

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

DEPT: Planning and Community Development *ML*

BOARD AGENDA # 9:05 a.m.

Urgent  Routine

AGENDA DATE November 3, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation for Approval of Rezone Application No. PLN2015-0032, Belkorp AG, A Request to Rezone a 17.3± Acre Project Site to Allow H-1 Type Uses and Establish an Agricultural Equipment Dealership on Property Located at 4618 Nunes Road, East of Highway 99, North of E. Keyes Road, in the Keyes Area; and, Adoption of a Mitigated Negative Declaration

PLANNING COMMISSION RECOMMENDATIONS:

1. Conduct a public hearing to consider the Planning Commission's recommendation for approval of Rezone Application No. PLN2015-0032, Belkorp AG, a request to rezone a 17.3± acre project site, from expired P-D 302 (Planned Development) and A-2-10 (General Agriculture) to a new P-D zone, to allow H-1 (Highway Frontage) uses, establish an agricultural equipment dealership, construct a two story 57,000 square-foot building, and allow outdoor display areas for agricultural equipment on property located at 4618 Nunes Road, east of Highway 99, north of E. Keyes Road, in the Keyes area. APNs: 045-049-011 and 12, 045-050-001, 011, and 012.

(Continued on page 2)

FISCAL IMPACT:

In accordance with the adopted Department of Planning and Community Development Fee Schedule, this project is subject to payment of the 'actual cost' for processing. All costs associated with this project have been paid. Future retail sales will generate sales tax that will be part of the County's discretionary revenue in addition to any impact fees that must be paid.

BOARD ACTION AS FOLLOWS:

No. 2015-557

On motion of Supervisor Chiesa, Seconded by Supervisor DeMartini

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE C.S. 1168

ATTEST:

*Christine Ferraro*  
CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-V-1

**PLANNING COMMISSION RECOMMENDATIONS: (Continued)**

2. Adopt the Mitigated Negative Declaration pursuant to California Code of Regulations Section 15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and California Environmental Quality Act (CEQA) Guidelines Section 15075.
4. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation and Highway Commercial Community Plan designation.
5. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
6. Introduce, waive the reading and adopt an ordinance for the approved Rezone Application No. PLN2015-0032, Belkorp AG.

**DISCUSSION:**

This is a request to rezone a 17.3± acre project site from expired P-D 302 (Planned Development) and A-2-10 (General Agriculture) to a new P-D, to allow H-1 (Highway Frontage) type uses. The project will establish an agricultural equipment dealership consisting of a 57,000 square-foot two-story building for service maintenance, retail sales, parts, and administrative offices; allow outdoor display areas for agricultural equipment; develop a 74-space parking lot; and construct an approximately one-acre drainage basin south of the proposed building. The project site is located at 4618 Nunes Road, east of Highway 99, north of E. Keyes Road, in the Keyes area. The project will be served with public water and sewer by the Keyes Community Services District (CSD).

The new P-D zoning will permit uses consistent with the H-1 (Highway Frontage) zoning district and an agricultural equipment dealership as identified. Permitted uses include vehicle and equipment sales with service, clinics, office, restaurant, retail, service station, and schools as well as a few uses requiring a Use Permit. (See the Planning Commission Staff Report's Exhibit D – *Permitted Uses*). The project site was originally rezoned from A-2-10 to P-D 55 to allow a trucking business, and then rezoned to P-D 302 - Cherokee Plaza in April 2006, to allow construction of 50,000 square-feet of

buildings to establish a beauty college, restaurants, and various retail/service establishments. The need for a rezone is due to the way that P-D 302 was approved for a specific use within a specific time frame. Failure to meet those requirements resulted in the expiration of P-D 302 and the need for further discretionary approval prior to development.

The project site is currently vacant and unimproved, except for the northwestern portion of the site which has remnant foundations, three driveways, and a drainage basin associated with the previous on-site trucking business. The project site is primarily bordered by SR 99, Nunes Road, and North Golden State Boulevard; just north of the Keyes Road Overpass and the northbound SR 99 on and off ramps. A small portion of the project site (0.63 acres) is located at the southeastern corner of North Golden State Boulevard and Nunes Road (See Attachment 1, Exhibit B – *Maps*).

Surrounding land uses consist of a commercial and residential parcels and Keyes Union School District to the north; vacant A-2-10 zoned properties with a Planned Development General Plan designation on property to the east; commercial uses to the south; and Highway 99 to the west. Agriculturally zoned parcels in the immediate vicinity appear to be vacant and unimproved, and fallow, as per application information and a visit to the site.

On October 1, 2015, the Planning Commission held a public hearing and on a 7-0 vote, recommended the Board of Supervisors approve the request as proposed. There were no concerns raised by the Planning Commission at the public hearing. There were no persons present at the hearing to speak in opposition of the proposed project. Rod Hawkins, the applicant's agent, spoke in favor of this project.

Planning Staff believes that the Rezone for the proposed use on this specific site is consistent with the goals and policies of the County's General Plan. For a discussion on the proposed project's General Plan consistency see Attachment 1 - *Planning Commission Staff Report, October 1, 2015*.

#### **POLICY ISSUES:**

The proposed rezone furthers the Board's priorities of A Well Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

#### **STAFFING IMPACT:**

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the proposed rezone application.

**CONTACT PERSONS:**

Angela Freitas, Planning and Community Development Director.  
Telephone: (209) 525-6330

**ATTACHMENTS:**

1. Planning Commission Staff Report, October 1, 2015
2. Planning Commission Minutes, October 1, 2015
3. Draft Ordinance and Sectional District Map

**STANISLAUS COUNTY PLANNING COMMISSION**

October 1, 2015

**STAFF REPORT**

**REZONE APPLICATION NO. PLN2015-0032  
BELKORP AG**

**REQUEST: TO REZONE 17.3± ACRES, FROM EXPIRED PLANNED DEVELOPMENT (P-D) 302 AND A-2-10 (GENERAL AGRICULTURE) TO A NEW P-D TO ALLOW H-1 USES, ESTABLISH AN AGRICULTURAL EQUIPMENT DEALERSHIP, CONSTRUCT A TWO STORY 57,000 SQUARE-FOOT BUILDING, AND ALLOW OUTDOOR DISPLAY AREAS FOR AGRICULTURAL EQUIPMENT**

**APPLICATION INFORMATION**

Property Owner:	Gholam Rez and Rafat Assari, Sonia Sargisi Gracer, Gaby P. and Odette S. Polous, Claudette S. Cruz, Diana Porter-Suckow
Applicant:	Tim Stokes, Belkorp AG
Agent:	Rod Hawkins, Hawkins Engineering
Location:	4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area.
Section, Township, Range:	31-4-10
Supervisorial District:	Two (Supervisor Chiesa)
Assessor's Parcel:	045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012
Referrals:	See Exhibit M Environmental Review Referrals
Area of Parcel(s):	17.3± acres
Water Supply:	Keyes Community Services District
Sewage Disposal:	Keyes Community Services District
Existing Zoning:	Expired P-D (302) and A-2-10
General Plan Designation:	Planned Development
Sphere of Influence:	Not Applicable
Community Plan Designation:	HC (Highway Commercial)
Williamson Act Contract No.:	Not Applicable
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Vacant agriculturally zoned property to the east; Hwy 99, and vineyards to the south and west; Nunes Road, residences, and Keyes Union School District to the north

**RECOMMENDATION**

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

## **BACKGROUND**

The Board of Supervisors adopted the Community Plan for the unincorporated community of Keyes, along with certification of an Environmental Impact Report (EIR) and Mitigation, Monitoring and Reporting Plan (MMRP), in April of 2000. The Keyes Community Plan, found in the Land Use Element of the General Plan, reflects the themes of reasonable growth complete with implementation measures designed to improve the image of the town, improve services and otherwise carry out the vision of the Plan. According to the Keyes Community Plan, Planned Development in this area is envisioned to carry out development patterns similar to the General Plan designations of Highway Commercial and Planned Industrial with a focus on light industrial uses east of State Route (SR) 99 and heavy industrial uses west of SR 99. (See Exhibit F – *Keyes Community Plan Map and Mitigation Monitoring and Reporting Plan*). The Keyes Community Plan is discussed in further detail in the General and Community Plan Consistency section of this report.

The EIR identified potential environmental impacts and a series of mitigation measures were adopted to reduce identified impacts to less than significant level. Specific mitigation measures are applied as appropriate to individual projects within the area of the Keyes Community Plan on a case-by-case basis. Some of the mitigation measures for this project are carried forward from the Keyes Community Plan MMRP, and have been modified and updated due to changes in development standards, so as to provide equal or greater protection than the original mitigation measures. In some cases, standard development standards now address previously identified mitigation measures. The details of the Keyes EIR mitigation measures can be found in the attached Keyes Community Plan MMRP. (See Exhibit F – *Keyes Community Plan Map and Mitigation Monitoring and Reporting Plan*). Mitigation measures that are not applicable to the project have been omitted. For example, lands within the Keyes Community Plan area, with a General Plan designation of Agriculture are subject to farmland mitigation upon submittal of a General Plan Amendment/Rezone application. Because the project site is within the Keyes Community Plan area already designated as Highway Commercial and designated as Planned Development in the County General Plan, it is not subject to the farmland mitigation.

The project site was originally rezoned from A-2-10 to P-D 55 to allow a trucking business, and then rezoned to P-D 302 - Cherokee Plaza in April 2006, to allow construction of 50,000 square-feet of buildings to establish a beauty college, restaurants, and various retail/service establishments. The need for a rezone is due to the way that P-D 302 was approved for a specific use within a specific time frame. Failure to meet those requirements resulted in the expiration of P-D 302 and the need for further discretionary approval prior to development. In an effort to streamline future development, the project includes a request to allow H-1 uses subject to development standards established by this P-D. (See Exhibit D – *Permitted Uses*).

## **PROJECT DESCRIPTION**

This is a request to rezone a 17.3± acre project site, from expired P-D 302 and A-2-10 to a new Planned Development (P-D), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square-foot, two-story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74-space parking lot and driveways and construct an approximately one acre drainage basin south of the proposed building. Wall signage is proposed on the south, east, and west top left corners of the buildings. Two pylon signs, one at 30-feet tall and located at the Golden State Boulevard entrance, and one at 60-feet tall and located at the northwestern corner of the site, are being proposed.

North Golden State Boulevard will serve as primary access to the site from the SR 99/Keyes Road Interchange. This access will be utilized as a shared ingress/egress when the undeveloped area

southeast of the Belkorp AG building develops. All existing driveways on Nunes Road shall be removed, except for a secondary access, east of the 8<sup>th</sup> Street/Grace Avenue intersection, on the northern boundary of the site. The southeastern portion of the project site not proposed as part of the agricultural equipment dealership as shown on the site plan, will also be rezoned to Planned Development, but left vacant and unimproved. This acreage may be utilized by other businesses provided the appropriate land use and building permits are obtained and that the uses comply with the permitted uses for this project. (See Exhibit D - *Permitted Uses*).

Proposed operating hours for the agricultural equipment are Monday through Saturday from 7:00 a.m. to 6:00 p.m.; however, there are no limitations on operating hours for this project. The building will have wall pack security lights and 30-foot light poles will be installed in the parking lot as required for parking lot safety.

Current development standards require all projects to maintain stormwater on-site. The project site includes a stormwater retention basin, which shall be “blended” into the project site via landscaping and/or screening so as to address visual impacts from SR 99 and North Golden State Boulevard. All landscaping shall comply with the California Water Model Ordinance and local drought control measures. The Keyes Community Services District (CSD) provides municipal services (sewer & water) for the Keyes community.

### **SITE DESCRIPTION**

The 17.3 acre project site is located at 4618 Nunes Road is currently vacant and unimproved, except for the northwestern portion of the site which has remnant foundations, three driveways, and a drainage basin associated with the previous on-site trucking business. (See Exhibit B – *Maps*). The project site is bordered by SR 99, Nunes Road, and North Golden State Boulevard, in the unincorporated community of Keyes, just north of the Keyes Road Overpass and the northbound SR 99 on and off ramps. (See Exhibit B – *Maps*).

Surrounding land uses consist of a commercial and residential parcels, north of the site, zoned H-1 (Highway Frontage), R-1 (Single-Family) R-2 (Medium Density Residential) and R-3 (Multi-Family), Nunes Road, residential homes, and Keyes Union School District; vacant A-2-10 zoned properties with a Planned Development General Plan designation on property to the east; Highway 99, and vineyards to the south and west. Agriculturally zoned parcels in the immediate vicinity appear to be vacant and unimproved and fallow, as per application information and a visit to the site.

### **ISSUES**

The following section is a discussion of issues identified by staff. Staff has evaluated these issues and provides the following comments:

#### **Community Service District Annexation**

Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site be served by the Keyes Community Services District (CSD), the provider of sewer and water for this community. The Keyes CSD provided a letter stating that they are capable of providing water and sewer services to the project site (the westerly half); however, prior to connection, the easterly half of the site must be annexed into the CSD via the LAFCO application and approval process. The water and sewer service is contingent on an agreement with the Keyes CSD regarding construction of infrastructure and the payment of fees. (See Exhibit E – *Keyes CSD Will-Serve Letter dated March 19, 2015 and Boundary and Sphere of Influence Map*). As of the date of this report, a request for annexation has not been submitted to LAFCO by the Keyes CSD. As per development standards a building permit for the project site will not be issued until: 1) the

LAFCO annexation process is completed, 2) needed on and off-site water and sewer infrastructure has been completed, 3) CSD fees paid in full, and 4) a final will-serve letter submitted to the Building Permits Division.

## **Signage**

The applicant's sign plan proposes wall signs on the south, east, and west top left corners of the proposed agricultural equipment sales building along with two free-standing twin post pylon signs. The pylon signs include one 30-foot tall sign located towards the North Golden State Boulevard entrance, in the equipment display area, and one 60-foot tall sign located at the northwestern corner of the site along SR 99. Planning staff has discussed concerns with the height of the proposed 30-foot pylon sign, with the applicant, and requested that it be modified to a monument sign not to exceed 6-feet in height. Staff also expressed the desire to have the project provide signage allowing for multi-tenant usage in an effort to avoid excessive signage. According to the project applicant the agricultural equipment dealer wants independent signage for their business and, as such, would not be amendable to multi-tenant signage. In an effort at compromise, the applicant has agreed to reduce the 30-foot high pylon sign to 20-feet in height. This reduction is reflected in the projects development standards. The development standards also limit any future signage on the vacant portions of the project site to be developed with H-1 uses to one monument sign, not to exceed 6-feet in height, on either side of North Golden State Boulevard. As such only two free-stand signs will be permitted for the entire project site. Any of the permitted signs may be utilized by a single or multiple tenants. The Planning Commission may amend the signage requirements as part of their recommendation to the Board of Supervisors.

This project was referred to the Keyes Municipal Advisory Council (MAC) as a part of the Early Consultation and the Initial Study; however, a response has not been received to date.

## **GENERAL AND COMMUNITY PLAN CONSISTENCY**

Stanislaus County has adopted Community Plans for most of the unincorporated communities in the County. These plans outline the future growth patterns of each community. Each plan is used in conjunction with the General Plan to indicate the desired land use "vision" for the town.

The project site is within the Keyes Community Plan boundaries. There are no adopted design guidelines for the Keyes Community; however, the Keyes Community Plan encourages attractive and orderly development which preserves a small town atmosphere; the development of large, non-residential sites, with generous landscaping and Highway Commercial type uses along SR 99/Keyes Road Interchange; and the development of "Gateway" treatments and positive, high quality landscaped edges along SR 99 and major roads. "Gateway" treatments are not defined and, as such, could include landscape treatments around stormwater basins and signs, and/or aesthetically pleasing building and site design.

The Keyes Community Plan, adopted by the Board of Supervisors in April of 2000, identifies the project site as a Gateway area to the Keyes community, visible from SR 99, and needing to be designed and landscaped to improve and enhance the appearance of the site and area. Since the rear of the building faces SR 99 special design attention was paid to the appearance of the rear of the building. Renderings of the site show minimal landscaping but reflect a "clean" looking site. A conceptual landscape plan, included in the project's site plan, indicates the use of drought tolerant landscaping in the display area and existing landscaping on the Nunes Road and SR 99 frontages. (See Exhibit B – *Maps*). To insure compliance with the Keyes Community Plan, Development Standards have been added to this project requiring: 1) minimal signage be utilized to avoid visual "clutter" along the Keyes Road Interchange, and 2) submittal of a final landscape plan, compliant



with the State Water Model Ordinance and local drought control measures, and containing “Gateway” and landscape treatments, as a part of the building permit.

Although there are no adopted design standards for Keyes, the following goals and policies of the Keyes Community Plan function as design guidelines for new development within the Keyes Community:

**GOAL 2 - Improve the visual appearance of the Keyes Community.**

Policy 1 - Encourage the development of identifiable community boundaries to establish a sense of community identity.

Policy 2 - Encourage the development of “Gateway” treatments at major entryways to the community.

Implementation Measures

3. Develop positive, high quality landscaped edges along State Route 99 and major roads leading into the community.

**Landscaping**

The Keyes Community Plan identifies community character as being crucial for establishing the overall vision of what constitutes a desirable and viable community. This project is being proposed north of and nearby the State Route 99/Keyes Road Interchange, an important gateway into the Keyes community which the Community Plan earmarks for high quality landscaping. Staff will review final landscape plans at building permit application, to insure that the proposed landscaping is low water using, drought tolerant, and meets the Plan’s guidelines for development of high quality landscaped edges and “Gateway” treatments in this area.

**GOAL 4 - Promote highway-oriented commercial development in the State Route 99 corridor.**

Policy 1 - The County shall encourage the location of businesses and services (e.g., restaurants, service stations, lodging) in the State Route 99 corridor to serve the traveling public and local residents.

Implementation Measures

1. Designate land adjacent to the State Route 99 / Keyes Road interchange with good highway visibility and access as Highway Commercial. Permitted uses shall be those determined by the County to be supportive of the overall goals and policies of the Keyes Community Plan.
2. Limit development adjoining State Route 99/Keyes Road Interchange to large sites and non-residential uses with generous landscaping

The project site is currently designated Planned Development in the General Plan and Highway Commercial in the Keyes Community Plan. The Highway Commercial land use designation adjacent to the State Route 99/Keyes Road Interchange is intended to provide for and promote concentration of commercial uses serving the needs of the traveling public. Traditional Highway Commercial uses include truck stops, restaurants, motels, service stations, overnight R.V. camping,

fruit stands and accessory uses such as towing service, minor emergency automobile repair, convenience market, and wine tasting; however, the Keyes Community Plan includes the flexibility to allow uses determined by the County to be supportive of the overall goals and policies of the Plan.

The County General Plan identifies the intent of the Planned Development (P-D) zoning designation as being for lands which, because of demonstrably unique characteristic, may be suitable for a variety of uses without detrimental effect on other property. The General Plan further identifies freeway interchange and frontage roads adjacent to major highways and freeways as appropriate locations for planned developments as well. A P-D zoning designation allows for the flexibility to provide a variety of uses and development standards, while retaining consistency with the County General Plan as a whole. The area south of the interchange has developed with businesses such as Chevron, Peterbilt, and FreshPoint (formerly Piranha Produce). Approval of this project would result in a development consistent with the aforementioned businesses and the Community Plan and, as such, staff believes this use can be determined by the County to be consistent with development in the area and supportive of the overall goals and policies of the Keyes Community Plan.

### **ZONING ORDINANCE CONSISTENCY**

Community Plans are required to be consistent with the General Plan; however, Community Plans function as the General Plan in areas/communities where a Community Plan has been adopted. To approve the requested rezone, the Planning Commission must find that the proposed P-D zoning with H-1 uses is consistent with the Community Plan for the proposed project site. The Land Use Element of the General Plan states that the P-D zone is consistent with the Highway Commercial General Plan/Community Plan designation and, as such staff feels that the proposed P-D zoning for this site is consistent with the Keyes Community Plan.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment and no significant issues were raised. (See Exhibit M - *Environmental Review Referrals*.) A Mitigated Negative Declaration has been prepared for approval, prior to action on the rezone, as the project will not have a significant effect on the environment. (See Exhibit L – *Mitigated Negative Declaration*.) Development Standards reflecting referral responses have been placed on the project. (See Exhibit C - *Development Standards/Development Schedule*.)

An Early Consultation referral response was received from the CA Department of Fish and Wildlife, which included mitigation measures for raptors and Burrowing Owl. These mitigation measures included conservation easements, permanent easements purchased by the developer for perpetuation/survival of an identified species. As a result, the applicant opted to hire a biologist to perform a biological survey and recommend mitigation measures in compliance with CEQA. The biological survey determined that no special status plants, wildlife, or Waters of the United States were likely to occur on the site, nor were they present at the time of the biological survey; however, the biological survey did provide mitigation measures requiring pre-construction surveys for the presence of Swainson's Hawk during breeding/nesting season and pre-construction surveys for Burrowing Owl. Furthermore, although there was no evidence that Valley Elderberry Long Horned Beetle exists on-site, potential habitat (elderberry bushes) does and, as such, mitigation measures insuring protection of this resource have been incorporated in to the project's development standards. (See Exhibit G - *CA Department of Fish and Wildlife referral response dated April 27, 2015*, Exhibit H – *Biological Survey dated June 26, 2015* and Exhibit J – *Mitigation Monitoring Plan*.)

All rezone applications require that the applicant obtain a records search from the Central California Information Center (CCIC). The CCIC report that was submitted noted that even if the foundations of a building had been removed there could still be historical remains within the project area and, as such, afforded the project site a medium-high sensitivity for historical resources. Consequently, Planning staff recommended the applicant provide an archaeological survey for the site. The survey was conducted on April 26, 2015 and determined that no historical, archaeological, or cultural resources were likely to occur on site. (See Exhibit I – *Archaeological Survey dated April 30, 2015*).

The Department of Public Works and CalTrans reviewed this project as an Early Consultation and Initial Study referral. CalTrans responded to the Early Consultation with a request for additional information regarding the trucks to be used to transport the agricultural equipment and a recommendation that the project pay its fair share for any future improvements to the SR 99/Keyes Road intersection and ramps. Caltrans comments were shared with the Department of Public Works who responded with the applicant's fair share amount, as determined by the Keyes Community Plan and updated for inflation. The fair share fees have been added as a mitigation measure. Moreover, current Public Facilities Fees (PFF) will be imposed when the project developer applies for building permits. A Traffic Impact Assessment was not required as traffic movements were reviewed in the Keyes Community Plan, which considered the subject project site as utilized for a commercial type use on a Planned Development zoning.

On May 1, 2015, the Keyes Union School District submitted a letter commenting on the location of proposed driveways along Nunes Road as they are located in front of a Head Start facility. The District also commented on the potential safety concern for students that may walk along the Nunes Road. The site plan was amended, eliminating the two western most driveways and moved the main site entrance off of Nunes Road to N. Golden State Blvd. The revised site plan was circulated with the Initial Study and staff emailed the District to determine if the changes adequately addressed the District's concerns. To date, the County has not been contacted by the District, nor has a referral response to the Initial Study been received.

Due to the orientation of the driveways, it is possible that vehicle lights will have an impact on homes 258± feet to the north of the project's proposed driveway on Nunes Road, during the winter months. Because the proposed business will close by 6:00 p.m., this impact is expected to be less than significant; however, to insure that the neighbors to the north are not impacted, a condition of approval will be added to the project requiring that traffic leaving the site near dusk, shall utilize the Golden State Boulevard entrance/exit. The North Golden State Boulevard driveway is across from the vacant, northeastern-most portion of the subject parcel which will also be rezoned to Planned Development. Consequently, traffic utilizing the Golden State exit is not expected to result in impacts caused by vehicle lights.

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

Contact Person: Rachel Wyse, Associate Planner, (209) 525-6330

Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Development Standards/Development Schedule
- Exhibit D - H-1 Permitted Uses
- Exhibit E - Keyes CSD Will-Serve Letter dated March 19, 2015 and Boundary and Sphere of Influence Map
- Exhibit F - Keyes Community Plan and Mitigation Monitoring and Reporting Plan
- Exhibit G - CA Department of Fish and Wildlife Referral Response dated April 27, 2015
- Exhibit H - Biological Survey dated June 26, 2015
- Exhibit I - Archaeological Survey dated April 30, 2015
- Exhibit J - Mitigation and Monitoring Plan
- Exhibit K - Initial Study
- Exhibit L - Mitigated Negative Declaration
- Exhibit M - Environmental Review Referrals

**Exhibit A**  
**Findings and Actions Required for Project Approval**

1. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b) by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation and the Highway Commercial Community Plan designation;
4. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements; and
5. Approve Rezone Application No. PLN2015-0032 – Belkorp AG subject to the attached Development Standards.

MODESTO

E WHITMORE AVE

**REZ PLN2015-0032  
BELKORP AG  
AREA MAP**

CERES

WASHINGTON RD

GEE

S SANTA FE AVE

FAITH HOME RD

99

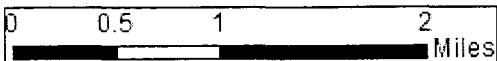
E KEYES RD

**SITE**

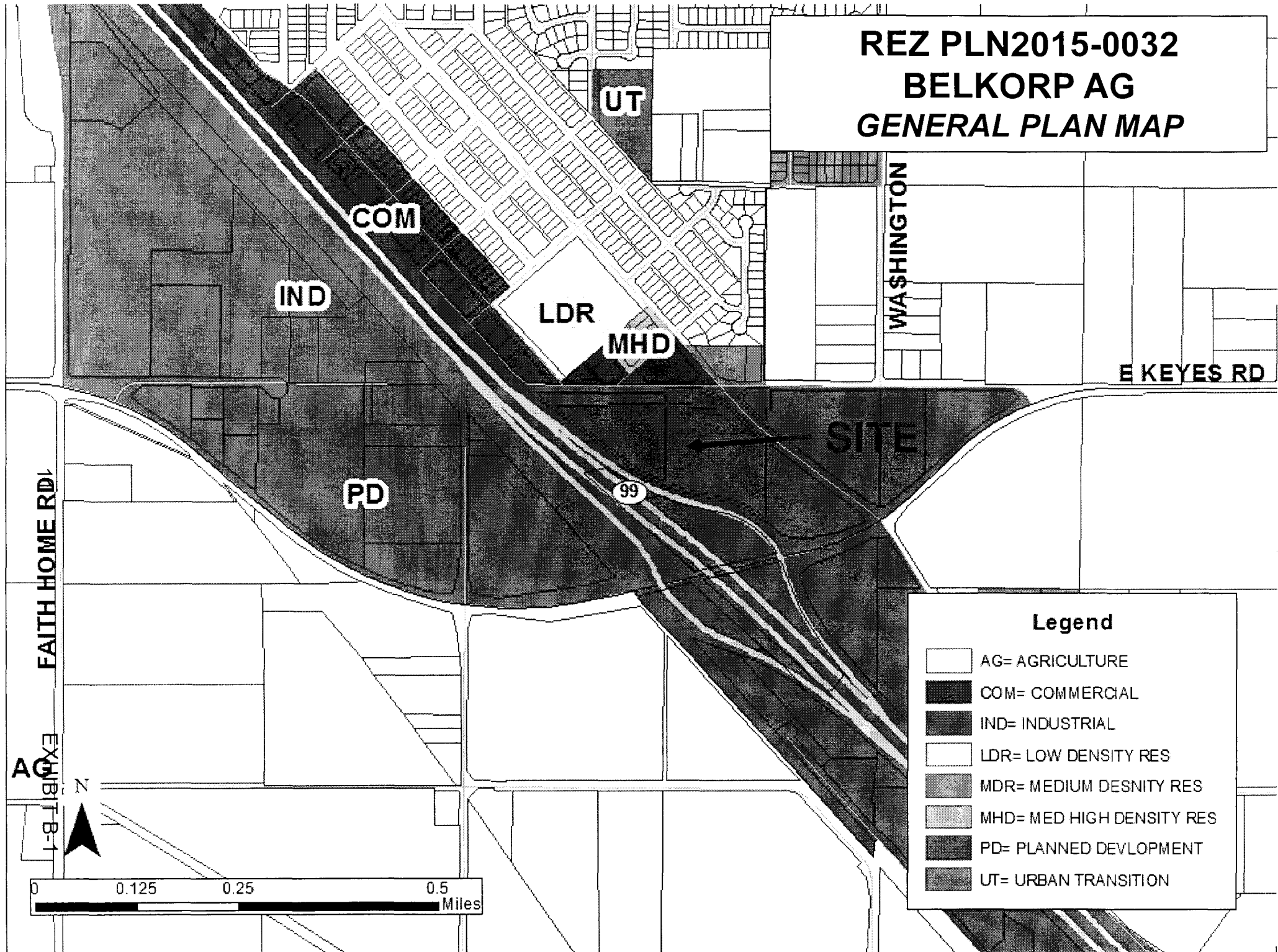
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TURLOCK

EXHIBIT B



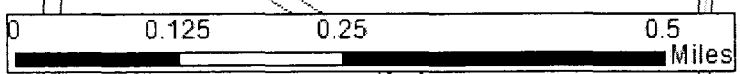
**REZ PLN2015-0032  
BELKORP AG  
GENERAL PLAN MAP**



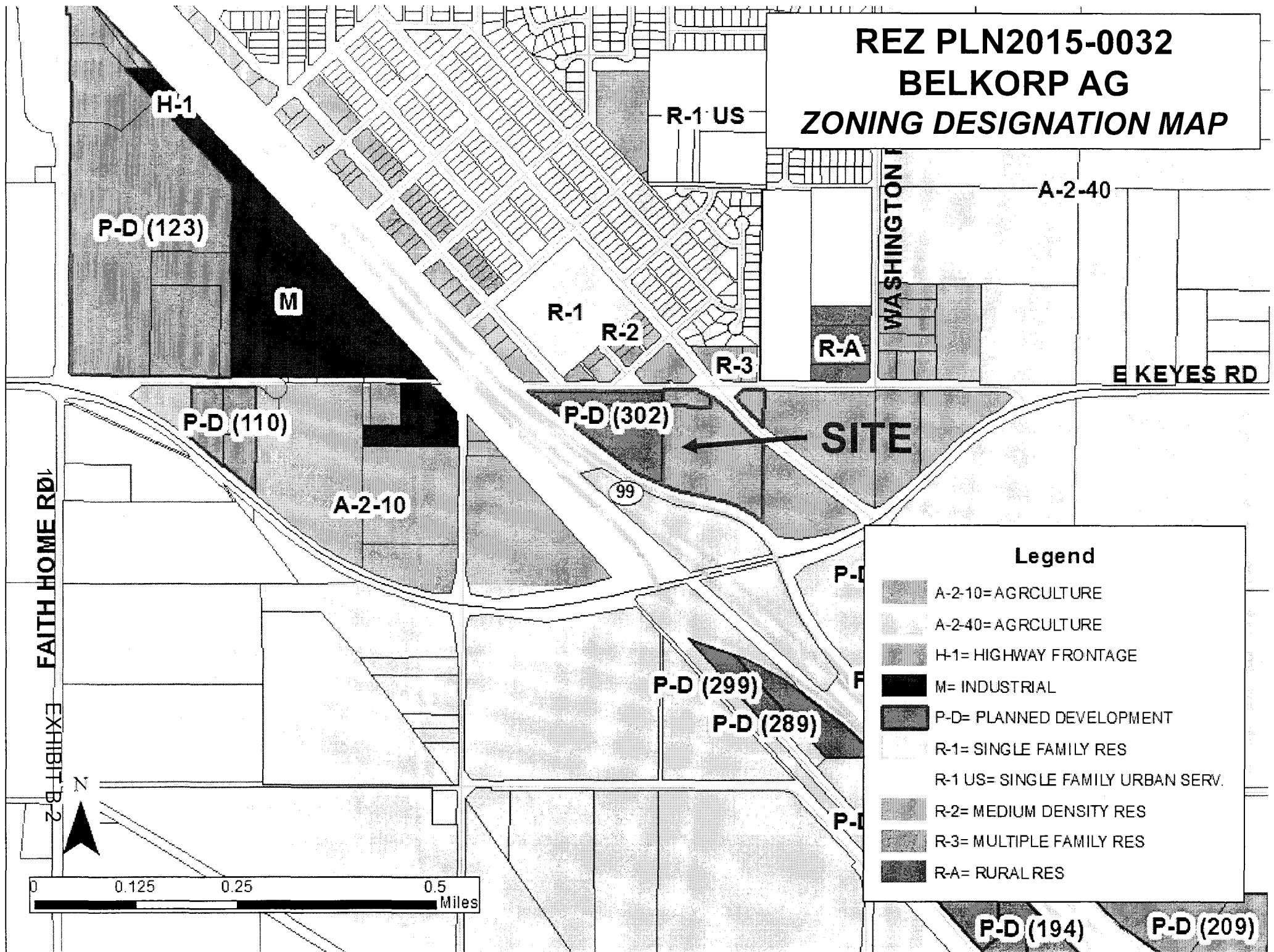
**Legend**

- AG= AGRICULTURE
- COM= COMMERCIAL
- IND= INDUSTRIAL
- LDR= LOW DENSITY RES
- MDR= MEDIUM DESNITY RES
- MHD= MED HIGH DENSITY RES
- PD= PLANNED DEVELOPMENT
- UT= URBAN TRANSITION

AG  
EXHIBIT B-1

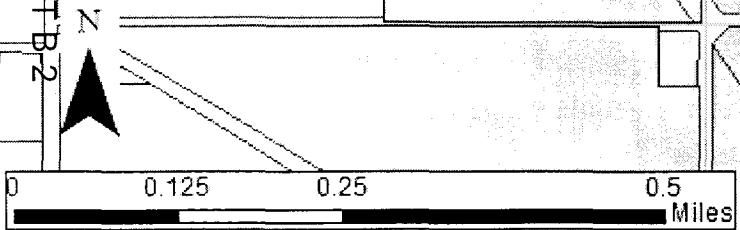


# REZ PLN2015-0032 BELKORP AG ZONING DESIGNATION MAP



Legend	
	A-2-10= AGRICULTURE
	A-2-40= AGRICULTURE
	H-1= HIGHWAY FRONTAGE
	M= INDUSTRIAL
	P-D= PLANNED DEVELOPMENT
	R-1= SINGLE FAMILY RES
	R-1 US= SINGLE FAMILY URBAN SERV.
	R-2= MEDIUM DENSITY RES
	R-3= MULTIPLE FAMILY RES
	R-A= RURAL RES

FAITH HOME RD  
EXHIBIT B-2



**SITE**

99

**P-D (194)**

**P-D (209)**

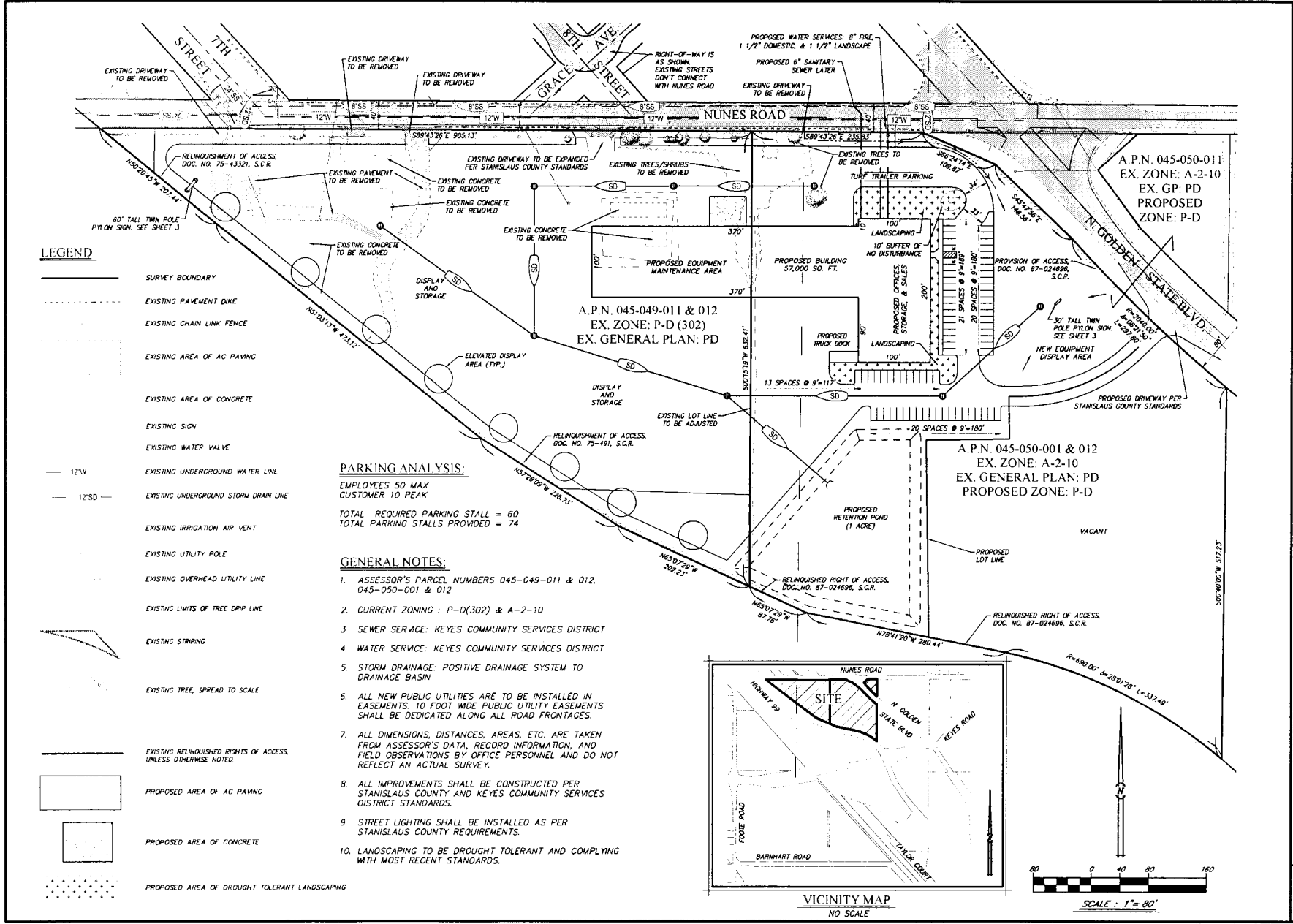




**REZ PLN2015-0032  
BELKORP AG  
2013 COUNTY AERIAL MAP**



0 0.0375 0.075 0.15 Miles



**LEGEND**

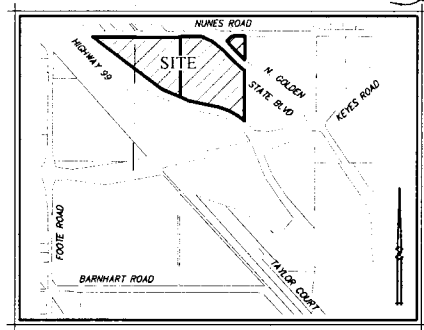
- SURVEY BOUNDARY
- EXISTING PAVEMENT DIKE
- EXISTING CHAIN LINK FENCE
- EXISTING AREA OF AC PAVING
- EXISTING AREA OF CONCRETE
- EXISTING SIGN
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER LINE
- EXISTING UNDERGROUND STORM DRAIN LINE
- EXISTING IRRIGATION AIR VEIN
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY LINE
- EXISTING LIMITS OF TREE DRIP LINE
- EXISTING STRIPING
- EXISTING TREE, SPREAD TO SCALE
- EXISTING RELINQUISHED RIGHTS OF ACCESS, UNLESS OTHERWISE NOTED
- PROPOSED AREA OF AC PAVING
- PROPOSED AREA OF CONCRETE
- PROPOSED AREA OF DROUGHT TOLERANT LANDSCAPING

**PARKING ANALYSIS:**

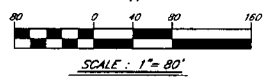
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 CUSTOMER 10 PEAK  
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 TOTAL PARKING STALLS PROVIDED = 74

**GENERAL NOTES:**

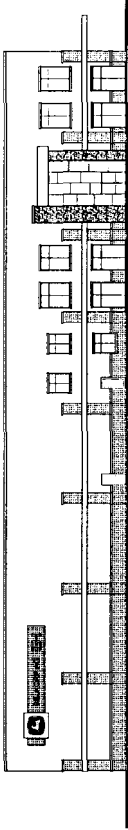
1. ASSESSOR'S PARCEL NUMBERS 045-049-011 & 012, 045-050-001 & 012
2. CURRENT ZONING : P-D(302) & A-2-10
3. SEWER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
4. WATER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
5. STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN
6. ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED IN EASEMENTS, 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
7. ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
8. ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER STANISLAUS COUNTY AND KEYES COMMUNITY SERVICES DISTRICT STANDARDS.
9. STREET LIGHTING SHALL BE INSTALLED AS PER STANISLAUS COUNTY REQUIREMENTS.
10. LANDSCAPING TO BE DROUGHT TOLERANT AND COMPLYING WITH MOST RECENT STANDARDS.



