

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

DEPT: Planning and Community Development *MC*

BOARD AGENDA # 9:10 a.m.

Urgent ☐

Routine ☒

AGENDA DATE August 28, 2012

CEO Concurs with Recommendation YES ☐ NO ☐  
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Denial of General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01, Del Rio Villas

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a public hearing at its regular meeting on July 5, 2012, the Planning Commission on a 6-1 vote, recommended the Board of Supervisors deny approval of this project.

However, if the Board decides to approve the project, the Board should:

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 judgment and analysis.

(Continued on page 2)

FISCAL IMPACT:

In accordance with the adopted Department of Planning and Community Development Fee Schedule, the project is subject to payment of the 'actual cost' for process. All costs associated with this project have been paid.

BOARD ACTION AS FOLLOWS:

No. 2012-447

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, and Chairman O'Brien

Noes: Supervisors: Monteith and De Martini

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) ☒ Approved as recommended

2) ☐ Denied

3) ☐ Approved as amended

4) ☐ Other:

MOTION: APPROVED STAFF RECOMMENDATION NOS. 1-7; AND, INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE C.S.1121 FOR THE APPROVED REZONE APPLICATION

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-P-8

**PLANNING COMMISSION RECOMMENDATIONS: (Continued)**

2. 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.
3. Find That:
  - A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
  - B. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.
  - C. The amendment is consistent with the General Plan goals and policies.
4. Find that the proposed P-D zoning is consistent with the Planned Development General Plan designation.
5. Find that none of the findings requiring denial of this Tentative Map can be made:
  - A. That the proposed map is not consistent with applicable general and specific plans.
  - B. That the design or improvements of the proposed subdivision are not consistent with applicable general and specific plans.
  - C. That the site is not physically suitable for the type of development.
  - D. That the site is not physically suitable for the proposed density of development.
  - E. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
  - F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
  - G. That the design of the subdivision or the type of improvements will 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



### **PLANNING COMMISSION RECOMMENDATIONS: (Continued)**

equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

- H. 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
  - I. 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.
- 6. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
  - 7. Approve General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas, subject to the attached Development Standards/Development Schedule.

### **DISCUSSION:**

This is a three-part application requesting to make the following modifications to a 4.31 acre parcel located 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 dwelling 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 condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, an on-site package wastewater treatment plant, and drainage. The project will be served by public water from the City of Modesto (Del Este). The condominium parcels will be approximately 5,100 to 7,200 square feet in size.

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. The small adjacent parcel at the northeast corner of the site is owned by the City of Modesto and improved with a water well. The project site is located in Area I of the Del Rio Community Plan.

The current Del Rio Community Plan was adopted by the County of Stanislaus in 1992. That plan was adopted after a lengthy process of community involvement and environmental review. It was a plan privately funded by proponents of three different subdivision projects. The plan separates the community into Area I, which is mostly developed, around the golf course and Area II, which is mostly undeveloped, to the south of the developed area, between McHenry Avenue and Carver Road, north of Ladd Road. The Community Plan allows development to occur in Area I, but restricts development in Area II until a Specific Plan and an Environmental Impact Report (EIR) are approved.

Area I and II have been further divided into subareas that define allowable residential densities (Dwelling Units [DU] per acre) and land uses as follows:

Subarea 2-	2 DU/Acre
Subarea 3-	1 DU/Acre
Subarea 4-	1DU/2Acres
Subarea 7-	Recreation
Subarea 10 -	Commercial

This project is located in Area I, subarea 2, and, as such, would be limited to two (2) dwelling units per acre. This equates to lot sizes of approximately 20,000 square feet; based on one (1) dwelling unit per lot. The proposed density for this project is for 18 units on 4.31 acres, or approximately 4 dwelling units per acre. The County's General Plan LDR (Low Density Residential) designation allows up to 8 dwelling units per acre. It should be noted, however, that R-A (Rural Residential) zoned properties throughout the County, including those in subarea 2 in Del Rio, are allowed a second unit or "granny flat", as permitted by State law, if adequate water and sewer are available and building site coverage and setback requirements can be met.

On November 4, 2010, the Stanislaus County Planning Commission heard General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map 2010-01 - Del Rio Villas. This current application is exactly the same project that was heard on November 4, 2010. The Planning Commission voted 3-2 to recommend denial of the 2010 application to the Board of Supervisors; however the applicant withdrew the application before it could be heard by the Board of Supervisors.

The concerns being expressed regarding the latest application remain generally the same. The primary issues needing to be addressed are precedence, which could be set by approving an increase in the per-acre dwelling unit density, and the impact the project may have on the character of the surrounding Del Rio Community. The following is a summary overview of these two issues:

Precedence: The proposed density modification is only for the applicant's 4.31 acre parcel and does not apply to any other parcels within the community. The concern is,

however, that this project could establish a precedence allowing for increased dwelling-unit-per-acre densities on vacant/undeveloped and redeveloped properties within the community. The vacant/undeveloped sites of concern include 44 acres along Carver Road and 108 acres along McHenry Avenue. The following is an overview of these sites of concern:

- The 44-acre site along Carver Road is zoned Planned Development (P-D) and has been subdivided into 47 parcels (residential parcels and a common area) with residential parcels of approximately 20,000 square feet in size. The P-D allows for the development of one single-family dwelling on each of the residential parcels (consistent with the Del Rio Community Plan density limit of one [1] dwelling unit per acre).
- The 82 acre site along McHenry Avenue was rezoned to P-D in 1980 to allow for the creation of 92 parcels; however, both the P-D and approved tentative subdivision map have expired. The Del Rio Community Plan density limit for this site is one (1) dwelling unit per acre.
- The 26 acre site along McHenry Avenue is zoned A-2-40 and would be subject to a Measure E vote of the public for residential development. The Del Rio Community Plan density limit for this site is one (1) dwelling unit per two (2) acres.

The Del Rio Community Plan requires that a P-D designation be used for all development proposals. Unlike the other vacant/undeveloped sites, the project site is zoned R-A (Rural Residential) which allows for some expanded development rights and, based on its size and location, is considered an "infill" site.

Community Character: The Del Rio Community Plan identifies the proposed development of Del Rio as "a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agricultural use **which consist with and would maintain the essential character of the existing community**".

Community character directly relates to compatibility with the surrounding neighborhood and is often subjective. Urban or suburban "infill" projects, such as this proposal, are often constrained because they are surrounded by existing development expecting "like kind" densities. "Greenfield" or new town developments often plan for mixed densities and, as such, residents buy in knowing what to expect.

A complete analysis of these two issues and the findings required for approval of this project are provided in the attached July 5, 2012, Stanislaus County Planning Commission Staff Report. (See Attachment 1)

At the time the Staff Report was prepared, the concerns relating to increased traffic seemed to have lessened; however, testimony provided to the Planning Commission clearly reflects that increased traffic is still a concern.

The Public Works Department reviewed this application and determined no significant impacts would occur in relation to traffic and circulation based on the total trips per day generated as a result of this project. The following are traffic and trip generation numbers presented by staff at the July 5<sup>th</sup> Planning Commission meeting:

Average Daily Traffic (ADT)

Country Club Drive (2,360) done March 3, 2012

St. James Road (1,724) done August 24, 2011

Carver Road (1,943) done June 27, 2006

Institute of Transportation Engineers – Trip Generation

Residential Condominium 5.81 trips/day

Single Family Residence 9.57 trips/day

(18) Residential Condominium 105 trips/day

(8) SF Homes 77 trips/day

(8) SF Homes w/(8) Second Unit 154 trips/day

At the meeting there was concern expressed that the traffic numbers did not address Stewart Road or McHenry Avenue and concern with the age of the 2006 numbers for Carver Road. Public Works responded to the concerns at the meeting by clarifying the available numbers. Public Works position remains that the proposed project will not result in a significant increase in traffic. The local roads will only see an addition of three (3) vehicles per hour during the busiest times of the day.

If this project is approved, numerous Development Standards are recommended by Public Works relating to roadway improvements, drainage and streetlights. Streetlights will be annexed into the Hillcrest Lighting District and a Homeowners Association will be required to maintain drainage, landscaping and roadways.

Attachment 1 includes all correspondence received prior to the Staff Report being finalized. Attachment 3 consists of all the correspondence received after the Staff Report was finalized, but provided to the Planning Commission at the July 5<sup>th</sup> meeting (and by e-mail as the correspondence was received). At the time the Staff Report was finalized, the majority of the correspondence was in support of the project; however, the majority of all correspondence received by the time of the meeting was in opposition to the project. Correspondence received after the July 5<sup>th</sup> Planning Commission meeting is provided as Attachment 4.

On July 5, 2012, the Planning Commission held a public hearing and voted 6-1 to forward this project to the Board of Supervisors with a recommendation to deny the request. Nineteen persons spoke in opposition of the project, and ten persons spoke in favor; those who spoke in favor of the project included Dave Romano, the applicant's representative. (See Attachment 2)



The following are some of the reasons cited both in opposition and in support of the project in both correspondence and at the July 5<sup>th</sup> meeting:

Opposition: Inconsistent with the Del Rio Community Plan (which is likely to lead to incompatible growth, negative impacts, and irreparable harm to the community); concern with increased density; precedence setting; same project that was denied by the Planning Commission in 2010; decreased property values; inadequate environmental review; impacts to water supply/quality; impact to community character/quality of life; pedestrian safety; and increased traffic.

Some of the opposition identified the project as inconsistent with the Del Rio Community Plan's Standards for Future Residential Development (no gated developments, 15% open space, and 15-foot setbacks front yard setbacks). These standards only apply to Area II of the Community Plan and not Area I, which is the location of this proposed project.

Support: Desire to downsize in the future while remaining in the Del Rio area; common type of development seen in and around other golf and country club communities; the property is an eyesore; and this project is a well-planned development and makes the best use of precious land.

A few people, including one Planning Commissioner, voiced the need to look at reviewing/updating the entire Community Plan since it is 20 years old. A community plan is a focused planning policy document that is part of the general plan and must be internally consistent with the general plan of which it is a part. As such, any proposed amendment to a community plan must be evaluated in terms of consistency with both the goals and policies of the general plan and the community plan; and must be found to be consistent with the General Plan on an overall basis.

The Stanislaus County General Plan Land Use Element states that:

"All of the community plans shall be reviewed and updated as found necessary by the Board of Supervisors. Substantial changes to these plans shall be permitted only in conjunction with a complete community plan update unless the Director of Planning and Community Development find that (1) the plan has been completely updated within the past three years and the proposed changes can be adequately evaluated based on that updated plan or (2) the proposed change will have no major or demonstrable impact on the surrounding area or on the community in general."

*(Land Use Element, Goal One, Policy Nine, Implementation Measure No. 2 – Page 1-5)*

Is the proposed amendment to the community plan a substantial change? The answer to this question depends on the precedence, if any, that approval of this proposed amendment may have on vacant/underdeveloped sites within the Del Rio Community Plan area. If the answer is yes, the proposed change must be evaluated to determine if

it will have a major or demonstrable impact on the surrounding area or on the community in general. Staff has concluded that this project does not necessitate the need for an update of the Del Rio Community Plan and will not have a major or demonstrable impact on the community. Specifically, the proposal is to develop an "infill" parcel of small scale (4.31 acres) under a P-D zoning allowing for development to occur only in compliance with an adopted development plan. The sites of concern, listed earlier in this report, are not of an "infill" nature and, due to their size, have a much greater potential to impact the character of the existing development.

After listening to the public comment on this project, the Planning Commission members each discussed their viewpoints. The Commissioners that recommended denial noted the project is a good project, but in the wrong location; recognized a need for higher density development, but expressed concern for residents who invested in the community based on Community Plan expectations (half-acre or larger lots); found the project to be inconsistent with the Community Plan; and expressed concern with increased traffic congestion resulting from the project. The Commissioner that spoke in favor of the project expressed that the project makes sense and the findings for approval can be made. Ultimately, the Commission voted 6-1 to recommend the Board deny the application.

#### **POLICY ISSUES:**

The Board should determine if approval of the proposed General Plan Amendment and Rezone furthers the goals of A Well Planned Infrastructure System and A Strong Local Economy.

#### **STAFFING IMPACT:**

There are no staffing impacts associated with this item.

#### **CONTACT PERSONS:**

Angela Freitas, Interim Planning and Community Development Director.  
Telephone: (209) 525-6330

#### **ATTACHMENTS:**

1. Planning Commission Staff Report, July 5, 2012
2. Planning Commission Minutes, July 5, 2012
3. Correspondence Provided at the July 5, 2012 Planning Commission Meeting
4. Additional Correspondence Received by the Board of Supervisors

# STANISLAUS COUNTY PLANNING COMMISSION

July 5, 2012

## STAFF REPORT

GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01  
REZONE APPLICATION NO. 2012-01  
VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01  
DEL RIO VILLAS

**REQUEST:** THIS IS A THREE-PART APPLICATION REQUESTING TO MAKE THE FOLLOWING MODIFICATIONS TO A 4.31 ACRE PARCEL IN THE DEL RIO COMMUNITY PLAN AREA: 1) AMEND THE GENERAL PLAN/COMMUNITY 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 DWELLING UNITS PER ACRE; 2) AMEND THE ZONING DESIGNATION FROM R-A (RURAL RESIDENTIAL) TO P-D (PLANNED DEVELOPMENT); AND 3) SUBDIVIDE INTO 18 AIR SPACE CONDOMINIUMS AND A COMMON AREA PARCEL.

### APPLICATION INFORMATION

Owner/Applicant:	Del Rio Villas, Inc. (Carl and Laurie Wesenberg)
Representative:	David Romano
Engineer:	Manny Souza
Location:	Southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community Plan area
Section, Township, Range:	19 & 30-2-9
Supervisory District:	Four (Supervisor Monteith)
Assessor's Parcel:	004-059-044
Referrals:	See Exhibit J Environmental Review Referrals
Area of Parcels:	4.31 acres
Water Supply:	Public Water - City of Modesto (Del Este)
Sewage Disposal:	On-site package wastewater treatment plant
Zoning:	<u>Existing:</u> R-A (Rural Residential) <u>Proposed:</u> P-D (Planned Development)
General Plan Designation:	<u>Existing:</u> LDR (Low Density Residential) <u>Proposed:</u> P-D (Planned Development)
Community Plan Designation:	<u>Existing:</u> LDR (Low Density Residential) <u>Proposed:</u> P-D (Planned Development)
Environmental Review:	Mitigated Negative Declaration
Present Land Use:	Vacant
Surrounding Land Use:	Single-family homes to the north, south, east, and west, Del Rio Golf course to the northeast

### **RECOMMENDATION**

Based on the entirety of the evidence on the record, and this staff report and its attachments, and on the Del Rio Community Plan, staff recommends that the Planning Commission recommend the Board of Supervisors approve the project. Exhibit A provides an overview of the required findings for project approval.

### **PROJECT DESCRIPTION**

This is a three-part application requesting to make the following modifications to a 4.31 acre parcel located 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 dwelling 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, an on-site package wastewater treatment plant, and drainage. The project will be served by public water from the City of Modesto (Del Este). The condominium parcels will be approximately 5,100 to 7,200 square feet in size. The applicant wants to create a project that allows current Del Rio home owners to "downsize" their homes and still live near the country club.

### **SITE DESCRIPTION**

The proposed project site is located within the Del Rio Community Plan area and is surrounded by single-family homes. The property is currently vacant. Adjoining the site there is an existing City of Modesto water well on a separate parcel at the northeast corner. The Del Rio Country 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 (Del Este) for water.

### **BACKGROUND/ISSUES**

On November 4, 2010, the Planning Commission heard General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map 2010-01 - Del Rio Villas. This application is exactly the same project that was heard on November 4, 2010. The Planning Commission voted 3-2 to recommend denial of the application to the Board of Supervisors. The applicant withdrew the application before it could be heard by the Board of Supervisors.

During the November 4<sup>th</sup> meeting, a number of issues were brought up either in person or in writing. Concerns were expressed that the application might set a precedent for allowing increased per-acre dwelling unit density throughout the entire Del Rio Community Plan area and increase traffic. Additionally, comments were made in relation to this project, being only market speculation, that it would impact the rural residential character of the existing neighborhoods and that the higher density development simply was not compatible with the surrounding lots. The Planning Commission's reasons for denial were the potential for increased traffic congestion, compatibility of the proposed smaller lots with surrounding lots, and the project being in the wrong area. In addition, one Planning Commissioner indicated that there seemed to be no reason to change the densities in the Community Plan, and that approval could be precedent setting.

The concerns being expressed regarding this latest application remain generally the same; however, the concerns relating to increased traffic seem to have lessened. The primary issues needing to be addressed are precedence, which could be set by approving an increase in the per-acre dwelling



unit density, and the impact the project may have on the character of the surrounding Del Rio Community. The following is an overview of these two issues:

Precedence: The proposed density modification is only for the applicant's 4.31 acre parcel and does not apply to any other parcels within the community. The concern is, however, that this project could establish a precedence allowing for increased dwelling-unit-per-acre densities on vacant/undeveloped and redeveloped properties within the community. The vacant/undeveloped sites of concern include 44 acres along Carver Road and 108 acres along McHenry Avenue. The following is an overview of these sites of concern:

- The 44-acre site along Carver Road is zoned Planned Development (P-D) and has been subdivided into 47 parcels (residential parcels and a common area) with residential parcels of approximately 20,000 square feet in size. The P-D allows for the development of one single-family dwelling on each of the residential parcels (consistent with the Del Rio Community Plan density limit of one [1] dwelling unit per acre).
- The 82 acre site along McHenry Avenue was rezoned to P-D in 1980 to allow for the creation of 92 parcels; however, both the P-D and approved tentative subdivision map have expired. The Del Rio Community Plan density limit for this site is one (1) dwelling unit per acre.
- The 26 acre site along McHenry Avenue is zoned A-2-40 and would be subject to a Measure E vote of the public for residential development. The Del Rio Community Plan density limit for this site is one (1) dwelling unit per two (2) acres.

The Del Rio Community Plan requires that a P-D designation be used for all development proposals. Unlike the other vacant/undeveloped sites, the project site is zoned R-A (Rural Residential) which allows for some expanded development rights and, based on its size and location, is considered an "infill" site. With the current water and sewer service available to the project site, the R-A zoning may allow for the creation of parcels as small as 20,000 square feet in size and the development of up to two (2) dwelling units per parcel. The R-A zoning district does not restrict the size of the first dwelling. The first dwelling must be owner occupied at the time of construction of a second dwelling which is limited to 1,200 square feet provided the overall building site coverage does not exceed a maximum of 40 percent of the parcel area.

Any proposal to amend the density requirements of the Del Rio Community Plan is subject to approval of a general plan amendment. The findings required for approval of a general plan amendment and an analysis of how this request compares to the sites of concern is provided in the "General Plan Consistency" and "Zoning Consistency" sections of this report.

Community Character: The Del Rio Community Plan identifies the proposed development of Del Rio as "a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agricultural use **which consist with and would maintain the essential character of the existing community**".

Community character directly relates to compatibility with the surrounding neighborhood and is often subjective. Urban or suburban "infill" projects, such as this proposal, are often constrained because they are surrounded by existing development expecting "like kind" densities. "Greenfield" or new town developments often plan for mixed densities and, as such, residents buy in knowing what to expect. Diablo Grande, for example, has areas of small and large lots in close proximity to each other and condominium projects are common around golf course and recreation facilities throughout this State. At issue with this project is the expectation for mixed densities consistent with the density requirements of the Del Rio Community Plan.

As with precedence, an analysis of community character is provided in the "General Plan Consistency" and "Zoning Consistency" sections of this report.

### **GENERAL PLAN CONSISTENCY**

General Plan amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical, and social well-being of the County in general?" Additionally, the County, in reviewing General Plan amendments, shall consider the additional costs to the County that might be anticipated (economic, environmental, social) and how levels of public and private service might be affected. In each case, in order to take affirmative action regarding the General Plan amendment application, it must be found that:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; and
2. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

In the case of a proposed amendment to the diagram of the Land Use Element, an additional finding must be established.

3. The amendment is consistent with the General Plan goals and policies.

As stated in the General Plan Guidelines (Office of Planning and Research, 2003, page 17), a community plan is a focused planning policy document that is part of the general plan. A community plan must be internally consistent with the general plan of which it is a part. As such, the proposed General Plan amendment to the Community Plan must be evaluated in terms of consistency with both the goals and policies of the General Plan and the Community Plan. It must be found to be consistent with the General Plan on an overall basis.

In 1992, the County of Stanislaus adopted the current Del Rio Community Plan. That plan was adopted after a lengthy process of community involvement and environmental review. It was a plan privately funded by proponents of three different subdivision projects. The plan separates the community into Area I, which is mostly developed, around the golf course and Area II, which is mostly undeveloped, to the south of the developed area, between McHenry Avenue and Carver Road, north of Ladd Road. The Community Plan allows development to occur in Area I but restricts development in Area II until an Environmental Impact Report (EIR) is approved. This proposed project is in Area I.

Areas I and II have been further divided into subareas that define allowable residential densities (Dwelling Units [DU] per acre) and land uses as follows:

Subarea 2-	2 DU/Acre
Subarea 3-	1 DU/Acre
Subarea 4-	1 DU/2Acres
Subarea 7-	Recreation
Subarea 10 -	Commercial

This project is located in Area I, subarea 2, and, as such, would be limited to two (2) dwelling units per acre. This equates to lot sizes of approximately 20,000 square feet; based on one (1) dwelling unit per acre. The proposed density for this project is for 18 units on 4.31 acres, or approximately 4 dwelling units per acre. The County's General Plan Low Density designation allows up to 8 dwelling units per acre. It should be noted, however, that R-A zoned properties throughout the County, including those in subarea 2 in Del Rio, are allowed a second unit or "granny flat", as permitted by State law, if adequate water and sewer are available and building site coverage and setback requirements can be met.

The applicant has submitted a findings statement with this application. The statement notes that the proposed General Plan Amendment and the proposed project intend to develop an addition to the Del Rio community that is entirely consistent with the "Purpose and Intent" of the P-D district. The project will include unique design elements and standards that necessitate the establishment of a P-D district which assures a smooth transition to and cohesiveness with the existing community. The inadequacy of the current General Plan designation is due largely to changing consumer demand and market conditions. The Del Rio Community currently offers little to none of this type of housing and there is a surplus of estate residential units with large homes on large lots. The proposed project will not only help resolve an inadequacy with the current General Plan designation but will also help address current inadequacies within the Del Rio Community housing market. (See Exhibit C - *Applicant Information and Findings.*)

To evaluate a proposed General Plan amendment, the goals and policies of the General Plan must be reviewed. The following comparison is made between the goals and policies of the General Plan and the proposed project:

#### **Land Use**

Goal One - Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics and the land as well as to environmental, economic, and social concerns of the residents of Stanislaus County.

Policy 5 - Residential densities as defined in the General Plan shall be the maximum based upon environmental constraints, the availability of public services, and acceptable service levels. The densities reflected may not always be achievable and shall not be approved unless there is proper site planning and provision of suitable open space and recreational areas consistent with the supportive goals and policies of the General Plan.

The implementation for this policy states that: Residential development shall not be approved at the maximum density if: (1) it threatens riparian habitat; (2) growth-limiting factors such as high water table, poor soil percolation, geological fault areas, and airport hazard areas exist; (3) development is in a designated floodway or does not meet the requirements of Chapter 16.40 of the County Code; (4) it does not comply with airport height limiting ordinance restrictions; (5) there is lack of, or inadequate, sanitary sewer or public water service; or (6) environmental impacts, including traffic, cannot be mitigated.

None of the concerns described above are applicable in this case and the proposed project appears to be consistent with both the Policy and implementation measure.

Goal Two - Ensure compatibility between land uses.

Policy 11 - Development of residential areas shall be adjacent to existing compatible unincorporated urban development or, in the case of remote development, included as part of a specific plan.

The 1992 Del Rio Community Plan states: "This Community Plan proposes development of the Del Rio area as a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agricultural use **which consist with and would maintain the essential character of the existing community**". The Del Rio Community Plan requires that a P-D designation be used for all development proposals. The P-D designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects to surrounding properties. The implementation of the designation with a P-D zone allows for development consistent with site characteristics, creation of optimum quantity and use of open space, encouragement of good design, and promotion of compatible uses. While the proposed development exceeds the Del Rio Community Plan's dwelling unit per-acre density, it is designed in a manner sensitive to the surrounding neighborhood through the use of architectural elements, landscaping, and building scale. This project's residential nature is compatible with the adjacent residential and open space uses. There is no intrusion into agricultural areas or introduction of incompatible uses.

Goal Four - Ensure that an effective level of public service is provided in unincorporated areas.

Policy 22 - Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.

Staff has required in the Development Standards payment of water services fees, public facility fees, annexation into the Hillcrest Lighting District, and formation of a fire benefit assessment district.

The project will be served by public water provided by the City of Modesto. In a letter dated February 22, 2012, the City of Modesto notes it is under obligation to make certain improvements to the Del Rio water system by July 2013. Once the improvements are in place for the Del Rio area, the City will be able to issue the "Will Serve" letter for this project. Due to this circumstance, a Development Standard has been placed on the project requiring the applicant obtain a "Will Serve" letter from the City of Modesto prior to recording the final map or any improvements being made. In addition, the project is proposing an on-site package wastewater treatment plant which is identified to be placed on the southwest corner of the "Common Area" parcel. Development Standards concerning the water and on-site package wastewater treatment plant have been added, including Development Standard No. 55, which requires approval from the Regional Water Quality Control Board for any necessary permits related to the wastewater facility.

Staff believes that finding No. 1 can be made. The proposed project is residential in nature and is designed to "fit" with the surrounding neighborhood. The proposed project meets the density requirement of the existing Low Density Residential designation; however, the proposed general plan amendment to a P-D designation is needed to address the dwelling unit density maximum established in the Del Rio Community Plan.

The consistency of a land use proposal is viewed in light of the jurisdiction's entire General Plan. In this regard, the Office of Planning and Research has provided the following explanation of consistency:



"The California Attorney General has opined that, "the term 'consistent with' means 'agreement with.' The courts have held that the phrase 'consistent with' means 'agreement with'; 'harmonious with.' The term 'conformity' means in harmony therewith or agreeable to" (see 58 Ops. Cal. Atty. Gen. 21, 23 [1975]).

Based on the wording of the law and various legal interpretations, a general rule for consistency determinations can be stated as follows: An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.

Thus, an "exact match" is not needed between a project and a General Plan, but rather there must be "agreement or harmony" between a project and a General Plan. *Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391,406. Ultimately, the Board of Supervisors has the final authority and will exercise its discretion to determine whether the project "further" the objectives and policies of the General Plan.

The Del Rio Community Plan allows for mixed residential development provided the essential character of the existing community is maintained. Clearly the maximum dwelling units per acre identified in the Del Rio Community Plan must be taken into consideration in light of determining the intent of mixed residential. As with any land use decision, there is always the possibility of establishing precedence and, as such, the reasons supporting the decision are critical. In this case, the proposal is to develop an "infill" parcel of small scale (4.31 acres) under a P-D zoning allowing for development to occur only in compliance with an adopted development plan. The development plan for this project allows for 18 condominiums with a common area to be constructed in conformance with the proposed building configuration, architectural design, and landscaping reflected in the attachments to this report. Any other proposed development will need to be reviewed independently for impacts/consistency.

The sites of concern discussed earlier in the "Background/Issues" section of this report are not of an "infill" nature and, due to their size, have a much greater potential to impact the character of the existing development. The maximum dwelling units per acre of two (2) and one (1) identified in the Del Rio Community Plan do not guarantee parcels of one (1) acre to 20,000 square feet in size. Smaller parcels could be found consistent with the Plan provided that the overall gross density is consistent with the Plan. The project site itself has the potential, under the current R-A zoning, to be subdivided to a density exceeding the Del Rio Community Plan. The subdivision, however, could be restricted to less than the eight (8) 20,000 square foot parcels allowed under the R-A zoning if the subdivision were found not to be consistent with the General Plan. In this situation, the decision making body would have to consider the inconsistency between the Low Density Residential designation and the maximum dwelling units per acre identified in the Del Rio Community Plan.

Staff believes that finding No. 2 can be made. There is no evidence that the project would adversely impact provisions of services. Any impacts to County services will be mitigated through the payment of impact fees and compliance with Development Standards.

Staff believes that finding No. 3 can be made since this project does propose a diverse land use project in the Del Rio area. The proposed project does include an open space element for the landowners. There are adequate services for the project since it proposes a package treatment plant as part of the project instead of individual septic systems and will have public water to serve the project once the City of Modesto has upgraded the Del Rio area. The project should be deemed compatible to the surrounding land uses in the area since it is residential development and should not be considered a detriment to the area. There is no evidence that this project will cause issues with services in the area such as schools, hospitals, public safety, etc.

In summary, Planning Staff believes the General Plan Amendment for the proposed use on this specific site is consistent with the goals and policies of the County's General Plan.

### **ZONING CONSISTENCY**

To approve the requested rezone, the Planning Commission must find that it is consistent with both the General Plan and the Del Rio Community Plan. The Planned Development zoning district would be consistent with both the Del Rio Community Plan and the General Plan if the proposed amendments to the General Plan are approved.

### **TENTATIVE MAP**

Below are the required findings pertaining to approval of tentative subdivision maps. Unlike most findings, in this case you must deny the map request if any of the listed findings can be made. With approval of the General Plan Amendment and rezone, staff believes the evidence already presented makes it clear that none of the findings requiring denial can be made. The map is consistent with the requested General Plan and Community Plan amendments, as are the subdivision design elements. Density and type of development are appropriate and there are no substantial environmental impacts from the project, nor can we conceive of any health related issues.

In order to approve the tentative map, none of the following findings requiring denial can be made:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvements of the proposed subdivision are not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the proposed density of development;
- D. That the site is not physically suitable for the type of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or type of improvements are likely to cause serious public health problems; or
- G. That the design of the subdivision or the type of improvements will 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 the ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

If the tentative subdivision map is to be denied, it must comply with the requirements of Government Code Section 65589.5(j). For purposes of housing projects, Government Code Section 65598.5(j) requires the County adopt findings justifying the denial or density reduction in circumstances in which the project complies with "applicable, objective general plan and zoning standards and criteria, including design review standards".

Per Government Code Section 65598.5(j), written findings supported by substantial evidence on the record that both of the following conditions exist must be adopted by the County:

1. 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
2. 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.

### **CORRESPONDENCE**

Staff has received many emails/letters regarding this project from residents/property owners in the Del Rio area. Two responses were also received (February 16, 2012, and June 19, 2012) from the Del Rio Property Owner's Association. A majority of the emails/letters are in support of this project noting the following: they live in the community but would like to downsize in the future while remaining in the Del Rio area; this type of development is seen in and around other golf and country clubs; the property is an eyesore; and this project is a well planned development and makes the best use of precious land. The main issues of concern expressed are as follows: the project is inconsistent with the Del Rio Community Plan (the Plan) which is likely to lead to incompatible growth, negative impacts, and irreparable harm to the community; the Plan does not allow gated communities; the Plan requires 15% open space; and the setbacks of the wall are insufficient per the Plan. It should be noted that there are differences in subdivision allowances between Areas I and II of the Plan. Area II requires: no gated communities; 15% open space; 15' setbacks from the front lot line; etc. (See Exhibit H - Correspondence from Neighboring Property Owners.)

### **DEVELOPMENT SCHEDULE**

The applicant is proposing to begin construction on the first five (5) units within five (5) years of project approval. Once approved, a development schedule becomes part of the development plan and must be adhered to by the owner of the property and successors in interest. Extensions of the time limit may be approved by the Planning Commission upon request by the property owner and for good cause shown. Since this project involves a tentative map, there is the possibility that the map may be allowed to record (thus creating 18 condominium spaces) after five (5) years of project approval or may be recorded within the five (5) years, but no construction occur before expiration of the development schedule. Once the condominium spaces are created, there does not appear to be a logical reason to prohibit construction of the units provided all applicable development standards are met. As such, staff is recommending a development schedule requiring the tentative map be recorded within five (5) years of project approval; except as automatically extended by state legislation.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was circulated to all interested parties and responsible agencies for review and comment. (See Exhibit J - *Environmental Review Referrals*.) A letter from the Central California Information Center (CCIC) was submitted with the application which stated that based on existing data, the project area has a low-to-moderate sensitivity for the possible discovery of prehistoric resources, as it lies less than half a mile from the former south/southeastern terraces of the Stanislaus River. A mitigation measure is in place to mitigate any impact regarding the possibility of resources being found during the construction phase of this "in-fill" project to a less than significant level. Based on the comments received and the Initial Study discussion, a Mitigated Negative Declaration is being recommended for adoption. (See Exhibit G – *Mitigated Negative Declaration*.) Development Standards have been added to this project to mitigate potential impacts to a level of less than significant. (See Exhibit D - *Development Standards/Development Schedule*.)

\*\*\*\*\*

**Note:** Pursuant to California Fish and Game Code Section 711.4, all project applicants subject to the California Environmental Quality Act (CEQA) shall pay a filing fee for each project; therefore, the applicant will further be required to pay **\$2,158.50** for the Department of Fish and Game and the Clerk Recorder filing fees. The attached Development Standards ensure that this will occur.

Contact Person: Carole Maben, Associate Planner, (209) 525-6330

### Attachments:

- Exhibit A - Findings and Actions Required For Approval
- Exhibit B - Maps
- Exhibit C - Applicant Information and Findings
- Exhibit D - Development Standards/Development Schedule
- Exhibit E - Initial Study
- Exhibit F - Mitigation Monitoring Plan
- Exhibit G - Mitigated Negative Declaration
- Exhibit H - Correspondence from Neighboring Property Owners
- Exhibit I - Del Rio Community Plan – adopted August 1992
- Exhibit J - Environmental Review Referrals

(i:\planning\staff reports\gpa\2012\gpa rez tm 2012-01 - del rio villas\staff report.docx)



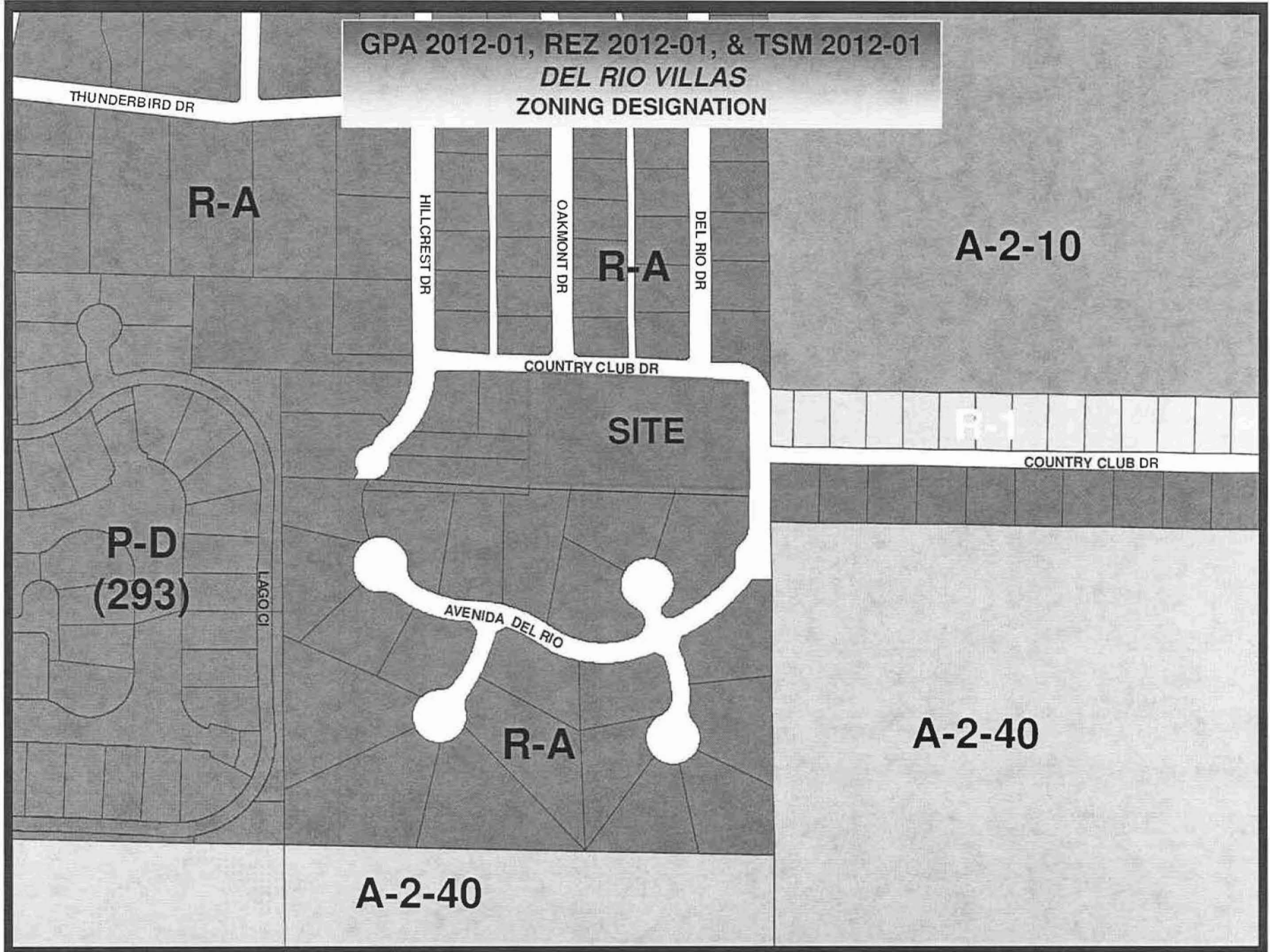
## **Exhibit A**

### **Findings and Actions Required For Approval:**

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 judgment and analysis;
2. Order the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075;
3. Find That:
  - A. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses;
  - B. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service; and
  - C. The amendment is consistent with the General Plan goals and policies.
4. Find that the proposed P-D zoning is consistent with the Planned Development General Plan designation.
5. Find that none of the findings requiring denial of this Tentative Map can be made:
  - A. That the proposed map is not consistent with applicable general and specific plans;
  - B. That the design or improvements of the proposed subdivision are not consistent with applicable general and specific plans;
  - C. That the site is not physically suitable for the proposed density of development;
  - D. That the site is not physically suitable for the type of development;
  - E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
  - F. That the design of the subdivision or type of improvements are likely to cause serious public health problems;
  - G. That the design of the subdivision or the type of improvements will 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. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision;

- H. 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
  - I. 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.
- 6. Find that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvements.
  - 7. Approve General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas, subject to the attached Development Standards/Development Schedule.

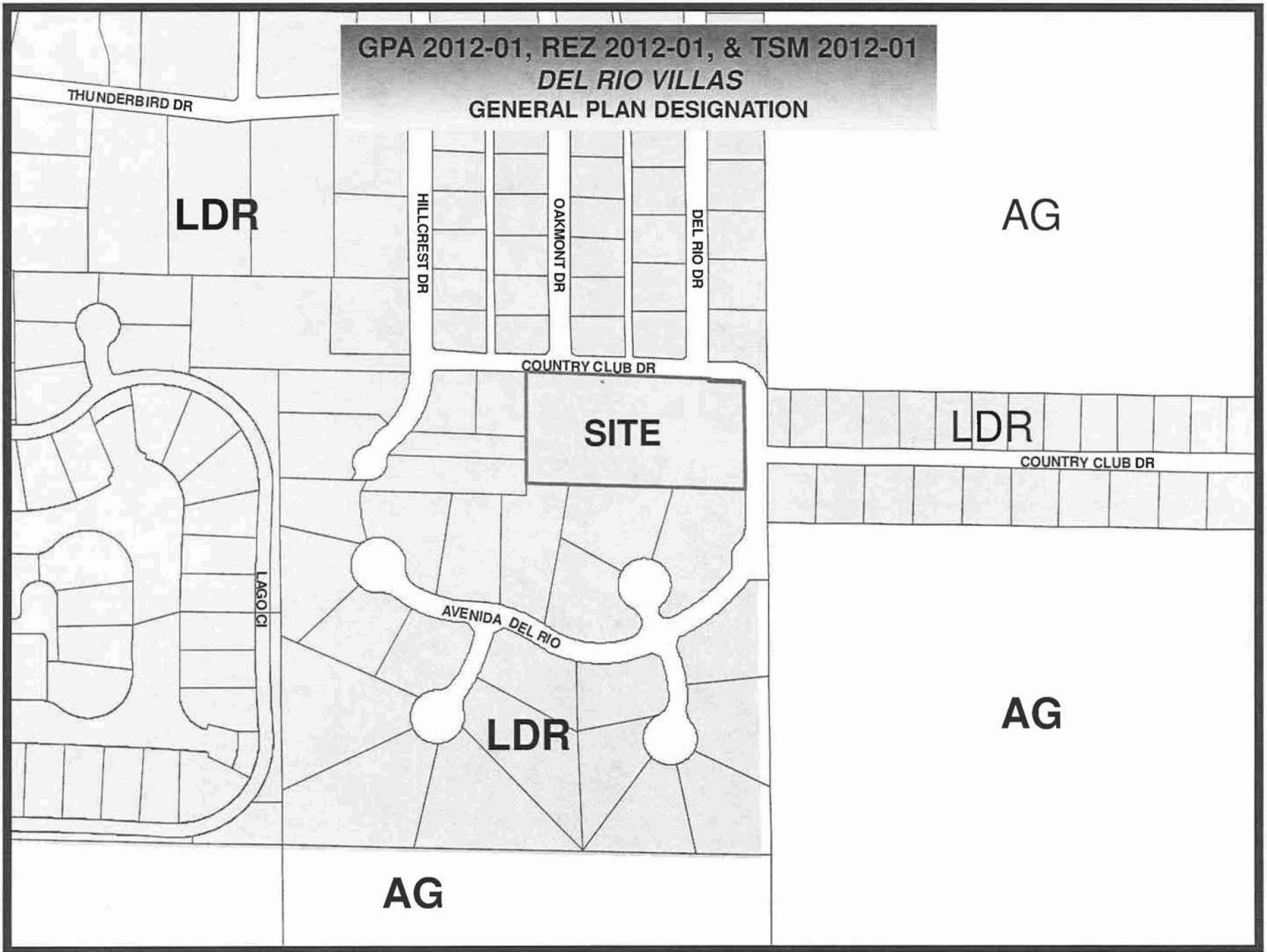
GPA 2012-01, REZ 2012-01, & TSM 2012-01  
*DEL RIO VILLAS*  
ZONING DESIGNATION



GPA 2012-01, REZ 2012-01, & TSM 2012-01  
**DEL RIO VILLAS**  
GENERAL PLAN DESIGNATION

14

EXHIBIT B-1



GPA 2012-01, REZ 2012-01, & TSM 2012-01  
*DEL RIO VILLAS*  
COMMUNITY PLAN DESIGNATION

THUNDERBIRD DR

2-DU/AC

HILLCREST DR

OAKMONT DR

DEL RIO DR

REC

COUNTRY CLUB DR

SITE

2-DU/AC

COUNTRY CLUB DR

1-DU/AC

LAGO CI

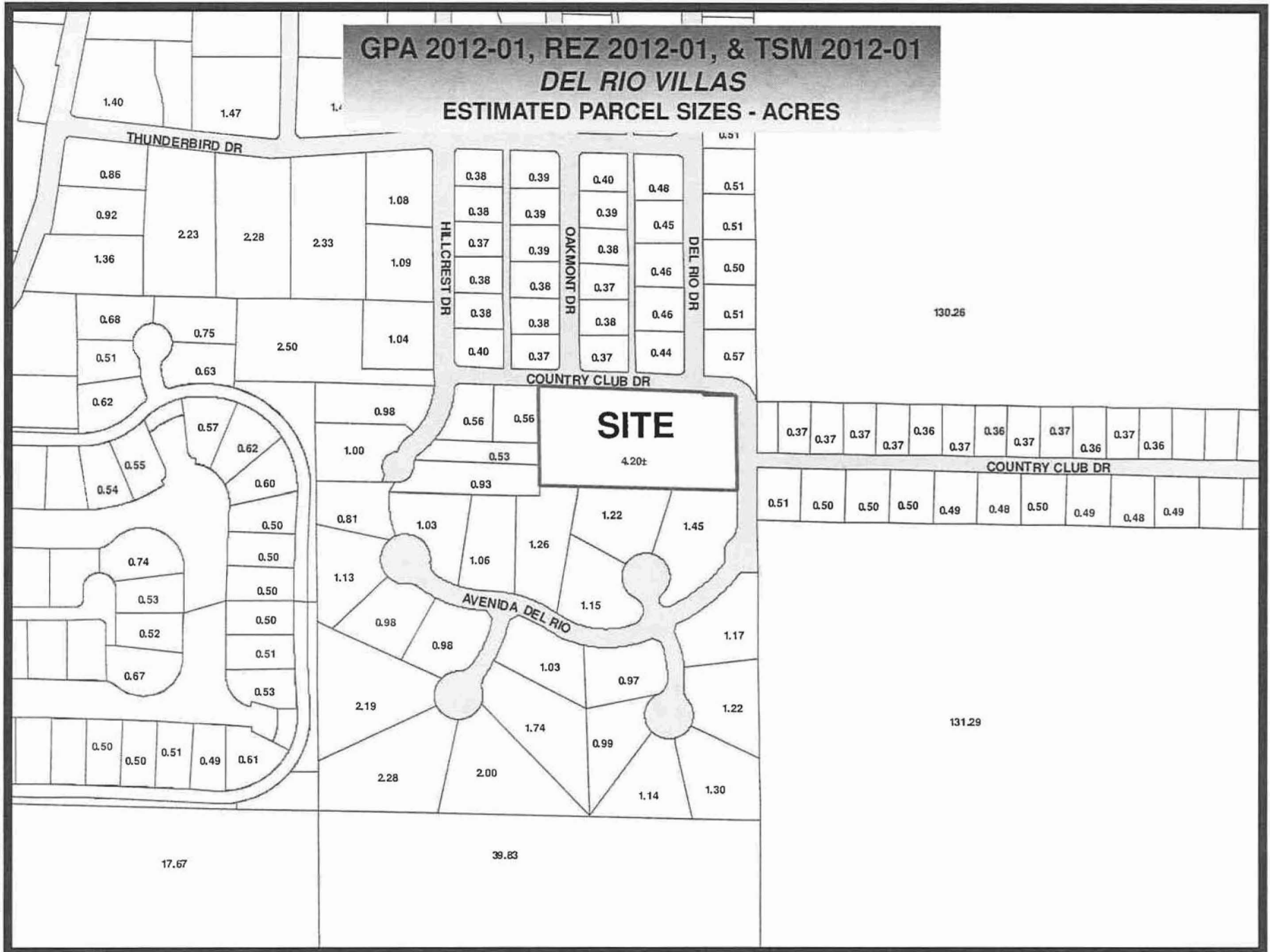
2-DU/AC

AVENIDA DEL RIO

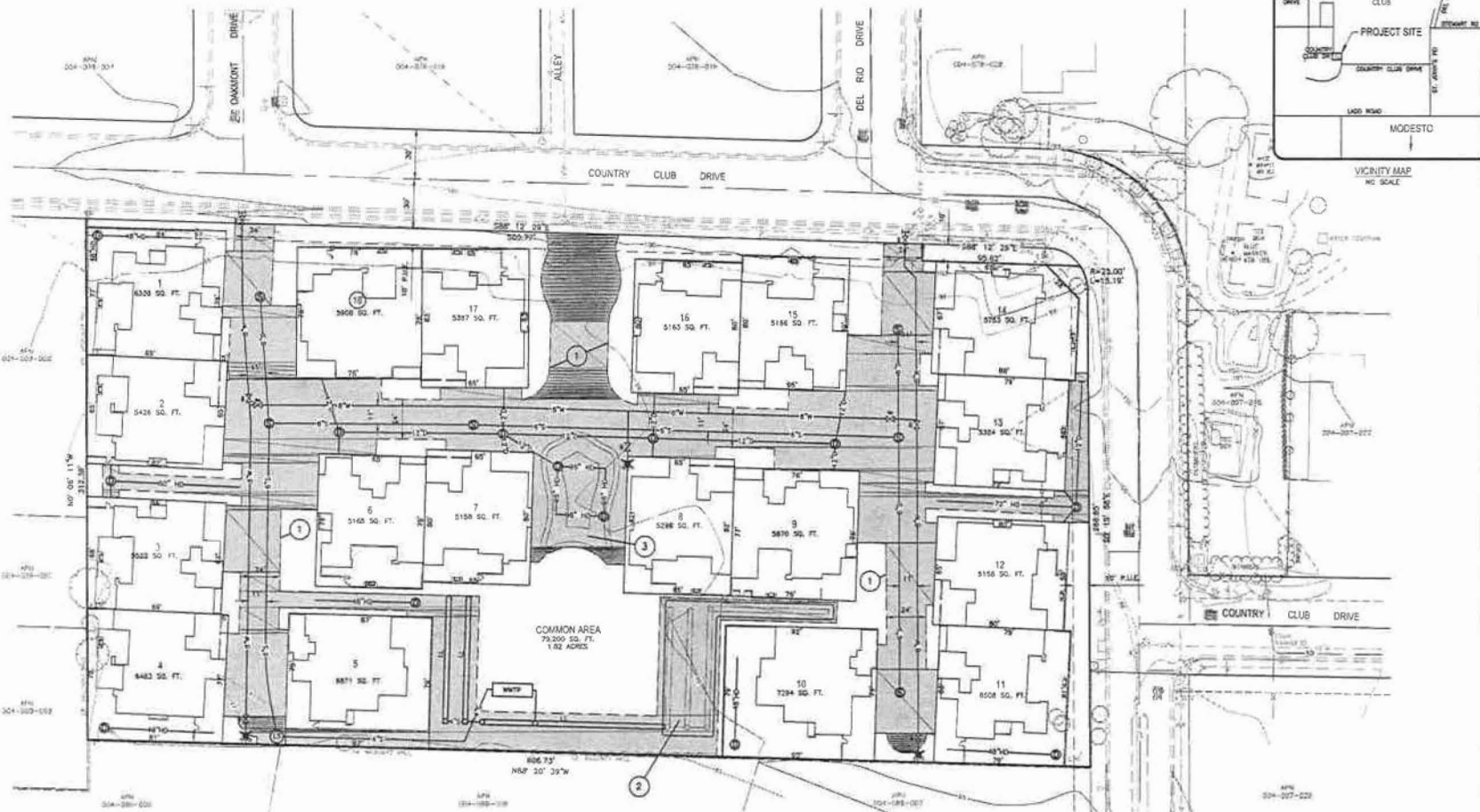
1-DU/AC



GPA 2012-01, REZ 2012-01, & TSM 2012-01  
**DEL RIO VILLAS**  
 ESTIMATED PARCEL SIZES - ACRES







**PROJECT INFORMATION:**

OWNER: DEL RIO VILLAS, INC.  
PO BOX 577733  
MODESTO, CA 95355

SUBMITTER: DEL RIO VILLAS, INC.  
PO BOX 577733  
MODESTO, CA 95355

SITE ACREAGE (GROSS): 4.18 ACRES

ASSASSIN'S PARCEL NUMBER: 004-089-044

SANITARY SEWER: ON-SITE PACKAGE SECONDARY WASTEWATER TREATMENT PLANT WITH LEACH FIELD EFFLUENT DISPOSAL SYSTEM, DESIGNED AND CONSTRUCTED PER STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES STANDARDS.

WATER: CITY OF MODESTO

STORM DRAIN: ON-SITE STORAGE AND PERCOLATION SYSTEM.

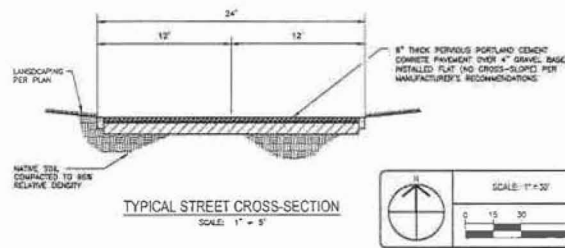
FLOOD INFORMATION: THE PROJECT SITE LIES IN "ZONE 1" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHARGE FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD MAP PANEL 0905000101.

**CALLOUTS**

1. ACCESS AND PUBLIC UTILITY EASEMENT.
2. 143X LEACH LINE EXPANSION AREA PER STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES REQUIREMENTS (10X5 EXPANSION AREA REQUIRED).
3. WATER FEATURE / STORM DRAIN BASIN AND HORIZONTAL DRAIN TO SERVE ROOFTOP AND CLOUDBANK DRAINAGE FROM LOTS 8-11, 15-16, AND 18X/CASANA AREA. RESIDUAL LOTS WILL EACH HAVE INDIVIDUAL OR SHARED HORIZONTAL DRAIN TO ACCOMMODATE LEACH DRAINAGE. COMMON AREA EXCEPT FOR THE 18X/CASANA AREA WILL DRAIN TO POROUS CONCRETE STREETS AND SIDEWALKS.

**LEGEND**

- EXISTING TREE**
- EXISTING CURB AND GUTTER
- EXISTING DRAIN LINE FENCE
- EXISTING 3" WOOD FENCE
- EXISTING BLOCK WALL
- EXISTING SANITARY SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING WATER VALVE
- EXISTING CITY OF MODESTO DOMESTIC WATER WELL
- EXISTING CURB INLET AND DRY WELL
- EXISTING CATCH BASIN
- EXISTING STORM DRAIN MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING COURTHOUSE AND ELEVATION**
- WATER LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- HORIZONTAL DRAIN AND PIPE SIZE
- PNE HYDRAULIC, BURY, AND GATE VALVE
- GATE VALVE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- LIFT STATION
- PACKAGE WASTEWATER TREATMENT PLANT
- DISTRIBUTION BOX AND 3" WIDE LEACH LINE
- ACCESS / PUBLIC UTILITY EASEMENT AREA



**VESTING TENTATIVE SUBDIVISION MAP**  
TO ACCOMPANY PLANNED DEVELOPMENT APPLICATION FOR  
**DEL RIO VILLAS**  
STANISLAUS COUNTY

**DEL RIO VILLAS**  
STANISLAUS COUNTY

**PROJECT SITE**  
VICTORY MAP  
NO SCALE

**DEL RIO VILLAS**  
STANISLAUS COUNTY

**PROJECT SITE**  
VICTORY MAP  
NO SCALE

**DEL RIO VILLAS**  
STANISLAUS COUNTY

**PROJECT SITE**  
VICTORY MAP  
NO SCALE

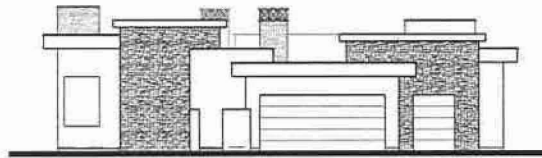
**DEL RIO VILLAS**  
STANISLAUS COUNTY





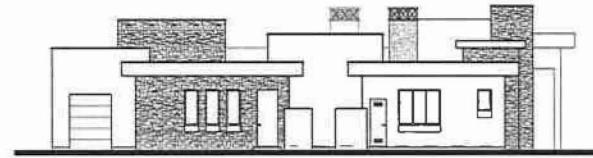
BUILDING #1 - FRONT ELEVATION (MODELS 'A' & 'B')

SCALE: 1/8" = 1'-0"



BUILDING #1 - LEFT ELEVATION (MODELS 'A' & 'B')

SCALE: 1/8" = 1'-0"



BUILDING #1 - RIGHT ELEVATION (MODELS 'A' & 'B')

SCALE: 1/8" = 1'-0"



BUILDING #1 - REAR ELEVATION (MODELS 'A' & 'B')

SCALE: 1/8" = 1'-0"

PROPOSED NEW  
DEVELOPMENT:

*The Villas*  
*at Del Rio*

Country Club Dr.  
Modesto, CA.

PLANNING ■ ■ ■  
ARCHITECTURE ■ ■ ■

**api**

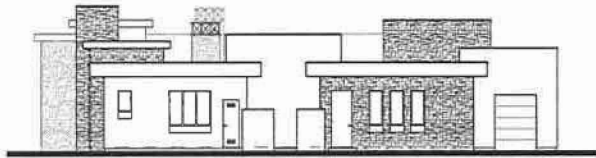
ARCHITECTURE PLUS INC.  
1207 13TH STREET SUITE 4  
MODESTO, CA 95334

ph: 209.577.4661  
fx: 209.577.0213

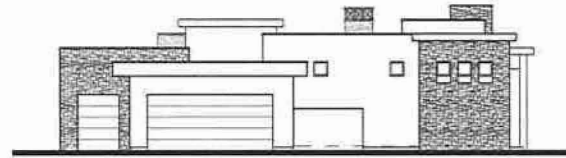
www.apinc.com



BUILDING #2 - FRONT ELEVATION (MODELS 'B' & 'C')  
SCALE 1/8" = 1'-0"



BUILDING #2 - LEFT ELEVATION (MODELS 'B' & 'C')  
SCALE 1/8" = 1'-0"



BUILDING #2 - RIGHT ELEVATION (MODELS 'B' & 'C')  
SCALE 1/8" = 1'-0"



BUILDING #2 - REAR ELEVATION (MODELS 'B' & 'C')  
SCALE 1/8" = 1'-0"

PROPOSED NEW  
DEVELOPMENT:

*The Villas*  
at Del Rio

Country Club Dr.  
Modesto, CA.

PLANNING ■ ■ ■  
ARCHITECTURE ■ ■ ■

**api**

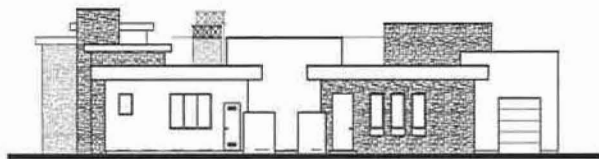
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1207 13TH STREET SUITE 6  
MODESTO, CA 95334

ph. 209.577.4661  
fx. 209.577.0213

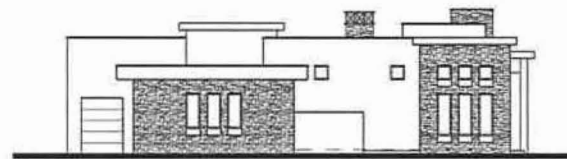
www.apiproc.com



BUILDING #3 - FRONT ELEVATION (MODELS 'B' & 'C-2')  
SCALE: 1/8" = 1'-0"



BUILDING #3 - LEFT ELEVATION (MODELS 'B' & 'C-2')  
SCALE: 1/8" = 1'-0"



BUILDING #3 - RIGHT ELEVATION (MODELS 'B' & 'C-2')  
SCALE: 1/8" = 1'-0"



BUILDING #3 - REAR ELEVATION (MODELS 'B' & 'C-2')  
SCALE: 1/8" = 1'-0"

PROPOSED NEW  
DEVELOPMENT:

*The Villas*  
at Del Rio

Country Club Dr.  
Modesto, CA.

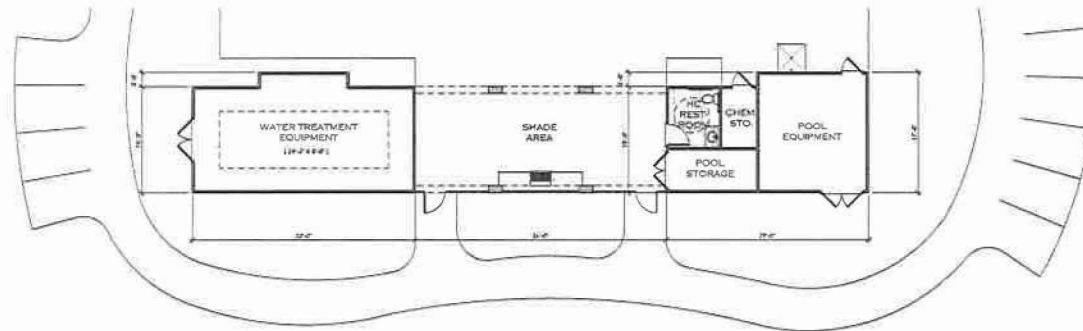
PLANNING  
ARCHITECTURE

**api**

ARCHITECTURE PLUS INC.  
1207 13TH STREET, SUITE 4  
MODESTO, CA 95354

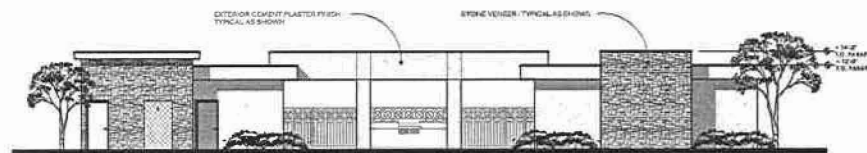
ph. 209.577.4661  
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WWW.API-CA.COM



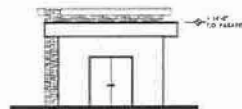
POOL BUILDING - FLOOR PLAN

SCALE 1/8" = 1'-0"



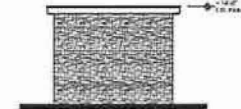
POOL BUILDING - NORTH ELEVATION

SCALE 1/8" = 1'-0"



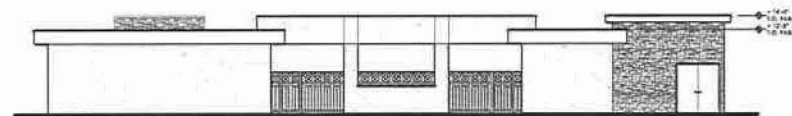
POOL BUILDING - EAST ELEVATION

SCALE 1/8" = 1'-0"



POOL BUILDING - WEST ELEVATION

SCALE 1/8" = 1'-0"



POOL BUILDING - SOUTH ELEVATION

SCALE 1/8" = 1'-0"

*The Villas*  
at Del Rio

Country Club Dr.  
Modesto, CA.

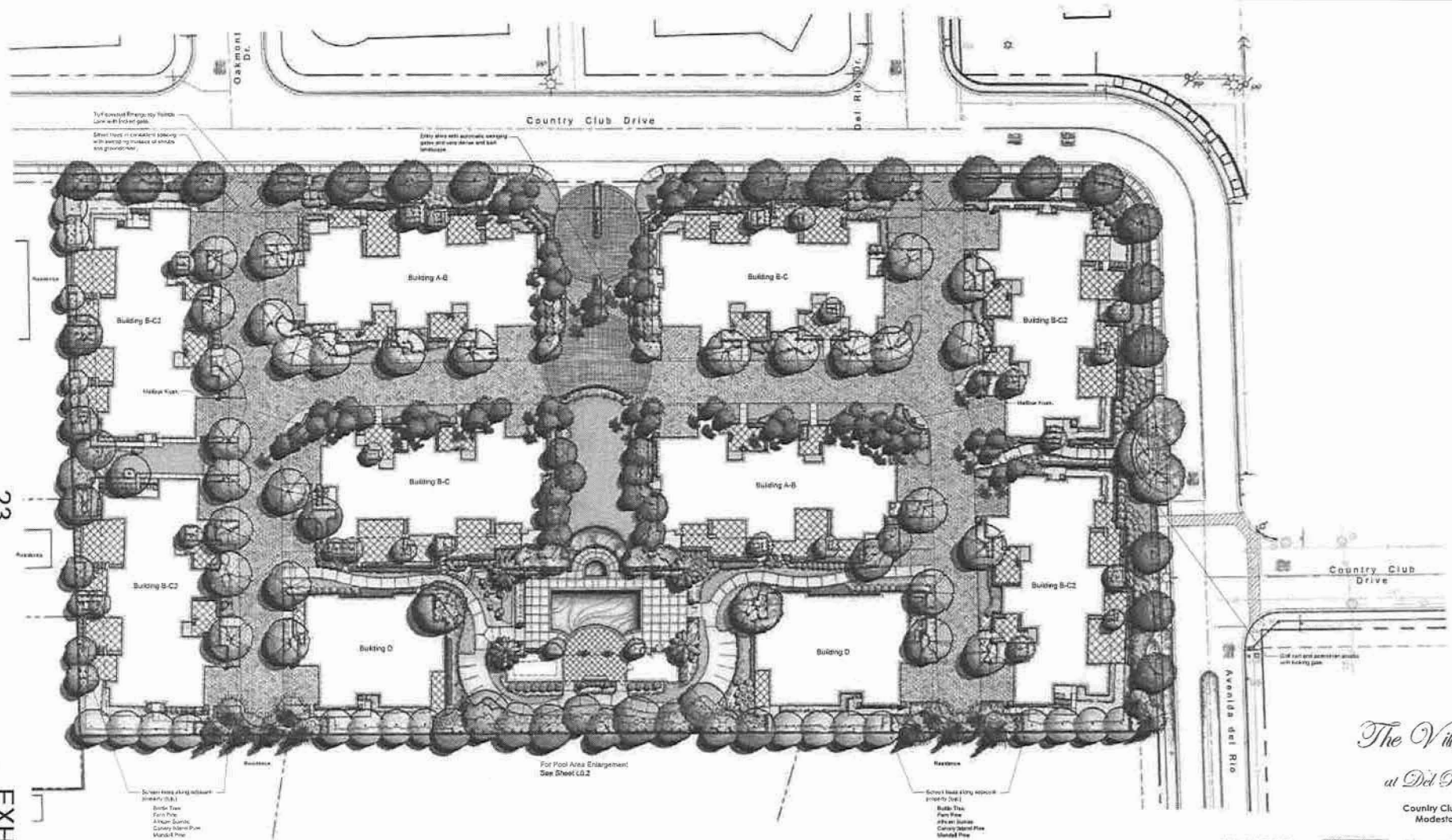
PLANNING ■ ■ ■  
ARCHITECTURE ■ ■ ■

**api**

ARCHITECTURE PLUS INC.  
1207 13TH STREET SUITE 6  
MODESTO, CA 95354

PH: 209.277.4661  
TX: 209.277.0213

WWW.APIARCHITECT.COM



*The Villas*  
at Del Rio  
Country Club Dr.  
Modesto, CA.

**10.1 Conceptual Landscape Plan**

Scale: 1/8" = 1'-0"



NORTH

Not to Scale



PLANNING  
ARCHITECTURE  
**api**

**SOUSA**  
ENGINEERING  
CIVIL - SURVEY - PLANNING

**CMC**  
BUILDERS  
CONTRACTORS  
CONSTRUCTION  
MANAGEMENT

**KLA**  
LANDSCAPE  
ARCHITECTURE  
PLANNING

Not to Scale

## March 26, 2014



Source: *Journal of the American Medical Association*, 2000, 283: 2611-2615.

