

THE BOARD OF SUPERVISORS
OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Regular Session

Tuesday

November 16, 1999

All Supervisors Present

Pledge of Allegiance to the Flag

Todd Ogle spoke regarding HSA Director mismanagement of funds for healthcare and requested the removal of the HSA Director

Raymond Ontovarious spoke regarding the Modesto Tallow Plant and allowing the growth near the plant

Lana Aquaces spoke regarding the CPS investigation of Ray Paul and requested the Board to look into the matter

Ray Paul spoke regarding the allegation by the Sheriff's Department and the CPS

Miguel Denoso spoke requesting the District Attorney to investigate the health issues surrounding the Modesto Tallow Plant

Donna Crowder spoke regarding CPS cover-up of cases and requested CPS to be taken out of the hands of the County

B/P unan. Adopted the consent calendar

Approved minutes for 11/9/99

Accepted the resignation of Dr. Garza from the Stanislaus County Children and Families First Commission 1999-897

Accepted the resignation of Gwendalyn McHale from the Commission on Aging 1999-898

Appointed Mary Lou Cornwell to the Commission on Aging 1999-899

Authorized the Mental Health Director to sign an agreement with the California Mental Health Directors Association and Zellerbach Family Fund for a Mental Health Employment Policy Initiative to Improve Employment Opportunities for Adults and Youth With Serious Mental Illness; authorized the Mental Health Department to act as fiscal agent for the Mental Health Employment Policy Initiative; authorized the acceptance of grant funds from Zellerbach Family Fund; and, authorized the Auditor-Controller to make the appropriate budget adjustments - Mental Health 1999-900

Authorized the Treasurer/Tax Collector to sign and enter into an agreement with the Employment Development Department to produce and provide to the County Wage, Claim, Employer and Client Address Data for the period of 7/1/99 through 6/30/2002 1999-901

Approved 2 purchase agreements to acquire road right of way at the northwest and northeast corners of the intersection of Claribel Road and Oakdale Road for the improvement of that intersection; authorized the Chairman to execute the agreements; authorized the Auditor-Controller to increase appropriations by \$46,000 in the Project's Right of Way Account; and, authorized the Auditor-Controller to issue a warrant for the purchase amount of \$20,000 payable to Fidelity National Title Company

Approved annexation of the territory to the Almond Wood Estates Lighting District without an election - (Oakmoore Estates Lighting District) is owned by the petitioner, and that petitioner's ownership

represents 100% of the total assessed valuation of all taxable property within the territory proposed to be annexed into the said district; find that Stanislaus County C.S. 21.40.040 requires the installation of a street lighting system to serve territory; find that the territory proposed to be annexed is not within the limits of any other lighting district; find that public necessity and welfare require that the territory be annexed to the lighting district; ordered that the requirements of notice, hearing and election shall not be applicable to this proceeding pursuant to Streets and Highways Code Section 19056; ordered that the territory shall be annexed to the Almond Wood Estates Lighting District of Stanislaus County; find the fact of filing of the petition was received by the Clerk of the Board on 10/29/99; ordered that pursuant to the Streets and Highway Code Section 19000, et seq., the cost of conducting and maintaining the lighting district shall be assessed against the individual parcels of land within the District's boundaries; directed the Clerk of the Board to send a certified copy of the resolution ordering the annexation to the Lighting District to the Department of Public Works, the offices of the Assessor, Elections, Auditor-Controller and the Clerk-Recorder; and, directed the Department of Public Works to send a certified copy of the resolution ordering the annexation to the Lighting District and all other required documents and the processing fee to the State Board of Equalization

1999-903

B/P unan. Accepted the update report on the Public Works Road Division Entrepreneurial Team Process (ETP)

