

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

February 19, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Tony Cusenza, Rachelle Antinetti, Allen Layman, Jim Poore, Andrew Souza, Ray Souza, and Helen White.
- Absent: Marie Assali, Kathleen Griffin
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Bill Carlson, Associate Planner; Carole Maben, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Denise Wood, 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. February 5, 2004
R. Souza/Poore, 6-0, **APPROVED**
Antinetti abstained.

Chair Cusenza introduced and welcomed new commissioner, Rachelle Antinetti.

V. ADJOURN AS PLANNING COMMISSION

VI. CONVENE AS AIRPORT LAND USE COMMISSION

VII. RECONVENE AS PLANNING COMMISSION

VIII. CORRESPONDENCE

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

- A. Planning Commissioners Journal, Number 53, Winter 2004
- B. Memo dated February 19, 2004 from Department of Environmental Resources regarding Item X-E, Parcel Map Application No. 2003-55 - Wolf Family Limited Partnership.
- C. Memo dated February 19, 2004 from Dennis E. Wilson, Horizon Consulting

Services, regarding Item X-E, Parcel Map Application No. 2003-55 - Wolf Family Partnership.

IX. CONFLICT OF INTEREST

- A. Commissioner Andrew Souza is acquainted with Fred Vogel, Item X-B, Time Extension 2003-03 for Kit Fox Winery, but it will have no bearing on his decision.
- B. Commissioner Poore is acquainted with the Wolf Family, Item X-E but this will not impact his decision.
- C. Commissioner Layman is familiar with the Chief of the Salida Fire Department, Item X-D, Use Permit Application No. 2003-34 - Salida Fire Protection District, however, this will not have a bearing on his decision.
- D. Commissioner Cusenza is familiar with people involved in Item X-A, Parcel Map Application No. 2003-41 - Manuel Luiz Trust, but it will have no bearing on his decision.

X. 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. 2003-41 - MANUEL LUIZ TRUST** - This is a request to create a 68± acre parcel and a 59± acre remainder parcel from a 130± acre site in the A-2-40 (General Agriculture) zoning district. The property is located on the east side of River Road, south of Freitas Road and west of the San Joaquin River, in the Newman area. A Negative Declaration will be considered.
APN: 049-025-003 and 004
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Poore/R. Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *B. **TIME EXTENSION 2003-03 - KIT FOX WINERY** - This is a request for a three-year extension of General Plan Amendment No. 2002-06, Kit Fox Winery in Planned Development No. 271 on the west side of Ward Avenue between Fink Road and Oak Flat Road, southwest of Patterson.
APN 025-012-023
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL OF TIME EXTENSION**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.

Public hearing closed.

Poore/R. Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION OF A THREE-YEAR TIME EXTENSION, AS OUTLINED IN THE STAFF REPORT.**

- *C. TIME EXTENSION FOR USE PERMIT NO. 2002-13 - GARY SCHMIDT** - This is a request for a one-year time extension to February 1, 2005, to construct a single-family dwelling on a 10.3± acre site (part of an Antiquated Subdivision) in the A-2-40 (General Agriculture) zoning district. The property is located on Sperry Road, north E. Whitmore Avenue and east of Verduga Road, in the Hughson area.

APN: 019-018-048

Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL OF TIME EXTENSION.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/R. Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION OF A ONE-YEAR TIME EXTENSION TO FEBRUARY 1, 2004, AS OUTLINED IN THE STAFF REPORT.**

- *D. USE PERMIT APPLICATION NO. 2003-34 - SALIDA FIRE PROTECTION DISTRICT** - This is a request to construct a 6,900 square foot fire station, with parking, on a 1.65 acre parcel located in the A-2-40 (General Agriculture) zoning district. The property is located at the northwest corner of Ciccarelli and Toomes Roads, in the Salida Area. A Negative Declaration will be considered.

APN: 136-001-015

Staff Report: Bill Carlson Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/R. Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT**

Item X-E, Parcel Map Application No. 2003-55 - Wolf Family Limited Partnership is removed from Consent Calendar.

Commissioner Cusenza recognized Mr. Mickey Sasso on his habitat restoration, which was part of Item X-A, Parcel Map Application No. 2003-41 - Manuel Luiz Trust. Mr. Sasso has worked with agriculture, sportsmen, and environmentalists to get this accomplished. The Modesto Bee had an article in Sunday's paper about his work.

NON-CONSENT ITEMS

- E. PARCEL MAP APPLICATION NO. 2003-55 - WOLF FAMILY LIMITED PARTNERSHIP - (Removed from Consent)** This is a request to create three parcels of 1.57, 1.72, and 1.30 acres, each developed with an existing building in Planned Development No. 44 located at 4701 North Star Way, Modesto. This project is Exempt from CEQA.

APN 046-010-002

Staff Report: Bob Kachel Recommends **APPROVAL WITH REVISED AMENDED CONDITIONS OF APPROVAL NO. 13 AND 14 AS SUBMITTED BY DEPARTMENT OF ENVIRONMENTAL RESOURCES.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Dennis Wilson, Horizon Consulting Services, representing applicant.

