

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

DEPT: Planning and Community Development Af

BOARD AGENDA # 9:10 a.m.

Urgent Routine

AGENDA DATE May 22, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide a 33.70 Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area - **Continued from the May 15, 2012 Board of Supervisors Meeting**

STAFF RECOMMENDATIONS:

After conducting a public hearing at its regular meeting of February 5, 2009, the Stanislaus County Planning Commission, on a 6-2 (Layman, DeLaMare) vote, denied the approval of this proposed project.

If the Board decides to uphold the Planning Commission decision to deny the application, the Board must complete a two part analysis required by Government Code §65589.5 (j).

(Continued on page 2)

FISCAL IMPACT:

The fiscal impacts associated with the Board's reconsideration of this project is related to the staff time spent reviewing, evaluating and preparing the Board report. Due to the legal action, requiring the Board to reconsider this project, time spent by the Planning and Community Development staff was not accounted for with fees collected as part of the original application process. As such, any fiscal impacts incurred are absorbed by the Department's existing operating budget.

BOARD ACTION AS FOLLOWS:

No. 2012-261

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, and De Martini

Noes: Supervisors: Chairman O'Brien

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

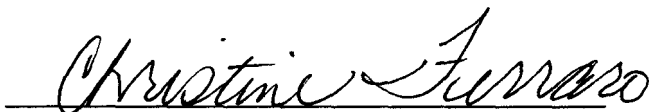
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: **SEE AMENDED MOTION ATTACHED ON PAGES 1-a AND 1-b**



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide A 33.70 Acre Parcel To Create 8 Parcels Ranging in Size From 0.50 to 5.00 Acres with a 12.03-Acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area

Page 1-a **MOTION CONTINUED FROM PAGE 1**

Approved the appeal and adopted the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; finds that: (a) the substitute language (Mitigation Measures No. 1-10) 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; adopted the Mitigation Monitoring Plan, with the substitute language for Mitigation Measures No. 1-10, pursuant to CEQA Guidelines Section 15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds that: (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451, (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 type of development, (d) The site is physically suitable for the proposed density of development. (e) 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, (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems, (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, (h) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements, (i) The fulfillment of construction requirements for improvements, on the designated "Remainder" parcel, is necessary for reasons of: 1. The public health and safety; or 2. The required construction is a necessary prerequisite to the orderly development of the surrounding area; the Board **amended** the "Revised" Conditions of Approval/Mitigation Measures to add Condition No. 41 as follows: "Applicant's proposed tentative map does not identify public access to the Stanislaus River as required by Government Code sections 66478.1 through 66478.14. Pursuant to sections 66478.4 and 66478.5, Applicant shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, and a public easement along the riverbank, bordering or lying within the proposed subdivision. Pursuant to section 66478.4, reasonable public access shall be determined by the County. Pursuant to section 66478.5, the County shall determine the width and character of the public easement to achieve reasonable public use of the river consistent with public safety. The approved access shall be shown on the Final Map in compliance with Map Act section 66478.6. For purposes of this project, County considers "reasonable access" under section 66478.4, to mean an access of not less than 10 feet in width to the bank of the river and "public easement" under section 66478.5, to mean a public easement of 10 feet in width above the high-water mark, with both access and easement suitable for pedestrian, bicycle, equestrian or other

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide A 33.70 Acre Parcel To Create 8 Parcels Ranging in Size From 0.50 to 5.00 Acres with a 12.03-Acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area

Page 1-b **MOTION CONTINUED FROM PAGE 1-a**

non-motorized transport of persons, and for access to the river for small boats. The approved river access shall connect between Cemetery Road and the portion of the riverbank lying within the proposed subdivision; and the public easement shall lie along the entire portion of the riverbank bordering or lying within the proposed subdivision.”, and to add Condition No. 42 as follows: “Prior to the recording of the final map, the Applicant shall construct road improvements along the project frontage to Frymire Road and Cemetery Road to Stanislaus County Public Works Standards and Specifications, 1998 Edition, including Plate 3-A6, “Rural Collector”. The roadway improvements shall include asphalt road widening of Frymire Road and Cemetery Road so that the travel lane portion of Frymire and Cemetery Roads are twelve feet in width, with a one foot asphalt shoulder, and a three foot gravel shoulder. The road improvements shall taper to the existing width of the bridge crossing the Oakdale Irrigation District Frymire Lateral on Cemetery Road on both approaches. Prior to Construction, Applicant shall submit road improvement plans to, and for approval by, Stanislaus County Department of Public Works. Applicant shall obtain an Encroachment Permit prior to any work being done in the County’s road right-of-way.”; the Board approved Vesting Tentative Subdivision Map Application No. 2006-06 - Knights Ferry Overlook, subject to the “Revised” Conditions of Approval/Mitigation Measures as amended

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide a 33.70 Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area **(Continued from the May 15, 2012 Board Meeting)**

Page 2

STAFF RECOMMENDATIONS: (Continued)

1. To deny the application the Board must first determine whether the project complies with applicable, objective general plan and zoning standards and criteria in effect at the time of the application. If the Board determines the project does not comply the Board may deny the application, however, it must identify the standards or criteria with which the project failed to comply.
2. If the project does comply with applicable, objective general plan and zoning standards and criteria, to deny the application the Board must make additional written findings supported by substantial evidence on the record that both of the following conditions exist:
 - (a) The project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and
 - (b) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

If the Board decides to approve the project, the Board should take the following actions:

1. Adopt the Mitigated 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 Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis.
2. Find that:
 - (a) The substitute language (Mitigation Measures No. 1-10) 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
3. Adopt the Mitigation Monitoring Plan, with the substitute language for Mitigation Measures No. 1-10, pursuant to CEQA Guidelines Section 15074(d).

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide a 33.70 Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area **(Continued from the May 15, 2012 Board Meeting)**

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4. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075.
5. Find that:
 - (a) The proposed map is consistent with applicable general and specific plans as specified in Section 65451.
 - (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 type of development.
 - (d) The site is physically suitable for the proposed density of development.
 - (e) 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.
 - (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - (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.
 - (h) The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
 - (i) The fulfillment of construction requirements for improvements, on the designated "Remainder" parcel, is necessary for reasons of:
 1. The public health and safety; or
 2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.
6. Approve Vesting Tentative Subdivision Map Application No. 2006-06 - Knights Ferry Overlook, subject to the attached "Revised" Conditions of Approval/Mitigation Measures attached to this report (*see Attachment No. 7 of the May 15, 2012, Board of Supervisors report*).

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide a 33.70 Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area **(Continued from the May 15, 2012 Board Meeting)**

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DISCUSSION:

After receiving the report from County staff, and both oral and written testimony by the applicant and the opponents of the project, the Board continued this item from May 15, 2012, to this date. The purpose of the continuance was to provide the applicant additional time to review new Conditions of Approval proposed by staff at the May 15th meeting regarding access to the river under Government Code Sections 66478.1 to 66478.14 and for roadway improvements due to traffic safety concerns.

