

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE October 6, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Acceptance of Report and Approval of Vesting Tentative Subdivision Map Application No. 2009-01, Elm Street, a Request to Divide an 18,663 Square Foot (.42-Acre) Property into Two Parcels of 7,340± and 11,323± Square Feet in the R-2 (Medium Density Residential) Zoning District, Located at 5345 Elm Street, in the Salida Area

STAFF RECOMMENDATIONS:

The Stanislaus County Planning Commission, after conducting a public hearing during its regular meeting of September 3, 2009, on a 7-0 vote, approved the subject proposal. Staff recommends that the Board allow that decision to stand without further hearing.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-680

On motion of Supervisor Monteith, Seconded by Supervisor Grover
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

The subject tentative map will divide an existing 18,663 square foot (.42-acre) parcel into two parcels consisting of 7,340± and 11,323± square feet. The site is located on the west side of Elm Street, south of Kiernan Avenue, in the Salida area (5345 Elm Street). The site is designated "Medium Density Residential" in both the Stanislaus County General Plan and Salida Community Plan and zoned R-2 (Medium Density Residential), which requires a minimum lot size of 6,000 square feet for the creation of new parcels that will be served by public sewer and water. Both parcels will have direct access onto Elm Street. Per the Subdivision Map Act, this request was processed as a "subdivision map" and not a "parcel map" because the existing parcel being divided was created as part of a previous four lot parcel map request under the same ownership.

Proposed Parcel "2" is designed as a "flag lot" with dimensions that exceed Section 20.52.160(A) – "Lots – Width to Depth Ratio" of the Stanislaus County Subdivision Ordinance. Both proposed Parcels "1" and "2" do not meet frontage length standards as required in Section 20.52.130(A) "Lots – Width and Depth." However, the Subdivision Ordinance allows for lots to exceed the "Lots – Width to Depth Ratio" and "Lots – Width and Depth" if staff is able to make specific findings. Staff has reviewed the project and believes the specific findings can be made.

On September 3, 2009, the project was presented to the Stanislaus County Planning Commission as a consent item. The Planning Commission, on a 7-0 vote, approved the project as a consent item.

Section 20.12.150 of the Stanislaus County Code provides that a report of the Planning Commission's actions on a tentative map be presented to the Board. If the Board decides to review the map, a public hearing shall be scheduled.

POLICY ISSUES:

The Board of Supervisors should determine if acceptance of the report and approval of the Vesting Tentative Map supports the Board's priorities of a well planned infrastructure system and strong local economy.

STAFFING IMPACT:

There is no staffing impact associated with this item.

ATTACHMENTS:

1. Planning Commission Staff Report dated September 3, 2009
2. Planning Commission Minutes dated September 3, 2009

STANISLAUS COUNTY PLANNING COMMISSION

September 3, 2009

STAFF REPORT

VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2009-01 ELM STREET

REQUEST: TO DIVIDE AN 18,663 SQUARE FOOT (.42-ACRE) PROPERTY INTO TWO PARCELS OF 7,340± AND 11,323± SQUARE FEET IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT. THE PROJECT IS LOCATED AT 5345 ELM STREET IN THE SALIDA AREA.

APPLICATION INFORMATION

Owner/Applicant:	Mervin R. and Gloria J. Gray
Agent:	Jim Freitas, Associated Engineering Group, Inc.
Location:	5345 Elm Street, south of Kiernan Avenue and east of Perez Street, in the Salida area
Section, Township, Range:	4-3-8 & 3-3-8
Supervisorial District:	Three (Supervisor Grover)
Assessor's Parcel:	135-004-079
Referrals:	See Exhibit F Environmental Review Referrals
Area of Parcels:	Parcel "1": 7,340± square feet Parcel "2": 11,323± square feet
Water Supply:	Public Water (City of Modesto)
Sewage Disposal:	Public Sewer (Salida Sanitary District)
Existing Zoning:	R-2 (Medium Density Residential)
General Plan Designation:	Medium-High Density Residential
Community Plan Designation:	Medium-High Density Residential
Williamson Act Contract No:	Not Applicable
Environmental Review:	Categorical Exemption
Present Land Use:	Vacant
Surrounding Land Use:	Single-family dwellings to the north and west; light industrial uses and the Union Pacific Railroad to the east; multi-family residences to the south

PROJECT DESCRIPTION

This project is a request to divide an 18,663 square foot (.42-acre) property into two parcels consisting of 7,340± and 11,323± square feet in the R-2 (Medium Density Residential) zoning district. Currently, the site is vacant. The requested parcels will be served by water from the City of Modesto and sewer service will be provided by the Salida Sanitary District.

DISCUSSION

The site is designated Medium-High Density Residential (MHDR) in the Stanislaus County General Plan and the Salida Community Plan and zoned R-2 (Medium Density Residential) which requires a minimum lot size of six thousand square feet for the creation of new parcels served by public sewer and water facilities. The proposed parcel sizes meet this minimum lot size and will have legal and physical access to a County-maintained roadway.

The project was originally circulated for review as a "parcel map". However, the project site was part of Parcel Map Application No. 2002-11 - Mervin & Gloria Gray, which created four (4) parcels and a remainder. Since the subject parcel is being divided by the same subdivider, the map is subject to the subdivision provisions of the Subdivision Map Act. After review of Subdivision Map Act Sections 66424, 66423 and 66426, as well as Bright Development v. Board (1977) and other cases and reviews, the project should be defined as a "subdivision map". Therefore, the project has been re-circulated as a "subdivision map" for review.

