

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 July 12, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for July 26, 2011 at 9:15 a.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2010-04, Hartsog

STAFF RECOMMENDATIONS:

1. Set a public hearing for July 26, 2011 at 9:15 a.m. to consider Planning Commission's recommendation for approval of Rezone Application No. 2010-04, Hartsog, a request to rezone a .45 acre site from P-D (Planned Development) to a new Planned Development at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres, APN: 038-043-037.
2. Authorize the Clerk of the Board to publish the Public Hearing Notice as required by law.

FISCAL IMPACT:

There are no fiscal impacts associated with setting the public hearing. Impacts associated with the rezone will be evaluated and included in the subsequent report for the public hearing.

BOARD ACTION AS FOLLOWS:

No. 2011-423

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
and approved by the following vote,

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

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

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-O-2

DISCUSSION:

On September 17, 1991, the Board of Supervisors approved General Plan Amendment 91-05 and Rezone 91-04 - Alvie K. Hartsog amending the General Plan use designation from Low Density Residential to Commercial and rezoning the property from R-1 (Single-Family Residential) to P-D (188) (Planned Development), only allowing for operation of a large child care facility for a maximum of 45 children.

This is a request to rezone a .45 acre site from P-D (188) (Planned Development) to a new P-D zone to allow more permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight (8) residents.

On September 17, 1991, the Board of Supervisors approved General Plan Amendment 91-05 and Rezone 91-04 - Alvie K. Hartsog amending the General Plan use designation from Low Density Residential to Commercial and rezoning the property from R-1 (Single-Family Residential) to P-D (188) (Planned Development), allowing for operation of a large child care facility for a maximum of 45 children.

The site is located at 1300 Bystrum Road, on the southeast corner of Bystrum Road and Eugene Avenue, northwest of the City of Ceres. The building is an existing child care facility and is approximately 3,600 square feet in size. No building expansion is proposed with this application. The project site has been used as a child care facility since P-D (188) (the current zoning designation) was established (1991). This project is located within the Local Agency Formation Commission (LAFCO) adopted Sphere of Influence (SOI) for the City of Ceres. The site currently has nine (9) on-site parking spaces. The surrounding land uses are: single-family residential homes to the north and east; a vacant commercial lot to the south (zoned Highway Frontage); and a State Route 99 on-ramp, State Route 99, and the Union Pacific Railroad to the west.

On June 2, 2011, the Planning Commission held a public hearing and on a 6-0 (Navarro/Ramos) vote recommended the Board of Supervisors approve the request with removal of Development Standard Nos. 14 and 15 (separate guest room for each tenant and connection public sewer).

At this time, this item simply sets the date and time for a hearing on the matter before the Board of Supervisors to consider the proposed request.

POLICY ISSUES:

The Board of Supervisors should determine if setting a hearing for the proposed rezone furthers the goals of Efficient Delivery of Public Services.

Approval to Set a Public Hearing for July 26, 2011 at 9:15 a.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2010-04, Hartsog
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STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Bill Carlson, Senior Planner. Telephone: (209) 525-6330

Kirk Ford, Planning & Community Development Director. Telephone: (209) 525-6330



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
REZONE APPLICATION NO. 2010-04
HARTSOG**

NOTICE IS HEREBY GIVEN that on July 26, 2011, 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, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to rezone a .45 acre site from P-D (Planned Development) to a new Planned Development to allow the following as permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight residents. The property is zoned P-D (188) and is located at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres, APN: 038-043-037. The project is CEQA Exempt.

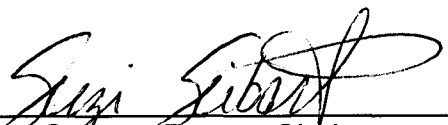
NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may 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: July 12, 2011

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

BY:


Suzi Seibert, Deputy 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:

Jul 16, 2011

NOTICE OF PUBLIC HEARING
REZONE APPLICATION NO. 2010-04
HARTSOG

NOTICE IS HEREBY GIVEN that on July 26, 2011, 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, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to rezone a.45 acre site from P-D (Planned Development) to a new Planned Development to allow the following as permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight residents. The property is zoned P-D (188) and is located at 1300 Bystrom Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres, APN: 038-043-037. The project is CEQA Exempt.

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: July 12, 2011. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Suzi Seibert, Deputy Clerk
Pub Dates July 16, 2011

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

July 18th, 2011

(By Electronic Facsimile Signature)

Marie Dieckmann



BOARD OF SUPERVISORS

2011 JUL 15 P 2:21

July 15, 2011

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, July 26, 2011**, starting at **9:15 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

Planning Commission's recommendation for approval of REZONE APPLICATION NO. 2010-04 - A request to rezone a .45 acre site from P-D (Planned Development) to a new Planned Development to allow the following as permitted uses: child care facility; senior care residential facility; senior assisted care facility; and rooming house. The senior care residential and senior assisted care facilities would allow up to 15 beds total. The rooming house would allow up to eight residents. The property is zoned P-D (188) and is located at 1300 Bystrum Road, between Eugene and Joyce Avenues, in the Sphere of Influence of the City of Ceres.

The property is further identified as Assessor's Parcel No. 038-043-037

This project is exempt from CEQA.

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 July 15, 2011, I served the attached Notice of Public Hearing:
(Date)

REZONE APPLICATION NO. 2010-04 - HARTSOG 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 July 15, 2011, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

REZONE APPLICATION NO. 2010-04 - HARTSOG

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
X	CAL TRANS DISTRICT 10	X	PUBLIC WORKS - DAVID LEAMON
	CEMETERY DISTRICT	X	RAILROAD: UNION PACIFIC
	CENTRAL VALLEY FLOOD PROTECTION	X	REDEVELOPMENT SCRC
X	CHIEF EXECUTIVE OFFICE	X	REGIONAL WATER QUALITY CONTROL
X	CITY OF: CERES		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: MODESTO
X	COOPERATIVE EXTENSION		SCHOOL DIST 2:
	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL		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	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: INDUSTRIAL		STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 5: DeMARTINI
X	HAZARDOUS MATERIALS	X	SURROUNDING LAND OWNERS <i>(on file w/the Clerk to the Board of Supervisors)</i>
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: TURLOCK		TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: TURLOCK	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: SOUTH MODESTO		WATER DIST:

HARTSOG
REZ 2010-04
APN: 038-043-037

NADINE AVE

EUGENE AVE

JOYCE AVE

HWY 99 (ON RAMP) N

HWY 99 (OFF RAMP) S

BYSTRUM RD

S 9TH ST

HWY 99 (ON RAMP) N

HWY 99

66 YMH

S 7TH ST



LANDOWNER NOTIFICATION AREA

April 26, 2011

