

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

October 19, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Ray Souza, Marie Assali, Tony Cusenza, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, and Jim Poore

Absent: Michael Navarro

Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Rachel Wyse, Assistant Planner; Javier Camarena, 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

III. CITIZEN'S FORUM

- A. No one spoke.

IV. APPROVAL OF MINUTES

- A. October 5, 2006
Assali/Hardie, 6-0, **APPROVED**
Commissioners Cusenza and Gammon abstained.

V. CORRESPONDENCE

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

- A. Memo and revised Conditions of Approval from Planning Department regarding Item VI-E, General Plan Amendment Application No. 2005-09, Community Plan Amendment Application No. 2005-02, Rezone Application No. 2005-09, Tentative Subdivision Map Application No. 2005-05 - Park View Estates.
- B. Letter received October 16, 2006, from Dennis Bowers, regarding Item VII-E, General Plan Amendment Application No. 2005-09, Community Plan Amendment Application No. 2005-02, Rezone Application No. 2005-09, Tentative Subdivision Map Application No. 2005-05 - Park View Estates.

- C. Letter dated September 11, 2006, from Dr. Ray Cimino, M.D., regarding traffic on Dakota Avenue and Salida Hulling Association.
- D. Flyer regarding the Stanislaus County's Fifth Annual Community Retreat, to be held November 4, 2006 from 8 a.m. to 1 p.m. at the Ag Center.

VI. CONFLICT OF INTEREST

- A. None

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. **TIME EXTENSION APPLICATION NO. 2006-05 - STANISLAUS WILDLIFE CARE CENTER** - Request for a one year time extension to activate Use Permit 2004-20, Stanislaus Wildlife Care Center, which allowed the existing care facility to be expanded by approximately 14,305 square feet to provide additional room for the keeping and care of animals. It is located on a 32 acre parcel, zoned A-2-40 (General Agriculture) in the Fox Grove Fishing Access area at 1220 Geer Road, Hughson. The reason for the extension request is the Center is awaiting grant money to be used to install security fencing prior to constructing the facilities approved by the use permit. This project is exempt from CEQA.
APN: 018-005-003
Staff Report: Bob Kachel Recommends **A ONE-YEAR TIME EXTENSION TO DECEMBER 4, 2007.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Cusenza/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND GRANTED A ONE-YEAR TIME EXTENSION TO DECEMBER 4, 2007.**
- *B. **USE PERMIT APPLICATION NO. 2006-28 - AZEVEDO DAIRY** - Request to legalize two (2) existing single-family dwellings (2622 and 21487 White Road) to provide housing for full-time employees of the on-site dairy operation in the A-2-40 (General Agriculture) zoning district. The property is located at 2800 White Road, in the Turlock area. This project is exempt from CEQA.
APN: 057-019-004
Staff Report: Rachel Wyse Recommends **APPROVAL.**
Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Cusenza/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

***C. USE PERMIT APPLICATION NO. 2006-15 - BJORN BERGSTROM SCANDIA**

NURSERY - Request to expand Use Permit No. 89-15, which was approved for a year-round wholesale nursery at 12654 Pioneer Avenue, onto a 9.82 acre parcel located south at 12147 Pioneer Avenue in the A-2-10 (General Agriculture) zoning district. The hours of operation will be Monday thru Saturday from 7:00 a.m. to 5:00 p.m., with a maximum of 5 employees. There will be no traffic entering the property except for the employees parking on site. The property is located at 12147 Pioneer Avenue, south of Aker Avenue and north of Pleasant Valley Road, in the Valley Home area. The Planning Commission will consider a Negative Declaration.

APN: 002-011-035

Staff Report: Carole Maben Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Cusenza/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

***D. PARCEL MAP APPLICATION NO. 2006-23 - RICHARD & MARIE LARA TRUST -**

Request to create 8 parcels ranging in size from 40.5 to 54.32 gross acres in the A-2-40 (General Agriculture) zoning district. The property is located at 619 Gaffery Road, northeast corner of Gaffery Road and McCracken Road, in the Westley area. The Planning Commission will consider a Negative Declaration.

