



Referral Early Consultation

Date: July 20, 2020
To: Distribution List (See Attachment A)
From: Rachel Wyse, Senior Planner - Planning and Community Development
Subject: USE PERMIT APPLICATION NO. PLN2019-0029 – COWAN TRACT
Respond By: August 4, 2020
Public Hearing Date: September 3, 2020

****PLEASE REVIEW REFERRAL PROCESS POLICY****

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: Stanislaus County
Project Location: Cowan Tract Subdivision, bounded by Crows Landing Road to the west, San Joaquin Street to the north, Lathrop Street to the south, and the Union Pacific Railroad to the east, in the Ceres area.
APN: Book 041, Pages 055 and 056
Williamson Act Contract: Not Applicable
General Plan: Agriculture
Current Zoning: P-D (3) Planned Development

Project Description: Request to amend the Development Standards approved by the Board of Supervisors on October 9, 1973, when the Cowan Tract was rezoned from A-1 (Unclassified) to P-D (3) to permit mobile homes in lieu of conventionally built homes. The proposed amendments include reducing the increased front, side, and rear yard setbacks for all structures making the new setbacks consistent with the surrounding A-2 zoning district. Likewise, eliminating the separate independent site and landscape plan review required for mobile homes installed within the P-D; instead allowing for review to occur as part of the standard building permit review applied to all structures within Stanislaus County.

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm





USE PERMIT APPLICATION NO. PLN2019-0029 – COWAN TRACT
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT	X	STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
	COMMUNITY SERVICES DIST:	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 2: CHIESA
X	FIRE PROTECTION DIST: WESTPORT	X	STAN COUNTY COUNSEL
X	GSA: WEST TURLOCK SUBBASIN		StanCOG
	HOSPITAL DIST:	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: TURLOCK	X	STANISLAUS LAFCO
X	MOSQUITO DIST: TURLOCK	X	STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:	X	TELEPHONE COMPANY: AT&T
X	PACIFIC GAS & ELECTRIC		TRIBAL CONTACTS (CA Government Code §65352.3)
	POSTMASTER:		US ARMY CORPS OF ENGINEERS
X	RAILROAD: UNION PACIFIC		US FISH & WILDLIFE
X	SAN JOAQUIN VALLEY APCD		US MILITARY (SB 1462) (7 agencies)
X	SCHOOL DIST 1: CERES UNIFIED		USDA NRCS
	SCHOOL DIST 2:		WATER DIST:
	WORKFORCE DEVELOPMENT		
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

**STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM**

TO: Stanislaus County Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: USE PERMIT APPLICATION NO. PLN2019-0029 – COWAN TRACT

Based on this agency's particular field(s) of expertise, it is our position the above described project:

- _____ Will not have a significant effect on the environment.
- _____ May have a significant effect on the environment.
- _____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

- 1.
- 2.
- 3.
- 4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

- 1.
- 2.
- 3.
- 4.

In addition, our agency has the following comments (attach additional sheets if necessary).

Response prepared by:

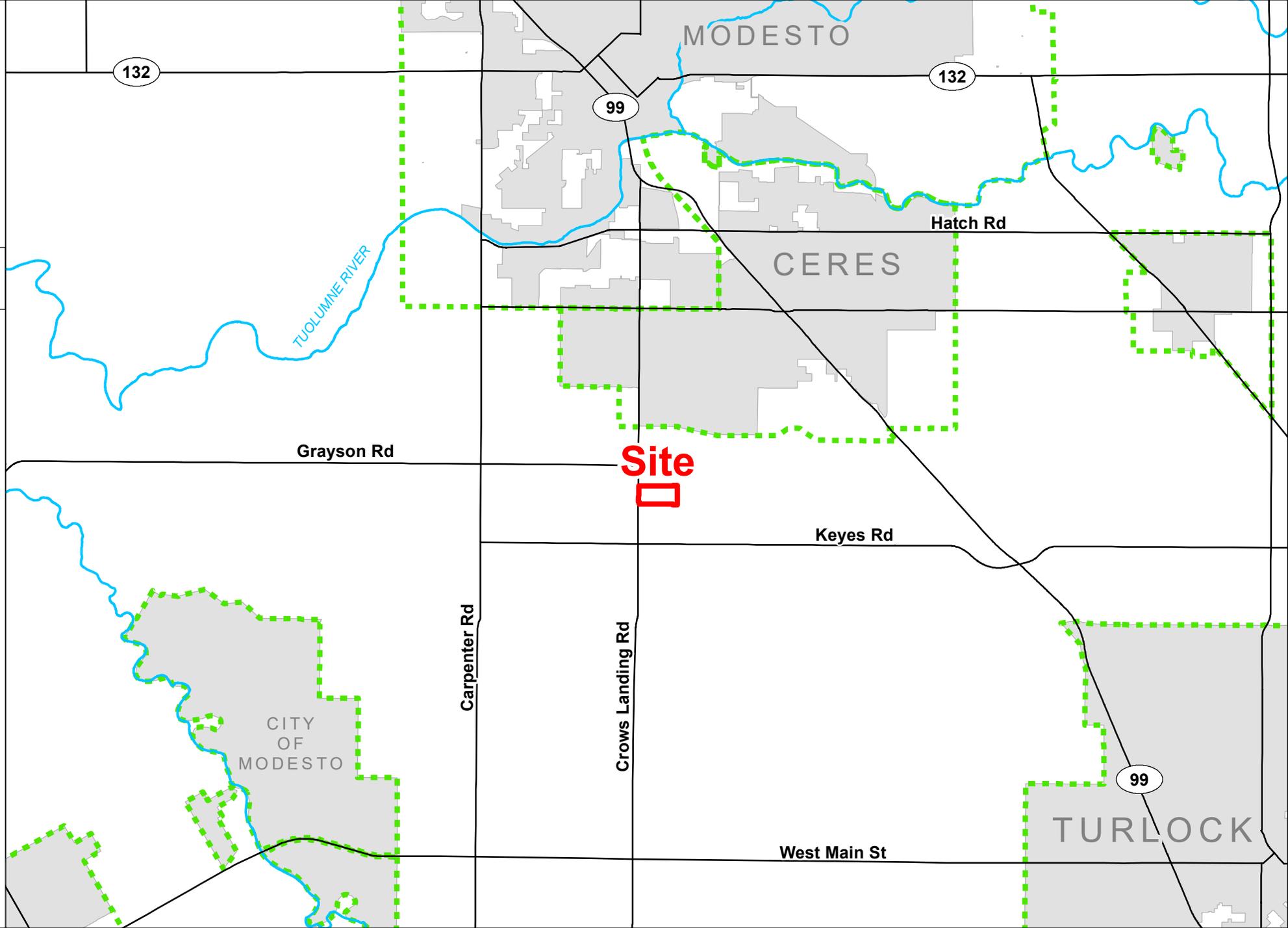
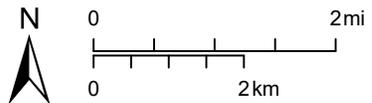
Name Title Date

