

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 5, 2012

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Greg Pires, Steve Boyd, Kenneth Buehner, Robert Crabtree, Marc Etchebarne, Annabel Gammon, Richard Gibson, Ron Peterson
- Absent: John Ramos
- Staff Present: Angela Freitas, Interim Director; Bill Carlson, Senior Planner; Carole Maben, Associate 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; Janis Mein, Environmental Health and Code Enforcement Program Manager; Crystal D. Rein, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM** – No one spoke.
- IV. APPROVAL OF MINUTES**
- A. June 21, 2012
Gammon/Buehner, 8-0 (Unanimous) , **APPROVED**
- B. June 21, 2012, Workshop
Gammon/Buehner, 8-0 (Unanimous) , **APPROVED**
- V. CORRESPONDENCE**
Interim Director Freitas informed the Commissioners of various correspondence mailed in their agenda packet or placed before them this evening:
- A. Email from Judy Fung received July 4, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- B. Email received July 4, 2012, from Peter and Kathleen Lai regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.

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- C. Email from Susan Dignan received July 4, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- D. Fax from Susan J. Filippi received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- E. Letter from Donna M. Minighini received July 2, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- F. Letter from Greg and Jocelyn Hall, Bart Bartoni, C.W Iffland, Gary Padovani, Carol Davini, and Calvin Lee received July 2, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- G. Letter from Clarke V. Filippi received July 3, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- H. Letter from Donna M. Minighini received June 29, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- I. Letter from the Del Rio Property Owner's Association received June 29, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- J. Letter from Milo Shelly received June 29, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- K. Letter from Dr. John Porteous received July 2, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- L. Letter from Robert Raymond Benech received July 2, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- M. Letter from Allen Beebe received June 29, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.

- N. Letter from Paul B. Draper received June 29, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- O. Letter from Bill and Ila Jean Reinheimer received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- P. Email from Frederick O. Lewis III received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- Q. Email from Jan Mooney received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- R. Email from Mark Goss received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- S. Fax from Bret L. de St. Jeor received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.
- T. Email from John Ramos received July 5, 2012, regarding item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.

VI. CONFLICT OF INTEREST

- A. Commissioner Pires will recuse himself from item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.

VII. ASSIGNMENT OF NUISANCE ABATEMENT HEARING BOARD MEMBERS

Presented by Janis Mein, Environmental Health and Code Enforcement Program Manager.

Appointed to Nuisance Abatement Hearing Board: Commissioners Peterson (Chair), Gibson (Member), and Crabtree (Alternate).

VIII. PUBLIC HEARINGS (* - Consent Items)

Commissioner Pires informed the public of the consent items and procedure.

Public hearing opened.

Public hearing closed.

*** CONSENT ITEMS**

- *A. **REZONE APPLICATION NO. 2011-02 - RANDY THOMAS** – *Requesting continuance to July 19, 2012.* Request to rezone 42± acres in five (5) different Planned Development zones to one new Planned Development zone which will allow specific commercial and light industrial uses. The major tenant is proposed to be an auction house specializing in vehicle, surplus equipment, and furniture auctions. The project is located just southwest of the McHenry Avenue (State Route 108)/St. Francis Avenue intersection, in the Modesto area. The Planning Commission will consider a CEQA Mitigated Negative Declaration.
APN: 004-018-042; 004-021-003, 004, 006, 008, 010; 004-065-001, 014; 004-070-011, 047, 048
Staff Report: Bill Carlson Recommends **CONTINUANCE TO JULY 19, 2012.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Boyd/Crabtree, 8-0 (Unanimous), **CONTINUED TO JULY 19, 2012**

NON-CONSENT ITEMS

- B. **USE PERMIT APPLICATION NO. 2012-01 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2012-01 - V.A. RODDEN HULLER** - Request to create three (3) parcels, in the A-2-40 (General Agriculture) zoning district, of 166±, 10, and 94± acres from two (2) parcels with a combined acreage of 270± acres in conformance with County Code §21.20.060. The walnut hulling facility will be constructed on the 10-acre parcel in phases. Phase I: roof only 11,675 square foot huller building with an attached 15,120 square foot dryer building, 30,000 gallon propane tank, and a storm drain pond. Phase II: 20,000 square foot dryer building. The property is located at 4000 Ellenwood Road, south of Claribel Road, east of Heather Hills Lane, and north of Dry Creek, in the Oakdale/Waterford area. The Planning Commission will consider a CEQA Negative Declaration.
APNs: 015-081-006 and 015-081-049
Staff Report: Rachel Wyse Recommends **APPROVAL.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Jim Freitas, 4206 Technology Drive, Modesto.
Public hearing closed.
Gammon/Buehner, 8-0 (Unanimous), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT**

Commissioner Pires left the chambers and Commissioner Gammon took over as Chair.

