

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

Regular Session

Tuesday

April 15, 2003

All Supervisors Present

Pledge of Allegiance to the Flag

Marcie Powell has requested that an ordinance be adopted regulating taco trucks.

A resolution proclaiming April as Child Abuse Prevention Month was presented to Nancy Oliva, Co-Chair of the Child Abuse Prevention Committee.

C/P unan. Adopted the consent calendar

- \*A1 Approved the minutes of 4/8/03
- \*A2 Accepted a vacancy on the Industrial Fire District Board 2003-334
- \*A3 Proclaimed 5/12-16/03 as Jury Appreciation Week 2003-335
- \*B1 Amended Article V of the Animal Advisory Board by-laws changing the meeting date from the first Wednesday of each month to the first Friday of each month – Animal Services  
BD-49-A-4 2003-336
- \*B2 Approved receipt of the grant from the Governor’s Office of Emergency Services for the Supplemental Grant for Operations Planning in the amount of \$133,594 and directed the Auditor-Controller to establish a new interest-bearing Special Revenue Fund Budget Unit and establish appropriations and carryover all unused appropriations to FY 2003-04  
2003-337
- \*B3 Authorized CSA to submit a request for an Able-Bodied Adults Without Dependent Children (ABAWD) Waiver of Work Requirement/Time Limitations in the Food Stamp Program – CSA 2003-338
- \*B4 Authorized the DA’s office to close during the noon hour between 12:00 P.M. and 1:00 P.M. 2003-339
- \*B5 Approved contract with the California Department of Health Services for Medi-Cal Administrative Activities (MAA) for the period 7/1/03 through 6/30/06 and authorized the HSA Managing Director, or her Designee, to sign the contract – HSA 2003-340
- \*B6 Authorized the Sheriff to utilize Criminal Justice Facilities Funds to upgrade the wiring and network capabilities at the Downtown Men’s Jail and directed the Auditor-Controller to increase Appropriations and Estimated Revenues by \$34,820 – Sheriff 2003-341
- \*B7 Authorized the Sheriff to purchase a replacement refrigerated food delivery van; authorized the Purchasing Agent to obtain bids on behalf of the Sheriff’s Department and make the award to the lowest bidder that meets the minimum specifications; and, directed the Auditor-Controller to increase appropriations in the amount of \$80,000 2003-342
- \*C1 Adopted a resolution to summarily vacate two public utility easements off Codoni Avenue, east of Modesto – PW 2003-343
- \*C2 Authorized the Auditor-Controller to increase Appropriations and Estimated Revenue by \$22,234.01 for road & bridge operations – PW 2003-344
- \*D1 Set a public hearing on 5/6/03 at 9:25 a.m. for Rezone Application #2002-11, The Auto Prestige – Planning ORD-54-N-1 2003-345

**\*E1** Introduced and waived the first reading of Ordinance C.S. 836 to amend section 6.68.030 of the County Code relating to itinerant vendor permits – County Counsel

ORD-54-N-2 2003-346

M/G unan. **B8** Approved proceeding with the 12<sup>th</sup> Street Office and Parking Garage Project; approved the project budget and funding plan and authorized the Auditor-Controller to make the necessary transfers; awarded the Abatement/Demolition contract on the 12<sup>th</sup> Street Project to Delta Oilfield Services, Inc. and authorized the Project Manager to issue a Notice to Proceed upon compliance with contract requirements; approved the Plans and Specifications (final design documents) for the 12<sup>th</sup> Street Project, Bid Package 2, construction; set 5/21/03 at 2:30 p.m. as the date and time for opening bids; authorized the CEO to issue a request for bids and to advertise; and, authorized the CEO to negotiate and execute agreements or work authorizations for professional services provided the contracts or work authorizations are within the Project Budget for the next phases of the work

