

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 6, 2007

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Jim Poore, Marie Assali, Annabel Gammon, Rob Hardie, Allen Layman, Arsenio Mataka, John Shores, and Ray Souza
- Absent: Michael Navarro
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Sean Purciel, Associate Planner; Javier Camarena, Assistant Planner; Karlha Arias, Assistant Planner; Kristin Doud, Assistant Planner; Jack Doering, Assistant County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; 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. November 1, 2007
Assali/Souza, 5-0, **APPROVED**
Commissioners Layman, Poore, and Mataka abstained.
- B. November 15, 2007
Souza/Gammon, 5-0, **APPROVED**
Commissioners Assali, Hardie, and Layman abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo dated December 6, 2007 from Planning Department, amending Conditions of Approval for Item VII-B, Rezone Application No. 2007-01 - Santa Fe Crossing.
- B. Email received December 5, 2007 from Kathleen Hamilton, regarding Item VII-B, Rezone Application No. 2007-01 - Santa Fe Crossing.

- C. Memo dated December 6, 2007 from Planning Department, along with letter dated December 5, 2007, from Hawkins & Associates Engineering, regarding Item VII-B, Rezone Application No. 2007-01 - Santa Fe Crossing.
- D. Letter dated December 4, 2007 from Kevin Stone, Government Relations Coordinator, Building Industry Association of Central California, regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- E. Letter dated December 5, 2007 from Stephen D. Madison, Building Industry Association of Central California, regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- F. Copy of letter dated September 7, 2006 to Santa Clara County LAFCO, from the Home Builders Association of Northern California, submitted by Stephen D. Madison regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- G. Copy of letter dated December 5, 2006 to Santa Clara County LAFCO, from Morrison Foerster, LLP, submitted by Stephen D. Madison regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- H. Email received December 4, 2007 from Kristen McMahan, regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- I. Email received December 4, 2007 from Curtis Nelson, regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- J. Email received December 4, 2007 from Brett Baker, regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- K. Email received December 4, 2007 from Rocky Myers, regarding Item VII-C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.

- L. Email received December 4, 2007 from Lauri Doerksen, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- M. Email received December 4, 2007 from Troy Wright, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- N. Email received December 4, 2007 from Robert Heisler, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- O. Email received December 4, 2007 from Jennifer Yokum, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- P. Email received December 4, 2007 from Duane J. Andrews, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- Q. Email received December 4, 2007 from Karen Lane, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- R. Email received December 4, 2007 from Shawn Christensen, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- S. Email received December 4, 2007 from Thomas Owens, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- T. Email received December 4, 2007 from Bart Barker, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- U. Email received December 4, 2007 from Fred Castiglione, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.

- V. Email received December 4, 2007 from Rick Clark, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- W. Email received December 4, 2007 from Pam Franco, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- X. Email received December 5, 2007 from Bill Zoslocki, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- Y. Email received December 5, 2007 from Terri Tillman, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- Z. Email received December 5, 2007 from Ridge Sutter, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- AA. Email received December 5, 2007 from Toby Wells, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- BB. Email received December 5, 2007 from Thomas Schulz, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- CC. Email received December 5, 2007 from Barry O’Regan, regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.
- DD. Letter dated December 6, 2007 from Central Valley Farmland Trust regarding Item VII–C - General Plan Amendment Application No. 2007-01 and Ordinance Amendment Application No. 2007-02 - Agricultural Element Update and Williamson Act Uniform Rules Update.