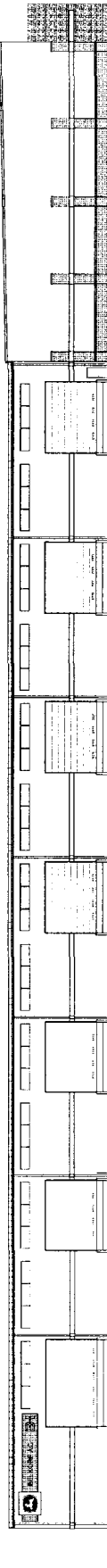
VICINITY MAP  
NO SCALE



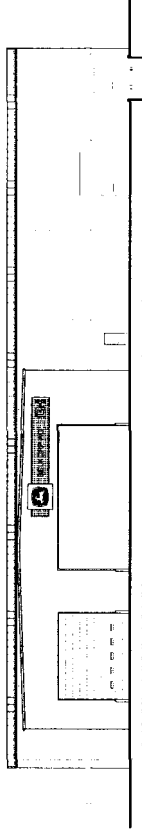
RODRICK H. HAWKINS: R.C.E. 50188 CROJLIE E. LINDSAY: R.C.E. 31900 L.S. 4709 KEVIN GENASCI: L.S. 8660	
BY: RCS	CHK: RHH
DATE: 3/2015	SCALE: 1"=80'
JOB #: 3233	
PLOT PLAN EXHIBIT REZONE	
4618 NUNES ROAD, KEYES STANISLAUS COUNTY, CALIFORNIA	
<b>HAWKINS &amp; ASSOCIATES</b> <b>ENGINEERING, INC.</b> 436 MITCHELL RD. MODESTO, CA. 95354 PH: (209) 575 - 4295 FX: (209) 578 - 4295	
SHEET	1. OF 3.



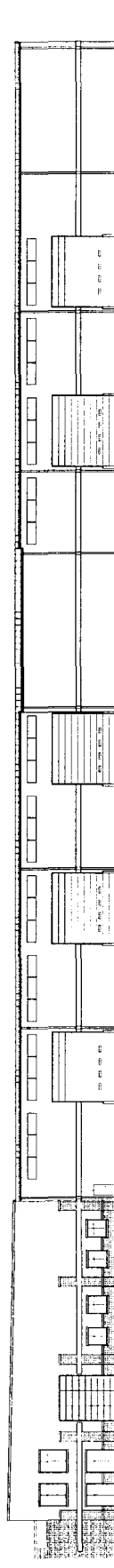
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2 | South Elevation  
scale: 1/16" = 1'-0"



3 | West Elevation  
scale: 1/16" = 1'-0"

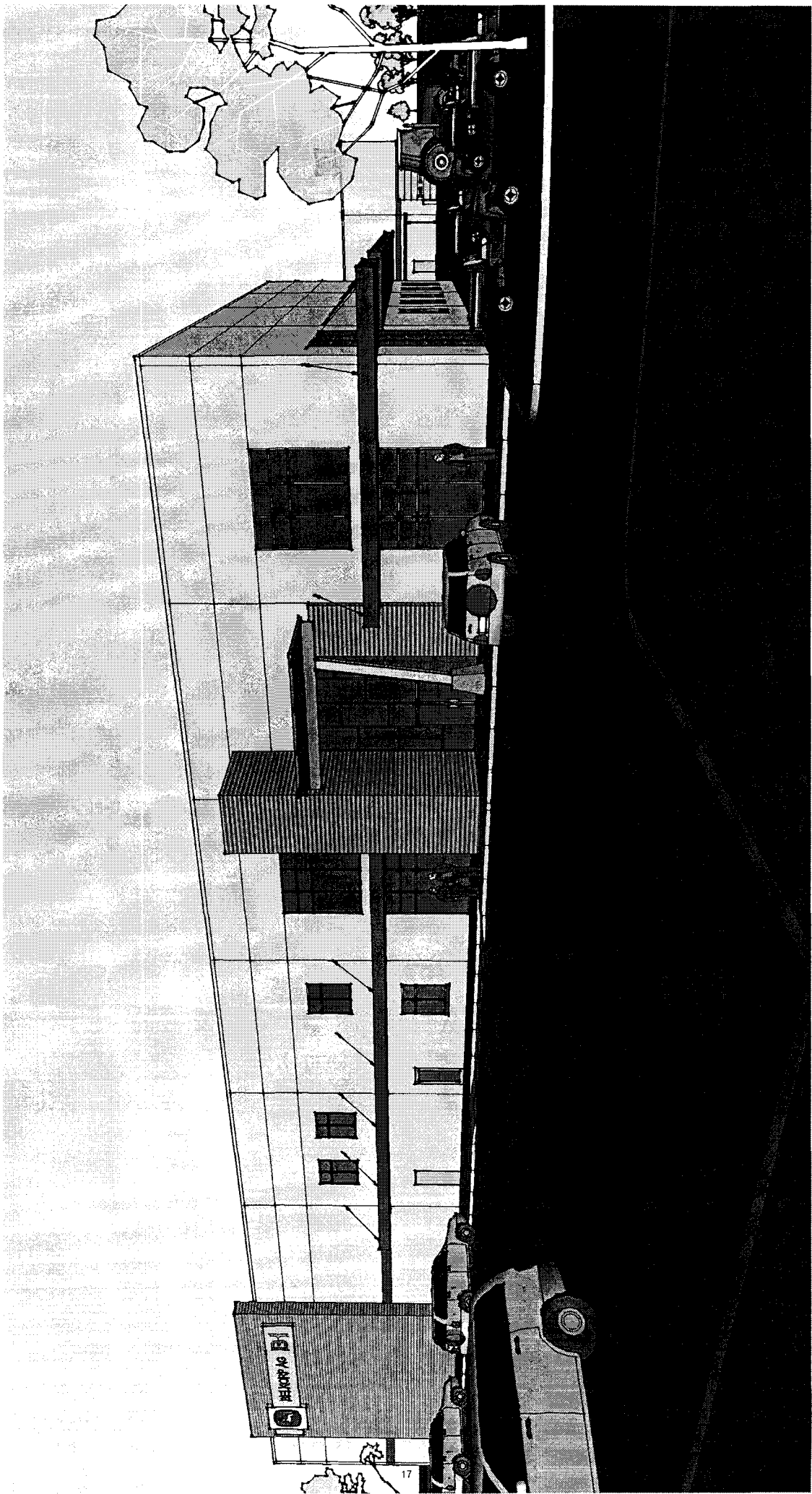


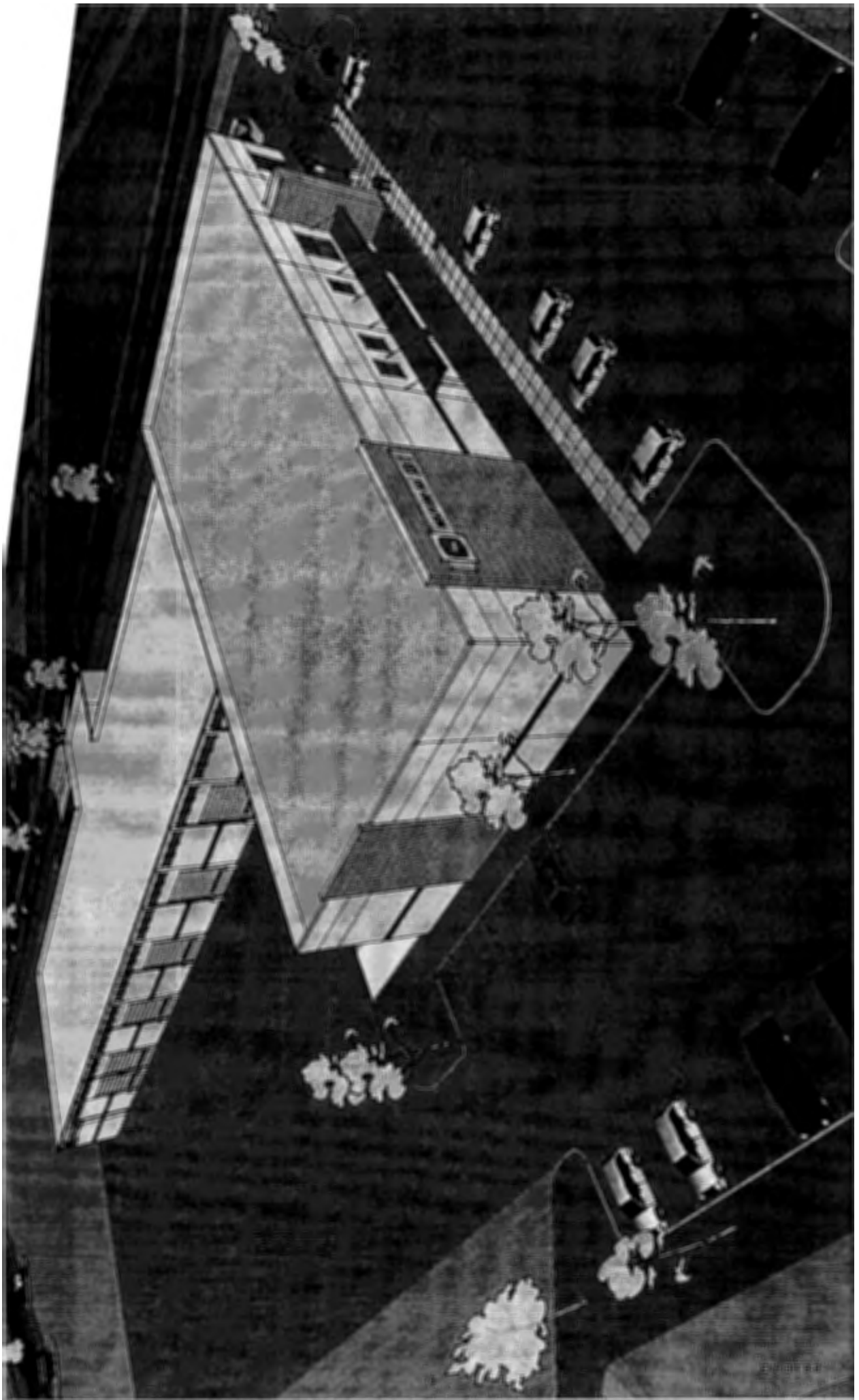
4 | North Elevation  
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A Preliminary Layout for  
**Belcorp AG**  
Intersection  
Modesto, CA

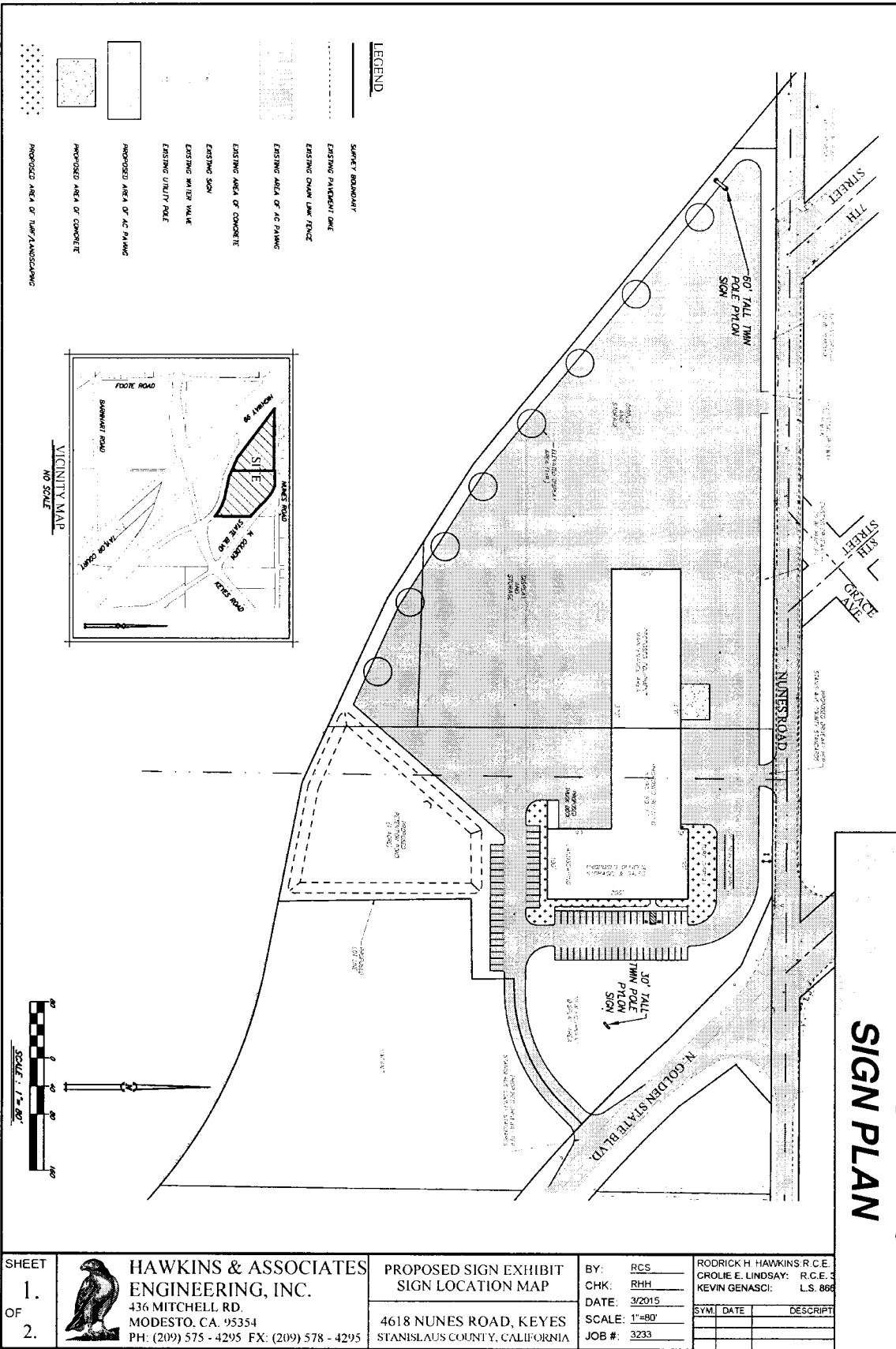
DATE: 02/27/2015  
DRAWN BY: JLS  
CHECKED BY: DAE  
REVISIONS:

SHEET NUMBER:  
**A3.1**  
DRAWING TYPE:  
preliminary  
PROJECT NUMBER:  
15011





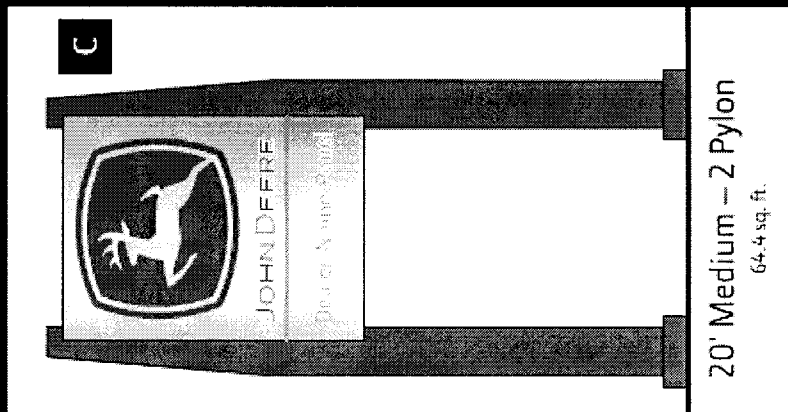
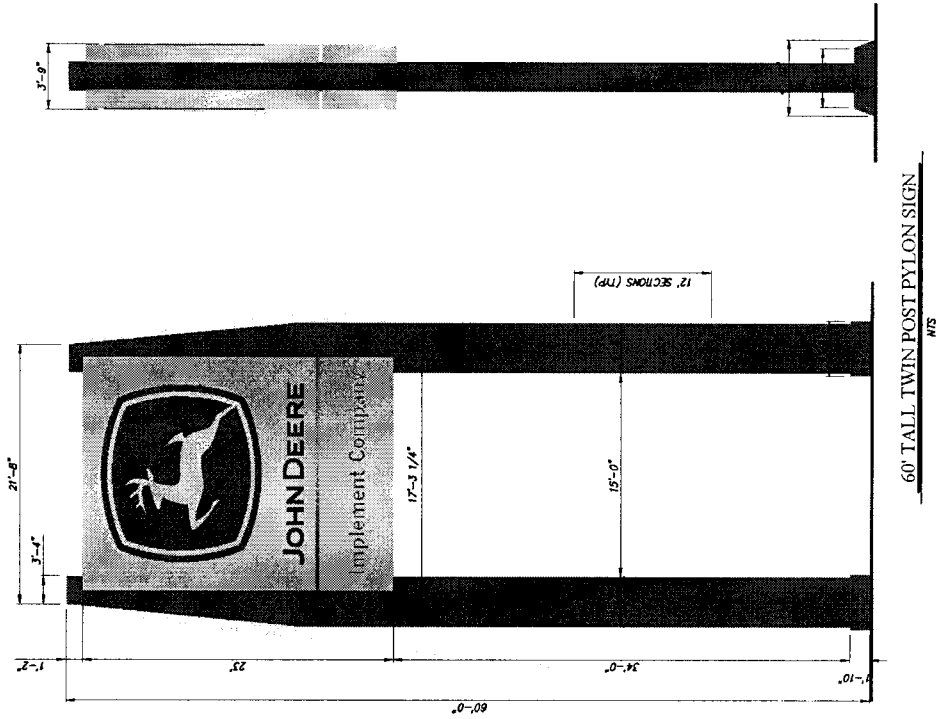




**REZ PLN2015-0032  
BELKORP AG  
SIGN PLAN**

SHEET 1. OF 2.	 <b>HAWKINS &amp; ASSOCIATES ENGINEERING, INC.</b> 436 MITCHELL RD. MODESTO, CA. 95354 PH: (209) 575 - 4295 FX: (209) 578 - 4295	<b>PROPOSED SIGN EXHIBIT SIGN LOCATION MAP</b>		BY: <b>RCS</b> CHK: <b>RHH</b> DATE: <b>3/2015</b> SCALE: <b>1"=80'</b> JOB #: <b>3233</b>	RODRICK H. HAWKINS R.C.E. CROLIE E. LINDSAY: R.C.E. KEVIN GENASCI: L.S. 866							
		4618 NUNES ROAD, KEYES STANISLAUS COUNTY, CALIFORNIA		<table border="1"> <thead> <tr> <th>SYM</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	SYM	DATE	DESCRIPTION					
SYM	DATE	DESCRIPTION										

**REZ PLN2015-0032  
BELKORP AG  
SIGN ELEVATIONS**







DRAFT

## DEVELOPMENT STANDARDS

REZONE APPLICATION NO. PLN2015-0032  
BELKORP AG

### Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing a "Notice of Determination". Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,267.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife and Clerk Recorder filing fees.

Pursuant to Section 711.4 (e) (3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
4. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
5. The Nunes Road driveway shall not be utilized for non-emergency purposes after dusk. All traffic shall utilize the North Golden State Boulevard for entrance and exit.
6. Signs: Free-standing pylon signage shall be restricted to one 20-foot tall sign located towards the North Golden State Boulevard entrance, in the equipment display area, and one 60-foot tall sign located at the northwestern corner of the site along SR 99. Signage on the vacant portions of the project site plan shall be limited to one monument sign, not to exceed 6-feet in height, on either side of North Golden State Boulevard.

Wall signs shall be permitted for the agricultural equipment dealership as reflected in the applicants sign plans. Wall signs on other buildings shall be consistent to the signage permitted for the dealership with respect to placement, scale, and design. A sign plan for all proposed on-site signs, pylons and wall signs, indicating the location, height, and area of the sign(s), shall be approved by the Planning Department prior to issuance of a building permit and/or installation of any signage.

7. Parking: As required by Chapter 21.76 for off street parking requirements.
8. Building height limits, building site area required, and yards required shall be as required by Section 21.48.040 of the County Zoning Ordinance.
9. Nuisance: No operations 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.
10. Landscaping: A landscaping plan indicating plan species, initial size, location and method of irrigation shall be approved by the planning director, or designee, prior to issuance of any building permit. All landscaping shall be in compliance with County Code and California Model Water Efficiency Landscape Ordinance and utilize "gateway treatments" in areas visible from State Route 99, Keyes Road, and Golden State Boulevard. Landscaping shall be used to "blend" the storm water facilities into the site.

The applicant, or subsequent property owner(s), shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety.

11. Any buildings constructed as a result of this rezone shall utilize "Gateway" treatments and positive, high quality landscaped edges along SR 99 and major roads, consistent with the Keyes Community Plan, for this project, with design attention paid to the appearance of the rear of the buildings facing SR 99 and the Keyes Road Interchange, signage, and "Gateway" and landscape treatments. Stormwater facilities shall be softened and blended into the site via landscape treatments. Any required building or grading permits shall be reviewed by the Planning Director or designee to insure that the proposed development is consistent with area developments and the Keyes Community Plan.
12. Construction shall occur between the hours of 7 a.m. and 7 p.m. and no person shall operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average should level greater than 74 decibels between the hours of 7 p.m. and 7 a.m.
13. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
14. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
15. A valid Stanislaus County business license shall be maintained for any business operating on the project site.
16. Prior to issuance of a building permit a lot line adjustment or merger shall be submitted, rearranging the underlying lot lines in such a way as to allow buildings to comply with setbacks as determined by the Title 24, Uniform Building Code.

17. Evidence of human burial or scattered human remains related to prehistoric occupation of the area could be inadvertently encountered anywhere within the project area during future construction activity or other actions involving disturbance to the ground surface and subsurface components. In the event of such an inadvertent discovery, the County Coroner shall be informed and consulted, per State law. Ultimately, the goal of consultations to establish an agreement between the most likely lineal descendant designated by the Native American Heritage Commission and the project proponent(s) with regard to a plan for treatment and disposition of any human remains and artifacts which might be found in association. Such treatment and disposition may require reburial of any identified human remains/burials within a "preserve" or other designated portion of the development property not subject to ground disturbing impacts.
18. The archaeological survey evaluation and recommendations are based on the finding of an inventory-level surface survey only. There is always the possibility that significant unidentified cultural materials could be encountered on or below the surface during the course of future development or construction activities. This caveat is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance has occurred, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

#### **Department of Public Works**

19. A grading and drainage plan for the project site shall be submitted with the grading or building permit. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - A. Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the permit is issued.
  - B. The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
  - C. The grading and drainage plan shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit and Stanislaus County storm water treatment and quality standards.
  - D. The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the building permit.
  - E. The applicant of the grading/building permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the building and/or grading plan and all inspection fees. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site. The plans shall not be released until such time that all plan check and inspection fees have been paid.
20. No parking, loading, or unloading of vehicles shall be permitted within the county road right-of-way.
21. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted.

22. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of-way. Public Works shall approve the location and width of any new driveway approaches on any County maintained roadway.
23. Off-site improvement plans (four copies) shall be submitted and approved by Stanislaus County Public Works prior to the issuance of any building permit associated with this project.
24. The streetlights shall be annexed into the Keyes Community Services Area. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process. Please be aware that this process may take approximately 4 to 6 months. The annexation of the parcel in to the Keyes Community Services Area shall be completed before the final/occupancy of any building permit associated with this project. Please contact Public Works at 525-4130.
25. Prior to the final of any grading permit, the applicant shall make road frontage improvements along the entire road frontage of the parcel(s) on Nunes Road and N. Golden State Boulevard. The improvements shall include but not be limited to street light(s), curb, gutter and sidewalk, storm drainage, matching pavement, and handicap ramps. Improvement plans shall be submitted to the Public Works Department for review and approval.
26. An acceptable financial guarantee for the road improvements shall be provided to the Department of Public Works prior to the issuance of any grading or encroachment permit. This may be deferred if the work in the right-of-way is done prior to the issuance of any grading or building permit.
27. An Engineer's Estimate shall be provided for the road improvements so that the amount of the financial guarantee can be determined.
28. Nunes Road is classified as 60-foot collector roadway. The required ½ width of Nunes Road is 30 feet south of the centerline of the roadway. If 30 feet of the road right-of-way does not exist, then the remainder 30 feet shall be dedicated with an Irrevocable Offer of Dedication for the entire parcel/project frontage on Nunes Road. This includes the parcel on the southeast side of the Golden State Boulevard and Nunes Road intersection.
29. The southeast parcel that is located on the east side of N. Golden State Boulevard and Nunes Road intersection shall utilize shared driveways for access in the following locations:
  - a. The access to Golden State Boulevard shall be shared with the parcel to the east (A.P.N. 045-050-010 at 4924 E Nunes Road) and shall be located at the south property line, lining up with the proposed driveway across Golden State Boulevard.
  - b. The access to Nunes Road shall be considered temporary until the parcel to the east (A.P.N. 045-050-010 at 4924 E Nunes Road) develops and a new shared access driveway shall be developed.

Public Works shall approve all driveway/access locations.

**Department of Environmental Resources (DER)**

30. The applicant must identify the location of any existing on-site well and/or septic tank on the parcel and shall destroy them under permits from DER and in accordance with all laws and policies (Stanislaus County and California State Model Well Standards).

31. The applicant shall determine that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study, and Phase II study if necessary) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
32. The applicant should contact DER regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify DER relative to the following: (Calif. H&S, Division 20)
  - A. Permits for the underground storage of hazardous substances at new locations or the modification of existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic-feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section §302.
  - E. Generators of hazardous waste must notify the Department relative to the (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to the department for determination if they are regulated under the Medical Waste Management Act.

#### **Building Permits Division**

33. Building permits are required and the project shall comply with the CA Code of Regulations, Title 24. The site and structures shall comply with handicap accessibility requirements.
34. The "Will-Serve Letter" shall be provided to the Building Permits Division when applying for a building permit associated with this project.

#### **Turlock Irrigation District**

35. An abandoned 30-inch diameter cast in place concrete pipeline is located along the eastern side of APN 045-050-012 as evidenced by the concrete control box located at about the mid-point of the east line. Records indicate that this pipe continued in a northwesterly direction somewhat parallel with N. Golden State Blvd before ending near the west line of APN 045-050-001. The irrigation system is still active at the aforementioned control box and back upstream to the east beyond the subject properties. Facilities no longer needed must be removed and remaining active facilities must meet current standards.

36. It will be necessary for the developer to submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for TID to determine specific impacts and requirements.
37. TID shall review and approve all maps and plans of the project. Any improvements to this property which impact irrigation facilities shall be subject to the District's approval and meet all TID standards and specifications. If it is determined that irrigation facilities will be impacted, the applicant will need to provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications. There is a TID Board approved time and material fee associated with this review.
38. Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least six inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties.
39. If the pipeline is to be relocated in a new alignment, then irrigation improvement plans and an Irrigation Improvements Agreement for the impacted irrigation facility modifications must be executed before TID approves a final map.
40. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

**Keyes Community Services District (KCSD)**

41. All water service lines and sewer connections must be installed to KCSD standards and according to plans approved by the KCSD, at the expense of the owner.
42. All applicable KCSD connections, facilities, and inspection fees must be paid upon application for connections.
43. The owner must comply with all District rules and regulations.
44. This will-serve commitment will expire on March 31, 2016 unless construction has commenced by that date.
45. The "Will-Serve Letter" is valid only upon approval by the Stanislaus County Local Agency Formation Commission (LAFCO).

**Stanislaus County Local Agency Formation Commission (LAFCO)**

46. The project proposes to connect to the Keyes Community Services District (KCSD) for water and sewer services. The easterly half of the project site is currently outside the KCSD's boundaries. Therefore, in order for KCSD to provide water and sewer services to the proposed project, it will be necessary for the developer to seek LAFCO approval for annexation of the site into the KCSD.

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

47. Dischargers whose projects disturb one or more acres of soil, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this

permit includes clearing, grading, grubbing, and disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

48. This project may require Phase I and II MS4 permits which require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component.
49. If the United States Army Corps of Engineers determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by the Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.
50. If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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

51. The proposed project shall comply with District Rule 9510 (Indirect Source Review). Prior to building permit issuance, the applicant shall submit an Air Impact Assessment (AIA) application and pay any applicable off-site mitigation fees.
52. The proposed project may be subject to District Rules and Regulations, including Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance office. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

#### **MITIGATION MEASURES**

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

**1) Hold a public hearing to consider the project; and 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**



53. New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.
54. New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.
55. Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from U.S. Fish and Wildlife Service regarding removing the shrubs.
56. Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.
57. Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).
58. Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).
59. Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. Should vegetation removal or construction commence during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.
60. The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square-feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

\*\*\*\*\*

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

## **DEVELOPMENT SCHEDULE**

**REZONE APPLICATION NO. PLN2015-0032  
BELKORP AG**

- Construction shall begin by October 2019.
- Issuance of any building permit after October 2019 for construction of a building shall be subject to a staff approval permit to allow modification to development standards as determined necessary by the Planning Director.

## Permitted Uses

### Permitted with the approval of a Business License

- A. Vehicle and equipment sales with service;
- B. Clinics (medical; small animal when entirely enclosed by a building);
- C. Christmas tree and firework sales (subject to Section 21.48.020 of the County Zoning Ordinance);
- D. Crop farming;
- E. Office (administrative, business and professional) and financial institution;
- F. Restaurant without bar services;
- G. Retail and wholesale store when conducted entirely within a building and less than 65,000 square feet of building and sales area;
- H. School (commercial, technical, trade, academic)
- I. Service station; and
- J. Other uses which the planning director may deem to be similar in character and purpose to uses enumerated in this section.

### Uses Requiring a Use Permit

- A. Hotel;
- B. Restaurant with bar service;
- C. Truck terminal;
- D. Warehouse; and
- E. Other uses which the planning director may deem to be similar in character and purpose to uses enumerated in this section.

**KEYES COMMUNITY SERVICES DISTRICT  
5601 7<sup>TH</sup> STREET  
P O BOX 699  
KEYES, CA 95328**

March 19, 2015

Rod Hawking  
Hawkins & Associates Engineering, Inc.  
436 Mitchell Road  
Modesto, Ca 95354

Re: Will Serve Letter Request For Proposed Commercial Project  
4618 Nunes Road, Keyes, Ca.