1999-904

P/B unan. Denied appeal and upheld the Planning Commission's approval for Vesting Tentative Subdivision Map Application #99-03 - Hillsborough Estates; based upon the staff report and attachments to the reports, as well as all testimony, both oral and documentary presented by staff and other persons providing testimony, the Board finds that a traffic engineer on behalf of the applicant prepared a written response to the concerns raised by persons appealing this matter; the Board has reviewed and concurs with the statements and position of the traffic engineer and comments by the engineer; the Board finds that the proposed project does not appear to result in significantly increased vehicle trips or traffic congestion; that is, only 23 new residential lots are proposed; the Board finds that the traffic study determined that both key intersections currently have a.m and p.m. peak hours LOS conditions in the acceptable range and that both intersections currently carry volumes in the average and peak a.m. and p.m. hours that are high enough to meet the CalTrans peak-hour warrant for signalizations; the Board finds the Department of Public Works has provided a series of conditions of approval that show less significant impacts occur; the Board finds that an engineer for the applicant has indicated that both on-site and redirected off-site drainage water can be handled within the design of the existing drainage basins; the Board finds that the California Diversity Database from June 1999 does not list any state or federally listed threatened, endangered, or special status species on or adjacent to the project site; or that the nearest next known Swainson's Hawk is some distance away, over 10 miles away near Escalon; the Board finds that it does not appear that this Project will result in impacts to endangered species or habitats locally designated species or wildlife; the Board finds that mitigation measure #2 requires the applicant to prepare an Oak Tree Management Plan prior to recording the final map in accordance with this requirement, and that a raptor nest production plan will be included in the Oak Tree Management Plan; the Board further finds that there is not sufficient evidence to indicate that any of the findings requiring denial set forth in Staff Report page 17 can be made; the Board further finds that based upon the initial study, the Project does not have the potential to degrade the quality of the environment; the Board finds that the Project will not have a detrimental effect upon any of the short or long-term environmental goals; the Board finds that the Project will not have environmental impacts which will cause substantial adverse effects or significant effect on the environment; the Board finds that the construction of the Project shall comply with standardized dust controls adopted by the San Joaquin

Valley Air Pollution Control District; the plan must be reviewed and approved by the Stanislaus County Planning Department and California Department of Fish and Game prior to recording the final map; the developer shall pay all public facility fees and fire fees adopted by resolution of the Board; the Board ordered the filing of the Negative Declaration, find that all significant impacts have been mitigated at levels non significant and find the project to be “de Minimis” for the purposes of the Fish and Game Codes; and, approved Vesting Map Application #99-03 - Hillsborough Estates, subject to the conditions of approval
1999-905

Recessed at 10:00 p.m.

Reconvened at 10:15 p.m.

B/P unan. The Board grants the appeal by the applicant and declares and finds that a negative declaration for the proposed General Plan Amendment and Rezone of 40 acres of the Southeast Corner of Kiernan Avenue and Stoddard Road is appropriate; the Board bases this decision on arguments provided by the applicant supporting their appeal, and including, but not limited to, the letter dated 11/10/99, by David Romano to CEO Reagan Wilson and all testimony received at the meeting; the Board finds that all impact levels are considered to be non-significance, is proposed to be planned industrial; the Board finds that the traffic study prepared by applicant’s engineers established that this Project will not degrade the LOS of neighboring roadways below the desirable level of significance contained in the general plan; the Board finds that the Project will not have a significant impact on air quality and that permitted uses will be limited to those in Planned Industrial and that all-required permits to construct or permits to operate shall be obtained from the San Joaquin Valley Air Pollution Control District; the Board finds that in evaluating this Project on a case-by-case basis that the Board has determined that this Project will not have a significant adverse effect on the environment; the Board finds that the site is contained within the area of City of Modesto’s Urban Area General Plan, and is contained within the City of Modesto’s Kiernan Business Park Specific Plan; the Board finds that this property has been addressed in two previously prepared environmental impact reports and is within the preferred alternative of the Salida Community Plan Update, and that each of those documents mentioned above that this particular land has been considered as planned industrial or business park; the Board finds that the Project site has municipal sewer and water service available to it, and that under LAFCO guidelines and state law, the site can be served with urban services without the requirement for annexation to a special district or city; the Board finds that the land is adjacent to developed, planned industrial park and that industrial roadway has been constructed along a substantial portion of the Project’s western boundary; Board finds that the loss of this particular agriculture land does not constitute a significant environment impact because of its location and future planned industrial designation; and, the Board grants the appeal and the matter will be referred to the Planning Department to prepare and file a negative declaration and further processing of the application
1999-906

Acknowledged receipt of claims and referred to the CEO-Risk Management the following claims: Oakdale Irrigation District; South San Joaquin Irrigation District; James Trujillo; and, Joseph Bruggeman

The Director of DER and the District Attorney gave a verbal update report on Modesto Tallow Plant

Adjourned at 10:45 p.m.

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

BY: CHRISTINE D. FERRARO TALLMAN, Clerk of the Board of Supervisors
(The above is a summary of the minutes of the Board of Supervisors. Complete minutes are available
from the Clerk of the Board's Office.)