

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

November 19, 2015

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Vice Chair Ron Peterson, Katherine Borges, Marc Etchebarne, Scott Hicks, Tom Orvis, Bobby Yamamoto
- Absent: Steve Boyd, Kenneth Buehner, Richard Gibson
- Staff Present: Angela Freitas, Director; Rachel Wyse, Associate Planner; Kristin Doud, Associate Planner; Timothy Vertino, Assistant Planner; Thomas E. Boze, Assistant County Counsel; Robert J. Taro, Deputy County Counsel; Matt Machado, Director, Public Works; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Jennifer Akin, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM** – No one spoke.
- IV. APPROVAL OF MINUTES**
- A. November 5, 2015
Etchebarne/Yamamoto (5/0) (Peterson Abstained) **APPROVED.**
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners of various items of correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo dated November 19, 2015, from Stanislaus County Department of Planning and Community Development regarding item VII-A – Use Permit Application No. PLN2015-0023 – Verizon Wireless – Moffett Road
- B. Letter dated November 15, 2015, from Brad Christian regarding item VII-C, Modification to Conditions of Approval for Use Permit No. 2002-21 – Mar, Addai Church (Larsa Event Center)
- C. Letter dated November 17, 2015, from Kevin Storms regarding item VII-C, Modification to the Conditions of Approval for Use Permit No. 2002-21 – Mar, Addai Church (Larsa Event Center)
- D. Letter dated November 18, 2015, from Pamela Toombs regarding item VII-C, Modification to Conditions of Approval for Use Permit No. 2002-21 – Mar, Addai Church (Larsa Event Center)

VI. CONFLICT OF INTEREST - None

VII. PUBLIC HEARINGS (* - Consent Items)

Commissioner Peterson informed the public that there were no consent items.

*** CONSENT ITEMS** – None

NON-CONSENT ITEMS

A. USE PERMIT APPLICATION NO. PLN2015-0023 VERIZON WIRELESS –

MOFFETT ROAD – Request to construct a new wireless communication facility that includes a 75-foot high monopole with 12 mounted antennas, 184 square-foot equipment shelter, and supporting equipment within a 1,200 square-foot leased area on a 30± acre parcel in the A-2-10 (General Agriculture) zoning district. The project site is located at 4037 Moffett Road, south of E. Service Road, within the City of Ceres' Sphere of Influence. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project.

APN: 041-011-012

Staff Report: Timothy Vertino, Assistant Planner, Recommends **APPROVAL WITH PROPOSED CONDITION OF APPROVAL NO. 22.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Tom Westbrook, City of Ceres; Joey Acquistapace, Epic Wireless, dba Verizon Wireless; Paul Albritton, Attorney, Mackenzie & Albritton, LLP

Mr. Albritton addressed the Commission and asked that he have time to discuss and clarify proposed Condition of Approval No. 22 with Tom Westbrook from the City of Ceres. At the request of Mr. Albritton, on a 6-0 vote (Yamamoto/Borges), the item was tabled at 6:15 p.m. until after consideration of Agenda item VIII-E to allow the parties to further discuss Condition of Approval No. 22.

The item was taken from the table at 8:41 p.m., on a 6-0 vote (Orvis/Hicks).

Thomas Boze, Assistant County Council, explained that after further discussion between the City of Ceres and Verizon Wireless, they have not reached agreement on the proposed new condition, and request that the item be continued to the Planning Commission Meeting of January 7, 2016.

Public hearing closed.

Orvis/Yamamoto (6/0) **APPROVED CONTINUANCE TO JANUARY 7, 2016.**

B. MODIFICATION TO CONDITIONS OF APPROVAL FOR USE PERMIT NO.

2011-01 - HENNINGS BROTHERS AG DRILLING - Request to amend Condition of Approval No. 21 to allow deferral of a 12-foot wide paved vehicle lane and a 4-foot wide paved asphalt shoulder, along the entire parcel length. UP 2011-01 was approved by the Planning Commission on November 3, 2011, to allow establishment of a well drilling business on a 17.6+/- acre parcel in the A-2-40 (General Agriculture) zoning district. The site is located at 1920 Ladd Road,

west of Carver Road, in the Del Rio area. A Negative Declaration was previously adopted for this project; however, this action is exempt from CEQA.

APN: 004-066-055

Staff Report: Rachel Wyse, Associate Planner, Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Shaun Roddy, 1920 Ladd Road, Owner Hennings Brothers Ag Drilling

Public hearing closed.

