

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

April 20, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Ray Souza, Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, and Jim Poore
- Absent: Tony Cusenza and Michael Navarro
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Sara Lytle-Pinhey, Assistant Planner; Joshua Mann, Assistant 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. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. April 6, 2006  
Assali/Layman, 6-0, **APPROVED REVISED MINUTES.**  
Commissioner Poore abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Letter dated April 11, 2006 from Fred Manke regarding Item VII-D, Use Permit Application No. 2005-32 - Alpine Pacific Nut Co.
- B. Email received April 17, 2006 from Robert Wetherbee regarding Item VII-D, Use Permit Application No. 2005-32 - Alpine Pacific Nut Co.
- C. Memo from Planning Department dated April 20, 2006 regarding Item VII-H, Vesting Tentative Subdivision Map Application No. 2005-08 - Lawson / Qualle.

- D. Memo from Planning Department dated April 20, 2006 regarding:
1. Item VII-B, Parcel Map Application No. 2005-40 - Diablo Grande - Legends;
  2. Item VII-C, Parcel Map Application No. 2006-05 - Diablo Grande Hotel - Spa;
  3. Item VII-G, Tentative Map Application No. 2005-09 - Diablo Grande - Mountain View Estates.

## VI. CONFLICT OF INTEREST

- A. Commissioner Poore will recuse himself from the hearing for Item VII-E, Rezone Application No. 2004-01 - Timmerman Starlite Trucking.
- B. Commissioner Assali knows the owners of Item VII-D, Use Permit Application No. 2005-32 - Alpine Pacific Nut Co., but this will not be a conflict.
- C. Commissioner Souza will recuse himself from the hearing for Item VII-F, Use Permit Application No. 2005-28 - Cebro Frozen Foods.

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

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

### \* CONSENT ITEMS

- \*A. USE PERMIT APPLICATION NO. 2006-06 - DEON & BETTY TACKETT** - This is a request to construct a single-family dwelling on a 1.75-acre parcel in the A-2-40 (General Agriculture) zoning district, located at 172 Mitchell Road, at the intersection of West Main Street, in the Turlock area. This project is exempt from CEQA.  
APN: 022-045-035  
Staff Report: Joshua Mann Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- \*B. PARCEL MAP APPLICATION NO. 2005-40 - DIABLO GRANDE - LEGENDS** - This is a request to subdivide an 80.21 acre parcel into 2 parcels of 38.26 and 41.95 acres for phasing and development purposes for the Diablo Grande Legends Tentative Map No. 2004-02, which has been previously approved for 196 dwelling units in accordance with the Diablo Grande Specific Plan. The property is zoned SP (Specific Plan) #1. This project is exempt from CEQA.  
APN: 025-015-010 and 025-010-015

Staff Report: Bob Kachel Recommends **APPROVAL, ALONG WITH CORRECTED CONDITIONS OF APPROVAL.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH CORRECTED CONDITIONS OF APPROVAL.**

**\*C. PARCEL MAP APPLICATION NO. 2006-05 - DIABLO GRANDE HOTEL-SPA -**

This is a request to create parcels of 20.47, 8.97, 17.74 and 21.53 acres at Diablo Grande at the corner of Diablo Grande Parkway and Morton Davis Drive. The proposed parcels are located in SP (Specific Plan) #1 and will serve to allow further development of the project as called for by the Specific Plan. This project is exempt from CEQA.

APN: 025-023-011, 025-023-012, 025-010-009, 025-011-010 and 025-010-011

Staff Report: Bob Kachel Recommends **APPROVAL, ALONG WITH CORRECTED CONDITIONS OF APPROVAL.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

Poore/Assali, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH CORRECTED CONDITIONS OF APPROVAL.**

**\*D. USE PERMIT APPLICATION NO. 2005-32 - ALPINE PACIFIC NUT CO. -**

This is a request to expand the facilities at an existing walnut huller/sheller on Williamson Act property zoned A-2-40 (General Agriculture). The expansion consists of three new buildings, including a 36,000 square foot structure for cracking, storage, and processing/grading; a 1,536 square foot fumigation building, and a 24,000 square foot building for future storage. The project is located at 6413 E. Keyes Road, in the Hughson area. A Negative Declaration will be considered for this project.

APN: 045-037-010

Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL.**

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** No one spoke.

Public hearing closed.

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

6:05 p.m.

Commissioner Poore left the Chambers.