COWAN TRACT UP PLN2019-0029

AREA MAP

LEGEND

-  Project Site
-  Sphere of Influence
-  City
-  Road
-  River



COWAN TRACT UP PLN2019-0029

GENERAL PLAN MAP

LEGEND

 Project Site

 Parcel

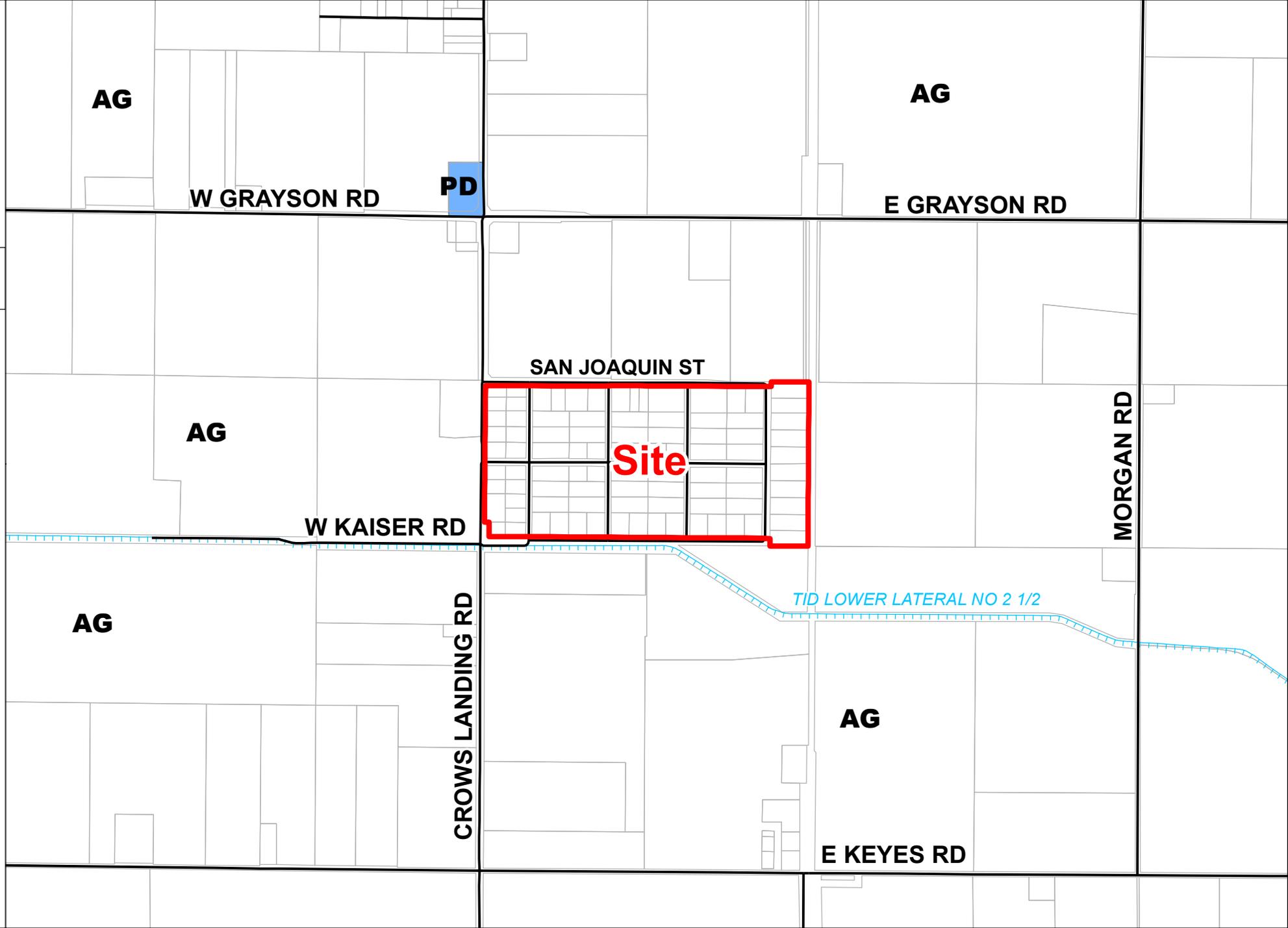
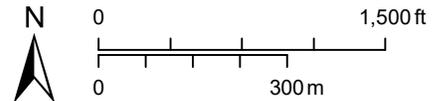
 Road

