



February 19, 2026

MEMO TO: Stanislaus County Planning Commission

FROM: Department of Planning and Community Development

SUBJECT: DEVELOPMENT STANDARD AMENDMENT FOR TENTATIVE MAP NO. PLN2022-0026 – ELMWOOD ESTATES

PROJECT DESCRIPTION

This is a request for an amendment of Development Standard (DS) No. 43 of Planned Development (P-D) (367), which will allow for installation of a six-foot chain-link fence with slats rather than a seven-foot masonry block wall along the southern property line of an existing off-site retention drainage basin (hereafter referred to as the "basin") which will be expanded as part of the Elmwood Estates subdivision (see Exhibit B-8 and B-9, Maps, Plans, and Elevations, of Attachment 1 of Attachment B - *December 6, 2022, Board of Supervisors Agenda Report*).

The DS as adopted reads as follows:

43. The southern wall of the retention drainage basin shall be masonry block wall. A chain-link fence shall be installed at the eastern edge of the retention basin. Please see Stanislaus County Public Works Standards and Specifications for Retention Drainage Basins – Detail 4-C1.

The Elmwood Estates subdivision (Rezone and Tentative Map No. PLN2022-0026 – *Elmwood Estates*) was approved by the Board of Supervisors on December 6, 2022, permitting the rezoning of a 4.82± acre parcel from Rural Residential (R-A) to P-D to increase the maximum building site coverage from 40 to 50 percent; and the creation of 17 single-family residential lots ranging in size from 8,000 to 10,594 square feet. The subdivision includes the expansion of an existing off-site basin to create a 13,098 square-foot basin. The Elmwood Estates subdivision is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The off-site basin is located off of Romie Way. The Board of Supervisor's Report for the approved project can be found at the following web address: www.stancounty.com/bos/agenda/2022/20221206/PH02.pdf. An excerpt of the Board of Supervisor's Report including staff's written report and the Board approved Development Standards and Tentative Subdivision Map is provided as Attachment B of this memo.

DISCUSSION

The requested DS to be amended, was placed on the project at the request of the Stanislaus County Public Works Department (Public Works) in accordance with plate Detail 4-C1 – Retaining Drainage Basins of the County's Standards and Specifications (See Attachment C).

The applicant submitted a request to amend DS No. 43 based on constructability constraints within the area south of the existing basin and the preference of an adjacent property owner for

chain-link fencing rather than a masonry block wall along the shared property line (see Attachment A - *Applicant's Development Standard Amendment Request, received December 18, 2025*). Figure 1 below is one of the photos provided in the applicant's request to show the conditions along the existing southern property line.



Figure 1 – View of the existing and expanded basin area looking east from Romie Way

The proposed amendment to the development standard is as follows:

43. The southern wall of the retention drainage basin shall be a **six-foot-tall chain-link fence with privacy slats** ~~masonry block wall~~. A chain-link fence shall be installed at the eastern edge of the retention basin. ~~Please see Stanislaus County Public Works Standards and Specifications for Retention Drainage Basins—Detail 4-C1.~~

The constructability constraints mentioned by the applicant include limited space along the south property for excavation and footing of a masonry wall due to permanent improvements located directly adjacent to the basin on the residential lot to the south including a concrete walkway, air conditioning units, and adjacent accessory structures. Also, footing for the block wall would require working on either a side slope or disturbing the basin grading/slope of the basin near the south property line.

Additionally, the neighboring property owner of the lot adjacent property the south of the existing basin submitted a letter to the applicant on November 24, 2025, requesting that chain-link fencing be installed in-lieu of a block wall along the shared property line to maintain similar fencing (chain-link with slats) between their lot and the basin for visibility over the fence and airflow (Attachment A-1 - *Neighbor's Request, dated November 24, 2025 of Applicant's Development Standard Amendment Request, received December 18, 2025*).

Under the initial processing of the Elmwood Estates subdivision, comments were received from neighboring property owners requesting the basin be dual use, for parkland and stormwater drainage. The Department of Parks and Recreation's In-Lieu of Fees Policy states that projects consisting of 52 parcels and below will be required to pay in-lieu fees. Based on the number of lots being proposed (17 residential lots), the developer was subject to paying park-in-lieu fees, rather than providing a dual use basin. Chain-link fencing was allowed along the eastern side of the basin in anticipation that the basin will ultimately be expanded, to include a park, when the area to the east develops residentially in accordance with the Denair Community Plan.

The proposed amendment for the fencing was referred out to responsible agencies, the Denair Municipal Advisory Council (MAC), and no responses expressing opposition to the proposal were received (see Attachment E – *Project Review Referrals*). Public Works is in support of the request, finding that the chain-link fencing with slats will meet County standards for screening the basin. Public Works has provided a comment letter with the modification to the development standard reflected (see Attachment D – *Referral response from the Stanislaus County Department of Public Works, dated February 3, 2026*).

This proposal initially included a request for a 12-month time extension to the recording of the subdivision's tentative map; however, California State Assembly Bill (AB) 2729 (Patterson), which went into effect on January 1, 2025, provides for an automatic 18-month extension for tentative maps when all of the following apply:

1. The tentative map was initially approved prior to January 1, 2024;
2. The tentative map is set to expire prior to December 31, 2025; and,
3. The tentative map was not previously granted an extension of 18-months or more between January 1, 2024 and September 27, 2024.

The tentative map was initially approved on December 6, 2022, and was approved for one 12-month extension from the Planning Commission on March 6, 2025, which extended the life of the map from December 6, 2024 to December 6, 2025. The tentative map meets the criteria for the 18-month automatic extension under AB 2729, which extends the life of the map to June 6, 2027; therefore, the applicant modified their request and withdrew the time extension from their current proposal.

ENVIRONMENTAL REVIEW

Under California law, a request to amend a DS of a project that previously was subject to review under the California Environmental Quality Act (CEQA) may be exempt from CEQA or may be evaluated under the provisions that may trigger subsequent or supplemental CEQA review (under Public Resources Code Section 21166 and CEQA Guidelines Section 15162). The Board of Supervisors adopted a Mitigated Negative Declaration for this project on December 6, 2022. Since the project was previously approved with a Mitigated Negative Declaration, to trigger additional review a new significant environmental effect not previously evaluated must be identified. No new significant environmental effects have been identified, and accordingly additional environmental review is not required for approval of the development standard amendment (see Attachment E – *Environmental Review Referrals*).

Because the requirement to construct the masonry block wall was not applied to the project to mitigate a potential impact, amendment of the requirement will not create any new significant

environmental effects and therefore additional environmental review is not required for approval of the subject request. Accordingly, a Notice of Exemption is proposed to be filed should the subject request be approved by the Planning Commission (see Attachment F – *Notice of Exemption*).

RECOMMENDATION

If the Planning Commissions decides to approve this request, the following actions should be taken:

1. Find there is no evidence of any significant changes involving this project since the time it was originally approved, which could trigger a significant environmental effect.
2. Approve the modification of Development Standard No. 43 from P-D (367) (Rezone and Tentative Map No. PLN2022-0026 – Elmwood Estates).
3. Order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder's Office pursuant to CEQA Guidelines Section 15061 and record an amended Notice of Administrative Conditions and Restrictions (NOAC&R) to reflect the amended Development Standard. *

PROPERTY OWNER INFORMATION

Applicant/Property Owner: Torre Reich, Malet Development LLC

**Note: Pursuant to California Fish and Game Code Section 711.4, a filing fee shall be paid for all project applications subject to CEQA; therefore, the applicant will further be required to pay \$57.00 for the California Department of Fish and Wildlife and the Clerk-Recorder filing fees.*

Contact Person: Emily DeAnda, Associate Planner, (209) 525-6330

Attachments:

- Attachment A – Applicant's Development Standard Amendment Request, received December 18, 2025
- Attachment B – Excerpt of the December 6, 2022, Board of Supervisors Agenda Report
 - B-1 - Staff Report
 - B-2 - Development Standards
 - B-3 - Tentative Subdivision Map
- Attachment C – Stanislaus County Public Works Plate Detail 4-C1
- Attachment D – Referral response from the Stanislaus County Department of Public Works, dated February 3, 2026
- Attachment E – Summary of Responses for Project Referrals
- Attachment F – Notice of Exemption
- Attachment G – Levine Act Disclosure Statement



Dec. 18, 2025

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

Re: Elmwood Estates, Denair, California - Request to Amend Conditions of Approval –
Fence Type Modification

Dear Planning Staff,

This letter is submitted to formally request an amendment to the Conditions of Approval for the Elmwood Estates subdivision related to the required fencing along the south boundary of the stormwater basin.

The current Conditions of Approval require construction of a block wall along this boundary. However, based on field conditions, coordination with Stanislaus County Public Works, and the expressed wishes of the adjacent property owners, we are requesting approval to substitute a chain-link fence in lieu of the block wall.

The residential property immediately south of the basin is owned by Terry and Diane Lambert, who have occupied the home for over 40 years. A signed letter from the owners is attached, clearly stating that they do not want a block wall and prefer to maintain a chain-link fence, which has existed along this boundary for decades. The owners have expressed that a solid block wall would restrict airflow into their backyard and negatively affect their use and enjoyment of the property.

In addition to the owner's preference, there are significant site and constructability constraints that further support this request. The adjacent property contains permanent improvements located directly along the property line, including a concrete walkway, air conditioning units, and accessory structures. These conditions severely limit access for excavation and footing construction required for a masonry wall.

Further, along this boundary there is only approximately 3 feet of usable working area inside the property line before the basin slopes downward. This limited workspace makes it impractical and unsafe to install continuous block wall footing without working on a side

ATTACHMENT A



slope or disturbing the basin grading. Photographs are attached documenting these conditions.

By contrast, a chain-link fence can be safely installed within the existing constraints, requires minimal excavation, and avoids impacts to the basin slope, adjacent property improvements, and drainage functionality. The proposed chain-link fence provides equivalent security and boundary delineation and does not create any adverse impact to public health, safety, or basin operation.

Given the adjacent owner's written request, the long-standing existing condition, and the physical and safety limitations of the site, we respectfully request that the Conditions of Approval be amended to allow a chain-link fence in lieu of a block wall along the south boundary of the Elmwood Estates basin.

This request is supported by:

- A signed letter from the adjacent property owners
- Photographs documenting the existing site conditions.

We appreciate Planning's consideration of this request and are available to provide any additional information and we will be ready to pay an applicable fee.

Sincerely,

A handwritten signature in blue ink that reads 'Torre Reich'.

Torre Reich

Torre Reich Construction Inc.
Malet Development LLC.
219 North Broadway
Turlock, CA 95380
CSLB# 625297
Office: 209.668.8721
Direct: 209.216.9110
Cell: 209.652.4824

Terry and Diane Lambert

3608 Romie Way

Denair, California 95316

11-24-25

Stanislaus County Department of Public Works

Attn: Andrew Malizia

Attn: David Leamon

Re: Preference for Chain-Link Fence in Lieu of Block Wall – Basin Adjacent to 3608 Romie Way, Denair

Dear Mr. Malizia and Mr. Leamon:

We are the owners of the property located at 3608 Romie Way, Denair, California 95316.

Our property directly adjoins the existing drainage basin. For approximately the past forty (40) years, the basin has been enclosed on our side with chain-link fencing, and we have grown accustomed to and prefer this type of fencing. The chain-link allows air flow and visibility, which are important to us for both comfort and security.

We understand that the current improvement plans associated with the adjacent development contemplate construction of a block wall along the basin where it borders our property. We are writing to clearly state that:

1. We do not want a solid block wall constructed along our property line at the basin, and
2. We prefer that chain-link fencing be used and/or maintained along that shared boundary in lieu of a block wall.

We have reviewed the information provided to us and, with this letter, confirm that we have no objection to the developer and the County substituting chain-link fencing for the block wall along the basin boundary adjacent to our property.

Please accept this letter as our formal written consent and request that Stanislaus County Public Works allow chain-link fencing in place of a block wall along the basin side that borders 3608 Romie Way.

