

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 15, 2009

- I. ROLL CALL:** Meeting called to order at 6:06 p.m.
- Present: Chair Marie Assali, Tom DeLaMare, Annabel Gammon, Arsenio Mataka, Greg Pires, Jim Poore, and Ray Souza
- Absent: Allen Layman, Michael Navarro
- Staff Present: Kirk Ford, Director; Angela Freitas, Deputy Director; Bill Carlson, Senior Planner; Sean Purciel, Associate Planner; Rachel Wyse, Assistant Planner; Kristin Doud, Assistant Planner; Jack Doering, County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Judy Lindsey, Senior Engineering Tech, Public Works; Kit McClurg, Department of Environmental Resources; Dennis Wister, Chief Building Official; Eva Rosa, Planning Commission Clerk

Chair Assali introduced and welcomed new Planning Commissioners, Greg Pires and Tom DeLaMare. She also congratulated Kirk Ford on his appointment as Director of the Department of Planning and Community Development.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S FORUM - No one spoke.

IV. APPROVAL OF MINUTES

- A. December 4, 2008 - Unable to approve due to lack of quorum.

V. CORRESPONDENCE

Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:

- A. 2009 Planning Commission Meeting Calendar
- B. Stanislaus County Planning Commissioner's 32nd Annual Workshop Flier
- C. Farmland Working Group Newsletter - Winter 2008
- D. Letter dated January 12, 2008 (2009), from the Law Offices of Michael Abbott, regarding Item VII-E, Appeal of Staff Decision - Tentative Parcel Map Application No. 2008-12 and Exception Application No. 2008-03 - Mark & Susan Layton

- E. Letter dated October 22, 2008, from Department of Environmental Resources, regarding Item VII-E, Appeal of Staff Decision - Tentative Parcel Map Application No. 2008-12 and Exception Application No. 2008-03 - Mark & Susan Layton
- F. Letter dated November 1, 2008, from Office of Fire Warden, regarding Item VII-E, Appeal of Staff Decision - Tentative Parcel Map Application No. 2008-12 and Exception Application No. 2008-03 - Mark & Susan Layton

VI. CONFLICT OF INTEREST

- A. Commissioner DeLaMare's company has worked on Item VII-B, Time Extension for Variance No. 2007-01 and Lot Line Adjustment No. 2007-01 - Rangel/Snedegar, and he will recuse himself from this hearing.
- B. Commissioner Assali is president of Sacred Heart School Foundation, and will recuse herself from hearing Item VII-D, Use Permit Application No. 2007-13 - Sacred Heart Church.
- C. Commissioner Pires' organization works for Yosemite Community College District, and will recuse himself from hearing Item VIII-A, Proposed School Site Development by Yosemite Community College District for a new Modesto Junior College Patterson Outreach Site.

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. **TENTATIVE PARCEL MAP APPLICATION NO. 2008-04 - DOHERTY AVENUE -**
This is a request to create two parcels from a 6.2 acre parcel in the M (Industrial) zoning district. Proposed parcel "1" will be 2.5 acres in size and is improved with an existing 50,176 square foot warehouse building. Proposed parcel "2" will be 3.7 acres in size and is improved with an 81,000 square foot warehouse building. The project site is located at 551 Doherty Avenue, on the northwest corner of Doherty and Nathan Avenues, in the Sphere of Influence of Modesto. This project is exempt from CEQA.
APN: 036-001-057
Staff Report: Rachel Wyse Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Gammon, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Items taken out of order.

- *C. **USE PERMIT APPLICATION NO. 2008-24 - CENTRAL VALLEY AG** - This is a request to construct a 224' x 800' building for commodities (grain) storage, a 3,000 square foot transfer operation, and a 1,440 square foot office, on a 62.4 acre parcel in the M (Industrial) zoning district. The proposed building height is 79.5 feet tall, which exceeds the height limits of 75 feet within the M (Industrial) zone, and is only allowable after a Use Permit is obtained. The height is designed to allow for structural integrity of the arched truss design of the building. The project is located at 300 Codoni Avenue, on the east side of Codoni Avenue, south of Yosemite Boulevard, in the Sphere of Influence of the City of Modesto. This project is exempt from CEQA.
APN: 009-019-036, 009-019-037, and 009-019-038
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Gammon, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

6:15 p.m. Commissioner DeLaMare left the Chambers.