Dear Mr. Hawkins:

The Keyes Community Services District is willing to provide the requested water and sewer service on the following conditions:

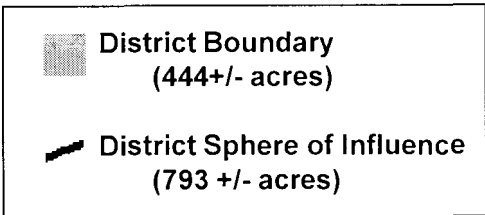
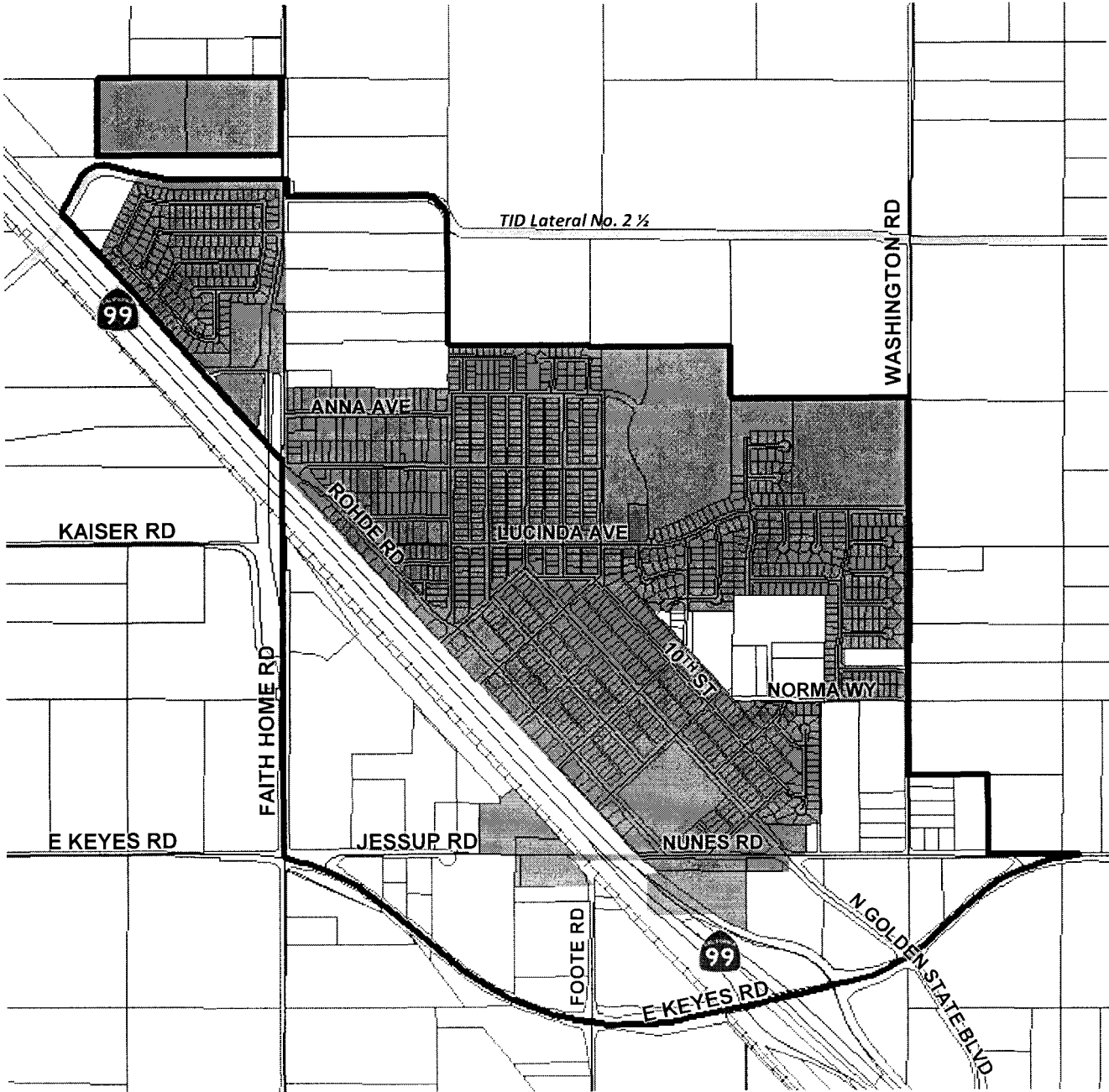
1. All water service lines and sewer connections must be installed to District standards and according to plans approved by the District, at the expense of the owner.
2. All applicable District connection, facilities and inspection fees must be paid upon application for connections.
3. The owner must comply with all District rules and regulations.
4. This will-serve commitment will expire on March 31, 2016 unless construction has commenced by that date.
5. This Will Service Letter is valid only upon approval by Stanislaus County Local Agency Formation Commission (LAFCO).

Sincerely,



Ernie Garza  
General Manager  
By: Michelle Harris

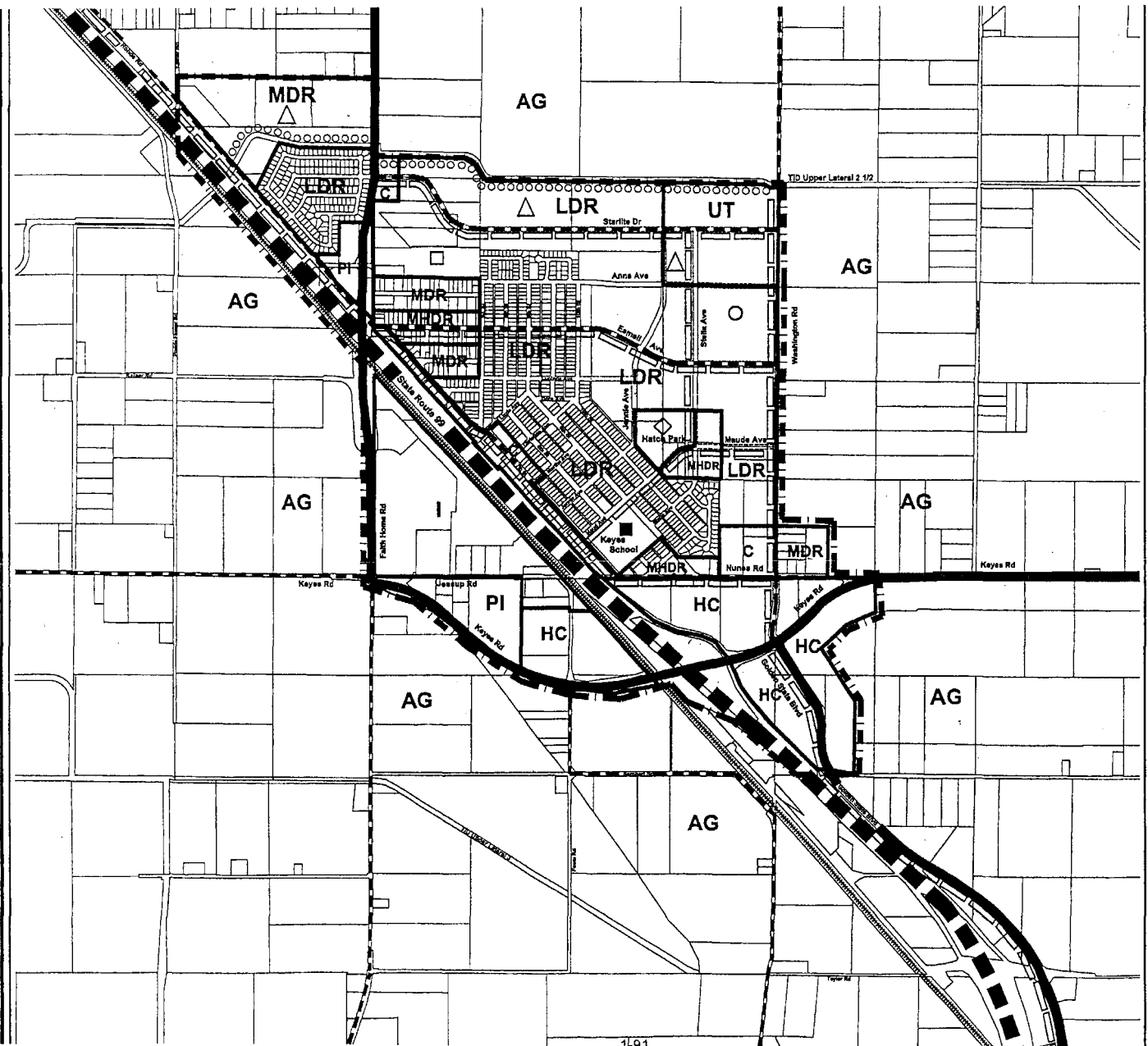
# Keyes Community Services District Boundary & Sphere of Influence



Source: LAFCO Files, July 2014



(PLEASE NOTE: ALL CIRCULATION/TRANSPORTATION DESIGNATIONS IN THE COMMUNITY PLANS HAVE BEEN SUPERCEDED BY THE FOCUSED GENERAL PLAN UPDATE, GPA 2004-03, ADOPTED ON APRIL 18, 2006.) REFER TO CHAPTER 2



# Keyes

## Community Plan

### Land Use Designations

- AG** Agriculture
- UT** Urban Transition
- LDR** Low Density Residential (9-14 du/acre)
- MDR** Medium Density Residential (15-24 du/acre)
- MHDR** Medium-High Density Residential (25-34 du/acre)
- C** Commercial
- HC** Highway Commercial
- I** Industrial
- PI** Planned Industrial

### Parks and Schools

- |                   | Existing | Proposed |
|-------------------|----------|----------|
| Neighborhood Park | ▲        | △        |
| Community Park    | ◆        | ◇        |
| Elementary School | ■        | □        |
| Middle School     | ●        | ○        |

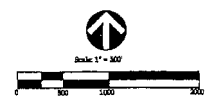
\*Symbol denotes general location.

### Circulation

- Highway / Freeway
- Major Road
- Collector
- Future Road
- Railroad
- Bike Lane
- Multi-purpose Trail

### Relevant Boundaries

- Community Plan Boundary



**ARM DESIGN GROUP**  
 Architecture • Planning • Engineering • Surveying • Interiors • Landscape Architecture  
 12 South Broad in Sausalito, California 94965 (415) 452-7500  
 1700 South Bascom Avenue, San Jose, California 95128 (415) 435-1700  
 1000 University Avenue, Berkeley, California 94702 (415) 841-1000  
 April 18, 2000

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
<b>EIR Mitigation Measures</b>				
<b>4.1 Land Use</b>				
Conversion of additional Prime Farmland to non-agricultural use	4.1-1 Replace Important Farmland at a 1:1 ratio with agricultural land of equal quality and protect the land for agricultural use through long-term land use restrictions, such as agricultural conservation easements.	Developers of new projects in the Community Plan area shall set aside in a long-term conservation or agricultural easement an equal amount of land equivalent to agricultural land proposed for conversion to non-agricultural use. The land shall be of equal quality of that being proposed for development, to the satisfaction of the County.	Planning Department; Agriculture Department	Prior to project approval.
Important Farmland would continue to be converted to non-agricultural uses	4.1-4 Implement Mitigation Measure 4.1-1.	See Mitigation Measure 4.1-1.		

<sup>1</sup>

These mitigation measures are taken verbatim from the DEIR, except where revised by the Final EIR. Initial Study mitigation measures incorporated in the DEIR are not included in the Initial Study portion of this Mitigation Monitoring Program.

35

54

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
<b>4.2 Biological Resources</b>				
Loss of wetlands and other waters of the U.S.	<p>4.2-1(a) Prior to approval of development projects in portions of the Community Plan Area that could support wetlands, the project proponent shall conduct a wetland analysis/delineation to determine whether jurisdiction wetlands or waters of the U.S. are present or absent in the proposed development area. If there are no wetlands or waters of the U.S. present no further mitigation is required. If wetlands or waters of the U.S. are present then;</p> <p>(b) Direct or indirect losses of wetlands shall be compensated by replacement, rehabilitation, contribution to a mitigation bank, or purchase of wetlands habitat at a ratio that ensures no net loss of wetlands. A wetlands mitigation monitoring program shall be submitted to the Corps and CDFG for review prior to permit approval.</p> <p>(c) The project applicant shall obtain applicable permit(s)/agreements(s) and implement all the terms and conditions required by the Corps, USFWS and the CDFG for impacts to wetlands.</p>	<p>Developers of new projects in the Community Plan area shall conduct a wetland analysis/delineation, in consultation with the US Army Corps of Engineers (Corps) to determine whether jurisdiction wetlands or waters of the U.S. are present in the proposed development area.</p> <p>If wetlands are present, loss of wetlands shall be compensated ensuring no net loss of wetlands. Prior to grading permit approval, a wetlands mitigation monitoring program shall be submitted to the Corps and CDFG for review.</p> <p>If wetlands are present, the project applicant shall obtain all applicable permits required by the Corps, USFWS, and CDFG.</p>	<p>Corps; Planning Department</p> <p>Corps; CDFG; Planning Department</p> <p>Corps; CDFG; USFWS</p>	<p>Prior to any construction or grading activity.</p> <p>Prior to any construction or grading activity.</p> <p>Prior to any construction or grading activity.</p>
Loss of potential habitat for the valley elderberry longhorn beetle (VELB).	<p>4.2-2(a) Prior to the approval of development projects in portions of the Community Plan Area that contain natural or artificial drainages, the project proponent shall conduct a project-specific survey for potential VELB habitat (elderberry shrubs).</p>	<p>The project proponent shall conduct a project-specific survey for elderberry shrubs in areas that could contain VELB habitat, consistent with USFWS guidelines.</p>	<p>USFWS</p>	<p>Prior to any construction or grading activity.</p>

36  
55



**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<p>(b) The project proponent shall avoid and protect all potential identified VELB habitat where feasible. Where avoidance is infeasible and elderberry shrubs are subject to removal or potential damage from the proposed development, the project proponent shall develop and implement a VELB mitigation plan in accordance with the most current USFWS mitigation guidelines for unavoidable take of VELB habitat, pursuant to either Section 7 or Section 10(a) of the Federal Endangered Species Act. The mitigation plan shall provide for no net loss of VELB habitat and shall include, but might not be limited to, relocation of elderberry shrubs, planting of elderberry shrubs, and monitoring of relocated and planted elderberry shrubs.</p>	<p>If VELB habitat is present, the project proponent shall implement mitigation for the protection of elderberry shrubs, ensuring no net loss of habitat, consistent with USFWS mitigation guidelines.</p>	<p>USFWS</p>	<p>Prior to any construction or grading activity.</p>
<p>Take of Swainson's hawk individuals (eggs, nestlings or juveniles) and other raptors (birds-of-prey).</p>	<p>4.2-3(a) Prior to approval of development in portions of the Community Plan Area that contain trees, the project proponent, in consultation with the DFG, shall conduct a pre-construction survey of trees in the proposed development area for raptor nests. The surveys shall occur during the raptor breeding-season (approximately March 1 through August 31). The survey shall be conducted by a qualified raptor biologist during the same calendar year that the proposed activity is planned.</p>	<p>The project proponent, in consultation with the DFG, shall conduct a pre-construction survey of trees in any proposed development area for raptor nests. The survey shall be conducted by a qualified raptor biologist during the same calendar year that the proposed activity is planned.</p>	<p>CDFG</p>	<p>In the breeding season prior to any construction or grading activity.</p>

37

56

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<p>(b) If an active raptor nest is identified within one half mile of the plan area then a buffer zone shall be implemented within a (0.5 or 0.10) mile radius (depending upon raptor species) of the nest tree or nest burrow, in the case of ground nesting burrowing owls.</p> <p>If an active Swainson's hawk nest is involved then no construction activities shall be initiated during the Swainson's hawk nesting period (IE., March 1 - August 1) within .25 mile without the approval by DFG. Construction shall be permitted at such time that juvenile Swainson's hawks are no longer dependant upon the nest tree.</p>	<p>A buffer zone around nest trees or burrows shall be implemented in consultation with CDFG.</p> <p>There shall be no construction activities initiated during the Swainson's hawk nesting period within .25 miles of an active Swainson's hawk nest without prior approval by CDFG.</p>	<p>CDFG</p> <p>CDFG</p>	<p>Prior to construction or grading activity.</p> <p>During construction or grading activity.</p>
Removal of native oak trees.	<p>4.2-4(a) All oak trees over four inches (dbh) on proposed development sites shall be preserved to the maximum extent practical. Final development plans shall depict all trees proposed for removal. Any trees that are removed shall be replaced at a two to one tree replacement ratio. Prior to issuance of a grading permit, the applicant shall submit a tree preservation plan to the Stanislaus County planning division for review and approval. The tree preservation plan shall include the location, number, species, and size of proposed replacement plantings. In addition, the plan shall include monitoring provisions for watering and landscaping to ensure survival and health of planted oak trees. During the monitoring period, dead trees shall be replaced.</p>	<p>Project proponents shall submit a tree preservation plan to the Stanislaus County planning division for review and approval that ensures that any oak trees over four inches (dbh) that are to be removed shall be replaced at a two to one tree replacement ratio. The plan shall include provisions for watering and landscaping and a monitoring period during which time dead trees shall be replaced</p>	<p>Planning Department; Agriculture Department</p>	<p>Prior to issuance of a grading permit.</p>

38  
57

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
Cumulative loss and degradation of valley grassland and agricultural habitat supporting native plants and wildlife.	4.2-5 Implement Mitigation Measures 4.2-1 through 4.2-4.	See Mitigation Measures 4.2-1 through 4.2-4.		
<b>4.3 Transportation and Circulation</b>				
Roadway segments in the area could operate at unacceptable levels of service.	4.3-1 (a) Faith Home Road shall be widened to a four-lane major road between Keyes Road and Redwood Road.  (b) Keyes Road shall be widened to a four-lane major road from Faith Home Road to State Route 99 southbound on- and off- ramps, and from Golden State Boulevard and State Route 99 northbound on- and off- ramps.  (c) Golden State Boulevard shall be widened to a four-lane major road between Keyes Road and Taylor Road.  (d) Washington Road shall be widened from a two-lane collector to an access-restricted two-lane, 60-foot wide collector south of the TID canal to Keyes Road at such time that widening is justified, as determined by the Director of Public Works.	The County shall establish a funding mechanism for required roadway improvements identified in the Community Plan.  Individual projects within the Community Plan Area shall pay their fair share for roadway improvements based upon a project-specific traffic study.  The County shall construct individual roadway projects.	Public Works Department and Board of Supervisors  Developer  Public Works Department	Prior to first approval of new development in the Plan Area.  Prior to project approval.  As warranted.

3958

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
Circulation in the Community Plan Area and the surrounding roadways.	<p>4.3-2 (a) Faith Home Road shall be widened to six lanes between Keyes Road and Redwood Road.</p> <p>(b) Keyes Road shall be widened to six through lanes from Faith Home Road to Golden State Boulevard.</p> <p>(c) Washington Road shall be widened to an access-restricted, two-lane, 60-foot wide collector south of the TID canal to Keyes Road, at such time that widening is justified, as determined by the Director of Public Works.</p>	<p>The County shall establish a funding mechanism for required roadway improvements identified in the Community Plan.</p> <p>Individual projects within the Community Plan Area shall pay their fair share for roadway improvements based upon a project-specific traffic study.</p> <p>The County shall construct individual roadway projects.</p>	<p>Public Works Department and Board of Supervisors</p> <p>Developer</p> <p>Public Works Department</p>	<p>Prior to first approval of new development in the Plan Area.</p> <p>Prior to project approval</p> <p>As warranted.</p>
Reduced levels of service at area intersections to unacceptable levels	<p>4.3-3 (a) Keyes Road / SR 99 NB and SB Ramps</p> <p>Keyes Road shall be widened to six lanes from Faith Home Road to Golden State Boulevard. When a need for signalization is demonstrated through traffic signal warrants analysis, traffic signals shall be provided at the two ramp intersections. In addition to signalization, the following measures are necessary to operate the intersections at LOS C conditions or better during the PM peak hour:</p>	<p>The County shall establish a funding mechanism for required roadway improvements identified in the Community Plan.</p> <p>Individual projects within the Community Plan Area shall pay their fair share for roadway improvements based upon a project-specific traffic study.</p> <p>The County shall construct individual roadway projects.</p>	<p>Public Works Department and Board of Supervisors</p> <p>Developer</p> <p>Public Works Department</p>	<p>Prior to first approval of new development in the Plan Area.</p> <p>Prior to project approval.</p> <p>As warranted.</p>

40  
59

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<p><u>SB Ramps</u> Provide dual left-turn lanes and a separate right-turn lane on the southbound approach.</p> <p>Provide dual westbound left-turn lanes on Keyes Road to southbound SR99.</p> <p>Provide three eastbound and three westbound through lanes.</p> <p>Provide a free eastbound right-turn lane from Keyes Road to southbound SR99.</p> <p><u>NB Ramps</u> Provide dual left-turn lanes and a separate right-turn lane on the northbound approach.</p> <p>Provide an eastbound left-turn lane from Keyes Road to northbound SR99.</p> <p>Provide three eastbound and three westbound through lanes.</p> <p>Provide a free westbound right-turn lane from Keyes Road to northbound SR99.</p>			

41 60

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<p>(b) Keyes Road / Golden State Boulevard Provide single westbound and dual eastbound left-turn lanes.</p> <p>Provide separate eastbound and westbound right-turn lanes.</p> <p>Provide two northbound and two southbound through lanes.</p> <p>Provide a separate right-turn lane on the northbound approach.</p> <p>Provide a separate southbound left-turn lane.</p> <p>Provide a free southbound right-turn lane.</p>			
<b>4.4 Air Quality</b>				
<p>Generation of CO, PM<sub>10</sub>, NO<sub>x</sub> and ROG emissions could exceed SJVUAPCD thresholds.</p>	<p>4.4-1(a) (Initial Study Mitigation Measure 7)</p> <p>To reduce PM<sub>10</sub> emissions associated with construction the following strategies shall be included as part in all construction contracts for future development.</p> <p>1. All clearing, grading, earth moving, or excavation activities shall cease when wind speeds are consistently equal to or greater than 20 mph.</p>	<p>The San Joaquin Valley Air Pollution Control District (SJVAPCD) shall confirm that all construction contracts in the Community Plan include emissions reduction strategies included in Mitigation Measure 4.4-1.</p>	<p>SJVAPCD</p>	<p>Prior to issuance of grading or building permits.</p> <p>Ongoing during construction.</p>

42  
61

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<p>2. All excavated material, graded or otherwise disturbed shall be watered sufficiently to prevent excessive amounts of dust. Watering shall occur twice daily with complete coverage, preferably in late morning and after work is done for the day.</p> <p>3. All material transported and vehicle speeds shall be limited to 15 mph on unpaved roadways.</p> <p>4. Street sweeping and/or washing shall be undertaken to reduce dust emissions on paved roads, shoulders and access ways adjacent to the construction site. Wetting of the pavement shall occur either prior to or in conjunction with rotary sweeping.</p> <p>5. All internal combustion equipment shall be properly maintained and tuned according to manufacturer's specifications.</p> <p>6. Idling of all internal combustion equipment shall be limited to ten minutes at any given time.</p> <p>7. The use of building materials that do not require the use of paints/solvents shall be encouraged.</p> <p>(b) All diesel-fueled construction equipment shall implement the following measures:</p> <p>(i) Retard injection timing 2 degrees.</p>			

43  
62

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<ul style="list-style-type: none"> <li>(ii) Install high pressure injectors.</li> <li>(iii) Use reformulated diesel fuel.</li> <li>(iv) Limit diesel warm-up times (normally, a properly tuned diesel engine can be warmed up in 5 to 10 minutes).</li> </ul>			
ROG, NO <sub>x</sub> , CO, and PM <sub>10</sub> emissions generated by motor vehicles and on-site sources associated with project operation would exceed established thresholds.	4.4-2(a) (Initial Study Mitigation Measure 8)  To ensure the SJVAPCD standards are achieved, all new development within the plan area shall implement the following measures: <ol style="list-style-type: none"> <li>1. Lighting controls and energy-efficient lighting in buildings.</li> <li>2. Light colored roof materials to reflect heat.</li> <li>3. Provide low nitrogen oxide (NO<sub>x</sub>) emitting and/or high efficiency water heaters.</li> <li>4. If fireplaces are proposed, natural gas fireplaces or EPA-certified wood burning fireplaces/stoves should be installed in every unit that has a fireplace.</li> <li>5. Include exterior electrical outlets on all residential units to encourage the use of electric powered yard maintenance equipment..</li> </ol>	The County and SJVAPCD shall require that all new development in the Community Plan includes design measures, included in Mitigation Measure 4.4-2(a) and (c), to reduce project emissions.	Planning Department; SJVAPCD	Prior to project approval.

044  
63



**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
	<p>(b) (Initial Study Mitigation Measure 9)</p> <p>All new development shall prepare an analysis to determine if project emissions would exceed SJVAPCD standards. If the project is found to exceed these standards, mitigation shall be incorporated into the project to reduce the emissions to a level below District standards. If no mitigation is available to reduce emissions below the standards, the project applicant shall participate in the District's offset program, by purchasing new equipment or other measures that would reduce emissions in the district by an amount equivalent to the amount of project emissions in excess of District standards.</p> <p>(c) Increase insulation beyond Title 24 requirements.</p>	<p>All new development in the Community Plan shall prepare a project-specific air quality analysis. If development would exceed SJVAPCD standards after implementation of the measures in Mitigation Measure 4.4-2(a), the project applicant shall participate in the District's offset program, as described in Mitigation Measure 4.4-2(b).</p> <p>See Mitigation Measure 4.4-2(a).</p>	<p>Developer; SJVAPCD</p>	<p>Prior to project approval.</p>
<p>Ozone in the air basin.</p>	<p>4.4-3 Implement Mitigation Measures 4.4-1(a) and (b) and 4.4-2(a), (b), and (c).</p>	<p>See Mitigation Measures 4.4-1(a) and (b) and 4.4-2(a), (b), and (c).</p>		
<b>FIS Mitigation Measures</b>				
<p>Unstable soils</p>	<p>1 Design guidelines for individual projects shall include requirements for the preparation of site-specific geotechnical reports and shall require that project design incorporates additional or special construction technique and/or features, if any, to account for potentially unstable soil conditions.</p>	<p>The developer for any new project in the Community Plan shall prepare site-specific geotechnical reports and shall demonstrate that the project design incorporates techniques or features to account for potentially unstable soil conditions.</p>	<p>Public Works; Building Department; Department of Environmental Resources</p>	<p>Prior to issuance of grading permit.</p>

45  
64

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
Soils are capable of supporting septic systems or will require connection to the Keyes CSD lines.	2. If the use of septic tanks is proposed for new development, a study shall be conducted by a qualified hydrologist to determine if the soil is capable of supporting a septic system. If the study determines that the soil is inadequate, the development shall be required to be annexed into the Keyes Community Service District for the provision of wastewater services.	The developer for any new project in the Community Plan shall conduct a study to determine if the soil is capable of supporting a septic system. If the soil is inadequate, the development shall be required to be annexed into the Keyes Community Service District.	Building Department; Department of Environmental Resources	Prior to project approval.
Adequate water would be available to serve future development prior to the approval of any development projects.	3. New development shall not be approved until it has demonstrated that adequate water supplies exist to serve the project.	The developer for any new project in the Community Plan shall provide to the City "will serve" letters from the appropriate water purveyor.	Department of Environmental Resources	Prior to project approval.
Discharge into surface waters.	4. During project construction, all new development shall implement appropriate stormwater runoff BMPs and design features to protect receiving water quality during construction and occupancy, consistent with Stanislaus County standards.	The developer of any new project in the Community Plan area shall incorporate design features to protect receiving water quality during construction and occupancy of the project. The contractor shall implement appropriate stormwater runoff BMPs during construction. The County shall inspect the project site to verify that stormwater runoff measures are being implemented	Public Works	During project construction.
Discharge into surface waters.	5. BMPs shall be incorporated into project design to reduce urban contaminant levels in stormwater runoff, consistent with Stanislaus County standards.	The developer of any new project in the Community Plan area shall incorporate BMPs into project design to reduce urban contaminant levels in stormwater runoff.	Public Works; Department of Environmental Resources	Prior to issuance of building permit.

46  
67

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
Change of absorption rates, drainage patterns and the rate and amount of surface runoff.	6. All new projects within the plan area shall demonstrate through a drainage study or hydrological report, in accordance with the Stanislaus County Public Works standards, that new development would not increase peak storm flows and that adequate capacity exists downstream to accommodate increased flood volume.	The developer of any new project in the Community Plan area shall prepare a drainage study or hydrological report, to demonstrate that new development would not increase peak storm flows and that adequate capacity exists downstream to accommodate increased flood volume.	Public Works; Department of Environmental Resources	Prior to project approval.
Odor	10. To address potential land use incompatibilities related to odor, new residential areas shall not be located immediately adjacent to odor producing land uses. If this is infeasible, adequate setbacks shall be provided as part of the project.	The County shall review new residential development to determine potential odor incompatibilities. If such potential exists, the County shall require adequate setbacks at the residential property to reduce odor impacts to acceptable levels.	Department of Environmental Resources; SJVAPCD	Prior to project approval.
Potential hazardous materials	11. Prior to development at locations suspected or known to have used hazardous materials, a Phase 1 Environmental Site Assessment shall be prepared in accordance with ASTM Standard to identify whether past or existing uses of the site have adversely affected soil or groundwater, or would otherwise pose a health hazard during site development. Results of the Phase 1 investigation shall be used to determine whether additional investigation or site management is needed.	A Phase 1 Environmental Site Assessment shall be prepared by the developer of any new project in the Community Plan area prior to development at locations suspected or known to have used hazardous materials. Based on results of the Phase 1 investigation, additional investigation or site management shall be required.	Planning Department; Department of Environmental Resources	Prior to grading or construction activities.
Potential hazardous materials	12. Construction contracts shall include a stop-work provision in the event previously unidentified contamination is discovered during construction so that appropriate actions can be taken to reduce potential human health and environmental hazards.	The developer of any new project in the Community Plan area shall include in all construction contracts a stop-work provision in the event unidentified contamination is discovered during construction.	Planning Department; Department of Environmental Resources	Prior to construction.

47  
66

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
Increase in noise levels.	13. New residential development located within areas subject to noise levels in excess of 60 $L_{dn}$ shall demonstrate through an acoustical study that project design would reduce noise impacts to acceptable levels (per the County General Plan). Measures to reduce noise could include, sound-rated windows, sound walls, barriers, increased setbacks or other modifications to project design, or noise attenuation of proposed or existing buildings.	An acoustical study shall be prepared by the developer of any new project in the Community Plan area which demonstrates that project design would reduce noise impacts to acceptable levels in areas of new residential development subject to noise levels in excess of 60 $L_{dn}$ .	Planning Department; Department of Environmental Resources	Prior to project approval.
Increase in noise levels.	14. New development shall implement the following measures during construction:  a. Construction shall be allowed only during the day, during hours designated by the County.  b. All construction equipment shall be fitted with properly functioning mufflers.  c. Any noisy construction equipment shall be located away from sensitive receptors, and, if necessary, temporary noise barriers shall be constructed between noise sources and sensitive receptors.	All construction contracts shall include the measures identified in Mitigation Measure 14.  The County shall inspect the project site to verify that noise reduction measures are implemented.	Planning Department  Building Department	Prior to issuance of grading and construction permits.  During construction.
Fire protection	15. All new development in the Community Plan Area shall be required to pay all applicable program fees, as defined by the Keyes Fire Protection District, which shall be used to prevent fire protection service from dropping below its current level. Fees may be used towards the purchase of new or replacement vehicles or substation space.	All new development in the Community Plan Area shall pay all applicable program fees, as defined by the Keyes Fire Protection District.	Planning Department; Keyes Fire Protection District	Prior to project approval.

48

67

**MITIGATION MONITORING PLAN  
KEYES COMMUNITY PLAN UPDATE**

Significant or Potentially Significant Impact	Mitigation Measure	Implementation, Monitoring and Reporting Actions	Monitoring and Reporting Responsibilities	Implementation, Monitoring and Reporting Schedule
Light and glare	16. New multistory development in Highway Commercial, Industrial and Planned Industrial areas shall minimize the use of reflective surfaces and have those reflective surfaces which are used to be oriented in such a manner to reduce glare impacts along roadways.	The County shall review new multistory development in Highway Commercial, Industrial, and Planned Industrial areas to ensure that reflective surfaces would not result in glare along roadways.	Planning Department	Prior to project approval.
Light and glare	17. In Highway Commercial areas, cut-off luminaries, and/or shield, low-intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.	New development in Highway Commercial areas shall include cut-off luminaries, and/or shield, low-intensity lights to prevent spillover.	Planning Department	Prior to project approval.
Park facilities	18. New development shall be required to contribute its fair share, as determined by the County of Stanislaus, toward provision of the parks proposed by this plan.	The developer of any new project in the Community Plan area shall to contribute its fair share toward provision of the parks proposed by the Community Plan.	Planning Department; Parks Department	Prior to project approval.

49

68



State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Central Region  
 1234 East Shaw Avenue  
 Fresno, CA 93710  
 (559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
 CHARLTON H. BONHAM, Director



RECEIVED

MAY 07 2015

STANISLAUS COUNTY BOARD OF  
 COMMUNITY DEVELOPMENT

April 27, 2015

Rachel Wyse, Associate Planner  
 Stanislaus County  
 Department of Planning and Community Development  
 1010 10<sup>th</sup> Street, Suite 3400  
 Modesto, California 95354

Subject: **Early Consultation**  
**Rezone Application No. PLN2015-0032 – Belkorp AG**  
**SCH#: 2015042044**

Dear Ms. Wyse:

The California Department of Fish and Wildlife (CDFW) has reviewed the Rezone Application No. PLN2015-0032 – Belkorp AG (Project) submitted by the Stanislaus County Department of Planning and Community Development. The Project proposes to rezone a 16.7 acre parcel to establish a new John Deere dealership and construct a 57,000 square foot building for service maintenance, retail sales, parts, and administrative offices. Outdoor display areas will be utilized to display new equipment. The Project site is located at 4618 Nunes Road, in Keyes.

The Department has reviewed the early consultation and has the following comments.

**Department Jurisdiction**

**Trustee Agency Authority:** CDFW is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

**Responsible Agency Authority:** The Department has regulatory authority over projects that could result in the “take” of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the take of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001{c},

21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

**Bird Protection:** CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Sections of the Fish and Game Code that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

### **Project Recommendations**

**Nesting Birds:** The trees, shrubs, and grasses within and in the vicinity of the Project sites likely provide nesting habitat for songbirds and raptors. The Department encourages Project activities to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing, the Department recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of the of the Project and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. The Department recommends identified nests are continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, continuously monitoring all nests to detect any behavioral changes is advised. If behavioral changes are observed, the work causing that change may cease and the Department consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500 foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no disturbance buffer variance.

**Swainson's Hawk (SWHA):** The State threatened Swainson's hawk (*Buteo swainsoni*) is known to occur near the Project site. To evaluate potential Project-related impacts, the Department recommends that a qualified wildlife biologist conduct surveys for nesting

raptors following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any ground disturbance.

If ground-disturbing Project activities are to take place during the normal bird breeding season (February 1 through September 15), the Department recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction. If an active Swainson's hawk nest is detected within 0.5 miles of the Project site, and work will occur during the avian nesting season, consultation with the Department is advised to occur well in advance of ground-disturbing activities to determine if take of SWHA can be avoided. If take cannot be avoided then acquisition of an ITP pursuant to Fish and Game Code Section 2081(b) is warranted to comply with CESA. The Department advises that these recommendations be included as required mitigation measures in the environmental document prepared for this Project.

Compensation for the loss of Swainson's hawk foraging habitat is advised and should be included in the finalized CEQA document. The Department's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (DFG, 1994) recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. The Department has the following recommendations based on the Staff Report:

- For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
- For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of urban development is advised.
- For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of urban development is advised.

**Burrowing Owl:** Burrowing owl (*Athene cunicularia*) have the potential to occur within the Project area. To avoid impacts to the species, the Department recommends pre-construction surveys for burrowing owl regardless of when construction will occur to identify any burrowing owl that may occur on the Project site. In the event that burrowing owls are found, we recommend that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. The below table can be found from the Burrowing Owl Staff Report (CDFG 2012).

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

\* meters (m)



Rachel Wyse  
April 27, 2015  
Page 4

The Staff Report recommends that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat. The Department also recommends replacement of occupied burrows with artificial burrows at a ratio of 1 burrow collapsed to 1 artificial burrow constructed (1:1) as mitigation for the potentially significant impact of evicting a burrowing owl if a biologist knowledgeable with the biology and natural history of the species determines that suitable burrows are a potential limiting factor for burrowing owl.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website ([www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)). If you have any questions, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254, or by electronic mail at [Jim.Vang@wildlife.ca.gov](mailto:Jim.Vang@wildlife.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Vance", written in a cursive style.

