

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 17, 2008

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Marie Assali, Allen Layman, Michael Navarro, Jim Poore, John Shores, and Ray Souza

Absent: Annabel Gammon, Arsenio Mataka

Staff Present: Kirk Ford, Interim Director; Angela Freitas, Senior Planner; Joshua Mann, Associate Planner; Karlha Arias, Assistant Planner; Jack Doering, County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Denise Woods, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk
- II. **PLEDGE OF ALLEGIANCE**
- III. **CITIZEN'S FORUM**
 - A. No one spoke.
- IV. **APPROVAL OF MINUTES**
 - A. June 19, 2008
Layman/Poore, 6-0, **APPROVED**
- V. **CORRESPONDENCE**

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

 - A. Memo from Planning Department, dated July 17, 2008, along with fax received July 15, 2008 from Eric Yamasaki, withdrawing application for tentative subdivision map, Item VII-A, Vesting Tentative Subdivision Map Application No. 2008-01 - Yamasaki.
 - B. Fax received July 17, 2008, from Thomas J. Douglas regarding Item VII-E, General Plan Amendment Application No. 2007-03 and Rezone Application No. 2007-03 - The Fruit Yard.
 - C. Copy of article from Modesto Bee, dated July 8, 2008, regarding the life and death of Helen White, a former Planning Commissioner.

VI. CONFLICT OF INTEREST

- A. Commissioner Souza has met Joe Traina, Item VII-E, The Fruit Yard, but this will not cause a conflict.
- B. Commissioner Assali knows both Joe and William Traina, but this will not cause a conflict.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2008-01 - YAMASAKI** - This is a request to create five parcels, ranging in size from 10.52 to 14.05 acres, from two parcels totaling 58.56 acres in the A-2-10 (General Agriculture) zoning district. The property is located at 12800 Lambuth Road, northwest of Hinds Road, in the Valley Home area. The Planning Commission will consider a CEQA Negative Declaration on this project.
APN: 002-056-009 & 002-057-001
The Commission acknowledged that Vesting Tentative Subdivision Map Application No. 2008-01 - Yamasaki, was withdrawn by the Applicant, Eric Yamasaki, and took no action.
- *B. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-01 - DENAIR FARMS** - This is a request to create (12) twelve 40+ acre parcels from two adjoining parcels totaling 493 acres in size in the A-2-40 (General Agriculture) zoning district. The project is located at 12297 E. Monte Vista Avenue, between Hall and Montpelier Roads in Denair. The Planning Commission will consider a CEQA Negative Declaration on this project.
APN: 024-003-007 & 020-013-021
Staff Report: Karlha Arias Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Souza, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- *C. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-34 - BEARD LAND IMPROVEMENT CO. (MC CLURE ROAD)** - This is a request to divide 5 parcels totaling 63.85 acres into 4 parcels ranging in size from 22.66, 20.57, 19.18 and 1.44 acres in the M (Industrial) zoning district. The project is located on the

southeast corner of Yosemite Boulevard and McClure Road in the Modesto area.
This project is exempt from CEQA.

APN: 036-014-001, 036-014-002, 036-014-003, 036-014-005 and 036-014-006

Staff Report: Karlha Arias Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Souza, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS
AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

**D. VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2006-06 &
EXCEPTION APPLICATION NO. 2008-02 - KNIGHTS FERRY OVERLOOK -**

Requesting an indefinite continuance. This is a request to divide a 31.53 acre parcel to create 8 parcels ranging in size from 0.50 to 5.00 acres with a 12.03 acre "Remainder". The property is split zoned, consisting of both A-2-5 (General Agriculture) and H-S (Historical Site District). An Exception is being requested on the four 1.00 acre parcels which would not have municipal water service/connection from Knights Ferry Community Services District. The property is located at the southeast corner of Cemetery and Frymire Roads, in the Community of Knights Ferry. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.