Public hearing closed.

White/A. Souza, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT WITH REVISED CONDITIONS OF APPROVAL:**

13. **ANY FUTURE STRUCTURAL EXPANSIONS RESULTING IN GREATER THAN 50% EXPANSION OF IMPROVED SQUARE FOOTAGE OR A CHANGE OF OCCUPANCY MAY BE SUBJECT TO MEASURE X.**

14. **THE EXISTING WATER SYSTEM SERVING THE PROPOSED PARCELS WILL CONTINUE TO BE REGULATED AS A PUBLIC WATER SYSTEM.**

F. **REZONE APPLICATION NO. 2003-07 - RAY GRITTON** - This is a request to rezone from A-2-40 to Planned Development for office / warehouse business center on 1.01 acre at 4843 Kiernan Court, Salida area. A Mitigated Negative Declaration will be considered.

APN: 136-19-02

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Dennis Wilson, Horizon Consulting Services, representing applicant.

Public hearing closed.

MOTION TO FORWARD APPLICATION TO THE BOARD OF SUPERVISORS Souza/A. Souza, 3-4 (Cusenza, Antinetti, Poore, Layman) DENIED.

MOTION TO DELETE CONDITIONS OF APPROVAL NO. 27, 29, AND 30, AND TO MODIFY CONDITION OF APPROVAL NO. 12 TO READ AS:

12. Developer shall pay all Public Facilities Impact Fees, Salida PD Guidelines Fees, and Fire Facilities Fees as adopted by resolution by the Board of Supervisors. ~~Appropriate Salida Mello-Roos fees shall be paid as determined by the Salida Area Public Facilities Financing Agency Community Facilities District.~~ The fees shall be payable at the time of issuance of building permits for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.

Poore/Layman, 4-3 (R. Souza, White, A. Souza) **APPROVED.**

Poore/Layman, 4-3 (R. Souza, White, A. Souza) **RECOMMEND ADOPTION OF**

PROJECT AS MODIFIED TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT, ALONG WITH DELETED CONDITIONS OF APPROVAL NO. 27, 29 AND 30, AND MODIFIED CONDITION OF APPROVAL NO. 12.

- G. USE PERMIT APPLICATION NO. 2003-26 - FORREST AARVIG** - This is a request to construct 2 single-family dwellings, 1 each on 2 separate parcels containing approximately 3.5+ acres each in A-2-40 (General Agriculture) zoning district, located on southeast corner of Dunn Road & Kiernan Avenue, Modesto. This project is Exempt from CEQA.
APN: 012-004-010 (portion).
Staff Report: Kirk Ford Recommends **PLANNING COMMISSION CONTINUE THE DECISION, WITH A REQUIREMENT THAT PRIOR TO A DECISION, THE APPLICANT SHOULD FILE FOR CANCELLATION OF THE WILLIAMSON ACT CONTRACT CONCURRENTLY WITH THE USE PERMIT APPLICATION.**
Public hearing opened.
OPPOSITION: Forrest Aarvig, 3304 Spumante Lane, Modesto; Eddie Neesan, 411 Hackberry Avenue, Modesto
FAVOR: No one spoke.
Public hearing closed.
R. Souza/White, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION OF AN INDEFINITE CONTINUANCE AND REQUESTED APPLICANT FILE A CANCELLATION OF THE WILLIAMSON ACT CONTRACT AS OUTLINED IN THE STAFF REPORT.**

XI. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

XII. REPORT OF THE DIRECTOR

Director Freitas introduced Sara Lytle-Pinhey, a new planner to the Planning and Community Development Department.

BOARD OF SUPERVISORS' ACTIONS OF FEBRUARY 10, 2004

- A. The Board approved a strategy for preserving and growing manufacturing jobs in Stanislaus County.
- B. The Board continued a public hearing to consider an appeal on Stanislaus County Planning Commission approval of Use Permit Application 2002-28, Santa Fe Aggregates.

BOARD OF SUPERVISORS' ACTION OF FEBRUARY 17, 2004

- A. Approved the appointment of Rachele Antinetti to the Stanislaus County Planning Commission.
- B. The Board set a public hearing for March 2, 2004 at 9:25 a.m. for Rezone Application 2003-08, Parcel Map Application 2003-15, B & D United Builders.

- C. The Board approved all the necessary financings and issuances of bonds for the Performing Arts Center.

MISCELLANEOUS & ON THE HORIZON

- A. You should be receiving your 700 Forms. You need to return them by April 1, 2004.

- B. **March 4, 2004**

- 1. Three Use Permits
- 2. Three Parcel Maps

- C. **March 18, 2004**

- 1. Two Time Extensions
- 2. Four Parcel Maps
- 3. Two Use Permits
- 4. One General Plan Amendment, with a Rezone and a Parcel Map

XIII. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XIV. ADJOURNMENT

The meeting was adjourned at 7:35 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.)