

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 1, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Tony Cusenza, Rachelle Antinetti, Marie Assali, Kathleen Griffin, Allen Layman, Andrew Souza, Ray Souza, and Helen White.
- Absent: Jim Poore
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Associate Planner; Bill Carlson, Associate Planner; Carole Maben, Assistant Planner; Michael Wilson, Assistant Planner; Sara Lytle-Pinhey, Assistant Planner; Jack Doering, Assistant County Counsel; Kevin Williams, Director of Department of Environmental Resources; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Dennis Wister, Building Official, Department of Development Services; Eva Rosa, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. March 18, 2004 - Revised
Griffin/Layman, 7-0, **APPROVED**
Commissioner Andrew Souza abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet and placed before them this evening:
- A. Memo dated April 1, 2004 from Department of Planning and Community Development requesting an indefinite continuance regarding Item VII-D - Parcel Map Application No. 2002-28 - Nancy Abdallah.
- B. Memo dated April 1, 2004 from Department of Public Works regarding Item VII-E, East Oakdale Residential Projects.
- C. Fax received April 1, 2004 from City of Oakdale Community Development Department regarding Item VII-E, East Oakdale Residential Projects.

- D. Fax received March 30, 2004 from Patrick M. Stone, General Contractor, regarding Item VII-E, East Oakdale Residential Projects.
- E. Letter received March 25, 2004 from Larry and Karen Rafferty regarding Item VII-E, East Oakdale Residential Projects.
- F. Letter received March 22, 2004 from Stanley L. And Donna P. Cook, regarding Item VII-E, East Oakdale Residential Projects.
- G. Revised Planning Commission Minutes of March 18, 2004.

VI. CONFLICT OF INTEREST

- A. Commissioner Assali is familiar with parties in Item VII-C, Use Permit Application No. 2004-01 - Braden Farms, but this will not cause a conflict.
- B. Commissioner Antinetti is familiar with parties in Item VII-C, Use Permit Application No. 2004-01 - Braden Farms, but this will not prevent her from rendering an impartial decision.
- C. Commissioner Ray Souza is familiar with parties in Item VII-C, Use Permit Application No. 2004-01 - Braden Farms, but this will have no bearing on his ability to render an impartial decision.

VII. PUBLIC HEARINGS (* - Consent Items)

Commissioner Cusenza informed the public of the consent items and procedure.
Public hearing opened.
Public hearing closed.

CONSENT ITEMS

- *A. **USE PERMIT APPLICATION NO. 2003-43 - EUGENE WAINWRIGHT** - This is a request to construct a single family residence and storage building on a 9.8 acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located on the west side of Tully Road and south of East Service Road, in the Hughson area. This project is Exempt from CEQA.
APN: 045-005-069
Staff Report: Mike Wilson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
A. Souza/Assali, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *B. **USE PERMIT APPLICATION NO. 2003-39 - McHENRY AVENUE PROPERTIES**

This is a request to amend Planned Development 242 for the development of additional storage of automobiles and recreational vehicles on a 10.2± acre parcel. The project is located east of the Bangs Avenue and McHenry Avenue intersection, in the Modesto area (4412 McHenry Avenue). This project is Exempt from CEQA. APN: 082-006-060

Staff Report: Sara Lytle Pinhey / Angela Freitas Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

A. Souza, Assali, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

- *C. USE PERMIT APPLICATION NO. 2004-01 - BRADEN FARMS** - This is a request to expand an existing almond shelling and hulling operation (Use Permit No. 90-20) by adding a 24,000 square foot hulling and shelling building and a 50,550 square foot shell storage building. A 2,400 square foot storage building and a 1,600 square foot office will be removed. The property is located in A-2-40 (General Agriculture) zoning district at 1348 Meikle Road, Hickman. A Negative Declaration will be considered.

APN: 019-20-29

Staff Report: Bob Kachel Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

A. Souza/ Assali, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

- *D. PARCEL MAP APPLICATION NO. 2002-28 - NANCY ABDALLAH - (CONTINUED FROM THE NOVEMBER 6, 2003, PLANNING COMMISSION MEETING)** - This is a request to create seven 40+ acre parcels from a 287.41± acre site in the A-2-40 (General Agriculture) zoning district. The property is located less than one mile west of Sonora Road, east of Frankenheimer Road and north of Orange Blossom Road, in the Oakdale area. A Mitigated Negative Declaration will be considered.

