

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

August 7, 2008

- I. **ROLL CALL:** Meeting called to order at 6:01 p.m.  
Present: Chair Marie Assali, Allen Layman, Arsenio Mataka, Michael Navarro, John Shores, and Ray Souza
- Absent: Annabel Gammon and Jim Poore
- Staff Present: Kirk Ford, Interim Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Sean Purciel, Associate Planner; Rachel Wyse, Assistant Planner; Javier Camarena, Assistant Planner; Kristin Doud, Assistant Planner; Jack Doering, County Counsel; Thomas E. Boze, Deputy County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Eva Rosa, Planning Commission Clerk
- II. **PLEDGE OF ALLEGIANCE**
- III. **CITIZEN'S FORUM** - No one spoke
- IV. **APPROVAL OF MINUTES**
- A. July 17, 2008  
Souza/Layman, 5-0, **APPROVED**  
Commissioner Mataka abstained.
- V. **CORRESPONDENCE**  
Director Ford informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo from Planning Department, dated August 7, 2008, regarding Item VII-C, Use Permit Application No. 2008-05, Stewart & Jasper.
- B. Memo from Planning Department, dated August 4, 2008, regarding Item VII-D, Use Permit Application No. 2006-19, Islamic Center of Modesto.
- C. Memo from Department of Environmental Resources, dated August 7, 2008, regarding Item VII-C, Use Permit Application No. 2008-05, Stewart & Jasper.
- VI. **CONFLICT OF INTEREST**
- A. Commissioner Assali knows Jim Jasper of Stewart & Jasper, but this will not cause a conflict.

- B. Commissioner Layman's business has done work with Beard Land Improvement Company, and will recuse himself during the hearing.

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

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

**\* CONSENT ITEMS**

6:09 p.m. - Commissioner Layman left the chambers.

- \*A. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2007-33 - BEARD LAND IMPROVEMENT COMPANY** - Request to create three parcels from a 44.86 acre vacant industrial site on Garner Road, located in the (M) Industrial zoning district. Project is located on the northwest corner of Leckron and Garner Roads, just south of Yosemite Boulevard, along the Modesto and Empire Traction, on the southeast edge of Modesto. This project is exempt from CEQA.  
APN: 036-016-035  
Staff Report: Kristin Doud Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Navarro/Shores, Unanimous (5-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

6:10 p.m. - Commissioner Layman returned to the chambers.

- \*B. VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2008-02, EXCEPTION APPLICATION NO. 2008-01 - CICCARELLI** - Request to create four 10-gross acre parcels from a 38.56 net acre parcel located in the A-2-10 (General Agriculture) zoning district. The property is currently under the Williamson Act. An Exception is requested since proposed Parcel "1" does not have direct access to a county-maintained road and the private road is longer than the 500 foot county standard. The property is located at 2513 Shoemake Avenue, south of North Avenue and west of Brink Avenue, in the Modesto area. A CEQA Negative Declaration will be considered on this project.  
APN: 005-052-002  
Staff Report: Javier Camarena Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Souza/Layman, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**NON-CONSENT ITEMS**

- C. USE PERMIT APPLICATION NO. 2008-05 - STEWART & JASPER** - Request to expand an existing nut processing facility by adding two storage buildings (14,000 square feet each) and a retail store, selling mostly almond related products. The project site consists of three parcels totaling 271± acres, under Williamson Act Contract and located in the A-2-40 ( General Agriculture) zoning district, at 3506 & 3119 Shiells Road, in the Newman area. A CEQA Negative Declaration will be considered on this project.

APN: 026-020-027, 026-025-037 and 026-025-049

Staff Report: Joshua Mann Recommends **APPROVAL, ALONG WITH AMENDED CONDITIONS OF APPROVAL.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Jim Jasper, 3550 Shiells Road, Newman

Public hearing closed.

Layman/Souza, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITIONS OF APPROVAL, LISTED BELOW:**

19. On-site wastewater disposal system (OSWDS) shall be by individual Primary and Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.

The wastewater disposal system from the wash area is to be designed in accordance to Measure X requirements. **This condition relates specifically to the retail “company store.”**

20. On-site wastewater disposal system (OSWDS) shall be installed as per engineer design. All setbacks required by the DER are to be met at time of installation of the system. **This condition relates specifically to the retail “company store.”**

21. The OSWDS designed system shall provide 100% expansion area. Any portion of the drainfield of the on-site wastewater installed under pavements is to be doubled. **This condition relates specifically to the retail “company store.”**

22. The engineered on-site wastewater disposal system (OSWDS) design shall be designed for the maximum occupancy of a building and total fixture units proposed within the building. The primary and secondary wastewater treatment unit shall meet NSF Standard 40 Class 1. The leach field shall be designed and sized using data collected from soil profile and percolation tests performed at the location. **This condition relates specifically to the retail “company store.”**

23. Applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facilities Law (Section 27550). **This condition relates specifically to the retail “company store.”**
30. All buildings **other than F-2 or S-2 Occupancies as defined by the California Building Code**, 5,000 square feet and greater shall be provided with an automatic fire sprinkler system.

