

PLANNING COMMISSION
RESOLUTION NO. 2022-02

A RESOLUTION APPROVING THE TENTATIVE PARCEL MAP OF PROPERTY
LOCATED NORTHWEST OF THE INTERSECTION OF HEALTH CARE WAY
AND DALE ROAD (GENESIS KC DEVELOPMENT LLC)

WHEREAS, Genesis KC Development LLC has filed an application for a Tentative Parcel Map to divide a 1.28-acre parcel into two parcels, identified in Stanislaus County Assessor's records as Assessor's Parcel No. 078-069-019; and

WHEREAS, said Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on November 30, 2021, and was accepted for filing and deemed complete on November 30, 2021, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Tentative Parcel Map have been sent to internal departments and local external agencies for review and comment; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, a public hearing was held by the Planning Commission on February 28, 2022, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this parcel map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of four or fewer parcels which are consistent with the General Plan, which require no variances or exceptions, was not involved in division of a larger parcel within the previous two years, and which does not have an average slope of more than 20 percent.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed Tentative Parcel Map is consistent with the General Plan of the City of Modesto.
2. The proposed Tentative Parcel Map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.
3. The discharge of waste as a result of the proposed tentative parcel map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
4. The proposed Tentative Parcel Map is exempt from CEQA, pursuant to Section 15315 of the CEQA Guidelines, which exempts parcel maps of four or fewer parcels which are consistent with the General Plan, which require no variances or exceptions, was not involved in division of a

larger parcel within the previous two years, and which does not have an average slope of more than 20 percent.

5. The proposed tentative parcel map complies with all applicable requirements of the Subdivision Map Act and of Title 4 of the Modesto Municipal Code regarding the subdivision of land.

BE IT FURTHER RESOLVED by the Planning Commission that the Tentative Parcel Map of property located northwest of the intersection of Health Care Way and Dale Road, accepted for filing in the office of the Secretary of the Planning Commission on November 30, 2021, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. Prior to or concurrent with Parcel Map recordation, public utility easements of a sufficient width to accommodate existing and future utility placement shall be dedicated along the existing access easements to the satisfaction of the City Engineer or designee and the utility companies.
2. Prior to or concurrent with Parcel Map recordation, existing access and utility easements to remain shall be documented on the Parcel Map.
3. At the time of development, all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
4. Prior to and after development, the lot shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on February 28, 2022, and that if a protest is not filed within this ninety

(90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 28, 2022, by Commissioner Pollard, who moved its adoption, which motion was seconded by Commissioner Morad, and carried by the following vote:

Ayes:	Birring, Morad, Pollard, Vazquez, Vohra, Shanks
Noes:	None
Absent:	Silva
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Steve Mitchell, Secretary