Prior to the previous Board meeting, staff was made aware that the applicant's Vesting Tentative Map (VTM) did not identify "reasonable public access" to the Stanislaus River as required by the Subdivision Map Act (Government Code § 66478.1-66478.14). Staff prepared a proposed Condition of Approval to address this requirement and provided the applicant with a copy just prior to the start of the Board meeting; however, notice of the need to provide reasonable public access (including reference to the applicable code sections) was provided to the applicant the morning of the Board meeting. At the meeting, the applicant requested additional time to adequately research and review relevant Government Code sections before agreeing or opposing the condition. Proposed Condition of Approval, No. 41, states:

41. *Applicant's proposed tentative map does not identify public access to the Stanislaus River as required by Government Code sections 66478.1 through 66478.14. Pursuant to sections 66478.4 and 66478.5, Applicant shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, and a public easement along the riverbank, bordering or lying within the proposed subdivision. Pursuant to section 66478.4, reasonable public access shall be determined by the County. Pursuant to section 66478.5, the County shall determine the width and character of the public easement to achieve reasonable public use of the river consistent with public safety. The approved access shall be shown on the Final Map in compliance with Map Act section 66478.6.*

For purposes of this project, County considers "reasonable access" under section 66478.4, to mean an access of not less than 10 feet in width to the bank of the river and "public easement" under section 66478.5, to mean a public easement of 10 feet in width above the high-water mark, with both access and easement suitable for pedestrian, bicycle, equestrian or other non-motorized transport of persons, and for access to the river for small boats. The approved river access shall connect between Cemetery Road and the portion of the riverbank lying within the proposed subdivision; and the public easement shall lie along the entire portion of the riverbank bordering or lying within the proposed subdivision."

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide a 33.70 Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area **(Continued from the May 15, 2012 Board Meeting)**

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Additionally, based on comments from the public and the Board regarding traffic safety, the Director of the Stanislaus County Public Works Department identified the need for Cemetery and Frymire Roads to be improved and widened to the County standards in affect at the time the application was complete in order to provide safe access from the proposed parcels to Cemetery and Frymire Roads. The Public Works Department is proposing that the Board add Condition of Approval No. 42 as follows:

- 42. Prior to the recording of the final map, the Applicant shall construct road improvements along the project frontage to Frymire Road and Cemetery Road to Stanislaus County Public Works Standards and Specifications, 1998 Edition, including Plate 3-A6, "Rural Collector." The roadway improvements shall include asphalt road widening of Frymire Road and Cemetery Road so that the travel lane portion of Frymire and Cemetery Road Roads are twelve feet in width, with a one foot asphalt shoulder, and a three foot gravel shoulder. The road improvements shall taper to the existing width of the bridge crossing the Oakdale Irrigation District Frymire Lateral on Cemetery Road on both approaches. Prior to Construction, Applicant shall submit road improvement plans to, and for approval by, Stanislaus County Department of Public Works. Applicant shall obtain an Encroachment Permit prior to any work being done in the County's road right-of-way.*

The proposed widening provides for a design exception to the standard 4-foot asphalt concrete improved shoulders. Considering the nature of the historic district of Knights Ferry the improved shoulder only require 1-foot of asphalt concrete and the remaining 3 feet is permitted to be gravel.

POLICY ISSUES:

The Board of Supervisors was directed by the Court to vacate its March 24, 2009 denial of the applicant's appeal, which it did formally on April 17, 2012, and reconsider the project. The Board should determine if the project is consistent with its priority of striving for a Well Planned Infrastructure System.

STAFFING IMPACT:

There are no staffing impacts associated with this item. Bringing this item for reconsideration as instructed by the Court was made possible through the work of the Department of Planning and Community Development and the Office of County Counsel using available staffing.

Public Hearing to Reconsider an Appeal of the Planning Commission's February 5, 2009, Decision to Deny Vesting Tentative Subdivision Map Application No. 2006-06, Knights Ferry Overlook to Divide a 33.70 Acre Parcel to Create 8 Parcels Ranging in Size from 0.50 to 5.00 Acres with a 12.03-acre "Remainder" Located at the Southeast Corner of Cemetery and Frymire Roads, in the Knights Ferry Area **(Continued from the May 15, 2012 Board Meeting)**

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CONTACT PERSON:

Angela Freitas, Interim Planning and Community Development Director
Telephone: 525-6330

ATTACHMENTS:

- A. May 15, 2012, Board of Supervisors Report

i:\planning\staff reports\trm\2006\trm 2006-06 knight's ferry overlook\bos reconsider - 5-15-12\board report.doc