If you have any questions or need additional confirmation from us, please feel free to contact us at 209-668-2260

Sincerely,


Terry Lambert, Owner


Diane Lambert, Owner



Figure 1 – View of the existing and expanded basin area looking east from Romie Way



Figure 2 – View of the west property line of the existing and expanded basin area looking south



Figure 3 – View of existing and expanded basin area looking southeast



Figure 4 – View of existing and expanded basin area looking northeast



Figure 5 – View of existing and expanded basin area looking southwest



Figure 6 – View of the south property line of the existing basin looking south



Figure 7 – View of the south property line of the existing basin



Figure 8 – View of the footing area of the existing fencing along the south property line of the existing basin



Figure 9 – View of the footing area of the existing fencing in the southeast corner along the south property line of the existing basin

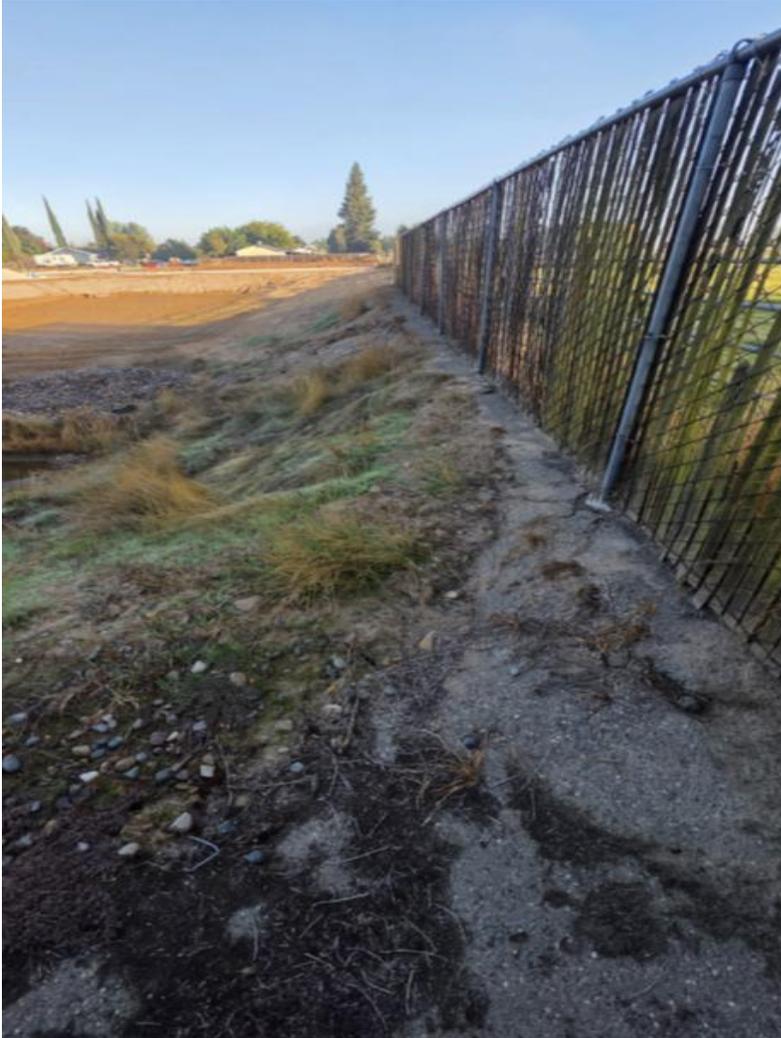


Figure 10 – View of the footing area of the existing fencing along the east property line of the existing basin area

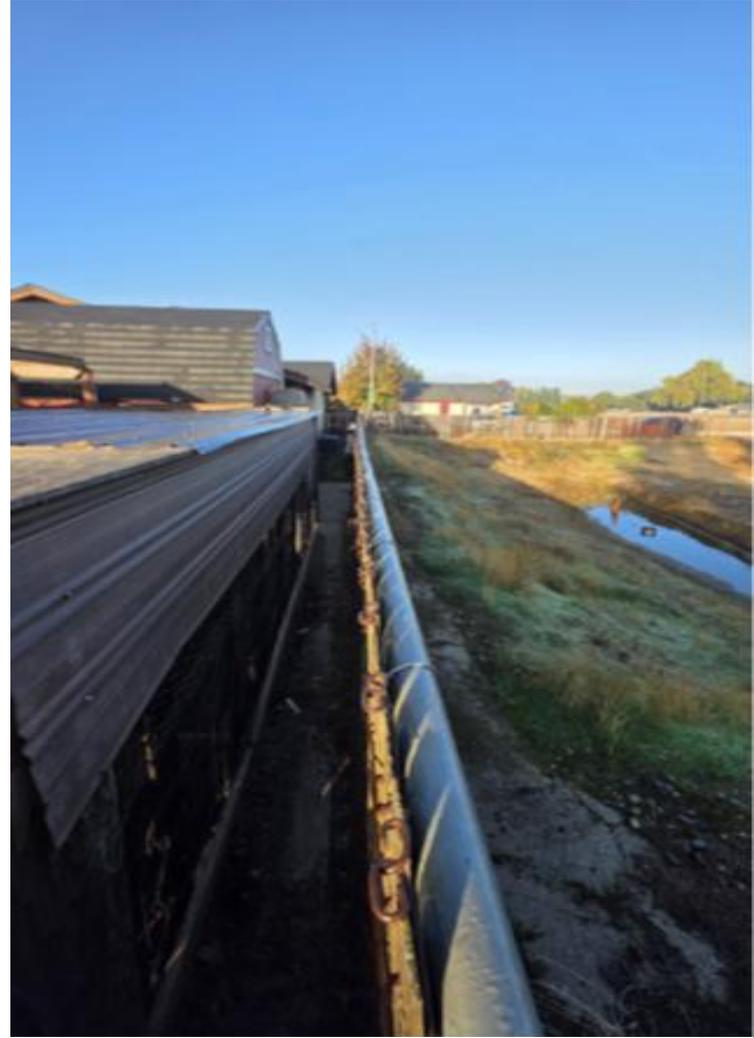


Figure 11 – View of existing structures on the adjacent property along the south property line of the existing basin

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

DEPT: Planning and Community Development

BOARD AGENDA:6.2
AGENDA DATE: December 6, 2022

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation of Approval for Rezone and Vesting Tentative Map Application No. PLN2022-0026 - Elmwood Estates, a Request to Rezone a 4.82 Acre Parcel from Rural Residential (R-A) to Planned Development (P-D) to Increase the Maximum Building Site Coverage from 40 to 50 Percent, and to Create 17 Single-Family Residential Lots Ranging in Size from 8,000 to 10,594 Square-Feet and a 13,098 Square-Foot Stormwater Basin, Located at 3700 Story Road, Between East Zeering Road and Walton Street, in the Community of Denair, and Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2022-0667

On motion of Supervisor Chiesa Seconded by Supervisor B. Condit
and approved by the following vote,

Ayes: Supervisors: B. Condit, Chiesa, Grewal, C. Condit, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

INTRODUCED, WAIVED THE READING, AND ADOPTED ORDINANCE C.S. 1334

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-57-W-2

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development

BOARD AGENDA:6.2

AGENDA DATE: December 6, 2022

CONSENT

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Public Hearing to Consider the Planning Commission's Recommendation of Approval for Rezone and Vesting Tentative Map Application No. PLN2022-0026 - Elmwood Estates, a Request to Rezone a 4.82 Acre Parcel from Rural Residential (R-A) to Planned Development (P-D) to Increase the Maximum Building Site Coverage from 40 to 50 Percent, and to Create 17 Single-Family Residential Lots Ranging in Size from 8,000 to 10,594 Square-Feet and a 13,098 Square-Foot Stormwater Basin, Located at 3700 Story Road, Between East Zeering Road and Walton Street, in the Community of Denair, and Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act

STAFF RECOMMENDATION:

1. Conduct a public hearing to consider the Planning Commission's recommendation of approval for Rezone and Tentative Map Application Number PLN2022-0026 – Elmwood Estates a request to rezone a 4.82 acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 Percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square-feet and a 13,098 square-foot stormwater basin, Located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair.
2. Adopt the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that on the basis of the whole record, including the Initial Study, as amended on November 17, 2022, and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. 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.
4. Find, based on the discussion in this report, and the whole of the record that:
 - a. The project is consistent with the overall goals and policies of the Stanislaus County General Plan.
 - b. The proposed Planned Development zoning is consistent with the Low-Density Residential General Plan and Community Plan designation.

- c. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
 - d. The site is physically suitable for the type of development.
 - e. The site is physically suitable for the proposed density of development.
 - f. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - g. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
 - h. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
 - i. The alternative to the Agricultural Buffer Standards applied to this project provides equal or greater protection than the existing buffer standards.
 - j. The project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring improvements.
5. Approve Rezone and Tentative Map Application No. PLN2022-0026 – Elmwood Estates subject to the Development Standards attached to the September 15, 2022 Planning Commission Staff Report and with the amendment to Development Standard No. 15 and the addition of Development Standard Nos. 60, 61, 62, 63, and 64 as reflected in the December 6, 2022 Board Report.
6. Introduce, waive the reading, and adopt an ordinance for the approved Rezone and Tentative Map application No. PLN 2022-0026 – Elmwood Estates.

DISCUSSION:

This is a request to consider the Planning Commission's recommendation of approval to rezone a 4.82± acre parcel from Rural Residential (R-A) to Planned Development (P-D) to increase the maximum building site coverage from 40 to 50 percent, and to create 17 single-family residential lots ranging in size from 8,000 to 10,594 square-feet and a 13,098 square-foot stormwater basin. The applicant proposes to install curb, gutter, and sidewalk along all street frontages, and to extend Romie Way north to south through the site which will connect to a proposed cul-de-sac (Harris Court).

The project site is located at 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. The site is currently developed with a single-family dwelling and attached two-car garage; both of which will remain on proposed Lot B. The remainder of the site is vacant and unimproved. Proposed Lot A will be used as a stormwater basin, which is an expansion of an existing adjoining off-site basin. Proposed Lots 1-16 will each be developed with single-family dwellings. An alternative agricultural buffer consisting of a zero setback and 6-foot-tall wood fence along the eastern property lines of Lots 15 and 16 and a 6-foot-tall chain-link fence with privacy slats along the remaining eastern boundary of the project site is proposed to prevent

trespassing onto the adjacent agriculturally zoned property. A detailed project description, and maps of the project, as well as a detailed discussion of the issues, general plan and zoning consistency, and environmental review conducted for the project can be found in the Planning Commission Staff Report (see Attachment 1 – *September 15, 2022 Planning Commission Staff Report*).

As proposed, the project will have a density of four (4) units per acre, which will be consistent with the project site's current zoning designation of Rural Residential (R-A) and General Plan Land Use and Denair Community Plan designations of Low-Density Residential. The proposed P-D zoning district will include all uses and development standards permitted in the R-A zoning district except for the 40% building coverage requirement. To achieve greater flexibility in siting of the housing product to be offered, the applicant has proposed a 50% building coverage allowance. The proposed lots will be served by the Denair Community Service District (CSD) for public water and sewer services.

At the time that the project was considered by the Planning Commission, numerous concerns had been raised by community members in response to the California Environmental Quality Act (CEQA) project referrals (Early Consultation and Initial Study) and notice of the Planning Commission public hearing. Staff received various emails, calls, and letters from surrounding residents raising concerns related to traffic and safety, the proposed development standards and density of the project, state laws allowing for additional residential development, notification of the project to the surrounding residents, and potential impacts from the project on public services, biological resources, and to the surrounding agricultural uses. A summary of the issues raised are outlined in the *Issues* section of the September 15, 2022, Planning Commission Staff Report (Attachment 1) and further discussed later in this report.

The project site is located within the boundaries of the Denair Municipal Advisory Council (MAC) and, in accordance with the County's General Plan Sphere of Influence (SOI) policy, the project was referred to the Denair MAC for comment. While the MAC did not place the April 5, 2022 Early Consultation referral on its regular meeting agenda, one of the MAC members, representing themselves as a resident of Denair, did submit a comment letter requesting duplexes be incorporated into the design of the subdivision. The project site is designated as Low-Density Residential (LDR) in the General Plan's Land Use Element and Denair Community Plan, the intent of which is for single-family dwellings (SFDs). Accordingly, duplexes would require an amendment to the General Plan and Community Plan designations to allow for multi-family dwellings (duplexes) which is not included in this project request. However, because accessory dwelling units (ADUs) are permitted uses in residential zoning districts, the developer has addressed the MAC member's comment by providing illustrative floor plans and elevations for a SFD with an attached ADU to be located on proposed Lots 6-8 with frontage onto Story Road.