Julie Vance  
Acting Regional Manager

### Literature Cited

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

# MOORE BIOLOGICAL CONSULTANTS

June 26, 2015

Mr. Rod Hawkins  
Hawkins & Associates Engineering  
436 Mitchell Road  
Modesto, California 95354

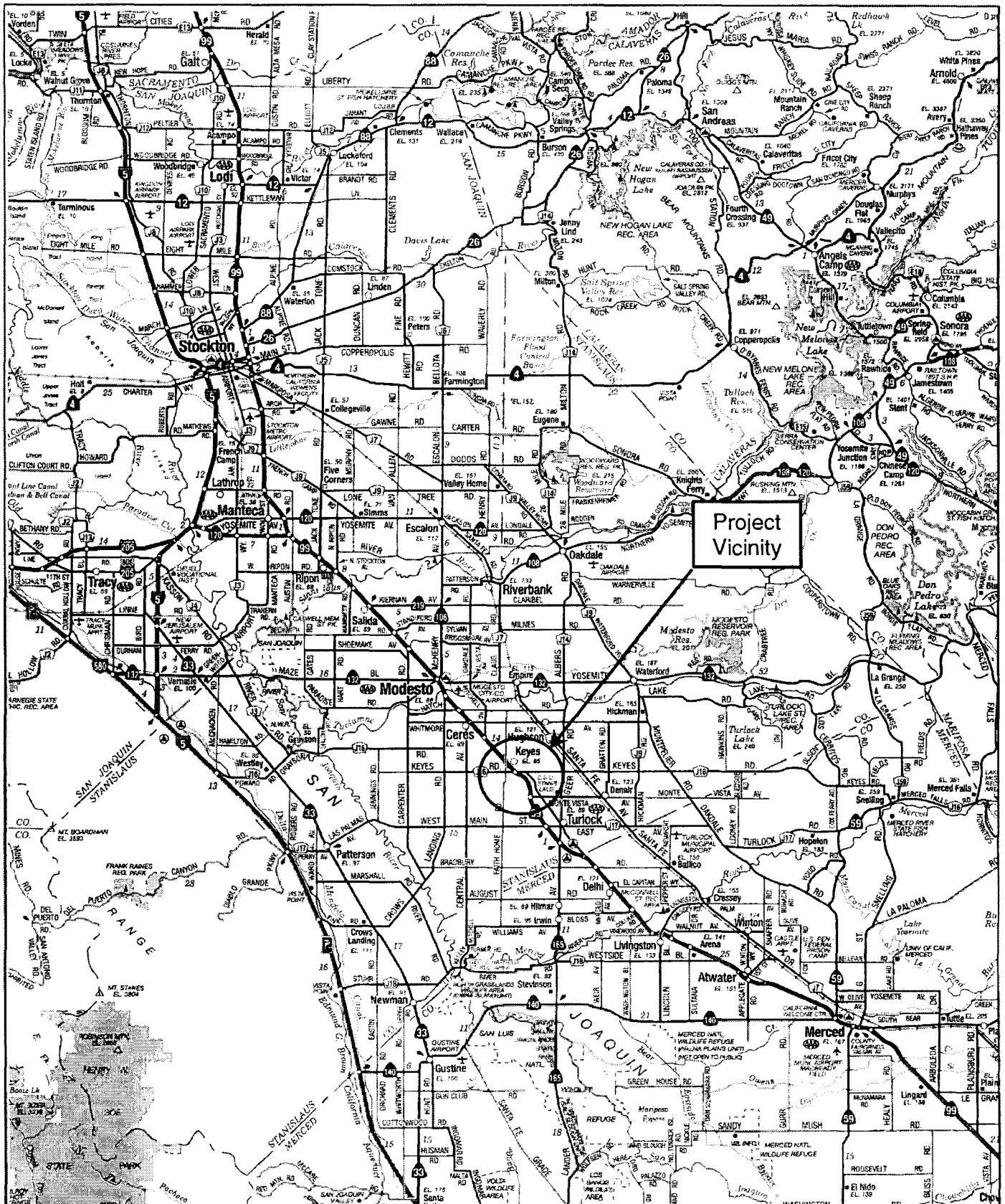
Subject: "BELKORP AG PROJECT", STANISLAUS COUNTY, CALIFORNIA:  
BIOLOGICAL ASSESSMENT

Dear Rod:

Thank you for asking Moore Biological Consultants to prepare this biological assessment for the Belkorp AG site in Keyes (Figures 1 and 2). The focus of our work was to document existing biological resources in the site, conduct a survey to determine presence or absence of potentially jurisdictional waters or wetlands, and search for suitable habitat for or presence of special-status species within the site. This report details the methodology and results of our investigation.

## **Project Overview**

The proposed commercial project is an agricultural tractor and supply center in the northeast quadrant of the intersection of Highway 99 and Keyes Road. The project will include an approximately 57,000 ft<sup>2</sup> building with landscaping and parking. There will be equipment display areas to the west of the store along Highway 99 and to the east of the store along North Golden State Boulevard (see site plan in Attachment A). An approximately 1-acre detention basin will be constructed to the south of the store. The primary access to the site will be from North Golden State Boulevard.

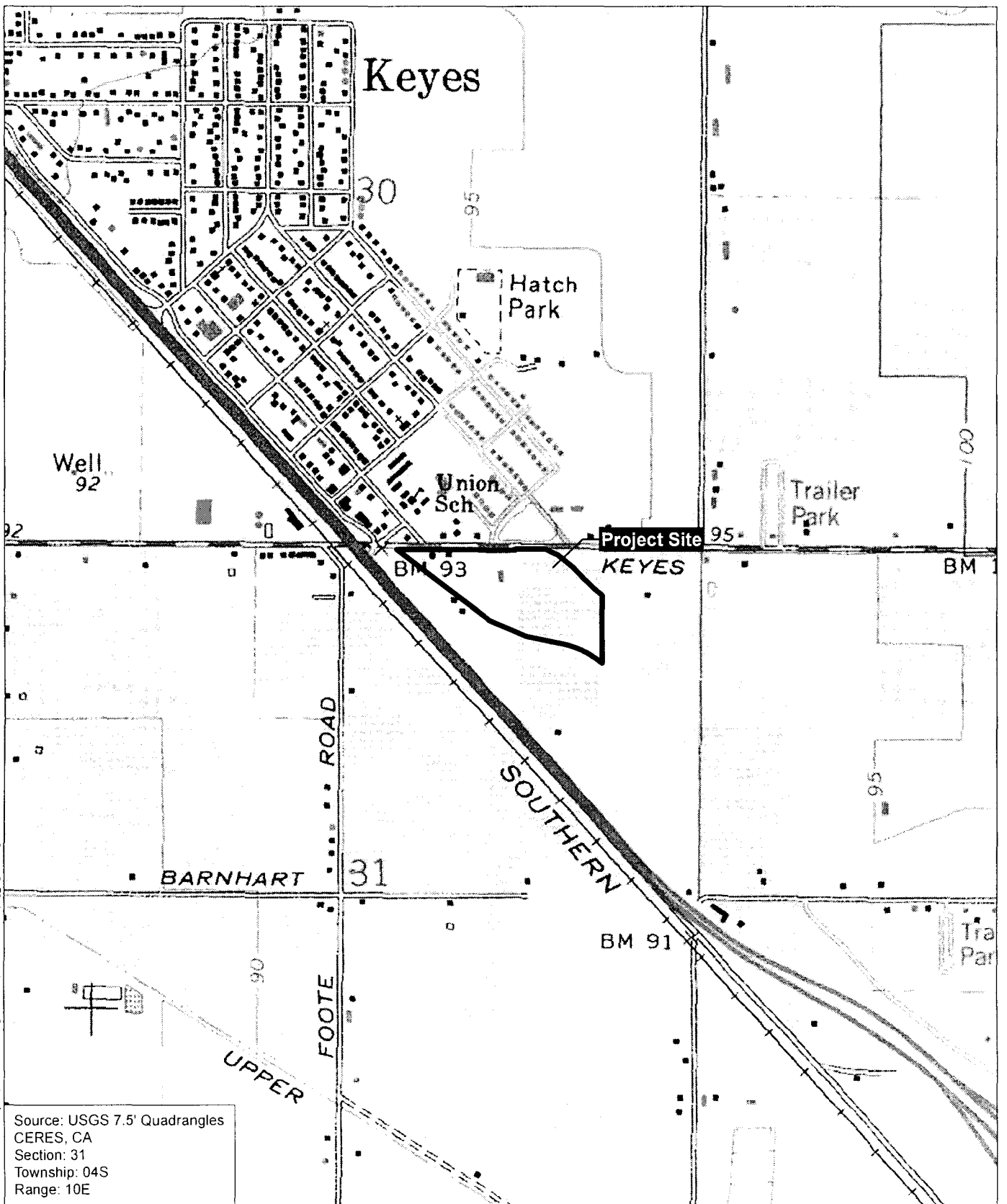


Source: Calif. State Automobile Association

**Moore Biological  
Consultants**



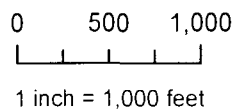
**FIGURE 1  
PROJECT VICINITY**



Source: USGS 7.5' Quadrangles  
 CERES, CA  
 Section: 31  
 Township: 04S  
 Range: 10E

**Figure 2**

Moore Biological  
 Consultants



Map Date: June 2015

**PROJECT LOCATION**

Belkorp AG  
 Stanislaus County, CA

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## Methods

Prior to the field survey, we conducted a search of California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB, 2015). The CNDDDB search encompassed the USGS 7.5-minute Ceres and Denair topographic quadrangles, which encompasses approximately 120 square miles surrounding the project site. The United States Fish and Wildlife Service (USFWS) list of Federally Threatened and Endangered species that may occur in or be affected by projects in the same topographic quadrangles was also reviewed (Attachment B). This information was used to identify wildlife and plant species that have been previously documented in the project vicinity or have the potential to occur based on suitable habitat and geographical distribution. The USFWS on-line-maps of designated critical habitat were also downloaded and plotted with respect to the site.

A field survey of the site was conducted on June 10, 2015. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The project site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

## Results

GENERAL SETTING: The project site is located south of Keyes, in Stanislaus County, California (Figure 1). The site is in Section 31, Township 4 South, Range 10 East of the USGS 7.5-minute Ceres topographic quadrangle (Figure 2). The site is nearly level and is at an elevation of approximately 90 feet above mean sea level. The west part of the site was previously developed and there are old foundations and roads remaining. The east part of the site was leveled cropland, but has been fallow for years. The entire site is disturbed weedy grassland (Figure 3 and photographs in Attachment C).

Surrounding land uses in this portion of Stanislaus County are primarily agricultural. North Golden State Boulevard bounds the site on the northeast and Highway 99 bounds the site on the southwest. The town of Keyes is located just north of the site, across Nunes Road and there is a vineyard west of the site, across Highway 99. There are open fields to the east of the site, across North Golden State Boulevard (Figure 3 and photographs in Attachment C).

VEGETATION: Due to the amount of disturbance from agriculture, development, and periodic mowing and/or disking for weed abatement, vegetation in the project site is primarily annual grass and weed species. California annual grassland series (Sawyer and Keeler-Wolf, 1995) best describes the disturbed grassland vegetation. Grasses including oats (*Avena* sp.), soft chess brome (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis*), foxtail barley (*Hordeum murinum*), and perennial ryegrass (*Lolium perenne*) are dominant grass species. Other grassland species such as black mustard (*Brassica nigra*), hairy fleabane (*Conyza bonariensis*), prickly lettuce (*Lactuca serriola*), yellow star-thistle (*Centaurea solstitialis*), filaree (*Erodium* spp.), and common mallow (*Malva neglecta*) are intermixed with the grasses. Table 1 is a list of plant species observed in the site.



Google

Imagery ©2015, DigitalGlobe, U.S. Geological Survey

**Figure 3**

Moore Biological  
Consultants

0 100 200

1 inch = 200 feet



**AERIAL**

**Belkorp AG**

Stanislaus County, CA

Map Date: June 2015

C:\Users\Mark\Documents\1\work\Environmental\C:\roadtime\Projects\Moore Biological\Belkorp AG\NIN\Disk\korp\_ag\_Figure 3\_aerial.mxd



TABLE 1  
PLANT SPECIES OBSERVED IN THE PROJECT SITE

---

<i>Ailanthus altissima</i>	tree-of-heaven
<i>Amsinckia menziesii</i>	rancher's fireweed
<i>Avena fatua</i>	wild oat
<i>Brassica nigra</i>	black mustard
<i>Bromus diandrus</i>	ripgut brome
<i>Bromus hordeaceus</i>	soft chess brome
<i>Bromus madritensis</i>	red brome
<i>Carya</i> sp.	pecan
<i>Centaurea solstitialis</i>	yellow star-thistle
<i>Chamomilla suaveolens</i>	pineapple weed
<i>Convolvulus arvensis</i>	morning glory
<i>Conyza bonariensis</i>	hairy fleabane
<i>Conyza canadensis</i>	horseweed
<i>Cynodon dactylon</i>	Bermuda grass
<i>Datura innoxia</i>	datura
<i>Eremocarpus setigerus</i>	dove weed
<i>Erodium botrys</i>	filaree
<i>Erodium cicutarium</i>	red-stem filaree
<i>Grindelia camporum</i>	common gumweed
<i>Helianthus annuus</i>	common sunflower
<i>Heterotheca grandiflorum</i>	telegraph weed
<i>Hordeum murinum</i>	foxtail barley
<i>Lactuca serriola</i>	prickly lettuce
<i>Lepidium latifolium</i>	perennial pepperweed
<i>Lolium perenne</i>	perennial ryegrass
<i>Malva neglecta</i>	common mallow
<i>Morus alba</i>	mulberry
<i>Nerium</i> sp.	oleander

---

TABLE 1 (continued)  
 PLANT SPECIES OBSERVED IN THE PROJECT SITE

---

<i>Pinus</i> sp.	ornamental pine
<i>Populus fremontii</i>	Fremont cottonwood
<i>Raphanus sativus</i>	wild radish
<i>Salix</i> sp.	willow
<i>Salsola iberica</i>	Russian thistle
<i>Sambucus mexicana</i>	blue elderberry
<i>Senecio vulgaris</i>	common groundsel
<i>Sorghum halepense</i>	Johnsongrass
<i>Tribulus terrestris</i>	puncture vine
<i>Trichostema lanceolatum</i>	vinegar weed
<i>Washingtonia filifera</i>	California fan palm
<i>Vicia</i> sp.	vetch

---

The only trees in the site are in the north part of the site near Nunes Road (see photographs in Attachment C). The trees in the north part of the site include several relatively small tree-of-heaven (*Ailanthus altissima*), a Fremont cottonwood (*Populus fremontii*), a few mulberry (*Morus alba*) and pines (*Pinus* sp.), and two fan palms (*Washingtonia filifera*). There are also some ornamental trees along the Highway 99 frontage, intermixed with oleanders (*Nerium* sp.) This ornamental strip appears to be off-site, but may span the site boundary.

There are two small blue elderberry (*Sambucus mexicana*) shrubs in the northeast corner of the site, near the intersection of Highway 99 and North Golden State Boulevard (Figure 3 photograph in Attachment C). No other blue elderberry shrubs were observed in the project site. There are several blue elderberry shrubs in the parcel just southeast of the site, including a very large shrub approximately 30 feet east of the site.

WILDLIFE: A variety of bird species were observed during the field survey; all of these are common species found in agricultural and riparian areas of Stanislaus County (Table 2). Red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), American kestrel (*Falco sparverius*), American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), western kingbird (*Tyrannus verticalis*), red-winged blackbird (*Agelaius phoeniceus*), Brewer's blackbird (*Euphagus cyanocephalus*), and house finch (*Carpodacus mexicanus*) are representative of the avian species observed in the site.

Only a few of the trees in the site are large enough to support nesting raptors. The cottonwood contains a large raptor stick nest that was not occupied during the recent survey and is tattered and appears to have been from last year's nesting season. It is possible that songbirds nest in the smaller trees, shrubs, and grasslands in the site.

A limited variety of mammals common to agricultural areas likely occur in the project site. Black-tailed hare (*Lepus californicus*) was the only mammal observed during the recent survey; sign of raccoon (*Procyon lotor*) was also observed. Coyote (*Canis latrans*), striped skunk (*Mephitis mephitis*), desert cottontail (*Sylvilagus audubonii*), and Virginia opossum (*Didelphis virginiana*) are expected to occur in the project site on occasion. California ground squirrels (*Spermophilus beecheyi*) are common in the area and may occur on-site. No California ground squirrels were observed during the recent survey, although a few old ground squirrels were observed in parts of the site.

Due to lack of suitable habitat, few amphibians and reptiles are expected to use habitats in the site. Western fence lizard (*Sceloporus occidentalis*) was the only reptile observed in the site; no amphibians were observed. Common species such as Pacific chorus frog (*Pseudacris regilla*) and western terrestrial garter snake (*Thamnophis elegans*) may occur in the site on occasion.

TABLE 2  
WILDLIFE SPECIES DOCUMENTED IN THE PROJECT SITE

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**Birds**

Turkey vulture	<i>Cathartes aura</i>
Red-tailed hawk	<i>Buteo jamaicensis</i>
American kestrel	<i>Falco sparverius</i>
Mourning dove	<i>Zenaida macroura</i>
Western scrub jay	<i>Aphelocoma coerulescens</i>
Western kingbird	<i>Tyrannus verticalis</i>
American crow	<i>Corvus brachyrhynchos</i>
Northern mockingbird	<i>Mimus polyglottos</i>
White-crowned sparrow	<i>Zonotrichia leucophrys</i>
Red-winged blackbird	<i>Agelaius phoeniceus</i>
Brewer's blackbird	<i>Euphagus cyanocephalus</i>
House finch	<i>Carpodacus mexicanus</i>
House sparrow	<i>Passer domesticus</i>

**Mammals**

Black-tailed hare	<i>Lepus californicus</i>
Raccoon	<i>Procyon lotor</i>
California ground squirrel	<i>Spermophilus beecheyi</i>

**Reptiles**

Western fence lizard	<i>Sceloporus occidentalis</i>
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WATERS OF THE U.S. AND WETLANDS: Waters of the U.S., including wetlands, are broadly defined under 33 Code of Federal Regulations (CFR) 328 to include navigable waterways, their tributaries, and adjacent wetlands. State and federal agencies regulate these habitats and Section 404 of the Clean Water Act

requires that a permit be secured prior to the discharge of dredged or fill materials into any waters of the U.S., including wetlands. Both CDFW and ACOE have jurisdiction over modifications to riverbanks, lakes, stream channels and other wetland features.

“Waters of the U.S.”, as defined in 33 CFR 328.4, encompasses Territorial Seas, Tidal Waters, and Non-Tidal Waters; Non-Tidal Waters includes interstate and intrastate rivers and streams, as well as their tributaries. The limit of federal jurisdiction of Non-Tidal Waters of the U.S. extends to the “ordinary high water mark”. The ordinary high water mark is established by physical characteristics such as a natural water line impressed on the bank, presence of shelves, destruction of terrestrial vegetation, or the presence of litter and debris. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetlands and Waters of the U.S. provide critical habitat components, such as nest sites and a reliable source of water, for a wide variety of wildlife species.

There are no rivers, streams, lakes, ponds, vernal pools, seasonal wetlands, or marshes in the site. The only area in the project site supporting wetland vegetation is a small (0.01+/- acre) rectangular detention basin in the northeast part of the site, associated with the old foundations (see photographs in Attachment C). This 5+/- feet deep basin was dry and does not appear to hold water other than during rain events. Portions of a small willow in this basin are dead, presumably due to lack of water. This basin was constructed in uplands, is isolated from creeks and other potentially jurisdictional wetlands or Waters of the U.S. and does not meet the technical and/or regulatory criteria of jurisdictional wetlands or Waters of the U.S.

No other potentially jurisdictional wetlands or Waters of the U.S. were observed within the site. The body of the site vegetated with upland grasses and weeds.

**SPECIAL-STATUS SPECIES:** Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Act or other regulations. The Federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species.

Special-status species also include other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. The presence of species with legal protection under the Endangered Species Act often represents a major constraint to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a take of these species.

Special-status plants are those which are designated rare, threatened, or endangered and candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act Guidelines, such as those plant species identified on Lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California by the California Native Plant Society (CNPS, 2010). Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on List 3 in the CNPS Inventory.

The likelihood of occurrence of listed, candidate, and other special-status species in the work areas is generally low. Table 3 provides a summary of the listing status and habitat requirements of special-status species that have been documented in the greater project vicinity or for which there is potentially suitable

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Likelihood of Occurrence in the Project Site
<b>PLANTS</b>						
Heartscale	<i>Atriplex cordulata</i>	None	None	1B	Valley and foothill grassland, chenopod scrub	Unlikely: the disturbed grassland in the site does not provide suitable habitat for heartscale. The nearest occurrence of this species in the CNDDDB (2015) search area is approximately 1.5 miles southeast of the site.
Subtle oracle	<i>Atriplex subtilis</i>	None	None	1B	Valley and foothill grassland; usually in alkaline soils.	Unlikely: the disturbed grassland in the site does not provide suitable habitat for subtle oracle. The site is below the elevation range of this species (CNPS, 2010). The nearest occurrence of subtle oracle in the CNDDDB (2015) search area is approximately 1.5 miles south of the site.
San Joaquin Valley Orcutt grass	<i>Orcuttia inaequalis</i>	T	E	1B	Vernal pools.	Unlikely: there are no vernal pools or seasonal wetlands in the site. The nearest occurrence of San Joaquin Valley Orcutt grass in the CNDDDB (2015) search area is approximately 8 miles northeast of the site. The site is not in designated critical habitat this species (USFWS 2005a)
<b>WILDLIFE</b>						
<b>BIRDS</b>						
Swainson's hawk	<i>Buteo swainsoni</i>	None	T	N/A	Nesting: large trees, usually within riparian corridors. Foraging: agricultural fields and annual grasslands.	Low: the disturbed grassland in the site provides marginal foraging habitat; only a few trees in the site are large enough for nesting raptors. It is unlikely Swainson's hawks utilize this small patch of land for a significant amount of foraging when there are expansive alfalfa and hay fields nearby providing better habitat. The nearest occurrence of nesting Swainson's hawks in the CNDDDB (2015) search area is approximately 2.5 miles southeast of the site.

67

TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Likelihood of Occurrence in the Project Site
Tricolored blackbird	<i>Agelaius tricolor</i>	None	SC	N/A	Nests in dense brambles and emergent wetland vegetation associated with open water habitat.	Unlikely: there is no suitable emergent wetland vegetation in the site for nesting. This species may occasionally fly over or forage in the area. The nearest occurrence of tricolored blackbird in the CNDDDB (2015) search area is approximately 6 miles southwest of the site.
Burrowing owl	<i>Athene cunicularia</i>	None	None	N/A	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation.	Unlikely: the formerly paved and graveled areas and disturbed grassland in the site provide marginal foraging habitat for burrowing owl, but very little suitable burrow habitat was observed in the site. There are no occurrences of this species in the CNDDDB (2015) search area.
<b>MAMMALS</b>						
Townsend's big-eared bat	<i>Corynorhinus townsendii townsendii</i>	None	T	N/A	Requires caves, mines, buildings, or other human-made structures for roosting.	Unlikely: the site does not provide suitable habitat for this species. Townsend's big-eared bat may fly over or forage above the site. The nearest occurrence of this species in the CNDDDB (2015) search area is along the Tuolumne River, approximately 5 miles north of the site.
<b>REPTILES &amp; AMPHIBIANS</b>						
California tiger salamander	<i>Ambystoma californiense</i>	T	T	N/A	Breeds in seasonal water bodies such as deep vernal pools or stock ponds. Requires small mammal burrows for summer refugia.	Unlikely: there are no areas within or near the site that could provide breeding habitat for California tiger salamander and the site is not suitable for aestivation. There are no occurrences of this species in the CNDDDB (2015) search area. The site is not within an area designated critical habitat for California tiger salamander (USFWS, 2005b).



TABLE 3

## SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Likelihood of Occurrence in the Project Site
California red-legged frog	<i>Rana aurora draytonii</i>	T	SC	N/A	Lowlands and foothills in or near permanent sources of water with vegetation.	Unlikely: there is no suitable aquatic habitat for California red-legged frog in or near the site. California red-legged frog is not known from the area and there are no recorded occurrences of this species in the CNDDDB (2015) search area. The site is not in designated for California red-legged frog critical habitat (USFWS, 2006).
Giant garter snake	<i>Thamnophis gigas</i>	T	T	N/A	Freshwater marsh and low gradient streams; adapted to drainage canals and irrigation ditches, primarily for dispersal or migration.	Unlikely: there is no suitable habitat in or near the site for giant garter snake. Giant garter snake is not known from the area and there are no recorded occurrences of this species in the CNDDDB (2015) search area.
<b>FISH</b>						
Delta smelt	<i>Hypomesus transpacificus</i>	T	T	N/A	Shallow lower delta waterways with submersed aquatic plants and other suitable refugia.	Unlikely: there is no aquatic habitat in the site. There are no occurrences of delta smelt recorded in the CNDDDB (2015) in the search area. There is no designated critical habitat for delta smelt (USFWS, 1994) in or near the site.
Central Valley steelhead	<i>Oncorhynchus mykiss</i>	T	None	N/A	Riffle and pool complexes with adequate spawning substrates within Central Valley drainages.	Unlikely: there is no aquatic habitat in the site. Central Valley steelhead is recorded in the CNDDDB (2015) in the Tuolumne River approximately 5 miles north of the site. The site is not within designated critical habitat for Central Valley steelhead (NOAA, 2005).
Hardhead	<i>Mylopharodon concephalus</i>	None	SC	N/A	Major tributaries to Central Valley drainages.	Unlikely: there is no suitable perennial or near-perennial aquatic habitat in or near the site for hardhead. This species is recorded in the CNDDDB (2015) in the Tuolumne River approximately 5 miles north of the site.

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

Common Name	Scientific Name	Federal Status <sup>1</sup>	State Status <sup>1</sup>	CNPS List <sup>2</sup>	Habitat	Likelihood of Occurrence in the Project Site
<b>INVERTEBRATES</b>						
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	E	None	N/A	Vernal pools and seasonally wet depressions within the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of vernal pool tadpole shrimp recorded in the CNDDDB (2015) within the search area. The site is not within designated critical habitat for vernal pool tadpole shrimp (USFWS, 2005a).
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	T	None	N/A	Vernal pools and seasonally inundated depressions in the Central Valley.	Unlikely: there are no vernal pools or seasonal wetlands in the site. There are no occurrences of vernal pool fairy shrimp recorded in the CNDDDB (2015) within the search area. The site is not within designated critical habitat for any vernal pool shrimp species (USFWS, 2005a).
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	T	None	N/A	Elderberry shrubs in the Central Valley and surrounding foothills	Unlikely: the blue elderberry shrubs in the site are small and show no evidence of occupancy. The nearest occurrence of valley elderberry longhorn beetle in the CNDDDB (2015) search area steelhead is along the Tuolumne River, approximately 5 miles north of the site.

70

Notes:

<sup>1</sup> T= Threatened; E = Endangered; SC = Species of Special Concern per California Department of Fish and Wildlife.

<sup>2</sup> CNPS List 1B includes species that are rare, threatened, or endangered in California and elsewhere.

habitat in the greater project vicinity. This table also includes an assessment of the likelihood of occurrence of each of these species in the site. The evaluation of the potential for occurrence of each species is based on the distribution of regional occurrences (if any), habitat suitability, and field observations.

**SPECIAL-STATUS PLANTS:** Three species of special-status plants were identified in the CNDDDB (2015) search area (Table 3 and Attachment A). These include heartscale (*Atriplex cordulata*), subtle oracle (*Atriplex subtilis*), and San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*). The USFWS species list (Attachment A) does not contain any special-status plants.

Special-status plants generally occur in relatively undisturbed areas in vegetation communities such as vernal pools, marshes and swamps, seasonal wetlands, riparian scrub, and areas with unusual soils. The leveled ruderal grassland in the site is highly disturbed and does not provide suitable habitat for any of these plants in Table 3 or other special-status plants. Due to lack of suitable habitat, no special-status plant species are expected to occur in the site.

**SPECIAL-STATUS WILDLIFE:** The potential for intensive use of habitats within the project site by special-status wildlife species is very low. Special-status wildlife identified in the CNDDDB (2015) search are Swainson's hawk, tricolored blackbird (*Agelaius tricolor*), Central Valley steelhead (*Oncorhynchus mykiss*), hardhead (*Mylopharodon conocephalus*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (Table 3 and Attachment A). Although not recorded in the CNDDDB (2015) within the search area, giant garter snake (*Thamnophis gigas*), California red-legged frog (*Rana aurora draytonii*), delta smelt (*Hypomesus transpacificus*), vernal pool tadpole shrimp (*Lepidurus packardii*), and vernal pool fairy shrimp (*Branchinecta lynchi*) were added to Table 3 as they are on the USFWS Species List (Attachment B). Burrowing owl was added to Table 3 as it is widespread throughout the Central Valley and could occur in the project site.

While the project site may have provided habitat for special-status wildlife species at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity. Of the wildlife species identified in the CNDDDB, Swainson's hawk is the only species that has potential to occur in the site on more than a transitory or very occasional basis. Other special-status birds including tricolor blackbird, and burrowing owl, may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site.

**SWAINSON'S HAWK:** The Swainson's hawk is a migratory hawk listed by the State of California as a Threatened species. The Migratory Bird Treaty Act and Fish and Game Code of California protect Swainson's hawks year-round, as well as their nests during the nesting season (March 1 through September 15). Swainson's hawk are found in the Central Valley primarily during their breeding season, a population is known to winter in the San Joaquin Valley.

Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grasslands, irrigated pasture, hay, and wheat crops. Most Swainson's hawks are migratory, wintering in Mexico and breeding in California and elsewhere in the western United States. This raptor generally arrives in the Central Valley in mid-March, and begins courtship and nest construction immediately upon arrival at the breeding sites. The young fledge in early July, and most Swainson's hawks leave their breeding territories by late August.

The site is within the nesting range of Swainson's hawks and the CNDDDB (2015) contains a few records of nesting Swainson's hawks in the greater project vicinity (Attachment B). The nearest occurrence of nesting Swainson's hawks in the CNDDDB (2015) search area is approximately 2.5 miles southeast of the site. This species has also been documented nesting along the Tuolumne River approximately 5 miles north of the site.

Swainson's hawks were not observed in or near the site during the recent survey, which was conducted during the heart of the Swainson's hawk nesting season. The formerly paved areas and weedy grassland in the site provide marginal Swainson's hawk foraging habitat. It is unlikely Swainson's hawks utilize this small patch of land adjacent to a major highway for more than very occasional foraging when there are expansive alfalfa and hay fields in the region providing higher quality foraging habitat

**BURROWING OWL:** The Migratory Bird Treaty Act and Fish and Game Code of California protect burrowing owls year-round, as well as their nests during the nesting season (February 1 through August 31). Burrowing owls are a year-long resident in a variety of grasslands as well as scrub lands that have a low density of trees and shrubs with low growing vegetation; burrowing owls that nest in the Central Valley may winter elsewhere.

The primary habitat requirement of the burrowing owl is small mammal burrows for nesting. The owl usually nests in abandoned ground squirrel burrows, although they have been known to dig their own burrows in softer soils. In urban areas, burrowing owls often utilize artificial burrows including pipes, culverts, and piles of concrete pieces. This semi-colonial owl breeds from March through August, and is most active while hunting during dawn and dusk. There are no occurrences of burrowing owls in the CNDDDB (2015) search area.

No burrowing owls or ground squirrels were observed in the site. The grassland in the site is tall and weedy and provides marginal foraging habitat for burrowing owl. While a few old ground squirrel burrows were observed within the site, none had evidence of burrowing owl occupancy (i.e. whitewash, feathers and/or pellets). The site is well within the species range and burrowing owls may fly over or forage in the site on an occasional basis. It is possible that burrowing owls could nest in the site in the future, if burrow habitat is available.

VALLEY ELDERBERRY LONGHORN BEETLE: The valley elderberry longhorn beetle is listed as a federally threatened species and its host plant is the blue elderberry shrub. The United States Fish and Wildlife Service (USFWS, 1999) *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* identifies stems in excess of 1 inch diameter at ground level as potential habitat for the beetle. These guidelines direct that, if possible, elderberry shrubs should be avoided by a ground disturbance set back of at least twenty feet from the drip line of each shrub. The guidelines further direct that buffer areas between 20 and 100 feet from the driplines of the shrubs that are subject to temporary ground disturbance should be restored or re-vegetated.

As mentioned above, there are two small blue elderberry shrubs in the northeast corner of the site, near the intersection of Highway 99 and North Golden State Boulevard (Figure 3 and photograph in Attachment C). There are also several blue elderberry shrubs in the parcel just southeast of the site, including a very large shrub approximately 30 feet east of the east edge of the site. The elderberry shrubs in the site each have a few stems between 1 and 3 inches in diameter at ground level and both shrubs are only about 5 to 6 feet tall. None of the shrub's stems have bore holes that appear suggestive of past occupancy by valley elderberry longhorn beetle. These small elderberry shrubs in the site likely established in the past decade when seeds from the shrubs to the east were dropped by birds.

OTHER SPECIAL-STATUS SPECIES: Special-status birds may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site. The site does not provide suitable aquatic habitat for any type of fish, giant garter snake, California tiger salamander, or California red-legged frog. There are no vernal pools or seasonal wetlands in the site for vernal pool branchiopods (i.e., fairy and tadpole shrimp).

CRITICAL HABITAT: The site is not within designated critical habitat for delta smelt (USFWS, 1994), California red-legged frog (USFWS, 2006), California tiger

salamander (USFWS, 2005a), federally listed vernal pool shrimp or plants (USFWS, 2005b), valley elderberry longhorn beetle (USFWS, 1980), or Central Valley steelhead (NOAA, 2005).

## Conclusions and Recommendations

- The site is disturbed grassland vegetated with ruderal grasses and weeds. The west part of the site was developed in the past and old foundations and pavement remain. On-site habitats are biologically unremarkable.
- No potentially jurisdictional Waters of the U.S. or wetlands were observed in the project site. A small detention basin along the north edge of the site does not meet the technical and/or regulatory criteria of jurisdictional wetlands or Waters of the U.S.
- Due to high levels of disturbance and a lack of suitable habitat, it is unlikely that special-status plants occur in the site.
- No special-status wildlife species are expected to occur in or near the site on more than a very occasional or transitory basis. Swainson's hawk and burrowing owl could potentially nest in the site and may use the site for occasional foraging. However, the weedy grassland in the site provides marginal foraging habitat and use of the site by either Swainson's hawk or burrowing owl is expected to be limited.
- Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the

shrubs, it is recommended the applicant obtain concurrence from USFWS regarding removing the shrubs.

- Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protected with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should also occur between June 15 and April 15. During this time period, valley elderberry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area
- Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).
- Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFW (CDFG, 2012).
- Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for nesting birds is recommended. If active nests are found, work in the vicinity of the nest should be delayed until the young fledge.



We hope this information is useful. Please call me at (209) 745-1159 with any questions.

Sincerely,



Diane S. Moore, M.S.  
Principal Biologist

## References and Literature Consulted

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

ACOE. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. U.S. Army Engineer Research and Development Center, Vicksburg, MS. September.

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CNPS (California Native Plant Society). 2010. On-line Inventory of Rare and Endangered Vascular Plants of California, 8<sup>th</sup> Edition. California Native Plant Society, Sacramento, California. [www.rareplants.cnps.org](http://www.rareplants.cnps.org)

Jennings, M.R. and M.P. Hayes. 1994. Amphibian and Reptile Species of Special Concern in California. Prepared for California Department of Fish and Game, Rancho Cordova, California. November.

