

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:20 A.M.

Urgent

Routine

AGENDA DATE July 24, 2007

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Consideration of an Appeal of the Planning Commission's Denial of Request for Modification or Removal of Condition of Approval No. 31 for Parcel Map Application No. 2006-02 – Timbell-Warnerville Partners, LLC (Formerly Furtado Family Trust)

STAFF RECOMMENDATIONS:

1. Cancel the public hearing on the appeal of the Planning Commission's Denial of Request for Modification or Removal of Condition of Approval No. 31 for Parcel Map Application No. 2006-02 – Timbell-Warnerville Partners, LLC (Formerly Furtado Family Trust)
2. Set a public hearing on August 21, 2007 to reconsider an appeal of Planning Commission's denial of Vesting Tentative Parcel Map Application No. 2006-02, Furtado Family Trust, a request to create 13 parcels of 80± acres, one 70± acre parcel, and one 117± acre remainder parcel from two existing parcels totaling 1,14 acres in the A-2-40 (General Agriculture) Zoning District.

FISCAL IMPACT:

None.

BOARD ACTION AS FOLLOWS:

No. 2007-594

On motion of Supervisor Monteith, Seconded by Supervisor Mayfield

and approved by the following vote,

Ayes: Supervisors: Mayfield, Monteith, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: Grover, and DeMartini

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Consideration of an Appeal of the Planning Commission's Denial of Request for Modification or Removal of Condition of Approval No. 31 for Parcel Map Application No. 2006-02 – Timbell-Warnerville Partners, LLC (Formerly Furtado Family Trust)

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DISCUSSION:

This matter is scheduled to consider an appeal of the denial by the Planning Commission of a request to modify or remove Condition of Approval No. 31 for Parcel Map Application No. 2006-02. This voluntary condition was added to the initial approval of the Parcel Map by the Board of Supervisors at its March 27, 2007 meeting. Since the initial approval by the Board and the request for modification or removal of the condition by the project applicant, it was learned that Solecon Industrial Contractors, which is partly owned by Supervisor Grover, contracted with contractor Stuart McInahan to perform work on a completely separate project owned by another company of the project applicant. The resulting conflict requires the initial consideration of the matter to be reconsidered by the Board without participation by Supervisor Grover, or by Supervisor DeMartini who abstained from participation in the original decision due to a conflict. Staff recommends that the scheduled hearing be cancelled, and that a public hearing be set for August 21, 2007 to reconsider the appeal of Vesting Tentative Parcel Map Application No. 2006-02.

POLICY ISSUES:

None

STAFFING IMPACTS:

None

NOTICE OF PUBLIC RE-HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF
PARCEL MAP APPLICATION NO. 2006-02 - TIMBELL-WARNERVILLE
PARTNERS, LLC (FORMERLY FURTADO FAMILY TRUST)

NOTICE IS HEREBY GIVEN that on August 21, 2007 at the hour of 6:45 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to re-hear an appeal of the Planning Commission's denial of Parcel Map Application No. 2006-02 - Timbell-Warnerville Partners, LLC (Furtado Family Trust), a request to create 13 parcels of 80± acres, one 70± acre parcel, and one 117± acre remainder parcel from two existing parcels totaling 1,147 acres in the A-2-40 (General Agriculture) zoning district. This project site is enrolled in a Williamson Act Contract. The property is located southeast of the intersection of Tim Bell and Warnerville Roads, northeast of the Waterford area. A Mitigated Negative Declaration will be considered. APN: 011-005-007 and 011-005-021

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: July 24, 2007

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

BY:


Elizabeth A. King, Assistant Clerk

PROOF OF PUBLICATION

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, published in Oakdale, California in the City of Oakdale, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

August 8,
all in the year 2007.

I certify or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Oakdale,

California, this day, 8th day of August, 2007.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

STAN. BOARD OF SUP.

**APPEAL OF DENIAL OF FURTADO
FAMILY TRUST**

PUBLIC NOTICE

**NOTICE OF PUBLIC RE-HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF
PARCEL MAP APPLICATION NO. 2006-02 - TIMBELL-WARNERVILLE PARTNERS, LLC (FORMERLY FURTADO FAMILY TRUST)**

NOTICE IS HEREBY GIVEN that on August 21, 2007 at the hour of 6:45 p.m. or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to re-hear an appeal of the Planning Commission's denial of Parcel Map Application No. 2006-02 - Timbell-Warnerville Partners, LLC (Furtado Family Trust), a request to create 13 parcels of 80± acres, one 70± acre parcel, and one 117± acre remainder parcel from two existing parcels totaling 1,147 acres in the A-2-40 (General Agriculture) zoning district. This project site is enrolled in a Williamson Act Contract. The property is located southeast of the intersection of Tim Bell and Warnerville Roads, northeast of the Waterford area. A Mitigated Negative Declaration will be considered. APN: 011-005-007 and 011-005-021

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: July 24, 2007

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

BY: Elizabeth A. King, Assistant Clerk

AUGUST 8, 2007

OL#07-345



August 10, 2007

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS
2007 AUG 10 P 2:16

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, August 21, 2007**, starting at **6:45 P.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

PUBLIC HEARING TO RE-CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-02 - TIMBELL-WARNERVILLE PARTNERS, LLC (FORMERLY FURTADO FAMILY TRUST) - A REQUEST TO CREATE 13 PARCELS OF 80± ACRES, ONE 70± ACRE PARCEL AND ONE 117± ACRE REMAINDER PARCEL FROM TWO EXISTING PARCELS TOTALING 1,147 ACRES IN THE A-2-40 (GENERAL AGRICULTURE) ZONING DISTRICT.

The property is further identified as Assessor's Parcel No. 011-005-007 & 011-005-021

This project is exempt from CEQA.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: planning@mail.co.stanislaus.ca.us.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

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

On August 10, 2007, I served the attached Notice of Public Hearing
(Date)

PUBLIC HEARING TO RE-CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-02- TIMBELL-WARNERVILLE PARTNERS, LLC (FORMERLY FURTADO FAMILY TRUST) on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 10, 2007, at Modesto, California.
(Date)

Michelle Alfaro
(Type or print name)


Signature

VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-02 - FURTADO FAMILY TRUST
Attachment A

Distribution List

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X	DEVELOPMENT SERVICES - DENNIS WISTER		SCHOOL DIST 2:
X	ENVIRONMENTAL RESOURCES	X	SHERIFF
X	FIRE PROTECTION DIST: OAKDALE	X	STANISLAUS COUNTY FARM BUREAU
X	STANISLAUS FIRE PREVENTION BUREAU	X	STANISLAUS ERC
X	FISH AND GAME	X	STATE CLEARINGHOUSE
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X	PARKS AND FACILITIES		WATER DIST
X	PUBLIC WORKS - TRANSPORTATION	X	DEPARTMENT OF CONSERVATION (certified)
	SURROUNDING LAND OWNERS (on file with the Clerk to the Board of Supervisors)		UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)