

PLANNING COMMISSION
200 W. FOURTH STREET
MADERA, CALIFORNIA
August 6, 2019

The meeting was called to order at 6:00 p.m. by Chairman Reed.

ROLL CALL:

PRESENT

ABSENT

Commissioners:

Chairman John Reed
Jeff DalCerro
Vice Chairman Thomas Hurst
Parmjit Nijjar

Angelina Herrera Cantu

Staff:

Jamie Bax, CED – Planning
Kamara Biawogi, CED - Planning
Robert Mansfield, CED– Planning
Annette Kephart, CED – Planning
Emily Lane, CED - Planning
Doug Nelson – County Counsel
Dexter Marr, CED – Environmental Health
Barkett Almaklani - Public Works
Laura Cunningham, CED -Planning
Tiffany Williams, CED – Planning
Phu Duong, Public Works
Alan Pehl – CED Fire Safety
Deborah Mahler, Deputy Director of Building and Fire Safety

(This meeting was recorded. Display maps depicting the location of each project were provided for review to the Commission and audience. All correspondence relating to these matters were submitted to the Commission at the beginning of the meeting.)

REQUEST FOR COMMENTS FROM THE AUDIENCE

Commissioner Reed inquired if anyone in the audience wished to speak on an item that was not on the agenda.

Comments: Ron Montoya, a Madera County resident spoke to inform public of misuse of Community Facility taxes by the City of Madera.

CONSENT CALENDAR:

The, August 6, 2019 agenda was reviewed and July 2nd and July 16th minutes were reviewed.

On a motion by Commissioner Hurst, and seconded by Commissioner Nijjar, it was ordered to adopt the August 6, 2019 agenda, July 2, 2019 and July 16, 2019 minutes. The motion carried on a vote of 4-0 in favor.1 absent Yes: Commissioner Hurst, Commissioner Nijjar, Commissioner Dal Cerro, and Commissioner Reed. Absent: Commissioner Cantu

PLANNING COMMISSION PUBLIC HEARING:

1. SHINGU, GARRETT – REZONE (CZ #2019-002), CONDITIONAL USE PERMIT (CUP #2019-012) – OAKHURST

Shingu, Garrett requested a Rezone (CZ #2019-002) from Residential, Rural, Single Family, 2 ½ Acre (RRS-2 1/2) to Planned Development District (PDD), and a Conditional Use Permit (CUP #2019-012) to allow 34 units of Senior Apartments for a Continuum of Care Senior Community. The property is owned by PENSCO TRUST CO FBO BRADFORD D. DITTON IRA and is located on the south corner of North Slope Lane & Victoria Lane, (no situs) Oakhurst. The property is zoned is RRS-2 ½ (Residential, Rural, Single Family, 2 ½ Acre). A draft Mitigated Negative Declaration (MND #2019-15) was prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 2.85 acres. APN: 064-080-087.

Kamara Biawogi, Planner presented the information on this item and recommended approval.

Comments: Garrett Shingu, the applicant spoke in favor of the project. Kenny Bueller a local resident spoke in opposition with concerns of light, noise, traffic, and possible sewer issues. Local residents David and Sharron Hill spoke in opposition with concerns about traffic, light pollution, and air pollution. Randy Sabahae spoke in favor of the project.

One motion by Commissioner Dal Cerro, seconded by Commissioner Nijjar, it was ordered to recommend denial of Rezone (CZ #2019-002), Conditional Use Permit (CUP #2019-012) and Mitigated Negative Declaration (MND #2019-15) to the Board of Supervisors. The motion carried on a vote of 4-0 with 1 absent. Yes: Commissioner Dal Cerro, Commissioner Nijjar, Commissioner Hurst, and Commissioner Reed. Absent: Commissioner Cantu.

REF: CUP #2019-012
FILE: 064-080-087
RESOLUTION: #2019-19

DATE: August 6, 2019; REF: CZ# 2019-002, CUP #2019-012; 064-080-087

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2. HORIZON TOWER LLC – CONDITIONAL USE PERMIT (CUP #2019-011) – OAKHURST

Horizon Tower, LLC requested a Conditional Use Permit (CUP #2019-011) to allow the replacement of an existing tower with same design (lattice) and height (100') built to Rev G standards. The property is owned by Independent Properties Limited Partnership and is located on the west side of Highway 41 approximately 0.75 miles west of its intersection with an unnamed Access Road (no situs), Oakhurst. The property is zoned RMS (Residential Mountain Single Family) District. This project was exempt pursuant to Section 15302(c) of the California Environmental Quality Act (CEQA). Size: 0.02. APN: 064-100-044.

Emily Lane, Planner, presented the information on this item and recommended approval.

