

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 7, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Ray Souza, Tony Cusenza, Robert Hardie, Arsenio Mataka, and Michael Navarro
- Absent: Marie Assali, Annabel Gammon, Allen Layman, and Jim Poore
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Michael Newton, Code Enforcement Manager, 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. November 16, 2006 - **Unable to approve due to a lack of quorum.**
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Letters received November 30, 2006, from Armando M. Flores, attorney for El Rematito Marketplace.
- B. Letter received December 7, 2006, from Kathy J. Castor, First National Bank, regarding El Rematito Marketplace.
- C. Fax received December 6, 2006, from Armando M. Flores, regarding El Rematito Marketplace.
- D. Memo dated December 7, 2006 from Public Works Department regarding El Rematito Marketplace.

VI. CONFLICT OF INTEREST - 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**

- *A. TIME EXTENSION FOR PARCEL MAP APPLICATION NO. 2004-20, VARIANCE APPLICATION NO. 2004-04 - BILL HUMMER** - Request for a one-year time extension to October 22, 2007, to record the map for Parcel Map Application No. 2004-20 & Variance Application No. 2004-04. The project was approved to create two parcels of 3.0 and 4.0 acres with the Variance to create a flag-lot with a 30 foot width in an R-A (Rural Residential) zoning district and an Estate Residential General Plan designation. The property is located at 12412 Lancaster Road, east of Oakdale. This project is exempt from CEQA.
APN: 010-010-033
Staff Report: Joshua Mann Recommends **APPROVAL OF ONE-YEAR TIME EXTENSION TO OCTOBER 22, 2007.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Cusenza/Mataka, Unanimous (5-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND GRANTED ONE-YEAR TIME EXTENSION TO OCTOBER 22, 2007.**
- *B. PARCEL MAP APPLICATION NO. 2006-28 - LOUIS LOMBARDI** - Request to create two Williamson Act parcels of 40.6 and 58.9 acres in an A-2-40 (General Agriculture) zoning district. The property is located at 10830 Pellerin Road, at the south end of Blossom Road, in the Waterford area. The Planning Commission will consider a Mitigated Negative Declaration for this project.
APN: 019-002-005 and 019-002-006
Staff Report: Bob Kachel Recommends **APPROVAL.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Cusenza/Mataka, Unanimous (5-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- *C. **TENTATIVE MAP APPLICATION NO. 2006-02 - LESTER ROAD SUBDIVISION**
Continued from November 2, 2006. Now requesting indefinite continuance.
Request to divide a 4.58 acre parcel, containing one house into 15 residential lots located at the southwest corner of Lester Road and E. Zeering Road, in Denair. There will be a multiple use drainage basin / open space lot. Project is zoned R-A (Rural Residential) and designated Low Density Residential on the Land Use Element map in the General Plan. The parcel sizes would range from 8,022 to 13,578 square feet. Public sewer & water service will be provided by the Denair Community Services District. The Planning Commission will consider a Mitigated Negative Declaration for this project.
APN: 024-012-004
Staff Report: Bob Kachel Recommends **INDEFINITE CONTINUANCE.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Cusenza/Mataka, Unanimous (5-0) **APPROVED INDEFINITE CONTINUANCE.**

***** Items taken out of order. *****

VIII. OTHER MATTERS (Not Public Hearings)

- A. Request to initiate a zone change from "Planned Development" (PD No. 285) to "General Agriculture" (A-2-40) due to non-compliance with the approved development schedule, located at 3113 Crows Landing Road, El Rematito Marketplace. ***Continued from November 2, 2006 Planning Commission Meeting.***
APN: 056-055-004 and 056-055-005
Report given by Kirk Ford
OPPOSITION: Pete Verdegaal, 2716 Surrey Avenue, Modesto
FAVOR: Armando Flores, 429 13th Street, Modesto; David Leamon, 213 S. Sierra, Oakdale
OPPOSITION: Louise Vargas, 512 W. Hackett Road, Modesto
Mataka/Hardie, Unanimous (5-0), **APPROVED OPTION NUMBER 2 AS PRESENTED IN THE STAFF REPORT:**

Found that the Development Schedule as adopted in May 2006 should be revised, and adopted the revised construction schedule as provided by the Applicant which specifically would require all off-site construction shall be completed by March 13, 2007, and all on-site improvements shall be completed by October 17, 2007, including that the Planning Director or his designee is provided flexibility to extend the construction completion deadline by up to a maximum of 60 days, one time only, under the condition that a good faith effort is shown by the applicant to complete the improvements and that good cause is shown as to the reasons for the request. Any request beyond 60 days shall require Planning Commission approval.

Adopted additional Conditions of Approval to supplement those previously approved as requested by the City of Ceres, as shown on Page 4 of the Staff Report, including a requirement that these conditions be completed no later than October 17, 2007.

Approved modified Condition of Approval Number 55 as presented in a memo dated December 7, 2007, from the Department of Public Works.

Requested that staff provide regular updates to the Commission as to the status of the construction activities and to reconvene for a formal status report to the Commission at the March 15, 2007 regularly scheduled Commission meeting.

****** Items taken out of order. ******

NON-CONSENT ITEMS

- D. ZONING ORDINANCE AMENDMENT NO. 2006-06 – REVOCATION OF PERMITS & GENERAL PROVISIONS** - This is a request to amend the Stanislaus County Zoning Ordinance Chapter 21.104 - Revocation of Permits: to allow approved Variances, with a Tentative Map or Parcel Map, to be valid for the same period of time as the Tentative Map or Parcel Map and to change the revocation process to have the Nuisance Abatement Hearing Board make a recommendation to the Board of Supervisors rather than the Planning Commission. Also, to amend the Stanislaus County Zoning Ordinance Chapter 21.08 - General Provisions: to allow detached accessory buildings to meet the setback requirement allowed by the latest adopted Uniform Building Code.
Staff Report: Joshua Mann Recommends **THE PLANNING COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE BOARD OF SUPERVISORS.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Navarro/Cusenza, Unanimous (5-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS, WITH THE EXCEPTION OF MAINTAINING FOUR YEAR TERMS FOR MEMBER-AT-LARGE OF NUISANCE ABATEMENT HEARING BOARD.**

****** Items taken out of order. ******

VIII. OTHER MATTERS (Not Public Hearings)

- B. Change of Nuisance Abatement Hearing Board Members, presented by Mike Newton, Code Enforcement Unit Manager.
Continued to December 21, 2006 Planning Commission Meeting.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 28, 2006

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 5, 2006

- A. The Board set a public hearing for December 19, 2006 at 6:50 p.m. to consider General Plan Amendment Application 2006-03, Rezone Application 2006-08, Flory Industries.
- B. The Board considered Rezone Application 2006-01, Amirkhas Vehicle Storage and unanimously approved that rezone application, which is located on the east side of Taylor Court, between Keyes Road and Taylor Road, in the Keyes area.

MISCELLANEOUS & ON THE HORIZON

- A. For those of you who are planning on attending the Stanislaus County Planning Directors Annual Planning Commission retreat to be held on Saturday, January 27, 2007, please let Eva know, and we will make all the arrangements for you to attend.

December 21, 2006

1. Two Use Permits
2. Parcel Map and Exception
3. General Plan Consistency Finding for County Capital Improvement Program
4. Change of Nuisance Abatement Hearing Board Members

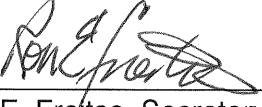
January 4, 2007

There will be no Planning Commission meeting on January 4, 2007.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None

XI. ADJOURNMENT

The meeting was adjourned at 7:32 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.)