

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 20, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Ray Souza, Marie Assali, Robert Hardie, Allen Layman, Arsenio Mataka, and Jim Poore
- Absent: Tony Cusenza, Annabel Gammon, and Michael Navarro
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Mike Newton, Manager of Code Enforcement, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. None
- IV. APPROVAL OF MINUTES**
- A. July 6, 2006
Poore/Layman, 5-0, **APPROVED**
Commissioner Mataka abstained
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Notice of Cancellation of the August 17, 2006 Airport Land Use Commission Meeting
- B. Memo dated July 20, 2006 from Planning Department requesting withdrawal of application on Item VII-A, Parcel Map Application No. 2006-06 - James & Carrie Northcutt
- C. Letter dated July 14, 2006 from Mike Kooyman regarding Item VII-B, Final Environmental Impact Report for Parcel Map Application No. 2003-45 - Orchard Estates / Lake Road Grizzly Ranch
- VI. CONFLICT OF INTEREST**
- A. Commissioner Assali met with Dennis Wilson, representing Lake Road Grizzly Ranch, to discuss the project, but this will not have an effect on her decision.

- B. Commissioner Poore also met with Dennis Wilson, and met Mr. Kooyman several years ago, but this will not cause a conflict.
- C. Commissioner Souza also met with Dennis Wilson, 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.

- *A. PARCEL MAP APPLICATION NO. 2006-06 - JAMES & CARRIE NORTHCUTT - Request to create two parcels of 7.1 acres from a 14.2 acre parcel in the A-2-5 (General Agriculture) zoning district. The property is located on the west side of Olive Avenue, south of the Tulloch Lateral, in the east Oakdale area. The Planning Commission will consider a Negative Declaration. **Applicant has withdrawn application.****

NON-CONSENT ITEMS

- B. FINAL ENVIRONMENTAL IMPACT REPORT FOR PARCEL MAP APPLICATION NO. 2003-45 - ORCHARD ESTATES / LAKE ROAD GRIZZLY RANCH - Request to subdivide 10 existing parcels on an existing 2,843-acre almond orchard site on the south side of Lake Road, east of Meikle Road in the Hickman area into 71 forty-acre parcels, dedicated for the cultivation and growth of almond orchards as a primary use, with a secondary use to allow potential future compatible residential development. Property owners would have the future option to convert up to 1 ½ acres of each forty-acre parcel into a residential building development envelope. According to the Stanislaus County zoning regulations (A-2-40/General Agriculture) each forty-acre parcel would be allowed a maximum of two homes within each residential development envelope. The proposed project's primary use would continue to be the cultivation of almonds upon build-out and approximately 106.5 acres of the property would be used for residential development. The proposed project would also include the construction of private streets and utilities. The Planning Commission will consider the certification of the Final EIR on this project. APN: 020-003-014; 020-003-015; 020-003-016; 020-003-017; 020-001-017; 020-001-018; 020-001-019; 020-001-024; 020-001-025; 020-001-027
Staff Report: Bob Kachel Recommends **DENIAL**.
Public hearing opened.
IN FAVOR OF PROJECT: Dennis Wilson, Horizon Consulting; Mike Kooyman; Casey Kooyman, 12118 S. Union Road, Manteca; Dan Wisenhunt, 5043 Montpelier Road**

7:45 p.m. - Recessed
7:55 p.m. - Reconvened

IN OPPOSITION OF PROJECT: Henry Brandt; Arlene Ludlow; Gerald Deardorf, 16825 Lampley; Jim Ludlow; Robert Hampton
IN FAVOR OF PROJECT: Darin Judd, Legal Counsel; Dennis Wilson
Public hearing closed.

CONSULTANTS FROM EIP ASSOCIATES: Jose Bodipo-Memba; John Moynier

Assali/Layman, Unanimous (6-0) **CERTIFIED THE FINAL ENVIRONMENTAL IMPACT REPORT, ITEMS 1 THROUGH 4 ON PAGE 11 OF THE STAFF REPORT, AS CONSISTENT WITH CEQA REQUIREMENTS.**

Poore/Assali, 5-1 (Mataka) **INDICATED SUPPORT OF THE PARCEL MAP SUBJECT TO MAKING FINDINGS REQUIRED UNDER CEQA AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND DIRECTED STAFF TO PREPARE A STATEMENT OF OVERRIDING CONSIDERATIONS BASED UPON SPECIFIC EVIDENCE ON THE RECORD AND TONIGHT'S TESTIMONY, AND RETURN TO THE PLANNING COMMISSION ON SEPTEMBER 7, 2006. ALSO DIRECTED STAFF TO MAKE AVAILABLE TO PLANNING COMMISSIONERS NOT IN ATTENDANCE AT TONIGHT'S MEETING A COPY OF TONIGHT'S HEARING.**

VIII. OTHER MATTERS (Not Public Hearings)

A. REQUEST FOR ALTERNATE MEMBER FOR NUISANCE ABATEMENT HEARING BOARD

Presented by Mike Newton, Code Enforcement Unit Manager
Chair Souza appointed Arsenio Mataka as an alternate for the Nuisance Abatement Hearing Board.

B. PROPOSED SCHOOL SITE DEVELOPMENT BY RIVERBANK UNIFIED SCHOOL DISTRICT FOR NEW ELEMENTARY SCHOOL - Continued from July 6, 2006, by Applicant's request.

The school district is proposing to construct and operate a public school facility on approximately 9.23 acres located at the southeast corner of Eleanor Avenue and Mesa Drive, near Riverbank. The Planning Commission will determine the site's consistency with the County General Plan

APN: 062-017-007

Report given by Ron Freitas

Comments were provided by Rick Jones and Jim Bush, both of Riverbank Unified School District.

Poore/Assali, Unanimous (6-0) **FOUND THE SCHOOL SITE TO BE INCONSISTENT WITH THE COUNTY'S GENERAL PLAN.**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF JULY 11, 2006

A. The Board approved adding a ½ cent sales tax for transportation funding to the election ballot for November 2006.

B. The Board set for a public hearing July 25, 2006 at 9:20 a.m. to consider the introduction and waiving of the reading and the adoption of the Planning and Community Development Ordinance 2006-03, an ordinance amending Title 21 of the Stanislaus County Code relating to produce stands and produce markets.

BOARD OF SUPERVISORS' ACTIONS OF JUNE 18, 2006

- A. Accepted the election officials certification of the results of the initiative petition on the Citizen's Rights to Vote on Expansion of Residential Areas in the county.
- B. The Board approved a finding that the City of Oakdale's proposed Sphere of Influence expansion promotes logical and orderly development and directed the Chief Executive Officer to notify the Local Agency Formation Commission of the Board's finding.
- C. The Board considered approval of a cancellation of Williamson Act Contract 78-3286, and a parcel map to create 3 parcels located on the west side of Langworth Road, between Oakdale and Riverbank. The Board unanimously approved the Williamson Act Cancellation and Parcel Map.

MISCELLANEOUS & ON THE HORIZON

August 3, 2006

1. Two Parcel Maps
2. One Use Permit
3. One Tentative Subdivision Map

August 17, 2006

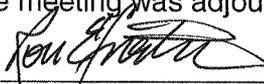
1. Appeal of Staff Decision
2. One Parcel Map
3. One Use Permit
4. One Rezone

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None

XI. ADJOURNMENT

The meeting was adjourned at 10:30 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.)