

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

January 18, 2007

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Ray Souza, Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, Michael Navarro, Jim Poore, and John Shores
- Absent: None
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Carole Maben, Associate Planner; Joshua Mann, Assistant 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

### II. PLEDGE OF ALLEGIANCE

Chair Souza welcomed new Planning Commissioner John Shores.

### III. CITIZEN'S FORUM

- A. No one spoke.

### IV. APPROVAL OF MINUTES

- A. December 21, 2006  
Assali/Poore, 7-0, **APPROVED AND AMENDED ITEM VII-A, CHANGE OF NUISANCE ABATEMENT HEARING BOARD MEMBERS, TO READ:**

Chair Souza re-appointed Commissioners Poore and Layman as Nuisance Abatement Hearing Board Members, with Commissioners Assali and Mataka as alternates. **The Commission concurs with the Department of Environmental Resources to alter the make-up of the Nuisance Abatement Hearing Board to include three Planning Commissioners and two at-large public members. Should the Board of Supervisors approve such a change, Commissioner Assali would be a member, with Commissioner Mataka as alternate.**

Commissioners Navarro and Shores abstained.

**V. CORRESPONDENCE**

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

- A. 2007 Planning Commission Calendar
- B. Copy of the updated General Plan

**VI. CONFLICT OF INTEREST**

- A. Commissioner Poore is acquainted with Mr. Williams, Item VII-D - Del Rio Lago, and Mr. Sosinsky, Item VII-F - Fireside Dodge/Hyundai, but this will not cause a conflict.
- B. Commissioner Assali is acquainted with Keith Fraser, Item VII-E, and Mr. Resendiz, Item VII-H - Resendiz Fruit Barn, but this will not cause a conflict.
- C. Commissioner Souza is acquainted with Mr. Resendiz, Item VII-H - Resendiz Fruit Barn, 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. 2006-08 AND EXCEPTION NO. 2006-01 - JOHNNY & NINWA DECKER** - *Continued from December 21, 2006.* Request to create three parcels from a 26,072.5 square foot parcel at 844 River Road, Modesto, general planned Low Density Residential and zoned R-1 (Low Density Residential). Lots will be served with public sewer and water. An exception to the subdivision ordinance is no longer necessary. This project is exempt from CEQA. APN: 038-008-030  
Staff Report: Bob Kachel Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- \*B. USE PERMIT APPLICATION NO. 2006-32 - DORWEN STINNETT** - This is a request to build a single-family dwelling on a 3.9 acre parcel located in the A-2-40 (General Agriculture) zoning district. This parcel is not enrolled in a Williamson Act Contract. The property is located on the south side of Elfers Road, between Del Puerto Road and Mistletoe Road, in the Patterson area. This project is exempt from CEQA.  
APN: 027-001-018  
Staff Report: Carole Maben Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*C. USE PERMIT APPLICATION NO. 2006-33 - RICHARD & NANCY JONES** - Request to build a single family dwelling on a 10.17 acre parcel, in the A-2-40 (General Agriculture) zoning district. The parcel is located on the east side of Blossom Road, north of Yosemite Boulevard / State Highway 132, west of Waterford. This project is exempt from CEQA.  
APN: 080-004-005  
Staff Report: Bill Carlson Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*D. TIME EXTENSION FOR TENTATIVE MAP 2003-02, DEL RIO LAGO BY JOHN WILLIAMS** - Request for a one year time extension, to December 14, 2007 for filing the final map for a 47 single family lot subdivision, Tentative Map 2003-02 Del Rio Lago located on the east side of Carver Road, north of Ladd Road in Del Rio. The lots, contained within Planned Development No. 293 will be served by public water and an on-site package sewage treatment plant. This Time Extension is exempt from CEQA  
APN: 004-075-044 & 004-059-061  
Staff Report: Bob Kachel Recommends **TIME EXTENSION TO DECEMBER 14, 2007**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (9-0), **APPROVED TIME EXTENSION TO DECEMBER 14, 2007.**

- \*E. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2005-34 - KEITH FRASER** - Request to create 14 parcels ranging in size from 40 acres to 68.70 acres from a 620.9 acre site in the A-2-40 (General Agriculture) zoning district. The property, currently under Williamson Act Contract No. 72-950, is located at 14637 Claribel Road, between Ellenwood Road and Tim Bell Road, in the Oakdale/Waterford Area. A CEQA Mitigated Negative Declaration will be considered on this project.  
APN: 010-020-022  
Staff Report: Joshua Mann Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**NON-CONSENT ITEMS**

