be abated by the undersigned enforcement official.

At the time and place specified in this Notice, the Hearing officer or Hearing Board appointed to review the decision of the Director of the responsible County department ordering cessation or abatement of a nuisance occurring at or upon the subject property, shall proceed to hear the testimony of the undersigned enforcement official, his or her deputies, the testimony of the owner or his or her representatives, and the testimony of other competent persons concerning the conditions constituting such nuisance, the estimated cost of abatement and other matters which the Hearing Office or Hearing Board may deem pertinent.

Upon the conclusion of the hearing, a decision will be rendered as to whether substantial evidence supports a determination that a nuisance exists upon the property. If a nuisance is found to exist, the Hearing Officer or Hearing Board may order you to abate the nuisance, prescribing the requirements of such abatement and prescribing a reasonable period of time for the completion of such abatement. Such order may further provide that, in the event that such abatement is not commenced, prosecuted or completed within the terms set in the order, the undersigned enforcement official shall be authorized to abate said nuisance and to recover the costs incurred by the County to abate the nuisance. The materials, equipment, vehicles or other personal property or materials contained in the nuisance abated by the enforcement official may be disposed of in any manner deemed appropriate by the enforcement official, including, but not limited to sale or transfer to another department in the same manner as surplus County personal property, and the proceeds from such sale shall be paid into the County general fund and shall offset the cost of abatement.

For further information concerning this Notice, please contact the Department of Environmental Resources, 3800 Cornucopia Way, Ste C, Modesto, CA 95358 or call (209) 525-6700.

Dated: May 30, 2013

DEPARTMENT OF ENVIRONMENTAL RESOURCES

By   
ROBERT MIRAMONTES  
CODE ENFORCEMENT UNIT

Please contact Robert Miramontes at (209) 525-6729 if you wish to attend this hearing.

EXHIBIT 22 (pg 1)

Attachment "A"

RE: File Number CE 12-0224  
Assessor's Parcel Number: 038-012-009  
Address: 0 BYSTRUM RD, MODESTO, CA

Inspection of the above reference property revealed the following violations of Stanislaus County Code §2.92.010:

Code Section Violation:	Corrective Action:	Compliance Date:
§21.56.020 and §21.16.040 of the Stanislaus County Code. Non-Permitted Land Use (scrap metal recycling operation).	Immediately discontinuing the non-permitted land use (scrap metal recycling operation). For information regarding the allowable uses on the property in question, you may consult Stanislaus County Planning and Community Development, located at 1010 10th Street, 3rd Floor, Modesto (209-525-6330).	05/17/2013
§21.56.040(D) of the Stanislaus County Code. No operation (scrap metal recycling 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.	Discontinuing the scrap metal recycling operation which is a nuisance to the public. <b>NOTE: Failure to comply could result in a civil/criminal action being brought against the property owner.</b>	05/17/2013

CC: Central Valley Recycling (CVR), 524 S. 9<sup>th</sup> St, Modesto, CA 95351  
Donald G. Francis, Business Owner of CVR, 2220 Millcreek Dr, Modesto, CA 95351  
Thomas H. Terpstra, Attorney at Law, 578 N. Wilma Ave, STE: A, Ripon, CA 95366  
Mark Niskanen, JB Anderson Land Use Planning, 139 S. Stockton Ave, Ripon, CA 95366  
Paul Bollard, President of Bollard Acoustical Consultants, Inc., 3551 Bankhead Rd, Loomis, CA 95650  
Angela Freitas, Planning & Community Development Director, 1010 10<sup>th</sup> St, STE: 3400, Modesto, CA 95354

Enclosures: Stanislaus County Code

9/05/12 letter to Donald Francis from Angela Freitas, Planning & Community Development Director

02/21/13 letter to Donald Francis from Angela Freitas, Planning & Community Development Director