 Canal

General Plan

 Agriculture

 Planned Development



COWAN TRACT UP PLN2019-0029

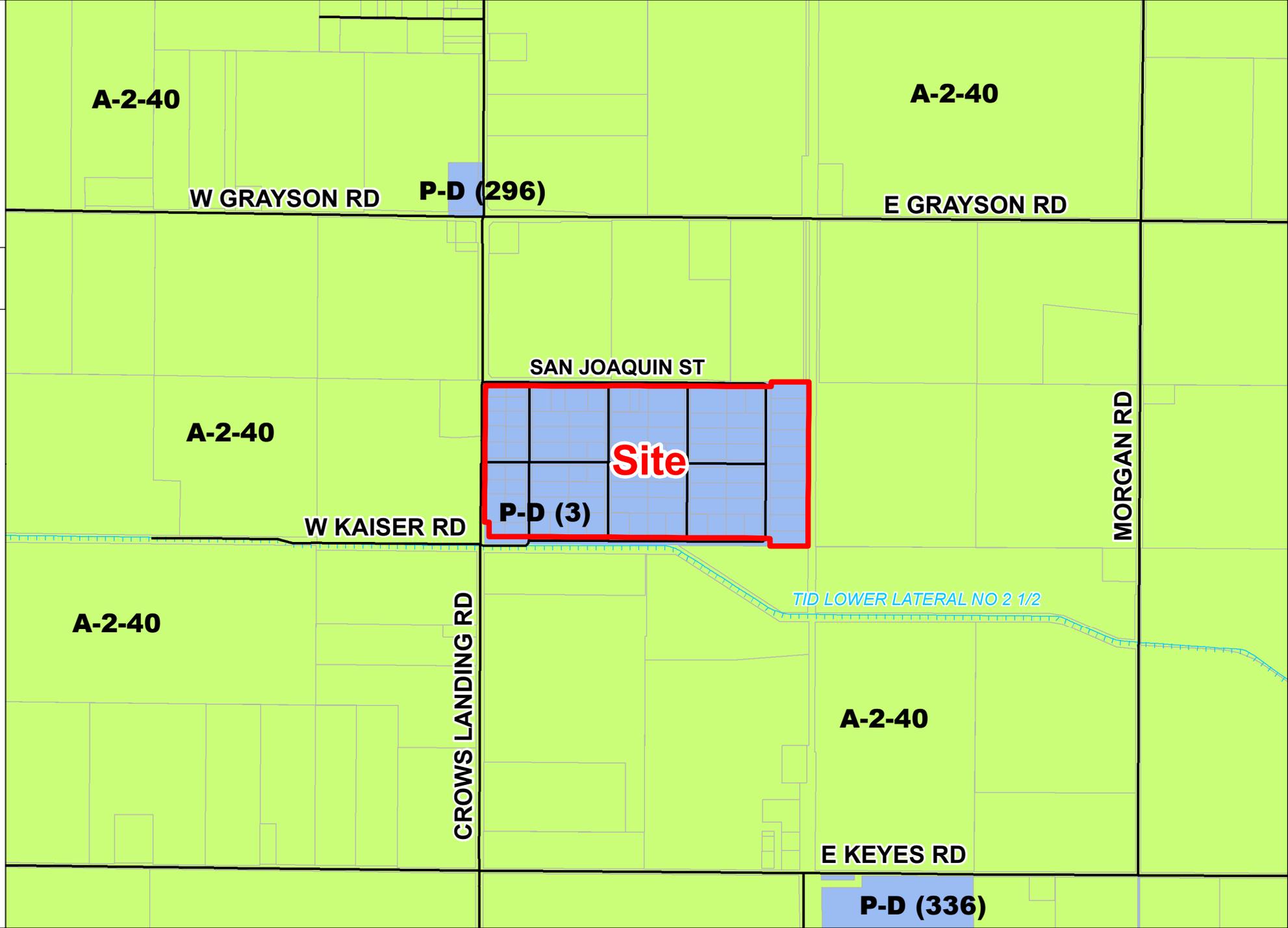
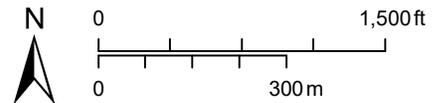
ZONING MAP

