

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

September 2, 2010

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Michael Navarro, Annabel Gammon, Marie Assali, Steven Boyd, Tom DeLaMare, Allen Layman, and Greg Pires
- Absent: Jim Poore, John Ramos
- Staff Present: Kirk Ford, Director; Angela Freitas, Deputy Director; Bill Carlson, Senior Planner; Rachel Wyse, 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
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM** - No one spoke
- IV. APPROVAL OF MINUTES**
- A. August 19, 2010  
Gammon/Assali, 7-0 (Unanimous), **APPROVED**
- V. CORRESPONDENCE**  
Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Letter dated August 24, 2010, regarding item VII-C - Use Permit Application No. 2009-11 - River Oak Grace Community Church.
- B. Memo dated September 2, 2010, from Department of Planning and Community Development staff regarding item VII-C - Use Permit Application No. 2009-11 - River Oak Grace Community Church.
- VI. CONFLICT OF INTEREST**
- A. Commissioner Assali will recuse herself from item VII-B - Use Permit Application No. 2010-07 - Assali Farms.
- B. Commissioner Layman will recuse himself from item VII-A - Use Permit Application No. 2009-23 - Central Baptist Church.

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

Commissioner Navarro 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. 2009-23 - CENTRAL BAPTIST CHURCH -**  
Request to: replace a 3,236 square foot multi-purpose building with a 3,536 square foot multi-purpose building; add a new 1,600 square foot classroom building; convert a 1,845 square foot residential dwelling to a church office and a classroom; and add a new parking lot and modify the existing parking area for a total of 71 spaces on a 2.44 acre parcel in the R-2 (Medium Density Residential) zoning district. The property is located at 727 Sutter Avenue, in the Modesto area. This project is exempt from CEQA.  
APN: 037-031-012  
Staff Report: Sean Purciel Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Assali/Pires, 6-0, **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Commissioner Layman returned to the chambers.

**NON-CONSENT ITEMS**

Commissioner Assali left the chambers.

- B. USE PERMIT APPLICATION NO. 2010-07 - ASSALI FARMS -** Request to allow the upgrading/expansion of an existing almond huller/sheller on 57.8± acres in the A-2-40 (General Agriculture) zoning district. The expansion includes building two warehouses (12,000 & 20,000 square feet) and the current 2,560 square foot huller/sheller building being demolished and replaced/expanded with a 6,400 square foot huller/sheller building. The request includes a five-year/two-phase expansion. The property is located at 8618 E. Whitmore Avenue, between Geer Road and Berkeley Avenue, in the Hughson area. The Planning Commission will consider a CEQA Negative Declaration on this project.  
APN: 018-055-017  
Staff Report: Carole Maben Recommends **APPROVAL**.  
Report presented by: Bill Carlson  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Jim Freitas, Associated Engineering, 4206 Technology Drive, Modesto  
Public hearing closed.  
Gammon/DeLaMare, 6-0, **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Commissioner Assali returned to the chambers.

- C. USE PERMIT APPLICATION NO. 2009-11 - RIVER OAK GRACE COMMUNITY CHURCH** - Request to expand an existing church on a 23.08 acre parcel in the A-2-10 (General Agriculture) zoning district by expanding the existing multipurpose building and constructing an additional multipurpose building, classrooms, and other accessory buildings totaling 69,000 square feet. An outdoor family recreation area, expanded amphitheater use, additional parking, and second access off of Rodden Road are also being proposed. The property is located at 7712 Rodden Road, at the southeast corner of Highway 120 and Rodden Road, in the Oakdale area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.  
APN: 006-012-081  
Staff Report: Rachel Wyse Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** Sarah Jensen, 7907 Rodden Road, Oakdale  
**FAVOR:** John Wilbanks, RRM Design Group, 210 E. F Street, Oakdale  
Public hearing closed.  
Layman/DeLaMare, 5-2 (Gammon, Navarro), **AMENDED CONDITION OF APPROVAL NO. 55**  
Layman/Pires, 5-2 (Gammon, Navarro), **APPROVED STAFF'S RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITIONS OF APPROVAL AS FOLLOWS:**

11. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the ~~map as set forth in Government Code Section 66474.9.~~ **project which is brought within the applicable statute of limitations.** The County shall promptly notify the ~~subdivider applicant~~ **applicant** of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
35. Pre-consultation is recommended with OID staff before **the** Final Design stage. ~~The Early Consultation drawings and maps that have been provided indicate that the applicant has not designed this development in recognition of the five (5) existing OID facilities that are situated within the boundaries of the project site.~~
36. The OID Reed Pond, located in the northerly corner of the project site, is an OID drainage reclamation facility and not a private drainage basin. The applicant has no permissions to utilize this pond for any purpose and is required to immediately remove their existing and unauthorized storm drainage line from the OID Reed Pond. OID shall not accept any existing nor additional drainage resulting from this proposed development into its system. The applicant shall apply for, and successfully receive, a National Pollutant Discharge Elimination System (NPDES) Permit ~~as a starting point for requesting OID permission to use the Reed Pond to collect their development runoff.~~

55. Notwithstanding the exemption for religious worship activities in Stanislaus County Code §10.46.080, all amplified events shall comply with the requirements of County Code Section 10.46 - Noise Control. In the event that two (2) or more documented noise complaints are received by the County, the County may require the church to prepare a noise study. The church shall be responsible for the associated costs of hiring a noise consultant, preparing a noise study, and implementing any resulting recommendations or mitigation measures required to reduce the noise to acceptable levels within 120 days of the second complaint. Amplified noise shall not be permitted between the hours of 10 p.m. and 8 7 a.m.

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

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS OF AUGUST 24, 2010**

There were no items related to Planning and Community Development on this date.

**BOARD OF SUPERVISORS ACTIONS OF AUGUST 31, 2010**

Approved the release of the Fiscal Year 2009-2010 Draft Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) programs for a public review to end on September 21, 2010 and set a public hearing on September 21, 2010 at 6:35 P.M. to consider adoption of the CDBG Fiscal Year 2009-2010 CAPER.

**MISCELLANEOUS & ON THE HORIZON**

The September 16, 2010, Planning Commission meeting is canceled.

October 7, 2010

One Use Permit Application.

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

A. Chair Navarro questioned the status of the Truck Parking Ordinance Amendment.

**XI. ADJOURNMENT**

The meeting was adjourned at 7:27 p.m.

Signature on file  
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.)