

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

DEPT: Public Works *[Signature]*

BOARD AGENDA #           \*C-1          

Urgent  Routine

AGENDA DATE March 30, 2010

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing on May 4, 2010, at 9:10 a.m. to Introduce and Waive the First Reading of the Subdivision Ordinance Amendment Changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090 of Title 20, Improvements Required, of the Stanislaus County Code

STAFF RECOMMENDATIONS:

Set a Public Hearing on May 4, 2010, at 9:10 a.m. to introduce and waive the first reading of the Subdivision Ordinance Amendment changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090, Improvements Required, of Title 20 of the Stanislaus County Code.

FISCAL IMPACT:

There is no immediate fiscal impact associated with this item. There are, however, long-term fiscal implications. Funds for the acquisition of road right-of-way are generally paid from the Road Fund. This fund includes revenues in the form of Highway Users Tax (HUTA), Proposition 42, and Proposition 1B. These funding sources are also used for road maintenance and road construction projects. In the absence of the developer granting road right of way, any right of way needed for road construction projects would have to be purchased; thereby reducing the amount of money available for the maintenance and construction of the County road system.

BOARD ACTION AS FOLLOWS:

No. 2010-164

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa

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:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. **ORD-55-L-13**  
**ORD-55-L-14**

Approval to Set a Public Hearing on May 4, 2010, at 9:10 a.m. to Introduce and Waive the First Reading of the Subdivision Ordinance Amendment Changing Subsection "A" of Section 20.52.200, Dedications, and Subsection "A" of Section 20.16.090 of Title 20, Improvements Required, of the Stanislaus County Code

## **DISCUSSION:**

### Background

Transportation and roadway circulation are key elements in determining the health of the Stanislaus County's economy. The Circulation Element acknowledges the use of the surrounding land by appropriately sizing the roadway system that runs through the County. With 1,527 miles of County maintained roadway, these roads provide access to individual parcels and serve as corridors between urban areas. Sufficient road right-of-way allows for the installation of road improvements and safety features to ensure that the traveling public has a cost-effective and safe road system to utilize.

A significant factor on any roadway project is the amount of right-of-way available for road improvements. The available right-of-way determines the amount of roadway improvements that will fit in any stretch of roadway. These improvements can include auxiliary lanes, storm water storage/drainage, streetlights, concrete curb, gutter, and sidewalk, or a shoulder for stopping safely on the side of the road.

At present, when larger agricultural parcels split into parcels of 20 or more acres, road right-of-way is not required to be dedicated. This can leave long sections of County road right-of-way at widths that do not meet the County General Plan and Circulation Element requirements.

### Proposed Amendment to Subdivision Ordinance

The proposed amendment of Chapter 20.52.200, Dedications, removes the language excluding parcels exceeding 20 acres or greater in the A-2 districts from dedicating road right-of-way when they are divided. Chapter 20.16.090, Improvements Required, will be amended by removing a reference to Chapter 20.52.200 that refers to road right-of-way conforming to the General Plan except where it is exempt by that section. This amendment will allow for roadway dedication to match the Circulation Element of the Stanislaus County General Plan for every parcel that is subdivided.

The proposed changes are reflected below:

Chapter 20.52.200: Dedications, Section A. - "The subdivider shall grant right-of-way for road widening to conform to the general plan, the select systems of highways, specific plans adopted by the board and adopted county standards. ~~except for parcels exceeding twenty acres in A-2 districts designated as agricultural on the land use element of the county general plan.~~"

Chapter 20.16.090: Improvements Required, Section A. - "Rights-of-way for road widening are required to conform to the county general plan, select system or specific plans, ~~except when expressly exempt by Section 20.52.200.~~ If dedications of streets, street widening, alleys, walkways, easements, public utility easements, or other public ways or access

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rights are required by the commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the final map or made by separate instrument, shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 66439 of the Government Code. If dedication or offers of dedication are made they shall be recorded concurrently with or prior to the parcel map being filed for record."

### Stakeholder Outreach and Approval Process

Public Works staff has met with various committees within Stanislaus County and sent a description of the proposed changes to the Stanislaus County Farm Bureau and professionals in the surveying and land planning fields. The proposed ordinance has also gone to the Stanislaus County Planning Commission.

In September 2008, the proposed ordinance amendment went before the General Plan Update Committee. The General Plan Update Committee supported staff's proposal and recommended to take the proposal for the Board of Supervisor's consideration.

The Environmental Review Committee reviewed the proposed ordinance amendment in April of 2009. The Environmental Review Committee had no concerns.

In November of 2009, a letter outlining the amendment was mailed to the Stanislaus County Farm Bureau, and local surveyors and engineering firms. Staff did not receive either positive or negative comments on the proposed change.

