

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

December 15, 2005

- I. **ROLL CALL:** Meeting called to order at 6:01 p.m.  
Present: Chair Andrew Souza, Marie Assali, Tony Cusenza, Annabel Gammon, Allen Layman, Mike Navarro, and Ray Souza

Absent: Jim Poore

Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Sara Lytle-Pinhey, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Senior Environmental Health Specialist, 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. December 1, 2005 - Revised  
Assali/R. Souza, 7-0, **APPROVED**

### V. CORRESPONDENCE

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

- A. Memo dated December 9, 2005 announcing a Presentation by Michael Krausnick, County Counsel and Larry Haugh, Auditor-Controller, regarding the Brown Act, Conflict of Interest, Public Records Act, and Fiscal Responsibilities of Special District, to be held January 12, 2006.
- B. Letter dated December 12, 2005 from Denair Community Services District regarding capacity in Denair's sewage disposal system.
- C. Revised Minutes for December 1, 2005 Planning Commission meeting.

**VI. CONFLICT OF INTEREST**

- A. Commissioner Ray Souza is familiar with the Dyt family, Item VII-H, Use Permit Application No. 2003-41, Moonshine Dairy, but this will not prevent him from making a fair decision.

**VII. PUBLIC HEARINGS ( \* - Consent Items )**

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

**\* CONSENT ITEMS**

- \*A. PARCEL MAP APPLICATION NO. 2005-14 - PAUL WEDEGAERTNER - Request to create four parcels ranging in size from 10.01 to 10.22 acres in the A-2-10 (General Agriculture) zoning district. The property is located at 4842 Freelove Avenue, east of Pioneer Road, in the Valley Home area. The Planning Commission will consider a Negative Declaration on this project.  
APN: 002-011-014  
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.****
- \*B. PARCEL MAP APPLICATION NO. 2005-15 & EXCEPTION APPLICATION NO. 2005-05 - GREEN - Requesting Indefinite Continuance. Request to create four parcels of approximately 10 acres each in the A-2-10 (General Agriculture) zoning district. The property is located east of Pioneer Road, south of Freelove Avenue, in the Valley Home area. An Exception to the Subdivision Ordinance is being requested due to the fact that the parcels do not front on a County-maintained road. The Planning Commission will consider a Negative Declaration on this project.  
APN: 002-011-015  
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL OF INDEFINITE CONTINUANCE**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (7-0), **APPROVED THE INDEFINITE CONTINUANCE.****

- \*C. **PARCEL MAP APPLICATION NO. 2005-08 - THREFFAL RANCH** - Request to create 26 parcels ranging in size from 40 acres to 400.2 acres from a 2,008 acre site in the A-2-40 (General Agriculture) zoning district. The property is located on both the north and south sides of Sonora Road, east of Frankenheimer Road, in the Knights Ferry/Oakdale area. A Mitigated Negative Declaration will be considered. APN's: 002-021-015, 002-021-076 and 002-021-077  
Staff Report: Carole Maben Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- \*D. **USE PERMIT APPLICATION NO. 2005-21 - GARDEN ESSENTIAL** - This is a request to add new uses to Planned Development No. 289 which is currently approved to sell bulk wood chips, bark, rock, have an on-site concrete batch plant, storage bins and a bark coloring machine. This project proposes to add items such as outdoor furniture, fountain and river rocks, trees, statuary, pottery and plant containers, and other garden related items. The hours of operation will be 7:00 a.m. to 7:00 p.m., seven days a week, with a maximum of 8 employees per shift. The property is located on the west side of Highway 99, south of the East Keyes Road overpass and at the north end of Taylor Court, in the Keyes area. The Planning Commission will consider a Mitigated Negative Declaration.  
APN: 045-050-009  
Staff Report: Carole Maben Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- \*E. **USE PERMIT APPLICATION NO. 2005-23 - CINGULAR WIRELESS CO-LOCATION - Applicant Requesting Withdrawal of this Application.** Request to add a 15 foot extension to the height of an existing 75-foot high communication tower to accommodate the addition of 6 antennas, and add associated ground equipment inside the existing site, in the C-2 (General Commercial) zoning district. The parcel is located at 3841 Topeka Street, in the northeastern Riverbank Sphere of Influence area. The Planning Commission will consider a Negative Declaration on this project.  
APN: 132-049-003  
Staff Report: Bill Carlson Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Layman/Assali, Unanimous (7-0), **APPROVED THE WITHDRAWAL OF THIS APPLICATION.**

**NON-CONSENT ITEMS**

**F. PARCEL MAP APPLICATION NO. 2003-45 - ORCHARD ESTATES / LAKE ROAD GRIZZLY RANCH - PUBLIC HEARING FOR COMMENTS ON THE DRAFT EIR -**

Pursuant to the California Environmental Quality Act, this is a Public Hearing for the Parcel Map Application No. 2005-45 - Orchard Estates / Lake Road Grizzly Ranch - Project Draft Environmental Impact Report (DEIR). It is not a hearing on the project itself. The proposed project is a parcel map request, which proposes to subdivide 10 parcels on an existing 2,843 acre almond orchard into 71 forty acre parcels. Primary use of the land will be the almond orchard, with the secondary use to allow up to 1.5 acres per parcel to be developed for up to two residences. The project also includes construction of roads on site to provide access to the lots, each of which will be served by private well and septic tank. At this Public Hearing the County seeks verbal comments on the contents of the DEIR. Any comments will be put into the Final project EIR (FEIR), along with appropriate responses. No decisions will be made regarding the project during this hearing. A separate hearing on the FEIR and the parcel map itself will be held at a later date. The project site is in the eastern area of Stanislaus County and is located on the south side of Lake Road, east of the town of Hickman.

