

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 2, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Ray Souza, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, Michael Navarro, and Jim Poore
- Absent: Marie Assali, Tony Cusenza
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Dean Wright, Deputy County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Crystal Rein, Administrative Clerk III, Planning Department
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. February 2, 2006
Navarro/Layman, 6-0, **APPROVED**
Commissioner Gammon abstained.
- B. Historical Site Subcommittee Meeting of February 16, 2006
Poore/Gammon, 4-0, **APPROVED**
Commissioners Hardie, Mataka, and Navarro abstained.
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Tuolumne River Regional Park Commission Agenda.
- B. Memo dated February 9, 2006, from Department of Environmental Resources regarding Item VIII-A, Diablo Grande Hotel Design Review.
- C. Memo dated February 16, 2006, from West Stanislaus Fire Protection District regarding Item VIII-A, Diablo Grande Hotel Design Review.

- D. Information packet containing letters and photos dated February 15, 2006, regarding Item VII-H, Ordinance Amendment No. 2006-01 - Farm Market Ordinance.
- E. Memo dated February 8, 2006 from Consolidated Fire District regarding Item VIII-A, Diablo Grande Hotel Design Review.
- F. Memo dated March 2, 2006 from the Stanislaus County Department of Public Works amending Condition of Approval No. (7) Seven for Vesting Tentative Parcel Map Application No. 2005-36, Escobar Ranch.

VI. CONFLICT OF INTEREST

- A. Commissioner Poore is familiar with Paul Carroll, Item VII-A - Parcel Map No. 2005-32 - Paul Carroll and the Galas Family, Item VII-B - Time Extension No. 2005-05 for Parcel Map No. 2003-01 - Tim Galas, but this will not cause a conflict.

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. PARCEL MAP APPLICATION NO. 2005-32 - PAUL CARROLL - Continued from January 19, 2006.** Request to create two parcels of 5,520 and 8,584 square feet in the R-1 (Single Family Residential) zoning district, general planned LDR (Low Density Residential), located at the intersection of Gratton Road and Merced Avenue, in Denair. This project is exempt from CEQA.
APN: 024-034-026
Staff Report: Joshua Mann Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/Layman, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *B. TIME EXTENSION NO. 2005-05 FOR PARCEL MAP APPLICATION NO. 2003-01 - TIM GALAS - Continued from February 2, 2006.** Request for a one year time extension for Parcel Map 2003-01 - Tim Galas, which was approved by the Planning Commission on December 4, 2003. This was a request to create nine 40+ acre parcels in the A-2-40 (General Agriculture) zoning district located at 10031 Frankenheimer Road in the Oakdale area. This project is exempt from CEQA.
APN: 002-021-032 and 002-021-052
Staff Report: Bob Kachel Recommends **APPROVAL OF ONE YEAR TIME EXTENSION TO DECEMBER 4, 2006.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT AND GRANTED TIME EXTENSION TO DECEMBER 4, 2006.**

***C. PARCEL MAP APPLICATION NO. 2005-19 - BEARD LAND IMPROVEMENT CO.**

Request to create 18 parcels, ranging from 1.17 to 2.88 acres, one for a sewer lift station; the others for industrial development, located in an M (Industrial) zone on the south side of Finch Road, west of Mariposa Road, east of Mitchell Road in the Modesto area. This project is exempt from CEQA.

APN: 039-011-017 and 039-010-004

Staff Report: Bob Kachel Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

***D. PARCEL MAP APPLICATION NO. 2005-41 - DON GONSALVES - Request to**

split a 0.98 acre parcel into two residential lots of 20,546 square feet each served by City of Modesto water and private septic systems. The property is in the Low Density Residential (R-1) zoning district at 908 Seybold Avenue in the Modesto area. This project is exempt from CEQA.

APN: 030-014-008

Staff Report: Bob Kachel Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

***E. PARCEL MAP APPLICATION NO. 2005-36 - ESCOBAR RANCH - Request to**

create a new parcel of approximately 43.5 acres with a 58.2 acre remainder from a 101.7 acre parcel in the A-2-40 (General Agriculture) zoning district. There is also a Lot Line Adjustment Application to adjust the lot line by approximately 6,000 square feet to create a 101.7 acre parcel and a 69.1 acre parcel. The property is located at 1501 Hall Road, in the Denair area. The Planning Commission will consider a Negative Declaration for this item.