National Oceanic and Atmospheric Administration (NOAA). 2005. Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California; Final Rule. Federal Register 70 (170): 52488-52585. September 2, 2005.

Sawyer & Keeler-Wolf. 1995. A Manual of California Vegetation. California Native Plant Society, Sacramento. California.

USFWS (United States Fish and Wildlife Service). Final Critical Habitat for the Delta Smelt (*Hypomesus transpacificus*). Federal Register Vol. 59, No. 242, December 19, 1994, pp. 65256 – 65279.

USFWS. 1999. Conservation Guidelines for the Valley Elderberry Longhorn Beetle. July 9.

USFWS. 2005a. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation and Economic Exclusions from August 2003 Final Designation, Final Rule. Federal Register Vol. 70, No. 154, August 11.

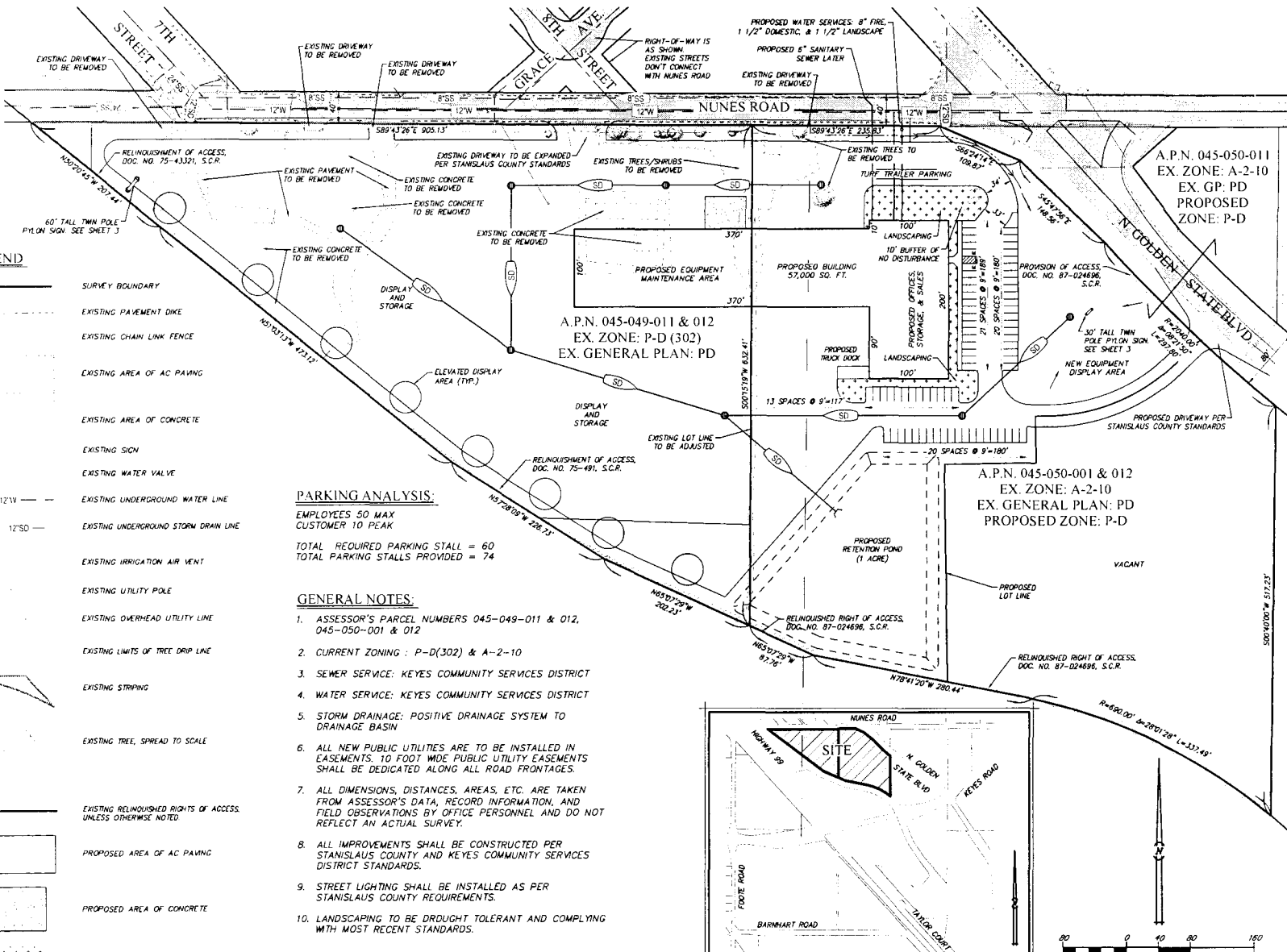
USFWS. 2005b. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population; Final Rule. Federal Register Vol. 70, No. 162, August 23, 2005, pp. 49390 – 49458.

USFWS. 2006. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for California Red-Legged Frog, and Special Rule Exemption Associated with Final Listing for Existing Routine Ranching Activities, Final Rule. Federal Register Vol. 71, No. 71, April 13.

Attachment A

Site Plan

80



**LEGEND**

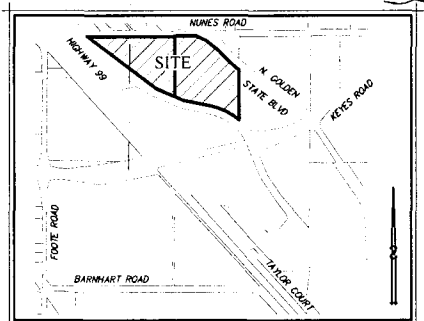
- SURVEY BOUNDARY
- EXISTING PAVEMENT DIKE
- EXISTING CHAIN LINK FENCE
- EXISTING AREA OF AC PAVING
- EXISTING AREA OF CONCRETE
- EXISTING SIGN
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER LINE
- EXISTING UNDERGROUND STORM DRAIN LINE
- EXISTING IRRIGATION AIR VENT
- EXISTING UTILITY POLE
- EXISTING OVERHEAD UTILITY LINE
- EXISTING LIMITS OF TREE DRIP LINE
- EXISTING STRIPING
- EXISTING TREE, SPREAD TO SCALE
- EXISTING RELINQUISHED RIGHTS OF ACCESS, UNLESS OTHERWISE NOTED
- PROPOSED AREA OF AC PAVING
- PROPOSED AREA OF CONCRETE
- PROPOSED AREA OF DROUGHT TOLERANT LANDSCAPING

**PARKING ANALYSIS:**

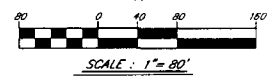
EMPLOYEES 50 MAX  
 CUSTOMER 10 PEAK  
 TOTAL REQUIRED PARKING STALL = 60  
 TOTAL PARKING STALLS PROVIDED = 74

**GENERAL NOTES:**

1. ASSESSOR'S PARCEL NUMBERS 045-049-011 & 012, 045-050-001 & 012
2. CURRENT ZONING : P-D(302) & A-2-10
3. SEWER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
4. WATER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
5. STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN
6. ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED IN EASEMENTS. 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
7. ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
8. ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER STANISLAUS COUNTY AND KEYES COMMUNITY SERVICES DISTRICT STANDARDS.
9. STREET LIGHTING SHALL BE INSTALLED AS PER STANISLAUS COUNTY REQUIREMENTS.
10. LANDSCAPING TO BE DROUGHT TOLERANT AND COMPLYING WITH MOST RECENT STANDARDS.



VICINITY MAP  
NO SCALE



RODRICK H. HAWKINS R.C.E. 50188	RCS
CROLE E. LINDSAY R.C.E. 31900 L.S. 4709	RHH
KEVIN GENASCI L.S. 8660	CHK:
	DATE: 3/20/15
	SCALE: 1"=80'
	JOB #: 3233
	SYM: /
	DATE: / /
	DESCRIPTION: /
	APPD: /

BY: RCS  
 CHK: RHH  
 DATE: 3/20/15  
 SCALE: 1"=80'  
 JOB #: 3233

PLOT PLAN EXHIBIT  
 REZONE  
 4618 NUNES ROAD, KEYES  
 STANISLAUS COUNTY, CALIFORNIA

**HAWKINS & ASSOCIATES**  
**ENGINEERING, INC.**  
 436 MITCHELL RD.  
 MODESTO, CA 95354  
 PH: (209) 575-4295 FX: (209) 578-4295



SHEET  
 1.  
 OF  
 3.

Attachment B  
CNDDDB Summary Report and Exhibits  
& USFWS Species List



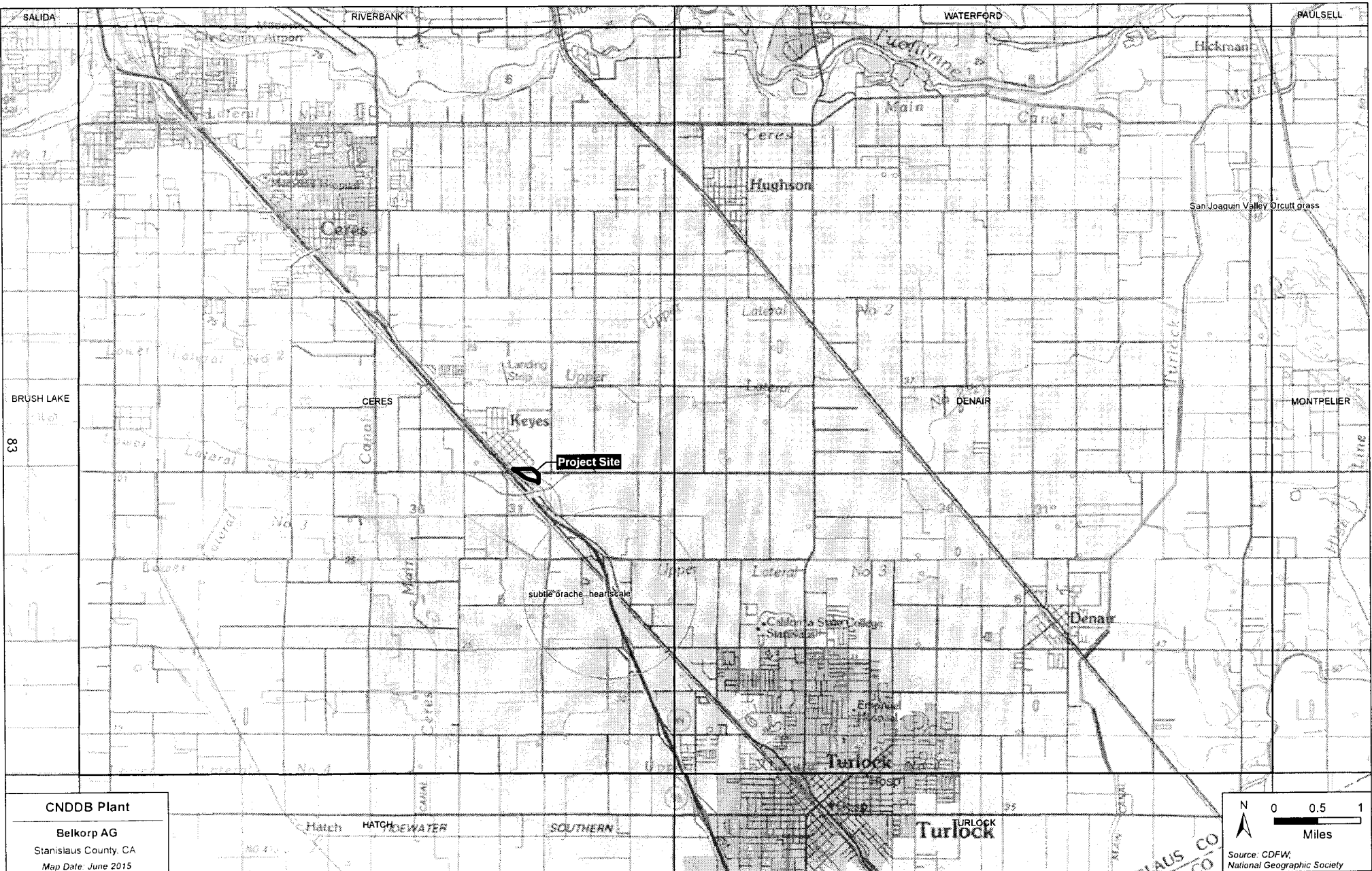
Selected Elements by Scientific Name  
 California Department of Fish and Wildlife  
 California Natural Diversity Database



Query Criteria: Quad is (Ceres (3712058) or Denair (3712057))

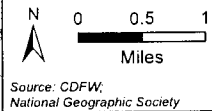
Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Agelaius tricolor</i> tricolored blackbird	ABPBXB0020	None	Endangered	G2G3	S1S2	SSC
<i>Atriplex cordulata var. cordulata</i> heartscale	PDCHE040B0	None	None	G3T2	S2	1B.2
<i>Atriplex subtilis</i> subtle orache	PDCHE042T0	None	None	G1	S1	1B.2
<i>Buteo swainsoni</i> Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
<i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
<i>Lasiurus cinereus</i> hoary bat	AMACC05030	None	None	G5	S4	
<i>Lytta moesta</i> moestan blister beetle	IICOL4C020	None	None	G2	S2	
<i>Mylopharodon conocephalus</i> hardhead	AFCJB25010	None	None	G3	S3	SSC
<i>Oncorhynchus mykiss irideus</i> steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
<i>Orcuttia inaequalis</i> San Joaquin Valley Orcutt grass	PMPOA4G060	Threatened	Endangered	G1	S1	1B.1

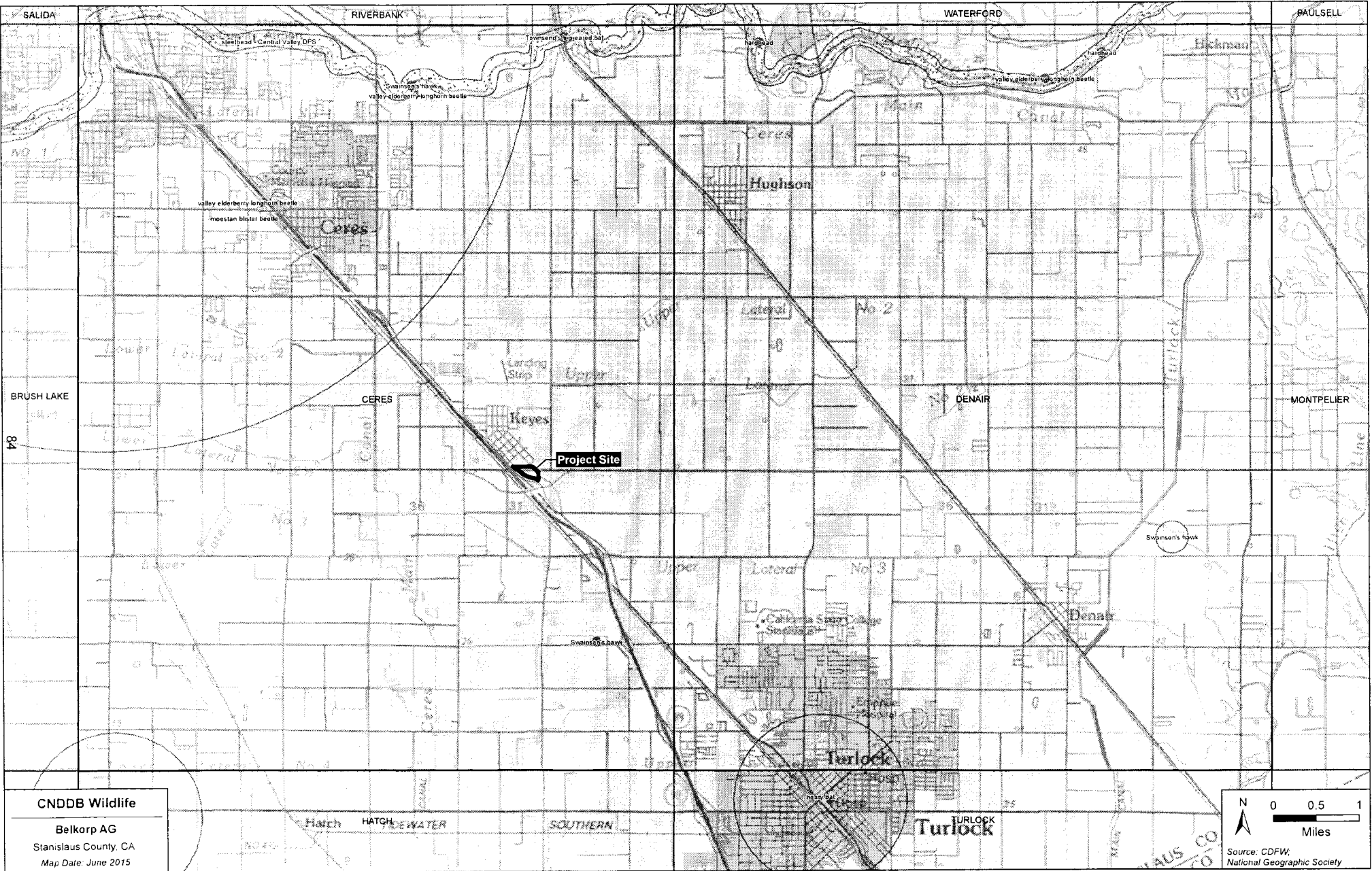
Record Count: 11



**CNDDB Plant**

Belcorp AG  
 Stanislaus County, CA  
 Map Date: June 2015





**CNDDDB Wildlife**  
 Belkorp AG  
 Stanislaus County, CA  
 Map Date: June 2015

N  
 0 0.5 1  
 Miles  
 Source: CDFW,  
 National Geographic Society



US Fish & Wildlife Service

# IPaC Trust Resource Report



## Project Description

NAME

Belkorp AG

PROJECT CODE

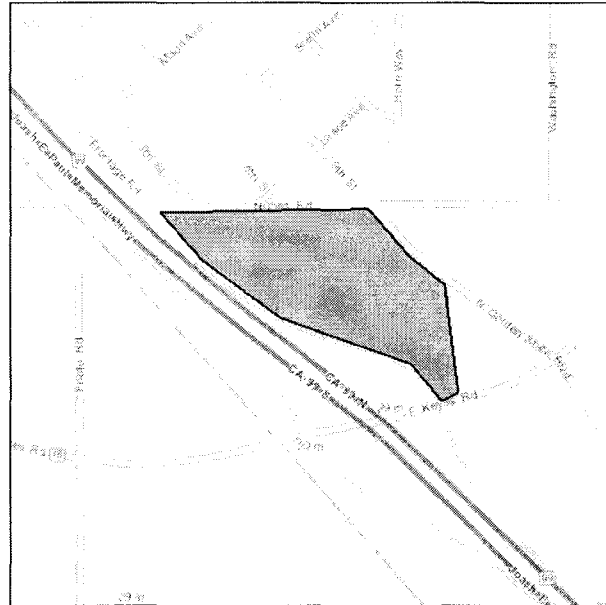
NY5M3-FJE4R-GUTLA-BIQTE-LKUULM

LOCATION

Stanislaus County, California

DESCRIPTION

No description provided



## U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

**Sacramento Fish And Wildlife Office**

Federal Building

2800 COTTAGE WAY, ROOM W-2605

Sacramento, CA 95825-1846

(916) 414-6600

## Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the Endangered Species Program and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under Section 7 of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an Official Species List from the regulatory documents section.

## Amphibians

**California Red-legged Frog** *Rana draytonii* **Threatened**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=D02D>

**California Tiger Salamander** *Ambystoma californiense* **Threatened**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=D01T>

## Crustaceans

**Vernal Pool Fairy Shrimp** *Branchinecta lynchi* **Threatened**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=K03G>

**Vernal Pool Tadpole Shrimp** *Lepidurus packardii* **Endangered**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=K048>

## Fishes

**Delta Smelt** *Hypomesus transpacificus* **Threatened**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E070>

**Steelhead** *Oncorhynchus (=Salmo) mykiss* **Threatened**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E08D>

## Insects

**Valley Elderberry Longhorn Beetle** *Desmocerus californicus dimorphus* **Threatened**

CRITICAL HABITAT

There is **final** critical habitat designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=I01L>

## Reptiles

**Giant Garter Snake** *Thamnophis gigas* **Threatened**

CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=C057>

## Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

Attachment C

Photographs



Paved area in the northwest tip of the site, looking southeast; 06/10/15.



Weedy grassland in the southeast part of the site, looking northwest; 05/10/15.



Nunes Road along the north edge of the site, looking east from 7th Street; 06/10/15.



Landscaped strip along Highway 58, looking southeast from the northwest corner of the site, 06/10/15.



Cottonwood in the north-central part of the site, looking west; 06/10/15. A large raptor stick nest in this tree is tattered and appears to be from the 2014 nesting season.



Old foundations, palms and a pecan tree in the northwest part of the site, looking northwest. 06/10/15. Aerial photographs from the early 2000s' show development in this part of the site.



Two small blue elderberry shrubs in the northeast part of the site, looking northwest; 05/10/15.









One of several large blue elderberry shrubs in the parcel just east of the site; 05/10/15. The shrub is approximately 30 feet east of the east edge of the site.

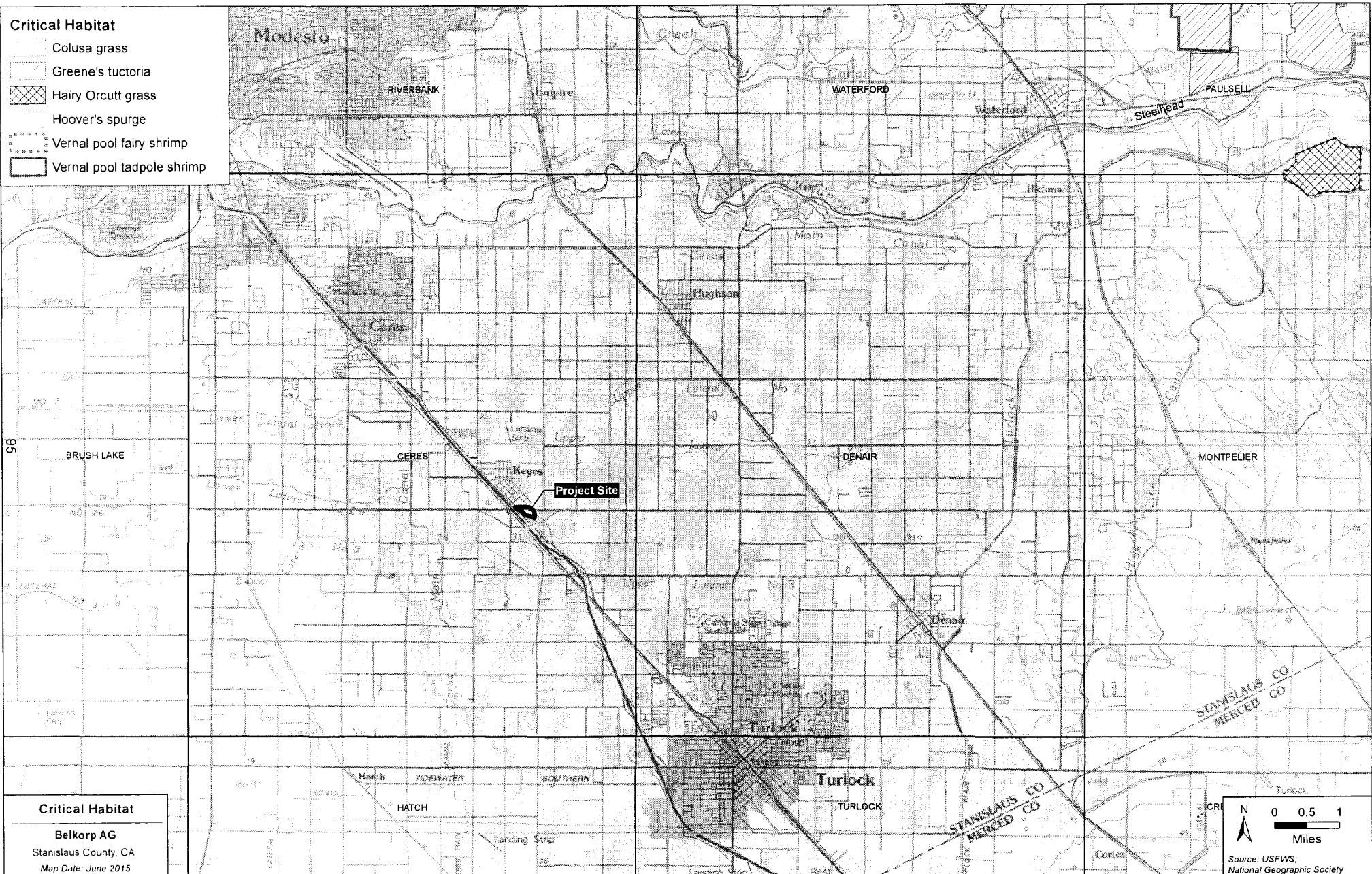




Old detention basin along Nunes Road, looking west, 05/10/15. This small basin is in the vicinity of the old foundations and was likely constructed when the site was previously developed.

Attachment D  
Designated Critical Habitat

- Critical Habitat**
-  Colusa grass
  -  Greene's tuctoria
  -  Hairy Orcutt grass
  -  Hoover's spurge
  -  Vernal pool fairy shrimp
  -  Vernal pool tadpole shrimp



**Critical Habitat**  
 Belkorp AG  
 Stanislaus County, CA  
 Map Date: June 2015

N  
 0 0.5 1  
 Miles  
 Source: USFWS,  
 National Geographic Society

## **ARCHAEOLOGICAL INVENTORY SURVEY**

**Belkorp Development Project,  
circa 14 acres, Stanislaus County, California.**

Prepared for

**Hawkins & Associates Engineering, Inc.**

436 Mitchell Road  
Modesto, CA 95354

Author

**Sean Michael Jensen, M.A.**

**Keywords** *for Information Center Use:*

Archaeological Inventory Survey, circa 14-acres, Stanislaus County, CEQA, USGS Keyes, Ca. 7.5' Quad., No Significant Historical Resources, No Unique Archaeological Resources.

April 30, 2015

*GENESIS SOCIETY - PARADISE, CALIFORNIA*

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*ARCHAEOLOGICAL - HISTORICAL - CULTURAL RESOURCE MANAGEMENT SERVICES*

## CONTENTS

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
	Project Background.....	1
	Scope of Work.....	1
	Location .....	2
<b>2.</b>	<b>RECORDS SEARCH and SOURCES CONSULTED.....</b>	<b>2</b>
	Records at Central California Information Center Records .....	2
	Other Sources Consulted.....	3
	Native American Consultation.....	3
<b>3.</b>	<b>ENVIRONMENTAL and CULTURAL CONTEXT .....</b>	<b>3</b>
	Environmental Context .....	3
	Cultural Context .....	4
	Prehistory .....	4
	Ethnography.....	4
	Historic Context.....	5
<b>4.</b>	<b>ARCHAEOLOGICAL SURVEY and CULTURAL INVENTORY.....</b>	<b>6</b>
	Survey Coverage .....	6
	General Observations .....	7
	Prehistoric Resources .....	7
	Historic-Era Resources .....	7
<b>5.</b>	<b>PROJECT EFFECTS.....</b>	<b>7</b>
<b>6.</b>	<b>PROJECT SUMMARY.....</b>	<b>8</b>
<b>7.</b>	<b>REFERENCES CITED and/or UTILIZED .....</b>	<b>9</b>

## ATTACHMENTS

Project Location and Archaeological Survey Area Map.  
Copy of Records Search from CCIC, 9275N, dated March 23, 2015.  
Correspondence to the Native American Heritage Commission (NAHC).

# **1. INTRODUCTION**

## **Project Background**

This report details the results of an archaeological inventory of the proposed Belkorp Development Project which involves approximately 14-acres, bound by Nunes Road on the north, South Golden State Boulevard to the east, and State Route 99 to the south-southwest, within the community of Keyes, in Stanislaus County, California. The proposed project involves construction of a new commercial facility, including construction of new structures, parking areas, access roads, placement of utilities, etc.

Since the project could involve physical disturbance to ground surface and sub-surface components in conjunction with proposed commercial development, it has the potential to impact cultural resources that may be located within the APE. In this case, the APE consists of the circa 14-acre property. Evaluation of the project's potential to impact cultural resources must be undertaken in conformity with Stanislaus County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Public Resources Code, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq. (Guidelines as amended).

## **Scope of Work**

At the most general level, compliance with CEQA requires completion of projects in conformity with the standards contained in Section 15064.5 of the CEQA Guidelines, as amended. Based on this and other relevant Sections of the Guidelines, the following specific tasks were considered an adequate and appropriate Scope of Work for the present project:

- Conduct a records search at the Central California Information Center of the California Historical Resources Information System at CSU-Stanislaus, and review state data bases and other relevant background information. The goals of the records search and data base review are to determine (a) the extent and distribution of previous archaeological surveys, (b) the locations of known archaeological sites and any previously recorded archaeological districts, and (c) the relationships between known sites and environmental variables. This step is designed to ensure that, during subsequent field survey work, all archaeological and historical sites considered significant per CEQA are discovered, correctly identified, fully documented, and properly interpreted.
- Conduct a pedestrian field survey of the project area. Based on map review, a complete coverage intensive survey was considered appropriate, given the presence of potentially high archaeological sensitivity throughout the project area. The purpose of the pedestrian survey is to ensure that any previously recorded sites identified during the records search are re-located and existing evaluations updated based on current site and field conditions. For previously undocumented sites identified which might qualify as "cultural resources" per CEQA, the field survey would involve formally recording these on DPR-523 Forms.

- Upon completion of the records search and pedestrian survey, prepare an archaeological inventory survey report that identifies project effects and recommends appropriate mitigation measures for any prehistoric or historic sites recommended significant under CEQA and which might be affected by the project.

The remainder of the present document constitutes the Final Report for this project, detailing the results of the records search and field survey and containing recommendations for treatment of significant sites that could be impacted by the project. All field survey procedures followed guidelines provided by the State Historic Preservation Office (Sacramento) and conform to accepted professional standards.

## Location

The Belkorp Development Project area involves approximately 14-acres, bound by Nunes Road on the north, South Golden State Boulevard to the east, and State Route 99 to the south-southwest, within the community of Keyes, in Stanislaus County, California. Lands affected are located within a portion of Section 31 of T4S, R10E, as shown on the USGS Keyes, California, 7.5' quadrangle (see attached *Project Location Map*).

The most important natural surface water source within the project area is the Tuolumne River which flows roughly east-west approximately 5 miles north of the project area. No permanent sources of surface water are located within the project property.

Based on a review of topographic and other maps, and notwithstanding prior impacts to surface and subsurface soil components resulting from intensive agricultural, residential and commercial development, the study area appeared to contain lands ranging from low to moderate in sensitivity for historic-era resources, and generally low in sensitivity for prehistoric resources.

## 2. RECORDS SEARCH and SOURCES CONSULTED

Several sources of information were considered relevant to evaluating the types of archaeological sites and site distribution that might be encountered within the project area. The information evaluated prior to conducting pedestrian field survey includes soil types and geomorphological features, data maintained by the Central California Information Center at CSU-Stanislaus, and review of available published and unpublished documents relevant to regional prehistory, ethnography, and early historic developments.

### Records at Central California Information Center

Prior to conducting the intensive-level field survey, a search of archaeological records maintained by the Central California Information Center at CSU-Stanislaus was conducted (CCIC File # 9275N, dated March 23, 2015). This search included the APE, and lands immediately adjacent to the APE, the findings of which included:

- **Previous Archaeological Survey:** According to the information center, none of the present APE has been subjected to formal archaeological survey. Chavez (1976) conducted a survey adjacent to the north side of the APE (CCAIC Report # ST-859).
- **Recorded Cultural Resources:** According to the Information Center, no prehistoric or historic archaeological resources have been recorded within, or immediately adjacent to, the APE.

## Other Sources Consulted

In addition to the archaeological records of Stanislaus County as maintained by the Central California Information Center, the following sources were also consulted:

- The National Register of Historic Places (1986, Supplements to 2014).
- The California Register of Historical Resources (2014).
- The California Inventory of Historic Resources (1976).
- California State Historical Landmarks (1996).
- California Points of Historical Interest (1992).
- OHP Historic Property Data File (3/20/14).
- OHP Archaeological Determination of Eligibility (4/5/12).
- The Survey of Surveys (1989).
- Caltrans State and Local Bridges Inventory.
- GLO Plat T4S, R10E, Sheet # 44-245, dated 1853-54.
- 1953 USGS Keyes, CA 7.5' quadrangle.
- 1969 USGS Keyes, CA 7.5' quadrangle (Photorevised 1987).
- Published and unpublished documents relevant to environment, ethnography, prehistory and early historic developments in the vicinity, providing context for assessing site types and distribution patterns for the project area (summarized below under *Environmental and Cultural Context*).

## Native American Consultation

In addition to examining the records of Stanislaus County at the CCIC and reviewing published and other sources of information, consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on April 28, 2015. To date, the NAHC has yet to respond.

## 3. Environmental and Cultural Context

### Environmental Context

Situated within the central San Joaquin Valley, the APE occupies relatively flat terrain which was likely subjected to agricultural development during the latter portion of the 19<sup>th</sup> century, and which has been subjected to intensive agricultural, residential and commercial activities over the past century. Elevation within the APE averages approximately 93 feet above mean



sea level. The most important natural surface water source within the project area is the Tuolumne River which flows roughly east-west approximately 5 miles north of the project area. No permanent sources of surface water are located within the project property.

Generally, environmental conditions within the Central Valley have remained stable throughout the past 8-10,000 years, although minor fluctuations in overall precipitation and temperature regime have been documented, and these undoubtedly influenced prehistoric patterns of land use and settlement.

## Cultural Context

**Prehistory:** The earliest residents of the study area are represented by the Fluted Point and Western Pluvial Lakes Traditions, which date from about 11,500 to 7,500 years ago (Moratto 2004). Within portions of the Central Valley, fluted projectile points have been found at Tracy Lake (Heizer 1938) and around the margins of Buena Vista Lake in Kern County. Similar materials have been found to the north, at Samwel Cave near Shasta Lake and near McCloud and Big Springs in Siskiyou County. These early peoples are thought to have subsisted using a combination of generalized hunting and lacustrine exploitation (Moratto 2004).

These early cultural assemblages were followed by an increase in Native population density after about 7,500 years ago. One of the most securely dated of these assemblages in north-central California is from the Squaw Creek Site located north of Redding. Here, a charcoal-based C-14 date suggests extensive Native American presence around 6,500 years ago, or 4,500 B.C. Most of the artifactual material dating to this time period has counterparts further south, around Borax (Clear) Lake and the Farmington Area a short distance east of Sacramento. Important artifact types from this time period include large wide-stemmed projectile points and manos and metates.

In the Central Valley of California in the general vicinity of the project area, aboriginal populations continued to expand between 6,500 and 4,500 years ago. Penutian-speaking Native American peoples are thought to have arrived in the area during this period, eventually displacing the earlier Hokan-speaking populations in both upland and valley zones. Presumably introduced by these later Penutian-speaking arrivals were more extensive use of bulbs and other plant foods, animal and fishing products more intensively processed with mortars and pestles, and perhaps the bow and arrow and associated small stemmed- and corner-notched projectile points. The Penutian-speaking peoples occupying the project area at the time of initial contact with European American populations were the Yokuts.

**Ethnography:** As noted above, the project area is located within land claimed by the Penutian-speaking Yokuts at the time of initial contact with European American populations circa. A.D. 1850 (Kroeber 1925:474-573; Wallace 1978: Figure 1). The Yokuts occupied an area extending from the crest of the Coast "Diablo" Range easterly into the foothills of the Sierra Nevada, north to the American River, and south to the upper San Joaquin River.

