

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 17, 2005

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Andrew Souza, Marie Assali, Tony Cusenza, Annabel Gammon, Allen Layman, Mike Navarro, Jim Poore, and Ray Souza.
- Absent: Rachelle Antinetti
- Staff Present: Ron E. Freitas, Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk.

Chair Andrew Souza welcomed new Planning Commissioner Annabel Gammon.

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S FORUM

- A. Debbie Siebrecht, 2624 Lawrence Street, Ceres, spoke regarding housing for elderly family members, and asked the Commission to review and revise the County's policy on temporary mobile home permits.

IV. APPROVAL OF MINUTES

- A. Revised Minutes of November 18, 2004
R. Souza/Poore, 5-0, **APPROVED**
Layman, Assali, Gammon abstained.
- B. January 20, 2005
Poore/Assali, 7-0, **APPROVED**
Gammon abstained.
- C. February 3, 2005 Workshop
Assali/Poore, 7-0, **APPROVED**
Gammon abstained.

V. CORRESPONDENCE

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

- A. Memo from Consolidated Fire dated February 16, 2005 regarding Items VII-B, Parcel Map Application No. 2004-36 - Mohammed Salem, and XI-D, Parcel Map Application No. 2004-35 - Kiernan Station.
- B. Letter dated February 7, 2005 from Mary R. Blaine, regarding Item XI D - Parcel Map Application No. 2004-35 - Kiernan Station
- C. California Planning & Development Report, Vol. 20, No. 1 - January 2005.
- D. Reprint of Land Use Alert from Bingham McCutchen, "City Council's Inattention Deprived Applicant of Right to be Heard."

VI. CONFLICT OF INTEREST

- A. Commissioner Assali knows John Varni, Sr., but this will have no bearing on her decision.
- B. Commissioner Layman will be stepping down from the Hearing on Item XI-D - Parcel Map Application No. 2004-35 - Kiernan Station.
- C. Commissioner Poore knows Mr. Varni and Mr. Hughes, however this will have no bearing on his decision.
- D. Commissioner Cusenza knows Mr. Hughes, but this will have no bearing on his decision.
- E. Commissioner Andrew Souza knows David Harris of Aspen Surveying, but this will have no bearing on his decision.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. TIME EXTENSION APPLICATION NO. 2004-04 - JOHN VARNI PARCEL MAP APPLICATION NO. 2001-03 - Request for a one year time extension for Parcel Map No. 2001-30 which will create four parcels of 1.1 acres and two parcels of 2.1 acres in Planned Industrial zoning district, (PI No. 25). The property is located north of Kiernan Avenue, west of Mc Henry Avenue, north of Modesto. This project is Exempt from CEQA.
APN: 004-071-016 & 004-071-017
Staff Report: Bob Kachel Recommends **APPROVAL TIME EXTENSION TO AUGUST 2005.****

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Cusenza/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT AND APPROVE TIME EXTENSION TO AUGUST 2005.**

- *B. **PARCEL MAP APPLICATION NO. 2004-36 - MOHAMMED SALEM** - Request to divide an existing 1.4 acre parcel into parcels of 0.5 and 0.9 acres, general planned Commercial and zoned C-2, located at 5100 Elm Street and 4525 Broadway Avenue in Salida. This project is Exempt from CEQA.

APN: 135-046-058 and 135-047-004

Staff Report: Bob Kachel Recommends **APPROVAL, ALONG WITH AMENDED CONDITION NO. 20 TO READ:**

20. Fire Department Connections (FDC) for automatic fire sprinkler systems shall be located curbside within 50 feet of a fire hydrant.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Cusenza/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION NO. 20 TO READ:**

- 20. Fire Department Connections (FDC) for automatic fire sprinkler systems shall be located curbside within 50 feet of a fire hydrant.**

