

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

DEPT: Planning and Community Development AF

BOARD AGENDA # \*D-1

Urgent

Routine

AGENDA DATE November 30, 2010

CEO Concurs with Recommendation YES  NO

(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing for December 21, 2010 at 6:40 p.m. to Consider Planning Commission's Recommendation for Denial of General Plan Amendment No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map, 2010-01, Del Rio Villas

STAFF RECOMMENDATIONS:

1. Set a public hearing for December 21, 2010 at 6:40 p.m. to consider Planning Commission's recommendation for denial of a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space

(Continued on page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the community plan amendment, rezone and vesting tentative subdivision map will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2010-723

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith  
and approved by the following vote,

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

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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-N-4

Approval to Set a Public Hearing for December 21, 2010 at 6:40 p.m. to Consider Planning Commission's Recommendation for Denial of General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map 2010-0, Del Rio Villas  
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condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage. The property is located at southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area, Stanislaus County. APN: 004-059-044

2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

#### **DISCUSSION:**

This is a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community Plan area: 1) amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) amend the zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space condominiums and a common area parcel.

The project site is located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community Plan area and is surrounded with single-family homes. The property is currently vacant. Adjacent to the site there is an existing City of Modesto water well on a separate parcel at the northeast corner. The Del Rio County Club is located northeast of the project site. The project site is located in Area I of the Del Rio Community Plan, within the service areas for Salida Fire Protection District and City of Modesto for water.

The applicant's request is needed for development of a condominium project with lot sizes of approximately 5,100 to 7,200 square feet which does not meet the current allowable dwelling density. Public water will be provided by the City of Modesto and sewer will be provided by a private on-site package wastewater treatment plant to be constructed. The developer, prior to recording the subdivision map, will be responsible for construction of any improvements needed to provide sewer and water service to the project area.

The current Community Plan designation for this site allows up to 2 units per acre. The applicant is proposing to amend the Community Plan designation to a Planned Development (4.5 dwelling units per acre). This is consistent with the County's General Plan Low Density designation which allows up to 8 dwelling units per acre.

On November 4, 2010, the Planning Commission held a public hearing and on a 3-2 vote recommended the Board of Supervisors deny the request.

Approval to Set a Public Hearing for December 21, 2010 at 6:40 p.m. to Consider Planning Commission's Recommendation for Denial of General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map 2010-0, Del Rio Villas  
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At this time, this item simply sets the date and time for a hearing on the matter before the Board of Supervisors to consider the proposed request.

**POLICY ISSUES:**

The Board should determine if setting a hearing for this proposed general plan amendment and rezone furthers the goals of Efficient Delivery of Public Services.

**STAFFING IMPACT:**

There are no staffing impacts associated with this item.

**CONTACT PERSON:**

Bill Carlson, Senior Planner. Telephone: (209) 525-6330  
Kirk Ford, Planning & Community Development Director. Telephone: (209) 525-6330

**NOTICE OF PUBLIC HEARING FOR  
GENERAL PLAN AMENDMENT NO. 2010-02,  
REZONE APPLICATION NO. 2010-02, AND  
VESTING TENTATIVE SUBDIVISION MAP 2010-01  
DEL RIO VILLAS**

NOTICE IS HEREBY GIVEN that on December 21, 2010, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation for denial of a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage. The property is located at southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area, Stanislaus County, APN: 004-059-044. A CEQA Negative Declaration will be considered for this project.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: November 30, 2010

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

BY:

  
Elizabeth A. King, Assistant Clerk



BOARD OF SUPERVISORS

2010 DEC 13 P 12: 04

December 10, 2010

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN THAT** the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, December 21, 2010**, starting at **6:40 P.M.** in the Joint Chambers, 1010 10<sup>th</sup> Street, Basement Level, Modesto, California, to consider the following:

Planning Commission's recommendation for denial of General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas - This is a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage.

The property is further identified as Assessor's Parcel No. 004-059-044

The Board of Supervisors will also consider approval of a Negative Declaration for this item.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: [planning@mail.co.stanislaus.ca.us](mailto:planning@mail.co.stanislaus.ca.us).

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building  
Department of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

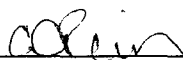
On December 10, 2010, I served the attached Notice of Public Hearing:  
(Date)

GENERAL PLAN AMENDMENT APPLICATION NO. 2010-02, REZONE APPLICATION NO. 2010-02, AND VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2010-01 - DEL RIO VILLAS on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 10, 2010, at Modesto, California.  
(Date)

Crystal D Rein  
(Type or print name)

  
Signature

**GENERAL PLAN AMENDMENT APPLICATION NO. 2010-02, REZONE APPLICATION NO. 2010-02, AND VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2010-01 - DEL RIO VILLAS**

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - STEVE TREAT	X	PUBLIC WORKS - ANGIE HALVERSON
X	CAL TRANS DISTRICT 10	X	PUBLIC WORKS - DAVID LEAMON
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
	CITY OF:		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: STANISLAUS
X	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: MODESTO
	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL		StanCOG
	COUNTY OF:	X	STAN CO ERC
	DEPARTMENT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: SALIDA		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 4: MONTEITH
X	HAZARDOUS MATERIALS	X	SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: MODESTO	X	TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: EASTSIDE	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
	MUNICIPAL ADVISORY COUNCIL:	X	WATER DIST: CITY OF MODESTO PUBLIC WORKS (DEL ESTE)

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

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

NOTICE OF PUBLIC HEARING  
GENERAL PLAN AMENDMENT  
NO. 2010-02  
REZONE APPLICATION NO. 2010-02,  
AND VESTING TENTATIVE  
SUBDIVISION MAP 2010-01  
DEL RIO VILLAS

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 entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper 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**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

NOTICE IS HEREBY GIVEN that on December 21, 2010, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation for denial of a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage.

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: November 30, 2010. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk  
Pub Dates Dec. 11, 2010

Dec 11, 2010

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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

December 13th, 2010

(By Electronic Facsimile Signature)

*Marie Hickman*