

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

July 19, 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, Michael Navarro, John Shores, and Ray Souza

Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Dana McGarry, Senior Planner; Rachel Wyse, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Transportation Project Coordinator, Public Works Department; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk

### II. PLEDGE OF ALLEGIANCE

Chair Poore recognized Tony Cusenza, a long-time Planning Commissioner, who passed away recently. Tony was a valued commissioner and member of the community.

### III. CITIZEN'S FORUM

- A. No one spoke.

### IV. APPROVAL OF MINUTES

- A. June 21, 2007  
Assali/Layman, Unanimous (9-0), **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 July 19, 2007 from Department of Planning and Community Development, along with request from Mayol and Barringer, requesting Item VII-F, Variance Application No. 2007-03 - Dhaliwal, be continued to September 6, 2007.
- B. Memo dated July 19, 2007 from Department of Planning and Community Development, along with request from Petrulakis Jensen & Friedrich, LLP, and a memo from Department of Environment Resources, requesting Item VII-D, Variance Application No. 2006-02 - Cole, be continued to August 2, 2007.

- C. Memo dated July 19, 2007 from Department of Planning and Community Development regarding Item VII-C, Use Permit Application No. 2007-02 - Shayne Custom Calves, correcting the numbering on Conditions of Approval.

## VI. CONFLICT OF INTEREST

- A. Commissioner Assali knows the owners of P&H Ranches, but this will not cause a conflict.
- B. Commissioner Souza knows the Gomes family, but this will not cause a conflict. He also knows Shayne Heine but this will not effect his decision.

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

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

### \* CONSENT ITEMS

- \*A. USE PERMIT APPLICATION NO. 2007-06 - VERIZON WIRELESS - SOUTH RIVERBANK** - This is a request to construct a 75-foot tall wireless communication facility (cell tower) within a bell tower structure on a 702-square foot ground lease area. The bell tower structure is designed to complement the existing church located on the 11.36 acre site. The property is located in the A-2-10 (General Agriculture) zoning district, within the city of Modesto's Sphere of Influence. The property is located at 4825 Roselle Avenue, on the west side of Roselle Avenue, south of Claribel, Modesto/Riverbank area. The Planning Commission will consider a Negative Declaration on this project.  
APN: 083-002-025  
Staff Report: Dana McGarry Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Souza/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*B. USE PERMIT APPLICATION NO. 2007-04 - P & H RANCHES** - This is a request to construct a 17,500 square foot roof-only structure on a 40.92 acre parcel, in the A-2-40 (General Agriculture) zoning district. The structure will house farm equipment used to farm the surrounding 140 acres, and four to eight portable almond dryers operated in conjunction with an approved and existing almond huller operation located on an adjacent parcel (1827 Verduga Road). This is the first structure to be placed on the subject parcel. The property is located at 1831 Verduga Road, west side of Verduga Road, and south of John Fox Road, in the Hughson area. The Planning Commission will consider a Negative Declaration on this project.

APN: 019-018-002

Staff Report: Rachel Wyse Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Souza/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

- \*C. USE PERMIT APPLICATION NO. 2007-02 - SHAYNE CUSTOM CALVES** - This is a request to operate an existing calf depot/transfer facility on a 14.34 acre parcel in the A-2-40 (General Agriculture) zoning district. The calves are purchased from farmers/dairymen by cash buyers who have established routes in the area. After completing their routes they bring the calves to the project site. After the bull calves are transported to the site, they are unloaded, sorted (ranch/veal), and then transported to their purchase designation. The calves are moved on and off of the site within the same day. There are 7 to 8 buyers who deliver to the site daily with an average of 1 buyer taking from the site daily. The facility averages 50 calves daily with the capacity for up to 100 calves per day. The hours of operation are 7 days a week from 6:00 a.m. to 9:00 p.m. The property is located at 1818 N. Gratton Road, between E. Tuolumne Road and E. Hawkeye Avenue, in the Denair area. The Planning Commission will consider a Negative Declaration on this project.
- APN: 024-042-008
- Staff Report: Carole Maben Recommends **APPROVAL, ALONG WITH RENUMBERING CONDITION OF APPROVAL NO. 23 TO NO. 30 AND BEING IDENTIFIED AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES.**
- Public hearing opened.
- OPPOSITION:** No one spoke.
- FAVOR:** No one spoke.
- Public hearing closed.
- Souza/Assali, Unanimous (9-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH RENUMBERING CONDITION OF APPROVAL NO. 23 TO NO. 30 AND BEING IDENTIFIED AS REQUIRED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES.**