LEGEND

-  Project Site
-  Parcel
-  Road
-  Canal

Zoning Designation

-  Planned Development
-  General Agriculture 40 Acre

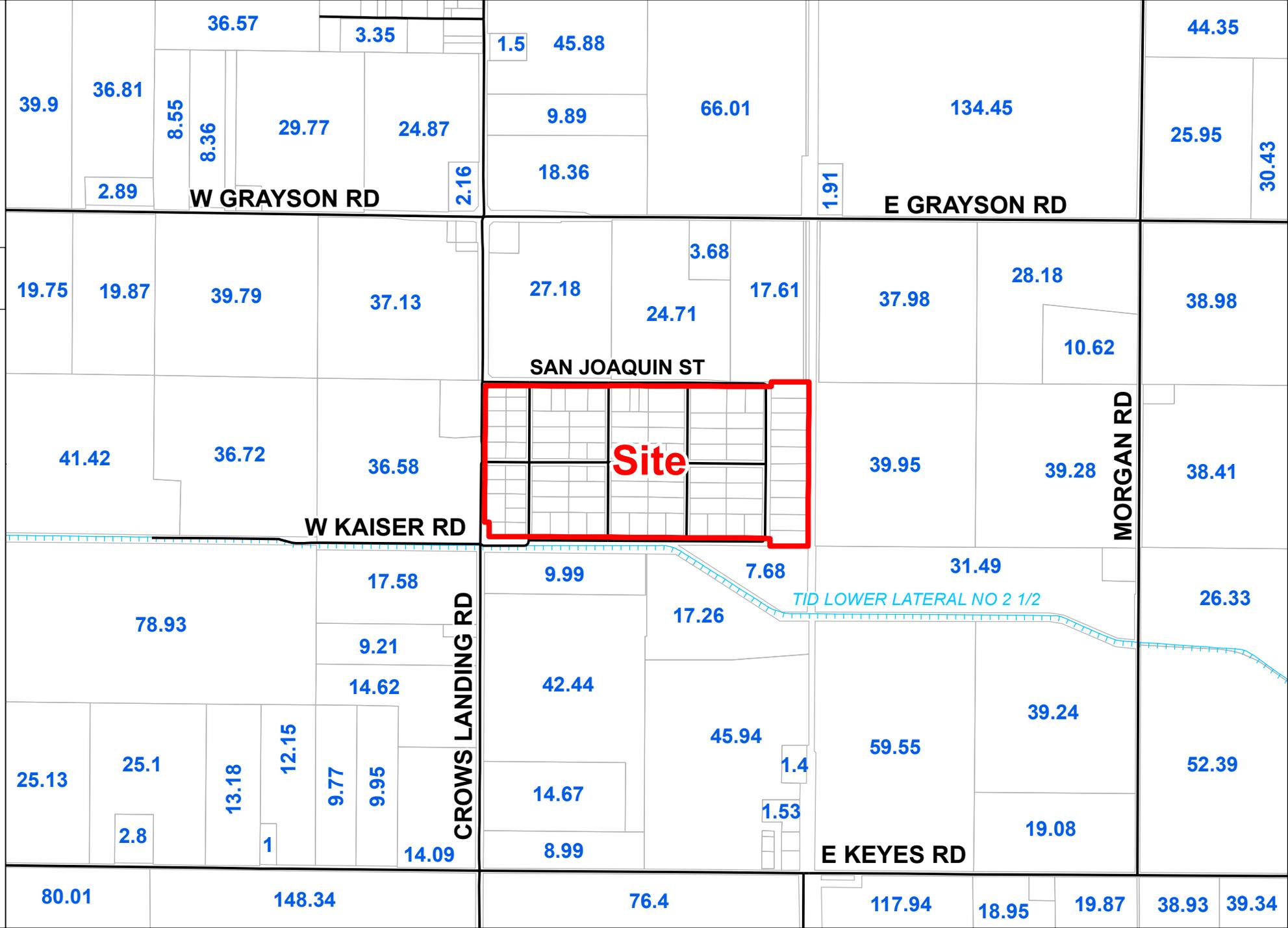
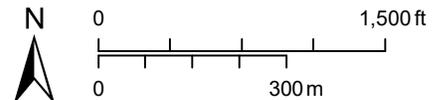