- *B. **TIME EXTENSION FOR VARIANCE NO. 2007-01 AND LOT LINE ADJUSTMENT NO. 2007-01 - RANGEL/SNEDEGAR** - This is a request for a one-year time extension for Variance No. 2007-01 and Lot Line Adjustment No. 2007-01, to October 19, 2009. Project is in the R-A (Rural Residential) zoning district, and located at 1324 and 1328 Bennett Road, north of Woodland Avenue, in the Sphere of Influence of Modesto. This project is exempt from CEQA.
APN: 081-029-007 and 081-029-008
Staff Report: Kristin Doud Recommends **APPROVAL OF ONE-YEAR TIME EXTENSION TO OCTOBER 19, 2009**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Souza/Poore, 6-0 (DeLaMare abstained), **APPROVED THE STAFF RECOMMENDATIONS AND GRANTED ONE-YEAR TIME EXTENSION TO OCTOBER 19, 2009.**

6:16 p.m. Commissioner DeLaMare returned to the Chambers.

NON-CONSENT ITEMS

6:17 p.m. Chair Assali left the Chambers and Commissioner Poore assumed the duties of Chair.

- D. USE PERMIT APPLICATION NO. 2007-13 - SACRED HEART CHURCH** - This is a request to construct a single-story, 33,600 square foot multi-purpose building, 1,500 square foot maintenance building, and two parking lots totaling 329 parking spaces, on a 39.65 net acre parcel in the A-2-40 (General Agriculture) zoning district. The multi-purpose building will be used for religious classes and other church meeting groups, and be capable of accommodating 525 people. The hours of the facility are 9:00 a.m. to 9:00 p.m. daily. The project is located at 3600 N. Quincy Road, at the southeast corner of E. Zeering and N. Quincy Roads, in the Denair area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.
APN: 073-006-001
Staff Report: Bill Carlson Recommends **DENIAL**.
Public hearing opened.
FAVOR OF USE PERMIT: Trevor Smith, Insite Environmentals, 6653 Embarcadero, Stockton; Lane Menezes, PMZ Real Estate, Turlock; Roger Yonan, property owner, 7309 Neblina Court, Rancho Murieta; Dennis Finley, Denair MAC; Linda Murphy-Lopes, 1245 Sherwood Drive, Turlock; Carlos Estacio, 4413 S. Prairie Flower Road, Turlock; Father Mark Wagner.
OPPOSITION OF USE PERMIT: No one spoke.
Public hearing closed.
Souza/DeLaMare, 5-1 (Poore) (Assali abstained), **APPROVED THE USE PERMIT, ALONG WITH CONDITIONS OF APPROVAL LISTED IN THE STAFF REPORT.**

7:34 p.m. Recessed

7:42 p.m. Reconvened and Chair Assali returned to the Chambers.

- E. APPEAL OF STAFF DECISION - TENTATIVE PARCEL MAP APPLICATION NO. 2008-12 AND EXCEPTION APPLICATION NO. 2008-03 - MARK & SUSAN LAYTON** - Appeal of staffs determination requiring the project participate in or prepare an East Oakdale Specific Plan and Focused Environmental Impact Report (EIR). The 7.9 acre project site is located in the R-A (Rural Residential) zoning district, at 10000 Atlas Road, Oakdale.
APN: 010-021-084
Staff Report: Bill Carlson Recommends **DENIAL OF APPEAL**.
Report Presented by Kirk Ford, Director.
Public hearing opened.
OPPOSITION OF APPEAL: No one spoke.
FAVOR OF APPEAL: Michael Abbott, attorney for the Laytons, 1021 14th Street, Modesto
Public hearing closed.
Souza/Poore, 7-0, **ALLOW TENTATIVE PARCEL MAP APPLICATION NO. 2008-12 AND EXCEPTION APPLICATION NO. 2008-03 - MARK & SUSAN LAYTON, TO PROCEED WITHOUT REQUIRING THE SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT, PROVIDED THE PROJECT DESCRIPTION VOLUNTARILY WAIVES THE RIGHT TO CONSTRUCT A SECOND DWELLING ON THE PARCELS UNLESS AND UNTIL CUMULATIVE IMPACTS OF FURTHER DEVELOPMENT ARE CONSIDERED BY A SPECIFIC PLAN OR AN ENVIRONMENTAL IMPACT REPORT.**

VIII. OTHER MATTERS (Not Public Hearings)

8:35 p.m. Commissioner Pires left the Chamber.

