

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 20, 2007

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Jim Poore, Marie Assali, Annabel Gammon, Allen Layman, Arsenio Mataka, Michael Navarro, John Shores, and Ray Souza
- Absent: No one
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Carole Maben, Associate Planner; Joshua Mann, Associate Planner; Sean Purciel, Associate Planner; Rachel Wyse, Assistant Planner; Javier Camarena, Assistant Planner; Karlha Arias, Assistant Planner; Kristin Doud, Assistant Planner; Mandy Bahia, Assistant Planner; Jack Doering, Assistant County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk; Crystal Rein, Administrative Clerk III; Michelle Alfaro, Administrative Clerk II
- II. **PLEDGE OF ALLEGIANCE**
- III. **CITIZEN'S FORUM**
- A. No one spoke.
- IV. **APPROVAL OF MINUTES**
- A. December 6, 2007
Assali/Gammon, 7-0, **APPROVED**
Commissioner Navarro abstained.
- V. **CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo dated December 6, 2007, from the Planning Department regarding Item VII-B, Vesting Tentative Parcel Map Application No. 2007-17 - Carter.
- B. Packet of information received December 10, 2007, from Denise Seymour, regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment. A DVD titled "Out Door Entertainment Ordinance, 12-20-07, 8651 Crane Road, Denise Seymour" was provided with this packet. We were unable to send this, but it is available for viewing at the Planning Department.

- C. Email received December 11, 2007, from Connie Minter, regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment.
- D. Farmland Working Group Newsletter, Fall/Winter 2007
- E. Email received December 12, 2007, from Denise Seymour, regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment.
- F. Letter received December 17, 2007, from Joseph L. Wright, attorney for Denise Seymour, regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment.
- G. 2008 Planning Commission Meeting Calendar
- H. Letter received December 19, 2007, from Mary A. Ramos, regarding Item VII-E, Use Permit Application No. 2006-38 - ALP Custom Spreading, Inc.
- I. Letter received December 19, 2007, from Derek Solano, regarding Item VII-E, Use Permit Application No. 2006-38 - ALP Custom Spreading, Inc.
- J. Letter received December 19, 2007, from Eleanor Vieria, regarding Item VII-E, Use Permit Application No. 2006-38 - ALP Custom Spreading, Inc.
- K. Letter received December 19, 2007, from Edward J. Bettencourt, regarding Item VII-E, Use Permit Application No. 2006-38 - ALP Custom Spreading, Inc.
- L. Letter received December 19, 2007, from Vi, Frank, and Helen Freitas, regarding Item VII-E, Use Permit Application No. 2006-38 - ALP Custom Spreading, Inc.
- M. Email received December 20, 2007, from Denise Seymour, regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment.
- N. Email received December 20, 2007, from Denise Seymour, regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment.
- O. Memo dated December 20, 2007, from the Planning Department regarding Item VII-E, Use Permit Application No. 2006-38 - ALP Custom Spreading, Inc., requesting continuance to February 21, 2008.
- P. Memo dated December 20, 2007, from the Planning Department regarding Item VII-D, Zoning Ordinance Amendment No. 2007-01 - Public Events & Outdoor Entertainment.

VI. CONFLICT OF INTEREST

- A. Commissioner Souza is acquainted with Dr. Dhaliwal, but this will not cause a conflict.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. TENTATIVE PARCEL MAP APPLICATION NO. 2007-22 - HAWKINS RANCH -**
This is a request to create two (2) parcels of 404.67 and 392.77 acres from a 797.44 acre Williamson Act parcel in the A-2-40 (General Agriculture) zoning district. The property is located on the northwest corner of East Keyes and Hawkins Roads, southeast of Waterford. The Planning Commission will consider a Negative Declaration on this project.
APN: 020-005-005
Staff Report: Kristin Doud Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Mataka/Assali, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- *B. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-17 - CARTER -**
This is a request is to create two (2) parcels of 12.63± acres from a 25.26 acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 13766 Valley Home Road, northwest of Dale Road, in the Oakdale area. The Planning Commission will consider a Negative Declaration on this project.
APN: 002-004-007
Staff Report: Karlha Arias Recommends **APPROVAL, ALONG WITH MODIFIED CONDITIONS OF APPROVAL NO. 24, 27, AND 28.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Mataka/Assali, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH MODIFIED CONDITIONS OF APPROVAL NO. 24, 27, AND 28.**

NON-CONSENT ITEMS

Items taken out of order.

- E. USE PERMIT APPLICATION NO. 2006-38 - ALP CUSTOM SPREADING, INC - Requesting Continuance to February 21, 2008.** Request to allow a manure spreading business to operate on three (3) acres of a forty (40) acre property, located in the A-2-40 (General Agriculture) zoning district. The project is located at 2324 Villa Manucha Road between Villa Manucha Road and Azevedo Road, north of Newman. The Planning Commission will consider a Negative Declaration on this project.
APN: 049-022-011
Staff Report: Applicant Requested a Continuance to February 21, 2008. Staff Recommends **CONTINUANCE TO FEBRUARY 21, 2008.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Souza/Mataka, Unanimous (8-0), **CONTINUED TO FEBRUARY 21, 2008.**

