

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

DEPT: Planning and Community Development

BOARD AGENDA # 9:15 a.m.

Urgent

Routine

AGENDA DATE May 5, 2009

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Reset the Public Hearing to Consider an Appeal of Planning Commission's Decision of Approval for Use Permit Application No. 2008-10, Turlock Golf Center from May 5, 2009 at 9:15 a.m. to May 19, 2009 at 6:35 p.m.

STAFF RECOMMENDATIONS:

Reset public hearing to consider an appeal of Planning Commission's decision of approval for Use Permit Application No. 2008-10, Turlock Golf Center to May 19, 2009 at 6:35 p.m.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-306

On motion of Supervisor Chiesa, Seconded by Supervisor Grover

and approved by the following vote,

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

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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Reset the Public Hearing to Consider an Appeal of Planning Commission's Decision of Approval for Use Permit Application No. 2008-10, Turlock Golf Center from May 5, 2009 at 9:15 a.m. to May 19, 2009 at 6:35 p.m.

**DISCUSSION:**

This appeal was originally scheduled to be heard on May 5, 2009 at 9:15 a.m.. As such, surrounding landowner notices should have been sent out on Friday, April 24, 2009 and notice published in the Modesto Bee on Saturday, April 25, 2009. Landowner notices were not sent on April 24<sup>th</sup> and were intended to be mailed on Monday, April 27<sup>th</sup>. Staff received notification from the Modesto Bee on Monday, April 27 that the public hearing notice was not published as it should have been. Because of that notification, landowner notices were not sent. Subsequently, it was discovered that the notice was published as required.

In an effort to ensure that complete and accurate public notification occurs, staff is recommending that the Board reset the public hearing for May 19, 2009 at 6:35 p.m. Letters have already been sent to the appellants, the applicant, and surrounding landowners notifying them of this proposed change in hearing date. An additional public notice of the new public hearing date and revised landowner notices will be published and mailed following an action by the Board of Supervisors.

**POLICY ISSUES:**

None.

**STAFFING IMPACT:**

None.

NOTICE OF PUBLIC HEARING  
APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT  
APPLICATION NO. 2008-10 - TURLOCK GOLF CENTER

NOTICE IS HEREBY GIVEN that on May 19, 2009 at the hour of 6:35 p.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 approval of Use Permit Application No. 2008-10 - Turlock Golf Center, a request to establish a golf driving range on a 39± acre parcel in the A-2-40 (General Agriculture) zoning district, designated as Agriculture in the County General Plan. The development will include the construction of a 1,000 square foot maintenance building, a 2,000 square foot office/pro-shop, and a covered tee area. The project is located on the north side of Taylor Road, east of Highway 99 and west of Mountain View Road, in the Turlock area. A CEQA Negative Declaration will be considered on this project. APN: 045-053-008

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: May 5, 2009

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

2009 MAY -5 1P 2:17

May 5, 2009

NOTICE OF PUBLIC HEARING

**RESET FROM MAY 5, 2009**

**NOTICE IS HEREBY GIVEN THAT** the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, May 19, 2009**, starting at **6:35 P.M.** in the Joint Chambers, 1010 10<sup>th</sup> Street, Basement Level, Modesto, California, to consider the following:

**Appeal of Planning Commission's approval of Use Permit Application No. 2008-10 - Turlock Golf Center - a request to establish a golf driving range on a 39± acre parcel in the A-2-40 (General Agriculture) zoning district. The development will include a 1,000 square foot maintenance building, a 2,000 square foot office/pro-shop, and a covered tee area. The project site is located on the north side of Taylor Road, east of Hwy 99 and west of Mountain View Road, in the Turlock area.**

**The property is further identified as Assessor's Parcel No. 045-053-008**

**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](mailto: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 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

On May 5, 2009, I served the attached Notice of Public Hearing  
(Date)

APPEAL OF PLANNING COMMISSION'S APPROVAL OF USE PERMIT APPLICATION NO. 2008-10 - TURLOCK GOLF CENTER 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 May 5, 2009, at Modesto, California.  
(Date)

Crystal D Rein  
(Type or print name)

  
Signature

**USE PERMIT APPLICATION NO. 2008-10 - TURLOCK GOLF CENTER**

Attachment A

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - STEVE TREAT	X	PUBLIC WORKS - ANGIE HALVERSON JUDY LINDSAY - DRAINAGE BILL CARDOZA - MORGAN RD TRAFFIC
X	CAL TRANS DISTRICT 10	X	PUBLIC WORKS - TRANSPORTATION
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
X	CITY OF: TURLOCK		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: KEYES
X	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: TURLOCK
X	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL	X	StanCOG
	COUNTY OF:	X	STAN CO ERC
	DEPARTMENT OF CONSERVATION Land Resources / Mine Reclamation	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES		STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: KEYES		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 2: CHIESA
X	HAZARDOUS MATERIALS	X	SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: TURLOCK		TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: TURLOCK		UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: KEYES		WATER DIST:

**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:

May 09, 2009

**NOTICE OF PUBLIC HEARING APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT APPLICATION NO. 2008-10 - TURLOCK GOLF CENTER**  
NOTICE IS HEREBY GIVEN that on May 19, 2009 at the hour of 6:35 p.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 approval of Use Permit Application No. 2008-10 - Turlock Golf Center, a request to establish a golf driving range on a 39± acre parcel in the A-2-40 (General Agriculture) zoning district, designated as Agriculture in the County General Plan. The development will include the construction of a 1,000 square foot maintenance building, a 2,000 square foot office/pro-shop, and a covered tee area. The project is located on the north side of Taylor Road, east of Highway 99 and west of Mountain View Road, in the Turlock area. A CEQA Negative Declaration will be considered on this project. APN: 045-053-008. 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: May 5, 2009. 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 May 9, 2009

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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

May 12th, 2009

(Signature)



5-5-09  
9:15am