- A. **PROPOSED SCHOOL SITE DEVELOPMENT BY YOSEMITE COMMUNITY COLLEGE DISTRICT FOR A NEW MODESTO JUNIOR COLLEGE PATTERSON OUTREACH SITE** - Construction and operation of outreach site/learning center on 6.76 acres of a 10-acre site located northwest of the Ward Avenue and Elfers Road intersection, Patterson. The Planning Commission will consider the site's consistency with the County General Plan.
APN: 021-027-014 (portion)
Report Presented By Angela Freitas, Deputy Director
PUBLIC COMMENT: George Petralakis
Poore/Gammon, 6-0 (Pires abstained), find the project outside of the Sphere of Influence, and thereby inconsistent with the County General Plan.

8:45 p.m. Commissioner Pires returned to the Chambers.

IX. REPORT OF THE DIRECTOR

Director Ford recognized Angela Freitas as the new Deputy Director of the Department of Planning and Community Development.

BOARD OF SUPERVISORS ACTIONS OF DECEMBER 9, 2008

- A. Appointed Greg Pires to the Stanislaus County Planning Commission.
- B. Approved the 2009 Williamson Act Contracts for a total of 473 acres.
- C. Sitting as the Redevelopment Agency: Authorized the expenditure of \$25,000 of Housing Set-Aside funds to increase the funding assistance to Habitat for Humanity for the rehabilitation of a home at 1020 Tenaya Drive.
- D. Sitting as the Redevelopment Agency: Accepted the Fiscal Year 2007-08 Financial Report.

BOARD OF SUPERVISORS ACTIONS OF DECEMBER 16, 2008

- A. Approved a minor Lot Line Adjustment on Williamson Act lands on Wren Road in the Oakdale Area.

BOARD OF SUPERVISORS ACTIONS OF DECEMBER 23, 2008

- A. The Board did not meet on this date.

BOARD OF SUPERVISORS ACTIONS OF DECEMBER 30, 2008

- A. The Board did not meet on this date.

BOARD OF SUPERVISORS ACTIONS OF JANUARY 6, 2009

- A. Reappointed Annabel Gammon and Appointed Tom DeLaMare to the Stanislaus County Planning Commission.
- B. Accepted the Stanislaus County Redevelopment Agency Fiscal Year 2007/08 Financial Report and Annual Audit.

BOARD OF SUPERVISORS ACTIONS OF JANUARY 13, 2009

- A. Approved a minor Lot Line Adjustment on Williamson Act lands on Fulkerth Road in the Turlock Area.
- B. Approved a Finding that the City of Newman's Sphere of Influence Expansion to the south of the City is Logical and Orderly.

MISCELLANEOUS & ON THE HORIZON

January 24, 2009 -

- Planning Commissioners Workshop, Bret Harte School
Agenda Topic: Schools

February 5, 2009 -

- Tentative Subdivision Map and Exception in the Knights Ferry area
- Two Use Permits for a Church in the Empire Area and an Almond Processor in the Hughson area

February 19, 2009 -

- Airport Land Use Commission Meeting to discuss the preliminary Layout and Compatibility Plan for the Crows Landing Air Facility
- Discussion of the Preliminary Redevelopment Plan for the Crows Landing Air Facility
- Use Permit for a Mine in the Lake Road/LaGrange area
- General Plan Amendment, Rezone and Parcel Map request

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None

XI. ELECTION OF CHAIR AND VICE CHAIR FOR 2009 - To continue to next meeting.

XII. ADJOURNMENT

The meeting was adjourned at 8:50 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 Department.)