

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

DEPT: Planning and Community Development *AC*

BOARD AGENDA # \*D-2

Urgent  Routine

AGENDA DATE April 16, 2013

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Set a Public Hearing for April 30, 2013, at 9:10 a.m. to Consider Planning Commission's Recommendation of Denial for General Plan Amendment No. PLN2012-44, Agricultural Element Update, Due to a Lack of a Majority Vote

STAFF RECOMMENDATIONS:

1. Set a public hearing for April 30, 2013, at 9:10 a.m. to consider Planning Commission's recommendation which due to a lack of a majority vote was to Deny General Plan Amendment No. PLN2012-44, Agricultural Element Update, a request to amend the Stanislaus County General Plan, Agricultural Element.
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 will be evaluated and included in the subsequent report for the public hearing on April 30, 2013.

BOARD ACTION AS FOLLOWS:

No. 2013-155

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) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

## **DISCUSSION:**

In 2007, Stanislaus County amended and adopted changes to the Agricultural Element that included policy language directing Staff to undertake a review and update of the element every five years. The intent of which was to conduct a periodic evaluation of the goals, objectives, policies, and implementation measures of the document to ensure that the language remains relevant to the needs of local agriculture. This amendment is the result of an update process initiated in 2011/2012. The proposed amendment focuses on specific areas that include: food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection.

On March 21, 2013, the Stanislaus County Planning Commission held a public hearing to review the Draft Agricultural Element, heard as General Plan Amendment No. PLN2012-044. There was extensive discussion amongst the Commissioners related to the proposed amended agriculture land mitigation language that, if approved, will provide for a "minimum" 1:1 ratio of agricultural land that is converted for a residential land use.

Due to a lack of a majority vote, the Planning Commission's ultimate recommendation to the Board of Supervisors is to deny the proposed amendment. Initially, the Planning Commission made a motion to recommend approval (Etchebarne/Peterson) to the Board but this motion failed on a 3-3 vote to achieve a required majority. A second motion was made to recommend a denial (Buehner/Crabtree) but again on a 3-3 vote, this motion failed due to not achieving a required majority. A final motion to recommend approval, except for the addition of the word "minimum" to the 1:1 Agricultural Land Mitigation, was made (Crabtree/No second) and due to no commissioner seconding the motion, the motion failed.

It is important to note that the 1:1 Agricultural Land Mitigation requirement was originally introduced in the 2007 Agricultural Element update and was established to address the conversion or "loss" of agricultural land due to a discretionary project that proposed an amendment to the General Plan designation (of the subject property) from "Agriculture" to a designation allowing a residential land use. As part of the current Agricultural Element Update, the proposed changes to the Agricultural Land Mitigation are to include the word "minimum" to the 1:1 ratio in order to identify that any mitigation will require a standard that is at least at a 1:1 ratio, but not lower than a 1:1 replacement ratio.

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

## **POLICY ISSUES:**

The Board of Supervisors should determine if setting a public hearing for the proposed amendment furthers the goals of the Efficient Delivery of Public Services.

Approval to Set a Public Hearing for April 30, 2013, at 9:10 a.m. to Consider Planning Commission's Recommendation of Denial for General Plan Amendment No. PLN2012-44, Agricultural Element Update, Due to a Lack of a Majority Vote  
Page 3

**STAFFING IMPACT:**

There are no staffing impacts associated with this item.

**CONTACT PERSON:**

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

**NOTICE OF PUBLIC HEARING FOR  
GENERAL PLAN AMENDMENT NO. PLN2012-044  
AGRICULTURAL ELEMENT UPDATE**

NOTICE IS HEREBY GIVEN that on April 30, 2013, at 9:10 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 the Stanislaus County Planning Commission's recommendation, which due to a lack of a majority vote, was to deny the adoption of a five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. APN: Countywide


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

# PROOF OF PUBLICATION

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE RIVERBANK NEWS, 122 South Third Ave, Oakdale, California, a newspaper of general circulation, published in Riverbank, California in the City of Riverbank, County of Stanislaus, and which newspaper has been adjudged a Newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the Notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 24, in the year 2013.

I certify or declare) under penalty of perjury that the Foregoing is true and correct.