COWAN TRACT UP PLN2019-0029

ACREAGE MAP

LEGEND

-  Project Site
-  Parcel/Acres
-  Road
-  Canal

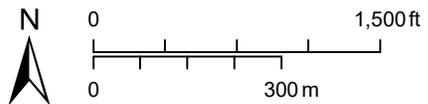


COWAN TRACT UP PLN2019-0029

2017 AERIAL AREA MAP

LEGEND

-  Project Site
-  Road
-  Canal



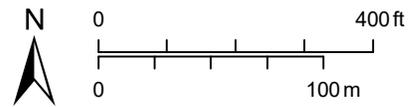
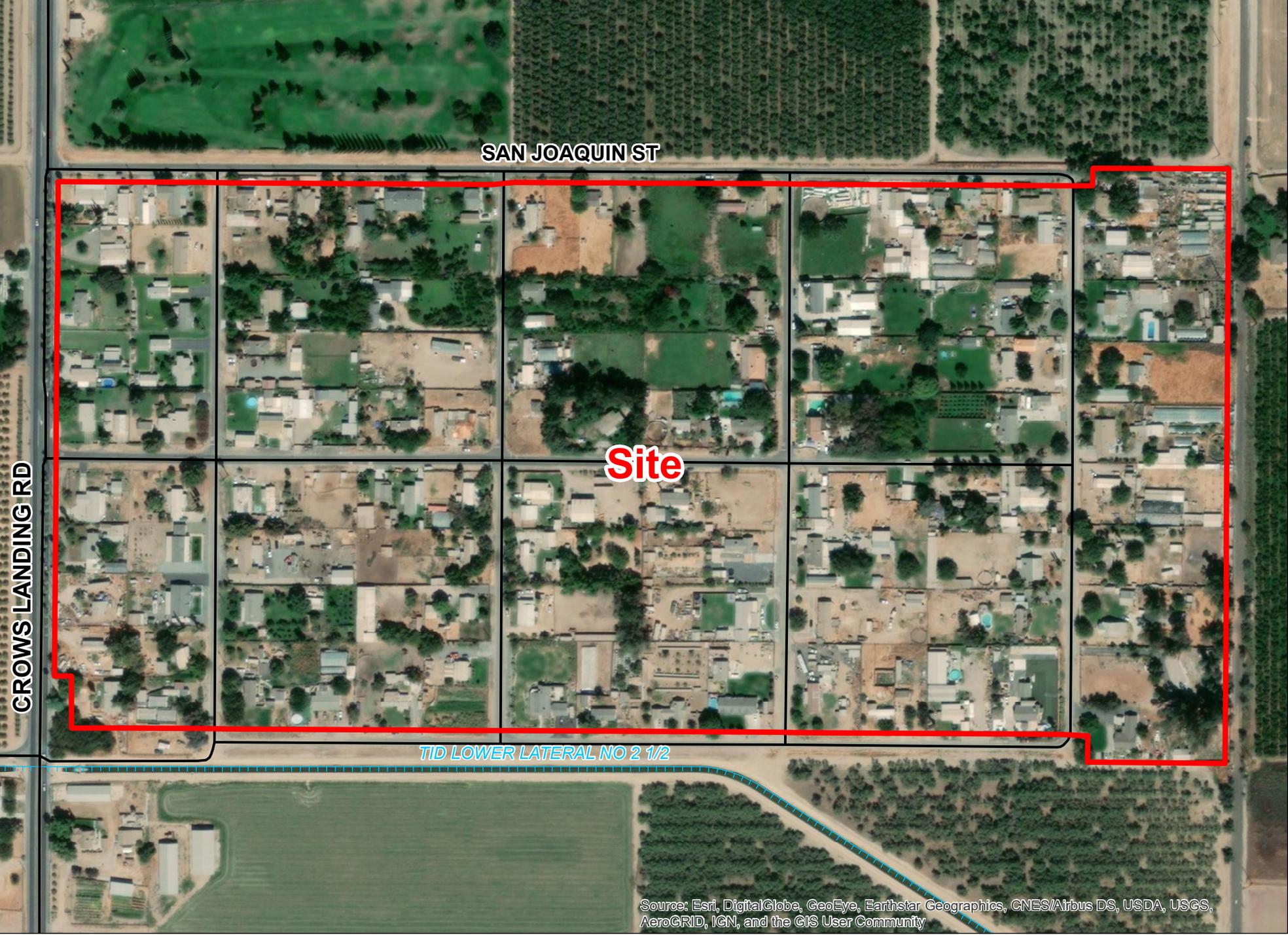
COWAN TRACT