On February 18, 2010, the Planning Commission held a public hearing and unanimously recommended forwarding the attached draft ordinance to the Board of Supervisors for consideration.

### **POLICY ISSUES:**

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a well-planned infrastructure system and the efficient delivery of public services.

### **STAFFING IMPACTS:**

There are no staffing impacts associated with this item

**CONTACT PERSON:** Matt Machado, Director. Telephone: 209-525-6550

NOTICE OF PUBLIC HEARING

Stanislaus County Board of Supervisors will hold a meeting on **TUESDAY, MAY 4, 2010** starting at **9:00 AM** in the Joint Chambers, Basement Level, Tenth Street Place, 1010 10th Street, Modesto, CA, to consider a Subdivision Ordinance Amendment to Title 20 Chapter 52 Section 200, Design Standards, Title 20 Chapter 16 Section 090, Improvements Required.

The result of the ordinance amendment will be that roadway dedication may be required for any parcel(s) being subdivided. All roadway dedications will conform to the County General Plan and the Circulation Element.

At above noticed time and place, interested persons will be given an opportunity to be heard. Material submitted to the Board of Supervisors for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to 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 of Supervisors prior to the meeting. Any questions can be directed to Stanislaus County Public Works, Angie Halverson at (209) 525-6552 or halversona@stancounty.com.

**TO MODESTO BEE, TO BE PUBLISHED ON APRIL 24, 2010. PLEASE PUBLISH AS 1/8th PAGE WITH STANISLAUS COUNTY LOGO. THANK YOU. FAX NUMBER: 578-2046**

ORDINANCE NO. C.S. \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 20.52.200(A) OF THE STANISLAUS COUNTY CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA DO ORDAIN AS FOLLOWS:

**Section 1.** Section 20.52.200 Subdivision A is hereby amended to read as follows:

“20.52.200 Dedications.

A. The subdivider shall grant right-of- way for road widening to conform to the general plan, the select systems of highways, specific plans adopted by the board and adopted county standards.”

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

Upon motion of Supervisor \_\_\_\_\_ seconded by Supervisor \_\_\_\_\_, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

\_\_\_\_\_  
Jeff Grover, Chairman  
of the Board of Supervisors of the  
County of Stanislaus, State of California

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk of the  
Board of Supervisors of the County of Stanislaus,

State of California

By \_\_\_\_\_  
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
Thomas E. Boze  
Deputy County Counsel

ORDINANCE NO. C.S. \_\_\_\_\_

**AN ORDINANCE TO AMEND SECTION 20.16.090(A) OF THE STANISLAUS COUNTY CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA DO ORDAIN AS FOLLOWS:

**Section 1.** Section 20.16.090 Subdivision A is hereby amended to read as follows:

“20.16.090 Dedications.

A. Rights-of-way for road widening are required to conform to the county general plan, select system or specific plans. If dedications of streets, street widening, alleys, walkways, easements, public utility easements, or other public ways or access rights are required by the commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the final map or made by separate instrument, shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 66439 of the Government Code. If dedication or offers of dedication are made they shall be recorded concurrently with or prior to the parcel map being filed for record.”

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

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County of Stanislaus, State of California

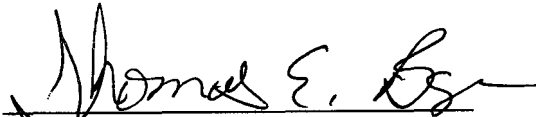
ATTEST:

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

By \_\_\_\_\_  
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By   
\_\_\_\_\_  
Thomas E. Boze  
Deputy County Counsel





CLERK OF THE BOARD OF SUPERVISORS

**Christine Ferraro Tallman**

1010 Tenth Street, Suite 6700, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4420

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on May 4, 2010, at 9:10 a.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 introduction and waiving of the first reading of Subdivision Ordinance Amendments changing Stanislaus County Code Sections 20.52.200 Design Standards and 20.16.090 Improvements Required. The result of the proposed ordinance amendments will be that roadway dedication may be required for any parcel(s) being subdivided. All roadway dedications will conform to the County General Plan and the Circulation Element.

NOTICE IS FURTHER GIVEN that at the above noticed time and place, interested persons will be given an opportunity to be heard. Material submitted to the Board of Supervisors for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to 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 of Supervisors prior to the meeting. Any questions can be directed to Stanislaus County Public Works, Angie Halverson at (209) 525-6552 or halversona@stancounty.com.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 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

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

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

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

**APRIL 24, 2010**

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

**APRIL 24, 2010**

  
(Signature)

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

BY: Elizabeth A. King, Assistant Clerk