

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-3

Urgent Routine

AGENDA DATE March 30, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on April 20, 2010, at 6:50 p.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue

STAFF RECOMMENDATIONS:

Set a public hearing on April 20, 2010, at 6:50 p.m., to consider an appeal of the Planning Commission's denial of Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue.

FISCAL IMPACT:

There is a nominal fiscal impact associated with setting this public hearing for mandatory newspaper publishing and the notification of property owners by mail. These expenses are covered by a portion of the \$607.00 Planning Commission appeal fee paid by the Applicant.

BOARD ACTION AS FOLLOWS:

No. 2010-143

On motion of Supervisor O'Brien, Seconded by Supervisor Chiesa

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

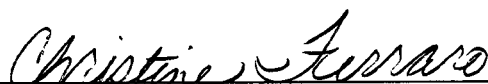
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Set a Public Hearing on April 20, 2010, at 6:50 p.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue
page 2

DISCUSSION:

All appeals of the Stanislaus County Planning Commission's Decision are filed with the Stanislaus County Board of Supervisors. Upon receiving an appeal, the Board of Supervisors places an item setting a public hearing date and time on their agenda for consideration. Once a public hearing date is approved, the Clerk of the Board is required to publish a Notice of Public Hearing in a newspaper of general circulation. The Planning and Community Development Department notifies surrounding property owners by mail, and prepares the public hearing agenda item.

On March 4, 2010, the Planning Commission, based on the inability to make the necessary findings, denied Use Permit Application No. 2009-10, Catholic Cemetery Dakota Avenue. This is a request to develop a cemetery in 4 phases on a 25.33-acre parcel in the A-2-40 (General Agriculture) zoning district. Each phase will take approximately 20 years to reach capacity. The project site is located east of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the Modesto area.

POLICY ISSUE:

Setting a public hearing to consider an appeal of the Planning Commission's decision is consistent with the Board's priority of a well-planned infrastructure system.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Christine Ferraro Tallman, Clerk of the Board of Supervisors Telephone: 209-525-4494

BOARD OF SUPERVISORS

2010 MAR 15 A 8:46

InSite
environmental, inc.

March 12, 2010

County of Stanislaus, Board of Supervisors
Attention: Christine Ferraro Tallman, County Clerk
1010 10th Street, Suite 6700
Modesto, CA 95354

Subject: Appeal of March 4th Planning Commission Decision Regarding Use Permit Application No. 2009-10 Catholic Cemetery Dakota Avenue to the Board of Supervisors

Dear Christine Ferraro Tallman:

On behalf of my client I'd like to formally appeal the March 4, 2010 Planning Commission Decision regarding Use Permit Application No. 2009-10 (Dakota Cemetery Project) to a future meeting of the Board of Supervisors.

As requested, a check in the amount of \$607 payable to Stanislaus County Planning & Community Development, along with a copy of this letter, has been forwarded to the Planning Department, to the attention of Mr. Javier Camarena.

It is the Applicant's opinion that the Planning Commission failed to recognize several key components about the project:

- 1) The unique characteristics of the proposed use and the substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site.
- 2) The pending shortage of burial space that will impact the County of Stanislaus.
- 3) The lack of opposition to the application (only **one neighbor** appeared to oppose the project as compared to 50+ supporters in attendance at the Planning Commission meeting as well as speakers that represent thousands more).

Several key members of the applicant's organization have scheduling conflicts between now and April 4th. In addition, we have numerous supporters that work during the day that would like to attend the Board of Supervisors meeting when this project is heard. We respectfully request to be put on the Board of Supervisors agenda for the night meeting scheduled for April 20th.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Smith', written in a cursive style.