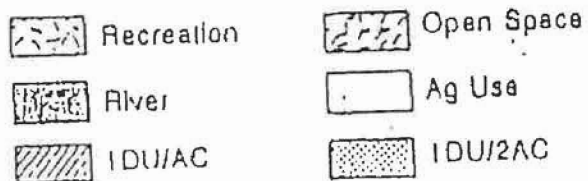
# DEL RIO COMMUNITY PLAN

## AREA I

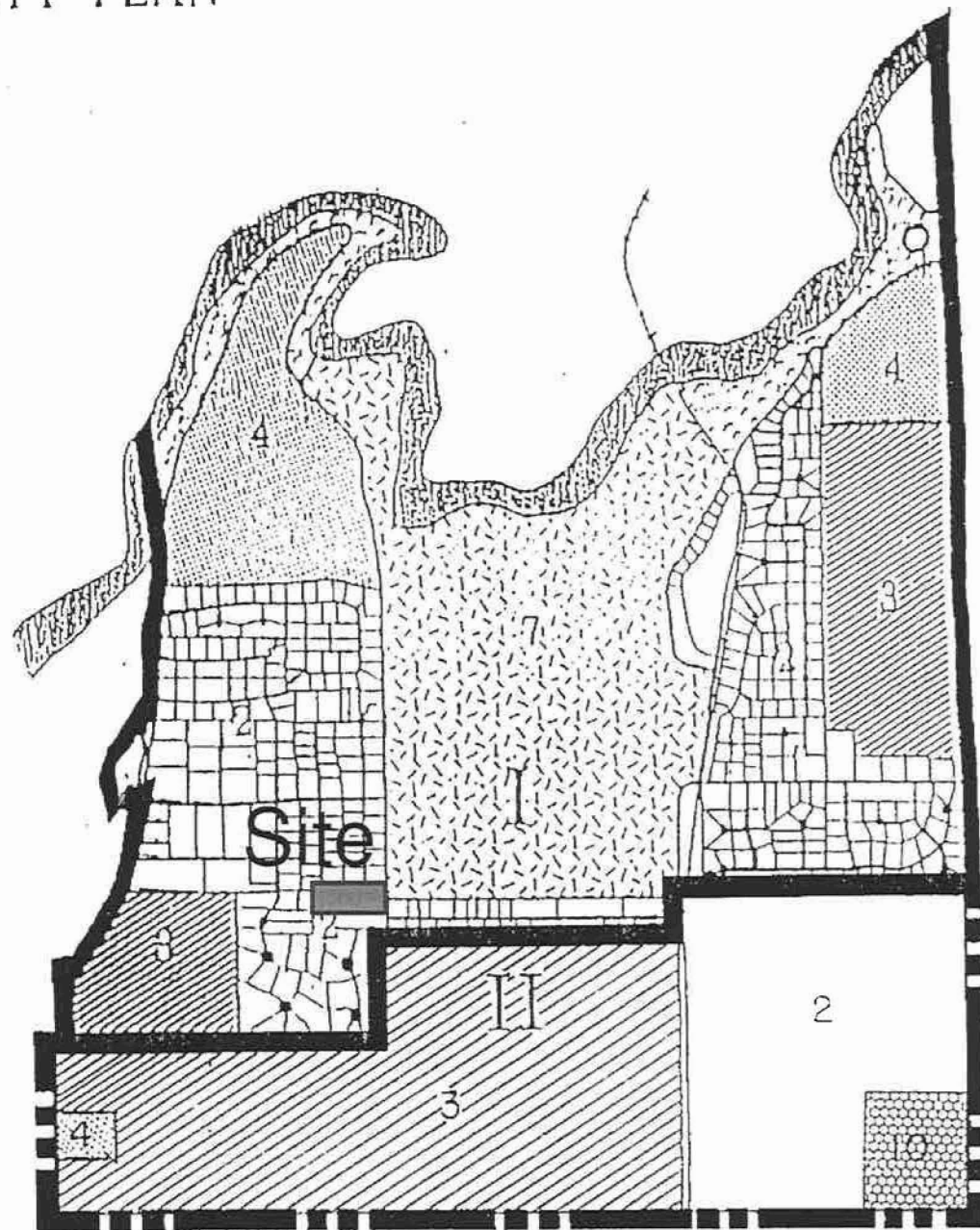
- APPROVE GENERAL PLAN AMENDMENTS
- REQUIRE PLANNED DEVELOPMENT
- REZONING ON NEW PROJECTS
- REQUIRE PROJECTS TO CONFORM TO AIR QUALITY / WATER MITIGATION MEASURES
- GENERAL PLAN DESIGNATIONS: LOW DENSITY RESIDENTIAL AND AGRICULTURE

## AREA II

- GENERAL PLAN AMENDMENTS POSTPONED UNTIL A DETAILED STUDY IS PREPARED OF WATER / AIR / AGRICULTURAL BUFFERING / CIRCULATION AND COMMUNITY SERVICES ISSUES
- GENERAL PLAN DESIGNATIONS: AGRICULTURE / SPECIFIC PLAN OVERLAY



- |    |            |
|----|------------|
| 2  | 2 DU/AC    |
| 3  | 1 DU/AC    |
| 4  | 1 DU/2AC   |
| 7  | RECREATION |
| 10 | COMMERCIAL |





GPA 2012-01, REZ 2012-01, & TSM 2012-01  
*DEL RIO VILLAS*  
AERIAL PHOTO (2008)





### 3. STATEMENT OF REASONS AND JUSTIFICATIONS FOR CHANGE TO GENERAL PLAN

The primary reason for the proposed General Plan Amendment and rezone of the project site to Planned Development is that the rezone is mandated by the Del Rio Community Plan in order for the site to be developed. More particularly the Community Plan states that "All future residential developments within Area I and Area II of Del Rio shall be Planned Developments (PDs)." (Del Rio Community Plan Section III.1.).

In stating reasons and justifications for changing the General Plan designation and zoning of the project site to Planned Development, it is also helpful to consider the Purpose and Intent of the Planned Development District as defined by Section 21.40.020 of the Stanislaus County Zoning Ordinance:

*"The application of the conventional regulations can stifle creative planning and design efforts. The P-D district zoning is generally intended to apply to larger scale, integrated development as a means of providing opportunities for creative and cohesive design concepts. The district is intended to allow modification of requirements established by other districts and diversification in the relationship of different uses, buildings, structures, lot sizes and opens spaces, while ensuring compliance with, and implementation of, the general plan. Additional objectives of the P-D district include the provision of development consistent with site characteristics, creation of optimum quantity and use of open space, encouragement of good design and promotion of compatible uses."*

It is the opinion of the applicant that the proposed General Plan Amendment and the proposed project intend to develop an addition to the Del Rio Community that is entirely consistent with the Purpose and Intent of the P-D District. The project will include unique design elements and standards that necessitate the establishment of a P-D district while assuring a smooth transition to and cohesiveness with the existing community. As the proposed landscape plan clearly shows there will be considerable open space that will be consistent with existing themes in the community.

In addition to its design characteristics and aesthetics the proposed project will serve to meet a growing need for a particular type of housing in the Del Rio community. Many residential properties in the Del Rio Community are large estates lots, often 1 acre in size or greater. There is a growing demand for housing that provides quality living space with outdoor space that requires less maintenance by each individual owner. Additionally, potential owners seeking this type of living space also desire proximity to recreational facilities such as golf courses. The proposed project, with its quality homes on modestly sized lots, large common area, and proximity to the existing Del Rio Country Club, meets all of those needs. It is the opinion of the applicant that the proposed project will provide the Del Rio Community with a needed housing product that will serve both existing and new members of the community.

#### 4. DESCRIPTION OF EVENTS LEADING TO INADEQUACY OF CURRENT GENERAL PLAN DESIGNATION

The inadequacy of the current General Plan designation is due largely to changing consumer demand and market conditions as mentioned in Section 3. There is a growing sector of buyers, many of whom are at or near to retirement age, who seek housing within golf course communities that offers modern day living amenities with minimal maintenance. Conversely the Del Rio Community currently offers little to none of this type of housing and there is a surplus of estate residential units with large homes on large lots. The proposed project will not only help resolve an inadequacy with the current General Plan designation but will also help address current inadequacies within the Del Rio Community's housing market.

**5. DESCRIPTION OF STUDIES OR POLICIES WHICH HAVE BROUGHT INTO QUESTION THE PORTION OF THE GENERAL PLAN TO BE CHANGED**

No official studies or policies have necessarily brought the portion of the General Plan relevant to this project into question. The questionable nature of the project site's current General Plan designation is due primarily to the consumer demands and market conditions described in Sections 3 and 4.

**DEVELOPMENT STANDARDS**

**GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01  
REZONE APPLICATION NO. 2012-01  
VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01  
DEL RIO VILLAS**

**Planning and Community Development**

1. 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 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." (Chapter 9.32 - Stanislaus County Code.)
2. 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.
3. 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.
4. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality certifications, if necessary.
5. 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.
6. 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.



7. 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.
8. All materials brought to or used at the construction site shall be kept in a secure state on that site and not be permitted to blow or otherwise become a nuisance to the surrounding area.
9. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2010), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination". Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$2,158.50**, made payable to **Stanislaus County**, for the payment of Fish and Game and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
10. 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.
11. A landscape plan, in accordance with Stanislaus County Code, indicating type of plants, initial plant size, location, and method of irrigation shall be submitted to and approved by Planning staff for the common area. Landscaping must be installed prior to occupancy.
12. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.

**Department of Public Works**

13. The recorded tentative map shall be prepared by a licensed land surveyor or a qualified registered civil engineer.
14. All existing non-public facilities and/or utilities that do not have lawful authority to occupy the road right-of-way shall be relocated onto private property upon the request of the Department of Public Works.
15. All structures not shown on the tentative parcel map shall be removed prior to the tentative map being recorded.
16. All new parcels shall be surveyed and fully monumented.

17. The property owners shall dedicate a 10-foot wide public utility easement along the entire road frontage of Country Club Drive and Avenida Del Rio, adjacent to the road right-of-way, on the final map. All new utilities shall be underground and located in the public utility easement.
18. A grading and drainage plan shall be submitted for the project. Public Works will review and approve the drainage calculations. The grading and drainage plan shall include the following information:
  - Drainage calculations shall be prepared as per the Stanislaus County Standards and Specifications that are current at the time the project is approved by the Stanislaus County Board of Supervisors;
  - The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and into the Stanislaus County road right-of-way; and
  - The grading and drainage plan shall comply with the current (at the time the grading permit is issued) Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Permit and the Quality Control standards for New Development and Redevelopment contained therein.
19. Prior to the map being recorded, improvement plans shall be submitted to the Department of Public Works for review. Road improvements in the County road right-of-way shall include, but not be limited to, curb, gutter, sidewalk, streetlights, matching pavement, striping, and drainage facilities. Any existing concrete or asphalt pavement that is damaged or becomes damaged shall be replaced prior to the acceptance of the roadway improvements by Stanislaus County. The improvements shall meet Stanislaus County Department of Public Works Standards and Specifications.
20. Prior to the issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer, licensed land surveyor, or geotechnical engineer is required by the Stanislaus County Department of Public Works.
21. An Engineer's Estimates for the roadway improvements in the public right-of-way shall be provided.
22. If the improvements are not installed and approved by the Department of Public Works before the final map is recorded, the applicant shall enter into a Subdivision Improvement Agreement. This agreement will require the posting of the required financial guarantees and certificates of insurance.
23. Prior to the Department of Public Works doing any plan review or inspections associated with the development, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a deposit with Public Works based on 10 percent of the Engineer's Estimate.
24. An encroachment permit shall be taken out *prior to any work in the road right-of-way*.
25. One benchmark shall be established within the subdivision on a brass cap. A completed Bench Mark card shall be furnished to the Department of Public Works.

26. 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.
27. A set of Record Drawings shall be provided to and be approved by the Stanislaus County Department of Public Works before the County accepts the subdivision improvements. The drawings shall be on 3 mil mylar (minimum) with each sheet signed and stamped by the design engineer and marked "Record Drawing" or "As-built". The As-Built files will also be provided to Stanislaus County Department of Public Works in standard PDF format (with a minimum of 400 dpi resolution).
28. The streetlights shall be annexed into the Hillcrest Lighting District. The applicant shall provide all necessary documents and pay all the costs associated with the annexation process. Please be aware that this process may take approximately 4 to 6 months. The annexation of the streetlights into the Hillcrest Lighting District shall be completed before the occupancy of any building permit associated with this project. Please contact Public Works at 525-4130.
29. The owner/developer shall deposit the estimated first year's operating maintenance cost of the new streetlights with the Department of Public Works at the time the paperwork is submitted and prior to the issuance of any building permit associated with the project.
30. No parking, loading, or unloading of vehicles shall be permitted within the emergency access driveways. The developer will be required to install or pay for the installation of all required signs and/or markings. The developer shall coordinate with Stanislaus County Public Works Traffic Section on the placement of any signs. The signs and markings shall be installed prior to the occupancy of any building permit.
31. *Prior to the final parcel map being recorded*, a homeowner's association shall be formed, and the necessary documents recorded that specify maintenance of all private roads and public areas will be the sole responsibility of the property owners. The homeowner's association will maintain all on-site drainage, landscaping, lighting of public areas within the private roadway/access, and the road/access maintenance. The homeowner's association will also be maintaining the landscaping outside the walled area(s) of the project; the streetscape.
  - A. The homeowner's association shall repair any damage to County right-of-way caused by the maintenance of the landscaped areas on either side of the subdivision wall. The homeowner's association shall repair any damage to the County right-of-way caused by the growing or dying of the landscape material.
  - B. An encroachment permit will be obtained before any work is done within the County road right-of-way.

A copy of the recorded homeowner's association shall be provided to the Department of Public Works and the Department of Planning and Community Development for *review and approval prior to recordation of the map*.

**City of Modesto**

32. The applicant shall obtain a "will serve" letter from the City of Modesto prior to recording the tentative map. The developer shall comply with any conditions of the will serve letter. All water used on-site shall be provided by the City of Modesto.

**Modesto Irrigation District**

33. In conjunction with related site improvements, existing overhead and underground electric facilities within or adjacent to the proposed development 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.
34. A 10-foot PUE is required along Country Club Drive and Avenida Del Rio street frontages.
35. The proposed Public Utility Easements shown on the proposed map are required in order to provide electrical service to the future condominium units. Additional easements may be required with development of the property.
36. A 3-foot easement is required around the proposed MID transformers. A 10-foot wide easement shall extend from the transformer to proposed Street/Blanket Public Utility Easement.
37. A 5-foot easement is required centered on the proposed secondary underground cables. The 5-foot wide easement shall extend from the secondary boxes to the proposed Street/Blanket Public Utility Easement.
38. Electric Service to the individual condominium units is not available at this time. The customers should contact the District's Electric Engineering Department to arrange for electric service requirements and arrange for electrical service. Additional easements may be required when specific improvement/development plans are submitted for review to the District's Electric Engineering Design Department.

**Salida Fire Protection District**

39. The applicant shall be subject to Fire Service Impact Mitigation Fee as adopted by the District Board of Directors and the Stanislaus County Board of Supervisors currently in place at the time of issuance of construction permits.
40. The 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.
41. Prior to recording the final subdivision map, the water system serving the project shall be deemed as "reliable".
42. Prior to and during construction, the District shall approve provisions for serviceable fire vehicle access and fire protection water supplies.

43. A District specified Rapid Entry System (knox) shall be installed and serviceable prior to final inspection allowing fire department access into gated areas, limited access points, and or buildings.
44. Buildings may be required to have fire sprinklers meeting the standards listed within the adopted California Fire Code and related amendments. In addition, there may be revisions to the fire sprinkler requirements in future fire code adoptions. At the time of construction, the most current, adopted fire code will be required and must be adhered to.
45. For buildings of 30 feet or three (3) or more stories in height, gated 2 1/2" hose connections (Class III) for fire department use shall be installed on all floors in each required exit stairwell.
46. The project shall meet fire apparatus access standards. Two ingress/egress accesses to each parcel meeting the requirements listed within the California Fire code.
47. If traffic signals are installed and/or retrofitted for the project, signal preemption devices shall be paid for or installed by the developer/owner and shall conform to the District's standards and requirements.
48. Prior to recording the final map, issuance of a permit, and/or development, the owner(s) of the property will be required to form or annex into a community facility district or operational service with the Salida Fire Protection District.

#### **Building Permits Division**

49. Building permits are required and must comply with California Code of Regulations Title 24. A grading permit and swimming pool permit are required. Must meet Chapter 11A requirements for accessibility.

#### **Stanislaus County Sheriff**

50. 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.

#### **Department of Environmental Resources**

51. Show location and identify use of all existing or proposed wells, including those abandoned, both in the development and on adjoining properties within 100 feet of development boundaries.
52. The applicant shall specify type of sewage disposal proposed (package treatment plant and leach fields, seepage pits, etc.). Submit a geotechnical evaluation of impacts by sewage disposal, if subdivision proposed will be in a designated or suspected sensitive area.
53. The applicant shall identify soil strata to 25 feet or bedrock.
  1. Show depth and distribution of impervious layers including slope and direction of these layers.
  2. Discuss potential impacts from any restrictive layers to on-site sewage disposal.
  3. Discuss potential impacts, if any, to on-site sewage disposal systems planned.



54. Show the total available sewage disposal area that can be reached by gravity for each lot.
55. Prior to recording the final map, and in accordance with Section 20.56.170 of the County Subdivision Ordinance, engineering data shall be provided to the Department of Environmental Resources that the proposed subdivision meets the requirements of the A Guidelines for Waste Disposal from Land Developments adopted by the Central Valley Regional Water Quality Control Board and the project shall comply with any and all other requirements of the Department of Environmental Resources.
56. Prior to issuance of building permits, the community water system must be serving the individual lots/parcels and be of approved quantity and quality as per Department of Environmental Resources and/or the State Department of Health Services.
57. To insure that the package sewage treatment plants sewage collection system and its associated laterals serving individual buildings and the plants effluent distribution system are installed to the design engineers specifications and appropriate codes, it will be necessary for the developer to arrange for verification by a private inspection service.
58. Prior to the final inspection of private dwellings, the project's design engineer will have to provide written certification that their respective portions of the wastewater treatment system are constructed to design specifications and can be expected to perform in a satisfactory manner.
59. Applicants proposing to construct a public swimming pool shall submit legible plans and specifications to DER for review and written approval prior to commencing the work and in advance of any building, plumbing, or electrical permit (Title 22 CHSC). A Risk Management Prevention Program must be implemented prior to operation of the pool if chlorine gas is used in excess of 100 pounds.

#### **MITIGATION MEASURES**

**(Pursuant to California Public Resources Code 15074.1: Prior to deleting and substituting for a mitigation measure, the lead agency shall do both of the following:**

- 1) Hold a public hearing to consider the project; and**
- 2) Adopt a written finding that the new measure is equivalent or more effective in mitigating or avoiding potential significant effects and that it in itself will not cause any potentially significant effect on the environment.)**

60. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.

\*\*\*\*\*

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

## **DEVELOPMENT SCHEDULE**

**GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01  
REZONE APPLICATION NO. 2012-01  
VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01  
DEL RIO VILLAS**

The tentative map shall be recorded within five (5) years of project approval except as automatically extended by state legislation.



1010 10<sup>th</sup> Street, Suite 3400  
Modesto, California 95354

## Stanislaus County Planning and Community Development

Phone: (209) 525-6330  
Fax: (209) 525-5911

### CEQA INITIAL STUDY

Adapted from CEQA Guidelines APPENDIX G Environmental Checklist Form, Final Text, December 30, 2009

1. **Project title:** General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas
2. **Lead agency name and address:** Stanislaus County  
1010 10th Street, Suite 3400  
Modesto, CA 95354
3. **Contact person and phone number:** Carole Maben, Associate Planner  
(209) 525-6330
4. **Project location:** Southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area.  
(APN: 004-059-044)
5. **Project sponsor's name and address:** Del Rio Villas, Inc.  
P.O. Box 577793  
Modesto, CA 95355
6. **General Plan designation:** Low Density Residential
7. **Zoning:** R-A (Rural Residential)
8. **Description of project:**

This is a three-part application requesting to make the following modifications to a 4.31 acre parcel: 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.
9. **Surrounding land uses and setting:** Immediately surrounded by single-family residential; water well and golf course to the northeast; agriculture to the southeast.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):** City of Modesto (Del Este)  
Stanislaus County Department of Public Works  
Stanislaus County Building Permits Division  
Salida Fire Protection District  
Stanislaus County Department of Environmental Resources

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input checked="" type="checkbox"/> Cultural Resources    | <input type="checkbox"/> Geology /Soils                     |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology / Water Quality          |
| <input type="checkbox"/> Land Use / Planning      | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population / Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities / Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Carole Maben, Associate Planner  
Prepared By

May 8, 2012  
Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration.

Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
  - 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
  - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
  - 9) The explanation of each issue should identify:
    - a) the significant criteria or threshold, if any, used to evaluate each question; and
    - b) the mitigation measure identified, if any, to reduce the impact to less than significant.



## ISSUES

I. AESTHETICS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
<b>Discussion:</b> The site itself is not considered to be a scenic resource or a unique scenic vista. Community standards generally do not dictate the need or desire for architectural review of agricultural or residential subdivisions. Any development resulting from this project will be consistent with existing area developments.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<b>Discussion:</b> The site is not located within an agricultural preserve. The site is designated Low Density Residential in the Stanislaus County General Plan and zoned for Rural Residential parcels as a means to limit over-all population densities in this community. It has been slated for residential development in the County General Plan and the Del Rio Community Plan since 1992. Due to the developed nature of the adjacent residential parcels within the area known as Del Rio, this project is considered to be an in-fill development based on the existing Del Rio Community Plan.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
<b>Discussion:</b> The project site is within the San Joaquin Valley Air Basin which has been classified as "severe non-attainment" for ozone and respirable particulate matter (PM-10) as defined by the Federal Clean Air Act. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has been established by the State in an effort to control and minimize air pollution. As such, the District maintains permit authority over stationary sources of pollutants.  The primary source of air pollutants generated by this project would be classified as being generated from "mobile" sources. Mobile sources would generally include dust from roads, farming, and automobile exhausts. Mobile sources are generally regulated by the Air Resources Board of the California EPA which sets emissions for vehicles and acts on issues regarding cleaner burning fuels and alternative fuel technologies. As such, the District has addressed most criteria air pollutants through basin wide programs and policies to prevent cumulative deterioration of air quality within the Basin. This project has been referred to the district, but no comments have been received.				
<b>Mitigation:</b> None.				
<b>References:</b> San Joaquin Valley Air Pollution Control District - Regulation VIII Fugitive Dust/PM-10 Synopsis and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				

IV. BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<b>Discussion:</b> It does not appear this project will result in impacts to endangered species or habitats, locally designated species, or wildlife dispersal or mitigation corridors. The site is not identified as being within any biologically sensitive areas as shown in the California Natural Diversity Database (CNDDB). There are no vernal pools, wetlands, or riparian habitat located on the project site. The project is also not within any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> and the California Department of Fish and Game California Natural Diversity Database (CNDDB).				
V. CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		
<p><b>Discussion:</b> On March 1, 2005, the State of California established procedures for consultation between local governments and tribal governments on local General Plan Amendment land use decisions. As part of this project, the local area tribes were sent a referral on January 25, 2012, and an invitation to consult with the applicants and Stanislaus County. To date, no contact has been made by any of the local tribes. The applicant received a letter from the Central California Information Center (CCIC) which stated that based on existing data, the project area has a low-to-moderate sensitivity for the possible discovery of prehistoric resources, as it lies less than half a mile from the former south/southeastern terraces of the Stanislaus River. A measure is in place to mitigate any impact regarding the possibility of resources being found during the construction phase of this "in-fill" project to a less than significant level.</p>				
<p><b>Mitigation:</b></p> <p>1. During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.</p>				
<p><b>References:</b> Letter from the Central California Information Center dated February 1, 2010, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.</p>				
<b>VI. GEOLOGY AND SOILS -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil creating substantial risks to life or property?				X



e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	
<b>Discussion:</b> As contained in Chapter 5 of the General Plan Support Documentation, the areas of the County subject to significant geologic hazard are located in the Diablo Range, west of Interstate 5; however, per California Building Code, all of Stanislaus County is located within a geologic hazard zone (Seismic Design Category D, E, or F) and a soils test may be required at building permit application. Results from the soils test will determine if unstable or expansive soils are present. If such soils are present, special engineering of the structure will be required to compensate for the soil deficiency. Any structures resulting from this project will be designed and built according to building standards appropriate to withstand shaking for the area in which they are constructed.				
<b>Mitigation:</b> None.				
<b>References:</b> California Building Code and the Stanislaus County General Plan and Support Documentation - Safety Element <sup>1</sup> .				
<b>VII. GREENHOUSE GAS EMISSIONS – Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<b>Discussion:</b> The proposed project may generate greenhouse gas emissions, either directly or indirectly, due to the potential to increase population in the area; however, as no thresholds have been established for the region, staff is unable to quantify the potential impact the project would have on greenhouse gases.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X



d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Discussion:** No known hazardous materials are on site. Pesticide exposure is a risk in agricultural areas; however, this project is located within an urbanized area. Consequently, spray should not impact the area. Sources of exposure include contaminated groundwater which is consumed and drift from spray applications. Application of sprays is strictly controlled by the Agricultural Commissioner and can only be accomplished after first obtaining permits. The County Department of Environmental Resources (DER) is responsible for overseeing hazardous materials in this area.

**Mitigation:** None.

**References:** Stanislaus County General Plan and Support Documentation<sup>1</sup>.

IX. HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**Discussion:** Run-off is not considered an issue because of several factors which limit the potential impact. These factors include a relative flat terrain of the subject site and relatively low rainfall intensities. Areas subject to flooding have been identified in accordance with the Federal Emergency Management Act (FEMA). FEMA has designated this project site as Flood Zone X (Outside of a .02 percent), and as such, flooding is not an issue with respect to this project.

**Mitigation:** None.

**References:** GIS information and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

X. LAND USE AND PLANNING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Discussion:** The 4.31-acre site is designated Low Density Residential in the Stanislaus County General Plan and zoned for Rural Residential parcels as a means to limit population densities and corresponding impacts in the agricultural areas of the County. The project is not known to conflict with any policy or regulation of any agency with jurisdiction over the project. The Del Rio Community Plan, a "vision" for Del Rio adopted in 1992 by the Board of Supervisors, calls for the site to be developed at a two-units-per-acre density; therefore, the project requests to amend the General Plan designation of the 4.31-acre parcel 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, and the Zoning designation from R-A (Rural Residential) to P-D (Planned Development).

**Mitigation:** None.

**References:** Stanislaus County Zoning Ordinance and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

XI. MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<b>Discussion:</b> The location of all commercially viable mineral resources in Stanislaus County has been mapped by the State Division of Mines and Geology in Special Report 173. There are no known significant resources on the site.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
XII. NOISE -- Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
<b>Discussion:</b> The construction phases of this project may temporarily increase the area's ambient noise levels; however, a significant impact is not anticipated. Conditions of approval will be added to this project to limit the hours of construction. Noise impacts associated with increased on-site activities and traffic are not anticipated to exceed the area's existing level of noise. The Stanislaus County General Plan identifies 60 Ldn as the normally acceptable level of noise for low density residential areas.				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				

XIII. POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<b>Discussion:</b> The proposed use of the site will not create significant service extensions or new infrastructure which could be considered as growth inducing. No housing or persons will be displaced by this project and the site has been planned and zoned for residential purposes for many years. This project is considered to be "in-fill."				
<b>Mitigation:</b> None.				
<b>References:</b> Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
XIV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	
<b>Discussion:</b> The applicant will construct all buildings in accordance with the current adopted building and fire codes. The County has adopted Public Facilities Fees, as well as one for the Fire Facility Fees on behalf of the appropriate fire district, to address impacts to public services. Such fees are required to be paid at the time of building permit issuance. Conditions of approval will be added to this project to insure the proposed development complies with all applicable fire department standards with respect to access and water for fire protection. The Salida Fire Protection District's referral response requires that prior to the recording of the subdivision map, the owner(s) of the property will be required to annex into a Community Facilities District for operational services with the District. This condition, along with other comments received from the District, will be reflected in the project's conditions of approval. Referral responses from the Stanislaus County Sheriff's and Parks Departments and the school districts have not been received to date.				



<b>Mitigation:</b> None.				
<b>References:</b> Referral response from the Salida Fire Protection District dated February 6, 2012; referral response from Modesto Regional Fire Authority on behalf of the Salida Fire Protection District dated February 7, 2012; and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>XV. RECREATION --</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
<b>Discussion:</b> The proposed project is not anticipated to significantly increase demands on recreational facilities. The proposed project does include a swimming pool and open space on the project site. The County has adopted Public Facilities Fees for neighborhood and regional parks which are required to be paid at the time of building permit issuance.				
<b>Mitigation:</b> None.				
<b>References:</b> Application information and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
<b>XVI. TRANSPORTATION/TRAFFIC -- Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Included</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X



f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	
<b>Discussion:</b> The applicant proposes to have an average of eighteen single-family condominiums. This project will not substantially increase traffic for the surrounding area. A referral response from the Stanislaus County Department of Public Works does not indicate any concerns with the additional traffic from this proposed project. The applicant will be required to pay road fees as part of the adopted Public Facilities Fees prior to issuance of the building permit.				
<b>Mitigation:</b> None.				
<b>References:</b> Referral response from the Department of Public Works dated January 27, 2012, and the Stanislaus County General Plan and Support Documentation <sup>1</sup> .				
XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
<b>Discussion:</b> The project will be served by public water provided by the City of Modesto (Del Este). In a letter (Conditional Will Serve Letter Extension) dated February 22, 2012, the City of Modesto notes that in order to serve the existing Del Rio customers to the established water system standards, the City of Modesto must install significant water infrastructure. Currently, the system would not be able to reliably provide the established fire flow standard demands during a maximum demand day scenario for the proposed development. The City of Modesto is under obligation by a Settlement Agreement to make certain improvements to the Del Rio water system by July 2013. Once sufficient improvements are in place to meet the demand of this development, without degrading service to the existing customers in Del Rio, the City of Modesto will be able to approve the will serve request. Due to this circumstance, a condition of approval will be placed on the project that the subdivision map shall not be recorded nor can there be development on site until the applicant obtains a current				

"Will Serve" letter from the City of Modesto. In addition, the project is proposing a "package plant" for wastewater treatment which is identified to be placed on the southwest corner of the "Common Area" on site. Conditions of approval will be placed on the project concerning the water and the package treatment plant. With the project proposing public water and a treatment plant, utility and services issues are considered a less than significant impact overall.

**Mitigation:** None.

**References:** Referral response from the City of Modesto dated February 13, 2012, and the Stanislaus County General Plan and Support Documentation<sup>1</sup>.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

	Potentially Significant Impact	Less Than Significant With Mitigation Included	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

**Discussion:** Review of this project has not indicated any features which might significantly impact the environmental quality of the site and/or the surrounding area.

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<sup>1</sup>Stanislaus County General Plan and Support Documentation adopted in October 1994, as amended. Optional and updated elements of the General Plan and Support Documentation: **Agricultural Element** adopted on December 18, 2007; **Housing Element** adopted on April 20, 2010 and pending certification by the California Department of Housing and Community Development; **Circulation Element** and **Noise Element** adopted on April 18, 2006.

# Stanislaus County

## Planning and Community Development

1010 10th Street, Suite 3400  
Modesto, CA 95354

Phone: (209) 525-6330  
Fax: (209) 525-5911

### Mitigation Monitoring Plan

Adapted from CEQA Guidelines sec. 15097 Final Text, October 26, 1998

**May 8, 2012**

1. Project title and location: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas  
  
Southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. (APN: 004-059-044)
2. Project Applicant name and address: Del Rio Villas, Inc.  
P.O. Box 577793  
Modesto, CA 95355
3. Person Responsible for Implementing Mitigation Program (Applicant Representative) Carl Wesenberg
4. Contact person at County: Carole Maben, Associate Planner, (209) 525-6330

#### MITIGATION MEASURES AND MONITORING PROGRAM:

List all Mitigation Measures by topic as identified in the Mitigated Negative Declaration and complete the form for each measure.

#### V. CULTURAL RESOURCES

- No. 1 Mitigation Measure: During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.

Who Implements the Measure:	Applicant.
When should the measure be implemented:	During construction.
When should it be completed:	When construction is completed.
Who verifies compliance:	Stanislaus County Building Permits Division and the Stanislaus County Department of Planning and Community Development.
Other Responsible Agencies:	None.

**Stanislaus County Mitigation Monitoring Plan  
General Plan Amendment Application No. 2012-01,  
Rezone Application No. 2012-01,  
Vesting Tentative Subdivision Map Application No. 2012-01  
Del Rio Villas**

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**Page 2  
May 8, 2012**

I, the undersigned, do hereby certify that I understand and agree to be responsible for implementing the Mitigation Program for the above listed project.

Signature on file. \_\_\_\_\_  
Person Responsible for Implementing  
Mitigation Program

May 9, 2012 \_\_\_\_\_  
Date

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## MITIGATED NEGATIVE DECLARATION

**NAME OF PROJECT:** General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas

**LOCATION OF PROJECT:** Southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. (APN: 004-059-044)

**PROJECT DEVELOPER:** Del Rio Villas, Inc.  
P.O. Box 577793  
Modesto, CA 95355

**DESCRIPTION OF PROJECT:** This is a three-part application requesting to make the following modifications to a 4.31 acre parcel: 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.

Based upon the Initial Study, dated **May 8, 2012**, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment.
2. This project will not have a detrimental effect upon either short-term or long-term environmental goals.
3. This project will not have impacts which are individually limited but cumulatively considerable.
4. This project will not have environmental impacts which will cause substantial adverse effects upon human beings, either directly or indirectly.

The aforementioned findings are contingent upon the following mitigation measure which shall be incorporated into this project:

1. *During the construction phases of the project, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist.*

The Initial Study and other environmental documents are available for public review at the Department of Planning and Community Development, 1010 10th Street, Suite 3400, Modesto, California or online @ <http://www.stancounty.com/planning/>.

Initial Study prepared by: Carole Maben, Associate Planner

Submit comments to: Stanislaus County  
Planning and Community Development Department  
1010 10th Street, Suite 3400  
Modesto, California 95354



Del Rio Property Owner's Association  
PO Box 118  
Salida, CA 95358

January 15, 2012

Stanislaus County, Department of Planning and Community Development  
Attn: Kirk Ford, Director  
1010 10<sup>th</sup> Street  
Modesto, CA 95350

Re: GPA 2012-01, REZ 2012-01, TSM 2012-01: Del Rio Villas Project, Modesto, CA

Dear Mr. Ford:

The Del Rio area in Stanislaus County has a long-standing Property Owner's Association (DRPOA) whose purpose it is to promote the orderly development and improvement of the Del Rio area. This purpose is so-stated in the Association By-laws, Section 2; a revised version of which was adopted at the DRPOA's General Membership meeting on November 8, 2011.

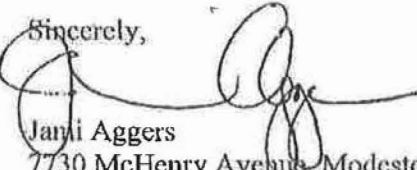
In addition, Section 3 of our By-laws contains the Association's Mission Statement "...to promote safety, beautification, good quality of life, effective communication regarding matters that impact the community, and to support the 1992 Del Rio Community Plan which is aimed at maintaining consistent, orderly, well-planned growth in the area as a rural community."

Finally, in 2011 the Association Board of Directors adopted the "Purposes" of the DRPOA which includes the following item (No. 2): "The Association promotes the objectives of the 1992 Del Rio Community Plan to ensure orderly and consistent development within the Del Rio area."

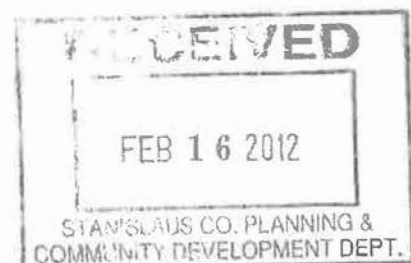
While the DRPOA Board of Directors will support proposed projects which are consistent with the 1992 Del Rio Community Plan (Plan), it opposes the referenced Del Rio Villas Project because, as presented, it is inconsistent with the Plan. Departures from the Plan, such as this project, are likely to lead to incompatible growth, negative impacts and irreparable harm to our community. The Board urges staff to recommend disapproval of all projects which are inconsistent with the Plan, including the proposed Del Rio Villas Project.

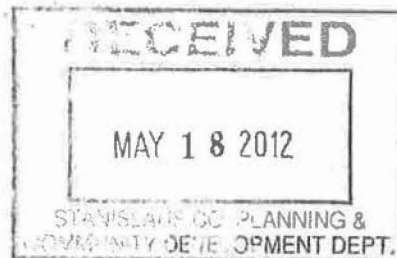
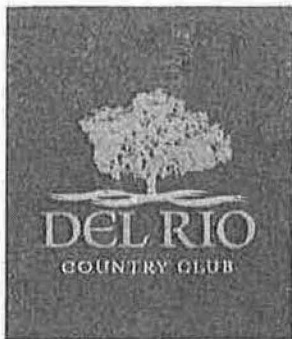
Please do not hesitate to contact me if you have questions. My home telephone number is (209) 522-8307. Thank you in advance for your attention to this.

Sincerely,

  
Jani Aggers

7730 McHenry Avenue, Modesto, CA 95356  
2012 President, DRPOA





209.545.0723 club  
209.545.5133 fax  
801 Stewart Rd.  
Modesto, CA  
95356-9673

[www.delriocountryclub.com](http://www.delriocountryclub.com)

May 18, 2012

Dear Stanislaus County Board of Supervisors & Planning Commission:

My name is Duncan Reno, and I'm writing on behalf of Del Rio County Club in my capacity as General Manager regarding the proposed Villas at Del Rio residential project.

The current project site – a vacant lot located just west of the 7<sup>th</sup> tee box at Del Rio County Club – is quite visible from the course and has been an eyesore for decades. Needless to say, given the parcel's direct relationship to the golf course, this negative visual impact does not convey the proper image to our members and guests.

After learning about the proposed Villas project and the opportunity to improve the neighborhood and view from the course, I feel the project, as designed, will enhance the function of the Country Club. More importantly, given the parcels adjacency to Del Rio County Club, this site represents the best and last opportunity to locate additional housing adjacent to the course.

As the Club's General Manager, I have been approached by members interested in downsizing from their current Del Rio residence, as well other members who've expressed an interest in moving to the Del Rio community to retire. Other than the "multi-level" condos built in the late 1970's, on the east side of the course, there aren't any other residential options for "aging seniors" or "empty nesters," both of whom our primary target markets for Del Rio memberships.

Additionally, I'd like to point out that much has changed within the economy and operation of Del Rio Country Club within the last two decades. Twenty years ago Del Rio enjoyed a "Waiting List" for new members. This is no longer the case. And while the Club remains financially sound, we have to compete with other country clubs and various recreational alternatives.

At this time, I urge you to approve the Villas at Del Rio project as it would be an excellent addition to the neighborhood, in a perfect location, and a much needed complement to Del Rio's "Country Club" style of living.

Sincerely,

Duncan Reno, CCM  
General Manager  
Del Rio Country Club

**From:** George Beach <georgebeach@sbcglobal.net>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/18/2012 10:29 AM  
**Subject:** Del Rio Villas

Villas provides more housing options

We're 100 percent behind the proposed Villas at Del Rio townhouse development. It makes perfect sense to us. We've raised our family in the Del Rio community and though the time is not here yet, I know in the near future my husband and I will be empty nesters. At that time, we won't need a large home and all the demands, responsibilities and costs that come with it. A high-quality and carefree Villas home would be perfect for us to downsize to. We can easily give up our big house when the time is right, but not our long-time neighborhood friends and special recreational lifestyle Del Rio offers.

Sincerely,

George & Susan Beach  
7004 Hye Park Drive  
Modesto, CA 95356  
209-571-0751

**From:** Angela Freitas  
**To:** Bill Carlson; Carole Maben; Crystal Rein  
**Date:** 6/6/2012 2:15 PM  
**Subject:** Fwd: Villas @ Del Rio: Please share the following letter with each planning commissioner

>>> Sean Carroll <[sean@rossfcarrollinc.com](mailto:sean@rossfcarrollinc.com)> 6/5/2012 5:18 PM >>>  
Please share the following letter with each planning commissioner.

#### THE TIME IS NOW TO SUPPORT DEVELOPMENT

As a general contractor and Del Rio resident, I believe the home building industry can be a positive stimulus during this recession period. We should encourage and support builders who have the secure financial ability to build. I believe the proposed Villas at Del Rio can help jumpstart new construction in Stanislaus County as well as significantly enhance the existing neighborhood.

The inspiration for the Villas has been the golf and country club communities of Spanish Bay in Pebble Beach and Vintage Club Inn in Palm Desert. The 18 high-end townhouses, the community pool and extensive landscaping would provide much needed jobs for unemployed workers. The dollars spent for materials and labor would circulate, stimulate and multiply within our local economy.

The 4.3 acre parcel is currently empty and zoned for nine single family homes. Assuming the 9 home sites were developed; how long it would be before the lots were sold, let alone built upon? Currently there are over a dozen empty lots available in the Del Rio Lagos and River Nine communities. Demand for 1/2 acre parcels is nonexistent, the Villa concept is in immediate demand.

Sincerely,  
Sean P. Carroll  
7415 River Nine Drive  
Modesto, CA 95356  
209-495-0233

Sean P. Carroll, President  
ROSS F. CARROLL, Inc.  
P.O. Box 1308  
Oakdale, CA 95361  
Telephone: 209-848-5959  
Facsimile: 209-848-5955  
E-Mail: [sean@rossfcarrollinc.com](mailto:sean@rossfcarrollinc.com)<<mailto:sean@rossfcarrollinc.com>>

## Crystal Rein - Del Rio Villas

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**From:** Robert Venn <mvenn054@yahoo.com>  
**To:** "FERRROC@stancounty.com" <FERRROC@stancounty.com>  
**Date:** 6/7/2012 7:11 PM  
**Subject:** Del Rio Villas

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Stanislaus County Board of Supervisors,

We wish to comment on the proposed Town Home project in the Del Rio area.

We have been permanent residents of the Del Rio area (521 Stewart Rd. ) since 1979. We strongly support the proposed development as perfect use for land that has long been an eye sore in our area. The property in question has represented an untended weedy field that is sometimes used as a dumping area.

Mr. and Mrs. Wessenberg have been extremely open in discussing their plans for the property and have offered many opportunities for residents to comment on the proposal. We have lived in the Del Rio area over 30 years and adapted to many changes. Holding the attitude that change in itself is bad serves no one. This proposed adaptation to the general plan is appropriate given the communities changing needs.

The opposition to the project is by individuals who have a goal of "no development". As long term residents we appreciate well planned development. This project is an infill which makes much more sense than further annexation of agricultural land.

Thank you for acknowledging out support of the propsed project.

Best Regards,

Bob and Marsha Venn



## Crystal Rein - VILLAS at DEL RIO ENDORSEMENT LETTER

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**From:** "Suzanne Homem" <shomem@jpsfinc.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/8/2012 1:47 PM  
**Subject:** VILLAS at DEL RIO ENDORSEMENT LETTER  
**CC:** "John Potter" <john@jpsfinc.com>

---

Dear Christine –

On behalf of John Potter, please give the letter below to each Board of Supervisor. Please contact me should you have any questions. I appreciate your help.

Thank You,  
**Suzanne Homem**  
**Assistant to John Potter**  
2909 Coffee Rd., Ste 12 B  
Modesto, CA 95355  
phone: 209-577-8700 x 3  
Fax: 209-322-4759

Dear Stanislaus County Board of Supervisors:

I'd like to share my letter-to-the-editor that published in the Modesto Bee on June 8. The letter demonstrates my full support for the Villas at Del Rio proposed project. I ask that you please support it as well. The Villas concept would be an excellent – and much needed – addition to the Del Rio community.

Kindest Regards,  
John Potter  
7413 River Nine Rd  
Modesto, CA 95356  
209-652-4399

### **DEL RIO RESIDENTS NOT ABOVE REST OF COMMUNITY**

I read with interest the recent article (May 26, page B-1) about the proposed plan to build high-end townhouses near the Del Rio Country Club. As a Del Rio resident, I was taken back when Villas at Del Rio opponent Joyce Parker, a Del Rio Property Owners Association Board member, was quoted saying "The quality of the development or the needs of the community have nothing to do with it." I think it's very elitist for Ms. Parker to make it sound like all Del Rio residents expect their desires to be above the needs of the greater community. That's not true. She also stated the 1992 Del Rio Community Plan restricts what can be built on the 4.3-acre site. Instead of nine more 20,000-square-foot parcels, the Villas would have 18 townhouses within a gated community. Since the approval of the dated Del Rio Community Plan, there has been a movement toward a more reasoned approach to land use. Today's priority is making the best use of precious land. We need to develop infill properties, such as the Villas, before annexing more farmland. We, including the Del Rio community, all need to be good stewards of the land.

Steven and Jennie Zeff  
7605 Spy Glass Drive  
Modesto, CA 95356

June 6, 2012

Stanislaus County Planning Commission  
Stanislaus County Planning and Development  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

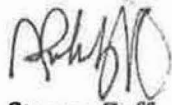
Dear Commissioners,

We write this letter to urge you to uphold the 1992 Del Rio Community Plan and to reject Mr. Carl Wesenberg's proposed Villas Project, which would increase the current density and would set a precedent for future development.

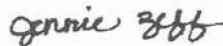
This neighborhood has worked diligently to establish and maintain the integrity of this community and should not be asked to subsidize this project so that one individual can realize greater profits.

Thank you for your consideration.

Sincerely,



Steven Zeff



Jennie Zeff



**Crystal Rein - Villas at Del Rio**

---

**From:** "Richard Rand" <rrand@racps.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/13/2012 9:44 AM  
**Subject:** Villas at Del Rio

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Please share with all supervisors, thank you

As past president of the DRPOA I have come to know a lot of the people in our area and the feeling we all have towards our community. I also have seen a lot of development that I have not liked or approved of in and around us. I represented DRPOA against the Carver Road development and was the voice at the Planning Commission several times on different projects that the DRPOA was against. I was one of the first to voice my opinion on any development that would create smaller lots or higher density. In my mind this would lessen my standard of what we have become accustomed to living here.

Over the years we also have seen our population grow a little older and hopefully wiser in respect to different ideas.

With this in mind, I feel we need to take a hard look at what our needs are and how to best accommodate them. Please keep in mind that the 1992 Del Rio Community Plan was intended to be flexibly interpreted. It identifies goals and objectives aimed to maintain a well planned growth in our area. I feel that some of us are missing the reason this community plan was put together. The idea was to promote a well thought out acceptable growth that would have little impact on our existing facilities.

Take a look around and see who makes up our great community. I have seen a lot of my friends and neighbors try to down size as they become empty nester and want a single story property with all the beauty and amenities of owning a single family home in our community and have no other option but to move away to find something suitable.

I have spent several nights reviewing and going over the plans that Del Rio Villas has submitted to the county and feel that we would be better off working with this developer to enhance an undesirable dirt lot into something that can work for everyone. This project is a suitable development and we may need to be open minded to the current plan and still adhere to our standards as well as meet the needs of those living in the community.

Take a hard look at what you see every time you make that turn and see this vacant parcel. If single family homes were developed in narrow 1/2 acre lots there would be four more drive ways cut into the street instead of just one with this planned development. I would believe that if anyone would be against this development it would have been the property owners that back up to or are

adjacent to the development. They would be the most affected and I found out just the opposite. Every one of them spoke highly of this development.

With all of this said I feel we as a community need to adapt our thoughts and feelings to an idea that is reflected of today's needs. I encourage everyone to look again at the design of the Villas and realize that this is a project that is well designed for the Del Rio Community.

Richard Rand  
Rand Commercial Properties  
1718 H Street  
Modesto, CA 95354  
209-577-0484 wk  
209-577-1291 fax  
209-604-7524 cell  
rraud@racps.com  
www.racps.com  
CADRE #00633804

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June 13th 2012

BOARD OF SUPERVISORS

Supervisor Bill Obrien:

2012 JUN 18 A 10:16

I am writing to you at this time to follow-up on a brief conversation the two of us had at the Children's Crisis Center's Golf Tournament in regard to the proposed development known as The Del Rio Villas.

Please note that almost all of the statements that follow are drawn and noted by quotation remarks from communications you received from DROPA in the course of recent activities precipitated by the developers of the Del Rio Villa Project. Please note additionally that the following remarks at the same time also reflect my wife's and my thoughts in regards to the proposed Del Rio Project.

**A bit of pertinent history:** "Thanks to the grass roots efforts of several local residents in 1992, a Community Plan was developed which identifies densities of no less than 1/2 acre parcel sizes along with other development criteria. The Plan's intent is not anti-development; rather, it is to provide for long-term, orderly development that is consistent with the existing homes in the area."

The Board of Supervisors wisely adopted (approved) the Del Rio Community Plan in 1992 as what's called a "Specific Plan" which overlays the County's General Plan for the Del Rio Area.

**To the point:** "The Del Rio Villas condo project proposes a density of 18 units on 4+ acres, or the equivalent of 4.5 homes per acre. The density specified by the Plan for this parcel is 2 homes per acre (1/2 acre min. lot size) which allows for up to 8 homes. Because this is inconsistent with the Plan, the County Planning Commission and the Board cannot support the project."

On its surface, you might think – "It's only 10 additional homes, why is that such a problem?" The problem is that, if approved, it could – and likely would – be precedent-setting. How? If one exception to the Plan is made then others are likely to follow. If that happens, the existing character of the Del Rio area would not be preserved.

**Here are some real life history that speaks to this point that you should be aware of:** "There are two existing, already approved subdivisions "on the books" in the Del Rio area which are not yet built. One is at the NW Corner of Stewart and McHenry, encompassing 84 acres and was originally approved for 92 lots. The other is off Carver



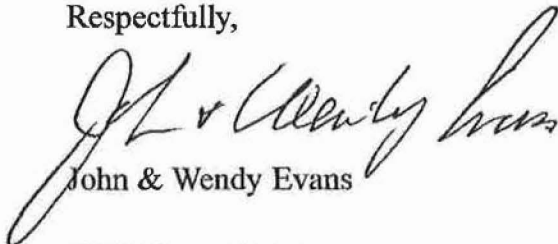
Road, toward the southerly end, and encompasses 43 acres and has 47 lots planned. The plan for the 92 lots at Stewart and McHenry "expired" in the year 2000, so before it can be built another application must be submitted and approved. An application was, in fact, submitted in 2000 and the request was for 259 homes through a combination of ½ and ¼ acre lots, town homes, and apartments. Fortunately this project was not approved as it met with a lot of opposition from residents. It was also inconsistent with the Plan."

"While the project off Carver Road has not yet "expired," County Planning staff have confirmed that if a project is not yet built, an application can be re-submitted with a request for increased density. Approving the condo project, which is inconsistent with the Plan, could open" the door for other inconsistent development(s).

"Because the proposed Del Rio Villas condo project does not comply with the residential density requirements of the longstanding 1992 Del Rio Community Plan, the Board, on behalf of the community, cannot support the project.

Thank you for your serious consideration to up-hold the express intent of the Del Rio Community Plan.

Respectfully,

A handwritten signature in cursive script, appearing to read "John & Wendy Evans", written in dark ink.

7199 Carver Road

cc: Supervisor Monthieth, County Planning Commission, DROP. Lawrence Dempsey

Stanislaus County Planning Commission  
1010 10th Street  
Suite 3400, 3rd Floor  
Modesto, CA 95354

BOARD OF SUPERVISORS

June 12, 2012

2012 JUN 18 A 10:18

Re: Proposed Del Rio Villas condo development on County Club Drive

Dear Sirs:

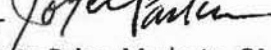
I'm sorry I cannot be at the Planning Commission meeting on July 5<sup>th</sup> in person, please accept this letter as my voice on the issue of the proposed 4.3 acre development in Del Rio on the corner of Country Club Drive.

I object to this development for several reasons:

1. It is inconsistent with the **Del Rio Community Plan** in these significant points:  
(from the Community Plan Standards for Future Residential Development (page 9), Land Use Plan)
  - a. *"Developments shall incorporate minimum standards for setbacks" (# 3).* Minimum setback standards are 15' from the front lot line. The proposed project has a wall surrounding the development that is closer than 15' to the street.
  - b. *"Future planned developments within Del Rio shall not be gated for the purpose of restricting access to the public" (# 4).* The proposed project is completely walled and gated. In fact, this security is one of its selling points.
  - c. *"Future Planned Developments within Del Rio shall dedicate in land or funding the equivalent of at least 15% of the project site to natural or landscaped open space with public access." (# 5)* This is not part of the proposed project.
  - d. Residential Densities: *"For Area 1, the densities shown shall be used in conjunction with the Low Density Residential General Plan designation."* Densities should be no more than two homes per acre; this project has doubled the specified density.
2. The quality of the proposed development should not be the issue. The issue is the nature of the project. Whether the development is beautiful or ugly is a subjective opinion. Allowing a development that is clearly in violation of the plan because it is someone's idea of "pretty" is not a sensible way to guide future developments.
3. The project claims to be designed to accommodate the additional unique housing needs of those who wish to downsize and stay in Del Rio. This is ridiculous. Will we then be asked to accommodate assisted living residential needs for the next downsize step? Or low-income residential needs for our young adults? There is an infinite variety of housing needs not available in Del Rio. Modesto is close and includes many of them, plus it's got convenient public transportation.

My husband and I invested in our Del Rio home specifically because it is an exceptional area and would retain its value. Changing the development rules to allow higher density developments jeopardizes our and our neighbor's, investments. The Del Rio area is a unique community in Stanislaus County. Please allow us to continue to live in a community with this distinctive character.

Thank you for your attention to this important issue.

Joyce Parker   
7305 Stonegate Drive, Modesto, CA

Cc: County Board of Supervisors

**From:** Angela Freitas  
**To:** Bill Carlson; Carole Maben; Crystal Rein  
**Date:** 6/19/2012 8:00 AM  
**Subject:** Fwd: Letter: Del Rio Villas Project  
**Attachments:** DelRioVillasLetter\_allOfficersSignatureMarch2012.pdf

The e-mail and the letter need to be presented together.

>>> <[aggersja@aol.com](mailto:aggersja@aol.com)> 6/19/2012 4:55 AM >>>

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From: [aggersja@aol.com](mailto:aggersja@aol.com)  
To: [aggersja@aol.com](mailto:aggersja@aol.com)  
Sent: 6/19/2012 4:45:07 A.M. Pacific Daylight Time  
Subj: Fwd: Letter

To: Angela Freitas, Stanislaus County Interim Director of Planning & Community Development

The Del Rio Property Owner's Association Board respectfully requests that the attached letter be distributed to each member of the Planning Commission. The letter was previously submitted a few months ago, but only to the Planning Dept. We also plan to prepare another letter that will further outline our objections to the referenced project which I will forward next week. We request that the follow-up letter be forwarded to the Commission as well as the Board of Supervisors. Please let me know if you have any questions. Thank you in advance, Jami Aggers, 2012 DRPOA Board President

Del Rio Property Owner's Association  
PO Box 118  
Salida, CA 95358

March 6, 2012

Stanislaus County, Department of Planning and Community Development  
Attn: Kirk Ford, Director  
1010 10<sup>th</sup> Street  
Modesto, CA 95350

Re: GPA 2012-01, REZ 2012-01, TSM 2012-01: Del Rio Villas Project, Modesto, CA

Dear Mr. Ford:

The Del Rio area in Stanislaus County has a long-standing Property Owner's Association (DRPOA) whose purpose it is to promote the orderly development and improvement of the Del Rio area. This purpose is so-stated in the Association By-laws, Section 2; a revised version of which was adopted at the DRPOA's General Membership meeting on November 8, 2011.

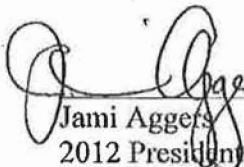
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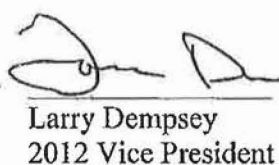
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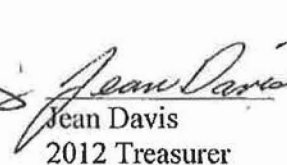
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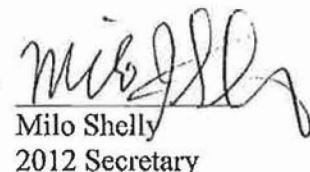
Please do not hesitate to contact me if you have questions. My home telephone number is (209) 522-8307. Thank you in advance for your attention to this.

Sincerely,

  
Jami Aggers  
2012 President

  
Larry Dempsey  
2012 Vice President

  
Jean Davis  
2012 Treasurer

  
Milo Shelly  
2012 Secretary



Stanislaus County Planning Commission  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Monday, June 18, 2012

Re: Del Rio Community Plan - 1992

Gentlemen;

In the upcoming Planning Commission meeting, you will have the onerous but far reaching task of determining the direction of our Del Rio community for years to come. Will you weigh the importance of the "needs of the Del Rio community" and its future or settle on "leave well enough alone"? Both Evan and I, as members of the Del Rio community living very near to the proposed project, feel this issue is important enough for both of us to share with you our thoughts.

We'd like it made clear that we are acting as individual citizens and have no financial interest in the project.

There are enough pros and cons to go around... by this time you know all of them. In our community, as in others, CHANGE is a difficult thing, particularly when one relates to the "good old days" as Modesto prides itself (American Graffiti, for instance). Change is inevitable in our society albeit done "kicking and screaming"... and positive for the most part. Examples, the construction of the Del Rio club house that so many fought and resisted; the resistance to 10<sup>th</sup> Street Place where the combined facility just seems to make sense today; Gallo Center for the Arts, was resisted even by our then Mayor.

The residents of our Del Rio community are asking for a change or variance to accommodate the future needs of its citizens. Our demographics are changing and the needs of those demographics are different than it was some 25 years ago. The BOLD decision is to look to the future; to provide for a changing population alternatives to an less efficient large single-family, multi-level home.

We encourage you to vote in favor of this project moving forward.

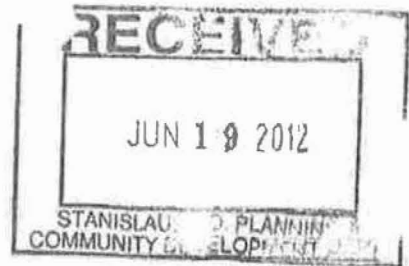
Norman Porges

Evan Porges

cc: Board of Supervisors



Stanislaus County Planning Commission  
1010 10th Street  
Suite 3400, 3rd Floor  
Modesto, CA 95354



Dear Sirs:

The current proposed plan for Del Rio Villas is the same exact plan that was submitted to the Planning Commission in 2010. At that time Del Rio residents circulated a petition and gathered signatures of over 250 home owners opposing the project. When the Del Rio Villas project was resurrected, we again went into action. This time we have over 300 home owner signatures opposing the project and any changes to the 1992 Community Plan. This is our community. Changes to the Del Rio Community Plan only affect Del Rio residents, not the rest of the county. Del Rio residents should have a say in any proposed changes to the plan.

The Del Rio Community Plan is part of the larger County General Plan. The 1992 revision was a long and costly process. The majority of Del Rio property owners are satisfied with the plan as it stands. One person is pushing for, and will profit from, a change to our plan. Why change the plan for one developer? THIS IS A BIG DEAL--YOUR VOTE WILL SIGNIFICANTLY AFFECT OUR COMMUNITY.

The Del Rio Villas project has not been revised since the original 2010 submission. The only difference is now they've hired a Public Relations firm and a civil engineer specializing in zoning changes.

The Del Rio Community plan specifies one house per half acre with the possibility of a "granny flat" to be added after the original home is occupied. It specifically requires one owner for all dwellings on a lot. The Del Rio Villas project has condos on 2500 square foot lots. The density is over 4 units per acre, with multiple owners. The proposed project is a gated and walled community which is specifically prohibited in our Community Plan.

Allowing the Del Rio Villas project to go forward would set a precedent for other undeveloped areas covered by the Community Plan. There are substantial undeveloped areas that a developer could sue the County if not allowed equal rights to build condos or high density homes.

The Del Rio community is a premier residential area in Stanislaus County and is fundamental for recruiting and retaining high level executives and businesses. Current Del Rio property owners purchased their property as investment knowing their investment would be protected under the Community Plan. We are not anti-growth. However, we want growth according to the existing plan.

If the Del Rio Villas developer were willing to reconsider his plan and take into account the requirements of the Community Plan, Del Rio property owners would be open to working with him. There are too many red flags with the Del Rio Villas project as it exists. Please stand with us and protect the Del Rio Community.

Sincerely,

Larry Dempsey,  
7106 Carolina Court

Cc: Stanislaus Board of Supervisors



## TIM COPPEDGE

P.O. Box 399  
Ceres, CA 95307  
OFFICE: (209) 537-8985  
FAX: (209) 537-2571

June 15, 2012

Dear Stanislaus County Planning Commission & Board of Supervisors:


RE: **Villas at Del Rio Endorsement**

We are writing to express our support for the proposed Villas at Del Rio townhome project. As Del Rio residents, we know the community well and believe the 18-unit complex is just what Del Rio needs. The luxury townhomes would largely compliment the neighborhood and eliminate a 50-year old eyesore.

There are already plenty of empty 20,000-square-foot lots in the community that could be developed with the typical large Del Rio style home. We certainly don't need more 20,000-square-foot housing lots to compete with what we already have out here today. Plus, the Villas project would fit an unmet need without competing with existing homes for market share.

The Villas are unique because they offer a smaller and easier to care for residence, without sacrificing any of the amenities and upscale features of a custom Del Rio home. Every year there are more and more empty nesters in Del Rio and many of these couples no longer desire a large home and the high maintenance that comes with it. The Villas provide a smaller and more manageable, yet up-scale housing option for those who want to enjoy the Del Rio lifestyle.

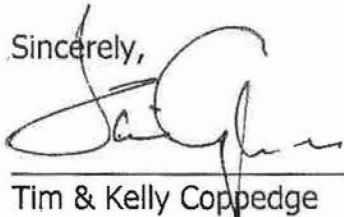
The subject site has passed through several construction boom cycles with no homes being built. With the intensity of the last construction boom, this speaks strongly to this site. With the development of the Rancho Del Rio Subdivision, and its gated entry and drive, the subject parcels have lost some of their flavor as custom home sites. Hopefully you will have a chance to physically visit the site, and I believe you would agree the site does not strike one as the most desirable custom home site. We have a rare opportunity to develop this property. The proposed Villas at Del Rio look like a perfect fit for the transition; from the gated subdivision to the existing single family residence. We have a developer asking to construct a high quality upscale



development; which our community rarely sees. This is a unique parcel and a unique setting with a very strong proposed improvement. We would not like to see 20-acres of town homes, but again for this parcel we believe this is a very good use of the property and would add value to the area. Del Rio single-family home values could increase with the addition of the Villas. The Villas will replace a fallow 4.3-acre site with a beautiful and upscale complex. In addition, Villas features such as paved golf cart paths and extensive landscaping will boost the value of the entire Del Rio community.

We respectfully request that you approve the Villas project, as it will be an asset to our community.

Sincerely,



---

Tim & Kelly Coppedge  
1512 Riveroaks  
Modesto, CA 95356

## Crystal Rein - Regarding Del Rio Villas Project

---

**From:** "Zain Griffith" <zain@dashacq.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/21/2012 2:37 PM  
**Subject:** Regarding Del Rio Villas Project

---

Hi Christine. Please share the following letter with each supervisor.

Dear Stanislaus County Planning Commissioners and Board of Supervisors:

I live with my mother Melanie Griffith at 1100 Country Club Drive. A couple months back, I had the pleasure of meeting with Carl Wesenberg at his home to learn more about the proposed Del Rio Villas Project. In addition, we've heard from project team members, which allowed us another opportunity to ask questions. Carl and his team have done a terrific job designing the project down to the very last detail. Consequently, we are pleased to give the Villas project our full support.

After reviewing the Villas at Del Rio plans, our conclusion is the project will be extremely high caliber and fill a need in the Del Rio area that seems to be lacking; mainly a housing community for Del Rio family members that wish to downsize yet remain in the Del Rio community. Several of my own family members and family friends have expressed interest in downsizing in the future and simply don't wish to move from a 5,000+ sq. ft. home to a 3,500+ sq. ft. with full home maintenance. Therefore, we definitely feel there's a need for a housing product like the luxury Villas town homes in the Del Rio community which will ultimately benefit and enhance the greater Del Rio community.

Kind Regards,

Zain Griffith  
Dash Acquisitions LLC  
Office: 800.549.3227  
Direct: 209.247.8948  
[www.dashacq.com](http://www.dashacq.com)

June 22, 2012

Dear Stanislaus County Planning Commissioners and Board of Supervisors:

Re: Villas at Del Rio

My wife and I built a new house on the seventh fairway of the Del Rio Country Club, just three houses down from the proposed Villas at Del Rio townhouse development.

We're looking forward to the approval and completion of the Villas. We believe this well-planned, 18-unit development will add to the value of our home and the entire Del Rio community. I think opponents forget these are 2,500-square-foot luxury townhouses and will be built at a very high quality.

The Villas development is not pioneering a new concept. The concept of a mixture of estate homes, single-family homes, and townhouses in a country club setting, is a proven winner. The variety of housing increases the overall value of the community. You just have to take a look at similar established luxury townhouses at:

- Blackhawk Country Club in Danville
- The Villas at Ruby Hills in Pleasanton
- Mayacana in Santa Rosa
- Pasadera Country Club Golf Villa in Monterey

The townhouse idea has been wildly successful at these and many other country club communities. We're lucky we have a Del Rio neighbor with the vision and wherewithal to see the project to completion.

The only thing holding the Villas back is the twenty (20) year old Del Rio Community Plan. Now is the time to amend that plan to allow for a variance specific to the project site. Businesses and communities typically update or amend their plans every five to 10 years and even more often if trends and economic conditions warrant it.

Other erroneous information being circulated among the Del Rio community includes allowing a variance for the Villas project will open the floodgates for additional higher-density developments. The fact is variance approval for future developments is dependent on the merits of the project. This would be decided in the same manner as a variance request for a 'drive-thru' for a fast-food restaurant location. Not every request is granted. In fact, approval is often the exception.

Sincerely,  
Nick & Shirley Trani  
7016 Del Rio Drive  
209-568-6262



## Crystal Rein - Letter of Support For Villas at Del Rio

---

**From:** "Charlie Menghetti" <Charlie@menghetti.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/22/2012 2:53 PM  
**Subject:** Letter of Support For Villas at Del Rio  
**Attachments:** oledata.mso

---

Dear Ms. Ferraro Tallman:

I would appreciate it if you could please pass this letter along to the members of the board of supervisors regarding the Villas at Del Rio Project.

We are longtime residents of the Del Rio community. My wife and I live on Country Club Drive, just a quarter mile or so from this proposed project, and we support the proposed Villas at Del Rio townhouse project. We've spoken with developer and neighbor Carl Wesenberg, and we're confident he will build a first-class project. We especially like how the Villas will share an architectural theme throughout and the entire project with extensive landscaping and a common area that will match the project's quality character. The project will also incorporate a very welcome physical and aesthetic transition to the Del Rio Country Club. As it stands now, nine single-family homes could be built on the 4.3-acre site, however, the result would likely be nine clashing architectural designs and landscapes. Further, it could take years before all nine residences would be completed. After all, this site has been vacant for over 50 years. We would much prefer something we know is going to get built in a timely matter.

If you need to reach me, my information is listed below.

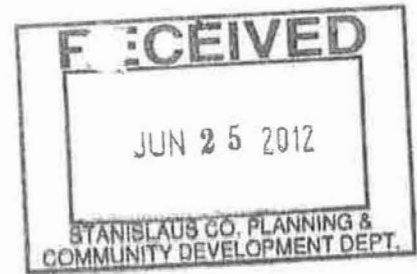
Regards,

CM

Charlie Menghetti, President  
Menghetti Construction  
5272 Jerusalem Court Suite A  
Modesto CA 95356  
Tel (209) 524-2465 ext. 2014  
Fax (209) 524-2495  
[charlie@menghetti.com](mailto:charlie@menghetti.com)  
[www.menghetti.com](http://www.menghetti.com)



June 25, 2012



STANISLAUS COUNTY PLANNING COMMISSION

ATTN: Mr. Greg Pires, Ms. Annabel D. Gammon, Mr. Steven Boyd, Mr. Ronald Peterson, Mr. Marc Etchebarne, Mr. Robert J. Crabtree, Mr. Richard Gibson, Mr. John J. Ramos, Mr. Kenneth Buchner.  
1010 10<sup>th</sup> Street, Suite 3400, 3<sup>rd</sup> Floor  
Modesto, Ca 95354

Re: ADDENDUM to June 14, 2012 Minighini letter to Planning Commission, Stanislaus County May 8, 2012 "CEQA Referral Response" regarding General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map Application No. 2012-01, Del Rio Villas

**Dear Planning Commission,**

We would like to bring out some irregularities regarding facts misrepresented and not included in the above May 8, 2012 CEQA Referral Response (recommendations) report.

Associate planner, Carole Maben has completed the report, and we believe there is a misrepresentation of the current County Code, which incorrectly is used to support a lesser impact measurement.

In the report, the current County Code is not followed or cited. 

