

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

DEPT: Planning and Community Development AC

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE April 16, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for April 30, 2013, at 9:05 a.m. to Consider Planning Commission's Recommendation for Approval of General Plan Amendment and Rezone Application No. PLN2012-37, Gallo Glass

STAFF RECOMMENDATIONS:

1. Set a public hearing for April 30, 2013, at 9:05 a.m. to consider Planning Commission's recommendation for approval of General Plan Amendment and Rezone Application No. PLN2012-37, Gallo Glass and introduce and waive the reading of an ordinance for the proposed rezone upon approval.
2. Authorize the Clerk of the Board to publish 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. 2013-154

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,

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

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-Q-10

DISCUSSION:

This is a two-part application requesting to amend the General Plan designation from Industrial Transition (IT) to Industrial (IND) and amend the zoning designation from R-1 (Single-Family Residential), R-2 (Medium Density Residential), and R-3 (Multiple-Family Residential) to M (Industrial) on 12.2± acres. The project will allow the existing Gallo Glass plant to expand by adding a concrete and asphalt paved outdoor storage and parking area. It will also allow Gallo Glass to consolidate its glass storage operations in a location central to both the glass plant and winery.

Gallo Glass currently owns 56 of the 58 parcels within the project area. Gallo is unable to include the non-Gallo owned properties in its application. However, the County has the ultimate authority to designate and rezone property and can include the non-Gallo properties as part of the General Plan Amendment and Rezone application if the County determines inclusion is consistent with the General Plan and required findings.

The application was heard by the Stanislaus County Planning Commission at its regularly scheduled public hearing on March 21, 2013, and on a 6-0 vote, recommended that the Board of Supervisors approve the request.

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

POLICY ISSUES:

The Board should determine if setting a hearing for this proposed General Plan Amendment and Rezone furthers the goals set forth in the Land Use Element of the General Plan.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Interim Planning and Community Development Director
Telephone: (209) 525-6330

STANISLAUS COUNTY ORDINANCE NO. C.S. _____

AN ORDINANCE ADOPTING SECTIONAL DISTRICT MAP NO. _____ FOR THE PURPOSE OF REZONING A 12.2± ACRE PARCEL FROM R-1 (SINGLE-FAMILY RESIDENTIAL), R-2 (MEDIUM DENSITY RESIDENTIAL), AND R-3 (MULTIPLE-FAMILY RESIDENTIAL) TO M (INDUSTRIAL). THE PROJECT SITE IS SOUTH OF TENAYA DRIVE, NORTH OF OREGON DRIVE, EAST OF SANTA RITA AVENUE, AND WEST OF S. SANTA CRUZ AVENUE, INCLUDING 504 S. SANTA CRUZ AVENUE ON THE EAST SIDE OF S. SANTA CRUZ AVENUE, IN THE MODESTO AREA. THE PROPERTY IS FURTHER IDENTIFIED AS ASSESSOR PARCEL NUMBERS: 035-015-002 THRU 008, 018 THRU 023; 035-014-001, 002, 005, 006, 017 THRU 028; 035-013-001, 002, 009 THRU 012, 014, 017, 018; 035-012-016 THRU 033; 035-037-030

The Board of Supervisors of the County of Stanislaus, State of California, ordains as follows:

Section 1. Sectional District Map No. _____ is adopted for the purpose of designating and indicating the location and boundaries of a District, such map to appear as follows:

(Map to be inserted upon rezone approval)

Section 2. This ordinance shall take effect and be in full force thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against same, in the Modesto Bee, a newspaper of general circulation published in Stanislaus County, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this _____ day of _____, 2013, by the following called vote:

AYES: Supervisors:
NOES: Supervisors:
ABSENT: Supervisors:
ABSTAINING: Supervisors:

Vito Chiesa
CHAIRMAN OF THE BOARD OF SUPERVISORS
of the County of Stanislaus,
State of California

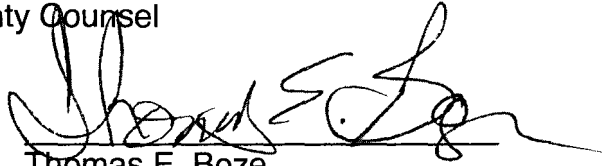
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors of
the County of Stanislaus,
State of California

BY: _____
Elizabeth A. King, Assistant Clerk of the Board

APPROVED AS TO FORM:

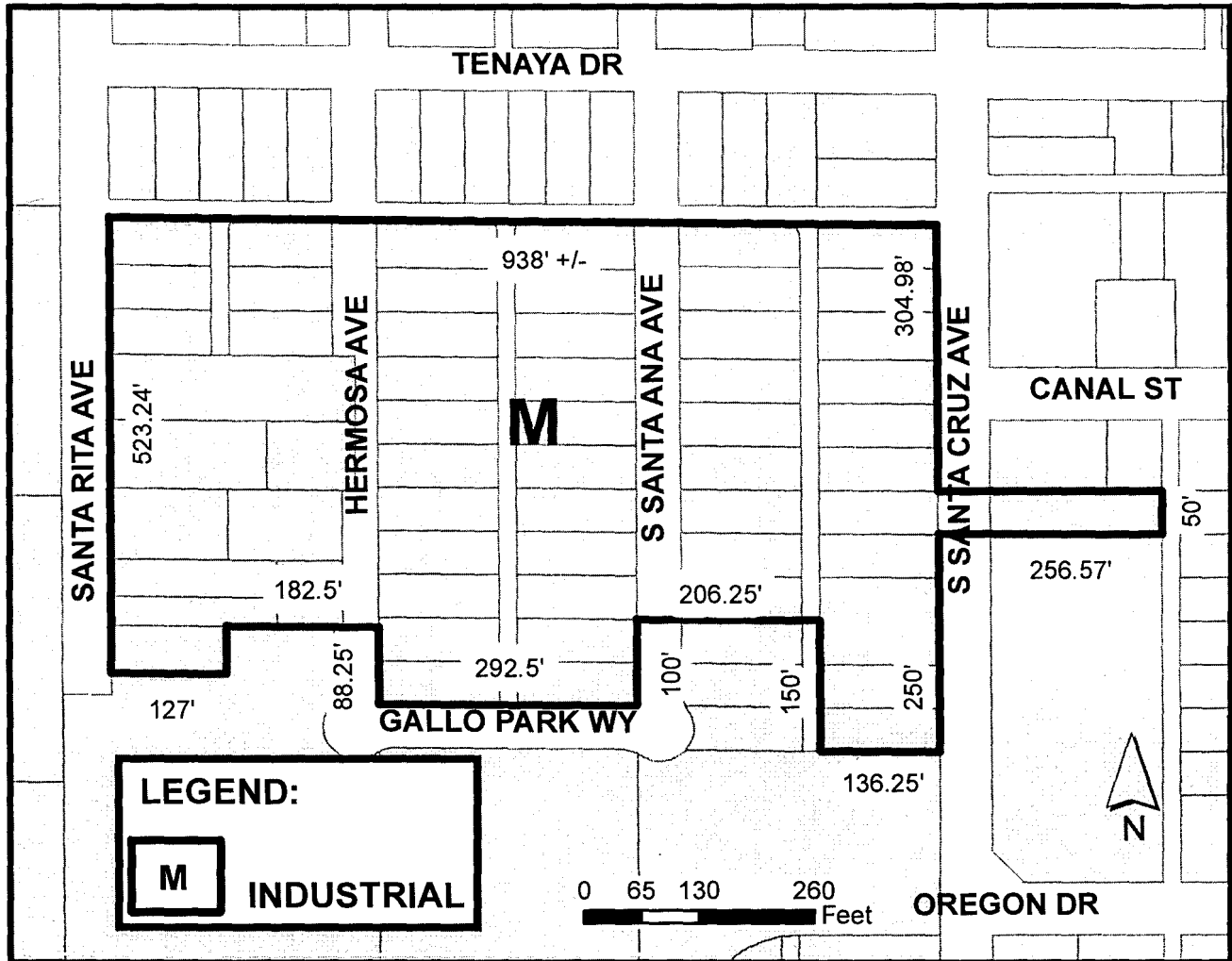
JOHN P. DOERING
County Counsel

By

A handwritten signature in black ink, appearing to read 'Thomas E. Boze', written over a horizontal line.

Thomas E. Boze
Deputy County Counsel

SECTIONAL DISTRICT MAP NO. 9-110.



EFFECTIVE DATE:
PREVIOUS MAP: 6

DRAFT

**NOTICE OF PUBLIC HEARING FOR
GENERAL PLAN AMENDMENT AND
REZONE APPLICATION NO. PLN2012-37
GALLO GLASS**

NOTICE IS HEREBY GIVEN that on April 30, 2013, 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 General Plan from Industrial Transition to Industrial and zoning designations from R-1 (Single-Family Residential), R-2 (Medium Density Residential), and R-3 (Multiple-Family Residential) to M (Industrial) of 12.2± acres to expand the existing Gallo Glass plant by adding a concrete and asphalt paved outdoor storage and parking area. The project site is south of Tenaya Drive, north of Oregon Drive, east of Santa Rita Avenue, and west of S. Santa Cruz Avenue, including 504 S. Santa Cruz Avenue on the east side of S. Santa Cruz Avenue, in the Modesto area. The property is further identified as Assessor Parcel Numbers: 035-015-002 thru 008, 018 thru 023; 035-014-001, 002, 005, 006, 017 thru 028; 035-013-001, 002, 009 thru 012, 014, 017, 018; 035-012-016 thru 033; 035-037-030

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: April 16, 2013

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:

Apr 20, 2013

NOTICE OF PUBLIC HEARING FOR
GENERAL PLAN AMENDMENT
AND REZONE APPLICATION NO.
PLN2012-37, GALLO GLASS

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: April 16, 2013.
ATTEST: Christine Ferraro Tallman,
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California.
BY: Elizabeth A. King, Assistant Clerk
Pub Dates Apr 20, 2013

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

April 20th, 2013

(By Electronic Facsimile Signature)