APN: 024-004-019 and 024-008-016

Staff Report: Bill Carlson Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 7 TO READ:**

7. **If the existing storage building is located within the required 30 foot wide access easement, as represented on the tentative map, then the building shall be removed prior to the final parcel map being recorded. The barn and storage building may remain if they are located outside the 30 foot unobstructed access easement and 30 foot wide public utility easement. The applicant's engineer shall provide written proof that this condition has been met prior to the final parcel map being recorded.**

***F. GENERAL PLAN AMENDMENT APPLICATION NO. 2005-12, REZONE APPLICATION NO. 2005-16, PARCEL MAP APPLICATION NO. 2005-37, EXCEPTION NO. 2005-06 - CARL & TERRI HAGENS - Requesting**

Continuance to April 6, 2006. Request to amend Stanislaus County General Plan and rezone an 8.8 acre parcel. Denair Community Plan designation for the site is ER (Estate Residential - 1 dwelling unit per 3 acres. Proposal is to change General Plan to ER (Estate Residential) and zone from A-2-10 (General Agricultural) to R-A (Rural Residential). Applicants wish is to create two new parcels, by Vesting Tentative Parcel Map, both of which would be consistent with all three of these designations, one of 3.0 acres and the other 4.0 acres, with a 1.07 acre remainder, the family home-site. The two new parcels would not front on a County-maintained road. Therefore, an Exception Application is needed. Property is located at 4649 N. Gratton Road, Denair. A Mitigated Negative Declaration will be considered by the Planning Commission.

APN 024-013-026

Staff Report: Bob Kachel Recommends **CONTINUANCE TO APRIL 6, 2006.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0) **CONTINUED TO APRIL 6, 2006.**

***G. ORDINANCE AMENDMENT NO. 2006-02 - DENSITY BONUS - Requesting**

Continuance to April 6, 2006. Request to add Chapter 21.74 - "Density Bonus for Affordable Housing" to the Stanislaus County Zoning Ordinance in accordance with recently-adopted State law (SB 1818), which provides incentives to developers of affordable housing. This request also amends the appropriate definition and general provisions sections of the Zoning Ordinance to ensure overall consistency. This project is exempt from CEQA.

Staff Report: Sara Lytle-Pinhey Recommends **CONTINUANCE TO APRIL 6, 2006.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Layman, Unanimous (7-0) **CONTINUED TO APRIL 6, 2006.**

- *H. **ORDINANCE AMENDMENT NO. 2006-01 - FARM MARKET ORDINANCE - Requesting an Indefinite Continuance.** Zoning Ordinance Amendment No. 2006-01 - Farm Market - Proposed amendment to Chapter 21.90 - Produce Stands and Produce Markets, of the Stanislaus County Zoning Ordinance adding the new classification of Farm Market. The proposed amendments adds a definition and standards for a Farm Market. This project is exempt from CEQA. Staff Report: Angela Freitas Recommends **INDEFINITE CONTINUANCE.**
- Public hearing opened.
- OPPOSITION:** No one spoke.
- FAVOR:** No one spoke.
- Public hearing closed.
- Poore/Layman, Unanimous (7-0) **CONTINUED INDEFINITELY.**

