

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 6, 2005

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Tony Cusenza, Rachele Antinetti, Marie Assali, Allen Layman, Jim Poore, Andrew Souza, and Ray Souza.

Absent: Mike Navarro

Staff Present: Bob Kachel, Senior Planner; Debra Whitmore, Senior 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. **ELECTION OF 2005 PLANNING COMMISSION OFFICERS**
 - A. R. Souza/Poore Motion to Nominate Andrew Souza As Chair. Cusenza/Poore Motion to Close Nominations, Unanimous (7-0) **APPROVED ANDREW SOUZA AS CHAIR.**
 - B. Assali/Poore Motion to Nominate Ray Souza As Vice Chair. Layman/Poore Motion to Close Nominations, Unanimous (7-0) **APPROVED RAY SOUZA AS VICE CHAIR.**
- IV. **CITIZEN'S FORUM**
 - A. No one spoke.
- V. **APPROVAL OF MINUTES**
 - A. December 16, 2004
Poore/Layman, Unanimous (7-0) **APPROVED.**
- VI. **CORRESPONDENCE**

Debra Whitmore informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:

 - A. Letter dated January 6, 2005 from the City of Modesto regarding Item IX A - Capital Improvement Program and School Site Acquisition - Modesto City Schools - Joseph A. Gregori High School.

- B. Information regarding Stanislaus County Planning Commissioners Workshop for 2005, to be held Saturday, January 22, 2005 at Samaritan Village, Hughson.
- C. 2005 Planning Commission Meeting Calendar.
- D. California Planning & Development Report, Vol. 19, No. 12 - December 2004.

VII. CONFLICT OF INTEREST

- A. Commissioner Layman will excuse himself during the hearing for Item VIII-B, Use Permit Application No. 2004-22, and Tentative Map Application No. 2004-06 - Pirrone Business Center. His firm has a contract to do work on this project.
- B. Commissioner Poore is acquainted with Mr. Hughes, Item VIII-B, Use Permit Application No. 2004-22, and Tentative Map Application No. 2004-06 - Pirrone Business Center, but this will not impact his decision.

VIII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. **TENTATIVE PARCEL MAP APPLICATION NO. 2004-29 - MARIO & ARACELI PLACENCIA** - Request to create parcels of 5,000 and 6,163.9 square feet in an R-1 (Single Family Residential) zoning district, with a General Plan designation of LDR (Low Density Residential). The property is located at the northeast corner of Lassen Avenue and Tulsa Street, in the Modesto area. This project is exempt from CEQA. APN: 056-046-045
Staff Report: Bob Kachel Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
R. Souza/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

6:10 p.m. Commissioner Layman removed himself from the hearing.

- B. **USE PERMIT APPLICATION NO. 2004-22, AND TENTATIVE MAP APPLICATION NO. 2004-06 - PIRRONE BUSINESS CENTER** - Request to create a total of 61 "condominium lots" on a 5.83 acre parcel, zoned Planned Development # 266. The project also includes a use permit request to modify the building locations and site layout, while keeping the same basic types and intensity of uses as originally granted. The property is located on the east side of Pirrone Road, south of MID

Lateral #8, south of the Hammett Road/State Route 99 Interchange in Salida. This project is exempt from CEQA.

APN: 136-008-035

Staff Report: Bob Kachel Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Brett Hughes, 701 Fleetwood Avenue, Modesto.

Public hearing closed.

Assali/Cusenza, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

6:20 p.m. Commissioner Layman returned to the hearing.

- C. USE PERMIT APPLICATION NO. 2002-24 - SILVEIRA ORGANIC MATERIALS FACILITY** - Request to operate a facility which accepts organic material for processing and then redistributes bulk or bagged organic material on 10 acres of a 40+/- acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located at 8337 Milnes Road, in the Riverbank area. A Mitigated Negative Declaration will be considered.
- APN: 014-022-002
- Staff Report: Bob Kachel Recommends **APPROVAL**.
- Public hearing opened.
- OPPOSITION:** John Boere, 3909 Marsala Way, Modesto (presented photographs to the Commission).
- FAVOR:** Dave Romano, 1010 10th Street, Modesto (presented hand-outs to Commission).

7:30 p.m. - Recessed

7:35 p.m. - Reconvened

Commissioner Ray Souza declared that he is acquainted with John Boere, opponent of this project, but this will not have an impact on his decision.

Public hearing closed.

