

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

August 19, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Tony Cusenza, Rachelle Antinetti, Marie Assali, Allen Layman, Mike Navarro, Jim Poore, Ray Souza, and Helen White.
- Absent: Andrew Souza
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Bill Carlson, Associate Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. Mark Virtue, 4707 E. Taylor Road, Denair CA 95316 requested information on plans to straighten and widen Gratton Road and the curve in Taylor Road. Director Freitas will research this information and contact Mr. Virtue.
- IV. APPROVAL OF MINUTES**
- A. July 15, 2004  
R. Souza/Layman, 7-0, **APPROVED**.  
Assali abstained.
- B. August 5, 2004  
Minutes unable to be approved due to lack of a quorum (Commissioners Cusenza, Antinetti, R. Souza and White abstained). This item will be continued to September 2, 2004 meeting.
- V. CORRESPONDENCE**
- A. Tuolumne River Regional Park Commission Agenda for August 16, 2004.
- VI. CONFLICT OF INTEREST**
- A. Commission Layman is acquainted with the Grovers, but this will not have an impact on his decision.
- VII. PUBLIC HEARINGS ( \* - Consent Items )**

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

**\*CONSENT ITEMS**

None.

**NON-CONSENT ITEMS**

- A. **PARCEL MAP APPLICATION NO. 2004-13 - SUN DRY PRODUCTS - (Continued from July 15, 2004)** Request to create parcels of 67.0 and 252.96 acres in an A-2-40 (General Agriculture) zoning district. The property is located on the north side of Gaffery Road, east of Koster Road and the Delta Mendota Canal. The purpose of the project is to legally separate two existing businesses: a 67-acre business producing compost for agricultural use from green waste (Use Permit #98-19), and a recycling facility which includes 75 acres of Vermiculture producing a soil amendment, 80-acres of concrete surface (former runways on this old air field) used to process pomace into animal feed, and for feedstock storage and blending. Various other waste streams are recycled on a more limited basis. There will be no new uses as a result of this parcel map. The composting facility which was granted a use permit in February 2003 to move to and occupy 55 acres of orchard land on the south side of Gaffery Road will remain at its current site. This project is Exempt from CEQA.  
APN: 016-003-003  
Staff Report: Bob Kachel Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** None.  
**FAVOR:** Mark Grover, 2825 Kiernan Avenue, Modesto  
Public hearing closed.  
Assali/Antinetti, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- B. **GENERAL PLAN AMENDMENT APPLICATION NO. 2004-01, REZONE APPLICATION NO. 2004-03, PARCEL MAP APPLICATION NO. 2004-11 - CARL & TERRI HAGENS** - Request to amend the General Plan from "Urban Transition" to Low Density Residential, the Denair Community Plan from "Estate Residential" to LDR (Low Density Residential), rezone from A-2-10 (General Agricultural) to R-A (Rural Residential) and create four parcels ranging from 1.3, 1.5, 1.7, 2.6 and a 1.05 acre Remainder on an 8.8 acre parcel, in the Denair area. A Mitigated Negative Declaration is considered.  
APN: 024-013-026  
Staff Report: Bill Carlson Recommends **DENIAL TO THE BOARD OF SUPERVISORS**.  
Public hearing opened.  
**FAVOR:** Harold Callahan, 3600 Columbine Drive, #3, Modesto; Carl Hagens, 4649 N. Gratton Road, Denair.

**OPPOSITION:** Tom Kirkpatrick, 4624 N. Sperry Road, Denair; Mark Virtue, 4707 E. Taylor Road, Denair.

**REBUTTAL:** Harold Callahan; Carl Hagens.  
Public hearing closed.

Assali/White, 7-1 (Navarro), **RECOMMEND DENIAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

- C. REZONE APPLICATION NO. 2003-15 - RAMAN PATEL - (Continued from July 15, 2004)** Request to rezone a 1.8 acre parcel to a Planned Development (PD) zoning district to allow a 95-room, 4-story hotel with an 1,800 square foot restaurant and lounge, 2,100 square foot meeting room and 100 parking spaces. The property is located on the southeast corner Bangs Avenue and Sisk Road, in the Salida area. A Mitigated Negative Declaration will be considered.  
APN: 135-042-028  
Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

7:25 p.m. Recessed

7:35 p.m. Reconvened

Public hearing opened.

**OPPOSITION:** None.

**FAVOR:** Dave Romano, 1020 10<sup>th</sup> Street, Suite 310, Modesto, representing applicant.

Public hearing closed.

R. Souza/Poore, 7-1 (Antinetti) **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

Chair Cusenza requested Item VII-E be heard at this time.

- E. USE PERMIT APPLICATION NO. 2003-26, WILLIAMSON ACT CONTRACT CANCELLATION APPLICATION NO. 2004-02 - FORREST AARVIG** - Request to cancel Williamson Act Contract No. 77-2684 and to construct two single-family dwellings, one each on two separate parcels containing approximately 3.5+ acres in the A-2-40 (General Agriculture) zoning district. The parcels in question were created as part of a four-parcel subdivision recorded on October 3, 1967. The property is located on the southeast corner of Dunn Road and Kiernan Avenue, in the Modesto area. This project is exempt from CEQA.  
APN: 012-04-10

Memo dated August 19, 2004 from Department of Environmental Resources, requesting Conditions of Approval be placed on this project, was handed to Commissioners and County Counsel.