Borges/Yamamoto (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE NOVEMBER 19, 2015 MEMO FROM THE STANISLAUS COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WITH AN AMENDMENT TO CONDITION OF APPROVAL NO. 21 TO READ AS FOLLOWS:**

21. ~~Prior to the final of any building or grading permit~~ **At such a time as the neighboring parcels are required to install road frontage improvements**, the applicant shall make road frontage improvements along the entire parcel length on Ladd Road. These improvements shall include asphalt road widening, bringing the existing road up to 12-foot wide paved vehicle lane, and a 4-foot wide paved asphalt shoulder south of the centerline of Ladd Road. Improvement plans are to be submitted to this department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications. **Neighboring and improvements shall be as specified in the Applicant's ~~November 6, 2014~~ November 5, 2015 e-mail to the Stanislaus County Planning Department.**

- C. MODIFICATION TO CONDITIONS OF APPROVAL FOR USE PERMIT NO. 2002-21 - MAR, ADDAI CHURCH (LARSA EVENT CENTER)** - Request to amend the project's Conditions of Approval to address operational standards. UP 2002-21 was approved on January 16, 2003, allowing the construction of a church, multi-purpose building, and single-family dwelling on a 9.63 acre site in the A-2-10 (General Agriculture) zoning district. The site is located at 2107 E. Monte Vista Avenue, between Amethyst Way and N. Quincy Road, in the Turlock area. A Negative Declaration was previously adopted for this project; however, this action is exempt from CEQA.

APN: 073-007-005

Staff Report: Rachel Wyse, Associate Planner, Recommends **APPROVAL**.

Public hearing opened.

FAVOR: Brett Dickerson, Attorney, Mar, Addai Church (Larsa Event Center); Kurk Royel, Mar, Addai Church (Larsa Event Center)

OPPOSITION: Brad Christian, Amethyst Way, Turlock, CA; Pam Toombs, 3320 Amethyst Way, Turlock, CA; Kevin Storms, Amethyst Way, Turlock, CA; Tracy Storms, Amethyst Way, Turlock, CA; Debbie Whitmore, City of Turlock

Public hearing closed.

Borges/Etchebarne (6/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE NOVEMBER 19, 2015 MEMO FROM THE STANISLAUS COUNTY DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO ADD CONDITION NOS 43-57 TO THE PREVIOUSLY APPROVED**

CONDITIONS OF APPROVAL FOR UP 2002-21 AND SAA PLN2014-0005 WITH STAFF AND PLANNING COMMISSION MODIFICATIONS TO NOS. 43, 44, 46, 51, AND 54 TO READ AS FOLLOWS:

43. Permittee shall maintain the following interior sound level limits between the daytime hours of 7 a.m. to ~~midnight~~ 10 p.m.: events at Larsa shall be limited to an L_{eq} of 102 dBC and a 1/3-octave band L_{eq} limit of 90 dB in each of the 50 Hz, 63 Hz, and 80 Hz third octave bands measured during any five minute period.
44. Permittee shall maintain the following interior sound level limits between the nighttime hours of ~~midnight~~ 10 p.m. to 7 a.m.: events at Larsa shall be limited to an L_{eq} of 100 dBC and a 1/3-octave band L_{eq} limit of 85 dB in each of the 50 Hz, 63 Hz, and 80 Hz third octave bands measured during any five minute period.
45. Interior sound levels shall be continuously monitored for the duration of the event. Measurement microphone should be placed a minimum of 25 feet and not greater than 50 feet from the midpoint of the main speaker array.
46. A Type/Class 1 or 2 (per ANSI S1.43) measurement microphone system shall be used and calibrated prior to first use and at regular intervals. The system shall be capable of measuring and logging Leq statistics over consecutive five minute intervals in both A and C weighted levels. The system shall also be capable of capturing and logging 1/3-octave band data. Data shall be maintained for 30 days and made available to the County upon request.
47. For simplification and to minimize equipment costs, interior sound level limit triggers for both local monitoring and email notifications shall be set to Leq, C-weighting. The DJ shall locally check both C-weighted and 1/3-octave band results during sound check prior to an event to establish system gain limits and ensure compliance with the specified limits.
48. The permittee shall obtain a monitoring system; however all proposed monitoring equipment shall be reviewed by the County prior to first use. Monitoring equipment options include 1) an iOS option available in combination with an iPad/iPhone using microphone and acquisition hardware from AudioControl and software from Studio Six Digital. SSD software would include the AudioTools and several in-app purchases including SPL Graph and SPL Traffic Light; or 2) an alternative system proposed by Larsa's acoustical consultant.
49. The monitoring system shall be installed and operational within 90 days following approval of these additional conditions.

