

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 2, 2007

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Jim Poore, Annabel Gammon, Robert Hardie, Arsenio Mataka, Michael Navarro, and John Shores
- Absent: Marie Assali, Allen Layman, Ray Souza
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Jack Doering, Assistant County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Denise Woods, 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. July 19, 2007
Gammon/Mataka, 6-0, **APPROVED**
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Reprint from The Commissioner, "Credibility, Respect, and Power: Sending the Right Nonverbal Signals."
- B. Memos dated August 2, 2007, from Applicant's attorney and Planning Department, requesting continuance to November 1, 2007 for Item VII-B, Variance Application No. 2006-02 - Cole.
- C. Memo dated July 31, 2007, from Department of Public Works regarding revised Conditions of Approval for Item VII-E, Use Permit Application No. 2006-25 - Modesto Christian School.
- D. Letter dated July 31, 2007, from City of Modesto's Planning Division, regarding Item VII-B, Variance Application No. 2006-02 - Cole.

VI. CONFLICT OF INTEREST

- A. Commissioner Shores is acquainted with John Griffin, but this will not prevent him from rendering a fair decision.
- B. Commissioner Poore is acquainted with John Griffin and Nan Griffin-Winters, but there will not be a conflict.

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. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-07 - GRIFFIN FAMILY** - This is a request to divide a 92± acre property into two parcels of 47.49 and 45.35 acres, in the A-2-40 (General Agriculture) zoning district. The property is located on the south side of California Avenue, between Griffin Road and Garrison Avenue, in the Modesto area. A CEQA Negative Declaration will be considered on this project.
APN: 017-007-005
Staff Report: Joshua Mann Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Mataka/Shores, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- B. **VARIANCE APPLICATION NO. 2006-02 - COLE - Continued from July 19, 2007**
This is a 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
Applicant Requesting Continuance to November 1, 2007.
Staff Report: Angela Freitas Recommends **CONTINUANCE TO NOVEMBER 1, 2007.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Navarro/Mataka, Unanimous (6-0), **CONTINUED TO NOVEMBER 1, 2007.**

- C. **APPEAL OF STAFF'S DETERMINATION - STEVEN PITTSO** - This is an appeal of a Staff determination to construct three new dwellings to replace demolished non-conforming residences at 27650 Hardin Road, in the Newman area. The residential units were confirmed as legal, non-conforming, and subsequently demolished, but the owner did not exercise his right to reconstruct within the required six-month time frame.

APN: 026-041-040

Staff Report: Kirk Ford Recommends **DENIAL**.

Public hearing opened.

IN FAVOR OF APPEAL: Steven Pittson, 449 Poppy Avenue, Patterson

IN FAVOR OF DENYING APPEAL: No one spoke.

Public hearing closed.

Navarro/Mataka, Unanimous (6-0), **APPROVED THE APPEAL, AND DIRECTED THAT THE APPLICANT HAD SIX (6) MONTHS FROM THIS DATE (UNTIL FEBRUARY 2, 2008) TO SUBMIT BUILDING PERMIT APPLICATIONS TO THE COUNTY FOR THE REPLACEMENT OF THE LEGAL NON-CONFORMING DUPLEX. THEREAFTER, IN ACCORDANCE WITH STANISLAUS COUNTY CODE CHAPTER 21.080.040(B), THE LEGAL NON-CONFORMING STATUS OF THE DUPLEX WOULD BE CONSIDERED ABANDONED.**

- D. **PARCEL MAP APPLICATION NO. 2006-49 AND VARIANCE APPLICATION NO. 2006-05 - SCHWARTZ PARCEL MAP** - This is a request to create 4 residential lots,

ranging in size from 36,725 to 52,009 square feet, with a 2.24 acre remainder (total of 5 parcels) from three existing parcels, in the R-A (Rural Residential) zoning district. All parcels will be served by public water and private septic systems. A variance is needed to create three parcels with less than 65 feet of width along the street frontage. The project is located at the southwest corner of Scarlet Oak Drive and Black Oak Court, east of Oakdale. This project is exempt from CEQA.

APN: 010-025-076, 010-025-101, and 010-025-102

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Ross Stephenson, Ross G. Stephenson Associates, Inc, 2801 Coffee Road, Modesto

Public hearing closed.

Shores/Poore, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- E. **USE PERMIT APPLICATION NO. 2006-25 - MODESTO CHRISTIAN SCHOOL** -

This is a request to allow the use of an elementary school, church services, and to revise a site plan for Use Permit 77-83, located in A-2-40 (General Agriculture) zoning district. The site plan is to allow the construction of three buildings in two phases. (The site was originally approved for a private Junior and Senior High School.) The Phase I is to construct one 75,570 square foot building for a multi-purpose room, gymnasium, classrooms, nursery, school, and church offices. Phase

It is proposed to add two buildings (14,422 square foot and 625 square foot) for a weight room, kitchen, storage rooms, and concessions stands. The property is located 5755 Sisk Road, west side of Sisk Road, north of Pirrone Road, in the Salida area. The Planning Commission will consider a Mitigated Negative Declaration on this project.

APN: 136-032-011

Staff Report: Bill Carlson Recommends **APPROVAL, ALONG WITH REVISED CONDITIONS OF APPROVAL FROM PUBLIC WORKS.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Ralph Sudfeld

Public hearing closed.

Gammon/Hardie, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH REVISED CONDITIONS OF APPROVAL FROM PUBLIC WORKS.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF JULY 24, 2007

- A. The Board approved Rezone Application No. 2006-13, Caloy Company Oil and Feed, which was a request to rezone about 5.5 acre parcel from A-2-40 to a Planned Development, to allow the creation of a business to extract oil and process cattle feed from walnuts and almonds.
- B. The Board cancelled the hearing for the Appeal of Planning Commission's Denial of the Removal of Condition of Approval No. 31 for Parcel Map No. 2006-02, TimBell-Warnerville Partners, LLC (formerly Furtado Family Trust). The Board will hear the item on August 21st.

BOARD OF SUPERVISORS' ACTIONS OF JULY 31, 2007

- A. The Board authorized the recordation of a Certificate of Cancellation of a Williamson Act Contract, No. 78-3286, Clipper Ranch, as the applicants paid their cancellation fee of \$121,500 to the State of California.
- B. The Board set a public hearing for August 21, 2007 at 6:50 p.m. to consider General Plan Amendment Application No. 2006-04, Rezone Application No. 2006-09, Gomes Transportation Truck Parking Yard.

MISCELLANEOUS & ON THE HORIZON

- A. Received notice from H.U.D. that we have been awarded \$2.6 million in Community Development Block Grant funds for FY2007-2008.
- B. Received notice that we have been awarded \$600,000 for a "First Time Home Buyer's" program.

August 16, 2007

- 1. One Parcel Map with an Exception
- 2. One Use Permit

August 23, 2007 - Special Historical Site Subcommittee Meeting in Knights Ferry

- 1. One Historical Site Permit Application

September 6, 2007

- 1. Four Parcel Maps
- 2. Two Use Permits
- 3. One Variance

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None

XI. ADJOURNMENT

The meeting was adjourned at 7:15 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.)