Proposed Parcel "2" is designed as a "flag lot" with a lot width (frontage) of 30 feet and depth of approximately 177 feet (see Exhibit A-5 - *Maps*). The dimensions for proposed Parcel "2" exceed Section 20.52.160(A) - "Lots - Width to Depth Ratio" of the Stanislaus County Subdivision Ordinance, which requires that the depth of lots not exceed the road frontage by more than three times where the total frontage is less than three hundred feet. Section 20.52.160(B) allows the width to depth ratio to be greater than required, provided it is demonstrated to the satisfaction of the department when the tentative parcel map is submitted that the resulting parcel(s):

1. *Can be used for its intended purpose;*
2. *Will not be detrimental to the continued agricultural use of said parcel(s) when designated as agricultural on the land use element of the general plan;*
3. *Is/are consistent with the potential subdivision of the total property as well as any approved city zoning and development plans;*
4. *Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision. Where parcels exceed the width to depth ratio and any parcel being created is of sufficient area to be further subdivided the subdivider may be required to provide such reservations or dedications for future roads of not less than fifty feet in width running to the benefit of the general public, and such other requirements as may be considered reasonable and appropriate to safeguard the orderly development of the property.*

Also, the road frontage of Proposed Parcel "1" is approximately 31 feet in width and approximately 30 feet in width for Proposed Parcel "2". Both frontages do not meet Section 20.52.130(A) - "Lots - Width and Depth," which requires a minimum of 55 feet of lot frontage for all interior residential lots. Section 20.52.130(B) allows a lot's width (frontage) to be less than required provided it is demonstrated to the satisfaction of the department when the tentative parcel map is submitted that the resulting parcel(s):

1. *Can be used for its intended purposes;*
2. *Will meet building setback requirements;*
3. *Will not be detrimental to the public welfare nor injurious to other property in the neighborhood of the proposed subdivision; and*

4. *Will be consistent with the potential subdivision of the total property as well as any approved adjacent city zoning and development plans.*

Per staff's request, the applicant submitted a depiction of a high density use for the site to demonstrate both of the proposed parcels can be developed in accordance with the R-2 zoning district (Exhibit E - *High Density Use Depiction*). The design of the proposed parcels is a result of the awkward shape of the property and area. The applicant has been working with the Salida Fire Protection District and will be required to meet all fire apparatus access standards prior to any construction. There is no indication the project will be detrimental to the public welfare nor injurious to other property in the area, in fact, similar maps have been approved in the surrounding area. These projects include Parcel Map No. 2003-05 - Bruce Boese and Parcel Map No. 2002-11 - Gray.

ENVIRONMENTAL REVIEW

This project is considered categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. This project was referred to the various agencies for general review and there were no significant issues raised (See Exhibit F - *Environmental Review Referrals*). Conditions of approval have been placed on the project (Exhibit B - *Conditions of Approval*).

RECOMMENDATION

Based on this Staff Report, and the entire record, staff recommends that the Planning Commission take the following actions regarding this project:

1. Find the project is generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of the Notice of Exemption.
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis.
3. Find that:
 - (a) The proposed map is consistent with applicable general and specific plans;
 - (b) The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
 - (c) The site is physically suitable for the proposed density of development;
 - (d) The site is physically suitable for the type of development;
 - (e) The design of the subdivision or type of improvements are not likely to cause serious public health problems;

- (f) The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 - (g) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.
- 4. Find the project will increase activity in and around the project area, thereby increasing demands for roads and services, thereby requiring dedications and improvements.
 - 5. Approve Vesting Tentative Subdivision Map Application No. 2009-01 - Elm Street, subject to the attached conditions of approval.

* * * * *

Note: Within five days of final approval by the Planning Commission or Board of Supervisors, a \$57.00 check made payable to the "**Stanislaus County Clerk/Recorder**" shall be submitted to the Department of Planning and Community Development for the purpose of filing the Notice of Exemption.

Report written by: Javier Camarena, Assistant Planner, August 17, 2009

Attachments:

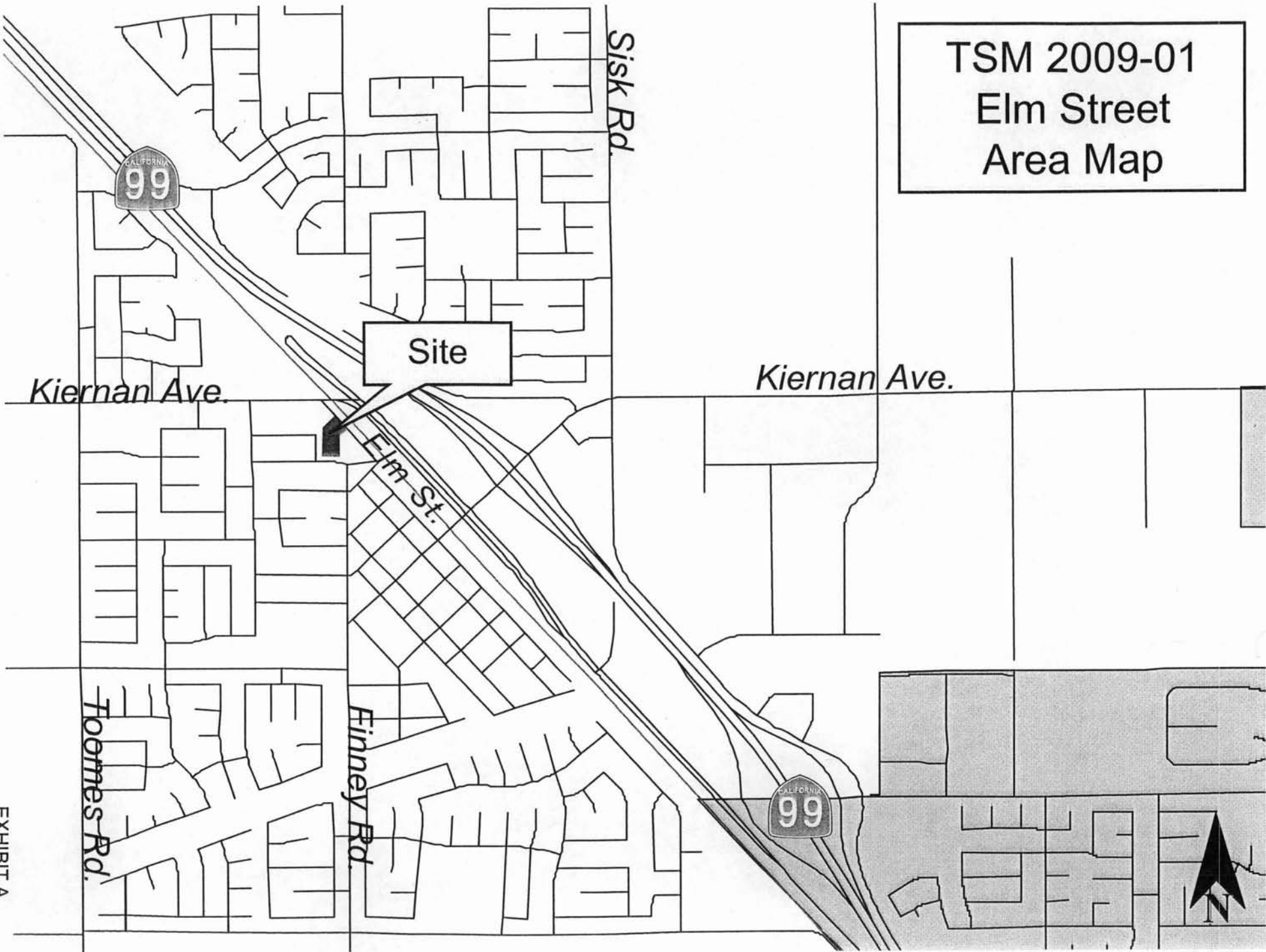
- Exhibit A - Maps
- Exhibit B - Conditions of Approval
- Exhibit C - Notice of Exemption
- Exhibit D - City of Modesto and Salida Sanitary District Will Serve Letters
- Exhibit E - High Density Use Depiction
- Exhibit F - Environmental Review Referrals

