

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 5, 2005

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Andrew Souza, Marie Assali, Tony Cusenza, Annabel Gammon, Allen Layman, Jim Poore, and Ray Souza.
- Absent: Rachelle Antinetti and Mike Navarro
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Angela Freitas, Senior Planner; Bill Carlson, Associate Planner; Michael Wilson, Assistant Planner; Joshua Mann, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk.
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. April 7, 2005
R. Souza/Assali, 6-0, **APPROVED**
Commissioner Layman abstained.
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo from Department of Public Works, dated May 5, 2005, outlining new Condition of Approval No. 9 for Item VII-B, Parcel Map Application No. 2004-31, Patterson Frozen Foods
- B. Faxed copy of letter dated April 20, 2005 from Bob Endsley regarding Item VII-E, Parcel Map Application No. 2005-09, William Endsley
- C. Letter dated April 25, 2005 from Mrs. Julia Paul, along with a petition signed by 48 people, regarding Item VII-E, Parcel Map Application No. 2005-09, William Endsley
- D. Packet of information from Produce Stand and Produce Market Workshop, held on May 3, 2005

- E. Tuolumne River Regional Park Commission Agenda for April 18, 2005
- F. Tuolumne River Regional Park Commission Agenda for April 27, 2005
- G. California Planning & Development Report, Vol. 20, No. 4 - April 2005
- H. California County Planning Commissioners Association, Central District Spring Conference Flyer

VI. CONFLICT OF INTEREST

- A. Commissioner R. Souza is acquainted with Mr. Endsley, but this will not cause a conflict.
- B. Commissioner Poore is acquainted with Patterson Frozen Food and Mr. Endsley, but this will not cause a conflict.
- C. Commissioner A. Souza is acquainted with the Ielmini family (Patterson Frozen Food) but this will not cause a conflict.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. USE PERMIT APPLICATION NO. 2004-30 - TOP NOTCH KENNEL** - Request to expand an existing dog boarding kennel facility to allow a new 4,095 square foot kennel (for approximately 35-40 dogs) and a new 1,030 square foot office. The 14,375 square foot parcel is in the A-2-40 (General Agriculture) zoning district. The property is located at 3302 Beckwith Court, west of Highway 99 and south of Beckwith Avenue, in the Modesto area. A Mitigated Negative Declaration will be considered. **Requesting Indefinite Continuance.**
APN: 005-034-021
Staff Report: Joshua Mann Recommends **APPROVAL OF INDEFINITE CONTINUANCE.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Cusenza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION OF AN INDEFINITE CONTINUANCE.**

- *B. PARCEL MAP APPLICATION NO. 2004-31 - PATTERSON FROZEN FOODS -**
Request to divide five existing parcels totaling 829.3 acres into 21 parcels. Sixteen of the proposed parcels are 40± acres with a proposed 51-acre remainder and zoned A-2-40 (General Agriculture). The remaining five parcels are 20± acres and zoned A-2-20 (General Agriculture). The property is located east and west of Highway 33, and south of Needham Road and Sequoia Avenue, in the Patterson area. A Negative Declaration will be considered.
APNs: 021-016-007 and 008; 021-017-002, 003, and 009
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Cusenza, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 9 TO READ:**
- 9. Prior to the final parcel map being recorded, a maintenance agreement shall be executed and recorded that specifies maintenance of all private access roads will be the sole responsibility of the property owners. A copy of the recorded agreement shall be provided to the Department of Public Works and the Department of Planning and Community Development prior to recording the final parcel map.**
- *C. PARCEL MAP APPLICATION NO. 2004-33 - TOM AND REGINA PEARSON -**
Request to create parcels of 11,868 and 10,918 square feet in the R-1 (Single Family Residential) zoning district, designed as LDR (Low-Density Residential) on the General Plan. The property is located at 4216 Esmail Avenue, in the Keyes area. This project is Exempt from CEQA.
APN: 045-015-010
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Cusenza, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

Item VII-D was removed from Consent Calendar and heard as a Non-Consent Item.