VI. CONFLICT OF INTEREST

- A. Commissioner Assali knows Clifford Barth, however, this will not cause 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. USE PERMIT APPLICATION NO. 2007-21 - CLIFFORD BARTH** - This is a request to build a 2,500 square foot single-family dwelling with an attached garage on a 9.18 acre site in the A-2-40 (General Agricultural) zoning district. The project is located on the east side of Walnut Avenue, between East Service and East Grayson Roads, south of Hughson. This project is exempt from CEQA.
APN: 045-007-035
Staff Report: Kristin Doud Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION:
FAVOR:
Public hearing closed.
Mataka/Hardie, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- B. REZONE APPLICATION NO. 2007-01 - SANTA FE CROSSING** - This is a request to change the zoning designation of 14.25 acres from PD (Planned Development) to a new Planned Development to allow a commercial project to be developed in three phases and adopt a development schedule. Phase 1 consists of 435 mini storage units, 50 storage container units, and storage for up to 52 RVs. Phase 2 consists of a gas station and a 5,065 square foot mini market with a drive through coffee shop. Phase 3 consists of a 19,250 square foot commercial building/car wash. The project is located at 4306 Santa Fe Avenue, at the northwest corner of Geer Road and Santa Fe Avenue, southeast of the City of Hughson. A CEQA Negative Declaration will be considered on this project.
APN: 045-007-031
Staff Report: Joshua Mann Recommends **APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH AMENDED CONDITIONS OF APPROVAL NO. 17, 18, 19, 20, AND MODIFIED CONDITIONS OF APPROVAL NO. 25, 26, AND 27.**
Public hearing opened.
OPPOSITION: Kathleen Hamilton, 4130 Geer Road, Hughson.
FAVOR: Rod Hawkins - 436 Mitchell Road, Modesto.
Public hearing closed.
Souza/Mataka, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH:**

- **DEVELOPMENT SCHEDULE WILL BE LIMITED TO FIVE (5) YEARS FOR ALL PHASES, WITH THE ABILITY TO COME BACK BEFORE THE PLANNING COMMISSION TO MODIFY THE DEVELOPMENT SCHEDULE.**
- **MODIFIED CONDITIONS OF APPROVAL NO. 17, 18, 19, 20, TO ADD THE PHRASE: “if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.”**
- **MODIFIED CONDITIONS OF APPROVAL NO. 25, 26, AND 27:**

25. Street improvements per County standards shall be installed along the property’s frontage on Geer Road and Santa Fe Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, street pavement, drainage facilities, signs, pavement markings, and left turn pockets at all driveway locations. The installation of these improvements may be phased in conjunction with the phasing of the development.

Phase 1: The installation of all required street improvements including a left turn pocket along the Geer Road frontage adjacent to the mini-storage complex. The installation of a left turn pocket on Santa Fe Avenue at the most southerly driveway that provides access to the Phase 1 development and the existing container storage area.

Phase 2: The installation of all required street improvements along the Geer Road and Santa Fe Avenue frontages adjacent to the Phase 2 development.

Phase 3: The installation of all required street improvements along the Santa Fe Avenue frontage adjacent to the Phase 3 development. These improvements shall include a left turn pocket at the most northerly driveway. If the existing storage, sales, and repair use changes to a different use with the development of either Phase 1 or 2, the left turn pocket at the most northerly driveway on Santa Fe Avenue shall be installed as a requirement of that particular phase.

The required road improvements shall be installed prior to final and/or occupancy of any building that is associated with the phase that triggers the improvements **or the developer may enter into a deferred street improvement agreement with Stanislaus County. The improvements may be deferred until Phase 3 or until such time that the Director of Public Works requires the improvements to be installed (County Code 13.08.030).**

26. Off-site improvement plans (including left turn pockets) for the entire road frontages of Geer Road and Santa Fe Avenue for all phases of development shall be approved by the Department of Public Works prior to the issuance of the first building permit for ~~Phase 1~~ development. **An Engineer's estimate shall be submitted for the entire project with the off-site plans.**
27. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the street improvements required for each phase shall be deposited with the Department prior to the issuance of the first building permit for the particular phase. **If the deferred street improvement agreement is filed with this Department, the financial guarantee requirement will be waived for this phase of work.**

