

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

Regular Session

Tuesday

August 23, 2016

All Supervisors Present

Pledge of Allegiance to the Flag

Invocation was given by Pastor Mark Krieger with Modesto Covenant Church.

Lisa McDermott, Director of Carnegie Arts Center, gave a presentation regarding the 100<sup>th</sup> Anniversary of the Carnegie Arts Center located in Turlock.

Carmen Sabatino spoke in opposition to Measure L, a countywide transportation tax measure that will be on the ballot in November. He spoke regarding the public records request he made last week, and voiced his concerns regarding the justice system in this County.

Withdraw/Chiesa unan. Adopted the consent calendar

- \*A1 Approved the minutes of 08/16/2016
- \*A2a Appointed Manesh Chand to the Keyes Fire Protection District 2016-428
- \*A2b Appointed Scott Murphy to the Fire Code Board of Appeals 2016-429
- \*B1 Approved the MOU with the Stanislaus Business Alliance regarding the joint implementation of the countywide economic development plan and marketing strategy for FY 2016-2017; and, authorized the CEO, or designee, to sign the MOU with the Stanislaus Business Alliance in the amount of \$94,320 – CEO 2016-430
- \*B2 Approved the subordination of pass-through payments to the proposed 2016 Bonds, consistent with the 12/07/1993 agreement between the County and the Turlock Redevelopment Agency; approved the subordination of AB 1290 pass-through payments to the Successor Agency to the Turlock Redevelopment Agency payment of debt service on the 2016 Bonds; and, authorized the CEO, or his designee, to confirm the subordination through signature and related acknowledgement statements – CEO 2016-431
- \*B3 Accepted the responses to the Stanislaus County Civil Grand Jury 2015-2016 Final Report and authorized the Chairman to forward the response to the Presiding Judge of the Superior Court by 09/06/2016; and, directed the CEO to ensure that any recommended actions by the Board be followed and completed by the subject County departments and report back to the Board as appropriate – CEO M-39-N-4 2016-432
- \*B4 Approved the First Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services to revise the termination requirement such that either party can terminate the agreement with 24-months' notice; and, authorized the CEO to execute the First Amendment to the Joint Exercise of Powers Agreement between the City of Modesto and the County of Stanislaus for Emergency Dispatch Services and sign on behalf of the County – CEO C-6-K-13 2016-433
- \*B5 Approved the Grant Agreement Number 16-10177 with the California Department of Public Health for the Supplemental Nutrition Assistance Program - Education Project, from 10/01/2016 through 09/30/2019; and, authorized the HSA Managing Director, or her designee, to sign the Grant Agreement and any subsequent amendments – HSA 2016-434
- \*B6 Approved the five year agreement with San Joaquin County to relocate their existing business continuity and disaster recovery data center equipment to the Stanislaus County data center; and, authorized the Chairman to sign the agreement with San Joaquin County – SBT 2016-435

- \*D1 Opened the 15-day public review period for the FY 2015-2016 CAPER; and, set a public hearing on 09/27/2016 at 9:05 a.m. to consider adoption of the FY 2015-2016 CAPER – Planning 2016-436
- \*D2 Rescinded a portion of Williamson Act Contract No. 2007-13, located between Wellsford and Albers Roads, south of Dry Creek, in the Modesto area; finds that pursuant to California Government Code Section 51254 the new contract will enforceably restrict the same property for an initial term at least as long as the unexpired term of the rescinded contract, but for not less than 10 years except as authorized under the County implementation of AB1265; approved a new Williamson Act contract pursuant to Parcel Map 2008-06, Ronald Martella and Williamson Act Application No. 2015-0015 – Ronald Martella; and, authorized the Director of Planning to execute a new Williamson Act contract pursuant to Parcel Map 2008-06, Ronald Martella and Williamson Act Application No. 2015-0015 – Ronald Martella – Planning 2016-437
- \*D3 Rescinded a portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, located at 1500 and 1312 West Fulkerth Road, between South Carpenter Road and Crows Landing Road, west of the City of Turlock (APN's: 022-035-001, 022-033-005, and 022-034-005); pursuant to Government Code Section 51257, determined that the following seven findings can be made based on the written evidence submitted by the applicant: (a) the new contract or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than ten years, except as authorized under the County implementation of AB1265; (b) there is no net decrease in the amount of the acreage restricted in cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts; (c) at least 90 percent of the land under the former contract or contracts remains under the new contract or contracts; (d) after the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Government Code Section 51222; (e) the lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts; (f) the lot line adjustment is not likely to result in the removal of adjacent land from agricultural use; (g) the lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan; and, approved a new contract pursuant to Lot Line Adjustment Application No. PLN 2011-0008, Alamo; and, authorized the Director of Planning and Community Development to execute new contracts – Planning 2016-438