**ATTACHMENTS AVAILABLE
FROM CLERK**



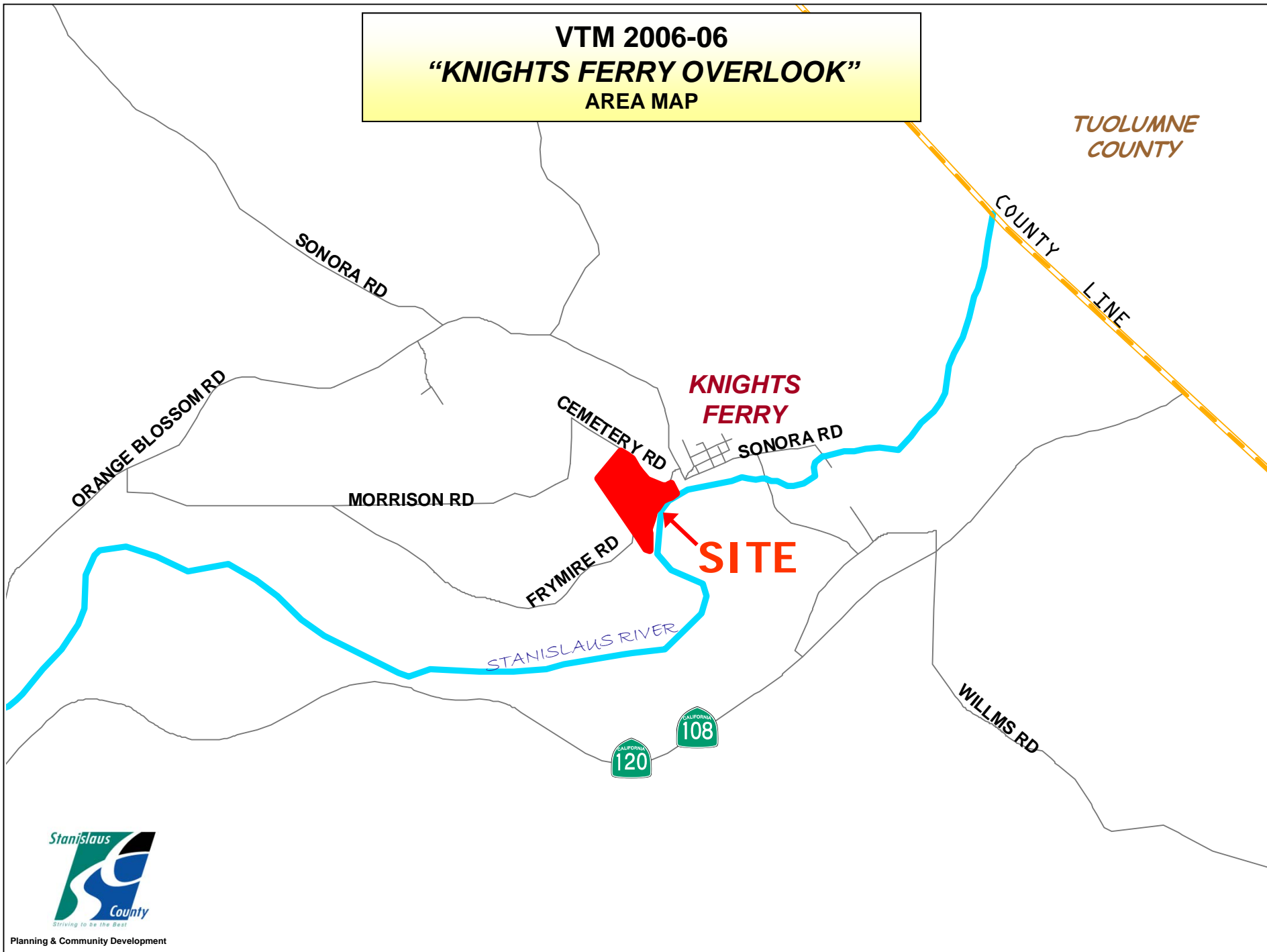
Planning & Community Development

"KNIGHTS FERRY OVERLOOK"

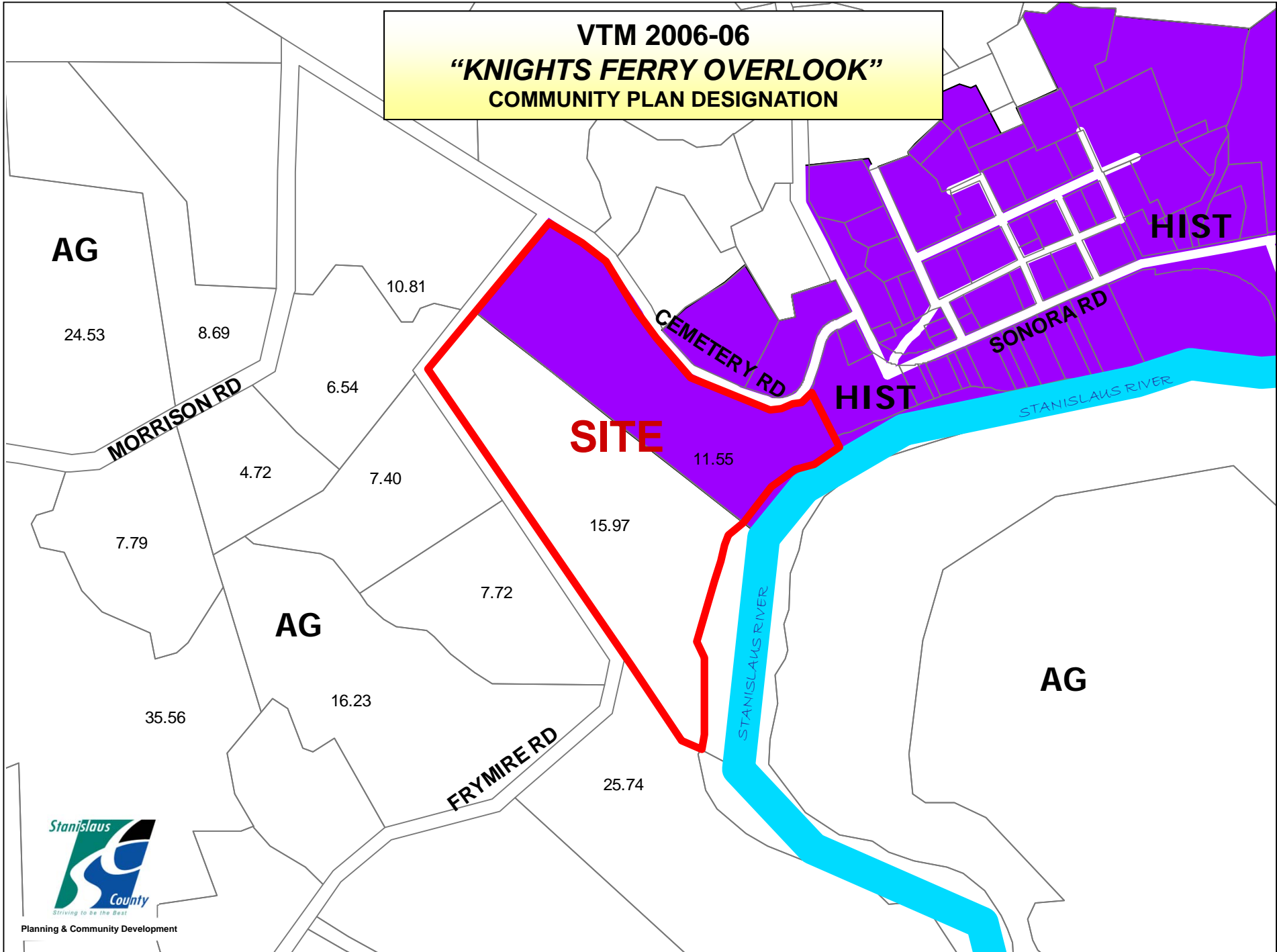
- Continued from May 15th, 2012 - BOS Meeting -