**NON-CONSENT ITEMS**

- E. REZONE APPLICATION NO. 2004-01 - TIMMERMAN STARLITE TRUCKING -**  
**Continued from April 6, 2006.** This is a request to rezone 3.22 acres from A-2-10 to Planned Development (PD) to allow continued operation of a truck yard specializing in agricultural trucking located in an A-2-10 (General Agriculture) zoning district at 3955 Starlite Drive in Keyes. A Mitigated Negative Declaration will be considered for this project  
APN: 041-062-034  
Staff Report: Bob Kachel Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Bob Braden, 2900 Standiford Avenue, Suite 16-B, Modesto  
Public hearing closed.  
Assali/Layman, Unanimous (6-0) **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS OF THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, WITH CONDITION OF APPROVAL NO. 21 TO READ:**

21. A Grading and Drainage Plan shall be submitted within ~~one month~~ **four months** after the rezone application is approved and/or prior to issuance of any building permit that provides sufficient information to verify all runoff will be kept from going onto adjacent properties and the County road right-of-way. After the plan is determined to be acceptable to the Department of Public Works, the plan shall be implemented prior to final and/or occupancy of any buildings.

6:25 p.m. Commissioner Souza left the Chambers  
Commissioners Poore returned to the Chambers and assumed the duties of the Chair.

- F. USE PERMIT APPLICATION NO. 2005-28 - CEBRO FROZEN FOODS -**  
**Continued from April 6, 2006.** This is a request to add multiple buildings totaling some 116,000 square feet to an existing 26,000 square foot processing facility located on a 299.65 acre parcel in the A-2-40 (General Agriculture) zoning district (Williamson Act Contract No. 71-0205). The property is located at 2100 Orestimba Road east of Eastin Road, in the Newman area. A Negative Declaration will be considered for this project.  
APN: 026-020-018  
Staff Report: Bill Carlson Recommends **APPROVAL.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Elwyn Heinen  
Public hearing closed.  
Layman/Gammon, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

6:40 p.m. Commissioners Souza returned to the Chambers.

- G. TENTATIVE MAP APPLICATION NO. 2005-09 - DIABLO GRANDE - MOUNTAIN VIEW ESTATES** - This is a request to create a total of 147 residential lots, and three open space lots on 51.46 acres zoned SP (Specific Plan) #1 located on the west side of Oak Flat Road (10001 Oak Flat Road) at Diablo Grande. Project is consistent with the Specific Plan. Public Water and Sewer services will be provided by the Western Hills Water District. This project is exempt from CEQA.  
APN: 025-010-009, 025-010-010, and 025-011-010  
Staff Report: Bob Kachel Recommends **APPROVAL, ALONG WITH CORRECTED CONDITIONS OF APPROVAL.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Dave Romano  
Public hearing closed.  
Poore/Hardie, Unanimous (7-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH CORRECTED CONDITIONS OF APPROVAL.**

6:55 p.m. Adjourned  
7:10 p.m. Reconvened

- H. VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. 2005-08 - LAWSON / QUALLE** - This is a request to create 10 parcels ranging in size from 10,333 to 14,430 square feet from a 3.38 acre site in the R-A ( Rural Residential) zoning district. The project will be served by the Denair Community Services District for water and sewer. The property is located on the east side of Lester Road, south of East Monte Vista Avenue, in the Denair area. A Mitigated Negative Declaration will be considered for this project.  
APN: 024-035-018 and 024-035-040  
Staff Report: Director Freitas recommended **CONTINUING THIS ITEM UNTIL MAY 18, 2006.**  
Poore/Layman, Unanimous (7-0) **CONTINUED HEARING TO MAY 18, 2006.**

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

- A. None.

#### **IX. REPORT OF THE DIRECTOR**

##### **BOARD OF SUPERVISORS' ACTIONS OF APRIL 11, 2006**

- A. The Board set a public hearing for May 16, 2006 at 6:35 p.m. to consider formation of the South Modesto Municipal Advisory Council.
- B. The Board approved a Williamson Act Contract Recision and a new Williamson Act Contract pursuant to a Lot Line Adjustment.

**BOARD OF SUPERVISORS' ACTIONS OF APRIL 18, 2006**

- A. The Board adopted a resolution initiating the expansion of the Stanislaus County Enterprise Zone #40 by approximately 5,472 acres and authorized the submittal of a zone expansion to the State of California.
- B. The Board considered General Plan Amendment Application 2005-12, Rezone Application 2005-16, Carl and Terri Hagens. The Board unanimously denied this item.
- C. The Board considered and approved certification of the Final EIR and adoption of the General Plan Amendment 2004-03, Focused General Plan Amendment of the County Circulation Element and Related elements.
- D. The Board approved the introduction and waiving of the first reading of an ordinance adopting the Department of Planning and Community Development 2006 Fee Schedule.

**MISCELLANEOUS & ON THE HORIZON**

The County Counsel will be conducting a mandatory AB 1234 training on June 8<sup>th</sup> here in the County Board Chambers for commissions. This is a must-have training under state law, so please mark your calendars for June 8<sup>th</sup> and plan on attending.

**May 4, 2006**

- 1. Five Parcel Maps

**May 18, 2006**

- 1. One Parcel Map with a Variance
- 2. One Use Permit
- 3. Adoption of Development Schedule for El Rematito Marketplace
- 4. Vesting Tentative Subdivision Map

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

- A. None

**XI. ADJOURNMENT**

The meeting was adjourned at 7:20 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.)