APN: 020-003-014, 020-003-015, 020-003-016, 020-003-017; 020-001-017, 020-001-018, 020-001-019; 020-001-024, 020-001-025, and 020-001-027

Staff Report: Bob Kachel

Public hearing opened.

**PUBLIC COMMENTS:** No one spoke.

Public hearing closed.

**G. TENTATIVE SUBDIVISION MAP APPLICATION NO. 2005-03 - SUNCREST II -**

This is request to subdivide a 4.14 acre parcel into a total of (12) twelve residential lots ranging from 8,456 to 14,042 square feet, (1) one 21,034 square foot drainage basin, (1) one 755 square foot lot to be dedicated to the County for future road purposes, and (1) one 1,368 square foot lot to be merged or lot line adjusted, prior to recording of the final map, to the adjoining off-site parcel. The proposed tentative map is designed to provide for future circulation opportunities to the east and north of the project site. The proposed project will be served by the Denair Community Services District for water and sewer disposal. The property is located on the north side of Zeering Road, between San Joaquin Avenue and Alameda Avenue, in the west Denair area. The Planning Commission will consider a Mitigated Negative Declaration.

APN: 024-017-022

Staff Report: Carole Maben Recommends **APPROVAL**. Report given by Angela Freitas.

Public hearing opened.

**OPPOSITION:** Mr. A. Bryant and Jim Tuedio.

**FAVOR:** Dave Uecker

**OPPOSITION:** Mr. A. Bryant

Public hearing closed.

Public hearing opened.

**FAVOR:** Dave Uecker

Public hearing closed.

Public hearing opened.

**OPPOSITION:** Mr. A. Bryant

Public hearing closed.

Public hearing opened.

**OPPOSITION:** Mr. A. Bryant

Public hearing closed.

Public hearing opened.

**FAVOR:** Dave Uecker

Public hearing closed.

Navarro/R. Souza, 6-1 (Assali), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, WITH ADDITIONAL CONDITION OF APPROVAL TO READ:**

50. **Construction of a 6-foot high redwood fence, with a metal cap on the top, along the west boundary line of the project. Design of the metal cap to be acceptable to both parties.**

H. **USE PERMIT NO. 2003-41 – MOONSHINE DAIRY** – Operation of a 2,000 Holstein milk cow dairy in the A-2-40 (General Agriculture) zoning district located at 22922 Kilburn Road, between JT Crow and Lewis Roads, in the Crows Landing/Newman area. The dairy facility occupies 82 acres of the total 657-acre project site. The Planning Commission will consider Certification of a Final EIR.

APN's: 049-016-001, 049-016-002, 049-017-001, and 049-018-001

Staff Report: Angela Freitas Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Brett Jolley

Public hearing closed.

Assali/Cusenza, Unanimous (7-0), **CERTIFIED THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) AND APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

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

A. None

#### IX. REPORT OF THE DIRECTOR

##### **BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 6, 2005**

A. The Board set a Public Hearing for December 20, 2005 at 6:55 p.m. to consider Community Plan Amendment Application No. 2005-03, General Plan Amendment Application No. 2005-08, Vesting Tentative Map Application No. 2005-04 - Hackler / Clabaugh Hideaway Terrace.

- B. Set a Public Hearing for December 20, 2005 at 7:00 p.m. to consider General Plan Amendment Application No. 2005-10, Rezone Application No. 2005-11, Vesting Tentative Subdivision Map Application No. 2005-06 - Wenstrand Ranch.
- C. Adopted and certified the Program Environmental Report for Stanislaus County Highway 99 Corridor Enterprise Zone (Zone 40), which includes portions of Ceres, Modesto, Turlock and Stanislaus County.

**BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 13, 2005**

- A. The Board approved the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan.
- B. Approved and introduced and waived the first reading of an ordinance authorizing the Establishment of a Public Facility Fee Installment Payment Program for Qualifying Non-Residential Projects and Conditional Approval to establish the program.
- C. Approved 2005-2006 Williamson Act contracts.

**MISCELLANEOUS & ON THE HORIZON**

- A. Stanislaus County Planning Directors' Annual Planning Commissioners Workshop will be held on Saturday, February 4, 2006. This event will be hosted by the City of Newman. It will be held at the Newman Theater. As we have more information we will pass that information on to you.

**January 5, 2006**

- 1. Five Use Permits
- 2. One Parcel Map
- 3. A Workshop on the Focused General Plan Update of the County's Circulation Element

**January 19, 2005**

- 1. Two Parcel Maps, one with an Exception
- 2. Revocation of Use Permite No. 92-02 - Resendiz Farms

Director Freitas presented Commissioner Andrew Souza, whose term as a planning commissioner ends this evening, with a plaque in appreciation and thanked him for his years of service to the Planning Commission.

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

- A. Commissioner Andrew Souza spoke of his years on the Planning Commission.

- B. Commissioners Ray Souza and Marie Assali thanked Commissioner Souza for his service to the Planning Commission and spoke of how they enjoyed working with him.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:05 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.)