Trevor Smith
Senior Project Manager
InSite Environmental, Inc.

pc: Javier Camarena, Assistant Planner
Albert Vigil, Catholic Cemeteries

InSite
environmental, inc.
BOARD OF SUPERVISORS
2010 MAR 15 A 9 27

Check No. 4022
\$ 607.00
3-15-10
Crystal D. Rein

March 12, 2010

County of Stanislaus, Board of Supervisors
Attention: Christine Ferraro Tallman, County Clerk
1010 10th Street, Suite 6700
Modesto, CA 95354

Subject: Appeal of March 4th Planning Commission Decision Regarding Use Permit Application No. 2009-10 Catholic Cemetery Dakota Avenue to the Board of Supervisors

Dear Christine Ferraro Tallman:

On behalf of my client I'd like to formally appeal the March 4, 2010 Planning Commission Decision regarding Use Permit Application No. 2009-10 (Dakota Cemetery Project) to a future meeting of the Board of Supervisors.

As requested, a check in the amount of \$607 payable to Stanislaus County Planning & Community Development, along with a copy of this letter, has been forwarded to the Planning Department, to the attention of Mr. Javier Camarena.

It is the Applicant's opinion that the Planning Commission failed to recognize several key components about the project:

- 1) The unique characteristics of the proposed use and the substantial efforts made to reduce impacts to agriculture adjacent to the site and within the site.
- 2) The pending shortage of burial space that will impact the County of Stanislaus.
- 3) The lack of opposition to the application (only **one neighbor** appeared to oppose the project as compared to 50+ supporters in attendance at the Planning Commission meeting as well as speakers that represent thousands more).

Several key members of the applicant's organization have scheduling conflicts between now and April 4th. In addition, we have numerous supporters that work during the day that would like to attend the Board of Supervisors meeting when this project is heard. We respectfully request to be put on the Board of Supervisors agenda for the night meeting scheduled for April 20th.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trevor Smith', written in a cursive style.

Trevor Smith
Senior Project Manager
InSite Environmental, Inc.

pc: **Javier Camarena**, Assistant Planner
Albert Vigil, Catholic Cemeteries



BOARD OF SUPERVISORS

*William O'Brien, 1st District
Vito Chiesa, 2nd District
Jeff Grover, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District*

1010 10th Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

March 15, 2010

InSite Environmental, Inc.
Attn: Trevor Smith
6653 Embarcadero Dr. Ste Q
Stockton, CA 95219

RE: Appeal of Planning Commission's Denial of Use Permit Application No. 2009-10
– Catholic Cemetery Dakota Avenue

Dear Mr. Smith:

We received your Letter of Appeal, on behalf of your clients, regarding the Planning Commission's denial of Use Permit Application No. 2009-10. An item requesting the Board of Supervisors schedule a public hearing on Tuesday, **April 20, 2010 at 6:50 p.m.**, to consider this appeal, will be on the Board of Supervisors' March 30, 2010 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



CLERK OF THE BOARD OF SUPERVISORS

Christine Ferraro Tallman

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

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF USE PERMIT
APPLICATION NO. 2009-10 – CATHOLIC CEMETERY DAKOTA AVENUE

NOTICE IS HEREBY GIVEN that on April 20, 2010 at the hour of 6:50 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 denial of Use Permit Application No. 2009-10 – Catholic Cemetery Dakota Avenue, a request to develop a cemetery in four (4) phases on a 25.33-acre parcel in the A-2-40 (General Agriculture) zoning district. Each phase will take approximately 20 years to reach capacity. The project site is located east of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the Modesto area. A CEQA Negative Declaration will be considered. APN: 076-032-011.

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: March 30, 2010

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 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:

Apr 09, 2010

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE. NOTICE IS HEREBY GIVEN that on April 20, 2010 at the hour of 6:50 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 denial of Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue, a request to develop a cemetery in four (4) phases on a 25.33-acre parcel in the A-2-40 (General Agriculture) zoning district. Each phase will take approximately 20 years to reach capacity. The project site is located east of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the Modesto area. A CEQA Negative Declaration will be considered. APN: 076-032-011. 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: March 30, 2010. 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 Apr 9, 2010

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

April 9th, 2010

(Signature)

Marie Hickman