

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 21, 2010

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Allen Layman, Tom DeLaMare, Annabel Gammon, Michael Navarro, Greg Pires, John Ramos, and Ted Reimers
- Absent: Marie Assali, Jim Poore
- Staff Present: Kirk Ford, Director; Angela Freitas, Deputy Director; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Rachel Wyse, Assistant Planner; Javier Camarena, 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, Crystal Rein, Administrative Clerk III

Chair Layman introduced and welcomed new commissioner, Ted Reimers.

II. **PLEDGE OF ALLEGIANCE**

III. **CITIZEN'S FORUM** - No one spoke.

IV. **APPROVAL OF MINUTES**

- A. December 17, 2009
Gammon/Ramos, 4-0, **APPROVED**
Commissioners DeLaMare, Pires, and Reimers abstained.

V. **CORRESPONDENCE**

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

- A. 2010 Planning Commission Meeting Calendar
- B. Farmland Working Group Newsletter, Winter 2009
- C. Memo dated January 21, 2010, from Planning Department requesting continuance to March 4, 2010, of Item VII-G - Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue
- D. Memo dated January 21, 2010, from Department of Public Works, regarding Item VII-B - Vesting Tentative Parcel Map Application No. 2009-08 - The Fruit Yard

- E. Memo dated January 21, 2010, from Planning Department regarding Item VII-C - Vesting Tentative Parcel Map Application No. 2009-13 - Demergasso Ranches, and VII-D - Tentative Parcel Map Application No. 2009-14 - Guse - Center Road

VI. **CONFLICT OF INTEREST** - No conflicts.

VII. **PUBLIC HEARINGS (* - Consent Items)**

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

*** CONSENT ITEMS**

- *A. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2009-12 - WAGNER** - Request to create five (5) parcels, ranging in size from 40 to 55 acres, from two parcels totaling 229± acres in the A-2-40 (General Agriculture) zoning district, currently enrolled in Williamson Act Contract No. 72-0996. The property is located at 3643 and 3319 Maze Boulevard, north of Maze Boulevard (State Highway 132), east of Dakota Avenue, in the Modesto area. The Planning Commission will consider a CEQA Negative Declaration for this project. **APPLICANT IS REQUESTING INDEFINITE CONTINUANCE.**

APN: 007-024-003 and 007-024-004

Staff Report: Sean Purciel Recommends **INDEFINITE CONTINUANCE.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Ramos/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF'S RECOMMENDATION AND CONTINUED THE PROJECT INDEFINITELY.**

- *B. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2009-08 - THE FRUIT YARD** - Request to divide a 44± acre parcel to create twelve (12) parcels ranging in size from 0.60± to 12.70± acres. The proposed parcels conform to the individual uses allowed under the Planned Development which was approved by the Board of Supervisors in 2008. The project site is zoned P-D (317) (Planned Development) and is located at 7948 Yosemite Boulevard, at the intersection of Geer Road and Yosemite Boulevard (Hwy 132), in the Modesto/Waterford area. A CEQA Negative Declaration will be considered on this project.

APN: 009-027-004

Staff Report: Joshua Mann Recommends **APPROVAL, ALONG WITH MODIFIED CONDITION OF APPROVAL NO. 16.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Ramos/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF'S RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH MODIFIED CONDITION OF APPROVAL NO. 16 AS FOLLOWS:**

16. The developer's engineer or surveyor shall prepare the Irrevocable Offer of Dedication document for Geer Road and Yosemite Boulevard frontages prior to recording of the final map. The County General Plan's Circulation Element classifies Geer Road as a six-lane expressway with the ultimate right-of-way at ~~135-feet~~. Yosemite Boulevard is a State Highway (SR 132) with an ultimate right-of-way of 110-feet. This development is proposed at the southwest corner of the intersection of Geer Road at Yosemite Boulevard (SR 132).
 - A. The schematic submitted October 21, 2009 does not meet shoulder and drainage requirements as shown on plate 3-A5 of Public Works Standards and Specifications. Please resubmit for Public Works approval prior to acceptance of the Irrevocable Offer of Dedication.