UP PLN2019-0029

2017 AERIAL SITE MAP

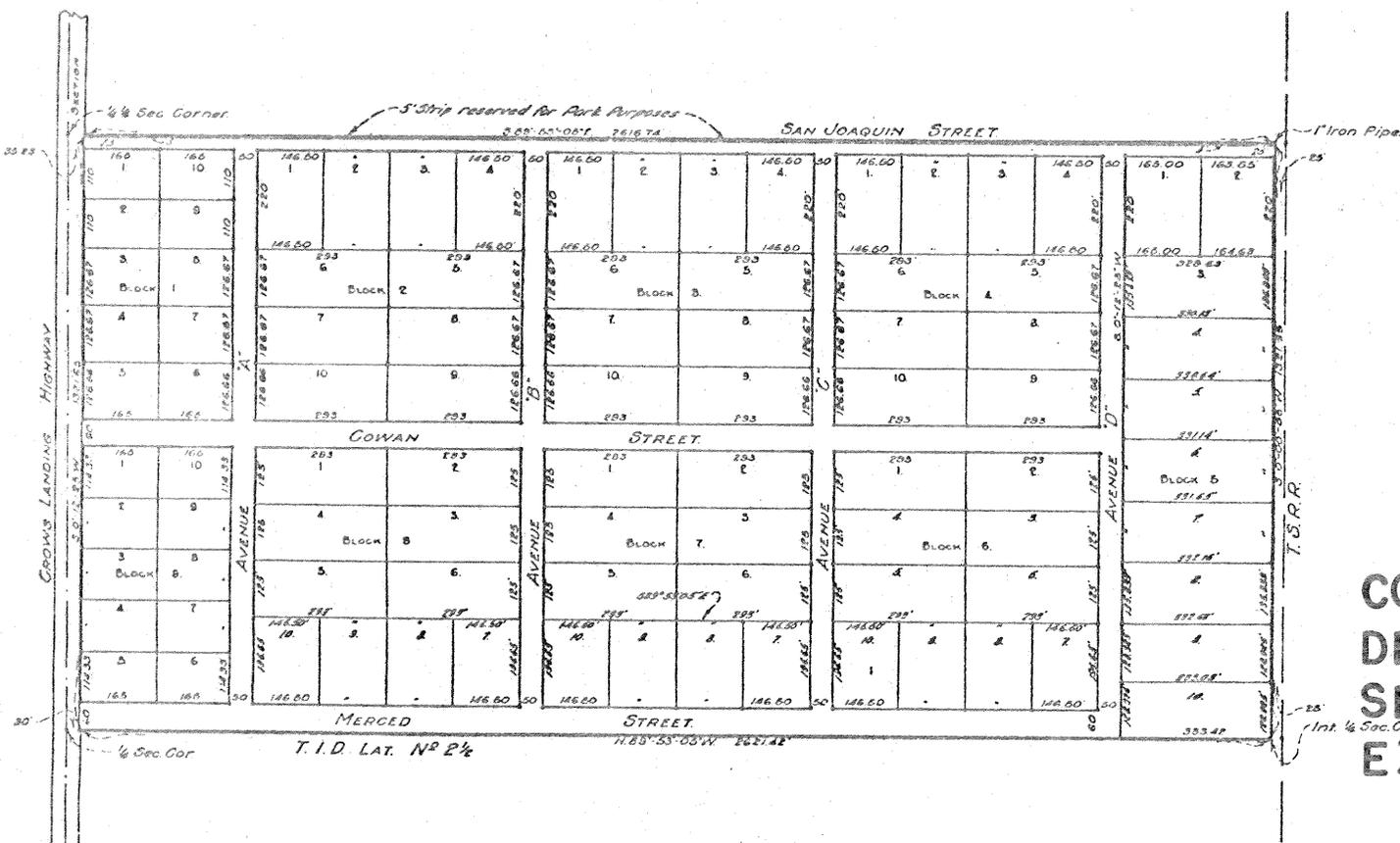
LEGEND

-  Project Site
-  Road
-  Canal



INSTR. No. 9390. 16-21
 Recorded February 10th, 1947 in
 Volume 16 of Maps at page 26.
 Stanislaus County Records.
 R.G. WARING Recorder.
Altona Deputy.
 fee \$5.00 paid

20
 21
 GRAYSON ROAD
 28
 29



**COWAN TRACT PLANNED
 DEVELOPMENT PD ()
 SEPTEMBER 6, 1973
 EXHIBIT A**

COWAN TRACT.

BEING THE S 1/2 OF THE NW 1/4 OF SECTION 28 IN
 T.4S, R.9E. MDB&M.
 SCALE: 1"=200. August, 1984.
 SURVEYED BY G.L. BUNDY LICENSED SURVEYOR 2082.

Basis of Bearings is the Crow's Landing Highway Sheet giving
 S. 0° 12' 25" W for the Highway common to Secs. 28 and 29. Said
 Layout Sheet is on file in the County Surveyor's Office.
 The reservation for Park purposes as shown on the north side
 of San Joaquin Street is reserved until such time as the adjoining
 property shall be subdivided and a map of same is filed with a
 strip of acceptable width shown thereon, dedicated for street
 purposes.



LANDOWNER NOTICE – REQUEST FOR COMMENT

January 3, 2020

SUBJECT: USE PERMIT APPLICATION NO. PLN2019-0029 - COWAN TRACT – PROPOSED MODIFICATION TO SETBACK AND DEVELOPMENT STANDARDS

Dear Landowner:

You are receiving this notice as the landowner of record for property located in the Planned Development (PD) No. 3 (PD 3) zoning district. The PD 3 zoning district, commonly known as the Cowan Tract, was established by the Board of Supervisors on October 16, 1973. The Cowan Tract is comprised of the area bounded by Crows Landing Road on the west, San Joaquin Street on the north, Avenue B on the east, and Lathrop Street on the south. Prior to the PD 3 zoning, the area was zoned A-2 (General Agriculture). The purpose for establishing PD 3 was to allow for the placement of mobile homes, which at the time were not permitted in the A-2 zoning district.

While PD 3 currently allows for the same uses as the A-2 zoning district, PD 3 has more restrictive setback and site plan/landscape plan review requirements. The subject use permit application proposes to apply the A-2 requirements for building setbacks and site/landscape plan review to PD 3 as reflected in the table below:

	ZONING DISTRICTS	
	PD 3 Current	A-2 & PD 3 Proposed
Building Setbacks		
Front Yard**	20 feet – All Structures	20 feet – Garage* 15 feet – All Other Structures
Side and Rear yards (interior lot)	10 feet – All Structures	5 feet – All Structures
Side yard (corner lot)	10 feet – All Structures	10 feet – All Structures
Site Plan/Landscape Plan Review	Separate independent review required for mobile homes.	Standard building permit review applied to all structures

*Setback applies to vehicle openings

**Measured from ultimate road right of way line based on General Plan designation; generally, the half width of the ultimate road right of way plus 15-feet.

Currently, all building permits for structures within Stanislaus County require site plan review; however, all requests for mobile homes in the Cowan Tract are subject to a separate site plan/landscape plan review and approval by the Planning Department. While the Planning Department has been conducting the separate review as part of the building permit process, the proposed amendment will formally authorize the use of a single permit review standard for all structures.