The basic social unit for the Yokuts was the family, although the village may also be considered a social, as well as a political and economic, unit. Villages were often located on flats adjoining streams, and were inhabited mainly in the winter as it was necessary to go out

into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall). Villages typically consisted of a scattering of small structures, numbering from four or five to several dozen in larger villages, each house containing a single family of from three to seven people. Larger villages, with from twelve to fifteen or more houses, might also contain an earth lodge.

As with most California Indian groups, economic life for the Yokuts revolved around hunting, fishing and the collecting of plant foods, with deer, acorns, avian, and aquatic resources representing primary staples. The collection and processing of these various food resources was accomplished with the use of a wide variety of wooden, bone and stone artifacts. The Yokuts were very sophisticated in terms of their knowledge of the uses of local animals and plants, and of the availability of raw material sources which could be used in manufacturing an immense array of primary and secondary tools and implements. However, only fragmentary evidence of their material culture remains, due in part to perishability, and in part to the impacts to archaeological sites resulting from later (historic) land uses.

**Historic Context:** Interior California was initially visited by Anglo-American fur trappers, Russian scientists, and Spanish-Mexican expeditions during the early part of the 19<sup>th</sup> Century. These early explorations were followed by a rapid escalation of European-American activities, which culminated in the massive influx fostered by the discovery of gold at Coloma in 1848.

Early Spanish expeditions arrived from Bay Area missions as early as 1804, penetrating the northwestern San Joaquin Valley (Cook 1976). By the mid-1820s, hundreds of fur trappers were annually traversing the Valley on behalf of the Hudson's Bay Company (Maloney 1945). By the late 1830s and early 1840s, several small permanent European-American settlements had emerged in the Central Valley and adjacent foothill lands, including Ranchos in the interior Coast Range, and of course the settlement at New Helvetia (Sutter's Fort) at the confluence of the Sacramento and American Rivers (Sacramento).

With the discovery of gold in the Sierra Nevada, large numbers of European-Americans, Hispanics, and Chinese arrived in and traveled through the Valley. The Valley's east-side mining communities' demands for hard commodities led quickly to the expansion of ranching and agriculture throughout the Great Central Valley and the interior valleys of the Coast Range. Stable, larger populations arose and permanent communities slowly emerged in the Central Valley, particularly along major transportation corridors. Of particular importance in this regard was the transformation brought about by the railroads.

The Southern Pacific and Central Pacific Railroads and a host of smaller interurban lines to the north and east around the cities of Sacramento, Stockton and Modesto began intensive projects in the late 1860s. By the turn of the century, nearly 3,000 miles of lines connected the cities of Modesto and Stockton with points south and north. Many of the valley's cities, including many in Stanislaus and adjacent Counties, were laid out as isolated railroad towns in the 1870s and 1880s by the Southern and Central Pacific, which not only built and settled, but continued to nurture the infant cities until settlement could be independently sustained.

One community that originated, at least in part, separate from the railroad was Ceres, which is located a short distance north of the community of Keyes and the present APE. Named

after the Roman goddess of agriculture, Ceres was founded by Daniel Whitmore in 1870 with the construction of a residence/post office in 1870. In that same year, Ephraim Hatch donated land to the Central Pacific Railroad when they constructed a right-of-way through his land (Hohenthal, et al. 1972).

In 1875, Whitmore filed a map, which was prepared by his brother R. K. Whitmore, for the planned community of Ceres. Residential lots were subsequently sold, and agricultural activities intensified within the area. In order to serve the burgeoning population, as well as the increased agricultural commodities from the area, the San Francisco & San Joaquin Valley Railroad (SF&SV) was constructed in the region in 1895. In 1898, the Atchison Topeka & Santa Fe Railroad bought the SF&SV (Brotherton 1981).

In order to accommodate the expanding agricultural land use in the area, water conveyance became a critical issue for the region. The Turlock Irrigation District (TID) was formed in 1887, with construction of the La Grange Dam on the Tuolumne River in 1893 reflecting a substantial effort to this end. Over the next decade, a system of canals was constructed to serve the region.

Agricultural development intensified through the end of the 19<sup>th</sup> and into the 20<sup>th</sup> Centuries, spurred initially and then supported by the railroads that provided the means for bulk product to be transported to a much larger market. By the end of the 19<sup>th</sup> Century, a very substantial portion of the Valley was being intensively cultivated, with increasing mechanization occurring throughout all of the 20<sup>th</sup> Century and substantial expansion of cultivated acreage occurring with the arrival of water from the CVP.

## **4. ARCHAEOLOGICAL SURVEY and CULTURAL INVENTORY**

### **Survey Coverage**

All of the circa 14-acre APE was subjected to intensive pedestrian survey by means of walking systematic transects, spaced at 20 meter intervals.

In searching for cultural resources, the surveyor took into account the results of background research and was alert for any unusual contours, soil changes, distinctive vegetation patterns, exotic materials, artifacts, feature or feature remnants and other possible markers of cultural sites.

Field work was undertaken on April 26, 2015 by Sean Michael Jensen. Mr. Jensen is a professional archaeologist, with 28 years experience in archaeology and history, who meets the Secretary of Interior's Standards for Professional Qualification, as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists and historians. No special problems were encountered and all survey objectives were satisfactorily achieved.

## General Observations

According to documentation obtained by Fisco (2014a, 2014b) the western half of the present APE consisted of agricultural land and residential property from at least 1916. Between 1957 and 1967, that same portion of the property was home to a commercial sales facility, and between 1998 and 2005 had been converted to residential development. By 2012, the portion of the property was vacant. The remaining portion of the property appears to have been utilized for agriculture until around 1984. According to the property owner, a residence and barn which occupied the property were subjected to a controlled training fire undertaken by the local fire department.

Several concrete slabs, paved parking areas, and paved drives were observed throughout the property, especially concentrated within the northwestern portion of the APE. These features are the remnants of the aforementioned activities and subsequent wholesale demolition.

All of these activities (farming, ranching, commercial development, residential development, subsequent razing of all structures) have severely impacted the surface and subsurface soils within the APE. Additional disturbances include placement of buried and overhead utilities, and adjacent road construction and maintenance.

## Prehistoric Resources

No prehistoric resources were identified during the present pedestrian survey. The absence of such resources may best be explained by the absence of a permanent source of surface water within, or nearby the project area, and to the degree of disturbance to which the entire property has been subjected.

## Historic-Era Resources

No evidence of historic-era resources was observed within the APE during the present pedestrian survey. As noted above, several concrete slabs, paved parking areas, and paved drives were observed throughout the property, especially concentrated within the northwestern portion of the APE. These features are the remnants of the aforementioned activities and subsequent wholesale demolition. Consistent with contemporary standards and practices (*sec.* Caltrans), these features represent a “property type” exempt from evaluation. Consequently, these features do not achieve the threshold to qualify as a significant historical resource, and warrant no further consideration.

## 5. PROJECT EFFECTS

A project may have a significant impact or adverse effect on significant historical resources/unique archaeological resources/historic properties if the project will or could result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance or values of the historic resource would be materially impaired. Actions that would materially impair a cultural resource or historic

property are actions that would alter or diminish those attributes of a site that qualify the site for inclusion in State site registers or the National Register of Historic Places.

Based on the specific findings detailed above under *Pedestrian Survey and Inventory*, no significant historical resources/unique archaeological resources are present within the project area and no historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed.

## 6. PROJECT SUMMARY

This report details the results of an archaeological inventory of the proposed Belkorp Development Project which involves approximately 14-acres, bound by Nunes Road on the north, South Golden State Boulevard to the east, and State Route 99 to the south-southwest, within the community of Keyes, in Stanislaus County, California. The proposed project involves construction of a new commercial facility, including construction of new structures, parking areas, access roads, placement of utilities, etc.

A search of State data bases, including all records and documents available at the Central California Information Center, and intensive pedestrian survey, failed to identify significant historical resources/unique archaeological resources within the 14-acre APE.

Based on the findings of the present archaeological inventory, no significant historical resources and no unique archaeological resources will be affected within the 14-acre APE. Despite these negative findings, the following general provisions are considered appropriate:

- 1) ***Consultation in the event of inadvertent discovery of human remains:*** Evidence of human burial or scattered human remains related to prehistoric occupation of the area could be inadvertently encountered anywhere within the project area during future construction activity or other actions involving disturbance to the ground surface and subsurface components. In the event of such an inadvertent discovery, the County Coroner would have to be informed and consulted, per State law. Ultimately, the goal of consultation is to establish an agreement between the most likely lineal descendant designated by the Native American Heritage Commission and the project proponent(s) with regard to a plan for treatment and disposition of any human remains and artifacts which might be found in association. Such treatment and disposition may require reburial of any identified human remains/burials within a “preserve” or other designated portion of the development property not subject to ground disturbing impacts.
- 2) ***Consultation in the event of inadvertent discovery of cultural material:*** The present evaluation and recommendations are based on the findings of an inventory-level surface survey only. There is always the possibility that significant unidentified cultural materials could be encountered on or below the surface during the course of future development or construction activities. This caveat is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance has occurred, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

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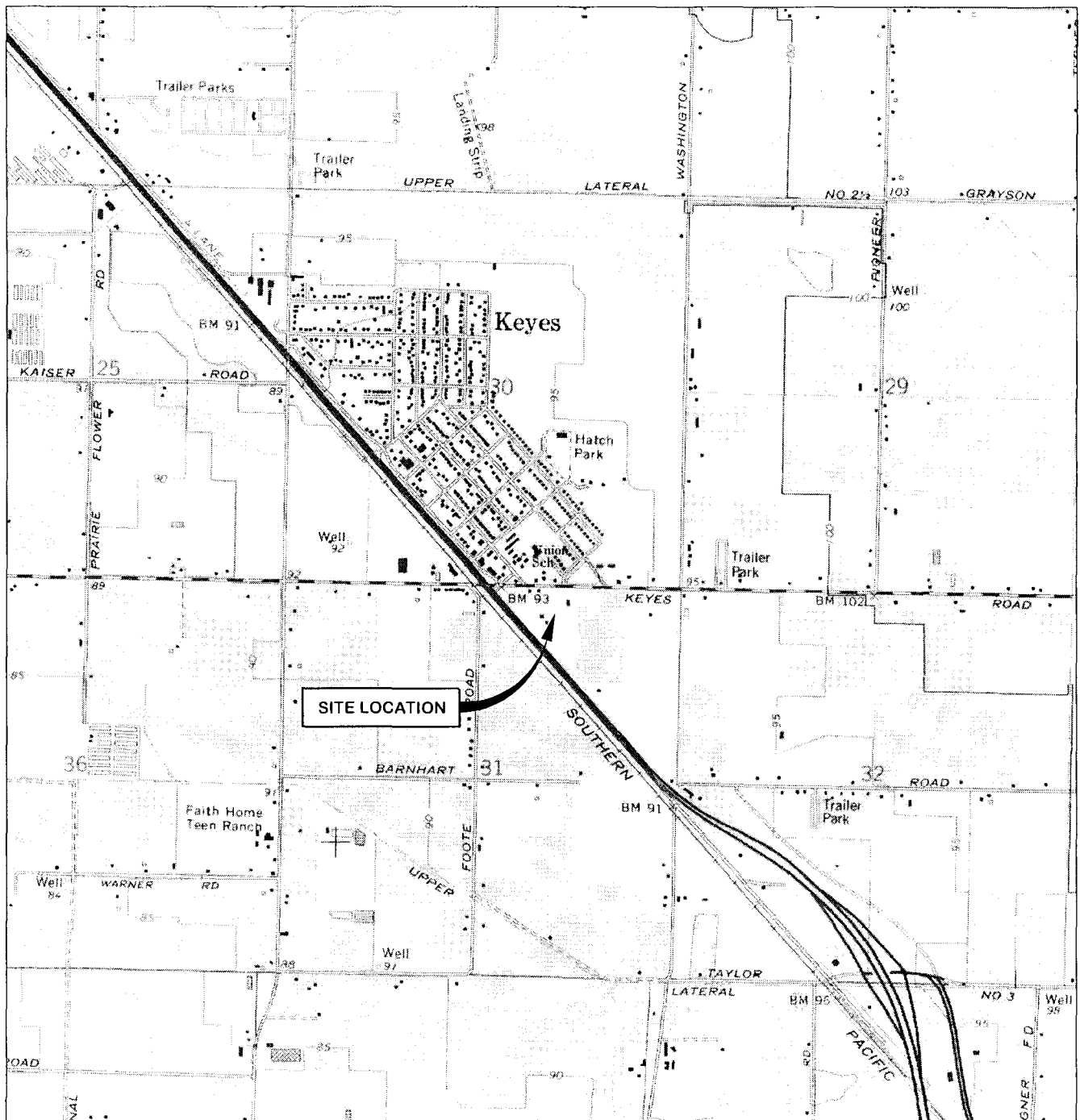
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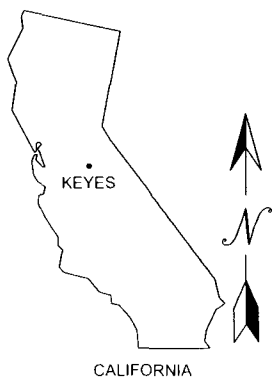
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1945 "Fur Brigade to the Bonaventura: John Work's California Expedition, 1832-1833, for the Hudson's Bay Company," *The Journal of John Work*, Alice B. Maloney, Editor. California Historical Society, San Francisco.



REFERENCE: 7.5 MINUTE USGS QUADRANGLE KEYES, CALIFORNIA. DATED 1987 AND PHOTOREVISED FROM 1969



Washington  
Issaquah | Bellingham | Seattle

Oregon  
Portland

California  
Oakland | Sacramento

**FARALLON**  
CONSULTING

Quality Service for Environmental Solutions | farallonconsulting.com

**FIGURE 1**

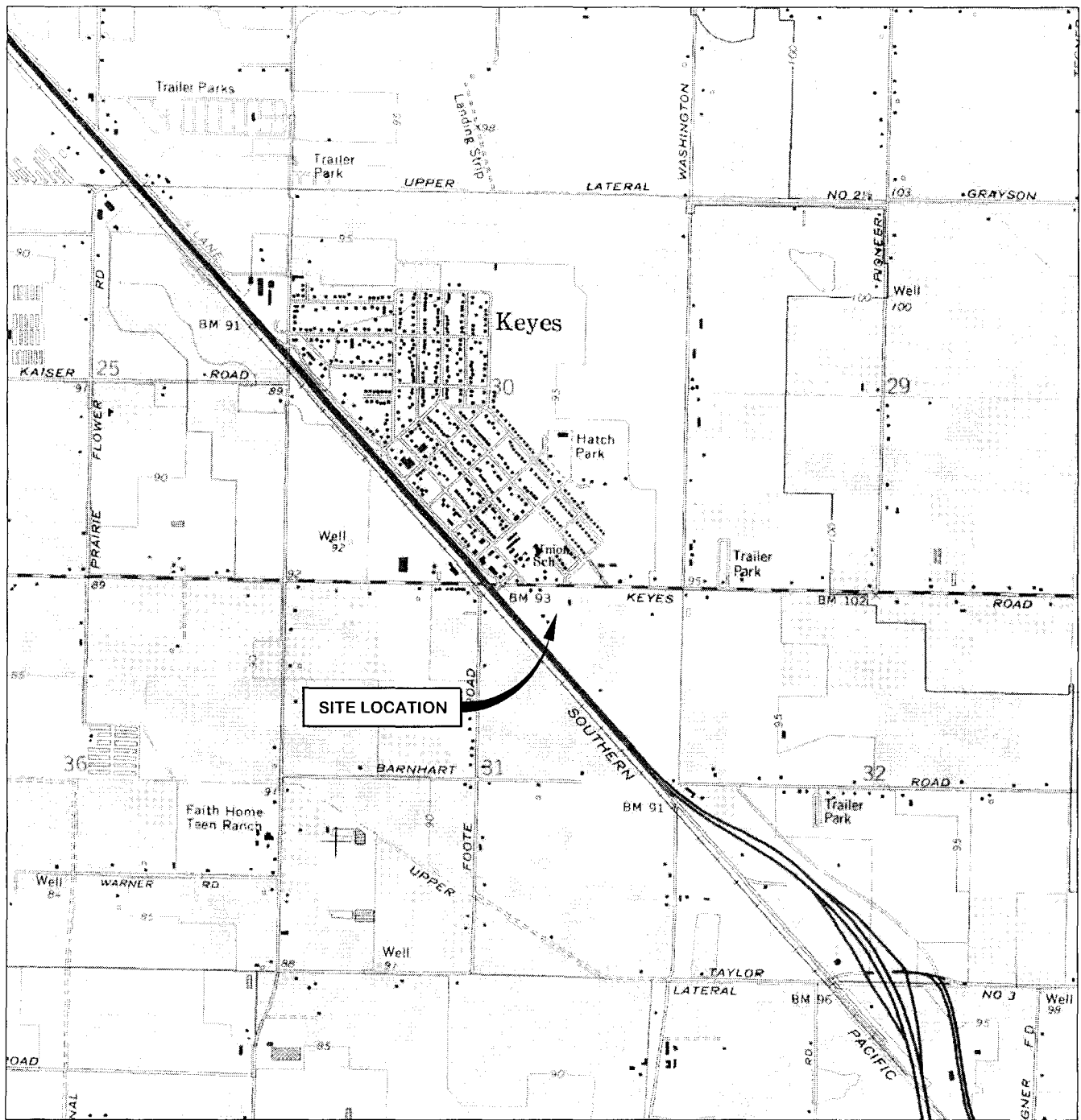
SITE VICINITY MAP  
COCHRAN PROPERTY  
4612 NUNES ROAD  
KEYES, CALIFORNIA

FARALLON PN: 527-017

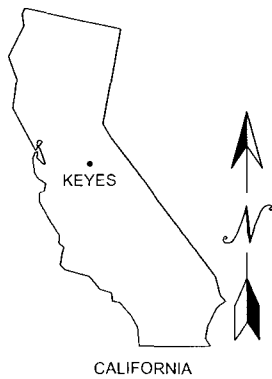
Drawn By: GPF

Checked By: JH

Date: 11/25/2014 Disk Reference: 527-017c



REFERENCE: 7.5 MINUTE USGS QUADRANGLE KEYES, CALIFORNIA. DATED 1987 AND PHOTOREVISED FROM 1969



Washington  
Issaquah | Bellingham | Seattle

Oregon  
Portland

California  
Oakland | Sacramento

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**FIGURE 1**

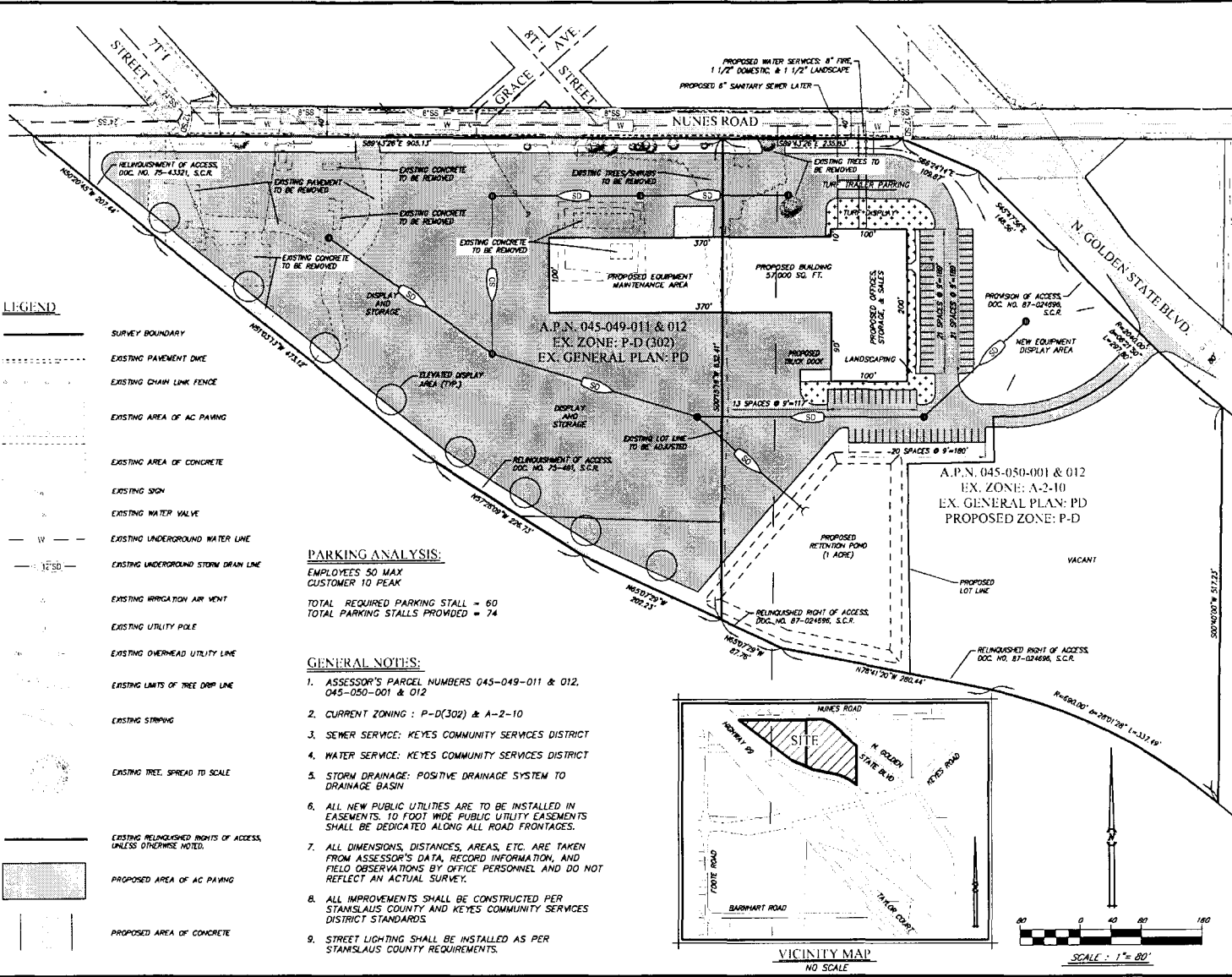
SITE VICINITY MAP  
SUCKOW PROPERTY  
STANISLAUS COUNTY APNs 045-050-001, -011, -012  
KEYES, CALIFORNIA

FARALLON PN: 527-017

Drawn By: GPF

Checked By: JH

Date: 11/25/2014 Disk Reference: 527-017s

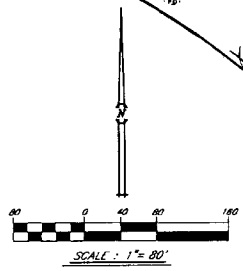
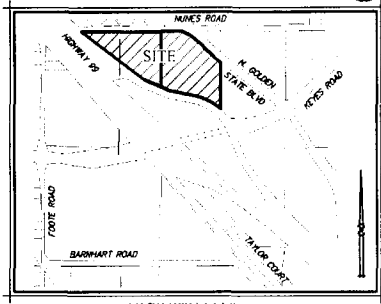


**LEGEND**

	SURVEY BOUNDARY
	EXISTING PAVEMENT DIKE
	EXISTING CHAIN LINK FENCE
	EXISTING AREA OF AC PAVING
	EXISTING AREA OF CONCRETE
	EXISTING SPOON
	EXISTING WATER VALVE
	EXISTING UNDERGROUND WATER LINE
	EXISTING UNDERGROUND STORM DRAIN LINE
	EXISTING IRRIGATION AIR VENT
	EXISTING UTILITY POLE
	EXISTING OVERHEAD UTILITY LINE
	EXISTING LIMITS OF TREE DROP LINE
	EXISTING STRIPING
	EXISTING TREE, SPREAD TO SCALE
	EXISTING RELINQUISHED RIGHTS OF ACCESS, UNLESS OTHERWISE NOTED
	PROPOSED AREA OF AC PAVING
	PROPOSED AREA OF CONCRETE

**PARKING ANALYSIS:**  
 EMPLOYEES 50 MAX  
 CUSTOMER 10 PEAK  
 TOTAL REQUIRED PARKING STALL = 60  
 TOTAL PARKING STALLS PROVIDED = 74

- GENERAL NOTES:**
- ASSESSOR'S PARCEL NUMBERS 045-049-011 & 012, 045-050-001 & 012
  - CURRENT ZONING : P-D(302) & A-2-10
  - SEWER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
  - WATER SERVICE: KEYES COMMUNITY SERVICES DISTRICT
  - STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN
  - ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED IN EASEMENTS, 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
  - ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
  - ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER STANISLAUS COUNTY AND KEYES COMMUNITY SERVICES DISTRICT STANDARDS.
  - STREET LIGHTING SHALL BE INSTALLED AS PER STANISLAUS COUNTY REQUIREMENTS.



<b>HAWKINS &amp; ASSOCIATES ENGINEERING, INC.</b> 436 MITCHELL RD. MODESTO, CA. 95354 PH: (209) 575-4295 FX: (209) 578-4295	<b>PLOT PLAN EXHIBIT</b> <b>REZONE/PLAN AMENDMENT</b> 4618 NUNES ROAD, KEYES STANISLAUS COUNTY, CALIFORNIA	BY: RCS CHK: RHH DATE: 3/22/15 SCALE: 1"=80' JOB #: 3233	RODRICK H. HAWKINS P.C.E. 40194 CROUPE LINDSAY P.C.E. 31060 L.S. 2704 KEVIN GENASCIO L.S. 9650 SYM. DATE DESCRIPTION DATE
	<b>SHEET 1. OF 2.</b>		



**CENTRAL CALIFORNIA INFORMATION CENTER**

*California Historical Resources Information System*  
Department of Anthropology – California State University, Stanislaus  
One University Circle, Turlock, California 95382  
(209) 667-3307 - FAX (209) 667-3324

---

*Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties*

**Date:** 3/23/2015

**Records Search File #:** 9275N  
**Project:** Subdivision Map, APN  
045-049-0011 and 012; and  
045-050-001 and 012

Louretta Halstead, Office Manager  
Hawkins & Associates Engineering, Inc.  
436 Mitchell Road  
Modesto, CA 95354

[lhalstead@hawkins-eng.com](mailto:lhalstead@hawkins-eng.com)

Dear Ms. Halstead:

We have conducted a records search as per your request for the above-referenced project area located on the Ceres USGS 7.5-minute quadrangle map in Stanislaus County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (ADOE) (Office of Historic Preservation current electronic files dated 03-20-2014), the *Survey of Surveys* (1989), the Caltrans State and Local Bridges Inventory, GLO Plats (T4S R10E, Sheet #44-245, dated 1853-54) and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

**Prehistoric or historic resources within the project area:** None have been formally reported to the Information Center. For your information the 1953 edition of the Ceres USGS 7.5' quadrangle shows several buildings that would be 62 years in age (or older), considered as possible historic resources within the project area. In viewing the current Google Earth map for the project area, it is evident that the buildings have been demolished and only foundations remain.

**Prehistoric or historic resources within the immediate vicinity of the project area:** None have been formally reported to the Information Center.

**Resources that are known to have value to local cultural groups:** None have been formally reported to the Information Center.

**Previous investigations within the project area:** None have been formally reported to the Information Center.

**Previous investigations within the immediate vicinity of the project area:** Only one investigation has been conducted along the northern edge of the project area, referenced as follows:

CCIC Report #ST-00859

Chavez, D., 1976. An Archaeological Reconnaissance of the Robert's Ferry Reservoir and Water Extraction and Conveyance Systems, Stanislaus County, California: Phase II

**Recommendations/Comments:** Based on existing data in our files the project area has a moderate-high sensitivity for the possible discovery of historical resources—the 1953 map shows buildings that would be 62 years in age and considered as possible historical resources. Google Earth satellite imagery shows that only foundations remained at some point in time. Even if the foundations have been removed, there could be buried historical remains within the project area. It is recommended that survey by a qualified historical resources consultant be completed to record any potential historical remains prior to implementation of the project or issuance of any discretionary permit.

The Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. The project area has not been subject to previous investigations and there are previously unrecorded historical features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

We advise you that in accordance with State law, if any historical resources are discovered during project-related activities, all work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If Native American remains are found the County Coroner and the Native American Heritage Commission, Sacramento (916-373-3710) are to be notified immediately for recommended procedures.

**We further advise you that if you retain the services of a historical resources consultant, the firm or individual you retain is responsible for submitting any report of findings prepared for you to the Central California Information Center, including one copy of the narrative report and two copies of any records that document historical resources found as a result of field work. If the consultant wishes to obtain copies of materials not included with this records search reply, additional copy or records search fees may apply.**

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Please sign and return the attached **Access Agreement Short Form**.

**Note:** Billing will be transmitted separately via email ([msr270@csustan.edu](mailto:msr270@csustan.edu)) by our Financial Services office (\$150.00), payable within 60 days of receipt of the invoice.

Sincerely,

E. A. Greathouse, Coordinator  
Central California Information Center  
California Historical Resources Information System

# GENESIS SOCIETY

*a Corporation Sole*

7053 MOLOKAI DRIVE  
PARADISE, CALIFORNIA 95969  
(530) 680-6170 VOX  
(530) 876-8650 FAX  
seanjensen@comcast.net

April 28, 2015

## **Native American Heritage Commission**

1550 Harbor Boulevard,  
West Sacramento, California 95691

***Subject: Lemos Parcel Project, circa 144-acres, Stanislaus County, California.***

Dear Commission:

We have been requested to conduct the archaeological survey, for the above-cited project, and are requesting any information you may have concerning archaeological sites or traditional use areas for this area. Any information you might supply will be used to supplement the archaeological and historical study being prepared for this project.

**Project Name:** Lemos Parcel Split Project, circa 144-acres  
**County:** Stanislaus  
**Map:** USGS Paulsell, 7.5'  
**Location:** Portion of Section 13 of T3S, R11E.

Thanks in advance for your assistance.

Regards,



**Sean Michael Jensen, Administrator**

*Genesis Society  
a Corporation Sole*



# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

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

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### Mitigation Monitoring Plan

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

**August 7, 2015**

1. Project title and location: Rezone Application No. PLN2015-0032 – Belkorp AG  
4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area. (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012).
2. Project Applicant name and address: Belkorp AG  
2413 Crows Landing Road  
Modesto, CA 95358
3. Person Responsible for Implementing Mitigation Program (Applicant Representative): Tim Stokes, Belkorp AG
4. Contact person at County: Rachel Wyse, Associate Planner (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

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

##### I. AESTHETICS

- No. 1 Mitigation Measure: New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.

Who Implements the Measure:	Applicant
When should the measure be implemented:	During building design
When should it be completed:	Prior to issuance of the Final Occupancy Permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Permits Division
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department, Planning Division

- No. 2 Mitigation Measure: New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.

Who Implements the Measure:	Applicant
When should the measure be implemented:	During building design
When should it be completed:	Prior to issuance of the Final Occupancy Permit
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Permits Division
Other Responsible Agencies:	Stanislaus County Planning and Community Development Department, Planning Division

#### IV. BIOLOGICAL RESOURCES

No. 3 Mitigation Measure: Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service (USFWS) regarding removing the shrubs.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to removal of the small blue elderberry shrubs.
When should it be completed:	After United States Fish and Wildlife (USFW) approval of a plan to remove the small blue elderberry shrubs.
Who verifies compliance:	USFW
Other Responsible Agencies:	California Department of Fish and Wildlife (CDFW); Stanislaus County Planning and Community Development Department, Planning Division.

No. 4 Mitigation Measure: Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protected with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to grading and/or grubbing of site.
When should it be completed:	After April 15, the 10 foot buffer area can be removed.
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Planning Division
Other Responsible Agencies:	USFW and/or Stanislaus County Planning and

Community Development Department.

No. 5 Mitigation Measure: Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

Who Implements the Measure: Applicant

When should the measure be implemented: Prior to any commencement of any construction activity between March 1 and September 1 of the year.

When should it be completed: As determined by a qualified biologist when construction activities take place between March 1 and September 1 during the year.

Who verifies compliance: California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).

Other Responsible Agencies: CDFW and/or Stanislaus County Planning and Community Development Department.

No. 6 Mitigation Measure: Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).

Who Implements the Measure: Applicant

When should the measure be implemented: Prior to any commencement of any grading, grubbing or construction activity between February 1 and August 31 of the year.

When should it be completed: Prior to any grading, grubbing or construction activities.

Who verifies compliance: California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).

Other Responsible Agencies: CDFW and/or Stanislaus County Planning and Community Development Department.

No. 7 Mitigation Measure: Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active

nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

Who Implements the Measure:	Applicant
When should the measure be implemented:	Prior to any commencement of any grading, grubbing or construction activity between March 1 and July 31 of the year.
When should it be completed:	Prior to any grading, grubbing or construction activities.
Who verifies compliance:	California Department of Fish and Wildlife (CDFW) in consultation with a qualified biologist (Moore Biological Consultants).
Other Responsible Agencies:	CDFW and/or Stanislaus County Planning and Community Development Department, Planning Division.

#### **XVI. TRANSPORTATION/TRAFFIC**

No. 8 Mitigation Measure: The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	Prior to issuance of a building permit.
When should it be completed:	Prior to issuance of a building permit.
Who verifies compliance:	Stanislaus County Planning and Community Development Department, Building Division.
Other Responsible Agencies:	Keyes Community Service District.

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

Signature on File  
Person Responsible for Implementing  
Mitigation Program

August 6, 2015  
Date



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

## CEQA INITIAL STUDY

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

1. **Project title:** Rezone Application No. PLN2015-0032 – Belkorp AG
2. **Lead agency name and address:** Stanislaus County  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Rachel Wyse, Associate Planner
4. **Project location:** 4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area. (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012).
5. **Project sponsor's name and address:** Belkorp AG – Tim Stokes  
2413 Crows Landing Road  
Modesto, CA 95358
6. **General Plan designation:** Planned Development
7. **Community Plan designation:** HC (Highway Commercial)
8. **Zoning:** PD 302 (Planned Development) and A-2-10 (General Agriculture)
9. **Description of project:**

Request to rezone a 17.3± acre project site, from expired PD 302 and A-2-10 to a new PD (Planned Development), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square foot, two-story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74-space parking lot and driveways and construct an approximately one acre drainage basin south of the proposed building. Golden State Boulevard will provide primary access to the site. All existing driveways on Nunes Road shall be removed, except for a secondary access, south of the 8<sup>th</sup> Street/Grace Avenue intersection, on the northern boundary of the site. Acreage southeast of the building on APN 045-050-012 and APN 045-050-011 will be rezoned but left vacant and unimproved. This acreage may be utilized by other businesses provided the appropriate land use and building permits are obtained.

The project site is currently vacant and unimproved, except for the northwestern portion of the site which has the remnant foundations, three driveways, and drainage basin associated with the previous on-site trucking business. An Archaeological and Biological Survey were conducted on the 17.3± site. The archaeological survey determined that no historical, archaeological, or cultural resources were likely to occur on site. The biological survey determined that no special status plants, wildlife, or Waters of the US were likely to occur on the site, nor were they present at the time of the biological survey.

As additional background information, in April of 2000, the Board of Supervisors adopted a new Community Plan for the unincorporated community of Keyes along with an Environmental Impact Report (EIR). That EIR identified potential environmental issues and a series of Mitigation Measures were developed to reduce their impacts to less than significant level. Those individual mitigations, as appropriate case by case, apply to projects within the area of the Keyes Community Plan. The Mitigation Monitoring and Reporting Plan (MMRP) for the Keyes EIR is attached to this

Initial Study. Appropriate mitigation measures in each subject are listed alone or alongside mitigation measures identified as a part of the Early Consultation referral for this project. Some mitigation measures listed are based on the Keyes Community Plan MMRP, but have been modified and updated due to changes in development standards, so as to provide equal or greater protection than the original MMRP mitigation measures. In some cases, standard Conditions of Approvals now address previously identified Mitigation Measures. The details of the Keyes EIR mitigation measures can be found in the attached Keyes Community Plan MMRP.