2003-347

C/P unan. **6:35pm** Finds the project for GPA #2002-05, Rezone Application #2002-14, and Lot Line Adjustment Application #2002-34 - American Chevrolet, a request to change the General Plan designation from Urban Transition to Planned Development and to change the zoning district from General Agriculture (A-2-10) to Planned Development to allow for expanded truck parking on 2 acres (**corrected acres to two**), located on the east side of McHenry Avenue, between Bangs Avenue and Kiernan Avenue, in the Modesto area, to be De Minimis for the purposes of collection of Fish and Game Fees pursuant to CCR §753.5, by adopting the findings of fact contained in the Certificate of Fee Exemption, those findings being based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: a) the general plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, c) the amendment is consistent with the General Plan goals and policies, d) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation, and e) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; approved GPA Application #2002-05, Rezone Application #2002-14, and Lot Line Adjustment #2002-34 - American Chevrolet, subject to the Development Standards and Mitigation Monitoring Plan; and, introduced, waived the reading and adopted Ordinance C.S. 827 for the approved Rezone Application #2002-14 – Planning

ORD-54-M-10 2003-348 & 2003-349

M/G unan. **6:40pm** Finds the project for GPA #2002-01 and Rezone Application #2002-05 - Santa Fe Mini Storage / Robert B. Wallace, a request to amend the General Plan and zoning designation from Low Density Residential (LDR) / Rural Residential (R-A) to a Planned Development (P-D) allowing for the development of a mini-storage facility on 1.74 acres, located northeast of the Gratton Road and East Monte Vista Avenue intersection in the Denair area, to be De Minimis for the purposes of collection of Fish and Game Fees pursuant to CCR §753.5, by adopting the findings of fact contained in the Certificate of Fee Exemption, those findings being based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the

project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: a) the general plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, b) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, c) the amendment is consistent with the General Plan goals and policies, d) the proposed Planned Development zoning is consistent with the Planned Development General Plan designation, and e) the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; approved GPA Application #2002-01, Rezone Application #2002-05 - Robert B. Wallace (Santa Fe Self Storage), subject to the Development Standards and Mitigation Monitoring Plan; and, introduced, waived the reading, and adopted Ordinance C.S. 828 for the approved Rezone Application #2002-05 – Planning ORD-54-M-11 2003-350 & 2003-351

C/M unan. **6:45pm** Finds the project for GPA #2002-03 and Rezone Application #2002-09 - Juan M. Garcia, a request to amend the General Plan designation from Commercial to Medium-High Density and the zoning designation from C-1 (Neighborhood Commercial) to R-3 (Multiple-Family Residential) to allow a single-family dwelling on a 7,000 square foot lot located on the north side of Broadway Avenue, in the Modesto area to be De Minimis for the purposes of collection of Fish and Game Fees pursuant to CCR §753.5, by adopting the findings of fact contained in the Certificate of Fee Exemption, those findings being based on the analysis presented in the Initial Study; ordered the filing of the Certificate of Fee Exemption with the Clerk-Recorder's Office; adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgement and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Clerk-Recorder's Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that the proposed General Plan amendment is consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; finds that the proposed R-3 (Multiple-Family Residential) zoning is consistent with the Medium High Density Residential General Plan designation; approved GPA Application #2002-03 and Rezone Application #2002-09 - Juan M. Garcia; and, introduced, waived the reading, and adopted Ordinance C.S. 829 for the approved Rezone Application #2002-09 - Planning ORD-54-M-12 2003-352 & 2003-353

