

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

February 1, 2007

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.  
Present: Chair Jim Poore, Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, John Shores, and Ray Souza  
Absent: Michael Navarro  
Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Bob Kachel, Senior Planner; Bill Carlson, Senior Planner; Sara Lytle-Pinhey, Associate Planner; Joshua Mann, 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. January 18, 2007  
Souza/Hardie, 8-0, **APPROVED**
- V. **CORRESPONDENCE**  
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Fax received January 22, 2007 from Rosasco Ranches regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.
- B. Fax received January 23, 2007 from Nathan Rosasco regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.
- C. Memo dated January 24, 2007 from Planning Department, regarding Item VII-D, Parcel Map Application No. 2006-51 - Signature Fruit Company.
- D. Memo dated January 24, 2007 from Thomas G. Van Ruiten, regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.

- E. Fax received January 29, 2007 from Hans and Regina Weber, regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.
- F. Fax received January 29, 2007 from Gilbert Silvernagel, regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.
- G. Fax received January 29, 2007 from Galen Filbrun, regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.
- H. Memo dated January 30, 2007 from Department of Public Works, requesting amended Condition of Approval No. 7 on Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.
- I. Memo dated February 1, 2007 from Planning Department, regarding Item VII-G, Use Permit Application No. 2006-24 - Cambodian Buddhist Association, along with a landscape and drainage plan for this project.
- J. Email received January 31, 2007 from William Shewfelt, regarding Item VII-H, General Plan Amendment Application No. 2005-13 and Rezone Application No. 2005-17 - The Piazza @ Vella-Ferrini.
- K. Email received January 31, 2007 from Shelly Streeter, regarding Item VII-H, General Plan Amendment Application No. 2005-13 and Rezone Application No. 2005-17 - The Piazza @ Vella-Ferrini.
- L. Memo dated February 1, 2007 from Planning Department, along with letter from Dennis Wilson dated January 31, 2007, requesting continuance of Item VII-H, General Plan Amendment Application No. 2005-13 and Rezone Application No. 2005-17 - The Piazza @ Vella-Ferrini, to March 15, 2007.
- M. Email received February 2, 2007 from Louis F. Brichetto, regarding Item VII-B, Parcel Map Application No. 2006-02 - Furtado Family Trust.

**VI. CONFLICT OF INTEREST**

- A. Commissioner Souza is familiar with Gary Mall, Item VII-A, but this will not cause a conflict.
- B. Commissioner Poore is acquainted with a neighbor of the Cambodian Buddhist Temple, and has a client relationship with a property owner adjacent to the Furtado property. Neither of these will cause a conflict.

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

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

Prior to beginning the Consent Items, and due to the fact that there is a long agenda, Item VII-H, **GENERAL PLAN AMENDMENT APPLICATION NO. 2005-13 AND REZONE APPLICATION NO. 2005-17 - THE PIAZZA @ VELLA-FERRINI** was moved to an earlier place on the Agenda.

Assali/Layman, Unanimous (8-0) **CONTINUED GENERAL PLAN AMENDMENT APPLICATION NO. 2005-13 AND REZONE APPLICATION NO. 2005-17 - THE PIAZZA @ VELLA-FERRINI TO MARCH 15, 2007.**

Director Freitas announced that since this item is being continued to a specific date, there will be no new notices going out to the public, nor will there be any advertising in the newspaper.

**\* CONSENT ITEMS**

Item VII-A - Parcel Map Application No. 2006-29 - Gary Mall was removed from the Consent Calendar and will have a full hearing.

Item VII-B - Parcel Map Application No. 2006-02 - Furtado Family Trust was removed from the Consent Calendar and will have a full hearing.

