

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

DEPT: Board of Supervisors

BOARD AGENDA# *A-5

Urgent _____ Routine X

AGENDA DATE January 30, 2001

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO _____

SUBJECT: APPROVAL TO SET A PUBLIC HEARING ON FEBRUARY 13, 2001 AT 9:30 A.M. TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF PARCEL MAP APPLICATION NO. 2000-05 AND VARIANCE NO. 2000-03 – JUDITH AND LOUIS LOMBARDI

STAFF RECOMMENDATIONS:

1. APPROVE SETTING A PUBLIC HEARING ON FEBRUARY 13, 2001 AT 9:30 A.M. TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF PARCEL MAP APPLICATION NO. 2000-05 AND VARIANCE NO. 2000-03 – JUDITH AND LOUIS LOMBARDI

FISCAL IMPACT: None.

BOARD ACTION

No. 2001-57

On motion of Supervisor Simon, Seconded by Supervisor Blom

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

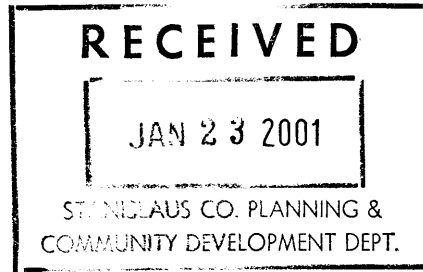
Motion:

ATTEST: REAGAN M. WILSON, Clerk By: Christine Ferraro Deputy

File No.



January 23, 2001



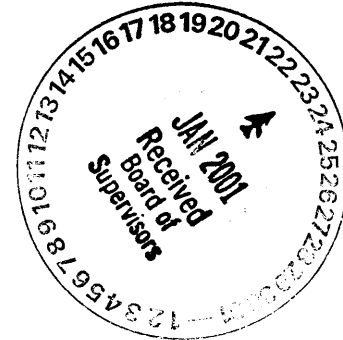
2M
1-23-01
ck#1539
#1249
Rec.

JOB NO. 00-18

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6700
Modesto, Ca 95354

Attn: Christine Ferraro Tallman, Clerk of the Board

Subject: Parcel Map Application No. 2000-25 and Variance
No. 2000-03 – Judith and Louis Lombardi



Dear Ms. FerraroTallman,

On January 18, 2001, the Stanislaus County Planning Commission, by a 5-3 split vote, denied our request on the above application.

We respectfully request an audience before the Stanislaus County Board of Supervisors to appeal that decision.

We believe that there are special circumstances in the areas of soils and topography which qualify this application for approval. It is our belief that all of the findings can be made to grant this Variance Application No. 2000-03 and approve the Vesting Tentative Parcel Map No. 2000-25.

Please inform us of the date for the public hearing before the Board of Supervisors.

I have attached the appeal fee in the amount of \$375.00.

Thank you for your cooperation in this request.

Sincerely,

Dennis E. Wilson

DEW/chw

cc: Angela Frietas, Associate Planner
Louis and Judith Lombardi

Roy A. Galli
R.C.E. 16,024

Dennis E. Wilson
Planning Consultant

P.O. Box 1448
Modesto, California
95353

phone 209.491.7620
fax 209.491.7626



BOARD OF SUPERVISORS

Pat Paul, 1st District
Thomas W. Mayfield, 2nd District
Nick W. Blom, 3rd District
Raymond Clark Simon, 4th District
Paul W. Caruso, 5th District

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

January 25, 2001

Attn.: Dennis Wilson
Horizon Consulting Services
P.O. Box 1448
Modesto, CA 95353

RE: Appeal of the Planning Commission's Denial of Parcel Map Application No. 2000-05
and Variance No. 2000-03 – Judith and Louis Lombardi

Dear Mr. Wilson:

This is to inform you that we received your letter on January 23, 2001, requesting an appeal of the Planning Commission's denial of Parcel Map Application No. 2000-05 and Variance No. 2000-03 – Judith and Louis Lombardi. An item will be going before the Board of Supervisors on January 30, 2001 requesting approval to set a Public Hearing on **February 13, 2001 at 9:30 a.m.** to consider this appeal.

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

Sincerely,

Lillie L. Farriester
Assistant Clerk
Board of Supervisors

Cc: Planning and Community Development
Louis and Judith Lombardi

PLANNING
DEPT.