C/M unan. **6:50pm** Based on the testimony received, the staff report, and all attachments to the staff report, including but not limited to the attachments listed on page 9 and 10 of the staff report, the Board concurs with the Planning Commission and staff recommendations and approved GPA #2002-08, Rezone Application #2002-20, Parcel Map Application #2002-30, OA #2002-02, West Patterson Master Development Plan and Keystone Pacific Business Park, and related actions; and, approved and adopted the following recommendations and makes findings set forth in recommendations Nos. 1-9 and takes all actions set forth in recommendations Nos. 1-9: (1) Acting as a "responsible agency" pursuant to CEQA Guidelines §15051, §15052, §15096, and §15381, adopted the revised EIR (SCH#2001022031 and 2001032037) for the West Patterson projects; adopted findings regarding the environmental impacts of the West Patterson projects; adopted the Statement of Overriding Considerations and adopted the Mitigation Monitoring and Reporting program, all as approved and adopted by the City of Patterson acting as the "lead agency"; and, additionally made the following findings: A) finds as a "responsible agency" Stanislaus County has independently evaluated the City's certified EIR and, has complied with all actions and guidelines pursuant to CEQA Guidelines §15096(a-i), and has reached an independent conclusion that determines that the EIR adequately addresses the potential impacts related to the projects

that the County has been asked to approve, B) finds that on the basis of substantial evidence in light of the whole record, none of the conditions identified in CEQA Guidelines §15052 have occurred that would necessitate the County assuming the role of Lead Agency from the City of Patterson for any of the defined projects, C) finds that on the basis of substantial evidence in light of the whole record, none of conditions identified in CEQA Guidelines §15162 or 15163 have occurred that would necessitate preparation of a Subsequent EIR or a Supplement to the EIR as certified by the City Patterson, D) finds that on the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines §15096(g)(2), that there are no feasible alternatives to the project or feasible mitigation measures within the County's powers that would substantially lessen or avoid any significant effect the project would have on the environment, E) finds on the basis of substantial evidence in light of the whole record, in compliance with CEQA Guidelines §15096(h), that the County, as a responsible agency, makes one or more of the findings required by §15091(a) for each significant effect of the project and makes the findings in §15093 as necessary, adopts the statement of overriding considerations and adopts the mitigation monitoring and reporting program, all as approved and adopted by the City of Patterson acting as lead agency, and to further require the filing of a Notice of Determination in compliance with CEQA Guidelines §15096(i); (2) acknowledged the City of Patterson's adoption of their Master Services Element and Sphere of Influence Plan and LAFCO's actions regarding the service review, annexation, out of boundary service extensions, and sphere of influence changes; (3) adopted the West Patterson Business Park Master Development Plan, and acknowledged the City of Patterson's actions regarding the same; (4) introduced, waived the reading, and adopted Ordinance C.S. 832, Planning and Community Development Department Ordinance Amendment No. 2002-02 creating two new zoning districts (Industrial Business Park [IBP] & Light Industrial [LI]) and incorporated them into the County Code as Title 21, Chapters 21.61 and 21.62, and finds that: A) the public necessity and convenience and the general welfare require the amendment, B) the proposed zoning change is consistent with the General Plan, C) the proposed new zoning districts are consistent with and implement the West Patterson Business Park Master Plan; (5) approved General Plan Amendment #2002-08 to amend General Plan designation from Agriculture to Planned Industrial on 224 acres of the Keystone Pacific Business Park and on 119 acres of the northern Cozzens parcel, and specifically made the following findings: A) the general plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, B) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service, C) the amendment is consistent with the General Plan goals and policies, D) the proposed amendment is consistent with and implements the West Patterson Business Park Master Plan; (6) amended the General Plan definition of Planned Industrial designation to include IBP and LI zoning districts as consistent, and specifically made the following findings: A) the general plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, B) the County and other affected governmental agencies will be able to maintain levels of service consistent with the ability of the governmental agencies to provide a reasonable level of service; (7) introduced, waived the reading, and adopted Ordinance C.S. 833, approving Rezone Application 2002-20, a request to rezone the 224 acre Keystone Pacific Business Park site from General Agriculture (A-2-40) to Industrial Business Park (IBP) and Light Industrial (LI), and finds that: A) the public necessity and convenience and the general welfare require the amendment, and B) the proposed zoning change is consistent with the General Plan and the West Patterson Business Park Master Plan; (8) approved Tentative Parcel Map Application 2002-30 to create 35 parcels ranging from 2.5 acres to 10.7 acres from two parcels covering the 224 acre Keystone Business Park site on Baldwin Road in the Patterson area, specifically finding: A) that as per §66474 of the Subdivision Map Act, none of the findings requiring denial of a parcel map can be made, and B) that the project as proposed will increase activity in and around the project area, and increase demands for roads and services, thereby requiring dedications and improvements; (9) introduced and waived the first reading of Ordinance C.S. 834, a Development Agreement by and between the County of Stanislaus and the Keystone Pacific Business Park, LLC., and approved the Keystone Pacific Business Park project, by: A) finding that: 1) the proposed