- \*C. **PARCEL MAP APPLICATION NO. 2006-52 - SUN DRY PRODUCTS, INC. -**  
Request to divide a 310 acre A-2-40 (General Agriculture) zoned Williamson Act property to create 67 acre parcel, totally occupied by Grover Landscape Services, with a Remainder of approximately 253 acres. Exact same split was approved in 2004 but the map expired prior to being recorded. Property located on north side Gaffery Road, east of Koster Road, adjacent to Delta Mendota Canal, and San Joaquin County line which splits the property, leaving small amount in San Joaquin County. This project is exempt from CEQA.  
APN: 016-003-003; San Joaquin County APN: 265-01-09  
Staff Report: Bob Kachel Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Assali/Gammon, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**\*D. PARCEL MAP APPLICATION NO. 2006-51 - SIGNATURE FRUIT COMPANY -**

Request to create parcels of 33.04 acres and 67.24 acres in an M (Industrial) zone located at 555 Mariposa Road, at the southeast corner of Mariposa Road & Farrar Avenue, in the east Modesto area. Parcels will continue to be served by public water and sewer service from the City of Modesto. The property is already developed; Parcel "A" contains a warehouse, food processing facility, and several small structures. Parcel "B" contains a large warehouse. This project is exempt from CEQA.

APN: 036-008-036 and 036-024-008

Staff Report: Bob Kachel Recommends **APPROVAL, ALONG WITH REVISED CONDITION OF APPROVAL NO. 25, AS OUTLINED IN MEMO DATED JANUARY 24, 2007.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Assali/Gammon, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, INCLUDING REVISED CONDITION OF APPROVAL NO. 25 TO READ:**

**25. Prior to issuance of any permits for new buildings on either of the subject parcels, following conditions No. 26 through 30 taken directly from the December 26, 2006 letter from the City of Modesto must be met:.**

**\*E. USE PERMIT APPLICATION NO. 2006-35 AND LOT LINE ADJUSTMENT APPLICATION NO. 2006-51 - CANDIDO BORGES -**

Request to adjust two adjoining parcels, in the A-2-40 (General Agriculture) zoning district, by lot line adjustment to create an 82.4 and 155.3 acre parcel. The applicant is also requesting to convert two existing dwellings from allowable single-family residential to employee housing. The property is located at 5148 W. Grayson Road and 5437 Quisenberry Road, in the Modesto area. This project is exempt from CEQA.

APN: 017-059-006 and 017-059-007

Staff Report: Joshua Mann Recommends **APPROVAL.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Assali/Gammon, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**\*F. PARCEL MAP APPLICATION NO. 2006-34 AND EXCEPTION APPLICATION NO. 2006-04 - CALIFORNIA EQUITY MANAGEMENT -**

***Requesting Indefinite continuance.*** Request to divide a 30,635 square foot parcel into two parcels of 5,000 and 25,635 square feet each, in R-1 (Single Family Residential) zoning

district. An exception is being requested for the 25,635 square foot parcel which would not have a sewer connection from Empire Sanitary District/City of Modesto (as required by 20.52.210 of the Subdivision Ordinance). The property is located at 325 E Street in the Empire area. A CEQA Negative Declaration will be considered on this project.

APN: 133-004-041

Staff Report: Joshua Mann Recommends **CONTINUING INDEFINITELY.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Assali/Gammon, Unanimous (8-0), **APPROVED INDEFINITE CONTINUANCE.**

### **NON-CONSENT ITEMS**

Items VII-A and VII-B were removed from the Consent Calendar.

- A. PARCEL MAP APPLICATION NO. 2006-29 - GARY MALL** - Request to divide a parcel of 343.49 acres under a Williamson Act contract into eight parcels ranging in size from 40.1 to 48.9 acres, in A-2-40 (General Agriculture) zoning district. The property is located at 1600 Pump Road, south of Anderson Road, east of Eastin Road, in the Newman area. A Negative Declaration will be considered.  
APN: 026-014-043, 026-014-060, and 026-014-062  
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL.**  
Public hearing opened.  
**PUBLIC COMMENT:** Jim Freitas, Associated Engineering  
Public hearing closed.  
Assali/Layman, 7-1 (Mataka), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- B. PARCEL MAP APPLICATION NO. 2006-02 - FURTADO FAMILY TRUST** - This is a request to create 13 parcels of 80± acres, one 70± acre parcel, and one 117± acre Remainder parcel from two existing parcels totaling 1,147 acres in the A-2-40 (General Agriculture) zoning district. This project site is enrolled in a Williamson Act Contract. The property is located southeast of the intersection of Tim Bell and Warnerville Roads, northeast of the Waterford area. A Mitigated Negative Declaration will be considered.  
APN: 011-005-007 and 011-005-021  
Staff Report: Carole Maben Recommends **APPROVAL, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 7.**  
Report given by Kirk Ford, Assistant Director.  
Public hearing opened.  
**OPPOSITION:** Jim DeMartini, Stanislaus County Supervisor, District 5; Nathan Rosasco  
**FAVOR:** Darin Higgens, North Star Engineering Group; Andrew Katakis; Mike Girdner  
Public hearing closed.