**"X. LAND USE AND PLANNING - would the project:**

**(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?"**

For the planner to measure this category TODAY as "Less Than Significant Impact", is improper, incorrect, and a misrepresentation of County Code. The developers' 18-unit Condo project on only 4.3 acres IS A VIOLATION of LAND DENSITY code with the County and the local Del Rio Community Plan.

Her "discussion" remarks of "The project is not known to conflict with any policy or regulation of any agency with jurisdiction over the project." is an outright falsehood.

Ms. Maben should know what the current County Code says, and should refer to it properly, in this report. For the planner to use the "discussion" box to explain how the developers' "futuristic"

requests to change County Code and Zoning, supports a lower measurement ("Less Than Significant Impact"), is representative of a gross misrepresentation.

Question X.(b) clearly implies and supports a legal concept of "reasonable" interpretation by anyone, that it is to be answered in CURRENT County Code terms.

The developers' project DOES "conflict with any County land use, policy, or regulation of any agency with jurisdiction over the project (including but not limited to the general plan, specific plan....."adopted for the purpose of avoiding or mitigating an environmental effect?"

Therefore, due to the planners' misrepresentation of current County Code, incorrect measurement and answer of Section X.(b), and her "leading" discussion remarks to imply and encourage the Planning Commission to make major changes in the County Code and Zoning (to fit the needs of the developers' project for 18 units) and to justify her "Less Than Significant Impact" conclusions, the report should be disregarded by the Planning Commission and Board of Supervisors.

Secondly, we'de like to point out that the planner's measurement in

**Section XVI. TRANSPORTATION/TRAFFIC – Would the project:**

- (a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?"**

The planner questionably marks this category as "Less than Significant Impact" when it should have a higher impact. Many other Del Rio Country Club residents feel that the developers' 18 unit high density project on only 4.3 acres will present a very high congested traffic pattern for our neighborhood – especially the connecting streets of Country Club Drive, St. John Road, roads connecting through to Carver Road, and even down Stewart Drive.

What studies and analyses has the planner (or others) done, and what findings did she (or others, to include the Stanislaus County Department of Public Works) come up with? The report makes a very general statement that "This project will not substantially increase traffic for the surrounding area."

In our calculation, as referenced in our June 14<sup>th</sup> letter, a simple mathematical calculation of 2 autos per household x 18 units = 36 autos with normal daily traffic use for work, errands, pleasure. If only half of these owners have visiting friends or family, that could

be 9 more autos (=45). Additionally, if only two families host a party or social gathering on the same day with 4 cars each, that's 8 more cars (=53 cars). 53 more cars parked on the project's street and/or travelling around the project's streets that surrounding 18 units, and extending onto our surrounding neighborhood streets, is just too many cars - and would cause an unacceptable traffic congestion for many other residents.

We would also like to once more re-iterate that the developers' 18 unit higher density project does NOT represent the majority of existing residents in the Del Rio Country Club neighborhood. This project is the desire of the developers. Overturning the current County Code and zoning is not in the best interests of the majority of homeowners and they have expressed their opposition to this by the signed petition against this project.

Del Rio Country Club is a special small community like others Stanislaus County recognizes (Crows Landing, Denair, Knights Ferry, LaGrange, Westley, and Salida.) These communities have special local plans which describe the special needs and protections that are important to the character, safety, quality of life, and other particulars that residents value, and expect. Stanislaus County has recognized these Specific Plans and have adopted (approved) them into the General Plan.

These community plans may have been written in the past, but they are no less important today, as their guidelines are strong and clearly represent important values, traditions, and securities of its residents. Many of this country's important documents have stood the test of time, and are not subject to the varying interests and manipulation of parties with financial interests that scream out that they "need changing." Many of these long standing documents are the U.S. Constitution, The Bill of Rights, our American values, civil rights, and various local institutions that spell out rules and protections, etc.)

The Del Rio residents, which reflects a majority of homeowners, expect that the County will not change the current density restrictions, and zoning type (which clearly supports an Agricultural area due to being surrounded by agricultural land and crops) of their community. We hereby invoke our 14<sup>th</sup> Amendment equal protection rights under the law to protect our density restrictions that are so closely associated with our quality of life, privacy, and safety.

Changing the zoning to Planned Development for the Villas project would allow a dangerous higher density building (which will also be a precedent for future condo building in the other 3 Del Rio vacant lots) - which would slowly destroy the Del Rio Country Club character, quality of life, and privacy rights from "overpopulation" of this small area and cause traffic congestion which would also erode our tranquil quiet neighborhoods, and quality of life.

The current low density of ½ acre for the Del Rio Country Club neighborhoods is the right one to ensure that this does not happen.  
8 units being approved for the Villas project does not violate the density code.

Del Rio is a very special upscale neighborhood for Modesto – that to be compared to the same as "Hillsborough" in San Mateo, "Diablo Country Club" in Alamo, and "Sea Crest" in San Francisco. These neighborhoods all have low density building and serve many executives who

TO: Stanislaus County Planning Commission/Minighini/June 25.2012/page 4

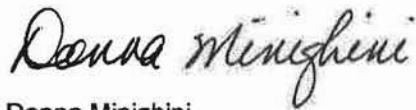
Prefer to locate their residences on such larger land space, for privacy reasons. If Del Rio is forced to allow higher density building of condominiums and townhomes, this will destroy its character and its upscale value as a special community. Del Rio with its current zoning and density, provides higher tax revenues to the County as well. Del Rio Country Club traditions, values, privacy, and land use - needs to be protected with the current County code kept as is.

If Del Rio Country Club's land use and zoning are changed to accommodate the developers' 18 unit project with changing the density code and zoning, many Del Rio existing homeowners could be personally and financially "damaged" as a result. Such dramatic change forced upon our community could clearly be traced back to parties' actions being the "proximate cause" of such potential damages.

I ask for your rightful decision to disregard the May 8, 2012 CEQA report by Carole Maben (for the reasons stated above,) to deny the developers project of 18 condo properties on only 4.3 acres, as well as not to change the current County code and zoning of our area. The signed petition, representing the majority of Del Rio Country Club homeowners, also reflects their opposition to the developers' 18 unit project.

Thank you for your consideration.

Sincerely,



Donna Minighini  
Concerned Del Rio Country Club Resident

cc: Del Rio Property Owners Association (DRPOA)



Stanislaus County Planning Commission  
1010 Tenth Street  
Suite 3400  
Modesto, CA 95354



Thursday, June 28, 2012

Re: Del Rio Community Plan - 1992

Planning Commissioners:

As Del Rio community residents, living very near the proposed project, we are acting as individual citizens and have no financial interest in the project.

That said, we give our full support to the Villas at Del Rio project. This project will enhance the Del Rio Community in many ways:

- It will clean up an empty four-acre hideous parcel that has been an eye-sore for 30 years.
- It will provide for moderate sized single level homes for people who want to live in Del Rio.
- It will be a community within the community with common area maintenance for landscape, pool, streets, etc. This means less traffic than nine homes where each home would require individual services.
- The Villas' developer is willing to start construction immediately upon approval.

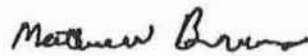
The residents of our Del Rio community are asking for a change or variance to accommodate the needs of its citizens. Our demographics are changing and the needs are different than they were some 25 years ago. The variance being asked for will not set a precedent for other projects, because it is unlikely there will be any other projects in this community that meet the specific standards of this project. This is the type of project that is typically seen in higher socioeconomic areas like Palm Springs and Pebble Beach. As such, there are a finite number of developers that are willing to spend this kind of money to develop a first class project such as this.

This is a shovel ready project that will happen when it is approved, and at a time when there aren't many projects moving forward in the unincorporated areas of our county. We encourage you to vote in favor of this project moving forward.

Thank you,

A stylized, cursive handwritten signature in black ink, appearing to read 'Tony Bruno'.

Tony Bruno

A cursive handwritten signature in black ink, clearly legible as 'Mathew Bruno'.

Mathew Bruno



Original

June 14, 2012

STANISLAUS COUNTY PLANNING COMMISSION

ATTN: Mr. Greg Pires, Ms. Annabel D. Gammon, Mr. Steven Boyd, Mr. Ronald Peterson, Mr. Marc Etchebarne, Mr. Robert J. Crabtree, Mr. Richard Gibson, Mr. John J. Ramos, Mr. Kenneth Buehner.  
1010 10<sup>th</sup> Street, Suite 3400, 3<sup>rd</sup> Floor  
Modesto, Ca 95354

Dear Planning Commission,

This letter represents our opposition to the proposed future development of 18 townhomes ("The Villas" project) in the Del Rio Country Club community. We join the opposition position of over 300 other Del Rio residents against this project. **"The Villas" development is NOT in compliance with the 1992 Del Rio Community Plan which outlines specific land use building requirements of 1 property (or unit) per ½ acre. This standing should be the basis of the Planning Commission to determine (once more) that the project cannot be approved.** There are other negative impacts to the Del Rio community which are supportive reasons against the project.

We understand the developers of this proposed townhome project, Carl & Laurie Wesenberg, have previously brought their request for development of this project before the Planning Commission on November 4, 2010, and after a hearing was conducted, it was turned down. The developers had exercised their appeal rights in December 2010, but *they* withdrew their application. On July 5<sup>th</sup>, 2012, the County is scheduled to hear the appeal issue as the developers are trying once more *to overturn* the 1992 Del Rio Community Plan and its important land lot density requirements *in order to meet the needs of their project*. *I would like to ask the Commission if the developers even have legal standing to have their appeal heard before the Commission on July 5th, 2012? It has been 1 ½ years since the County turned down their original application in November 2010. Isn't there a "time requirement" to file an appeal hearing?*

At the center of the issue, is, reducing the land lot requirement of the 1992 Del Rio Community Plan. Modifying the land lot requirement is not in the best interests of the majority of Del Rio residents - nor would it be in compliance with the Community plan.

We ask, (with more than 300 other residents who have signed a petition against the project) that the County Planning Commission turn down the developers' appeal to build 18 units (higher density) on only 4.3 acres of land!

It is important to recognize that the 1992 Del Rio Community Plan is an important document containing a set of standards, values, neighborhood traditions, building restrictions, and protections for the Del Rio community. The Del Rio document is a legal local document that ALL builders, real estate professionals, and residents must abide by.

To: Stanislaus County Planning Commission/June 14.2012/pg.2/Roberto & Donna Minighini

These community rules and regulations have been approved by the County - and are part of the County's "General Plan."

The density specified by the Del Rio Community Plan for land use building of "½ acre for each unit" exists to maintain a *spacious and elegant* configuration of upscale, residential, single family homes, and such ½ acre minimum land lot requirements provides each resident with a high degree of "privacy." *Such privacy rights (from one neighbor to another) is a major reason people want to live and buy into Del Rio.*

### Summary of Negative Factors with Current "Villas" Project

#### **Higher density building for Area 1:**

- Violates the low-density building restrictions under the 1992 Del Rio Community Plan. (1992 Del Rio Community Plan.)
- Residential building (other than 1 unit per ½ acre) is inconsistent with the Del Rio Community Plan and would not maintain the essential character of the existing community. (1992 Del Rio Community Plan, pg.3)
- "Could result in a significant impact on the present community, and substantially increase the services and facilities needed to support the community." (1992 Del Rio Community Plan, pg.3)
- Violates a resident's privacy rights.  
(Larger land space provides such privacy factor. Privacy is not achieved by closing one's door or windows.)
- Will cause unneeded traffic congestion on Ladd Road, St. John Road (primary entrance), Country Club Drive, and other streets connecting to Carver Road.

(i.e., The proposed land site is too small for 18 proposed units and the normal 2 autos household (only 2 adults) resulting in a total of 36 autos. If only half of these owners have visiting friends or family, that could be 9 more autos (=45). Additionally, if only two families host a party or social gathering on the same day with 4 cars each, that's 8 more cars (=53 cars). It would be normal to expect that many owners

To: Stanislaus County Planning Commission/June 14.2012/pg.3/Roberto & Donna Minighini

would be using their autos throughout the day for normal errands, family, pleasure, business reasons, or going to work. A normal day for this area could be quite congested and would definitely negatively impact neighboring residents, and, other residents who prefer to use the connecting streets of St.John and Carver roads.)

- Excessive noise level would be created by 18 units of higher density living (versus 9 units being built).  
Could be environmentally damaging to various species of birdlife that is in abundant in Del Rio. "Riparian woodland habitat and its associated vegetation and animal species are considered biologically significant." (1992 Del Rio Community Plan, pg.13.)
- Sets future development "precedent" for higher density building resulting in excessive and overcrowded growth patterns for the small defined area of Del Rio and slow destruction of quality of life from overpopulation.

#### OTHER REASONS FOR DENIAL OF PROJECT

- Area 1: "No such development should be approved unless and until a detailed study is first conducted which addresses the cumulative impact of this additional development on the entire Del Rio area." (1992 Del Rio Community Plan, pg.4)
- "Area 1 shall be as shown on the Del Rio Community Plan map. All areas shown for residential uses shall be designated Low Density Residential and shall be developed consistent with the density designations of the Community Plan." (1992 Del Rio Community Plan, pg.24)
- Area 1: DRPOA has the right to recommend minimum standards for streetscapes and sets backs. (1992 Del Rio Community Plan, pg.15)
- Area 1: "As required by the Land Use Element of the County General Plan, no changes can occur at Del Rio until such time as impacts on



To: Stanislaus County Planning Commission/June 14,2012/pg.4/Roberto & Donna Minighini

- schools have been adequately mitigated.” (1992 Del Rio Community Plan, pg.17)
- Area 1: “Any Planned Development on the northwesterly portion shall incorporate further improvements to Carver Road, to the intersection of Carver Road and Ladd Road if indicated by the project EIR, and also to the intersection of St. John Road and Ladd Road.” (1992 Del Rio Community Plan, pg.11)
- “All projects shall be required to mitigate air quality impacts by complying with any County or regional Indirect Source Rule in effect at the time the final map is recorded.” “Full water quality studies to the satisfaction of the Department of Environmental Resources must be completed prior to approval of any rezoning. The studies shall include, at a minimum, ....Hydrology, Geology, Water Quality (1992 Del Rio Community Plan, pgs. 24, 25.)

*The proposed development includes a “waste water treatment plant” for the 18 units. Del Rio residents should be concerned with such an industrial facility located within our neighborhood streets. These types of facilities have been known to produce foul odors at various times which can be smelled for many streets over. These types of industrial facilities have also been found to have leaks (that may not be detected right away.) The large amount of chemicals needed to treat the water can seep into ground water, contaminating it (and causing cancer) for those who have private wells in the area, or could run into homeowner’s private food gardens or nearby prize agricultural lands. Treatment facilities (of any size) should NOT be located in residential neighborhoods or next to farm areas!*

In reading the developers’ color promotional brochure and the developers’ April 4 and April 20, 2012 letters, we have noticed several misrepresentations, incorrect statements, and fearful assumptive statements made if only 9 units are built. The developers appear to have published information that is not correct and has an element of confusion, with intentions of swaying support for their project. Several of these misstatements are serious.

Citing one example, the developers have tried to justify the higher density of 18 units on 4.3 acres because 9 homeowners with ½ acre lots could build a second dwelling.

TO: Stanislaus County Planning Commission/June.14.2012/pg.5/Roberto & Donna Minighini

This kind of reasoning refuses to accept (and disrespects) the 1992 Del Rio Community Plan which the County has approved!

The developers articulate an incorrect (and mathematical) comparison in their efforts to try and justify a higher density modification of 18 units on only 4.3 acres of land for Del Rio. They also grossly and erroneously misinterpret the legal meaning of County Code Section 21.24.020 (Q) regarding a homeowner's right to build a "second dwelling" on a ½ acre lot.

The developers fail to understand that this building right for a ½ acre land owner, with a single family residence, (not townhome) IS in compliance with the 1992 Del Rio Plan. Any real estate professional clearly understands the meaning of County Code Section 21.24.020(Q) for "second dwellings" (or grandfather units) with R-A zoning designation.) This smaller type second dwelling (not second unit) is typical and allowable under this zoning, and is NOT legally counted as two separate properties or units. There is only 1 Assessor Parcel Number (APN) under the single family home primary residence.


*\*A small built second dwelling of a property owner with ½ acre land ownership under the Del Rio plan (and County Code) cannot be sold as a separate property, and the restricted size of this dwelling is only 1200 sq. feet! These restrictions are also mentioned in existing CCRs that affect many Del Rio properties. Del Rio single family property residents who legally build a second dwelling do so for the purpose of a pool house, workshop, office, or small living quarters for a family member. They are not typically rented out. Again, "privacy" is maintained.*

We are concerned with many other statements made in the developer's promotional material and communications, and will put our comments on record via a separate letter.

**We hope the Planning Commission will decline the 18 unit "Villas" project at the July 5, 2012 meeting.** The legal basis to deny this project is very clear. The developers' plan violates the codes and protections set forth for Del Rio residents in our important 1992 Del Rio Community Plan. The land site is too small for 18 units. Other major negative factors would result for Del Rio residents, if the project were built.

Sincerely,

  
Roberto Minighini  
Del Rio Owner

  
Donna Minighini  
Del Rio resident /Real estate  
professional – 20 yrs, paralegal)

cc: Del Rio Property Owners Association (DRPOA)

*Encl: 1992 Del Rio Community Plan*

# **DEL RIO COMMUNITY PLAN**

**DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT**

**AUGUST 1992**

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## LIST OF EXHIBITS

Del Rio Community Plan .....
Existing Land Use .....
Flowage & Fish & Wildlife Easement .....
Circulation Plan Map .....

# DEL RIO COMMUNITY PLAN

## AREA I

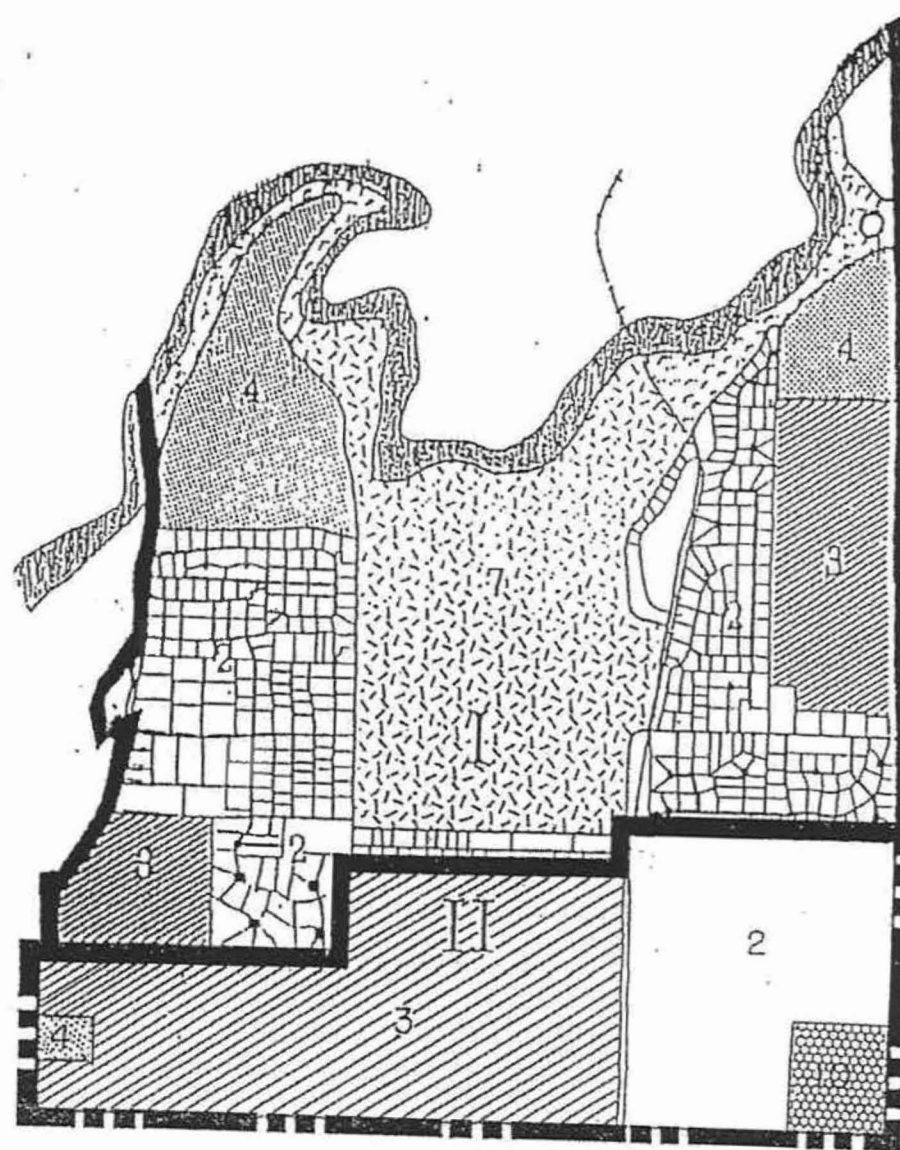
- APPROVE GENERAL PLAN AMENDMENTS
- REQUIRE PLANNED DEVELOPMENT
- REZONING ON NEW PROJECTS
- REQUIRE PROJECTS TO CONFORM TO AIR QUALITY/WATER MITIGATION MEASURES
- GENERAL PLAN DESIGNATIONS: LOW DENSITY RESIDENTIAL AND AGRICULTURE

## AREA II

- GENERAL PLAN AMENDMENTS POSTPONED UNTIL A DETAILED STUDY IS PREPARED OF WATER/AIR/AGRICULTURAL BUFFERING/CIRCULATION AND COMMUNITY SERVICES ISSUES
- GENERAL PLAN DESIGNATIONS: AGRICULTURE / SPECIFIC PLAN OVERLAY

	Recreation		Open Space
	River		Ag Use
	1 DU/AC		1 DU/2 AC

- 2 2 DU/AC  
3 1 DU/AC  
4 1 DU/2 AC  
7 RECREATION  
10 COMMERCIAL





## **I. INTRODUCTION**

A community plan is a focused planning policy and land use planning document that is part of the General Plan. It addresses a particular region or community within the overall planning area.

Community Plans provide means for resolving local conflicts where there are a variety of distinct communities or regions deserving special attention. The plan must be consistent with the General Plan as it is actually a part of the County General Plan.

In February 1990, the Stanislaus County Department of Planning and Community Development initiated an update of the Del Rio Community Plan. This plan was originally adopted in 1980, and the findings and recommendations of the plan were primarily a reflection of the County's policy of preserving prime agricultural land and the sentiment of Del Rio residents, who were overwhelmingly in opposition to large scale development in the area. The passing decade has seen continued pressure for additional development in this area.

The County subsequently contracted with the planning firm of STA, Inc., to prepare an EIR and develop an updated Del Rio Community Plan. Financial support for this

project was obtained from three developers who had already proposed developments on three sites in Del Rio.

Updating the community plan required input from existing residents of Del Rio. To a limited degree this was accomplished through a Scoping Meeting. At this meeting STA presented four different proposals to solicit input as to a 'preferred' plan. It was apparent from this meeting that, though many residents were inclined to resist substantial increases in residential development in Del Rio, there was no clear consensus of how much additional development was desired. An EIR was prepared which analyzed the impact of the full buildout option and two alternative proposals with less development. The Del Rio Property Owners Association then sent out a questionnaire to property owners to assess the community's preferences and their support for a Community Services District. More than 70% of the residents responding to this questionnaire indicated their preference for Alternative A, the proposal with the least amount of residential development. Only 18% supported the full buildout plan alternative. An ALTERNATIVE DEL RIO COMMUNITY PLAN, prepared by R. Myles Riner and Jamie Aggers, was presented to the Planning Commission and the Board of Supervisors in November and December of 1990. This plan was based in part on the responses to this questionnaire, and on an analysis of the EIR which indicated that Alternative A was environmentally superior to the other two alternatives. At the December Board meeting it became apparent that the EIR project was incomplete.

The Board of Supervisors returned the Del Rio Community Plan and EIR to the Planning Department for further review of additional information which had not been available to the Commission. Subsequently, additional reports from Geological Technics, Inc. and Simons and Associates on the geologic, hydrologic, and environmental impacts of development in the Del Rio area were received, and an analysis of this report by the Department of Environmental Resources was made available. An Air Quality Impact Report by Earthmetrics was also circulated for review. These reports and subsequent DER and Air District analysis have been incorporated into the plan EIR. The EIR serves to analyze the impacts of this current Del Rio Community Plan. It is, however, insufficient to address the cumulative impacts of development in Area II on the entire Del Rio area. This current plan has evolved from all aspects of the lengthy Community Plan basis, but is based in large part on the Alternative Draft Community Plan document.

This Community Plan proposes development of the Del Rio area as a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agricultural use **which consist with and would maintain the essential character of the existing community.** Future residential uses would continue the low-density development already present, and would be incorporated gradually over the next 12-15 years. Recreational uses would be expanded through the designation of natural open space; incorporation of recreational and/or open areas

in future development; and, at the discretion of the Del Rio Country Club and the County, expansion of the golf course. Agricultural use would be gradually confined to the southern portion of the community, with efforts made to decrease the incompatibility impact of adjacent agricultural and residential uses.

Further development of property in Del Rio beyond that indicated for Area I of this Community Plan could gradually change the essential character of the community, result in a significant impact on the present community, and substantially increase the services and facilities needed to support the community. No such development should be approved unless and until a detailed study is first conducted which addresses the cumulative impact of this additional development on the entire Del Rio area. Development of land in Area II would require the development and approval of a Specific Plan which encompasses all of Area II, and which provides full mitigation of the impacts identified in the updated EIR and in this plan. In addition, no such development should be approved unless and until a referendum of the existing residents of the Del Rio community is conducted to determine if there is community support to finance (if this would be required of current residents) any of the necessary mitigation measures for additional services and facilities required. The specific plan shall address this issue in more detail.

## **II. GOALS AND POLICIES**

It is the purpose of this section to state overall goals and policies adopted by the County Planning Commission and the Board of Supervisors concerning growth and land use in the Del Rio area. These statements listed below are official goals and policies of Stanislaus County with respect to the Del Rio area.

### **GOAL 1**

Future development should occur in an orderly manner to meet the needs of existing and future residents.

#### **POLICY A**

Until otherwise updated or amended, future development for Del Rio shall take place in accordance with the Community Plan.

### **GOAL 2**

Prime agricultural land in the Del Rio vicinity should be preserved in areas where incompatibility impacts between agricultural and residential uses can be minimized.

### **GOAL 3**

Further development in the Del Rio area should be planned to ensure that adverse impacts on services and utilities, schools, transportation and circulation, agriculture, water, and air quality are appropriately mitigated.

#### **POLICY A**

All future developments in Del Rio shall be Planned Developments and, in Area II, approved only after a specific plan and EIR are prepared for Area II which address cumulative development impacts on the entire Del Rio area, Community Plan conformance, and methods of plan implementation.

### **GOAL 4**

Future development in the Del Rio area should be supportive of a high quality rural/residential/recreational life style.

### **GOAL 5**

Future development shall be served by adequate public infrastructure.



## **POLICY A**

All future development in Del Rio shall require underground utilities and facilities for community-wide secondary sewage treatment and water supply systems.





## **GOAL 6**

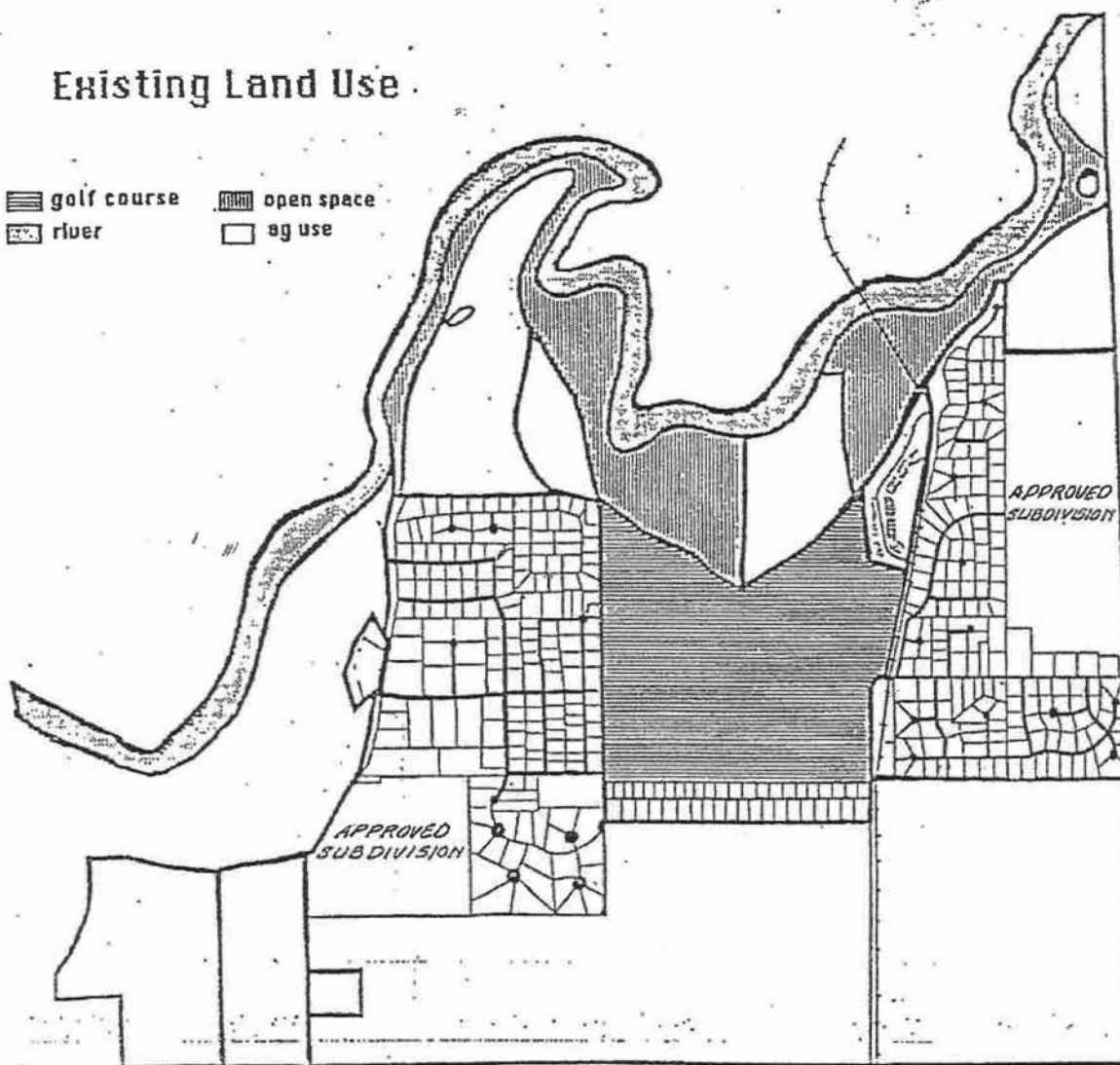
Significant natural resources in the community shall be preserved.

## **GOAL 7**

The Del Rio Community shall not be allowed to become an example of inadequately planned leap-frog urban development on prime agricultural land which outpaces demand and overrides community sentiment.

# Existing Land Use

- |   |  |
|---|--|
|  golf course |  open space |
|  river       |  ag use     |



### **III. LAND USE PLAN**

#### **LAND USE - RESIDENTIAL**

Land use in Area I of the Del Rio Community Plan area includes residential units developed as both attached and detached family homes, agricultural use largely located in the southern portion of the Del Rio area, and open space and recreational use. As of June of 1992 there are only two substantially sized locations which are not already developed or approved for development in Area I. Area II, however, the southerly portion of Del Rio, presently remains in productive agricultural uses.

#### **STANDARDS FOR FUTURE RESIDENTIAL DEVELOPMENT**

The Del Rio Community Plan establishes the following standards for future residential development in Del Rio Area II:

1. All future residential developments within Area I and Area II of Del Rio shall be Planned Developments (PDs). Planned Developments in Area II shall be consistent with a Specific Plan for Area II which addresses the cumulative impacts of this additional development on the entire Del Rio area.
2. Planned developments adjacent to agricultural land shall be required to incorporate buffers, such as roads, green belts, or natural open spaces, between residential and ag use so as to minimize potential use incompatibilities.

3. Planned Developments shall incorporate minimum standards for set-backs and streetscapes approved by the Planning Commission following consultation with the Del Rio Property Owners Association.
4. Future Planned Developments within Del Rio shall not be gated for the purpose of restricting access to the public.
5. Future Planned Developments within Del Rio shall dedicate in land or funding the equivalent of at least 15% of the project site to natural or landscaped open space with public access. This standard shall not restrict the developer from dedicating additional space for the exclusive use of property owners within the Planned Development. The Specific Plan shall address this issue in detail and include recommendations for implementation.

## **RESIDENTIAL DENSITIES**

Residential densities for Del Rio shall be shown on the Del Rio Community Plan Map. For Area I, the densities shown shall be used in conjunction with the Low Density Residential General Plan designation. For Area II, the densities shown shall serve as the basis for Specific Plan analysis including designing of water and sewage systems, roads, and other service needs. The documents shall also provide the baseline for CEQA analysis.

The exact boundaries of these densities as they are eventually implemented shall be determined by the Specific Plan.

## **TIMING OF RESIDENTIAL DEVELOPMENT**

Residential development in Del Rio has generally kept pace with demand, with residents of the community seemingly supportive of this approach. In order to ensure that residential development does not outstrip demand, that there is adequate time to assess the impact of each subsequent development on the environment, and that the utilities used in the area are effective; this Plan includes the following provisions:

The Board of Supervisors will approve a proposed Planned Development in Area II of Del Rio only if the Planned Development conforms to the Specific Plan. The Specific Plan shall include a phasing program to ensure that proper infrastructure and services are available, as well as to provide for a growth rate consistent with maintenance of the character of the Del Rio area.

## **GOLF COURSE EXPANSION**

This plan anticipates that the Del Rio Golf Course expansion will take place at some time in the next few years, and in fact, this plan would allow the expansion to occur at any time, or not at all, at the discretion of the Del Rio Country Club and the County. Any such expansion into the easements held by the U.S. Army Corps of Engineers must be approved by that agency and other appropriate Federal agencies. However, the existence of the Del Rio Golf and Country Club in the area was and remains the major justification for the use of adjacent prime agricultural land in the area for

residential development. Considering the current waiting list for membership in the club; unless the golf course is expanded and the membership enlarged, some of the justification for further residential development in the Del Rio area will be missing. The Specific Plan process EIR shall therefore, acknowledge and discuss the membership status of the Country Club as of the time the plan is actually prepared.

#### **AREA I**

Any Planned Development on the northwesterly portion shall incorporate further improvements to Carver Road, to the intersection of Carver Road and Ladd Road if indicated by the project EIR, and also to the intersection of St. John Road and Ladd Road. This Planned Development may also incorporate walking or biking trails, open to the public, adjacent to the areas designated in this Plan as Natural Open Space along the river if this is found to be environmentally acceptable, subject to the review and approval of appropriate Federal and State agencies.

Any Planned Development on the easterly portion will incorporate further improvements to McHenry Avenue and of the intersection of St. John Road and Ladd Road. This Planned Development will also incorporate a walking or biking trail, open to the public, adjacent to the areas designated in this Plan as Natural Open Space along the river, again only if this is found to be environmentally acceptable by all appropriate agencies.



## **AGRICULTURAL USE**

With the ultimate development of both Area I and Area II, agricultural uses within the area covered by the Community Plan will be eliminated. The Area II Specific Plan must address this conversion by phasing developments and requiring the location of development to be such that it avoids premature cessation of or impacts to remaining farmland. The goal is to keep farmland within Del Rio in production as long as possible, while at the same time allowing orderly growth consistent with the Community Plan and the Specific Plan.

The continued agricultural use of land surrounding Del Rio will help to sustain the existing rural atmosphere of the area, promote ground water recharge and preserve this prime agricultural land for further generations. However, it will also result in unavoidable impacts related to the potential incompatible residential and other uses within the Community Plan area. In order to minimize these impacts as much as possible, the Specific Plan shall make provisions for buffers between new development and remaining agricultural areas, with the buffers being located within the boundaries of the development as opposed to being on the farmland.

## **OPEN SPACE / RECREATION / OTHER**

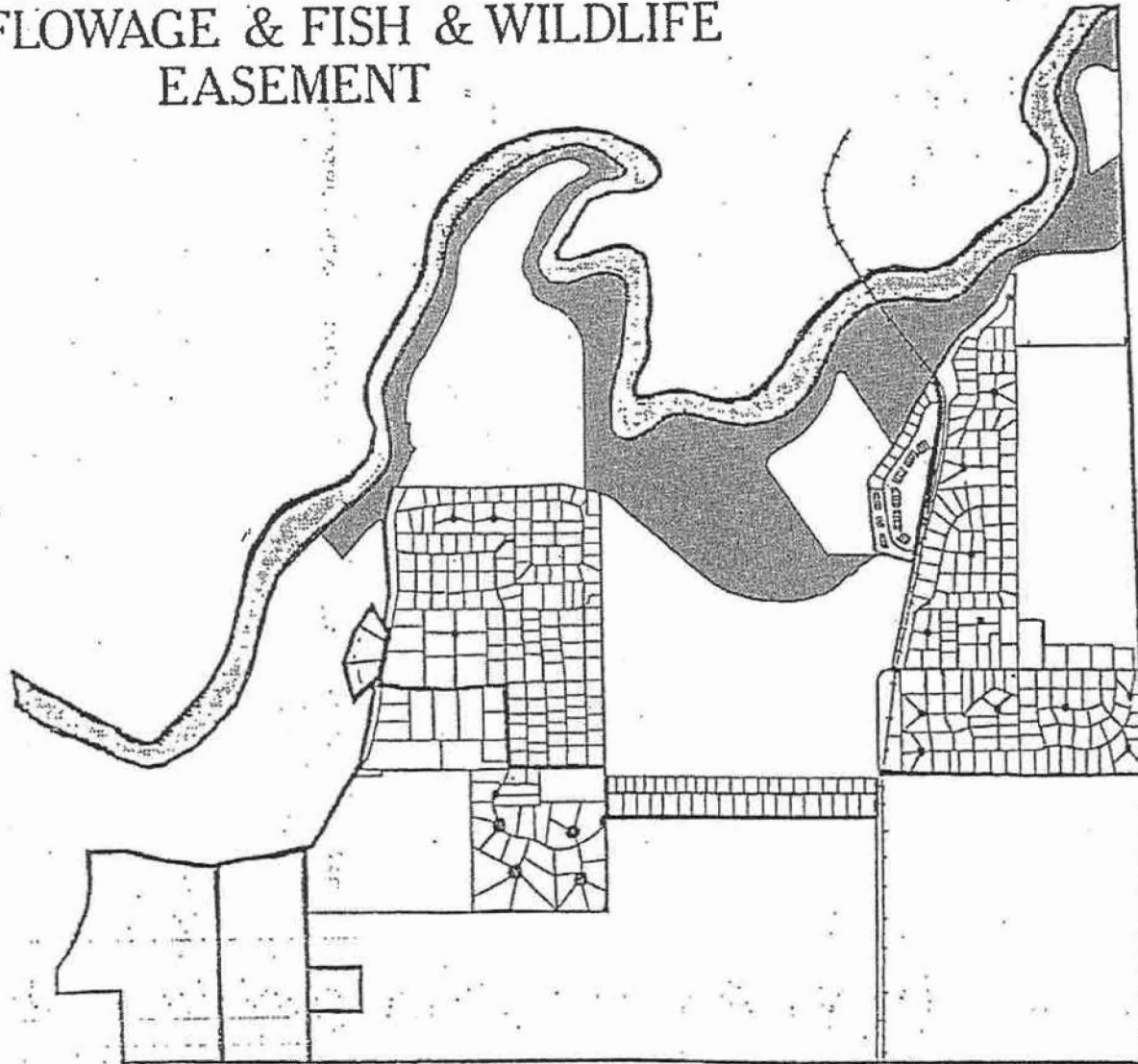
### **NATURAL OPEN SPACE**

Within the Del Rio Community there exists approximately 75 acres of land comprised mostly of riparian vegetation. This area is located adjacent to the Stanislaus River and runs along the northern community plan boundaries. Riparian woodland habitat and its associated vegetation and animal species are considered biologically significant. This plan designates these areas as Natural Open Space, and in addition, a significant portion of the golf course extension will remain as natural open space. This designation would preclude future residential development from occurring along, and provide for a scenic transition to, the permitted uses within this area. The Natural Open Space designation shall, at a minimum, correspond to the 8,000 cubic feet per second easements for flowage and vegetation held by the U.S. Army Corps of Engineers, shown on the Flowage & Fish & Wildlife Easement Map and no uses will be permitted therein unless specifically approved by the Corps and other appropriate agencies consistent with all applicable regulations.

### **RECREATION**

Del Rio Golf Course and Country Club (private) currently encompasses approximately 130 acres in the center of the community plan area. The 18-hole golf course is

# FLOWAGE & FISH & WILDLIFE EASEMENT



proposed to be expanded, by adding approximately 30 acres for a future total of 160 acres and 27 holes. This golf course is private, open to members only, and includes several tennis courts on site. On the north side of the Stanislaus River access from the Del Rio Community there is a large state park adjacent to the river which is accessible to the residents of Del Rio via River Road off McHenry Avenue. Swimming and picnic tables are available.

Most of the homes in the Del Rio area are built on large lots, and many have private pools or other recreational amenities (such as tennis courts or spas) on site. Many of the residents of the Del Rio area belong to the Del Rio Country Club. Considering the Insert Flowage & Fish and Wildlife Easement recreational opportunities available to most of the residents of Del Rio; the need for a public park incorporating additional recreational amenities such as tennis courts, or swimming pools or existing future residents is not altogether clear. Some residents have expressed concern that a public park in Del Rio may not be adequately patrolled during evening hours. The Specific Plan prepared for Area II shall include provisions for establishing and maintaining a neighborhood park consistent with County General Plan standards.

## **LANDSCAPING**

Although there is some sentiment for the development of thematic landscaped parkways treatments and gated entry into and within the Del Rio Community to provide a sense of community and security; there is no strong consensus to support

or finance this approach among Del Rio residents, especially since the Del Rio Community currently enjoys one of the lowest crime rates in the County, and many residents have chosen to live in the Del Rio area because of its rural atmosphere and the lack of thematic constraints on residence construction or landscape appearance. There is no clear mandate or strict necessity to reinforce the boundaries of the community. However, minimum standards for streetscapes and setbacks may be recommended by the Del Rio Property Owners Association to the Planning Commission as a part of the Specific Plan process and in the review of subsequent development projects.

## **COMMERCIAL / SCHOOL**

### **COMMERCIAL**

No commercial uses currently exist within the community plan boundaries. As future development occurs (and due to the isolated location of the community) neighborhood commercial uses were proposed in the STA Plan. This area (20 acres) was located at the southeast corner of the community, adjacent to McHenry Avenue and Ladd Road.

Uses would be in accordance with those uses allowed under the County's Neighborhood Commercial zone, and could include: financial institutions, bakery shops, service stations, and retail stores. The Specific Plan for Area II shall include a listing of the uses which would be allowed.

As with the proposed neighborhood park, the neighborhood commercial site would be intended as a convenience to serve community residents. The Specific Plan for Area II shall address the placing of a neighborhood commercial designation within the Plan boundaries at the corner of Ladd Road and McHenry Avenue.

## **SCHOOL**

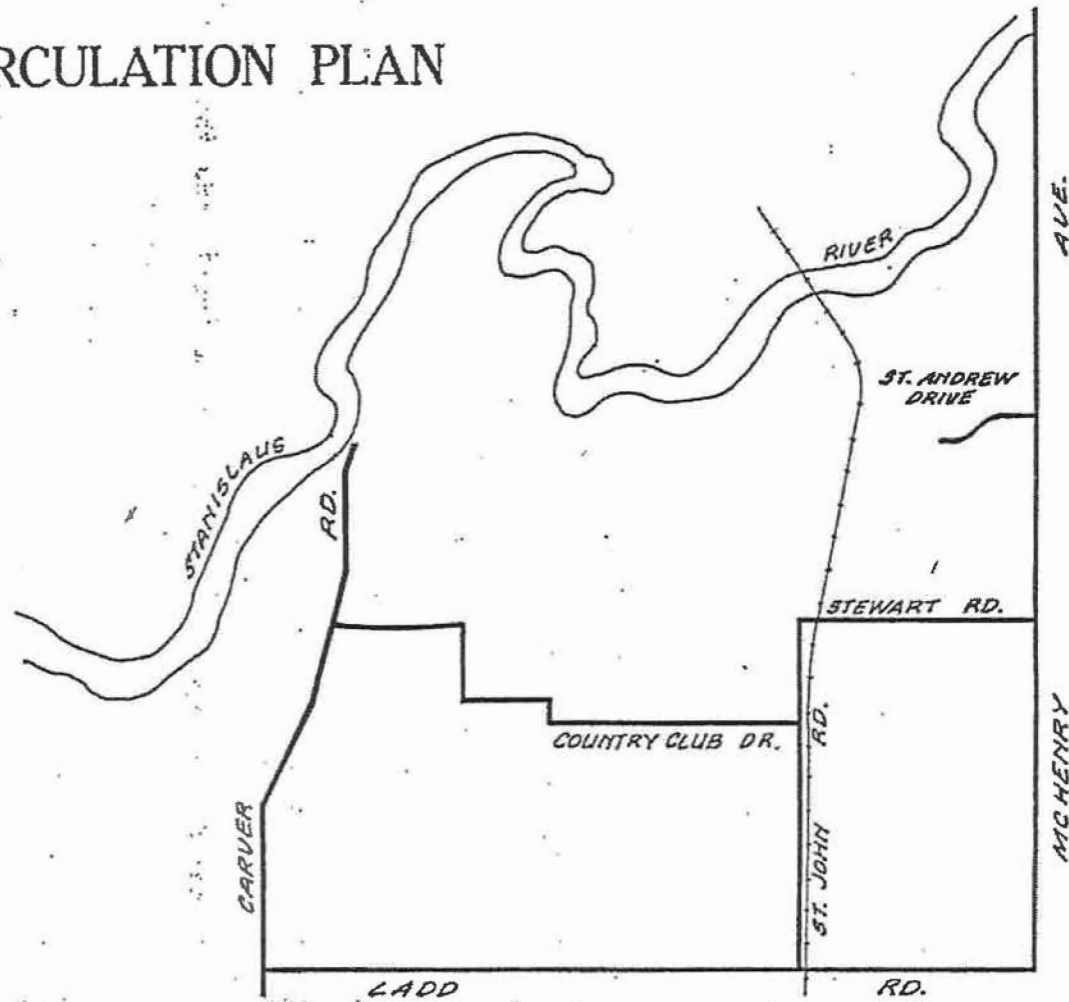
Students from the Del Rio area attend school either at Stanislaus School located on Kiernan, Prescott Junior High located on Rumble Road in Modesto, or at Davis High School located in Modesto. Stanislaus and Prescott Junior High are part of the Stanislaus Union School and Davis High is part of the Modesto High School District. Bus service is available to all students in the area on a daily basis.

No school sites currently existing on-site in the Del Rio area. As buildout of the community occurs, the influx of additional residents may warrant the need for an elementary or junior high level school. Enrollment levels for these two schools currently serving the area are at or near capacity.

At this point in time, the Stanislaus Union School District is uncertain as to exactly where or when district growth, including that occurring at Del Rio, will necessitate a new school site. This decision is one that will have to be made by the district itself at the appropriate time.



# CIRCULATION PLAN



As required by the Land Use Element of the County General Plan, no changes can occur at Del Rio until such time as impacts on schools have been adequately mitigated. The following language suggested by the Stanislaus School District shall be applicable unless superseded by the language in the Specific Plan.

Any and all residential development shall pay impact mitigation fees to both school districts in a sum per dwelling unit to be determined at the time the Specific Plan for Area II is adopted. Issuance of a building permit for any residential development shall be dependent upon payment of such fees. The impact mitigation fees shall be adjusted by the districts on January 1 of each year following plan adoption to reflect any increase or decrease in the All Urban Consumers San Francisco/Oakland All Items Consumer Price Index.

#### **IV. CIRCULATION PLAN**

The basic circulation system for the Del Rio area is already largely in existence being comprised of both major and collector streets. Recent project approvals have included conditions implementing needed system improvements. The Specific Plan for Area II

shall identify needs within this area and establish a method of ensuring implementation. Following is a brief summary of the major components of the existing Del Rio area road systems.

### **FREEWAY ACCESS**

Due to the location of the community, freeway access is limited. Freeway access is from Highway 99, located approximately six miles to the west. From Highway 99, Del Rio residents must travel east on Highway 219 (Kiernan Avenue) until reaching Carver, Tully, St. John Roads or McHenry Avenue.

### **MAJOR STREETS**

**McHenry Avenue** - the eastern boundary of the Community Plan will be McHenry Avenue. The plan envisions the ultimate development of McHenry Avenue as a major north/south circulation arterial. Ultimately, this road will be widened to four lanes, (100 foot right-of-way) as indicated in the County's Circulation Element. It will include two lanes in each direction, with traffic signals at the intersections of McHenry with Ladd and (if needed) Stewart Road.

### **COLLECTOR STREETS**

**Ladd Road** - The southern boundary of the Community Plan will be Ladd Road. This road will remain a two-lane east/west roadway, but ultimately may include realignment

of the Carver-Ladd intersection, left-turn lanes on both eastbound and westbound approached of Ladd Road and the eastbound approach to St. John Road.

**Carver Road** - Carver Road runs along a portion of the western plan boundary. This road will remain a two-lane north/south roadway, but ultimately will be widened (in portions) to a 60 foot R.O.W., and the curve north of Ladd straightened. Carver Road will provide access to the western portions of the community.

**Tully Road** - Tully Road currently terminates at Ladd Road. This will not change in the proposed plan, although it may extend northbound into Area II, depending upon the results of the Specific Plan process.

**St. John Road** - St. John Road is one of the primary entrances to the community. Ultimately, a left-turn on the eastbound approach of Ladd Road at the St. John intersection may be provided.

**Stewart Road** - Stewart Road currently provides the only access into the community off of McHenry Avenue. An intersection improvement project is currently planned by the County on McHenry Avenue at Stewart Road.

**St. Andrew Drive** - St. Andrew Drive is located within the Del Rio Ranch Subdivision north of Stewart Road. It is proposed as a new entrance to the community from

McHenry Avenue. This entrance will provide a second access to new and established residences west of McHenry Avenue to supplement the existing access through Stewart Road.

The Specific Plan for Area II shall include a more detailed analysis of long-term circulation needs and means of implementing those needs.

## **V. INFRASTRUCTURE SYSTEM**

### **DRAINAGE / FLOOD CONTROL**

There are currently drainage systems for most existing residential developments. The area has curbs and gutters with drainage into dry wells in various locations within the DRCP area.

Flooding on the Stanislaus River is controlled by the New Melones Lake Dam upstream from the Del Rio area.

It is desired that all future development within the DRCP area include curb and gutters that connect to adequate development wide drainage systems. The Specific Plan for Area II shall include a discussion of and recommendation for a positive storm drainage system for the entirety of Area II.

## **WATER**

Homes along Del Rio, Oakmont, and Hillcrest Drives are served with public water from Del Este Water Company. All other homes in the area have private individual wells. The Del Rio East development has a private system providing water only to those units.

All subsequent development in both Area I and Area II of the DRCP will be provided with water by the Del Este Water Company or a successor through development-wide systems which could at some later date be readily connected to an area-wide joint water district. Monitoring and servicing of these water facilities will be conducted by Del Este. In Area I, the developer shall obtain the approval of the Department of Environmental Resources for the proposed water system; and demonstrate that the water system for the development will not have an adverse impact on water quality and quantity produced by existing wells in the community.

For Area II, provisions shall be made for a water supply system to service all developments in Area II. The Specific Plan and supporting environmental documentation shall include a complete water supply analysis to identify for mitigation any significant adverse water related impacts that result from the development of Area II. If the environmental impact report reproduced for the Specific Plan for Area II indicates that a joint water district for the entire Del Rio area would be required to



mitigate the cumulative impacts of development in Area II on water quality and quantity of existing wells, then the Specific Plan must address the implementation of such a joint water district for all of Del Rio. It shall also include provisions to set up and maintain the community-wide system. It shall also reflect the needs of the Del Este Company, the water supplier.

## **SEWER**

Sewage disposal in the Del Rio area is generally by septic system. The Del Rio East development has a package treatment system as will Area I projects approved in recent years. While such systems, consistent with Measure X standards can provide adequate wastewater treatment, if development of Del Rio is to continue, it is imperative that a community-wide sewer system be developed.

No future developments within the DRCP area shall use septic systems for treatment of sewage. For Area I, package treatment system(s) shall be constructed for future developments and maintained at all times in accordance with County Department of Environmental Resources approved policies and procedures. They shall be designed to allow conversion to a community-wide system. Prior to development in Area II, a complete analysis of the cumulative impacts of development in Area II on ground water quality and other sewage treatment related issues in Del Rio must be done. This Specific Plan shall also investigate options for including existing non-sewered areas of

Del Rio into the system. No development of Area II shall be permitted until provisions have been put in place for such an area-wide system to be implemented.

## **UTILITIES**

The area is served by Pacific Gas and Electric Company (PG&E) for gas, Modesto Irrigation District (MID) for electricity, and Pacific Bell for telephone services. The Specific Plan shall reflect the needs of these providers in ensuring continued adequate service levels.

All further development in the DRCP area shall incorporate below ground utilities exclusively.

## **SERVICES**

Law enforcement on the Del Rio Area is provided by the Stanislaus County Sheriff's Office. Fire protection comes from the Salida Fire Protection District. The Specific Plan shall reflect the needs of these service providers in ensuring continued adequate service levels.

# **VI. IMPLEMENTATION PROGRAMS**

## **GENERAL PLAN**

By its adoption by the Board of Supervisors, this Community Plan is incorporated into the Stanislaus County General Plan. The Community Plan shall serve to formally

delineate and define "Del Rio" for planning purposes. The Tier I EIR prepared for the Community Plan has resulted in the creation of the Community Plan with two distinct areas.

Area I shall be as shown on the Del Rio Community Plan map. All areas shown for residential uses shall be designated Low Density Residential and shall be developed consistent with the density designations of the Community Plan. The Planned Development zoning designation shall be used for all rezoning proposals.

- All projects shall be required to mitigate air quality impacts by complying with any County or regional Indirect Source Rule in effect at the time the final map is recorded.
- Full water quality studies, to the satisfaction of the Department of Environmental Resources must be completed prior to approval of any rezoning. The studies shall include, at a minimum, the following information:

### **Hydrology**

A detailed site specific hydrologic study should be conducted to determine effects of construction and build-out on surface runoff and permeability. This should include the evaluation of location and design of storm water runoff catch basins that could also function as groundwater recharge basins.

A detailed hydrologic study shall be conducted to quantify the migration of groundwater into the area. One possible mitigation measure that should be investigated is the feasibility of developing artificial groundwater recharge basins that could function as both scenic/recreational areas and groundwater recharge areas.

## **Geology**

A site specific soil analysis should be submitted from desired locations for the treatment water discharge. Soil samples should be tested for nitrate, DBCP, and general mineral to evaluate the quality of soil the recharge water would percolate through.

By selecting appropriate locations for sanitary sewer treated water discharge areas, the flushing out of nitrate or DBCP from higher concentration areas in the soil into groundwater can be avoided.

## **WATER QUALITY**

A detailed investigation of the local groundwater gradients to enable a precise determination of the transportation/mixing effect of the shallow groundwater should be accomplished. This should be combined with the assessment of nitrate loading to show that nitrate input will not cause undue degradation of groundwater.

# SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

**PROJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01, REZONE APPLICATION NO. 2012-01, & VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01 - DEL RIO VILLAS**

REFERRED TO:				RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	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			X							
BUILDING PERMITS DIVISION	X	X		X		X				X	X	
CALTRANS DISTRICT 10	X	X	X		X							
CHIEF EXECUTIVE OFFICE	X	X			X							
COOPERATIVE EXTENSION	X	X			X							
COUNTY COUNSEL	X	X			X							
DEL RIO HOMEOWNERS ASSOCIATION	X	X	X	X				X		X		X
ENVIRONMENTAL RESOURCES	X	X		X		X				X	X	
FIRE PROTECTION DIST: SALIDA	X	X	X	X		X				X	X	
FISH & GAME	X	X	X		X							
HAZARDOUS MATERIALS	X	X			X							
IRRIGATION DISTRICT: MODESTO	X	X	X	X		X				X	X	
LAFCO	X	X	X		X							
MODESTO REGIONAL FIRE AUTHORITY FPB	X	X	X	X		X				X		X
MOSQUITO DISTRICT: EASTSIDE	X	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X	X		X							
PACIFIC GAS & ELECTRIC	X	X	X		X							
PUBLIC WORKS	X	X		X		X				X	X	
REGIONAL WATER QUALITY CONTROL	X	X	X	X		X				X		X
SAN JOAQUIN VALLEY APCD	X	X	X		X							
SCHOOL DISTRICT 1: STANISLAUS	X	X	X		X							
SCHOOL DISTRICT 2: MODESTO	X	X	X		X							
SHERIFF	X	X			X							
StanCOG	X	X	X		X							
STANISLAUS COUNTY FARM BUREAU	X	X	X		X							
STANISLAUS ERC	X	X		X		X				X		X
STATE CLEARINGHOUSE	X	X	X		X							
SUPERVISORIAL DISTRICT 1: MONTEITH	X	X			X							
SURROUNDING LAND OWNERS			X									
TELEPHONE COMPANY: AT&T	X	X	X		X							
TRIBAL CONTACTS	X		X		X							
UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)	X	X	X		X							
US FISH & WILDLIFE	X	X	X		X							
WATER DISTRICT: CITY OF MODESTO (DEL ESTE)	X	X	X	X		X				X	X	



- C. **GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01, REZONE APPLICATION NO. 2012-01, VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01 - DEL RIO VILLAS** - This is a three-part application requesting to make the following modifications to a 4.31 acre parcel: 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 the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. A CEQA Mitigated Negative Declaration will be considered.  
APN: 004-059-044  
Staff Report: Carole Maben Recommends **APPROVAL**.  
Report presented by: Bill Carlson  
Public hearing opened.  
**OPPOSITION:** Richard McCullough, 7024 Walnut Woods Drive, Modesto; Larry Dempsey, 7106 Carolina Court, Modesto; Randall Epperson, 7020 Oakmont Drive, Modesto; Will Iffland; Calvin Lee, 6813 Corte de Oro, Modesto; Donna Minighini, 521 Sherry Court, Modesto; Bill Reinheimer, 1401 Country View Drive, Modesto; Dennis Harsh, 904 Country Club Drive, Modesto; William Mussman, 604 Bing Way, Modesto; Bart Bartoni, 217 Stewart Road, Modesto; Jim Champion; Milo Shelley, 7105 Oakmont Drive, Modesto; Colleen Rose Mastagni; Pam Rozycki, 999 Country Club Drive, Modesto; Henry Van De Pol, 600 Muirfield Court, Modesto; Jean Davis, 309 Hartley Drive, Modesto; Carole Davini, 7224 Hillcrest Drive, Modesto; Barney Aggers, 7730 McHenry Avenue, Modesto; Gary Padovani, 7009 Hillcrest Drive, Modesto.  
7:37 – recessed  
7:42 – reconvened  
**FAVOR:** Dave Romano; Dennis Wittchow, 7216 Spyglass Drive, Modesto; Peter Janopaul, 7149 Carver Road, Modesto; Jocelyn Singh (on behalf of Dr. John Porteous and herself), 1460 Thunderbird Drive, Modesto; Sean Carroll, 7415 River Nine Drive, Modesto; Carrie Cardoza-Bordona (on behalf of Allen Beebe, the Bruno family, and Keith Kajioka), Oakdale; Charlie Menghetti, 1117 Country Club Drive, Modesto; Jerry Beardon, 7321 Del Cielo Way, Modesto; Mike Navarro, 1217 Countryview Drive, Modesto; Evan Porges, 7016 Hillcrest Drive, Modesto; Dave Romano.  
**QUESTION:** Peggy Moraitis, Oakmont Drive, Modesto.  
Public hearing closed.  
Crabtree/Peterson, 6-1 (Boyd), **RECOMMENDED DENIAL OF THE STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS**

<p style="text-align: center;"><b>EXCERPT</b></p> <p style="text-align: center;"><b>PLANNING COMMISSION</b></p> <p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"></p> <p style="text-align: center;">Secretary, Planning Commission</p> <p style="text-align: center;">8-22-2012</p> <p style="text-align: center;">Date</p>
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# **ATTACHMENT 3**

**CORRESPONDENCE  
PROVIDED AT THE  
JULY 5, 2012  
PLANNING COMMISSION  
MEETING**

## THE BEST VIEW OF THE VILLAS AT DEL RIO

By Allen Beebe

I have the best view of the controversy about building high-end townhomes near the Del Rio Country Club — it's right in my backyard.

I have no ties to the Villas at Del Rio, the 18-unit townhouse complex proposed for the 4.3-acre site, but I'm 110 percent for it. That ugly, disastrous in-fill lot has been vacant for over 40 years. It needs to be developed. Del Rio residents are lucky a local developer — a neighbor at that — has come up with a great plan that fulfills a Del Rio community need.

I've listened closely to both sides, and I'm impressed with developer Carl Wesenberg's determination to see his vision through. I believe he's telling the true story, not what the opponents have written or talked about. I'm dumbfounded that some residents are against something that I believe will increase the values of their property and eliminate a 40-year eyesore with a new upscale development.

Objectors to the Villas claim it will lower the values of their Del Rio homes. In reality, it will increase their home values. These are going to be very high-end townhomes and the price per-square-foot will be higher than most single-family homes in Del Rio.

They also claim approval of the Villas will set a precedent and allow runaway construction in the Del Rio community. The Board of Supervisors, not developers, control development. The Supervisors require every project that comes before them stand on its own merits. Any land use that doesn't meet Del Rio's quality and aesthetics can be denied.

There is a need for housing like the Villas for Del Rio residents — or newcomers — whose children have grown up and moved out. These empty nesters no longer want the expense and upkeep of a large home on a large lot. However, they still would like to continue to live in the upscale community and participate in the golfing and country club lifestyle.

The opponents also stress the Villas does not follow with the Del Rio Community Plan, which was approved in 1992. Well, a lot has changed in 20 years.

I'm a longtime businessman and for any strategic business plan, you need to examine it at least every five years. Plus, you review it annually based on changes in the economy and trends.

The Del Rio Community Plan was written to prevent rentals and cheap homes. It was not written to regulate the size of the home, but rather to preserve the quality of the community. The Villas will be high-quality homes designed to enhance the community, not degrade it.

**Allen Beebe is a prominent businessman and 44-year Modesto resident. He continues to be involved in local business and the Modesto community.**

###

## Paul B. Draper

7301 Spyglass Drive  
Modesto, CA 95356

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June 28, 2012

Stanislaus County Board of Supervisors  
Stanislaus County Planning Commission  
1010 Tenth Street  
Modesto, CA 95354

RE: Villas at Del Rio

Dear Stanislaus County Planning Commission and Board of Supervisors:

I am writing in strong support of the Villas at Del Rio townhouse project. By now, you know the basic facts of the situation.

1. The Villas at Del Rio is a proposed 18 townhome development on 4.3 acres.
2. This site sits as an island in the middle of the Del Rio community and has been vacant for approximately 50 years.
3. The Del Rio Property Owners Association Board of Directors has stated its opposition to this proposed development because it does not conform to the 1992 Del Rio Community Plan.
4. Many Del Rio residents, including several that are adjacent to this property, support this development for a number of legitimate reasons.

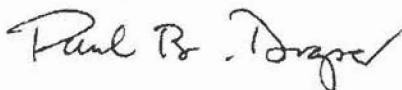
Emotions and a 20 year old Community Plan aside, isn't the key issue here what is best for the Del Rio Community and the County of Stanislaus in the long run? I believe that good planning practices should be a critical element in the decision making process. I have had the benefit of traveling throughout many parts of the United States and visiting a number of very progressive communities. In each forward thinking community, I see the same thing – good planning practices that create multiple housing types and densities to meet the needs of a wide range of individuals and families.

These communities thrive because they offer something for everyone. When individuals or families need to upsize or downsize, good planning practices have created sufficient product types to meet their changing needs without having to leave the community.

Simply put, the Villas at Del Rio present an excellent opportunity for Stanislaus County to enhance a very desirable community by allowing a quality, higher density residential product. Moreover, approval of this project helps promote Stanislaus County, Modesto and Del Rio as a progressive, forward thinking area with much to offer.

I respectfully request your approval of this proposal. Thank you for your consideration.

Very Truly Yours,



Paul B. Draper

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Del Rio Property Owner's  
Association  
PO Box 118  
Salida, CA 95358

June 28, 2012

Stanislaus County, Department of Planning and Community Development  
Attn: Angela Freitas, Interim Director  
1010 10<sup>th</sup> Street  
Modesto, CA 95350

Re: GPA 2012-01, REZ 2012-01, TSM 2012-01: Del Rio Villas Project, Modesto, CA

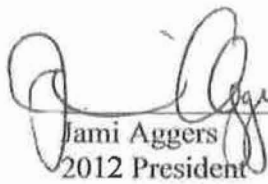
Dear Ms. Freitas:

The Del Rio Property Owner's Association (DRPOA) Board of Directors has gone on record as being opposed to the referenced project because it is inconsistent with the 1992 Del Rio Community Plan (Plan) and it conflicts with Mission Statement in Section 3 of Association's By-laws. At this time the Board wishes to reiterate the specific aspects of the Del Rio Villas Project that are inconsistent with the Plan, as follows:

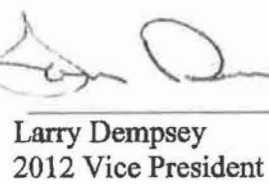
1. "Planned Developments shall incorporate minimum standards for setbacks and streetscapes approved by the Planning Commission following consultation with the DRPOA." The DRPOA Board has not been consulted regarding setbacks and streetscapes and the proposed project is closer than 15 feet to the street.
2. "Future Planned Developments shall not be gated for the purpose of restricting access to the public." The Villas Project is completely walled and gated. In fact, this is being used as a selling point for the Project.
3. "Future Planned Developments shall dedicate in land or funding the equivalent of at least 15% of the project site to natural or landscaped open space with public access. Open space with public access has not been incorporated into the project.
4. Density for this area is specified at no more than two homes per acre. The project proposes to double this density.

Departures from the Plan, such as what this project proposes, are likely to lead to incompatible growth, negative impacts and irreparable harm to our community. The Board urges the Planning Commissioners and the Board of Supervisors to disapprove all projects which are inconsistent with the Plan, including the proposed Del Rio Villas Project. Please do not hesitate to contact me if you have questions. My home telephone number is (209) 522-8307. Thank you in advance for your attention to this.

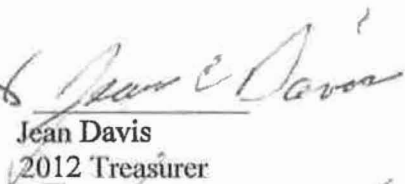
Sincerely,



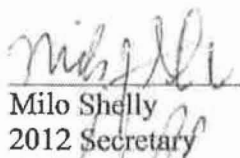
Jami Aggers  
2012 President



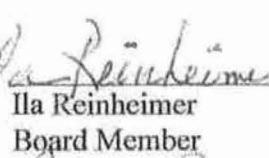
Larry Dempsey  
2012 Vice President



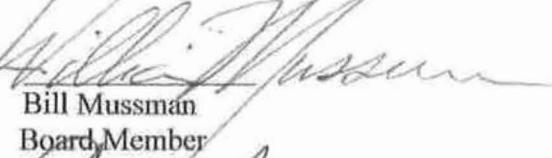
Jean Davis  
2012 Treasurer



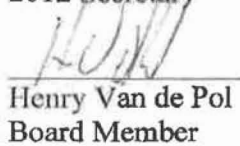
Milo Shelly  
2012 Secretary



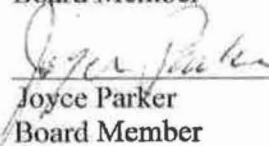
Ila Reinheimer  
Board Member



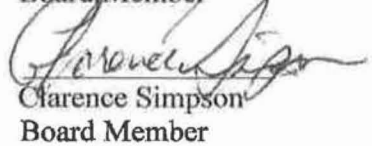
Bill Mussman  
Board Member



Henry Van de Pol  
Board Member



Joyce Parker  
Board Member



Clarence Simpson  
Board Member

cc. Planning Commissioners  
Board of Supervisors

ORIGINAL

June 28, 2012



Stanislaus County Planning Commission

ATTN: Mr. Greg Pires, Ms. Annabel D. Gammon, Mr. Steven Boyd, Mr. Ronald Peterson, Mr. Marc Etchebarne, Mr. Robert J. Crabtree, Mr. Richard Gibson, Mr. John J. Ramos, Mr. Kenneth Buehner.

