

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 1, 2005

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Andrew Souza, Marie Assali, Tony Cusenza, Annabel Gammon, Allen Layman, Mike Navarro, Jim Poore, and Ray Souza
- Absent: None
- Staff Present: Ron E. Freitas, Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Sara Lytle-Pinhey, Assistant Planner; Joshua Mann, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Janice McClendon, Zoning Enforcement Officer, 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. November 17, 2005
Assali/R. Souza, 5-0, **APPROVED**
Commissioners Cusenza, Gammon, and Layman abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo dated November 29, 2005 from Department of Public Works regarding Item VII-D - GPA 2005-08, CPA 2005-03, TM 2005-04, Hackler / Clabaugh (Hideaway Terrace).
- B. Memo dated November 30, 2005 from Stanislaus Consolidated Fire Protection District, regarding Item VII-D - GPA 2005-08, CPA 2005-03, TM 2005-04, Hackler / Clabaugh (Hideaway Terrace).

- C. A Draft Environmental Impact Report (DEIR) on Parcel Map Application No. 2003-45, Orchards Estates / Grizzly Ranch and an Environmental Impact Report (EIR) for Use Permit Application No. 2003-41, Moonshine Dairy were given to the commissioners this evening. Both will be on the agenda for December 15th.

VI. CONFLICT OF INTEREST

- A. Commissioner Poore is acquainted with Mr. Hughes, Item VII-A, Parcel Map Application No. 2005-26 - Kiernan Business Center, but this will not keep him from making a fair decision.
- B. Commissioner Layman's business does work for Mr. Hughes, Item VII-A, Parcel Map Application No. 2005-26 - Kiernan Business Center, and will be stepping down from the hearing.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

Per Chair Andrew Souza, Item VII-B was heard first, since Commissioner Layman will remove himself from the chambers for Item VII-A.

6:06 p.m. Commissioner Layman left the chambers.

- *A. PARCEL MAP APPLICATION NO. 2005-26 - KIERNAN BUSINESS CENTER -**
Request to create 18 air space condominium lots, in an existing building, ranging in size from 1,250 to 5,000 square feet, to house various light industrial/business park type uses on a 2.3 acre parcel located within Planned Development (PD) # 286. The property is located on the south side of Bitritto Court, adjacent to the Union Pacific Railroad, north of Kiernan Avenue (State Highway 219), in the north Modesto area. This project is exempt from CEQA.
APN: 004-094-038
Staff Report: Bob Kachel Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
R. Souza/Poore, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

6:07 p.m. Commissioner Layman returned to the chambers.

- *B. PARCEL MAP APPLICATION NO. 2004-22 - GARY LEONG** - Request to divide two existing parcels into four parcels of approximately 0.6 acres each in the R-A (Rural Residential) zoning district, designated as Low-Density Residential on the General Plan. The project is located at 2504 Paradise Road, between Ohio and Grimes Avenues, in the Modesto area. The Planning Commissioners will consider a Mitigated Negative Declaration for this project.
APNs: 017-033-013 and 017-033-014
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Cusenza/Assali, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- C. USE PERMIT APPLICATION NO. 2005-15 - RAMSEY KENNEL** - Request to establish a kennel facility that will breed, house, and train up to 12 dogs on a 1.95 acre parcel is in the A-2-40 (General Agriculture) zoning district. The property is located at 3424 Washington Road, south of Roeding Road and north of Service Road, in the Hughson area. The Planning Commission will consider a Negative Declaration on this project.
APN: 018-047-040
Staff Report: Joshua Mann Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Dave Ramsey; Ruth Ramsey; Sgt Tom Hawkins, Animal Services
Public hearing closed.
R. Souza/Layman, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- D. GENERAL PLAN AMENDMENT APPLICATION NO. 2005-08, COMMUNITY PLAN AMENDMENT APPLICATION NO. 2005-03 AND VESTING TENTATIVE MAP APPLICATION NO. 2005-04 - HACKLER/CLABAUGH (HIDEAWAY TERRACE)** - Request to change the Denair Community Plan from Estate Residential to Medium High Density Residential, the Stanislaus County General Plan from Medium Density Residential to Medium High Density Residential and to create 15 residential lots, ranging in size from 6,000 square feet to 11,500 square feet from a 4.61 acre parcel located on the northeast corner of the N. Waring Road and E. Monte Vista Avenue intersection, in the Denair area. The Planning Commission will consider a Mitigated Negative Declaration for this project.
APN: 024-012-016
Staff Report: Bob Kachel Recommends **APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH CHANGES IN CONDITIONS OF APPROVAL AS NOTED IN LATE CORRESPONDENCE.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Tom de la Mare; Becky Hackler

Public hearing closed.