Public hearing opened.

**FAVOR:** Andrew Katakis

Public hearing closed.

Layman/Hardie Motioned to Approve 2-5 (Gammon, Assali, Souza, Poore, Shores).

**MOTION DENIED.**

Gammon/Souza, 6-2 (Layman, Hardie), **BASED ON THE STAFF REPORT, INFORMATION PRESENTED AND TESTIMONY, THE COMMISSION FINDS THAT THE PROPOSED DIVISION OF THIS PARTICULAR LAND WOULD NOT SUSTAIN THE ECONOMIC VIABILITY OF CONTINUED AGRICULTURAL USE OF THE PARCELS, AND THAT THE DIVISION WILL RESULT OF RESIDENTIAL DEVELOPMENT NOT INCIDENTAL TO THE COMMERCIAL AGRICULTURE, AND FOR THAT REASON, DENY VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-02.**

8:25 p.m. Recessed

8:35 p.m. Reconvened

- G. USE PERMIT APPLICATION NO. 2006-24 - CAMBODIAN BUDDHIST ASSOCIATION** - Request to convert a 495 square foot attached garage into a Buddhist temple and meeting facility. The existing single-family dwelling will serve as a residence for monks and nuns. The project also includes a plan for an expansion of up to 445 square feet to the temple. The 2.92 acre property is located at 3761 Roeding Road, west of Faith Home Road, within the Sphere of Influence of Ceres, in the A-2-10 (General Agriculture) zoning district. A Negative Declaration will be considered.  
APN: 069-020-017  
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** Patricia Cousins, 3865 Roeding Road; Norm Caulkins, 3939 Roeding Road; Risse Keys, 3848 Roeding Road; Jennifer Cowell, 3748 Roeding Road  
**FAVOR:** Ron West; Tom Westbrook, Planner for City of Ceres  
Public hearing closed.  
Souza/Hardie, 6-2 (Assali, Poore), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- H. GENERAL PLAN AMENDMENT APPLICATION NO. 2005-13 AND REZONE APPLICATION NO. 2005-17 - THE PIAZZA @ VELLA-FERRINI** - Request to continue to March 15, 2007 was approved prior to Consent Calendar. See page 3 of these Minutes.

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

- A. Director Freitas reminded everyone that all decisions by the Planning Commission are appealable to the Board of Supervisors. Appeals need to be filed in the Planning Department before 10 days of the Planning Commission meeting.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF JANUARY 23, 2007**

- A. The Board set for a public hearing on February 6, 2007, 9:25 a.m., to consider Williamson Act Cancellation Application No. 2006-01, Use Permit Application No. 2006-03 - Turlock Sportsman's Club.
- B. The Board approved a finding that the City of Patterson's Sphere of Influence expansion was logical and orderly.
- C. The Board approved the rescission and a lot line adjustment on a Williamson Act contract parcel and approved a new contract.

**BOARD OF SUPERVISORS' ACTIONS OF JANUARY 30, 2007**

- A. The Board did meet this date, however, there were no items affecting the Planning Department or the Planning Commission on that agenda.

**MISCELLANEOUS & ON THE HORIZON**

February 15, 2007

- 1. Two Time Extensions
- 2. Five Parcel Maps, one with a Variance
- 3. One Use Permit

March 1, 2006

- 1. One Parcel Map, with a Variance and an Exception
- 2. General Plan Consistency Finding for a Proposed School Site


Director Freitas announced that the California County Planning Commissioners Association's spring conference will be held in Stockton on March 10<sup>th</sup>. Commissioners Poore, Assali, Gammon, Shores, and Mataka are interested in attending.

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

- A. Chair Poore spoke on the workshop that was held last Saturday. He encouraged all commissioners to take advantage of these workshops.

**XI. ADJOURNMENT**

The meeting was adjourned at 9:30 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.)