

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

February 7, 2008

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Jim Poore, Marie Assali, Annabel Gammon, Allen Layman, John Shores, and Ray Souza
- Absent: Arsenio Mataka and Michael Navarro
- Staff Present: Kirk Ford, Assistant Director; Bill Carlson, Senior Planner; Sean Purciel, Associate Planner; Mandy Bahia, 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** - No one spoke.
- IV. APPROVAL OF MINUTES**
- A. January 3, 2008  
Gammon/Layman, 5-0, **APPROVED**  
Commissioner Souza abstained.
- B. January 17, 2008  
Souza/Shores, 6-0, **DUE TO LACK OF QUORUM JANUARY 17<sup>TH</sup> MINUTES WILL BE CONSIDERED AT FEBRUARY 21<sup>ST</sup> MEETING.**
- V. CORRESPONDENCE**  
Assistant Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Letter and photographs received January 25, 2008, from Merlyn E. Garber, regarding Item VII-B, Time Extension for Parcel Map Application No. 2004-28 - Old German Baptist Brethren Church.
- B. Revised Agenda for February 7, 2008.
- C. Memo from the Planning Department, dated February 7, 2008, regarding Item VII-E, Parcel Map Application No. 2007-24 - Mono Drive Parcel Map.
- D. California Form 700, Statement of Economic Interests.
- E. Reimbursement Forms that need to be signed.

## VI. CONFLICT OF INTEREST

- A. Commissioner Layman is acquainted with the owner of Item VII-C, Use Permit Application No. 2007-25, Galen Filbrun Brethren Church Conference 2009, but this will not cause a conflict.
- B. Commissioner Layman is acquainted with the owners of Item VII-F, General Plan Amendment Application No. 2007-05, Rezone Application No. 2007-09, and Lot Line Adjustment Application No. 2007-25 - Frantz Landscape Center, but this will not cause a conflict.
- C. Commissioner Layman has done work for the Old German Baptist Brethren Church, Item VII-B, Time Extension for Parcel Map Application No. 2004-28, and will be stepping down during this hearing.
- D. Commissioner Assali has talked to Michael Frantz, Item VII-F, General Plan Amendment Application No. 2007-05, Rezone Application No. 2007-08, and Lot Line Adjustment Application No. 2007-25 - Frantz Landscape Center, but this will not cause a conflict.
- E. Commissioner Souza is acquainted with Mr. Frantz, Item VII-F, but this will not cause a conflict.
- F. Commissioner Poore is acquainted with the parties on Item VII-E, Parcel Map Application No. 2007-24 - Mono Drive Parcel Map, but 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. **PARCEL MAP APPLICATION NO. 2006-37 - MONTPELIER ROAD PARCEL MAP**  
**- Continued from January 3, 2008. Requesting Indefinite Continuance.** This is a request to divide a 249.3 acre property into six (6) parcels ranging in size from 41.3 to 41.6 acres in the A-2-40 (General Agriculture) zoning district. The project is east of Montpelier Road, in the Hickman area. The property is currently under a Williamson Act contract. The Planning Commission will consider a CEQA Negative Declaration on this project.  
APN: 019-013-019  
Staff Report: Javier Camarena Recommends **INDEFINITE CONTINUANCE.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Souza/Gammon, Unanimous (6-0), **CONTINUED THE PROJECT INDEFINITELY.**

Items taken out of order.