Comments: No comments

On motion by Commissioner Hurst, seconded by Commissioner Dal Cerro, it was ordered to approve Conditional Use Permit (CUP 2019-011) to allow the replacement of an existing tower with same design (lattice) and height (100') built to Rev G standards. The motion carried 4-0 with 1 absent. Yes: Commissioner

Hurst, Commissioner, Dal Cerro, Commissioner Nijjar, Commissioner Reed.
Absent: Commissioner Cantu

REF: CUP #2019-011
FILE: 064-100-044
RESOLUTION: 2019-20

DATE: August 6, 2019; REF: CUP #2019-011; 064-100-044

**3. CAPSTONE RANCH - CONDITIONAL USE PERMIT (CUP #2019-007) –
MADERA**

Capstone Ranch requested a Conditional Use Permit (CUP #2019-007) to amend CUP #97-01 to allow the construction and operation of an anaerobic digester at Capstone Ranch Dairy, an existing dairy facility, along with necessary infrastructure for wastewater management. Additionally, proposed was to construct a low-pressure pipeline to deliver biogas to a proposed Bloom Fuel Cell Energy Server (separate CUP) to be constructed 1 mile west along Avenue 14. The property is owned by Diepersloot Robert (atty In Fact- adrian), Diepersloot Robert-att In Fact-willy Trs, Diepersloot Ranch L P, Diepersloot Robert & Willemina, Diepersloot, Willemina, Diepersloot, Robert J. and is located on the North side of Avenue 14, approximately 1.47 miles west of its intersection with Road 16 (14221 Road 14) Madera. The property is zoned ARE-40 (Agricultural, Rural, Exclusive, and 40 Acre) District. A draft Mitigated Negative Declaration (MND # 2019-10) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 317.57. APN: 043-052-001.

Robert Mansfield, Planner presented the item and recommended approval.

Comments: The applicant, Kyle Parreira spoke in favor of the item. No one spoke in opposition.

On motion by Commissioner Hurst, seconded by Commissioner Nijjar, it was ordered to approve Conditional Use Permit (CUP #2019-007) to amend CUP #97-01 to allow the construction and operation of an anaerobic digester at Capstone Ranch Dairy, an existing dairy facility, along with necessary infrastructure for wastewater management and construct a low-pressure pipeline to deliver biogas to a proposed Bloom Fuel Cell Energy Server the construction and operation of an anaerobic digester and Mitigated Negative Declaration (MND # 2019-10) with condition that markers be put in to identify gas line. The motion carried on a vote of 4-0 with 1 absent. Yes: Commissioner Hurst, Commissioner Nijjar, Commissioner Dal Cerro and Commissioner Reed. Absent: Commissioner Cantu

REF: CUP #2019-007
FILE: 043-052-001
RESOLUTION: 2019-21

DATE: August 6, 2019; REF: CUP #2019-007; 043-052-001

**4. SOUTH POINT DAIRY – CONDITIONAL USE PERMIT (CUP #2019-008) –
MADERA**

South Point Dairy requested a Conditional Use Permit (CUP #2019-008) to amend CUP #2014-014 to allow the construction and operation of an anaerobic digester at South Point Dairy, an existing dairy facility, along with necessary infrastructure for wastewater management. Additionally, proposed was to

construct a low-pressure pipeline to deliver biogas to a proposed Bloom Fuel Cell Energy Server (separate CUP) to be constructed 1.5 miles northwest along Avenue 14. The property is owned by Diepersloot, Willemina, Diepersloot, Robert J. and is located on the north side of Avenue 13 approximately 1.47 miles west of its intersection with Road 16 (14495 Avenue 13) Madera. The property is zoned ARE-40 (Agricultural, Rural, Exclusive, 40 Acre) District. A draft Mitigated Negative Declaration (MND # 2019-11) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA) and is available for review at the Madera County Planning Division. Size: 178.4. APN: 043-101-002.

Robert Mansfield, Planner presented the item and recommended approval.

Comments: None

On motion by Commissioner Hurst, seconded by Commissioner Nijjar, it was ordered to approve Conditional Use Permit (CUP #2019-008) to amend CUP #2014-014 to allow the construction and operation of an anaerobic digester at South Point Dairy, an existing dairy facility, along with necessary infrastructure for wastewater management. Additionally, proposed was to construct a low-pressure pipeline to deliver biogas to a proposed Bloom Fuel Cell Energy Server and Mitigated Negative Declaration (MND # 2019-11) with condition that markers be put in to identify gas line. The motion carried on a vote of 4-0 with 1 absent. Yes: Commissioner Hurst, Commissioner Nijjar, Commissioner Dal Cerro and Commissioner Reed. Absent: Commissioner Cantu

REF: CUP #2019-008
FILE: 043-101-002
RESOLUTION: 2019-22

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DATE: August 6, 2019; REF: CUP #2019-008; 043-101-002