Reviewed by:

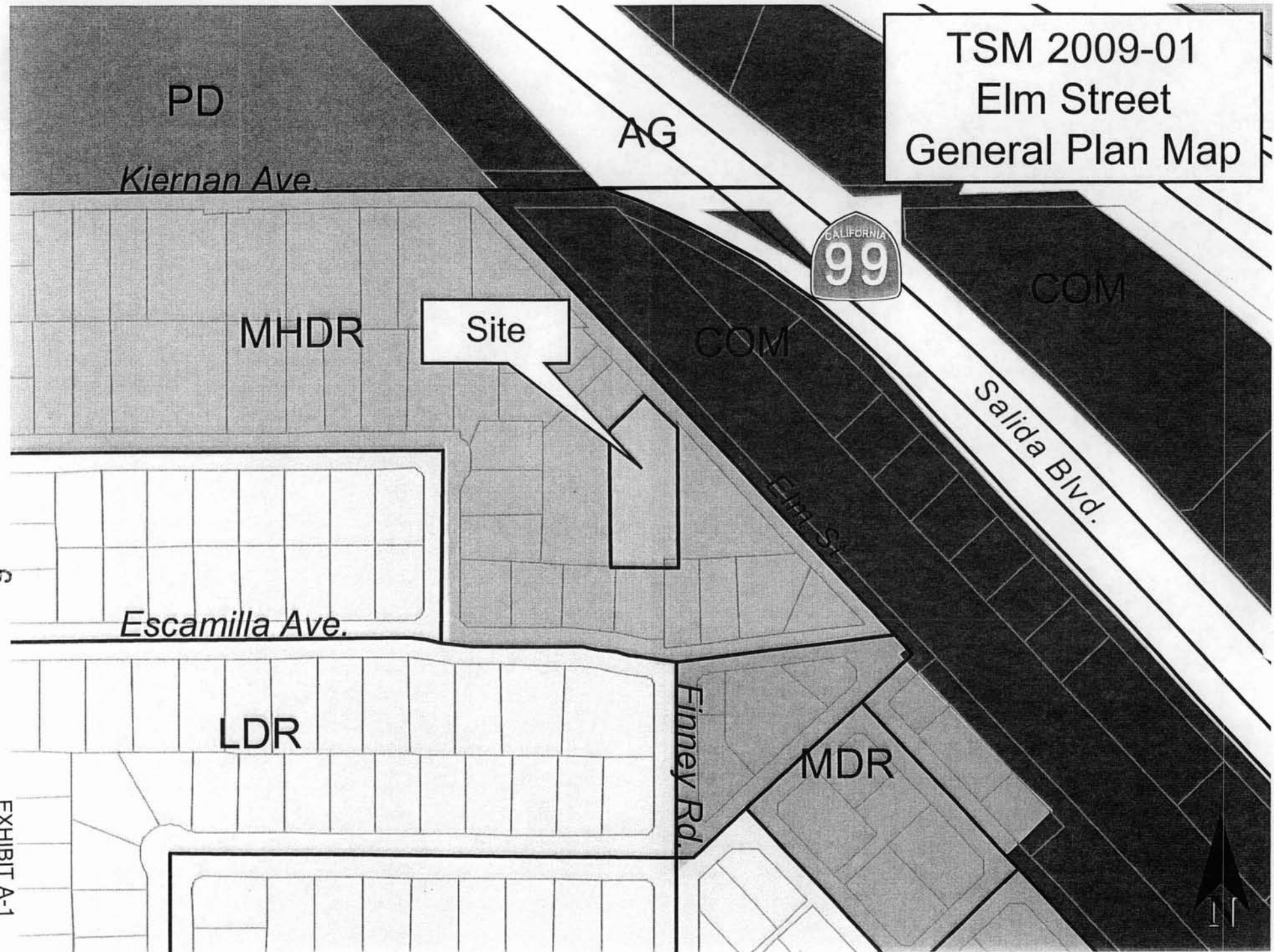


Bill Carlson, Senior Planner

TSM 2009-01
Elm Street
Area Map



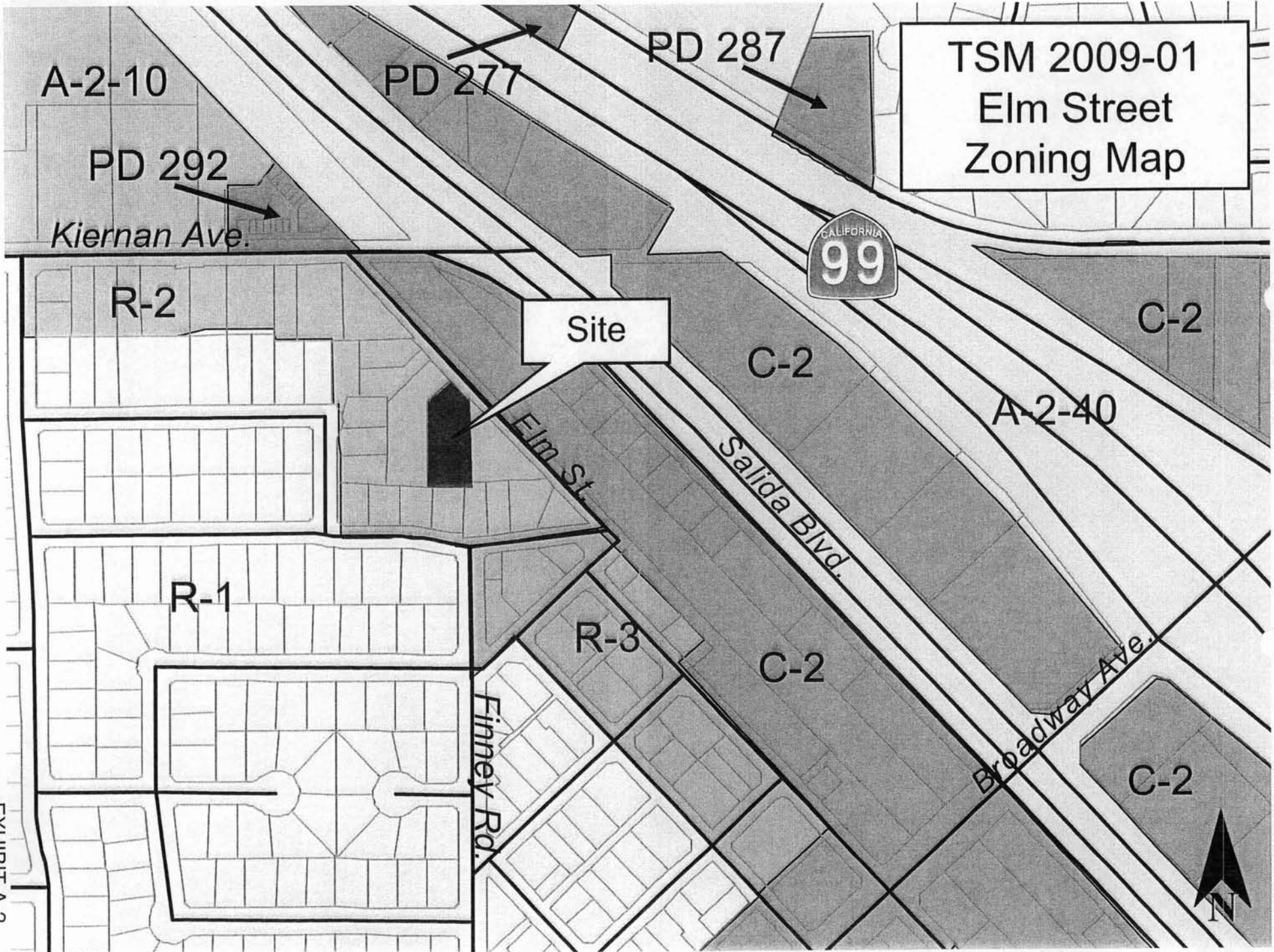
TSM 2009-01
Elm Street
General Plan Map