- \*C. USE PERMIT APPLICATION NO. 2007-25 - GALEN FILBRUN BRETHERN CHURCH CONFERENCE 2009** - Request to allow a four (4) day annual church conference at the Old German Baptist Brethren Church from May 30, 2009 to June 2, 2009. The parcel is located in the A-2-40 (General Agriculture) zoning district at 17013 Claribel Road, in the Oakdale area. Approximately 2,500 people are expected to attend. Following the closing of the conference on June 2, 2009, the property will be returned to its original state. This project is exempt from CEQA.  
APN: 011-005-039  
Staff Report: Mandy Bahia Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Souza/Gammon, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*D. USE PERMIT APPLICATION NO. 2007-23 - DUTCH HOLLOW PUMPKIN FARM - Requesting Indefinite Continuance.** Request to operate a seasonal, educational, pumpkin farm in the A-2-40 (General Agriculture) zoning district. The project will include a farm tour for school children, a retail pumpkin patch, animal barns, picnic areas, hay rides, and play area that includes hay maze, adventure course, bounce house, and mural/photo area. The property is located at 5101 Oakdale Road, adjacent to Claribel Road, in the Modesto area. This project is exempt from CEQA.  
APN: 074-014-007  
Staff Report: Karlha Arias Recommends **APPROVAL OF INDEFINITE CONTINUANCE**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Souza/Gammon, Unanimous (6-0), **CONTINUED THE PROJECT INDEFINITELY.**

Items taken out of order.

6:07 p.m. - Commissioner Layman left the Chambers.

- \*B. TIME EXTENSION FOR PARCEL MAP NO. 2004-28 - OLD GERMAN BAPTIST BRETHERN CHURCH** - This is a request for a one-year time extension to December 16, 2008, to record the map for Parcel Map No. 2004-28. The project was approved to create a 3.9 acre parcel for the church site and a 14.80 acre remainder parcel from 18.65 acres in an A-2-40 (General Agriculture) zoning district. The project is located at 6306 Covert Road, in the Salida area. This project is exempt from CEQA.  
APN: 012-007-013

Staff Report: Bill Carlson Recommends **APPROVAL OF TIME EXTENSION TO DECEMBER 16, 2008.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Assali/Shores, Unanimous (5-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND GRANTED THE TIME EXTENSION TO DECEMBER 16, 2008.**

6:08 p.m. - Commissioner Layman returned to the Chambers.

### NON-CONSENT ITEMS

**E. PARCEL MAP APPLICATION NO. 2007-24 - MONO DRIVE PARCEL MAP -**

Request to divide an existing 1.07± acre parcel into two parcels, each approximately .535± acres. The parcel currently has two existing industrial businesses on it and is located in the M (Industrial) zoning district. The property is located north of 1601 and 1603 Mono Drive, west of Empire Avenue, in the Modesto area. This project is exempt from CEQA.

APN: 035-028-006

Staff Report: Mandy Bahia Recommends **APPROVAL, ALONG WITH REVISED CONDITIONS OF APPROVAL NO. 11 AND 18, AS NOTED IN MEMO DATED FEBRUARY 7, 2008.** Report presented by Bill Carlson.

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Elwyn Heinen, Advanced Design Group

Public hearing closed.

Souza/Layman, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH REVISED CONDITIONS OF APPROVAL NO. 11 AND 18:**

11. The west wall of existing ~~Building No. 1~~ **Building No. 2** shall comply with minimum setback requirements or provide fire wall design to meet current adopted building codes. The applicant shall indicate the use and type of construction of building to determine the occupancy classification and shall be approved by the Building Permits Division prior to recording the final map.

18. ~~Each new parcel shall meet the County's parking standards. If the applicant chose to share a parking area, the reciprocal access and parking shall be showed and noted on the final map and approved by the Planning and Community Development Department prior to recording the final map.~~ **Any change of use or building additions, on Parcel 1 or Parcel 2, shall require the installation of adequate parking to meet County parking standards for both parcels.**