01/23/01 5:05PM
000E#1249

PLA PMTS \$315.00
BOARD \$60.00

ITEMS 20
CHECK \$375.00

NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S DENIAL OF
PARCEL MAP APPLICATION NO. 2000-05 AND VARIANCE
NO. 2000-03 - JUDITH AND LOUIS LOMBARDI

NOTICE IS HEREBY GIVEN that on February 13, 2001 at the hour of 9:30 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: 1. VAR 2000-03 & PM 2000-25 - JUDITH & LOUIS LOMBARDI. A request to create one 3.0 ac. par. and a 98.4 ac. remainder par. thru the merger and resubdivision of 2 existing parc. of 36.0 and 62.0 ac. in size. A variance is requested to create a parc. less than the 40 ac. min. zoning requirement. No new uses are being proposed. The property is located on Pellerin Rd., in the Waterford area. A Mitigated Negative Declaration will be considered. APN: 019-02-05 & 06.

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 30, 2001

ATTEST: REAGAN WILSON, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Lillie L. Farriester, Assistant Clerk

DECLARATION OF PUBLICATION

(C.C.P. S2015.5)

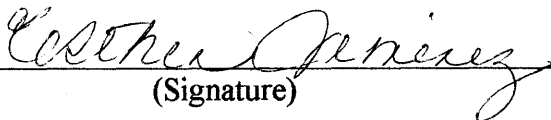
**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

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 entitled matter. I am the printer and principal clerk of the publisher of THE MODESTO BEE, printed and published 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 thereof and not in any supplement thereof on the following dates, to wit:

FEBRUARY 3, 2001

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

**FEBRUARY 3, 2001
(Date)**


(Signature)

**NOTICE OF PUBLIC HEARING
APPEAL OF THE PLANNING COMMISSION'S
DENIAL OF PARCEL MAP APPLICATION
NO. 2000-05 AND VARIANCE NO. 2000-03
- JUDITH AND LOUIS LOMBARDI**

NOTICE IS HEREBY GIVEN that on February 13, 2001 at the hour of 9:30 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: 1. VAR 2000-03 & PM 2000-25 - JUDITH & LOUIS LOMBARDI. A request to create one 3.0 ac. par. and a 98.4 ac. remainder par. thru the merger and resubdivision of 2 existing parc. of 36.0 and 62.0 ac. in size. A variance is requested to create a parc. less than the 40 ac. min. zoning requirement. No new uses are being proposed. The property is located on Pellerin Rd., in the Waterford area. A Mitigated Negative Declaration will be considered. APN: 019-02-05 & 06.

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 30, 2001

**ATTEST: REAGAN WILSON, Clerk of
the Board of Supervisors of the County
of Stanislaus, State of California.**

BY: Lillie L. Farriester, Assistant Clerk

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that:

I am employed in the County of Stanislaus, California.
(County where mailing occurred)

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

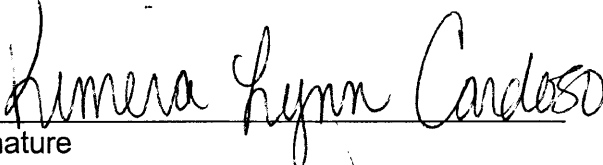
On FEBRUARY 2, 2001, I served the attached Notice of Public Hearing
(Date)

APPEAL OF PLANNING COMMISSION DECISION FOR VARIANCE NO. _____ on the parties listed
2000-03 AND PARCEL MAP NO. 2000-25 - JUDITH & LOUIS LOMBARDI
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 FEBRUARY 2, 2001, at Modesto, California.
(Date)

KIMERA LYNN CARDOSO
(Type or print name)


Signature



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
Phone: 209.525.6330 Fax: 209.525.5911

February 2, 2001

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, February 13, 2001**, starting at **9:30 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

APPEAL OF PLANNING COMMISSION DECISION FOR VARIANCE APPLICATION NO. 2000-03 AND PARCEL MAP APPLICATION NO. 2000-25 - JUDITH & LOUIS LOMBARDI - Request to create one 3.0 acre parcel and a 98.4 acre remainder parcel through the merger and resubdivision of two existing parcels of 36.0 and 62.0 acres in size. The property is located on Pellerin Road, in the Waterford area.

The property is further identified as Assessor's Parcel No. 019-02-05 and 019-02-06

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.

Any written material, photographs, or other new information which you intend to present regarding this application should be submitted to this office ten days prior to the meeting. Presenting such information for the first time at the public hearing may lead to a continuance because Supervisors and other concerned parties may not be able to adequately review such new information during a meeting.

Materials submitted to the Board 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, at or prior to, the public hearing.