VTM 2006-06
"KNIGHTS FERRY OVERLOOK"
AREA MAP

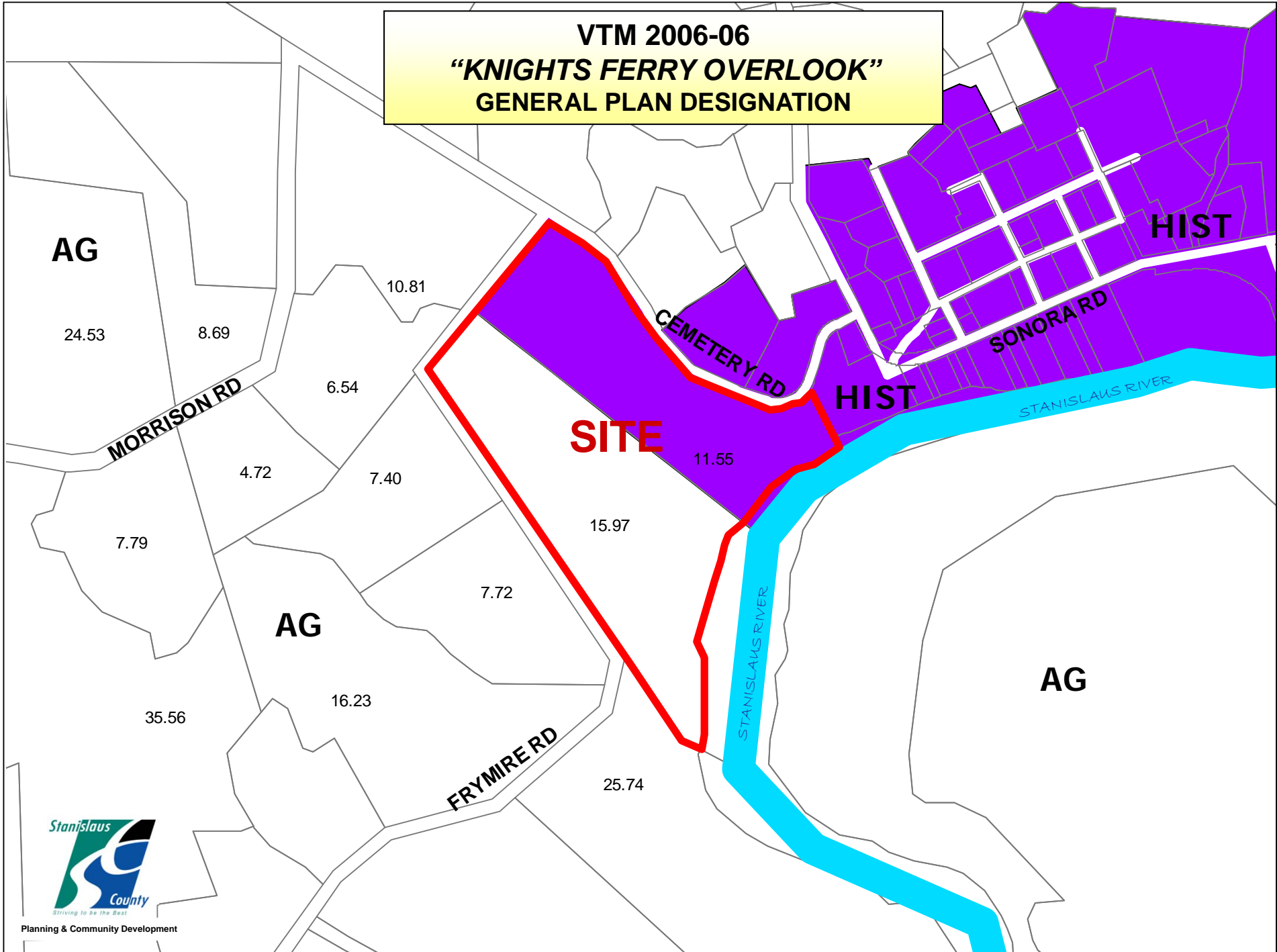
TUOLUMNE
COUNTY



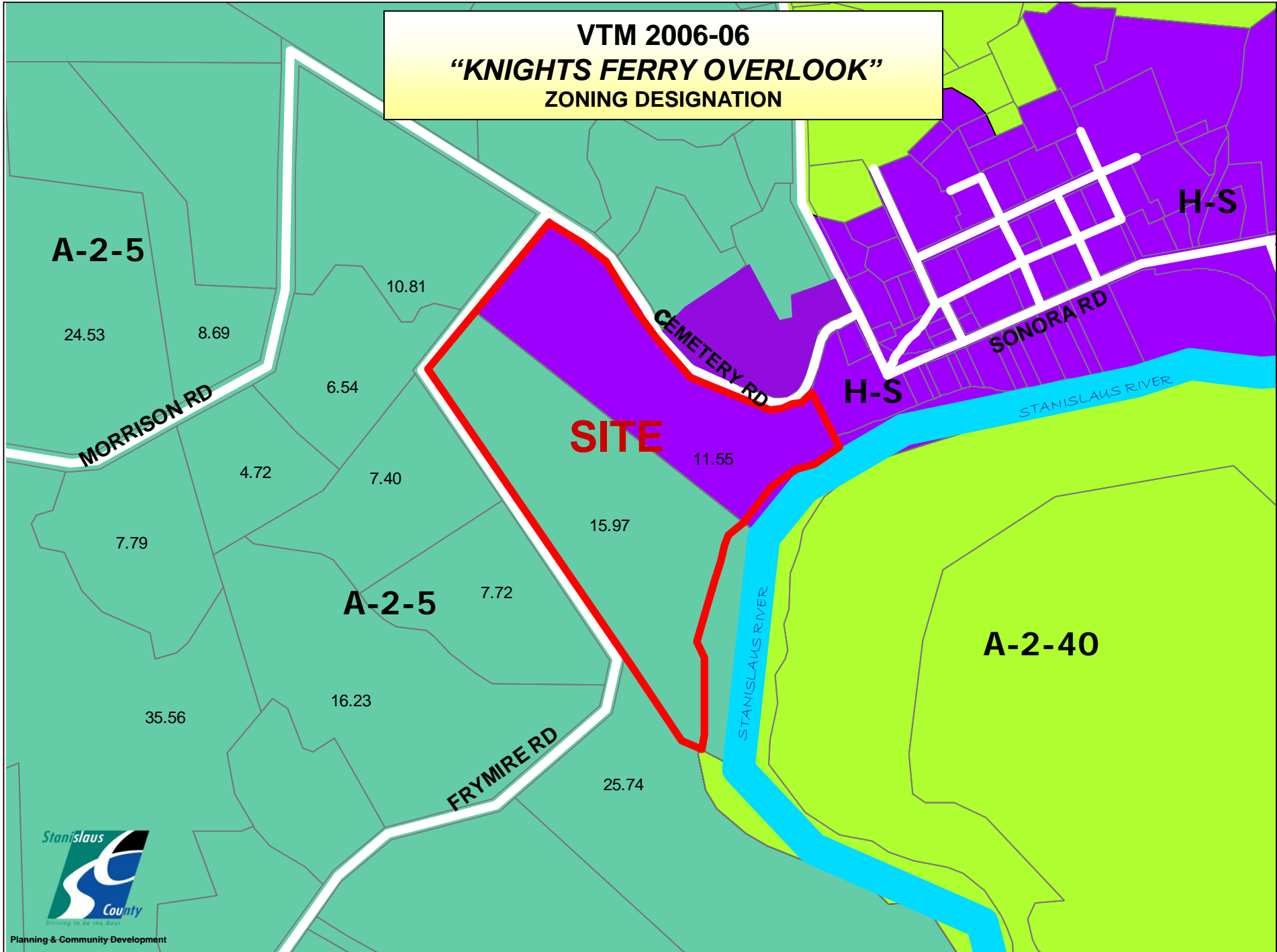
VTM 2006-06
"KNIGHTS FERRY OVERLOOK"
COMMUNITY PLAN DESIGNATION