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EXHIBIT A-1

TSM 2009-01
Elm Street
Zoning Map



A-2-10

PD 277

PD 287

PD 292

Kiernan Ave.

R-2

Site

C-2

C-2

A-2-40

R-1

R-3

C-2

C-2

Finney Rd.

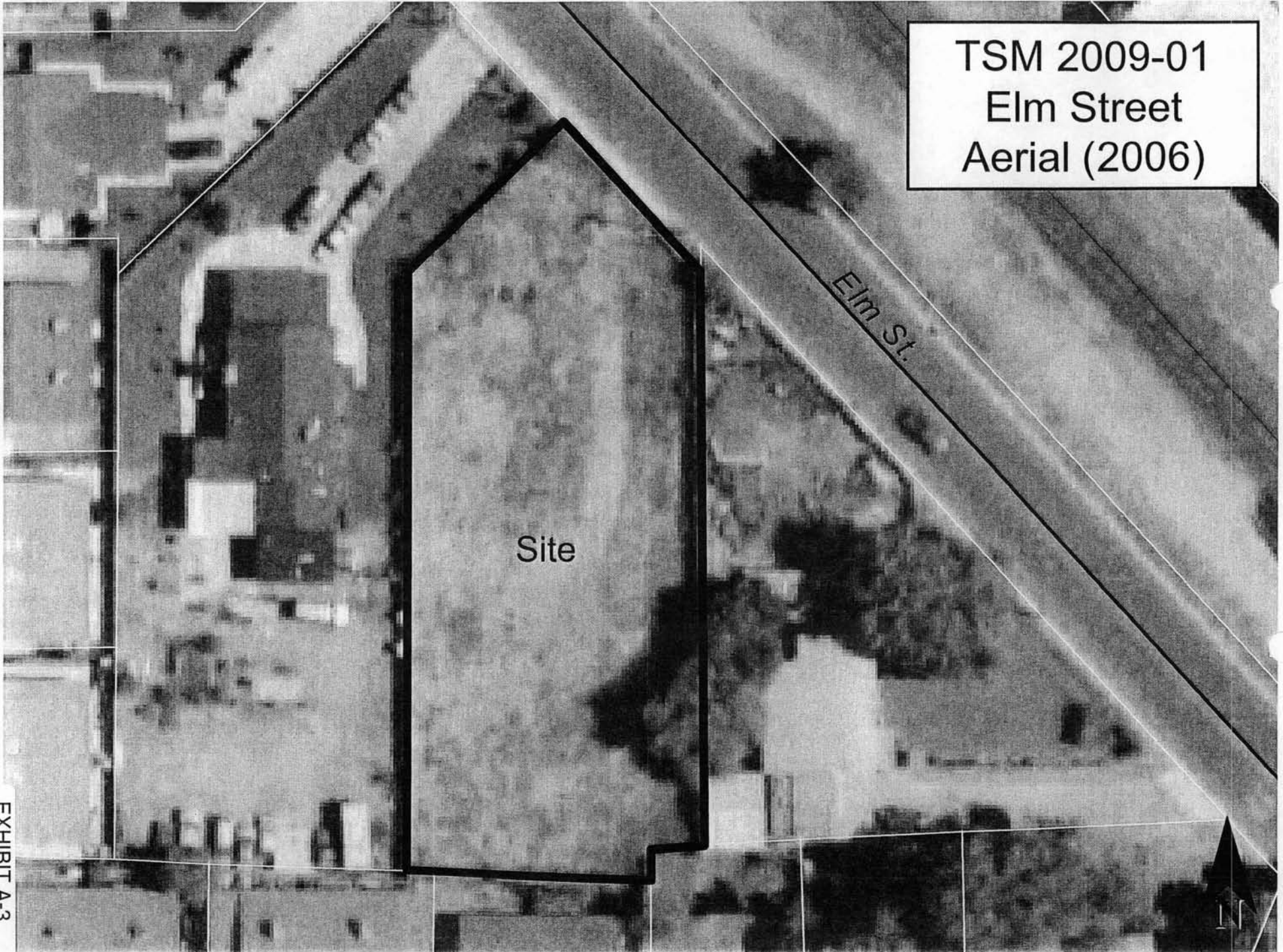
Salida Blvd.

