

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

November 4, 2010

- I. **ROLL CALL:**
 - Present: Meeting called to order at 6:00 p.m.
Chair Michael Navarro, Marie Assali, Steven Boyd, Tom DeLaMare, Allen Layman, Greg Pires, Jim Poore, and John Ramos
 - Absent: Annabel Gammon
 - 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. October 7, 2010
DeLaMare/Pires, 4-0, **APPROVED**
Commissioners Assali, Boyd, Poore, and Ramos abstained.
- V. **CORRESPONDENCE**

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

 - A. Email from Dianne Gagos regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
 - B. Letter from Mr. Milo J. Shelly regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
 - C. Email from Georgia M. Bennett Wells regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
 - D. Email from Allen Beebe regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.

- E. Email from David Halvorson regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
- F. Email from Bill and Ila Jean Reinheimer regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
- G. Email from Janice Mooney regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
- H. Fax from Susan J. Filippi regarding item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.

VI. CONFLICT OF INTEREST

- A. Commissioner DeLaMare will recuse himself from items VII-A - Interim Management Plan for Use Permit No. 87-06 - 7/11 Materials, Inc. and VII-C - Use Permit Application No. 2010-09 - Scatec Westside Solar Ranch.
- B. Commissioner Pires will recuse himself from items VII-A - Interim Management Plan for Use Permit No. 87-06 - 7/11 Materials, Inc. and VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
- C. Commissioner Layman will recuse himself from item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.
- D. Commissioner Navarro will recuse himself from item VII-B - General Plan Amendment Application No. 2010-02, Rezone Application No. 2010-02, and Vesting Tentative Subdivision Map Application No. 2010-01 - Del Rio Villas.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

Commissioners Pires and DeLaMare left the chambers.

- *A. INTERIM MANAGEMENT PLAN FOR USE PERMIT NO. 87-06 - 7/11 MATERIALS, INC.** - This is a request to allow an Interim Management Plan to remain in effect for up to five (5) years beginning on November 4, 2010, and ending on November 4, 2015. Use Permit No. 87-06 was approved to allow the excavation

of sand and gravel on 92 acres of two (2) separate properties with a combined acreage of 852± acres in the A-2-40 (General Agriculture) zoning district. The project sites are located south of Yosemite Boulevard (Highway 132) and the Tuolumne River, and east and west of Roberts Ferry Road, in the Waterford area. This project is exempt from CEQA.

APN: 008-011-013 & 008-012-011

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Ramos (6-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE MEMO.**

Commissioners Pires and DeLaMare returned to the chambers.

NON-CONSENT ITEMS

Commissioners Layman, Navarro, and Pires left the chambers.

B. GENERAL PLAN AMENDMENT APPLICATION NO. 2010-02, REZONE APPLICATION NO. 2010-02, AND VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2010-01 - DEL RIO VILLAS

- This is a three-part application requesting to make the following modifications to a 4.31 acre parcel located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area: 1) Amend the General Plan designation from LDR (Low Density Residential) to P-D (Planned Development) and the Del Rio Community Plan (part of the General Plan) residential unit density allowance from 2 to 4.5 units per acre; 2) Amend the Zoning designation from R-A (Rural Residential) to P-D (Planned Development); and 3) Subdivide into a gated development of 18 air space condominiums and a common area parcel which will include landscaping, a swimming pool, access easements, a package treatment plant, and drainage. A CEQA Negative Declaration will be considered by the Planning Commission.

APN: 004-059-044

Staff Report: Bill Carlson Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: Larry Dempsey, 7106 Carolina Court, Modesto; Milo Shelly, 7105 Oakmont Drive, Modesto; Randall Epperson, 7020 Oakmont Drive, Modesto; Will Iffland, 7113 Hillcrest Drive, Modesto; Gary Padovani, 7009 Hillcrest Drive, Modesto

FAVOR: Charlie Menghetti, 1117 Country Club Drive, Modesto; Carl Wesenberg, 1005 Country Club Drive, Modesto; Manny Souza, Souza Engineering, 1006 6th Street, Modesto

Public hearing closed.

Ramos/Assali, 3-2 (Poore, DeLaMare) **RECOMMENDED DENIAL TO THE BOARD OF SUPERVISORS.**

Commissioners Layman, Navarro, and Pires returned to the chambers.

Commissioner DeLaMare left the chambers.

- C. USE PERMIT APPLICATION NO. 2010-09 - SCATEC WESTSIDE SOLAR RANCH**
- This is a request to establish a 50 megawatt solar farm on 382± acres comprised of three separate parcels totaling 1,132± acres in the A-2-40/160 (General Agriculture) zoning district. A lot line adjustment is being proposed to accommodate this project. The property is located southwest of the Fink Road Landfill, west of I-5 and Davis Road, in the Newman/Crows Landing area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.
APN: 025-017-019, 027-017-077, 026-012-003
Staff Report: Rachel Wyse Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Steve Herum, Herum\Crabtree Attorneys, 2291 W. March Lane, Suite B100, Stockton; Mike Bonneville, Scatec Solar, 419 N. Shoreline Blvd., Mountain View
Public hearing closed.
Assali/Poore, 7-0, **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Commissioner DeLaMare returned to the chambers.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS ACTIONS OF OCTOBER 19, 2010

- A. Set a public hearing on 11/09/2010, at 9:05 a.m. to discuss the final adoption of the 2010 California Building Standards Code.
- B. Adopted the 2010-2014 Implementation Plan for the Stanislaus County Redevelopment Agency Project No. 1.
- C. Adopted the Redevelopment Agency Budget for FY 2010-2011.

BOARD OF SUPERVISORS ACTIONS OF OCTOBER 26, 2010

- A. Set a public hearing on 11/09/2010 at 9:10 a.m. to consider adoption of the implementation of the provisions authorized in SB 863. SB863 is a trailer bill to the State Budget that allows the County to recoup some of the property taxes saved by Williamson Act contract holders by temporarily decreasing contract tax benefits.

BOARD OF SUPERVISORS ACTIONS OF NOVEMBER 2, 2010

- A. Approved a Finding that the City of Modesto's Sphere of Influence Expansion for the Jennings Road Wastewater Treatment Facility is Logical and Orderly.

MISCELLANEOUS & ON THE HORIZON

November 18, 2010

1. A General Plan Amendment with a Rezone and Use Permit to expand parking for El Rematito Marketplace on Crows Landing Road.

The December 2, 2010, Planning Commission meeting is canceled.

December 16, 2010

We will hold a meeting on this date. Scheduled matters are currently undetermined. This will be the final meeting for three of our Commissioners and I suspect we may consider doing something special for them.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None

XI. ADJOURNMENT

The meeting was adjourned at 7:13 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.)