

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

August 21, 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, and Ray Souza
- Absent: John Shores
- Staff Present: Kirk Ford, Interim Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Sean Purciel, Associate Planner; Rachel Wyse, Assistant Planner; Javier Camarena, Assistant Planner; Kristin Doud, Assistant Planner; Thomas E. Boze, Deputy 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. August 7, 2008  
Souza/Mataka, 5-0, **APPROVED**  
Commissioners Gammon and Poore abstained.
- V. CORRESPONDENCE**
- Director Ford informed the Commissioners on various correspondence placed before them this evening:
- A. Letter dated August 15, 2008, from Michael G. Dini, law firm of Triebisch & Frampton, regarding Item VII-E, Use Permit Application No. 2007-27, WAT Cambodian Buddhist Church.
- B. Memo dated August 21, 2008, from the Planning Department, regarding Item VII-B, Tentative Parcel Map Application No. 2007-19 - Riddle Ranch.
- VI. CONFLICT OF INTEREST**
- A. Commissioner Layman's business has done work with Golden State Commercial Center, and will recuse himself during the hearing.
- B. Commissioner Assali knows the Riddle Family, however, this will not cause a conflict.

**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. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-07 - VERDEGAAL**

- This is a request to create five (5) parcels of 40 acres each from two (2) parcels, approximately 200 acres combined, in the A-2-40 (General Agriculture) zoning district. Both parcels are enrolled in the Williamson Act, and in almond production. The project is located on the north side of Frankenheimer Road, east of 28 Mile Road, in the Oakdale area. The Planning Commission will consider a CEQA Negative Declaration on this project.

APN: 002-021-081 & 002-021-082

Staff Report: Rachel Wyse Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**\*B. TENTATIVE PARCEL MAP APPLICATION NO. 2007-19 - RIDDLE RANCH** - This

is a request to create three 40+ acre parcels from a 159.1 acre parcel in the A-2-40 (General Agriculture) zoning district. The project site is enrolled in the Williamson Act, and is located at 22705 Yosemite Boulevard, west of Rushing Road in the Waterford area. The Planning Commission will consider a CEQA Negative Declaration on this project.

APN: 008-017-015

Staff Report: Javier Camarena Recommends **APPROVAL, ALONG WITH AMENDED CONDITIONS OF APPROVAL AS OUTLINED IN THE AUGUST 21, 2008 MEMO FROM THE PLANNING DEPARTMENT.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITIONS OF APPROVAL AS OUTLINED IN THE AUGUST 21, 2008 MEMO FROM THE PLANNING DEPARTMENT.**

**Condition No. 18:** *Disturbance of elderberry shrubs shall be avoided by restricting any ground-disturbing activities associated with any development of on-site building pads or access roads within 20-feet of the drip line of any elderberry shrub. Prior to any such activities within 100-feet of the drip line of any elderberry shrub the United States Fish and Wildlife Service shall be contacted to assess the potential*

*impacts to Valley Elderberry Longhorn Beetle, Compliance with standard mitigation ratios set forth by the United States Fish and Wildlife Service shall be required if elderberry shrubs are removed: **and comply with any needed mitigation.***

**Condition No. 19:** *There shall be no construction of any access roads or building within 100-feet to the north of the centerline of Salter Gulch without prior authorization from ~~the California Department of Fish and Game and the Stanislaus County Department of Planning and Community Development.~~ There shall be no construction of any access road or building within 200-feet to the south of the centerline of Salter Gulch without prior authorization from ~~California Department of Fish and Game and the Stanislaus County Department of Planning and Community Development.~~*

**Condition No. 20:** *No oak trees shall be disturbed within the vicinity of Salter Gulch without prior authorization from ~~the California Department of Fish and Game and the Stanislaus County Department of Planning and Community Development.~~*

Items taken out of order.

- \*D. TIME EXTENSION FOR USE PERMIT NO. 2006-27 - FIRESIDE DODGE/HYUNDAI** - Request for a one year time extension to July 18, 2009, for Use Permit No. 2006-27 - Fireside Dodge/Hyundai, which modified the development plans for an existing auto dealership to expand and/or relocate facilities. The 5.70± acre project site consists of three separate parcels zoned Planned Development (PD) No.'s 108, 156, and 159. The project site is located at 4620 McHenry Avenue, Modesto. This project is exempt from CEQA.  
APN: 082-006-040, 082-006-042, & 082-006-052  
Staff Report: Kristin Doud Recommends **APPROVAL OF TIME EXTENSION.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Poore/Layman, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND GRANTED THE TIME EXTENSION TO JULY 18, 2009.**

6:10 p.m. - Commissioner Layman left the Chambers.