Poore/Layman, Unanimous (8-0), **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH:**

1. **Add the word "Vesting" on Page 10, Item 9 on the Staff Report.**
2. **Delete Condition of Approval No. 21.**
3. **Clarified that Conditions of Approval No. 54 and 55 are being imposed by the Denair Fire Protection District, not Consolidated Fire Protection District.**

7:00 p.m. Commission Poore noted that he knows Mr. Wenstrand, and will reclude himself from the meeting, and left the chambers.

E. GENERAL PLAN AMENDMENT APPLICATION NO. 2005-10, REZONE APPLICATION NO. 2005-11 AND TENTATIVE MAP APPLICATION NO. 2005-06 - WENSTRAND RANCH - Request to change the General Plan designation on a

portion of the subject 12.25-acre property from Commercial to Low Density Residential and the zoning of that same portion from H-1 (Highway Frontage) to R-A (Rural Residential), and to create 45 residential lots ranging from 8,000 to 12,000 square feet in size. The project is located at 4148 Main Street at the corner of Main Street, Monte Vista Avenue and Lester Road, in the Denair area. The Planning Commission will consider a Mitigated Negative Declaration for this project.

APN: 024-032-023

Staff Report: Bob Kachel Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Bob Braden; Don Wenstrand; Sandy Reed

Public hearing closed.

Cusenza/Gammon, 5-2 (Layman, R. Souza) **RECOMMENDS ADDING CONDITION OF APPROVAL TO READ:**

56. **Lots 1, 36, 22, 23, 39, and 45 shall be developed such that no vehicular access shall be taken from Monte Vista Avenue. This access restriction shall be clearly shown on the final map to be recorded.**

Layman/Cusenza, 6-1 (Gammon) **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH NEW CONDITION OF APPROVAL.**

8:05 p.m. Commissioner Poore returned to the chambers.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Janice McClendon, Zoning Enforcement Office, reported that Michael Newton was ill this evening. She thanked the commissioners and presented a slide show illustrating the changes that have been made throughout the county as a result of the commitment and dedication of the Nuisance Abatement Board. After the presentation, and discussion, Chair Andrew Souza appointed Commissioners Poore and Layman to the Nuisance Hearing Board, with Commission Navarro to serve as alternate.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 22, 2005

- A. The Board considered the approval of the Salida Community Plan Update and Specific Plan Processing Guidance Package and Cost Recovery Agreement and approval for EIP and Associates to prepare a Scope of Work and Cost Estimate for professional services for the Salida Community Plan Environmental Impact Report and related document. The Board approved the concept of the guidance package and the ability to go out and hire EIP and Associates to prepare their Scope of Work and Cost Estimate, and the Board brought back for further discussion the cost recovery agreement.

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 29, 2005

- A. The Board did not meet this date.

MISCELLANEOUS & ON THE HORIZON

- A. Stanislaus County Planning Directors' Annual Planning Commissioners Workshop will be held on Saturday, February 4, 2006. This event will be hosted by the City of Newman. As we have more information we will pass that information on to you with more specifics as to location and program.

December 15, 2005

- 1. Four Parcel Maps
- 2. Three Use Permits, one with an EIR
- 3. One Tentative Subdivision Map

January 5, 2006

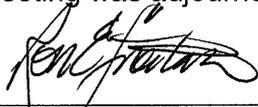
- 1. Six Use Permits
- 2. One Parcel Map
- 3. A Workshop on the Focused General Plan Update of the County's Circulation Element

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. None.

XI. ADJOURNMENT

The meeting was adjourned at 8:20 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.)