In response to the Initial Study referral, which was circulated from July 22 to August 22, 2022, the project was presented at the August 9, 2022 Denair MAC meeting. The main concern raised by community members in attendance was regarding the proposed extension of Romie Way. Multiple residents requested that the proposed subdivision take access from Story Road, instead of Romie Way. County Public Works staff have determined that there is not enough distance from the existing Kersey Road intersection

to the west of the project site to allow for the installation of a new roadway off Story Road to access the proposed subdivision. Additionally, community members raised concerns regarding water availability and quality; roadway flooding; parkland dedication and the desire for a dual use basin; concern with two-story houses backing up to their backyards; and requested that privacy fencing be installed at the developer's expense. Ultimately the MAC voted 5-0 to recommend project approval, including a request that a development standard be placed on the project to require MAC consultation with the developer on the final landscape plan for the expanded stormwater basin. A development standard has been added to the project requiring that the final landscape plan include MAC consultation prior to consideration by the County's Planning Department for approval (see Exhibit C – *Development Standards*, of Attachment 1).

The project was originally scheduled to be considered by the Planning Commission on September 1, 2022 but was continued to the September 15, 2022 meeting to allow staff additional time to address input received from surrounding residents. See Exhibit F – *Community Responses Received*, of Attachment 1, for correspondence received prior to the release of the September 15, 2022 Planning Commission Staff Report.

The Planning Commission considered the proposed project at a public hearing held on September 15, 2022. At the start of the Planning Commission meeting, the Planning Commission was presented with two items of correspondence from Donald Rajewich, property owner at 3611 Kerry Court, received too late for the agenda: an email with an attached letter dated August 30, 2022, and a letter received on September 14, 2022 (see Attachment 3 – *September 15, 2022 Planning Commission Correspondence Too Late for the Agenda*). In his letters, Mr. Rajewich, expresses concerns regarding: potential decreased property values; loss of privacy; development standards regarding lot coverage, good neighbor fencing and the height of the dwellings to be constructed on the proposed lots; flooding; adequacy of the environmental review performed for the project regarding biological resources, hydrology and water quality, and air quality; traffic; and parkland dedication.

As part of staff's presentation to the Planning Commission, an overview of the issues raised by the community was presented. After staff's presentation, prior to opening the public hearing, Commissioner Zipser asked if any two-story homes were proposed for the project. Staff replied that the developer's intent was to construct only single-story dwellings. Commissioner Durrer asked if the developer would be restricted to only single-story homes. Staff specified that the Planning Commission has the authority to recommend a restriction be placed on the project limiting development to only single-story dwellings. Commissioner Willerup inquired as to whether there are any speed bumps in the general area surrounding the project site. County Public Works staff in attendance stated that there are no speed bumps in the surrounding area. Commissioner Zipser asked if there were two-story homes in the area. Staff responded that there are two-story homes within the area and that the development standards for the R-A zoning district applicable to the area allows for homes up to 35-feet in height. In response to Mr. Rajewich's letters, Commissioner Willerup asked for staff to respond to the concern that park fees to be paid in-lieu of parkland dedication are outdated. Staff clarified that the fees have been set by the Parks and Recreation Department and are applied to tentative maps on a per lot basis when the development is less than 52 lots. Parkland dedication is only required for tentative maps proposing 52 or more lots. A copy of the Parks and Recreation Department's In-Lieu of Fees policy on parkland

dedication was provided to Mr. Rajewich via email on September 20, 2022, following the Planning Commission meeting.

During the public hearing, two community members, Mr. Rajewich and Diane Lambert, spoke in opposition to the project. Mr. Rajewich expressed those concerns from his letters provided to the Planning Commission as correspondence at the start of the meeting. Mr. Rajewich requested the following: a restriction on the development of two-story dwellings; allowance for a 6-foot-tall good neighbor fence, as requested by the developer, rather than the 7-foot-tall fence recommended by staff; that the development take access off Story Road, rather than Romie Way, in order to save truck trips going through the neighborhoods; and for the development to install a dual use basin to function as both parkland and stormwater basin. Mr. Rajewich also stated the project site contains vernal pools which need to be preserved.

Diane Lambert, property owner of 3608 Romie Way, abutting the existing stormwater basin to be expanded into the projects proposed Lot A, spoke in regard to flooding on the southern end of Romie Way (area north of Walton Street and south of the project site). Ms. Lambert mentioned that the corner of Romie Way and Walton Street has flooded in the past with water up to her garage door for up to a week prior to the County installing a second catch basin (drywell) on the south side of Walton Street adjacent to the Romie Way and Walton Street intersection. Ms. Lambert mentioned that flooding occurred in January 2017 that reached up over the sidewalks and onto her lawn. Ms. Lambert also mentioned that water drains from the surrounding area into the project site and that she is uncertain how water will drain in the surrounding area once homes are developed on the project site. She also expressed concerns over increased traffic from the development traveling through the existing neighborhood which is a quiet neighborhood consisting of senior citizens. She indicated that the northern end of Romie Way (area south of Hillsdale Drive and north of the project site) is not a good neighborhood and potential buyers of the new development may not want to live near such a neighborhood.

The applicant, Torre Reich, spoke in favor of the project. Mr. Reich addressed the neighbors' concerns regarding access off Story Road, vernal pools, flooding, and traffic. Mr. Reich clarified that access off Story Road was not proposed as the County Public Works Department indicated there would be issues with siting access off Story Road due to the proximity of the existing Kersey Road intersection to the west of the project site. Mr. Reich mentioned that the currently proposed design maximizes the number of proposed lots and is more efficient to build. Mr. Reich also mentioned that he had contacted the previous property owner, who owned the land for over 40 years, regarding the presence of vernal pools on the project site; the previous property owner confirmed he did not have issues with standing water on-site. Mr. Reich referenced images on Google Maps that show water in existing low spots on the project site when it does rain and indicated that if the site was leveled no water would pool on-site. Regarding flooding on the southern end of Romie Way (the area north of Walton Street and south of the project site), Mr. Reich specified that the current County standards are stricter than when the subdivision to the south was constructed, and that the existing stormwater basin would be scoured to loosen the bottom of the basin and allow it to drain better. Mr. Reich also addressed the concerns over dump trucks and construction vehicle traffic around the project site by comparing it to his prior projects constructed in Denair. Specifically, Wenstrand Ranch, a triangle shaped development bounded by

East Monte Vista, Lester Road, and Main Street, which had a greater number of trucks used for development of the site in order to provide drainage in two different directions due to the shape and complexity of the development. Mr. Reich anticipates less trucks being used for the proposed project due to the less complicated design of the development.

Commissioner Zipser asked Mr. Reich if it would be an issue if a condition was placed on the project to restrict the development of two-story homes. The developer referenced Wenstrand Ranch and the Palm Estates (located at the corner of St. Simon Way and Derr Road, in Denair) developments which are comprised of larger one-story homes and responded that they would be fine with restricting development to allow only single-story homes.

Commissioner Pacheco asked Mr. Reich about the existing stormwater (catch) basins on Romie Way (on both sides) and whether he would make the basin larger to handle more stormwater. Commissioner Pacheco noted that there are few existing basins, all are small, and he could understand why there is flooding in the area. Mr. Reich did not know the exact size of or size requirements for the existing basins, however, he expressed an understanding that the County has made changes to its requirements to require larger basins and that he has no flooding issues with his newer subdivisions built to current standards. County Public Works staff specified that a crew from the Roads Division will go out and rejuvenate the existing drywell located on the south side of Walton Street, that Ms. Lambert mentioned had previously been clogged. Public Works staff also specified the County's current standards for the stormwater basin are stricter, requiring the dewatering of a 100-year 24-hour storm event in 48-hours. All calculations for the expanded stormwater basin will be reviewed prior to approval of the subdivision improvement plans. If the stormwater basin is not performing well within the one-year warranty period and inspection process, then the developer will have to recalculate and conduct soils tests to resolve the issues before Public Works releases the warranty bond for the stormwater basin. Commissioner Pacheco commented that he has concerns with existing stormwater control on the south end of Romie Way (adjacent to the Romie Way and Walton Street intersection and south of the project site) and the flooding mentioned by Ms. Lambert and stated that it was unacceptable. Mr. Reich responded he was hopeful that the current project would help with the flooding issues.

Following the close of the public hearing, Commissioner Durrer confirmed with staff that the future homeowners within the proposed development will be subject to paying into a Community Service Area (CSA) for the maintenance of the storm drainage facilities, and that the extension of Romie Way would provide a complete street (in terms of connecting the northern and southern portions of Romie Way). Commissioner Durrer expressed being in favor of restricting development to single-story homes as the applicant was in favor and the restriction would satisfy the neighbors' concerns. In response to a discussion among the Planning Commissioners regarding requiring a 6-foot-tall fence rather than the 7-foot-tall fence, staff provided clarification that the Planning Commission could recommend 6-foot fencing. Commissioner Durrer inquired as to whether the 7-foot-tall fencing requirement was a typical standard applied to other similar projects. Staff responded that a 7-foot-tall fencing requirement was applied to a Denair community project considered by the Planning Commission earlier in 2022 (General Plan Amendment, Rezone, and Vesting Tentative Map Application No. 2021-

0040 – Lazares Companies) in response to community concerns and input. Staff further clarified that unless there are community concerns, height standards for fencing are generally not applied to the development standards. In the past, 6-foot-tall fencing was typical; however, now fencing can be 7 feet tall without the need for a building permit to be obtained. Commissioner Willerup commented that he believed the developer would be in favor of the 6-foot-tall fence which would require less lumber.

On a vote of 5-0 (Durrer/Zipser), the Planning Commission recommended approval with a motion to recommend the Board of Supervisors approve the proposed project with a restriction allowing for only single-story dwellings to be developed and an amendment of Development Standard No. 15 to allow for a 6-foot-tall good neighbor fence (see Attachment 2 – *September 15, 2022 Planning Commission Minutes Excerpt*).

Following the Planning Commission meeting, staff retrieved a voicemail that had been left with the Planning Department prior to the start of the Planning Commission meeting. The voicemail was from Teri Millsap, property owner of 5122 Walton Road, who expressed in the voicemail concerns regarding the extension of Romie Way, traffic, and safety concerns regarding the width of Romie Way for emergency and construction vehicle access to the site. All issues that had been identified in the September 15, 2022 Planning Commission Staff Report.

Following the September 15, 2022, Planning Commission hearing, staff received a petition in opposition of the project signed by 39 individuals representing both property owners and residents within the Community of Denair (see Attachment 4 – *Correspondence Received After Planning Commission*). The petition specifically states opposition to the extension of Romie Way and construction vehicles driving through the neighborhood. Attachment 4 also includes various emails and letters from three surrounding property owners (Nancy Dee, Donald Rajewich, and Steve Silva) and two individuals from outside the surrounding area (Brad Johnson and John Herrick). While many of the concerns raised are the same as those already identified prior to the September 15, 2022 Planning Commission meeting, the following new concerns, or variations to the initial concerns, have been raised: notification of the August 9, 2022 Denair MAC meeting in violation of the Brown Act; the adequacy of staff's evaluation of impacts to biological resources and hydrology and water quality within the environmental review (Initial Study) and Planning Commission Staff Report prepared for the project; and the availability of water to serve the development. The following is an overview of the new concerns:

Denair MAC and the Brown Act

Concerns have been received regarding the notification process for the Denair MAC's August 9, 2022 meeting. The current notification practice for MAC meetings consists of the MAC Chair and/or Secretary sending out a notice via email to their distribution list which includes any interested parties and the Denair Unified School District which posts a notice for the meeting outside the District Office. The County's Community Manager posts the meeting agenda to the County's MAC website 72 hours prior to the meeting. The Denair MAC's August 9, 2022, 5-0 vote to recommend project approval, as well as the concerns voiced by the community members in attendance at the MAC meeting, are captured in the September 15, 2022, Planning Commission Staff Report prepared for the project (see Attachment 1 – *September 15, 2022 Planning Commission Staff Report*) and discussed earlier in this report.