- \*C. TIME EXTENSION FOR REZONE NO. 2006-07 - GOLDEN STATE COMMERCIAL CENTER** - Request for a time extension to December 17, 2009, to start construction for the Development Plan. The project was approved by Board of Supervisors, April 17, 2007, to rezone a 2.55 acre site from A-2-10 (General Agriculture) to a Planned Development to allow for a variety of commercial type businesses. The parcel is zoned P-D (310) and is located on the east side of Highway 99, west side of N. Golden State Boulevard, and north of W. Taylor Road in the Turlock area. This project is exempt from CEQA.  
APN: 045-062-014  
Staff Report: Bill Carlson Recommends **APPROVAL OF TIME EXTENSION.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Gammon/Navarro, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND APPROVED TIME EXTENSION TO DECEMBER 17, 2009.**

6:11 p.m. - Commissioner Layman returned to the Chambers.

### **NON-CONSENT ITEMS**

- E. USE PERMIT APPLICATION NO. 2007-27 - WAT CAMBODIAN BUDDHIST CHURCH** - This is a request to construct a church facility, including two meeting halls (worship and meditation), two school buildings, two storage buildings, a Cambodian home exhibit, church related festivals, soccer field, and two residences for priests and nuns, on an 11.68-acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 1538 Grimes Avenue, east of Grimes Avenue and south of California Avenue, in the Modesto area. The Planning Commission will consider a CEQA Negative Declaration on this project.

APN: 017-012-023

Staff Report: Sean Purciel Recommends **APPROVAL.**

Public hearing opened.

**OPPOSITION:** Joan Ringer, 1309 Grimes Avenue; Diana Ringer, 1306 Grimes Avenue; Don Calkins, 1317 Ohio Avenue; Evelyn Young, 1419 Grimes Avenue; Ron Fern, 1505 Grimes Avenue; Glen Leach, 1313 Grimes Avenue; Sherry Hoefler, 1532 Grimes; Mike Dini, Triebsch & Frampton, 300 N. Palm, Turlock; Chris Young, 1419 Grimes Avenue; Marilyn Ricketts, 1533 Grimes Avenue, Debra Oliver, 1605 Grimes Avenue; Diana Ringer, 1306 Grimes Avenue

7:45 p.m. - Recessed

7:55 p.m. - Reconvened

**FAVOR:** Ron West, 1337 Marigold, Patterson; Ry Kea; Pauline Nou; Erik Power; Catherine Nou

Public hearing closed.

Layman/Poore, 5-2 (Mataka, Souza), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE USE PERMIT, DENIED USE PERMIT APPLICATION NO. 2007-27 - WAT CAMBODIAN BUDDHIST CHURCH.**

### **VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. None.

### **IX. REPORT OF THE DIRECTOR**

#### **BOARD OF SUPERVISORS ACTIONS OF AUGUST 12, 2008**

- A. The Board did not meet this date.

**BOARD OF SUPERVISORS ACTIONS OF AUGUST 19, 2008**

- A. The Board approved General Plan Amendment No. 2007-03 and Rezone Application No. 2007-03, The Fruit Yard, including all three phases and the modifications as recommended by the Planning Commission.

**MISCELLANEOUS & ON THE HORIZON**

Every two years, all members of a legislative body who receive compensation, salary, or stipend, must take an ethics training course. The County, which provided training in 2006, will no longer be providing this service. There is a no-cost, on-line course at the FPPC website. Eva provided the website information to you, via e-mail. Please complete this course as soon as possible. Be sure to print the Certification of Completion at the end of the training, and return it to our office.

The Annual California County Planning Commissioner's Conference is scheduled for October 24<sup>th</sup> to the 25<sup>th</sup>, in Bakersfield. The topic will be Land and Water Planning. The Planning Department can send two Commissioners.

**September 4, 2008**

1. Two Use Permits
2. One Parcel Map

**September 18, 2008**

1. Two Use Permits
2. One Parcel Map

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

- A. None.

**XI. ADJOURNMENT**

The meeting was adjourned at 9:40 p.m.



Kirk Ford, 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.)