

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

November 4, 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; Angela Freitas, 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. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. October 21 2004
Poore/Navarro, 5-0, **APPROVED**
Antinetti, Assali, Layman abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Email and attachments received October 26, 2004 from Chuck Piper regarding Item VII-E, Variance application No. 2004-03, and Lot Line Adjustment Application No. 2004-48 - Adobe Springs.
- B. Letter dated October 26, 2004 to Harold Callahan from City of Modesto regarding Item VII-C - Rezone Application No. 2003-06, Tentative Map Application No. 2003-02 - Del Rio Lago.
- C. Fax received November 1, 2004 from Berding & Weil regarding Item VII-C - Rezone Application No. 2003-06, Tentative Map Application No. 2003-02 - Del Rio Lago.
- D. California Planning & Development Report, Vol. 19, No. 10 - October 2004.

VI. CONFLICT OF INTEREST

A. None.

VII. PUBLIC HEARINGS (* - Consent Items)

Commissioner Cusenza informed the public of the consent items and procedure.

Public hearing opened.

Public hearing closed.

***CONSENT ITEMS**

- *A. USE PERMIT APPLICATION NO. 2003-35 - GURDWARA SAGAR CHURCH - (Continued from September 16, 2004)** - Proposal to construct a new 4800 square foot temple at 3418 Golf Road on 2.22 acres in an A-2-40 (General Agriculture) zoning district in the south Turlock area. A Negative Declaration will be considered. **(Requesting indefinite continuance.)**

APN: 044-052-019

Staff Report: Bob Kachel Recommends **APPROVAL OF INDEFINITE CONTINUANCE.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

White/Layman, Unanimous (8-0), **APPROVED INDEFINITE CONTINUANCE.**

- *B. PARCEL MAP APPLICATION NO. 2004-22 - GARY G. LEONG** - Request to divide two existing parcels into four parcels of approximately 0.6 acres each in an R-A (Rural Residential) zoning district, designated as Low-Density Residential on the General Plan. The property is located at 2504 Paradise Road, in the Modesto area. This project is exempt from CEQA. **(Requesting indefinite continuance.)**

APN: 017-033-002

Staff Report: Sara Lytle-Pinhey **APPROVAL OF INDEFINITE CONTINUANCE.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

White/Layman, Unanimous (8-0), **APPROVED INDEFINITE CONTINUANCE.**

Commissioner Ray Souza has a conflict with Item VII-E, Variance Application No. 2004-03, Lot Line Adjustment Application No. 2004-48, Adobe Springs, and will excuse himself during the hearing of this project.

NON-CONSENT ITEMS

- C. REZONE APPLICATION NO. 2003-06, TENTATIVE MAP APPLICATION NO. 2003-02 - DEL RIO LAGO** - Request to create 47 single family lots of approximately ½ acres each in gated community which includes a common area with lake, private roads, private community water supply system, package sewer treatment plant or

sewer pump station, and landscaped area. Located on 43.8 acres on the east side of Carver Road, south of Thunderbird Drive, Del Rio area. Rezone from R-A to PD. A Mitigated Negative Declaration will be considered.

APN: 004-75-44 & 004-59-61

Staff Report: Bob Kachel Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: Lori Young, 7024 Carver Road, Modesto; Doug Neibauer, attorney for Berding & Weil, LLP.

FAVOR: Mike Warda, 2950 Monte Vista, Turlock; Kevin Lavec; Harold Callahan, 3600 Columbine Drive, #3, Modesto.

OPPOSITION: Doug Neibauer (presented Commission with letter from Eco:Logic, regarding Del Rio West Wastewater System.)

FAVOR: Mike Warda

Public hearing closed.

8:05 p.m. Recessed

8:15 p.m. Reconvened

MOTION TO DELETE CONDITIONS 64 AND 65 IN THEIR ENTIRETY, AND MODIFY CONDITION 63 TO READ AS:

63. A package sewer treatment plan must serve the Del Rio Lago project. This package sewer treatment plant will need to be approved by Regional Water Quality Control Board (RWCQB). **A SITE PLAN FOR THE TREATMENT PLANT SHALL BE SUBMITTED TO AND APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES, WHICH SHALL INCLUDE, AT A MINIMUM, THE PROPOSED LOCATION FOR THE TREATMENT PLANT; DESCRIBE HOW ADJACENT PROPERTY OWNERS WILL BE NOTIFIED OR INFORMED ABOUT LIVING NEAR THE PROPOSED PLANT; SHOW SET BACKS THAT CONFORM TO COUNTY ORDINANCE AND STANDARDS; AND SHOW THE LOCATION OF ALL EXISTING AND PROPOSED WELLS.**

THE SITE PLAN SHALL LOCATE THE TREATMENT PLANT SO AS TO MEET ALL COUNTY STANDARDS AND COMPLY WITH COUNTY ORDINANCE.

Layman/Assali, 7-1 (Antinetti) **APPROVED**.