C. GENERAL PLAN AMENDMENT APPLICATION NO. 2007-01 AND ORDINANCE AMENDMENT APPLICATION NO. 2007-02 - AGRICULTURAL ELEMENT UPDATE AND WILLIAMSON ACT UNIFORM RULES UPDATE - Consider a

recommendation to the Board of Supervisors for adoption of an update of the Agricultural Element of the Stanislaus County General Plan, an ordinance amendment to the Stanislaus County Zoning Ordinance, and an update to the Stanislaus County Williamson Act Uniform Rules. The update to the Agricultural Element focuses on the need to address impacts to agricultural land and the natural resources needed to support local agriculture and changes which have occurred as a result of the policies adopted in the current element. The update includes an amendment to Chapter 21.12 – Definitions, Chapter 21.20 – General Agriculture District (A-2), and Chapter 21.100 – Staff Approval Permits of the Stanislaus County Zoning Ordinance. The ordinance amendment will serve to primarily implement the policies and implementation measures of the Updated Agricultural Element. The ordinance amendment will also modify the permit requirement for development of a single-family dwelling on parcels less than 20-acres in size in the A-2-40 and -160 (General Agriculture) zoning district and add 'shelling' to the list of Tier One uses in the A-2 zoning district. The update to the Williamson Act Uniform Rules reflects the overall revisions and modifications, which have been identified as part of the Agricultural Element Update process. A CEQA Negative Declaration will be considered on this project.

APN: County-wide

Staff Report: Angela Freitas Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

OPPOSITION: Pat Storer, Dusty Lane; Kevin Stone, Building Industry Association of Central California; Keith Schneider, Patterson; Gus Oberthier, 11605 Yosemite Avenue, Waterford.

7:15 p.m. - Recessed

7:35 p.m. - Reconvened

FAVOR: Wayne Zipser, Chair of Agriculture Advisory Committee of Stanislaus County; Brad Barker, Sierra Club; Nathan Rosasco; Mike Darnell, American Farmland Trust; Bill Martin, Central Valley Farmland Trust; Tim Byrd, Chairman of Central Valley Farmland Trust; Denny Jackman, land use advocate.

Public hearing closed.

Assali/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE PLANNING COMMISSION MEMO AND RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Change of Nuisance Abatement Hearing Board Members, presented by Tod Woodward, Code Enforcement Unit Manager.
Commissioner Poore appointed Marie Assali as Chair, John Shores as Member, and Allen Layman as Alternate.
- B. **DEVELOPMENT SCHEDULE FOR EL REMATITO MARKETPLACE** - Request to modify the Development Schedule for the El Rematito Marketplace (PD 285).
PUBLIC COMMENT: Armando Flores, attorney for El Rematito Marketplace; Salvador Pleitez, developer for El Rematito Marketplace; Barry Siebe, Planning Manager for the City of Ceres.
Layman/Mataka, 6-2 (Poore and Assali), **EXTENDED COMPLETION OF ALL PROJECT IMPROVEMENTS TO JUNE 30, 2008.**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 27, 2007

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 4, 2007

- A. The Board accepted the resignation from the County Planning Commission from Robert Hardie.
- B. The Board set a public hearing for December 18th at 6:45 p.m. to consider General Plan Amendment No. 2007-01, Introduction and Waving of the reading of the adoption of Ordinance Amendment Application No. 2007-02, Agricultural Element of the Stanislaus County General Plan and Stanislaus County Williamson Act Uniform Rules Update.
- C. The Board set a public hearing for December 18, 2007 at 6:40 p.m. to consider General Plan Amendment 2006-07, Rezone Application 2006-11 - Belaski Repair Shop.

MISCELLANEOUS & ON THE HORIZON

- A. With the resignation of Rob Hardie, there will need to be another person appointed as an alternate to the General Plan Update Committee.

December 20, 2007

1. Ordinance Amendment - Public Events and Outdoor Entertainment
2. Two Parcel Map Applications
3. Variance Application
4. Use Permit Application

January 3, 2008

1. Two Use Permit Applications
2. Three Parcel Map Applications
3. One Rezone Application

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XI. ADJOURNMENT

The meeting was adjourned at 9:30 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.)