- *C. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2009-13 - DEMERGASSO RANCHES - Request to create three (3) 40-acre parcels and one (1) 50-acre parcel from a 170+ (gross) acre site in the A-2-40 (General Agriculture) zoning district. The project site is currently enrolled in Williamson Act Contract No. 74-1562. The property is located at 6219 Parker Road, at the northwest corner of Parker and Wellsford Roads, in the Modesto area. The Planning Commission will consider a CEQA Negative Declaration for this project.**

APN: 014-029-002 (a portion of)

Staff Report: Carole Maben Recommends **APPROVAL, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 14.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Ramos/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF'S RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 14 AS FOLLOWS:**

14. A "No Build" restriction on the construction of any residential development on Parcel 2 shall be observed until the parcel is no longer enrolled under a Williamson Act Contract or **one (1) of** the following criteria are met:
 - A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site

infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.

- B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

***D. TENTATIVE PARCEL MAP APPLICATION NO. 2009-14 - GUSE - CENTER ROAD**

- Request to create two parcels of 40 acres each from an 80 gross acre parcel in the A-2-40 (General Agriculture) zoning district, currently enrolled in Williamson Act Contract No. 72-0719. The property is located at 861 Center Road, east of Highway 33, west of River Road, in the Patterson area. The Planning Commission will consider a CEQA Negative Declaration for this project.

APN: 016-008-010

Staff Report: Rachel Wyse Recommends **APPROVAL, WITH AMENDED CONDITION OF APPROVAL NO. 15.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Ramos/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, WITH AMENDED CONDITION OF APPROVAL NO. 15 AS FOLLOWS:**

- 15. A "No Build" restriction on the construction of any residential development on Parcel 2 shall be observed until the parcel is no longer enrolled under a Williamson Act Contract or **one (1) of** the following criteria are met:

- A. Ninety percent or more of the parcel shall be in production agriculture use with its own on-site irrigation infrastructure and water rights to independently irrigate. For land which is not irrigated by surface water, on-site irrigation infrastructure may include a self-contained drip or sprinkler irrigation system. Shared off-site infrastructure for drip or sprinkler irrigation systems, such as well pumps and filters, may be allowed provided recorded long-term maintenance agreements and irrevocable access easements to the infrastructure are in place.

- B. Use of the parcel includes a confined animal facility (such as a commercial dairy, cattle feedlot, or poultry operation) or a commercial aquaculture operation.

- *E. **USE PERMIT APPLICATION NO. 2009-12 - MARTELLA FARMS - E. SERVICE ROAD** - Request to construct four (4) agricultural storage buildings and two (2) canopy roof structures in the A-2-40 (General Agriculture) zoning district. The buildings will be built in four (4) phases totaling 343,000 square feet on a 42.75± acre site to be used in conjunction with the existing almond and walnut orchards for Martella Farms. The project site is located at 8133 E. Service Road, on the northeast corner of the Geer and E. Service Road intersection, in the Hughson area. The Planning Commission will consider a CEQA Negative Declaration for this project.
APN: 018-056-007
Staff Report: Javier Camarena Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Ramos/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF'S RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *F. **USE PERMIT APPLICATION NO. 2009-18 - MONTPELIER ORCHARDS** - Request to construct a 31,500 square foot steel almond storage building on an 18± acre parcel in the A-2-40 (General Agriculture) zoning district. The building will contain 24,000 square feet enclosed and 7,500 square feet of overhang. The proposed building will not add any employees or additional truck traffic. The property is located at 4931 Montpelier Road, on the west side of Montpelier Road, north of E. Keyes Road, in the Hickman area. The Planning Commission will consider a CEQA Negative Declaration for this project.
APN: 019-030-017
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Ramos/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF'S RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- G. **USE PERMIT APPLICATION NO. 2009-10 - CATHOLIC CEMETERY DAKOTA AVENUE** - Request to develop a cemetery in four (4) phases on a 25.33 acre parcel in the A-2-40 (General Agriculture) zoning district. Each phase will take approximately 20 years to reach capacity. The project site is located east of Dakota Avenue, west of Highway 99, north of Beckwith Road, in the Modesto area. The Planning Commission will consider a CEQA Negative Declaration for this project.
APN: 076-032-011 **APPLICANT IS REQUESTING CONTINUANCE TO MARCH 4, 2010.**