VTM 2006-06
"KNIGHTS FERRY OVERLOOK"
GENERAL PLAN DESIGNATION



VTM 2006-06
"KNIGHTS FERRY OVERLOOK"
ZONING DESIGNATION





FRYWIRE L.A.T-01D

CEMETERY RD

SONORA RD

Stanislaus River

SITE

FRYWIRE RD



Planning & Community Development

VTM 2006-06

“Knights Ferry Overlook”

Continued from May 15th

- **River Access**

- Public Access to the River may needs to be provided by the applicant (*Gov't Code §66478.1- .14*)
- Proposed Condition of Approval No. 41

- **Road Improvements**

- Safety Concerns
- Proposed Condition of Approval No. 42



VTM 2006-06

“Knights Ferry Overlook”

No. 42 (Part 1 of 2)

Prior to the recording of the final map, the Applicant shall construct road improvements along the project frontage to Frymire Road and Cemetery Road to Stanislaus County Public Works Standards and Specifications, 1998 Edition, including Plate 3-A6, "Rural Collector." The roadway improvements shall include asphalt road widening of Frymire Road and Cemetery Road so that the travel lane portion of Frymire and Cemetery Road Roads are twelve feet in width, with a one foot asphalt shoulder, and a three foot gravel shoulder.



VTM 2006-06

“Knights Ferry Overlook”

No. 42 (Part 2 of 2)

The road improvements shall taper to the existing width of the bridge crossing the Oakdale Irrigation District Frymire Lateral on Cemetery Road on both approaches. Prior to Construction, Applicant shall submit road improvement plans to, and for approval by, Stanislaus County Department of Public Works. Applicant shall obtain an Encroachment Permit prior to any work being done in the County’s road right-of-way.



VTM 2006-06

“Knights Ferry Overlook”

Board Actions:

1. Uphold the Commission’s Decision, deny the Appeal, and determine if the project complies with applicable, objective GP & Zoning criteria as required by §65589.5(j)



VTM 2006-06 “Knights Ferry Overlook”

Board Actions: §65589.5(j)

If the BOS determines the project does not comply with applicable, objective GP & Zoning criteria, the Board must make specific findings that both of the following conditions exist:



VTM 2006-06

“Knights Ferry Overlook”

Board Actions: §65589.5(j)

(a) the project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density;

and



VTM 2006-06

“Knights Ferry Overlook”

Board Actions: §65589.5(j)

(b) there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.



VTM 2006-06

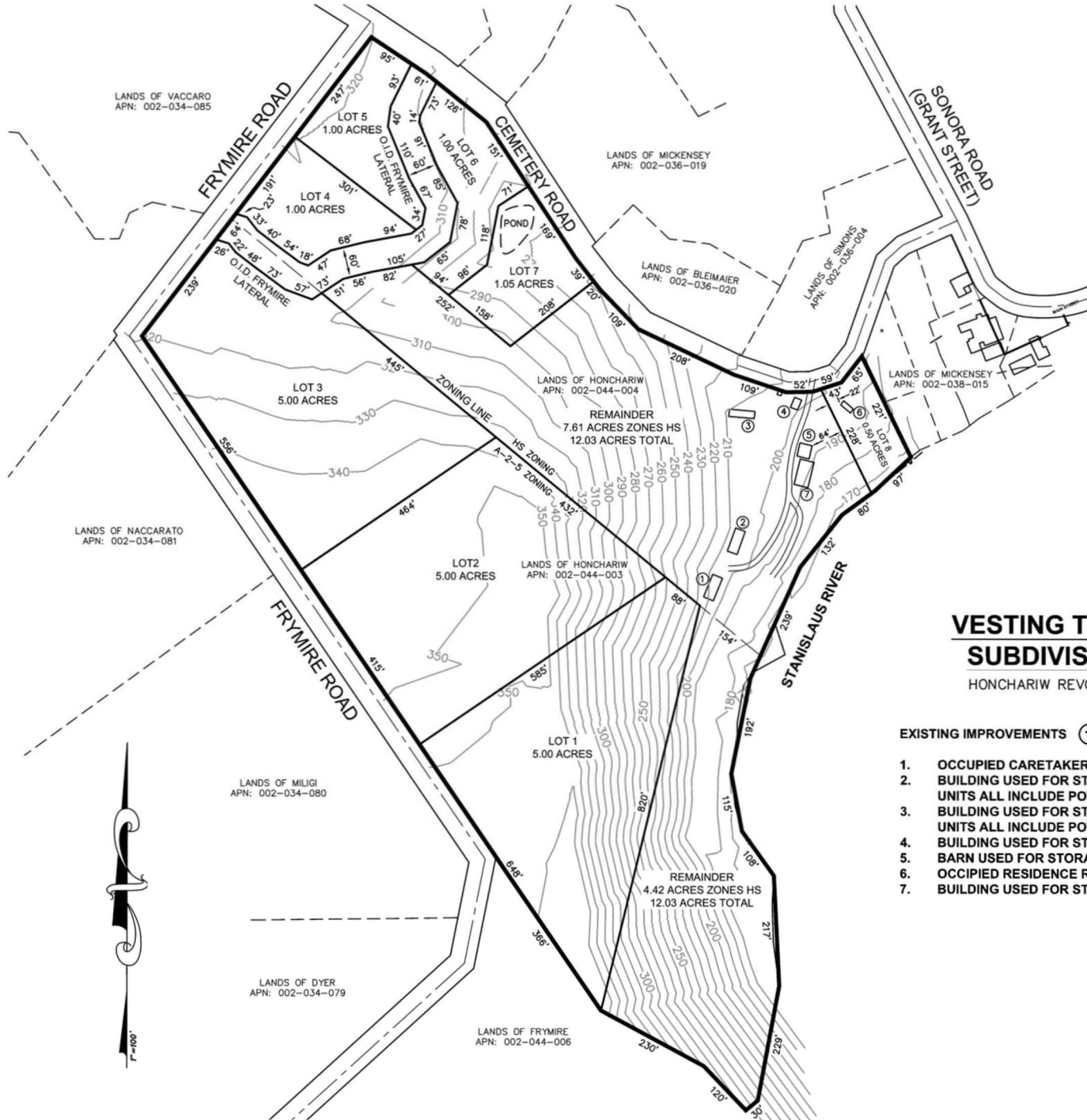
“Knights Ferry Overlook”

Board Actions:

2. **Approve the Appeal and as such Approve the Request, outlined as Actions 1-6 (Pages 2 & 3 of Board Report)**



Driving to be the Best



VESTING TENTATIVE SUBDIVISION MAP

HONCHARIW REVOCABLE TRUST

EXISTING IMPROVEMENTS ①

1. OCCUPIED CARETAKERS RESIDENCE W/ POWER & PLUMBING
2. BUILDING USED FOR STORAGE BUILT AS RESORT
UNITS ALL INCLUDE POWER & PLUMBING
3. BUILDING USED FOR STORAGE BUILT AS RESORT
UNITS ALL INCLUDE POWER & PLUMBING
4. BUILDING USED FOR STORAGE W/ POWER & PLUMBING
5. BARN USED FOR STORAGE HAS MULTIPLE POWER
6. OCCUPIED RESIDENCE REMODELED IN 2003
7. BUILDING USED FOR STORAGE W/ POWER & PLUMBING



Planning & Community Development

VTM 2006-06

“Knights Ferry Overlook”

No. 41 (Part 1 of 2)

Applicant’s proposed tentative map does not identify public access to the Stanislaus River as required by Government Code sections 66478.1 through 66478.14. Pursuant to sections 66478.4 and 66478.5, Applicant shall provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river, and a public easement along the riverbank, bordering or lying within the proposed subdivision. Pursuant to section 66478.4, reasonable public access shall be determined by the County. Pursuant to section 66478.5, the County shall determine the width and character of the public easement to achieve reasonable public use of the river consistent with public safety. The approved access shall be shown on the Final Map in compliance with Map Act section 66478.6.



VTM 2006-06

“Knights Ferry Overlook”

No. 41 (Part 2 of 2)

For purposes of this project, County considers “reasonable access” under section 66478.4, to mean an access of not less than 10 feet in width to the bank of the river and “public easement” under section 66478.5, to mean a public easement of 10 feet in width above the high-water mark, with both access and easement suitable for pedestrian, bicycle, equestrian or other non-motorized transport of persons, and for access to the river for small boats. The approved river access shall connect between Cemetery Road and the portion of the riverbank lying within the proposed subdivision; and the public easement shall lie along the entire portion of the riverbank bordering or lying within the proposed subdivision.”



VTM 2006-06

“Knights Ferry Overlook”

§66478.8 Finding that Reasonable Public Access is Available

Nothing in Sections 66478.1 to 66478.10, inclusive, of this article shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this article is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access.

The finding shall be set forth on the face of the tentative or final map.



VTM 2006-06

“Knights Ferry Overlook”

§66478.4 Local Agencies must require Public Access

(a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision.



VTM 2006-06

“Knights Ferry Overlook”

§66478.4 Local Agencies must require Public Access

(b) Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following:

- (1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.**
- (2) The size of the subdivision.**
- (3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching.**
- (4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses.**



TM 2006-06
“KNIGHTS FERRY OVERLOOK”
CEMETERY RD – South



TM 2006-06
“KNIGHTS FERRY OVERLOOK”
CEMETERY RD – South



VTM 2006-06
“KNIGHTS FERRY OVERLOOK”
CEMETERY RD - South



TM 2006-06 & EXC 2008-02
"KNIGHTS FERRY OVERLOOK"
CEMETERY RD - South



TM 2006-06
“KNIGHTS FERRY OVERLOOK”
CEMETERY RD – North



TM 2006-06
“KNIGHTS FERRY OVERLOOK”
CEMETERY RD – North



TM 2006-06 & EXC 2008-02
“KNIGHTS FERRY OVERLOOK”
FRYMIRE ROAD INTERSECTION - West



TM 2006-06 & EXC 2008-02
“KNIGHTS FERRY OVERLOOK”
FRYMIRE ROAD - West



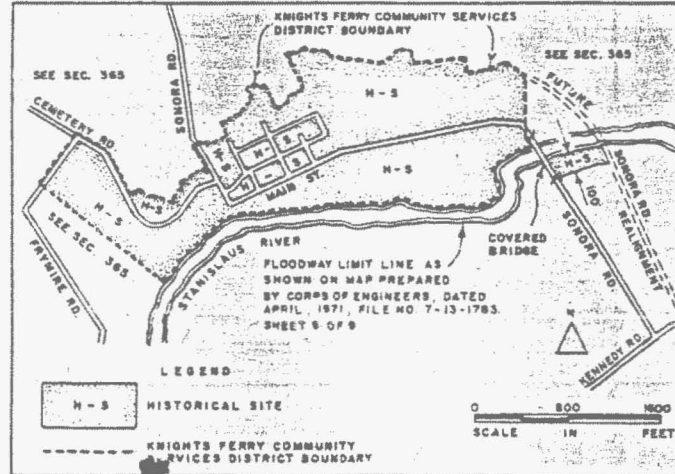
LEGAL NOTICE

ORDINANCE NO. N.S. 390
AN ORDINANCE AMENDING TITLE 9, CHAPTER 3, OF THE ORDINANCE CODE OF STANISLAUS COUNTY, BY ADDING SECTIONAL DISTRICT MAP NO. 9-110.461 THERETO FOR THE PURPOSE OF REZONING THE KNIGHTS FERRY AREA.

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

Section 1. Sectional District Map No. 9-110.461 is added to Title 9, Chapter 3, of the Ordinance Code of Stanislaus County to appear as follows:

SECTIONAL DISTRICT MAP NO. 9 - 110.461



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 Oakdale Leader, a newspaper published in said County of Stanislaus, State of California.

Upon motion of Supervisor Fahey and second by Supervisor Paul 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 29th day of August, 1972, by the following called vote:

AYES: Supervisors: Fahey, Paul, Thurman, Vander Wall, and Chairman Franzen.

NOES: Supervisors: None

ABSENT: Supervisors: None

James Franzen
Chairman of the Board of Supervisors
of the County of Stanislaus, State
of California.