Continued Agenda in Order

- C. VARIANCE APPLICATION NO. 2007-03 - RUPINDER DHALIWAL - Continued indefinitely from September 6, 2007.** This is a request to authorize a variance from required setbacks for the C-2 (General Commercial) zoning district to allow a fuel island canopy to encroach into a required front yard setback. The property is located at 4617 Kiernan Avenue, north side of Kiernan Avenue, east of State Route 99 northbound on-ramps, in Salida area. This project is exempt from CEQA.
APN: 135-045-038
Staff Report: Rachel Wyse Recommends **DENIAL.**
Public hearing opened.
IN OPPOSITION OF DENIAL: Bart Barringer, 1324 J Street, Modesto; Randy Cavanagh, 7035 Hughson Avenue, Hughson.
IN FAVOR OF DENIAL: Rusty Firenze, Millbrae, CA; Jeannette Moore, 5205 Silverstone Circle, Salida, representing the Salida MAC.
Public hearing closed.
Souza/Shores, 5-3 (Assali, Gammon, Navarro), **CONTINUED TO MARCH 20, 2008 TO ALLOW APPLICANT TO RE-SUBMIT WITH COMPLETE FINAL SITE PLAN.**
- D. ZONING ORDINANCE AMENDMENT NO. 2007-01 - PUBLIC EVENTS & OUTDOOR ENTERTAINMENT** - This is a request to amend the Stanislaus County Zoning Ordinance, by adding a Chapter that would address public events and outdoor entertainment in the agricultural, urban transition, and residential areas of Stanislaus County. The proposed regulations will apply to the location of any public event in an R-A (Rural Residential), R-1 (Single-Family Residential) or A-2 (General

Agriculture) zoning district. This amendment will not apply to A-2 zoned land which is enrolled under a California Land Conservation Contract (Williamson Act Contract). As part of this amendment, both the A-2 (Chapter 21.20.030) and the R-1 (Chapter 21.28.030) zoning districts will be amended to add Public Events and Outdoor Entertainment, under Uses Requiring a Use Permit. The Planning Commission will consider a Negative Declaration on this project.

APN: County-wide

Staff Report: Angela Freitas Presented Options for the Commission to Consider. Public hearing opened.

OPPOSITION: Connie Minter, 8607 Crane Road, Oakdale; Allen Gilkison, 1319 N. Verduga Road, Turlock; Dave Lind, 3600 E. Hawkeye, Turlock; Vern Fabry, 8549 Crane Road, Oakdale; Dave Winfrey, 1820 Covington, Modesto; Dana Fabry, 8549 Crane Road, Turlock

9:35 p.m. - Recessed

9:40 p.m. - Reconvened

FAVOR: Joy Bloomingcamp, Highway 120, Oakdale; Amy Erwin, 7130 River Road, Oakdale; Katy Baker, Sacramento; Denise Seymour, 8651 Crane Road, Oakdale

10:40 p.m. - Recessed

10:47 p.m. - Reconvened

Public hearing closed.

Assali/Shores, Unanimous (8-0), **1. RECOMMEND THE BOARD TAKE NO ACTION TO ADOPT ORDINANCE AMENDMENT NO. 2007-01, PUBLIC EVENTS AND OUTDOOR ENTERTAINMENT.**

Mataka/Gammon, Unanimous (8-0), **2. RECOMMEND THAT THE BOARD DIRECT STAFF TO DEVELOP AND IMPLEMENT IMPROVEMENTS TO AND MORE STRICT ENFORCEMENT OF THE EXISTING ORDINANCE AND REGULATIONS BEFORE CONSIDERING A NEW ORDINANCE RELATED TO OUTDOOR EVENTS.**

Navarro/Layman, 7-1 (Mataka), **3. RECOMMEND THE BOARD TO CONTINUE THE CURRENT PRACTICE OF AUTHORIZING OUTDOOR EVENTS ON A CASE-BY-CASE BASIS THROUGH GENERAL PLAN AMENDMENTS AND REZONE PROCESS.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 11, 2007

- A. The Board, sitting as the Redevelopment Agency, approved an expenditure of \$60,000 of Housing Set Aside Funds for the purchase of one single family residential lot in the airport neighborhood. That lot eventually will be transferred to Habitat for Humanity, who will then build a low-income housing unit on it.
- B. The Board conducted on a public hearing on the second reading of an ordinance amending Title 16 of the Stanislaus County Code, adopting by reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards. In essence, the Board adopted a new building code.

BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 18, 2007

- A. Re-appointed Commissioners Allen Layman and Michael Navarro to the Planning Commission for a second four-year term.
- B. Accepted the 3rd Quarter Status Report and recommendation for the 12-month exclusive negotiation with PCCP West Park Master Developer preparing a re-use project description and proposal for the former Crows Landing Air Facility and adjacent properties, located in the area of Crows Landing.
- C. Set a public hearing for January 8, 2008 at 9:20 a.m. to consider Rezone 2007-01, Santa Fe Crossing.
- D. Considered and denied General Plan Amendment 2006-07 and Rezone 2006-11, Belaski Repair Shop. Your Planning Commission had recommended denial of this item.
- E. Considered the General Plan Amendment 2007-01, and the introduction and waiving of a reading and adoption of Ordinance Amendment 2007-02, the Ag Element Update of the Stanislaus County General Plan, Stanislaus County Williamson Act Uniform Rules Update. The Board approved the Ag Element and subsequent amendments on a 3-2 vote, removing the requirement for mitigation of commercial and industrial land.

MISCELLANEOUS & ON THE HORIZON

- A. Reminder that the Stanislaus County Planning Commissioners Workshop will be held Saturday, January 26, 2008 in Oakdale, beginning at 8:30 a.m..
- B. With resignation of Rob Hardie, there will need to be another person appointed as an alternate to the General Plan Update Committee.

January 3, 2008

1. Two Use Permit Applications
2. Three Parcel Map Applications
3. One Rezone Application

January 17, 2008

1. Use Permit Application
2. Time Extension Request for a Tentative Map

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A.** None.

XI. ADJOURNMENT

The meeting was adjourned at 11:08 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.)