

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

November 1, 2007

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Marie Assali, Annabel Gammon, Robert Hardie, Michael Navarro, John Shores, and Ray Souza
- Absent: Jim Poore, Allen Layman, Arsenio Mataka
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Rachel Wyse, 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; Crystal D. Rein, Administrative Clerk III
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM** - No one spoke.
- IV. APPROVAL OF MINUTES**
- A. October 18, 2007  
Souza/Gammon, 4-0, **APPROVED**  
Commissioners Hardie 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. Fax received from Petrulakis Jensen & Friedrich, LLP regarding Item VII-D, Variance Application No. 2006-02 - Cole.
- B. Copies of the Amendments to the General Plan replacement pages.
- C. Envelope with a return address of PCCP Westpark.
- VI. CONFLICT OF INTEREST** - None
- 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. PARCEL MAP APPLICATION NO. 2007-10 - MENDOZA PARCEL MAP** - This is a request to divide a 105± acre parcel (Williamson Act Contract No. 92-4216) to create a 40.25 acre parcel and a 65.00 acre "Remainder" parcel in the A-2-40 (General Agriculture) zoning district. The property is located at 5925 S. Faith Home Road, between Christoffersen and Ehrlich Roads, in the Turlock area. The Planning Commission will consider a CEQA Negative Declaration on this project. APN: 057-012-009  
Staff Report: Joshua Mann Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Hardie/Navarro, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*B. VARIANCE APPLICATION NO. 2007-02, LOT LINE ADJUSTMENT APPLICATION NO. 2007-03 AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2007-01 - FRIENDS OF THE TUOLUMNE - Requesting Continuance to November 15, 2007.** This is a request to adjust lot lines from approximately 40.36, 68.74 and 115.2 acres to approximately 8.76, 71.96, and 144.7 acres in the A-2-40 (General Agriculture) zoning district. A variance application was submitted due to the fact that if the lot line adjustment is approved, one of the parcels will go from 40.36 acres to 8.76 acres, which is less than the 40-acre minimum requirement. The proposed lot line adjustment will enable Friends of the Tuolumne to acquire additional lands for use as a wildlife preserve and allow the other large property to gain some additional land for continued use for irrigated pasture and a horse riding facility. If the proposed lot line adjustment is approved, there is a proposed Williamson Act Cancellation for the 8.76 acre parcel, which is a portion of Williamson Act Contract No. 2002-4481. The property is located at 23792 and 23806 Yosemite Boulevard, north of the Tuolumne River and south of Rushing Road, in the Waterford area. The Planning Commission will consider a Mitigated Negative Declaration on this project. APNs: 008-020-017, 018, and 020  
Staff Report: Carole Maben Recommends **CONTINUANCE TO NOVEMBER 15, 2007**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Hardie/Navarro, Unanimous (6-0), **CONTINUED TO NOVEMBER 15, 2007.**

**NON-CONSENT ITEMS**

- C. **USE PERMIT APPLICATION NO. 2007-12 - FAGUNDES** - This is a request to allow a trucking business to continue to operate on a portion of a three (3) acre parcel in the A-2-40 (General Agricultural) zoning district. The project is currently a Code Enforcement case. The trucking business consists of a single operator-owner who picks up and delivers feed and seed in Nevada and throughout California, and building materials and plastic pipe to Home Depot stores in Turlock, Ceres, and Modesto. There is a home office and two (2) storage vans used to store parts. The operation consists of five (5) flat-bed trailers, two (2) forklifts, and four (4) semi-trucks that are used to haul commodities or for parts. The project site will be used for parking, washing of vehicles, administration, and maintenance of vehicles for the operation. The property is located at 5313 S. Commons Road, between Bradbury and Christofferson Roads, southeast of Turlock. The Planning Commission will consider a Negative Declaration on this project.

APN: 057-015-027

Staff Report: Rachel Wyse Recommends **DENIAL**.

Public hearing opened.