APN: 002-063-040

Staff Report: Carole Maben Recommends **INDEFINITE CONTINUANCE**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

A. Souza/ Assali, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION OF INDEFINITE CONTINUANCE.**

NON-CONSENT ITEMS

**E. EAST OAKDALE RESIDENTIAL PROJECTS, INCLUDING:
(CONTINUED FROM THE SEPTEMBER 18, 2003 PLANNING COMMISSION
MEETING)**

A Mitigated Negative Declaration will be considered on all projects.

**VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2001-04,
EXCEPTION NO. 2003-04 - HILLSBOROUGH II** - This is a request to create 67 parcels with a minimum lot size of 20,000 square feet in the R-A (Rural Residential) zoning district. The property is located at 9989 Dillwood Road, in Oakdale area. APN: 010-003-052 & 010-003-053

**VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2002-04 - LANDS
OF SCHUTZ** - This is a request to create eight parcels of with a minimum lot size of 20,000 square feet and one 30.0 acre remainder in the R-A (Rural Residential) zoning district. The property is located 10661 Dixon Road in the Oakdale Area. APN: 010-021-56 & 010-070-01

**VESTING PARCEL MAP APPLICATION NO. 2003-25 EXCEPTION NO. 2003-02 -
KUSHAR** - This is a request to create three parcels of 1.0 to 2.8 acres and a 6.39 acre remainder in the R-A (Rural Residential) zoning district. The property is located at 9984 Dillwood Road in the Oakdale Area. APN: 010-001-074

Staff Report: Bill Carlson Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: Dave Carter, 1033 Atlas Road; Rob Dudley, 10831 Dixon Road; Doug Maner, 10008 River Oak Circle; Joan Dudley, 10831 Dixon Road; Robert Rae, speaking on behalf of his father who lives at 10222 Atlas Road; Ron Guzman, 10919 Dixon Road; Marsha Burch, attorney representing Sheila Martin-Stone; Stan Cook, 9967 Dillwood Road.

7:45 p.m. - Recessed

8:00 p.m. - Reconvened

Ewell Robertson, 10219 Atlas Road; Robert Rae; Mitch Gagos, 10543 Dixon Road; Robert Peasley, 11400 Valley Oak Drive; Kevin Birkholz, 10001 River Oak Drive; Phil Rockey, 547 Del Rio Circle.

FAVOR: Bruce Boese, 440 S. Yosemite Avenue; Diane Moore, Moore Biological Firm, 1300 W. Lodi Avenue, Lodi; Bill Cisco, Dowling Associates; Brett Jolley, Herum Crabtree Brown, Inc, 2291 W. March Lane, Stockton, representing Bruce Boese; David Romano, Russell Newman, representing the Kushar's; Richard Barzan, 7231 Langworth Road; Phil Stanwood, East E Street; Merle Schutz, 10661 Dixon Road.

Public hearing closed.

Public hearing opened.

FAVOR: Bill Kull, Guiliani & Kull; Bruce Boese.

Public hearing closed.
Public hearing opened.
OPPOSITION: Robert Rae
Public hearing closed.

MOTION TO HAVE SUBDIVIDER WIDEN AND PAVE DILLWOOD ROAD TO 16 FEET ON BOTH LANES.

A. Souza/White, 5-3 (A. Souza, Assali, Antinetti), **DENIED.**

MOTION TO APPROVE EAST OAKDALE RESIDENTIAL PROJECTS, INCLUDING:

VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2001-04, EXCEPTION NO. 2003-04 - HILLSBOROUGH II WITH AMENDED CONDITION NO. 18 TO READ:

18. Planned signalization improvements at the Atlas/Highway 108/120 intersection are included in the county's current public facilities fee program. However, because this tentative map was vested prior to the public facilities plan update adopted by the Board of Supervisors February 4, 2003, applicants shall pay prior to the issuance of a building permit, a traffic mitigation fee of \$250 per residential unit for future deceleration, acceleration and turning lanes at the Atlas/Highway 108/120 intersection.

