

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 February 11, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on February 25, 2014, at 9:05 a.m. to Consider the Planning Commission's Recommendation for Approval of Rezone Application No. PLN2013-0092 - E & J Gallo Winery

STAFF RECOMMENDATIONS:

1. Set a public hearing on February 25, 2014, at 9:05 a.m. to consider the Planning Commission's recommendation for approval of Rezone Application No. PLN2013-0092 - E & J Gallo Winery, a request to amend the zoning designation of 4.59± acres from R-2 (Medium Density Residential) to M (Industrial) located on various parcels on the west side of Santa Rita Avenue, south of Yosemite Boulevard (Hwy 132) and north of Tenaya Drive, in the Sphere of Influence of the City of Modesto; and to consider the introduction, waiving of the reading, and adoption of the proposed rezone ordinance upon approval.
2. Authorize the Clerk of the Board to publish a notice of hearing as required by law.

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2014-54

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

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

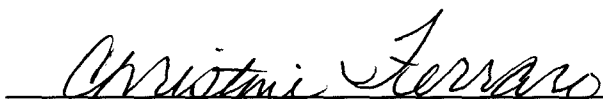
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-S-3

Approval to Set a Public Hearing on February 25, 2014, at 9:05 a.m. to Consider the Planning Commission's Recommendation for Approval of Rezone Application No. PLN2013-0092 - E & J Gallo Winery
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DISCUSSION:

This is a request to amend the zoning designation of 4.59± acres from R-2 (Medium Density Residential) to M (Industrial). If approved, the rezone would enable the applicant to construct parking lots in support of a new office building on the E & J Gallo Winery campus.

E & J Gallo (Gallo) currently owns almost all of the parcels within the project area except for three, two of which are currently in escrow. The applicant is currently working with the remaining land owner to purchase the final parcel.

The applicant is unable to include the non-Gallo owned properties in its application; however, the County has the ultimate authority to rezone property and can include the non-Gallo properties as part of the rezone if the County determines that inclusion is consistent with the General Plan.

The application was heard by the Stanislaus County Planning Commission at its regularly scheduled public hearing on January 16, 2014, and on a 5-1 vote, recommended that the Board of Supervisors approve the request.

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

POLICY ISSUES:

The proposed rezone furthers the Board's priorities of A Well Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the proposed rezone application.

CONTACT PERSON:

Angela Freitas, Planning and 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 FOR
REZONE APPLICATION NO. PLN2013-0092
E & J GALLO WINERY**

NOTICE IS HEREBY GIVEN that on February 25, 2014, at 9:05 a.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 Planning Commission's recommendation for approval of a request to amend the zoning designation of 4.59± acres from R-2 (Medium Density Residential) to M (Industrial). The project site is located on the west side of Santa Rita Avenue, south of Yosemite Boulevard (Hwy 132) and north of Tenaya Drive, in the Modesto area. The project site is further identified as Assessor Parcel Numbers; 035-003-007 thru 011, 035-004-011 thru 023.

This NOTICE also serves as a NOTICE OF INTENT to adopt a Negative Declaration for the 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: February 11, 2014

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:

Feb 15, 2014

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING FOR
REZONE APPLICATION NO.
PLN2013-0092
E & J GALLO WINERY

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: February 11, 2014. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Asst. Clerk

Pub Dates Feb 15, 2014

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 15th, 2014

(By Electronic Facsimile Signature)



Carmine Casco