Environmental Review Adequacy – Biological Resources and Water

The Planning Commission's recommendation was delayed in being presented to the Board of Supervisors to allow a biological assessment to be performed in response to concerns regarding the existence of vernal pools on the project site. A biological assessment of the project site, prepared by Moore Biological Consultants, was submitted on October 14, 2022, which evaluated potential project-related impacts to vernal pools and species associated with a vernal pool habitat, as well as special status biological species including, but not limited to, the State threatened Swainson's hawk, and the State species of special concern burrowing owl.

In preparation of the biological assessment, a field survey of the site was conducted on October 13, 2022. The survey consisted of walking throughout the project site making observations of current habitat conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an evaluation of the project site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers, special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs and vernal pools). The biological assessment found that no potentially jurisdictional Waters of the U.S. (i.e., vernal pools, seasonal wetlands, streams, creeks, or other aquatic habitats) were observed on the project site. The biological assessment found that due to high levels of disturbance and a lack of suitable habitat (use of the property as irrigated pasture to support livestock), it is unlikely that special status plants occur on the site. Additionally, the biological assessment states that due to the scarcity of occurrences of Swainson's hawks recorded in the California Natural Diversity Database (CNDDDB) in the greater project vicinity, small size of the site, and its adjacency to developed parcels, the likelihood of a Swainson's hawk using the site for foraging on an intensive basis, if ever, is reduced due to the location of the project site and that it is unlikely this species nests near the project site. Further, the biological assessment found that other special-status birds, including burrowing owl, may fly over the site on occasion but would not be expected to nest within the project site; no ground squirrel burrows were observed in or adjacent to the site and burrowing owls are not common in this part of Stanislaus County. The biological assessment included conservative recommendations regarding pre-construction surveys for Swainson's hawk, burrowing owl, and other nesting birds protected by the Migratory Bird Treaty Act of 1918 to be conducted prior to ground disturbance should construction begin between March 1 and September 15. If active nests are found, work in the vicinity of the nest should be delayed and a qualified biologist should be consulted for recommendations on how to proceed (see Attachment I – *Biological Assessment, conducted by Moore Biological Consultants, dated October 14, 2022*, of Attachment 5).

In response to concerns being raised about the time of year the biological assessment was conducted with regards to identifying vernal pools, Diane Moore, Principal Biologist at Moore Biological Consultants, has clarified, in an email to staff dated November 21, 2022, that vernal pools and seasonal wetlands can be identified year-round by examining the topography of the project site and plant species on site. In the email, Ms. Moore states:

“... The pasture in the site was leveled decades ago, and slopes down gently to the west, at an estimated 2% slope, such that water released from the east

edge of the site irrigates the entire field. While there are admittedly a few small areas where puddles may form and remain for a few days after a very very heavy rain event, puddles are widespread everywhere after heavy rains and are not vernal pools.

While the optimal time of the year for identifying the precise boundaries of vernal pools and seasonal wetlands, these seasonally wet features can be identified year-round. Vernal pools and seasonal wetlands are "depressional" features; they are bowl-shaped basins usually underlain by a hardpan that pond water for at least a few weeks during the growing season (i.e., Spring). Vernal pool grasslands are notable by topographic highs and lows, with vernal pools forming in basins fed by run-off from adjacent high areas. The site does not have vernal pool grassland topography. There are no basins in the pasture; the site is leveled.

Vernal pools and seasonal wetlands also support an assemblage of hydrophytic (i.e., "wetland") plants that differs greatly from those in an irrigated pasture. Plant species indicative of vernal pools and seasonal wetland plants can be identified year-round and are not present in the site. ...”

Section IV – *Biological Resources* of the CEQA Initial Study prepared for the project and provided as an attachment to the September 15, 2022 Planning Commission Staff Report (Attachment 1) has been amended (amended text shown in italics and deleted text shown as stricken) to reflect the information provided in the biological assessment (see Attachment 5 – *Amended Initial Study, dated November 17, 2022*). As permitted by CEQA Guidelines Section 15073.5(c), revisions to an initial study with either a negative declaration or a mitigated negative declaration may be approved without a new period of environmental review if the project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects, or if the new information merely clarifies, amplifies, or makes insignificant modifications to the negative declaration. This additional language is considered to be informational in nature and to have no new significant effects. Staff believes that the modification meets this statute, and that re-circulation of the Initial Study is not required.

Questions have been raised regarding the Denair Community Service District’s (CSD) ability to serve the development and cumulative impacts of residential development, including accessory dwelling units, on groundwater.

The Local Agency Formation Commission (LAFCO) Municipal Service Review (MSR) of the Denair CSD, adopted January 22, 2020, indicates that the Denair CSD has the capacity to serve all potential development within the existing Denair CSD boundary and that the Denair CSD may consider expanding its current infrastructure and facilities within the next two to five years should development consistent with the Denair Community Plan area be approved by the County. The project site is located within the CSD’s boundary (see Exhibit I – LAFCO Adopted Denair Community Services District Boundary of Attachment 1 – *September 15, 2022, Planning Commission Staff Report*).

The Denair CSD provided a can-serve letter, dated February 10, 2022, indicating the capacity of the Denair CSD to serve water and sewer to the project site. The letter

indicated that the Denair CSD will require the owner/developer to enter into an Agreement with the Denair CSD to construct and pay for necessary infrastructure to enable the Denair CSD to provide water and sewer services to the project. While a new well is not required to serve this development, the applicant will be required to pay a fair share fee for future facilities needed for delivery of Denair CSD services, including any new well to serve future development within the Denair CSD's boundaries. Development Standard No. 48 requires the project developer to enter into an Agreement to construct and pay for necessary infrastructure to enable the Denair CSD to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to Denair CSD specifications, and that security be given to the Denair CSD to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to connection.

Comments received regarding inadequate water supply to serve the project mention concerns with staff's reference of the West Turlock Subbasin Groundwater Sustainability Agency (GSA) within September 15, 2022 Planning Commission Staff Report and Initial Study. The GSA was referenced within the Staff Report in response to concerns regarding groundwater availability and sustainability; the reference of the GSA in the Staff Report was to demonstrate that the Denair CSD (which will serve the development with water) is currently compliant with State requirements regarding groundwater sustainability. The Denair CSD is a member of the GSA, who is tasked with developing a Groundwater Sustainability Plan (GSP) which provides a roadmap for the long-term sustainability of the West Turlock Groundwater Subbasin. The Denair CSD is required to meet all applicable requirements of the GSA's GSP which was submitted to the California Department of Water Resources (DWR) on January 28, 2022, for review. The GSA developed the GSP to comply with the Sustainable Groundwater Management Act (SGMA) of 2014 and to achieve long-term sustainability of the Turlock Subbasin. DWR has through the end of 2024 to review the GSP; however, the GSA continues to prepare for implementation of the GSP and the Denair CSD is subject to meeting any applicable requirements of the Turlock GSP.

The Denair CSD District Manager, David Odom, on November 10, 2022, confirmed that the CSD does take into consideration potential accessory dwelling units, in addition to the number of single-family dwelling units able to be constructed on each proposed lot in accordance with zoning, prior to sending out a letter confirming their ability to serve a project (a "can-serve" letter). Water availability to serve the project does not appear to be a development constraint for the proposed project as, the project site is located within the Denair CSD's current service boundary, the Denair CSD is in compliance with the State regarding groundwater sustainability, and the Denair CSD has provided a letter indicating their ability to serve the project site with water services and will require the applicant to pay a fair share fee for future facilities for District services.

On November 7, 2022, a comment letter from Mr. Rajewich was received requesting the Board of Supervisors public hearing to consider this project be postponed and no final action taken on the project until the completion of an assessment of the vernal pools be conducted in conformance with the State of California Department of Fish and Wildlife protocols for surveying and evaluating impacts to biological resources. Further, Mr. Rajewich requested a vernal pool assessment to be conducted when there are pools of water on the property. The comment letter was sent in response to a November 8, 2022 Board of Supervisors Agenda item requesting to set the December 6, 2022 public

hearing.

At the November 8, 2022 Board of Supervisors meeting, Mr. Rajewich claimed that the September 15, 2022 Planning Commission Staff Report for the project misrepresented the 2020 LAFCO adopted MSR of the Denair CSD and misrepresented the GSA's authority. Mr. Rajewich also claimed that he was unable to obtain a copy of the Stanislaus County Parks and Recreation Department's In-Lieu of Fees Policy. Additionally, Mr. Rajewich commented on the adequacy of the biological assessment conducted for the project regarding the time of year the assessment was performed for the project and requested that a vernal pool assessment be conducted in the spring. Mr. Rajewich also requested that, prior to the project being considered for final approval, corrections be made regarding the items he identified during his public comment, at the November 8th Board of Supervisors meeting, and within his November 7th comment letter.

As detailed in the "General Plan and Community Plan Consistency" and "Zoning & Subdivision Ordinance Consistency" sections of the September 15, 2022 Planning Commission Staff Report, staff believes the proposed development is consistent with the Goals and Policies of the General Plan and with the County's Zoning and Subdivision Ordinances. The rezone for this project is only required to allow for a ten (10) percent increase in the maximum building site coverage area. Similar requests have been approved for other residential subdivision within the Denair Community Plan. The project will provide in-fill development within an area suitable for such development as envisioned by the County's General Plan, including the Denair Community Plan.

The project site is designated as Low-Density Residential (LDR) in the Land Use Element of the General Plan and in the Denair Community Plan. The intent of the LDR designation is to provide appropriate locations and adequate areas for single-family detached homes in either conventional or clustered configurations. Under the LDR designation, residential building intensity, when served by a community services district or sanitary sewer district and public water district, is zero to eight units per acre.

If approved, the project site could be developed with up to 34 dwellings units, with each lot able to be developed with a single-family dwelling, an accessory dwelling unit (ADU), and a junior accessory unit (JADU). Full build-out would be a gross density of eight dwelling units per acre; however, in accordance with State regulations, Section 21.74.040(D) of the County's Zoning Ordinance does not consider ADU's, developed in accordance with County regulations, to count towards the allowed overall density of a parcel. Without the ADU's and JADU's, the proposed development has a gross density of four dwelling units per acre.

If approved, the developer anticipates final improvement plans for the proposed project to be submitted by August of 2023, and construction to begin six to eight months following approval of the final improvement plans.

Staff recommends the Board of Supervisors approve the Planning Commission's recommendation of approval which includes the Planning Commission's recommended amendment to Development Standard No. 15, to lower the required fence height, and a new development standard restricting development to single-story homes to read as follows: (Amendments to existing development standard are reflected in bold text and deletions in strikeout text and new development standard reflected as Development Standard No. 60)

15. A wood fence, a minimum of 67 feet in height, shall be constructed along the northern and southern property lines of the subdivision and along the eastern property line of lots 15 and 16 prior to issuance of any certificate of occupancy for any dwelling resulting from the subdivision. All fencing required by this condition shall be the responsibility of individual parcel owners to maintain, repair, and replace, as necessary, in accordance with the project's development standards and all applicable County Codes.

60. Development shall be restricted to single-story dwellings.

Since the September 15, 2022 Planning Commission meeting, staff has identified that the requirements for a payment of in-lieu fees for parks and a per dwelling fee to the Sheriff was inadvertently not included in the development standards applied to the project. If the Board approves the project, staff recommends the incorporation of Development Standard Nos. 61 and 62 as reflected below for both the parks and Sheriff fees. Staff is also recommending the addition of development standards requiring pre-construction surveys for nesting birds, as recommended in the Biological Assessment prepared for the project, be applied as Development Standard Nos. 63 and 64, to read as follows:

- 61. 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.**
- 62. Prior to the issuance of any building permit for a dwelling, park in-lieu fees will be required at a rate of \$2,050.00 per single-family dwelling unit.**
- 63. If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA) shall be conducted by a qualified biologist to determine the need for temporal restrictions on construction using criteria set forth by the California Department of Fish and Wildlife and the Swainson's Hawk Technical Advisory Committee. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.**
- 64. If ground disturbing activity or construction commences between March 1 through July 31, a pre-construction survey for nesting birds shall be conducted. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.**

All findings required for approval of this project are incorporated into the Staff Recommendations provided for this item.

