

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 19, 2007

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Jim Poore, Marie Assali, Robert Hardie, Allen Layman, Arsenio Mataka, Michael Navarro, John Shores, and Ray Souza

Absent: Annabel Gammon

Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Bill Carlson, Senior Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Transportation Project Coordinator, Public Works Department; Kit McClurg, 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 5, 2007
Souza/Layman, 7-0, **APPROVED**
Robert Hardie abstained
- V. **CORRESPONDENCE**

Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:

 - A. Copy of letter received April 16, 2007, sent to John Aud, DER, by Joseph L. Wright, Law Offices of Gary P. Dambacher, regarding Fiscalini Cheese Company Use Permit Application No. 2006-36
- VI. **CONFLICT OF INTEREST**
 - A. Commissioner Assali knows Steve Sperry, but this will have no bearing on her decision this evening.
 - B. Commissioner Souza is acquainted with James LoForti, but this will have no bearing upon his ability to make an impartial decision. He is also acquainted with, and does business with, an individual impacted by Item VII-D, and he will be stepping down during this issue.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

***A. PARCEL MAP APPLICATION NO. 2006-18 - SPERRY RANCH** - This is a request to create six parcels containing 40.4±, 53.4±, 57.3±, 61.2±, 47.6± and 48± acres from a 308± acre site in the A-2-40 (General Agriculture) zoning district. This project site is not enrolled in a Williamson Act Contract. The property is located on the north and south sides of Warnerville Road, east of Emery Road, in the Waterford/Oakdale area. The Planning Commission will consider a Mitigated Negative Declaration for this project.

APN's: 010-015-058 and 010-020-021

Staff Report: Carole Maben Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Assali/Hardie, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

***B. USE PERMIT APPLICATION NO. 2007-01- JAMES LOFORTI** - Request to construct a 2,915 square foot single-family dwelling on a 10.26 acre Williamson Act parcel (77-2902), in the A-2-40 (General Agriculture) zoning district. The property is located north of West Main Street and west of Crows Landing Road, in the Turlock area. This project is exempt from CEQA.

APN: 022-036-020

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Assali/Hardie, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

C. VARIANCE APPLICATION NO. 2007-01 AND LOT LINE ADJUSTMENT APPLICATION NO. 2007-01 - RANGEL/SNEDEGAR - A request to adjust lot line 6.5 feet south to create 11,462.5 and 13,947.5 square foot parcels. The existing home on 1328 Bennett Road extends approximately 3 feet past the property line. The lot line adjustment proposal will create a new setback for the two existing

parcels of 3.5 feet each, which is less than the County's minimum 5 foot side yard setback. A variance is requested to allow the setbacks to be 3.5 feet. The property is located at 1324 and 1328 Bennett Road, north of Woodland Avenue, in the Modesto area. This project is exempt from CEQA.

APN: 081-029-007 and 081-029-008

Staff Report: Bill Carlson Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Javier Rangel

Public hearing closed.

Souza/Mataka, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

6:20 p.m. Commission Souza left the chambers.

- D. **APPEAL OF STAFF'S DETERMINATION REGARDING STAFF APPROVAL APPLICATION NO. 2007-09 AND LOT LINE APPROVAL APPLICATION NO. 2006-45 - CILION, INC. ETHANOL FACILITY** - Appeal of a Staff determination to complete a lot line adjustment (LLA 2006-45) and to issue a staff approval permit for two drainage basins (SAA 2007-09) related to construction of the Cilion, Inc. Ethanol Facility and existing A.L. Gilbert Feed facilities on approximately 40 acres located in the "Industrial" (M) and "Planned Development" (PD123) zoning districts at 4209 and 4431 Jessup Road, Keyes area. Ethanol manufacturing is a permitted use within the "Industrial" zone and the lot line adjustment was approved to consolidate ownership patterns consistent with the proposed site plans for both the existing A.L. Gilbert facility and the proposed Cilion, Inc. Ethanol Facility. The Staff Approval was required in order for two drainage basins to be constructed on A.L. Gilbert property located in Planned Development 123. Staff Approval permits are required for all uses in compliance with Development Standards of PD123.
- APN: 045-026-014, 045-026-035, 045-026-036, 045-026-037
- Staff Report: Kirk Ford Recommends **DENIAL OF APPEAL**.
- Public hearing opened.
- IN FAVOR OF APPEAL:** Richard Harriman, representing Valley Advocates, 191 W. Shaw Avenue, Fresno (presented three documents to the Commission); James Wagner, 4130 Jessup Road, Ceres
- IN OPPOSITION OF APPEAL:** Karri Hammerstrom, representing Cilion, 31189 Road 68, Goshen; Jeremy Wilhelm, 31189 Road 68, Goshen; Izick Camarena, 6042 Faith Home Road, Ceres
- Public hearing closed.
- Layman/Assali, 6-0 (Mataka abstained), **SUPPORTED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND DENIED THE APPEAL.**

7:45 p.m. Commissioner Souza returned to the chambers.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF APRIL 10, 2007

- A. The Board did not meet on this date.

BOARD OF SUPERVISORS' ACTIONS OF APRIL 17, 2007

- A. The Board unanimously approved Rezone Application No. 2006-07, Golden State Commercial Center. This was a project to rezone 2.5 acres from A-2-10 to Planned Development to allow for commercial businesses located north of the Golden State/Taylor Road interchange.
- B. The Board approved Rezone Application No. 2004-11, Parcel Map Application No. 2004-30, Valley Lexus. This was a proposal to locate an automobile dealership located on the west side of McHenry, between Bangs Avenue and Kiernan. Your commission had recommended approval.
- C. The Board conducted a public hearing on General Plan Amendment Application No. 2007-01, update of the Stanislaus County Ag Element of the General Plan. The Board returned the document back to the Ag Advisory Committee to close-up some issues with respect to Williamson Act, ag easements, buffers, the definition of viability, and some issues in the A-2 zone.

MISCELLANEOUS & ON THE HORIZON

May 3, 2007

1. One Use Permit

May 17, 2007

1. Two Parcel Maps
2. One Variance with a Lot Line Adjustment
3. An Appeal of Denial of a Temporary Mobile Home Permit

Airport Land Use Commission Meeting

1. Appeal of a Staff Determination

Director Freitas informed the Commission that he has submitted the Budget for this coming year, and he has requested an increase in compensation for the Planning Commissioners.

Assistant Director Ford gave an update on El Rematito Marketplace.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. None

XI. ADJOURNMENT

The meeting was adjourned at 7:55 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.)