- D. USE PERMIT APPLICATION NO. 2005-04 - TAMANA RESIDENCE -** Request to construct a single-family dwelling on a 9.7 acre parcel in the A-2-40 (General Agriculture) zoning district, located at 3601 Lander Road, between Harding Road and Clausen Road, in the Turlock area. This project is Exempt from CEQA.

APN: 044-045-018

Staff Report: Bob Kachel Recommends **APPROVAL**. *Report presented by Bill Carlson.*

Public hearing opened.

OPPOSITION: Judy Harrell, 4024 Lander Avenue

FAVOR: No one spoke.

Public hearing closed.

Layman/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

- E. **PARCEL MAP APPLICATION NO. 2005-09 - WILLIAM ENDSLEY** - Request to create parcels of 5,378, 5,842, 5,844 and a 17,279 square foot remainder located in a R-1 (Single Family Residential) zoning district at 2100 Hawkeye Avenue, Turlock. This project is Exempt from CEQA.

APN: 051-036-006

Staff Report: Bob Kachel Recommends **APPROVAL**. *Report presented by Bill Carlson.*

Public hearing opened.

OPPOSITION: Rafael Pantoja, 2200 Christine Way; Joanne Hall, 2140 Christine Way; Julia Paul, 2128 E. Hawkeye; Kim Jantz, 2260 Christine Way

6:30 p.m. Commissioner Ray Souza is acquainted with Kim Jantz and her family, and will recuse himself from the hearing. He left the chambers.

Jim Payne, 1480 Heppner Way; Christine Martinez, 1401 Karen Way; Jim Snider, 1440 Karen Way; Jim Snider, 1440 Karen Way; Greg Oliveira, 2240 Christine Way; Gail Lytle, 2205 Christine Way; Julia Paul, 2128 Hawkeye; Mrs. Oliveira, 2240 Christine Way; Brett Jantz, 2260 Christine Way; John Hogan, 2212 Hawkeye; Bill Olson, 2116 Hawkeye.

FAVOR: Bob Endsley, 2100 Hawkeye

Public hearing closed.

Assali/Cusenza, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

7:15 p.m. Commission Ray Souza returned to chambers.

- F. **TENTATIVE MAP APPLICATION NO. 2004-07 AND EXCEPTION APPLICATION NO. 2005-02 - MARQUETTE ESTATES** - Request to create six 3+ acre parcels from an 18.35± acre parcel site in the A-2-3 (General Agriculture) zoning district. An exception to the Stanislaus County Subdivision Ordinance is requested since the proposed cul-de-sac is greater than 500 feet in length. The property is located at 7354 Eleanor Avenue, north of Webster Avenue and west of Gold Run Drive, in the Riverbank area. A Negative Declaration will be considered.

APN: 062-010-010

Staff Report: Carole Maben Recommends **APPROVAL**. *Report presented by Angela Freitas.*

Public hearing opened.

OPPOSITION: Robin Ireland, 7319 Gold Run Drive; Jonathan Foster, 7525 Richardson; Ed White, 7271 Gold Run Drive; Mr. Wilson, Gold Run Drive; Tim O'Brien, Richardson Road; Bill Cantwell, 4806 Webster; Marilyn Wilson, Gold Run Drive.

FAVOR: Al Toschi, Benchmark Engineering

Public hearing closed.

R. Souza/Gammon, 6-1 (Assali), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, WITH ADDED CONDITION OF APPROVAL:**

53. **The recorded final map shall include irrigation easements to all parcels to allow irrigation via Oakdale Irrigation District water.**

G. USE PERMIT APPLICATION NO. 2005-07 - SARGENTI TRAINING KENNELS -

Request to establish a training kennel facility for up to 30 dogs maximum on 57.88 acres in the A-2-40 (General Agriculture) zoning district. The property is located on 28-Mile Road, south of Dorsey and north of Frankenheimer Roads, in the Oakdale area. This project is Exempt from CEQA.

APN: 002-054-009

Staff Report: Carole Maben Recommends **APPROVAL**. *Report presented by Joshua Mann.*

Public hearing opened.