VIII. **ADJOURN AS PLANNING COMMISSION AT 6:20 P.M.**

IX. **CONVENE AS AIRPORT LAND USE COMMISSION**

X. **RECONVENE AS PLANNING COMMISSION AT 7:00 P.M.**

XI. **PUBLIC HEARINGS (CONTINUED)**

NON-CONSENT ITEMS

- C. **USE PERMIT APPLICATION NO. 2004-20 - STANISLAUS WILDLIFE CARE CENTER** - Request to expand an existing wildlife care center by approximately 14,305 square feet to provide flight recovery and release cages, holding pens, barns and an education pergola for various types of wildlife, including raptors, birds, and deer on a portion of a parcel totaling approximately 32 gross acres in size, known as the Fox Grove Fishing Access. The existing facility operates under Use Permit No. 90-36 and Staff Approval Application No. 2001-75. The facility operates seven days per week throughout the year and is open from 9 a.m. to 8 p.m., March

through September, and from 10 a.m. to 3 p.m., October through February. Up to 20 employees, volunteers, and other workers may be on the site at any one time. In addition, the facility is open daily to the public during operating hours. Special educational classes for groups of up to 20 visitors may be held up to five times per year during operating hours. The project is located at 1220 Geer Road, in the Hughson area. The Planning Commission will consider a Mitigated Negative Declaration on this project.

APN: 018-005-003

Staff Report: Debra Whitmore Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: John Hassapakis, Stanislaus Wildlife Care Center Board Member; Christine Nicasio, Executive Director of Stanislaus Wildlife Care Board.

Public hearing closed.

Assali/Cusenza, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

7:14 P.M. Commissioner Layman left the Chambers.

- D. **PARCEL MAP APPLICATION NO. 2004-35 - KIERNAN STATION** - Request to create 15 air space condominiums, ranging in size from 420 to 3,405 square feet in recently approved PD (Planned Development) located at 5037 Kiernan Avenue in Salida. This project is Exempt from CEQA.

APN: 136-007-015

Staff Report: Bob Kachel Recommends **APPROVAL, ALONG WITH AMENDED CONDITION NO. 25 TO READ:**

- 20. Fire Department Connections (FDC) for automatic fire sprinkler systems shall be located curbside within 50 feet of a fire hydrant.**

Public hearing opened.

OPPOSITION: Duane Spyksma, 5107 Kiernan Avenue; Nanette Spyksma, 5107 Kiernan Avenue; Janet Spyksma, owner of 5000 Kiernan Avenue; Patrick Patello, 5000 Kiernan Avenue.

FAVOR: Brett Hughes, 705 Fleetwood, Modesto.

Public hearing closed.

R. Souza/Assali, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION NO. 25 TO READ:**

- 25. Fire Department Connections (FDC) for automatic fire sprinkler systems shall be located curbside within 50 feet of a fire hydrant.**

7:55 P.M. Commissioner Layman returned to the Chambers.

XII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. No one spoke.

XIII. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 8, 2005

- A. The Board set a public hearing for March 15, 2005 at 6:40 p.m. to consider an appeal of the Planning Commission denial of Use Permit Application No. 2004-14, Laura Overton.
- B. The Board rescinded and approved a portion of Williamson Act Contract and Lot Line adjustments.

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 15, 2005

- A. The Board received a report on master planning for the Crows Landing Naval Air Station.
- B. The Board approved a Williamson Act rescission and a new Williamson Act Contract for lot line adjustments

MISCELLANEOUS AND ON THE HORIZON

Director Freitas encouraged the Commissioners to visit the Planning Department's updated website at www.co.stanislaus.ca.us.

March 3, 2005

- 1. Five Use Permits
- 2. General Plan Amendment and Rezone
- 3. One Parcel Map

March 17, 2005

- 1. Specific Plan Amendment, consisting of four Tentative Maps at Diablo Grande
- 2. Two General Plan Amendment and Rezone Applications
- 3. Three Use Permits

XIV. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XV. ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Ron E. 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 Director.)