Before scheduling the proposed use permit application for consideration by the Stanislaus County Planning Commission, the Planning Department would like to address any questions or concerns landowners may have regarding the proposed modifications to the PD 3 development requirements. Please email any questions or concerns that you may have to planning@stancounty.com or call the Planning Department at 209-525-6330 (Monday - Friday 8:30 a.m. to 4:30 p.m.). The Planning Department requests that all questions or concerns be provided no later than **January 18, 2020**. A separate Notice of Public Hearing for the Stanislaus County Planning Commission will be provided to all affected landowners.

February 16, 1984

TO: PLANNING COMMISSION
FROM: DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
SUBJECT: COWAN TRACT - PD (3)

In 1973, the County rezoned approximately 80 acres that was subdivided into the Cowan Tract to PD (3). The rezoning was in response to a new ordinance proposed to rezone property to A-2 which restricted the placement of mobile homes to parcels of 10 acres or more. The Cowan Tract was already partly developed, most of the lots with mobile homes. The developer had an existing subdivision map on the rest of the property and he wanted to continue developing it with mobile homes. The PD (3) was approved to basically allow the same things as the A-2 zone plus it allows mobile homes. In addition the performance standards adopted required a site plan for each lot as they developed and larger setbacks.

Due to subsequent changes in the A-2 zone, the PD zone is now redundant. If this area was zoned A-2 now, mobile homes would be a matter of right. The original reason for zoning the property PD no longer exists. It is certainly possible to leave the property as it is and perhaps that course is the least controversial. However, it is rather difficult to explain to people why they have these extra restrictions. Staff would like to do something to straighten out this situation.

The first alternative, of course, is to rezone the property to A-2-40 (Exclusive Agriculture) to be consistent with other property in the area. This would eliminate the increased setbacks and the requirement for plot plan approval. It would also probably confuse a lot of people.

The appropriateness of other zones has also been reviewed by staff but, for various reasons, none of our other zoning districts appears to be appropriate. Finally, the development standards on the current PD could be amended to more closely comply with A-2 standards. Elimination of the plot plan review and increased setbacks would eliminate many of the inconsistencies. If you agree, it would be appropriate to direct staff to prepare the revisions.

PRC:dh

Attachment:

1. Map

**THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

IN RE:

Date: October 9, 1973

PETITION FOR REZONING THE
COWAN TRACT AREA

R E S O L U T I O N

WHEREAS, pursuant to the provisions of Section 9-132 of the Ordinance Code of Stanislaus County, an amendment to the Zoning Ordinance has been initiated to provide for the rezoning of a portion of the unincorporated area of Stanislaus County, commonly known as the Cowan Tract area from A-2 Exclusive Agriculture to P-D Planned Development and approval of a Development Plan for a 90-unit single family residential subdivision for location of standard residences or mobile homes described as follows:

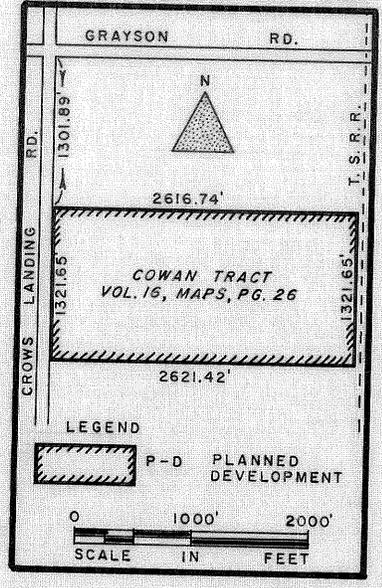
The south one-half of the northwest one-quarter of Section 28 in Township 4 South, Range 9 East, M.D.B. & M., said property known as the Cowan Tract and on file in Volume 17 of Maps at Page 26 of Stanislaus County Records.

WHEREAS, the Stanislaus County Planning Commission has reported on said proposal for rezoning to the Board of Supervisors and it further appearing that all proceedings of said County Planning Commission were regular and pursuant to law,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors shall hold a public hearing at the hour of 10:45 a.m. on October 30, 1973, in the Board of Supervisors Chambers,

#.510

SECTIONAL DIST. MAP NO. 9-110.510



1.8
COWAN
BEE

September 6, 1973

TO: Planning Commission
FROM: Planning Department
SUBJECT: Cowan Tract Area

I. APPLICATION

- A. Applicant: Glenn A. Ritchey
- B. Owner: Various owners
- C. Location of property: East side of Crows Landing Road
approximately 1,300 ft. south of Grayson Road
- D. Area of property: Approximately 80 acres (gross)
- E. Existing zoning: A-1 (Unclassified)
- F. Request: Reclassification of property to P-D (Planned
Development) and approval of a development plan for 90
single family residential lots.
- G. Applicant's statement: See attached

II. ENVIRONMENTAL IMPACT

The application was reviewed by the Environmental Review Committee (ERC) pursuant to adopted County guidelines on August 24, 1973. The ERC issued a Negative Declaration for the project.