- |   |  |
|---|--|
| <b>10. Surrounding land uses and setting:</b>   | Vacant A-2-10 zoned property with a Planned Development General Plan to the east; Hwy 99, and vineyards to the south and west; Nunes Road, residences, and Keyes Union School District to the north.   |
| <b>11. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):</b> | Stanislaus County Department of Public Works<br>Stanislaus County Department of Environmental Resources<br>Stanislaus Fire Prevention Bureau<br>LAFCO<br>Keyes Community Services District<br>Turlock Irrigation District<br>San Joaquin Valley Air Pollution Control District<br>Regional Water Quality Control Board<br>CA Department of Fish and Wildlife |
| <b>12. Attachments:</b>   | Maps<br>Archaeological Survey<br>Biological Survey<br>Mitigation Monitoring Plan (MMP)<br>Keyes Community Plan MMP<br>Mitigated Negative Declaration   |

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

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

Rachel Wyse  
Prepared by

August 6, 2015  
Date

---

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

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

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

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



**ISSUES**

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

**Discussion:** The project site is bordered by State Route (SR) 99, Nunes Road, and North Golden State Boulevard, in the unincorporated community of Keyes, just north of the Keyes Road Overpass and the northbound SR 99 on and off ramps. The project site is within the Keyes Community Plan boundaries. The Keyes Community Plan, adopted by the Board of Supervisors in April of 2000, identifies the project site as a Gateway area to Keyes, visible from SR 99, that should be designed and landscaped to improve and enhance the appearance of the site and area. A separate landscape plan has not been submitted to date; however, the site plan indicates the use of drought tolerant landscaping in the display area and existing landscaping on the Nunes Road and SR 99 frontages. A final landscape plan, in compliance with the State Water Model Ordinance and in awareness of the drought, will be required at the time of building permit submittal.

There is no existing design criteria for the Keyes Community; however, the Keyes Community Plan encourages attractive and orderly development which preserves a small town atmosphere; the development of large, non-residential sites, with generous landscaping and Highway Commercial type uses along SR 99/Keyes Road Interchange; and the development of "Gateway" treatments and positive, high quality landscaped edges along SR 99 and major roads. These requirements will be addressed through PD development standards, consistent with the Keyes Community Plan, for this project, with design attention paid to the appearance of the rear of the building facing SR 99 and the Keyes Road Interchange, signage, and "Gateway" and landscape treatments.

Operating hours are Monday thru Saturday, from 7:00 a.m. to 6:00 p.m. Due to the orientation of the driveways, it is possible that vehicle lights will have an impact on homes 258± feet to the north of the project's proposed driveway on Nunes Road, during the winter months. Because the proposed business will close by 6:00 p.m., this impact is expected to be less than significant; however, to insure that the neighbors to the north are not impacted, a condition of approval will be added to the project requiring that traffic leaving the site near dusk, shall utilize the Golden State Boulevard entrance/exit. The North Golden State Boulevard driveway is across from the vacant, northeastern-most portion of the subject parcel which will also be rezoned to Planned Development. Consequently, traffic utilizing the Golden State exit is not expected to result in impacts caused by vehicle lights. The building will have wall pack security lights and 30-foot light poles will be installed in the parking lot as required for parking lot safety. Improvements to the site will result in a new source of substantial light and glare which could adversely affect day and/or nighttime views in the area. Mitigation measures have been added to reduce illumination impacts to less than significant. *Keyes MMRP Mitigation Measures Nos. 16, 17 on Page 18 of the MMRP.*

**Mitigation:**

1. *New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.*
2. *New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.*

**References:** Application information; Keyes Community Plan, EIR and MMRP adopted April, 2000; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

<b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**Discussion:** The project site is classified as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program and contains Dinuba and Hanford sandy loam soils. The site is currently zoned as expired P-D (302), which was approved as Rezone 2005-14 – Cherokee Plaza/Patricia Cochran on May 23, 2006, to allow construction of a 50,000 square foot beauty college, restaurants, and retail services on seven acres of the current project site. Prior to this rezone, the property was zoned PD (55) in 1979 to allow a trucking business which utilized the site in one form or another until 2005. This site is not enrolled in a Williamson Act Contract.

The existing Stanislaus County General Plan designation and Keyes Community Plan designation for this site is Planned Development and Highway Commercial respectively. According to the Keyes Community Plan, Planned Development in this area is expected to function similar to the General Plan designations of Highway Commercial and Planned Industrial with a focus on light industrial uses east of SR 99 and heavy industrial uses west of SR 99. The parcels north of the site are zoned H-1 (Highway Frontage), R-1 (Single-Family) R-2 (Medium Density Residential) and R-3 (Multi-Family). There are vacant A-2-10 zoned properties with a Planned Development General Plan to the east; Highway 99, and vineyards to the south and west; Nunes Road, residential homes, and Keyes Union School District to the north. A-2-10 zoned parcels in the immediate vicinity appear to be vacant and unimproved and fallow, as per the County's Geographical Information System (GIS) 2013 aerial photos and site visit. The County has a Right-to-Farm Ordinance in place to protect the agricultural users in the area from unjust nuisance complaints; however, there does not appear to be any agricultural crops in the immediate vicinity of the project site.

Lands within the Keyes Community Plan area, with a General Plan of Agriculture are subject to farmland mitigation upon submittal of a General Plan Amendment/Rezone application. Because the project site is within the Keyes Community Plan area already designated as Highway Commercial and designated as Planned Development in the County General Plan, it is not subject to the Keyes Community Plan's one to one [acre] farmland mitigation. *Keyes MMRP Mitigation Measures Nos. 4.1-1 and 4.1-4 on Page 4 of the MMRP.*

**Mitigation:** None

**References:** Rezone 2005-14 - Cherokee Plaza/Patricia Cochran (P-D [302]); Stanislaus County Zoning Ordinance; the California State Department of Conservation Farmland Mapping and Monitoring Program - Stanislaus County Farmland 2004; Department of Conservation California Farmland Finder; USDA – NRCS Web Soil Survey; Stanislaus County GIS; Keyes Community Plan MMRP; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?				X

**Discussion:** The proposed project is located within the San Joaquin Valley Air Basin (SJVAB) and, therefore, falls under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). In conjunction with the Stanislaus Council of Governments (StanCOG), the SJVAPCD is responsible for formulating and implementing air pollution control strategies. The SJVAPCD's most recent air quality plans are the 2007 PM10 (respirable particulate matter) Maintenance Plan, the 2008 PM2.5 (fine particulate matter) Plan, and the 2007 Ozone Plan. These plans establish a comprehensive air pollution control program leading to the attainment of state and federal air quality standards in the SJVAB, which has been classified as "extreme non-attainment" for ozone, "attainment" for respirable particulate matter (PM-10), and "non-attainment" for PM 2.5, as defined by the Federal Clean Air Act.

The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. The project will increase traffic in the area and, thereby, impacting air quality. The applicant estimates that there will be a maximum of 50 employees on shift, approximately 30 daily customers, 10 of which would visit the site during peak hours, and up to 10 truck trips per day, resulting in a 5% increase in truck traffic for the area. The nearest sensitive receptors are the residences and Keyes Elementary School and School District approximately 200± feet north of the project site.

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

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

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

Construction activities associated with the proposed project would consist primarily of construction of the 57,000 square foot store, associated parking lot, and drainage basin. These activities would not require any substantial use of heavy-duty construction equipment and would require little or no demolition or grading as the site is presently unimproved and considered to be topographically flat. Consequently, emissions would be minimal. Furthermore, all construction activities would occur in compliance with all SJVAPCD regulations; therefore, construction emissions would be less than significant without mitigation.

Operational emissions would be generated by mobile sources as a result of passenger vehicles going to and from work and the estimated 30 customers per day. The project's Early Consultation referral and the Keyes Community Plan Mitigation Monitoring and Reporting Plan (MMRP) was referred to SJVAPCD with a request that staff review the MMRP's mitigation measures and revise or amend as needed. SJVAPCD staff indicated that the project was subject to the SJVAPCD's Rule 9510 Indirect Sources Rule (ISR), and that the MMRP's mitigation measures did not need to be added to this project. *Keyes MMRP Mitigation Measures Nos. 4.4-1(a) and 4.4-2(a) on Pages 11-14 of the MMRP.*

**Mitigation:** None.

**References:** Email referral response from the San Joaquin Valley Air Pollution Control District dated July 31, 2015; San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
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**Discussion:** The property is currently unimproved and zoned P-D (302) (Planned Development) on the western half of the project site and A-2-10 on the eastern half of the project site. Early consultation referral responses have not been received from the U.S. Fish and Wildlife Service; however, the California Department of Fish and Wildlife (CDFW) (formerly the Department of Fish and Game) responded with several project recommendations for nesting birds, such as Swainson’s hawk (SWHA) and Burrowing Owl. SWHA recommendations included: pre-construction surveys for ground disturbing activities occurring during the breeding season (February through mid-September) and compensation for the loss of SWHA habitat. Burrowing Owl recommendations include pre-construction surveys for burrowing owl regardless of when construction will occur to identify any burrowing owl that may occur on the project site. Should Burrowing Owl(s) be found, it is recommended that: 1) impacts to occupied burrows be avoided in accordance with the table provided (in their referral response) which includes burrowing owl location, time of year, and level of disturbance, and; 2) that foraging habitat be acquired and permanently protected to offset the loss of foraging and burrow habitat, and; 3) replacement of occupied burrows with artificial burrow at a ratio of one burrow collapsed to one artificial burrow constructed, as mitigation for the potential significant impact of evicting a burrowing owl, if a biologist knowledgeable with the species determines that suitable burrows are a potential limiting factor for burrowing owl. (See CDFW referral response dated April 27, 2015)

A biological survey, dated June 26, 2015, and completed by Diane Moore, of Moore Biological Consultants, was conducted in response to the CDFW referral response. A field survey of the site was conducted on June 10, 2015, and consisted of walking throughout the project site, making observations of current habitat conditions, and nothing surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers, special-status species, and suitable habitat for special-status species. Additionally, trees within and near the project site were assessed for the potential use by nesting raptors, especially SWHA; and, the site itself was searched for burrowing owls or ground squirrel burrows that could be utilized by burrowing owl. The survey found that while the project site may have provided habitat for special-status wildlife species at some time in the past, farming and development have substantially modified natural habitats in the greater project vicinity. Of the wildlife species identified in the California Natural Diversity Database (CNDDDB), Swainson’s hawk is the only species that has the potential to occur in the site on more than a transitory or very occasional basis. Other special-status birds including tricolor blackbird, and burrowing owl, may fly over the area on occasion, but would not be expected to nest in or immediately adjacent to the project site. No burrowing owls or ground squirrels were observed in the site. Two small blue elderberry shrubs in the northeast corner of the site lacked bore holes indicative of valley elderberry longhorn beetle (VELB), nor were VELB identified within the subject shrubs. In conclusion, based on the biological survey, the site does not appear to have or provide likely habitat for special-status flora or fauna, nor were any special-status species, Waters of the U.S., or wetlands found on site. Conclusion and recommendations of the biological survey can be found on pages 21-22 of the attached biological survey. Mitigation measures, as recommended by the survey are incorporated below.

There is no evidence to suggest that this project would result in impacts to sensitive and endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. There are no known sensitive or protected species or natural communities located on the site and/or in the surrounding area. The project will not conflict with a Habitat Conservation Plan, a Natural Community Conservation Plan, or other locally approved conservation plans. *Keyes MMRP Mitigation Measures Nos. 4.2-1(a) and 4.2-5 on Pages 5-8 of the MMRP.*

**Mitigation:**

3. *Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service regarding removing the shrubs.*
4. *Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.*
5. *Pre-construction surveys for nesting Swainson’s hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist*

- should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).
6. Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).
  7. Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

**References:** Referral response from CDFW dated April 27, 2015; Biological Survey dated June 26, 2015, conducted by Moore Biological Consultants; California Department of Fish and Wildlife (formerly the Department of Fish and Game) California Natural Diversity Database and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** It does not appear this project will result in significant impacts to any archaeological or cultural resources. A records search indicated that there were no prehistoric or historic resources on-site; nor had any local cultural group reported to the Central California Information Center (CCIC) that the property had cultural value. The project was referred to the Native American Heritage Commission (NAHC) which responded with recommendations and procedures in regards to the discovery of archaeological or cultural resources. A condition of approval will be placed on the project that requires that if any resources are found, construction activities will halt at that time and investigated further.

**Mitigation:** None

**References:** Archaeological Inventory Study dated April 30, 2015; Stanislaus County General Plan and Support Documentation<sup>1</sup>

VI. GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

**Discussion:** As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, as per the California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required as part of the building permit process. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed. Any earth moving is subject to Public Works Standards and Specifications which consider the potential for erosion and run-off prior to permit approval. Likewise, any addition of a septic tank or alternative waste water disposal system would require the approval of the Department of Environmental Resources (DER) through the building permit process, which also takes soil type into consideration within the specific design requirements. The project was referred to the Department of Public Works and the Building Permits Division. Both Departments responded with comments to address these concerns and will be incorporated into the project as conditions of approval and/or development standards. Previously identified as *Keyes MMRP Mitigation Measures Nos. 1 and 2 on Pages 14 and 15 of the MMRP of the MMRP.*

**Mitigation:** None.

**References:** California Building Code and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

VII. GREENHOUSE GAS EMISSIONS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Discussion:** The principal Greenhouse Gasses (GHGs) are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H<sub>2</sub>O). CO<sub>2</sub> is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO<sub>2</sub> equivalents (CO<sub>2</sub>e). In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] No. 32), which requires the California Air Resources Board (ARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020. As a requirement of AB 32, the ARB was assigned the task of developing a Climate Change Scoping Plan that outlines the state's strategy to achieve the 2020 GHG emissions limits. This Scoping Plan includes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the state's dependence on oil, diversify the state's energy sources, save energy, create new jobs, and enhance public health. The Climate Change Scoping Plan was approved by the ARB on December 22, 2008. According to the September 23, 2010, AB 32 Climate Change Scoping Plan Progress Report, 40 percent of the reductions identified in the Scoping Plan have been secured through ARB actions and California is on track to its 2020 goal.

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition

that energy-efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted to respond to the requirements of AB 32. Specifically, new development projects within California after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11).

The proposed project would result in short-term emissions of GHGs during construction. These emissions, primarily CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, are the result of fuel combustion by construction equipment and motor vehicles. The other primary GHGs (HFCs, PFCs, and SF<sub>6</sub>) are typically associated with specific industrial sources and are not expected to be emitted by the proposed project. As described above in Section III - Air Quality, the use of heavy-duty construction equipment would be very limited; therefore, the emissions of CO<sub>2</sub> from construction would be less than significant.

The project would also result in direct annual emissions of GHGs during operation. Direct emissions of GHGs from operation of the proposed project are primarily due to passenger vehicles and truck trips. This project would not result in emission of GHGs from any other sources. Consequently, GHG emissions are considered to be less than significant.

**Mitigation:** None.

**References:** Application Information; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Discussion:** The Department of Environmental Resources (DER) is responsible for overseeing hazardous materials and has not indicated any particular concerns in this area. The project was referred to the Environmental Resources Committee (ERC), which includes a DER hazardous waste specialist. Maintenance of agricultural equipment will occur



within the proposed building and may involve the use of potentially hazardous fluids and lubricants typically used in diesel and large engine repair. A hazardous waste plan will be required to be submitted as a part of normal business operations, and will be reviewed by the DER-HazMat Division and the Fire Department. The presence and use of engine fluids and lubricants is expected to have a less than significant impact due to existing, use, disposal, and storage requirements for any business engaging in engine repair.

Pesticide exposure is a risk in areas located in the vicinity of agriculture. Sources of exposure include contaminated groundwater, which is consumed, and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. It does not appear that the neighboring, vacant, and A-2-10 zoned parcels are currently planted in crops. That said, any spraying activities on adjacent properties will be conditioned by the Agricultural Commissioner's Office. The project site is not located within an airport land use plan or a wildlands area, nor is the site listed on the EnviroStor database managed by the CA Department of Toxic Substances Control. The groundwater is not known to be contaminated in this area. Previously identified as *Keyes MMRP Mitigation Measures Nos. 11 and 12 on Page 16 of the MMRP.*

**Mitigation:** None.

**References:** [www.envirostor.dtsc.ca.gov/public](http://www.envirostor.dtsc.ca.gov/public); Stanislaus County General Plan and Support Documentation<sup>1</sup>

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** Run-off is not considered an issue because of several factors which limit the potential impact. These factors include the relatively flat terrain of the subject site, and relatively low rainfall intensities in the Central Valley. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act. The project site itself is located in Zone X (outside the 0.2% floodplain) and, as such, exposure to people or structures to a significant risk of loss/injury/death involving flooding due levee/dam failure and/or alteration of a watercourse, at this location is not an issue with respect to this project.

By virtue of the proposed paving for the building pads, parking, and driveways, the current absorption patterns of water upon this property will be altered; however, current standards require that all of a project's stormwater be maintained on site and, as such, a Grading and Drainage Plan will be included in this project's conditions of approval. As a result of the development standards required for this project, impacts associated with drainage, water quality, and runoff are expected to have a less than significant impact. This project was referred to the Regional Water Quality Control Board (RWQCB) which responded with standards of development and requirements that will be incorporated into this project's conditions of approval. The Department of Public Works reviewed the project and responded with a condition regarding intersection impact fees, indicating that standard conditions of approval, in regards to grading and drainage, encroachment permits, and improvement plans, would be forthcoming. *Keyes MMRP Mitigation Measures Nos. 2 thru 6 on Page 15 and 16 of the MMRP.*

A condition of approval will be placed on the project requiring that the landscaping plans comply with the California State Water Model Ordinance and utilize drought tolerant plants. The project was referred to the Keyes Municipal Advisory Council and a response has not been received by the time this initial study was drafted.

**Mitigation:** None.

**References:** Referral response from the Department of Public Works dated July 31, 2015; referral response from the Regional Water Quality Control Board dated April 27, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The project site is zoned expired P-D (304) (Planned Development) and A-2-10 and the General Plan and Keyes Community Plan designation for this site is Highway Commercial. As such, the proposed project will not conflict with any land use designations or applicable habitat conservation plan or natural community conservation plan and will not physically divide an established community, as the General Plan and Keyes Community Plan call for this type of development. The need for a rezone is due to the way that PD 302 was approved for a specific use within a specific time frame. Failure to meet those requirements resulted in the expiration of PD 302 and the need for further discretionary approval prior to development. In an effort to streamline future development, the project includes a request to allow H-1 uses with updated development standards and a streamlined, land use, permitting process.

**Mitigation:** None.

References: Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site, nor is the project site located in a geological area known to produce resources.

**Mitigation:** None.

References: Stanislaus County General Plan and Support Documentation<sup>1</sup>

XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion:** The Stanislaus County General Plan<sup>1</sup> identifies noise levels up to 70 dB L<sub>dn</sub> (or CNEL) as the normally acceptable level of noise for commercial uses. On-site grading and construction resulting from this project may result in a temporary increase in the area's ambient noise levels; however, noise impacts associated with on-site activities and traffic are not anticipated to exceed the normally acceptable level of noise. The site itself is impacted by the noise generated from existing nearby SR 99 and the Union Pacific railroad adjacent to southbound SR 99. The site is not located within an airport land use plan. *Keyes MMRP Mitigation Measures No. 14 on Page 17 of the MMRP.*

**Mitigation:** None.

References: Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The proposed use of the site may induce modest growth in the area by creating service extensions and/or new infrastructures in the form of Keyes Community Services District extension of water and sewer services. Extension of such services must be approved by Stanislaus County LAFCO. No housing or persons will be displaced by the project.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>

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

**Discussion:** The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to ensure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. Building permit review by the Office of Emergency Services will address adequate turn-around for a fire apparatus and on-site water supply for fire suppression. The project was referred to the ERC, the Modesto Regional Fire Authority, and the Keyes Fire Department. *Keyes Community Plan Mitigation Measure Nos. 15 and 18 on pages 17 and 18 of the MMRP addresses this on a Community-wide basis.* A condition of approval may be added to this project requiring compliance with these mitigation measures which requires all new development pay a fair share towards fire protection and parks.

**Mitigation:** None.

**References:** Keyes Community Plan MMRP; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XV. RECREATION --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

**Discussion:** The proposed project does not have a residential component and is not anticipated to significantly increase demand on recreational facilities. A condition of approval may be added to the project requiring compliance with this mitigation measure which requires all new development pay a fair share towards parks. *Keyes MMRP Mitigation Measures No. 18 on Page 18 of the MMRP addresses this on a Community-wide basis.*

**Mitigation:** None.

**References:** Keyes Community Plan MMRP; Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVI. TRANSPORTATION/TRAFFIC -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

**Discussion:** This project was referred to the Department of Public Works and CalTrans. CalTrans responded with a request for additional information regarding the trucks to be used to transport the agricultural equipment and a recommendation that the project pay its fair share for any future improvements to the SR 99/Keyes Road intersection and ramps. This information was forwarded to the Department of Public Works who responded with the applicant's fair share amount, as determined by the Keyes Community Plan and updated for inflation. The fair share fees have been added as a mitigation measure. Moreover, current Public Facility Fees (PFF) will be imposed when the project applies for building permits.

On May 1, 2015, the Keyes Union School District submitted a letter commenting on the location of proposed driveways along Nunes Road as they are located in front of a head Start facility. The District also commented on the potential safety concern for students that may walk along the Nunes Road. The site plan was amended, eliminating the two western most driveways and moved the main site entrance off of Nunes Road to N. Golden State Blvd. A District response to these site plan changes had not been received at the time this initial study was prepared.

Traffic movements were reviewed in the Keyes Community Plan, which considered the subject project site as utilized for a commercial type use on a Planned Development zoning. The Keyes MMRP was forwarded to the Stanislaus County Department of Public Works, who responded with the aforementioned mitigation measure and indicated that standard conditions of approval, in regards to grading and drainage, access, and improvements would be forthcoming. *Keyes Community Plan MMRP Mitigation Measure Nos. 4.3-1 (et.al), 4.3-2 (et.al), and 4.3-3 (et.al.) on pages 8-10.*

**Mitigation:**

8. *The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.*

**References:** Referral response from Caltrans dated May 4, 2015; referral response from the Department of Public Works dated July 29, 2015; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**Discussion:** Limitations on providing services have not been identified. Although the site is not currently served by municipal services (sewer & water), the applicant is proposing to have the site be served by the Keyes Community Services District (CSD), the provider of sewer and water for this community. The Keyes CSD provided a letter stating that they are capable of providing water and sewer services to the project site (the westerly half); however, prior to connection the easterly half of the site must be annexed into the CSD via the LAFCO application and approval process. The water and sewer service is contingent on an agreement with the Keyes CSD regarding construction of infrastructure and the payment of fees. These requirements will be reflected in the project's conditions of approval/development standards. *Keyes Community Plan MMRP Mitigation Measure Nos. 2, 3, 4, and 6 on page 15.*

**Mitigation:** None

**References:** "Ability to Serve" letter from the Denair Community Services District (CSD) dated June 24, 2013; and the Stanislaus County General Plan and Support Documentation<sup>1</sup>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

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

## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** Rezone Application No. PLN2015-0032 – Belkorp AG

**LOCATION OF PROJECT:** 4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area, Stanislaus County (APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012)

**PROJECT DEVELOPER:** Rod Hawkins  
Hawkins & Associates  
436 Mitchell Rd  
Modesto, CA 95354

**DESCRIPTION OF PROJECT:** Request to rezone a 17.3± acre project site, from expired PD 302 and A-2-10 to a new PD (Planned Development), to allow H-1 uses and to establish an agricultural equipment dealership, construct a 57,000 square foot, two story building for service maintenance, retail sales, parts, and administrative offices, allow outdoor display areas for agricultural equipment, develop a 74 space parking lot and driveways, and construct an approximately one acre drainage basin south of the proposed building. North Golden State Boulevard will provide primary access to the site.

Based upon the Initial Study, dated **August 6, 2015**, the Environmental Coordinator finds as follows:

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

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

1. New multi-story development shall minimize the use of reflective surface and have those reflective surfaces which are used to be oriented in such a manner so as to reduce glare impacts along roadways.
2. New development shall include cut-off luminaries and/or shields. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glare effect. Low intensity lights shall be used to minimize the visibility of the lighting from nearby areas, and to prevent "spill over" of light onto adjacent residential properties.
3. Although considered unlikely, valley elderberry longhorn beetle could potentially occur in the small blue elderberry shrubs in the northeast part of the site. These small shrubs show no evidence of occupancy by valley elderberry longhorn beetle and removal of the shrubs is expected to have no effect on this species. Prior to removing the shrubs, the applicant shall obtain concurrence from US Fish and Wildlife Service regarding removing the shrubs.



4. Prior to securing concurrence to remove the blue elderberry shrubs, the shrubs should be protect with a no-disturbance buffer extending 10 feet from the driplines of the shrubs. Construction in the vicinity of the blue elderberry shrubs should occur between June 15 and April 15. During this time period, valley elder berry longhorn beetle (if present) would be within the interior portion of the stems of the shrubs and would not move (i.e., fly or walk) into the construction area.

5. Pre-construction surveys for nesting Swainson's hawks within 0.25 miles of the project site are recommended if construction commences between March 1 and September 1. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination shall utilize criteria set forth by CDFW (CDFG, 1994).

6. Pre-construction surveys for burrowing owls in the site should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determinations shall be pursuant to criteria set forth by CDFW (CDFG, 2012).

7. Trees, shrubs, and grasslands in the site could be used by other birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a preconstruction survey for nesting birds shall be completed. If active nests are found, work in the vicinity of the nest shall be delayed until the young fledge.

8. The applicant shall pay the Keyes Community Plan Mitigation Funding Program fees for Highway Commercial per the Keyes community Plan adopted on April 18, 2000. The fees were calculated in 2003 at \$751.47 per 1,000 square feet of floor space. With the fees adjusted for inflation using the Engineering News-Record index, the July 2015 fees are \$1137 per 1,000 square feet. These fees will be paid prior to building permit issuance.

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

Initial Study prepared by: Rachel Wyse, Associate Planner


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

**SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS**

**PROJECT: REZONE APP. NO. PLN2015-0032 - Belcorp AG**

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS				
	2 WK	30 DAY	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X	X	X			X		X			X
CA DEPT OF TRANSPORTATION DIST 10	X	X	X	X		X				X		X
CA OPR STATE CLEARINGHOUSE	X	X	X	X				X		X		X
CA RWQCB CENTRAL VALLEY REGION	X	X	X	X		X				X	X	
COMMUNITY SERVICES: KEYES	X	X	X		X							
COOPERATIVE EXTENSION	X	X			X							
FIRE PROTECTION DIST: KEYES	X		X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
MUNICIPAL ADVISORY COUNCIL: KEYES	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
POSTMASTER: KEYES	X	X	X		X							
RAILROAD: UNION PACIFIC	X	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X	X			X			X	X	
SCHOOL DISTRICT 1: KEYES UNION	X	X	X	X			X			X		X
SCHOOL DISTRICT 2: TURLOCK JOINT UNION HIGH	X	X	X		X							
STAN ALLIANCE	X	X	X		X							
STAN CO AG COMMISSIONER	X	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X			X							
STAN CO CEO	X	X	X		X							
STAN CO DER	X	X	X	X		X				X	X	
STAN CO ERC	X	X		X				X		X		X
STAN CO FARM BUREAU	X	X	X		X							
STAN CO HAZARDOUS MATERIALS	X	X		X		X				X	X	
STAN CO SUPERVISOR DIST 2: CHIESA	X	X	X		X							
StanCOG	X	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X	X		X							
STANISLAUS LAFCO	X	X	X	X		X				X	X	
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
US ARMY CORPS OF ENGINEERS	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
USDA NRCS	X	X	X		X							

- B. REZONE APPLICATION NO. PLN2015-0032 – BELKORP AG** - Request to rezone a 17.3± acre project site, from expired Planned Development District (P-D) 302 and A-2-10 to a new P-D zone, to allow H-1 uses and to establish an agricultural equipment dealership with outdoor display area for new equipment. The site is located at 4618 Nunes Road, east of Highway 99, west of N. Golden State Blvd., in the Keyes area. The Planning Commission will consider a CEQA Mitigated Negative Declaration. APN: 045-049-011, 045-049-012, 045-050-001, 045-050-011, 045-050-012  
Staff Report: Rachel Wyse, Associate Planner, Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Rod Hawkins, 436 Mitchell Road, Modesto, CA  
Public hearing closed.  
Yamamoto/Borges, 7/0, (Unanimous) **APPROVED, THE STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS, AS OUTLINED IN THE STAFF REPORT.**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <p>Secretary, Planning Commission</p> <p style="text-align: center;"><u>10.23.2015</u></p> <p>Date</p>
--

STANISLAUS COUNTY ORDINANCE NO. C.S. \_\_\_\_\_

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-\_\_\_\_\_ FOR THE PURPOSE OF REZONING A 17.3± ACRE PROJECT SITE, FROM EXPIRED P-D 302 (PLANNED DEVELOPMENT) AND A-2-10 (GENERAL AGRICULTURE) TO A NEW P-D ZONE, TO ALLOW H-1 (HIGHWAY FRONTAGE) USES, ESTABLISH AN AGRICULTURAL EQUIPMENT DEALERSHIP, CONSTRUCT A TWO STORY 57,000 SQUARE-FOOT BUILDING, AND ALLOW OUTDOOR DISPLAY AREAS FOR AGRICULTURAL EQUIPMENT ON PROPERTY LOCATED AT 4618 NUNES ROAD, EAST OF HIGHWAY 99, NORTH OF E. KEYES ROAD, IN THE KEYES AREA. APNs: 045-049-011 and 12, 045-050-001, 011, and 012

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. 9-110-\_\_\_\_\_ is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Map to be inserted upon rezone approval)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 3<sup>rd</sup> day of November, 2015, by the following called vote:

AYES: Supervisors:  
NOES: Supervisors:  
ABSENT: Supervisors:  
ABSTAINING: Supervisors:


\_\_\_\_\_  
Terrance Withrow  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
of the County of Stanislaus,  
State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California

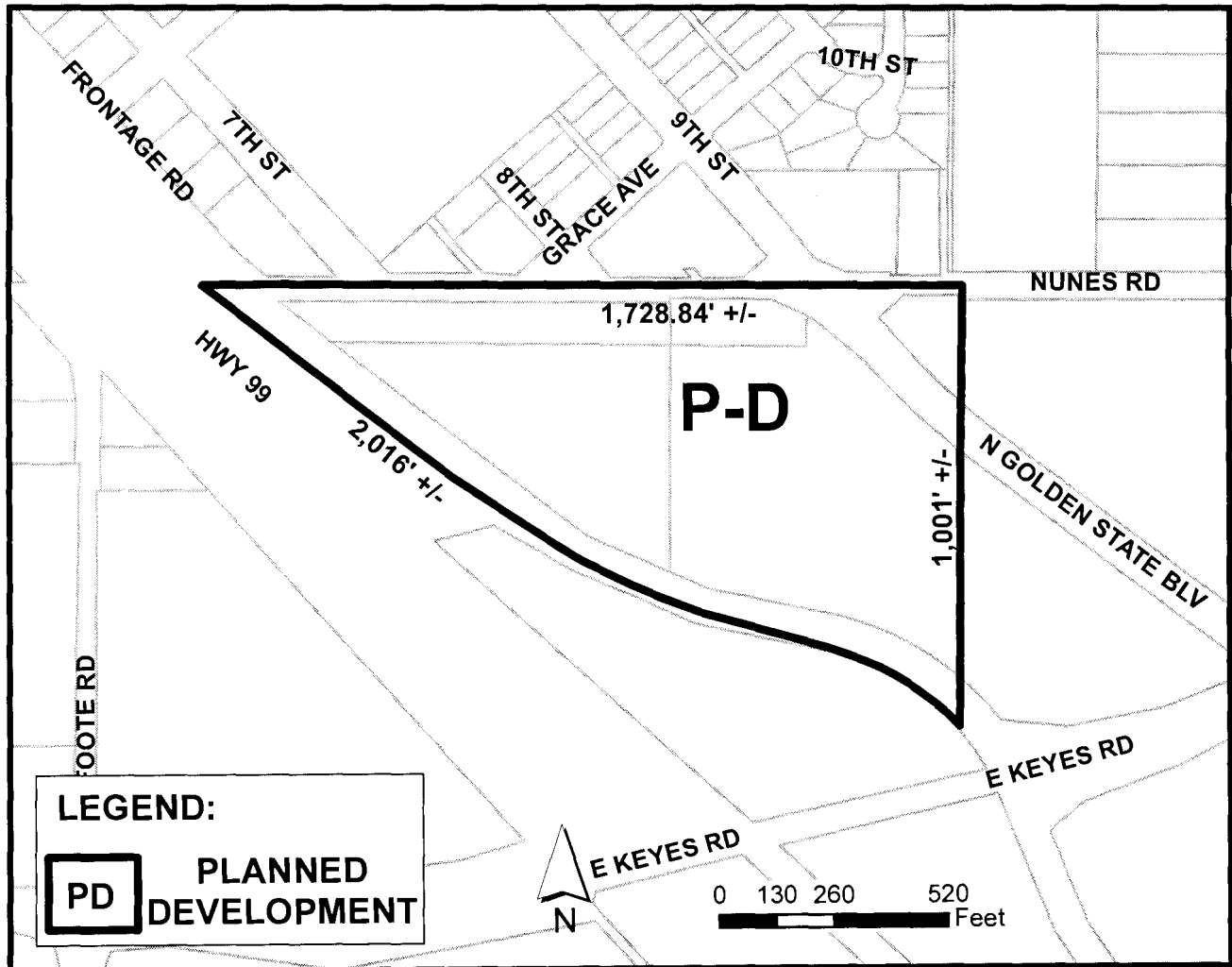
BY: \_\_\_\_\_  
Elizabeth A. King, Assistant Clerk of the Board

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel

# SECTIONAL DISTRICT MAP NO. 9-110-



EFFECTIVE DATE:

PREVIOUS MAPS: 615, 508, 50

**REZONE APPLICATION  
NO. PLN2015-0032**

**BELKORP AG**



# PROJECT DESCRIPTION

- Request to rezone a 17.3± acres, from expired P-D (302) and A-2-10 (General Agriculture) to a new P-D to allow H-1 uses, establish an agricultural equipment dealership, construct a two story 57,000 square foot building, and allow outdoor display area for agricultural equipment.