OPPOSITION: Janice Higgins, 8979 Frankenheimer Road

FAVOR: Tom Zeff, 12812 28-Mile Road

OPPOSITION: Janice Higgins

FAVOR: Tom Zeff

Public hearing closed.

Assali/Cusenza, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. PATTERSON JOINT UNIFIED SCHOOL DISTRICT EASTSIDE MIDDLE SCHOOL PROJECT: PATTERSON JOINT UNIFIED SCHOOL DISTRICT INTENT TO ACQUIRE AN ELEMENTARY SCHOOL SITE - Patterson Joint Unified School

District has chosen a 23-acre site for a middle school on the north side of Walnut Avenue at the extension of Hartley Street, in the northeast area of Patterson. The Planning Commission will determine the site's consistency with the General Plan. Report Presented by Ron E. Freitas.

PUBLIC COMMENT: No one spoke.

Assali/R. Souza, Unanimous (7-0) **FINDS PROPOSED SCHOOL SITE IS CONSISTENT WITH GENERAL PLAN.**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF APRIL 12, 2005

- A. The Board considered an appeal of Planning Commission denial of Use Permit Application 2004-29, DB Truck Parking. The Board unanimously upheld the denial of the Use Permit and denied the appeal request.

BOARD OF SUPERVISORS' ACTIONS OF APRIL 19, 2005

- A. The Board approved General Plan Amendment Application 2003-08, Rezone Application 2003-11, Bassi Plaza. This was a request to rezone and amend the General Plan from Agriculture to Planned Development and to change the zoning from General Agriculture (A-2-40) to Planned Development to allow for a mini market/gas station at the northwest corner of Grayson and Crows Landing Roads. The Board unanimously approved this item only for Phase 1. Phase 2 was not approved and would have to come back through the Planning Commission and Board for approval of Phase 2.
- B. The Board approved General Plan Amendment Application 2004-05, Rezone Application 2004-12, Sequoia Apartments. This was a request to rezone and amend the General Plan for two parcels totaling about 7/10th of an acre from Planned Development and Low Density Residential to a new Planned Development for a 24-unit apartment complex in the community of Salida. This was approved unanimously.
- C. The Board approved General Plan Amendment Application 2000-09, Rezone Application 2000-12, Valley Wood Preserving. This was a request to rezone and amend the General Plan from General Agriculture, zoned A-2-10, to Planned Development to allow for truck and recreational vehicle and equipment parking and storage, located on south Golden State Boulevard, south of Turlock. This item was unanimously approved by the Board.
- D. This was a Public Hearing to consider an appeal of Planning Commission denial of Use Permit Application 2003-35, Gurdwara Sagar Church located on the east side of Golf Road, south of Turlock. The Board approved the requested appeal on a 3-2 vote, thereby approving the church.

BOARD OF SUPERVISORS' ACTIONS OF APRIL 26, 2005

- A. The Board set a public hearing for May 17, 2005 at 6:40 p.m. to consider Rezone Application 2004-09, Billy R. Jones.

BOARD OF SUPERVISORS' ACTIONS OF MAY 3, 2005

- A. While the Board met this date, there were no items directly effecting the Planning Commission on the Agenda.

MISCELLANEOUS & ON THE HORIZON

May 19, 2005

1. Three Use Permits
2. One Parcel Map

June 2, 2005

1. Two Use Permits
2. Two Parcel Maps
3. One Variance with a Temporary Mobile Home Permit

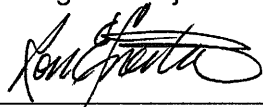
Director Freitas announced that he will not be at the May 19th meeting. Deputy Director Kirk Ford will be attending.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Commissioners discussed the California County Planning Commissioners Association Central District Spring Conference to be held May 13, 2005 in Murphys. Director Freitas said that the Department could send two commissioners. Commissioners Andrew Souza and Tony Cusenza expressed interest and will let the Planning Commission Clerk know on Friday if they will be able to attend.

XI. ADJOURNMENT

The meeting was adjourned at 9:03 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.)