- C. **GENERAL PLAN AMENDMENT APPLICATION NO. 2012-01, REZONE APPLICATION NO. 2012-01, VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2012-01 - DEL RIO VILLAS** - This is a three-part application requesting to make the following modifications to a 4.31 acre parcel: 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. The property is located at the southwest corner of Country Club Drive and Avenida Del Rio, in the Del Rio Community area. A CEQA Mitigated Negative Declaration will be considered.

APN: 004-059-044

Staff Report: Carole Maben Recommends **APPROVAL**.

Report presented by: Bill Carlson

Public hearing opened.

OPPOSITION: Richard McCullough, 7024 Walnut Woods Drive, Modesto; Larry Dempsey, 7106 Carolina Court, Modesto; Randall Epperson, 7020 Oakmont Drive, Modesto; Will Iffland; Calvin Lee, 6813 Corte de Oro, Modesto; Donna Minighini, 521 Sherry Court, Modesto; Bill Reinheimer, 1401 Country View Drive, Modesto; Dennis Harsh, 904 Country Club Drive, Modesto; William Mussman, 604 Bing Way, Modesto; Bart Bartoni, 217 Stewart Road, Modesto; Jim Champion; Milo Shelley, 7105 Oakmont Drive, Modesto; Colleen Rose Mastagni; Pam Rozycki, 999 Country Club Drive, Modesto; Henry Van De Pol, 600 Muirfield Court, Modesto; Jean Davis, 309 Hartley Drive, Modesto; Carole Davini, 7224 Hillcrest Drive, Modesto; Barney Aggers, 7730 McHenry Avenue, Modesto; Gary Padovani, 7009 Hillcrest Drive, Modesto.

7:37 – recessed

7:42 – reconvened

FAVOR: Dave Romano; Dennis Wittchow, 7216 Spyglass Drive, Modesto; Peter Janopaul, 7149 Carver Road, Modesto; Jocelyn Singh (on behalf of Dr. John Porteous and herself), 1460 Thunderbird Drive, Modesto; Sean Carroll, 7415 River Nine Drive, Modesto; Carrie Cardoza-Bordona (on behalf of Allen Beebe, the Bruno family, and Keith Kajioka), Oakdale; Charlie Menghetti, 1117 Country Club Drive, Modesto; Jerry Beardon, 7321 Del Cielo Way, Modesto; Mike Navarro, 1217 Countryview Drive, Modesto; Evan Porges, 7016 Hillcrest Drive, Modesto; Dave Romano.

QUESTION: Peggy Moraitis, Oakmont Drive, Modesto.

Public hearing closed.

Crabtree/Peterson, 6-1 (Boyd), **RECOMMENDED DENIAL OF THE STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS**

Commissioner Pires returned to the chambers and resumed the position of Chair.

IX. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

X. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS ACTIONS

June 26, 2012: Adopted the recommendations from the Nuisance Abatement Hearing Board's Public Hearing Regarding Dangerous Building Case DAD2011-00005 Located at 116 Angle Lane, Modesto, California.

July 3, 2012: The Board did not meet this date.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

July 19, 2012: Time Extension Application for a Use Permit to build a solar facility in the Newman/Crows Landing area, Time Extension Application for a Use Permit to expand an existing Sikh Temple in the Hughson area, Use Permit Application to expand a huller in the Hickman area, and Rezone Application to consolidate five Planned Development zones into one Planned Development zone in the Modesto area.

August 2, 2012: No hearings scheduled at this time. Meeting may be canceled due to lack of items.

XI. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. Commissioner Pires thanked Commissioner Gammon for chairing the hearing of item VIII-C - General Plan Amendment Application No. 2012-01, Rezone Application No. 2012-01, Vesting Tentative Subdivision Map Application No. 2012-01 - Del Rio Villas.

XII. ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

Signature on file.
Angela Freitas, 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.)