APN: 016-008-018

Staff Report: Javier Camarena Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Cusenza/Layman, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

E. GENERAL PLAN AMENDMENT APPLICATION NO. 2005-09, COMMUNITY PLAN AMENDMENT APPLICATION NO. 2005-02, REZONE APPLICATION NO. 2005-09, TENTATIVE SUBDIVISION MAP APPLICATION NO. 2005-05 - PARK VIEW

ESTATES - Request to amend the Stanislaus County General Plan, the Salida Community Plan, and the Zoning District of an 0.86 acre parcel, and to create six

(6) residential lots. The proposal is to change the General Plan and the Community Plan designations from "Agriculture" to "Planned Development" and to change the zone from A-2-40 (General Agriculture) to PD (Planned Development). The applicants also wish to create six new parcels by Tentative Subdivision Map, all of which would be consistent with all three of the new designations. The parcels will be 4,649 to 4,252 square feet in size. The existing home will be removed. All new parcels will front on a County maintained road. The project will be connected to the City of Modesto Water (Del Este) and sewer will be provided for by the Salida Sanitary District. The project is located at 5554 Finney Road, in the Salida area. The Planning Commission will consider a Negative Declaration.

APN: 136-028-091

Staff Report: Bill Carlson Recommends **DELETE CONDITIONS OF APPROVAL NO. 13 THROUGH 23, AND REPLACE WITH FOLLOWING CONDITIONS, AND RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH AMENDED CONDITIONS OF APPROVAL.**

Public hearing opened.

OPPOSITION: Dennis Bowers

FAVOR: Manny Sousa

Public hearing closed.

Layman/Poore, Unanimous (8-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS, ADDED A NEW CONDITION REGARDING RETAINING WALL (NEW CONDITION NO. 55), DELETED CONDITIONS OF APPROVAL NO. 13 THROUGH 23, AND REPLACED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

13. **A complete set of on and off site grading, drainage and street improvement plans shall be signed by the Department of Public Works prior to the final map being recorded. All roads fronting on or within the project site shall be designed and constructed in conformance with the standards contained in the 1998 edition of the Stanislaus County Improvement Standards. The improvements shall include, but not be limited to, street pavement, concrete curb and gutter, sidewalks, street lights, drainage facilities, pavement markings, and road signs along Finney Road and the proposed cul-de-sac. National Geodetic survey vertical (elevation) datum shall be used. If available, 1988 data shall be used.**
14. **Lots 1 and 6 shall have no direct access to Finney Road. The restricted access shall be clearly shown on the final map.**
15. **Road right-of-way shall be dedicated to Stanislaus County and shown on the final map to be recorded as shown on the tentative map to provide the following:**
 - a. **50 feet for the proposed cul-de-sac;**
 - b. **30 feet east of Finney Road along the frontage of Lots 1 and 6; and,**
 - c. **The chord distance of a 15 foot radius at the proposed cul-de-sac / Finney Road intersection.**

16. **An erosion control plan shall be included in the subdivision improvement plans that provides mitigation measures for erosion and sedimentation control. These measures shall prevent dirt from the subdivision from getting into the road right-of-way and the drainage system. The plan shall be implemented during all phases of development including, but not limited to, grading and dwelling construction. The plan shall also address long term mitigation measures.**
17. **Street monuments and covers shall be installed to County standards.**
18. **Prior to the final map being recorded, the subdivder shall either:
 - a. **Sign a "Subdivision Improvement Agreement" and post the required certificates of insurance and subdivision bonds with the Department of Public Works, or**
 - b. **Construct all subdivision improvements and have the improvements accepted by the Stanislaus County Board of Supervisors.****
19. **A fog seal coat shall be applied to all new asphalt in accordance with Caltrans Standard Specifications for Bituminous Seal.**
20. **The grading plan shall show that the lowest finished floor elevation within the subdivision will be at least 12 inches above the high water elevation of a 100-year flood.**
21. **The subdivider shall furnish the Department of Public Works three copies of a soils report for the area being subdivided. The report shall be signed by a California registered civil engineer.**
22. **All existing irrigation lines within the area to be subdivided shall be removed or relocated into easements along lot lines and outside of drainage easements. The irrigation lines shall be reinforced at road crossings and driveways. All irrigation lines or structures which are to be abandoned shall be removed. All work shall be done in accordance with the requirements of the Department of Public Works and the Modesto Irrigation District.**
23. **All new utilities shall be underground and located in public utility easements. A 10-foot wide public utility easement (P.U.E.) shall be located adjacent to all street frontages. The P.U.E. shall be shown on the final map.**

