

STANISLAUS COUNTY PLANNING COMMISSION

Revised

MINUTES

REGULAR MEETING

November 18, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Tony Cusenza, Rachelle Antinetti, Mike Navarro, Jim Poore, Andrew Souza, Ray Souza, and Helen White.
- Absent: Marie Assali, Allen Layman
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Senior Planner; Sara Lytle-Pinhey, Assistant 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. November 4, 2004
R. Souza/Poore, 6-0, **APPROVED.**
Andrew Souza abstained.
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Revised Agenda.
- B. Memo asking for Indefinite Continuance for Item VII-A, General Plan Amendment Application No. 2003-08, Rezone Application No. 2003-11 - Bassi Plaza - Joe & Kiran Bassi.
- C. Memo regarding Item VII-C, Parcel Map Application No. 2004-15, Variance 2004-01, Exception 2004-03 - Gary & Deann Autrey.
- D. Binder received November 18, 2004 from William E. Mussman, III regarding Item VII-D, Use Permit Application No. 2004-13 - Mc Henry Golf Center.

- E. Memo from Planning Department regarding Item VII-E, Parcel Map Application No. 2004-17 - Piranha Produce.
- F. Memo dated November 18, 2004 from Department of Public Works, amending Conditions of Approval on Item VII-E, Parcel Map Application No. 2004-17 - Piranha Produce.
- G. Maps for Patterson Joint Unified School District's Intent to Acquire a High School Site, Item VIII-A.
- H. Letter dated November 17, 2004 from Patrick J. Sweeney, Superintendent of Patterson Joint Unified School District regarding school site acquisition, Item VIII-A.
- I. Information regarding Sonoma State University's Planning Commissioners' Seminar to be held December 4, 2004 at Sonoma State University.
- J. Memo regarding County Conflict of Interest Policy.
- K. Proposed Mc Henry Golf Center Site's photograph and maps (Item VII-D) presented to Planning Commission by Dennis Wilson.
- L. Packet of information regarding Item VIII-A, Patterson Joint Unified School District School Site Acquisition, presented to Planning Commission by Patrick Sweeney.

VI. CONFLICT OF INTEREST

- A. Commissioner Andrew Souza is acquainted with Dr. Patrick Sweeney, Patterson Joint Unified School District, but this will not cause a conflict.

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. GENERAL PLAN AMENDMENT APPLICATION NO. 2003-08, REZONE APPLICATION NO. 2003-11 - BASSI PLAZA - JOE & KIRAN BASSI** - Request to rezone a 2.25 acre parcel from A-2-40 (General Agriculture) to Planned Development (PD) and amend the General Plan designation from Agriculture to Planned Development. The applicant's proposed uses are for a gas station and mini market in Phase I. In Phase II the proposed tenants could include agricultural service businesses and offices. The property is located at 4955 Crows Landing Road in the Ceres area. A Negative Declaration will be considered. **(Requesting indefinite continuance.)**
APN: 041-004-018
Staff Report: Bill Carlson Recommends **INDEFINITE CONTINUANCE.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/White, Unanimous (7-0) **APPROVED INDEFINITE CONTINUANCE.**

NON-CONSENT ITEMS

- B. GENERAL PLAN AMENDMENT APPLICATION NO. 2004-02, REZONE APPLICATION NO. 2004-07 - JACOB AUTO SALES** - Request to change the General Plan & zoning designations from Agriculture and A-2-40 (General Agriculture) to PD (Planned Development) to allow construction & operation of a used car sales facility on 3.6 acres located at the southeast corner of Golden State Boulevard and Barnhart Road, south of Keyes. A Mitigated Negative Declaration will be considered.

APN 045-053-023

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

Public hearing opened.

OPPOSITION: Sharon Turnbull, 4124 W. Barnhart Road; Judy Hoover, 4219 N. Barnhart Road; John Spenker, 4212 W. Barnhart Road; Salvadore Verdone, 4025 W. Barnhart Road.

FAVOR: Mike Warda, 2350 Monte Vista, Turlock.

Public hearing closed.

MOTION TO MODIFY CONDITION OF APPROVAL NO. 4 TO READ:

4. All exterior lighting shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect on adjacent land. An eight-foot masonry wall shall be constructed along the easterly property line of the subject parcel. ~~A six-foot chain link fence shall be constructed along the southerly property line. Both shall~~ **The masonry wall shall** comply with required setbacks.

