

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-2

Urgent Routine

AGENDA DATE September 9, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on September 30, 2008, at 9:15 a.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2007-27 - Wat Cambodian Buddhist Church

STAFF RECOMMENDATIONS:

Approve setting a public hearing on September 30, 2008, at 9:15 a.m., to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2007-27 - Wat Cambodian Buddhist Church.

FISCAL IMPACT:

There is no fiscal impact associated with this request.

BOARD ACTION AS FOLLOWS:

No. 2008-625

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini
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) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

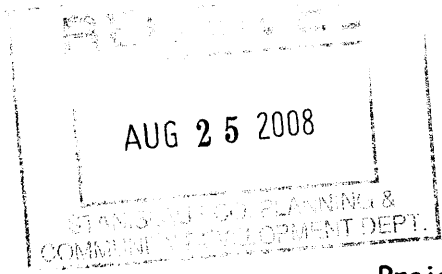

CHRISTINE FERRARO TALLMAN, Clerk

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

Check # 6522
\$ 580.00
Aug. 25, 2008
Eva Rosa



Ron West & Associates

Project Development, Land Planning, Entitlements

PO Box 1166
Patterson, California 95363
Email: ronwest@gvni.com

(209) 895-4600 Office
(209) 985-8895 Mobile
(209) 895-4960 FAX

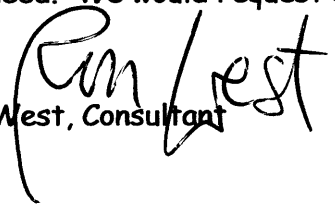
August 25, 2008

Sean Percell, Planner
Stanislaus County Planning Department
1010 Tenth Street
Modesto, Calif. 95354

RE: USE PERMIT 2007-27 (WAT CAMBODIAM BUDDHIST) APPEAL

Dear Mr. Percell,

Thank you for your thorough and excellent staff report and presentation to the Planning Commission. Unfortunately, a majority of the Commission failed to agree with the Staff Recommendation, and on behalf of the Wat Cambodian Buddhist church, I hereby Appeal the Planning Commission decision to the Board of Supervisors. Enclosed is our appeal application fee of \$580. Please contact me if there is any additional information you need. We would request a Board Hearing at the earliest convenience. Thank you.

Ron West, Consultant 

CC: Ry Kea

BOARD OF SUPERVISORS
2008 AUG 25 P 4: 21



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

August 26, 2008

Ron West & Associates
Attn: Ron West
PO Box 1166
Patterson, CA 95363

RE: Appeal of Planning Commission's Denial of Use Permit Application No. 2007-27
– Wat Cambodian Buddhist Church

Dear Mr. West:

We received your Letter of Appeal regarding the Planning Commission's denial of Use Permit Application No. 2007-27 – Wat Cambodian Buddhist Church. An item requesting the Board of Supervisors schedule a public hearing on Tuesday, **September 30, 2008 at 9:15 a.m.**, to consider this appeal, will be on the Board of Supervisors' September 9, 2008, agenda.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors

cc: Supervisor Jeff Grover, District 3
Planning & Community Development Department

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF USE PERMIT
APPLICATION NO. 2007-27 - WAT CAMBODIAN BUDDHIST CHURCH

NOTICE IS HEREBY GIVEN that on September 30, 2008 at the hour of 9:15 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2007-27 - Wat Cambodian Buddhist Church, a request to construct a church facility, including two meeting halls (worship and meditation), two school buildings, two storage buildings, a Cambodian home exhibit, church related festivals, soccer field, and two residences for priests and nuns, on an 11.68-acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 1538 Grimes Avenue, east of Grimes Avenue and south of California Avenue, in the Modesto area. A CEQA Negative Declaration will be considered. APN: 017-012-023.