APN: 002-044-003 & 002-044-004

Staff Report: Joshua Mann Recommends **CONTINUING INDEFINITELY**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Souza/Layman, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS
AND CONTINUED INDEFINITELY.**

**E. GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03 AND REZONE
APPLICATION NO. 2007-03 - THE FRUIT YARD** - This is a request to amend the

General Plan Designation from Agriculture to Planned Development and to rezone the property from A-2-40 (General Agriculture) to P-D (Planned Development). This would authorize a development plan for The Fruit Yard which would include a 9,000 square foot banquet facility, relocation of the existing gas station and convenience market, relocation of the existing "card lock" fueling facility, and construction of a 3,000 square foot retail shell building. Also included is a 322 space vehicle/RV storage, a 66 space travel trailer park for short term stays, and a 2.0 acre site for retail tractor sales. A new facility for fruit packing and warehousing is also included, although these uses are consistent with the current zoning of the property. Occasional outdoor special events, from fund raising activities to private parties, will

be held on site. The 45± acre site is located at 7948 Yosemite Blvd, at the intersection of Geer Road and Yosemite Blvd (Hwy 132), in the Modesto / Waterford area. A CEQA Mitigated Negative Declaration will be considered on this project.
APN: 009-027-004

Staff Report: Joshua Mann Recommends **FORWARD TO BOARD OF SUPERVISORS FOR APPROVAL OF DEVELOPMENT OF PHASE 1 ONLY.**

Public hearing opened.

OPPOSITION: Tom Douglas, 548 Hopper Road

FAVOR: Dave Romano

Public hearing closed.

Poore/Layman, 4-2 (Navarro, Shores), **MODIFY THE DEVELOPMENT SCHEDULE AS PRESENTED BY THE APPLICANT WITH CLARIFICATION THAT MOVING USES BETWEEN PHASES REQUIRES PRIOR CONCURRENCE OF THE PLANNING DIRECTOR OR DESIGNEE, AND ADOPT THE PROPOSED REVISIONS TO CONDITIONS OF APPROVAL NOS. 2, 3, 29, 38, 39 AND 55 AS PRESENTED BY THE APPLICANT.**

Layman/Poore, 4-2 (Navarro, Shores), **RECOMMEND APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION NO. 2007-03, REZONE APPLICATION NO. 2007-03, INCLUDING PHASES 1, 2, AND 3, AND ADOPT ALL OF THE STAFF RECOMMENDATIONS AND MAKE ALL OF THE FINDINGS SET FORTH IN THE STAFF REPORT AT PAGES 13 THROUGH 15, EXCEPT THAT PHASES 1, 2, AND 3 ARE RECOMMENDED FOR APPROVAL, SUBJECT TO THE MODIFICATIONS TO THE CONDITIONS OF APPROVAL AND DEVELOPMENT SCHEDULE AS PREVIOUSLY APPROVED.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS ACTIONS OF JUNE 24, 2008

- A. The Board finalized the Certificate of Cancellation for Williamson Act Contract No. 2002-4481 - Richard Landucci - this was directly related to the lot line adjustments approved for the Friends of the Tuolumne Bobcat Flat Wildlife area

BOARD OF SUPERVISORS ACTIONS OF JULY 1, 2008

- A. There were no items related to the Department of Planning and Community Development.

BOARD OF SUPERVISORS ACTIONS OF JULY 8, 2008

- A. The Board did not meet this date.

BOARD OF SUPERVISORS ACTIONS OF JULY 15, 2008

- A. There were no items related to the Department of Planning and Community Development.

MISCELLANEOUS & ON THE HORIZON

Helen White, former Planning Commissioner from 1997 to 2004, passed away on July 4, 2008. She represented District 1, and served as Chair in 2002. There will be a community memorial at the King Kennedy Center on Martin Luther King Drive on Friday, July 18th from 11:00 to 1:00 p.m.

August 7, 2008

1. Three Use Permits
2. Two Parcel Maps, one with an Exception

August 21, 2008

1. Two Parcel Maps
2. One Use Permit
3. Two Time Extension Requests

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XI. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.



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 Director.)