- F. **USE PERMIT APPLICATION NO. 2006-27 - FIRESIDE DODGE / HYUNDAI** - Request to modify the Development Plan to expand and/or relocate facilities located within three Planned Developments (PD). The modifications to the automobile sales and service business include the redesign of the building facade, expansion of the showroom, offices and services area, relocating existing car wash/detail area to the rear of the property and will provide additional landscaping and on-site customer parking. The site is a total of 5.70 acres located in three Planned Developments, Numbers 108, 156, and 159, at 4620 McHenry Ave in the Modesto area. A CEQA Negative Declaration will be considered on this project.  
APN: 082-006-040, 082-006-042, and 082-006-052  
Staff Report: Joshua Mann Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Don Phillips, Pacific Designs, representing the applicant.  
Public hearing closed.  
Assali/Poore, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- G. **PARCEL MAP APPLICATION NO. 2005-33 AND VARIANCE APPLICATION NO. 2005-05 - EDWARD BANDUCCI TRUST** - Request to create two parcels of approximately 22 and 27 acres in the A-2-40 (General Agriculture) zoning district, General Planned for Agriculture, located between the east side of Rodden Road and the west side of Arbini Road, northeast of Oakdale. A Variance application has been filed because both parcels would be well below the required 40 acre minimum parcel size in the A-2 -40 zoning district. A CEQA Mitigated Negative Declaration will be considered for this project.  
APN: 010-026-002

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

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Jim Banducci

Public hearing closed.

Layman/Poore, 5-4 (Assali, Navarro, Shores, Souza) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- H. **USE PERMIT APPLICATION NO. 2006-01 - RESENDIZ FRUIT BARN** - Request to reclassify an existing 3,000 square foot Produce Stand to a Produce Market, as defined by County Zoning Ordinance Chapter 2.90, on a 31.5 acre parcel located at the northeast corner of Geer Road and Santa Fe Avenue intersection, in the Hughson area. The request includes operation of a seasonal hay maze and educational school tours. A CEQA Negative Declaration will be considered.

APN: 045-009-008

Staff Report: Angela Freitas Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Francisco Resendiz

Public hearing closed.

Gammon/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, WITH AMENDED CONDITION OF APPROVAL NO. 2 TO READ:**

2. Failure to comply with all of the Conditions of Approval for this permit within the specific time frame identified for individual conditions or within 18 months of project approval shall invalidate this permit. ~~If invalidated, compliance with Conditions of Approval for Use Permit 92-02 - Resendiz Farms shall be fully attained or the '92 permit may be revoked.~~ **Upon approval of Use Permit No. 2006-01, Use Permit No. 92-02 will terminate and cease to exist.**

### VIII. OTHER MATTERS (Not Public Hearings)

- A. Election of Chair and Vice Chair for 2007  
Assali/Layman, Unanimous (9-0), elected Jim Poore as Chair.  
Gammon/Navarro, Unanimous (9-0), elected Marie Assali as Vice Chair.
- B. Appointments to General Plan Update Committee  
Chair Poore appointed Commissioners Assali and Navarro, with Commissioner Hardie as alternate.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 26, 2006**

- A. The Board did not meet on this date.

**BOARD OF SUPERVISORS' ACTIONS OF JANUARY 2, 2007**

- A. The Board did not meet on this date.

**BOARD OF SUPERVISORS' ACTIONS OF JANUARY 9, 2007**

- A. The Board reappointed Jim Poore to the Planning Commission.  
B. The Board appointed John Shores to the Planning Commission.

**BOARD OF SUPERVISORS' ACTIONS OF JANUARY 16, 2007**

- A. The Board did meet this date, however, there were no items on the agenda directly affecting the Planning Commission.

**MISCELLANEOUS & ON THE HORIZON**

- A. Reminder that Saturday, January 27, 2007, will be the 30<sup>th</sup> Annual Stanislaus County Planning Commissioner's Workshop, to be held at Harvest Hall at the Ag Center. Registration will begin at 8:30, with the program starting at 9:00, ending with a lunch and roundtable at noon.

**February 1, 2007**

1. Five Parcel Maps, one with an Exception
2. Two Use Permits, one with a Lot Line Adjustment
3. One General Plan Amendment and Rezone

**February 15, 2007**

1. Two Time Extensions
2. Five Parcel Maps, one with a Variance
3. One Use Permit

Director Freitas informed the Commission of the reorganization of the Department of Planning and Community Development to include the Building Permits Division.

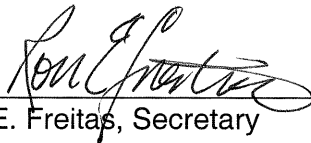
Assistant Director Kirk Ford gave an update on the progress of the improvements to El Rematito Marketplace. A more formal report will be presented on March 15, 2007.

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

- A.** Several of the commissioners thanks Commissioner Souza on his commitment to the Planning Commission during the past year.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

  
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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.)

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