Dated at \_\_\_\_\_ Riverbank,

California, this 24<sup>th</sup> Day of April 2013.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

**STANISLAUS COUNTY**  
**BOARD OF**  
**SUPERVISORS**

**AGRICULTURAL**  
**ELEMENT UPDATE**

**PUBLIC NOTICE**

NOTICE OF PUBLIC HEARING FOR  
GENERAL PLAN AMENDMENT NO. PLN2012-44  
AGRICULTURAL ELEMENT UPDATE

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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

April 24, 2013

RN#13-102

# PROOF OF PUBLICATION

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, published in Oakdale, California in the City of Oakdale, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 24, in the year 2013.

I certify or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Oakdale, California,

This day 24<sup>th</sup> of April 2013.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

## STANISLAUS COUNTY BOARD OF SUPERVISORS

### AGRICULTURAL ELEMENT UPDATE

#### PUBLIC NOTICE

##### NOTICE OF PUBLIC HEARING FOR GENERAL PLAN AMENDMENT NO. PLN2012-44 AGRICULTURAL ELEMENT UPDATE

NOTICE IS HEREBY GIVEN that on April 30, 2013, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the Stanislaus County Planning Commission's recommendation, which due to a lack of a majority vote, was to deny the adoption of a five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. APN: Countywide.

This NOTICE also serves as a NOTICE OF INTENT to adopt a Negative Declaration for the Project.

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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

April 24, 2013

OL#13-135

# Affidavit of Publication

STATE OF CALIFORNIA }  
County of Stanislaus }

VICKIFRAGO

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the

WATERFORDNEWS

a legal newspaper of general circulation published weekly in Waterford in said County of Stanislaus, State of California: that said

WATERFORDNEWS

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41155 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in Waterford; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given

## NOTICE OF PUBLIC HEARING

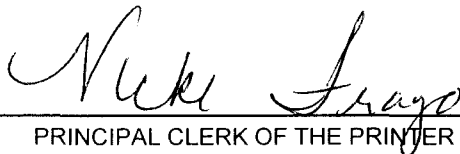
April 23, 2013

of which named annexed is a printed copy, was published and printed in said

WATERFORDNEWS

at least 1 time, commencing on the 23rd day of April 2013 and ending on the 23rd day of April 2013 the days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Dated this 23rd day of April 2013.

  
PRINCIPAL CLERK OF THE PRINTER

**Legal # 7561**  
**NOTICE OF PUBLIC**  
**HEARING FOR**  
**GENERAL PLAN**  
**AMENDMENT NO.**  
**PLN2012-44**  
**AGRICULTURAL ELE-**  
**MENT UPDATE**

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This NOTICE also serves as a NOTICE OF INTENT to adopt a Negative Declaration for the Project.

NOTICE IS FURTHER

# Affidavit of Publication

STATE OF CALIFORNIA }  
County of Stanislaus }

VICKI FRAGO

Here-un-to being first duly sworn, deposes and says that all time hereinafter mentioned he/she was a citizen of the United States over the age of twenty-one (21) years, and doing business in said county, not interested in the matter of the attached publication, and is competent to testify in said matter, that he/she was at and during all said time the principal clerk to the printer and publisher of the  
HUGHSON CHRONICLE

a legal newspaper of general circulation published weekly in Hughson in said County of Stanislaus, State of California: that said  
HUGHSON CHRONICLE

is and was at all times herein mentioned, a newspaper of general circulation as that term is defined by Section 6000 of the Government Code, and as provided by said section and so adjudicated by Decree No. 41926 by the Superior Court of Stanislaus County, State of California, is published for the dissemination of local and telegraphic news and intelligence of a general character, have a bonafide subscription list of paying subscribers, and is not devoted to the interest, or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination: or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations: that at all times said newspaper has been established, in Hughson; in said County and State, at regular intervals for more than one year preceding the first publication of the notice herein mentioned, that said notice was set in type not smaller than nonpareil and was preceded with words printed in blackface type not smaller than nonpareil, describing and expressing in general terms, the purport and character of the notice intended to be given

## NOTICE OF PUBLIC HEARING

April 23, 2013

of which named annexed is a printed copy, was published and printed in said

HUGHSON CHRONICLE

at least 1 time, commencing on the 23rd day of April 2013 and ending on the the 23rd day of April 2013 the days inclusive, and as often during said time as said newspaper was regularly issued, to wit:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 23rd day of April 2013

*Vicki Frago*  
\_\_\_\_\_  
PRINCIPAL CLERK OF THE PRINTER

## Hughson Chronicle

**Legal # 7562**  
**NOTICE OF PUBLIC HEARING FOR GENERAL AMENDMENT PLAN NO. PLN2012-44 AGRICULTURAL ELEMENT UPDATE**

**NOTICE IS HEREBY GIVEN** that on April 30, 2013, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the Stanislaus County Planning Commission's recommendation, which due to a lack of a majority vote, was to deny the adoption of a five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. APN: Countywide.