POLICY ISSUE:

In order to consider a rezone, the Board of Supervisors must hold a public hearing. In order to approve a rezone, the proposed rezone must be found to be consistent with the General Plan. In this case, the proposed Planned Development (P-D) zoning designation will be consistent with the General Plan and Denair Community Plan designation of Low- Density Residential (LDR). Approval of a tentative map requires finding that the project is in compliance with the County’s General Plan, Zoning Ordinance and Subdivision Ordinance and meets all applicable findings required by the State Subdivision Map Act.

FISCAL IMPACT:

Costs associated with processing the application, setting the public hearing, publishing of required notices, and conducting the hearing have been covered by the application fee deposit plus revenue from additional invoicing at project end.

BOARD OF SUPERVISORS’ PRIORITY:

Approval of this action supports the Board of Supervisors’ priority of *Developing a High-Performing Economy, Delivering Efficient Public Services and Enhancing Community Infrastructure* by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for reviewing all applications, preparing all reports, and attending meetings associated with the proposed Rezone and Vesting Tentative Map application.

CONTACT PERSON:

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

ATTACHMENT(S):

1. September 15, 2022 Planning Commission Staff Report
2. September 15, 2022 Planning Commission Minutes Excerpt
3. September 15, 2022 Planning Commission Correspondence Too Late for the Agenda
4. Correspondence Received After Planning Commission
5. Amended Initial Study, dated November 17, 2022
6. Proposed Ordinance and Sectional District Map

DEVELOPMENT STANDARDS

REZONE AND TENTATIVE MAP APPLICATION NO. PLN2022-0026 ELMWOOD ESTATES

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances. Permitted uses shall be those uses permitted in the Rural Residential (R-A) zoning district, subject to district development standards, unless otherwise specified by the project's Development Standards.

2. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2014), the applicant is required to pay a California Department of Fish and Wildlife (formerly the Department of Fish and Game) fee at the time of filing 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 **\$2,605.00**, made payable to **Stanislaus County**, for the payment of California Department of Fish and Wildlife 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.

3. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

4. The applicant/owner 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 project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

5. 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.

6. 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.

7. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
8. Pursuant to Sections 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 stream-bed alteration agreements, permits, or authorizations, if necessary.
9. 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.
10. 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.
11. 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. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
12. The recorded parcel 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 the 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."
13. A final landscaping and tree planting plan, indicating plant type, initial plant size (15-gallon minimum for trees), location, and method of irrigation, shall be approved by the Director of Planning and Community Development or his/her designee prior to the issuance of any grading or improvement plans. The Denair Municipal Advisory Council shall be consulted to determine appropriate plant species, prior to the submittal of the final landscape plan. The final landscaping plan shall meet all requirements of State or Local Ordinance and all requirements of California Code of Regulations Title 23 Division Two, Chapter 2.7 Model Water Efficient Landscape Ordinance. Landscaping of the storm drainage basin and the trees associated with the tree planting plan shall be installed and inspected prior to the issuance of any certificate of occupancy for a dwelling.
14. All landscaped areas, fences, and walls shall be maintained in an attractive condition and in compliance with the approved final landscape and irrigation plan. The premises shall

be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30 days.

15. A wood fence, a minimum of **67** feet in height, shall be constructed along the northern and southern property lines of the subdivision and along the eastern property line of lots 15 and 16 prior to issuance of any certificate of occupancy for any dwelling resulting from the subdivision. All fencing required by this condition shall be the responsibility of individual parcel owners to maintain, repair, and replace, as necessary, in accordance with the project's development standards and all applicable County Codes.
16. A 7-foot-tall chain-link fence with privacy slats shall be installed, by the developer, along the entire eastern property line south of Lot 16, including the area east of the street stub-out and along the eastern side of the drainage basin. Fencing shall be installed prior to issuance of any building permit for any of the newly created lots.
17. Lot coverage of aggregate buildings shall not cover more than 50 percent of the lot area.

Department of Public Works

18. The final map shall be prepared by a licensed land surveyor or a registered civil engineer licensed to practice land surveying in California.
19. Prior to the map being recorded, all existing structures not shown on the tentative map shall be removed.
20. Prior to the recording of the final map, the new parcels shall be surveyed and fully monumented.
21. Prior to recording of the final map, road right-of-way shall be dedicated to Stanislaus County to provide for 30 feet of right-of-way east of the centerline of Story Road. The existing right-of-way currently is 25 feet east of the centerline of Story Road. This means that 5 feet of right-of-way shall be dedicated.
22. Prior to the recording, or on the final map, road right-of-way shall be dedicated to Stanislaus County for chords at all corners of Harris Court and Romie Way please see Stanislaus County Public Works Standards and Specifications Detail 3-C1.
23. All facilities in the public right-of-way shall meet current Americans with Disabilities Act (ADA) Standards.
24. Prior to the recording of the final map, a complete set of improvement plans that are consistent with the Stanislaus County Standards and Specifications and the tentative map shall be submitted and approved by Stanislaus County Public Works. The improvement plans shall include, but not be limited to streetlights, curb, gutter, and sidewalk, positive storm drainage (storage, percolation, and treatment), pavement, pavement markings, road signs, and handicap ramps. A positive storm drainage system, conforming to County standards, shall be installed. Prior to, or in tandem with submission of the improvement plans, the subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall also include: (a) sufficient R-value test to establish appropriate road sections, (b) should include slope stability, (c) backfill

- recommendations, (d) retaining wall recommendations, (e) cut/fill transitions, and (f) sufficient test boring to log the soil strata, determine the static water level, and the percolation rate of the infiltration gallery. The boring shall be made at the location of the proposed storm drain infiltration gallery. The report shall be signed by a California registered civil engineer or registered geotechnical engineer.
25. An Engineer's Estimate shall be provided for the subdivision improvements so the amount of the bond/financial security can be determined if a Subdivision Improvement Agreement is required. The Engineer's Estimate shall be stamped and signed by a licensed civil engineer.
 26. Prior to the final map being recorded, the subdivider shall either:
 - A. Sign a 'Subdivision Improvement Agreement' and post the required certificates of insurance and subdivision bonds with the Department of Public Works; or
 - B. Construct all subdivision improvements and have the improvements accepted by the Stanislaus County Board of Supervisors.
 27. Street improvements on Story Road, Romie Way, and Harris Court, shall be consistent with the vesting tentative map and the accepted improvement plans.
 28. The stub-out of Harris Court shall be barricaded in compliance with Public Works standards.
 29. Prior to any plan review or inspections associated with the development, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$10,000 deposit with Public Works.
 30. A grading, drainage, and erosion/sediment control plan for the project site shall be submitted for any building permit that will create a larger or smaller building footprint. The grading and drainage plan shall include the following information:
 - A. The plan shall contain drainage calculations and enough information to verify that runoff from project will not flow onto adjacent properties and Stanislaus County road right-of-way. Public Works will review and approve the drainage calculations.
 - B. For projects greater than one acre in size, the grading drainage and erosion/sediment control plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharge Identification Number (WDID) and a copy of the Notice of Intent (NOI) and the project's Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.
 - C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for review of the grading plan.
 - D. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

31. Prior to the acceptance of the subdivision improvements, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer is required by the Department of Public Works.
32. All new utilities shall be underground and located in public utility easements. A 10-foot-wide public utility easement (P.U.E.) shall be located adjacent to all public right-of-way. The P.U.E. shall be shown on the final map.
33. An Encroachment Permit shall be obtained for any work done in Stanislaus County road right-of way.
34. All public roads shall have a fog seal applied prior to the end of the one-year maintenance period and final acceptance by Stanislaus County.
35. All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirement of the Department of Public Works and the Turlock Irrigation District. If a private irrigation line crosses public road right-of-way, a Road Maintenance Agreement shall be taken out with the Department of Public Works.
36. Prior to recording of the final map, the property shall annex into the Community Service Area (CSA) #21 – Riopel, to provide funds to ensure future maintenance and eventual replacement of the storm drainage system and facilities, block wall, and any landscaped areas. The developer shall provide all necessary documents and pay all fees associated with the formation of the CSA. As part of the formation, a formula or method for the calculation of the annual assessment shall be approved. The formation process takes approximately six to eight months and requires Local Agency Formation Commission (LAFCO) approval. Please contact Stanislaus County Public Works at (209) 525-4130 for additional information regarding CSA formation requirements.
37. All streetlights shall be installed on steel poles per County Standards and Specifications.
38. Prior to the recording of the final map, the subdivider shall deposit the first year's operating and maintenance cost of the streetlights with the Department of Public Works. Since the project already falls into the Denair Highway Lighting District, the funds shall be deposited into that account.
39. Prior to acceptance of the subdivision improvements, as specified in the County standards, a set of Record Drawings (mylars), and electronically scanned files for each sheet in a PDF format shall be provided to and approved by the Department of Public Works. The Record Drawings shall be on 3 mil Mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing" or "As-Built."
40. Prior to acceptance of the subdivision improvements, one bench mark (brass cap) shall be established within the subdivision on a brass cap and the elevation shall be shown on the Record Drawing. A completed Bench Mark card shall be furnished to the Department of Public Works. North American Vertical Datum shall be used. If available, 1988 data shall be used.

41. Prior to acceptance of the improvements, street monuments and covers shall be installed to County standards.
42. The required subdivision improvements shall be accepted by the Board of Supervisors. No final inspection and/or occupancy permit will be issued unless the required subdivision improvements have been accepted by the Board of Supervisors.
43. The southern wall of the retention drainage basin shall be a masonry block wall. A chain-link fence shall be installed at the eastern edge of the retention basin. Please see Stanislaus County Public Works Standards and Specifications for Retention Drainage Basins - Detail 4-C1.

Department of Environmental Resources

44. Prior to recording of the final map, a fully executed Will-Serve letter is required to be provided from the Denair Community Services District for providing potable water and sewer services to the parcel.
45. If needed, the applicant shall secure all necessary permits for the destruction/relocation of the on-site wastewater treatment system (OWTS) at the project site under the direction of the Stanislaus County Department of Environmental Resources (DER).
46. Prior to issuance of a grading permit, a Phase 1 study, and Phase 2 study, if determined to be necessary, shall be completed to the satisfaction of Department of Environmental Resources – Hazmat Division.

Building Permits Division

47. Building permits are required and the project must conform with the California Code of Regulations, Title 24.

Denair Community Services District

48. The owner/developer shall enter into an Agreement to construct and pay for necessary infrastructure to enable the District to provide water and sewer services to the project. The Agreement will require the infrastructure be constructed to District specifications, and that security be given to the District to guarantee performance and payment for the infrastructure, and that all current connection fees be paid in full prior to issuance of a formal Will-Serve letter.

Turlock Irrigation District (TID)

49. All relocation, improvement, or abandonment of TID facilities shall be completed in accordance with District requirements. The District shall review and approve all grading and improvement plans prior to issuance.
50. Easements, in accordance with District requirements, shall be dedicated to the District prior to the recording of the final map.

51. The Developer shall provide irrigation improvement plans and enter into an Irrigation Improvements Agreement for the required irrigation facility modifications prior to the District approving the final map.
52. Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties. Stub-end streets adjoining irrigated ground must have a berm installed at least 12 inches above the finished grade of irrigated parcel(s).
53. A minimum 10-foot public utility easement shall be dedicated along all street frontages.
54. Building setbacks shall be a minimum of 15 feet from the property line and back of sidewalk, unless a lesser standard is authorized by TID.
55. The applicant must consult with the District Electrical Engineering Division to make an application for service and to begin design work for electrical service to the project site.
56. The applicant must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.

San Joaquin Valley Air Pollution Control District

57. Wood burning stoves and fireplaces are prohibited from use.
58. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.