- 50. Except in cases of emergency, only the Event Center’s main access, on the southern elevation of the building, across from E. Monte Vista Avenue, may be utilized during events. Steps to discourage use of other exits will be set forth in the security plan. Doors to the exterior on the western and eastern elevation of the activity hall shall remain closed and used only as emergency exits during special events and activities – these doors shall not be propped open during events and/or activities. Temporary signage and/or stanchion sets shall be utilized to notify attendees that the doors must remain closed during events. The exits shall not be locked or permanently blocked in compliance with California Fire Code requirements.
- 51. The operating hours are: weekdays (Monday-Friday) 8 a.m. to 10:00 p.m.; Saturday 8:00 a.m. to 1:00 a.m., Sunday. At 12:30 a.m., lighting shall be increased to normal levels and music shall be turned down to half level. Patrons are permitted to remain on premises until 1:00 a.m.; Sunday hours are 7:00 a.m. to 10:00 p.m; excepting Christmas, Easter, and New Year’s celebrations which have no limitation on operating hours.
- 52. Permittee shall submit a security plan within 30 days of approval of these additional conditions and then on July 31 of each year thereafter, to the Sherriff’s Department. Half an hour prior to and after the performance of live or amplified music a minimum of two security staff shall be on the property. Additional security staff will be necessary in accordance with the following occupancy levels:

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|--------------------|---|
| 1-100 persons | 2 security staff |
| 101 to 200 persons | 2 security staff and 1 State licensed, uniformed security officer |
| 201 to 400 persons | 2 security staff and 2 State licensed, uniformed security officers |
| 400 and above | 1 additional security staff and 1 additional State licensed uniformed security officer per 200 persons. |

Security personnel are responsible for ensuring that all exterior doors remain closed at all times while amplified music is playing and for inspecting the exterior of the premises to ensure no undesirable activity is conducted on the site.

- 53. A monthly activity schedule shall be submitted via email to the Department of Environmental Resources, Code Enforcement detailing the planned events. The schedule shall include a synopsis of the type of event and expected attendance and shall if practicable be delivered at least 30 days prior to the date of the event.

54. Permittee shall establish a written “Good Neighbor Policy” to be approved by the Planning Department, which shall establish the permittee’s plan to mitigate any ancillary impacts on adjacent properties. The plan shall include means for neighbors to contact management regarding complaints and steps management will take upon receiving a complaint. The policy shall be submitted within 30 days of approval of these additional conditions.
55. Permittee shall comply with all applicable local, state and federal laws, regulations, and rules.
56. The Permittee 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 project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
57. All Conditions of Approval associated with UP 2002-21 and SAA PLN2014-0005 shall remain in effect unless otherwise noted herein.

- D. ORDINANCE AMENDMENT APPLICATION NO. PLN2015-0047 – HOUSING RELATED CODE AMENDMENTS** – Request to amend the Stanislaus County Zoning Ordinance Chapters 21.08 General Provisions, 21.12 Definitions, Chapter 21.48 Highway Frontage (H-1), Chapter 21.56 General Commercial (C-2), and 21.60 Industrial District (M) and to add Chapter 21.86 Reasonable Accommodation and Chapter 21.82 Density Bonus for Affordable Housing to meet state requirements for fulfillment of Housing Element goals. This project is exempt from CEQA.
APN: Countywide
Staff Report: Kristin Doud, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.

Orvis/Hicks (6/0) **APPROVED THE STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

- E. GENERAL PLAN AMENDMENT APPLICATION NO. PLN 2014-0104 – HOUSING ELEMENT UPDATE** – An update and amendment to the Housing Element of the Stanislaus County General Plan. The proposed 2015-2023 Housing Element includes goals, policies, objectives and programs to further opportunities for housing to households in the unincorporated areas of Stanislaus County. No development project is proposed as part of the Housing Element Update. This project is exempt from CEQA.
APN: Countywide
Staff Report: Kristin Doud, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Orvis/Etchebarne (6/0) **APPROVED THE STAFF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

IX. REPORT OF THE PLANNING DIRECTOR

MISCELLANEOUS & ON THE HORIZON

Planning Commission

December 3, 2015: Vesting Tentative Subdivision Map & Exception – Fairway 7 Estates in the Oakdale area. Owner/Applicant – Deponte Family Investments GP.

Time Extension Application – The Fruit Yard in the Modesto area. Owner/ Applicant – Joe Traina, The Fruit Yard, LLC.

December 17, 2015: Due to lack of scheduled items, Planning Commission Meeting may be canceled.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

XI. ADJOURNMENT

The meeting was adjourned at 8:47 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.)