

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

DEPT: Planning and Community Development Af

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE July 29, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on August 19, 2008 at 6:40 p.m. to Consider the Planning Commission's Recommendation for Approval of General Plan Amendment #2007-03 and Rezone Application #2007-03, The Fruit Yard

STAFF RECOMMENDATIONS:

Set a Public Hearing on August 19, 2008 at 6:40 p.m. to consider the Planning Commission's recommendation for approval of General Plan Amendment #2007-03 and Rezone Application #2007-03, The Fruit Yard, a request to amend the General Plan designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development) on a 45+/- acre site. This would authorize a Development Plan for the Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing fueling facilities, construction of a 3,000 square foot retail shell building, a 322 space RV/Boat storage, a 66 space travel trailer park, a new facility for fruit packing, and a 2.00 acre site for retail tractor sales on property located at 7948 Yosemite Boulevard/Highway 132 east of the community of Empire and west of the City of Waterford. Outdoor events and entertainment are proposed to be held on the park site.

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-563

On motion of Supervisor Grover, 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) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-H-8

NOTICE OF PUBLIC HEARING FOR
GENERAL PLAN AMENDMENT APPLICATION #2007-03
REZONE APPLICATION #2007-03
THE FRUIT YARD

NOTICE IS HEREBY GIVEN that on August 19, 2008, at 6:40 p.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider the Planning Commission's recommendation for approval of GPA #2007-03 and Rezone #2007-03, The Fruit Yard, a request to amend the General Plan designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development) on a 45+/- acre site. This would authorize a Development Plan for the Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing fueling facilities, construction of a 3,000 square foot retail shell building, a 322 space RV/Boat storage, a 66 space travel trailer park, a new facility for fruit packing, and a 2.00 acre site for retail tractor sales on property located at 7948 Yosemite Boulevard/Highway 132 east of the community of Empire and west of the City of Waterford. Outdoor events and entertainment are proposed to be held on the park site. APN: 009-027-004. The Board of Supervisors will consider a CEQA Mitigated Negative Declaration for this project.

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 29, 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



BOARD OF SUPERVISORS

2008 AUG -8 P 3: 131

August 8, 2008

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, August 19, 2008**, starting at **6:40 P.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

Planning Commission's recommendation for approval of General Plan Amendment #2007-03 and Rezone Application #2007-03, The Fruit Yard, a request to amend the General Plan designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development) on a 45+/- acre site. This would authorize a Development Plan for the Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing fueling facilities, construction of a 3,000 square foot retail shell building, a 322 space RV/Boat storage, a 66 space travel trailer park, a new facility for fruit packing, and a 2.00 acre site for retail tractor sales on property located at 7948 Yosemite Boulevard/Highway 132 east of the community of Empire and west of the City of Waterford. Outdoor events and entertainment are proposed to be held on the park site.

The property is further identified as Assessor's Parcel No. 009-027-004

The Board of Supervisors will also consider approval of a Mitigated 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 August 8, 2008, I served the attached Notice of Public Hearing
(Date)


GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03 & REZONE APPLICATION NO.

2007-03 - THE FRUIT YARD 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 August 8, 2008, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

**GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03 & REZONE APPLICATION NO. 2007-03 -
THE FRUIT YARD
Attachment A**

Distribution List

X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
X	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - DENNIS WISTER	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: MODESTO & WATERFORD		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)	X	SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: EMPIRE
X	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: MODESTO
X	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL	X	StanCOG
	COUNTY OF:	X	STAN CO ERC
X	DEPARTMENT OF CONSERVATION Land Resources (certified)	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: STANISLAUS CONSOLIDATED	X	STATE LANDS COMMISSION
X	FISH & GAME	X	SUPERVISOR DIST 1: O'BRIEN
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: MODESTO	X	TRIBAL CONTACTS
X	LAFCO	X	TUOLUMNE RIVER TRUST
X	MOSQUITO DIST: EASTSIDE	X	UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES	X	US FISH & WILDLIFE
	MUNICIPAL ADVISORY COUNCIL:	X	WATER DIST: DEL ESTE

GPA 2007-03 REZ 2007-03 – THE
FRUIT YARD PC LON Labels
(CDR)

009-013-015
CLARENCE W SMITH
7761 YOSEMITE BLVD
MODESTO CA 95357

009-013-021
GINO MASELLIS
119 ALBERS RD
MODESTO CA 95357

009-030-003
JASPAL S RAI
449 SHIRE WAY
MODESTO CA 95356

009-027-009
MARIANNE ZADEK
1220 SYCAMORE AVE
MODESTO CA 95350

009-014-019
MICHAEL NELSON
236 ALBERS RD
MODESTO CA 95357

009-030-004
TED GONSALVES
P O BOX 575
GRAND RIDGE FL 32442

DAVID O ROMANO
1020 10TH ST STE 310
MODESTO CA 95354

009-027-002
BAUMAN PROPERTIES
3045 MERLE AVE
MODESTO CA 95355

009-012-006
DOMINIC DE PALMA
7401 YOSEMITE BLVD
MODESTO CA 95351

009-027-010
JAMES ANDERSON
2386 LOMA PARK DR
SAN JOSE CA 95124

009-014-023
JESSE L WELCH SR
BOX 1180
EMPIRE CA 95319

009-014-027
MARION CRAWFORD
8119 YOSEMITE BLVD
MODESTO CA 95357

009-014-020
ROBERT DANIELS
312 ALBERS RD
MODESTO CA 95357

009-027-004
THE FRUIT YARD
7948 YOSEMITE BLVD
MODESTO CA 95357

009-013-007
CH BAPTIST GERMAN
BRETHREN
338 BENT RD
MODESTO CA 95357

009-027-008
ELDON KIDD
442 JOHANSEN RD
MODESTO CA 95357

009-013-011
JAMES BONZI
7801 YOSEMITE BLVD
MODESTO CA 95357

009-014-028
LOUIS MEDEIROS
8201 YOSEMITE BLVD
MODESTO CA 95357

009-014-021
MARTIN NICKOLAUSON
260 ALBERS RD
MODESTO CA 95357

009-029-015
STANISLAUS COUNTY OF
P O BOX 86
CROWS LANDING CA 95313

ASSOCIATED ENGINEERING
4206 TECHNOLOGY DRIVE
MODESTO CA 95356

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

BOARD OF SUPERVISORS

2008 AUG 13 P 3:41

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:

AUGUST 9, 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

AUGUST 9, 2008


(Signature)

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FOR GENERAL PLAN AMENDMENT
APPLICATION #2007-03
REZONE APPLICATION #2007-03
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BY ORDER OF THE BOARD OF SUPERVISORS
DATED: July 29, 2008
ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the County of Stanislaus, State of California
BY: Elizabeth A. Kings, Assistant Clerk
AUGUST 9, 2008

7/29/08 *D-1

ORD-55-14-8