**D. USE PERMIT APPLICATION NO. 2006-19 - ISLAMIC CENTER OF MODESTO -**

Request to modify Use Permit No. 2003-31, to construct a new 17,030 square feet church, and removal of all existing buildings on a 2.28-acre parcel. The project is located in a R-A (Rural Residential) zoning district. The project is located outside the city limits of Modesto, within the city Sphere of Influence, at 1445 N. Carpenter Road, north of Shaddox Avenue. The project will consider a CEQA Negative Declaration.

APN: 081-028-014 & 081-028-015

Staff Report: Sean Purciel Recommends **APPROVAL, ALONG WITH ADDED CONDITIONS OF APPROVAL.**

Public hearing opened.

**OPPOSITION:** Robert Sargent, 1624 Shaddox Avenue; Michael Wallis, 1444 Walker Avenue; Herbert Brownlee, 1349 Walker Avenue, Donald Patch, 1900 Shaddox Avenue

**FAVOR:** Dr. Hassan Hussain; Rabia Bhatti, 1325 Blakely; Sara Alsabagh, 1862 Elmwood, Manteca, Kameron Khattak, 2804 Cancun Drive; Yashlee Nazi, 905 Fontana Court; Allyn Alsabagh, 1862 Elmwood, Manteca; Dr. Hassan Hussain; Firoz Vohra

Public hearing closed.

8:00 p.m. - Recessed

8:05 p.m. - Reconvened

Public hearing re-opened.

Public hearing closed.

Layman/Navarro, 4-2 (Mataka, Souza), **AMENDED CONDITION OF APPROVAL NO. 5 TO READ:**

5. Fences and landscaping adjacent to roadways shall be in compliance with County policies regarding setbacks, and visibility and obstructions along roadways. A six-foot high solid block wall, ~~or ten feet of landscaping and a fence~~, shall be installed along the southern property line of the ~~western~~ parcel to Watts Avenue. ~~The Italian Cypress trees (or similar landscape buffer) may be continued along the southern border of the parking area, as shown on the Site Plan found in Exhibit B, Project Maps.~~

Layman/Souza, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 5 (ABOVE), AND ADDED CONDITIONS OF APPROVAL, LISTED BELOW:**

58. **Prior to the issuance of a building permit, the property owners shall sign an Irrevocable Offer of Dedication document that will dedicate sufficient right-of-way to Stanislaus County to provide 55 feet west of the existing centerline of Carpenter Road along the parcel's frontage.**
59. **A Financial Guarantee in a form acceptable to the Department of Public Works shall be deposited for the street improvement installation along the frontage of the parcel on Carpenter Road and Watts Avenue with the Department prior to the issuance of the grading or building permit, whichever is first.**

8:50 p.m. - Recessed  
8:55 p.m. - Reconvened

- E. **USE PERMIT APPLICATION NO. 2008-15 - MONTESSORI AT HOME** - Request to operate an existing large family daycare from a residential home located on a 6050 square foot lot in the P-D (177) zoning district. The applicants are proposing to care for a maximum of fourteen (14) children. Staff will include the owner/operator and one (1) employee. Parking for child care workers will be within the garage. Parking for drop-off and pick-up of children will be the driveway and in front of the dwelling/daycare, located at 5005 San Felice Drive, in the Salida area. This project is exempt from CEQA.  
APN: 135-015-074  
Staff Report: Rachel Wyse Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Alicia Cardenas, 5005 San Felice Drive; Jessica Boney, 5013 San Felice Drive; Elisa Perez, 2304 Sea Otter Court; Christie Mayer, 2557 Acapulco Way; Lara Wong, 5113 San Michele Drive  
Public hearing closed.  
Souza/Navarro, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

VIII. **OTHER MATTERS (NOT PUBLIC HEARINGS)** - None

IX. **REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS OF JULY 22, 2008**

- A. The Board did meet this date, however, there were no items that effected the Planning Commission's work.

**BOARD OF SUPERVISORS ACTIONS OF JULY 29, 2008**

- A. The Board set a public hearing for August 19, 2008, at 6:40 p.m., to consider the Planning Commission's recommendation for approval of General Plan Amendment No. 2007-03 and Rezone Application No. 2007-03, The Fruit Yard.

**BOARD OF SUPERVISORS ACTIONS OF AUGUST 5, 2008**

- A. The Board did meet this date, however, there were no items that effected the Planning Commission's work.

**MISCELLANEOUS & ON THE HORIZON**

August 21, 2008

1. Two Parcel Maps
2. One Use Permit
3. Two Time Extension Requests

September 4, 2008

1. Two Use Permits
2. One Parcel Map

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

- A. Chair Assali complemented Staff on the hard work they do preparing and presenting the Staff Reports.

**XI. ADJOURNMENT**

The meeting was adjourned at 9:25 p.m.



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Kirk Ford, 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.)