ATTEST:
STEVE R. NELSON, County Clerk and
Ex-Officio Clerk of the Board of
Supervisors of the County of
Stanislaus, State of California.
By Lloyd R. Brouillard
Deputy
Published September 6, 1972

EFFECTIVE: 28 Sept 72

PREVIOUS MAP: none



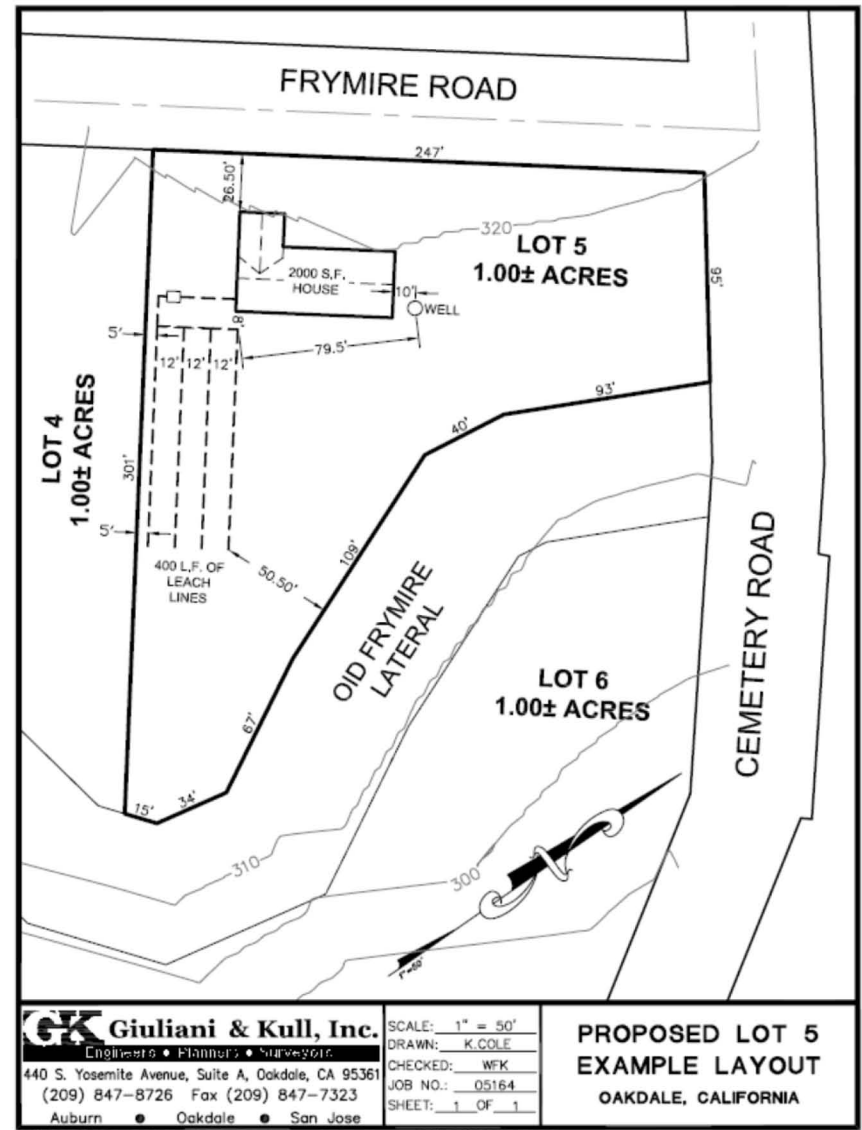
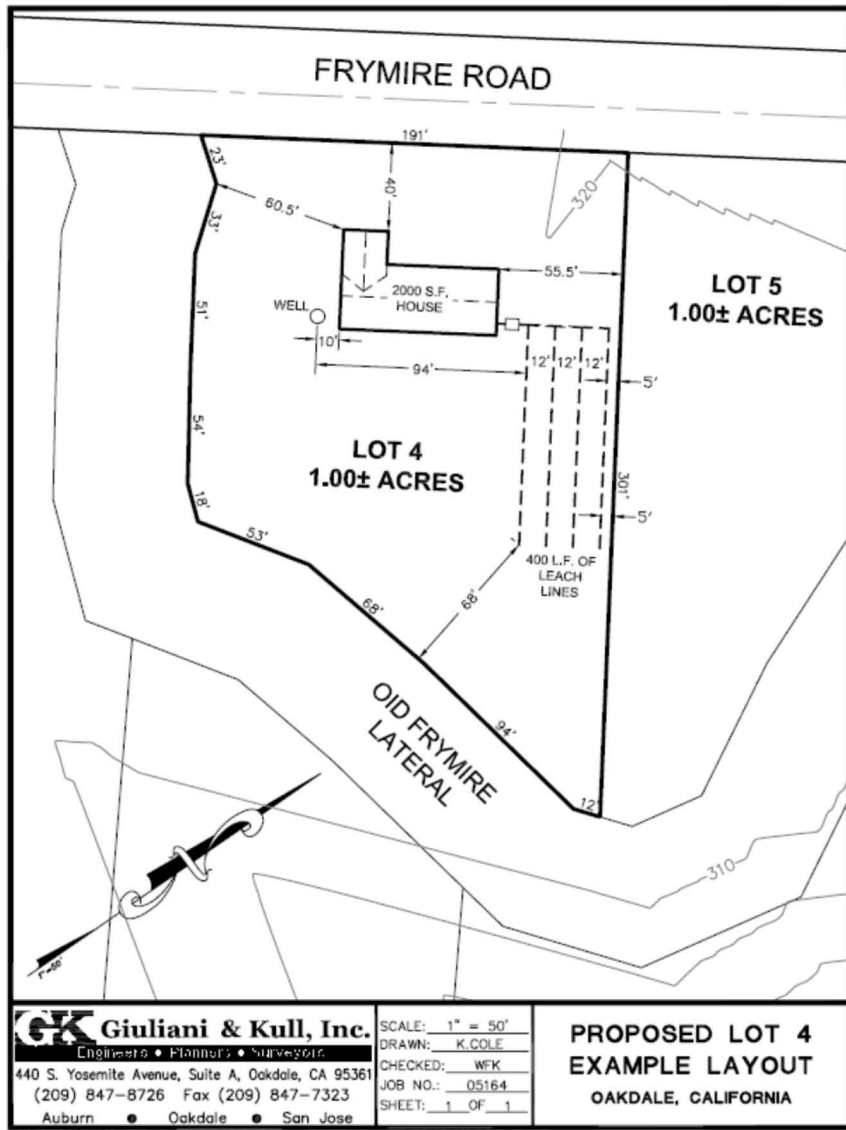
TM 2006-06
“KNIGHTS FERRY OVERLOOK”
A-2-5 LOTS – 5 Acres



TM 2006-06 & EXC 2008-02
“KNIGHTS FERRY OVERLOOK”
LOTS 6 & 7



VTM 2006-06
"KNIGHTS FERRY OVERLOOK"
LOTS 4 & 5 – EXAMPLE LAYOUT



VTM 2006-06

“Knights Ferry Overlook”

- **Planning Commission Hearing:**
 - **February 5, 2009**
 - **9 People spoke in opposition**
 - **The Applicant spoke in favor**
- Planning Commission**
- Staff Report – Attachment # 2**
- Minutes – Attachment # 3**



VTM 2006-06

“Knights Ferry Overlook”

- Planning Commission Decision:
 - Opposition
 - Several residents of Knights Ferry spoke in opposition to the project expressing a general concern regarding the impact that the 1-acre lots would have to Knights Ferry



VTM 2006-06

“Knights Ferry Overlook”