Broadway Ave.



EXHIBIT A-2

TSM 2009-01
Elm Street
Aerial (2006)



Site

Elm St.

11

TSM 2009-01
Elm Street
Estimated Acreage

Site



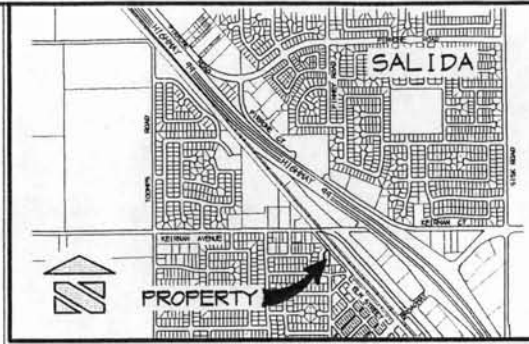
.43

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EXHIBIT A-4

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TSM 2009-01 Elm Street Site Plan



VICINITY MAP
NO SCALE

OWNER/APPLICANT:
MERVIN R. & GLORIA J. GRAY
P.O. BOX 526
MANTECA, CA 95336
PHONE: (209) 825-2010

GENERAL NOTES

1. ASSESSOR'S PARCEL NUMBER: 135-004-074
2. PRESENT ZONING: R-2, MEDIUM DENSITY RESIDENTIAL
3. SITE SUMMARY: TOTAL SITE = APPROX. 18,663 ± SQ. FT., BEING DIVIDED INTO TWO PARCELS
4. DOMESTIC WATER: EXISTING CITY OF MODESTO SYSTEM
5. SANITARY SEWER: EXISTING SALIDA SANITARY DISTRICT
6. STORM DRAINAGE: PURSUANT TO STANISLAUS COUNTY STANDARDS
7. THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.
8. ALL REQUIRED IMPROVEMENTS TO BE INSTALLED SHALL BE IN ACCORDANCE WITH STANISLAUS COUNTY STANDARDS.



REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING, INC.
Surveying · Design · Planning
4206 TECHNOLOGY DRIVE
MODESTO, CALIFORNIA 95358
PH: (209) 545-3390 FAX: (209) 545-3875



VESTING
TENTATIVE SUBDIVISION MAP
5945 ELM STREET
STANISLAUS COUNTY CALIFORNIA

DRAWN BY:	R.H.U.
DATE:	6/25/09 10:17
SCALE:	1" = 20'
DWG:	712-TPM
CHECKED:	712-08
JOB #	712-08
SHEET	1
OF	1

10

EXHIBIT A-5

CONDITIONS OF APPROVAL

**VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2009-01
ELM STREET**

Department of Public Works

1. The recorded subdivision map shall be prepared by a licensed land surveyor or a qualified registered civil engineer.
2. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the Elm Street right-of-ways shall be relocated onto private property prior to recordation of this map.
3. All structures not shown on the tentative subdivision map shall be removed prior to the final map being recorded.
4. Road right-of-way shall be deeded to Stanislaus County to provide 60 feet west of the railroad right-of-way along both lot frontages. This dedication shall be shown on the final map to be recorded.
5. Prior to the map being recorded, improvement plans shall be submitted to Public Works for review. Improvements shall include, but are not limited to relocating a power pole, showing location of driveways, installing the remainder of curb gutter and sidewalks to Stanislaus County Standards and Specifications.
6. An encroachment permit shall be obtained for any driveway taking access from the county road. Public Works shall approve the location of any driveway for the project prior to any building permit.
7. A 10-foot wide public utility easement (P.U.E.) shall be located on the frontage of both lots. The P.U.E. shall be shown on the final map to be recorded.
8. All new parcels shall be surveyed and fully monumented.
9. One bench mark shall be established within the subdivision on a brass cap. A completed bench mark card shall be furnished to the Department of Public Works.
10. Stanislaus County will not issue any final inspection and/or occupancy permits for any structures within the subdivision until all the required subdivision improvements have been completed to the satisfaction of the Department of Public Works.

Planning and Community Development

11. Prior to the issuance of building permits for a dwelling, the owner/developer shall pay a fee of \$339.00 per dwelling to the County Sheriff's Department.

12. The final recorded map shall contain the following statement:

“All persons purchasing lots within the boundaries of this approved map should be prepared to accept the inconveniences associated with the agricultural operations, such as noise, odors, flies, dust or fumes. Stanislaus County has determined that such inconveniences shall not be considered to be a nuisance if agricultural operations are consistent with accepted customs and standards.”
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. For any new development, the developer shall pay all applicable Public Facilities Impact Fees and Fire Protection Development/Impact Fees as adopted by Resolution of the Board of Supervisors. For the Public Facilities Impact Fees, the fees shall be based on the Guidelines Concerning the Fee Payment Provisions established by County Ordinance C.S. 824 as approved by the County Board of Supervisors, and shall be payable at the time determined by the Department of Public Works.
15. The subdivider 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 map as set forth in Government Code Section 66474.9. The County shall promptly notify the subdivider of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
16. Within five days of final approval by the Planning Commission or Board of Supervisors, a \$57.00 check made payable to the **“Stanislaus County Clerk/Recorder”** shall be submitted to the Department of Planning and Community Development for the purpose of filing the Notice of Exemption.
17. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
18. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary.

19. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate streambed alteration agreements, permits or authorizations, if necessary.
20. Prior to recording of the map, all actions needed to ensure public sewer service by the Salida Sanitary District and public water service by the City of Modesto shall be completed.

City of Modesto

21. Each parcel shall have a separate water service.
22. The water service connections for the property shall be made from the existing eight inch (8") water line in Elm Street. The water service connection shall be per City Standards and shall be approved by the City of Modesto. All costs associated with its design, installation, and permits shall be borne by the property owner.
23. The smallest water service lines and associated meter sizes needed to serve the proposed project shall be installed prior to recording the map.
24. All applicable water connection fees shall be paid and associated permits shall be obtained prior to beginning any on-site construction.
25. The water use at the properties shall comply with the City of Modesto's outdoor water use regulations, including the City's Drought Contingency Plan.
26. The property owner shall enter into a standard water service agreement with the City, as required for water service outside the City limits.

Salida Sanitary District

27. The site and proposed connection plan(s) shall be approved by the District before commencement of construction.
28. All costs associated with sewer service shall be paid by the property owner.
29. The owner shall comply with all rules and regulations of the Salida Sanitary District applicable to the use of District facilities.
30. All applicable District connection, facilities, and inspection fees shall be paid prior to connection.
31. Work contemplated in the April 14, 2009 will-serve letter from Salida Sanitary District shall be completed by April 14, 2010; otherwise an extension will be required.

Stanislaus Fire Prevention Bureau

32. Project shall comply with current Fire Code requirements. All buildings constructed shall comply with on-site water for fire protection. An approved fire apparatus access road shall be provided. Fire Apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turn-around.
33. A District specified Rapid Entry System (Knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated and or limited access points.
34. For buildings of 30 feet or three (3) or more stories in height, gated 2 ½" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
35. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire Code.
36. All buildings 5,000 square feet and greater and/or containing five or more dwelling units shall be provided with an automatic fire sprinkler system.

Department of Environmental Resources

37. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), 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.

Salida Fire Protection District

38. This project will be subject to Fire Service Impact Mitigation Fees as adopted by the District Board of Directors and currently in place at the time of issuance of construction permits.
39. This project shall meet the District's requirements of on-site water for fire protection prior to construction of combustible materials. Fire hydrant(s) and static source locations, connections, and access shall be approved by the District.
40. Prior to, and during, combustible construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.
41. Prior to recording the final map, development, and or construction, the owner of the property(s) will be required to form or annex into a community facilities district for operational services with the Salida Fire Protection District. Due to the fact that this process may take 60-120 days to complete, it is recommended that advanced consideration be given to initiating this requirement early in the project.

Modesto Irrigation District

42. In conjunction with related site improvement requirements, existing overhead electric facilities within or adjacent to the site shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
43. Relocation or installation of electric facilities shall conform to the District's Electric Service Rules.
44. Costs for relocation of the District's facilities at the request of others will be borne by the requesting party. Estimates for relocating existing facilities will be supplied upon request.
45. The 10' PUE shall be maintained along Elm Street.
46. A 15' PUE is required adjacent to the existing 12kv overhead lines along the southerly property line in order to protect the overhead electric facilities and maintain necessary safety clearances.

Building Permits Division

47. Future buildings will require building permits per California Code of Regulations Title 24.

Modesto City Schools

48. The appropriate school impact fees will apply to all new construction.

Department of Parks and Recreation

49. Prior to the issuance of any building permits for a dwelling, the owner/developer shall pay a per dwelling fee to Stanislaus County Department of Parks and Recreation. In-Lieu of Fee costs per parcel are \$2,050.00 per single-family dwelling and \$1,305.00 per multi-family dwellings.

*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~~.*

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Vesting Tentative Subdivision Map Application No. 2009-01 - Elm Street

Applicant Information: Mervin R. & Gloria J. Gray / P.O. Box 526 / Manteca, CA 95336 / (209) 239-1012

Project Location: 5345 Elm Street, south of Kiernan Avenue and east of Perez Street, in the Salida area, Stanislaus County. APN: 135-004-079.

Description of Project: Request to divide an 18,663 square foot (.42-acre) property into two parcels. Proposed parcel "1" will be 7,340± square feet and proposed parcel "2" will be 11,323± square feet in the R-2 (Medium Density Residential) zoning district.

Name of Agency Approving Project: Stanislaus County Planning Commission

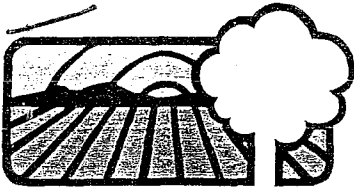
Lead Agency Contact Person: Javier Camarena, Assistant Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____
- General Exemption (Section 15061(b)(3)).

Reasons why project is exempt: This project will be a division of property in the R-2 (Medium Density Residential) zone. Any development that occurs on the subject property must adhere to R-2 zoning standards as well as any other applicable standards. The proposed land division is not considered to have the potential for significant environmental impacts as zoning currently permits development.



CITY of MODESTO

*Community and
Economic
Development
Department*

*Land
Development
Engineering
Division*

*P.O. Box 642
1010 Tenth Street
Fourth Floor
Modesto, CA 95353
209/577-5462
209/577-5461 Fax
www.modestogov.com*

*Hearing and Speech
Impaired Only
TDD 209/526-9211*

April 7, 2009

Mr. Mervin Gray
PO Box 526
Manteca, CA 95336

Subject: Water Will Serve Letter for Property located at 5345 Elm Street,
Salida, CA

Dear Mr. Gray:

As requested in your request dated April 3rd, 2009, the proposed development located at 5345 Elm Street will be allowed to make two domestic water service connections to the City's existing water system as described below.