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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



# Affidavit of Publication

PUBLIC NOTICE  
PUBLIC HEARING

STATE OF CALIFORNIA,  
County of Stanislaus

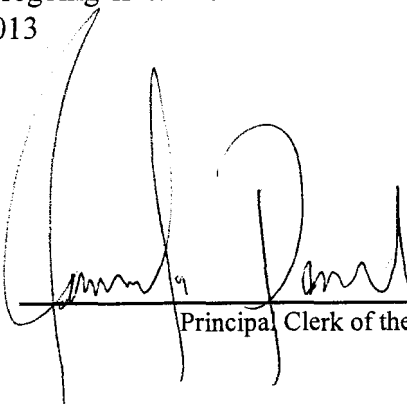
JENNIFER PARGA

Of the said County, being duly sworn, deposes and says:

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE CERES COURIER, 138 South Center Street, Turlock, California, a newspaper of general circulation, published in Ceres, California in the City of Ceres, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit

**APRIL 24, 2013**

I certify (or declare) under penalty of perjury that the foregoing is true and correct. This 24th day of April 2013



Principal Clerk of the Printer

PUBLIC NOTICE  
PUBLIC HEARING

**NOTICE OF PUBLIC  
HEARING FOR  
GENERAL PLAN  
AMENDMENT NO.  
PLN2012-44  
AGRICULTURAL  
ELEMENT UPDATE**

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BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 16, 2013

ATTEST: CHRISTINE

FERRARO-TALMAN, Clerk of the Board of Supervisors of the County of Stanislaus,

State of California

BY: Elizabeth A. King, Assistant Clerk.

**CERES COURIER PUBLISH  
DATE: 4/24/13**

**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 entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which 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**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

**APRIL 20, 2013**

Copy to file. nt

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 20, 2013**

*Marlyn Gonzalez*

(Signature)

**NOTICE OF PUBLIC HEARING FOR  
GENERAL PLAN AMENDMENT NO. PLN2012-44  
AGRICULTURAL ELEMENT UPDATE**

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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

CLERK

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA  
County of Stanislaus

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-entitled matter. I am the printer, foreman or principal clerk of The West Side INDEX, a newspaper of general circulation, printed and published weekly in the City of Newman, County of Stanislaus, and which 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 April 25, 1952, Case Number 46882; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 25.

all in the year 2013.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Newman, California, this 25th day of April, 2013.

  
Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of  
Notice of Public Hearing For General Plan  
Amendment No. PLN 2012-44  
Agricultural Element Update

Board of Supervisors

### PUBLIC NOTICE • PUBLIC NOTICE

#### NOTICE OF PUBLIC HEARING FOR GENERAL PLAN AMENDMENT NO. PLN2012-44 AGRICULTURAL ELEMENT UPDATE

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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

PUBLISHED: April 25, 2013

PROOF OF PUBLICATION  
(2015.5 C.C.P)

This space is for the County Clerk's Filing stamp

STATE OF CALIFORNIA  
County of Stanislaus

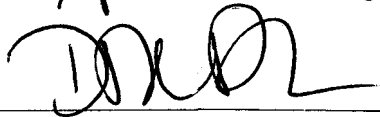
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Patterson Irrigator, a newspaper of general circulation, printed and published once a week on Thursdays, in the city of Patterson, California, County of Stanislaus, and which 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 June 23, 1952, Case Number 47304; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

4/25

all in the year 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Patterson, California, this 25<sup>th</sup> day of April 2013



Signature

**NOTICE OF PUBLIC HEARING  
FOR GENERAL PLAN  
AMENDMENT NO. PLN2012-44  
AGRICULTURAL ELEMENT  
UPDATE**

Proof of

NOTICE IS HEREBY GIVEN that on April 30, 2013, at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the Stanislaus County Planning Commission's recommendation, which due to a lack of a majority vote, was to deny the adoption of a five year update of the Agricultural Element of the Stanislaus County General Plan. The update focuses on objectives, policies, and implementation measures relating to food safety, alternative energy sources, agricultural land mitigation, use of tertiary water, and ground water protection. APN: Countywide.

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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

4/25/13