

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

June 21, 2007

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Jim Poore, Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, Michael Navarro, John Shores, and Ray Souza
- Absent: No one
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Dana McGarry, Senior Planner; Javier Camarena, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Transportation Project Coordinator, Public Works Department; Mike Newton, Code Enforcement Unit 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. May 3, 2007
Souza/Gammon, 5-0, **APPROVED**
Commissioners Assali, Hardie, Navarro, and Poore abstained.
- B. June 7, 2007
Assali/Souza, 6-0, **APPROVED**
Commissioners Poore, Layman, and Navarro abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Email received June 20, 2007, from Jensen & Jensen, Attorneys, regarding Item VII-D, Request for Modification or Removal of Condition of Approval No. 31 for Parcel Map 2006-02 - Timbell-Warnerville Partners, LLC (Formerly Furtado Family Trust).

- B. Memo dated June 21, 2007 from Department of Planning and Community Development, requesting continuance of Item VII-E, Variance Application No. 2006-02 - Cole, to July 19, 2007.
- C. Memo dated June 21, 2007 from Department of Planning and Community Development, regarding Item VII-A, Use Permit Application No. 2007-11 - Holiday Inn Express Sign.

VI. CONFLICT OF INTEREST

- A. None.

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. USE PERMIT APPLICATION NO. 2007-11 - HOLIDAY INN EXPRESS SIGN -**
Request to amend an approved Planned Development by replacing the approved 20-foot high, 100-square foot pole sign with a requested 35-foot high, 150-square foot pole sign for an existing hotel in a Planned Development (PD 290) zoning district. The property is at 4300 Bangs Avenue in Salida. This project is exempt from CEQA.
APN: 135-042-028
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Layman/Hardie, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- *B. PARCEL MAP APPLICATION NO. 2007-01 - NORTHCUTT PARCEL MAP -**
Request to create two parcels of approximately 7.1 acres each from a 14.1 ± acre site in the A-2-5 (General Agriculture) zoning district. Various buildings will be relocated to different areas of the two proposed properties to meet setback requirements. The property is located on Olive Avenue, north of Orange Blossom Road, in the East Oakdale area. The Planning Commission will consider a Negative Declaration on this project.
APN: 010-048-019
Staff Report: Javier Camarena Recommends **APPROVAL**.
Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Layman/Hardie, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Director Freitas introduced Dana McGarry, Senior Planner, to the Commission.

NON-CONSENT ITEMS

C. REZONE APPLICATION NO. 2006-13 - CALOY COMPANY OIL AND FEED -

Request to change the zoning designation of a 5.65 acre parcel from A-2-40 (General Agricultural) to Planned Development to allow an existing 15,570 square foot warehouse/office building to be used as a processing facility to extract oil and process cattle feed from walnuts and almond meats, blended with rice hulls. The site includes the existing building, silos, loading area, and truck scales. Additions to the site will be employee parking, security fencing and gates, a new septic system, and landscaping. The business will be a 24 hour operation with 7 employees on maximum shifts. The project is located at 5425 Montpelier Road, in Montpelier, west of Denair. The Planning Commission will consider a Negative Declaration on this project.

APN: 019-041-027

Staff Report: Joshua Mann Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Report presented by Dana McGarry.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Bob Lemos, spokesperson for the applicant.

Public hearing closed.

Souza/Assali, Unanimous (9-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Item VII-E heard before VII-D.

E. VARIANCE APPLICATION NO. 2006-02 - COLE -

Request to legalize an existing non-permitted 384 square foot second dwelling unit on a 5,500 square foot parcel in the R-1 (Single-Family Residential) zoning district. The variance is required to address building site area and setback requirements. The property is located on the southeast side of Normandy Drive, between Ritsch Court and Picardy Drive, in the Modesto area. (1228 Normandy Drive) This project is exempt from CEQA.

APN: 030-027-033

Requesting Continuance to July 19, 2007.

PUBLIC COMMENTS: Barbara Savery, attorney at Petrulakis Jensen & Friedrich, requesting continuance.

Souza/Mataka, Unanimous (9-0), **CONTINUED TO JULY 19, 2007.**

6:55 p.m. - Recessed
7:00 p.m. - Reconvened

- D. REQUEST FOR MODIFICATION OR REMOVAL OF CONDITION OF APPROVAL NO. 31 FOR PARCEL MAP 2006-02 - TIMBELL-WARNERVILLE PARTNERS, LLC (FORMERLY FURTADO FAMILY TRUST)** - Parcel Map No. 2006-02 as approved by the Board of Supervisors on March 27, 2007, included Condition of Approval No. 31: "No residential structures shall be constructed on any parcel until either tree crops or vines have been planted on the parcel." Timbell-Warnerville Partners, LLC, has requested either modification or removal of this voluntary condition. The proposed revision to be considered is as follows: "No residential structures shall be constructed on any parcel until either tree crops, vines or other crops have been planted on the parcel, or until planning staff has made a determination that another agricultural use (consistent with all use regulations applicable to the particular parcel) has been established on the particular parcel for which the residential structure is proposed." The parcel map was approved for 13 parcels of approximately 80 acres in size, one parcel approximately 70 acres in size, and a 117± acre remainder from two existing parcels totaling 1,147 acres in the A-2-40 (General Agriculture) zoning district with no proposed new uses. The property is located southeast of the intersection of Tim Bell and Warnerville Roads, northeast of the Waterford area. This is exempt from CEQA.
APNs: 011-005-007 & 011-005-021
Staff Report: Carole Maben Recommends **FORWARD THE ISSUE TO THE BOARD OF SUPERVISORS, WITH OR WITHOUT THE MODIFICATION.**
Report presented by Kirk Ford.
Public hearing opened.
PUBLIC COMMENT: Mark Jensen, 1514 H Street, representing Timbell-Warnerville Partners, LLC.
Public hearing closed.
Layman/Assali, 7-2 (Mataka, Poore) **DENIED THE REQUEST TO MODIFY OR REMOVE CONDITION OF APPROVAL NO. 31.**

VIII. OTHER MATTERS (Not Public Hearings)

- A.** Change of Nuisance Abatement Hearing Board Members, presented by Mike Newton, Code Enforcement Unit Manager.

For the next six months, the Nuisance Abatement Hearing Board Members will be: Commissioner Layman, Chair; Commissioner Assali, Member; Commissioner Mataka, 1st Alternate; Commissioner Poore, 2nd Alternate.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF JUNE 12, 2007

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

BOARD OF SUPERVISORS' ACTIONS OF JUNE 19, 2007

- A. The Board approved a Lot Line Adjustment and Williamson Act rescission and new Williamson Act.
- B. The Board approved the proposed budget for Fiscal Year 2007-08.

MISCELLANEOUS & ON THE HORIZON

July 5, 2007 - Meeting cancelled

July 19, 2007

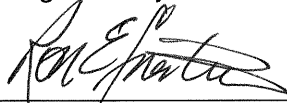
- 1. Three Use Permits
- 2. One General Plan Amendment and Rezone
- 3. Two Variance applications

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XI. ADJOURNMENT

The meeting was adjourned at 7:40 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.)