Central Valley Regional Water Quality Control Board

59. Prior to ground disturbance or issuance of a grading or building permit, the Central Valley Regional Quality Control Board shall be consulted to obtain any necessary permits and to implement any necessary measures, including but not limited to Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System (MS4) Permits, Industrial Storm Water General Permit, Clean Water Act Section 404 Permit, Clean Water Act Section 401 Permit (Water Quality Certification), Waste Discharge Requirements, Low or Limited Threat General NPDES Permit, and any other applicable Regional Water Quality Control Board permit.
60. **Development shall be restricted to single-story dwellings.**
61. **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.**
62. **Prior to the issuance of any building permit for a dwelling, park in-lieu fees will be required at a rate of \$2,050.00 per single-family dwelling unit.**
63. **If ground disturbing activity or construction commences between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks (SWHA)**

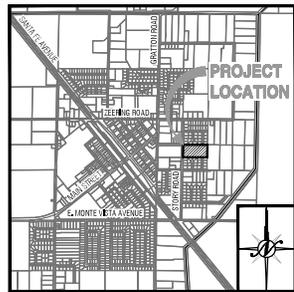
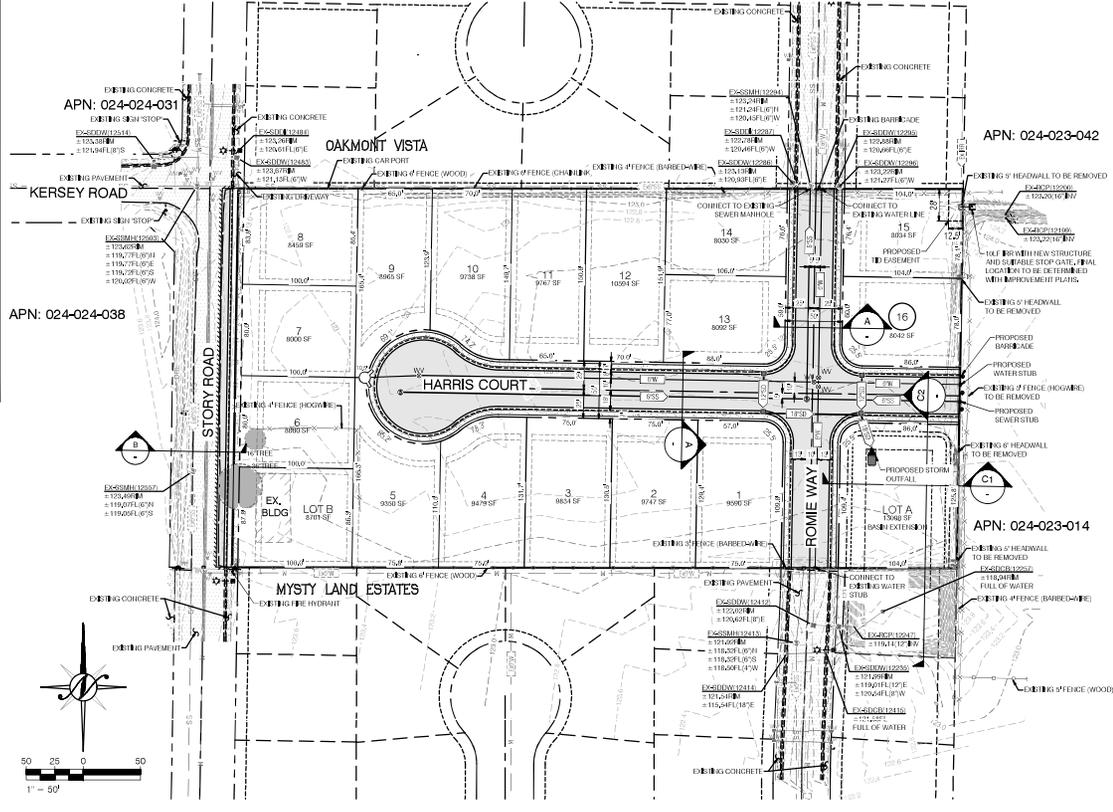
shall be conducted by a qualified biologist to determine the need for temporal restrictions on construction using criteria set forth by the California Department of Fish and Wildlife and the Swainson's Hawk Technical Advisory Committee. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.

64. If ground disturbing activity or construction commences between March 1 through July 31, a pre-construction survey for nesting birds shall be conducted. If active nests are found, work in the vicinity of the nest shall be delayed and a qualified biologist shall be consulted for recommendations on how to proceed.

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

TENTATIVE SUBDIVISION MAP ELMWOOD ESTATES SUBDIVISION STANISLAUS COUNTY, CALIFORNIA

LEGEND	EXISTING	PROPOSED
BOUNDARY LINE	---	---
CENTERLINE	---	---
RIGHT-OF-WAY	---	---
PARCEL LINE	---	---
CURB, GUTTER AND SIDEWALK	---	---
EDGE OF PAVEMENT	---	---
DRIVE ROAD	---	N/A
OVERHEAD ELECTRICAL	---	N/A
GAS LINE	---	N/A
CONTOURS	---	N/A
MAIL USE LABEL FOR TYPE	---	---
FENCE (CHAIN LINK OR WOOD)	---	---
FENCE (WIRE OR HOVING)	---	---
FENCE (WOOD OR WROUGHT IRON)	---	---
BARBARE	---	---
TREE OR SHRUB TO BE REMOVED	---	N/A
SEWER POLE	---	N/A
BUILDING SETBACK	---	---
STORM DRAIN (MIN)	---	---
STORM DRAIN MAINTENANCE HOLE	---	---
CURBULET	---	---
STORM DRAIN CUTOFF WALL	---	---
WATER MAIN	---	---
WATER VALVE	---	---
SEWER HYDRANT	---	---
SEWER MAINTENANCE HOLE	---	---
SEWER (MIN)	---	---



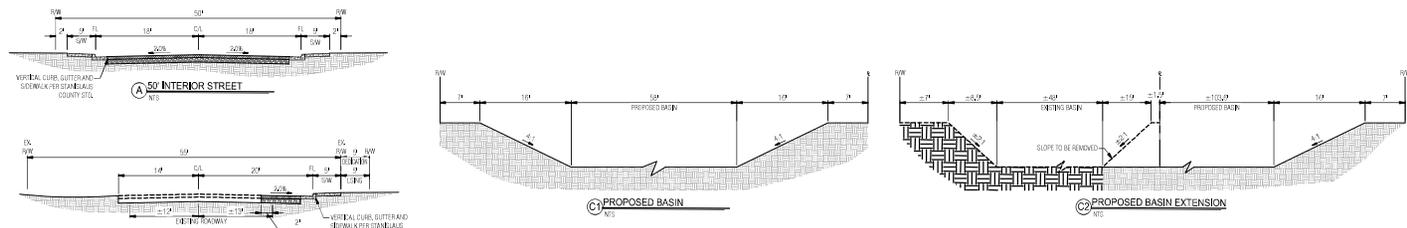
PROJECT INFORMATION	
A. REGULATORY AGENCY	STANISLAUS COUNTY 1800 KORN STREET, SUITE 300 MILPITAS, CA 95034 T. (925) 354-8545 CONTACT: JEREMY BALLARD
B. APPLICANT	MALET DEVELOPMENT 218 N. BROADWAY TURLOCK, CA 95280 T. (209) 984-2727 CONTACT: TORE REHR
C. ENGINEER	NORTHSTAR ENGINEERING GROUP, INC. 820 20th STREET MILPITAS, CA 95034 T. (209) 354-8545 CONTACT: MARLA HUBMAN
D. CLASSIFIED PARCEL NUMBER	024-024-040
E. EXISTING LAND USE	SINGLE-FAMILY HOME AND OPEN FIELD FOR LIVESTOCK
F. PROPOSED LAND USE	SINGLE-FAMILY HOMES
G. EXISTING ZONING	LOW-DENSITY RESIDENTIAL COUNTY OF RESIDENTIAL-LD (DENSE) (CV) (R-4)
H. PROPOSED ZONING	PLANNED DEVELOPMENT (P-4)
I. TOTAL PROJECT SIZE	4.2± ACRES
J. NET ACREAGE	4.7± ACRES
K. TOTAL NUMBER OF PARCELS	16
L. NET DENSITY	34 DU/AC
M. TYPICAL LOT SIZE	8,000 SF, MINIMUM
N. MAXIMUM FOOTPRINT COVERAGE	50%
O. PARKING	MINIMUM TWO-CAR GARAGE AND TWO DRIVEWAY SPACES PER LOT
P. CONTOURS	1/4"=100' INTERVALS
Q. UTILITIES	WATER SYSTEM - DENNIS COMMUNITY SERVICE DISTRICT SEWER SYSTEM - DENNIS COMMUNITY SERVICE DISTRICT STORM DRAINAGE - STANISLAUS COUNTY GAS - PIPE ELECTRIC - TIE TELEPHONE - AT&T CABLE TELEVISION - DENNIS COMMUNITY SERVICE DISTRICT

- ### GENERAL NOTES
- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE STANISLAUS COUNTY STANDARD PLANS AND SPECIFICATIONS UNLESS OTHERWISE NOTED.
 - STORM DRAINAGE TO BE CONNECTED TO AN EXISTING STORM DRAIN RETENTION BASIN. ALL IMPROVEMENTS TO BE CONSTRUCTED TO THE STANISLAUS COUNTY STANDARDS.
 - ALL STORM DRAINAGE IMPROVEMENTS AS PART OF FUTURE IMPROVEMENTS PLANS AND STUDIES SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE NATIONAL POLLUTION CONTROL ADMINISTRATION SYSTEM DESIGN MANUAL, 2010 EDITION AND THE MAINTENANCE PRACTICE CONSTRUCTION STANDARDS MANUAL APPROVED OR ADOPTED PRIOR TO THE TIME OF THIS TENTATIVE MAP APPLICATION BEING REVIEWED COMPLETELY.
 - SEWERY SEWER TO BE CONSTRUCTED TO THE DENNIS COMMUNITY SERVICE DISTRICT STANDARDS AND SPECIFICATIONS.
 - WATER SYSTEM TO BE CONSTRUCTED TO THE DENNIS COMMUNITY SERVICE DISTRICT STANDARDS AND SPECIFICATIONS.
 - STREET LIGHTING SHALL BE INSTALLED PER STANISLAUS COUNTY STANDARD SPECIFICATIONS.
 - PUBLIC UTILITIES ARE TO BE INSTALLED UNDER GROUND IN EASEMENTS.
 - THE SURVEYOR HEREBY RESERVES THE RIGHT TO FILE MULTIPLE SUBDIVISION MAPS AS SET FORTH BY THE STANISLAUS COUNTY ACT, ARTICLE 4, SECTION 40835, AND THE GRACER MAPS FOR EACH OF SAID ALL PARCEL LINES SHALL CONFORM TO THE TENTATIVE MAP.
 - PUBLIC UTILITY EASEMENTS SHALL BE PROVIDED ALONG ALL STREET FRONTAGES.
 - ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED UNLESS OTHERWISE NOTED. ALL EXISTING POWER POLES AND OVERHEAD POWER LINES TO BE REMOVED UNDERGROUND.
 - ALL LOT SETBACK REQUIREMENTS AND LOT SIZES ARE TO BE IN ACCORDANCE WITH THE DENNIS COMMUNITY PLANS.

LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF STANISLAUS, UNINCORPORATED AREA AND DESCRIBED AS FOLLOWS: LOT 16 OF BLOCK 12 OF SUBDIVISION OF THE LOTS TO BE OF THE ELMWOOD COLONY ACCORDING TO THE MAP THEREOF FILED IN THE OFFICE OF THE COUNTY REGISTER OF STANISLAUS COUNTY, CALIFORNIA, ON JANUARY 14, 1937 IN VOLUME 2107 MAPS AT PAGE 42.

COPYRIGHT © 2022, NORTHSTAR ENGINEERING GROUP, INC.



DATE	REVISION

TENTATIVE SUBDIVISION MAP
ELMWOOD ESTATES SUBDIVISION
STANISLAUS COUNTY, CALIFORNIA

Northstar Engineering Group, Inc.
 1800 KORN STREET, SUITE 300
 MILPITAS, CA 95034
 (209) 354-8545
 FAX: (209) 354-2525

JOB # 220003
 DATE: 09/08/2022
 SCALE: AS SHOWN
 DRAWING: TSP
 CHECKED: T. REHR
 DATE: 10/10/2022

SHEET NUMBER
TM1.1



Revisions
Date: _____ By: _____
1
2
3
4
5
6
7
8
9
10

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Story Road
Subdivision
Danair, CA

Torre Reich Construction
219 N Broadway,
Turlock, CA 95380
2096260656

Subdivision
Street Tree
Plan

Scale:
1" = 30'-0"
Date:
March 2, 2022
Drawn/Checked:
AL / JNA
Project No.:
22-249

Sheet Number:

L0.1

STREET TREE PLANTING SCHEDULE

Residential street trees associated with each home are to be planted at the time the home is built and ready for occupancy. The County will require the street tree from this plan to be installed at the time of the installation of the front yard landscape and prior to issuance of the Certificate of Occupancy.