Water Service:

Pursuant to Modesto City Council Resolution No. 98-306 and City Council Policy No. 5.001, both addressing the extension of water service into unincorporated areas, it has been determined that a sufficient quantity of domestic water is available for normal usage by the proposed development at this time.

In general, Council Policy No. 5.001 provides that water service extensions may be approved by the City Manager on a case-by-case basis to properties outside the Modesto City Limits, outside of the Modesto Municipal Sewer District Number 1 and inside of the City's Sphere of Influence when all of the following conditions are met:

1. The development has been authorized by the appropriate land use agency.
2. The property is inside, contiguous to, or near the former service area of the Del Este Water Company.
3. City staff has completed an analysis and determined that it is reasonable for the City of Modesto to extend water service based on a plan to pay for the service extension costs, the quantity of water used, the type of water use and the overall impact on the water system.

In addition to the above requirements, the following items are specific conditions on the proposed project:

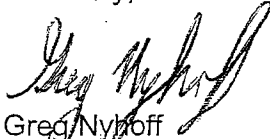
4. That the water demand requirements for the proposed connections will not change significantly from the information contained in the above referenced application.
5. That the proposed development meets all of the Salida Fire Department fire code requirements.
6. That the water service connections for the property be made from the existing eight inch (8") water line in Elm Street. The water service connection shall be per City Standards and shall be approved by the City of Modesto. All costs associated with its design, installation, and permits shall be borne by the property owner.
7. That the smallest water service lines and associated meter sizes needed to serve the proposed project be installed.
8. That all applicable water connection fees are paid and associated permits be obtained prior to beginning any on-site construction.
9. That the water use at the properties shall comply with the City of Modesto's outdoor water use regulations, including the City's Drought Contingency Plan.
10. That the property owner enters into a standard water service agreement with the City, as required for water service outside the City limits, by contacting Wendy Correia at (209) 571-5569 for more information.

Construction of the water connection identified to serve the above referenced project shall be completed prior to twelve (12) months from the date of this letter, and if after such time the service connections have not been made, the City's approval of said connections will be revoked.

If you have any questions, please contact Robert Davalos at (209) 577-5253.

Recommended By: Robert Davalos CLC
 Robert Davalos, Assistant Engineer

Sincerely,


 Greg Nyhoff
 City Manager

cc: Nicholas Pinhey, Director – PW *WP*
 Rich Ulm – PW
 Allen Lagarbo – PW
 Jose Cavazos – PW
 Bill Sandhu – C&EDD
 Chuck Covolo – C&EDD
 Wendy Correia – C&EDD
 Dennis Wister – Stanislaus County

SALIDA SANITARY DISTRICT
POST OFFICE BOX 445
SALIDA, CALIFORNIA 95368
(209) 545-4987

*"Providing our community's sewer
service needs, with pride, since 1951"*

April 14, 2009

Rachel Wickstrom
Associated Engineering, Inc.
4206 Technology Drive
Modesto, California 95356

Subject: Will-serve letter for: Mervin and Gloria Gray
5345 Elm Street, Salida
APN: 135-004-079

The Salida Sanitary District can and will provide sewer service to 5345 Elm Street,
Salida APN 135-004-079 on the following terms:

1. That the site and proposed connection plan(s) be approved by the District before commencement of construction.
2. That all costs associated with sewer service are paid by the property owner.
3. That the owner complies with all rules and regulations of the Salida Sanitary District applicable to the use of District facilities.
4. That all then applicable District connection, facilities and inspection fees be paid prior to connection.
5. Work contemplated by this will serve letter shall be completed by April 14, 2010; otherwise an extension will be required.

Yours truly,



Michael B. Gilton P.E.
District Manager - Engineer



PARCEL 2
52-PM-44
A.P.N.
135-004-081

PARCEL 3
51-PM-04
A.P.N.
135-004-078

3
A.P.N.
135-004-052

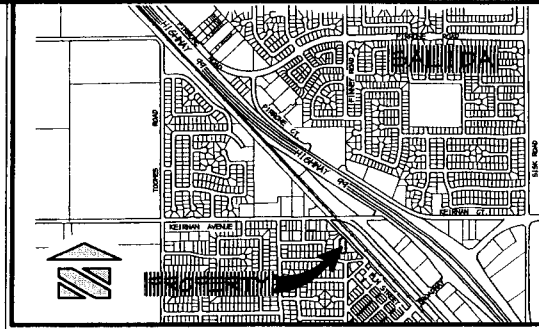
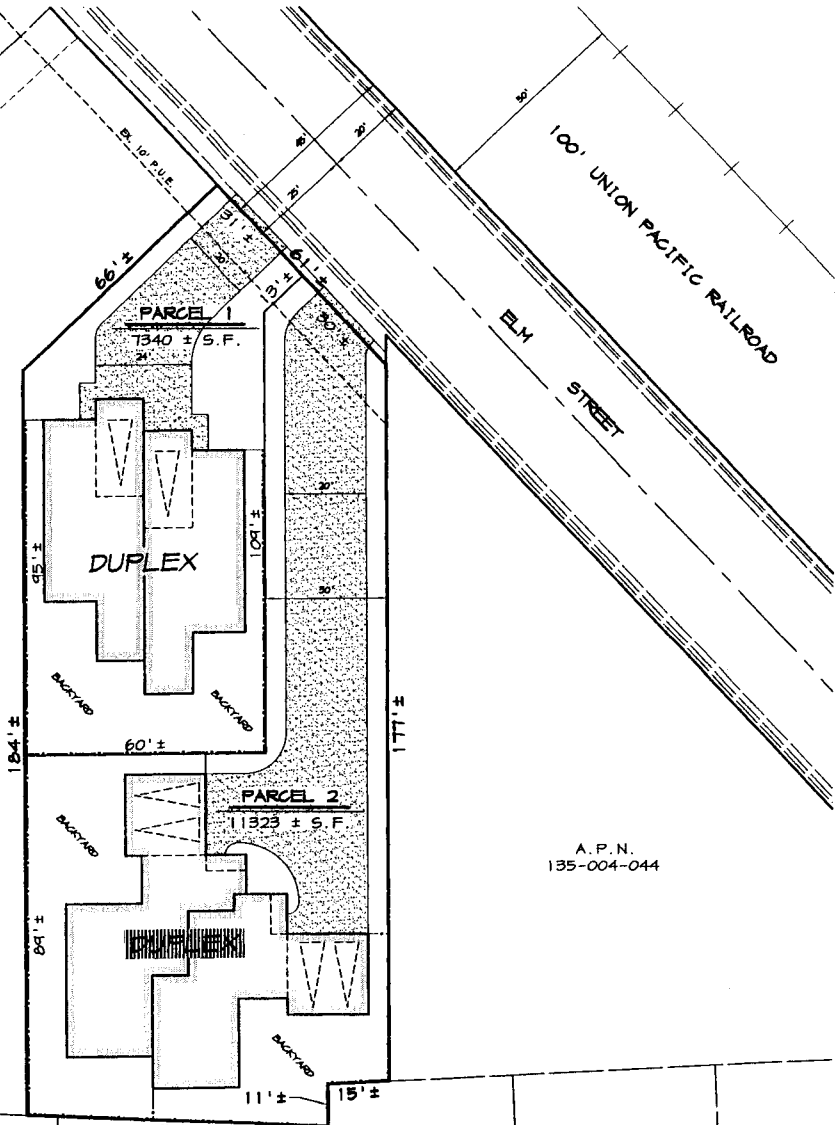
TAMIKEN TRACT
UNIT NO. 1
28-M-08
2
A.P.N.
135-004-051