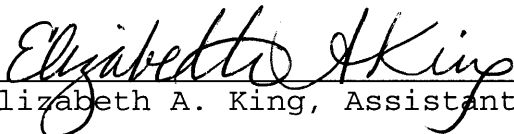
NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may 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: September 9, 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

DECLARATION OF MAILING

IN RE: NOTICE OF PUBLIC HEARING TO CONSIDER AN APPEAL OF THE
PLANNING COMMISSION'S DENIAL OF USE PERMIT APPLICATION NO.
2007-27 - WAT CAMBODIAN BUDDHIST CHURCH

I, Elizabeth A. King, declare that I am a citizen of the United States, over 18 years of age, a resident of Stanislaus County, and not a part to the within action; that my business address is 1010 10th St., Ste. 6700, Modesto, California; that I served a copy of the attached notice by placing said copy in an envelope addressed to the following:

Ron West & Associates Attn: Ron West PO Box 1166 Patterson, CA 95363	Wat Cambodian Buddhist Society Inc c/o Ry Kea 649 Paradise Rd Modesto CA 95351
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which envelope was then sealed and postage fully prepaid thereon and thereafter, on September 9, 2008, deposited in the United States Mail at Modesto, California; that there is delivery service by United States Mail at the place so addressed or regular communication by United States Mail between the place of mailing and the place so addressed.

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

Elizabeth King

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO** , County of **STANISLAUS** , State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS** , State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Sep 20, 2008

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S
DENIAL OF USE PERMIT APPLICATION NO.
2007-27 - WAT CAMBODIAN BUDDHIST
CHURCH

NOTICE IS HEREBY GIVEN that on September 30, 2008 at the hour of 9:15 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers, Basement Level, Tenth Street Place, 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2007-27 - Wat Cambodian Buddhist Church, a request to construct a church facility, including two meeting halls (worship and meditation), two school buildings, two storage buildings, a Cambodian home exhibit, church related festivals, soccer field, and two residences for priests and nuns, on an 11.68-acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 1538 Grimes Avenue, east of Grimes Avenue and south of California Avenue, in the Modesto area. A CEQA Negative Declaration will be considered. APN: 017-012-023.

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: September 9, 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

Pub Dates Sept. 20, 2008

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

September 22nd, 2008

(Signature)





September 19, 2008

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, September 30, 2008**, starting at **9:15 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

Appeal of the Planning Commission's Decision for Denial of Use Permit No. 2007-27 - WAT Cambodian Church - This is a request to construct a church facility, including two meeting halls (worship and meditation), two school buildings, two storage buildings, a Cambodian home exhibit, church related festivals, soccer field, and two residences for priests and nuns, on an 11.68-acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 1538 Grimes Avenue, east of Grimes Avenue and south of California Avenue, in the Modesto area.

The property is further identified as Assessor's Parcel No. 017-012-023 & a portion of 017-012-022

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 September 19, 2008, I served the attached Notice of Public Hearing
(Date)

APPEAL OF THE PLANNING COMMISSION'S DECISION FOR DENIAL OF USE PERMIT

APPLICATION NO. 2007-27 - WAT CAMBODIAN CHURCH 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 September 19, 2008, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

USE PERMIT APPLICATION NO. 2007-27, LOT LINE ADJUSTMENT APPLICATION NO. 2007-49 - WAT CAMBODIAN (BUDDHIST) CHURCH

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		REDEVELOPMENT
X	CAL TRANS District 10	X	REGIONAL WATER QUALITY
X	CITY OF: MODESTO		RISK MANAGEMENT
	SANITARY DIST	X	StanCOG
	CORPS OF ENGINEERS	X	SCHOOL DIST 1: PARADISE
X	COUNTY COUNSEL	X	SCHOOL DIST 2: MODESTO
X	ENVIRONMENTAL RESOURCES	X	SHERIFF
X	FIRE PROTECTION DIST: WOODLAND	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: MODESTO	X	SUPERVISOR DIST 3: GROVER
X	LAFCO	X	TELEPHONE COMPANY: AT&T
X	MOSQUITO DIST: EASTSIDE		TUOLUMNE RIVER TRUST
X	MOUNTAIN VALLEY EMERGENCY SERVICES	X	US FISH AND WILDLIFE
	MUNICIPAL ADVISORY COUNCIL:	X	VALLEY AIR DIST
X	PARKS AND FACILITIES		WATER DIST
X	PUBLIC WORKS - TRANSPORTATION		DEPARTMENT OF CONSERVATION (certified)
X	SURROUNDING LAND OWNERS (on file with the Clerk to the Board of Supervisors)		UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)