NON-CONSENT ITEMS

- I. **GENERAL PLAN AMENDMENT APPLICATION NO. 2004-03 - THE FOCUSED GENERAL PLAN UPDATE OF THE STANISLAUS COUNTY CIRCULATION ELEMENT AND FINAL ENVIRONMENTAL IMPACT REPORT** - Proposed Project: The Focused General Plan Update project would amend the General Plan to update the Circulation Element consistent with the StanCOG Regional Transportation Plan and the general plans of the cities in the county. The County is also proposing to: 1) update the technical assumptions in the Plan consistent with the adopted regional forecast; 2) make changes to the goals, policies and implementation measures, as needed, to clarify County intent; and 3) add, modify, or delete implementation measures to achieve the goals and policies in the Circulation Element. Modifications to other elements of the County General Plan and the Supporting Documentation will be required to maintain consistency among the elements of the General Plan, including, but not limited to, the Land Use, Conservation/Open Space, Noise, and Agricultural Elements. The Planning Commission will consider an Environmental Impact Report (EIR).
- Staff Report: Debra Whitmore Recommends **THE PLANNING COMMISSION RECOMMEND THAT THE STANISLAUS COUNTY BOARD OF SUPERVISORS CERTIFY THE FINAL PROGRAM EIR FOR THE FOCUSED GENERAL PLAN UPDATE OF THE COUNTY'S CIRCULATION ELEMENT AND APPROVE GENERAL PLAN AMENDMENT NO. 2004-03 - FOCUSED GENERAL PLAN UPDATE OF THE COUNTY'S CIRCULATION ELEMENT AND RELATED ELEMENTS.**

Public hearing opened.

PUBLIC COMMENTS: Robert Weatherby, 6300 East Keyes Road, Hughson; Ron West, 25 North El Circulo, Patterson; Dan Brewer, 1976 East Charter Way, Stockton (Letter Dated March 2, 2006 from the California Department of Transportation to the Planning Commission); Larry Buehner, 3161 Prune Avenue, Patterson.

Public hearing closed.

Layman/Poore, Unanimous (7-0) **RECOMMENDS THAT THE STANISLAUS COUNTY BOARD OF SUPERVISORS CERTIFY THE FINAL PROGRAM EIR FOR THE FOCUSED GENERAL PLAN UPDATE OF THE COUNTY'S CIRCULATION ELEMENT AND APPROVE GENERAL PLAN AMENDMENT NO. 2004-03 - FOCUSED GENERAL PLAN UPDATE OF THE COUNTY'S CIRCULATION ELEMENT AND RELATED ELEMENTS AS OUTLINED IN THE STAFF REPORT.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Diablo Grande Hotel Design Review - Architectural and Site Plan Design Review of the proposed Diablo Grande Hotel, Spa, and Conference Center .
Presented by Kirk Ford
REVIEWED**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 7, 2006

- A. The Board did meet this day, however, there were no items regarding the Planning Department or Planning Commission.

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 14, 2006

- A. The Board set a public hearing for March 21, 2006 at 6:45 p.m. to consider an appeal of a Planning Commission's decision to uphold staff's determination regarding the use of a structure at 6137 McCracken Road, in the Westley area, as a second dwelling.
- B. The Board approved a Memorandum of Understanding with the City of Patterson to research and identify potential cooperative regional water treatment options for the communities on the west side of Stanislaus County and authorize the expenditure of funds for county participation.
- C. The Board approved to introduce, waived the reading and adopted as an urgency measure an ordinance amending provisions of the Itinerant Vendor Ordinance.

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 21, 2006

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 28, 2006

- A. The Board authorized the City of Riverbank to be the Reuse Authority for the unincorporated territory known as the Riverbank Ammunition Plant and appointed District One Supervisor William O'Brien as the county representative to the Reuse Authority.
- B. The Board approved a Williamson Act Recision and new contract for a Lot Line Adjustment.

MISCELLANEOUS & ON THE HORIZON

Please complete and return to our office your Form 700 - Statement of Economic Interests. These need to be in our office before our next meeting, March 16th.

March 16, 2006

- 1. One Use Permit
- 2. One Parcel Map
- 3. Follow-up to the July, 2005 Annual Review of Modified Use Permit for Thom Holmquist

April 6, 2006

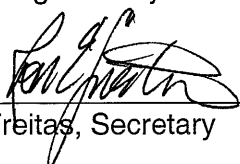
- 1. One Ordinance Amendment
- 2. One General Plan Amendment with a Rezone, Parcel Map and Exception
- 3. Two Rezones
- 4. Two Use Permits
- 5. One Parcel Map
- 6. An Adoption of Development Schedule for El Rematito

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. None

XI. ADJOURNMENT

The meeting was adjourned at 7:45 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.)