ADD TO CONDITION #19 (AFTER LAST SENTENCE):

Sufficient payment shall be installed at Dillwood Road/Highway 120/108 intersection and Atlas Road/Highway 120/108 intersection per county standards to provide for right turn movements within the existing right of ways.

VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2002-04 - LANDS OF SCHUTZ AMENDED CONDITION NO. 11 TO READ:

11. Planned signalization improvements at the Atlas/Highway 108/120 intersection are included in the county's current public facilities fee program. However, because this tentative map was vested prior to the public facilities plan update adopted by the Board of Supervisors February 4, 2003, applicants shall pay prior to the issuance of a building permit, a traffic mitigation fee of \$250 per residential unit for future deceleration, acceleration and turning lanes at the Atlas/Highway 108/120 intersection.

VESTING PARCEL MAP APPLICATION NO. 2003-25, EXCEPTION NO. 2003-02 - KUSHAR.

Griffin/White, 6-2 (Assali, Antinetti), **APPROVED.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF MARCH 23, 2004

- A. The Board conducted a public hearing on the reallocation of \$791,000+ of Community Development Block Grants to be moved from the Robertson Road area to the Keyes area, and at this point to hold off making the transfers. We pursue more with City staff and the Council the ability to use that money in the Robertson Road area for sewers.
- B. The Board denied an appeal for Use Permit Application No. 2002-28 - Santa Fe Aggregates, which means that the project was approved and can continue on.

BOARD OF SUPERVISORS' ACTION OF MARCH 30, 2004

- A. The Board set a public hearing for April 27, 2004, 9:25 a.m., to consider the adoption of updated fire protection facility fees for the West Stanislaus County Fire Protection District.
- B. The Board set a public hearing for May 11, 2004, 9:25 a.m., to consider the approval of Annual Work Plan, which includes \$2,288,000 Community Development Block Grant, \$85,010 Emergency Shelter Grant, and \$541,000 Home Investment Partnership Grant.
- C. The Board set a public hearing for April 20, 2004, 6:40 p.m., to consider General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, Vesting Tentative Map Application No. 2002-02 - Riopel & Associates.
- D. The Board approved release of the Draft Annual Work Plan for the Community Development Block Grant Program.
- E. The Board approved Rezone Application No. 2003-07 - Ray Gritton. This is a request to rezone one acre in the Salida area from A-2-10 to Planned Development to allow development of an office warehouse business center, located on the east side of Kiernan Court in the Salida area.
- F. The Board approved setting aside and voiding the approvals of the 2001 Addendum of the Diablo Grande Specific Plan Environmental Impact Report and modified Condition 57 for Vesting Tentative Map Application No. 97-01 - Diablo Grande Unit One. The Board also made additional findings necessary to re-approve Modified

Addendum to the Diablo Grande Specific Plan EIR, and to incorporate the Kern County Water Agency water supply into the Condition 57 approval, for Vesting Tentative Map Application No. 97-01 - Diablo Grande Unit One.

MISCELLANEOUS & ON THE HORIZON

- A. We received a faxed letter this week from State Department of Housing and Community Development, advising us that our Housing Element has been certified. When we receive a hard copy of that letter, we will make copies and pass them out to the Commission for your review.

April 15, 2004

1. One Use Permit
2. One Parcel Map

May 6, 2004

1. Ordinance Amendment for Produce Stands/Markets & Seasonal Activities
2. One Use Permit
3. One Rezone

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Commissioner Cusenza thanked Staff and the Commission for their hard work on the projects before the Commission this evening.
- B. A workshop regarding the Williamson Act will be conducted on May 22, 2004.
- C. The Planning Commission is interested in considering non-motorized transportation trails, and it was decided that this will be brought up during a General Plan Update Committee meeting.
- D. The Commission is also interested in joint meetings with the Planning Commissions of the cities in the county.

XI. ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

Ron E. Freitas, Secretary

(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Director.)