UP 2007-27 – WAT CAMBODIAN
BUDDHIST CHURCH PC LON
Labels (CDR)

017-011-013
BOBBY PEARSON
1561 GRIMES AVE
MODESTO CA 95358

017-013-019
BOYCE KIRKSEY
2401 COOK AVE
MODESTO CA 95351

017-011-019
BRADLEY PETERSON
1679 GRIMES AVE
MODESTO CA 95358

017-013-008
BRENT KING
1624 GRIMES AVE
MODESTO CA 95358

017-012-005
BRUCE VELLA
1421 OHIO AVE
MODESTO CA 95358

017-011-055
CARL HARRIS
1521 GRIMES AVE
MODESTO CA 95358

017-013-038
CHAN EANG
1568 GRIMES AVE
MODESTO CA 95358

017-011-039
CHRIS YOUNG
1419 GRIMES AVE
MODESTO CA 95358

017-012-006
CONRAD WORD
3007 CALIFORNIA AVE
MODESTO CA 95358

017-011-038
DANIEL STEPHENSON
1557 GRIMES AVE
MODESTO CA 95358

017-012-014
DAVID LITTLETON
1333 OHIO AVE
MODESTO CA 95358

017-011-023
DAVID MC CAY
1644 GRIMES AVE
MODESTO CA 95358

017-011-020
DAVID PRESCOTT
1629 GRIMES AVE
MODESTO CA 95358

007-049-002
DONALD CALKINS
1317 OHIO AVE
MODESTO CA 95358

017-012-016
ELVIN THOMASON
1517 OHIO AVE
MODESTO CA 95351

017-013-002
FEDERICO HERNANDEZ
1560 GRIMES AVE
MODESTO CA 95358

017-011-046
GARY OLIVER
1605 GRIMES AVE
MODESTO CA 95358

017-013-024
GEORGE A BLACK
1627 OHIO AVE
MODESTO CA 95351

017-011-002
GEORGE ANDERSON
125 MC HENRY AVE
MODESTO CA 95354

017-011-009
GERALD D PEEK
1509 GRIMES AVE
MODESTO CA 95358

017-011-042
GLEN LEACH
1513 GRIMES AVE
MODESTO CA 95358

017-011-044
GREG BURTON
2612 CALIFORNIA AVE
MODESTO CA 95358

017-012-004
GREGORY FORREST
1415 OHIO AVE
MODESTO CA 95358

017-012-015
GREGORY POTTS
5308 EL SANJON DR
STOCKTON CA 95212

017-011-018
HECTOR REYES
1615 GRIMES AVE
MODESTO CA 95358

017-011-011
IVAN WRAY
1533 GRIMES AVE
MODESTO CA 95358

017-013-013
JAMES HARP
1652 GRIMES AVE
MODESTO CA 95358

017-011-035
JAMES LIMBAUGH
2870 CALIFORNIA
MODESTO CA 95358

017-013-036
JANINE NIELSEN
1604 GRIMES AVENUE
MODESTO CA 95358

017-013-018
JAVIER TAFOLLA
2505 COOK AVE
MODESTO CA 95358

017-013-003
JIMMIE CASTEEL
1564 GRIMES AVE
MODESTO CA 95358

017-030-026
JOHN E KIDD JR
1313 STONE AVE
MODESTO CA 95358

017-011-022
JORGE RAMOS
1641 GRIMES AVE
MODESTO CA 95358

017-011-024
JUAN RIOS
1649 GRIMES AVE
MODESTO CA 95358

017-011-047
KAREN KEATHLEY
1601 GRIMES RD B
MODESTO CA 95358

017-012-010
KAREN RISLEY
1401 OHIO AVE
MODESTO CA 95358

017-013-027
LEOPOLD PRESCOTT
PO BOX 580642
MODESTO CA 95358

017-013-029
LINDA HANSEN
1208 BEVERLY DR
MODESTO CA 95351