1
A.P.N.
135-004-050

A.P.N.
135-004-048

A.P.N.
135-004-044

A.P.N.
135-004-047



VICINITY MAP
NO SCALE



REVISION	DATE	DESCRIPTION	BY

ASSOCIATED ENGINEERING, INC.
 Surveying - Design - Planning
 2020 S. FENWICK DRIVE
 MOUNTAIN VIEW, CA 94039
 PH: (209) 545-3190 FAX: (209) 545-5875



CONCEPTUAL DEVELOPMENT SKETCH
5345 ELM STREET
 STANISLAUS COUNTY CALIFORNIA

DRAWN BY: J.E.
 DATE: 4/27/09 2:01
 SCALE: 1"=20'
 DWG: T12-SKETCH
 CHECKED:
 JOB #: T12-08

SHEET 1 OF 1

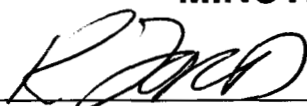
NOTE:
 THIS DRAWING IS DIAGRAMMATIC TO DEPICT POSSIBLE IMPROVEMENTS AND IS FOR ILLUSTRATIVE PURPOSES ONLY. THIS DRAWING IS NOT BINDING AND DOES NOT REPRESENT ANY REQUIRED IMPROVEMENTS. PARCELS IN EXCESS OF TWO DWELLING UNITS REQUIRE A USE PERMIT UNDER CURRENT R-2 ZONING.

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2009-01 - ELM STREET

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS		
	DATE: July 6, 2009	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
AGRICULTURE COMMISSIONER	X					X							
AIRPORT LAND USE COMMISSION	X					X							
BUILDING PERMITS DIVISION	X				X				X		X	X	
CALTRANS DISTRICT 10	X				X				X		X		X
CHIEF EXECUTIVE OFFICE	X					X							
CITY OF: MODESTO	X			X	X		X				X	X	
SANITARY DIST: SALIDA	X			X	X		X				X	X	
COOPERATIVE EXTENSION	X			X		X							
COUNTY COUNSEL	X					X							
ENVIRONMENTAL RESOURCES	X				X		X				X	X	
FIRE PROTECTION DIST: SALIDA	X			X	X		X				X	X	
FISH & GAME, DEPT OF	X			X		X							
HAZARDOUS MATERIALS	X				X		X				X	X	
HOSPITAL DISTRICT:													
IRRIGATION DISTRICT: MODESTO	X			X	X		X				X	X	
MOSQUITO DISTRICT: EASTSIDE	X			X		X							
MT VALLEY EMERGENCY MEDICAL	X			X		X							
MUNICIPAL ADVISORY COUNCIL: SALIDA	X			X		X							
PACIFIC GAS & ELECTRIC	X			X		X							
PARKS & FACILITIES	X				X		X				X	X	
PUBLIC WORKS	X				X		X				X	X	
PUBLIC WORKS - TRANSIT	X												
RAILROAD: UNION PACIFIC	X			X		X							
REGIONAL WATER QUALITY CONTROL	X			X		X							
SCHOOL DISTRICT 1: SALIDA	X			X		X							
SCHOOL DISTRICT 2: MODESTO	X			X		X							
SHERIFF	X				X				X		X		X
STANISLAUS ERC	X				X		X				X	X	
STANISLAUS FIRE PREVENTION BUREAU	X				X		X				X	X	
SUPERVISORIAL DISTRICT 3: GROVER	X					X							
TELEPHONE COMPANY: AT&T	X			X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X			X		X							
US FISH & WILDLIFE	X			X		X							
VALLEY AIR DISTRICT (SJVAPCD)	X			X									
WATER DISTRICT: MODESTO	X			X	X						X	X	

- *B. VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2009-01 - ELM STREET -**
This is a request to divide an 18,663 square foot (.42-acre) property into two parcels in the R-2 (Medium Density Residential) zoning district. Proposed parcel "1" will be 7,340± square feet and proposed parcel "2" will be 11,323± square feet. The project is located at 5345 Elm Street, Salida. This project is exempt from CEQA.
APN: 135-004-079
Staff Report: Javier Camarena Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Assali/Gammon, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

<p style="text-align: center;">EXCERPT</p> <p style="text-align: center;">PLANNING COMMISSION</p> <p style="text-align: center;">MINUTES</p> <p style="text-align: center;"></p> <p>_____ Secretary, Planning Commission</p> <p style="text-align: center;"><u>9/29/09</u></p> <p>_____ Date</p>
