

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 20, 2008

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

Absent:

Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Rachel Wyse, 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. January 17, 2008
Poore/Gammon, 5-0, **APPROVED**
Commissioners Assali, Layman, and Souza abstained.
- B. February 21, 2008
Shores/Souza, 6-0, **APPROVED**
Commissioners Mataka and Poore abstained.
- C. March 6, 2008
Layman/Poore, 6-0, **APPROVED**
Commissioners Gammon and Souza 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 article from The Mercury News, "Developers drop plan for San Jose's Coyote Valley."

VI. CONFLICT OF INTEREST

- A. Commissioner Assali is friends with George and Doris Tavernas, but this will have no bearing on her decision. (Item VII-B - Vesting Tentative Map Application No. 2007-29, California Nut Company)
- B. Commissioner Layman knows the Grover family, but this will have no bearing on his decision. (Item VII-E - Use Permit Application No. 2006-37, Grover Landscape Services)
- C. Commissioner Souza is acquainted with Dr. Dhaliwal, but this will have no bearing on his decision. (Item VII-A - Variance Application No. 2007-03, Rupinder Dhaliwal)

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. **VARIANCE APPLICATION NO. 2007-03 - RUPINDER DHALIWAL -Continued from December 20, 2007. REQUESTING INDEFINITE CONTINUANCE.** This is a request to authorize a variance from required setbacks for the C-2 (General Commercial) zoning district to allow a fuel island canopy to encroach into a required front yard setback. The property is located at 4617 Kiernan Avenue, north side of Kiernan Avenue, east of State Route 99 northbound on-ramps, in Salida area. This project is exempt from CEQA.
APN: 135-045-038
Staff Report: Rachel Wyse Recommends **APPROVAL OF INDEFINITE CONTINUANCE.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Souza/Shores, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND CONTINUED INDEFINITELY.**
- *B. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-29 - CALIFORNIA NUT COMPANY** - This is a request to divide a 39.32 acre parcel, in the A-2-40 (General Agriculture) zoning district, into one 10 acre parcel, which contains the California Nut Company's storage and processing facilities, and one 29.32 acre remainder, which contains a single-family dwelling and almond orchard. The property is located on the southeast corner of Sperry and E. Grayson Roads, north of Denair. The Planning Commission will consider a CEQA Negative Declaration on this project.
APN: 019-031-003

Staff Report: Kristin Doud Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

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

NON-CONSENT ITEMS

- C. **APPEAL OF STAFF'S DETERMINATION - 2330 TWILDO AVENUE, OAKDALE - Continued from January 17, 2008.** Request to appeal staff's determination regarding the legal status of a structure located on a 12,197 square foot parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 2330 Twildo Avenue, in the Oakdale area. This project is exempt from CEQA.

APN: 064-018-045

Staff Report: Rachel Wyse Recommends **DENIAL OF APPEAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Gammon, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, AND DENIED THE APPEAL.**

- D. **USE PERMIT APPLICATION NO. 2006-38 - ALP CUSTOM SPREADING, INC - Continued from February 21, 2008.** Request to allow a manure spreading business to operate on three (3) acres of a forty (40) acre property, located in the A-2-40 (General Agriculture) zoning district. The proposed project is for the parking and maintenance of vehicles associated with the spreading operation. The project is located at 2324 Villa Manucha Road between Villa Manucha Road and Azevedo Road, north of Newman. The Planning Commission will consider a CEQA Negative Declaration on this project.

APN: 049-022-011

Staff Report: Javier Camarena Recommends **APPROVAL, ALONG WITH MODIFIED CONDITION LANGUAGE AS OUTLINED IN MARCH 10, 2008 MEMO FROM DEPARTMENT OF PUBLIC WORKS.** *Report presented by Angela Freitas.*

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Michael Warda, 2350 W. Monte Vista, Turlock; Jodi Freitas, 1115 Freitas Road, Newman.

Public hearing closed.

Souza/Mataka, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH THE FOLLOWING AMENDED CONDITIONS OF APPROVAL:**

17. Paved driveway approach(es) shall be installed to County Commercial "Collector" standard with 25' radii on Villa Manucha Road at the driveway location between the existing edge of road pavement and the right-of-way line. The driveway approach shall be constructed in a manner as to prevent runoff from going into the county road right-of-way. The approach shall be ~~installed within 1 ½ months after approval of the use permit~~ **installed by July 31, 2008.**
18. ~~The applicant shall make road frontage improvements along the entire parcel on Villa Manucha Road. This improvement shall include a 12' wide paved vehicle lane and a 4' wide paved asphalt shoulder. Improvement plans are to be submitted to the Stanislaus County Department of Public Works for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications.~~ **A four foot compacted gravel shoulder shall be installed along the entire frontage on Villa Manucha Road.**
26. All buildings over 120 square feet in size, shall be Automatic Fire Sprinklered to National Fire Protection Association #13, **unless written verification from West Stanislaus County Fire Protection District is obtained stating fire sprinklers are not required.**

E. USE PERMIT APPLICATION NO. 2006-37 - GROVER LANDSCAPE SERVICES -

Request to expand an existing composting business (established in 1999) by adding an additional 50 acres of land, consisting largely of a former runway, in A-2-40 (General Agriculture) zoning district. Grover Landscape is presently located on a 63 acre portion of this 123.54 acre parcel. The project is located at 3401 Gaffery Road, west of Welty Road, in the Vernalis area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.

APN: 016-003-010

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Mark Grover, 2825 Kiernan Avenue, Modesto.

Public hearing closed.

Layman/Poore, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH DELETING CONDITION OF APPROVAL NO. 12.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS ACTIONS OF MARCH 11, 2008

The Board did not meet this date.

BOARD OF SUPERVISORS ACTIONS OF MARCH 18, 2008

- A. The Board, on a 5-0 unanimous vote, appointed John “Jack” Doering as County Counsel.
- B. The Board approved a resolution that modifies the existing Public Facility Fee Installment Program for qualifying non-residential business expansion projects. This allows PFF to be paid for over time, thereby helping businesses get established.
- C. Rescheduled the final report on Crows Landing Development Project until after a decision has been made by the California Transportation Commission regarding the state infrastructure bond funding allocation.
- D. Approved a restructure of the Public Works and Strategic Business Technology’s Graphic Information System and Information Technology Divisions. What this means is that Public Works will be the holder and creator of information with respect to the GIS system. That is a system that Planning relies heavily upon.
- E. Approved a Reduction in Force (elimination) of 9 filled, full-time positions and the elimination of three vacant positions in the Building Permits Division of the Department.
- F. Introduced, adopted and waived the final reading, of an ordinance implementing 30-Year Land Use Restriction Initiative, Measure E.

MISCELLANEOUS & ON THE HORIZON

April 3, 2008

- 1. A Parcel Map
- 2. A Time Extension
- 3. A Workshop

April 17, 2008

- 1. A Parcel Map with an Exception
- 2. A Use Permit with a Variance

Director Freitas informed the Commission that he has notified Supervisor O’Brien that there is still a vacancy on the Planning Commission.

Director Freitas gave a farewell speech to the Planning Commission, thanking them, and all the Planning Commissioners before them, for their hard work over the years.

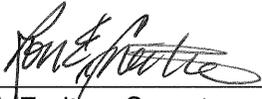
X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. Presentation

The Planning Commission presented Director Freitas with a plaque of appreciation for his years of service to the County and the Department of Planning and Community Development.

XI. ADJOURNMENT

The meeting was adjourned at 8:30 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.)