

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

September 6, 2007

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, John Shores, and Ray Souza
Absent: Jim Poore, Michael Navarro
Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate 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**
- III. **CITIZEN'S FORUM**
- A. No one spoke.
- IV. **APPROVAL OF MINUTES**
- A. August 16, 2007
Souza/Gammon, 7-0, **APPROVED**
- B. Historical Site Subcommittee Meeting Held in Knights Ferry
August 23, 2007
Gammon/Hardie, 3-0 (1 absent), **APPROVED**
- V. **CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Farmland Working Group Newsletter, Summer 2007
- B. Letter received August 29, 2007, from Norm Layman, regarding Item VII-G - Use Permit Application No. 2002-30 - Salida Hulling Association
- C. Letter received August 29, 2007, from William and Gina McKinney, regarding Item VII-G - Use Permit Application No. 2002-30 - Salida Hulling Association

- D. Letter received September 4, 2007, from Marino and Lena Giannini, regarding Item VII-G - Use Permit Application No. 2002-30 - Salida Hulling Association
- E. Letter received September 5, 2007, from Gordon Heinrich, regarding Item VII-G - Use Permit Application No. 2002-30 - Salida Hulling Association
- F. Memo received September 6, 2007, from Department of Public Works, amending Conditions of Approval for Item VII-F - Use Permit Application No. 2006-29 - Waterford Community Baptist Church
- G. Memo dated September 6, 2007, from Department of Planning and Community Development, adding Conditions of Approval for Item VII-A - Parcel Map Application No. 2007-05 - Groefsema
- H. Memo dated September 6, 2007, from Department of Public Works, requesting indefinite continuance of Item VII-E - Variance Application No. 2007-03 - Rupinder Dhaliwal

VI. CONFLICT OF INTEREST

- A. Commissioner Layman is acquainted with several co-op owners of Salida Hulling Association, plus people who have written letters in opposition of the project, but this will not cause a conflict.
- B. Commissioner Assali has a conflict, and will recuse herself during the hearing for Salida Hulling Association.

VII. PUBLIC HEARINGS (* - Consent Items)

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

* CONSENT ITEMS

- *A. **PARCEL MAP APPLICATION NO. 2007-05 - GROEFSEMA** - This is a request to create 6 parcels ranging in size from 40.0 to 50.86 acres from an existing 251-acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located on the north side of Yosemite Boulevard, just east of Crabtree Road and south of the Modesto Irrigation District main canal, in the Waterford / La Grange area. The Planning Commission will consider a Mitigated Negative Declaration on this project.
APN: 008-008-010
Staff Report: Karlha Arias Recommends **APPROVAL, ALONG WITH ADDED CONDITIONS OF APPROVAL AS OUTLINED IN MEMO DATED SEPTEMBER 6, 2007.**
Public hearing opened.
OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Layman/Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH ADDED CONDITIONS OF APPROVAL AS OUTLINED IN MEMO DATED SEPTEMBER 6, 2007.**

***B. TENTATIVE PARCEL MAP APPLICATION NO. 2007-03 - REDWOOD PARCEL**

MAP - This is a request to create a 101.3 acre parcel and a 508.7 acre remainder parcel from a 610-acre site, in the A-2-40 (General Agriculture) zoning district. The project is enrolled in a Williamson Act contract. The property is located at 19130 E. Keyes Road, between Hawkins and Bledsoe Roads, east of Denair. The Planning Commission will consider a Negative Declaration on this project.

APN: 020-006-004

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Layman/Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

***C. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-31 - PATRICIA**

KNOWLES - This is a request to create a 10± acre parcel and a 23.8± acre remainder parcel from a 34.97 acre parcel site, in the A-2-10 (General Agriculture) zoning district. The project site is enrolled in a Williamson Act contract. The property is located at 13669 Valley Home Road, between Victory Avenue and Valley Home Road, in the Valley Home area. The Planning Commission will consider a Negative Declaration on this project.