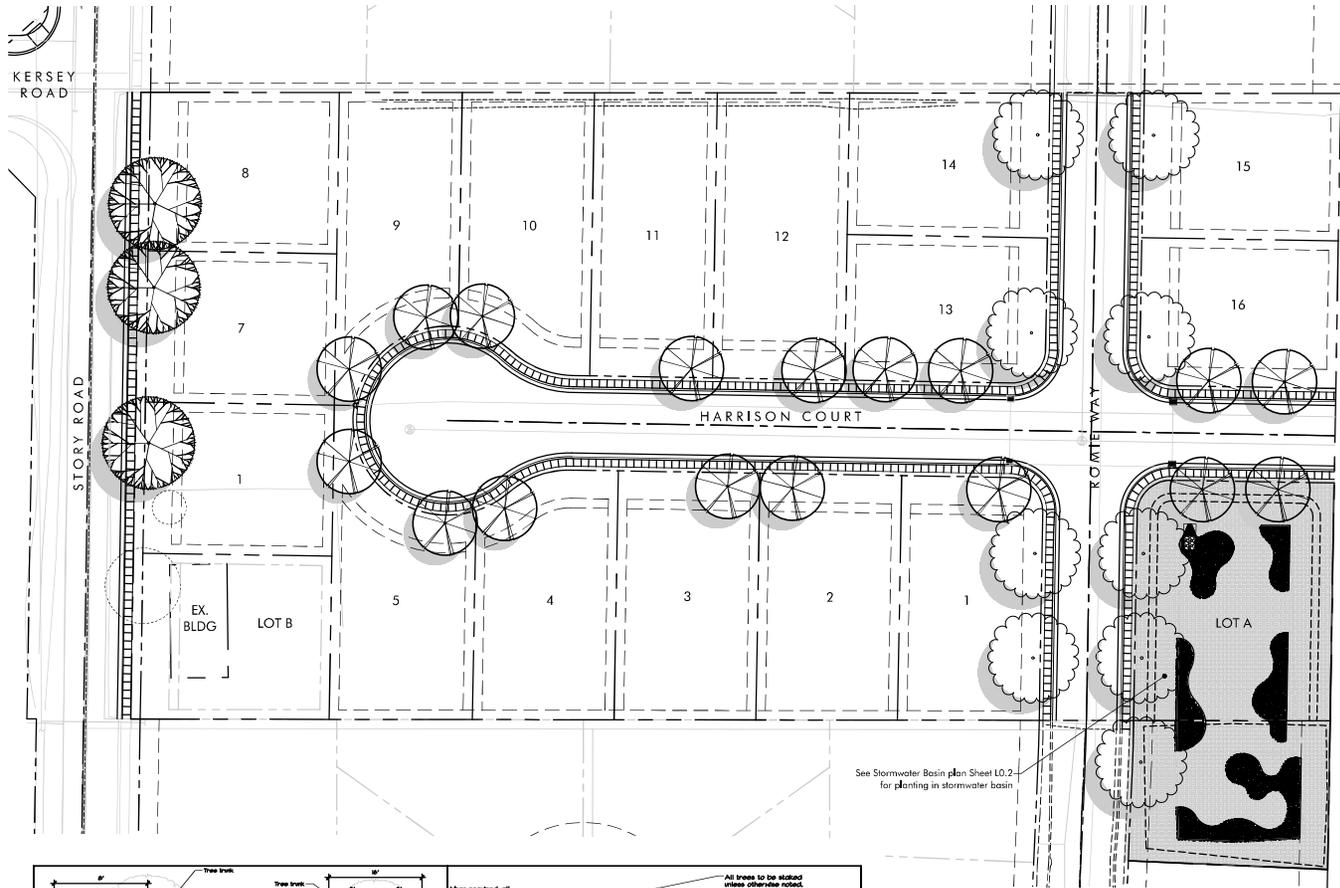
The location of trees as shown on this plan is referential. The contractor shall review the site and plant trees clear of conflicts:

- Curb Returns - Trees to be planted 35" from beginning Street Lights - Trees to be planted 20" clear
- Driveways - Trees to be planted 10" clear
- Sidewalks - Trees to be planted 3" clear
- Wet Utilities - Trees to be planted 15' clear
- Drain Lines - Trees to be planted 12' clear

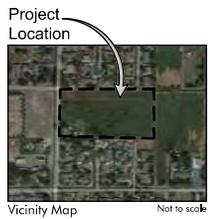
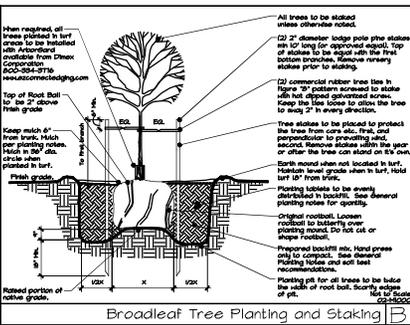
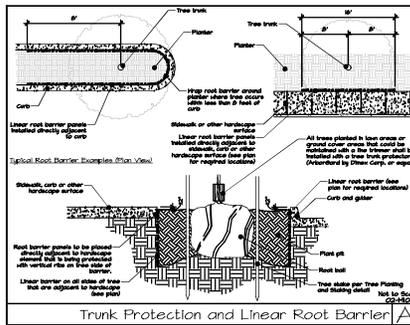
Where conflicts occur that preclude a tree from being planted, coordinate with the County Planning Dept. for alternate tree planting location or approval to omit the tree.

The following trees are to be planted at 15-gallon size with staking and root barriers per the tree planting and root barrier details on this sheet. The following tree species are associated with each street:

	Harrison Court	15-gal. <i>Potamo chinensis</i> Keith Dovey® Keith Dovey Chinese Pistache
	Romie Way	15-gal. <i>Quercus virginiana</i> Southern Live Oak
	Story Road	15-gal. <i>Ulmus parvifolia</i> True Green® Tru Green Elm



See Stormwater Basin plan Sheet L0.2 for planting in stormwater basin





Revisions

No.	Description	Date
1	As Issued	

These plans are the property of KLA. No other person or organization shall be permitted to reproduce, distribute, or use these plans without the express written consent of KLA. The Contractor shall defend, indemnify and hold KLA harmless for any claims or damages resulting from the use of these plans.

Story Road Subdivision
Denair, CA
Stormwater Basin

Torre Reich Construction
219 N Broadway
Turlock, CA 95340
(209)920-6966

Preliminary Landscape Plan

Scale:
1" = 10'-0"
Date:
March 3, 2022
Drawn/Checked:
AL / JHA
Project No.:
22-245
Sheet Number:

L0.2

Landscape Design Concept

The proposed landscape for the Story Road stormwater basin is comprised of a combination of drought tolerant ornamental shrubs, grasses and groundcovers that can withstand temporary periods of inundation. Plants also being an aesthetically pleasing addition to the community. In addition to the plantings, sweeps of decorative cobblestone has been used to accentuate the design and provide additional visual interest. The landscape has been designed to be compliant with Stanislaus County's Water Efficient Landscape Ordinance (WELO).

Landscape Irrigation

The site will be irrigated using a fully automatic system designed to meet Stanislaus County's Water Efficient Landscape Ordinance (WELO). The system will be on a dedicated irrigation water service and motor with a backflow prevention device to meet local building codes. The irrigation system will be comprised of pressure spray heads with rotary nozzles. A Smart controller will operate the system in tandem with a weather sensor that will automatically adjust the irrigation scheduling based on current weather conditions and will suspend watering during rain events.

A complete irrigation design showing all irrigation equipment, model numbers, placement and installation details will be provided with the construction documents.

PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	CONT	QTY	Water Use	
HES PAR	<i>Platanus chinensis</i> 'Keith Davy'	Keith Davy Chinese Platane	15 gal	2	Low	
QUE VIR	<i>Quercus virginiana</i>	Southern Live Oak	15 gal	3	Medium	
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QTY	Water Use	
CAL KAR	<i>Calliandra x acuminata</i> 'Karl Foerster'	Karl Foerster Feather Reed Grass	1 gal	123	Low	
CHO TEC	<i>Chorizanthe tectorum</i>	Small Cape Rush	5 gal	101	Low	
HES PAR	<i>Hesperaloe parviflora</i>	Red Yucca	5 gal	66	Low	
OLE LIT	<i>Olea europaea</i> 'Little Olive'	Little Olive Olive	5 gal	30	Low	
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY	Water Use
BAC TUM	<i>Baccharis pilularis</i> 'Twin Peaks #2'	Twin Peaks #2 Coyote Brush	5 gal	24" o.c.	157	Low
CAR TUM	<i>Carex tumida</i>	Foothill Sedge	1 gal	24" o.c.	1,068	Low
LOM LIM	<i>Lomandra longifolia</i> 'Lombard'	Lime Tuft Dwarf Mat Rush	1 gal	40" o.c.	187	Low
MYO TUC	<i>Myoporum parvifolium</i> 'Tucson'	Trailing Myoporum	1 gal	66" o.c.	112	Low

Organic and Mineral Materials

Shrub and groundcover areas at the bottom of the basin and on slopes up to the high water mark shall be topdressed with a 2" layer of 1/4" diameter tan decorative aggregate mulch. All remaining shrub and groundcover areas shall be topdressed with a 2" layer of organic mulch derived from recycled wood chips or arbor chips from tree trimming. Organic Mulch shall be 2" minus in depth and not greater than 3/8" in thickness, and shall be dark brown in color. Contractor shall provide samples for approval prior to installation. Shredded redwood or cedar bark (20/40 mesh) is not acceptable.

1" layer of 2" diameter Noya cobblestone over commercial grade weed barrier fabric. Cobble edging to be DuraEdge 316" x 4" brown steel edging by JD Russel Co., with stakes per manufacturer.