1010 10<sup>th</sup> Street, Suite 3400, 3<sup>rd</sup> Floor  
Modesto, Ca 95354

RE: Del Rio Resident Comments on Stanislaus County Planning and Community Development CEQA Initial Study dated May 8, 2012

Dear Planning Commission,

In reading the above report affecting the community of Del Rio and the proposed development of The Villas high density project, there appears to be several areas of concern.

Of critical importance, the report does not reflect an affected area of Land Use on Page 2 - which is at the heart of the matter before the Commission.

Would you please, in a timely manner, provide a written response regarding the issues pointed out in the report. I know these concerns are those of many other Del Rio residents.

PAGE 2

1. "ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED".

- a. Why did the report not reflect a "X" marked for "Land Use / Planning" as *an affected category* since the developers' application is for an 18 unit proposed high-density project?

-The paragraph states, *"The environmental factors checked below would be potentially affected by this project,"*

-Current County Code does not allow the project's high density building.

-The "DETERMINATION" statement also has reference to the project's non compliance with current County Code.



TO: Stanislaus County Planning Commission/D.Minighini letter/6.28.2012/pg.2

(The DETERMINATION statement says, **"I find that although the proposed project could have a significant effect on the environment,** there will not be a significant effect in this case because of revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared."

*The developers' requests for the County Code to be changed, is to meet his project's needs - and have NOT been approved yet by the County.*  
No checking "Land Use/Planning" box on Page 2 is a major omission, with not giving the reader/s of this report the proper understanding of the major land density issue that is at the heart of this project: the developers' extreme request to change Del Rio's low density land use - for his high density project.

Failing to not check the "Land Use/Planning" box on Page 2 of the report is not properly and clearly describing the issues.

b. "there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent."

What exact "revision/s" have been "made by the proponent" or "agreed to by the proponent"? (to reduce the risk)

Many persons believe, and the facts may support, that the proponent has NOT made any "revisions" to date.

His original plan to develop 18 units on only 4.3 acres remains the same.  
(He has not proposed a smaller project to be in compliance with current "Code" density).  
In fact - the proponent's application demands that *the County* change the County Code for his special interests of his 18 unit high-density project - a project which the majority of DEL RIO RESIDENTS do not support.

Secondarily, "Transportation/Traffic" may also have been proper to check here, since it too is an "environmental factor"... "would be potentially affected by this project,".

### PAGE 3

"EVALUATION OF ENVIRONMENTAL IMPACTS:" (top of the page)

"3) ...If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required."

If Land Use/Planning was checked on Page 2 as a significant impact, an EIR would be required. A request to dramatically change existing County Code, Zoning, and affecting a local community document, is a significant impact.

4) "Negative Declaration:.....The lead agency must describe the mitigation measures," ... "and briefly explain how they reduce the effect to a less than significant level"

Since the report reflects a Determination involving a Mitigated Negative Declaration, Item 4) requirements apply. It is not found that this report has always provided a clear *explanation* of both parts of this reporting requirement.

PAGE 5

"III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:"

Discussion box: The report states that the site (being located in San Joaquin basin) has a severe classification of air quality and that mobile sources (autos) have been determined to be the primary source of air pollution, but the responsibility of mobile sources is under the regulation on the California EPA. There is not clear explanation for any reader, what is meant by "basin wide programs and policies to prevent cumulative deterioration of air quality with the Basin." The report states, "This project has been referred to the district, but no comments have been received."

Unsatisfactory and incomplete "discussion remarks" in this category such as "this project has been referred to the district, but no comments have been received." do not meet the requirement of "*The lead agency must describe the mitigation measures,*" ... "*and briefly explain how they reduce the effect to a less than significant level*".

b.)(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?"

The report reflects a rating of this category as "Less Than Significant Impact" when there is realistic basis to rate it "Potentially Significant Impact." Many Del Rio residents believe the Planning Commission may have data that reflects underreported traffic patterns?

(As an example: a simple mathematical basis of the daily traffic patterns of 18 proposed residents (work, pleasure, errands is at least twice a day), plus cars from visiting friends and family of 18 residents, and cars expected from any simultaneous social gatherings for a number of households on a given day. (Most households have 4-7 cars (each) from a social or party gathering.) A number of other residents living outside the project site would be driving down St. John, Country Club Drive, passing the project, and travelling

through nearby neighboring streets to Carver Road too. A total of 53 potential cars is quite reasonable to expect in this daily traffic calculation – a number that would easily reflect “traffic congestion.” )

What does a “10-count” measurement mean under this traffic category? I was told traffic was based on this measurement.

The report states “the primary source of air pollutants generated by this project would be classified as being generated from “mobile” sources.” The report goes on further to state that the San Joaquin Air Pollution Control has been established to try and minimize and control air pollution (which would include “mobile” sources.) We believe other agencies such as County departments (other than SJAPC) have to do their part too to control and minimize further air pollution from occurring, in the “building and planning” decisions they make.

The rating in this area of Air Quality may be inaccurate and incomplete, from possible underreporting of traffic patterns and “This project has been referred and no comments have been received.”

Any incomplete category of this report should determine this report should not be used in any decision process.

## PAGE 8

### “VII. GREENHOUSE GAS EMISSIONS – would the project:

“a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?”

Discussion remarks: “The proposed project may generate greenhouse gas emissions, either directly or indirectly, due to the potential to increase population in the area; however, as no thresholds have been established for the region, staff is unable to quantify the potential impact the project would have on greenhouse gases.”

This explanation does not meet the requirement of “*the lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level*”. If “staff is unable to quantify the potential impact the project would

have on greenhouse gases” (a report category) , then there is not sufficient data to provide a rating of “Less Than Significant Impact”.

The project involves an on-site wastewater treatment plant, but this report has not even commented on its affect on greenhouse gases.

The Discussion remarks connect the project’s high density building to reasonably generating greenhouse gases which is derived by the report’s implication that “a potential to increase population in the area;” is known.

If this project’s higher density building is approved, with the County overturning the long standing low density code, this project will pave the way for other high density building projects to be built in the other vacant land lots in Del Rio – thereby being a contributing factor to expected overpopulation. Formal studies have been made (and widely available) which point out the harmful effects of overpopulation in high density areas which include social, health, and public factors.

Due to the incomplete analysis known for this category, the rating may not be accurate and the report should be disregarded.

PAGE 10

“X. LAND USE AND PLANNING- Would the project:

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?”

The report incorrectly marks this category question as “Less Than Significant Impact” and does make a false statement when stated, “The project is not known to conflict with any policy or regulation of any agency with jurisdiction over the project.”

The “policies” contained in the County Code, R-A zoning, General Plan, Specific Plan for Del Rio, and 1992 Del Rio Community Plan all conflict with the 18 unit proposed high density project. The County (Planning Department and Board of Supervisors) and the Del Rio Property Association are the “agencies with jurisdiction over the project”!

PAGE 12

“XIII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses)....”

The report incorrectly rates this category question as “Less Than Significant Impact” as the statement was made in Section VII, that “The proposed project may generate greenhouse gas emissions, either directly or indirectly, *due to the potential to increase population in the area;*”.

The report does not provide any analyses or studies to show “the affects” on populations with higher density living (such is the case with the project’s 18 proposed units).

The report also appears to not adequately comment on the possibility that a high density change for this project may have on future high density allowance for the 3 remaining vacant lots in Del Rio. (A precedent for future building). Allowing the 18-unit high density Villas project would certainly be a leading and contributing factor to causing “overpopulation” in the Del Rio area.

This high density issue is explained in Section XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –(b) when it refers to a cumulative impact.

It states, “Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, *and the effects of probable future projects*)?”

PAGE 13

“XVI. TRANSPORTATION – Would the project:”

- a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation....including but not limited to intersections, streets, highways and freeways”

A rating of “Less than Significant Impact” may not accurately measure this category since there appears to be a potential higher number of resident and visiting cars in the small project site and traveling outside of the project site to connecting streets, which

will cause traffic congestion for many residents not living in the project.

Discussion remarks: "The applicant proposes to have an average of eighteen single-family condominiums. This project will not substantially increase traffic for the surrounding area."

The report incorrectly states a property type that does not exist. There is NO "single-family" condominium. A property is either single family residence (SFR) or Condominium. An interesting insertion of single family to win approval of building type?

What *analysis and study data* does the Public Works have to support the report's statement that "This project will not substantially increase traffic for the surrounding area."?

A general statement in the report referring to the Public Works department's determination that they feel there will be no substantial increase in traffic is not really sufficient for the requirement of "*The lead agency must describe the mitigation measures, "... and briefly explain how they reduce the effect to a less than significant level*".

#### PAGE 15

#### "XVIII. MANDATORY FINDINGS OF SIGNIFICANCE—

- a) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?"

The report reflects an incorrect "Less Than Significant Impact." It should reflect a "Potentially Significant Impact" due to the report's reference to potential increased population occurring in the Del Rio from the Villas high-density approved project, (which would affect future projects that would very likely be high density.)

County agencies, real estate professionals, and the public know that approval of the Villas 18-unit "high-density" project will set a building precedent for other future high density building projects on the vacant lots in Del Rio.

Over 500 existing residents of Del Rio will be negatively affected as their quality of life will be destroyed.



### MITIGATION MONITORING PLAN

The following construction period is unacceptable as it leaves an "open-ended" timeframe for completion of the project. Usually construction periods either understood or written in documents, state no more than 1 year.

Question: "When should it be completed?"

Answer: "When construction is completed."

### MITIGATED NEGATIVE DECLARATION

The following recommendation of the project is opposed as these general statements DO have negative short-term and long-term consequences:

"Based upon the Initial Study, dated May 8, 2012, the Environmental Coordinator finds as follows:

1. This project does not have the potential to degrade the quality of the environment, nor to curtail the diversity of the environment."

Higher density building **will destroy the quality of the environment** of Del Rio's spacious ½ acre land lot living, personal privacy rights, quality of life, uncongested streets, and safety of residents.

The project area will cause traffic congestion for the project's residents and well as many surrounding residents, set a precedent for approval of future high density building on 3 other vacant lots - which will result in overpopulation, and turn this tranquil community into a very hectic area of traffic congestion. Congestion will spill over onto major streets of McHenry and Ladd Roads. High density building of this project, and others, will cause personal and financial loss to existing residents who have lived in Del Rio for many years and bought their homes with the expectation of certain standards and quiet quality of living on ½ acre lots, and within a non congested area. These values and standards have been evident in the "long approved" County Code and Zoning documents, as well as the 1992 Del Rio Community Plan.

TO: Stanislaus County Planning Commission/D.Minighini letter/6.28.2012/pg.9

"3. This project will not have impacts which are individually limited but cumulatively considerable."

The above opposition reasoning applies to this category.

### CONCLUSION

The CEQA Initial Study Report of May 8, 2012 should be disregarded in any decision process.

The report: 1) appears to be somewhat incomplete where statements are made that certain data has not been received or is unknown, 2) the report (in certain areas) does not meet the requirement of "The lead agency must describe the mitigation measures,..." "and briefly explain how they reduce the effect to a less than significant level", 3) "Land Use" category is not properly reflected as an "environmental factors checked below would be potentially affected by this project" (page 2) which would have given the reader the proper introduction and affected impact areas of the proposed development, and, 4) some serious incorrect statements have been made.

Thank you for your consideration.



Donna M. Minighini  
Del Rio Resident  
521 Sherry Court  
Modesto, CA 95356

cc: Del Rio Property Owners Association  
re: Carol Maben, planner



Mr. Milo Shelly  
7105 Oakmont Drive  
Modesto, CA. 95356  
June 26, 2012

Stanislaus County Department of Planning and Community Development  
Ms. Angela Freitas, Director  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Subject: General Plan Amendment Application NO. 2012-01, Rezone Application  
NO. 2012-01 and vesting Tentative Subdivision Map Application NO. 2012-01  
Del Rio Villas

Dear Ms. Freitas:

Our family has lived in Del Rio for thirty two years. We raised our children here and now, in our retirement years, we continue to enjoy the peace, tranquility and beauty this semi rural community has so faithfully provided. We also live a little less than two tenths of a mile from the proposed Del Rio Villas project. We consider this project to be a significant departure from the Del Rio Community Plan and community CC&R's. The opinions contained herein are mine alone, as a property owner and resident and do not represent those of any other group or community organization.

I am opposed for several reasons, but central to my objection is the issue of fairness, property values, lifestyle impact and the precedent created by increasing minimum dwelling densities from 2 units per acre, as specified in the 1992 Del Rio Community Plan, to 4.5 units per acre. I do support orderly community development consistent with the 1992 Community Plan and I am not opposed to building nine single family (detached) dwellings on this parcel.

The Developer was aware of the Community Plan's minimum lot size requirements at the time of purchase in 2007. The requirements have been in place since 1992 and substantially adhered to. This proposed development is virtually the same project rejected by the Stanislaus County Planning Commission in December 2010. Why is it a better idea now? Why is it being considered again? As one of the Planning Commissioners said at the time of the December 2010 public meeting and vote, the project, in the center of one of the most established, built out parts of Del Rio, "just doesn't fit" (out of character with the surrounding area). It is surrounded by detached single family homes situated on mostly much larger lots, none of which are Condominiums, Town Homes or Duplexes. What has been proposed are essentially 8 duplex units and two single family residences sited between Rancho Del Rio's one to two acre estates on the Southern border and the single family detached homes in the Hillcrest Estates subdivision s # 1, 2, 3 and 4, directly across the street to the North. How can the

project possibly be viewed as consistent with the immediate surrounding community? The impact on property values is unknown, but placing condominiums immediately adjacent to existing single family homes on significantly larger lots, without a transition zone or overall community plan study is not reassuring. None of the increased density concerns and other issues have been addressed since the first filing. Is it fair to those who followed the rules contained in the 1992 Community Plan and bought, or remodeled or otherwise upgraded, only to see the rules change piecemeal, after the fact?

Much has been made of the "need" for transition housing for retirees; i.e., a "turn key", maintenance free retirement development. Yet this proposal has few, if any, amenities associated with a retirement community, nor is it restricted to retirees; it will be sold to whoever can come up with the money. Secondly, numerous fully remodeled Condo units, built long before the 1992 Community Plan, are currently for sale at significantly lower price points than what has been proposed. And, the units are cited more favorably, directly on the golf course or on a small lake. This project has neither. Even if one believes this proposal satisfies a need, it could be satisfied with nine detached single family "turn key" dwellings instead of eighteen attached units and at the same time comply with the established Community Plan. Contrary to popular belief, there is a market for homes on ½ acre sites in the immediate vicinity of this development as evidenced by the large number of complete remodels and new home construction within close proximity to the project. This has occurred during the current economic downturn and as one person who recently remodeled stated, he would never have done so knowing this project might go in. Again, I support building nine detached units.

The Developer has also attempted to justify increased subdivision density on the basis of the "granny flat" exemption, which permits single family homeowners to build a separate residence or apartment on the same lot as the main dwelling. This is an incorrect interpretation because a detached "granny flat" is limited to 1200 square feet and it must be under the SAME single family home ownership, whether attached or detached, not two separate ownerships (titles). The intent of this provision is to allow families to care for an elderly parent(s) with a degree of independence in a family setting. It was never intended to be a "tail wagging the dog" argument to justify permanently increased residential density or separate title through subdivision. In practice, a very, very small number of homes use the option. If every home did this and especially with unlimited duration, the impact on community density, services, amenities and lifestyle would be significant.

Unfortunately, the proposal defeats the purpose of the 1992 Del Rio Community Plan. The Plan was created in the face of a similarly proposed increase in density on the East side of Del Rio. It was developed by the community over the course of a year and approved by the Stanislaus County Board of Supervisors to prevent inconsistent and/or higher density development. In my opinion, affirming the reliability of a legitimate Community Plan is a core function of the Planning Commission and the County Board of Supervisors. The reliability of such zoning is fundamental to the buying decision and protecting the lifestyle and investment in larger parcels already made by residents. Making piecemeal "exceptions" to the 1992 Del Rio Community Plan (part of the

General Plan) undermines good planning and the Plan. If higher density is to be credibly viewed as necessary within an already established area (as opposed to an entirely new area outside the Plan) it should be considered only if the entire plan is reviewed and significant weight is given to that which has already been established, the CEQA process is undertaken and the issues created by higher density are addressed, i.e. schools (none near), parks (none), road drainage (abysmal at the proposed entrance/exit of the development), shopping (3 miles away), police (inadequate and deteriorating response time), fire (continued budget reductions), water (still substandard), public transportation (none), sewer (none), libraries (none), bike paths (none), preserved open public space (none).

This project will have significant negative traffic impact. The current placement of the project entrance/exit, in the heart of single family homes on larger lots, concentrates traffic in the least favorable location, where increased traffic, unnecessarily winding its way through the neighborhood, will affect the most homes in the most unsafe areas for pedestrians. Proper placement of the entrance/exit of the project, at the end of the 1/2 mile long County Club Drive straightaway, a wide road with sidewalks on both sides, would avoid most of the unnecessary indirect winding route through the community and provide not only a more direct route out to St. John Rd, but a safer route for pedestrians. The current entrance/exit also unnecessarily funnels traffic south onto the Southern segment of Oakmont Dr, more than half of which has no sidewalk and Hillcrest. Increased traffic on Oakmont, with limited sidewalks, is home to numerous children. There are at least five and possibly as many as seven children whose homes are on or share a border with Oakmont Dr.. Furthermore, with a Condo complex, cars from eighteen homes and their guests will be concentrated or funneled through the same exit, front forward, with headlights blaring into opposing homes. This is no small matter. The impact on property values and lifestyle is potentially large for homes directly opposite and increased traffic negatively impacts the peace, tranquility and safety of residents on Oakmont and Hillcrest. Other concerns are traffic back ups on St. John, exiting at Ladd and dangerous cross traffic easterly turns onto Ladd, all without traffic control or turning lanes. And, finally, estimates for traffic based on retirees living in the complex are just suppositions. As pointed out earlier, the units will be sold to anyone and it is just as legitimate to predict many will devolve into rental units, like the Condos currently for sale or rent next to the Del Rio Country Club.

The potential precedent created by granting a substantial increase in housing density is undeniable. At present there is a 43 acre parcel on Carver Road that is in bankruptcy and will undoubtedly be bought and re-submitted for development. The Community Plan calls for an overall average of one acre parcels. Using this projects density as a model, the number could double or even triple. Similarly, on the East side, near McHenry Ave. there is an 84 acre parcel that was once planned (but not approved) for higher density. And, it is believed by many, this project, or a higher density project like it, could easily be expanded moving North up Oakmont Dr. and Del Rio Drive. The developer has failed to offer any protections to the community designed to prevent further encroachment. Breaking the Plan sets a precedent with potentially far reaching consequences on the investment we have made over the years and our lifestyle.

Sincerely,

  
Milo Shelly

Cc. Stanislaus County Planning Commissioners  
Stanislaus County Board of Supervisors



Clarke V. Filippi, DDS  
1324 Thunderbird Dr.  
Modesto, CA 95356

July 1, 2012

1010 10<sup>th</sup> St., Ste. 3400  
Modesto, CA 95356



**RE: General Plan Amendment Application NO. 2012-01, Rezone Application NO. 2012-01, Vesting Tentative Subdivision Map Application NO 2012-01 - Del Rio Villas**

Dear Planning Commissioner,

My family and I live on the corner of Thunderbird and Oakmont Drives one block from the site of the proposed Del Rio Villas. The developer can use the terms "villas" or "condominiums" but we all know, with the proposed number of units on the existing acreage, this is really "high density housing."

As in 2010, I still have significant concerns about the project's impact upon the existing neighborhood infrastructure. Namely, the impact of the proposed condominiums on the neighborhood's traffic, water supply, and sewer. I do not believe that these affects have been adequately addressed by the developer.

My primary objection is that this proposed change to the Del Rio Community Plan will open the door for other developers to build tract homes and other forms of high density housing in Del Rio. Do not misunderstand me; my first home in Modesto was a tract home. I am not opposed to tract homes. They have their place in the community, but that place does not include the Del Rio neighborhood, where a community plan specifying minimum half acre lots has been in place for 20 years.

The developer is trying to sell the project to the neighborhood and the Planning Commission as a "one time exemption." Really? I think it would be seriously naive to believe this. I doubt this "one time exemption" would stand up to a legal challenge by others wanting to develop high density housing in the Del Rio community.

My concerns about tract homes in Del Rio are not unfounded. The reason the Del Rio Community Plan was created in 1992 was in part due to a proposed tract home neighborhood on the east side of Del Rio bordering McHenry Avenue. There is already concern that the Bank of Stockton could seek to change the zoning of their property on Carver Road if this "one time exemption" goes through.

The bottom line here is that the residents of Del Rio find it a desirable community because it is exactly the opposite of what the developer is proposing. People move to Del Rio to be away from crowding, to be away from traffic, to have a larger house. The developer wants to change all that for his own purpose. I have been asked, "Why can't you compromise on this?" Why should I compromise? Why should the entire community compromise for one developer who bought the property knowing full well what the zoning requirements were in the Del Rio Community Plan? Do you think it is fair to the existing homeowners to have such a significant zoning change forced upon them? Would you want this zoning change to be forced upon your own neighborhood?

Sincerely,

Clarke V. Filippi



July 2, 2012

Stanislaus County Planning Commission

ATTN: Mr. Steven Boyd, Mr. Kenneth Buehner, Mr. Robert Crabtree, Mr. Marc Etchebarne, Ms. Annabel Gammon, Mr. Richard Gibson, Mr. Ronald Peterson, Mr. Greg Pires, Mr. John Ramos.

1010 10<sup>th</sup> Street, Suite 3400

Modesto, CA 95356

Subject: General Plan Amendment Application NO. 2012-01, Rezone Application NO. 2012-01 and vesting Tentative Subdivision Map Application NO. 2012-01  
Del Rio Villas

Dear Planning Commission

After review of the Stanislaus County Initial Study Checklist for the above application several stated findings and discussions raise questions as to the validity of the findings. The applicant is seeking to change the current zoning to allow an increase in density from 2 to 4.5 homes per acre. Although his application is for the identified 4.3 acre site, discussion in the text of the Stanislaus County study seems to indicate the County is pursuing a change in overall density agreed to by the Board of Supervisors in the Del Rio Community Plan of 1992 (DRCP).

In general, there seems to be some significant conflicts or inconsistencies within the Counties Initial Study Checklist that should be clarified.

In particular, in the "description of the project" sections the County references a change to the DRCP (as part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre. Yet in Section X Discussion, the County states "the project is not known to conflict with any policy or regulation of any agency with jurisdiction over the project. The County claims that the DRCP is a "vision" for Del Rio adopted in 1992. This appears to minimize the contractual obligation of the County while at the same time seeking to amend the DRCP. Since 1992 hundreds of homes have been built or remodeled in compliance with the DRCP. This has established a 20 year precedent of compliance to a "plan" not a "vision". The counties choice in describing the DRCP as a vision is troubling and seems to indicate a unilateral change to the contract/agreement made with the Del Rio Residents and the County Board of Supervisors in 1992. This may indicate a "Material Breach" to the DRCP as it seeks to more than double the housing density after a large number of residents invested in their properties in part due to the DRCP.

The County Checklist identifies only one factor, cultural resources, elevated above "less than significant". In the discussion, the County states that while no known archeological artifacts are known to exist "a measure is in place to mitigate any impact..." This is curious in comparing other environmental factors that are evaluated at "less than significant impact" or "no impact" when no data exists or they are waiting for a reply from another agency. In particular, Air Quality, Greenhouse Gas Emissions, Public Services and Utilities and Service Systems all are awaiting conditional approval at some level yet still rate a "Less than Significant" rating.

Request the Planning Commission respond in writing to the following questions concerning the Initial Study Checklist.

### Section I

C. No mention of the perimeter wall that will surround the project nor the anticipated variance that would move the wall closer to the roadway. This should be identified and discussed as a walled project and the aesthetic impact on the surrounding environment.

### Section III

E. No mention of the potential for objectionable odors from the "package plant" proposed for waste water treatment. Justify the "less than significant" rating considering the enclosed nature of the project and what criteria used to make this determination.

Discussion: It is disclosed that no comments have been received from the District. In consideration of more than doubling the housing density justify the "less than significant" rating.

### Section VII

Discussion: this section states that the increase in density "may" generate greenhouse gas emissions yet offers no mitigation because no thresholds have been established for the region. Justify this assertion since the San Joaquin Valley Air Basin has been classified as "severe non-attainment" for ozone and particulate matter. State the exclusion provided by the San Joaquin Valley Air Pollution Control district that would exempt high density developments located in enclosed sites.

### Section IX

A. Provide detailed analysis of the "less than significant" rating considering the proposed "package plant" which will be located on the SW corner adjacent to surrounding properties.

B. Justify the "less than significant" rating considering the City of Modesto has yet to perform needed improvements to the water infrastructure and is NOT in a position to approve a will serve request for the development. Over the past several years the City of Modesto Water Department has repeatedly stated in public meetings their concern about the quantity and quality of the ground water in the Del Rio area. Provide your detailed analysis of the available water quantity/quality that would support the increase in housing density. Justify in detail the impact of the proposed increase in density on available supplies and the effects of increased demand on water quality into the future.

### Section X

B. Explain and justify the less than significant impact finding for this section. The proposal more than doubles the housing density in covered under the DRCP.

Discussion: This section declares the DRCP a vision for Del Rio adopted in 1992 by the Board of Supervisors. As the applicant is seeking to change the DRCP density from 2 to 4.5 units per acre justify and explain the term "vision". Explain the apparent unilateral change in terminology that appears to negate the contractual agreement that has been adhered to for the past 20 years.

### Section XII

B and C: Justify your "less than significant impact" rating. This area is bordered by

walls on all sides. Some study seems to be in order due to the concentrated nature of this development and whether the total noise level will be in keeping with the current zoning. Provide your analysis.

#### Section XIV

A. Justify your "less than significant impact" rating as it pertains to police and fire services. The Del Rio community has felt the impact of cutbacks in the Sheriff's department with the loss of the community officer and cutbacks to patrols in our area. Fire coverage from the Salida Fire Protection District is composed of primarily volunteer units, how will more than doubling the housing density result in the rating given. As reports from several public service agencies have not been received justify the "less than significant" rating and provide methodology to mitigate potential problems.

#### Section XVI

D. Justify or provide study that would support your "less than significant impact" finding with a more than doubling of home density. Just to the east of the intersections of Oakmont and Del Rio, Country Club Drive turns 90 degrees before coming to a stop sign. This jog in Country Club Drive could easily become a choke point with the increased traffic flow from much higher density housing. Provide your analysis and plans to mitigate the problem.

Discussion: Provide your study to justify the computations used to determine the number of trips per day. Provide analysis on effects of increased density on the only two available access roads of St Johns and Carver Rd.

#### Section XVII

C. During periods of moderate rain the storm drain system at the NE corner of Country Club Drive and Avenida Del Rio routinely backs up and floods. Also storm drains located on Country Club Drive and Del Rio Dr. have experienced significant problems with erosion. As development of the 4.3 acre site will result in a substantial increase in water runoff due to the structures provide the plans to update the storm drain system.

D. Justify "less than significant impact" finding when the discussion section states that the City of Modesto Water department will not issue a "will serve" until improvement have been made. Detail the required improvements that are required. Have these improvements taken into account the requested increase in housing density? Residents of Del Rio have heard at length that well quality and water quantity is marginal. Provide details of the Cities plans that would allow increasing housing density?

Thank you for your time and consideration.

Respectfully submitted by the following Del Rio residents

Greg and Jocelyn Hall  
1400 River Oaks Drive

Bart Bartoni  
217 Stewart Road

C.W Iffland   
7113 Hillcrest Drive

Gary Padovani  
7009 Hillcrest Drive

Carol Davini  
7224 Hillcrest Drive

Calvin Lee  
6813 Corte De Oro

July 2, 2012



Stanislaus County Planning Commission

ATTN: Mr. Greg Pires, Ms. Annabel D. Gammon, Mr. Steven Boyd, Mr. Ronald Peterson, Mr. Marc Etchebarne, Mr. Robert J. Crabtree, Mr. Richard Gibson, Mr. John J. Ramos, Mr. Kenneth Buehner.

1010 10<sup>th</sup> Street, Suite 3400, 3<sup>rd</sup> Floor  
Modesto, Ca 95354

RE: General Plan Amendment Application NO. 2010-02, Rezone Application NO. 2010-02 and vesting Tentative Subdivision Map Application NO. 2010-01-6 High density Condominium/Townhome Del Rio "Villas" Project.

Dear Planning Commission,

I would like to bring to your attention some facts regarding why Condominium or Townhomes are not a good building or planning decision for the Del Rio area.

Condominiums or Townhomes in Del Rio have shown that they have a difficult time in selling. Despite their location, these types of properties do NOT sell in a reasonable timeframe *because a large majority of buyers want to purchase larger SINGLE FAMILY HOMES.*

Single Family homes have higher property values, (and bring more property tax revenue to the County) with buyers wanting a minimum of ½ acre lot with land space in order to build a more spacious home, a home to raise a family in, or a retirement home. Larger lot space, and larger living space, allows a resident to customize their home with elegance, gives them privacy, and safety. It is the type of home they will live in all of their lives.

Changing the current land use of Del Rio from "low density" to "high density", and changing the zoning type will only depress property values in Del Rio further from an "over supply" of condominiums or townhomes - if they are allowed to be built on a high density land and zoning change. Of the small number of these properties that have been built in Del Rio in the past, they have been very difficult to sell – generally taking up to 150-375 days to sell! (see 4 enclosures). For lower and affordable priced properties, townhome listings with these excessive timeframes indicate there is not a lot of buyer demand for them in Del Rio! **Why?**

*Because for the same price of a Del Rio condo, buyers can get more for their money when they buy a single family home with 3-4 bedrooms, more land space, backyard, privacy, and better future home value, by buying in a different area of Modesto other than Del Rio.*



RE: General Plan Amendment Application NO. 2010-02, Rezone Application  
NO. 2010-02 and vesting Tentative Subdivision Map Application NO. 2010-01-6  
High density Condominium/Townhome Del Rio "Villas" Project.  
July 2, 2012/Page 3.

All agencies, developers, and builders need to have an awareness and responsibility to not cause over building which cannot support demand. Modesto has experienced enough foreclosures.

In addition to the 4 listed condos/townhomes in Del Rio, an experienced realtor from PMZ Real Estate Company in Modesto told me today, that there are also a couple of bank foreclosed condos/townhome properties that will be coming back on the market after the bank has completed its foreclosure process. These foreclosures will *increase* the number of unsold condo/townhome properties that have been on the market for quite some time.

**Existing condo/townhome UNSOLD inventory is as follows:**

7308 Del Cielo Way  
MLS #12007453  
\$295,000? Now \$239,000  
Days on market: **152**

7352 Del Cielo Way  
MLS #11043054  
\$179,000? Now \$165,000  
Days on market: **374**

7316 Del Cielo Way  
MLS #110773304  
\$179,000  
Days on market: **237**

\*Anticipated Foreclosure  
back on market soon .

7336 Del Cielo Way  
MLS #12021860  
\$239,000? Now \$172,500  
Days of Market: **89 (newer listing)**

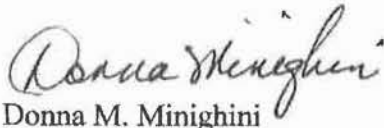
\*Anticipated Foreclosure  
back on market soon.

It would be a very poor building and planning decision for Stanislaus County to approve high density building (condos and townhomes) for the Del Rio County Club area. They won't sell and the resulting over-supply of properties will have a cumulative negative impact to the existing Del Rio environment, which the Planning and Building Department may be responsible for. The Assessor's office would be losing an unknown amount of property tax revenue from larger built (and sold) single family homes.

RE: General Plan Amendment Application NO. 2010-02, Rezone Application  
NO. 2010-02 and vesting Tentative Subdivision Map Application NO. 2010-01-6  
High density Condominium/Townhome Del Rio "Villas" Project.  
July 2, 2012. Page 4.

It would be better a<sup>a</sup> wiser<sup>d</sup> building and planning decision to keep the existing low-density building code and zoning - with vacant lot building for single family homes, which will benefit both community and the County.

Sincerely,

A handwritten signature in cursive script, reading "Donna Minighini".

Donna M. Minighini  
Del Rio Resident  
Real Estate professional

Encls: Real estate listing info. (8 pgs)  
cc: DRPOA

# Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 5

**ST** Active Short Sale 01/31/12 **7308 Del Cielo Way Modesto, CA 95356-9630** **Listing Price:** \$239,000  
**MLS#: 12007453** 01ZAGA06 **Cross Street:** Stewart **Map:** ATLS 248 B-8 **VRP:** N



Additional Pictures (21)

Map

**Beds (Possible):** 3  
**Baths (FH):** 2 (2 0)  
**SqFt Pri Res (Apprx):** 1872 Assessor/Auto-Fill  
**SqFt 2nd Res (Apprx):** ~~1872~~  
**Price/SqFt:** \$127.67  
**Year Built:** 1979  
**Remodeled/Updtd:** Yes (Bath 0-5YR, Bed 0-5YR, Kitchen 0-5YR)  
**Acres:** 0.065  
**Lot SqFt (Apprx):** 2831  
**Lot Dim:** 0x0  
**Pool (Location):** None  
**Pool Type:**

**# Garage Spaces:** 2 **# Carport Spaces:**  
**Garage:** 2 Car Attached

**RecParking:** Restrictions

**Area:** 20117  
**County:** Stanislaus  
**APN:** 004-081-003-000  
**Zoning:** R1  
**Map Sec:**  
**Census Tract:**  
**Apprx Elevation:**  
**Subdivision:**  
**Builder:**  
**Model:**  
**Const Est Start:**  
**Const Est End:**  
**Stories:** 3 or More / Tri-Level  
**Faces:** West

**School County:** Stanislaus  
**EL:** Stanislaus Union  
**JR:** Stanislaus Union  
**SR:** Modesto City

**Pending Date:** **DOM:** 152  
**CDOM:** 152 ✓  
**Escrow:**  
**Escrow #:**  
**Days in Escrow:**  
**Selling Date:**  
**Selling Price:**  
**SP % LP:**  
**Selling Price/SqFt:**  
**Financing:**

**REO No** **Short Sale:** Yes **HUD:** No **Auction:** No

**Subtype:** Condo  
**Subtype Desc:** Loft

**Style:** Other-Rmks  
**CC&RS:** Yes **Bonds/Asmts/Taxes:** Unknown  
**B/A/T Desc:**

**HOA:** Yes \$741 Monthly  
**HOA Dues Include:** Assn Mgmt, Common Areas, Insurance on Strctr, Insurance Other, Maint Exterior, Maint Grounds, Roof, Water

**Priv Assn Amen:**

**Disc/Reports:** Association Docs

**Terms:** Submit

**Heat:** Central

**Air:** Central  
**Rooms:** Loft

**Baths:** Double Sinks

**Mast Bed:** Closet Walk-In

**Mast Bath:** Double Sinks

**Laundry:** 220 Volt Hook-Up

**Dining:** Formal Area

**Kitchen:** Counter Granite

**Applnces:** Cook Top Elec, Dishwasher

**Fireplc:** 1, Family Room

**Energy:** Ceiling Fan(s)

**Floor:** Carpet, Wood

**Disability:**

**Equipmnt:** Cable TV Available

**Site Loca:** Gated Community

**Site Desc:** Lake/River Access, Level, View Special

**Feat Misc:** Deck Covered, Patio Covered

**Landscp:** Sprinkler Auto F&R

**Roof:** Tile  
**Cnstrct:** Wood  
**Exterior:** Wood  
**Foundatn:** Raised  
**Road:** Paved  
**Improvmt:** Curbs/Gutters  
**Water:** Public District

**Sewer:** In & Connected  
**Utility:** All Electric

**Oth Strc:**  
**Restrict:** Parking

**Horse Prp:** No  
**Horse Amn:**

**MBR:**  
**LR:**

**BR2:**  
**FR:**

**BR3:**  
**KIT:**

**BR4:**  
**DR:**

## Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 6

ST	Active Short Sale 01/31/12	7308 Del Cielo Way Modesto, CA 95356-9630	Listing Price:	\$239,000
MLS#:	12007453 01ZAGA06	Cross Street: Stewart	Map:	ATLS 248 B-8 VRP: N

**Property Description:** Outstanding Condo In Del Rio On The Lake!! Come Home To The Peaceful Sound Of The Water. Beautifully Remodeled in 2007. Owner Says Approx Square Feet is 2004. Gorgeous Hickory Hardwood Floors. Stainless Steel Appliances and Granite Counters.

**Directions to Property:** North on McHenry LT on Stewart RT on Del Cielo continue to end of street and enter gate on left. Gate code #1120

---

**Presented By: Bob Brazeal**  
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Primary: 209-541-7400  
Secondary: 209-541-7400  
Fax: 866-202-6545  
Email: bob9233@comcast.net  
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**PMZ Real Estate**  
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1230 E. Orangeburg Ave, Ste A  
Modesto CA 95350  
Phone: 209-527-2010  
Fax: 209-527-6146  
<http://www.pnz.com>

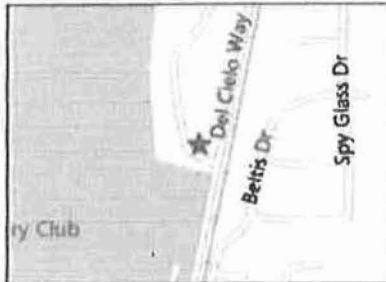
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# Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 7

ST Pending 06/04/12 7316 Del Cielo Way Modesto, CA 95356-8846 Listing Price: \$179,000  
MLS#: 11073304 01PRU01 Cross Street: STEWART Map: ATLS 248 B-8 VRP: N



Pending Date: 06/04/12

DOM: 237  
CDOM: 237

Escrow:  
Escrow #:  
Days in Escrow:  
Selling Date:  
Selling Price:  
SP % LP:  
Selling Price/SqFt:  
Financing:

REO No Short Sale: Yes HUD: No Auction: No

Subtype: Condo  
Subtype Desc: Townhouse, Planned Unit Develop

Style: Contemporary  
CC&RS: Yes Bonds/Asmts/Taxes: Unknown  
B/A/T Desc:

HOA: Yes \$725 Monthly  
HOA Dues Include: Assn Mgmt, Common Areas, Maint Exterior, Maint Grounds, Roof

Priv Assn Amen:

Disc/Reports: Other-Rmks

Terms: Cash, Conventional, FHA, Other-Rmks

Additional Pictures (5)

Map

Beds (Possible): 2  
Baths (FH): 3 (2 1)  
SqFt Pri Res (Apprx): 1858 Assessor/Auto-Fill  
SqFt 2nd Res (Apprx):  
Price/SqFt: \$96.34  
Year Built: 1979  
Remodeled/Updtd:

Area: 20117  
County: Stanislaus  
APN: 004-081-005-000  
Zoning: pd  
Map Sec:  
Census Tract:  
Apprx Elevation:  
Subdivision: Del Rio East

Acres: 0.053  
Lot SqFt (Apprx): 2309  
Lot Dim: unknown  
Pool (Location): None  
Pool Type:

Builder:  
Model:  
Const Est Start:  
Const Est End:  
Stories: 3 or More / Tri-Level  
Faces: West

# Garage Spaces: 2 # Carport Spaces:  
Garage: 2 Car Attached, Facing Front

School County: Stanislaus  
EL: Stanislaus Union  
JR: Stanislaus Union  
SR: Modesto City

RecParking:

Heat: Central, Fireplace Insert, Heat Pump

Site Loca: Gated Community, Waterfront Frontage

Air: Central, Heat Pump  
Rooms: Home Office Room

Site Desc: Lake/Rlver Access, Trees Many

Baths: Shower Stall(s), Tile

Feat Misc: Deck Covered, Wet Bar Interior

Mast Bed: Balcony, Closet Walk-In, Sitting Area

Landscp: Back, Front

Mast Bath: Tub w/Shower Over

Roof: Tile  
Cnstrct: Frame  
Exterior: Wood  
Foundatn: Raised  
Road: Paved, Private  
Improvmt: Curbs/Gutters, Street Lights  
Water: Meter Available, Public District, Well Domestic

Laundry: Inside Room, Upper Floor

Dining: Dining/Living Combo

Kitchen: Counter Tile, Island

Applnces: Cook Top Elec

Sewer: Sewer Connected  
Utility: All Electric

Fireplc: 1, Dining Room, Living Room

Oth Strc: Tool Shed  
Restrict: Parking

Energy: None

Floor: Carpet, Linoleum/Vinyl, Tile

Horse Prp: No  
Horse Amn:

Disability:

Equipmnt: Cable TV Available, H/S Internet Avail

MBR: BR2: BR3: BR4:  
LR: FR: KIT: DR:

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## Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 8

ST Pending 06/04/12	7316 Del Cielo Way Modesto, CA 95356-8845	Listing Price: \$179,000
MLS#: 11073304 01PRU01	Cross Street: STEWART	Map: ATLS 248 B-8 VRP: N

**Property Description:** Truly is a must see!! Located in Del Cielo Gated Community next to Del Rio Country Club. Enjoy a one of a kind lake view from the Master bedroom or from the back downstairs covered patio. Call your agent now before it's too late. Excellent communication with bank so bring us an offer!!

**Directions to Property:** North on Mchenry, Left on Stewart, Right On Del Cielo. Next to Del Rio Country Club

---

**Presented By: Bob Brazeal**  
License # 00800029  
Primary: 209-541-7400  
Secondary: 209-541-7400  
Fax: 866-202-6545  
Email: bob9233@comcast.net  
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Fax: 209-527-6146  
<http://www.pnz.com>

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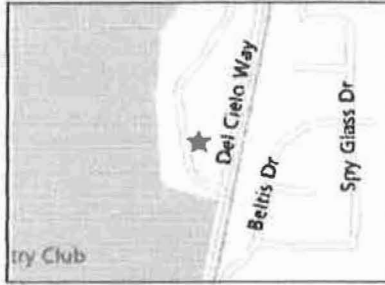


# Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 3

ST Active 04/04/12 7336 Del Cielo Way Modesto, CA 95356-9632 Listing Price: \$172,500  
 MLS#: 12021860 01JOSR Cross Street: Stewart Map: ATLS 248 B-8 VRP: N



Additional Pictures (11)

Map

Beds (Possible): 2  
 Baths (FH): 3 (2 1)  
 SqFt Pri Res (Apprx): 2092 Assessor/Auto-Fill  
 SqFt 2nd Res (Apprx):  
 Price/SqFt: \$82.46  
 Year Built: 1979  
 Remodeled/Updtd: Unknown

Acres: 0.059  
 Lot SqFt (Apprx): 2570  
 Lot Dim: 0x0  
 Pool (Location): None  
 Pool Type:

# Garage Spaces: 2 # Carport Spaces:  
 Garage: 2 Car Attached

RecParking:

Area: 20117  
 County: Stanislaus  
 APN: 004-081-010-000  
 Zoning: Unknown  
 Map Sec:  
 Census Tract:  
 Apprx Elevation:  
 Subdivision:

Builder:  
 Model:  
 Const Est Start:  
 Const Est End:  
 Stories: 2 Story  
 Faces:

School County: Stanislaus  
 EL: Stanislaus Union  
 JR: Stanislaus Union  
 SR: Modesto City

Pending Date: DOM: 89  
 Escrow #: CDOM: 89.

Escrow:  
 Escrow #:  
 Days in Escrow:  
 Selling Date:  
 Selling Price:  
 SP % LP:  
 Selling Price/SqFt:  
 Financing:

REO Yes Short Sale: HUD: No Auction: No

Subtype: Condo  
 Subtype Desc: Detached

Style:  
 CC&RS: Yes Bonds/Asmts/Taxes: Unknown  
 B/A/T Desc:

HOA: Yes \$739 Monthly  
 HOA Dues Include: Assn Mgmt, Common Areas

Priv Assn Amen:

Disc/Reports:

Terms: Cash, Conventional, Submit

Heat: Central

Air: Central  
 Rooms:

Baths: Shower Stall(s)

Mast Bed:

Mast Bath:

Laundry: Inside Area

Dining: Space in Kitchen

Kitchen:

Applnces:

Fireplc: 1, Family Room

Energy: None

Floor: Carpet

Disability:

Equipmnt:

Site Loca: Gated Community

Site Desc: Trees Many, View Special

Feat Misc:

Landscp:

Roof: Tile  
 Cnstrct: Frame  
 Exterior: Wood  
 Foundatn: Concrete Slab  
 Road: Paved, Private  
 Improvmnt: Curbs/Gutters  
 Water: Private District

Sewer: Septic Community  
 Utility: 220 Volts

Oth Strc:  
 Restrict:

Horse Prp:  
 Horse Amn:

MBR:  
 LR:

BR2:  
 FR:

BR3:  
 KIT:

BR4:  
 DR:

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## Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 4

ST	Active 04/04/12	7336 Del Cielo Way Modesto, CA 95356-9632	Listing Price:	\$172,500
MLS#:	12021860 01JOSR	Cross Street: Stewart	Map:	ATLS 248 B-8 VRP: N

**Property Description:** Very nice gated Del Rio Country Club Townhouse/Condo. This 2 bedrooms and 2.5 bath home has over 2000 square feet of living space. Enjoy the tranquility of the pond and trees from your balcony patio! Freddie Mac is offering an allowance up to \$500 towards the purchase of Home Warranty for owner-occupied buyers. Home Warranty allowance must be requested at time of Offer.

**Directions to Property:** Steware to Del Cielo to Entry Gate.

---

**Presented By: Bob Brazeal**  
License # 00800029  
Primary: 209-541-7400  
Secondary: 209-541-7400  
Fax: 866-202-6545  
Email: bob9233@comcast.net  
<http://www.bobbrazeal.pnz.com>

**PMZ Real Estate**  
License # 00405158  
1230 E. Orangeburg Ave, Ste A  
Modesto CA 95350  
Phone: 209-527-2010  
Fax: 209-527-6146  
<http://www.pnz.com>

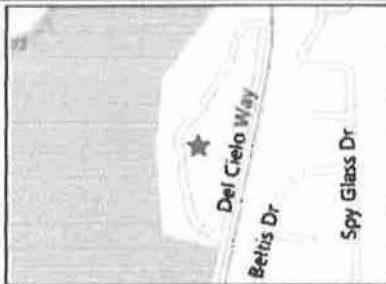
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# Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 1

ST Active 06/10/11 7352 Del Cielo Way Modesto, CA 95356-8848 Listing Price: \$165,000  
 MLS#: 11043054 01MMNA05 Cross Street: Stewart Map: ATLS 248 B-8 VRP: N



Additional Pictures (14)

Map

Beds (Possible): 2  
 Baths (FH): 2 (2 0)  
 SqFt Pri Res (Apprx): 1872 Assessor/Agt-Fill  
 SqFt 2nd Res (Apprx):  
 Price/SqFt: \$88.14  
 Year Built: 1979  
 Remodeled/Updtd: No

Acres: 0.070  
 Lot SqFt (Apprx): 3049  
 Lot Dim: Unknown  
 Pool (Location): None  
 Pool Type:

# Garage Spaces: 2 # Carport Spaces:  
 Garage: 2 Car Attached, Garage Door Opener

RecParking:

Area: 20117  
 County: Stanislaus  
 APN: 004-080-019-000  
 Zoning: P-D  
 Map Sec:  
 Census Tract: 5.01  
 Apprx Elevation:  
 Subdivision: Del Rio East

Builder:  
 Model:  
 Const Est Start:  
 Const Est End:  
 Stories: 3 or More  
 Faces:

School County: Stanislaus  
 EL: Stanislaus Union  
 JR: Stanislaus Union  
 SR: Modesto City

Pending Date: DOM: 374  
 CDOM: 374

Escrow:  
 Escrow #:  
 Days in Escrow:  
 Selling Date:  
 Selling Price:  
 SP % LP:  
 Selling Price/SqFt:  
 Financing:

REO No Short Sale: HUD: No Auction: No

Subtype: Condo  
 Subtype Desc: Attached, Townhouse, Planned Unit Develop

Style: Contemporary  
 CC&RS: Yes Bonds/Asmts/Taxes: Yes  
 B/A/T Desc: Local Assessments

HOA: Yes \$725 Monthly  
 HOA Dues Include: Assn Mgmt, Common Areas, Maint Exterior, Road, Roof, Water

Priv Assn Amen:

Disc/Reports: TDS Available

Terms: Cash, Conventional, Submit

Heat: Central

Air: Central

Rooms: Den/Study, Great Room Concept, Loft, Master Suite, Separate Family Room

Baths: Shower Stall(s)

Master Bed: Balcony, Closet Walk-In

Master Bath: Tub w/Shower Over

Laundry: 220 Volt Hook-Up, Inside Area, Sink

Dining: Dining Bar, Formal Room

Kitchen: Counter Tile, Pantry Cabinet

Applnces: Compactor, Cook Top Elec, Dishwasher, Disposal, Ice Maker  
 Plumbed, Oven Double, Oven Elec B/I

Fireplc: 1, Double Sided

Energy: Dual Pane Full

Floor: Carpet, Linoleum/Vinyl, Tile

Disability:

Equipmnt:

Site Loca: Gated Community

Site Desc: Lake/River Access, Shape Irregular, View Special

Feat Misc: Patio Uncovered, Wet Bar Interior

Landscp: Front

Roof: Tile  
 Cnstrct: Frame, Wood  
 Exterior: Wood  
 Foundatn: Concrete Slab  
 Road: Paved, Private  
 Improvmnt: Sidewalk/Curb/Gutter, Street Lights  
 Water: Private District

Sewer: Septic Connected, Special System  
 Utility: 220 Volts

Oth Strc:  
 Restrict: Parking

Horse Prp: No  
 Horse Amn:

MBR: BR2: BR3: BR4:  
 LR: FR: KIT: DR:

## Residential Client Full Report

Listings as of 07/02/2012 at 4:59PM

Page: 2

ST	Active 06/10/11	7352 Del Cielo Way Modesto, CA 95356-8848	Listing Price:	\$165,000
MLS#:	11043054 01MMNA05	Cross Street: Stewart	Map:	ATLS 248 B-8 VRP: N

**Property Description:** Luxury living in the area's most prestigious Gated communities. Multi level comfort with beautiful panoramic views of lake and relaxing trees and greenery.

**Directions to Property:** Stewart to Del Cielo Way. Left thru Security Gate.

---

**Presented By: Bob Brazeal**  
License # 00800029  
Primary: 209-541-7400  
Secondary: 209-541-7400  
Fax: 866-202-6545  
Email: bob9233@comcast.net  
<http://www.bobbrazeal.pnz.com>

**PMZ Real Estate**  
License # 00405158  
1230 E. Orangeburg Ave, Ste A  
Modesto CA 95350  
Phone: 209-527-2010  
Fax: 209-527-6146  
<http://www.pnz.com>

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July 2, 2012

Stanislaus County Planning Commission  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95356



Ladies and Gentlemen:

The Del Rio Villas project is stirring animal spirits amongst the natives. It certainly MIGHT generate some jobs and spur growth in the community, as it is proposed, and it may fulfill some demand among a few residents who would like to "have their cake and it, too" ... who think they want a smaller residence close to the Country Club. The tone taken by the proponents of the project is that there is big, unmet demand for higher density development in the Del Rio Community, that it is "reasonable" land use, and that the opponents to their project are few in number, and are "anti-development".

Nothing could be further from the truth.

The vast majority of residents in the Del Rio Community are in favor of development... **when it follows the guidelines set forth in the Del Rio Community Plan.** Hundreds of residents have been willing to sign a petition opposing the project as proposed, which calls for over 4 residences per acre, double the density allowed by The Plan. There's a reason for this opposition... we all invested in Del Rio property because we liked the spacious atmosphere here. We residents also went to the trouble to protect that atmosphere by establishing with the County the Community Plan of 1992, which calls for a maximum density of 2 residences per acre. We want to keep that standard intact.

The bottom line? We think it's presumptuous for a few residents who want to make a precedent-setting change to The Plan, which affects us all, (and would affect the future development of surrounding acreage) to satisfy their desires. There is no reasonable or logical rationale for changing a longstanding and successful Community Plan to benefit a few, at the expense of the majority. We say Go Ahead and Develop the 4-acre parcel... we have no problems with that. Just be sure the project meets The Community Plan standards.

Sincerely,

Bill and Ila Jean Reinheimer  
1401 Countryview Drive  
Modesto CA 95356

A handwritten signature in cursive script that reads "Bill &amp; Ila Jean Reinheimer". The signature is written in dark ink and is positioned to the right of the typed name.

209 545 1244

From The Desk Of  
**Bret L. de St. Jeor**  
504 Stewart Road  
Modesto, CA 95356  
USA



July 2, 2012

Stanislaus County Board of Supervisors  
Modesto, CA

Re: Del Rio Villas

I wanted to send you a letter in regards to the Del Rio Villas application requesting a zoning change to the current subdivision map. I will not be unavailable to attend the Board of Supervisors Meeting slated for July 5 due to business travels.

I live in Del Rio. I want to voice my **strong opposition** to the proposed General Plan Amendment No. 2012-01.

The current Del Rio neighborhoods offer a pleasant reprieve from the traditional single family housing communities commonly found throughout the Modesto. The Del Rio Villas would change and alter the "feel" and "serenity" of the current Del Rio neighborhoods as presently constituted.

It is my opinion that Del Rio Villas proposal turned into bad investment by the current property owners and they are now trying to recoup their losses at the cost of altering the current Del Rio Community. This I believe would be a mistake and unfair to all those who have worked so hard to buy homes in Del Rio specially for the type of community Del Rio offers. The rezoning would be unfair and wrong by accommodating a very select few as the cost of the many.

Please vote to OPPOSE the rezoning of the current subdivision map.

If you have any questions or need to discuss this matter with me, I can be reached at the address and telephone number below:

Bret de St. Jeor  
504 Stewart Road  
Modesto, CA 95356  
Tel: 209-577-1585

Thank you.

  
Bret de St. Jeor



**Crystal Rein - FW: Planning Commission July 5th Agenda link-corrected**

---

**From:** "Frederick O. Lewis III" <gsfdwad@charter.net>  
**To:** <reinc@stancounty.com>  
**Date:** 7/5/2012 3:47 PM  
**Subject:** FW: Planning Commission July 5th Agenda link-corrected

---

Crystal,

Please forward this to all members of the planning commission.

Very Truly Yours,  
Frederick O. Lewis III  
Managing Member  
California Affordable & Oakland Affordable Housing Group LLC  
(209) 522-9999/ fax (209) 522-5939  
[dealmaker@charter.net](mailto:dealmaker@charter.net)

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**From:** Frederick O. Lewis III [mailto:gsfdwad@charter.net]  
**Sent:** Sunday, July 01, 2012 11:12 PM  
**To:** 'delriocommunity@gmail.com'  
**Subject:** RE: Planning Commission July 5th Agenda link-corrected

I am writing to you regarding the upcoming Planning Commission meeting. I will be out of town during July 5<sup>th</sup> but wanted you to understand my prospective as a Real Estate Developer in Oakland who is in opposition to the project. I have lived in Del Rio for over 20 years on Spy Glass. When the project came before the Board of Supervisors last time I had listed 6 reasons why the project would fail and not fit for the neighborhood which they agreed.

The only reason the neighbors on the Rancho Del Rio side aren't opposing (mainly Bebe) is because they are insured it will only be one story. They could care less of the density as long as it is not two story so a neighbor would not look into their yard. That is selfish and doesn't advance the neighborhood for the rest of Del Rio.

What Wesenberg is proposing with Del Rio Villas is already been tried and failed. It is called Leer Court. Richard Rand and I were against this project 10 years ago for many reasons all of which had been validated. (I understand he is support of this project) We were successful to keep the project very close to ½ acre parcels though the PUD was approved by one vote (one Planner was absent or abstained). He attempted to increase the density. He told the Planning Commission his family members would live there. Not only did his family members not move in the project, it was never even built out and what was started was foreclosed on. Look at Leer Court and you will see Del Rio Villas has no place in Del Rio.

Very Truly Yours,  
Frederick O. Lewis III  
Managing Member  
California Affordable & Oakland Affordable Housing Group LLC  
(209) 522-9999/ fax (209) 522-5939  
[dealmaker@charter.net](mailto:dealmaker@charter.net)

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---

**From:** Del Rio Property Owners Assoc [[mailto:mailer\\_response@emailcounts.com](mailto:mailer_response@emailcounts.com)] **On Behalf Of** Del Rio Property Owners Assoc  
**Sent:** Saturday, June 30, 2012 12:48 AM  
**To:** [gsfdwad@charter.net](mailto:gsfdwad@charter.net)  
**Subject:** Planning Commission July 5th Agenda link-corrected

---

 [www.DelRioArea.com](http://www.DelRioArea.com)

Corrected Link:

The Planning Commission has posted the agenda for the July 5th meeting ([link to agenda](#)), see item VIII C.

Sorry for the bad link.

This email was sent by Del Rio Property Owners Assoc, [www.DelRioArea.com](http://www.DelRioArea.com), Modesto, CA 95356, using Express Email Marketing. You were added to this list as [gsfdwad@charter.net](mailto:gsfdwad@charter.net) on 3/25/2012.

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## Crystal Rein - Del Rio Amendment Proposition

---

**From:** Janice Mooney <jan.mooney5@gmail.com>  
**To:** <planning@stancounty.com>  
**Date:** 7/5/2012 9:49 AM  
**Subject:** Del Rio Amendment Proposition

---

I am completely against the request to make the following modifications to a 4.31 acre parcel in the Del Rio Community Plan Area: 1) Amend the general plan/community 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 dwelling units per acre; 2) Amend the zoning designation from RA (RURAL RESIDENTIAL) to P-D (PLANNED DEVELOPMENT); and 3) subdivide into 18 air space condominiums and a common area parcel.

The person who is requesting these changeswants to do this knew the rules and restrictions when he bought the property and heard the neighborhood objections to the changes one short year ago. Nothing has changed over the past year or from the time he bought the property. This request needs to be denied once and for all to protect the integrity our neighborhood.

Sincerely,  
Jan Mooney

July 5, 2012

Dear Fellow Commissioners;

I would like to apologize for not being at the meeting this evening due to being out of the Country on business.

On the Del Rio Condo Development, I was totally surprised after the project was brought before the Planning Commission approximately a year ago to see it once again coming before us after the commissioners denied it. The design of the project has not changed. A year ago, I spent several hours researching the project and came up with several reasons why this project did not fit in this area. I was very opposed to this project a year ago, and I continue to remain opposed at this time. I believe that the project might be a good project in another area, but not the Del Rio area which consists of lots approximately half acre or larger.

Thank you,  
Respectfully submitted,  
John Ramos

**Crystal Rein - General Plan Amendment Application (No 2012-01)**

---

**From:** <modestoheart@aol.com>  
**To:** <Planning@stancounty.com>  
**Date:** 7/4/2012 10:31 AM  
**Subject:** General Plan Amendment Application (No 2012-01)

---

TO: Stanislaus County Planning Commission

RE: General Plan Amendment Application (No 2012-01)  
Del Rio Villas Project

As homeowners in the Del Rio community, we **strongly OPPOSE** the general plan amendment application (No 2012-01) (the Del Rio Villas Project). We oppose amend the general plan from LDR to P-D, we oppose the unit density allowance from 2 to 4.5 units per acre, we oppose amend the zoning designation from RA to P-D and we oppose subdivide into 18 air space condos.

We moved into Del Rio mostly for the orderly and consistent development within the area. We strongly support the Del Rio Community Plan in 1992 - densities of no less than 1/2 acre parcel lots. We urge the commission to recommend **disapproval** of the proposed Del Rio Villas Projects which is inconsistent with the plan.

Thank you very much for your attention.

Judy Fung  
7200 Spyglass Drive

**Crystal Rein - Del Rio - Amend General Plan**

---

**From:** <markagoss@aol.com>  
**To:** <planning@stancounty.com>  
**Date:** 7/5/2012 9:52 AM  
**Subject:** Del Rio - Amend General Plan

---

## Planning Commission Meeting:

I am a recent Del Rio residence and wanted to express my opinion about the request to amend the general plan in Del Rio. I grew up in Modesto and have a family with three children. I have lived in numerous parts of town including old developments, new developments, houses, and apartments. I certainly understand the motivation behind the amendment to the plan but I believe any such modification would be short sighted toward both the growth plan in Stanislaus County and the unique community in Del Rio. Currently in Stanislaus County there does not appear a need for such additional housing. Even if there were, there are more suitable locations that already have the appropriate zoning for this type of project. The idea that there is not a need today for 1/2 acre lots that fit into the development plan in Del Rio and therefor we must change the plan only demonstrates the limited vision that has hampered other areas in our community when it comes to our future planning. Even if it were true that there is not a current need for 1/2 acre lots today, that is not necessarily the case for what we may experience in 5, 10, or 20 years from now. That was the vision for the plan in 1992. To overcome short term "profit" designs based on the current market and instead put together a long term plan. However, once this project is in place, there is no going back. Some of our best residential areas of Stanislaus County involve long term growth models that resist short term growth plans for just monetary gain. The developers can certainly put together a plan that works within the terms of the general plan or make modifications that are more consistent with the plan. We can go into several neighborhoods and see how short term planning based on the market a few years ago has effected numerous communities.

I know and respect several of the supporters of the amendment as well as many of the residence who want to keep the plan the same. Before amending a community plan it should be substantially supported by the community. If the modification is not overwhelmingly supported by the Del Rio community, it should not be amended.

Thank you for your consideration.

Mark Goss  
300 Hartley Drive  
Modesto CA 95356



## Crystal Rein - Del Rio Villas Project

---

**From:** <Fabpaints@aol.com>  
**To:** <planning@stancounty.com>  
**Date:** 7/4/2012 11:19 AM  
**Subject:** Del Rio Villas Project

---

Members of the Planning Commission,

We are writing in opposition to the Del Rio Villa Project. We, like many others who have voiced their opposition, have moved here because of one reason, and that is , the attractiveness of low density, serene residential neighborhood. More than 20 years ago, we built our dream home in Dutchollow thinking that we would live their for many more years. Unfortunately, when the orchards on the other side of Snyder got developed into tract homes, our neighborhood had totally changed from a quiet and low traffic one to busy streets and increased noise level. That was when we decided to move to Del Rio to be away from this. If the commission gives the go ahead for this project, you will take away the last neighborhood in this area which has these characteristics.

We are not sure how many have written in opposition, but we know for sure that most of the residents here DO NOT want this at all. What is the logic that we all have to give up what we want in our neighborhood so that the developer and his investors can profit from this? This is the same project that was being turned down by the commission two years ago. Every aspect of the project remains the same, other than this time around the developer engaged a public relations firm to make the project sounds more attractive and and desirable.

We thank you in advance for your consideration of our comments.

Sincerely,

Peter and Kathleen Lai

## Crystal Rein - Opposition to Del Rio Condos Development

---

**From:** Susan Dignan <sdsdignan@gmail.com>  
**To:** <planning@stancounty.com>  
**Date:** 7/4/2012 11:18 PM  
**Subject:** Opposition to Del Rio Condos Development

---

July 5, 2012

Susan Dignan

7113 Oakmont Dr.

Modesto, CA 95356

Planning Commission

1010 10 Street

Modesto, CA 95354

Dear Planning Commission:

I have lived nearby Country Club Drive for over the last 25 years and am concerned about your decision to change the zoning rules to allow condos on Country Club Drive. My neighbors and I have come to rely on the current zoning rules when establishing our families in this area. Changing the zoning now would be unfair to those residents, like myself, who have come to rely on the benefits of a low-density neighborhood such as less noise and traffic. By allowing greater density, the neighborhood dynamic would change against the current wishes of the majority of the neighbors.

The Del Rio Lago development has been denied in the past. The Del Rio area does not have a shortage of open lots which would justify allowing greater densities. If there is space available for more homes, shouldn't those areas be developed before allowing greater densities against the wishes of local residents? Assuming that the Del Rio area needs condos, they should be developed in a location that already allows higher densities or local residents approve.

As a county citizen, my grave concern is that the county is being influenced by the political influence and money of the developers of the Del Rio Condos. They have hired expensive public relation firms and invested substantial sums of resources to subrogate the rights of the local residents. They were aware of the current zoning restrictions on the land before they bought it and probably paid less money as a result of its current zoning. The neighbors of this project should not suffer because the developers have political influence and wish to make a larger profit.

Sincerely,

Susan Dignan

Susan J. Filippi  
7300 Hillcrest Drive  
Modesto, CA 95356  
Telephone: 209-545-4808  
sfilippi@aol.com

Stanislaus County Planning Commission  
1010 10<sup>th</sup> Street  
Suite 3400  
Modesto, CA 95354



**Subject: General Plan Amendment Application NO. 2012-01, Rezone Application NO. 2012-01 and vesting Tentative Subdivision Map Application NO. 2012-01-Del Rio Villas**

Dear Planning Commissioners:

We have been residents of the Del Rio area for 26 years. We were sold our lot with the stipulation that all lots in the Del Rio area were to be no less than one half acre in size. Now developers, who knew this information before purchasing the property under discussion, have taken it upon themselves to drastically alter the concept of our neighborhood for personal profit. Disregarding most of the neighbors' wishes, they have decided to inflict us with high-density housing and much more speeding traffic. This is contrary to the 1992 Del Rio plans adopted by the then Board of Supervisors.

I strongly disagree with some comments in the article "Del Rio Condo Conflict On Deck" headlining the 4 July edition of The Modesto Bee. The lot in question is not "an untended, weedy field that is sometimes used as a dumping ground." I have driven by this lot multiple times daily for the past 26 years and I have never seen any matter dumped in the area. I enjoy watching the hawks and the other wild life who make this lot home.

Many of the people who are supporting this project do not live in the immediate area, but on the east side of the country club. They are not the ones who will be affected by the continual "race course" that is Thunderbird Drive. Just last week, a speeder crashed into property at the east end of Thunderbird Drive.

The area infrastructure is already suffering due to the lack of a sheriff resulting in continual disregard of the stop signs at Thunderbird and Carver and at Country Club and St. John Road, an unstaffed firehouse, disintegrating road and water systems. Now these developers want to inject sewage and human waste into the ground. There is already a high rate of breast and prostate cancer in our area due I suspect to many years of farm and country club chemicals. Now we will be exposed to more chemicals injected into our ground. What should we name this new cancer exposure? I hesitate to say.

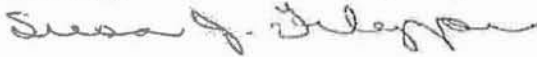
There is no need for this high-density housing. There are many condominiums available on the east side of the country club. There are also many, many homes in our area, which cannot be sold in the current economic environment.

Do not force this development down our throats. No matter what the developers and supposedly important political contributing backers say to you, this is the wrong place

for this high-density development. The owners of this land and their group of investors have torn our neighborhood apart.

I ask you to vote "NO" on this zoning proposal. Everyone has the right to make an honest profit, but not at the expense or disruption of others.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan J. Filippi".

Susan J. Filippi

Dear Honorable members of the County of Stanislaus Planning Department,

June 19, 2012

It has come to my attention that there will be held on July 5<sup>th</sup> hearing regarding the "Villas at Del Rio" project. I would like to comment as a concerned resident in the community. I live at 7456 Del Cielo Way, Del Rio East. I have been a long term business owner, involved in agriculture, fourth generation, in the town of Newman. I sold my business and was transferred back to Modest, from San Francisco, recently as a consultant for my former company. In the late 1990's I owned a home here in the Dutch Hollow area, and my uncle has lived in Modesto for over 45 years.