- Planning Commission Decision:
 - Opposition
 - Impacts of additional septic systems to the Knights Ferry area
 - Additional driveways & traffic along Cemetery Road
 - No significant issues with the lots located in the A-2-5 zoned area (5 acre lots)



VTM 2006-06

“Knights Ferry Overlook”

- Planning Commission Decision:
 - Primary issues discussed
 - Commission discussion focused on the same issues raised by those in opposition to the project
 - The 1 acre lots may not be physically suitable for a septic system, private well, and a single-family dwelling



VTM 2006-06

“Knights Ferry Overlook”

- Planning Commission Decision:
 - Primary issues discussed
 - Staff’s recommendation was to approve the project as proposed
 - The Commission voted 6-2 (Layman, DeLaMare) to deny the proposed project
 - Commissioners could not make the Subdivision Map Findings, noted as being Finding No. 5 (C, D, E, & F)



VTM 2006-06

“Knights Ferry Overlook”

- Board of Supervisors – March 24th, 2009
 - Board concerned with project site development and potential septic tank/water well issues
 - Community Members raised similar issues
 - BOS Voted 5-0 to Deny the Appeal
(O’Brien/Chiesa)



VTM 2006-06

“Knights Ferry Overlook”

Legal Challenge

- June 15, 2009 – Stanislaus Superior Court held that the County properly denied the application.
- The applicant appealed this decision to the CA Court of Appeals, 5th District



VTM 2006-06

“Knights Ferry Overlook”

Legal Challenge

- November 14, 2011 – 5th Appellate District issued an opinion that the County was required to comply with Gov’t Code §65589.5(j) in denying the project.
- January 24, 2012 – Stanislaus Superior Court issued a Writ of Mandate ordering the Board to vacate it’s denial and reconsider the application.



EXCEPTION REQUEST

- **An Exception was originally part of the applicant's request**
- **Four 1-Acre Lots, located in the H-S Zoning District & K.F.C.S.D. were proposed to be served by Private Wells, not Municipal Water Service**
- **Court took no issue with BOS & PC denial of this portion of the application**



VTM 2006-06

“Knights Ferry Overlook”

Current Issues

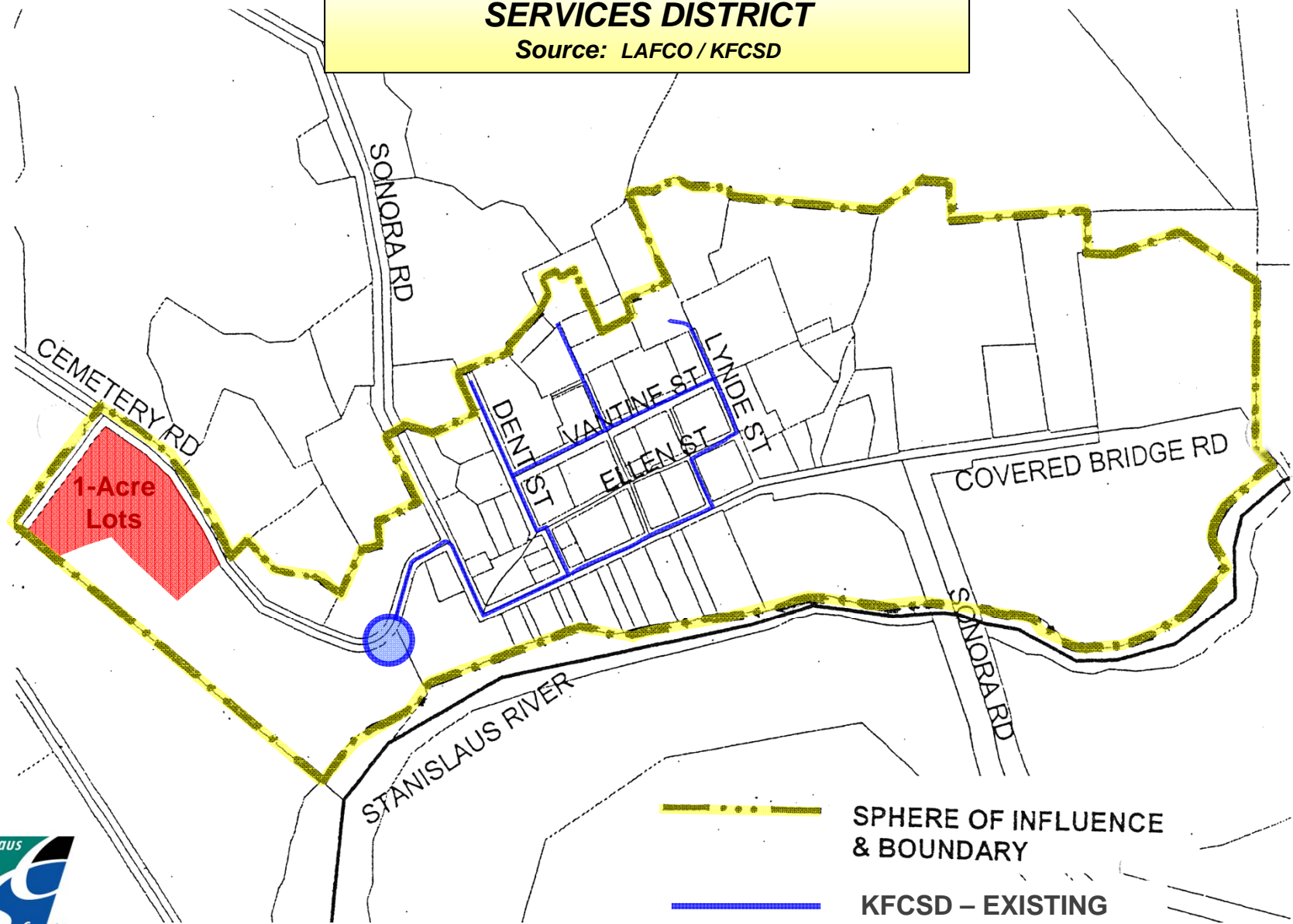
- **Water Service to the Four 1-Acre Lots**
 - Lots will be required to connect to KFCSD Water
 - Water Availability
 - KFCSD Water Infrastructure Extension
 - KFCSD Letter dated May 3rd, 2012
 - Infrastructure extension costs will be the applicant’s responsibility (*KFCSD Water Ordinance-1971*)





Striving to be the Best

KNIGHTS FERRY COMMUNITY SERVICES DISTRICT

Source: LAFCO / KFCSD



-  SPHERE OF INFLUENCE & BOUNDARY
-  KFCSD - EXISTING WATER LINE



VTM 2006-06

“Knights Ferry Overlook”

Gov't Code §66424.6

The fulfillment of construction requirements for improvements, on the designated "Remainder" parcel, is necessary for reasons of:

- 1. The public health and safety; or**
- 2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.**



Striving to be the Best