

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

October 15, 2009

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Allen Layman, Marie Assali, Tom DeLaMare, Annabel Gammon, Michael Navarro, Jim Poore, John Ramos, and Ray Souza
- Absent: Greg Pires
- Staff Present: Kirk Ford, Director; Angela Freitas, Deputy Director; Bill Carlson, Senior 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; Eva Rosa, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. October 1, 2009  
Souza/Assali, 7-0, **APPROVED**  
Commissioner Gammon abstained.
- V. CORRESPONDENCE**
- Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Farmland Working Group Newsletter, Fall 2009
- B. Memo from the Department of Planning and Community Development, dated October 15, 2009, requesting modification of Conditions of Approval for Item VII-A, Use Permit Application No. 2009-09 and Vesting Tentative Parcel Map Application No. 2009-05 - Grizzly Nut Facility
- VI. CONFLICT OF INTEREST**
- A. Commissioner Assali does business with Grizzly Nut Facility and her son-in-law works for the company. She will recuse herself during this hearing.
- B. Commissioner Layman has done engineering for Grizzly Nut Facility and will also recuse himself during this hearing.

**VII. PUBLIC HEARINGS ( \* - Consent Items )**

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

\* **CONSENT ITEMS** - There were no Consent Items.

6:03 p.m. Commissioners Layman and Assali left the Chambers. Vice Chair Navarro assumed the responsibilities of the Chair.

**NON-CONSENT ITEMS**

**A. USE PERMIT APPLICATION NO. 2009-09 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2009-05 - GRIZZLY NUT FACILITY** - This is a request to modify the use of an existing almond hulling facility to allow for the storage and sorting of raw almonds, the construction of 50,200 square feet of new buildings, and to legalize 19,000 square feet of expanded buildings. A parcel map is being requested to create 10.3 and 47.6 acre parcels from a 57.9± acre parcel in the A-2-40 (General Agriculture) zoning district. The project is located at 1329 Hazeldean Road, south of Tim Bell Road, in the Waterford area. The Planning Commission will consider a CEQA Negative Declaration for this project.

APN: 015-015-076

Staff Report: Rachel Wyse Recommends **APPROVAL, ALONG WITH MODIFIED CONDITIONS OF APPROVAL AS MENTIONED IN MEMO DATED OCTOBER 15, 2009.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Dennis Wilson

Public hearing closed.

Poore/DeLaMare, 6-0, **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, INCLUDING MODIFYING CONDITIONS OF APPROVAL AS FOLLOWS:**

26. Prior to the issuance of a building **or grading** permit, the property owners shall sign ~~a Road Easement~~ **an Irrevocable Offer of Dedication** document **prepared by their engineer or surveyor** that will dedicate sufficient right-of-way to Stanislaus County to provide ~~30~~ **40** feet of right-of-way west of the centerline of Hazeldean Road along the parcel frontage containing the processing facility on the 10.3 acres (Parcel 1).
29. The applicant shall make road frontage improvements along the new parcel frontage on Hazeldean Road. (The remainder parcel with the orchard is not required to have the roadway improvements installed along the frontages.) The improvements shall be installed as per Stanislaus County Standards, including but not limited to a paved

12-foot travel lane and paved 4-foot shoulder. Improvement plans are to be submitted to the Public Works Department for approval. The structural section and cross slopes shall meet Stanislaus County Public Works Standards and Specifications. The plans shall be approved prior to the issuance of any building **permit for a new building** or grading permit, whichever comes first. The work shall be installed under an encroachment permit.

30. An Engineer's Estimate shall be provided for the road improvements, **when triggered by a building permit for a new building**, so that the amount of the financial guarantee can be determined.
31. A financial guarantee in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontage of the parcel on Hazeldean Road with the Department prior to the issuance of a building **permit for a new building** or grading permit, **whichever comes first**.
37. All buildings ~~5,00~~ **5,000** square feet and greater shall be provided with an automatic fire sprinkler system, if required.

6:12 p.m. - Commissioners Layman and Assali returned to the Chambers.

- B. MODIFICATION OF CONDITION OF APPROVAL NO. 9 FOR USE PERMIT NO. 2007-08 - DENAIR COMMUNITY SERVICES DISTRICT CORPORATION YARD** - This is a request to modify Condition of Approval No. 9, of approved Use Permit No. 2007-08, which allows the District to develop a corporate yard. Condition of Approval No. 9 requires an 8-foot masonry wall on the west, north and south sides of the project. The modification request is to: 1) install a 6-foot steel chain-link fence with brown or green plastic slats around the entire project site, or 2) install a masonry wall only along the south side and utilize chain-link for all other sides of the project site. In either case, the request includes the option to add 2-feet of barb-wire on top of the chain-link fence for security purposes. The property is located at 4896 Kersey Road, between Story and N. Gratton Roads, in the Denair area. A CEQA Negative Declaration will be considered.  
A portion of APN: 024-024-038  
Staff Report: Carole Maben Recommends **DENIAL**. Report presented by Bill Carlson, Senior Planner.  
Public hearing opened.  
**OPPOSITION:** Dennis Barksdale; Paul Bollard, Bollard Acoustical Consultants; Gaylon Wade  
**FAVOR:** Joel Sanders, 3621 Story Road, Denair; Jerald Sanders  
Public hearing closed.  
Ramos/DeLaMare, 3-5 (Layman, Assali, Gammon, Navarro, and Poore against) motioned to approve an eight-foot masonry wall on the north and south sides, and an eight-foot chain link fence on the east and west sides of the project, and that the west fence will be replaced with masonry wall when additional development takes place on the project site. **MOTION FAILED.**

Poore/Assali, 4-4 (DeLaMare, Navarro, Ramos, and Souza against) motioned to deny the request for the modification of Condition of Approval No. 9. **THE REQUEST FOR MODIFICATION OF CONDITION OF APPROVAL NO. 9 FAILED FOR LACK OF MAJORITY SUPPORT BY THE PLANNING COMMISSION.**

**VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. None.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS OF OCTOBER 6, 2009**

- A. Approved an agreement with the Paradise South Weed and Seed Steering Committee to provide neighborhood cleanup and related neighborhood restoration program activities in the targeted Weed and Seed area during fiscal year 2009-2010.
- B. Accepted and approved the Planning Commissions action approving Tentative Subdivision Map Application No. 2009-01, Elm Street, a request to divide an 18,663 square foot (.42-acre) property into two parcels of 7,340± and 11,323± square feet in the R-2 (Medium Density Residential) zoning district, located at 5345 Elm Street, in the Salida area.
- C. Adopted the recommendations of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 508 Imperial Avenue, Modesto.
- D. Upheld (on a 3-2 vote) the Planning Commission's decision, to deny Use Permit Application No. 2008-26, Eastlake Baseball Complex, located on Parker Road in the East Modesto area.

**BOARD OF SUPERVISORS ACTIONS OF OCTOBER 13, 2009**

- A. The Board did not meet this date.

**MISCELLANEOUS & ON THE HORIZON**

**ON THE HORIZON**

November 5, 2009

1. A Use Permit for a garage and storage room addition in Denair.

November 19, 2009

1. A Use Permit for an expansion of an existing irrigation supply and installation operations in Oakdale.
2. A Use Permit for a storage facility at the Sikh Temple on Hatch Road in the Hughson area.

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

A. None.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:04 p.m.



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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 Department.)

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