

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

DEPT: Planning and Community Development BOARD AGENDA #: \*D-1

AGENDA DATE: August 2, 2016

**SUBJECT:**

Approval to Set a Public Hearing for August 23, 2016, at 9:05 a.m. 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, Located at the Southwest Corner of Pelandale and McHenry Avenues, in the Modesto Area, and Adoption of a Negative Declaration

**BOARD ACTION AS FOLLOWS:**

No. 2016-398

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

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

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: Elizabeth A. King  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. ORD-55-W-4

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Planning and Community Development  
Urgent  Routine

BOARD AGENDA #: \*D-1

AGENDA DATE: August 2, 2016

*AK*

CEO CONCURRENCE: \_\_\_\_\_

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Set a Public Hearing for August 23, 2016, at 9:05 a.m. 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, Located at the Southwest Corner of Pelandale and McHenry Avenues, in the Modesto Area, and Adoption of a Negative Declaration

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**STAFF RECOMMENDATIONS:**

1. Set a public hearing for August 23, 2016 at 9:05 a.m. to consider the Planning Commission's recommendation for approval of Williamson Act Contract Cancellation, General Plan Amendment, and Rezone Application No. PLN2016-0013, 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; and to consider the introduction and waiving of the reading of an ordinance for the proposed rezone upon approval.
2. Authorize the Clerk of the Board to publish notice of public hearing as required by law.

**DISCUSSION:**

This is 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. The project includes the construction of an 11,620 square foot automotive sales building, a 13,700 square foot auto service building, and the abandonment of Wells Avenue east of Detroit Lane. The portion of the project site west of the proposed Detroit Avenue extension will be utilized for overflow and employee parking associated with the auto dealership. Parking, landscaping, and storm water retention will be accommodated on site.

On July 21, 2016, the Planning Commission held a public hearing and on a 6-0 vote, recommended the Board of Supervisors approve the request as proposed.

This item will set the date and time for a public hearing to consider the Planning Commission's recommendation before the Board of Supervisors.

Approval to Set a Public Hearing for August 23, 2016, at 9:05 a.m. 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, Located at the Southwest Corner of Pelandale and McHenry Avenues, in the Modesto Area, and Adoption of a Negative Declaration

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**POLICY ISSUES:**

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make the necessary findings as required by California Government Code Section 51242, the County's Williamson Act Uniform Rules, and the contract itself.

The General Plan Land Use Element encourages fostering stable economic growth through appropriate land use policies. The policy speaks to the promotion of diversification and growth of the local economy.

**FISCAL IMPACT:**

Costs associated with processing the application, setting the public hearing, publishing required notices, and conducting the hearing will be covered by the Application fee deposit plus revenue from additional invoicing at project end. Final calculations will determine if additional invoicing to the applicant is needed.

**BOARD OF SUPERVISORS' PRIORITY:**

The proposed project furthers the Board's priorities of a Well Planned Infrastructure System and A Strong Local Economy by providing a land use determination consistent with the overall goals and policies of the Stanislaus County General Plan.

**STAFFING IMPACT:**

There are no staffing impacts associated with this item.

**CONTACT PERSON:**

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

**ATTACHMENT(S):**

None

STANISLAUS COUNTY  
NOTICE OF PUBLIC HEARING FOR  
WILLIAMSON ACT CANCELLATION, GENERAL PLAN AMENDMENT,  
AND REZONE APPLICATION NO. PLN2016-0013  
FINDLAY AUTOMOTIVE GROUP

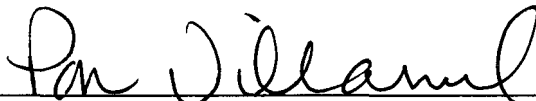
NOTICE IS HEREBY GIVEN that on August 23, 2016, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider Planning Commission's recommendation for approval of a request to cancel 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 Gen Ag & PD 143 to a new PD zone to allow development of an auto dealership. The project site is located at the southwest corner of Pelandale and McHenry Avenues, in the Modesto area. APN's: 046-008-024; 046-008-016; 046-005-010; and, 046-005-014. A CEQA Negative Declaration will be considered.

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: August 2, 2016

ATTEST: Elizabeth A. King, Clerk of  
the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY:   
Pam Villarreal, 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:

Aug 12, 2016

STANISLAUS COUNTY  
NOTICE OF PUBLIC HEARING FOR  
WILLIAMSON ACT CANCELLATION,  
GENERAL PLAN AMENDMENT,  
AND REZONE APPLICATION  
NO. PLN2016-0013  
FINDLAY AUTOMOTIVE GROUP

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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: August 2, 2016.  
ATTEST: Elizabeth A. King, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk.  
Pub Dates Aug 12, 2016

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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

August 12th, 2016

(By Electronic Facsimile Signature)

Cynthia A. Villarreal