I want to be clear, I have no tie to the developer and have only attended informational meeting held at neighboring homes here in Del Rio.

I currently lease a town house here in Del Rio and find it a fine community. Unfortunately the units here are almost as old as I am, are of poor build quality and have far too many stairs for me. I'm recovering from full hip surgery.

Now here is my point of view!

This land use is good for the area for the following reasons ;( not in any particular order).

1. A good use of the land, no more need for large single family homes, certainly for that parcel.
2. Provides a needed safe and gated area for us aging baby boomers, which do not want or need a large home.
3. Will be designed and built for those of use who want a high quality, self managed and maintained home. Many of us now have second homes and do not want to worry about exterior maintenance on the structure or the landscaping.
4. Provides a one floor alternative, close to the golf course to those who like me have physical disabilities.
5. Will be built with green and more energy efficient technology.
6. I often drive through the community and have notice many homes with a significant lack of maintenance. I fear these homeowners are in some form of financial trouble. We do not need more Mc Mansions!
7. As a grandparent, I want to live close to my children who want to follow me here to live and work. This type of cluster development would allow just that.
8. I have had several homes with individual septic systems and they are a constant headache. This development will have a state of the art system for water treatment.
9. Landscape maintenance and water use. Developments of this type can be better managed and water usage will be controlled.



10. Traffic. As I walk dog, very slowly now, I see some of these large homes with 3 to 4 cars park in the driveways. Many of which, I presume are the teenage children of these residents, zoom up and down the streets.

11. Less bedrooms equates to less community impact!

Thank you very much for tacking your valuable time to read and consider my letter. I know you have a thankless job, (my father was a planning commissioner in Santa Clara County for 10 years), but please remember you all play an important part in improving our everyday lives here in Del Rio and in the Modesto area.

Yours Sincerely,

Robert Raymond Benech

7456 Del Cielo Way

Modesto CA, 95356

209-602-0418

robertbenechinc@gmail.com.



Dear Stanislaus County Planning Commission & Board of Supervisors:

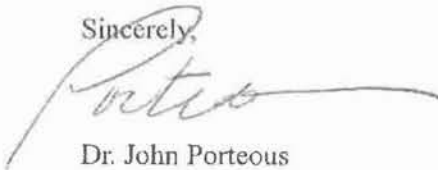
I have lived in the Del Rio Community for nearly 30 years. As a longtime, local physician and surgeon, I would like to offer my "physician's" perspective when it comes to supporting the proposed Villas at Del Rio townhouse project.

I have seen firsthand the growing trend of an aging America. One of the unfortunate side effects of getting older is that physical mobility can decrease. I have treated many elder patients that have suffered falls and injuries from homes no longer suitable for their age. I find it refreshing and innovative that the developers considered this when they designed each of the 18 Villas homes. The following are some of the senior-friendly features of homes at the Villas:

- Single-story format, no stairs to climb.
- Wider hallways and doorways for wheelchair access.
- Bathrooms with easy access by walker or wheelchair.
- Large showers for wheel-in access.
- Toilet areas constructed for easy installation of grab bars.

These safety features make the Villas perfect for people who are at or near retirement age wanting to downsize from their large homes and still be a part of the Del Rio golfing community. Being able to continue to golf is good exercise and great for their mental and emotional health. The Villas is what Del Rio lacks the most. I have been to many notable golf courses throughout the state and Villas-type residences are a very popular and an important part of the housing mix. Consequently for the reasons stated above (and many more), I wholeheartedly support the Villas at Del Rio proposed project and ask that you do too.

Sincerely,

A handwritten signature in cursive script, appearing to read "Porteous", written in dark ink.

Dr. John Porteous  
1301 Tamarisk  
Modesto, Ca 95356

# **ATTACHMENT 4**

**ADDITIONAL  
CORRESPONDENCE  
RECEIVED BY THE  
BOARD OF SUPERVISORS**

**Christine Ferraro - Fwd: Del Rio Communication**

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**From:** Jim DeMartini  
**To:** Ferraro, Christine  
**Date:** 5/3/12 10:48 AM ✓  
**Subject:** Fwd: Del Rio Communication  
**Attachments:** Del Rio Community Letter 4.9.12.pdf; Del Rio Update 4.30.12.pdf

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>>> Linda Chambers 4/30/2012 11:41 AM >>>

Good Morning,

Monica asked that I share the two attachments recently received to her home during the month of April. The two flyers are regarding the Del Rio project and the response from the developer. This topic has the potential to come before the board in future meetings.

Thank you,

Linda

Linda Chambers  
Executive Assistant  
Chief Executive Office  
1010 10th St., Ste 6800  
Modesto, CA 95354  
Phone (209) 525-4305  
Fax (209) 525-4033  
[chambersll@stancounty.com](mailto:chambersll@stancounty.com)

-- -- -- Let Us Know How We Are Doing -- -- --

Please take a moment and complete the Customer Satisfaction Survey by clicking on the following link:

<http://www.stancounty.com/customercenter/index.shtm>

Steven and Jennie Zeff  
7605 Spy Glass Drive  
Modesto, CA 95356

May 1, 2012

BOARD OF SUPERVISORS  
2012 MAY - 3 A 10:31

William O'Brien, Supervisor  
Stanislaus County  
1010 Tenth Street, Suite 6500  
Modesto, CA 95354

Dear Supervisor O'Brien,

We write this letter to urge you to uphold the 1992 Del Rio Community Plan and to reject Mr. Carl Wesenberg's proposed Villas Project, which would increase the current density.

This neighborhood has worked diligently to establish and maintain the integrity of this community and should not be asked to subsidize this project so that one individual can realize greater profits.

Thank you for your consideration.

Sincerely,



Steven Zeff



Jennie Zeff

**Christine Ferraro - PROPOSED "VILLAS AT DEL RIO" ENDORSEMENT LETTER**

---

**From:** Carrie Cardoza <carrie@gocardoza.com>  
**To:** Christine Ferraro <FERRROC@co.stanislaus.ca.us>  
**Date:** 5/18/12 1:19 PM ✓  
**Subject:** PROPOSED "VILLAS AT DEL RIO" ENDORSEMENT LETTER  
**CC:** Duncan Reno <dreno@delriocountryclub.com>  
**Attachments:** Del Rio Country Club Endorsement.pdf

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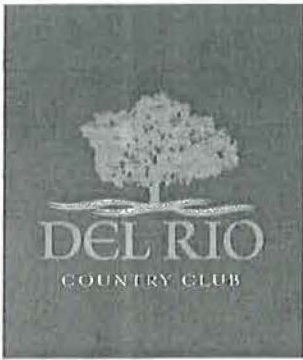
Hi Christine -

Can you please distribute a copy of the attached letter to each BOS?

Question: Does this letter (and other letters that trickle in between now and the hearing) also get included in the Board's packet of information to review prior to the actual hearing date? It would be great if the BOS could review letter now and again just prior to the hearing. But, I'm not sure about the policy.

Regards,  
Carrie  
581-2274 - cell

Carrie Cardoza Bordona  
President  
Cardoza & Associates, Inc.  
2020 Standiford Ave., Bldg. A  
Modesto, CA 95350  
209-521-5464 ext. 10  
209-521-1487 - FAX  
[www.gocardoza.com](http://www.gocardoza.com)  
[carrie@gocardoza.com](mailto:carrie@gocardoza.com)



BOARD OF SUPERVISORS  
2012 MAY 18 P 3:33

209.545.0723 club  
209.545.5133 fax  
801 Stewart Rd.  
Modesto, CA  
95356-9673

[www.delriocountryclub.com](http://www.delriocountryclub.com)

May 18, 2012

Dear Stanislaus County Board of Supervisors & Planning Commission:

My name is Duncan Reno, and I'm writing on behalf of Del Rio County Club in my capacity as General Manager regarding the proposed Villas at Del Rio residential project.

The current project site – a vacant lot located just west of the 7<sup>th</sup> tee box at Del Rio County Club – is quite visible from the course and has been an eyesore for decades. Needless to say, given the parcel's direct relationship to the golf course, this negative visual impact does not convey the proper image to our members and guests.

After learning about the proposed Villas project and the opportunity to improve the neighborhood and view from the course, I feel the project, as designed, will enhance the function of the Country Club. More importantly, given the parcels adjacency to Del Rio County Club, this site represents the best and last opportunity to locate additional housing adjacent to the course.

As the Club's General Manager, I have been approached by members interested in downsizing from their current Del Rio residence, as well other members who've expressed an interest in moving to the Del Rio community to retire. Other than the "multi-level" condos built in the late 1970's, on the east side of the course, there aren't any other residential options for "aging seniors" or "empty nesters," both of whom our primary target markets for Del Rio memberships.

Additionally, I'd like to point out that much has changed within the economy and operation of Del Rio Country Club within the last two decades. Twenty years ago Del Rio enjoyed a "Waiting List" for new members. This is no longer the case. And while the Club remains financially sound, we have to compete with other country clubs and various recreational alternatives.

At this time, I urge you to approve the Villas at Del Rio project as it would be an excellent addition to the neighborhood, in a perfect location, and a much needed complement to Del Rio's "Country Club" style of living.

Sincerely,

Duncan Reno, CCM  
General Manager  
Del Rio Country Club



**Christine Ferraro - Del Rio Villas**

---

**From:** George Beach <georgebeach@sbcglobal.net>  
**To:** <FERRROC@stancounty.com>  
**Date:** 5/28/12 10:53 AM  
**Subject:** Del Rio Villas

---

Villas provides more housing options

We're 100 percent behind the proposed Villas at Del Rio townhouse development. It makes perfect sense to us. We've raised our family in the Del Rio community and though the time is not here yet, I know in the near future my husband and I will be empty nesters. At that time, we won't need a large home and all the demands, responsibilities and costs that come with it. A high-quality and carefree Villas home would be perfect for us to downsize to. We can easily give up our big house when the time is right, but not our long-time neighborhood friends and special recreational lifestyle Del Rio offers.

Sincerely,

George & Susan Beach

7004 Hye Park Drive

Modesto, CA 95356

209-571-0751

BOARD OF SUPERVISORS  
2012 MAY 29 A 8:39

**Christine Ferraro - Villas @ Del Rio: Please share following letter with each BOS**

---

**From:** Sean Carroll <sean@rossfcarrollinc.com>  
**To:** "FERRROC@stancounty.com" <FERRROC@stancounty.com>  
**Date:** 6/5/12 5:20 PM  
**Subject:** Villas @ Del Rio: Please share following letter with each BOS

---

Please share following letter with each BOS

**THE TIME IS NOW TO SUPPORT DEVELOPMENT**

As a general contractor and Del Rio resident, I believe the home building industry can be a positive stimulus during this recession period. We should encourage and support builders who have the secure financial ability to build. I believe the proposed Villas at Del Rio can help jumpstart new construction in Stanislaus County as well as significantly enhance the existing neighborhood.

The inspiration for the Villas has been the golf and country club communities of Spanish Bay in Pebble Beach and Vintage Club Inn in Palm Desert. The 18 high-end townhouses, the community pool and extensive landscaping would provide much needed jobs for unemployed workers. The dollars spent for materials and labor would circulate, stimulate and multiply within our local economy.

The 4.3 acre parcel is currently empty and zoned for nine single family homes. Assuming the 9 home sites were developed; how long it would be before the lots were sold, let alone built upon? Currently there are over a dozen empty lots available in the Del Rio Lagos and River Nine communities. Demand for 1/2 acre parcels is nonexistent, the Villa concept is in immediate demand.

Sincerely,  
Sean P. Carroll  
7415 River Nine Drive  
Modesto, CA 95356  
209-495-0233

Sean P. Carroll, President  
**ROSS F. CARROLL, Inc.**  
P.O. Box 1308  
Oakdale, CA 95361  
Telephone: 209-848-5959  
Facsimile: 209-848-5955  
E-Mail: [sean@rossfcarrollinc.com](mailto:sean@rossfcarrollinc.com)

✓  
BOARD OF SUPERVISORS  
2012 JUN -5 P 5:22

**Christine Ferraro - Del Rio Villas**

---

**From:** Robert Venn <mvenn054@yahoo.com>  
**To:** "FERRROC@stancounty.com" <FERRROC@stancounty.com>  
**Date:** 6/7/12 7:11 PM  
**Subject:** Del Rio Villas

---

Stanislaus County Board of Supervisors,

We wish to comment on the proposed Town Home project in the Del Rio area.

We have been permanent residents of the Del Rio area (521 Stewart Rd. ) since 1979. We strongly support the proposed development as perfect use for land that has long been an eye sore in our area. The property in question has represented an untended weedy field that is sometimes used as a dumping area.

Mr. and Mrs. Wessenberg have been extremely open in discussing their plans for the property and have offered many opportunities for residents to comment on the proposal. We have lived in the Del Rio area over 30 years and adapted to many changes. Holding the attitude that change in itself is bad serves no one. This proposed adaptation to the general plan is appropriate given the communities changing needs.

The opposition to the project is by individuals who have a goal of "no development". As long term residents we appreciate well planned development. This project is an infill which makes much more sense than further annexation of agricultural land.

Thank you for acknowledging out support of the propsed project.

Best Regards,

Bob and Marsha Venn

✓  
BOARD OF SUPERVISORS  
2012 JUN -8 A 9:54



**Christine Ferraro - VILLAS at DEL RIO ENDORSEMENT LETTER**

**From:** "Suzanne Homem" <shomem@jpsfinc.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/8/12 1:47 PM  
**Subject:** VILLAS at DEL RIO ENDORSEMENT LETTER  
**CC:** "John Potter" <john@jpsfinc.com>

Dear Christine –

On behalf of John Potter, please give the letter below to each Board of Supervisor. Please contact me should you have any questions. I appreciate your help.

Thank You,  
**Suzanne Homem**  
**Assistant to John Potter**  
 2909 Coffee Rd., Ste 12 B  
 Modesto, CA 95355  
 phone: 209-577-8700 x 3  
 Fax: 209-322-4759

Dear Stanislaus County Board of Supervisors:

I'd like to share my letter-to-the-editor that published in the Modesto Bee on June 8. The letter demonstrates my full support for the Villas at Del Rio proposed project. I ask that you please support it as well. The Villas concept would be an excellent – and much needed – addition to the Del Rio community.

Kindest Regards,  
 John Potter  
 7413 River Nine Rd  
 Modesto, CA 95356  
 209-652-4399

**DEL RIO RESIDENTS NOT ABOVE REST OF COMMUNITY**

I read with interest the recent article (May 26, page B-1) about the proposed plan to build high-end townhouses near the Del Rio Country Club. As a Del Rio resident, I was taken back when Villas at Del Rio opponent Joyce Parker, a Del Rio Property Owners Association Board member, was quoted saying "The quality of the development or the needs of the community have nothing to do with it." I think it's very elitist for Ms. Parker to make it sound like all Del Rio residents expect their desires to be above the needs of the greater community. That's not true. She also stated the 1992 Del Rio Community Plan restricts what can be built on the 4.3-acre site. Instead of nine more 20,000-square-foot parcels, the Villas would have 18 townhouses within a gated community. Since the approval of the dated Del Rio Community Plan, there has been a movement toward a more reasoned approach to land use. Today's priority is making the best use of precious land. We need to develop infill properties, such as the Villas, before annexing more farmland. We, including the Del Rio community, all need to be good stewards of the land.

BOARD OF SUPERVISORS  
 2012 JUN - 8 P 3:54

**Christine Ferraro - Villas at Del Rio**

---

**From:** "Richard Rand" <rrand@racps.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/13/12 9:44 AM  
**Subject:** Villas at Del Rio

---

Please share with all supervisors, thank you

As past president of the DRPOA I have come to know a lot of the people in our area and the feeling we all have towards our community. I also have seen a lot of development that I have not liked or approved of in and around us. I represented DRPOA against the Carver Road development and was the voice at the Planning Commission several times on different projects that the DRPOA was against. I was one of the first to voice my opinion on any development that would create smaller lots or higher density. In my mind this would lessen my standard of what we have become accustom to living here.

Over the years we also have seen our population grow a little older and hopefully wiser in respect to different ideas.

With this in mind, I feel we need to take a hard look at what our needs are and how to best accommodate them. Please keep in mind that the 1992 Del Rio Community Plan was intended to be flexibly interpreted. It identifies goals and objectives aimed to maintain a well planned growth in our area. I feel that some of us are missing the reason this community plan was put together. The idea was to promote a well thought out acceptable growth that would have little impact on our existing facilities.

Take a look around and see who makes up our great community. I have seen a lot of my friends and neighbors try to down size as they become empty nester and want a single story property with all the beauty and amenities of owning a single family home in our community and have no other option but to move away to find something suitable.

I have spent several nights reviewing and going over the plans that Del Rio Villas has submitted to the county and feel that we would be better off working with this developer to enhance an undesirable dirt lot into something that can work for everyone. This project is a suitable development and we may need to be open minded to the current plan and still adhere to our standards as well as meet the needs of those living in the community.

Take a hard look at what you see every time you make that turn and see this vacant parcel. If single family homes were developed in narrow 1/2 acre lots there would be four more drive ways cut into the street instead of just one with this planned development. I would believe that if anyone would be against this development it would have been the property owners that back up to or are adjacent to the development. They would be the most affected and I found out just the opposite. Every one of them spoke highly of this development.

BOARD OF SUPERVISORS  
2012 JUN 13 A 9:58

With all of this said I feel we as a community need to adapt our thoughts and feelings to an idea that is reflected of today's needs. I encourage everyone to look again at the design of the Villas and realize that this is a project that is well designed for the Del Rio Community.

Richard Rand  
Rand Commercial Properties  
1718 H Street  
Modesto, CA 95354  
209-577-0484 wk  
209-577-1291 fax  
209-604-7524 cell  
rrand@racps.com  
www.racps.com  
CA DRE #00633804

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Stanislaus County Planning Commission  
1010 10th Street  
Suite 3400, 3rd Floor  
Modesto, CA 95354

BOARD OF SUPERVISORS ✓

2012 JUN 18 A 10:18

June 12, 2012

Re: Proposed Del Rio Villas condo development on County Club Drive

Dear Sirs:


I'm sorry I cannot be at the Planning Commission meeting on July 5<sup>th</sup> in person, please accept this letter as my voice on the issue of the proposed 4.3 acre development in Del Rio on the corner of Country Club Drive.

I object to this development for several reasons:

1. It is inconsistent with the **Del Rio Community Plan** in these significant points:  
(from the Community Plan Standards for Future Residential Development (page 9), Land Use Plan)
  - a. *"Developments shall incorporate minimum standards for setbacks" (# 3).* Minimum setback standards are 15' from the front lot line. The proposed project has a wall surrounding the development that is closer than 15' to the street.
  - b. *"Future planned developments within Del Rio shall not be gated for the purpose of restricting access to the public" (# 4).* The proposed project is completely walled and gated. In fact, this security is one of its selling points.
  - c. *"Future Planned Developments within Del Rio shall dedicate in land or funding the equivalent of at least 15% of the project site to natural or landscaped open space with public access."* (# 5) This is not part of the proposed project.
  - d. Residential Densities: *"For Area 1, the densities shown shall be used in conjunction with the Low Density Residential General Plan designation."* Densities should be no more than two homes per acre; this project has doubled the specified density.
2. The quality of the proposed development should not be the issue. The issue is the nature of the project. Whether the development is beautiful or ugly is a subjective opinion. Allowing a development that is clearly in violation of the plan because it is someone's idea of "pretty" is not a sensible way to guide future developments.
3. The project claims to be designed to accommodate the additional unique housing needs of those who wish to downsize and stay in Del Rio. This is ridiculous. Will we then be asked to accommodate assisted living residential needs for the next downsize step? Or low-income residential needs for our young adults? There is an infinite variety of housing needs not available in Del Rio. Modesto is close and includes many of them, plus it's got convenient public transportation.

My husband and I invested in our Del Rio home specifically because it is an exceptional area and would retain its value. Changing the development rules to allow higher density developments jeopardizes our and our neighbor's, investments. The Del Rio area is a unique community in Stanislaus County. Please allow us to continue to live in a community with this distinctive character.

Thank you for your attention to this important issue.

Joyce Parker   
7305 Stonegate Drive, Modesto, CA

Cc: County Board of Supervisors

June 13th 2012

BOARD OF SUPERVISORS ✓

Supervisor Bill Obrien:

2012 JUN 18 A 10:16

I am writing to you at this time to follow-up on a brief conversation the two of us had at the Children's Crisis Center's Golf Tournament in regard to the proposed development known as The Del Rio Villas.

Please note that almost all of the statements that follow are drawn and noted by quotation remarks from communications you received from DROPA in the course of recent activities precipitated by the developers of the Del Rio Villa Project. Please note additionally that the following remarks at the same time also reflect my wife's and my thoughts in regards to the proposed Del Rio Project.

**A bit of pertinent history:** "Thanks to the grass roots efforts of several local residents in 1992, a Community Plan was developed which identifies densities of no less than 1/2 acre parcel sizes along with other development criteria. The Plan's intent is not anti-development; rather, it is to provide for long-term, orderly development that is consistent with the existing homes in the area."

The Board of Supervisors wisely adopted (approved) the Del Rio Community Plan in 1992 as what's called a "Specific Plan" which overlays the County's General Plan for the Del Rio Area.

**To the point:** "The Del Rio Villas condo project proposes a density of 18 units on 4+ acres, or the equivalent of 4.5 homes per acre. The density specified by the Plan for this parcel is 2 homes per acre (1/2 acre min. lot size) which allows for up to 8 homes. Because this is inconsistent with the Plan, the County Planning Commission and the Board cannot support the project."

On its surface, you might think – "It's only 10 additional homes, why is that such a problem?" The problem is that, if approved, it could – and likely would – be precedent-setting. How? If one exception to the Plan is made then others are likely to follow. If that happens, the existing character of the Del Rio area would not be preserved.

**Here are some real life history that speaks to this point that you should be aware of:** "There are two existing, already approved subdivisions "on the books" in the Del Rio area which are not yet built. One is at the NW Corner of Stewart and McHenry, encompassing 84 acres and was originally approved for 92 lots. The other is off Carver

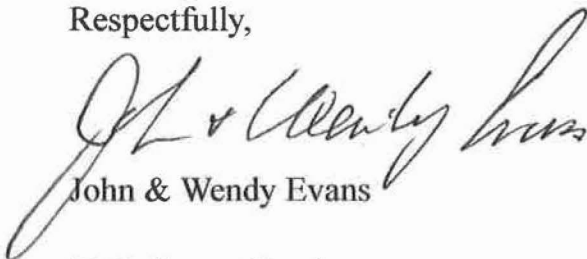
Road, toward the southerly end, and encompasses 43 acres and has 47 lots planned. The plan for the 92 lots at Stewart and McHenry "expired" in the year 2000, so before it can be built another application must be submitted and approved. An application was, in fact, submitted in 2000 and the request was for 259 homes through a combination of ½ and ¼ acre lots, town homes, and apartments. Fortunately this project was not approved as it met with a lot of opposition from residents. It was also inconsistent with the Plan."

"While the project off Carver Road has not yet "expired," County Planning staff have confirmed that if a project is not yet built, an application can be re-submitted with a request for increased density. Approving the condo project, which is inconsistent with the Plan, could open" the door for other inconsistent development(s).

"Because the proposed Del Rio Villas condo project does not comply with the residential density requirements of the longstanding 1992 Del Rio Community Plan, the Board, on behalf of the community, cannot support the project.

Thank you for your serious consideration to up-hold the express intent of the Del Rio Community Plan.

Respectfully,

A handwritten signature in cursive script, appearing to read "John & Wendy Evans".

John & Wendy Evans  
7199 Carver Road

cc: Supervisor Monthieth, County Planning Commission, DROP. Lawrence Dempsey



**Christine Ferraro - Del Rio Villas**

---

**From:** George Beach <georgebeach@sbcglobal.net>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/18/12 10:29 AM ✓  
**Subject:** Del Rio Villas

---

Villas provides more housing options

We're 100 percent behind the proposed Villas at Del Rio townhouse development. It makes perfect sense to us. We've raised our family in the Del Rio community and though the time is not here yet, I know in the near future my husband and I will be empty nesters. At that time, we won't need a large home and all the demands, responsibilities and costs that come with it. A high-quality and carefree Villas home would be perfect for us to downsize to. We can easily give up our big house when the time is right, but not our long-time neighborhood friends and special recreational lifestyle Del Rio offers.

Sincerely,

George & Susan Beach

7004 Hye Park Drive  
.....

Modesto, CA 95356  
.....

209-571-0751



Stanislaus County Planning Commission  
1010 Tenth Street, Suite 3400  
Modesto, CA 95354

Monday, June 18, 2012

Re: Del Rio Community Plan - 1992

Gentlemen;

In the upcoming Planning Commission meeting, you will have the onerous but far reaching task of determining the direction of our Del Rio community for years to come. Will you weigh the importance of the "needs of the Del Rio community" and its future or settle on "leave well enough alone"? Both Evan and I, as members of the Del Rio community living very near to the proposed project, feel this issue is important enough for both of us to share with you our thoughts.

We'd like it made clear that we are acting as individual citizens and have no financial interest in the project.

There are enough pros and cons to go around... by this time you know all of them. In our community, as in others, CHANGE is a difficult thing, particularly when one relates to the "good old days" as Modesto prides itself (American Graffiti, for instance). Change is inevitable in our society albeit done "kicking and screaming"... and positive for the most part. Examples, the construction of the Del Rio club house that so many fought and resisted; the resistance to 10<sup>th</sup> Street Place where the combined facility just seems to make sense today; Gallo Center for the Arts, was resisted even by our then Mayor.

The residents of our Del Rio community are asking for a change or variance to accommodate the future needs of its citizens. Our demographics are changing and the needs of those demographics are different than it was some 25 years ago. The BOLD decision is to look to the future; to provide for a changing population alternatives to an less efficient large single-family, multi-level home.

We encourage you to vote in favor of this project moving forward.

Norman Porges

Evan Porges

cc: Board of Supervisors

BOARD OF SUPERVISORS  
2012 JUN 19 P 1:27



## TIM COPPEDGE

P.O. Box 399  
Ceres, CA 95307  
OFFICE: (209) 537-8985  
FAX: (209) 537-2571

2012 JUN 21 A 11:32

BOARD OF SUPERVISORS

June 15, 2012

Dear Stanislaus County Planning Commission & Board of Supervisors:

RE: **Villas at Del Rio Endorsement**


We are writing to express our support for the proposed Villas at Del Rio townhome project. As Del Rio residents, we know the community well and believe the 18-unit complex is just what Del Rio needs. The luxury townhomes would largely compliment the neighborhood and eliminate a 50-year old eyesore.

There are already plenty of empty 20,000-square-foot lots in the community that could be developed with the typical large Del Rio style home. We certainly don't need more 20,000-square-foot housing lots to compete with what we already have out here today. Plus, the Villas project would fit an unmet need without competing with existing homes for market share.

The Villas are unique because they offer a smaller and easier to care for residence, without sacrificing any of the amenities and upscale features of a custom Del Rio home. Every year there are more and more empty nesters in Del Rio and many of these couples no longer desire a large home and the high maintenance that comes with it. The Villas provide a smaller and more manageable, yet up-scale housing option for those who want to enjoy the Del Rio lifestyle.

The subject site has passed through several construction boom cycles with no homes being built. With the intensity of the last construction boom, this speaks strongly to this site. With the development of the Rancho Del Rio Subdivision, and its gated entry and drive, the subject parcels have lost some of their flavor as custom home sites. Hopefully you will have a chance to physically visit the site, and I believe you would agree the site does not strike one as the most desirable custom home site. We have a rare opportunity to develop this property. The proposed Villas at Del Rio look like a perfect fit for the transition; from the gated subdivision to the existing single family residence. We have a developer asking to construct a high quality upscale

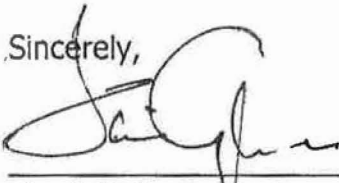




development; which our community rarely sees. This is a unique parcel and a unique setting with a very strong proposed improvement. We would not like to see 20-acres of town homes, but again for this parcel we believe this is a very good use of the property and would add value to the area. Del Rio single-family home values could increase with the addition of the Villas. The Villas will replace a fallow 4.3-acre site with a beautiful and upscale complex. In addition, Villas features such as paved golf cart paths and extensive landscaping will boost the value of the entire Del Rio community.

We respectfully request that you approve the Villas project, as it will be an asset to our community.

Sincerely,



---

Tim & Kelly Coppedge  
1512 Riveroaks  
Modesto, CA 95356

**Christine Ferraro - Regarding Del Rio Villas Project**

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**From:** "Zain Griffith" <zain@dashacq.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/21/12 2:37 PM  
**Subject:** Regarding Del Rio Villas Project

---

Hi Christine. Please share the following letter with each supervisor.

Dear Stanislaus County Planning Commissioners and Board of Supervisors:

I live with my mother Melanie Griffith at 1100 Country Club Drive. A couple months back, I had the pleasure of meeting with Carl Wesenberg at his home to learn more about the proposed Del Rio Villas Project. In addition, we've heard from project team members, which allowed us another opportunity to ask questions. Carl and his team have done a terrific job designing the project down to the very last detail. Consequently, we are pleased to give the Villas project our full support.

After reviewing the Villas at Del Rio plans, our conclusion is the project will be extremely high caliber and fill a need in the Del Rio area that seems to be lacking; mainly a housing community for Del Rio family members that wish to downsize yet remain in the Del Rio community. Several of my own family members and family friends have expressed interest in downsizing in the future and simply don't wish to move from a 5,000+ sq. ft. home to a 3,500+ sq. ft. with full home maintenance. Therefore, we definitely feel there's a need for a housing product like the luxury Villas town homes in the Del Rio community which will ultimately benefit and enhance the greater Del Rio community.

Kind Regards,

Zain Griffith  
Dash Acquisitions LLC  
Office: 800.549.3227  
Direct: 209.247.8948  
[www.dashacq.com](http://www.dashacq.com)

7 BOARD OF SUPERVISORS  
2012 JUN 21 P 3:13

June 22, 2012

Dear Stanislaus County Planning Commissioners and Board of Supervisors:

Re: Villas at Del Rio

My wife and I built a new house on the seventh fairway of the Del Rio Country Club, just three houses down from the proposed Villas at Del Rio townhouse development.

We're looking forward to the approval and completion of the Villas. We believe this well-planned, 18-unit development will add to the value of our home and the entire Del Rio community. I think opponents forget these are 2,500-square-foot luxury townhouses and will be built at a very high quality.

The Villas development is not pioneering a new concept. The concept of a mixture of estate homes, single-family homes, and townhouses in a country club setting, is a proven winner. The variety of housing increases the overall value of the community. You just have to take a look at similar established luxury townhouses at:

- Blackhawk Country Club in Danville
- The Villas at Ruby Hills in Pleasanton
- Mayacana in Santa Rosa
- Pasadera Country Club Golf Villa in Monterey

The townhouse idea has been wildly successful at these and many other country club communities. We're lucky we have a Del Rio neighbor with the vision and wherewithal to see the project to completion.

The only thing holding the Villas back is the twenty (20) year old Del Rio Community Plan. Now is the time to amend that plan to allow for a variance specific to the project site. Businesses and communities typically update or amend their plans every five to 10 years and even more often if trends and economic conditions warrant it.

Other erroneous information being circulated among the Del Rio community includes allowing a variance for the Villas project will open the floodgates for additional higher-density developments. The fact is variance approval for future developments is dependent on the merits of the project. This would be decided in the same manner as a variance request for a 'drive-thru' for a fast-food restaurant location. Not every request is granted. In fact, approval is often the exception.

Sincerely,  
Nick & Shirley Trani  
7016 Del Rio Drive  
209-568-6262

2012 JUN 25 P 4:08

BOARD OF SUPERVISORS

**Christine Ferraro - Letter of Support For Villas at Del Rio**

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**From:** "Charlie Menghetti" <Charlie@menghetti.com>  
**To:** <FERRROC@stancounty.com>  
**Date:** 6/22/12 2:53 PM  
**Subject:** Letter of Support For Villas at Del Rio

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Dear Ms. Ferraro Tallman:

I would appreciate it if you could please pass this letter along to the members of the board of supervisors regarding the Villas at Del Rio Project.

We are longtime residents of the Del Rio community. My wife and I live on Country Club Drive, just a quarter mile or so from this proposed project, and we support the proposed Villas at Del Rio townhouse project. We've spoken with developer and neighbor Carl Wesenberg, and we're confident he will build a first-class project. We especially like how the Villas will share an architectural theme throughout and the entire project with extensive landscaping and a common area that will match the project's quality character. The project will also incorporate a very welcome physical and aesthetic transition to the Del Rio Country Club. As it stands now, nine single-family homes could be built on the 4.3-acre site, however, the result would likely be nine clashing architectural designs and landscapes. Further, it could take years before all nine residences would be completed. After all, this site has been vacant for over 50 years. We would much prefer something we know is going to get built in a timely matter.

If you need to reach me, my information is listed below.

Regards,

CM

Charlie Menghetti, President  
Menghetti Construction  
5272 Jerusalem Court Suite A  
Modesto CA 95356  
Tel (209) 524-2465 ext. 2014  
Fax (209) 524-2495  
[charlie@menghetti.com](mailto:charlie@menghetti.com)  
[www.menghetti.com](http://www.menghetti.com)



✓  
BOARD OF SUPERVISORS  
2012 JUN 25 P 4:08



# Paul B. Draper

7301 Spyglass Drive  
Modesto, CA 95356

June 28, 2012

Stanislaus County Board of Supervisors  
Stanislaus County Planning Commission  
1010 Tenth Street  
Modesto, CA 95354

RE: Villas at Del Rio

Dear Stanislaus County Planning Commission and Board of Supervisors:

I am writing in strong support of the Villas at Del Rio townhouse project. By now, you know the basic facts of the situation.

1. The Villas at Del Rio is a proposed 18 townhome development on 4.3 acres.
2. This site sits as an island in the middle of the Del Rio community and has been vacant for approximately 50 years.
3. The Del Rio Property Owners Association Board of Directors has stated its opposition to this proposed development because it does not conform to the 1992 Del Rio Community Plan.
4. Many Del Rio residents, including several that are adjacent to this property, support this development for a number of legitimate reasons.

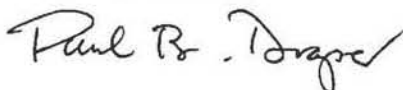
Emotions and a 20 year old Community Plan aside, isn't the key issue here what is best for the Del Rio Community and the County of Stanislaus in the long run? I believe that good planning practices should be a critical element in the decision making process. I have had the benefit of traveling throughout many parts of the United States and visiting a number of very progressive communities. In each forward thinking community, I see the same thing – good planning practices that create multiple housing types and densities to meet the needs of a wide range of individuals and families.

These communities thrive because they offer something for everyone. When individuals or families need to upsize or downsize, good planning practices have created sufficient product types to meet their changing needs without having to leave the community.

Simply put, the Villas at Del Rio present an excellent opportunity for Stanislaus County to enhance a very desirable community by allowing a quality, higher density residential product. Moreover, approval of this project helps promote Stanislaus County, Modesto and Del Rio as a progressive, forward thinking area with much to offer.

I respectfully request your approval of this proposal. Thank you for your consideration.

Very Truly Yours,



Paul B. Draper

2012 JUN 28 P 1:58

BOARD OF SUPERVISORS

Stanislaus County Planning Commission  
1010 Tenth Street  
Suite 3400  
Modesto, CA 95354

Thursday, June 28, 2012

Re: Del Rio Community Plan - 1992

Planning Commissioners:

As Del Rio community residents, living very near the proposed project, we are acting as individual citizens and have no financial interest in the project.

That said, we give our full support to the Villas at Del Rio project. This project will enhance the Del Rio Community in many ways:

- It will clean up an empty four-acre hideous parcel that has been an eye-sore for 30 years.
- It will provide for moderate sized single level homes for people who want to live in Del Rio.
- It will be a community within the community with common area maintenance for landscape, pool, streets, etc. This means less traffic than nine homes where each home would require individual services.
- The Villas' developer is willing to start construction immediately upon approval.

The residents of our Del Rio community are asking for a change or variance to accommodate the needs of its citizens. Our demographics are changing and the needs are different than they were some 25 years ago. The variance being asked for will not set a precedent for other projects, because it is unlikely there will be any other projects in this community that meet the specific standards of this project. This is the type of project that is typically seen in higher socioeconomic areas like Palm Springs and Pebble Beach. As such, there are a finite number of developers that are willing to spend this kind of money to develop a first class project such as this.

BOARD OF SUPERVISORS  
2012 JUN 28 A 9:27




This is a shovel ready project that will happen when it is approved, and at a time when there aren't many projects moving forward in the unincorporated areas of our county. We encourage you to vote in favor of this project moving forward.

Thank you,

A handwritten signature in black ink, appearing to be 'Tony Bruno', with a stylized, cursive script.

Tony Bruno

A handwritten signature in black ink, appearing to be 'Mathew Bruno', with a cursive script.

Mathew Bruno

## THE BEST VIEW OF THE VILLAS AT DEL RIO

By Allen Beebe

I have the best view of the controversy about building high-end townhomes near the Del Rio Country Club — it's right in my backyard.

I have no ties to the Villas at Del Rio, the 18-unit townhouse complex proposed for the 4.3-acre site, but I'm 110 percent for it. That ugly, disastrous in-fill lot has been vacant for over 40 years. It needs to be developed. Del Rio residents are lucky a local developer — a neighbor at that — has come up with a great plan that fulfills a Del Rio community need.

I've listened closely to both sides, and I'm impressed with developer Carl Wesenberg's determination to see his vision through. I believe he's telling the true story, not what the opponents have written or talked about. I'm dumbfounded that some residents are against something that I believe will increase the values of their property and eliminate a 40-year eyesore with a new upscale development.

Objectors to the Villas claim it will lower the values of their Del Rio homes. In reality, it will increase their home values. These are going to be very high-end townhomes and the price per-square-foot will be higher than most single-family homes in Del Rio.

They also claim approval of the Villas will set a precedent and allow runaway construction in the Del Rio community. The Board of Supervisors, not developers, control development. The Supervisors require every project that comes before them stand on its own merits. Any land use that doesn't meet Del Rio's quality and aesthetics can be denied.

There is a need for housing like the Villas for Del Rio residents — or newcomers — whose children have grown up and moved out. These empty nesters no longer want the expense and upkeep of a large home on a large lot. However, they still would like to continue to live in the upscale community and participate in the golfing and country club lifestyle.

The opponents also stress the Villas does not follow with the Del Rio Community Plan, which was approved in 1992. Well, a lot has changed in 20 years.

I'm a longtime businessman and for any strategic business plan, you need to examine it at least every five years. Plus, you review it annually based on changes in the economy and trends.

The Del Rio Community Plan was written to prevent rentals and cheap homes. It was not written to regulate the size of the home, but rather to preserve the quality of the community. The Villas will be high-quality homes designed to enhance the community, not degrade it.

**Allen Beebe is a prominent businessman and 44-year Modesto resident. He continues to be involved in local business and the Modesto community.**

###

1  
BOARD OF SUPERVISORS  
2012 JUL -5 P 12:47

Dear Honorable members of the County of Stanislaus Board of Supervisors,

June 19, 2012

It has come to my attention that there will be held on July 5<sup>th</sup> hearing regarding the "Villas at Del Rio" project. I would like to comment as a concerned resident in the community. I live at 7456 Del Cielo Way, Del Rio East. I have been a long term business owner, involved in agriculture, fourth generation, in the town of Newman. I sold my business and was transferred back to Modest, from San Francisco, recently as a consultant for my former company. In the late 1990's I owned a home here in the Dutch Hollow area, and my uncle has lived in Modesto for over 45 years.

I want to be clear, I have no tie to the developer and have only attended informational meeting held at neighboring homes here in Del Rio.

I currently lease a town house here in Del Rio and find it a fine community. Unfortunately the units here are almost as old as I am, are of poor build quality and have far too many stairs for me. I'm recovering from full hip surgery.

Now here is my point of view!

This land use is good for the area for the following reasons ;( not in any particular order).

1. A good use of the land, no more need for large single family homes, certainly for that parcel.
2. Provides a needed safe and gated area for us aging baby boomers, which do not want or need a large home.
3. Will be designed and built for those of use who want a high quality, self managed and maintained home. Many of us now have second homes and do not want to worry about exterior maintenance on the structure or the landscaping.
4. Provides a one floor alternative, close to the golf course to those who like me have physical disabilities.
5. Will be built with green and more energy efficient technology.
6. I often drive through the community and have notice many homes with a significant lack of maintenance. I fear these homeowners are in some form of financial trouble. We do not need more Mc Mansions!
7. As a grandparent, I want to live close to my children who want to follow me here to live and work. This type of cluster development would allow just that.
8. I have had several homes with individual septic systems and they are a constant headache. This development will have a state of the art system for water treatment.
9. Landscape maintenance and water use. Developments of this type can be better managed and water usage will be controlled.

10. Traffic. As I walk dog, very slowly now, I see some of these large homes with 3 to 4 cars park in the driveways. Many of which, I presume are the teenage children of these residents, zoom up and down the streets.

11. Less bedrooms equates to less community impact!

Thank you very much for tacking your valuable time to read and consider my letter. I know you have a thankless job, (my father was a planning commissioner in Santa Clara County for 10 years), but please remember you all play an important part in improving our everyday lives here in Del Rio and in the Modesto area.

Yours Sincerely,

Robert Raymond Benech

7456 Del Cielo Way

Modesto CA, 95356

209-602-0418

robertbenechinc@gmail.com.

Dear Stanislaus County Planning Commission & Board of Supervisors:

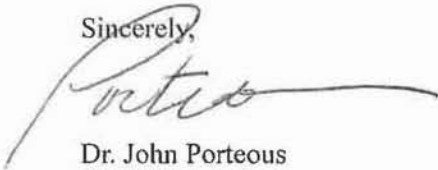
I have lived in the Del Rio Community for nearly 30 years. As a longtime, local physician and surgeon, I would like to offer my "physician's" perspective when it comes to supporting the proposed Villas at Del Rio townhouse project.

I have seen firsthand the growing trend of an aging America. One of the unfortunate side effects of getting older is that physical mobility can decrease. I have treated many elder patients that have suffered falls and injuries from homes no longer suitable for their age. I find it refreshing and innovative that the developers considered this when they designed each of the 18 Villas homes. The following are some of the senior-friendly features of homes at the Villas:

- Single-story format, no stairs to climb.
- Wider hallways and doorways for wheelchair access.
- Bathrooms with easy access by walker or wheelchair.
- Large showers for wheel-in access.
- Toilet areas constructed for easy installation of grab bars.

These safety features make the Villas perfect for people who are at or near retirement age wanting to downsize from their large homes and still be a part of the Del Rio golfing community. Being able to continue to golf is good exercise and great for their mental and emotional health. The Villas is what Del Rio lacks the most. I have been to many notable golf courses throughout the state and Villas-type residences are a very popular and an important part of the housing mix. Consequently for the reasons stated above (and many more), I wholeheartedly support the Villas at Del Rio proposed project and ask that you do too.

Sincerely,



Dr. John Porteous  
1301 Tamarisk  
Modesto, Ca 95356

BOARD OF SUPERVISORS  
2017 JUL -5 P 12:47

**From:** Jim DeMartini  
**To:** Ferraro, Christine  
**Date:** 7/13/2012 1:28 PM  
**Subject:** Fwd: Del Rio resident July 7 2012 letter to Stanislaus County Board of Supervisors re: Irregularities in July 5 2012 STAFF REPORT  
**Attachments:** JULY 7 letter to BOS.pdf

FYI.. from Kacey

>>> Donna Marie Minighini <pttrs457@aol.com> 7/13/2012 1:05 PM >>>  
Dear Stanislaus County Board of Supervisors,

As a Del Rio resident who would be affected by any high density building project in my community, I am hereby formally submitting our letter in regards to the Villas 18 unit condo project, which will come before your board for final determination.

Thank you for reading our entire letter (attached) in regards to the Villas matter, and comments regarding the final STAFF REPORT dated July 5, 2012 which was prepared by the Building and Planning Department. We are shocked at the report's several irregularities.

Donna M. Minighini  
Del Rio Resident

✓  
BOARD OF SUPERVISORS  
2012 JUL 13 P 2:02



July 7, 2012

Stanislaus County Board of Supervisors

ATTN: Chairman William O'Brien, Vice-Chairman Vito Chiesa, Mr. Terry Withrow,  
Mr. Dick Monteith, Mr. Jim DeMartini,

1010 10<sup>th</sup> Street, Suite 6500

Delivered via email: [William.O'Brien@stancounty.com](mailto:William.O'Brien@stancounty.com), [Vito.Chiesa@stancounty.com](mailto:Vito.Chiesa@stancounty.com),

[Terry.Withrow@stancounty.com](mailto:Terry.Withrow@stancounty.com), [Dick.Monteith@stancounty.com](mailto:Dick.Monteith@stancounty.com),

[Jim.DeMartini@stancounty.com](mailto:Jim.DeMartini@stancounty.com)

Modesto, CA 95354

RE: Denied 2<sup>nd</sup> Application for "the Villas" proposed high-density project in Del  
Rio.

Some Important Facts to Remember, and

Incorrect References in "Staff Report" dated July 5, 2012

Dear Stanislaus County Board of Supervisors,

We ask that you also deny the 18 unit "high-density" condo project known as "the  
Villas", located in (Area 1) in the community of Del Rio.

After a public Planning Commission hearing on July 5, 2012, the Commissioners  
had determined a denial of the developers' application was appropriate, and therefore,  
the General Plan and the 1992 Del Rio Community Plan would prevail with its "A-2"  
Zoning and "low-density" building importance for Del Rio.

We ask that the Board does not use the CEQA report of May 8, 2012 in any of  
their decision process, as there is evidence that the report is incomplete, and therefore,  
many determinations cannot be supported. (Please refer to Minighini analysis letter of  
June 28, 2012.)

We ask that the STAFF REPORT dated July 5, 2012 (as prepared by the Building  
and Planning Department) not be used as it relies on the CEQA report, and there appears  
to include some incorrect references and biased determinations, and (sometimes)  
unsupported statements, which will be explained later in this document. *We do apologize  
for the length of this 20 page letter, but its length is based on the 119 page Staff Report.*

## SOME IMPORTANT HIGHLIGHTS TO CONSIDER

### A.DEL RIO's PRIMARY "CHARACTER"

The real and undeniable "character" that describes "Del Rio" is that of large single-family homes on a minimum of ½ acre lots.

These single family homes are generally larger than 2500 square feet, with high quality architecture, low-density (built on a minimum of ½ acre lots or more) which provide residents with private living – an important feature of Del Rio. The community is non-congested, tranquil, safe, and "quality of life" is preserved primarily due to low density building. (There does exist a small number of condominium properties which were built in 1979 *before* the 1992 Del Rio Community Plan was written and adopted. There are some small single family homes in addition to the condo supply which provides smaller and less expensive housing should residents wish to downsize.

The demographics of the community is that of younger adults and families, middle aged, and older persons, who are *active* in the community's activities. Many people are members of the Del Rio Country Club which is a private club (with cost.) Del Rio is not a general community of just retired persons or aging persons.

### B.SIGNIFICANCE OF 1992 DEL RIO COMMUNITY PLAN DOCUMENT

The low-density building requirement contained in this document is the major element supporting "Del Rio's character", and provides: 1) important "environmental protection" since the Del Rio neighborhood is surrounded by several crops and orchards which provide an important food supply to the State of California, and, 2) Resident's "quality of life" protections.

The County has rightfully and clearly understood that this document's provisions represent the community's special needs, and therefore, had provided its "mutual assent" of the 1992 Del Rio Community Plan agreement by adopting this plan in 1992 into the County's General Plan. Twenty years of support of this document shows substantial performance of adoption of the terms and conditions. Del Rio, and the County, have both benefitted from this agreement, in many ways.

The *unchanged* agreement (and General Plan) *still holds great importance today in 2012 and for the future*. The community of Del Rio is a small community surrounded by a farming environment – therefore, it is right to keep its "low-density" building requirement of ½ acre or more, and its "A-2" zoning.

The developers cite the Del Rio Community Plan (Page 3) which says, "development of the Del Rio area as a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agricultural use which consist with and would maintain the essential character of the existing community." (The essential character of the existing community is, without doubt, large single family homes on ½ acre lots.) However, the developers and their representative fail to cite the document's next sentence which reads, **"Future residential uses would continue the low-density development already present,"**.

**The 1992 Del Rio Community Plan states:**

*"Community Plans provide means for resolving local conflicts where there are a variety of distinct communities or regions deserving special attention."*

*"the findings and recommendations of the plan were primarily a reflection of the County's policy of preserving prime agricultural land and the sentiment of Del Rio residents,"*

A County is comprised of several different neighborhoods. County planners cannot not always "lump" building legislation, and should be very careful to change it because these micro-communities all have different needs. That is why the County has adopted "Specific Plans."

**The 1992 Del Rio Community Plan is in conflict with the developers' Villa project as the governing document states several Goals:**

On page 5, under "IL GOALS AND POLICIES", Goal 1, Policy A:

*"Until otherwise updated or amended, future development for Del Rio shall take place in accordance with the Community Plan."*

The Community Plan does not allow high density building in Del Rio for future developments.

On page 7, under Goal 7, it says:

*"The Del Rio Community shall not be allowed to become an example of inadequately planned leap-frog urban development on prime agricultural land which outpaces demand and overrides community sentiment."*

Community sentiment of approximately 325-350 persons (over "a majority") of the 550 residents of Del Rio *are opposed to the developers' "high density" Villas project, and*

have signed a written petition to preserve Del Rio's low density building requirement in the Del Rio document.

In contrast, a handful of residents who spoke at the Planning Commissioners' meeting on July 5<sup>th</sup>, said they "would like one of their family members to live in one of the Villas units" - this is just hopeful wishing. Many people would like their aging parents to live around the corner from them, but this is not reality. Only one person at the meeting said he was willing to write a deposit check (for his mother). Is he going to pay the \$750,000 price tag for the unit too and pay the anticipated high monthly HOA dues?

The developers' representative said there are about 200 "supporters" for his project, but this reference does NOT represent "consumer demand" (or actual buyers.)

Changing the existing building and zoning codes for "the Villas" project would be a proximate and leading cause to future "high density" building for the 3 large remaining vacant lots that exist in Del Rio, and would be "leap-frog urban development....which outpaces demand...". A code change would set a new precedent for "high density" building in this agricultural community. An oversupply of housing would be such "leap-frog" development, and could easily occur with a new precedent setting of "high density" building. Housing oversupply conditions have proven to cause financial destruction to existing homeowners' equity. Homeownership is the largest investment a person or family can make - and this financial equity is directly related to a person's financial and emotional well being and retirement survival.

The existing (and unchanged) 1992 Del Rio Plan (agreement) should continue to be the "building requirement" that all builders, developers, real estate agents, and residents abide by.

It is legally incorrect to set "a precedent" for future high density building which would be in direct violation of the Del Rio Plan's provisions. The Del Rio document can only be changed by vote from its Board of Directors, which stem from sentiments of residents.

On Page 23 of the 1992 Del Rio Community Plan, under

"VI.IMPLEMENTATION PROGRAMS, General Plan", (continuing on page 24) paragraph 2, it says:

*"Area 1 shall be as shown on the Del Rio Community Plan map. All areas shown for residential uses shall be designated Low Density Residential and shall be developed consistent with the density designations of the Community Plan."*

High density building will also be the future "slippery slope" and direct cause of creating "cumulative negative impacts" to the Del Rio community: Increased over-population, over-supply of housing (Modesto residents have suffered tremendously in losing

hundreds of thousands of dollars in lost equity due to sellers dropping prices just to get properties sold. Days on the market are long.

There is no indicator that shows this sluggish market trend will not continue for the unknown future. In fact, economic reports suggest that Central Valley cities will continue to struggle for the next 5 years! Modesto currently has a 15% unemployment rate, and the business community has suffered greatly too (with store closures, low sales from low consumer buying activity.) Other cumulative negative effects of a high density building and zoning change for Del Rio will cause unwanted traffic congestion, strain/additional cost for community services (fire, police, environmental) and cost of utilities (infrastructure needs). Clear destruction of resident's slow and tranquil country life that many Del Rio residents have enjoyed, will definitely be the result. This is unacceptable to many residents who bought their homes with expectations of their community preservation. Even though these changes would present themselves over time, the root cause of such destruction could be clearly traced back to a County code decision that was a total reverse of what an agreement (which was adopted and agreed to by the County) called for to preserve the environment and this country community.

It is improper to change County code to meet the demands of one developer, who refuses to comply with County code so that he can build *more* properties, make more money, with building on his smaller 4.3 acre parcel!

### C.A NEIGHBORHOOD'S VALUE

Communities are not like businesses (which constantly change their business plans and actions to meet consumer' changing attitudes.)

Del Rio is a very unique top neighborhood and there is NO neighborhood in Modesto that can be compared to it.

(At the July 5<sup>th</sup> Planning meeting, the developers' representative made some incorrect comparisons in an effort to try and justify "mixed densities" for Del Rio future development.

Mr. Romano fails to understand, and follow, the guidelines of "Residential Densities" on Page 9 of the 1992 Del Rio Community Plan which says,

*"For Area 1, the densities shown shall be used on conjunction with the Low Density Residential General Plan designation."*

Mr. Romano went on to name a couple of "inner city and smaller lot neighborhoods, (all plagued with higher traffic patterns and properties that are

built so close you can hear and see everything your neighbor is doing and saying). While he felt these communities had their own beauty and valued by their residents, "they are no Del Rio" and they are NOT a model for future building in Del Rio neighborhoods, nor attractive to Del Rio residents.

Del Rio is located *in the country* with large elegance and estate type architecture, built on ½ acre+ land lots, tranquil and traffic-congestion free, quiet. To suggest that Del Rio residents should embrace "higher densities" like other inner city developments is unacceptable to its residents – and would be a clear path for Del Rio to lose its major feature: spacious private living in a very tranquil country neighborhood setting.

The representative's comparison was trying to say "an apple is like a peach – both round, attractive, and tastes good." A peach is not an apple, and does not taste like one. Del Rio is the peach.

#### **D.THE "VILLAS" PROJECT IS NOT "LIKE KIND" BUILDING**

18 condominiums on a 4.3 acre lot is more than double the density allowed under County Code.

All of the beautiful and emotional words spoken by the developers' representative, Mr. Romano, at the July 5, 2012 Planning Commissioners' meeting in which he described the project's architecture and common grounds, is not going to fit this project into low density compliance. He in fact, said that "the project is not high density." This is a false statement. It appears Mr. Romano may not understand what the County and Del Rio building code is?

He went on to say that the project is "8" attached homes, plus 2 more units (which may have been misunderstood by persons who attended the meeting. His statement was a slick way of trying to "reduce the unit numbers" in people's minds.)

"8 attached homes" is really 16 units, (plus 2 more) for a total of 18 units.

The project's "gated/wall" placement may violate the minimum standards for streetscapes and setbacks provisions in the 1992 Del Rio Community Plan in which the Del Rio Property Owner Association has some recommendation rights (Page 15).

The high density project will cause traffic congestion inside and outside of the project area streets, and will negatively affect many other Del Rio residents on Country Club Drive and entrance streets of St. John Road, Carver Road, and Stewart Drive.

Mr. Romano also spoke for a very long time at the Commissioners' meeting in which he continuously repeated and "defined" the proposed 18 unit condo property project as the type of building that would serve a need for an aging population that did not want their



large home anymore, or, for persons that could not climb stairs anymore. He stated, "the units had showers with walk-in entrances, and the property's hallways were wider to accommodate a wheelchair." The developers' color brochure also references aging persons' "mobility" issues as a unique feature.

In support of the project, several Del Rio residents addressed the Commission that they had a family member that would want this type of property accommodations, but the actual person who would be making the purchase was not the person who spoke.

Please note that nowhere in the Del Rio Community Plan does it state that future building in DEL RIO will include properties for aging persons with special needs.

Del Rio is not a community which provides retirement type properties. Del Rio is an *active* community with younger, middle aged, and older persons who are quite active in the County Club, and other outside activities.

An aging family member who lives in a larger home has many options available to them - should they feel their current home is too large, or need assistance. They are:

- 1) Employ maid service (as many residents typically do),
- 2) Employ gardening service (as many residents typically do),
- 3) Employ home health care,
- 4) Have a family member move into their home and help them,
- 5) Sell their home and buy a \$179,000+ *existing* condo on Del Cielo Drive with making some "assisted" and/or improvement renovations (several units are currently available),
- 6) Buy a smaller *existing* single family home within Del Rio, or other community,
- 7) Install a stairs "elevator" to assist top level living,
- 8) Move in with a family member and live elsewhere,
- 9) Move into a retirement community with assisted living services.

\*Any of these options would be far less costly than purchasing the developers' expected priced unit at \$750,000 (per Mr. Romano when asked by a Commissioner) PLUS paying an estimated "HOA" dues of \$750 a month! (a comparison with Del Cielo properties). Most aging persons are more financially frugal at "a later time in their lives", and need enough money to be able to pay for other costs.

### **E.DEL RIO's "MAJORITY" RIGHTS**

It is not appropriate to overturn existing low density building code which protects 500+ resident's quality of life in Del Rio - for a development of 18 condo units which violates the code, and is supported by a very small (and unverified) number of Del Rio residents. Radical change to existing laws are not made for a selected few.

The Commission was provided evidence of “a highlighted map” which delineated approximately 325-350 residents who have signed a Petition *against the developer’s 18 unit high density project, and, in support of maintaining of maintaining the low density building requirement for Del Rio as evidenced by the 1992 Del Rio Community Plan.* (Note that the 1992 Del Rio Community Plan, which has been adopted by the County into their General Plan, states that “community sentiments” will be respected.)

Proof of the developers’ representative’s statement that there are about “200 supporters” of the project were NOT provided to the Commission, nor do they represent actual buyer demand. Therefore, their statement *cannot* be viewed as being factual.

The Del Rio community “character” is all about “larger, single family homes on ½ minimum acre lots.” Sometimes people have to make hard decisions in their lives, which may require them to move out of a community. *A community is created with certain “general features” which benefit and serve “the majority” of residents’ desires and values.* A community cannot please everyone or provide for everyone’s individual needs. A community’s character is not drastically changed (and hurt) for a handful of persons, who may be outgrowing it.

**At the July 5<sup>th</sup> Planning Commission hearing, many of the Commissioners stated on record, that “*the Villas project appears to be a beautiful project, but not in Del Rio.*”**

(continue)

**INCORRECT STATEMENTS AND REFERENCES MADE IN THE**  
**"STAFF REPORT "**  
**dated**  
**July 5, 2012**

PAGE 2  
**"RECOMMENDATION"**

Incorrect: "Based on the entirety of the evidence on the record," ....and on the Del Rio Community Plan," ....staff recommends project approval.

Response: *The Del Rio Community Plan does NOT support high-density land use, or this project. The project is in violation of the 1992 Del Rio Community Plan and General Plan.*

**"BACKGROUND ISSUES"**

"This application is exactly the same project that was heard on November 4, 2010. The Planning Commission voted 3-2 to recommend denial of the application to the Board of Supervisors."....

"The Planning Commission's reasons for denial were the potential for increased traffic congestion, compatibility of the proposed smaller lots with surrounding lots, and the projects being in the wrong area."

Response: *If the developers' resubmitted application in 2012 "is exactly the same project that was heard on November 4, 2010", then the denial reasons should be the same today or more, in 2012. Strangely, the CEQA report dated May 8, 2012, prepared by the Building and Planning Department, does not reflect these concerns or facts. How could the "same project" application now have been determined to have a "lesser negative impact" in 2012?*

Incorrect: "the concerns relating to increased traffic seem to have lessened."

Response: *This is an incorrect statement. Del Rio residents are still quite concerned. Same project – same traffic problems. Many residents are very concerned about traffic congestion occurring on Ladd Road, St. John, County Club Drive, and others. The project's inner street will produce a large number of traveling cars on a daily basis just*

*from a 2 car household, visiting friends, and simultaneous social gatherings. Unsafe outer roads for residents walking and children riding their bikes who might pass the project - is a real concern. In Del Rio, generally, there are a limited amount of sidewalks.*

PAGE 3  
“PRECEDENCE”

Incorrect: “The proposed density modification is only for the applicant’s 4.31 acre parcel and does not apply to any other parcels within the community. The concern is, however, that this project could establish a precedence allowing for increased dwelling unit-per-acre densities on vacant/undeveloped and redeveloped properties with the community.”

Response: *Changing the County code (and the General Plan, and 1992 Del Rio Community Plan) from low-density to high-density building, are major revisions, and do in fact, set new County Code for Del Rio. Future developers would be able to build their projects at high density and would have legal support to do so.*

Incorrect: “At issue with this project is the expectation for mixed densities consistent with the density requirements of the Del Rio Community Plan.”

Response: *Residents, and the Del Rio Plan, do NOT have “expectation for mixed densities” for any building within Del Rio. The Del Rio Community Plan is very clear about future building: one property per ½ acre! It is an inappropriate suggestion for the preparers of this report to try and compare a “Greenfield” or new town development which plans allow for mixed densities - with the very specific Del Rio Community Plan.*

Do not fail to understand, or see, that the “essential character of the existing community” consists of residential large “single family homes” on ½ minimum acre lots!

PAGE 4  
“GENERAL PLAN CONSISTENCY”

“In order to take affirmative action regarding the General Plan amendment application, it must be found that:”

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses:”

The Staff Report indicates there are no detrimental land use patterns to existing or (future) planned land uses. We strongly disagree.

Response:

1. Detriment to existing land uses: A General Plan (density change) will create several detriments to the existing land uses of a majority of over 500 Del Rio residents. Destruction of their quality of life from "the Villas" underreported traffic patterns which will cause congested traffic for the project's residents, and many other Del Rio residents from safety issues arising from too much (and possibly fast moving) traffic. Residents commonly take walks within the Del Rio area (which mostly is on the street due to lack of sidewalks. Children riding their bikes are at risk too.)

"The Villas" project will contribute to the immediate destruction of an existing slow life and tranquil neighborhood, and will be the probable and proximate cause of immediate economic damage from oversupply (unsold) housing. Oversupply conditions of condo properties with declining prices will also force resident's single family home property values down. The County will be injured from lower property tax revenues. There are current and sufficient condo properties for residents to buy in Del Rio, and some single family homes for sale, which all can meet anyone's "smaller" housing needs.

2. Detriment to future "planned land uses": A new "high density" land use pattern for future building in Del Rio would be set by the County if it changes its density code" for the Del Rio area. Allowing a high density building code for "the Villas" will be the "proximate cause" of a "cumulative negative effect" of oversupply of housing, traffic congestion, strain and cost on providing utilities, providing infrastructure, and destroying the private and tranquil community quality of life of existing residents, and will cause economic financial damage to each resident from property values dropping. This damage may result in litigation against the County.

The cumulative negative effect is precedent setting of the building code: hundreds of new high density condo units could be built on the 3 other vacant lots in Del Rio.

High density building will destroy the Del Rio character of privacy, tranquility, and uncongested living directly associated with low density building.

A county code change is not a change for just one project. It is a "precedent" for building in the entire Del Rio area. If a new developer is refused a building permit based on the new density code, it would be subject to litigation.

PAGE 5

"GENERAL PLAN CONSISTENCY" (continued)

The preparer/s of this report have based their findings on the Applicant's statements provided in "Exhibit C"! There is no sufficient evidence to support any of these findings:

Incorrect: "The inadequacy of the current General Plan designation is due largely to changing consumer demand and market conditions. "

Response: *The small number of persons who the developers or their representative say represent "consumer demand" for the project's units are NO comparison to the larger majority of Del Rio residents who are against the project. Also note: "supporters" of the project are not necessarily "buyers" or reflect "market conditions."*

*There is NO real substantive data provided in the STAFF REPORT to support their adoptive (developer) comments of "changing consumer demand and market conditions."*

*Note that "market conditions" or "demand" for individuals who want to downsize and buy a smaller condo property ARE present in the well known "Multiple Listing Service" (MLS) which shows that condo sale activity in Del Rio has been very weak for the past couple of years. The facts show that condos are on the market (before selling) up to a year! Even this data shows very weak "changing buyer/market demand" for these kind of properties. The MLS is not partisan. It only shows facts. A reason for low condo sales in Del Rio might be from the fact that buyers know they can get "more for their money" with being able to buy a larger single family home with more bedrooms, space, and backyard in another area of Modesto (even at the low Del Rio condo price of \$179,000!)*

Incorrect: "The Del Rio Community currently offers little to none of this type of housing and there is a surplus of estate residential units with large homes on large lots."

Response: *This statement is incorrect. There ARE condo properties in Del Rio on Del Cielo Drive for as little as \$179,000, which are currently for sale with square footage approximately 1875 to 2000 square feet. These units can be "modified" or "improved" at substantial cost savings versus the high price tag of \$750,000 for a "Villas" unit, plus, it's assumed (hefty) HOA fee.*

*Existing condo properties are in smaller number, in contrast to the majority of single family home building, because in 1992 when the Del Rio community determined what was best for their community they created the 1992 Del Rio Community Plan document (a set of standards, values, and building codes) which determined resident's preference for single family homes. Condos were built in 1979 PRIOR TO the 1992 Del Rio Community Plan. The low density building requirement in the 1992 Del Rio Community Plan still holds tremendous value, and its unchanged wording today continues to be of importance for the future in protecting the environment and reflecting the community's living standards.*



*There is NO "surplus of estate residential units" or "large homes on large lots."  
The legal building plan and code in Del Rio is to build properties on a minimum ½ acre  
and "large single family homes on large lots."*

*Single family home "listings" in Del Rio represent a very low percentage of properties  
for sale.*

*The preparers of this report have made unnecessary and incorrect derogatory statements  
about condo and single family housing in Del Rio.*

**Incorrect: "current inadequacies within the Del Rio Community housing market.  
(See Exhibit C – Applicant Information and Findings.)"**

*Response: The above quote from the STAFF REPORT is inappropriate and  
unprofessional and clearly indicate "bias" on the part of the Planning and Building  
department, with improper report determinations , which have been based on the  
"applicant's statements." The applicant is the developer and his remarks are NOT  
evidence to support of any housing inadequacy.*

(continue)

“EXHIBIT C”

(Developers’ Statements which Staff Report Preparer/s relied on)

PAGE 27

“3.STATEMENT OF REASONS AND JUSTIFICATIONS  
FOR CHANGE TO GENERAL PLAN”

Paragraph 3:

Incorrect: “The application of the conventional regulations can stifle creative planning and design efforts. “

“ The P-D district zoning is generally intended to apply to larger scale,...”

Response: *The current County Code of low density does not “stifle creative planning and design efforts”. The truth is, the developer wants to make more profit with building more units on a smaller lot! The developer could build 8 beautiful units and be in compliance with code – but he does NOT want to.*

*Del Rio is a small community. It is surrounded by crops/fields and orchards, and riparian life. It is an agricultural area. We constantly hear and see the crop duster airplanes spraying the fields and can easily see the plants and trees as we ride by. We see and hear the many birds that nest in our trees.*

*Del Rio is not a “large scale” community. Its existing low density building best serves and protects the quality of life and character (privacy and tranquility) of its unique neighborhood. It does not need to have a zoning change for the small 4.3 acre Villas project.*

Incorrect: “There is a growing demand for housing that provides quality living space with outdoor space that requires less maintenance by each individual owner.”