Staff Report: Javier Camarena Recommends **APPROVAL OF CONTINUANCE TO MARCH 4, 2010.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Gammon/Pires, Unanimous (7-0), **CONTINUED PROJECT TO MARCH 4, 2010.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS ACTIONS OF DECEMBER 22, 2009

- A. Appointed John Ramos to the Stanislaus County Planning Commission for a term to expire on December 31, 2013.
- B. Approved 13 new Williamson Act Contracts covering 570 acres.
- C. Accepted the Financial Report and Annual Audit for the Redevelopment Agency.

BOARD OF SUPERVISORS ACTIONS OF JANUARY 5, 2010

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

BOARD OF SUPERVISORS ACTIONS OF JANUARY 12, 2010

- A. Appointed Ted Reimers to the Stanislaus County Planning Commission for a term to expire on December 31, 2013.

BOARD OF SUPERVISORS ACTIONS OF JANUARY 19, 2010

- A. Appointed Greg Pires to the Stanislaus County Planning Commission for a term to expire on December 31, 2013.
- B. Adopted a Resolution Supporting the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010. This is an Initiative proposed to be placed on the November election that essentially prohibits the State from taking local moneys including Highway Users Tax and Redevelopment Funds.
- C. Adopted an Ordinance Relating to the Regulation of Nuisance Noise. There is a section in the ordinance that allows for a waiver, but the waiver has to be approved by the Planning Commission much like a zoning variance.
- D. 2010 State of the County Address by Chairman Jeff Grover, Tuesday, January 26, 2010 at 9:00 a.m., Chambers.

MISCELLANEOUS & ON THE HORIZON

There will be no Planning Commission meeting on February 4, 2010. Our next meeting will be February 18th.

ON THE HORIZON

February 18, 2010

1. An Ordinance Amendment for Truck Parking in the Ag Zone
2. A General Plan Amendment for the 2009 Housing Element Update
3. A General Plan Amendment with a Rezone for a mini storage facility in the Modesto area
4. A Time Extension for a Rezone for a 2½ acre Commercial Center in the Modesto area
5. A Use Permit for an almond huller on Keyes Road east of Denair
6. A Subdivision Ordinance Amendment, presented by Public Works related to roadway dedications for any parcels being subdivided

March 4, 2010

1. Use Permit for the Catholic Cemetery, which was continued at tonight's meeting

The Stanislaus County Planning Commissioners Workshop will be held Saturday, January 30, 2010, from 8:30 to 11:30, at Modesto Centre Plaza. Please let Eva know by 9:00 a.m. **tomorrow** if you'll be attending.

Director Ford acknowledged Planning Commission Clerk Eva Rosa's retirement as of January 29, 2010, and thanked her for her years of outstanding service. Commission members also thanked Ms Rosa for her service.

Items X and XI taken out of order.

XI. APPOINTMENT OF COMMISSIONERS TO THE GENERAL PLAN UPDATE COMMITTEE

Commissioner Navarro and Gammon were appointed to the General Plan Update Committee, with Commissioner Layman appointed as alternate.

X. ELECTION OF CHAIR AND VICE CHAIR FOR 2010

Ramos/DeLaMare, Unanimous (7-0), elected Commissioner Navarro as Chair, and Commission Gammon as Vice Chair for 2010.

XII. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Commissioner Gammon thanked Chair Layman for his leadership during the past year.

XIII. ADJOURNMENT

The meeting was adjourned at 6:23 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.)

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