MOTION TO AMEND RECOMMENDATION NO. 9 TO ADD THE FOLLOWING CLARIFICATION REGARDING DEVELOPMENT SCHEDULE:

Development Schedule to read as follows: **PROJECT TO START WITHIN 3 YEARS OF THE DATE OF FINAL PROJECT APPROVAL. THE SUBDIVISION IMPROVEMENTS TO BE COMPLETED WITHIN 5 YEARS OF THE PROJECT**

APPROVAL.

Poore/Ray Souza, 7-1 (Antinetti) **APPROVED.**

MOTION TO AMEND CONDITION NO. 57 TO READ:

57. If the "will serve" letter is not obtained, installation of the total domestic water system, including but not limited to well, pump, storage tank, distribution system piping, valves, meters and enclosure boxes shall be completed under inspection and approval of the registered professional design engineer as required by Stanislaus County DER. Design engineer shall certify in writing that the system has been installed in accordance with approved plans, specifications and Water Works Standards contained in California Code of Regulations, Title 22, Division 4, Chapter 16, before issuance of public water supply permit. **THE EMERGENCY GENERATORS THAT WOULD POWER THE WELLS IN THE EVENT OF A POWER FAILURE WOULD HAVE SOUND ENCLOSURES THAT MEET THE COUNTY'S NOISE STANDARD.**

Layman/Navarro, 7-1 (Antinetti) **APPROVED.**

MOTION TO AMEND CONDITION NO. 67 TO READ:

67. The project be developed, to the satisfaction of the City of Modesto, in full compliance with all requirements listed in the **ANY** City of Modesto "Will - Serve" letter. ~~from City Manager Jack Crist dated September 10, 2002.~~ Timing for determining consistency with City of Modesto requirements shall be determined by the City of Modesto.

Poore/Ray Souza, Unanimous (8-0) **APPROVED.**

MOTION TO APPROVE:

Ray Souza/Poore, 7-1 (Antinetti) **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS WITH AMENDED CONDITIONS OF APPROVAL AND DEVELOPMENT SCHEDULE.**

- D. PARCEL MAP APPLICATION NO. 2004-21, VARIANCE APPLICATION NO. 2004-05 - LEONARD PATELLO** - Request to create a 1.08-acre (gross) parcel with a remainder of 65.13 acres (gross) located in the A-2-40 (General Agriculture, 40-acre minimum) zoning district and designated Agriculture in the General Plan. A variance is requested to allow the creation of a 1.08-acre parcel which is below the 40-acre minimum parcel size requirement of the A-2-40 zoning district. The property is located at 3737 McCracken Road, at Gaffery Road, in the Vernalis area. This project is exempt from CEQA.
APN: 016-013-060 and 016-013-061
Staff Report: Debbie Whitmore Recommends **DENIAL.**
Public hearing opened.
OPPOSITION OF DENIAL: Dave Romano, 1020 10th Street, Modesto.
FAVOR OF DENIAL: No one spoke.

Public hearing closed.

Layman/ Assali, 6-2 (Poore, Ray Souza), **DENIED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT AND APPROVED THE PARCEL MAP AND VARIANCE.**

Commissioner Ray Souza left the Chambers.

- E. VARIANCE APPLICATION NO. 2004-03, LOT LINE ADJUSTMENT APPLICATION NO. 2004-48 - ADOBE SPRINGS** - Proposal to adjust two existing parcels of 177.1 and 40 acres and create two parcels of 119.3 and 97.8 acres. A variance is needed to allow the 177.1 acre parcel to be reduced to less than 160 acres in the A-2-160 (General Agriculture) zoning district. The project is located at 19000 Del Puerto Canyon Road, west of Patterson. This project is exempt from CEQA.

APN: 025-008-008 and 025-018-007

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

Public hearing opened.

OPPOSITION: Clare L. Bell, Adobe Canyon Road; Chuck Piper, Adobe Canyon Road; Don Harmon, 16900 Del Puerto Canyon Road.

FAVOR: Paul Mason, 18051 Del Puerto Canyon Road.

Public hearing closed.

Navarro/White, 5-2 (Antinetti, Layman) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

Commissioner Ray Souza returned to Chambers.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF OCTOBER 26, 2004

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 2, 2004

- A. The Board considered several Lot Line Adjustments and Williamson Act Recisions and Renewals.

MISCELLANEOUS & ON THE HORIZON

Saturday, November 6, 2004 is the Third Annual Community Retreat, titled "Working Together II." The time is 8 a.m. to 1 p.m. and will be held at Stanislaus County Agricultural Center, located at 3800 Cornucopia Way, Modesto.

A. On the Horizon

November 18, 2004

1. Two General Plan Amendment and Rezone Applications
2. Specific Plan Amendment - Diablo Grande Sewer line and Patterson Wastewater Treatment and Addendum to the Patterson EIR
3. Two Parcel Map Applications, one with a Variance and Exclusion
4. One Use Permit
5. Patterson Joint Unified School District School Site Acquisition

December 2, 2004

1. Two Use Permit Applications, one with a Parcel Map
2. One General Plan Amendment and Rezone Application
3. One Rezone Application with a Parcel Map

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. None.

XI. ADJOURNMENT

The meeting was adjourned at 10:15 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.)