017-013-015
LINDA PRUITT
4909 ZEERING RD
DENAIR CA 95316

017-013-032
LUCY DALEY
1613 OHIO AVE
MODESTO CA 95350

017-013-009
LYDIA RICO
1628 GRIMES AVE
MODESTO CA 95351

017-013-031
MAGGIE LIU
2489 TECHNOLOGY DR
HAYWARD CA 94545

007-049-027
MARIE L BAPTISTE
1229 OHIO
MODESTO CA 95358

017-011-037
MARIO GARCIA
1551 GRIMES AVE
MODESTO CA 95358

017-009-029
MARK GIANNINI
1473 SAINT FRANCIS AVE
MODESTO CA 95356

017-011-027
MICHAEL COLT WILLIAM
8530 W ATWATER DR
BOISE ID 83714

007-047-004
MICHAEL HILLAR PAUL
2510 SCENIC DR
MODESTO CA 95355

017-013-017
MIKE SMITH
2507 COOK AVE
MODESTO CA 95358

017-011-004
MILDRED MARLETT-
VANDERPOOL
1501 GRIMES AVE
MODESTO CA 95358

017-012-009
MTGLQ INVESTORS LP
12650 INGENUITY DR
ORLANDO FL 32826

007-047-006
NORMAN E RINGER
1325 EDGEBROOK DR
MODESTO CA 95354

017-011-045
OSCAR MENDOZA
1333 GRIMES AVE
MODESTO CA 95358

007-047-007
PATRICK RINGER
P O BOX 173
MODESTO CA 95353

017-011-031
PAUL ANDERSON MARSHALL
2936 CALIFORNIA AVE
MODESTO CA 95358

017-011-017
PETER DIAZ
1609 GRIMES AVE
MODESTO CA 95358

017-013-006
PHYLLIS & THOMAS GILLUM
1610 GRIMES AVE
MODESTO CA 95358

017-011-050
ROBERT EATON
1507 GRIMES AVE
MODESTO CA 95358

017-011-034
ROBERT MENDONZA
P O BOX 581876
MODESTO CA 95358

017-011-001
ROBERT MENDONZA
RT 8 2730 CALIFORNIA
MODESTO CA 95351

017-011-041
ROBERT OVERTURF
1569 GRIMES AVE
MODESTO CA 95358

017-011-043
RONALD FERN
1505 GRIMES AVE
MODESTO CA 95358

017-013-014
ROQUE SALDIVAR
6736 PANORAMA DR
RIVERBANK CA 95367

017-012-008
RUBY TEN BRINK
1521 OHIO AVE
MODESTO CA 95358

017-013-028
SHERRY HOEFER
149 BONITA CIR
MODESTO CA 95354

017-011-021
SOFIA CERVANTES
1635 GRIMES AVE
MODESTO CA 95358

017-013-016
TORY KIRKSEY
2513 COOK AVE
MODESTO CA 95358

007-049-028
URELIO D CICCARELLI
2100 CALIFORNIA AVE
MODESTO CA 95358

017-013-010
VANNA LEN
2257 BELLINGTON CT
SAN JOSE CA 95138

017-013-021
WARREN PEEK
2731 WOODLAND AVE
MODESTO CA 95358

017-012-022
WAT CAMBODIAN BUDDHIST
SOCIETY INC C/O RY KEA
649 PARADISE RD
MODESTO CA 95351

017-012-003
WILLIAM CALVIN
1411 OHIO AVE
MODESTO CA 95358

007-047-002
ZAIGER FAMILY LIMITED PTNSP
1219 GRIMES
MODESTO CA 95358

017-012-020
ZAREEN KHADER
WASIM MOHAMMAD
1528 GRIMES AVE
MODESTO CA 95358

017-012-021
ZAREEN KHADER
1506 GRIMES AVE
MODESTO CA 95358

RON WEST & ASSOCIATES
P O BOX 1166
PATTERSON CA 95363