Withrow/DeMartini unan. **9:05 a.m.** Conducted a public hearing to consider the Planning Commission's recommendation for approval of Williamson Act Contract Cancellation, General Plan Amendment and Rezone Application No. PLN2016-0013, Findlay Automotive Group, a request to cancel a portion of Williamson Act Contract No. 75-2013 on a 0.71 acre parcel, amend the General Plan designation on a 9.42 acre parcel from Urban Transition to Planned Development (PD), and rezone four parcels totaling 11.06± acres from A-2-10 (General Agriculture) and PD 143 to a new PD zone to allow development of an auto dealership, located at the southwest corner of Pelandale and McHenry Avenues, in the Modesto area; adopted the Negative Declaration pursuant to CEQA Guidelines Section 15074(b), by finding that 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 Negative Declaration reflects Stanislaus County's independent judgment and analysis; ordered the filing of a Notice of Determination with the Stanislaus County Clerk Recorder pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15075; finds, based on the discussion in this report and the whole of the record that: (a) the cancellation is consistent with the purposes of the Williamson Act, (b) the cancellation is for land on which a notice of nonrenewal has been served pursuant to California Government Code Section 51245, (c) the cancellation is not likely to result in the removal of adjacent lands from agricultural use, (d) the cancellation is for an alternative use which is consistent with the applicable provisions of the county general plan, (e) the cancellation will not result in discontinuous patterns of urban development, (f) there is no proximate non-contracted land which is available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land, (g) the cancellation is in the public interest; and, (h) other public concerns substantially outweigh the objectives of the Williamson Act; accepted the cancellation value of the subject property as \$278,000 as determined by the County Assessor; certified to the County Auditor-Controller that the cancellation fee, which must be paid as deferred taxes, is an amount equal to 12 ½% of the cancellation value, or a total of \$34,750; approved the tentative cancellation of a portion of Williamson Act Contract No. 75-2013 subject to payment of the cancellation fee, unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law; directed the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action; directed the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision and to deliver a copy of the published Notice of the Decision to the Director of the Department of Conservation (DOC); 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 government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service, (C) the amendment is consistent with the General Plan goals and policies; finds that the proposed Planned Development zoning is consistent with the Planned Development General Plan designation; finds that the project will increase activities in and around the project area, and increase demands for roads and services, thereby requiring dedication and improvement; approved General Plan Amendment and Rezone Application No. PLN2016-0013, Findlay Automotive Group, subject to completion of the Williamson Act Contract Cancellation, and subject to the modified Development Standards, as recommended by the Planning Commission; and, introduced, waived the reading, and adopted Ordinance C.S. 1173 for the approved Rezone Application No. PLN2016-0013, Findlay Automotive Group – Planning                      ORD-55-W-4    2016-439 & 2016-440