III. ANALYSIS

As indicated in the applicant's supporting statement, the Cowan tract, which is the subject of this application, was recorded in compliance with then effective County regulations on February 18, 1947. That action allowed for individual sale of lots shown thereon and subsequent use of such lots for any purpose allowable in compliance with effective zoning on the property. No street improvements were required as a part of the initial approval. However, some improvements were accomplished, and a portion of the total street system is being maintained by the County. The property has, fallen, for some time, under the A-1 (Unclassified) zoning district regulations which have allowed for installation of single family homes and mobile homes and some maintenance of animals. No public utilities were provided for in the original subdivision, and all subsequent development has been supported by provided wells and septic tank facilities. As the Commission is aware, your recent recommendation for reclassification of all A-1 (Unclassified) properties would include, if approved by the Board of Supervisors, the reclassification of this property to A-2-10 (Exclusive Agricultural).

The result of such a change would not affect the ability of an

owner of an individual lot to locate a single family home or to sell the property for standard single family purposes. It would, with no further change, however, preclude the location of a mobile home in lieu of a single family home, and it would, likewise, under present regulations, preclude application for a second building permit for residential purposes on a lot contiguous to one already developed.

A little over one-half of the total land area is owned by either the applicant, Mr. Ritchey, or Clara A. Cowan who has, likewise, endorsed the application. Mr. Ritchey has proposed, as a part of the requested planned development approval, a program for improvement of all streets within the tract to a level acceptable for subsequent maintenance by the Department of Public Works. He has indicated, following discussion with the Director of Public Works, that the streets would be improved on the following schedule:

- A. Streets presently under maintenance by County which would be improved at the earliest opportunity by the County (subject to authorization by Board of Supervisors).
 - All of San Joaquin Street.
 - Cowan Street between Crows Landing Road and C Street.
 - A Street between Cowan Street and San Joaquin Street.
 - B Street between Cowan Street and San Joaquin Street.
 - C Street between Cowan Street and San Joaquin Street.

- B. Streets not under maintenance by County which would be improved to County standards by the applicant immediately and then maintained by the County.
 - Cowan Street between C Street and D Street.
 - B Street between Merced Street and Cowan Street.
 - C Street between Merced Street and Cowan Street.
 - D Street between Merced Street and Cowan Street.

- C. Streets not under maintenance by County which would be improved by applicant prior to any sale of property fronting thereon, and then maintained by the County.
 - Merced Street from Crows Landing Road and D Street.
 - A Street between Merced Street and Cowan Street.
 - D Street between Cowan Street and San Joaquin Street.

In return for improvement of the aforementioned streets, the applicant is requesting planned development approval of a proposal to allow sale for utilization of all lots within the original subdivision for either standard single family residence or mobile home purposes.

Review of this situation leads staff to a position supporting the applicant's contention that the result of the requested approval would guarantee, to the present and future residents of this district, a higher standard of street access without any change in usage from that experienced since the original approval of the subdivision and only slight change from that

which would exist even if the planned development were not approved.

The following exhibits are submitted for your review in connection with this application.

- Exhibit A - Copy of original Cowan Tract subdivision map.
- Exhibit B - Copy of same tract map color coded to illustrate sequence and responsibility for improvement of streets.
- Exhibit C - Standards section illustrating Public Works recommendation for improvement of tract streets.
- Exhibit D - Assessor's map indicating properties presently in Ritchey and Cowan ownerships.
- Exhibit E - Recommended performance standards for completion of the planned development.

IV. RECOMMENDATION

Staff recommends that the Commission take the following actions:

1. Approve a development plan consisting of the following:
 - Exhibit A - September 6, 1973
 - Exhibit B - September 6, 1973
 - Exhibit C - September 6, 1973
 - Exhibit E - Performance standards for completion of the planned development
2. Forward the application and the approved development plan to the Board of Supervisors with a recommendation for approval.

EXHIBIT E

Performance Standards for Completion of
Planned Development for Cowan Tract

- A. All streets within the proposed development shall be improved consistent with Exhibits B and C of the planned development approval with the clear understanding that the new street improvements required of the applicant would be maintained privately and not accepted within the County maintained system.
- B. All parcels within the development which were illustrated on the original Cowan tract approval (Exhibit A) as separate parcels may be developed for the following uses:
- * 1. One single family dwelling per parcel.
 2. One mobile home in lieu of a single family home subject to approval of a site plan by the Stanislaus County Director of Planning.
 3. Accessory uses and buildings normally incidental to single family residential use.
 4. One sign, not over four square feet in area, pertaining only to sale, lease, or rental of parcel upon which the sign is located.
 5. Home occupations, provided that no more than one sign, not exceeding two square feet in area attached to the dwelling, shall be displayed in connection therewith.
- C. Construction of new buildings or location of mobile homes shall comply with the following setback requirements:
1. Front yard - 20 ft. from property line.
 2. Side yard - 10 ft. from property line.
 3. Rear yard - 10 ft. from property line.
- D. All development of residential construction or location of mobile home shall be preceded by approval of the County Health Department with respect to adequacy of water and sewer facilities.
- E. All uses which predate the effective date of approval of this planned development shall be allowed to continue as legal, non-conforming uses under the terms of the Stanislaus County Zoning Ordinance.
- * F. Agricultural uses as allowed under the provisions of the A-2 (Exclusive Agricultural) zoning district regulations.

EXHIBIT "E" Development Plan - Cowan Tract

PD (3) Ordinance No. N. S. 485

Approved by the Board of
Supervisors Oct. 30, 1973

Robert L. [Signature]
PLANNING DIRECTOR