MODESTO

E WHITMORE AVE

**REZ PLN2015-0032  
BELKORP AG  
AREA MAP**

CERES

WASHINGTON RD

GEE

S SANTA FE AVE

FAITH HOME RD

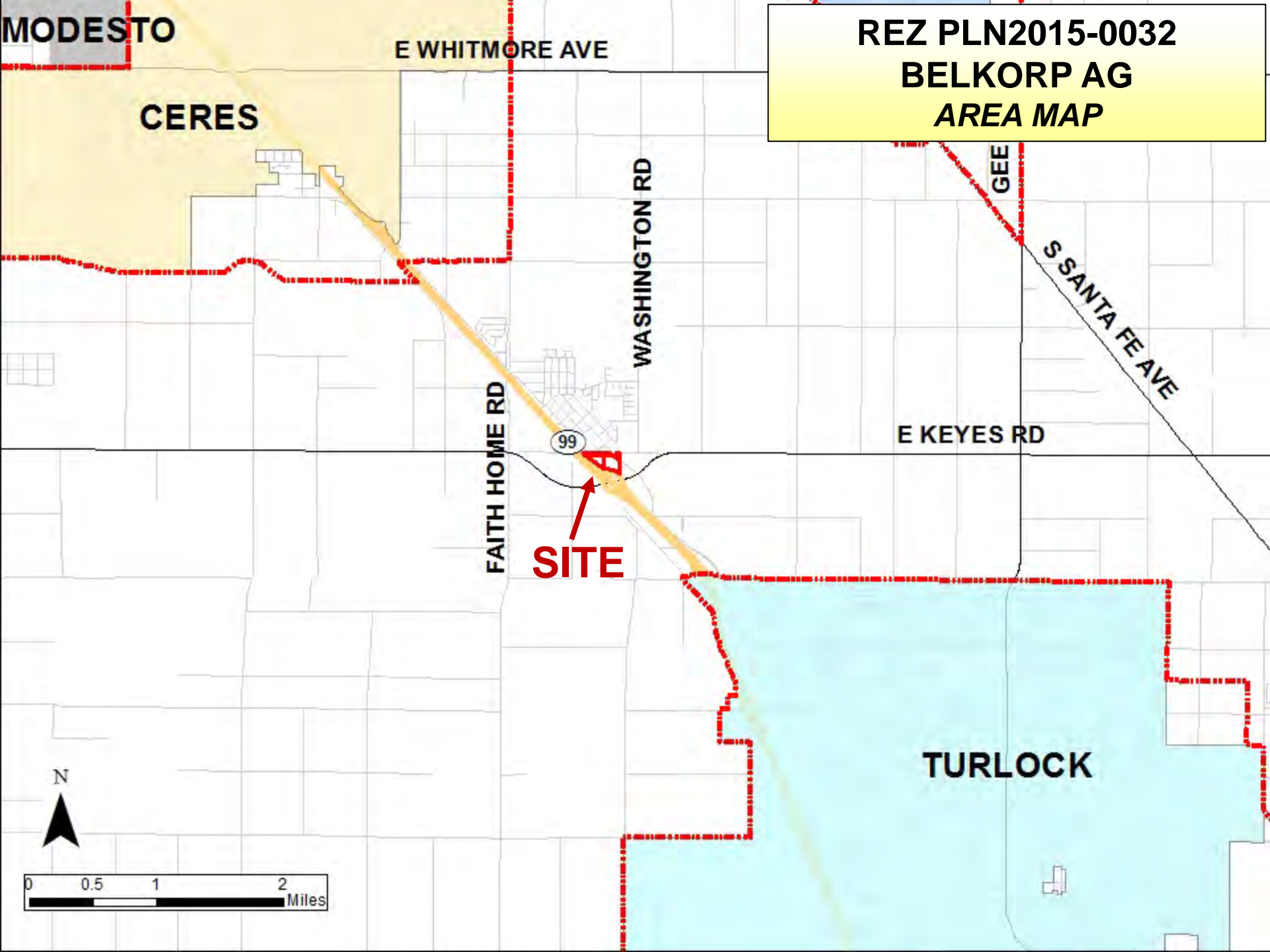
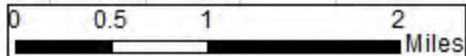
99

E KEYES RD

**SITE**

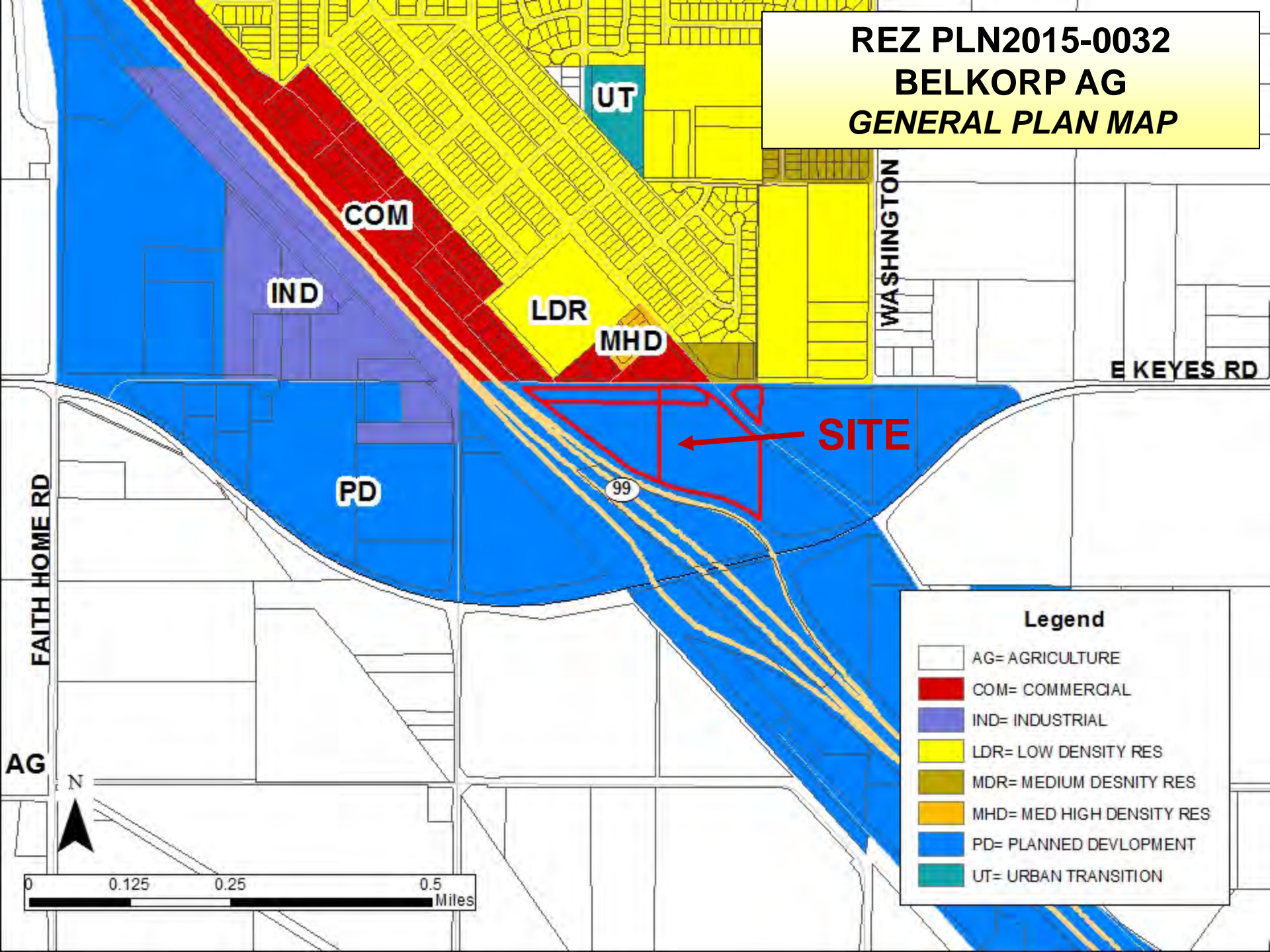
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**REZ PLN2015-0032  
BELKORP AG  
GENERAL PLAN MAP**



FAITH HOME RD

WASHINGTON

E KEYES RD

UT

COM

IND

LDR

MHD

PD

99

**SITE**

**Legend**

- AG= AGRICULTURE
- COM= COMMERCIAL
- IND= INDUSTRIAL
- LDR= LOW DENSITY RES
- MDR= MEDIUM DESNITY RES
- MHD= MED HIGH DENSITY RES
- PD= PLANNED DEVLOPMENT
- UT= URBAN TRANSITION

0 0.125 0.25 0.5 Miles

N



# Keyes

## Community Plan

### Land Use Designations

- AG Agriculture
- UT Urban Transition
- LDR Low Density Residential (0-7 du / acre)
- MDR Medium Density Residential (8-14 du / acre)
- MHDR Medium-High Density Residential (15-25 du / acre)
- C Commercial
- HC Highway Commercial
- I Industrial
- PI Planned Industrial

### Parks and Schools

- |                   | Existing | Proposed* |
|-------------------|----------|-----------|
| Neighborhood Park | ▲        | △         |
| Community Park    | ◆        | ◇         |
| Elementary School | ■        | □         |
| Middle School     | ●        | ○         |

\*Symbol denotes general location.

### Circulation

- Highway / Freeway
- Major Road
- Collector
- Future Road
- Railroad
- Bike Lane
- Multi-purpose Trail

### Relevant Boundaries

- Community Plan Boundary



Scale: 1" = 500'



**ARM DESIGN GROUP**

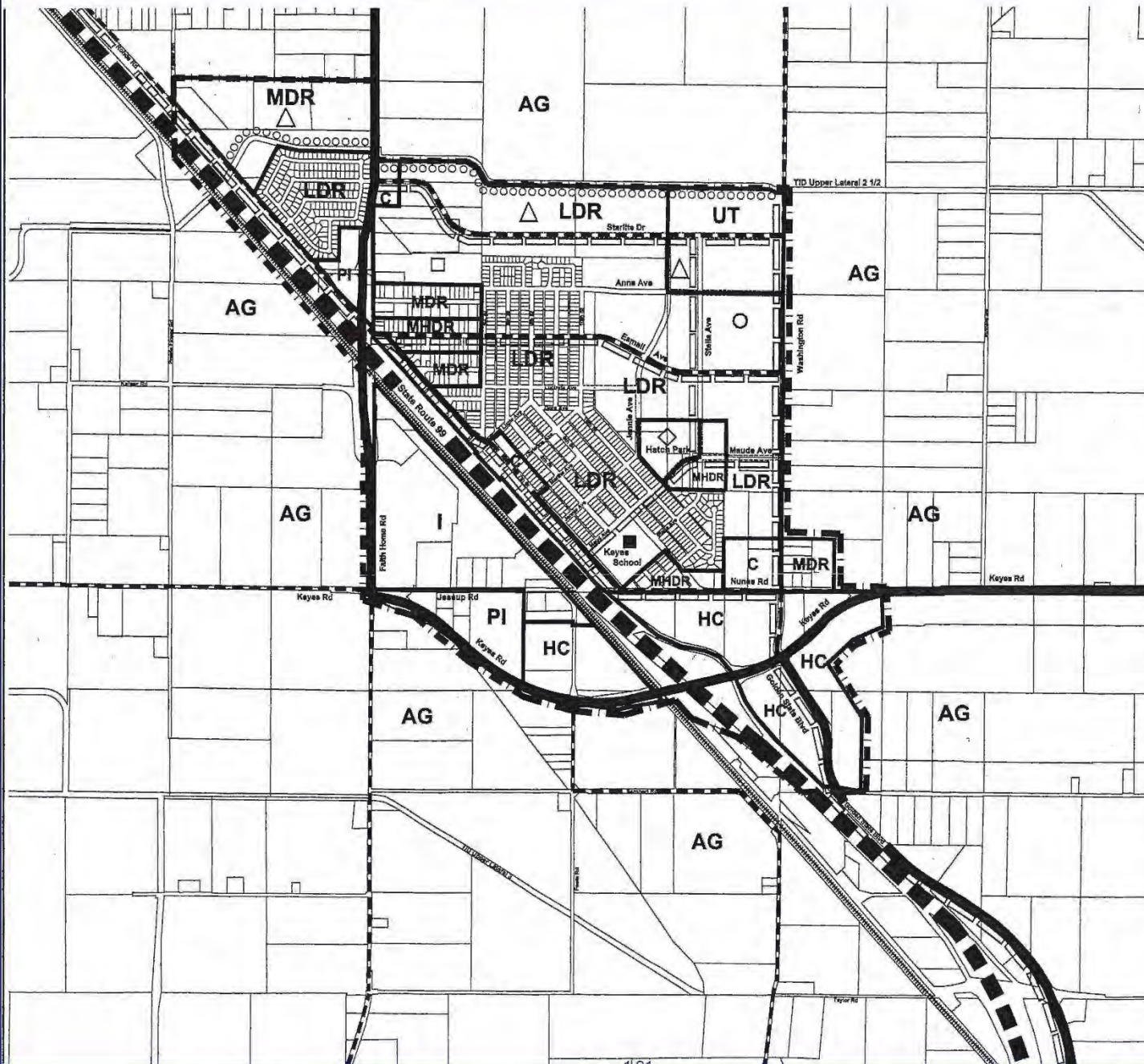
Architecture • Planning • Engineering • Surveying • Interiors • Landscape Architecture

18 South Street, San Gabriel, California 91780 951-962-2100

3700 North Sycamore Street, San Jose, California 95128 408/962-1190

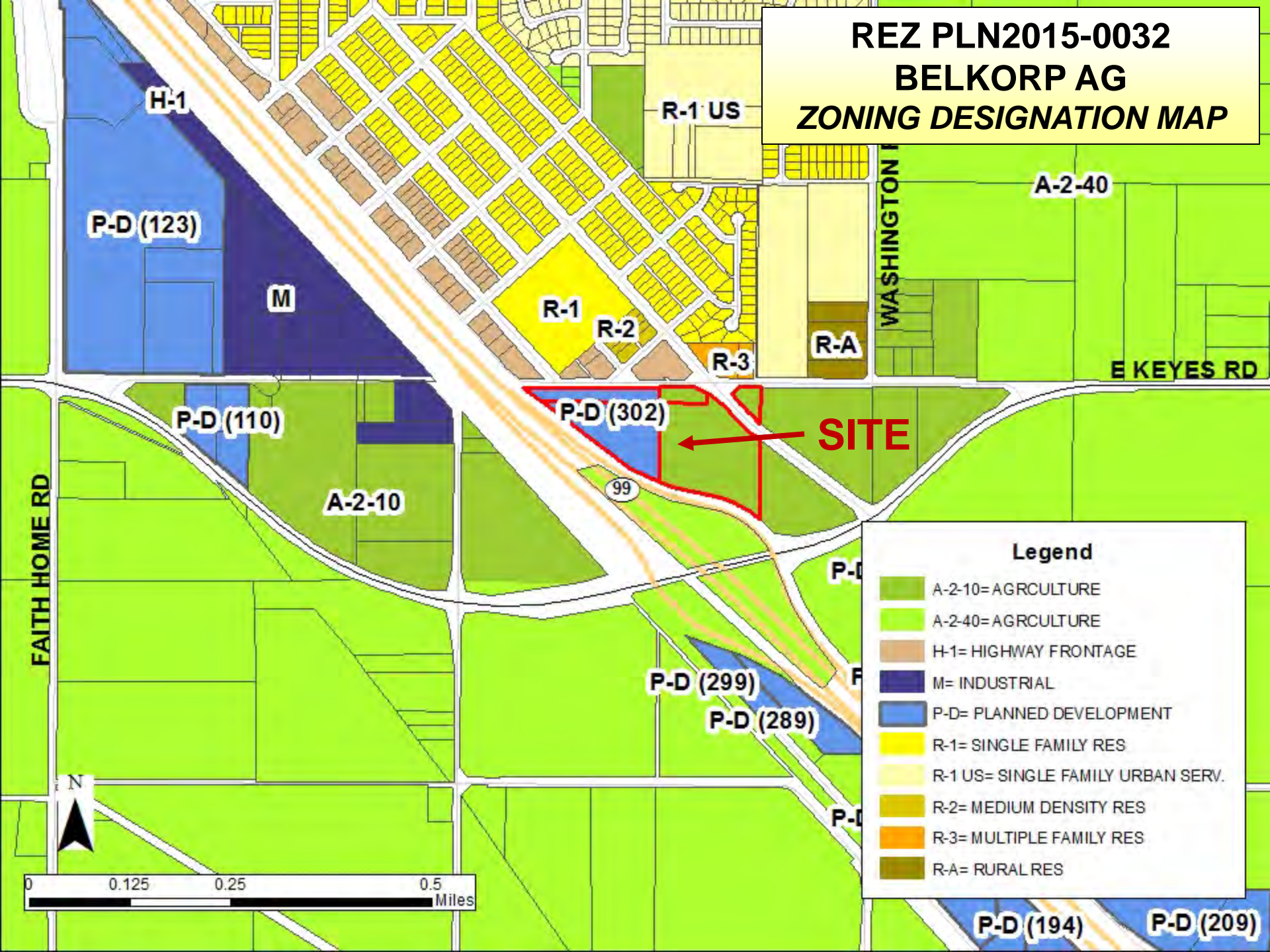
1000 West 10th Street, Vancouver, British Columbia V6H 2G6 604-681-1000

April 18, 2000

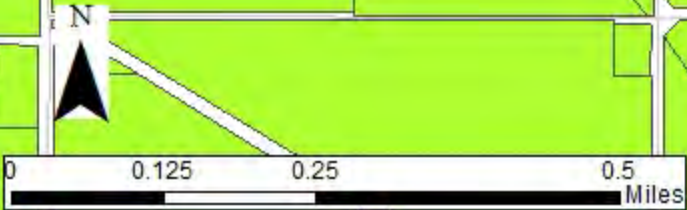




# REZ PLN2015-0032 BELKORP AG ZONING DESIGNATION MAP



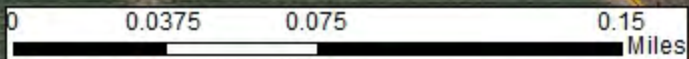
Legend	
	A-2-10= AGRICULTURE
	A-2-40= AGRICULTURE
	H-1= HIGHWAY FRONTAGE
	M= INDUSTRIAL
	P-D= PLANNED DEVELOPMENT
	R-1= SINGLE FAMILY RES
	R-1 US= SINGLE FAMILY URBAN SERV.
	R-2= MEDIUM DENSITY RES
	R-3= MULTIPLE FAMILY RES
	R-A= RURAL RES



P-D (194) P-D (209)



**REZ PLN2015-0032  
BELKORP AG  
2013 COUNTY AERIAL MAP**







# ISSUES

- Community Service District Annexation
  - Will Serve letter received, capable of providing water and sewer services.
  - Easterly portion of the site to be annexed.
  - Service contingent on improvements.



# Keys Community Services District Boundary & Sphere of Influence



- District Boundary  
(444+/- acres)
- ▬ District Sphere of Influence  
(793 +/- acres)

Source: LAFCO Files, July 2014



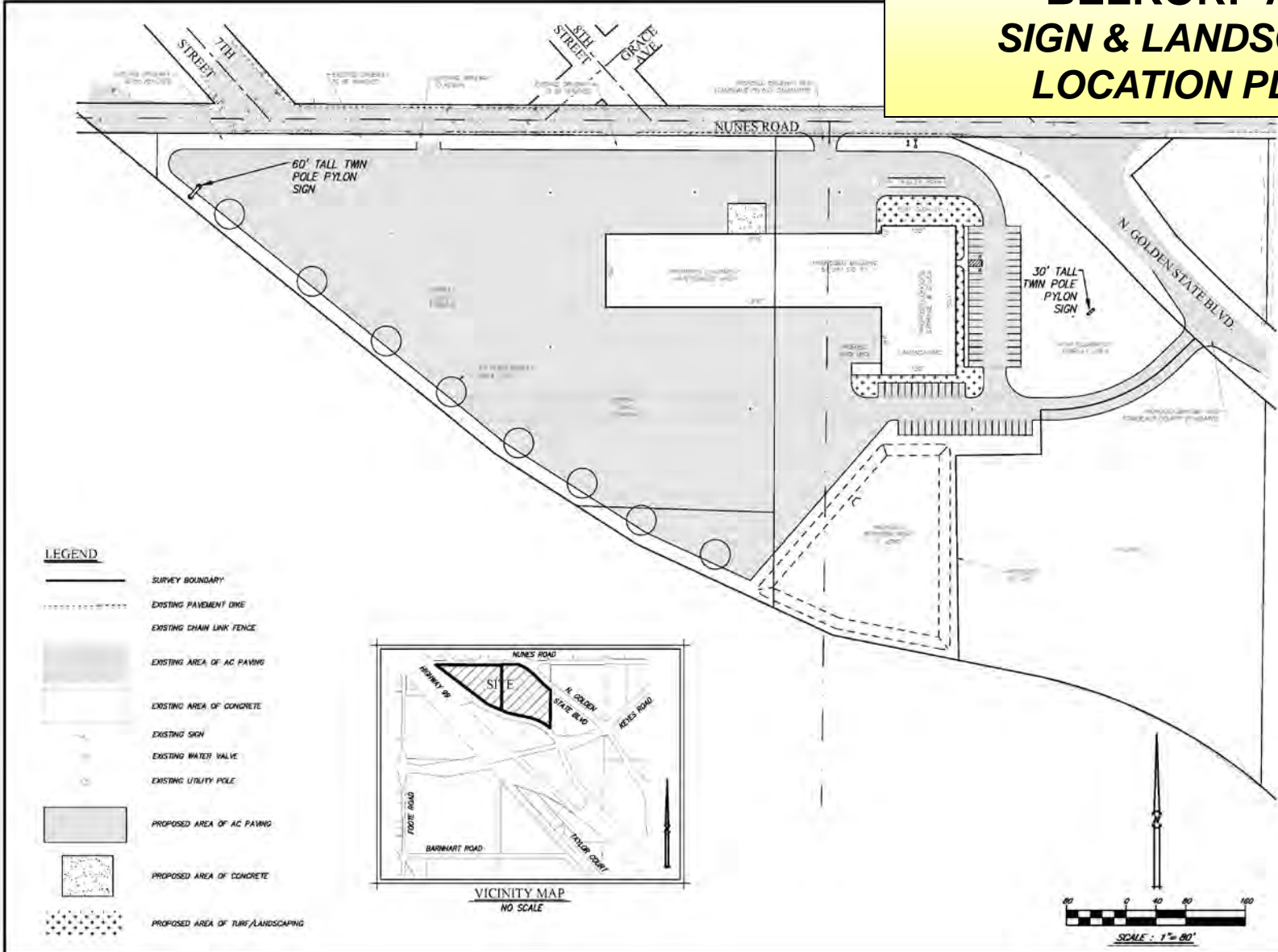
# ISSUES

- Signage
  - Applicant proposing three wall signs.
  - A 60-foot and 30-foot pylon signs.
  - Compromise: 60 & 20-foot pylon signs
  - Any future signage on undeveloped portion limited to a multi-tenant monument sign.



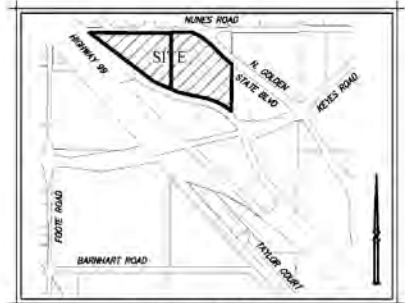


# REZ PLN2015-0032 BELKORP AG SIGN & LANDSCAPE LOCATION PLAN

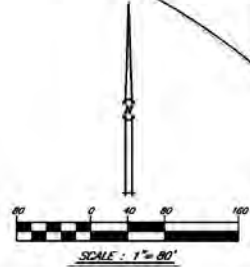


**LEGEND**

- SURVEY BOUNDARY
- EXISTING PAVEMENT DIKE
- EXISTING CHAIN LINK FENCE
- EXISTING AREA OF AC PAVING
- EXISTING AREA OF CONCRETE
- EXISTING SIGN
- EXISTING WATER VALVE
- EXISTING UTILITY POLE
- PROPOSED AREA OF AC PAVING
- PROPOSED AREA OF CONCRETE
- PROPOSED AREA OF TURF/LANDSCAPING



VICINITY MAP  
NO SCALE



<b>HAWKINS &amp; ASSOCIATES ENGINEERING, INC.</b> 436 MITCHELL RD. MODESTO, CA 95354 PH: (209) 575 - 4295 FX: (209) 578 - 4295	PROPOSED SIGN EXHIBIT SIGN LOCATION MAP	BY: RGS CHK: RBH DATE: 3/2015 SCALE: 1"=80' JOB #: 3233	RODRICK H. HAWKINS CRODIE E. LINDSAY KEVIN GENASCI SWN DATE
	SHEET <b>1.</b> OF <b>2.</b>	4618 NUNES ROAD, KEYES STANISLAUS COUNTY, CALIFORNIA	



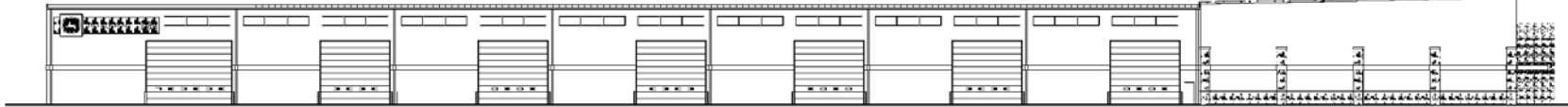
# REZ PLN2015-0032

## BELKORP AG

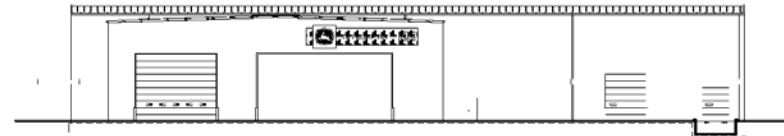
### ELEVATIONS



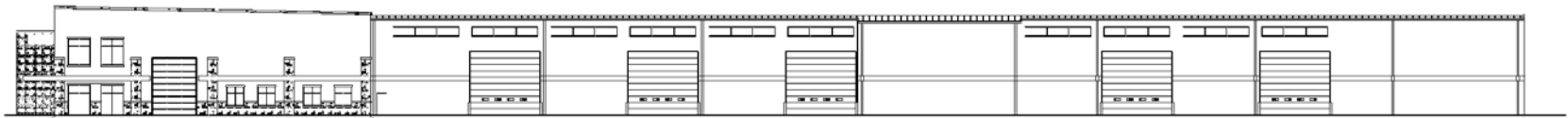
1 | East Elevation  
scale: 1/16" = 1'-0"



2 | South Elevation  
scale: 1/16" = 1'-0"



3 | West Elevation  
scale: 1/16" = 1'-0"



4 | North Elevation  
scale: 1/16" = 1'-0"

A Preliminary Layout for  
**Belkorp AG**  
Intersection  
Modesto, CA

date  
02.27.2015  
drawn by  
JLS  
checked by  
DAE  
revisions

sheet number  
**A3.1**  
drawing type  
preliminary  
project number  
15011

REZ PLN2015-0032  
BELKORP AG  
SIGN ELEVATIONS



# KEYES COMMUNITY PLAN

- No adopted design guidelines; however, the Plan encourages attractive development, development of large, non-residential sites, with generous landscaping and Highway Commercial type uses.
- Gateway treatments



# KEYES COMMUNITY PLAN

- Updated Design Guidelines added to the Development Standards.
- Gateway/landscape treatments
- Discouraging turf
- Landscaping must comply with County Code and CA Model Water Efficiency Landscape Ordinance.



**REZ PLN2015-0032**  
**BELKORP AG**  
**FRONT RENDERING**





**REZ PLN2015-0032**  
**BELKORP AG**  
**BIRD'S EYE RENDERING**  
**LOOKING NORTHWEST**



# GENERAL PLAN CONSISTENCY

- The project site is currently designated Planned Development in the General Plan and Highway Commercial in the Keyes Community Plan.
- The project is consistent with Goals and Policies of the Keyes Community Plan on pages 5 of the Staff Report and therefore consistent with the General Plan.





# ZONING ORDINANCE CONSISTENCY

- To recommend approval for the requested rezone, the Planning Commission must find that the proposed P-D zoning with allowed H-1 uses is consistent with the Community Plan and thus General Plan for this project.



# ZONING ORDINANCE CONSISTENCY

- The Land Use Element of the General Plan states that the P-D zone is consistent with the General Plan Planned Development designation and the Highway Commercial Community Plan designation.



# ENVIRONMENTAL REVIEW

- Pursuant to CEQA, the proposed project was circulated to all interested parties and responsible agencies for review and comment.
- Biological & Cultural Resources issues were raised, studied, and mitigated.
- Based on the comments, a Mitigated Negative Declaration has been prepared for this project.



# PLANNING COMMISSION

- October 1, 2015
- No one spoke in opposition.
- The applicant's agent, Rod Hawkins, spoke in favor of the project.
- The Planning Commission raised no concerns regarding this project.

# RECOMMENDATION

- The Planning Commission, on a 7-0 vote, recommended Approval of Rezone Application No. PLN2015-0032 – Belkorp AG, to the Board of Supervisors as outlined in Recommendations 1-6 of the Board Report.



STANISLAUS COUNTY ORDINANCE NO. C.S. 1168

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1005 FOR THE PURPOSE OF REZONING A 17.3± ACRE PROJECT SITE, FROM EXPIRED P-D 302 (PLANNED DEVELOPMENT) AND A-2-10 (GENERAL AGRICULTURE) TO A NEW P-D ZONE, TO ALLOW H-1 (HIGHWAY FRONTAGE) USES, ESTABLISH AN AGRICULTURAL EQUIPMENT DEALERSHIP, CONSTRUCT A TWO STORY 57,000 SQUARE-FOOT BUILDING, AND ALLOW OUTDOOR DISPLAY AREAS FOR AGRICULTURAL EQUIPMENT ON PROPERTY LOCATED AT 4618 NUNES ROAD, EAST OF HIGHWAY 99, NORTH OF E. KEYES ROAD, IN THE KEYES AREA. APNS: 045-049-011; 045-049-012, 045-050-001; 045-050-011; and 045-050-012.

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

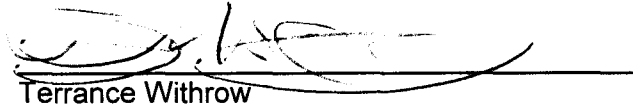
Section 1. Sectional District Map No. 9-110-1005 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Chiesa seconded by Supervisor DeMartini, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 3<sup>rd</sup> day of November, 2015, by the following called vote:

AYES: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Withrow  
NOES: Supervisors: None  
ABSENT: Supervisors: None  
ABSTAINING: Supervisors: None



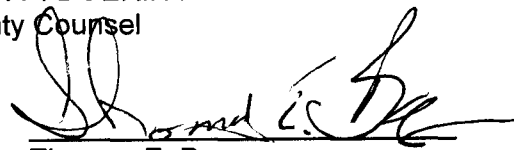
Terrance Withrow  
CHAIRMAN OF THE BOARD OF SUPERVISORS  
of the County of Stanislaus,  
State of California

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of  
the Board of Supervisors of  
the County of Stanislaus,  
State of California

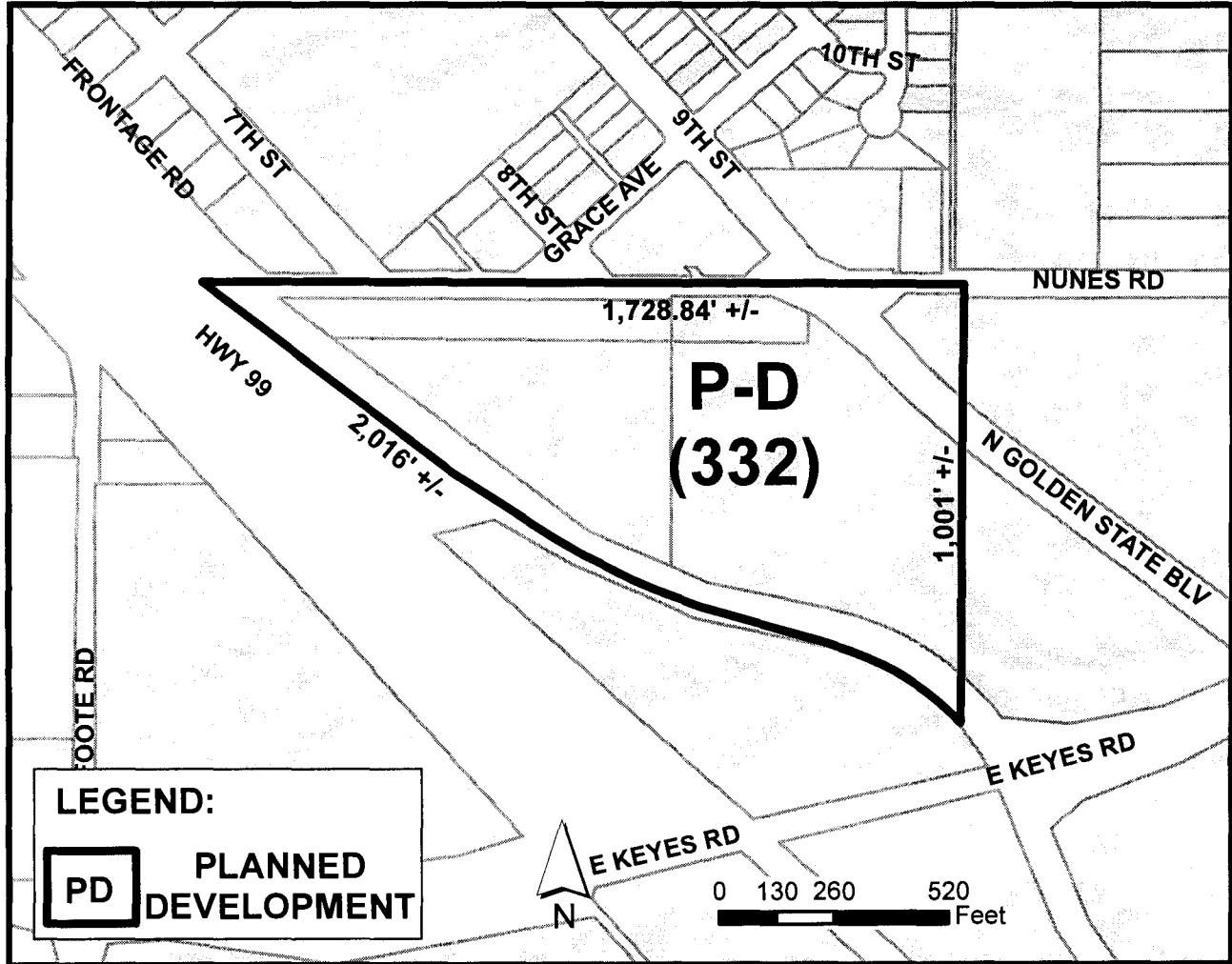
BY:   
Pam Villarreal, Deputy Clerk of the Board

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze,  
Assistant County Counsel

# SECTIONAL DISTRICT MAP NO. 9-110-1005



EFFECTIVE DATE: 12.03.2015  
PREVIOUS MAPS: 615, 508, 50

2015 NOV 16 A 10:49

# DECLARATION OF PUBLICATION (C.C.P. S2015.5)

COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

**NOVEMBER 10, 2015**

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

**NOVEMBER 10, 2015**

*Cynthia A. Markham*

(Signature)

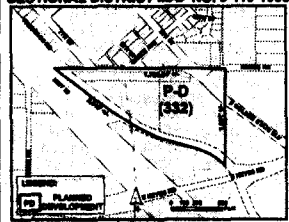
**STANISLAUS COUNTY  
ORDINANCE NO. C.S. 1168**

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110-1005 FOR THE PURPOSE OF REZONING A 17.3± ACRE PROJECT SITE, FROM EXPIRED P-D 302 (PLANNED DEVELOPMENT) AND A-2-10 (GENERAL AGRICULTURE) TO A NEW P-D ZONE, TO ALLOW H-1 (HIGHWAY FRONTAGE) USES, ESTABLISH AN AGRICULTURAL EQUIPMENT DEALERSHIP, CONSTRUCT A TWO STORY 57,000 SQUARE-FOOT BUILDING, AND ALLOW OUTDOOR DISPLAY AREAS FOR AGRICULTURAL EQUIPMENT ON PROPERTY LOCATED AT 4818 NUNES ROAD, EAST OF HIGHWAY 99, NORTH OF E. KEYES ROAD, IN THE KEYES AREA. APNS: 045-049-011; 045-049-012; 045-050-001; 045-050-011; and 045-050-012.

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

**Section 1.** Sectional District Map No. 9-110-1005 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

**SECTIONAL DISTRICT MAP NO. 9-110-1005**



EFFECTIVE DATE: 12.03.2015  
PREVIOUS MAPS: 618, 606, 60

**Section 2.** This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California. Upon motion of Supervisor Chiesa seconded by Supervisor DeMartini, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 3rd day of November, 2015, by the following called vote: AYES: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Withrow; NOES: None; ABSENT: None; ABSTAINING: None. /s/ Terrance Withrow, CHAIRMAN OF THE BOARD OF SUPERVISORS of the County of Stanislaus, State of California. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Deputy Clerk of the Board. APPROVED AS TO FORM: JOHN P. DOERING, County Counsel By: Thomas E. Boze, Deputy County Counsel.

MOD0002084741-01