

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE January 15, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on February 5, 2008 at 9:15 a.m. to Consider Rezone Application #2007-05, Denair Lumber

STAFF RECOMMENDATIONS:

Set a Public Hearing on February 5, 2008 at 9:15 a.m. to Consider Rezone Application #2007-05, Denair Lumber, a request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases. Phase 1 consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 consists of 4,000 square foot retail sales and home center building. The project is located on Fresno Avenue, south of Main Street and north of Village Avenue, in Denair, APN: 024-032-017. A Negative Declaration will be considered for this project.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-047

On motion of Supervisor Monteith, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-F-5

NOTICE OF PUBLIC HEARING FOR
REZONE APPLICATION NO. 2007-05
DENAIR LUMBER

NOTICE IS HEREBY GIVEN that on February 5, 2008 at 9:15 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider a request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases. Phase 1 consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 consists of 4,000 square foot retail sales and home center building. The project is located on Fresno Avenue, south of Main Street and north of Village Avenue, in Denair, APN: 024-032-017. The Board of Supervisors will consider a CEQA Negative Declaration on this project.

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: January 15, 2008

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

BY:


Elizabeth A. King, Assistant Clerk



BOARD OF SUPERVISORS

2008 JAN 25 P 2:15

January 25, 2008

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, February 5, 2008**, starting at **9:15 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

REZONE APPLICATION NO. 2007-05 - DENAIR LUMBER - This is a request to change the zoning designation of a 1.75 acre parcel from H-1 (Highway Frontage) to a P-D (Planned Development) zone to allow a lumber yard to be developed in two phases. Phase 1 consists of a 15,400 square foot pole shed and a 300 square foot temporary office. Phase 2 consists of 4,000 square foot retail sales and home center building. The project is located on Fresno Avenue, south of Main Street and north of Village Avenue, in Denair.

The property is further identified as Assessor's Parcel No. 024-032-017

The Board of Supervisors will also consider approval of a Negative Declaration for this item.

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 January 25, 2008, I served the attached Notice of Public Hearing
(Date)

REZONE APPLICATION NO. 2007-05 - DENAIR LUMBER 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 January 25, 2008, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

REZONE APPLICATION NO. 2007-05 - DENAIR LUMBER

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER	X	PG&E
X	AIRPORT LAND USE COMMISSION: JOSHUA MANN	X	PUBLIC WORKS - ANGIE HALVERSON, JOHN SANCHEZ - DRAINAGE BILL CARDOZA MORGAN RD TRAFFIC
X	BUILDING PERMITS DIVISION - DENNIS WISTER	X	REDEVELOPMENT
X	CAL TRANS District 10	X	REGIONAL WATER QUALITY
	CITY OF:		RISK MANAGEMENT
X	COMMUNITY SERVICES DIST: DENAIR	X	StanCOG
	CORPS OF ENGINEERS	X	SCHOOL DIST 1: DENAIR
X	COUNTY COUNSEL		SCHOOL DIST 2:
X	ENVIRONMENTAL RESOURCES	X	SHERIFF
X	FIRE PROTECTION DIST: DENAIR	X	STANISLAUS COUNTY FARM BUREAU
X	STANISLAUS FIRE PREVENTION BUREAU	X	STANISLAUS ERC
X	FISH AND GAME		STATE CLEARINGHOUSE
	HOSPITAL DIST:		STATE LANDS BOARD
X	IRRIGATION DIST: TURLOCK	X	SUPERVISOR DIST 2: MAYFIELD
X	LAFCO	X	TELEPHONE COMPANY: AT&T
X	MOSQUITO DIST: TURLOCK		TUOLUMNE RIVER TRUST
X	MOUNTAIN VALLEY EMERGENCY SERVICES	X	US FISH AND WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: DENAIR	X	VALLEY AIR DIST
X	PARKS AND FACILITIES		WATER DIST:
X	PUBLIC WORKS - TRANSPORTATION		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)

Affidavit of Publication

STATE OF CALIFORNIA }
County of Stanislaus }ss

RUTH REYES

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the

DENAIRDISPATCH

a legal newspaper of general circulation published weekly in DENAIR in said County of Stanislaus, State of California: that said

DENAIRDISPATCH

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41926 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in DENAIR; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given:

Notice of Public Hearing Re: Rezone 2007-05 Denair Lumber

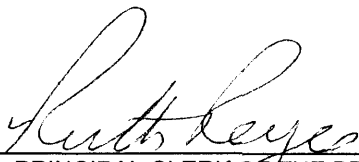
of which named annexed is a printed copy, was published and printed in said

DENAIR DISPATCH

at least 1 time, commencing on the 22nd day of January 2008 and ending on the 22nd day of January 2008 both days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

January 22, 2008

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated this 22nd day of January, 2008



PRINCIPAL CLERK OF THE PRINTER

PROOF OF PUBLICATION

DENAIR DISPATCH P.O. BOX 387, DENAIR, CA 95316 TELEPHONE (209)632-7454

DENAIR DISPATCH

LEGAL# 9510

**NOTICE OF PUBLIC HEARING
FOR REZONE APPLICATION**

**NO. 2007-05 DENAIR
LUMBER**

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BY ORDER OF THE BOARD OF SUPERVISORS

DATED: January 15, 2008

ATTEST: CHRISTINE FERRARO
TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.
BY: Elizabeth A. King, Assistant Clerk
Published Dates: 1/22/08