project and Development Agreement are consistent with the Stanislaus County General Plan and the West Patterson Business Park Master Plan, and, 2) a modification of Section 2.5.1 in the Development Agreement is appropriate to clarify the understanding of the parties regarding when development rights vest for the Keystone Business Park project; and, B) introduced and waived the first reading, of Ordinance C.S. 834, a Development Agreement by and between the County of Stanislaus and the Keystone Pacific Business Park, LLC. – Planning ORD-54-M-15; ORD-54-M-16 2003-354, 2003-355 & 2003-356

**Recessed at 8:32 p.m.**

**Reconvened at 8:38 p.m.**

M/P (4-1)(Grover opposed) **6:55pm** Based upon the staff report, the Board comments, and concerns that this request would establish a precedent and be inconsistent with previous Board actions, the Board finds on the basis of the entire record, that the proposed project GPA #2002-06 and Rezone Application #2002-15, a proposal to create a Planned Development zone to allow placement of a billboard sign on 4 acres located at 5584 Pirrone Road in Salida, is not consistent with the Stanislaus County General Plan, including the Salida Community Plan; and, denied project GPA #2002-06 and Rezone Application #2002-15 - John Hettinga – Planning ORD-54-M-13 2003-357

P/C unan. **7:00pm** Finds that GPA Application #2003-02 – Park Development Requirement Text Amendment to policy twenty-one of the County General Plan Land Use Element pertaining to methods by which parkland requirements can be met, is not a project under the CEQA (CEQA Guidelines §15378(b)(2,4)) and therefore not subject to CEQA; and, approved GPA Application #2003-02 - Planning 2003-358

**Corr 1** Referred to Planning, DER and Public Works, a letter from the Reclamation Board regarding the encroachment permit process for projects on Board regulated streams, and directed these Departments to cooperate with the Reclamation Board by notifying applicants through the permit process.

**Corr 2** Referred to the CEO, letters from Sutter and Calaveras Counties requesting support of continued Federal funding for California's Cooperative Wildlife Services Program.

**Corr 3** Referred to the Ag Commissioner and DER, a copy of the Dairy CARES Annual Report from the Community Alliance for Responsible Environmental Stewardship.

**Corr 4** Referred to the DET, a letter from California Nut Company of Denair regarding the expected partial closure date of their packaging plant sometime between May 15, 2003 and June 6, 2003.

**Corr 5** Referred to the DET, a letter regarding the permanent closure of ATB Packing Company's Turlock honeydew melon packing facility; the layoff of employees will occur in the last week of June or the first week of July.

**Corr 6** Referred to the DET, a letter regarding the permanent closure of B&E Supply Company of Turlock; the layoff of employees will occur in the last week of June or the first week of July.

**Corr 7** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Billy Reeves; Marsha M. Bogdon; Cayetano G. Lopez; Marco Perez; and, Alicia Antle.

Supervisor Simon noted that he attended the recent American Legion dinner.

Supervisor Caruso spoke regarding the recent San Joaquin Valley Supervisors Association's Spring Conference. He noted that a cost cap was discussed regarding legislative action. He also said that reform was needed regarding the State legislative process.

Supervisor Mayfield attended a recent meeting regarding regulations on diesel engines. He noted that the regulations would not apply to most small diesel engine operations.

Supervisor Caruso asked about upgrades to our broadcasting system.

Adjourned at 9:34 p.m.

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

BY: ELIZABETH A. KING, Assistant 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.)