A. Souza/White, Unanimous (7-0) **APPROVED.**

MOTION TO REVISE:

21. **ALL DRIVEWAY LOCATIONS AND WIDTHS SHALL BE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. ALL DRIVEWAYS ON BARNHART ROAD SHALL BE RESTRICTED TO EMERGENCY VEHICLE ACCESS ONLY. DRIVEWAYS LOCATED ON BARNHART ROAD SHALL BE GATED WITH A LOCKING SYSTEM APPROVED BY CONSOLIDATED FIRE. A MAXIMUM OF ONE MEDIAN OPENING WILL BE PERMITTED ALONG THE ENTIRE FRONTAGE OF GOLDEN STATE BLVD.**
24. **A GRADING AND DRAINAGE PLAN FOR THE ENTIRE AREA SHALL BE**

APPROVED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT. THE PLAN SHALL ALSO PROVIDE MITIGATION MEASURES TO ADDRESS POTENTIAL SEEPAGE FROM FLOOD IRRIGATION ON THE ADJACENT PROPERTY DUE TO GOPHER HOLES. PERCOLATION TEST RESULTS AND GROUND WATER DEPTH SHALL BE PROVIDED ALONG WITH RUNOFF AND STORAGE CAPACITY CALCULATIONS. ADDITIONAL AREA MAY BE REQUIRED FOR THE RETENTION BASIN DEPENDING UPON THE DEPTH OF THE PERCHED WATER TABLE. THE DRAINAGE SYSTEM SHALL BE INSTALLED PRIOR TO FINAL AND/OR OCCUPANCY OF ANY BUILDING.

Navarro/Poore, Unanimous (7-0) **APPROVED.**

R. Souza/White, 6-1 (A. Souza) **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT, WITH AMENDED CONDITIONS OF APPROVAL.**

- C. PARCEL MAP APPLICATION NO. 2004-15, VARIANCE NO. 2004-01, EXCEPTION NO. 2004-03 - GARY & DEANN AUTREY** - Request to create parcels of 1.08, 1.51, 1.11, and 1.10 acres in the A-2-40 (General Agriculture) zoning district located at 4336 Adams Gravel Plant Road, northeast of the City of Riverbank. Application includes a variance for parcels smaller than 40 acres and an exception for 2 parcels which would not have a direct frontage on a County Road. A Negative Declaration will be considered.
APN: 062-009-031
Staff Report: Sara Lytle-Pinhey Recommends **DENIAL**.
Public hearing opened.
FAVOR OF PROJECT: Barbara Savory, attorney for applicant; Deann Autrey, applicant.
OPPOSITION OF PROJECT: No one spoke.
Public hearing closed.
A. Souza/R. Souza, 5-2 (Navarro and Cusenza) **DENIED THE PROJECT.**

7:50 p.m. Recessed

8:00 p.m. Reconvened

- D. USE PERMIT APPLICATION NO. 2004-13 - McHENRY GOLF CENTER** - Request to establish a golf driving range on an 18+ acre parcel in the A-2-40 (General Agriculture) zoning district on Mc Henry Avenue, north of Kiernan Avenue/Claribel Road, in the north Modesto area. A Negative Declaration will be considered.
APN 074-015-002.
Staff Report: Angela Freitas Recommends **DENIAL**.
Public hearing opened.
FAVOR OF PROJECT: Dennis Wilson, representing applicant (presented photograph and maps, see Correspondence - Item V-L); Dr. Richard Odegaard, 4013 Corte Bella; Jerry North, 2021 El Toro; Irma French, 3900 Maui Terrace; Henry Solario, 1500 Del Monte; Lisa Vance, 2691 Princeton Ct.; Paul Cornwall, 1709

Fairington; Chris Dewar, 3136 Sherwood; Greg Jamison, 2200 Raintree; Gary Ard, 1012 Gettysburg; Dale Mead; Joe Romore.

OPPOSITION OF PROJECT: William Mussman, III, 319 Claribel Road; Ann Mussman, 319 Claribel Road; Janet Mussman, 319 Claribel Road; Gary Darpinian.

FAVOR OF PROJECT: Dennis Wilson

OPPOSITION OF PROJECT: William Mussman, III

FAVOR OF PROJECT: Greg Jamison

Public hearing closed.

MOTION TO AMEND CONDITION OF APPROVAL NO. 19 TO ADD:

THE SOUTHERLY FENCE SHALL BE MOVED IN 20 FEET FROM THE PROPERTY LINE TOWARDS THE NORTH AND 8 FEET TALL ITALIAN CYPRESS SHALL BE PLANTED ALONG THE OUTSIDE OF THE SOUTHERN FENCE LINE.

