

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

June 15, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Ray Souza, Marie Assali, Annabel Gammon, Rob Hardie, Arsenio Mataka, and Jim Poore
- Absent: Tony Cusenza, Allen Layman, Michael Navarro
- Staff Present: Kirk Ford, Deputy Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Sara Lytle-Pinhey, Assistant Planner; Joshua Mann, Assistant Planner; Rachel Wyse, Assistant Planner; Javier Camarena, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Mike Newton, 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. June 1, 2006  
Gammon/Poore, 4-0, **APPROVED**  
Commissioners Assali and Hardie abstained.
- V. CORRESPONDENCE**  
Deputy Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Letter dated June 5, 2006 from Kristin Stackhouse-Johns regarding Item VII-C - Ordinance Amendment No. 2006-03 - Produce Stands and Produce Markets.
- B. Letter dated June 2, 2006 from the City of Modesto regarding Item VII-C - Ordinance Amendment No. 2006-03 - Produce Stands and Produce Markets.
- C. Memo dated June 15, 2006 from the Planning Department regarding Time Extension No. 2006-01-03 for the East Oakdale Projects, which will be discussed later in the meeting.

**VI. CONFLICT OF INTEREST**

A. None.

**VII. PUBLIC HEARINGS ( \* - Consent Items )**

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

**\* CONSENT ITEMS**

None.

**NON-CONSENT ITEMS**

**A. PARCEL MAP APPLICATION NO. 2005-39, WILLIAMSON ACT CANCELLATION**

**NO. 2005-01 - CLIPPER RANCH - Continued from June 1, 2006.** Request to split 9.27 gross acres into three 3-acre gross parcels in the A-2-3 (General Agriculture) zoning district, and a petition for cancellation of the existing Williamson Act Contract (#78-3286). The property is located at 7125 Langworth Road, on the west side of Langworth Road between Highway 108 and Patterson Road, in the Oakdale area. The Planning Commission will consider a Negative Declaration on this project.

APN: 062-013-009

Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Dave Romano, 1020 10<sup>th</sup> Street, Modesto

Public hearing closed.

Assali/Hardie, Unanimous (6-0) **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS, AS OUTLINED IN THE STAFF REPORT.**

**B. USE PERMIT APPLICATION NO. 2006-04 - PIONEER EQUINE HOSPITAL -**

Request to establish a full-service equine (horse) hospital, consisting of a 13,194 square foot hospital building, a 24,000 square foot arena, and four barns totaling 18,000 square feet. Construction will occur in three phases. The site is located on a 19.48 acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located at the southeast corner of Cleveland Avenue and Valley Home Road, in the Valley Home area. The Planning Commission will consider a Negative Declaration on this project.

APN: 002-060-001

Staff Report: Joshua Mann Recommends **APPROVAL.**

Public hearing opened.

**OPPOSITION:** Jim Gerholt, 11548 Valley Home Road; Felipe Nava, 11419 Cleveland Avenue

**FAVOR:** Scott Blevins, 11277 Cleveland Avenue; Bruce Johnston, 11499 Cleveland Avenue; Brad Jackman, 11501 Pioneer Road; Dan Holman, 2025 E. F Street, Oakdale

**OPPOSITION:** Jim Gerholt  
Public hearing closed.

Poore/Gammon, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- C. ORDINANCE AMENDMENT 2006-03 - PRODUCE STANDS AND PRODUCE MARKETS** - Proposed amendment to Chapter 21.90 - Produce Stands and Produce Markets, of the Stanislaus County Zoning Ordinance, to expand the maximum allowable size of a Produce Stand and allow Produce Stands to have electricity. The ordinance amendment also adds the definition of "retail food law", revises the application type for a Produce Stand, clarifies standards for both produce stands and markets, and restructures the Chapter to eliminate redundant information. This project is exempt from CEQA.

This Ordinance Amendment is Countywide.

Staff Report: Angela Freitas Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Sebastian Cipponeri, 4020 Bogue Road, Denair; Bill Loratelli, 509 Hamden Lane, Modesto

Public hearing closed.

Mataka/Assali, Unanimous (6-0) **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS, AS OUTLINED IN THE STAFF REPORT.**

#### **VIII. OTHER MATTERS (Not Public Hearings)**

- A.** Change of Nuisance Abatement Hearing Board Members, presented by Mike Newton, Code Enforcement Unit Manager. It was decided that Commissioners Poore and Layman will continue to serve on the Nuisance Abatement Hearing Board, with Commissioner Assali serving as alternate.
- B.** County Counsel introduced a request for a time extension for the East Oakdale Projects, and noted that a two-thirds majority of the Commission would be required to make specific findings in order to consider the request at this meeting as an item "too late" for the agenda. Commissioner Poore mentioned that he has a potential conflict. It was recommended that the Commission recess in order for County Counsel to decide whether there is a conflict.

**7:15 p.m. Recessed**

**7:20 p.m. Reconvened**

County Counsel agreed that Commissioner Poore has a conflict, and because a two-thirds majority of the Commission was not available, directed the Planning Staff to consider scheduling a special Planning Commission meeting on June 29, 2006.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF JUNE 6, 2006**

- A. The Board accepted the Tentative Map Application for the proposed Lawson-Qualles subdivision in Denair (8 parcels on a 3.38 acre site), Tentative Map No. 2005-08.
- B. The Board approved Rezone Application No. 2004-01, Timmerman Starlite Trucking.
- C. The Board approved the appeal of the Planning Commission's Condition of Approval No. 26 for Parcel Map Application No. 205-30, Barbara Dykzeul, and removed Condition No. 26, which would have required that "no new structures shall be allowed to be placed on any new parcel created by this parcel map until such time the parcel is no longer under the provisions of the Williamson Act contract."

**BOARD OF SUPERVISORS' ACTIONS OF JUNE 13, 2006**

- A. The Board approved two lot line adjustments, and rescission and new Williamson Act contracts.
- B. The Board held a Public Hearing to consider the adoption of the Fiscal Year 2006-2007 Proposed Budget and Related Actions, and approved the Budget.
- C. The Board approved creation of a new Fire Prevention Bureau within the County Fire Warden's office. This Bureau will take over responsibility for building permit and land use application review, effective July 1, 2006.

**MISCELLANEOUS & ON THE HORIZON**

**June 29, 2006 - Special Meeting**

- 1. Time Extension for Two Vesting Tentative Maps and One Parcel Map

**July 6, 2006**

- 1. Two Parcel Maps, One with a Use Permit
- 2. One Rezone Application
- 3. One Time Extension
- 4. Proposed School Site for a New Elementary School in the Riverbank Unified School District
- 5. Appeal of Denial of Business License (requesting continuance to July 20, 2006)

**July 20, 2006**

1. One Parcel Map
2. Certification of a Final EIR
3. Appeal of Denial of Business License

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

- A.** None.

**XI. ADJOURNMENT**

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

  
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Kirk Ford, Deputy Director

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