24. **All street lights shall be installed on steel poles to County standards. A pull box shall be installed at the base of each light standard and each light shall be individually fused.**
25. **Prior to the final map being recorded, the subdivider shall deposit the first year's operating and maintenance cost of the street lights with the Department of Public Works.**
26. **Prior to the final map being recorded, the area being subdivided shall be annexed to the Salida Highway Lighting District. The subdivider shall provide all necessary documents and pay all costs associated with the annexation.**
27. **Prior to the final map being recorded, the area being subdivided shall be annexed to the County Service Area No. 10. The subdivider shall provide all necessary documents and pay all costs associated with the annexation. The annexation process takes approximately 3 months and requires both the Board of Supervisors and LAFCO approval.**
28. **Prior to the final map being recorded, the property being subdivided shall annex to the Salida Mello-Roos District and the subdivider shall pay all appropriate fair share fees including "catchup fees" as set forth by the Salida Area Public Facilities Financing Agency or other agency.**
29. **Prior to the final map being recorded, the subdivider shall pay to the Department of Planning and Community Development Salida Planned Development (PD) Guideline's Final Map Fee of \$645.00 for the 0.86 acre parcel.**
30. **Prior to the issuance of a building permit for each particular lot, the developer/owner shall pay the fee of \$3,217.83 per lot to the Department of Planning and Community Development. This fee is to mitigate various Salida PD impacts including, but not limited to, parks, storm drainage, county roads, and Caltrans highways.**
31. **A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting or otherwise moving any dirt.**
32. **Prior to the approval of the off-site improvement plans, the subdivider shall file a Notice of Intention(NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.**

33. Prior to issuance of any building permits, the lot grades shall conform to the approved grading plan. Written certification by a civil engineer or geotechnical engineer is required by the Department of Public Works.
34. A set of Record Drawings shall be provided to and approved by the Department of Public Works prior to acceptance of the subdivision improvements by the County. The drawings shall be on 3 mil mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing" or "As-built".
35. One bench mark (brass cap) shall be established within the subdivision on a brass cap and the elevation shall be shown on the Record Drawing. A completed Bench Mark card shall be furnished to the Department of Public Works.
36. Prior to the Department of Public Works doing any plan review or inspections associated with the subdivision, the subdivider shall sign a "Subdivision Processing/Inspection Agreement" and post a \$7,500.00 deposit with Public Works.
37. An encroachment permit shall be obtained prior to the start of any subdivision improvements.
38. Stanislaus County will not issue any final inspection and/or occupancy permits for any structures within the subdivision until all the required subdivision improvements have been accepted by the Board of Supervisors.
55. The applicant shall install a wall along the project's northern property line. The wall shall be a continuation of the existing wall of Sun Ridge West Subdivision. The wall shall be similar in height, materials and appearance and shall continued to 40 feet from center line of Finney Road. The wall shall be installed prior to the final map being recorded.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF OCTOBER 10, 2006

- A. The Board accepted the report and approved Vesting Tentative Map No. 2006-03, Orange Grove Estates. This was a request to create 9 single family residential lots, located in the Community of Keyes.

BOARD OF SUPERVISORS' ACTIONS OF OCTOBER 17, 2006

- A. The Board set a public hearing for November 7, 2006, at 9:15 a.m. to consider Rezone Application No. 2006-04, Best RV Center.

MISCELLANEOUS & ON THE HORIZON

- A. You have an invitation to attend the 5th Annual Community Retreat, November 4, 2006, from 8 a.m. to 1 p.m., entitled "Working Together." This is an event sponsored by Stanislaus County to provide leaders in the county with a comprehensive look at Stanislaus County and its programs, services, and new initiatives.

November 2, 2006

1. Two Rezone Applications, one with a General Plan Amendment
2. One Parcel Map
3. One Tentative Map
4. Revocation of Zoning & Use Permit for El Ramitito Marketplace

November 16, 2006

1. One Use Permit
2. Five Parcel Maps
3. One General Plan Amendment with a Rezone

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XI. ADJOURNMENT

The meeting was adjourned at 6:27 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.)