Staff Report: Kirk Ford Recommends **APPROVAL TO THE BOARD OF SUPERVISORS WITH ADDED CONDITIONS OF APPROVAL FROM DEPARTMENT OF ENVIRONMENTAL RESOURCES.**

Public hearing opened.

**OPPOSITION:** None.

**FAVOR:** George Petralakis, 1130 12<sup>TH</sup> Street, Modesto, representing applicant.  
Public hearing closed.

Assali/Poore, Unanimous (8-0) **RECOMMEND APPROVAL OF THE WILLIAMSON ACT CANCELLATION TO THE BOARD OF SUPERVISORS, AND APPROVAL OF USE PERMIT AS OUTLINED IN THE STAFF REPORT, WITH ADDED CONDITIONS FROM DEPARTMENT OF ENVIRONMENTAL RESOURCES:**

1. **EACH PARCEL SHALL HAVE AN APPROVED INDEPENDENT WATER SUPPLY (IF NOT PROVIDED PUBLIC WATER SERVICE). PRIOR TO THE ISSUANCE OF BUILDING PERMIT, EACH PARCEL SHALL HAVE ITS OWN WELL. A DRILLING PERMIT SHALL BE OBTAINED FROM DEPARTMENT OF ENVIRONMENTAL RESOURCES. (STANISLAUS COUNTY POLICY AND STATE MODEL WELL STANDARDS ORDINANCE).**
2. **THE EXISTING SEPTIC SYSTEM(S) IS/ARE TO BE CONTAINED WITHIN THE PROPOSED PARCEL "B" BOUNDARIES AS PER REQUIRED DEPARTMENT SETBACK STANDARDS.**
3. **PARCELS "A" AND "C" ARE SUBJECT TO MEASURE X REQUIREMENTS AND SO MUST HAVE PRIMARY AND SECONDARY TREATMENT PLANTS.**

Item heard out of order.

**D. ORDINANCE AMENDMENT NO. 2004-02 - LARGE RETAIL ORDINANCE -**

Request to amend five chapters of the Stanislaus County Zoning Ordinance in the Highway Commercial, Neighborhood Commercial, General Commercial, Industrial and Limited Industrial zoning districts to allow retail businesses, less than 65,000 square feet, to be a permitted use. Also, in the Highway Commercial, Neighborhood Commercial, General Commercial, Industrial and Limited Industrial zoning districts, require use permits for retail businesses, if the building and/or sales area is equal to or greater than 65,000 square feet. This project is exempt from CEQA.

Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

**OPPOSITION:** None.

**FAVOR:** None.

Public hearing closed.

White/Poore, Unanimous (8-0) **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

Item heard out of order.

**F. TENTATIVE MAP APPLICATION NO. 2002-05, SPECIFIC PLAN AMENDMENT NO. 2002-01 - DIABLO GRANDE UNIT 2A - Request to create ninety-four (94)**

residential lots of 5,000 square feet and nine (9) residential lots of 20,000 square feet as the Diablo Grande Unit 2A subdivision within the adopted Diablo Grande Specific Plan area, and to amend the SP1 zoning district to add 5,000 and 8,000 square feet lot categories to the Single Family Residential district (R-1) found in Section 4.02 of the Diablo Grande Specific Plan and to revise the preliminary development plan map to provide areas of construction of these two housing types. Total number of housing units in the SP1 zoning district will be reduced from 2,038 to 2,012. A Mitigated Negative Declaration will be considered.

APN: 025-05-04 and 025-11-06

Staff Report: Kirk Ford Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

**OPPOSITION:** None.

**FAVOR:** Dave Romano, 1020 10<sup>th</sup> Street, Suite 310, Modesto, representing applicant.

Public hearing closed.

Poore/White, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

#### **VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. None.

#### **IX. REPORT OF THE DIRECTOR**

##### **BOARD OF SUPERVISORS' ACTIONS OF AUGUST 10, 2004**

- A. Approved a request by the City of Newman to put an item on the November ballot regarding a Direct Growth Initiative which would be an advisory vote to direct all growth within the vicinity of Newman into the city limits of the city.
- B. Approved Kaiser Permanente's Voluntary Regional Transportation Contribution for the north Salida area with respect to the construction and approval of a hospital near the southwest corner of Dale and Kiernan Avenues.

##### **BOARD OF SUPERVISORS' ACTIONS OF AUGUST 17, 2004**

- A. The Board did meet in a joint meeting with the City of Newman and there were no items with respect to the Planning Commission.

#### **Miscellaneous and On the Horizon**

Director Freitas announced that Phillip Irons, a planner with the Planning and Community Development Department and employee of the County for over 16 years has resigned and taken a job with the Modesto Police Department.

**September 2, 2004**

- A. Two Parcel Maps
- B. One Use Permit

**September 16, 2004**

- A. One Parcel Map
- B. Two Use Permits

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

- A. A short discussion was held on the California County Planning Commissioners Association Conference to be held in November. Director Freitas asked the commissioners to let Eva know who is interested in attending.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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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.)