

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 5, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Tony Cusenza, Marie Assali, Allen Layman, Jim Poore, Andrew Souza, Ray Souza, and Helen White.
- Absent: Kathleen Griffin
- Staff Present: Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Bill Carlson, Associate Planner; Victoria Halliday, Deputy County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Mike Newton, Environmental Resources Manager; Eva Rosa, Planning Commission Clerk

Chair Cusenza introduced Allen Layman, new member to the Stanislaus County Planning Commission.

II. PLEDGE OF ALLEGIANCE

Deputy Director Kirk Ford announced that Director Freitas is attending the Planning Directors' Conference in Sacramento.

III. APPROVAL OF MINUTES

- A.** January 15, 2004
White/Poore, 5-0, **APPROVED**
Commissioners Andrew Souza and Allen Layman abstained.

IV. CORRESPONDENCE

Deputy Director Ford informed the Commissioners on various correspondence mailed in their agenda packet and placed before them this evening:

- A.** California Planning & Development Report, Vol. 19, No. 1 - January 2004
- B.** Letter dated February 2, 2004 from City of Modesto, regarding Item VII-C, Rezone Application No. 2003-08 and Vesting Tentative Parcel Map Application No. 2003-15, B & D United Builders, Inc.
- C.** Tuolumne River Regional Park Commission Agenda for February 9, 2004.

V. CONFLICT OF INTEREST

- A.** Commissioner Poore knows Mr. Barzan, Item VI-A, but this will not influence his

decision.

VI. PUBLIC HEARINGS (* - Consent Items)

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

CONSENT ITEMS

- *A. PARCEL MAP APPLICATION NO. 2003-52 - BARZAN** - Request to create three parcels consisting of 3 acres each in the A-2-3 (General Agriculture) zoning district. The property is located at 7224 Richardson Road in the Oakdale area. This project is Exempt from CEQA.
APN: 062-012-008
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/A. Souza, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *B. USE PERMIT APPLICATION NO. 2003-29 - CIMAREX ENERGY** - Request to drill and operate a natural gas well on a 291-acre parcel, located in the A-2-40 (General Agriculture) zoning district. The project site is located at 3943 Bentley Road, between Milnes and Claribel Roads, in the east Modesto/Oakdale area. A Negative Declaration will be considered.
APN: 014-17-01
Staff Report: Bob Kachel Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/A. Souza, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- C. REZONE APPLICATION NO. 2003-08 AND VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2003-15 - B & D UNITED BUILDERS, INC.** - Request to rezone from PD-233 to two new Planned Development zoning districts to include light industrial and business park uses and a fraternal lodge, and to subdivide two existing parcels to create eight parcels and a storm drain basin on 23.4+/- acres located on the northwest corner Pentecost Drive and Bitritto Way, in the Modesto area. A Mitigated Negative Declaration will be considered.
APN: 004-065-029 & 004-094-023
Staff Report: Debbie Whitmore Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Harold Callahan, 3600 Columbine Drive, #3, Modesto.

Public hearing closed.

Assali/White, Unanimous (7-0) **RECOMMEND APPROVAL OF THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT TO THE BOARD OF SUPERVISORS.**

VII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

VIII. CITIZEN'S FORUM

- A. No one spoke.

IX. REPORT OF THE DIRECTOR

Deputy Director Ford welcomed Commissioner Layman to the Planning Commission.

BOARD OF SUPERVISORS' ACTIONS OF JANUARY 27, 2004

- A. The Board approved the appointment of Allen Layman to the Planning Commission.
- B. The Board approved a Department of Public Works road congestion relief program.
- C. The Board authorized Planning staff to proceed with financing strategy for two Project Study Reports, or PSR's, for the Hammett and Kiernan Avenue interchanges.

BOARD OF SUPERVISORS' ACTION OF FEBRUARY 3, 2004

- A. The Board continued indefinitely a public hearing to consider Rezone Application 2003-06, Tentative Map Application 2003-02, Del Rio Lago. This item was continued in order to resolve sewer and water issues, primarily one being water as the City of Modesto would not renew a Will-Serve letter for water.

MISCELLANEOUS AND ON THE HORIZON

February 19, 2004

1. Airport Land Use Commission Meeting
2. Two Parcel Maps
3. Two Use Permits
4. Two Time Extensions Requests
5. One Rezone

March 4, 2004

1. Three Use Permits
2. Two Parcel Maps

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Chair Cusenza asked for clarification on the water issues for Rezone Application 2003-06, Tentative Map Application 2003-02, Del Rio Lago.

XI. ADJOURNMENT

The meeting was adjourned at 6:15 p.m.

Kirk Ford, Deputy Director

(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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**XII. RECONVENE AS NUISANCE ABATEMENT HEARING BOARD
(See Nuisance Abatement Hearing Board Minutes)**