APN: 002-004-011

Staff Report: Carole Maben Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Layman/Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

***D. TENTATIVE PARCEL MAP APPLICATION NO. 2007-04 - MALIEPAARD**

- This is a request to create two (2) parcels of 44± and 50± acres from an existing 95.67± acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located on the south side of East Linwood Avenue, east of South Golden State Boulevard, west of South Roselawn Avenue, and north of the Merced County line, in the Turlock area. The Planning Commission will consider a Negative Declaration on this project.

APN: 024-048-021

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.
Public hearing closed.
Layman/Souza, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- E. VARIANCE APPLICATION NO. 2007-03 - RUPINDER DHALIWAL - (Continued from July 19, 2007) Requesting Indefinite Continuance.** 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.

APN: 135-045-038

Staff Report: Rachel Wyse Recommends **CONTINUE INDEFINITELY, PER REQUEST FROM DEPARTMENT OF PUBLIC WORKS.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Layman/Gammon, Unanimous (7-0), **CONTINUED INDEFINITELY.**

- F. USE PERMIT APPLICATION NO. 2006-29 - WATERFORD COMMUNITY BAPTIST CHURCH** - This is a request for a church facility to be constructed in up to two phases on a 27.23 acre site on the north side of Yosemite Boulevard, east of the City of Waterford. The project will ultimately be the new Community Baptist Church. The project site is located outside the adopted Sphere of Influence for the City of Waterford and is in the A-2-40 (General Agriculture) zoning district.

Phase One will consist of an athletic field and a parking lot. This sports field will be used for youth leagues of soccer and baseball. No concessions or food preparation facilities will be provided for this phase. This project will be served by a private on-site well and septic system.

Construction for Phase Two, the Church, will require City services and will not occur until the property is annexed into the City of Waterford and is not part of this project.

The project is located at 14043 Yosemite Boulevard, east of Waterford. The Planning Commission will consider a Mitigated Negative Declaration on this project
APN: 080-015-012

Staff Report: Bill Carlson Recommends **APPROVAL, ALONG WITH AMENDED CONDITION OF APPROVAL AS OUTLINED IN MEMO DATED SEPTEMBER 6, 2007.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Rod Hawkins, Hawkins & Associates, representing applicant.
Public hearing closed.

Mataka/Gammon, Unanimous (7-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH CONDITION OF APPROVAL NO. 3 TO READ:**

3. **All driveway locations and widths shall be approved by the Department of Public Works. Since Yosemite Boulevard/SR 132 is a Class C expressway, only one driveway for the existing ~~property and~~ proposed project.**

6:25 p.m. - Commissioner Assali removed herself from the dais and left the chambers.
Commissioner Souza assumed the responsibility of Chair.

G. USE PERMIT APPLICATION NO. 2002-30 - SALIDA HULLING ASSOCIATION -

This is a request for an almond hulling and shelling facility on approximately 50.42 acres, in the A-2-40 (General Agriculture) zoning district, located on the northeast corner of State Route 132 (Maze Boulevard) and Dakota Avenue intersection, in the Modesto area. The project will consist of a shelling plant, dryer, office, shop, and truck scale. The project will not serve members of the public, only members of Salida Hulling Association. Operation is seasonal, August to December, 6 days a week (Monday through Saturday), 24 hours a day, 18-22 employees. Off-season, operated for maintenance purpose only (5 employees), 5 days a week. The Planning Commission will consider Certification of a Final EIR.

APN: 007-024-006

Staff Report: Angela Freitas Recommends **CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF THE PROJECT.**

Public hearing opened.

OPPOSITION: Mark Chyttilo, Santa Barbara, CA, representing "Friends of the Central Valley"; Veronica Broome, 1817 Kansas Avenue; Jeff Broome, 1817 Kansas Avenue; Rosemary Houser, 1106 Dakota Avenue; Dr. Ray Cimino, 4099 Kansas Avenue; Dr. Chopra, 6978 Hillcrest; Robert Ramos, 137 N. Dakota Avenue; Ed Andreetta, 812 Yankee Drive; Jose Munoz, 225 Dakota; Monica Ramos, 137 N. Dakota Avenue; Wayne Lewis, 3437 Dragoo Park.