Response: *What official housing studies have been done to indicate a “growing demand” within the community of Del Rio, of which existing housing does not provide for? The developers’ statements are not sufficient to support “consumer demand.”*

*The small number of persons who attended the Planning Commission hearing and spoke in favor of the project, were doing so “for another family member” but that member did not speak up and say they would buy a unit, paying its \$750,000 price, and HOA fee. The developers’ representative spoke of a much higher support of persons for the project, of which names and signatures of “so called” supporters were not provided as evidence, nor were these unknown persons proved to be true “buyers” or represent demand.*

*Any existing property built in Del Rio (whether single family home or available condos) are "quality space" "with outdoor space." Condos located on Del Cielo Drive are built near the river with beautiful views, and demand limited maintenance. Any potential buyer can make modifications and improvements to their needs and liking - at substantial cost savings, versus buying a high priced condo unit at "the Villas", plus the anticipated high HOA fee! Many older persons who want to downsize do so with financial care and responsibility.*

*There are available condo properties for sale in which serve a buyer's demand for smaller (condo) housing. There is not an inadequate supply of condo housing (as the developer says. This is just "a strategy" to try and get his high density project approved, but the Del Rio building code has to be changed too!*

*Regarding "outdoor space", please also note that many persons also belong to the Del Rio County Club and the public streets are available for everyone to enjoy walks and bicycle riding.*

PAGE 28

"4. Description of Events Leading to Inadequacy of Current General Plan Designation"

Incorrect: "The inadequacy of the current General Plan designation is due largely to changing consumer demand and market conditions as mentioned in Section 3....."

Response: *The developers' entire 8 sentence statement of what he believes is changing consumer demand, is not supported by material evidence or analysis. He has only a handful of residents who say they would like one of their family members (to buy) one of his units.*

*It is not for the developer to remark that the current County General Plan is inadequate. This is professionally disrespectful and arrogant. The County had carefully analyzed the 1992 Del Rio Community Plan with its low density building code and zoning, and has adopted the plan with its "long support and mutual assent" of this local agreement. Doing so says they agree that low density building best serves and protects the Del Rio (agricultural area) community – and still does today.*

*The developers are on record with saying that available condo housing would present some difficulties for residents wanting to downsize. This is purely subjective on the developers' part. Potential buyers can make personal modifications that would be far less costly than purchasing a Villas unit. The reason the developers talk against existing condos in Del Rio is because they have no money to make by supporting them!*

*The Villas project will only provide MORE CONDO HOUSING in Del Rio.*

*The project should ONLY be built to existing County Code and the 1992 Del Rio Community Plan, which correctly preserves and protects the farming environment and resident land space density of one unit to ½ acre, which "maintains" Del Rio's "character" of quality of life, spacious land use, and privacy.*

PAGE 29

**"5. DESCRIPTION OF STUDIES OR POLICIES WHICH HAVE BROUGHT INTO QUESTIONS THE PORTION OF THE GENERAL PLAN TO BE CHANGED"**

Incorrect: "No official studies or policies have necessarily brought the portion of the General Plan relevant to this project into question."

Response: *The developer himself cites that the County has not seen fit to do formal studies or propose policies to change the low density building requirement for Del Rio!*

*If this statement was meant to mean that policies do not exist to bring the General Plan into question, this would be a falsehood of not recognizing what the County Code really says: 1 property per ½ acre.*

*The developers must be able to convince the County to change the building code for THEIR financial interests and project, in order to build 18 units on only 4.3 acres. Nice condo properties already exist in Del Rio, and his project would only add to that number of properties. There are formal agreements (the 1992 Del Rio Community Plan and County General Plan (that have legal validity) and the Del Rio plan has been adopted by the County and has set a precedence.*

*The developer should build to existing County Code (low density). It is not appropriate for the County to overturn code for one developer's project, which is not supported by the majority of Del Rio residents – residents who will be adversely affected by the building of the high density project, and with cumulative negative impacts if the County Code is changed. This will also allow future developers to build high density condo projects for the remaining 3 vacant lots. (Code change is law for all of Del Rio – not for just one project.)*

---- (end of "Exhibit C") ----

**STAFF REPORT ANALYSIS (Continued):**

**PAGE 6**

**Paragraph 1:**

The preparer/s of this report fail to cite an important reference affecting future development in the Del Rio area after quoting a description for Del Rio developments. After the black highlighted wording cited in paragraph 1, the description should contain the quoted sentence "Future residential uses would continue the low-density development already present,". (See Page 3 of the 1992 Del Rio Community Plan)

"While the proposed development exceeds the Del Rio Community Plan's dwelling unit per-acre density,"

*Response: The preparer/s of this report do confirm that the project is in violation of the 1992 Del Rio Community Plan and the General Plan. No other wording, justifications, or future events are legally relative!*

Incorrect: "This project's residential nature is compatible with the adjacent residential and open space uses."

*Response: The project's residential nature is NOT compatible. It is "high density" and adjacent residential use is low density. (Compatibility is meant to be understood as "same" or "similar.")*

**Paragraph 4:**

Incorrect: "The proposed project meets the density requirement of the existing Low Density Residential designation;"

*Response: A most egregious statement and complete falsehood is made by the preparer/s of this report, which does NOT reflect County Code! The project is a high density project violating the low land density use.*

**PAGE 7**

The definition of what is meant by "consistency of land use" and "conformity" is referencing a legal writing under 58 Ops.Cal.Atty.Gen.21,23 (1975).

Incorrect: "Thus, an "exact match" is not needed between a project and a General Plan,"

*Response:* Although the 1975 Attorney General's writing may have its merits, it does not override the terms and provisions in the 1992 Del Rio Community Plan Agreement in which the County has adopted into its General Plan in 1992, and, provided its long mutual assent of the document as an implied party to the agreement. The 1992 Del Rio Community Plan could in the courts be understood as an implied contract, with obligatory conduct. Both parties have received benefits as consideration.

"Clearly the maximum dwelling units per acre identified in the Del Rio Community Plan must be taken into consideration in light of determining the intent of mixed residential. As with any land use decision, there is always the possibility of establishing precedence and, as such, the reasons supporting the decision are critical."

*Response:* The County has clearly communicated that the 1992 Del Rio Community Plan document has a legal priority and that changing the County code to "high density" and such action would establish a new "precedent" building code.

"The project site itself has the potential, under the current A-2 zoning, to be subdivided to a density exceeding the Del Rio Community Plan."

*Response:* "res ipsa loquitur" ( Legal definition which means the thing speaks for itself.)

The project does not have "a potential" to be in violation of Del Rio Plan zoning (and County Code zoning). IT IS!

"The project should be deemed compatible to the surrounding land uses in the area"...and should not be considered a detriment to the area."

*Response:* The project is NOT compatible to surrounding "land uses" of 1/2 acre per residential building!

The project will cause immediate traffic congestion to Ladd Road, St. John Road, Country Club Drive, Stewart Road, and others, besides over parking and movement within the small project street/s. The project will cause "cumulative negative impact" detriments to Del Rio residents with future overpopulation (from high density land use change), congested traffic, a hurried pace within the community from too many people traveling its streets, an oversupply of housing from high density building with the 3 other vacant lots, which has a high probable result of causing loss in property values from desperate sellers of unsold properties – the real economic condition that Modesto currently faces and expects to struggle with, will be at least the next 5 years. Over 500 existing resident's quality of life will be destroyed. A class action suit would definitely be on the table. Stanislaus County and Modesto do not need any more lawsuits in which they have already forced such costs on its residents to pay for.



PAGE 8  
**"ZONING CONSISTENCY"**

"To approve the requested rezone, the Planning Commission must find that it is consistent with both the General Plan and the Del Rio Community Plan."

*Response: The project is NOT consistent with both the General Plan and the Del Rio Community Plans.*

**"TENTATIVE MAP"**

"you must deny the map request if any of the listed findings can be made."

"In order to approve the tentative map, none of the following findings requiring denial can be made:

- A. That the proposed map is not consistent with applicable general and specific plans;"

*Response: The proposed map is NOT consistent with the General and Specific (1992 Del Rio Community Plan) plans! Therefore, Item "A." supports reason to deny the developers' project.*

**"CORRESPONDENCE"**

The preparer/s of this report importantly omitted and did not reference the many resident letters (from opponents to the project) which were submitted timely to the Planning Commissioners before the July 5<sup>th</sup> meeting.

The only reference in this category is "Two responses were also received (February 16, 2012 and June 19, 2012) from the Del Rio Property Owner's Association. A majority of the emails/letters are in support of this project noting the following: they live in the community but would like to downsize in the future while remaining in the Del Rio area;"

*Response: I had sent 4 letters to the Commission which were properly "date stamped" by the County. My letters were dated June 14, June 25, June 28, and July 2<sup>nd</sup>, 2012. Many other residents sent letters, and stood up at the Commissioners meeting and addressed the panel, in opposition to the project. To prove the point of omission of opposing residents in this STAFF REPORT, copies of (some) of opposing resident's letters were provided to the public at the Commissioners*

*meeting – but bias remains here with this STAFF REPORT, as they are not mentioned as being NUMEROUS or “majority” in this report.*

PAGE 11  
**“Exhibit A”**

**“Findings and Actions Required For Approval:**

**Incorrect:** “There is no substantial evidence the project will have a significant effect on the environment”

*Response: There will be immediate traffic concerns and very significant “cumulative negative impacts” for the entire Del Rio community. Please refer to past remarks of “cumulative negative impacts.”*

**Incorrect:** 5. Find that none of the findings requiring denial of this Tentative Map can be made:

A. That the proposed map is not consistent with applicable general and specific plans;

B. That the design or improvements of the proposed subdivision are not consistent with the applicable general and specific plans;”

*Response: Refer to previous PAGE 8 TENTATIVE MAP remarks.*

**In conclusion, the STAFF REPORT of July 5, 2012 has many irregularities and incorrect references. The Board of Supervisors, or others, should not refer to it.**

In quoting page 12 of the STAFF REPORT, we, and many other Del Rio residents, DO AGREE with:

- I. “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.”

Thank you.

Roberto & Donna Minighini  
Del Rio Residents  
521 Sherry Court, Modesto, CA 95356

This letter is submitted without signatures  
due to the fact that writers do not have  
scanning capability.

**Carole Maben - Letter Dated May 18, 2012**

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**From:** Duncan Reno <dreno@delriocountryclub.com>  
**To:** "ObrienW@StanCounty.com" <ObrienW@StanCounty.com>, "vito.chiesa@stancoun...  
**Date:** 7/10/2012 11:30 AM  
**Subject:** Letter Dated May 18, 2012  
**CC:** "modestowes@aol.com" <modestowes@aol.com>, "ldempsey@comcast.com" <ldemp...  
**Attachments:** Letter to Board of Supervisors Regarding Villas Prjoect.doc

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Gentlemen

I felt it important to clarify my letter written to you dated May 18, 2012 regarding the Del Rio Villas Project. Please review the attached letter for what it is worth. Thank you.

*Duncan G. Reno, CCM*

Del Rio Country Club  
801 Stewart Road  
Modesto CA 95356  
209545-0723 Main Line  
209-341-2401 Direct Line  
209-595-5986 Cell  
209-545-5133 Fax  
[dreno@delriocountryclub.com](mailto:dreno@delriocountryclub.com)  
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July 10, 2012

To: Stanislaus County Board of Supervisors  
Planning Commission  
Carl Wesenberg  
Mr. Romano  
Larry Dempsey

From: Duncan Reno, CCM, General Manager Del Rio Country Club

RE: Clarification of Letter in Support of Villas Project dated May 18, 2012

Because this project has become such a contentious proposal I felt it extremely important to clarify the letter I sent on May 18, 2012. In that letter I was asked by Carl Wesenberg a member of the club my opinion on the project and when answering him I told him that since I do not live in the area my opinion is solely based on how the club from an operations stand point only benefits from the approval of this project. (More potential members, a newly renovated course access gate, and removal of an eyesore adjacent to the 7<sup>th</sup> tee box)

This topic was brought up at the board of directors meeting (June 27, 2012) and immediately shot down for being a non-board issue and that the board of directors along with the club manager could and would never speak on behalf of the club members in this matter.

After reviewing my letter I can see how it appeared I was representing the member's opinion. I tried to clarify that I was only speaking "in my capacity as the General Manger" and from an operations standpoint it could be good. As the General Manager of the club I first of all do not have the authority to speak on behalf of the members nor would I ever assume I could.

Sincerely,

Duncan Reno, CCM  
General Manager  
Del Rio Country Club

## Christine Ferraro - Fwd: Updated Del Rio Resident remarks about inconsistencies with STAFF REPORT of July 5.2012

**From:** William O'Brien  
**To:** Ferraro, Christine  
**Date:** 7/16/12 9:24 AM  
**Subject:** Fwd: Updated Del Rio Resident remarks about inconsistencies with STAFF REPORT of July 5.2012

>>> Donna Marie Minighini <pttrs457@aol.com> 7/13/2012 6:27 PM >>>

Dear Stanislaus County Board of Supervisors,

Deception and misrepresentation sometimes is built a little at a time, and most people do not notice its synergistic effects.

I am compelled to update you all with some small facts that scream "misrepresentation" in the Staff Report of July 5th 2012. This category is only 1 area of public concern.

In regards to Page 9 of the July 5th, 2012 Planning and Building STAFF REPORT presented at the Commissioners' meeting, under the category of "CORRESPONDENCE", it says:

**"A majority of the emails/letters are in support of this project....."**

**This is an outright lie.**

At the meeting, I collected a copy of all of the resident letters and emails (both in support and opposing.)

In reviewing the STAFF REPORT's enclosures of letters/emails, and the copies of resident's letters provided to the public at the meeting, the TRUE count shows there is NOT a majority of persons supporting the project (as the report indicates)!

Please note that all emails and letters were received before the July 5th meeting date, and some were received by the Building and Planning Department on July 5th. An argument could be made by the Building and Planning Department that the report was already published by July 5th, and this was just a clerical or copying oversight. This is not an acceptable excuse.

Everyone knows in the business world (and the bar should be held higher for public agencies) that Important report determinations such as "community support or not" should be amended on the report's one page in which this information is reflected. This is not a major work product correction and businesses do it everyday because the facts need to be right to avoid any misrepresentations or other serious consequences. This "correspondence" area is just one of many irregularities in the Staff Report.

Here are the real RESIDENT LETTER/EMAIL findings:

### A. Letters/emails in Support of Project:

Duncan Reno  
 George Beach  
 Sean P. Carroll  
 Bob and Marsha Benn  
 John Potter  
 Richard Rand  
 Norman Porges  
 Tim and Kelly Coppedge  
 Zain Griffith  
 Nick & Shirley Trani  
 Charlie Menghetti  
Tony & Mathew Bruno

**TOTAL 12 letters for 16 PERSONS**

2012 JUL 16 A 9:26  
 BOARD OF SUPERVISORS



**B. Letters/emails in Opposition to Project:**

Donna Minighini & Roberto Minighini  
Donna Minighini  
Donna Minighini (letter of 6/28 left out)  
Donna Minighini (letter of 7/2 left out)  
Del Rio Property Owners Association  
Judy Fung  
Peter and Kathleen Lai  
Susan Dignan  
Susan J. Fillippi  
Greg & Jocelyn Hall, Gary Padovani, Bart Bartoni, Carol Davini, C.W. Iffland, Calvin Lee  
Clark V. Filippi, DDS  
Larry Dempsey  
Milo Shelly  
Frederick O. Lewis III  
Janice Mooney  
Mark Goss  
Bret de St. Jeor  
Bill and Ila Jean Reinheimer  
Del Rio Property Owners Associatin  
Steven & Jennie Zeff  
John & Wendy Evans  
Joyce Parker

**TOTAL Emails/Letters: 22 letters for 29 PERSONS**

The evidence shows that Del Rio Residents OPPOSED to the project were THE MAJORITY of sentiments.

I am sorry to have had written this email to you. But I am furious with the what is the big elephant in the room!

Donna M. Minighini  
Del Rio Resident

The reports provided by the Building and Planning Department to the Commission, and to your Board are REAL CONCERNING AS A CITIZEN.

It is not acceptable for a public agency to misrepresent facts and bias.

Donna M. Minighini  
Del Rio Resident



JULY 30, 2012

TO: COUNTY SUPERVISORS

FROM: DENNIS WITTCHOW

SUBJECT: DEL RIO VILLAS PROJECT

MY NAME IS DENNIS WITTCHOW. I HAVE LIVED IN THE DEL RIO NEIGHBORHOOD ON SPY GLASS DRIVE SINCE 1994. MY WIFE JEAN AND I HAVE FOUR ADULT CHILDREN, NONE LIVING AT HOME, FORTUNATELY. WE HAVE A 4400 SQUARE FOOT, TWO STORY HOUSE ON A HALF ACRE OF YARD TO MAINTAIN.

I SERVED ON THE BOARD OF THE DEL RIO COMMUNITY ASSOCIATION, AS IT WAS CALLED, FOR SEVERAL YEARS AND SERVED TWO YEARS AS PRESIDENT. DURING THE TIME I WAS PRESIDENT, CARL WESENBERG PRESENTED HIS ORIGINAL PLAN TO BUILD THE VILLAS PROJECT TO THE BOARD. SINCE THE COMMUNITY ASSOCIATION IS A VERY INFORMAL ORGANIZATION WITH ONLY ABOUT HALF THE RESIDENTS PAYING DUES, WE DID NOT FEEL THE BOARD SHOULD TRY TO SPEAK FOR THE ENTIRE COMMUNITY FOR OR AGAINST THE PROPOSAL. WE FELT IT WAS OUR RESPONSIBILITY TO COMMUNICATE TO THE MEMBERS REGARDING THE PLAN AND LET THEM FORM THEIR OWN OPINION. UNFORTUNATELY, A VOCAL MINORITY HAS TAKEN OVER THE BOARD AND IS MISUSING ITS AUTHORITY TO CAMPAIGN AGAINST THIS PROJECT.

MY WIFE AND I LOVE THE DEL RIO NEIGHBORHOOD AND ARE ACTIVE MEMBERS OF THE COUNTRY CLUB. WE THINK THE VILLAS WOULD BE A WONDERFUL ADDITION TO THE NEIGHBORHOOD. WE COVET THE OPPORTUNITY TO DOWNSIZE INTO AN UPSCALE RESIDENCE WITHOUT LEAVING DEL RIO. EVEN IF WE CHOSE TO CONTINUE LIVING IN OUR PRESENT HOME, WE THINK THE VILLAS WOULD BE A POSITIVE ADDITION TO THE COMMUNITY, CERTAINLY PREFERABLE TO AN EMPTY LOT OR EVEN EIGHT OR NINE ADDITIONAL MC MANSIONS ON HALF ACRE LOTS.

IN SUMMARY, WE HEARTILY ENDORSE THE VILLAS PROJECT AND ENCOURAGE YOUR APPROVAL.

DENNIS AND JEAN WITTCHOW

7216 SPY GLASS DRIVE

BOARD OF SUPERVISORS  
2012 JUL 30 P 3:52

BOARD OF SUPERVISORS ✓

2012 AUG 16 P 48

June 24th, 2012

To Whom It May Concern,

Please allow us to introduce ourselves. We are the Moreno's and we reside at 1317 Country Club Drive. Our home is located directly across the street from, and north of, the proposed Villas at Del Rio project.

And while we initially signed a petition that was being circulated by the project's opponents we did so without a full presentation of the facts pertaining to the development. Upon obtaining accurate information on the project (specifically as it relates to the number and type of residential units being proposed (18 custom units), building heights (single story), location of the entry gate, details of the perimeter wall, etc.) we now wholeheartedly support of the project and would ask that this letter of support supersede our signature on the petition.

Sincerely,

Tony and Cindy Moreno  
1317 Country Club Drive  
Modesto, CA 95356

*Cindy Moreno*

*209 566 8158*

*209 985-2492*

August 14, 2012

✓  
BOARD OF SUPERVISORS

2012 AUG 17 A 10:41

Clerk of the Board of Supervisors  
Christine Ferraro Tallman  
1010 10<sup>th</sup> Street Suite 6700  
Modesto, Ca 95354

Reference: Villas at Del Rio

Ms. Tallman and the Stanislaus Board of Supervisors:

I am unable to attend the hearing on the Vilas at Del Rio scheduled August 28, 2012, therefore, I wish to register with you my absolute endorsement of this project.

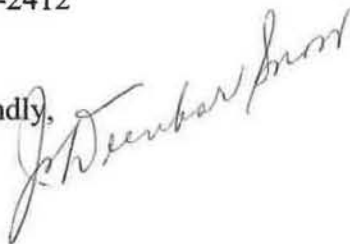
Until 2006 I owned a cooperative apartment on Russian Hill in San Francisco. Upon the death of my husband, I returned to Modesto, built a 4000 sq. ft. home on River Nine, rejoined the Del Rio Country Club, and enjoyed living amongst loved ones and good friends. However, at this point in my life, I have come to the realization that I should scale down. The Villas at Del Rio is the answer for me and many of my friends in like circumstances who wish to remain in Del Rio but who have "undergrown" our homes!

There is a dramatic need for such housing and Del Rio has not met this need. Therefore, it is difficult to understand that there is any opposition to such a well-thought out development in Del Rio.

Your support of this project is greatly appreciated. I can be reached as follows:

Jo Dunbar Snow  
7458 River Nine Drive  
Modesto, Ca 95356  
209-545-2598  
Cell: 209-602-2412

Thank you kindly,



**Liz King - Fwd: Del Rio Villas**

---

**From:** Christine Ferraro <ferroc@stancounty.com>  
**To:** KINGL@stancounty.com  
**Date:** 8/20/2012 10:44 PM  
**Subject:** Fwd: Del Rio Villas

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Sent from my iPhone

Begin forwarded message:

**From:** "Vito Chiesa" <CHIESAV@stancounty.com>  
**Date:** August 13, 2012 1:10:20 PM PDT  
**To:** "Christine Ferraro" <FERRROC@stancounty.com>  
**Subject:** Fwd: Del Rio Villas

>>> Larry Campbell <bohunklwc@gmail.com> 8/13/2012 6:58 AM >>>  
I urge you to vote for this great project.  
Larry Campbell  
Del Rio East

BOARD OF SUPERVISORS  
2012 AUG 21 A 8:49

**From:** Janet Nicholson <g3janet@aol.com>  
**To:** "FERRROC@stancounty.com" <FERRROC@stancounty.com>,  
"ChiesaV@Stancounty.c...  
**Date:** 8/22/2012 11:55 AM  
**Subject:** Del Rio Villas

To whom it may concern,

My husband, Mark, and I have lived in the Del Rio area for over 20 years. I have confidence that the Del Rio Villas will be a great project for the area, and I can't understand what all the fuss is about. I do understand that the project's opponents have gone to extreme lengths to misinform and scare the neighborhood. I am disappointed in our community. I have read some of the opponents letters and it seems it's more about personal issues than the project itself. I don't see how a project like the villas could be a bad thing for the Del Rio community. It is a very small infill project that would only enhance the area.

Thank you for your time and consideration,  
Janet Nicholson

BOARD OF SUPERVISORS  
2012 AUG 22 P 1:32



Dear Stanislaus County Supervisors,

BOARD OF SUPERVISORS

2012 AUG 22 P 5:02

Please allow me to introduce myself. My name is Matt Bettencourt. I am a professional golfer and currently play on the PGA Tour. I was raised in Modesto, my parents still live in the community and Modesto will always be "my home."

Growing up, I had the privilege to play and practice golf at Del Rio Country Club. And while the golf course is exceptional, the more I travel throughout my professional career, the more I am amazed to note that Del Rio Country Club is one of the few, high end, golf course communities that does NOT offer a variety of housing options, within the surrounding community.

Incredible golfing communities such as Pebble Beach, Spanish Bay, The Vintage Club, Black Hawk, Estancia Club, Gray Hawk Golf Club, (and the list goes on and on) All provide a wide variety of alternative housing types, in response of people/families who may wish to reside in a given golf course community. The fact that Del Rio does not currently offer an acceptable alternative makes it stand out in a very unflattering way. The fact that Del Rio stands all but alone, with only large estate lots and outdated tri-level fourplexes, is a detriment to the Country Club's ability to obtain and retain members.

As I've pursued my professional career, I look back fondly at my time spent at Del Rio Country Club. Those memories will always be special. But more significantly, I wish that you would approve the type of residential product proposed by the Villas at Del Rio, so that my wife and I could consider owning a second home, in my home town, all without the need to provide the upkeep that is required of an estate size lot. This is something that Del Rio has always been missing.

I am excited to be back in Modesto and give back to the community that has done so much for me. I urge you to approve the Villas at Del Rio project and bring the Del Rio community up to par with other Country Club communities.

Sincerely,



Matt Bettencourt

PGA Tour Professional



Matt Bettencourt  
PGA TOUR Professional

PGA TOUR  
215 New Castle Drive  
Duncan, SC 29334

864.497.1800 cell  
mattb@pgatour.com



**Del Rio Property Owners Association**

**P.O. Box 118  
Salida, CA 95368**

BOARD OF SUPERVISORS

2012 AUG 23 A 10 4

August 20, 2012

Stanislaus County Supervisor O'Brien  
1010 10<sup>th</sup> Street  
Modesto, CA. 95354

Dear Supervisor O'Brian,

Representatives of the Del Rio Property Association Board of Directors had the pleasure of meeting with you to discuss the proposed Del Rio Villas project. We sincerely appreciate your time and thoughtful consideration. Since then, the Stanislaus County Planning Commission held a public hearing and vote on July 5, 2012.

As you undoubtedly know, the Planning Commission reviewed many letters and heard approximately 27 people express their views on the proposal, both pro and con, and after due democratic consideration voted, 6 to 1 not to approve. We feel the Commission exercised due diligence in arriving at their conclusion. As a community organization represented by volunteers, it is important to restate that we are not opposed to development or building on the site. In support of the Community's By-Laws, the Board has narrowly limited its objection to the project based on provisions contained in the 1992 Del Rio Community Plan. This Plan was created by the Community with input from various County administrative departments and passed by the Stanislaus County Board of Supervisors.

In anticipation of the August 28, 2012 County Supervisors meeting we continue to ask for your support in upholding the Del Rio Community Plan and deny the proposed increase in density from 2 separate single family dwellings per acre to 4.5 units per acre. It is potentially precedent setting. In a largely built out area, it is important to recognize that many community members may have relied on the density provisions of the plan before buying, remodeling or otherwise improving their property. We feel it is in everyone's best interest to preserve and protect the Plan.

Sincerely,



Laurance Dempsey  
President  
Del Rio Property Owners Association

August 23, 2012

BOARD OF SUPERVISORS  
2012 AUG 23 P 1:20

To: Stanislaus County Board of Supervisors

Attached is the Del Rio Resident Petitions supporting the 1992 Del Rio Community Plan (DRCP) and in opposition to the Del Rio Villas proposal currently under consideration by the Board of Supervisors. Also included is a Del Rio area plot map which has been highlighted to reflect the signatories to the above cited petitions.

The following points about the petitions

1. Only Del Rio resident signatures were solicited or obtained.
2. Signatures were voluntary.
3. Organization and collection of petition signatures was a grass roots effort not affiliated to any organization. This was a door to door, neighbor to neighbor effort. No professional firms were employed.
4. Due to the collection method not all residents/homes were canvased.
5. Many residents, opposed to the Villas project, would not sign the petition due to personal/professional relationships with the Villas proponents.
6. Gated communities within Del Rio were not solicited primarily due to access. The exception being Rancho Del Rio which is adjacent to the proposed Villas site.
7. All signatures were collected in 2012, immediately prior to the Planning Commission Hearing of July 5, 2012.

The following points about the Del Rio plot map:

1. Lots/home sites where an opposition signature was obtained are color coded. Every effort was made to insure the petition signers address corresponds to the color coding on the map. The purpose of the map was to give a visual depiction of resident sentiment concerning the Villas project.
2. Lots/home sites not color coded were either:

- a. Not solicited/canvased
- b. Unwilling to sign public document although against Villas project or modifying the 1992 DRCP.
- c. Support Villas project.

This package is provided to the Stanislaus Board of Supervisors to provide an accurate representation of Del Rio resident sentiment. Simply stated the signers of this petition are opposed to changing the agreement made with the Board in 1992.

SIGNED

Signatories of the "Petition to keep the 1992 Del Rio Community Plan"

Enclosures

1. Petition to Keep the 1992 Del Rio Community Plan, 33 pages.
2. Del Rio Area plot map

## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

The 1992 Del Rio Community Plan (part of the General Plan) was jointly agreed to by the community and the Stanislaus County Board of Supervisors. We the undersigned Del Rio residents petition the Stanislaus County Planning Commission and the Stanislaus County Board of Supervisors to vote to uphold the 1992 Del Rio Community Plan, without amendment and to reject Application Number 2012-01 or subsequent filings that do not comply with the residential density requirements of the established 1992 Del Rio Community Plan.

	DATE	Signature	Address
1	4/6/12	Christine C. Brakley	901 Country Club Dr
	4/6/12	Maria F. Fren	901 Country Club Dr.
3	4/8/12	Dennis Harsh	904 Country Club Dr
4	4/8/12	Sharon Harsh	904 Country Club Dr
5	4/8/12	[Signature]	999 Country Club Dr.
	4/8/12	Sam Oguchi	999 Country Club Dr.
7	4/9/12	[Signature]	605 Bing Way.
	4/9/12	Rody McInt	605 Bing Way
	4/9/12	Joan N. S.	808 Country Club Dr
10	4/9/12	Nana Ram	808 Country Club Dr.
11	4/10/12	Kogee Ernst	805 Country Club
12	4/10/12	RAY Ernst	805 Country Club
13	4/10/12	Imelle Kishpaugh	908 Country Club Dr.
14	4/11/12	Sharon K. Vitus	804 Country Club
15	4.11.12	[Signature]	804 Country Club
16	4.13.12	Mary Ann Cross	7364 Del Rio Cielo Way



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	DATE	Signature	Address
1	4/10/12	[Signature]	7106 CAROLINA CT
2	4/10/12	[Signature]	7106 Carolina Ct.
3	4/10/12	[Signature]	7110 Carolina Ct.
4	4/10/12	[Signature]	7110 Carolina Ct
5	4/10/12	Cathie J. Horner	7113 Carolina Ct., Modesto
6	4/10/12	Dennis J. Horner	7113 Carolina Ct. Modesto
7	4/10/12	Bob Cotten	7008 Hillcrest Dr Modesto
8	4/10/12	Sharon Cotton	7008 Hillcrest Dr. ME
9	4/11/12	[Signature]	7101 Del Rio Drive
10	4/11/12	Clay Bums	7108 Del Rio Drive
11	4/12/12	[Signature]	1113 Country Club Dr Modesto 95356
12	4/14/12	[Signature]	7125 Carver Rd. Modesto, CA. 95356
13	4/14/12	[Signature]	7125 Carver Rd. <sup>Modesto</sup> CA 95356
14	4/14/12	Wayne Lowell	7441 River Nine Dr
15	4/14/12	Joan Lowell	7441 River Nine Dr 95356
16			

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	DATE	Signature	Address
1	4/5/12	Mildred J. Kelly	7105 Oakmont Dr.
2	4/5/12	Karen J. Shelly	7105 Oakmont DR.
3	4-5-12	Lee Parisio	1317 Thunderbird Dr.
4	4-6-12	[Signature]	7104 OAKMONT DRIVE
5	4/6/12	Katherine J. Holihan	7109 Oakmont Drive 95356
6	4/6/12	John C. Ebeling	7109 OAKMONT DR.
7	4/6/12	Eric D. Gna	7113 Oakmont Dr. Modesto
8	4/6/12	ANDREW J. GNA	7113 OAKMONT DR., MODESTO
9	4-9-12	Lucretia P. Pichler	7017 Oakmont Dr. MO 95356
10	4.9.12	Cindy Moreno	1317 Country Club Dr Modesto 95356
11	4-9-12	Anthony Moreno	1317 Country Club Dr. Modesto 95356
12	4/12/12	Richard A. Nantz	7116 OAKMONT DR. MODESTO 95356
13	4/12/12	Yvonne J. Humble	7116 Oakmont Dr. Modesto 95356
14	4/15/12	[Signature]	7104 DEL RIO DR. - MODESTO
15	4/16/12	[Signature]	7108 Redwood Lane Modesto
16	4/19/12	Felice C. Bennett	7120 Del Rio Dr. Modesto



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	DATE	Signature	Address
1	4/19/12	Peggy Maraitie	7013 Oakmont Dr. Modesto, 95356
2	4/19/12	Randall Epperson	7020 Oakmont Dr. Modesto 95356
3	4/19/12	Bob Dyer	2009 " " " "
4	4/20/12	Alicia Epperson	7020 Oakmont Dr. Modesto, 95356
5	4/22/12	Michelle Miller	604 Cherry Hill Court Modesto 95356
6	4-22-12	Rachel Miskin	604 Cherry Hill Court Modesto 95356
7	4-23-12	D. Dunn	7017 Del Rio Dr. Modesto 95356
8	4-24-12	Shannon Dyer	7113 Del Rio Dr.
9	4-24-12	Ally Dyer	7113 Del Rio Dr.
10	4-30-12	Barton J. Glendon	7114 Del Rio Dr. Modesto, CA
11	4/30/12	Diane Parnas	7017 Del Rio Dr.
12	4-30/12	Steve Mader	7105 Del Rio Drive
13	4-30-12	Lee Lee	1308 Thunderbird Dr.
14	4/30/12	Peggy Lee	1308 Thunderbird Dr.
15	5/18/12	Hugh Lee	7011 Del Rio Dr.
16	5/15/12	[Signature]	7011 Del Rio Dr.

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	DATE	Signature	Address
	4/24/12	Debra Kasey	812 Country Clubway, Modesto, CA
	4/24/12	Sam Kasey	" "
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	DATE	Signature	Address
1	4-27-12	Clarence Ayers	7108 Hillcrest Dr.
2	<del>7-4-12</del> 4-27-12	Lori Young	also Thunderbird 2.2 Acres 7024 CARVER RD.
3	7/4/2012	Dr. Robert Young	also Thunderbird 2.2 acres 7024 Carver Rd Modesto
4	7/4/12	James Champion	7060 Carvers Rd
5	4/4/12	Eubala J. Champion	7060 Carver Rd.
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	DATE	Signature	Address
1	4/2/12	Myra Allison	1508 Country View Dr.
2	4/2/12	Michael Ash	1500 Country View Dr.
3	4/2/12	Lippy Blue	7316 Carner Rd
4	4/12/12	BZB	1500 country View Drive
5	4/2/12	Gean Oliver	7305 Sunny View Ct.
6	4/2/12	Albert Oliver	7305 Sunnyview Ct
7	4/2/12	Jose L. Barso et al	7304 Sunnyview Ct
8	4/2/12	Mary Chuter Barso	7304 Sunnyview Ct Modesto CA 95356
9	4/3/12	Deborah Gardner	1412 Countryview Dr. Mod. CA
10	4/3/12	JAM	1412 Countryview Dr mod.
11	4/4/12	Berli Mason	1504 Country View
12	4/1/12	Barbara Stewart	7307 Stonegate drive
13	4/21/12	Paula L.	1505 Countryview Dr.
14	4/24/12	Joyce B. Baker	7305 Stonegate Dr Modesto
15	4/24	Barbara S.	1318 Woodstone Dr.
16			

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	DATE	Signature	Address
1	4/27/12	Denis Boyer	7008 Hye Park Dr.
2	4/27/12	<del>Michael J. Mahal</del>	501 Stewart Rd
3	4/27/12	AL Nazmi	7121 Sherry Ln
4	4/27/12	Bobby & Tina Ismail	520 Sherry Ct.
5	4/28/12	<del>Michael J. Mahal</del>	417 Stewart Rd.
6	April 29	Rupinder B. Mahal	7001 Hye Park Dr.
7	April 29	Rupinder B. Mahal	7001 Hye Park Dr.
8	April 29	Ravinder S. Mahal	7001 Hye Park Dr.
9	4-29	SANDY & JOE LOPES	7005 Hye Park Dr
10	4-29	Don Buchanan	213 Stewart Rd
11	4/29	<del>Michael J. Mahal</del>	7020 Grove Pointe Way
12	4/29	<del>Michael J. Mahal</del>	7020 Grove Pointe Way
13	4-30	TINA ISMAIL	520 Sherry
14	4-31	JOE LOPES	7005 Hye Park Dr
15	✓		
16	✓		



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	DATE	Signature	Address
1	4-6-12	Sam Sanford	217- STEWART Rd
2	4-6-12	Don Paul	217 Stewart Rd, Modesto
3	4-6-12	Jim Dangel	319 Stewart Rd, Modesto
4	4-19-2012	Glenn James Matthews	117 Stewart Rd, Modesto
5	4-19-12	Joani Thomson Matthews	117 Stewart Rd Modesto
6	4-19-12	Jim P. Matthews	117 Stewart Rd Modesto
7	4/20/12	David Nelson	204 Stewart Rd
8	4/20/12	Alon	204 Stewart Rd
9	4/26/12	Beta Yocum	421 Stewart Rd
10	4/26/12	Andy Yocum	421 Stewart Rd
11	4/26/12	Suzan Yocum	421 Stewart Rd
12	4/27	Carol Blackmer	416 Stewart Rd, Modesto 95356
13	4/27	Margaret Waterman	416 Stewart Rd, Modesto 95356
14	4/27	David Waterman	" " " "
15	4/27	Sandy Devenport	7012 Hye Park Dr Modesto 95356
16	4/27	Janie Devenport	7012 Hye Park Dr. Modesto 95356



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	DATE	Signature	Address
1	4/14	<i>B. De. Retete</i>	6812 Cortes de las Palmas
2	4-16-12	ENRIQUE ROJAS-DORTHE	1000 COUNTRY CLUB DR. E - Foothills
3	4-16-12	JANE COUGHLIN-ROJAS	1000 COUNTRY CLUB DR.
4	4-28-12	S.E. RITCHEY	7306 HILLCREST DR.
5	4-28-12	S.B. RITCHEY	7306 HILLCREST DR.
6	4-28-12	<i>Rita Stitt</i>	1599 Thunderbird Dr.
7	4/28	<i>Charles Lee</i>	" "
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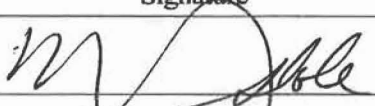
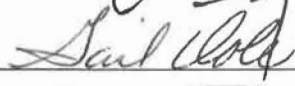

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	DATE	Signature	Address
1	4/11/12		7113 SHERRY LANE MODESTO CA 95356
2	4/11/12		7113 Sherry Lane Modesto CA 95356
3	4/11/12		7301 Bellis Dr
4	4/13/12	Edi CL	7301 Bellis Dr, Modesto, CA 95306
5	4-13/12	Geoffrey Dy	7081 Walnut Woods Dr
6	4-13-12	William G. ...	7020 Oakmont Dr
7	4-13-12		2737 Topel
8	4-13-12		2727 Topel
9	4-13-12		601 Atherton Ct, Modesto
10	4-13-12		11
11	4-13-12	James Chantelice	7209 Spy Glass Dr.
12	5-4-12	Barrett J. Benda	612 Walnut Woods Ct.
13	5/4-12	George G.errick	608 Walnut Woods Ct.
14	5/4/12	Gene Self	7025 WALNUT WOODS DR
15	5/4/12	Michael W. Bely	7025 WALNUT WOODS DR
16			

## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

The 1992 Del Rio Community Plan (part of the General Plan) was jointly agreed to by the community and the Stanislaus County Board of Supervisors. We the undersigned Del Rio residents petition the Stanislaus County Planning Commission and the Stanislaus County Board of Supervisors to vote to uphold the 1992 Del Rio Community Plan, without amendment and to reject Application Number 2012-01 or subsequent filings that do not comply with the residential density requirements of the established 1992 Del Rio Community Plan.

	DATE	Signature	Address
1	7/3/12		7457 River Nine Dr.
2	7/3/12		7457 River Nine Dr.
3	7/4/12		7000 Hillcrest Dr
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4-11-12	Gennie Zebb	7605 Spy Glass Dr., Modesto 95356
	4/11/12	A. H. Hoff	7605 SPY GLASS DR MODESTO, CA 95356
3	4/12/12	Mary Ann Abate	1013 Country Club Dr. Modesto CA 95356
4	4/13/12	Khal Warden	7416 DEL CIELO Modesto, 95356
5	4/13/12	Maria F. Fieff	7416 Del Cielo, Modesto 95356
6	4/14/12	Marin Moraco	7617 Spy Glass Drive 95356
	4-14-12	Stephen Fluker	7609 SPY GLASS DRIVE 95356
	4-14-12	Dianne S. Fluker	7609 Spy Glass Drive - 95356
	4/14/12	Karen Lee Goodman	7601 Spy Glass Drive - 95356
	4/14/12	Virginia Wack	7601 Spy Glass Dr 95356
11	4/14/12	Nikki Goodman	7601 Spy Glass Dr 95356
12	4/14/12	Eleanor Zapp	1105 Country Club Dr. 95356
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	5/16/12		7101 SPY GLASS DR. MODESTO
2	5/16/12	Hamid Amirshenbani	7100 Carolina Ct. Modesto
3	5/16/12	AMARJIT DHALIWAL	608 BING WAY Modesto.
4	5/16/12	TALMINDER HUNOAR	7438 River Nine Dr.
5	5/16/12		7461 River Nine, Modesto, CA 95358
6	5/16/12		7461 River Nine
7	5/16/12		1505 Country Club Dr.
8	5/16/12		6978 Hillcrest Dr Mod
9	5/16/12		201 Blossom View Pl
10	5/16/12		1208 Country Club Dr
11	5/17/12		7428 River Nine Dr
12	5/17/12		201 Blossom View Pl.
13	5/17/12	A. Daggal	7105, SPY GLASS DR.
14	5-21-12		1208 Country Club dr
15	5/23/12	Calvin Lee	6813 CORTE DE ORD.
16	5/23/12		6813 Corte De Oro.



## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	3/29/12	Kathy Kauri	1217 Country Club Drive
2	3/30/12	Robert Kauri	1217 Country Club Drive
3	3/31/12	Pat J. Calt	1013 COUNTRY CLUB DR
4	3/31/12	Mike Kauri	1217 Country Club Dr.
5	3/31/12	Ben Kauri	1217 Country Club Dr.
6	5/1/12	Bruce Calt	7005 Del Rio Dr.
7	5/1/12	Cy Min Calt	7005 Del Rio Dr.
8	3/28/12	James S. Kauri	7004 Del Rio Drive
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4-10-12	Gregory Hall	1400 Riveroaks Dr Modesto Ca. 95356
2	4/10/2012	[Signature]	7113 Hillcrest Dr.
3	4/12/12	[Signature]	7112 Hillcrest Dr.
4	4/12/12	Susan Barnett	7112 Hillcrest Dr.
5	4/15/12	David Ellerton	7105 Hillcrest Dr.
6	4/13/12	Patricia Ellerton	7105 Hillcrest Dr.
7	4/13/12	Gwen Baller	7104 Hillcrest Dr.
8	4/15/12	Hal Baller	7104 Hillcrest Dr.
9	4-25-12	Beverly Sagle	7109 Hillcrest Dr.
10	4.27-12	Carol C. Danner	7224 Hillcrest Dr.
11	4.27.12	Jaymie Brandica	7101 Hillcrest Drive N. 95352
12	4/27/12	R Brandica	7101 Hillcrest Drive 95352
13	5/12/12	Kurt Hordess	7100 Carolina Ct 95356
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4-21-12	Kris Simpson	7108 Hillcrest Drive
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

We the undersigned Del Rio residents petition the Stanislaus County Board of Supervisors to vote to uphold the 1992 Del Rio Community Plan, without amendment and to reject Application Number 2012-01. This application to subdivide significantly alters the longstanding 1992 Del Rio Community Plan (part of the general plan) and increases residential density from 2 units per acre to 4.5 units per acre.

	DATE	Signature	Address
1	6/5/12	William Maun	604 Big Way, Modesto CA 95376
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN



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	DATE	Signature	Address
	4-10-12	Buggen	7730 McHenry Av Modesto 95352
	4/10/2012	[Signature]	7730 McHenry Ave Modesto CA
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# PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4-23-12		1324 Thunderbird Dr, Modesto 95356
2	4-23-12	Susan J. Filippa	7300 Hillcrest Dr. Modesto, 95356
3	4-23-12		1324 Thunderbird Dr., Modesto, 95356
4	5/28/12	Kay Fetter	1404 Thunderbird Dr. Modesto
5	5/28/12	Ross Fetter	1404 THUNDERBIRD DR. Modesto 95356
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4/14/12	Audrey Chun	1505 Riveroaks Dr Modesto, CA
2	4/14/12	Mick Chun	1505 Riveroaks Dr Modesto, CA 95358
3	4/14/12	S. S.	1409 Countryview Dr. Modesto CA 95356
4	4/14/12	Rosie Sarti	1409 Countryview Dr. Modesto CA 95356
5	4/14/12	Fiona Sanchez	1413 Countryview Dr. Modesto CA 95356
6	4/14/12	Wendy Sanchez	1413 Countryview Dr. Modesto CA 95356
7	4/15/12	A. G.	1313 Woodstone Dr.
8	4/15/12	Ly. S.	1313 Woodstone Dr.
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# PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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522-9999

dealmaker @ charter.net

	DATE	Signature	Address
1	4/14	Frederick O. Lewis	7205 Spy Glass Dr.
2	4/14	Doreen A. Lewis	7205 Spy Glass Dr.
3	4/14	X Erin	7300 Spy Glass Dr.
4	4.14	Sebastian	7304 Spy Glass Dr.
5	4/14	Burton	7400 SPYGLASS
6	4-14-12	Nadine Stockton	6812 Corte de Oro,
7	4-14-12	Therese Pilati	6812 Corte de Las Palmas
8	14 April 12	Shademan	7429 spy GLASS DR
9	4/14	Smart	7429 Spyglass Dr.
10	4/14	Angela	7433 Spyglass Dr.
11	4/14	Mckenzie	612 Atherton Ct.
12	4/14	Mckenzie	612 Atherton Ct
13	4/14	Jacob Eve	7309 Belts Dr
14	4/14	Kathleen Eve	7309 Belts Dr.
15	4/14	Jonathan Ortega	605 CHERRY HILL CT
16	4/14	Debra Cheung	605 CHERRY HILL CT

Debra Cheung

# PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4/14/12		6813 CORTE DE ORO Modesto RANCHO DEL RIO
2	4/14/12		6813 CORTE DE ORO RANCHO DEL RIO
3	4/14/12	Nadine Stackton	6812 Cortede Oro Rancho Del Rio
4	4/14/12	M. Hues	6901 Corte del Sol Rancho del Rio
5	4/14/12	Stan Hewer	6901 Corte del Sol Rancho del Rio
6	4/14/12		1312 Avenida Del Rio Rancho Del Rio
7	4/14/12		1312 Avenida Del Rio Rancho Del Rio
8	4/14/12		1407 Avenida Del Rio Rancho Del Rio
9	4-15-12		6806 Corte de Oro Rancho Del Rio
10	4-15-12		6806 Corte De Oro Rancho Del Rio
11			
12	4-15-12		6813 Cortes de las Palmas Rancho Del Rio
13	4-16-12		4802 1/2 Street Lot 7 Rancho Del Rio
14	4/16/12	K.W.	6813 Cortes de las Palmas Rancho Del Rio
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	5/29/12	J. J. Loran	1412 Avenida Del Rio
2	6/14/12	OK Nijjar	1401 Avenida Del Rio
3	6/14/12	Tres J. J. Loran	600 Cherry Hill CT
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	6/5/12	Henry Palotta	6988 Hillcrest Dr. Modesto CA 95356
2	6/5/12	Caramia Palotta	6988 Hillcrest Dr. Modesto, CA 95356
3	6/28/12	Berry Kassel	812 Country Club Dr. Modesto, CA 95356
4	6/28/12	Debra Kassel	812 Country Club Dr. Modesto CA 95356
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	DATE	Signature	Address
1	4-13-12	Donna Minghini	521 Sherry Court.
2	4/12/12	[Signature]	1401 River Oaks Dr.
3	4/13/12	[Signature]	605 Muirfield Ct.
4	5/4/12	[Signature]	7030 Walnut woods Dr.
5	5/4/12	[Signature]	600 Muirfield Ct.
6	5/4/12	Joyce Van der Pol	600 Muirfield Court
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J. DAVIS

# PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	3/30/12	Suzanne Davis	607 Hartley Dr
2	3/30/12	Victoria Garcia	7116 Belts Dr.
3	3/30/12	Shari Quisling	711 STEWART RD
4	3/30/12	[Signature]	7116 Belts Drive
5	3/30/12	Sharon J. Jorden	711 Stuart Rd
6	4/2/12	[Signature]	7312 Belts Drive
7	4-4-12	Suzanne B Belts	7305 Belts Dr.
8	4-4-12	Jean Davis	309 Hartley Dr.
9	4-4-12	Harvey W. Kosh	7305 Belts Dr.
10	4-4-12	Nadine Westfall	400 Hartley Dr.
11	4-5-12	Kathi Westfall	400 Hartley Dr.
12	4.5.12	Kay Feltner	7024 Serr Ct.
13	4-12-12	Wynn Brooks	7443 River Nine Dr.
14	4/12/12	Justin Brooks	1301 Woodstone Dr.
15	4/12/12	Melanie Griffith	1100 Country Club Dr.
16	4/13/12	Robert [Signature]	521 Sherry Court



## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4/30/12	Jyoti P. Setharam	7013 HYE PARK Dr. Modesto CA 95356
2	5-1-12	Anne McBride	7019 Serr Court Modesto 95356
3	5-1-12	Jack McBride	7019 Serr Court Modesto ca 95356
4	5-1-12	Drane Bartels	507 Hartley Dr Modesto 95356
5		Regina Amerine	7025 Serr Ct. Modesto 95356
6	5-9-12	W L Amerine	7025 Serr Ct Modesto 95356
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	DATE	Signature	Address
1	4/12/12	Gordon Onaka	608 Cherry Hill Ct.
2	4/12/12	Patricia Onaka	608 Cherry Hill Ct.
3	4-10-12	<del>CALL</del>	7012 Oakmont Dr.
4	4-20-12	<del>CALL</del>	7012 Oakmont Dr.
5	4-20-12	<del>CALL</del>	609 Cherry Hill Ct.
6	4.20.2012	<del>CALL</del>	609 Cherry Hill Ct.
7	5/14/12	Alfred M. Punore	7020 Del Rio Dr.
8	5/14/12	Sue Punore	7020 Del Rio Dr.
9	5/21/12	Ellen Biccarelli	7109 Del Rio Dr.
10	5/21/12	Rudolph V. Biccarelli	7109 Del Rio Drive
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## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	7/1/12	Shirley J. Fullford	1405 Country View Dr.
2	4/1/12	JE Fullford	1405 Country View Dr.
3	4/1/12	John & Jean Marie Griffin	1305 Country View Dr.
4	4/2/12	Glad Reinhermer	1401 Countryview Dr.
5	4/2/12	Alvin B. Lee	1401 Countryview Dr.
6	7/3/12	Mary Lamatus	1309 Countryview Dr.
7	4/3/12	John Lamatus	1309 Countryview DR 95356
8	4-4-12	John & Vicki	1313 Countryview Dr. 95356
9	4-4-12	David J. Webb	1220 COUNTRYVIEW DR 95356
10	4-4-12	Marsha Webb	1220 COUNTRYVIEW DR., 95356
11	4-4-12	John & Vicki	1400 Country View Dr. 95356
12	4-4-12	Mike Webb	1400 Country View Dr. 95356
13	4/5/12	Al. Morant	7013 Oakmont Drive
14	7/10/12	Reg Morant	7013 Oakmont Dr.
15	4/11/12	Al. Webb	7313 Stonegate DR 95356
16	4/11/12	Antoinette Weber	7313 Stonegate Dr. 95356

# PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

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	DATE	Signature	Address
1	4/16/12	Gary Radin	7009 Hillcrest Dr, Modesto Ca 95358
2	5/7/12	Diana Radovani	7009 Hillcrest Dr Modesto
3	5-7-12	Alan M Taylor	7025 Hillcrest Dr Modesto
4	5-12-12	Janece Jarboe	7004 Hillcrest Dr. Modesto
5	5/12/12	Virginia Jarboe	7004 Hillcrest Dr, Modesto
6	5-12-12	Margaret Jarboe	7004 Hillcrest Dr, Modesto
7	5/15/12	Carol Dunn	7012 Hillcrest Dr. Modesto
8	5/15/12	Gary Dunn	7012 Hillcrest Dr. Modesto
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Print

Close

**Fwd: Petition****Larry Dempsey** (ldempsey@clearwire.net)

Sun 4/08/12 6:20 PM

John Evans (jhevans1@hotmail.com)

Sent from my iPad

Begin forwarded message:

**From:** charles iffland <cwiffland@hotmail.com>**Date:** April 8, 2012 1:03:24 PM PDT**To:** Larry Dempsey <ldempsey@clearwire.net>**Subject:** Petition

Larry

Tried to send the petition via a scan.....I doubt it, worked so here is the header for the top of the petition.

## PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

THE 1992 DEL RIO COMMUNITY PLAN (part of the General Plan) WAS JOINTLY AGREED TO BY THE COMMUNITY AND THE STANISLAUS COUNTY BOARD OF SUPERVISORS. WE THE UNDERSIGNED DEL RIO RESIDENTS PETITION THE STANISLAUS COUNTY PLANNING COMMISSION AND THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO VOTE TO UPHOLD THE 1992 DEL RIO COMMUNITY PLAN, WITHOUT AMENDMENT AND TO REJECT APPLICATION NUMBER 2012-01 OR SUBSEQUENT FILINGS THAT DO NOT COMPLY WITH THE RESIDENTIAL DENSITY REQUIREMENTS OF THE 1992 DEL RIO COMMUNITY PLAN.

*Janice G. Mooney*  
Janice G. Mooney  
1312 Woodstone Dr.  
Modesto, CA 95356

*Caramia Pallotta* 4/17/12  
Caramia Pallotta  
6988 Hillcrest Dr.  
Modesto, CA 95356

*Kevin Mooney* 4-15-12  
Kevin Mooney  
1312 Woodstone Drive  
Modesto CA 95356

[Print](#)[Close](#)

## Fwd: Petition

**From:** Larry Dempsey (ldempsey@clearwire.net)

**Sent:** Sun 4/08/12 6:20 PM

**To:** John Evans (jhevens1@hotmail.com)

Sent from my iPad

Begin forwarded message:

**From:** charles iffland <[cwiffland@hotmail.com](mailto:cwiffland@hotmail.com)>

**Date:** April 8, 2012 1:03:24 PM PDT

**To:** Larry Dempsey <[ldempsey@clearwire.net](mailto:ldempsey@clearwire.net)>



**Subject:** Petition

Larry

Tried to send the petition via a scan.....I doubt it, worked so here is the header for the top of the petition.

### PETITION TO KEEP THE 1992 DEL RIO COMMUNITY PLAN

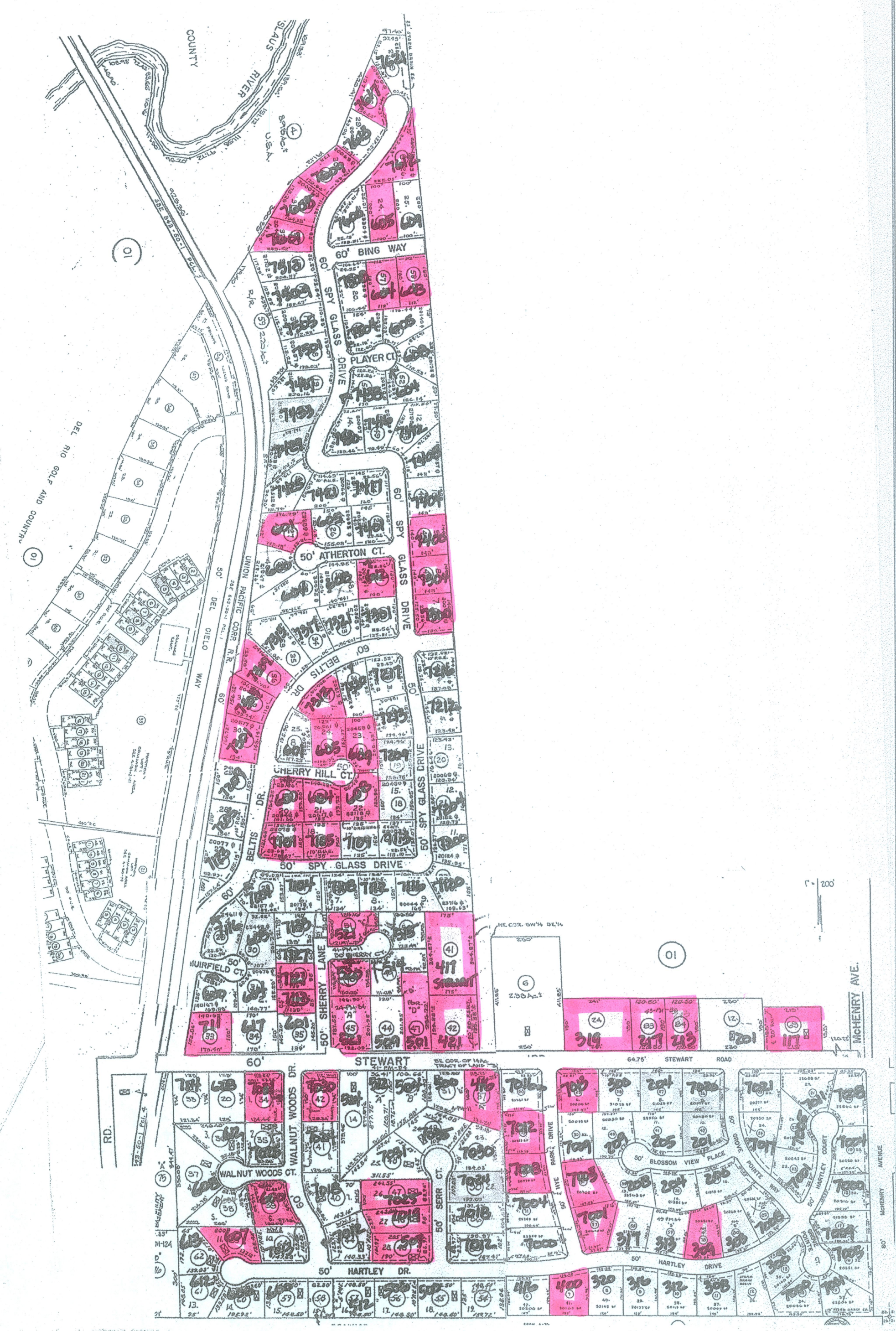
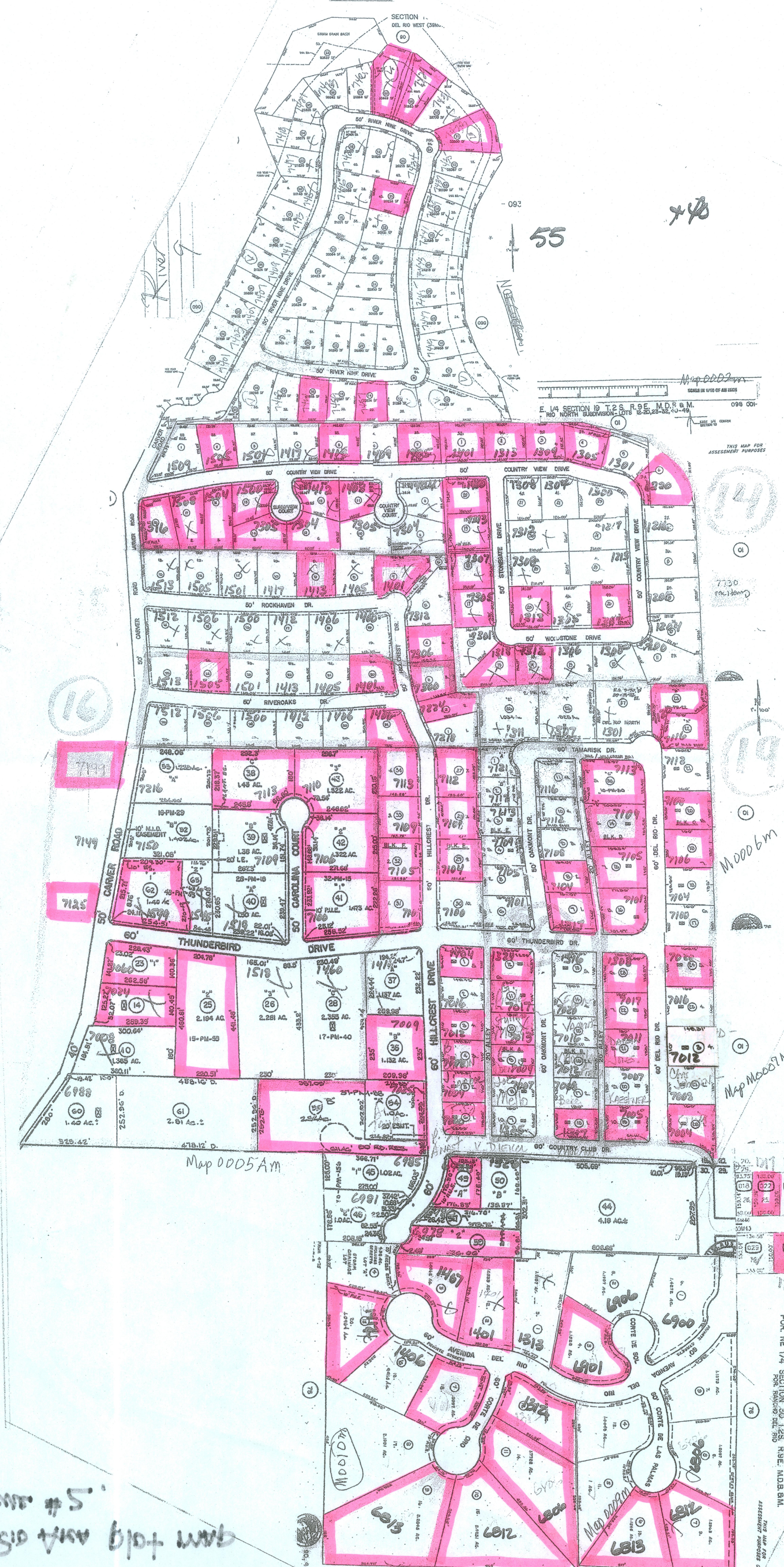
THE 1992 DEL RIO COMMUNITY PLAN (part of the General Plan) WAS JOINTLY AGREED TO BY THE COMMUNITY AND THE STANISLAUS COUNTY BOARD OF SUPERVISORS. WE THE UNDERSIGNED DEL RIO RESIDENTS PETITION THE STANISLAUS COUNTY PLANNING COMMISSION AND THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO VOTE TO UPHOLD THE 1992 DEL RIO COMMUNITY PLAN, WITHOUT AMENDMENT AND TO REJECT APPLICATION NUMBER 2012-01 OR SUBSEQUENT FILINGS THAT DO NOT COMPLY WITH THE RESIDENTIAL DENSITY REQUIREMENTS OF THE 1992 DEL RIO COMMUNITY PLAN.

  
  
*John D. Evans*  
*Wendy Juan*

*7199 Carver Rd Modesto 95350*  
*7199 Carver Rd Modesto 95350*

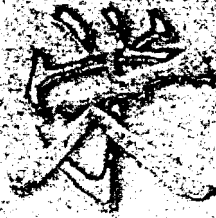


ENGINEER #5  
 DEL RIO TOWN BLDG UNIT



**LEGEND**  
 [Pink Box] SIGNATORIES to the "Petition to Keep the 1992 Del Rio Community Plan"





Aug. 23, 2012

Stanislaus County  
Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

BOARD OF SUPERVISORS  
2012 AUG 23 P 2:22

Delivered via email

Dear Board of Supervisors:

My residence shares a property line immediately west of the proposed Villas at Del Rio townhome project. It is literally in my back yard - "side" yard to be exact. Regardless, I am writing in full support of the development.

I have no financial interest in the Villas, but have confidence the developers Carl and Laurie Wesenberg (longtime Del Rio residents), will produce a quality product that will be an asset to our neighborhood.

I drive by the unpleasant 4.3-acre site daily and would much prefer to see a beautiful, one-story townhouse complex. In addition to the esthetics, the Villas genuinely would fill a growing need for those wanting to remain in (or move to) the Del Rio community, but also desiring a more downsized and carefree lifestyle.

With the Del Rio Lago development located along Carver Road, we now have 47 more half-acre lots available. We certainly do not need an additional 9 half-acre, 20,000 square foot lots to compete with. Furthermore, this "infill" property simply is not conducive for 9 half-acre lots, which largely explains why it has been vacant for nearly 40 years. So I encourage the Board to approve a project better suited for this property. Approve the Villas at Del Rio!

Sincerely,

Keith Kajioka  
1326 Country Club Drive  
Modesto, CA 95356

BOARD OF SUPERVISORS

2012 AUG 24 P 53

Mr. Milo Shelly  
7105 Oakmont Drive  
Modesto, Ca. 95356  
August 23, 2012  
Telephone 209 545 1727

Mr. William O' Brien  
Stanislaus County Supervisor, District 1  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

Subject: General Plan Amendment Application NO. 2012-01, Rezone Application  
NO. 2012-01 and vesting Tentative Subdivision Map Application NO. 2012-01  
Del Rio Villas

Dear Bill:

I trust this letter finds you and your family well and looking forward to cooler weather, both literally and figuratively.


Earlier this week the Stanislaus County Department of Planning and Development sent me a notice dated August 17, 2012 inviting public comment on the proposed Del Rio Villas condo project and rezoning application. The opinions offered in this and my attached letter of June 26, 2012 to Angela Freitas, Director of Planning and Development and are solely mine as a property owner and resident and do not represent those of any other group or community organization. I had written a similar letter to you the first time this project was proposed in 2010.

For the second time in less than as many years, the Stanislaus County Planning Commission voted to turn down this project, this time by an overwhelming 6 to 1 margin. It is virtually the exact same proposal made in 2010 with the only discernable difference being the Developers employment of high powered consultants and PR agents to gin up support. I was pleasantly surprised with the thoroughness and thoughtfulness of the Commissioners comments at the public hearing. In fact, one of the Commissioners visited the site and asked a number of penetrating questions before voting against the project.

Do take a few moments to reacquaint yourself with my letter. I ask that after reviewing all the commentary, you vote no. Thank you for your time and consideration.

Sincerely,

Milo Shelly



Mr. Milo Shelly  
7105 Oakmont Drive  
Modesto, CA. 95356  
June 26, 2012

Stanislaus County Department of Planning and Community Development  
Ms. Angela Freitas, Director  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Subject: General Plan Amendment Application NO. 2012-01, Rezone Application  
NO. 2012-01 and vesting Tentative Subdivision Map Application NO. 2012-01  
Del Rio Villas

Dear Ms. Freitas:

Our family has lived in Del Rio for thirty two years. We raised our children here and now, in our retirement years, continue to enjoy the peace, tranquility and beauty this semi rural community has so faithfully provided. We also live a little less than two tenths of a mile from the proposed Del Rio Villas project. We consider this project to be a significant departure from the Del Rio Community Plan and community CC&R's. The opinions contained herein are mine alone, as a property owner and resident and do not represent those of any other group or community organization.

I am opposed for several reasons, but central to my objection is the issue of fairness, property values, lifestyle impact and the precedent created by increasing minimum dwelling densities from 2 units per acre, as specified in the 1992 Del Rio Community Plan, to 4.5 units per acre. I do support orderly community development consistent with the 1992 Community Plan and I am not opposed to building nine single family (detached) dwellings on this parcel.