- F. **GENERAL PLAN AMENDMENT APPLICATION NO. 2007-05, REZONE APPLICATION NO. 2007-08, AND LOT LINE ADJUSTMENT APPLICATION NO. 2007-25 - FRANTZ LANDSCAPE CENTER** - Request to amend the General Plan and rezone five (5) acres from A-2-40 (General Agriculture) to PD (Planned Development) and construct a retail landscape business in two (2) phases. Phase one (1) is to build an 1,800 square foot retail/commercial building and a 22,100 square foot shade canopy on five (5) acres for retail landscaping. The project is to expand the existing wholesale tree nursery with a commercial element. Phase two (2) is to complete the development area of the five (5) acre property by doubling the shade structure area, parking and office area. The project will allow an existing wholesale tree nursery to continue to grow and expand. The project is located at 12741 Riverview Road, Hickman. The Planning Commission will consider a CEQA Negative Declaration on this project.  
APN: 019-008-023  
Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Michael Frantz, 12161 Delaware Road, Hickman  
Public hearing closed.  
Assali/Gammon, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS.**

VIII. **OTHER MATTERS (NOT PUBLIC HEARINGS)** - None

IX. **REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS OF JANUARY 22, 2008**

- A. The Board did not meet this date.

**BOARD OF SUPERVISORS ACTIONS OF JANUARY 29, 2008**

- A. The Board considered the adoption of Ordinance Amendment No. 2007-07, Public Events and Entertainment. Your Planning Commission had recommended that the Board take no action, and the Board followed your recommendation by a 4-1 (O'Brien) vote, and took no action on that Ordinance Amendment.

**BOARD OF SUPERVISORS ACTIONS OF FEBRUARY 5, 2008**

- A. The Board considered Rezone Application No. 2007-05, Denair Lumber, which was a request to rezone a 1.75 acre parcel from H-1 (Highway Frontage) to PD (Planned Development) to allow a lumber yard and retail store to develop in two phases. After the Public Hearing, the Board, on a unanimous vote, approved your recommendation and rezoned the subject territory to a Planned Development.

**MISCELLANEOUS & ON THE HORIZON**

- A. You have been given your 700 Forms - Statements of Economic Interests. Please complete these and return them to Eva at the next Planning Commission meeting.

February 21, 2008

1. A Use Permit Application
2. A Rezone Application
3. A Variance, with a Williamson Act Cancellation, and Lot Line Adjustment
4. General Plan Consistency Findings for the Capital Improvement Plan for Fiscal Year 2007-2008

March 6, 2008

1. Three Parcel Map Applications
2. A Use Permit Application

Items taken out of order.

**XI. ADDITIONAL MATTERS AT DISCRETION OF CHAIR**

- A. Commissioner Assali asked that it be put in the public record that her integrity and the integrity of the Planning Commission is under criticism about the vote (which was unanimous), on the Santa Fe Crossing. The City of Hughson is now claiming that they knew nothing about this project. That came from the City of Hughson's Planning Commission and from some of the members of the City Council. They are now objecting to the project. Mr. Ford stated that we have a letter from the City of Hughson in the file, stating it is consistent with the City's General Plan. This was also included in the packets for the Commission.
- B. County Counsel Doering reminded the Commission that, under the Ethical Rules that they are all obligated to adhere to, that when they attend conferences, it is appropriate and expected that they provide a brief report.
- C. Commissioner Shores reported on the Stanislaus County Planning Commissioners Workshop, held January 26<sup>th</sup>, in Oakdale. It was attended by Commissioners Assali, Gammon, Mataka, and Shores.

Items taken out of order.

**X. ELECTION OF CHAIR AND VICE CHAIR FOR 2008 AND APPOINTMENTS TO GENERAL PLAN UPDATE COMMITTEE**

Appointments to General Plan Update Committee

Assali/Layman, 6-0, appointed Annabel Gammon to the General Plan Update Committee. Chair Poore re-appointed Marie Assali to the General Plan Update Committee.

Election of Chair and Vice Chair for 2008

Souza/Gammon, 6-0, elected **Marie Assali as Chair.**  
Assali/Shores, 6-0, elected **Allen Layman as Vice Chair.**

**XII. ADJOURNMENT**

The meeting was adjourned at 6:50 p.m.



Kirk Ford, Assistant Director

(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Director.)