DeMartini/O'Brien unan. **9:10 a.m.** Conducted the public hearing; finds that the Notice of Preparation, Draft Environmental Impact Report (DEIR), Notice of Availability, and Final Environmental Impact Report (FEIR), State Clearinghouse No. 2014042087, for the Stanislaus County General Plan and Airport Land Use Compatibility Plan Updates have been prepared and circulated for public review and comment as required by the CEQA, Public Resources Code Section 21000 et seq.; and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq.; finds that all comments submitted during the public review and comment period on the DEIR, including comments received at the public hearing, including late comments submitted, were responded to adequately in the FEIR as required by CEQA, the State CEQA Guidelines, and the County's CEQA Guidelines and Procedures for the implementation of CEQA; finds that the FEIR adequately identifies and addresses all of the significant environmental impacts and all feasible mitigation measures have been incorporated into the Stanislaus County General Plan Update in the form of goals, objectives, policies, action items and programs to reduce the anticipated environmental impacts; finds that no changes made to the Stanislaus County General Plan Update or DEIR after circulation involve significant new information necessitating re-circulation prior to certification of the FEIR as required by CEQA Guidelines Section 15088.5; finds that the FEIR for the Stanislaus County General Plan Update has been prepared in compliance with CEQA, the State CEQA Guidelines, and the County's CEQA Guidelines and Procedures for the implementation of CEQA; finds that the Board has reviewed and considered the FEIR for the Stanislaus County General Plan Update in accordance with CEQA Guidelines Section 15025(c); finds that the Board has independently reviewed the information contained in the FEIR prior to indicating its intent to approve the Project; finds that the FEIR reflects the independent judgment and analysis of the Stanislaus County Board of Supervisors as to the environmental consequences of the project; finds that environmental impacts identified in the FEIR as significant and unavoidable exist, even with feasible mitigation measures incorporated into the Stanislaus County General Plan Update in the form of goals, objectives, policies, and action items and programs, as identified in the FEIR; finds that with respect to the adverse environmental impacts that cannot be mitigated to a less than significant level, the substantial benefits resulting from the project outweigh these unavoidable impacts and are acceptable based upon the overriding considerations set forth in the Findings of Fact and the Statement of Overriding Considerations (the "SOC"), the CEQA Findings of Fact and SOC are incorporated herein by this reference, as if set forth in full; finds that the unavoidable significant effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social, and/or environmental benefits of the project as stated in the Findings of Fact and SOC; adopted the Findings of Fact and the SOC (Exhibit B of the 07/21/2016, Stanislaus County Planning Commission Staff Report, attached to the agenda item) concerning unmitigated significant impacts; certified the FEIR for the Stanislaus County General Plan Update and Airport Land Use Compatibility Plan Update (SCH# 2014042087); finds that: (A) the County's Planning and Community Development Department prepared an amendment, a legislative update, to the Stanislaus County General Plan, which does not include amendment to the location or distribution of land use designations in the General Plan Land Use Diagram, (B) the General Plan after it is updated will continue to comprise an integrated, internally consistent and compatible statement of goals and policies for Stanislaus County, (C) Stanislaus County provided opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education and other community groups, through public hearing and community meetings in fulfillment of Government Code Sections 65351 and 65352, (D) the General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses, (E) the County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service, (F) the General Plan Update and the proposed Airport Land Use Compatibility Plan Update to be considered by the Airport Land Use Commission have been drafted in a coordinated effort to ensure that the amended General Plan will be consistent with the amended Airport Land Use Compatibility Plan upon the adoption of both these plans; and, approved General Plan Amendment Application No. 2014-0051 – Stanislaus County General Plan Update, as recommended by the Planning Commission on 08/04/2016, and with the revisions recommended by staff in the 08/23/2016, Board of Supervisors Report, including Attachment 1 of the 08/23/2016 Board of Supervisors Report – Planning

2016-441

**Corr 1** Referred to the Fish and Wildlife Committee, a notice from the California Fish and Game Commission regarding the potential listing of the Townsend's big-eared bat and Northern spotted owl as threatened or endangered and the Livermore tarplant as endangered.

**Corr 2** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: William Blackburn; Leilani Blackburn; Veronica Espinoza; Marylean Collins; and, Allstate Insurance ASO Kapou En.

Supervisor DeMartini reported that the 8<sup>th</sup> Annual West Side Health Care Task Force Health Summit will be held on Thursday 8/25/16 at the Westside Theatre in Newman and is free to the public.

CEO Risen announced that there will be a ground breaking ceremony for the North Valley Recycled Regional Water Project this Friday 8/26/2016 at 2:00 p.m.

Adjourned at 10:21a.m.

ATTESTED: ELIZABETH A. KING, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: PAM VILLARREAL, 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.)