The Developer was aware of the Community Plan's minimum lot size requirements at the time of purchase in 2007. The requirements have been in place since 1992 and substantially adhered to. This proposed development is virtually the same project rejected by the Stanislaus County Planning Commission in December 2010. Why is it a better idea now? Why is it being considered again? As one of the Planning Commissioners said at the time of the December 2010 public meeting and vote, the project, in the center of one of the most established, built out parts of Del Rio, "just doesn't fit" (out of character with the surrounding area). It is surrounded by detached single family homes situated on mostly much larger lots, none of which are Condominiums, Town Homes or Duplexes. What has been proposed are essentially 8 duplex units and two single family residences sited between Rancho Del Rio's one to two acre estates on the Southern border and the single family detached homes in the Hillcrest Estates subdivisions # 1, 2, 3 and 4, directly across the street to the North. How can the

project possibly be viewed as consistent with the immediate surrounding community? The impact on property values is unknown, but placing condominiums immediately adjacent to existing single family homes on significantly larger lots, without a transition zone or overall community plan study is not reassuring. None of the increased density concerns and other issues have been addressed since the first filing. Is it fair to those who followed the rules contained in the 1992 Community Plan and bought, or remodeled or otherwise upgraded, only to see the rules change piecemeal, after the fact?

Much has been made of the “need” for transition housing for retirees; i.e., a “turn key”, maintenance free retirement development. Yet this proposal has few, if any, amenities associated with a retirement community, nor is it restricted to retirees; it will be sold to whoever can come up with the money. Secondly, numerous fully remodeled Condo units, built long before the 1992 Community Plan, are currently for sale at significantly lower price points than what has been proposed. And, the units are cited more favorably, directly on the golf course or on a small lake. This project has neither. Even if one believes this proposal satisfies a need, it could be satisfied with nine detached single family “turn key” dwellings instead of eighteen attached units and at the same time comply with the established Community Plan. Contrary to popular belief, there is a market for homes on ½ acre sites in the immediate vicinity of this development as evidenced by the large number of complete remodels and new home construction within close proximity to the project. This has occurred during the current economic downturn and as one person who recently remodeled stated, he would never have done so knowing this project might go in. Again, we support building nine units.

The Developer has also attempted to justify increased subdivision density on the basis of the “granny flat” exemption, which permits single family homeowners to build a separate residence or apartment on the same lot as the main dwelling. This is an incorrect interpretation because a detached “granny flat” is limited to 1200 square feet and it must be under the SAME single family home ownership, whether attached or detached, not two separate ownerships (titles). The intent of this provision is to allow families to care for an elderly parent(s) with a degree of independence in a family setting. It was never intended to be a “tail wagging the dog” argument to justify permanently increased residential density or separate title through subdivision. In practice, a very, very small number of homes use the option. If every home did this and especially with unlimited duration, the impact on community density, services, amenities and lifestyle would be significant.

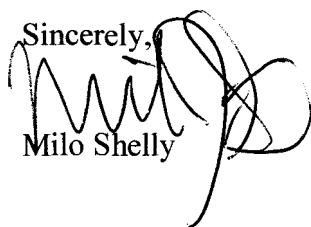
Unfortunately, the proposal defeats the purpose of the 1992 Del Rio Community Plan. The Plan was created in the face of a similarly proposed increase in density on the East side of Del Rio. It was developed by the community over the course of a year and approved by the Stanislaus County Board of Supervisors to prevent inconsistent and/or higher density development. In my opinion, affirming the reliability of a legitimate Community Plan is a core function of the Planning Commission and the County Board of Supervisors. The reliability of such zoning is fundamental to the buying decision and protecting the lifestyle and investment in larger parcels already made by residents. Making piecemeal “exceptions” to the 1992 Del Rio Community Plan (part of the



General Plan) undermines good planning and the Plan. If higher density is to be credibly viewed as necessary within an already established area (as opposed to an entirely new area outside the Plan) it should be considered only if the entire plan is reviewed and significant weight is given to that which has already been established, the CEQA process is undertaken and the issues created by higher density are addressed, i.e. schools (none near), parks (none), road drainage (abysmal at the proposed entrance/exit of the development), shopping (3 miles away), police (inadequate and deteriorating response time), fire (continued budget reductions), water (still substandard), public transportation (none), sewer (none), libraries (none), bike paths (none), preserved open public space (none).

This project will have significant negative traffic impact. The current placement of the project entrance/exit, in the heart of single family homes on larger lots, concentrates traffic in the least favorable location, where increased traffic, unnecessarily winding its way through the neighborhood, will affect the most homes in the most unsafe areas for pedestrians. Proper placement of the entrance/exit of the project, at the end of the 1/2 mile long County Club Drive straightaway, a wide road with sidewalks on both sides, would avoid most of the unnecessary indirect winding route through the community and provide not only a more direct route out to St. John Rd, but a safer route for pedestrians. The current entrance/exit also unnecessarily funnels traffic south onto the Southern segment of Oakmont Dr, more than half of which has no sidewalk and Hillcrest. Increased traffic on Oakmont, with limited sidewalks, is home to numerous children. There are at least five and possibly as many as seven children whose homes are on or share a border with Oakmont Dr.. Furthermore, with a Condo complex, cars from eighteen homes and their guests will be concentrated or funneled through the same exit, front forward, with headlights blaring into opposing homes. This is no small matter. The impact on property values and lifestyle is potentially large for homes directly opposite and increased traffic negatively impacts the peace, tranquility and safety of residents on Oakmont and Hillcrest. Other concerns are traffic back ups on St. John, exiting at Ladd and dangerous cross traffic easterly turns onto Ladd, all without traffic control or turning lanes. And, finally, estimates for traffic based on retirees living in the complex are just suppositions. As pointed out earlier, the units will be sold to anyone and it is just as legitimate to predict many will devolve into rental units, like the Condos currently for sale or rent next to the Del Rio Country Club.

The potential precedent created by granting a substantial increase in housing density is undeniable. At present there is a 43 acre parcel on Carver Road that is in bankruptcy and will undoubtedly be bought and re-submitted for development. The Community Plan calls for an overall average of one acre parcels. Using this projects density as a model, the number could double or even triple. Similarly, on the East side, near McHenry Ave. there is an 84 acre parcel that was once planned (but not approved) for higher density. And, it is believed by many, this project, or a higher density project like it, could easily be expanded moving North up Oakmont Dr. and Del Rio Drive. The developer has failed to offer any protections to the community designed to prevent further encroachment. Breaking the Plan sets a precedent with potentially far reaching consequences on the investment we have made over the years and our lifestyle.

Sincerely,  
  
Milo Shelly

Cc. Stanislaus County Department of Planning and Community Development  
Stanislaus County Board of Supervisors

BOARD OF SUPERVISORS ✓

August 27, 2012

2012 AUG 27 A 8:52

Stanislaus County Board of Supervisors  
1010 10<sup>th</sup> St., Suite 6500  
Modesto, CA 95354

Dear Board Members

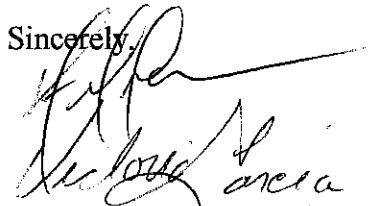
My wife and I have lived in the Del Rio community since 1980. We oppose the Del Rio Villas development proposed for the southwest corner of Country Club Drive and Avenida Del Rio. The eighteen residential units planned for this four acre property are not appropriate for the neighborhood which consists of half acre or larger lots. The Del Rio Property Owners Association representing the majority of Del Rio residents has also expressed its opposition to this development.

We do not feel the proposed four acre development is consistent with the Del Rio Community Plan which designates this four acre parcel as a low density residential planning area. Allowing exceptions to Plan guidelines will set a precedent for similiar projects proposed in the area.

The Board has previously rejected a high density development near Stewart Road and McHenry Avenue. The Board is currently considering a forty-three acre development along Carver Road. This development will consist of half-acre lots which is consistent with residential development in the Del Rio community and the Del Rio Community Plan. We support this type of residential development in our area.

We encourage the Board to reject the Del Rio Villas project at this time.

Sincerely,



Fred and Victoria Garcia  
7116 Beltis Drive  
Modesto, CA 95256

Cc: Supervisor Dick Monteith,

**Christine Ferraro - Del Rio Villas Project**

**From:** Ernie <ernie@eotruckandtrailer.com>  
**To:** <MonteithD@StanCounty.com>, <ObrienW@StanCounty.com>, <vito.chiesa@StanCounty.com>, <WithrowT@StanCounty.com>, <DemartiniJ@StanCounty.com>, David Romano <dave@newman-romano.com>  
**Date:** 8/26/12 4:53 PM  
**Subject:** Del Rio Villas Project

A quick note to explain my support for this worthwhile project. I'm a homeowner who lives near the proposed site and have no financial ties whatsoever with this development. This project makes perfect sense from a number of perspectives:

1. There **IS** a demand for this type of "senior-oriented" housing.
2. This site is ideally suited for a comprehensive, total site development vs. individual home sites over many years given its location bounded by effectively 2 streets.
3. A single project development on this site addresses sewer issues with an onsite treatment facility vs. the undesirable approach of 9 individual septic systems for 9 home sites.
4. Neighbors whose properties actually bound this site are in favor of it.
5. Your staff--professional land planners--have recommended approval.

The primary argument against focuses on the premise that this development will change the character of Del Rio--that's nonsense as each project gets evaluated on its own merit. Sadly, that high-minded attitude of "don't change our 1/2 acre, mega-mansion lifestyle" does not resonate with me and many of my neighbors.

Let's move forward and approve this project--it makes sense!

--

Ernie Ott

EO Truck and Trailer, Inc.

7831 Crows Landing Rd

Ceres, CA 95307

Ph 209 537-2332 Fax 209 537-2304

BOARD OF SUPERVISORS  
2012 AUG 27 A 9:21

**Christine Ferraro - Del Rio Villas**

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**From:** Shari Dieker <diekerf2@yahoo.com>  
**To:** <MonteithD@StanCounty.com>, <ObrienW@StanCounty.com>, <WithrowT@StanCounty.com>, <DemartiniJ@StanCounty.com>, <vito.chiesa@stancounty.com>  
**Date:** 8/26/12 6:32 PM  
**Subject:** Del Rio Villas

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Dear Stanislaus County Board of Supervisors:

I am writing to express my support for the Del Rio Villas. I live across the street from the project on County Club Drive. I am looking forward to having the lot developed. If this project is not approved it could be years before it is financially feasible to develop the land for single family homes.

Secondly, I believe this type of housing is needed in the Del Rio Area. Currently, the only smaller home/lot size available in the Del Rio Area are those located behind the tennis courts at Del Rio Country Club. Unfortunately, these townhomes are tri-level construction. This type of floor-plans is not desirable for most people looking to move to a smaller home with less maintenance. Also, I have lived and traveled through many private golf course communities in both California and Oregon. This type of housing is always available for those wishing to live in a smaller home and it generally does not reduce the home values or change the appearance of the community.

Thank you for your consideration and please support the project.

Shari Dieker  
209-345-9293

BOARD OF SUPERVISORS  
2012 AUG 27 A 10 21



## Christine Ferraro - Del Rio Villas Project

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**From:** "Tim Bettencourt" <tbettencourt@cosol.net>  
**To:** <ChiesaV@Stancounty.com>  
**Date:** 8/27/12 9:48 AM  
**Subject:** Del Rio Villas Project

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Hi Vito,

Hope all is well with you. I wanted to drop you a quick note regarding the Del Rio Villas project. I live just around the corner from the project and support what they are trying to do. I have no financial interest or any ties to the developer but think it is a well-planned project, and would be a much better use of the property than many alternatives. I realize there are arguments for setting precedence on this, but I really don't think there are other properties in the area that are as unique as this one and suited for a project like this.

I don't envy you on some of the decisions you have to make, but appreciate the work that you do for our county.

Regards,

Tim Bettencourt  
CoSol Commercial Real Estate  
2020 Standiford Ave., Bldg A  
Modesto, CA 95350  
209-521-1591 office  
209-521-6781 fax  
209-541-5036 cell  
tbettencourt@cosol.net  
Lic: 00864765

BOARD OF SUPERVISORS  
2012 AUG 27 A 10:18

✓

8-28-12 Pub Hearing  
9:10 a.m.

August 24, 2012

BOARD OF SUPERVISORS

2012 AUG 27 A 1:40

STANISLAUS COUNTY BOARD OF SUPERVISORS

ATTN: Chairman William O'Brien, Vice-Chairman Vito Chiesa, Mr. Terry Withrow,  
Mr. Dick Monteith, Mr. Jim DeMartini  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

Re: Public hearing for August 28, 2012 at 9:10am, General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "Villas" project for 18 Units on 4.3 acres – high density building.

**Dear Stanislaus County Board of Supervisors:**

**As a Stanislaus County Del Rio Resident, I ask that your final vote on the above matter regarding the Del Rio "Villas" project, be a DENIAL of the developers' 3 application requests for 18 units, or, other "high-density" option (if proposed).**

There is sufficient evidence to support YOUR denial:

**1. The developers' previous and current applications, project design, and high density project are exactly the same, and violate County building code, various other County documents, and the 1992 Del Rio Community Plan (part of the General Plan):**

a. The Planning Commission voted 3-2 to deny the project on Nov. 4, 2010.

b. Unchanged current applications and design submitted to the Planning Department in 2012 resulted in the Planning Commission voting 6-1 denial of the project on July 5, 2012.

**2. CEQA Referral Initial Study dated May 14, 2012 is heavily flawed with misrepresentations of County code, omissions, incomplete findings – therefore, information contained in this report should not be relied upon.**

(See report and Minighini comment letter dated June 28, 2012 sent to Planning Commission before July 5<sup>th</sup> hearing) and subsequent reference letter of July 7, 2012 sent to Board of Supervisors.)

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.2.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

**3. Subsequent STAFF REPORT dated July 5, 2012 is flawed with misrepresentations, omissions, bias towards developers, and incomplete findings - therefore information contained in this report should not be relied upon.**

(See attached Minighini comment letter to Board of Supervisors, dated July 7, 2012.)

**4. PUBLIC CORRESPONDENCE (letters and emails) sent to the Building and Planning Commission before/by the July 5, 2012 Commissioners' meeting represent a majority of resident "opposition" to the high density project.**

(From Del Rio Property Owners Association (DRPOA) and Board of Directors, (2 letters), Del Rio residents: Minighini letters (6/14/12, 6/25/12, 6/28/12, 7/2/12, 7/7/12), Judy Fung (email dtd 7/4/12), Peter & Kathleen Lai (email dtd 7/4/12), Susan Dignan (email dtd 7/4/12), Susan J. Filippi letter (7/5/12), Greg & Jocelyn Hall, Gary Padovani, Bart Bartoni, Carol Davini, C.W. Iffland, Calvin Lee letter (7/2/12), Clarke V. Filippi, DDS letter (7/1/12), Milo Shelly letter (6/29/2012), John Ramos letter (7/5/12), Frederick O. Lewis III (email dtd 7/5/12), Janice Mooney (email dtd 7/5/12), Bret L. de St. Jeor letter (7/2/12), Bill and Ila Jean Reinheimer letter (7/2/12).

These communications were a majority opposition position over the supporters of the project (despite the erroneous statements of the Staff Report.)

**5. The Developers did NOT find it important to timely file "an appeal" to the Board of Supervisors (regarding the Planning Commission's July 5, 2012 overwhelming 6-1 vote to reject their project) which consisted of amending the General Plan, zoning change, and gated variance request! (See attached 8-13-12 Stanislaus confirmation letter)**

The "appeal process" is the legislative step that should be required to preserving an applicant's appeal rights to the Board of Supervisors. The July 5, 2012 Agenda states clearly: "All actions of the Stanislaus County Planning Commission can be appealed to the Board of Supervisors by 5 p.m., July 16, 2012. The fee for appeal is \$622.00."

Therefore, "the applicants" should not have legal standing to come before your Board and make a presentation, that would in fact be opposing to the Planning Commission's "rejection determination" of their project. They lost that "applicant" right when they did not send a written appeal to your attention by July 16, 2012.

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.3.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

**I ask you to please address this legality (and process and issue) since the appeal was to be sent to the Board of Supervisors by July 16th.**

However, since your August 28<sup>th</sup> meeting is a public meeting, they do have rights "as residents" to speak.

**6.A "PD" zoning change (if approved in the future) for the "Villas" project does NOT determine or allow "high-density" building in Area 1 of Del Rio due to the low density requirement as stated in the 1992 Del Rio Community Plan which is adopted by the County and made part of the General Plan .**  
(High density building is understood to be construction of any residential property unit on less than ½ acre lot dimensions.)

- ✱ **7. There is an overwhelming amount of evidence that exists in various County Documents for "LOW-DENSITY" building to remain in Area 1 of Del Rio (maximum 1 property unit per ½ acre) – whether R-A or PD zoning, in order to preserve and protect the community's distinct character and quality of life.**

(A "Villas" "high density" project is inappropriate for Del Rio under the following County documents and other sources):

A. "1992 DEL RIO COMMUNITY PLAN":

1. "Community Plans provide means for resolving local conflicts where there are a variety of distinct communities or regions deserving special attention." (pg.1)
2. "the findings and recommendations of the plan were primarily a reflection of the County's policy of preserving prime agricultural land and the sentiment of Del Rio residents," (pg.1)
3. "Future residential uses would continue the low-density development already present," (pg.3)
4. "Goal 1, Policy A": "Until otherwise updated or amended, future development for Del Rio shall take place in accordance with the Community Plan." (pg.5)
5. "Goal 7": The Del Rio Community shall not be allowed to become an example of inadequately planned leap-frog urban

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.4.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

development on prime agricultural land which outpaces demand and overrides community sentiment." (pg.7)

6."Residential Densities": "For Area 1, the densities shown shall be used in conjunction with the Low Density Residential General Plan designation." (pg.9)

7."Most of the homes in the Del Rio area are built on large lots, and many have private pools or other recreation amenities." (pg.14)

8."minimum standards for streetscapes and setbacks may be recommended by the Del Rio Property Owners Association to the Planning Commission as a part of the Specific Plan process and in the review of subsequent development projects." (pg.15)

9."VI.Implementation Programs", "General Plan": "By its adoption by the Board of Supervisors, this Community Plan is incorporated into the Stanislaus County General Plan. The Community Plan shall serve to formally delineate and define "Del Rio" for planning purposes."

"The Tier 1 EIR prepared for the Community Plan has resulted in the creation of the Community Plan with two distinct areas."

"Area 1 shall be as shown on the Del Rio Community Plan map. All areas shown for residential uses shall be designated Low Density Residential and shall be developed consistent with the density designations of the Community Plan." (pg.23/24)

B."2012 HOUSING ELEMENT UPDATE, GENERAL PLAN AMENDMENT":

1."Section VI-Constraints" "paragraph 2": "local regulations play a legitimate role in protecting the public's health, safety, and welfare." (pg.V1-1)

2."Although the consolidation and/or redevelopment of underutilized and small sites is often used as a tool to increase opportunities for additional or higher density housing, the deficiencies in infrastructure in the unincorporated areas limits the economy of scale for developers for consideration of higher



TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.5.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

density housing...."..."Other than large parcels within the Salida Community Plan, higher density development is encouraged within incorporated cities where infrastructure is readily available."  
(pg.V-1)

3."Goal Four" "Designate Sufficient Sites for All Types of Residential Development Required to Meet Projected Housing Needs." "Policies" "4A" : "The County shall identify unincorporated areas with adequate infrastructure and limited environmental concerns that are most suited for housing."

*Del Rio is underserved and challenged with its infrastructure and public services and therefore not suitable for low-moderate income, high-density unit development.*

4.Additionally, in the County's need for "low-moderate income housing", and the "Villas" development is NOT a good option for this type of housing *because*:

a. High density building is not permitted in Area 1 (the location of the Villas lots), per the 1992 Del Rio Community Plan which the County has approved and adopted as part of its General Plan.

b.Sufficient vacant land and open space parcels exist for any future building in other areas that are located closer to stores, restaurants, public services and transportation. (See "Land Inventory in Appendix 1" for vacant land parcels (*over 5,000 residential lots*)).

"The County residential development potential of 6,398 units enumerated in Table V-2 more than satisfied this projected new construction need. As many as 5,000 new units at various density ranges can be accommodated within the area encompassed by the recent amendment to the Salida Community Plan." (pg.V-1)

b.Supply of vacant existing built housing see attached

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.6.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

recent 2010 "U.S.CENSUS BUREAU" "Profile of General Population and Housing Characteristics" "Housing Occupancy", "Vacant housing units" show 14,323 available units.

The "2010 HOUSING ELEMENT" document identifies approximately 11,000 (sound condition) units of the 14,323 housing units, mostly single family homes, that are in "sound condition" with no repairs needed. (Table II-15)

d.STANISLAUS COUNTY "GENERAL PLAN", "INTRODUCTION", and "ISSUES" documents also states:

"Growth also requires expansion of the infrastructure system and public services." "Existing streets and roads, water and sewer systems, and solid waste management facilities will not be adequate to service the growth expected over the next twenty years. This is also true of public services such as schools, parks, fire protection, law enforcement, health care, welfare and many other services expected by people as they move into an area." "Air quality, water availability and other issues of resource protection are becoming increasingly significant as the population grows."

*Del Rio is underserved and challenged with its infrastructure and public services and therefore not suitable for low-moderate income, high-density unit development.*

#### C.STANISLAUS COUNTY "GENERAL PLAN SUPPORT DOCUMENTATION"

##### 1."Introduction":

"Any requests for rezoning of property designated Urban Transition on the General Plan must be consistent with the proposed use category on the Community Plan..." "Information on the actual adopted Community Plan for each town will be included in the Land Use Element." (pg.1-2)

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.7.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

2. "General Plan (Community Plan) Designation":

"...circumstances applicable to a particular town or situation may warrant a slightly different description or additional refinement of the designation. Only in this type of instance will the designations be further described in individual Community Plans." (pg.1-4)

3. "Description of Del Rio":

"Del Rio is surrounded by prime agricultural land with the Stanislaus River to the north of the Community." (pg.1-7)

4. "Community Plan":

"It is not anticipated that Del Rio will experience any significant growth for three reasons: (1) the entire area is ringed by rich agricultural land; (2) limited amount of community services; and (3) community resistance to additional growth. It is a policy that residential density be limited to 20,000 square foot lots, or equivalent density for cluster development." (1-7)

5. "Del Rio Community Plan" Graph":

The attached graph shows the entire community area. For "Area 1" (which the Villas project is located) it states:

"-General Plan Designations: Low density residential and agriculture." (pg.1-8)

D. STANISLAUS COUNTY "LAND USE ELEMENT":

1. "Chapter One" Authority":

"The land use element shall include a statement of standards of population density and building intensity recommended for the various districts and other territory covered by the plan." (pg.1-1)

2. "Goals, Policies and Implementation Measures", "Goal One":

"Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County."

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.8.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No.12012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

*(The majority of residents living in the Del Rio community of Stanislaus County do NOT want high density building in Area 1), which would destroy the community's "character" (physical characteristics of the land) and their tranquil "quality of life." High density building would also be harmful in many ways to this rich agricultural area - of which Del Rio is closely surrounded by (environmental concerns).*

3. "Goal Four":

a. "Policy Twenty-Two":

"Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems...."

b. "Implementation Measures", "5":

"The current level of service of public agencies shall be determined and not allowed to deteriorate as a result of new development."

*(The rural area of Del Rio has long had challenges with sewer services (not every resident has City sewer), cable and internet limitations, contaminated water not suitable for drinking (MID had sent out letter to residents in 2011), inadequate patrolling by police and emergency response from resident calls), underserved fire services (no manned Ladd Road station) and water flow (even though residents pay for both services through property taxes). Traffic congestion concerns still exist (for future developments) despite some road improvements made to date.)*

4. "Designations":

"it will be necessary to consult the COMMUNITY PLANS section to determine if any modification of the designation applies."  
(pg.1-20)

5. "Low Density Residential":

"Zoning. " "R-A (Rural Residential)" ...."PD (Planned Development) zoning may also be appropriate, provided the

TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.9.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

development does not exceed the established building intensity of this designation." (pg.1-26)

6. "Planned Development":

"**Intent.** The Planned Development designation is intended for land which, because of demonstrably unique characteristics, may be suitable for a variety of uses without detrimental effects on other property." (pg.1-27)

*It is without doubt, that any "PD" projects IN AREA 1 must comply with low density building. (1 property unit per ½ acre). High density projects cause immediate detrimental effects on the character of this distinct community, residents' tranquil quality of life, traffic conditions, property values (economic), safety of the community and protection of agricultural lands (environmental).*

7. "Specific Plan":

"**Intent.**" "A specific plan is a detailed plan for a specific area of the County. It is guided by and must conform to the General Plan, but its scale permits a relatively detailed level of examination and planning not normally possible in the General Plan." (pg.1-30)

8. Stanislaus County "Legend" (pg.1-32)

Shows mapped areas or Land Use type, Residential (zonings), etc. Del Rio areas zoned for low density and planned developments are shown. (The "*Villas*" project is located in Area 1 (low density). (pg.1-36)

9. "Community Plans":

"Any requests for rezoning of property designated Urban Transition on the General Plan must be consistent with the proposed use category on the Community Plan." (pg.1-56)



TO: Stanislaus County Board of Supervisors, Minighini letter August 24, 2012, Pg.10.  
RE: General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Vesting Tentative Subdivision Map 2012-01, Del Rio "*Villas*" project.

Supervisors, thank you for upholding the many building requirements under several County documents, to limit any development of the "Villas" (or other future projects), in Area 1, to LOW DENSITY.

Sincerely,



D. Minighini  
Del Rio Resident

Enclosures and Supporting Documentation:

- Minighini letters June 28 and July 7, 2012 (sent to Planning Commission & BOS).
- All Del Rio Resident and DRPOA letters and emails opposing project "as is" sent to Planning Commission before/by July 5, 2012 .
- July 5, 2012 StanCounty Planning Commission Agenda (attached)
- August 13, 2012 StanCounty letter confirming no appeal filed by applicants. (attached)
- 1992 Del Rio Community Plan (online)
- 2010 Housing Element (online)
- 2012 Housing Element Update General Plan Amendment (online)
- "U.S. Census Bureau", "Profile of General Population and Housing Characteristics: 2010" (online)
- "General Plan", "Introduction", and "Issues" documents (online)
- "General Plan Support Documentation" ("Introduction", "General Plan (Community Plan) Designation", "Description of Del Rio", "Community Plan")
- "Land Use Element" ("Ch.1 Authority", "Goals, Policies and Implementation Measures, Goal One", "Goal Four", "Designations", "Low-Density Residential", "Agriculture", "Planned Development", "Specific Plan", "Stanislaus County "Legend", "Community Plans", "Del Rio Community Plan") (online)
- Stanislaus County "Legend" (online)



**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

Date: August 13, 2012

To: Donna Minighini, Del Rio Resident

From: Elizabeth A. King, Assistant Clerk of the Board

Per your request, this is to confirm that the Board of Supervisors has not received an appeal of the Planning Commission's decision/recommendation regarding the below listed project.

**GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01, REZONE  
APPLICATION NO. 2012-01, VESTING TENTATIVE SUBDIVISION MAP  
APPLICATION NO. 2012-01 - DEL RIO VILLAS**

Please note that this project is scheduled for a public hearing on August 28, 2012, at 9:10 a.m. before the Board of Supervisors. Attached is a copy of the Notice of Hearing for your reference.



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 FOR  
GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01  
REZONE APPLICATION NO. 2012-01  
VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01  
DEL RIO VILLAS**

NOTICE IS HEREBY GIVEN that on August 28, 2012, 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 a three-part application requesting to make the following modifications to a 4.31 acre parcel: 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 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 the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. APN: 004-059-044. A CEQA-Mitigated Negative Declaration will be considered.


→ 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: July 24, 2012

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

BY:

  
Elizabeth A. King, Assistant Clerk

# STANISLAUS COUNTY PLANNING COMMISSION

## AGENDA

JULY 5, 2012

6:00 P.M.

CHAMBERS – BASEMENT LEVEL  
TENTH STREET PLACE  
1010 10<sup>TH</sup> STREET, MODESTO

The Planning Commission welcomes you to its meetings which are regularly scheduled the first and third Thursday of each month, and your interest is encouraged and appreciated.

The agenda is divided into two sections:

**CONSENT CALENDAR:** These are items on this agenda designated by an asterisk (\*) next to the item number, requiring a Planning Commission public hearing but which, following an initial evaluation by staff, have been found to be consistent with existing County policy and the County General Plan and are, therefore, recommended for "routine" approval. Prior to actual Planning Commission consideration, the Chair will open the public hearing and ask if anyone present wishes to discuss any of the items. If you want a particular agenda item removed from "Consent", please speak up and advise the Chair. That item will then be withdrawn from "Consent" and reviewed in detail as scheduled. The remaining "Consent" items for which there are no voice objections will be handled by a single action of the Commission.

**NON-CONSENT CALENDAR:** These items will be individually discussed and reviewed in detail.

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE PLANNING COMMISSION REGARDING A MATTER ON THE AGENDA:** While the Planning Commission welcomes and encourages participation in the Commission meetings, it would be appreciated if comments are limited to five minutes so that everyone may be heard.

**PUBLIC COMMENT PERIODS:** Matters under the jurisdiction of the Commission, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Planning Commission for consideration; however, California law prohibits the Commission from taking any action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of Supervisors. Any member of the public wishing to address the Commission during the "Citizen's Forum" period will be limited to a maximum of 5 minutes.

*New agenda items will not be heard after 11:00 p.m. If agenda item is not fully discussed by 12:30 a.m., it will be continued at the discretion of the Chair.*

**PLANNING COMMISSION AGENDAS AND MINUTES:** Commission Agendas, Minutes, and copies of items to be considered by the Planning Commission are typically posted on the internet on Friday afternoons preceding the meeting at the following website:  
All materials, including materials related to an item on this Agenda, submitted to the Commission after distribution of the agenda packet are available for public inspection in the Planning Department at 1010 10<sup>th</sup> Street, Suite 3400, Modesto, during normal business hours.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** Planning Commission meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Commission Clerk at (209) 525-6330. Notification 72 hours prior to the meeting will enable the Clerk to make arrangements to ensure accessibility to this meeting.

- I. **ROLL CALL:** Chair Greg Pires, John Ramos, Steve Boyd, Kenneth Buehner, Robert Crabtree, Marc Etchebarne, Annabel Gammon, Richard Gibson, Ron Peterson
- II. **PLEDGE OF ALLEGIANCE**
- III. **CITIZEN'S FORUM**

**IV. MINUTES**

- A. June 21, 2012
- B. June 21, 2012, Workshop

**V. CORRESPONDENCE**

**VI. CONFLICT OF INTEREST DECLARATION**

**VII. ASSIGNMENT OF NUISANCE ABATEMENT HEARING BOARD MEMBERS**

**VIII. PUBLIC HEARINGS (\*Consent Items)**

**\*CONSENT ITEMS**

- \*A. **REZONE APPLICATION NO. 2011-02 - RANDY THOMAS** – *Requesting continuance to July 19, 2012.* Request to rezone 42± acres in five (5) different Planned Development zones to one new Planned Development zone which will allow specific commercial and light industrial uses. The major tenant is proposed to be an auction house specializing in vehicle, surplus equipment, and furniture auctions. The project is located just southwest of the McHenry Avenue (State Route 108)/St. Francis Avenue intersection, in the Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration.  
APN: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048

**NON-CONSENT ITEMS**

- B. **USE PERMIT APPLICATION NO. 2012-01 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2012-01 - V.A. RODDEN HULLER** - Request to create three (3) parcels, in the A-2-40 (General Agriculture) zoning district, of 166±, 10, and 94± acres from two (2) parcels with a combined acreage of 270± acres in conformance with County Code §21.20.060. The walnut hulling facility will be constructed on the 10-acre parcel in phases. Phase I: roof only 11,675 square foot huller building with an attached 15,120 square foot dryer building, 30,000 gallon propane tank, and a storm drain pond. Phase II: 20,000 square foot dryer building. The property is located at 4000 Ellenwood Road, south of Claribel Road, east of Heather Hills Lane, and north of Dry Creek, in the Oakdale/Waterford area. The Planning Commission will consider a CEQA Negative Declaration.  
APNs: 015-081-006 and 015-081-049
- C. **GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01, REZONE APPLICATION NO. 2012-01, VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01 - DEL RIO VILLAS** - This is a three-part application requesting to make the following modifications to a 4.31 acre parcel: 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 the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. A CEQA Mitigated Negative Declaration will be considered.

APN: 004-059-044

- IX. OTHER MATTERS (Not Public Hearings)
- X. REPORT OF DIRECTOR
- XI. ADDITIONAL MATTERS AT DISCRETION OF CHAIR
- XII. ADJOURNMENT

***ALL ACTIONS OF THE STANISLAUS COUNTY PLANNING COMMISSION CAN BE APPEALED TO THE BOARD OF SUPERVISORS BY 5 P.M., JULY 16, 2012. THE FEE FOR APPEAL IS \$622.00.***

August 27, 2012

Stanislaus County  
Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

Dear Gentlemen:

I am writing about the proposed Villas at Del Rio luxury townhouse project.

I am a Del Rio resident and support the Villas plan. The times have changed, and Del Rio currently lacks any modern, high-end housing options targeting individuals who desire to downsize in their later years while residing in an up-scale golf community.

Big lots are not always better, and the size of a home does not equate to quality. The Villas will complement existing Del Rio homes and enhance our community.

Given its proximity to the golf course, this vacant site is the best location in the Del Rio community for this product-type. Approving the developer's request for a "variance" — specific only to this site — seems reasonable. The property, in my opinion, as currently zoned, is not suited for 9 half-acre/20,000 square-foot lots.

A quality development on an "infill" parcel represents smart, efficient planning. You are not alone in making the decision to approve the Villas. Many Del Rio property owners endorse the project.

Sincerely,



Richard Michel  
7109 Spyglass Drive  
Modesto, CA 95356

BOARD OF SUPERVISORS

2012 AUG 27 A 11:27

8-28-12 Pub Hearing 9:10 am

August 26, 2012  
Stanislaus County Board of Supervisors  
1010 10<sup>th</sup> Street  
Suite 6700  
Modesto, CA 95354

BOARD OF SUPERVISORS ✓

2012 AUG 27 P 1:12

Dear Supervisor s

I am corresponding to state my opposition to the proposed change in housing density to accommodate applications 2012-01: Del Rio Villas.

In 1992 your predecessors on the Board agreed to a plan to limit housing density in Del Rio area one to 2 homes per acre parcel. This plans purpose was to prevent urban sprawl and preserve the rural atmosphere of the Del Rio community. This Del Rio Community Plan (DRCP) has well served this community and this agreement between the Del Rio residents and the County needs to be honored and upheld.

A few points:

- Over the past 20 years we have seen three major areas develop accounting for over 115 homes ALL in compliance with current restrictions. These homes are in addition to the remodel and infill building on vacant properties. I cannot remember any controversy with these projects as they all were in compliance with the Del Rio Plan.
- The developer purchased this property approximately three and one half years ago fully aware of the density restrictions. By his actions it is obvious he had no intention of complying with the Del Rio Plan.
- This is the second application of the Villas project. Despite proclamations that the developer would work with the community after pulling the first application no contact was made with any resident until after the filing of the second application. The second application is unchanged from the first.
- The developer has never acknowledged or addressed the concerns of Del Rio residents on the impact of his plans for increased housing density on the community. His letters proclaimed the DRCP outmoded although a large percentage of residents built or remodeled under those provisions.

Actions do speak louder than words. I respectfully ask the board to follow the Planning Commission recommendation to reject this application and uphold your contract with the Del Rio residents.

Sincerely

  
C. W. Iffland  
7113 Hillcrest Drive  
Modesto, CA 95356  
209-545-1436

BOARD OF SUPERVISORS ✓



Date: August 23, 2012

2012 AUG 27 P 1:47

Attention: Board of Supervisors  
Stanislaus County

ADERHOLT SPECIALTY COMPANY, INC.

1557 Cummins Drive

Modesto, CA 95358

(209) 526-2000

Fax: (209) 526-9954

Cont. Lic. #356665

Regarding: Villa's Support

To Whom it May Concern;

I have homes on Del Rio Drive and Del Cielo within the Del Rio community. Family members have two additional homes at Del Rio. We are all very interested in the proposals for adding to our community.

I am writing in support of the proposed eighteen Villa townhomes addition at Del Rio. We prefer the Villa's project over the alternate project of nine single family homes. We strongly believe the Villa's will add much to the community. Please note the following:

**Demographic:**

The market for the Villa's housing would be young professionals, seniors, retirees and empty-nesters. This demographic is generally quite responsible, and well established. This generally tends towards a quieter, secure and more settled community.

**Add Value:**

Eighteen, single-story, high quality townhomes with 2,500 square foot floor plans with a projected cost of \$300 per square foot, would add value to the community.

**Less Traffic:**

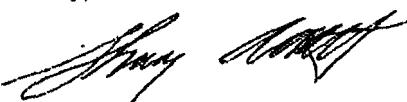
Independent analysis from the Planning Department supports our feeling that the Villas would create less traffic (i.e. single entry and exit points, fewer vehicles, fewer maintenance services...).

**Cost Effective:**

A single landscaping service and single pool service for the entire community is both "green" as well as cost effective. Nine independent landscaping services would create a less unified cohesive appearance that would not benefit the look of the extended community.

Please add our voices to those in favor of the Villa's project. Please don't hesitate to call if you have any questions or concerns. I can be reached at (209) 526-2000.

Sincerely,

  
Sherry Aderholt



**Liz King - VillasProject at Del Rio-support letter**

---

**From:** Linda Hischier <lhischier@sbcglobal.net>  
**To:** <Ferroc@stancounty.com>  
**Date:** 8/27/2012 1:54 PM  
**Subject:** VillasProject at Del Rio-support letter

---

Christine, I am a resident in Del Rio in support of the Villas project and request that you share my letter with our Supervisors prior to the meeting tomorrow, Aug 28th.

Thank you...Linda

Aug. 27, 2012

Stanislaus County  
Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

BOARD OF SUPERVISORS  
2012 AUG 27 P 2:01

Dear Supervisors:

The proposed Villas at Del Rio provides a well thought-out, viable solution to what our golf and country club community lacks – smaller, luxury, more care-free residences.

I am comfortable with and support the proposed Villas plan because the developer is only requesting a “variance” specific to a property that has been vacant for at least 40 years. I agree that given its proximity to the golf course, the proposed 4.3 acre “infill” site is the “last and best” location for this product type. The Del Rio community has nothing to lose by building this project and much to gain by offering upscale living choices to our community.

The proposed Villas development is needed in many ways:

- It adds a desired housing option for residents wanting more carefree living
  - There are no “uncertainties” with Villas project – residents know what to expect
  - It reduces the risk of hodge-podge, disorderly planning that often comes with typical lots.
  - It will be built out in a timely manner.
- It will create construction jobs for today, not tomorrow
- It’s a “green” project with earth-friendly construction and available solar power
- The developer has the means and vision to deliver a high-quality product

With the recent approval of more than 40 half-acre lots at the Del Rio Lago development, the last thing the Del Rio community needs are more unsold, half-acre, 20,000 square-foot lots. The Villas is the smart and efficient alternative that already has attracted many interested buyers.

Thank you for your time and consideration of this sensible and worth while project.

Sincerely,  
Linda Hischier  
7009 Grove Point Court  
Modesto, CA 95356

PH 9:10 AM

8/28/12

Joseph John Bene'  
607 Hartley Drive, Modesto, California 95356  
Phone 209-521-7105 \* fax 527-0144 \* cell 495-3555  
joe1bene@yahoo.com

BOARD OF SUPERVISORS

2012 AUG 27 P 3:46

Stanislaus County Board of Supervisors

Reading time : Three minutes

**Subject: Rezone App. 2012-01 (Del Rio Master Plan-Del Rio Villas)**

**Before beginning, I wish to state that I have no financial interest in this project or any other in the area, and have no plans to occupy one of the Villas. I have lived on Hartley Drive, in the Del Rio area since 1973, and a member of the Club since 1979. As an interested citizen, I want to speak in favor of the request for a variance to the Master Plan and for the construction of the proposed Condos.**

**Master Plan : This is a good plan that should be kept intact. I urge that no change be made now or in the near future. I value the direction that the plan has served the Del Rio area. However, I do think that this specific project will add to the quality of life and upgrade the parcel in question. I suggest that it be viewed on its own merit and that approval be granted as a variance to the Del Rio Master Plan.**

**Del Rio Villas : The plans that I have seen are well within the design guidelines of the area. It will blend in with both the gated community development to the south and the other home to the North and East on Country Club Drive.**

**Quality of Life : There is no doubt that the population of the area is aging and that a smaller, simpler and easy to maintain dwelling is desirable for empty nesters and surviving mates who want to stay in the community and own their property within a secure gated neighborhood with the amenities that the Villas plan to offer. They deserve this opportunity.**

**Similar Condo Developments : It is common knowledge that Condos and upscale homes can coexist and enhance the value of each other. Throughout the West and Hawaii there are numerous planned communities that have both. There are many in the Palm Desert area and some as near as Brookside, Oakdale, Discovery Bay, and Diablo Grande to name a few. Even Blackhawk in the East Bay has a mixture of large lot and smaller properties.**

**Eco - Friendly : It's a well known fact that a smaller footprint requires less HVAC, uses less water than is required for massive lawns and individual swimming pools and is a better use of prime land. There is a residual value to the County that includes additional tax revenue, jobs creation and site improvement.**

**Del Rio Property Owners Association : I am a dues paying member of this voluntary organization, but it has no official duty and does not, nor should it pretend to speak for all members. Their petitions to deny approval were circulated by well meaning residents who are concerned that this project would create an irreversible precedent, and would lead to massive developments that may include apartments, 5000 sq. ft. lots and a wide range of very high density development. Therefore I ask that their efforts be considered in this light, and sincerely trust that this is not the objective of this or any other developer.**

August 27, 2012



Christine Ferraro

S/28/12 Public Hearing  
9.10 AM

**From:** "Jean Oliver" <jeanv@noahs7up.com>  
**To:** <vito.chiesa@stancounty.com>  
**Date:** 8/27/12 1:50 PM  
**Attachments:** FW Del Rio Villas.htm

**Subject:** FW: Del Rio Villas

Hello Vito,

My Husband, and I are AGAINST changing the Del Rio Community Plan, so the Del Rio Villas, can build 18 condos, on a parcel, that should only have 9 homes on it.

We bought a lot, and built our own home in this community, because we liked the low density of the area. We knew going into it, the smallest lot size for a single family home was approx. ½ acre. We had no problem with the existing condos in the area, because they were existing, when we decided to purchase. Our decision to buy and live in this area, was based on the Community Plan. Because of it, we knew how the community would be build out.








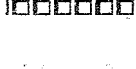
The Community Plan should NOT have to be changed, so the owner of that property, can make more profit for himself, by selling 18 condos, instead of 9 single family homes. If he truly believes that there is a need for condos, and they were going to benefit this community, then he should build 9 , what that parcel is zoned for, and be happy. Not much would be changed, and the many families, who have lived in this community for years, would have it preserved the way it was intended to be for years to come.

I hope you agree, with the Planning Commission's Recommendation for Denial of the General Plan Amendment Application, the Rezone Application, and the Vesting Tentative Subdivision Map Application, for the Del Rio Villas.

Thank you,  
Jean and Albert Oliver

BOARD OF SUPERVISORS  
2012 AUG 27 P 5:06

**STANISLAUS COUNTY****LEGEND****LAND USE**

	Planned Development		Agriculture
	Planned Industrial		Commercial
	Specific Plan		Highway Commercial / Planned Development
	Urban Transition		Historical

**RESIDENTIAL**

	Estate ONE D.U. / 3 ACRES		Industrial
	Low-Density 0-2 D.U./NET ACRE OR 0-7 D.U./NET ACRE		Industrial Transition
	Medium-Density 0-14 D.U./NET ACRE		City
	Medium High-Density 0-25 D.U./NET ACRE		

★ Airport

▲ Park

● Solid/Liquid Waste  
Disposal Site

■ School

—— Roads

—— RailRoads

==== Rivers

Canals

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4 EMPIRE

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12 NORTH MODESTO

13 MODESTO/CERES

14 OAKDALE

15 PATTERSON

16 RIVERBANK

17 TURLOCK

18 VALLEYHOME

19 WATERFORD

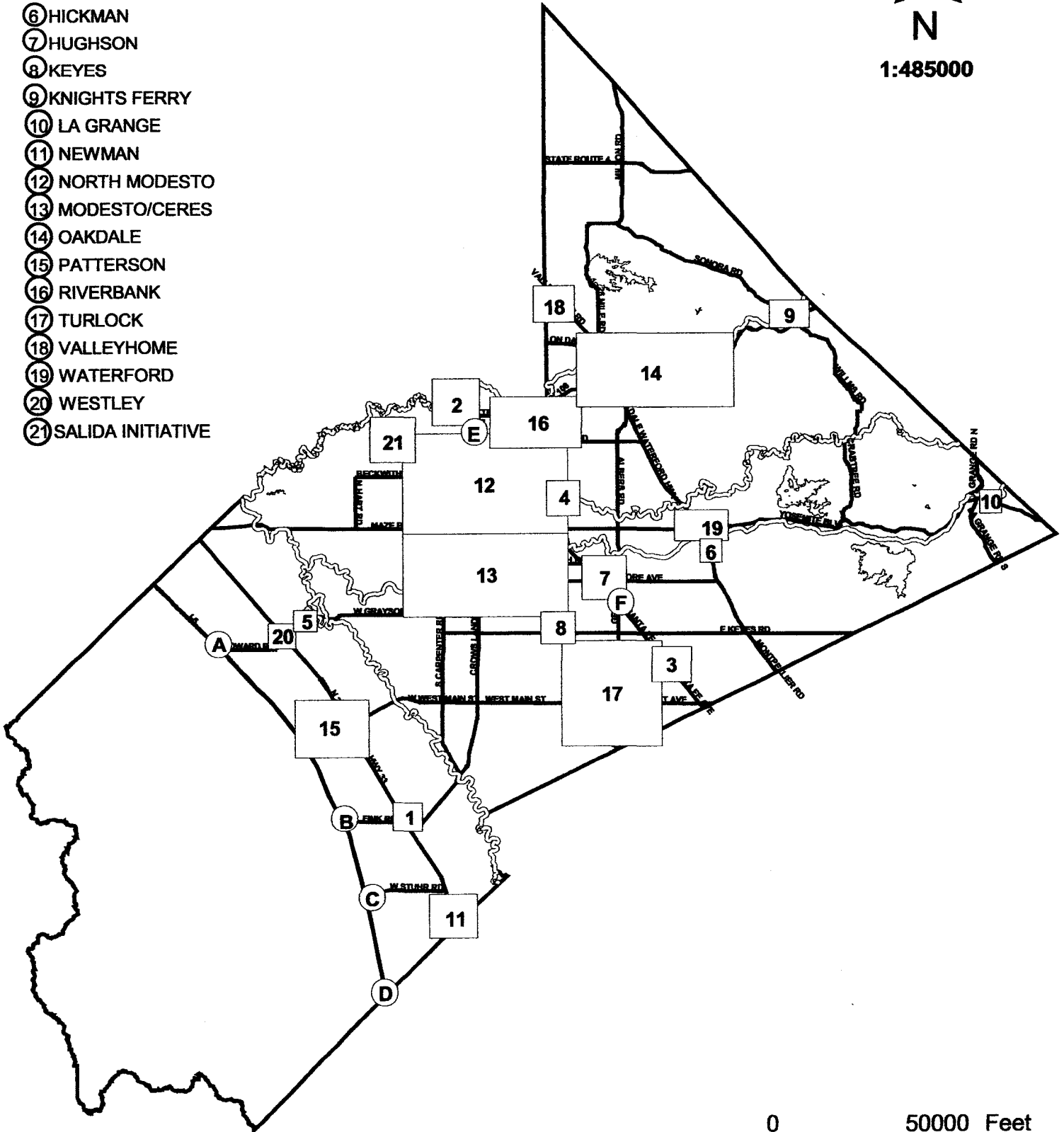
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21 SALIDA INITIATIVE

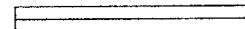


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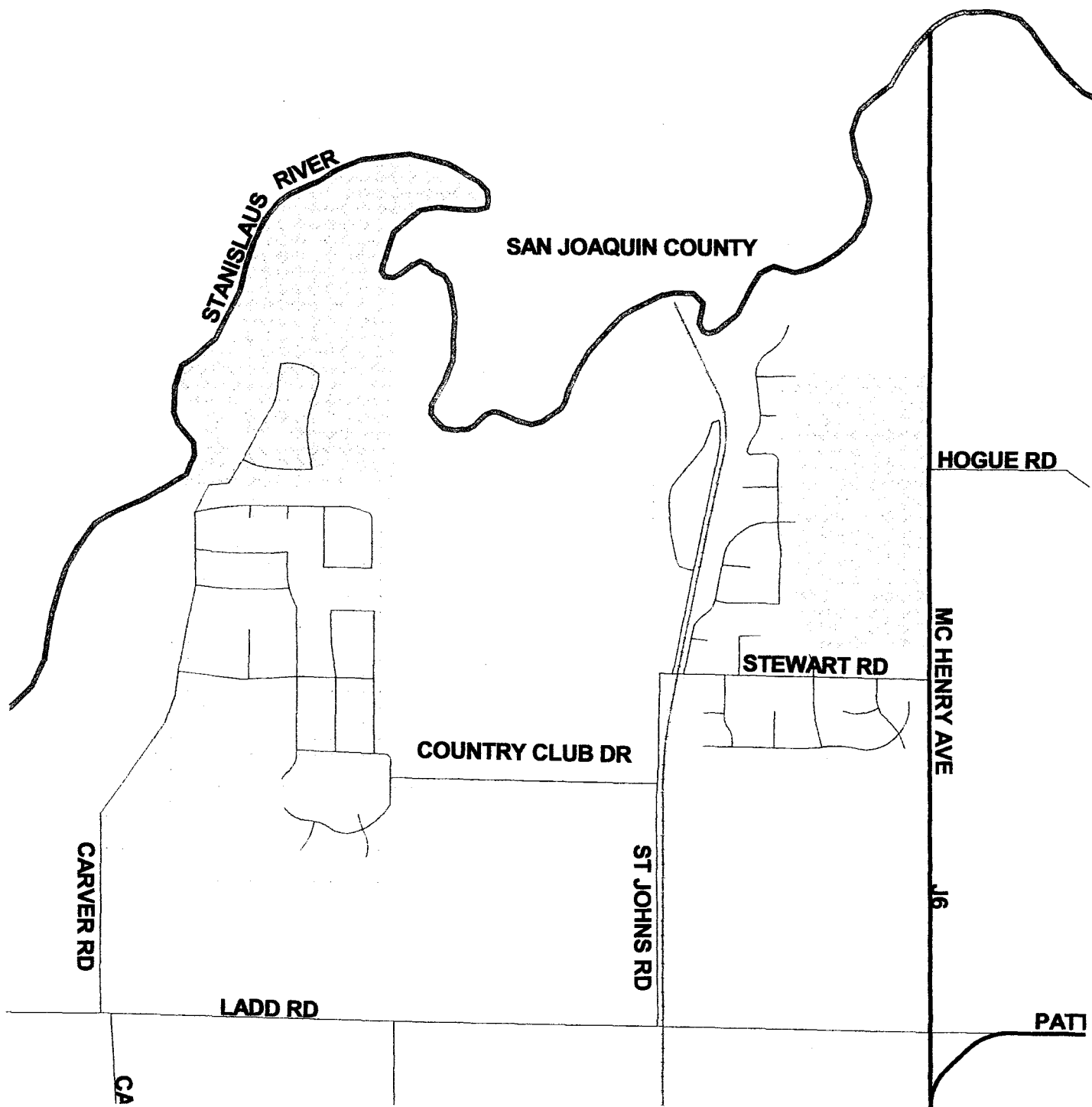
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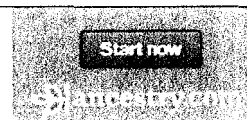


  
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## Evidence of low density building requirement in LAND USE ELEMENT, (General Plan) for Del Rio Villas, or otherwise must deny the project on August 28

From: Donna Marie Minighini <pttrs457@aol.com>  
 william.obrien <william.obrien@stancounty.com>; vito.chiesa <vito.chiesa@stancounty.com>; jim.demartini  
 To: <jim.demartini@stancounty.com>; terry.withrow <terry.withrow@stancounty.com>; dick.monteith  
 <dick.monteith@stancounty.com>  
 Date: Mon, Aug 27, 2012 5:51 pm  
 Land\_Use\_Element\_for\_County\_General\_Plan.pdf

Dear Supervisors,

Please accept the attached evidence of **LOW DENSITY BUILDING REQUIREMENT** for Area 1 of Del Rio (for the Villas project) contained in the LAND USE ELEMENT, (General Plan) document, pages 1-32, 1-33, 1-36. Please refer to the little dots which state only low density building.

The Villas project (as submitted to the Planning Department and Commission) involve 18 units of high density build on 4.3 acres.

In regards to this "attachment information" being referenced in my already sent August 24, 2012 letter to you, please accept this separate forwarding at this time.

Low density building is no more than 1 "unit" per 20,000 sq.feet.

\*The Developers project is not low density, therefore, according to County law, General Plan, Land Use Element, it is appropriate to deny his project.

\*If the Developer presents a new design plan to you on August 28th, other than what is represented on the developers' application, you must deny the project and direct the developers to resubmit a new application and design elements to the Planning Commission, which is the normal process.

The Developers project also violates the 1992 Del Rio Community Plan (low density requirement for Area 1), along with other referenced County documents in my August 24 letter.

It is very clear what is represented in this County law document.

D. Minighini  
 Del Rio resident

   Actions

 
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## DEL RIO COMMUNITY PLAN

### AREA I

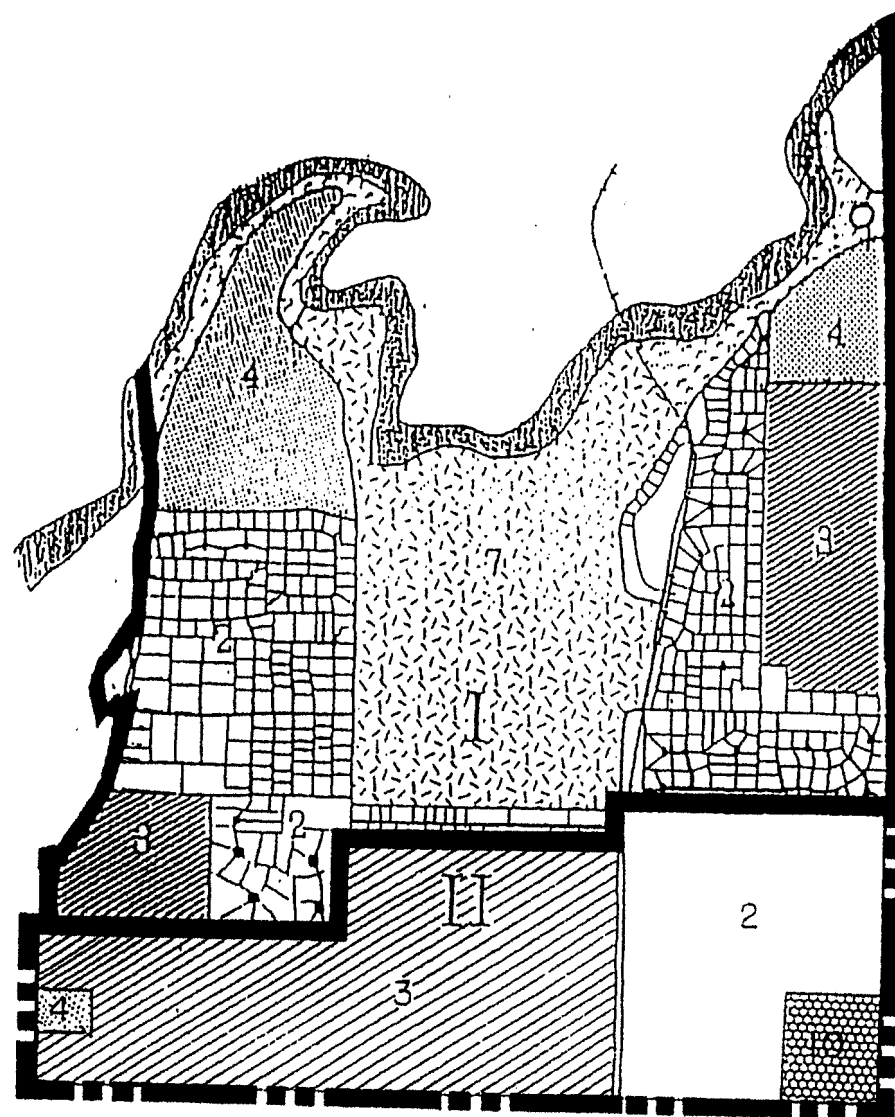
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	River		Ag Use
	1 DU/1 AC		1 DU/2 AC

2	2 DU/AC
3	1 DU/AC
4	1 DU/2 AC
7	RECREATION
10	COMMERCIAL



VIEW NORTH FROM PROJECT SITE

N.E. CORNER OF COUNTRY CLUB AND  
OAKMONT. NOTE BUCKHEAD ON RT HAND  
PROPERTY





SPRING 2012 CORNER OF OAKMONT AND COUNTRY CLUB  
DRIVE LOOKING SOUTH TO PROPERTY SITE, NOTE  
BULKHEADS ON PROPERTY ON THE LEFT



OAKMONT IS A PRINCIPAL EXIT ROUTE  
BASED ON PROJECTS CURRENT EXIT POINT



SPRING 2012 - HILLCREST AND COUNTRY CLUB  
POOR DRAINAGE + INCREASED TRAFFIC  
= INCREASED EROSION.

LOOKING SOUTH FROM HILLCREST



CAN SOMEONE READ THIS FOR ME? I have surgery to do at 10:45 AM. 9/16

My name is CALVIN LEE and I live with my wife TAMMY WU in RANCHO DEL RIO, the gated community right next to the project. We have lots of 1-2.4 Acres per single house in Rancho Del Rio. We would be putting the highest density residential next to one of the lowest.

---

I MOVED FROM VILLAGE ONE after living there for 8 years TO RANCHO DEL RIO one year ago. I was attracted to Del Rio because of its low density. Del Rio is special to me because it is low density. I am originally from NEW YORK CITY.

---

I think others coming from other parts of the country would love the low density character of Del Rio. Making higher density housing would change this unique character which attracted me.

---

I'm also afraid that these new units might become rental units. This would further change the feel of Del Rio.

---

I've talked to most of my Del Rio Friends, many are doctors like myself + my wife. I believe that Most of us are OPPOSED to this plan

---

We love Modesto + we love del Rio. Thank You.

- Calvin Lee, MD

**GENERAL PLAN AMENDMENT  
APPLICATION NO. 2012-01, REZONE  
APPLICATION NO. 2012-01, AND  
TENTATIVE SUBDIVISION MAP  
NO. 2012-02 –  
DEL RIO VILLAS**



Planning & Community Development

# Project Description

This is a three part application:

1. Amend General Plan/Del Rio Community Plan 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.



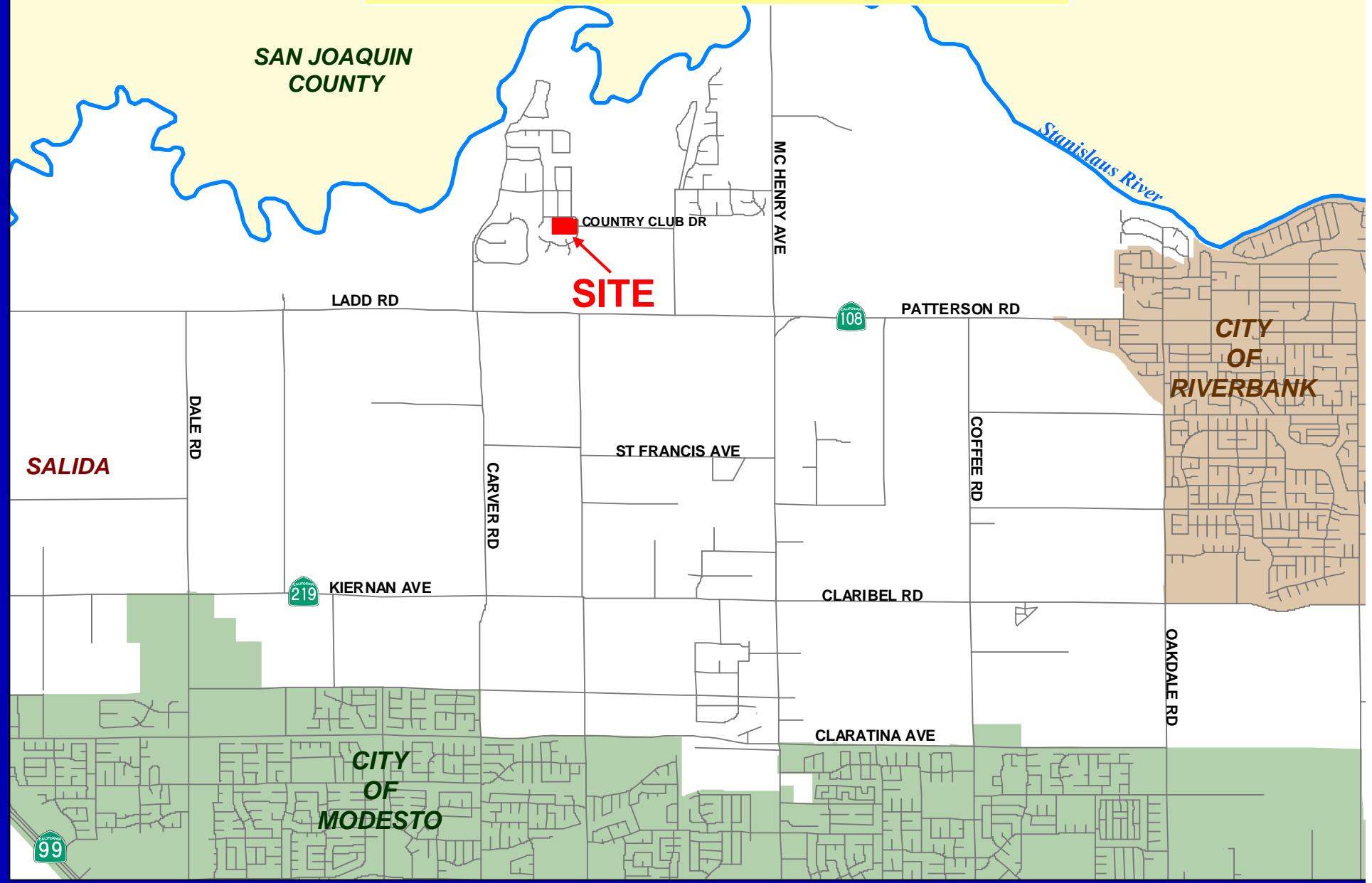
# Project Description

2. Amend the Zoning Designation from R-A (Rural Residential) To P-D (Planned Development); and
3. Subdivide into 18 condominiums and a common area parcel.

