

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

May 4, 2006

- I. ROLL CALL:** Meeting called to order at 6:04 p.m.
- Present: Chair Ray Souza, Marie Assali, Annabel Gammon, Robert Hardie, Arsenio Mataka, Michael Navarro, and Jim Poore
- Absent: Tony Cusenza, Allen Layman
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Sara Lytle-Pinhey, Assistant Planner; Joshua Mann, Assistant Planner; Ed Burroughs, Deputy 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 20, 2006  
Poore/Gammon, 6-0, **APPROVED**  
Navarro abstained.
- V. CORRESPONDENCE**  
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Tuolumne River Regional Park Commission Agenda
- B. Farmland Working Group - Spring 2006
- VI. CONFLICT OF INTEREST**
- A. Commissioner Poore is acquainted with Mr. Carroll, Item VII-C, Vesting Tentative Parcel Map No. 2005-35 - Last Frontier, but this will not cause a conflict.

- B. Commissioner Assali is acquainted with Mr. Dykzeul, Item VII-E, Parcel Map Application No. 2005-30 - Barbara Dykzeul, but this will not cause a conflict.
- C. Commissioner Souza is acquainted with Mr. Dykzeul, Item VII-E, Parcel Map Application No. 2005-30 - Barbara Dykzeul, 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. **PARCEL MAP APPLICATION NO. 2005-38 - NAVDEEP BALI** - Request to create 30 air space condominiums, ranging in size from 1,450 to 2,700 square feet in an approved (Staff Approval 2005-93), but not yet constructed, 55,300 square foot office building to be located in Planned Development (PD) # 286 on 3.49 acres located at the northwest corner of Pentecost Drive and Charity Way, north of Modesto. This project is exempt from CEQA.  
APN: 004-065-033  
Staff Report: Bob Kachel Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*B. **PARCEL MAP APPLICATION NO. 2005-29 - JAMES SARAS** - Request to create two parcels of approximately 49 acres each, with a 217 acre remainder, in an A-2-40 (General Agriculture) zoning district. The project is located on the east side of Stone Road, between California Avenue and Maze Boulevard (Highway 132), west of Modesto. A CEQA Negative Declaration will be considered for this project.  
APN: 007-041-001 and 007-041-002  
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- \*C. **VESTING TENTATIVE PARCEL MAP NO. 2005-35 - LAST FRONTIER** - Request to create 2 parcels of 250 and 368.9 acres in size from a 618.9 acre site in the A-2-40 (General Agriculture) zoning district on Williamson Act property (Contract No. 71-151). The property is located on the north side of Warnerville Road, east of Tim Bell Road in the Oakdale area. A CEQA Mitigated Negative Declaration will be considered for this project.  
APN: 011-003-012, 011-003-014, and 011-005-030  
Staff Report: Joshua Mann Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*D. **PARCEL MAP APPLICATION NO. 2005-27 - PANOZ - DUCK PARCEL MAP** - Request to create two "estate lot" parcels of 5.1 and 3.9 acres from an un-surveyed remainder of 188 ± acres, located in the hills south of the "Legends" Golf Course in the Diablo Grande (SP-1) zoning district. The sites currently contain one single-family dwelling each, and are accessed from existing County and private roads. This map is considered exempt from CEQA.  
APN: 025-015-007  
Staff Report: Carole Maben Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**NON-CONSENT ITEMS**

- E. **PARCEL MAP APPLICATION NO. 2005-30 - BARBARA DYKZEUL** - Continued from April 6, 2006. Request to create three parcels of 10 acres each in an A-2-10 (General Agriculture) zoning district located at the northwest corner of River Road and Cleveland Avenue, northwest of Oakdale. Property is under a Williamson Act contract. A Negative Declaration will be considered for this project.  
APN: 006-009-070  
Staff Report presented by Bob Kachel.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Pete Dykzeul  
Public hearing closed.  
Public hearing opened.  
**FAVOR:** Pete Dykzeul

Public hearing closed.

Commissioner Hardie motioned to approve with added Condition of Approval No. 25. Motion failed due to no second.

Navarro/Assali, 4-3 (Poore, Hardie, Mataka) **APPROVED WITH ADDED CONDITIONS OF APPROVAL:**

25. **Prior to recordation of the Final Map, all proper building, occupancy and mobile home permits for the existing mobile home shall be obtained, or the mobile home shall be removed from the property.**
26. **No new structures shall be allowed to be placed on any new parcel created by this parcel map until such time that the parcel is no longer under the provisions of a Williamson Act Contract.**

Public hearing re-opened to discuss OID request of additional road dedication.  
Public hearing closed.

#### **VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. None.

#### **IX. REPORT OF THE DIRECTOR**

##### **BOARD OF SUPERVISORS' ACTIONS OF APRIL 25, 2006**

- A. The Board did not meet this date.

##### **BOARD OF SUPERVISORS' ACTIONS OF MAY 2, 2006**

- A. The Board adopted and waived the second reading of the Department of Planning and Community Development 2006 Fee Schedule.
- B. The Board set for public hearing May 23, 2006 at 9:25 a.m. to consider Rezone Application No. 2005-14 - Cherokee Plaza/Patricia Cochran.
- C. The Board approved an agreement with the Housing Authority of Stanislaus County to continue the Housing Rehabilitation Program and consider reallocating \$172,500 from prior year Home Investment Partnership Program to fund the Housing Rehabilitation Program.
- D. The Board approved the draft Community Development Block Grant Annual Action Plan that included \$2.5 million Community Block Grant awards, \$108,000 in Emergency Shelter Grant awards.

- E. Sitting as the Redevelopment Agency, the agency approved an agreement with the Housing Authority to continue the housing rehabilitation program; authorized the Executive Director to sign the Development and Disposition Agreements with adjacent land owners to Salida Boulevard and Cloutier Drive in Salida regarding the sale of excess rights of way, and adopted a \$3.7 million 2006-2007 fiscal year budget.

**MISCELLANEOUS & ON THE HORIZON**

County Counsel will be conducting a mandatory AB 1234 training on June 8<sup>th</sup> here in the County Board Chambers for commissions. This is a must-have training under state law, so please mark your calendars for June 8<sup>th</sup> and plan on attending.

**May 18, 2006**

- 1. One Parcel Map with a Variance
- 2. One Use Permit
- 3. Adoption of Development Schedule for El Rematito Marketplace
- 4. One Vesting Tentative Subdivision Map

**June 1, 2006**

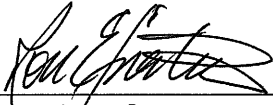
- 1. Four Use Permits
- 2. One Parcel Map with a Williamson Act Cancellation

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

- A. None.

**XI. ADJOURNMENT**

The meeting was adjourned at 7:30 p.m.

  
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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.)