

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

September 7, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Ray Souza, Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, and Michael Navarro
- Absent: Tony Cusenza, Jim Poore
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Rachel Wyse, 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. August 17, 2006
Assali/Gammon, 7-0, **APPROVED**
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Farmland Working Group Newsletter.
- B. Memo from Department of Planning and Community Development, dated September 7, 2006, along with packet of information received September 5, 2006 from Ian Greensides, attorney for D&L Concrete Pumping, Inc., Item VII-B.
- C. Information regarding California County Planning Commissioners Association Conference to be held October 27 and 28, 2006.
- D. Revised Chapter 21.90 of the Zoning Ordinance - Produce Stands and Produce Markets. This should replace the current chapter in your Zoning Ordinance.

- E. Notice of Public Workshops and Draft Update of the Stanislaus County General Plan Agricultural Element.

Director Freitas introduced Rachel Wyse, new planner in the Planning Department, to the Commissioners.

VI. CONFLICT OF INTEREST

- A. Commissioner Mataka's family knows the Cox's, Item VII-A, Use Permit Application No. 2006-13 - Just Tomatoes, but this will not cause a conflict.
- B. Commissioner Assali knows the Cox's, Item VII-A, Use Permit Application No. 2006-13 - Just Tomatoes, 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. 2006-13 - JUST TOMATOES** - Request to expand an existing fruit and vegetable hydration/processing facility in two phases; by adding a new 6,000 square foot steel building for packing, and converting the existing AG storage building to a commercial building for their produce storage, and adding 750 square feet to the existing building in the A-2-40 (General Agriculture) zoning district on an 8.5 acre parcel. Located at 2245 Hamilton Road, northwest of Westley area. The Planning Commission will consider a Negative Declaration on this project.
APN: 016-013-042
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Navarro/Assali, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- B. **APPEAL OF DENIAL OF BUSINESS LICENSE FOR D&L CONCRETE PUMPING, INC.** - Continued from August 17, 2006. Appeal of a staff decision to deny the issuance of a business license for D&L Concrete Pumping, Inc. at 3730 Dakota Avenue, in the Modesto area.
APN: 076-068-016
Staff Report: Kirk Ford Recommends **DENIAL OF APPEAL**.

Public hearing opened.

OPPOSITION OF DENIAL: Ian Greensides, 2121 N. California, Ste 290, Walnut Creek; Larry Turner.

FAVOR OF DENIAL: No one spoke.

Public hearing closed.

Mataka/Assali, Unanimous (7-0), **APPROVED STAFF RECOMMENDATION TO DENY THE APPEAL BY D&L CONCRETE, INC. OF STAFF DECISION TO DENY ISSUANCE OF A BUSINESS LICENCE TO CONDUCT A CONCRETE PUMPING BUSINESS IN THE A-2 ZONE. THE COMMISSION'S ACTION AND DECISION WAS BASED UPON THE STAFF REPORT, INCLUDING ATTACHMENTS, TESTIMONY AND INFORMATION PRESENTED AT THE MEETING, AND FIND THAT (1) THE BOARD OF SUPERVISORS HAD PREVIOUSLY DETERMINED THAT A CONCRETE PUMPING BUSINESS IS NOT AN ALLOWED OR AN APPROPRIATE USE ON THE SUBJECT PROPERTY THAT IS ZONED AGRICULTURE, (2) THE LOCAL SUPERIOR COURT HAS ORDERED A PRELIMINARY INJUNCTION PROHIBITING THE CONDUCT OF A CONCRETE PUMPING BUSINESS ON THE SUBJECT PROPERTY, AND (3) A HOME OCCUPATION BUSINESS LICENSE IS NOT APPROPRIATE ON THE SUBJECT PROPERTY FOR SEVERAL REASONS, AND SPECIFICALLY THAT THE APPLICANT DOES NOT RESIDE ON THE PROPERTY.**