**FAVOR:** Terri Fagundes, 5313 S. Commons Road, Turlock; John Fagundes, 5313 S. Commons Road, Turlock; Dee Tucker, 5407 S. Commons Road, Turlock

**OPPOSITION:** Jerry Hickman

Public hearing closed.

Hardie/Gammon, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND DENIED THE PROJECT.**

- D. **VARIANCE APPLICATION NO. 2006-02 - COLE** - *Continued from July 19, 2007 and August 2, 2007.* This is a request to legalize an existing non-permitted 384 square foot second dwelling unit on a 5,500 square foot parcel in the R-1 (Single-Family Residential) zoning district. The variance is required to address building site area and setback requirements. The property is located on the southeast side of Normandy Drive, between Ritsch Court and Picardy Drive, in the Modesto area. (1228 Normandy Drive) This project is exempt from CEQA.

APN 030-027-033

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

Public hearing opened.

**FAVOR:** Marci D'Arpino, 920 13<sup>th</sup> Street, Modesto;

7:20 p.m. Recessed

7:30 p.m. Reconvened

**FAVOR (cont.):** Barbara Savery 1130 12<sup>th</sup> Street, Modesto; Becky Cole 1228 Normandy Drive, Modesto

**OPPOSITION:** No one spoke.

Public hearing closed.

Souza/Shores, Unanimous (6-0), **ESTABLISHED THE REQUIRED FINDINGS FOR THE VARIANCE AND APPROVED THE VARIANCE WITH ADDED CONDITIONS OF APPROVAL AS FOLLOWS:**

**City of Modesto**

11. The property owner shall occupy one of the two dwelling units located on the property at all times.

**Planning Commission**

12. Property owner shall install a firewall in the second dwelling on the facade adjacent to the property line.
13. Property owner shall comply with the City of Modesto's accessory structure setback requirements.
14. Property owner shall provide one off-site parking space as required by the City of Modesto.
15. Property owner shall record a covenant requiring that she hook-up to the public sewer system as soon as one is available.

VIII. **OTHER MATTERS (NOT PUBLIC HEARINGS) - None**

IX. **REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF OCTOBER 23, 2007**

- A. The Board approved a Lot Line Adjustment Williamson Act Rescission and a new Williamson Act Contract for Ron Martella.
- B. The Board considered an appeal of Use Permit Application 2002-30 - Salida Hulling Association. This is a request for an almond hulling and shelling facility on approximately 50 acres located at the northeast corner of Maze Blvd (State Route 132) and Dakota Ave in the west Modesto area. The Board of Supervisors certified the EIR. The Board denied the appeal which approved the project. Vote was 3-1 with Supervisor Montieth voting against the motion and Supervisor Mayfield having disqualified himself.

**BOARD OF SUPERVISORS' ACTIONS OF OCTOBER 30, 2007**

- A. The Board considered the Stanislaus County Responsible Planning and Growth Control Initiative, approved the wording of the Initiative and placed the Initiative on the February 5, 2008 ballot for voter consideration. The vote was 4-1 with Supervisor Mayfield in opposition.

**MISCELLANEOUS & ON THE HORIZON**

This coming Saturday, on November the 3<sup>rd</sup> at the Agricultural Center located at Crows Landing and Service Roads the annual community retreat will be held. You're invited to attend. Lunch will be provided and there will be a program regarding county services.

November 15, 2007

1. General Plan Amendment and Rezone
2. Three Parcel Maps
3. Variance, Williamson Act Cancellation and Lot Line Adjustment

December 6, 2007

1. General Plan Amendment and Ordinance Amendment
2. Rezone Application
3. Use Permit
4. Modification of Development Schedule for El Rematito

The 31<sup>st</sup> annual Stanislaus County Planning Commissioners Workshop will be hosted by the City of Oakdale on Saturday, January 26<sup>th</sup>, 2008 from 8:30 a.m. to 1:00 p.m. at the Gladys Lemmons Senior Community Center in Oakdale.

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None**

**XI. ADJOURNMENT**

The meeting was adjourned at 8:00 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.)