A. Souza/Poore, 6-2 5-2 (R. Souza, White) **APPROVED.**

Navarro/Poore, 5-3 4-3 (R. Souza, White, Antinetti) **APPROVED THE PROJECT AND ADOPTED ALL THE ACTIONS SET FORTH ON PAGE 33, EXHIBIT "H" OF THE STAFF REPORT, INCLUDING ADOPTION OF ALL THE CONDITIONS OF APPROVAL, INCLUDING THE AMENDED CONDITION NO. 19.**

- E. PARCEL MAP APPLICATION NO. 2004-17 - PIRANHA PRODUCE** - Request to create two parcels from an approximately 10.3-acre site located on the northeast corner of Golden State Boulevard and Barnhart Road, in the Keyes area. Parcel 1 will be approximately 4.74 in size for a wholesale produce distribution center. Parcel 2 will be approximately 5.57 acres in size. This project is Exempt from CEQA.

APN 045-052-019 and portion of 045-052-009

Staff Report: Debbie Whitmore Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: Sharon Turnbull, 4124 W. Barnhart Road

FAVOR: Dave Romano, 1020 10th Street, Modesto

Public hearing closed.

A. Souza/Poore, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH REVISED CONDITIONS OF APPROVAL NO. 1, 16, 17 AND DELETE CONDITION NO. 15:**

1. **DEVELOPER SHALL COMPLY WITH ALL DEVELOPMENT STANDARDS AND CONDITIONS OF APPROVAL FOR ALL PRIOR PROJECTS, INCLUDING GENERAL PLAN AMENDMENT NO. 2001-01 AND REZONE APPLICATION NO. 2001-01 (PD-261), AND USE PERMIT APPLICATION NO. 2003-33. PRIOR TO SUBMITTING A BUILDING OR GRADING PERMIT APPLICATION FOR PARCEL 2 OF PARCEL MAP APPLICATION NO. 2004-17, THE PLOT PLAN FOR PARCEL 2 SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING DIRECTOR TO ENSURE THAT APPROXIMATELY 10 ACRES REMAIN IN AGRICULTURAL USE WITHIN THE APPROVED PLANNED DEVELOPMENT ZONE (PD-261).**

16. **ROAD RIGHT-OF-WAY ON GOLDEN STATE BLVD. SHALL BE DEEDED TO STANISLAUS COUNTY ALONG THE FRONTAGES OF PARCEL "1" AND "2" TO PROVIDE FOR A MINIMUM OF 124 FEET EAST OF THE FUTURE WESTERLY RIGHT-OF-WAY LINE AS SHOWN ON THE GOLDEN STATE BLVD. RIGHT-OF-WAY STUDY PREPARED BY THE DEPARTMENT OF PUBLIC WORKS, DATED SEPTEMBER 3, 2002. THIS DEDICATION SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THIS GOLDEN STATE BLVD. RIGHT-OF-WAY STUDY. IF THE RIGHT-OF-WAY DEDICATION DIFFERS FROM THAT SHOWN ON TENTATIVE PARCEL MAP 2004-17, THEN THE ADDITIONAL RIGHT-OF-WAY SHALL BE DEDICATED BY A SEPARATE ROAD DEED INSTRUMENT. THE ROAD DEED FOR PARCEL "1", IF NECESSARY, SHALL BE EXECUTED PRIOR TO OCCUPANCY AND/OR FINAL OF THE PIRANHA PRODUCE BUILDING. THE ROAD DEED FOR PARCEL "2", IF NECESSARY, SHALL BE EXECUTED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR THE DEVELOPMENT OF PARCEL "2".**
17. **A STATEMENT SHALL BE PLACED ON SHEET 2 OF THE FINAL PARCEL MAP TO BE RECORDED THAT STATES: "ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED ALONG THE FRONTAGE OF PARCEL "2" PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE DEVELOPMENT OF PARCEL "2".**