Antinetti/Layman, 5-2 (Assali, Andrew Souza) **DELETE CONDITION OF APPROVAL NO. 20**

~~20. Within 120 days following project approval, a closely spread row of fast growing, density vegetated, evergreen trees shall be planted along the easterly property lines extending the entire length of manure storage and processing area, to the satisfaction of the Planning Director. Said trees shall be maintained in good health, including replacement trees if necessary, at all times.~~

**AND MODIFY CONDITIONS OF APPROVAL NO. 29 (NEW CONDITION NO. 28)
TO READ:**

28. The Claribel Lateral Right of Way has been used by Mr. Silveira for his Organic Material Services as an ingress and egress road, primarily from Milnes Road, but also from Rice Road. OID cannot accept the liability issues associated with commercial traffic utilizing an access road which borders an unfenced open-ditch facility for the estimated 110 trips per day. The proposed site plan for the project shows a new 30-foot access road contiguous to the Claribel Lateral, to the North end of the project area and although this is a step in the right direction, OID requests the following conditions of approval for this project: All ingress to and egress from the proposed project shall be on Mr. Silveira's property. ~~OID requests~~ **If requested by OID** the Claribel Lateral be fenced to OID standards by Mr. Silveira between Milnes Road and the North end of the project site to prevent the use of OID property for access.

Antinetti/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, WITH DELETED AND MODIFIED CONDITIONS OF APPROVAL.**

IX. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. CAPITAL IMPROVEMENT PROGRAM AND SCHOOL SITE ACQUISITION - MODESTO CITY SCHOOLS - JOSEPH A. GREGORI HIGH SCHOOL** - The Modesto City Schools District is proposing to acquire an 80-acre high school site located in the Salida area to accommodate 3,000 students. The property is located at 5518 Stoddard Road, east of the community of Salida, north of Kiernan Avenue and the City of Modesto. Modesto City Schools has requested the Planning Commission to review the proposed high school site. The Planning Commission will determine the site's consistency with the County General Plan pursuant to Section 65403(c) of the Government Code and provide a written investigation report pursuant to Section 21151.2 of the Public Resources Code. The Planning Commission will determine the site's consistency with the General Plan.
APN: 003-018-005
Report presented by Debra Whitmore, Senior Planner.
PUBLIC COMMENT: Becky Meredith, Director, Planning and Research, Modesto City Schools.
Antinetti/Assali, 6-1 (Andrew Souza) **PROPOSED SCHOOL SITE NOT CONSISTENT WITH GENERAL PLAN.**

X. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 21, 2004

- A. The Board denied unanimously General Plan Amendment 2004-01, Rezone 2003-03, Parcel Map 2004-11, Carl & Terri Hagens. This was a request to amend the general plan from Urban Transition to Low Density Residential in the Denair area.
- B. The Board approved unanimously General Plan Amendment 2004-02, Rezone 2004-07, Jacob Auto Sales, a request to change the general plan and zoning

designations from General Agriculture and A-2-40 to a Planned Development to allow construction and operation of a used car sales lot located at the southeast corner of Golden State and Barnhart Roads, south of the community of Keyes.

- C. The Board approved on a 3-2 split vote an appeal of Planning Commission decision for Parcel Map 2004-15, Variance 2004-01, Exception 2004-03, Gary & Deann Autry. This was a request to create parcels of little over an acre each in the A-2-40 (General Agriculture) zone. The property is located on Adams Gravel Plant Road, northeast of the city of Riverbank.
- D. The Board approved new Williamson Act Contracts for 2005.
- E. The Board rescinded and approved Lot Line Adjustments and new Williamson Act Contracts on two projects.

BOARD OF SUPERVISORS' ACTIONS OF DECEMBER 28, 2004

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF JANUARY 4, 2005

- A. The Board met this date and swore in new Board members O'Brien and De Martini, and Supervisor Mayfield for a four year term.

MISCELLANEOUS & ON THE HORIZON

A. On the Horizon

Reminder: January 22, 2005, which is a Saturday, is the annual Stanislaus County Planning Commissioners Workshop to be held in Hughson at the Samaritan Village, from 8:00 a.m. to 1:30 p.m. Please let us know by January 7th at noon if you'll like to attend, so we can make arrangements for you and the registration.

January 20, 2005

- 1. Four Use Permit Applications

February 3, 2005

Nothing scheduled.

XI. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XII. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

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Debra Whitmore, Senior Planner

(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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