#### **NON-CONSENT ITEMS**

- D. VARIANCE APPLICATION NO. 2006-02 - COLE - *Continued from June 21, 2007 Planning Commission Meeting.*** Request to legalize an existing non-permitted 384 square foot second dwelling unit on a 5,500 square foot parcel in the R-1 (Single-Family Residential) zoning district. The variance is required to address building site area and setback requirements. The property is located on the southeast side of Normandy Drive, between Ritsch Court and Picardy Drive, in the Modesto area. (1228 Normandy Drive) This project is exempt from CEQA. ***Requesting continuance to August 2, 2007.***

APN 030-027-033

Staff Report: Angela Freitas Recommends **CONTINUANCE TO AUGUST 2, 2007.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Layman/Navarro, Unanimous (9-0), **CONTINUED HEARING TO AUGUST 2, 2007.**

**E. GENERAL PLAN AMENDMENT APPLICATION NO. 2006-04 AND REZONE APPLICATION NO. 2006-09 - GOMES TRANSPORTATION TRUCK PARKING**

**YARD** - This is a request to change General Plan & Zoning designations from General Agricultural ( A-2-40) to Planned Development (PD) to allow an existing truck parking area to continue operating and to expand to allow up to 22 trucks and 22 trailers. The parking will occur within a 28,800 square foot area of the 27.71 acre parcel. The operation involves truck parking for up to 22 trucks and trailers, used to deliver fuel and lubricants. Business activities associated with the operation take place elsewhere. The property is located at 1625 N. Tegner Road on the northwest corner of Tegner and Fulkerth Roads, in Turlock area. The Planning Commission will consider a Negative Declaration on this project.

APN: 088-009-010

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

Public hearing opened.

**IN FAVOR OF PROJECT:** Emily Gomes, 1731 N. Tegner Road, Turlock; Gary Gomes, 1701 N. Tegner Road, Turlock.

**IN OPPOSITION OF PROJECT:** No one spoke.

Public hearing closed.

Layman/Navarro, 8-1 (Souza), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND RECOMMEND BOARD OF SUPERVISORS DENY THIS PROJECT.**

**F. VARIANCE APPLICATION NO. 2007-03 - RUPINDER DHALIWAL** - This is a

request to authorize a variance from required setbacks for the C-2 (General Commercial) zoning district to allow a fuel island canopy to encroach into a required front yard setback. The property is located at 4617 Kiernan Avenue, north side of Kiernan Avenue, east of State Route 99 northbound on-ramps, in Salida area. This project is exempt from CEQA. **Requesting Continuance to September 6, 2007.**

APN: 135-045-038

Staff Report: Dana McGarry Recommends **CONTINUANCE TO SEPTEMBER 6, 2007.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Gammon/Hardie, Unanimous (9-0), **CONTINUED TO SEPTEMBER 6, 2007.**

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

- A. None.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF JULY 10, 2007**

- A. The Board appointed Jeff Broumas and Richard Rosa to the Stanislaus County Airport Land Use Commission.
- B. The Board accepted the Election Office certification of the results of the initiative petition on the Salida Area Planning, Road Improvement, Economic Development, and Farmland Protection Initiative and they also directed Staff to prepare a report on that Initiative.
- C. The Board set a public hearing for July 24, 2007 at 9:15 a.m., to consider Rezone Application No. 2006-13, Caloy Company Oil and Feed.

**BOARD OF SUPERVISORS' ACTIONS OF JULY 17, 2007**

- A. There were no items specifically effecting the Planning Commission or the Planning Department on that agenda.

**MISCELLANEOUS & ON THE HORIZON**

August 2, 2007

1. Variance (continued from tonight)
2. One Use Permit
3. Two Parcel Maps, one with a Variance
4. An Appeal of Staff's Determination

August 16, 2007

1. One Parcel Map with an Exception
2. One Use Permit

August 23, 2007 - Special Historical Site Permit Meeting in Knights Ferry

1. One Historical Site Permit Application


This is the same night as the Nuisance Abatement Hearing Board meeting. Since Commissioners Layman and Assali are on that board, Commissioners Gammon, Hardie, Souza, and Poore will sit as the Historical Site Subcommittee for this meeting.

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

- A.** Ron Cherrier introduced Angie Halverson as his replacement as the Land Use Developer Coordinator.

**XI. ADJOURNMENT**

The meeting was adjourned at 7:10 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.)