- F. **SPECIFIC PLAN AMENDMENT NO. 2004-01, DIABLO GRANDE, SEWER LINE EXTENSION AND UTILIZATION OF THE CITY OF PATTERSON'S OFF-SITE WASTEWATER TREATMENT FACILITY TO SERVE DIABLO GRANDE** - Request to make a minor modification to the Diablo Grande Specific Plan to allow for on- or off-site wastewater treatment including construction of a sewer line from Diablo Grande to the City of Patterson Wastewater Treatment Facility. A gravity main would be installed from Diablo Grande and installed within existing road rights-of-way of Diablo Grande Parkway, Oak Flat Road, and Ward Avenue where it will connect to the existing Patterson Sewer System at the corner of Sperry Avenue and Ward Avenue. Stanislaus County will act as a responsible agency under CEQA (Public Resource Code Section 21069 and CEQA Guidelines Section 15381) in connection with the City of Patterson's Final EIR, and the Western Hills Water District Addendum. As a responsible agency, the County is proposing to make findings as required pursuant to CEQA Guidelines sections 15096, 15091, and 15093, and to adopt all necessary mitigation measures.
Staff Report: Kirk Ford Recommends **APPROVAL TO THE BOARD OF SUPERVISORS WITH ADDED CONDITIONS FROM CALTRANS.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Dave Romano, 1020 10th Street, Modesto
Public hearing closed.
A. Souza/R. Souza, Unanimous (7-0) **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT WITH ADDED CONDITIONS NO. 12 AND 13 FROM CALTRANS:**

12. **AN ENCROACHMENT PERMIT IS REQUIRED IF ANY WORK WILL BE CONDUCTED WITHIN THE STATE RIGHT-OF-WAY. THE USE OF CALIFORNIA STATE HIGHWAYS FOR OTHER THAN NORMAL TRANSPORTATION PURPOSES MAY REQUIRE WRITTEN AUTHORIZATION FROM CALTRANS IN THE FORM OF AN ENCROACHMENT PERMIT. THE APPLICATION MUST INCLUDE THE ENVIRONMENTAL DOCUMENT PREPARED FOR THE PROJECT THAT ADDRESSES CALTRANS RIGHT-OF-WAY. AT A MINIMUM, DOCUMENTATION OF CULTURAL, BIOLOGICAL AND HAZARDOUS WASTE STUDIES WITHIN CALTRANS RIGHT-OF-WAY IS REQUIRED.**
13. **CALTRANS ENCOURAGES CONTACTING THE NATIVE AMERICAN HERITAGE COMMISSION: 915 CAPITAL MALL, ROOM 362, SACRAMENTO, CALIFORNIA, 95814, TELEPHONE (916) 653-4082, FAX (916)-657-5390 FOR ADVICE ON CONSULTING WITH NATIVE AMERICANS REGARDING ANY CULTURAL CONCERNS WITHIN THE PROJECT AREA.**

VIII. OTHER MATTERS (Not Public Hearings)

- A. **PATTERSON JOINT UNIFIED SCHOOL DISTRICT SCHOOL SITE ACQUISITION**
Patterson Joint Unified School District has chosen a 56-acre site for a high school at the northwest corner of Zacharias and Baldwin Roads, northwest of the City of Patterson. The Planning Commission will determine the site's consistency with the General Plan.
Report Presented by Ron E. Freitas.
PUBLIC COMMENT: Patrick Sweeney, Superintendent of Patterson Joint Unified School District (presented packet of information, see Correspondence, Item V-M); Alex Bowie, attorney for Patterson Joint Unified School District; John Mataka 8505 Wilson Street, Grayson.
Poore/Navarro, 6-1 (A. Souza) **PROPOSED SCHOOL SITE NOT CONSISTENT WITH GENERAL PLAN.**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 9, 2004

- A. The Board set a public hearing for November 30, 2004 at 9:30 a.m. to consider Rezone Application No. 2003-06, Tentative Map Application No. 2003-02, Rio Del Lago.
- B. The Board authorized the recordation of a certificate of Cancellation of Williamson Contract No. 1977-2684 - Crown View Corporation, Forrest Aarvig.
- C. The Board set aside and voided the Certification of the Salida Community Plan Environmental Impact Report and all approvals of the Salida Community Plan adopted by the Board of Supervisors August 29, 2002.

- D. Rescinded Williamson Act Contracts and approved new contracts in relationship to lot line adjustments.
- E. Considered Rezone Application 2004-04, Ray's Carpets, and approved that project.
- F. Approved Rezone Application 2004-08, Kiernan Station, Gerry Hughes.

BOARD OF SUPERVISORS' ACTIONS OF NOVEMBER 16, 2004

- A. The Board did not meet this date.

MISCELLANEOUS & ON THE HORIZON

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
- 4. Two General Plan Consistency Findings

December 16, 2004

- 1. Three Parcel Maps, one with a Use Permit
- 2. One Use Permit for a Produce Stand

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Commission Cusenza spoke regarding California County Planning Commissioners Association's State Conference, which he and Andrew Souza attended in Pleasanton November 11-14.

XI. ADJOURNMENT

The meeting was adjourned at 11:20 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.)