8:00 p.m. - Recessed

8:12 p.m. - Reconvened

FAVOR: Tom Terpstra, 578 N, Wilma Avenue, representing Salida Hulling Association; Robert Driver, 3043 North Avenue; Paul Wenger, 4256 Beckwith Road; Dr. Mitch Etchebarne, Farm Bureau; Tony Plaza, 544 Clover Avenue, Patterson; Merlyn Garber, 7848 Shackelford Avenue; Rick Belstler
Public hearing closed.

9:40 p.m. - Recessed

9:45 p.m. - Reconvened

Mataka/Hardie, Unanimous (6-0), **BASED ON THE STAFF REPORT, THE PRESENTATION AND COMMENTS BY STAFF AND BY CONSULTANTS, THE ENVIRONMENTAL DOCUMENTATION, AND THE TESTIMONY RECEIVED, THE PLANNING COMMISSION CERTIFIED THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT HAS BEEN PREPARED AND CIRCULATED FOR PUBLIC REVIEW AND COMMENT AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PUBLIC RESOURCES CODE SECTION 21000 ET SEQ.; AND THE CEQA GUIDELINES, CALIFORNIA CODE OF REGULATIONS, TITLE 14, SECTION 15000 ET SEQ; AND MADE THE SPECIFIC FINDINGS IDENTIFIED ON PAGES 12 AND 13 OF THE STAFF REPORT, UP TO AND INCLUDING RECOMMENDATION NO. 6**

Layman/ Hardie, 4-2 (Gammon, Shores), **BASED ON THE STAFF REPORT, THE PRESENTATION AND COMMENTS BY STAFF AND BY CONSULTANTS, THE ENVIRONMENTAL DOCUMENTATION, AND THE TESTIMONY RECEIVED, THE PLANNING COMMISSION APPROVED USE PERMIT APPLICATION NO. 2002-30, SALIDA HULLING ASSOCIATION, SUBJECT TO THE CONDITIONS OF APPROVAL/MITIGATION MEASURES AND MADE THE PARTICULAR FINDINGS SET FORTH IN RECOMMENDATIONS 7 AND 8 ON PAGE 13 OF THE STAFF REPORT.**

10:10 p.m. - Commissioner Assali returned to the chambers, and assumed the responsibility of Chair.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF AUGUST 21, 2007

- A. Appeal of the Denial of Vesting Tentative Parcel Map Application No. 2006-02 - Timbell-Warnerville Partners, LLC (formerly Furtado Family Trust). The Planning Commission had denied this item. The Board, on a 3-0 vote granted the Appeal, approving the map, but with a condition that included that no dwellings to be constructed until such time that either tree crops, vines, or other crops have been planted on parcel or parcels or until another agriculture use consistent with all use regulations applicable to the particular parcel have been established on the parcel or parcels.
- B. The Board denied General Plan Amendment Application No. 2006-04 and Rezone Application No. 2006-09, Gomes Transportation Truck Parking Yard.

BOARD OF SUPERVISORS' ACTIONS OF AUGUST 28, 2007

- A. The Board approved the second quarter status report and recommendation for the 12 month exclusive negotiation with PCCP West Park. This was a master developer preparing a re-use project description and proposal at the former Crows Landing Naval Air Facility.

BOARD OF SUPERVISORS' ACTIONS OF SEPTEMBER 4, 2007

- A. The Board did not meet this date.

MISCELLANEOUS & ON THE HORIZON

September 20, 2007

- 1. Two Use Permits
- 2. Two Parcel Maps
- 3. Update on El Rematito Market Place

October 4, 2007

Workshop - details to follow

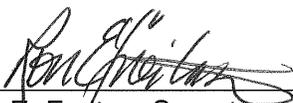
October 26-27, 2007 - California County Planning Commission Association Conference in South Lake Tahoe. We have budgeted for two people to attend. Let us know.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Commissioner Assali said that she has received complaints from people watching the meetings from home, that the audio is either very static or that there's no sound at all. She requested that this be corrected.

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.)