

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

May 6, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Tony Cusenza, Allen Layman, Jim Poore, Andrew Souza, Ray Souza, and Helen White.
- Absent: Rachelle Antinetti, Marie Assali, Kathleen Griffin,
- Staff Present: Ron Freitas, Director of Planning and Community Development; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Associate Planner; Sara Lytle-Pinhey, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Mike Newton, Environmental Resources Manager; Kit McClurg, Department of Environmental Resources; Denise Woods, 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. April 15, 2004  
White/Poore, 6-0, **APPROVED**
- V. CORRESPONDENCE**  
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet and placed before them this evening:
- A. California Planning & Development Report, Vol. 19, No. 4, April 2004
- B. Memo dated May 6, 2004 from Department of Planning and Community Development, regarding Item VII-C, Ordinance Amendment No. 2004-01 - Produce Stands/Markets and Seasonal Activities.
- VI. CONFLICT OF INTEREST**
- A. Commission Andrew Souza works for Turlock Irrigation District, but this will not cause a conflict with Item VII-B, Millefiore Landscape Materials.
- VII. PUBLIC HEARINGS ( \* - Consent Items )**

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

### **CONSENT ITEMS**

- \*A. USE PERMIT APPLICATION NO. 2004-03 - CUNNINGHAM/ANDERSON -**  
Request to construct a single-family residence on a 10-acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located east of 5130 E. Service Road, in the Hughson area. This project is Exempt from CEQA.  
APN: 045-003-001  
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
A. Souza/R. Souza, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

### **NON-CONSENT ITEMS**

- B. REZONE APPLICATION NO. 2003-13 - MILLEFIORE LANDSCAPE MATERIALS**  
- Request to rezone 3.56 acres from A-2-40 (General Agriculture) to a PD (Planned Development) to operate a landscape material business which includes recycling wood-chips, bark colorizing, bulk storage, landscape material sales, and a concrete batch plant. The typical hours of operation will be 7:00 a.m. to 6:00 p.m., seven days a week, with a maximum of eight (8) employees per shift. This is a two-phase project. Phase I: - all on-site improvements, except stationary concrete mixer, to be completed by January 1, 2006, and Phase II - the implementation of the stationary mixer to be completed by January 1, 2008. 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. A Mitigated Negative Declaration will be considered.  
APN: 045-050-009  
Staff Report: Carole Maben Recommends **APPROVAL**. (Report presented by Debbie Whitmore, Senior Planner)  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Dennis Wilson, Horizon Consulting, representing the applicants; Paul Mikkelson, 5474 Dale Road, Modesto.  
Public hearing closed.  
R. Souza/Poore, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATION TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT, AND WITH CONDITION NO. 7 TO READ AS:**

7. **A LANDSCAPING PLAN SHALL BE APPROVED BY THE PLANNING DIRECTOR PRIOR TO OPERATION, WHICH SHALL INCLUDE CONTINUOUS SCREEN PLANTING WHICH ACHIEVE A HEIGHT 8-10 FEET TALL. THE APPLICANT, OR SUBSEQUENT PROPERTY OWNER, SHALL BE RESPONSIBLE FOR MAINTAINING LANDSCAPE PLANTS IN A HEALTHY AND ATTRACTIVE CONDITION. DEAD OR DYING PLANTS SHALL BE REPLACED WITH MATERIALS OF EQUAL SIZE AND SIMILAR VARIETY.**

- C. **ZONING ORDINANCE AMENDMENT NO. 2004-01 - PRODUCE STANDS/ MARKETS & SEASONAL ACTIVITIES** - Proposed amendment to Chapters 21.90 - Produce Stands and Produce Markets, 21.20 - A-2 (General Agriculture), and Chapter 21.100 Staff Approval Permits, of the Stanislaus County Zoning Ordinance to address produce stands/markets and seasonal activities. This project is Exempt from CEQA.

Staff Report: Angela Freitas Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

A. Souza/Poore, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATION TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT, INCLUDING CHANGES AS SET FORTH IN MEMO DATED MAY 6, 2004.**

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

- A. None.

#### **X. REPORT OF THE DIRECTOR**

##### **BOARD OF SUPERVISORS' ACTIONS OF APRIL 20, 2004**

- A. The Board conducted a public hearing to consider General Plan Amendment Application 2003-01, Rezone Application 2003-03, Vesting Tentative Map Application 2002-02, Riopel & Associates. The Board approved the applications with the three connections regarding the subdivision.

##### **BOARD OF SUPERVISORS' ACTION OF APRIL 27, 2004**

- A. The Board set for public hearing on May 18, 2004 at 6:35 p.m. to consider fee adjustments regarding Planning and Community Development Department for 2004 Fee Schedule.

##### **BOARD OF SUPERVISORS' ACTION OF MAY 4, 2004**

- A. The Board authorized staff to proceed with the preparation of two Project Study Reports (PSR's) for the Hammett Road and Kiernan Avenue interchanges in the Salida area and approved the reimbursement agreements for landowners who have paid the cost to prepare these reports in the amount of \$517,000.
- B. The Board considered the draft comments by the County's Environmental Review Committee and the Health Executive Committee regarding the Draft EIR for the proposed Kaiser Medical Campus and Cornerstone Business Park development project.
- C. The Board approved a lot line adjustment and re-issuance of Williamson Act contracts on the west side of Modesto.
- D. The Board adopted the Redevelopment budget for Fiscal Year 2004-05 in the amount of \$2.1 million.
- E. The Board denied an appeal of the Planning Commission's decision to approve the East Oakdale Residential projects. These included the Hillsborough Estates II, Lands of Schutz, and Kushar Parcel Map.

**MISCELLANEOUS & ON THE HORIZON**

- A. May 22, 2004 is our Spring workshop which will be held at the Stanislaus County Ag Center, starting at 9 a.m. The topic will be the Williamson Act.
- B. UC Davis is presenting a class, "Role of the Planning Commission" on June 4, 2004 and Director Freitas encourages all commissioners to attend. The Planning and Community Development Department will pay the enrollment fee, mileage and lunch for all commissioners attending.

**May 20, 2004**

- 1. Four Parcel Maps
- 2. One Use Permit
- 3. Time Extension for two Tentative Maps
- 4. Airport Land Use Commission meeting

**June 3, 2004**

- 1. One Use Permit
- 2. One Parcel Map with an Exception
- 3. A Temporary Mobile Home Permit to be heard as "Other Matters"
- 4. Sonya Harrigfeld, Deputy Director of DER, will provide information regarding Proposed Aerobics Changes

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

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- A. June 4, 2004 is the California County Planning Commissioners Association's Central District Conference, being held at Columbia State Park in Columbia.

**XI. ADJOURNMENT**

The meeting was adjourned at 6:50 p.m.

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Ron 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.)

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