5. CALIFORNIA BIOENERGY, LLC – CONDITIONAL USE PERMIT (CUP #2019-009) – MADERA

CALIFORNIA BIOENERGY, LLC requested a Conditional Use Permit (CUP #2019-009) to allow to construct a Bloom Fuel Cell Energy Server to receive biogas from nearby dairy digesters for the production of electricity. The Energy Server will be interconnected to the existing local utility line for sale of the produced electricity. The property is owned by Diepersloot Robert & Willemina, Diepersloot Ranch L P and is located on the on the north side of Avenue 14, approximately 0.99 of a mile east of its intersection with Road 12 (13481 Avenue 14) Madera. The property is zoned ARE-40 (Agricultural, Rural, Exclusive, 40 Acre) District. A draft Mitigated Negative Declaration (MND # 2019-12) was prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 325.41. APN: 043-046-003.

Robert Mansfield, Planner presented the item and recommended approval.

Comments: None

On motion by Commissioner Hurst, seconded by Commissioner Nijjar, it was ordered to approve Conditional Use Permit (CUP #2019-009) to allow to construct a Bloom Fuel Cell Energy Server to receive biogas from nearby dairy digesters for the production of electricity and Mitigated Negative Declaration (MND # 2019-12) with condition that markers be put in to identify gas line. The motion carried on a

vote of 4-0 with 1 absent in favor. Yes: Commissioner Hurst, Commissioner Nijjar, Commissioner Dal Cerro and Commissioner Reed. Absent: Commissioner Cantu

REF: CUP #2019-009
FILE: 043-046-003
RESOLUTION: 2019-23

DATE: August 6, 2019; REF: CUP #2019-009; 043-046-003

6 MADERA 41 LLC/GAYANE BISLANYAN – CONDITIONAL USE PERMIT (CUP #2019-013) MADERA

Madera 41 LLC/Gayane Bislanyan requested a Conditional Use Permit (CUP #2019-013) to allow Development of a 14,000 +/- sq. ft. Congregate Living Health Facility with a maximum of 18 beds. The property is owned by Hartley, David & Catherine Trustee et al. and is located on the on the north side of Avenue 10 1/2 on the Northeast corner of its intersection with Rolling Hills Drive (no situs), Madera. The property is zoned RRM (Residential, Rural, Multiple Family) with a Manufactured Housing Architectural Review Overlayed District. A draft Mitigated Negative Declaration (MND # 2019-16) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA).Division. Size: 1.01 acre. APN: 049-150-003.

Tiffany Williams, Planner presented the item and recommended approval.

Comments: Jim Kopshever and Mike Farve spoke in favor of the project. A local resident, Ronald Chun spoke in opposition of the item. He had concerns with traffic, lighting, security and water. He was also concerned with the size of the building and the drainage issues. Roy Verducco spoke in opposition of the project with concerns regarding the size of the project, drainage and distance to the property line.

On motion by Commissioner Hurst, seconded by Commissioner Dal Cerro, it was ordered to approve Conditional Use Permit (CUP #2019-013) to allow Development of a 14,000 +/- sq. ft. Congregate Living Health Facility with a maximum of 18 beds and Mitigated Negative Declaration (MND # 2019-16). The motion carried on a vote of 4-0 with 1 absent. Yes: Commissioner Hurst, Commissioner Dal Cerro, Commissioner Nijjar and Commissioner Reed. Absent: Commissioner Cantu

REF: CUP #2019-013
FILE: 049-150-003
RESOLUTION: 2019-24

DATE: August 6, 2019; REF: CUP #2019-013; 049-150-003

7. PDD – Zoning Ordinance Text Change (CZ#2019-003)

This was proposed by the County of Madera for an Ordinance Text Change (CZ #2019-003) to amend Title 18 to revise the requirements of the PDD (Planned Development District) Zone District. This project is exempt pursuant to Section 15061.B.3 of the California Environmental Quality Act (CEQA).

Becky Beavers, Senior Planner presented the item and recommended for approval.

Comments: None

On motion by Commissioner Dal Cerro, seconded by Commissioner Hurst, it was ordered to recommend approval of Zoning Ordinance Text Change (CZ #2019-003) to the Board of Supervisors. The motion carried on a vote of 4-0 with 1 absent. Yes: Commissioner Dal Cerro, Commissioner Hurst, Commissioner Nijjar and Commissioner Reed. Absent: Commissioner Cantu

REF: CZ# 2019-003
RESOLUTION: 2019-25

DATE: August 6, 2019; REF: CZ# 2019-003

PLANNING COMMISSION COMMENTS:

PLANNING DIRECTOR COMMENTS:

Next meeting date September 3, 2019.

On motion, second, it was ordered to adjourn the meeting.

Matthew Treber, Planning Director
Matthew Treber, Secretary of Planning Commission