WELO Water Use Calculations

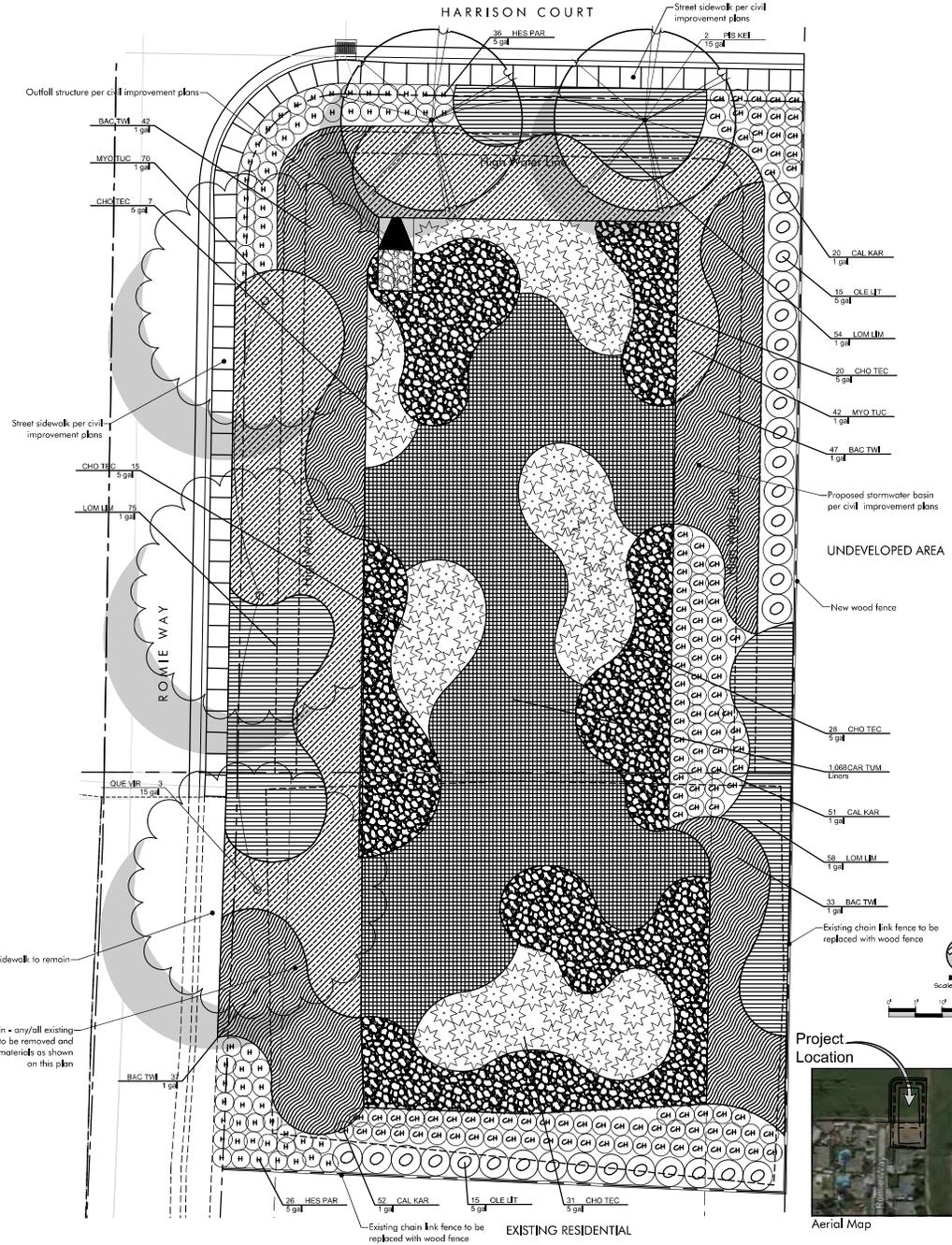
The following calculations represent the intended hydrozone and water usage as designed with this Preliminary Landscape Plan. As we move through the design process we anticipate minor adjustments to these calculations. However, compliance with WELO code requirements will always remain.

ETD for Thermal	352							
1	Low Crowncover/Strubs	Low	0.3	18,238	84.4%	Rotator	.75	227,056
2	Cobble	None	0	3,380	15.6%	None	1	0
TOTAL				21,618.9				227,056 Gallons

Maximum Applied Water Allowance (MAWA) 302,777 gallon/year
Estimated Total Water Usage (ETWU) 227,056 gallon/year
Average Irrigation Efficiency .75
ETWU is less than MAWA, therefore water usage as designed exceeds code requirements.

Water Efficient Landscape Ordinance (WELO)

Planting and irrigation have been designed to be compliant with the Water Efficient Landscape Ordinance (WELO). The contractor shall not make substitutions of irrigation product or placement of product or plant species and cultivars without the written consent of the Landscape Architect. The contractor shall be responsible for making all modifications to ensure the requirements of WELO are met if any changes are made in the field. Water use calculations as described on these plans must be met. The signature on this plan concurs that I have complied with the criteria of the water conservation in Landscaping Ordinance and applied them accordingly for the efficient use of water in the irrigation and planting design plan.

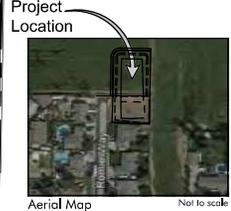


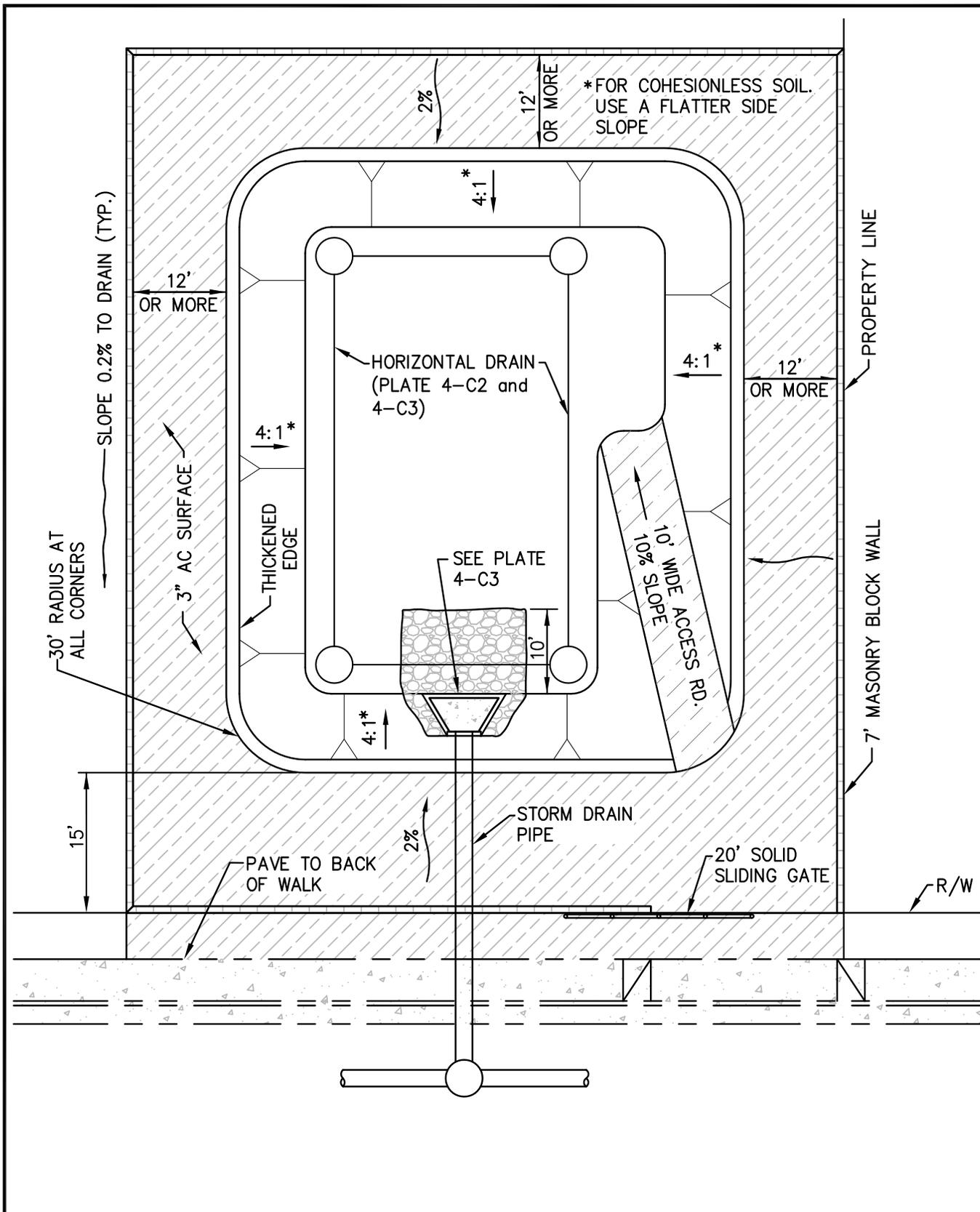
Existing sidewalk to remain

Existing stormwater basin - any/all existing vegetation in basin to be removed and replaced with new plant materials as shown on this plan

Existing chain link fence to be replaced with wood fence

EXISTING RESIDENTIAL





	NO.	REVISED	BY	RETENTION DRAINAGE BASIN PLAN VIEW	APPROVED BY:
					MATTHEW MACHADO, RCE DIRECTOR OF PUBLIC WORKS
	UPDATED BY: PAUL SAINI, RCE DONAL HICKS, SR. ENGR. TECH CHECKED BY: DAVID LEAMON, RCE	COUNTY OF STANISLAUS DEPARTMENT OF PUBLIC WORKS			DATE: JUNE 2, 2014 PLATE NO: 4-C1



DEPARTMENT OF PUBLIC WORKS

David A. Leamon, PE, MPA
PUBLIC WORKS DIRECTOR/ROAD COMMISSIONER

Andrew Malizia, PE
DEPUTY DIRECTOR - ENGINEERING

Chad Johnson, LS
COUNTY SURVEYOR

Tracie Madison
ASSISTANT DIRECTOR - OPERATIONS

Sambath Chrun, PE
DEPUTY DIRECTOR - DEVELOPMENT SERVICES & TRAFFIC

Janelle Kostlivy
SENIOR BUSINESS MANAGER

February 3, 2026

To: Emily DeAnda, Associate Planner, Planning and Community Development

From: Sambath Chrun, Deputy Director, Public Works Development Services

Subject: PLN2022-0026 Elmwood Estates
APN: 024-055-060
Address: 3700 Story Road

This is a request for an amendment to Development Standard No. 43 to replace the requirement for a masonry block wall with a chain link fence with slats for Tentative Map No. PLN2022-0026 – Elmwood Estates.

Stanislaus County Public Works proposes the following amendment to the development standards No. 43 for the project:

43. The southern wall of the retention drainage basin shall be a **6-foot-tall chain-link fence with privacy slats** ~~masonry block wall~~. A chain-link fence shall be installed at the eastern edge of the retention basin. ~~Please see Stanislaus County Public Works Standards and Specifications for Retention Drainage Basins – Detail 4-C1.~~

A handwritten signature in black ink, appearing to be 'Sambath Chrun', written over the text of the amendment.

SUMMARY OF RESPONSES FOR PROJECT REFERRALS

PROJECT: DSA FOR TM NO. PLN2022-0026 - ELMWOOD ESTATES

REFERRED TO:			RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS	
	2 WK	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF FISH & WILDLIFE	X	X		X							
CA RWQCB CENTRAL VALLEY REGION	X	X		X							
COMMUNITY SERVICES DIST: DENAIR	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X	X				X		X		X
MUNICIPAL ADVISORY COUNCIL: DENAIR	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X							
STAN CO DER	X	X	X				X		X		X
STAN CO HAZARDOUS MATERIALS	X	X		X							
STAN CO PARKS & RECREATION	X	X		X							
STAN CO PUBLIC WORKS	X	X		X							
STAN CO PUBLIC WORKS - SURVEY	X	X		X							
US FISH & WILDLIFE	X	X		X							
SURROUNDING LANDOWNERS		X		X							

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Development Standard Amendment for Tentative Map No. 2022-0026 – Elmwood Estates

Applicant Information: Torre Reich, Malet Development; 219 N. Broadway Ave. Turlock, CA 95380

Phone No: (209) 668-8721

Project Location: 3700 Story Road, between East Zeering Road and Walton Street, in the Community of Denair. Stanislaus County APN: 024-055-060.

Description of Project: Request for an amendment to Development Standard No. 43 to replace the requirement for a masonry block wall with a chain link fence with slats. The approved Tentative Map (TM) subdivided a 4.82± acre parcel into 17 parcels, ranging in size between 8,000± to 10,594± square feet, in the Planned Development (P-D) (367) zoning district.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Emily DeAnda, Associate Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____
- Common Sense Exemption. 15061 (b)(3)

Reasons why project is exempt: Development Standard unable to be implemented due to constructability constraints and has been modified based on a preference of neighbors along a shared property line.

Dated

Emily DeAnda
Associate Planner

**COUNTY OF STANISLAUS CAMPAIGN CONTRIBUTION DISCLOSURE FORM
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

Application Number: PLN 2022-0026
Application Title: Elmwood Estates
Application Address: 3700 Story Rd.
Application APN: 024-055-060

Was a campaign contribution, regardless of the dollar amount, made to any member of a decision-making body involved in making a determination regarding the above application (i.e. Stanislaus County Board of Supervisors, Planning Commission, Airport Land Use Commission, or Building Code Appeals Board), hereinafter referred to as Member, during the 12-month period preceding the filing of the application, by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes No

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

The Applicant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Property Owner	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Subcontractor	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Applicant's Agent/ Lobbyist	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Member(s) to whom you, the property owner, your subcontractors, and/or agent/lobbyist made campaign contributions during the 12-month period preceding the filing of the application, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Member(s) to whom you, the property owner, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the County any future contributions made to Member(s) by the applicant, property owner, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

11/24/2025

Date


Signature of Applicant

Torre Reich Construction

Print Name of Applicant

Print Firm Name if applicable