

**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.

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

## **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.