7:30 p.m. - Recessed

7:40 p.m. - Reconvened

- C. **PARCEL MAP APPLICATION NO. 2003-45 - LAKE ROAD GRIZZLY RANCH / ORCHARD ESTATES** - Adoption of **Findings of Facts and Statement of Overriding Considerations**, and approval of a 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. The Final Environmental Impact Report was adopted and certified on July 20, 2006 for this project
APN: 020-003-014; 020-003-015; 020-003-016; 020-003-017; 020-001-017;020-001-018
Staff Report: Bob Kachel **ADOPT THE FINDINGS OF FACTS AND STATEMENT OF OVERRIDING CONSIDERATIONS AND APPROVE THE PARCEL MAP.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Dennis Wilson, Horizon Consulting; Mike Kooyman
Public hearing closed.
Assali/Navarro, 6-1 (Mataka), **APPROVED TENTATIVE PARCEL MAP 2003-45, LAKE ROAD GRIZZLY RANCH/ORCHARD ESTATES, SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THE STAFF REPORT, AND SUBJECT TO MITIGATION MEASURES ADOPTED AS PART OF THE PROJECT'S FINAL ENVIRONMENTAL IMPACT REPORT; AND ADOPTED ALL**

OF THE FINDINGS SET FORTH IN THE STAFF REPORT; AND AMENDED RECOMMENDATION NUMBER 3 TO ADD A REFERENCE TO EXHIBIT D TO READ AS FOLLOWS:

3. **FIND THAT THE SET OF CONSIDERATIONS ATTACHED AS EXHIBIT D, IN TOTAL AND SUPPORTED BY THE COMPLETE RECORD, OUTWEIGH THE UNMITIGATED IMPACT OF LOSS OF 106.5 ACRES OF FARMLAND, DESPITE THE FINAL ENVIRONMENTAL IMPACT REPORT'S CONCLUSION THAT SUCH LOSS OF FARMLAND IS THE ONLY IDENTIFIED SIGNIFICANT AND UNMITIGATED IMPACT.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. **PROPOSED SCHOOL SITE DEVELOPMENT BY DENAIR UNIFIED SCHOOL DISTRICT FOR A NEW MIDDLE SCHOOL** - Request to construct and operate a public school facility on approximately 19.58 acres located near the northeast corner of Lester Road and East Zeering Road, near Denair. The Planning Commission will determine the site's consistency with the County General Plan.
APN: 024-012-026
Staff Report: Ron Freitas reports that school site is consistent with the General Plan. Layman/Gammon, Unanimous (7-0), **FIND SCHOOL SITE IS CONSISTENT WITH THE GENERAL PLAN.**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF AUGUST 22, 2006

- A. The Board considered and approved Rezone Application 2005-15, Carmax. This is a proposal located at the northeast corner of Claratina and McHenry Avenues, in the Modesto area. Your Planning Commission had recommended approval.
- B. The Board considered and approved two Williamson Act Contract recisions and lot line adjustment.

BOARD OF SUPERVISORS' ACTIONS OF AUGUST 29, 2006

- A. The Board approved setting a public hearing for September 19, 2006 at 6:45 p.m. to consider Rezone Application 2006-05, Excell Center.
- B. The Board authorized the 2005-2006 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant Program and set a public hearing for September 19, 2006 at 6:40 p.m. to consider the adoption of the 2005-2006 Consolidated Annual Performance Report.

BOARD OF SUPERVISORS' ACTIONS OF SEPTEMBER 5, 2006

- A. The Board did not meet this date.

MISCELLANEOUS & ON THE HORIZON

- A. You have been provided information regarding the California County Planning Commissioners Association's annual meeting in Sonoma. We have enough funds to send two people. Please let me know, by next Tuesday, who the two will be.
- B. The Stanislaus County Planning Directors Annual Planning Commission retreat will be held on Saturday, January 27, 2007. More information will be forthcoming, and the host agency this year will be Stanislaus County.

September 21, 2006

- 1. One Tentative Map Application
- 2. One Use Permit
- 3. Two Parcel Map Applications

October 5, 2006

- 1. Three Use Permits
- 2. Two Parcel Maps, one with an Exception and Variance
- 3. One Rezone
- 4. Consider the selection of the Crows Landing Naval Air Facility (CLNAF) as a redevelopment survey and project area

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XI. ADJOURNMENT

The meeting was adjourned at 9:08 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.)