

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 1, 2010

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Vice Chair Annabel Gammon, Marie Assali, Steve Boyd, Tom DeLaMare, Allen Layman, Greg Pires, and Jim Poore
- Absent: Michael Navarro, John Ramos
- Staff Present: Kirk Ford, Director; Angela Freitas, Deputy Director; Bill Carlson, Senior Planner; Sean Purciel, Associate 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; Crystal D. Rein, Planning Commission Clerk

Vice Chair Gammon introduced and welcomed new commissioner, Steve Boyd.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S FORUM - No one spoke.

IV. APPROVAL OF MINUTES

- A. March 18, 2010
Assali/Poore, 6-0, **APPROVED**
Commissioner Boyd abstained.

V. CORRESPONDENCE

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

- A. Letter dated March 16, 2010, from Helen French, regarding Item VII-A - Use Permit Application No. 2009-16 - Foster Farms - Ellenwood.
- B. Letter dated March 24, 2010, from Ms. Annie Estrada Chapa, regarding Item VII-C - Use Permit Application No. 2009-06 - Los Artistas Night Club.

VI. CONFLICT OF INTEREST

- A. Commissioner Layman will recuse himself from Item VII A - Use Permit Application No. 2009-16 - Foster Farms - Ellenwood as his company works with Foster Farms.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

Commissioner Layman left the chambers.

- *A. USE PERMIT APPLICATION NO. 2009-16 - FOSTER FARMS - ELLENWOOD -**
Request to expand the existing Foster Farms - Ellenwood chicken hatchery by 29,713 square feet on a 112± acre site in the A-2-40 (General Agriculture) zoning district. The property is located west of Ellenwood Road and 700 feet north of the Oakdale Waterford Highway, at 1307 Ellenwood Road, in the Waterford area. The Planning Commission will consider a CEQA Mitigated Negative Declaration for this project.
APN: 015-003-012, 015-056-007, 015-056-008, 015-056-010, and 015-056-011
Staff Report: Sean Purciel Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
DeLaMare/Pires, 6-0, **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT**

Commissioner Layman returned to the chambers.

NON-CONSENT ITEMS

- B. TENTATIVE PARCEL MAP APPLICATION NO. 2009-11 AND EXCEPTION APPLICATION NO. 2009-03 - TERKILDSEN -** Request to create two (2) parcels of 5.10± and 9.83± acres from a 14.93± acre site located in the A-2-5 (General Agriculture) zoning district. An Exception to the Subdivision Ordinance is being requested since one of the proposed parcels does not front on a County-Maintained Road. The property is located at 16001 Morrison Road, northwest of Frymire Road, in the Knights Ferry area. The Planning Commission will consider a CEQA Mitigated Negative Declaration for this project.
APN: 002-033-049
Staff Report: Carole Maben Recommends **APPROVAL**.
Report presented by: Bill Carlson
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Jesse Stanley, Land Surveyor, 440 S. Yosemite Avenue, Oakdale, CA 95361.
Public hearing closed.
Poore/DeLaMare, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- C. USE PERMIT APPLICATION NO. 2009-06 - LOS ARTISTAS NIGHT CLUB -**
Request to allow a night club within a 12,487 square foot retail building on a one (1) acre parcel in the C-2 (General Commercial) zoning district. The property is located at 1705 Crows Landing Road, south of Butte Avenue, west of Crows Landing Road, in the Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration for this project.
APN: 056-018-001
Staff Report: Sean Purciel Recommends **APPROVAL**.
Report presented by: Bill Carlson
Public hearing opened.
OPPOSITION: Erika Angel, 1708 Eureka Street, Modesto, CA 95358; Miranda Juevas, 1622 Eureka Street, Modesto, CA 95358.
FAVOR: Tim Berry, 1701 Coffee Road, Suite 3, Modesto, CA 95355 ; Ricardo Cardenas, 1809 El Sereno Court, Modesto, CA 95358; Frank Alvarez, 521 Magnolia Avenue, Modesto, CA 95354; Cynthia Ruiz, 1800 River Road, Modesto, CA 95351; Ken Kaestner, 101 A Street, Empire, CA 95319; Rudy Baca, 33867 9th Street, Union City, CA 94587.
Public hearing closed.
Assali/Pires, 5-2 (Poore, DeLaMare), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE USE PERMIT, DENIED USE PERMIT APPLICATION NO. 2009-06 - LOS ARTISTAS NIGHT CLUB.**
- D. ORDINANCE AMENDMENT NO. 2009-01 - TRUCK PARKING IN THE AGRICULTURAL ZONE -** Request to amend the Stanislaus County Zoning Ordinance, by adding the parking of commercial trucks, related equipment and trailers under section 21.20.030 - Uses Requiring Use Permit in the A-2 (General Agriculture) zoning district. This project is Exempt from CEQA. **This is an amended version of the item heard by the Planning Commission on February 18, 2010.**
APN: Countywide
Staff Report: Javier Camarena recommends one of the following options: 1. Denial; 2. Approval as is; 3. Approval with modifications; 4. Other
Public hearing opened.
OPPOSITION: Richard Sinclair, P.O. Box 1628, Oakdale, CA 95361.
FAVOR: Richard Keas, 1443 Simmons Road, Turlock, CA 95380; Stan Goblirsch, 4725 Faith Home Road, Ceres. CA 95307; Teri Fagundes, 5313 S. Commons Road, Turlock, CA 95380.
Public hearing closed.
Poore/DeLaMare, 5-2 (Gammon, Layman), **RECOMMEND OPTION 2: APPROVAL AS IS TO THE BOARD OF SUPERVISORS.**

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

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS ACTIONS OF MARCH 23, 2010

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

BOARD OF SUPERVISORS ACTIONS OF MARCH 30, 2010

- A. Set a Public Hearing for April 20, 2010, at 6:50 p.m., to Consider an Appeal of the Planning Commission's Denial of Use Permit Application No. 2009-10 - Catholic Cemetery Dakota Avenue.
- B. Appointed Steve Boyd to the Stanislaus County Planning Commission.
- C. Set a Public Hearing for May 18, 2010 at 6:35 p.m. to Introduce and Waive the First Reading of Ordinances to: Amend Existing Fees for Planning and Building Permit Services.
- D. Set a Public Hearing for April 20, 2010 at 6:45 p.m. to Consider Planning Commission's Recommendation for Approval of Rezone Application No. 2009-04 - Bronco Wine Co.
- E. Adopted Revised Public Facilities Impact Fees.

III. MISCELLANEOUS & ON THE HORIZON

April 15, 2010 - Meeting canceled.

May 6, 2010

- 1. ALUC Meeting to discuss SAA 2010-14 - DRI Energy - Solar panel farm adjacent to the Modesto Airport.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None.

XI. ADJOURNMENT

The meeting was adjourned at 8:11 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.)