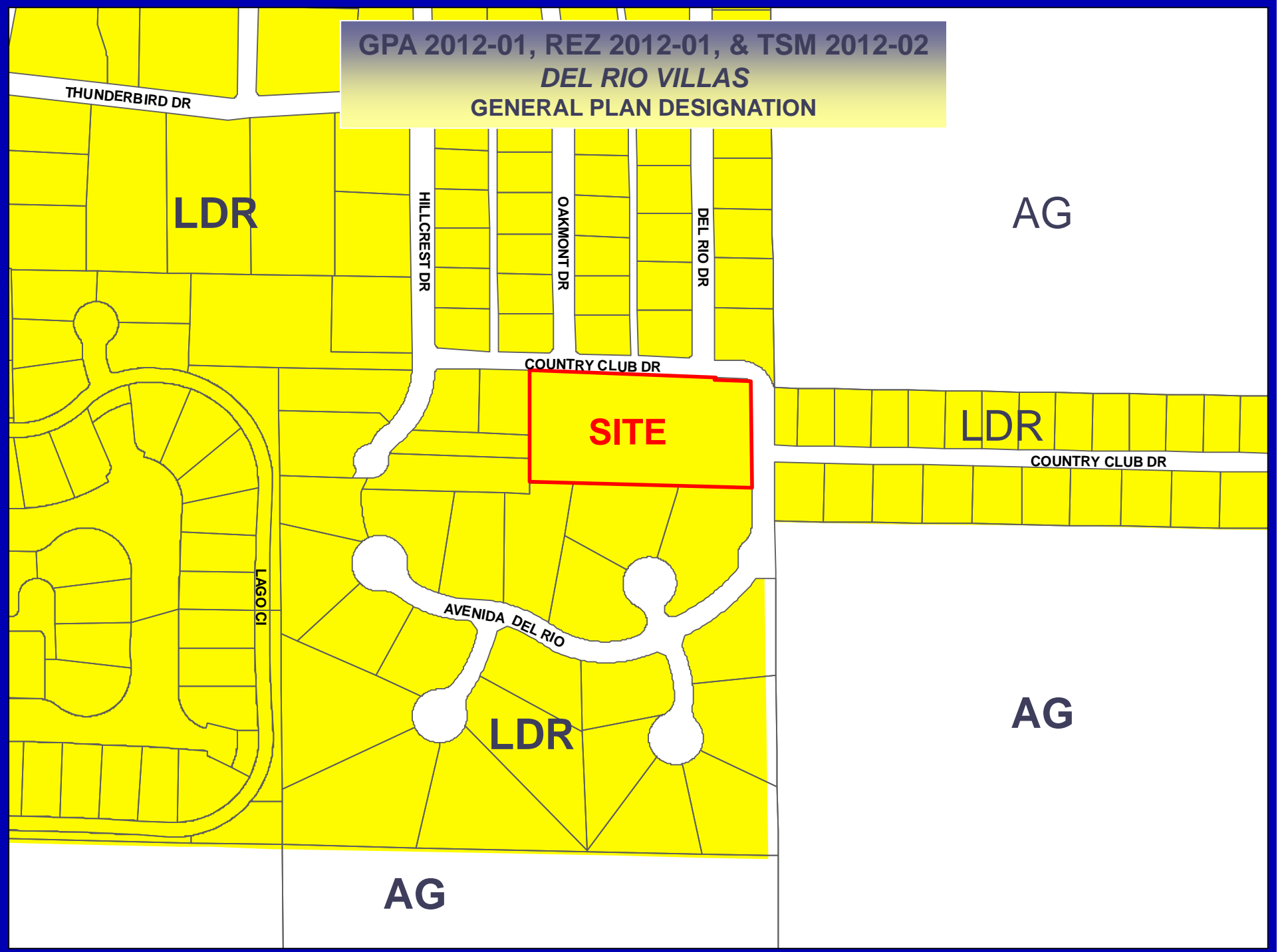




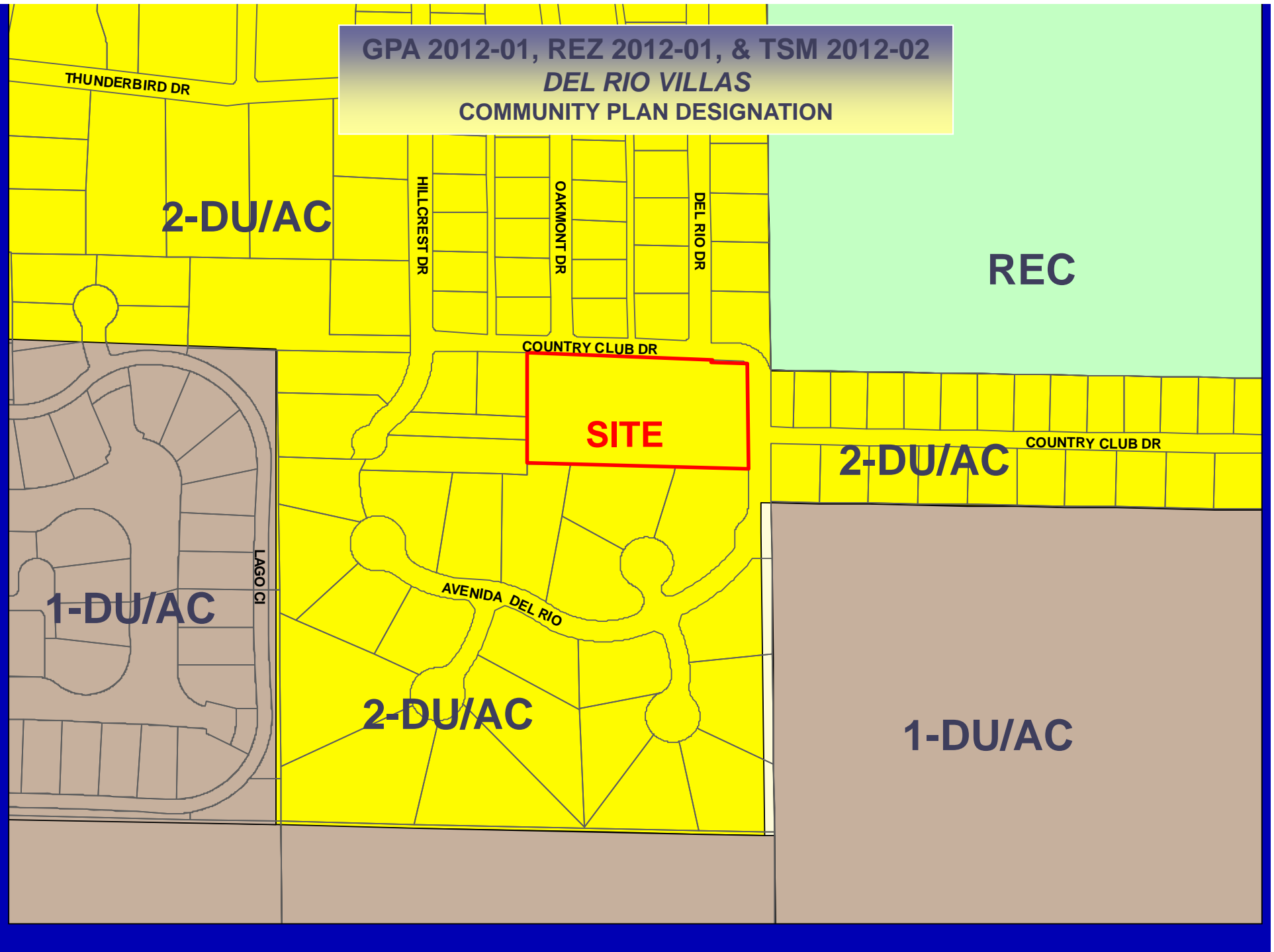
GPA 2012-01, REZ 2012-01, & TSM 2012-02  
**DEL RIO VILLAS  
AREA MAP**



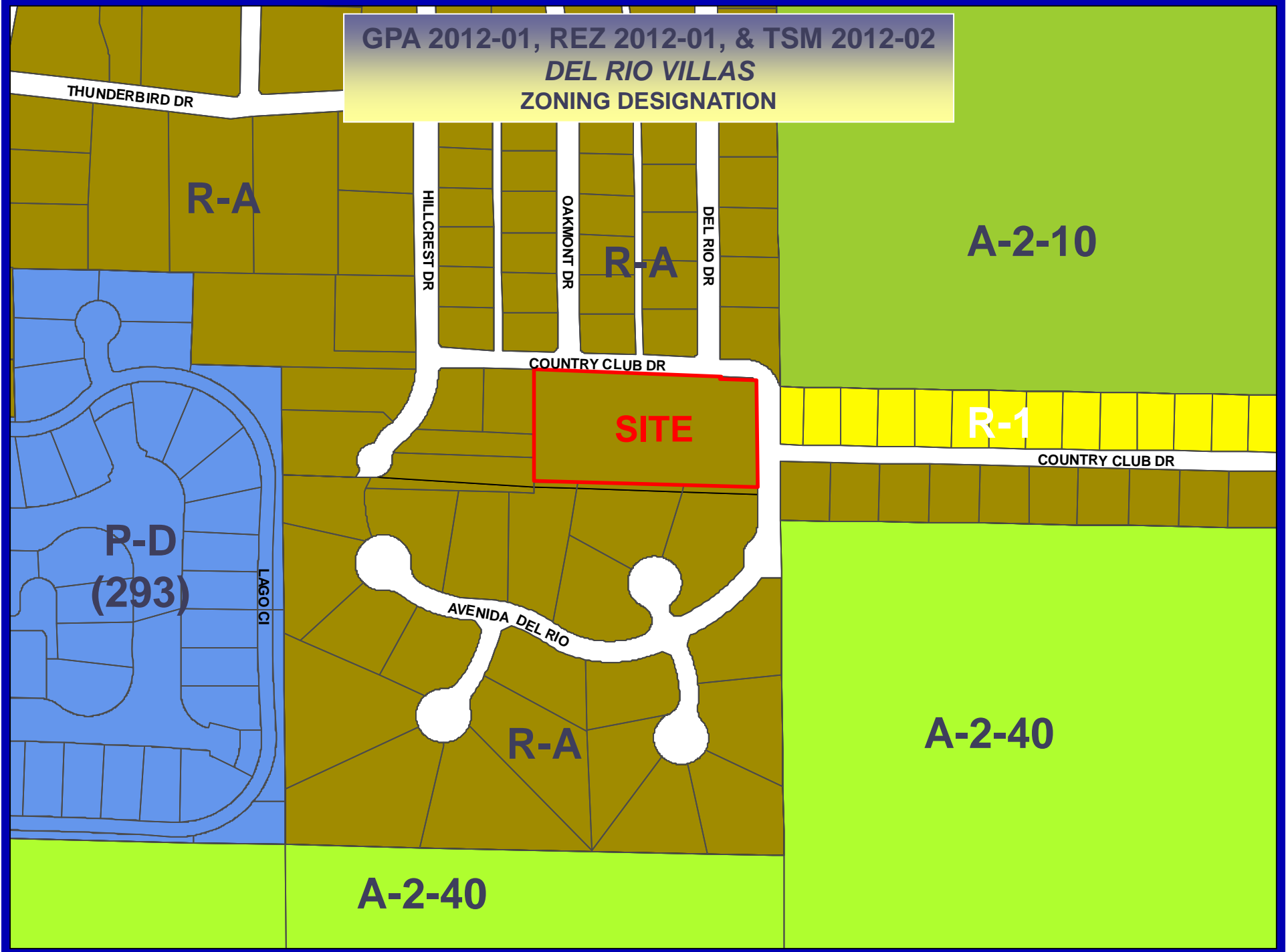
GPA 2012-01, REZ 2012-01, & TSM 2012-02  
**DEL RIO VILLAS**  
GENERAL PLAN DESIGNATION



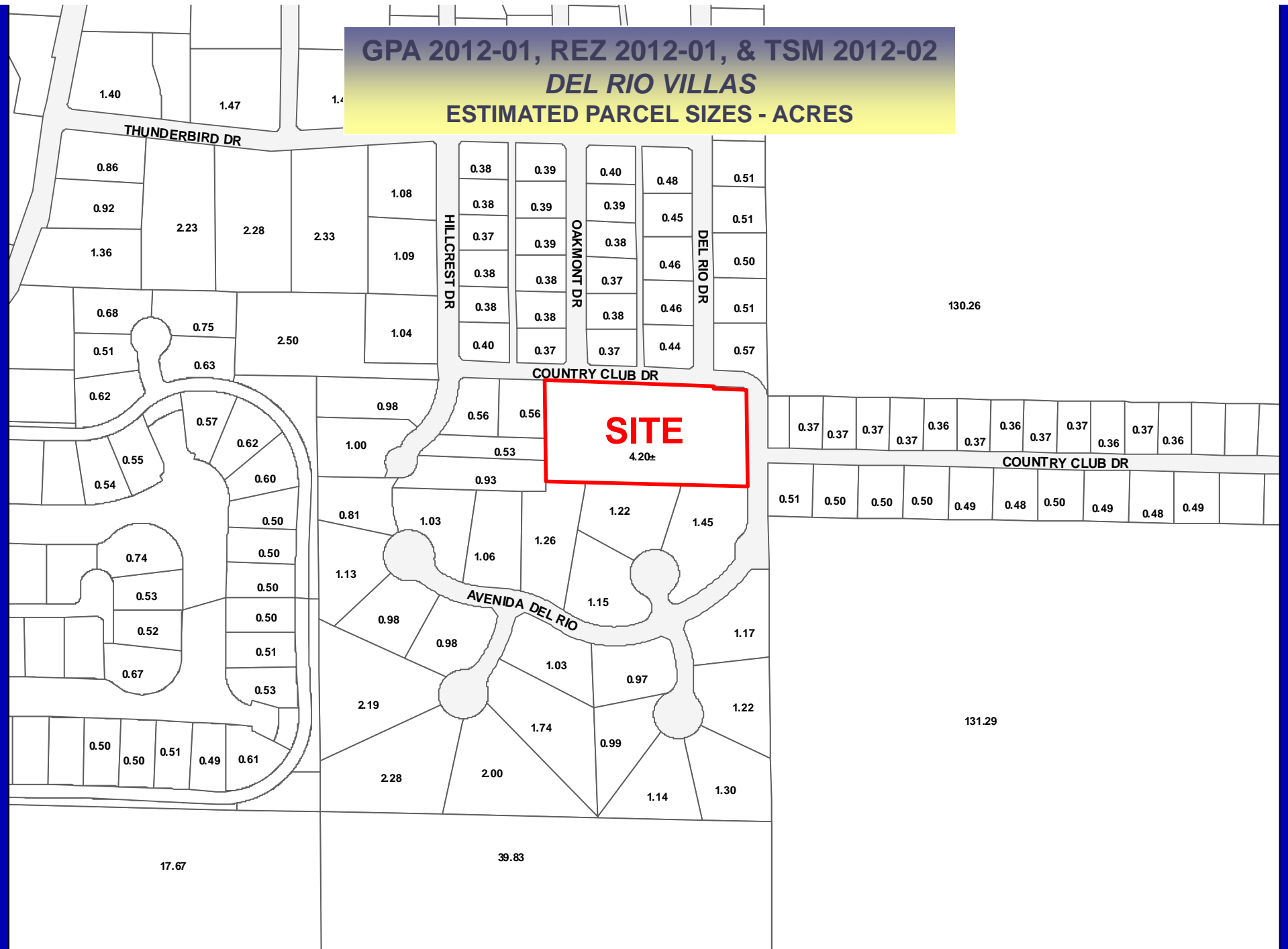
GPA 2012-01, REZ 2012-01, & TSM 2012-02  
*DEL RIO VILLAS*  
COMMUNITY PLAN DESIGNATION



GPA 2012-01, REZ 2012-01, & TSM 2012-02  
**DEL RIO VILLAS**  
**ZONING DESIGNATION**

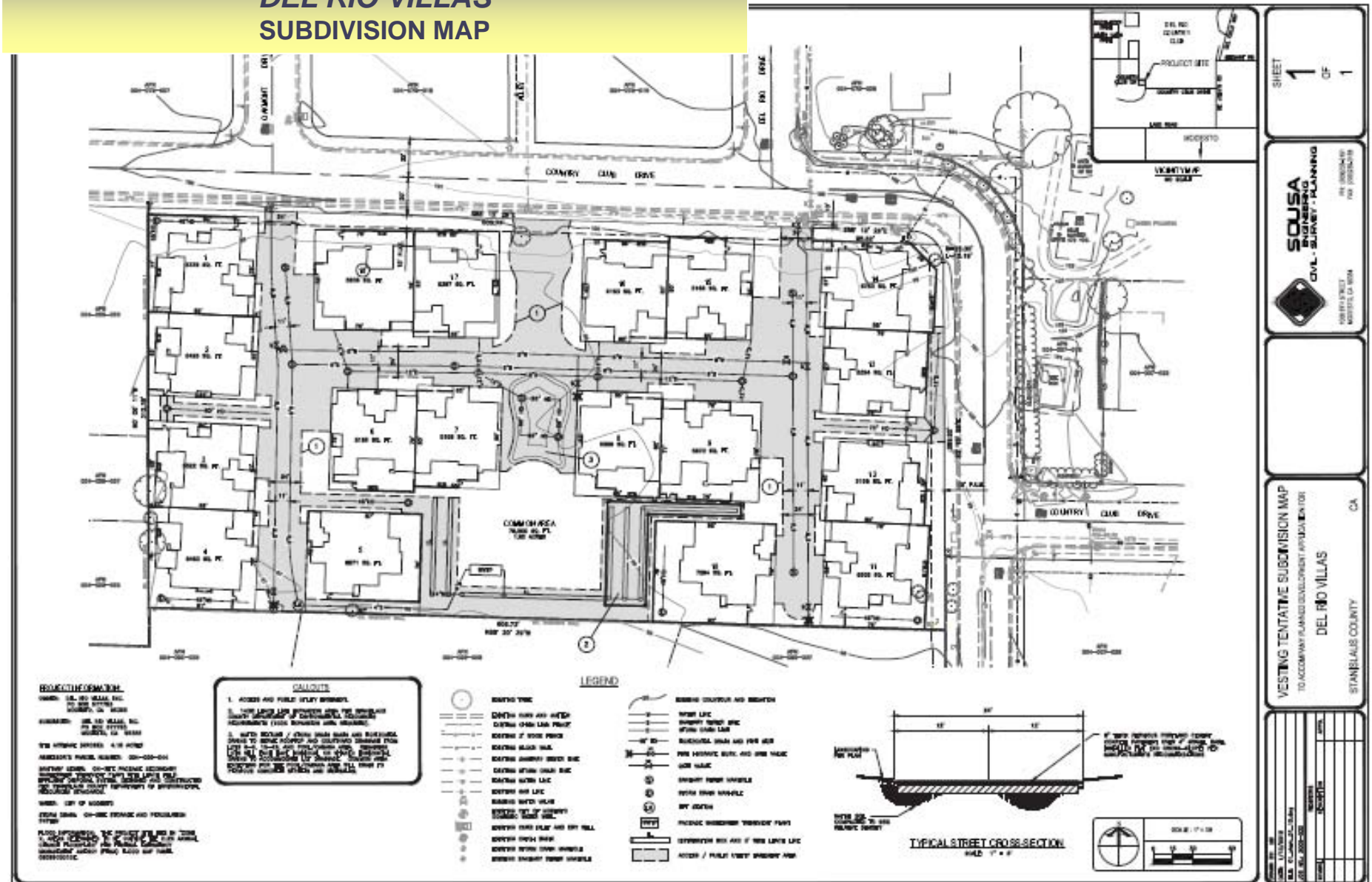


**GPA 2012-01, REZ 2012-01, & TSM 2012-02**  
**DEL RIO VILLAS**  
**ESTIMATED PARCEL SIZES - ACRES**





**GPA 2012-01, REZ 2012-01, & TSM 2012-02  
DEL RIO VILLAS  
SUBDIVISION MAP**





GPA 2012-01, REZ 2012-01, & TSM 2012-02  
**DEL RIO VILLAS**  
AERIAL PHOTO (2008)





GPA 2012-01, REZ 2012-01, & TSM 2012-02  
**DEL RIO VILLAS**  
**SITE PLAN**

**PROJECT DATA**

SITE AREA 199,384 S.F. / 4.5 AC  
 DIMS 478 D.U. / AC

SWELLING:	
MODEL "A"	3
MODEL "B"	8
MODEL "C"	3
MODEL "D"	4
MODEL "E"	2
TOTAL	18

PARKING PROVIDED:	
STANDARD GARAGE	36 CARS
TAXIWAY (DRIVEWAY)	18 CARS
TOTAL	54 SPACES



**VICINITY MAP**  
 PROJECT ADDRESS  
 Country Club Dr.  
 Modesto, CA

*The Villas*  
*at Del Rio*

Country Club Dr.  
 Modesto, CA

PLANNING  
 ARCHITECTURE  
**api**

ARCHITECTURE PLANNING  
 1217 15TH STREET, SUITE 100  
 MODesto, CA 95210

TEL 209.577.4611  
 FAX 209.577.5213

WWW.APIARCHITECTURE.COM

**SITE PLAN**

Scale: 1" = 100'

Scale: 1" = 100'



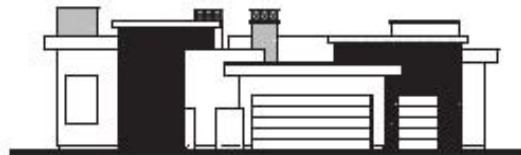
NORTH

api and its consultants are not responsible for the accuracy of the information provided by the client. The client is responsible for the accuracy of the information provided by the client.

GPA 2012-01, REZ 2012-01, & TSM 2012-02  
**DEL RIO VILLAS**  
 ELEVATIONS FOR BUILDING #1



BUILDING #1 - FRONT ELEVATION (MODELS 'A' & 'B')  
 SCALE 1/8" = 1'-0"



BUILDING #1 - LEFT ELEVATION (MODELS 'A' & 'B')  
 SCALE 1/8" = 1'-0"



BUILDING #1 - RIGHT ELEVATION (MODELS 'A' & 'B')  
 SCALE 1/8" = 1'-0"



BUILDING #1 - REAR ELEVATION (MODELS 'A' & 'B')  
 SCALE 1/8" = 1'-0"

PROPOSED NEW  
 DEVELOPMENT

*The Villas*  
 at Del Rio

Country Club Dr.  
 Modesto, CA

PLANNING  
 ARCHITECTURE

**api**

ARCHITECTURE PLLC INC.  
 1307 15th Street, Suite 4  
 Modesto, CA 95354

TEL: 209.577.6611  
 FAX: 209.577.2213

www.apiaa.com





# DEL RIO COMMUNITY PLAN

- In 1992, the plan was adopted.
- The plan separates the community into 2 areas
- Area I, which is mostly developed, around the golf course. Development is allowed
- Area II is mostly undeveloped, to the south of the developed area. Restricts development until an EIR is approved.







# DEL RIO COMMUNITY PLAN

## AREA I

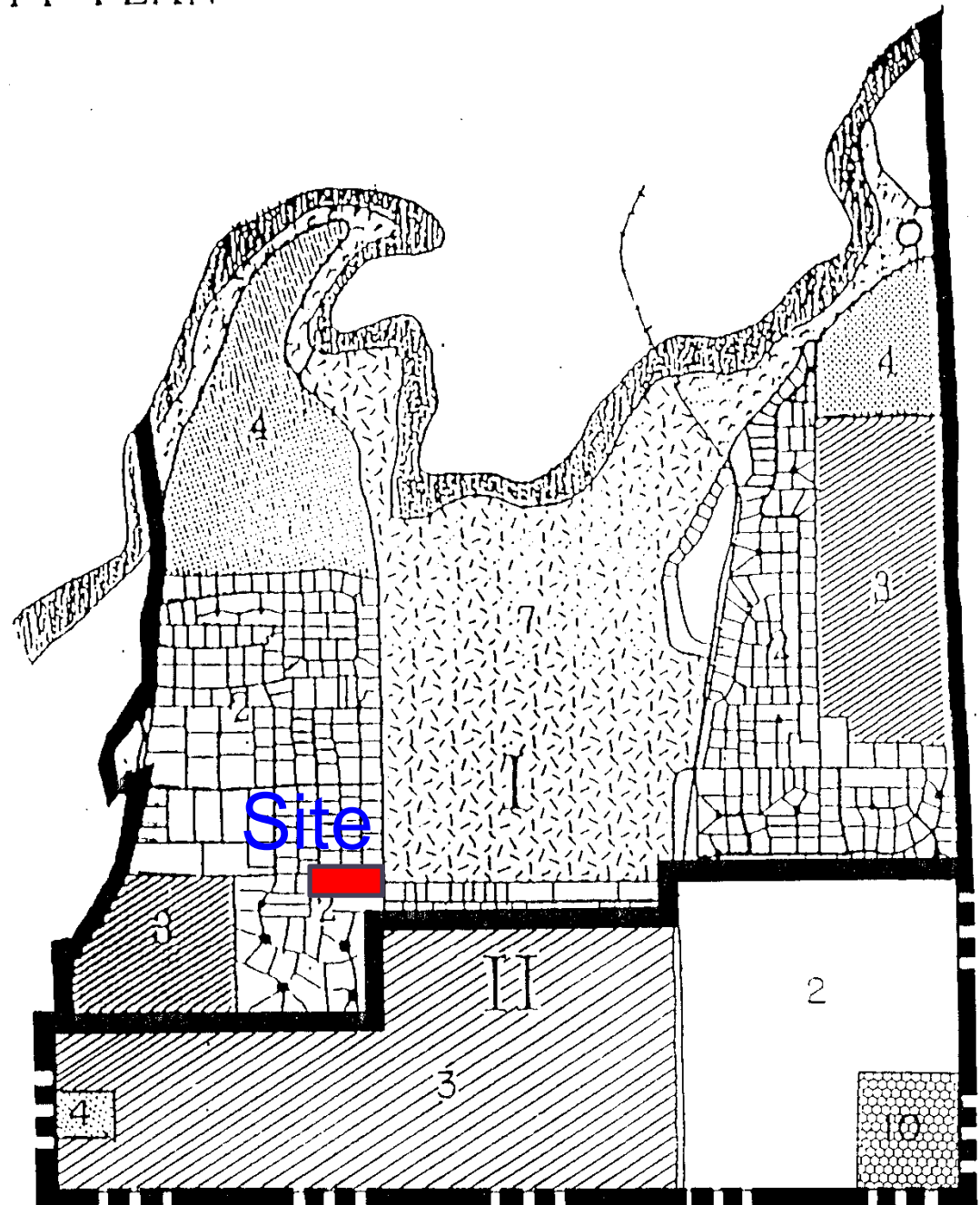
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	1 DU/AC		1 DU/2 AC

2	2 DU/AC
3	1 DU/AC
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7	RECREATION
10	COMMERCIAL



# Del Rio Community Plan

- The current Community Plan designation for this site allows up to 2 units per acre.
- Proposal to amend the Community Plan designation to a Planned Development (4.5 dwelling units per acre).
- County's General Plan low density designation allows up to 8 dwelling units per acre.

# Del Rio Community Plan

- Existing allowable density of 0-2 units per acre.
- Most of the residential lots in Del Rio are 20,000 square feet to over an acre;

# Water

- The project will be served by public water provided by the City of Modesto.
- Modesto must make certain improvements to the Del Rio water system by July 2013.



# Wastewater

- In addition, the project is proposing an on-site package wastewater treatment plant southwest corner of the “common area.”

# State Law

- As currently designated and zoned, the applicant would be able to subdivide this site into eight 20,000 square foot lots.
- By state law, each residential zoned lot could have 2 units if adequate water and sewer are available and building site coverage and setback requirements can be met.
- Most of the Del Rio community only has one unit per lot.

# General Plan Findings

1. General Plan Amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
2. County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

# General Plan Findings

3. Amendment is consistent with the General Plan goals and policies.

# **General Plan Goals And Policies**

- These findings are established by the Board of Supervisors' Policy for processing General Plan Amendments.



# Planning Commission

- Meeting held on July 5, 2012
- 19 persons spoke in opposition
- 10 persons spoke in favor



Planning & Community Development

# Opposition

- Inconsistent with the Del Rio Community Plan
- Increased density
- Same project denied by the PC in 2010
- Decreased property values
- Inadequate environmental review
- Impact to community character/quality of life
- Increased traffic

# Support

- Desire to downsize and stay in Del Rio
- Development similar to CC communities
- Property is an eyesore
- Well-planned development and makes the best use of precious land.

# PC Comments

- Good project in the wrong location
- Recognized a need for higher density development
- Expressed concerns who invested in the community based on Community Plan
- Expressed concern with increased traffic congestion resulting from the project.



# Recommendation

- The Planning Commission voted 6-1 and recommended to deny General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, and Tentative Subdivision Map No. 2012-02 – Del Rio Villas to the Board of Supervisors





VILLAS<sup>AT</sup> DEL RIO

Stanislaus County  
Board of Supervisors

August 28, 2012

# **DEL RIO COMMUNITY PLAN**

**DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT**

**AUGUST 1992**

VILLAS<sup>AT</sup> DEL RIO







## DEL RIO COMMUNITY PLAN

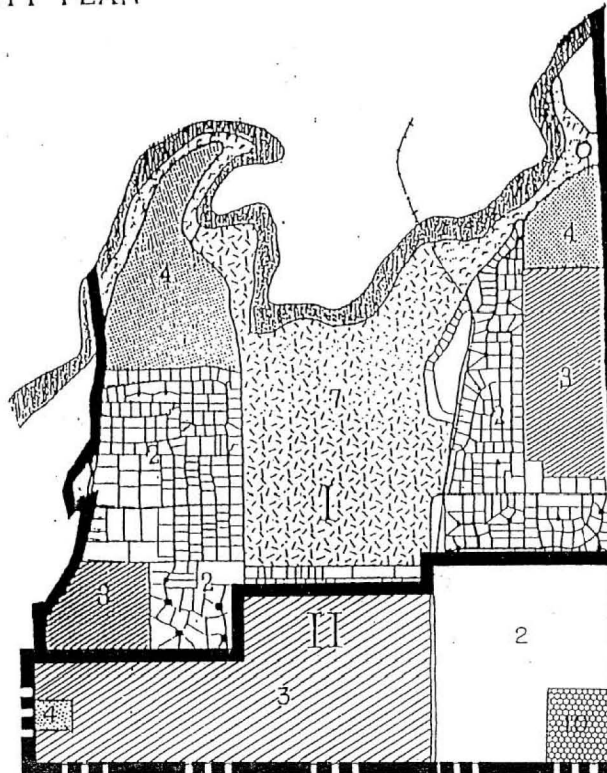
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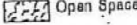
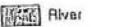
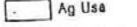
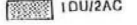
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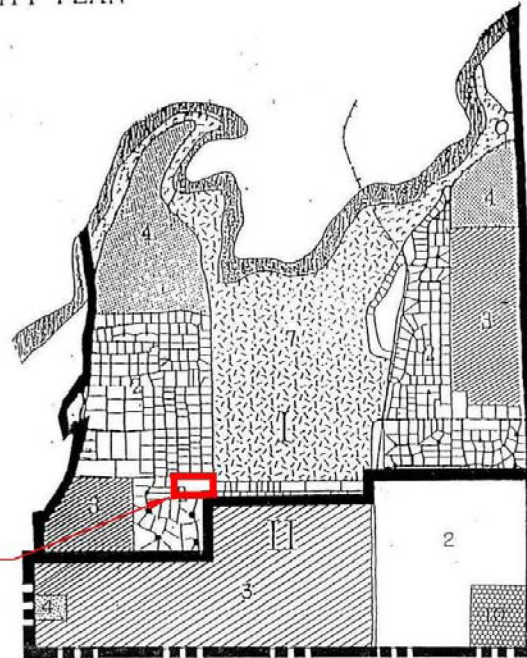
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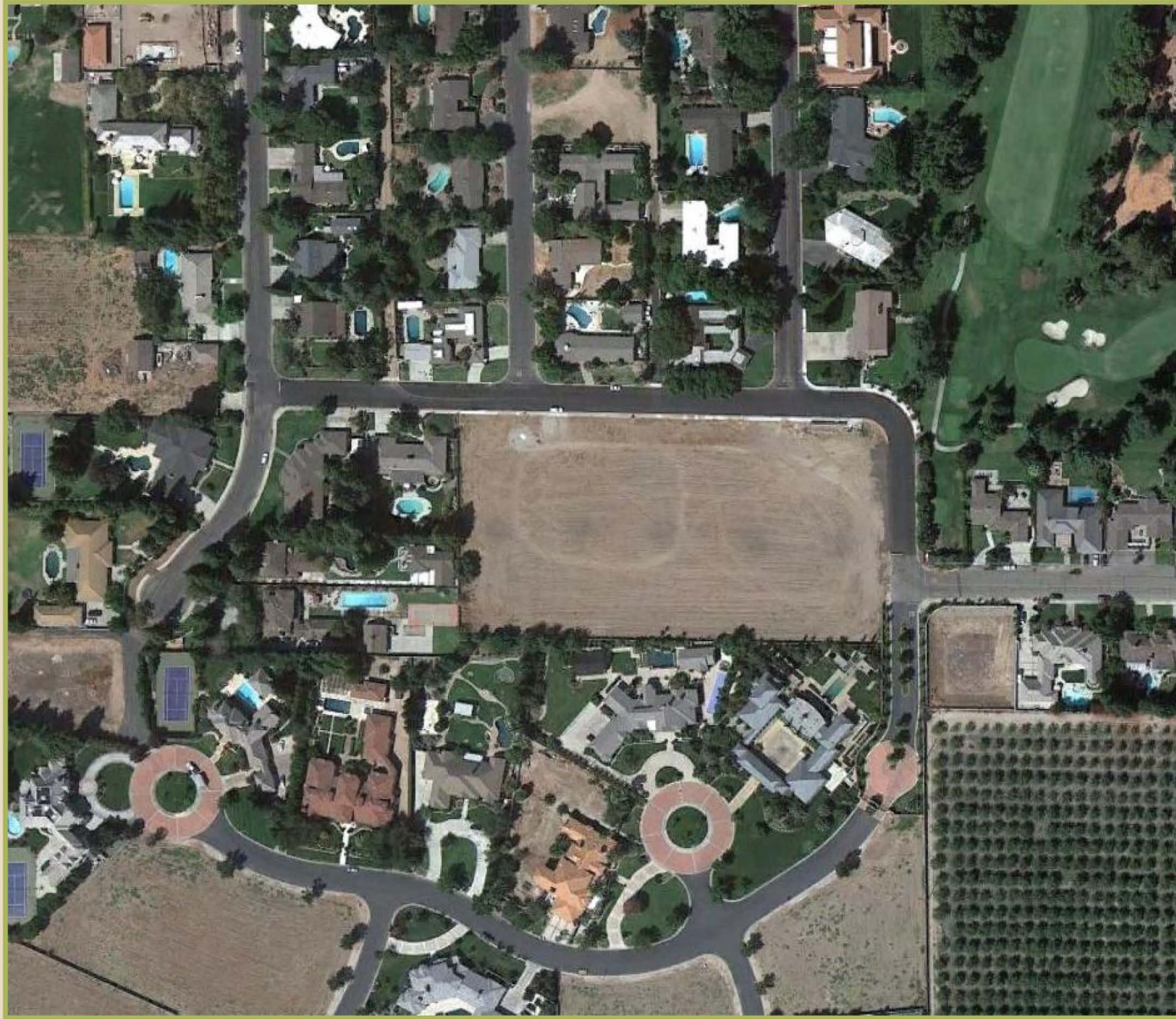
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DEL RIO  
VILLAS



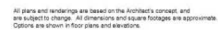
VILLAS<sup>AT</sup> DEL RIO





VILLAS<sup>AT</sup> DEL RIO





### L0.1 Conceptual Landscape Plan



*The Villas  
at Del Rio*

Country Club Dr.  
Modesto, CA.



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SOLSA  
ENGINEERING  
CIVIL - SURVEY - PLANNING



VILLAS AT DEL RIO



Looking East on  
Country Club





Looking West on  
Country Club

VILLAS<sup>AT</sup> DEL RIO



## Project from Country Club

VILLAS<sup>AT</sup> DEL RIO





Internal View





Common Area  
Pool & Fountain

VILLAS AT DEL RIO

## Del Rio Property Owners Assoc. (04/11/12)

- “... a density of 5 times the current standard...”
- “The DRPOA Board is committed to providing you factual information ...”



# PROJECT INFORMATION:

OWNER: DEL RIO VILLAS, INC.  
PO BOX 577783  
MODESTO, CA 95355

SUBDIVIDER: DEL RIO VILLAS, INC.  
PO BOX 577783  
MODESTO, CA 95355

SITE ACREAGE (GROSS): 4.18 ACRES

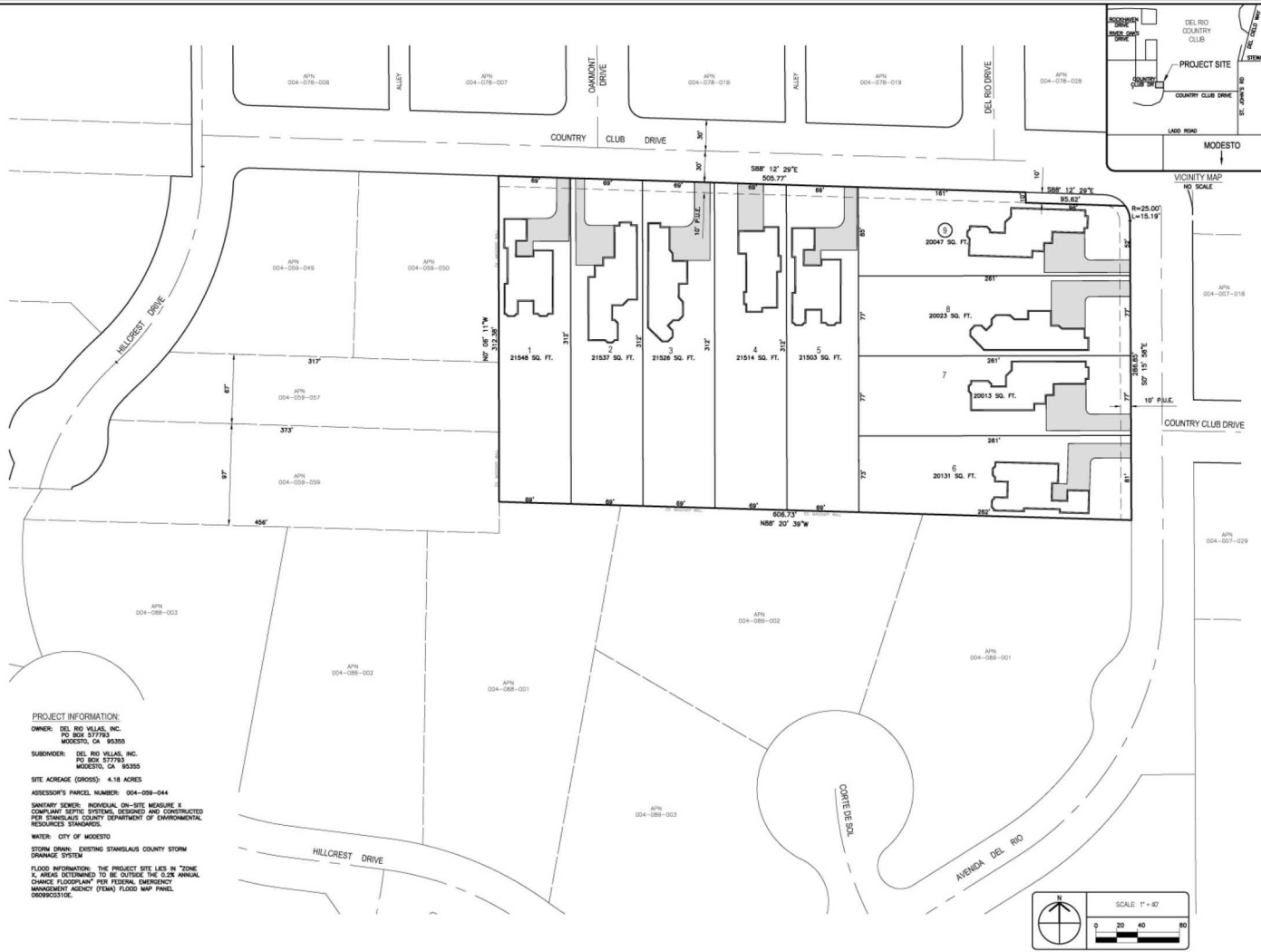
ADJACENT PARCEL NUMBER: 004-028-044

SANITARY SEWER: INDIVIDUAL ON-SITE MEASURE X  
COMPLIANT SEPTIC SYSTEM, DESIGNED AND CONSTRUCTED  
PER STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL  
RESOURCES STANDARDS.

WATER: CITY OF MODESTO

STORM DRAIN: EXISTING STANISLAUS COUNTY STORM  
DRAINAGE SYSTEM

FLOOD INFORMATION: THE PROJECT SITE LIES IN "ZONE  
X," HAS BEEN DETERMINED TO BE OUTSIDE THE 1% ANNUAL  
CHANCE FLOODPLAIN PER FEDERAL EMERGENCY  
MANAGEMENT AGENCY (FEMA) FLOOD MAP PANEL  
090803C10E.



SHEET  
**1**  
OF  
**1**

**SOUSA**  
ENGINEERING  
CIVIL - SURVEY - PLANNING  
1086 8TH STREET  
SUITE 201  
MODESTO, CA 95354  
PH: 209.226.2010  
FAX: 209.226.2011

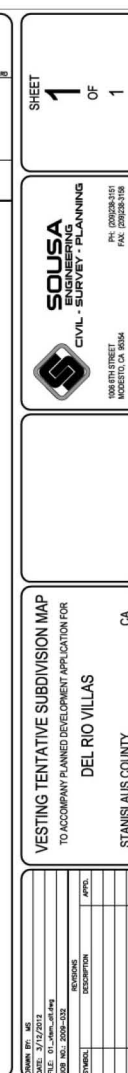
VESTING TENTATIVE SUBDIVISION MAP  
TO ACCOMPANY PLANNED DEVELOPMENT APPLICATION FOR  
DEL RIO VILLAS  
STANISLAUS COUNTY  
CA

NO.	DATE	BY	DESCRIPTION
1	7/17/2013	DEL RIO VILLAS, INC.	PRELIMINARY
2	7/17/2013	DEL RIO VILLAS, INC.	REVISION
3	7/17/2013	DEL RIO VILLAS, INC.	REVISION
4	7/17/2013	DEL RIO VILLAS, INC.	REVISION
5	7/17/2013	DEL RIO VILLAS, INC.	REVISION
6	7/17/2013	DEL RIO VILLAS, INC.	REVISION
7	7/17/2013	DEL RIO VILLAS, INC.	REVISION
8	7/17/2013	DEL RIO VILLAS, INC.	REVISION
9	7/17/2013	DEL RIO VILLAS, INC.	REVISION
10	7/17/2013	DEL RIO VILLAS, INC.	REVISION

VILLAS AT DEL RIO








LG TENTATIVE SUBDIVISION MAP PRELIMINARY PLANNED DEVELOPMENT APPLICATION FOR DEL RIO VILLAS CALIFORNIA COUNTY	 <p> <b>SOUSA</b>          CIVIL - SURVEY - PLANNING          10401 E STREET          RIVERSIDE, CA 92504          TEL: (951) 502-1111          FAX: (951) 502-1155       </p>	SHEET <b>1</b> OF 1
--	---	------------------------------



SHEET <span style="font-size: 2em; font-weight: bold;">1</span> OF <span style="font-size: 2em; font-weight: bold;">1</span>																
 <b>Sousa</b> ENGINEERING & PLANNING CIVIL, ENVIRONMENTAL & LANDSCAPE ARCHITECTS 10000 BAYVIEW BLVD., SUITE 200 SAN FRANCISCO, CA 94134 TEL: (415) 754-1100 FAX: (415) 754-1110 WWW.SOUSAE.COM																
PROJECT: <b>VESTING TENTATIVE SUBDIVISION MAP</b> TO ACCOMMODATE PLANNED RESIDENT DEVELOPMENT FOR <b>DEL RIO VILLAS</b> STANISLAUS COUNTY, CA																
DRAWN BY: <b>WES</b> CHECKED BY: <b>WES</b> DATE: <b>01/27/2010</b> SCALE: <b>AS SHOWN</b> PROJECT NO.: <b>100000000</b> DRAWING NO.: <b>001</b>	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 80%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE												
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VILLAS AT DEL RIO



All plans and renderings are based on the Architect's concept, and are subject to change. All dimensions and square footages are approximate. Options are shown in floor plans and elevations.

Not to Scale

**L0.1 Conceptual Landscape Plan**  
March, 2018



PLANNING  
ARCHITECTURE  
**api**  
**SOSA**  
ENGINEERING  
CIVIL - SURVEY - PLANNING

**CMC**  
BUILDERS  
CONTRACTORS  
CONSTRUCTION  
MANAGEMENT

**KLA**  
LANDSCAPE  
ARCHITECTURE  
PLANNING  
101 N. Nevada St.  
Modesto, CA 95205  
(209) 528-2088 (209) 528-1010 fax

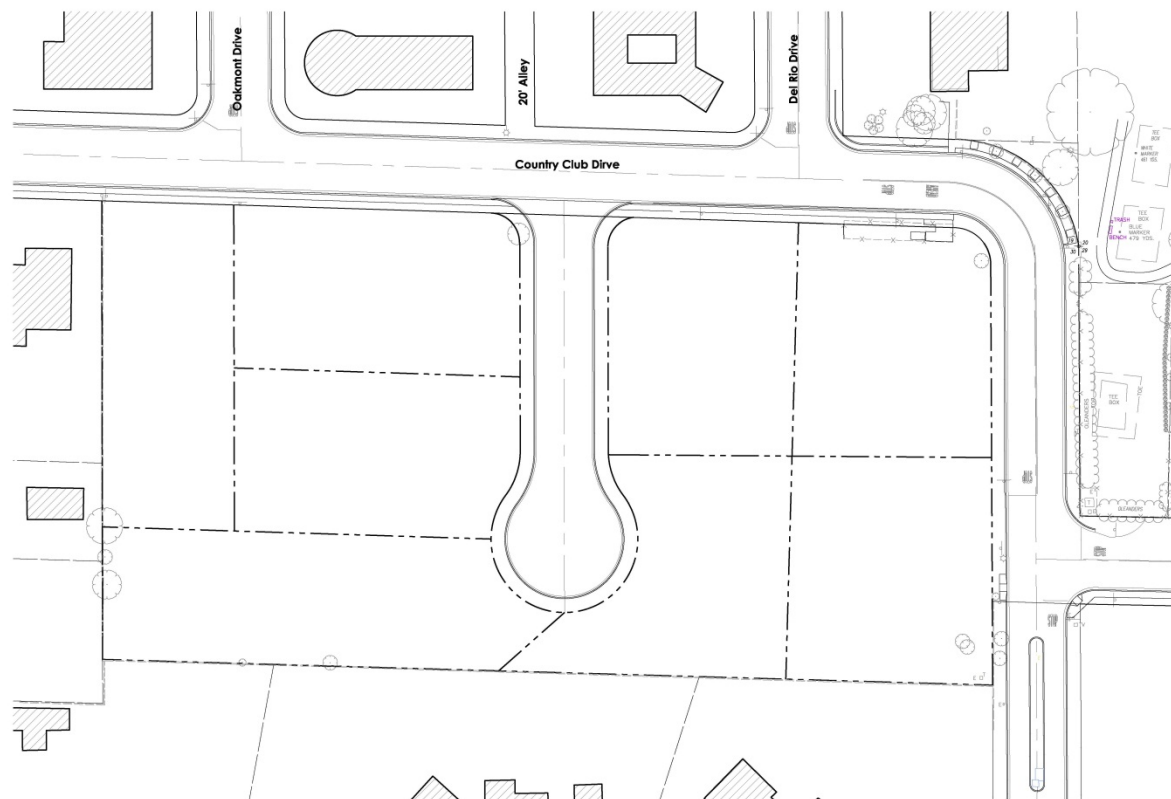
PROPOSED NEW  
DEVELOPMENT:

*The Villas*  
at Del Rio

Country Club Dr.  
Modesto, CA.

18 Units / 18 Lots

VILLAS AT DEL RIO



PROPOSED SITE PLAN  
SCALE: 1" = 20' 0"



PROPOSED NEW  
DEVELOPMENT:

**Del Rio Villas**

Country Club Drive  
Modesto, CA.

PLANNING  
ARCHITECTURE

**api**

ARCHITECTURE PLUS INC.  
4325 S NORTH STAR WAY  
MODESTO, CA 95336

ph: 209.577.4661  
fx: 209.577.0213

www.apicorp.com

## 8 Lot Alternative Map

VILLAS AT DEL RIO



PROPOSED SITE PLAN  
SCALE: 1" = 20' ±



PROPOSED NEW  
DEVELOPMENT:

## Del Rio Villas

Country Club Drive  
Modesto, CA.

PLANNING ■■■  
ARCHITECTURE ■■■

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MODESTO, CA 95356

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VILLAS AT DEL RIO





PROPOSED SITE PLAN  
SCALE: 1" = 20' 0"



PROPOSED NEW  
DEVELOPMENT:

**Del Rio Villas**

Country Club Drive  
Modesto, CA.

PLANNING  
ARCHITECTURE

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MODESTO, CA 95336

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5 Attached Units  
3 Duplex Units (11 total)

VILLAS AT DEL RIO

## **Milo Shelly (06/26/12)**

“I am not opposed to building nine single family (detached) dwellings on this parcel.”



PROPOSED SITE PLAN  
SCALE 1" = 20'



PROPOSED NEW  
DEVELOPMENT:

**Del Rio Villas**

Country Club Drive  
Modesto, CA.

PLANNING  
ARCHITECTURE

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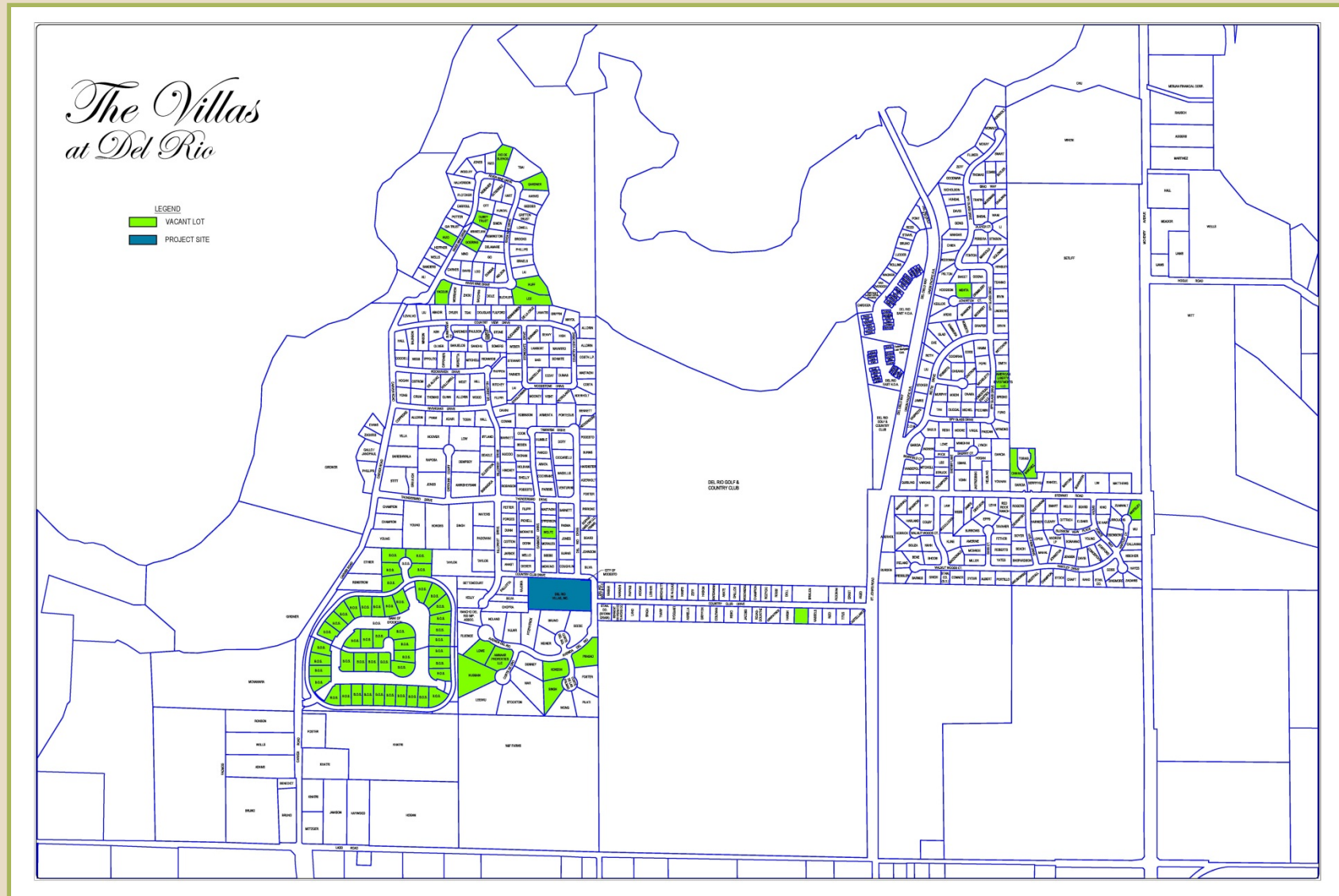
ARCHITECTURE PLUS INC.  
4325 S NORTH STAR WAY  
MODESTO, CA 95336

ph: 209.577.4661  
fx: 209.577.0213

www.apiparc.com

5 – Single Family Units  
3 – Duplexes (6 Units)  
5 – Second Units up to 1,200 square feet each  
(Up to 16 Units Permissible)

VILLAS AT DEL RIO



Vacant Lots  
 68 Vacant Lots of Approximately 20,000 sq. ft.

VILLAS<sup>AT</sup> DEL RIO







## DEL RIO COMMUNITY PLAN

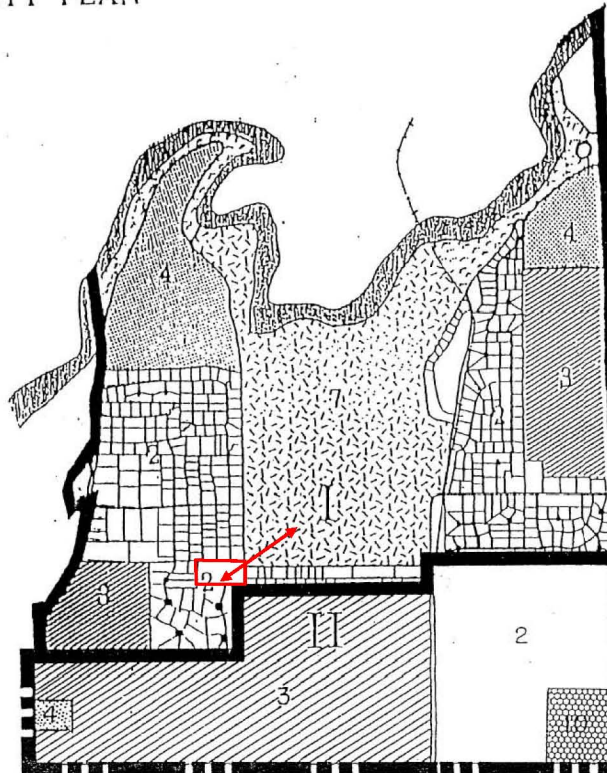
### AREA I

- APPROVE GENERAL PLAN AMENDMENTS
- REQUIRE PLANNED DEVELOPMENT
- REZONING ON NEW PROJECTS
- REQUIRE PROJECTS TO CONFORM TO AIR QUALITY / WATER MITIGATION MEASURES
- GENERAL PLAN DESIGNATIONS: LOW DENSITY RESIDENTIAL AND AGRICULTURE

### AREA II

- GENERAL PLAN AMENDMENTS POSTPONED UNTIL A DETAILED STUDY IS PREPARED OF WATER / AIR / AGRICULTURAL BUFFERING / CIRCULATION AND COMMUNITY SERVICES ISSUES
- GENERAL PLAN DESIGNATIONS: AGRICULTURE / SPECIFIC PLAN OVERLAY

	Recreation		Open Space
	River		Ag Use
	1 DU/AC		1 DU/2 AC
2	2 DU/AC		
3	1 DU/AC		
4	1 DU/2 AC		
7	RECREATION		
10	COMMERCIAL		

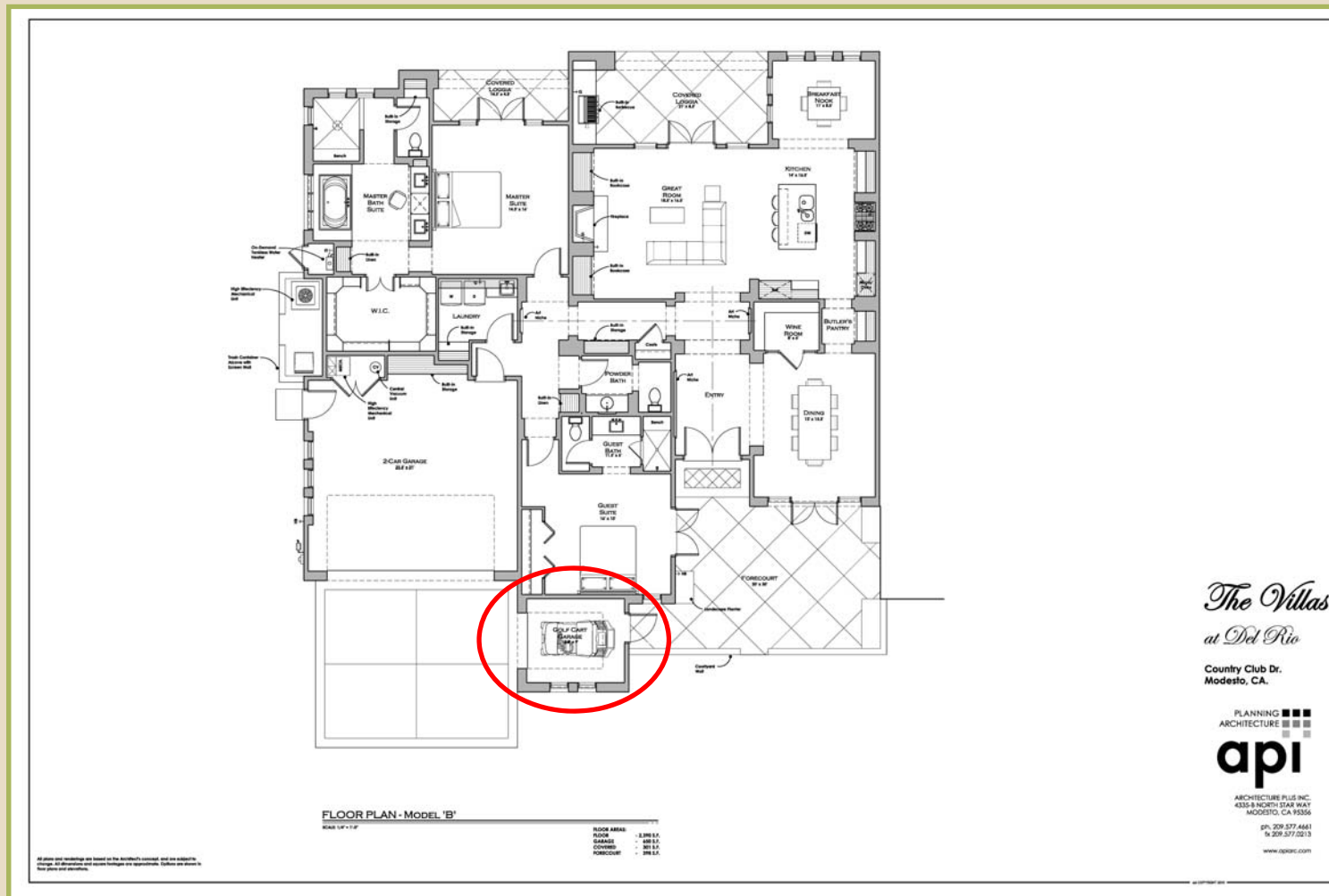




## Connected to Golf Course



VILLAS<sup>AT</sup> DEL RIO



## Units Have Golf Cart Garage

VILLAS AT DEL RIO





## Reason to Approve

- Consistent with the County General Plan Land Use Element

## COUNTY GENERAL PLAN LAND USE ELEMENT

### GOAL ONE

**Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of the residents of Stanislaus County**

### POLICY NINE

The Land Use Element shall be maintained so that it is responsive to change.

### **IMPLEMENTATION MEASURES**

2. **All of the community plans shall be reviewed and updated as found necessary by the Board of Supervisors. Substantial changes to these plans shall be permitted** only in conjunction with a complete community plan update unless the Director of Planning and Community Development finds that (1) the plan has been completely updated within the past three years and the proposed changes can be adequately evaluated based on that updated plan or (2) **the proposed change will have no major or demonstrable impact on the surrounding area or on the community in general.**



## Reason to Approve

- Consistent with the County General Plan Agricultural Element

## **COUNTY GENERAL PLAN** **AGRICULTURAL ELEMENT**

### **GOAL TWO**

**Conserve our agricultural lands for agricultural uses.**

### **POLICY 2.4**

**To reduce development pressures on agricultural lands, higher density development and in-filling shall be encouraged.**

### **IMPLEMENTATION MEASURES**

- 1. The County shall encourage higher density development and in-filling of already-existing urban areas.**

**Responsible Departments: Planning Department, Board of Supervisors.**

## Reason to Approve

- Consistent with the County General Plan Housing Element

## HOUSING ELEMENT

### GOAL TWO

#### MAXIMIZE HOUSING CHOICES AND OPPORTUNITIES THROUGHOUT STANISLAUS COUNTY

### POLICIES

- 2A The County shall promote adequate opportunities for decent, safe, and affordable housing for the elderly, handicapped, families with female-headed households, large families, farmworkers, the homeless, and other residents with special needs.
- 2B The County shall promote adequate housing opportunities for all residents regardless of age, race, sex, marital status, ethnic background, source of income or other arbitrary factors.

## HOUSING ELEMENT

### GOAL FOUR

**DESIGNATE SUFFICIENT SITES FOR ALL TYPES OF RESIDENTIAL DEVELOPMENT REQUIRED TO MEET PROJECTED HOUSING NEEDS**

### POLICIES

4B The County shall establish and maintain an inventory of buildable lots with limited environmental constraints, current and planned infrastructure and appropriate zoning for the provision of sufficient housing sites.



## HOUSING ELEMENT

### 4-1 – GENERAL PLAN REVIEW

Review the General Plan, community plans, and zoning designations on an annual basis in a continuing effort to ensure that an adequate supply of land is available to meet local and regional housing goals for all types of housing. If the Housing Element requires an amendment, County will ensure the maintenance, continuity and internal consistency with other general plan elements.

## HOUSING ELEMENT

### 4-2 – VACANT AND UNDERUTILIZED SITE DEVELOPMENT

In order to encourage the development of vacant and underutilized site, the County will streamline the approval process. In addition, the County will create and maintain an inventory of potential residential infill sites, both vacant and underutilized. This information will be available to the public through the Planning and Community Development Department.

## Reason to Approve

- Consistent with the policies in the Del Rio Community Plan

# Del Rio Community Plan Excerpts

## Goal 1

**Future Development should occur in an orderly manner to meet the needs of existing and future residents.**

## Del Rio Community Plan Excerpts

### Goal 1

**Future Development should occur in an orderly manner to meet the needs of existing and future residents.**

### Page 3

This Community Plan proposed development of the Del Rio area as a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agriculture use **which consist with and would maintain the essential character of the existing community.**



# General Plan Amendments

## General Plan Amendments

- Permitted four (4) times a year
- 2000 through 2009
  - 40 Amendments in 10 years
  - 35 Approved

## Reason to Approve

- Consistent with Sustainable Community Strategy

## Why Are Smart Growth, Infill and TOD Important?

- Help comply with State laws: AB 32/ SB 375
- Help to meet measurable regional targets
- Reduce environmental impact of new development
- Reduce required financial investment in new infrastructure



Stockton, CA



Modesto, CA

*Regional Smart Growth | TOD Plan*

Source StanCoG

VILLAS AT DEL RIO

## Reason to Approve

- Consistent with Current Discussions at LAFCO

## Agricultural Preservation

- LAFCO Policy
  - From last LAFCO Staff Report on Agricultural Preservation Policy

“The policy should create an expectation for density and a more efficient use of land.”



## Reasons You'll Hear to Deny

- Not Consistent with the Plan

## Reasons You'll Hear to Deny

- Not Consistent with the Plan
- Traffic

**COMPARISON  
OF  
P.M. PEAK HOUR TRIP GENERATION**

<b>Nine (9) Single Family Units</b>	<b>UNITS</b>	<b>P.M. PEAK HOUR TRIPS / UNIT*</b>	<b>TOTAL P.M. PEAK HOUR TRIPS</b>
Nine (9) 20,000 square foot lots w/single family detached units	9	1.01	<b>9.09</b>

<b>Proposed Project</b>	<b>UNITS</b>	<b>P.M. PEAK HOUR TRIPS / UNIT*</b>	<b>TOTAL P.M. PEAK HOUR TRIPS</b>
Del Rio Villas (Residential Condo / Townhouse)	18	0.52	<b>9.36</b>
or,			
Del Rio Villas (16 Senior Adult Housing Attached Units)	16	0.16	2.56
Del Rio Villas (2 Senior Adult Housing Detached Units)	2	0.27	0.54
Total for 16 Attached / 2 Detached Units	18		<b>3.10</b>

\*Trip Generation Rates per Institute of Transportation Engineers *Trip Generation Manual, 8th Edition*

VILLAS<sup>AT</sup> DEL RIO

## Reasons You'll Hear to Deny

- Not Consistent with the Plan
- Traffic
- Water Quality

**COMPARISON  
OF  
WASTEWATER AND NITRATE GENERATION RATES**

			GAL / PERSONS / PERSON / UNIT DAY*	TOTAL GAL / DAY	TOTAL L / DAY	NITRATE CONC. (mg / L)*	TOTAL NITRATE / DAY (mg)	TOTAL NITRATE / DAY (kg)
<b>Nine (9) Single Family Units</b>	<b>UNITS</b>	<b>UNIT</b>						
Nine (9) 20,000 square foot lots	9	3	70	1,890	7,154	50	357,720	358

			GAL / PERSONS / PERSON / UNIT DAY*	TOTAL GAL / DAY	TOTAL L / DAY	NITRATE CONC. (mg / L)*	TOTAL NITRATE / DAY (mg)	TOTAL NITRATE / DAY (kg)
<b>Proposed Project</b>	<b>UNITS</b>	<b>UNIT</b>						
Del Rio Villas	18	3	70	3,780	14,309	10	143,088	143

\*Per capita wastewater generation rates from EPA *Design Manual, On-Site Wastewater Treatment and Disposal Systems*

\*10 mg/L for Del Rio Villas project per Stanislaus County Department of Environmental Resources Requirements

50 mg/L for nine (9) 20,000 square foot lots, average from *USEPA On-Site Wastewater Treatment Systems Manual* for septic tank effluent



## Reasons You'll Hear to Deny

- Not Consistent with the Plan
- Traffic
- Water Quality
- Reduce Value

## Reasons You'll Hear to Deny

- Not Consistent with the Plan
- Traffic
- Water Quality
- Reduce Value
- Precedent

## Not Precedent Setting for Other Parcels

- Your Staff Agrees
- DRCP - Page 3

This Community Plan proposed development of the Del Rio area as a mixed residential, recreational, and agricultural community with residential, natural open space/recreational, and agriculture use **which consist with and would maintain the essential character of the existing community.**

- Sets a Good Precedent

# DEL RIO COMMUNITY PLAN

DEPARTMENT OF PLANNING AND COMMUNITY  
DEVELOPMENT

AUGUST 1992

VILLAS<sup>AT</sup> DEL RIO

## The Right Decision

- Reasons to Approve
  - \* General Plan
  - \* Housing Element
  - \* Agricultural Element
  - \* Del Rio Community Plan
  - \* Sustainable Community Strategy
  - \* LAFCO Agricultural Preservation Policies
  - \* No Impacts
  - \* High Quality (Designed for Del Rio)
  - \* Needed Land Use





VILLAS AT DEL RIO

## STANISLAUS COUNTY ORDINANCE NO. C.S. 1121

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. 9-110.996 FOR THE PURPOSE OF REZONING A 4.31 ACRE PARCEL FROM R-A (RURAL RESIDENTIAL) TO PD (PLANNED DEVELOPMENT) TO ALLOW THE SUBDIVISION OF THE PROPERTY INTO A GATED DEVELOPMENT OF 18 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 THE SOUTHWEST CORNER OF COUNTRY CLUB DRIVE AND AVENIDA DEL RIO, IN THE DEL RIO COMMUNITY AREA. APN: 004-059-044.

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

Section 1. Sectional District Map No. 9-110.996 is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Insert Map Here)

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 Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor Chiesa, seconded by Supervisor Withrow, 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 28th day of August, 2012, by the following called vote:

AYES: Supervisors: Chiesa, Withrow, and Chairman O'Brien

NOES: Supervisors: Monteith and De Martini

ABSENT: Supervisors: None

ABSTAINING: Supervisors: None



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

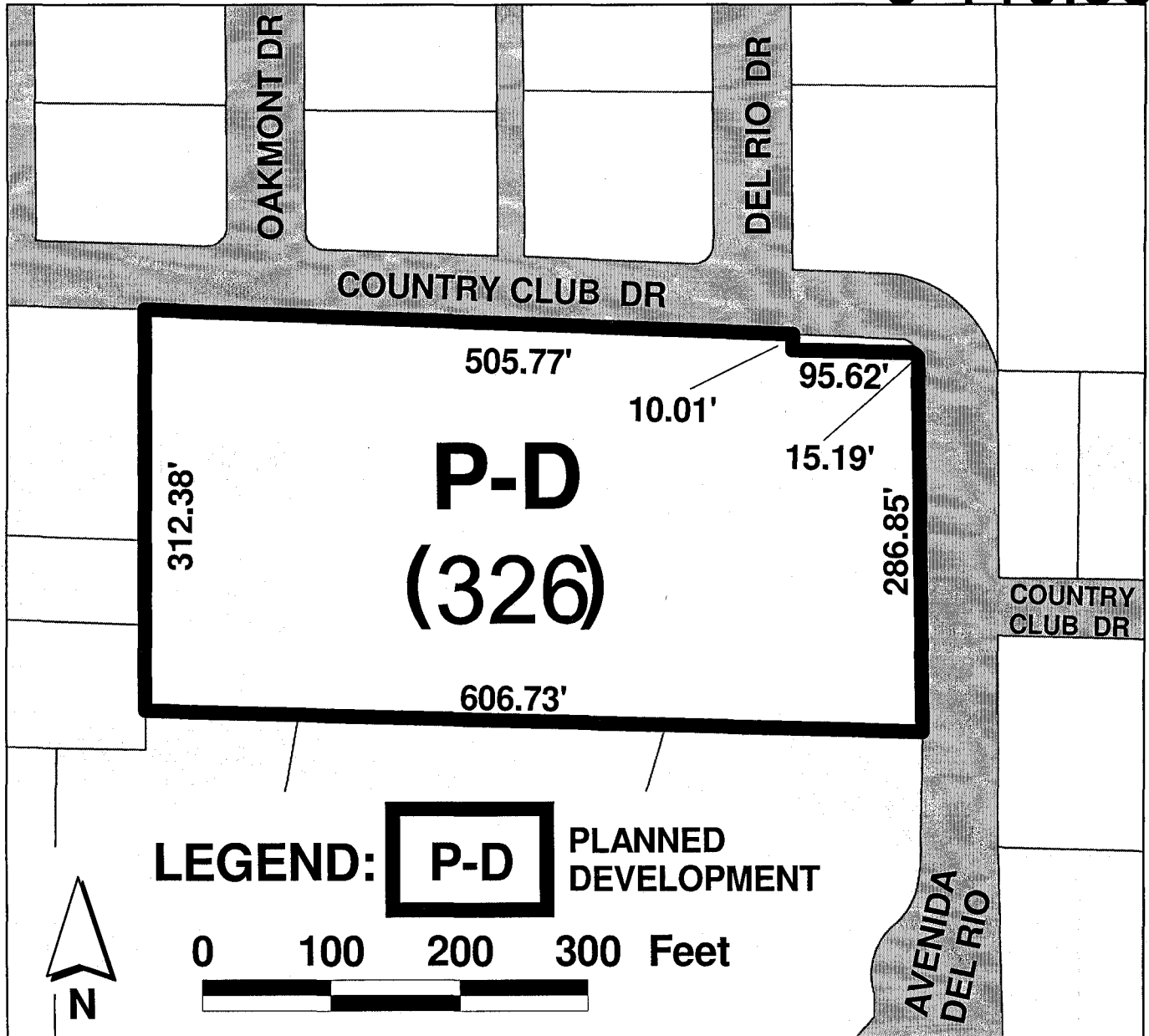
BY:



Pam Villarreal, Deputy Clerk of the Board

ORD-55-P-8

# SECTIONAL DISTRICT MAP NO.9-110.996



EFFECTIVE: 09.27.2012

PREVIOUS MAP: 29