

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 6, 2006

- I. ROLL CALL:** Meeting called to order at 6:01 p.m.
- Present: Chair Ray Souza, Marie Assali, Annabel Gammon, Robert Hardie, Allen Layman, Jim Poore
- Absent: Tony Cusenza, Arsenio Mataka, Michael Navarro
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Sara Lytle-Pinhey, Assistant Planner; Jack Doering, Assistant County Counsel; Dennis Wister, Deputy Building Official, Public Works Department; 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. Minutes of June 29, 2006
Layman/Assali, 5-0, **APPROVED**
Commissioner Poore abstained.
- B. Minutes of June 15, 2006
Gammon/Poore, 5-0, **APPROVED**
Commissioner Layman abstained.
- C. Approved Corrected Minutes from June 29, 2006
Assali/Layman, 5-0, **APPROVED**
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. Memo dated July 6, 2006 from Planning Department regarding Item VII-B - Time Extension No. 2006-04 for Parcel Map No. 2003-36 - Joe's Travel Plaza

- B. Fax received July 6, 2006 from Ian Greensides, attorney for D&L Concrete Pumping, Inc. regarding Item VII-D
- C. Memo dated July 6, 2006 from Planning Department regarding Item VII - E - Rezone Application No. 2005-15 - Carmax - Modesto
- D. Revised landscape plans for Item VII-E - Rezone Application No. 2005-15 - Carmax - Modesto
- E. Memo received July 6, 2006 from Department of Environmental Resources regarding Item VIII-A - Proposed School Site Development by Riverbank Unified School District for New Elementary School
- F. Email received July 6, 2006 from Ron Costa, Assistant Superintendent of Riverbank School District, requesting continuance of Item VIII-A - Proposed School Site Development by Riverbank Unified School District for New Elementary School
- G. California Planning & Development Report, Vol. 21, No. 6 - June 2006

VI. CONFLICT OF INTEREST

- A. Commissioner Poore is acquainted with Mr. Martella, but this will not cause a conflict.
- B. Commissioner Assali is acquainted with both Mr. Martella and Mr. Chiesa, but this will not cause a conflict.
- C. Commissioner Souza is acquainted with Mr. Martella, but this will not cause a conflict.

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. PARCEL MAP APPLICATION NO. 2006-09 - NORMAN BEACH** - Request to divide an A-2-40 (General Agriculture) zoned property into a parcel of approximately 40 acres, leaving a remainder of approximately 43 acres, under a Williamson Act contract. The property is located at 2324 Villa Manucha Road at Azevedo Road, in the Newman area. A Negative Declaration will be considered on this project.
APN: 049-022-008
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL**.
Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

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

- *B. TIME EXTENSION NO. 2006-04 FOR PARCEL MAP NO. 2003-36 - JOE'S TRAVEL PLAZA** - Request for a one-year time extension to May 20, 2007 to record the map for Parcel Map No. 2003-36 - Joe's Travel Plaza. The project was approved to create parcels of 1.0, 1.04, 1.3, 1.5 and 2.7 acres and a 106.34 acre remainder parcel from a 113.86 acre site located in Planned Development No. 104. The property is located at the northwest corner of Howard Road and Ingram Creek Road, in the Westley area.

APN: 016-042-026

Staff Report: Carole Maben Recommends **ONE YEAR TIME EXTENSION TO MAY 20, 2007, ALONG WITH ADDED CONDITION OF APPROVAL FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Poore/Assali, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, AND GRANTED A ONE-YEAR TIME EXTENSION TO MAY 20, 2007, ALONG WITH ADDED CONDITION OF APPROVAL NO. 38:**

- 38. Applicant/developer shall comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District in effect at the time of this extension (July, 2006).**

- *C VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2006-01, USE PERMIT APPLICATION NO. 2006-02 - MARTELLA FARMS / GROWER DIRECT NUT CO.** -

Request to expand two existing businesses in three phases. Phase 1 would be to construct two 20,000 square foot storage buildings, a small portable office, a 30 foot diameter and height shell storage tank and a newly located scale house. Except for the scale house, all would be located on the proposed southerly 10.79 acre parcel. Phase 2 will construct a 20,000 square foot storage building adjacent to the Phase 1 dry storage building while Phase 3 will be a 4,000 square foot office building, all on the A-2-40 (General Agriculture) zoned site of an existing walnut / almond processing operation. Also to create by Parcel Map parcels of 5.66 and 11.12 net acres to allow legal separation of two existing on-site businesses. Property located at 2100 Geer Road, between Whitmore & Fox Roads, east of Hughson. A Negative Declaration will be considered on this project.

APN: 018-010-013

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

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

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

NON-CONSENT ITEMS

- D. APPEAL OF DENIAL OF BUSINESS LICENSE FOR D&L CONCRETE PUMPING, INC.** - Appeal of a staff decision to deny the issuance of a business license for D&L Concrete Pumping, Inc. at 3730 Dakota Avenue, in the Modesto area.
APN: 076-068-016
Staff Report: Kirk Ford, on advice from County Counsel, recommends continuing the hearing on the appeal indefinitely.
Additional information presented by Jack Doering, County Counsel.
Public hearing opened.
PUBLIC COMMENT: Ian Greensides, attorney for D&L Concrete Pumping, Inc.
Public hearing closed.
Poore/Hardie, Unanimous (6-0) **HOLD A PUBLIC HEARING ON AUGUST 17, 2006 TO DECIDE WHETHER TO GRANT AN INDEFINITE CONTINUANCE, OR TO HEAR THE MATTER ON ITS MERITS THAT EVENING. ALL INFORMATION IS TO BE SUBMITTED TO THE PLANNING DEPARTMENT NO LATER THAN JULY 26, 2006.**
- E. REZONE APPLICATION NO. 2005-15 - CARMAX - MODESTO** - Request to rezone 9.56 acres of two expired PD (Planned Development) zones, located on four parcels, with a new PD zone to allow construction and operation of an automobile sales and service dealership. Proposed building coverage will be approximately one acre of the site and will require a parcel merger. The project is located at the northeast corner of McHenry Avenue (SR 108) and Claratina Avenue, in the Modesto area. A Negative Declaration will be considered on this project.
APNs: 082-009-016, 017, 018, & 019
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL TO THE BOARD OF SUPERVISORS, ALONG WITH ADDED DEVELOPMENT STANDARD FROM THE DEPARTMENT OF ENVIRONMENTAL RESOURCES, HAZARDOUS MATERIALS DIVISION.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: George Petralakis, representing Carmax; Joe Yochman, Real Estate Manager with Carmax; Randy Brekke.
Public hearing closed.
Layman/Gammon, Unanimous (6-0), **RECOMMENDS APPROVAL TO THE BOARD OF SUPERVISORS THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH ADDED DEVELOPMENT STANDARD:**

58. Application should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to the following: (Calif. H&S Division 20)
- A. Permits for the underground storage of hazardous substances at new or the modification of an existing tank facilities.
 - B. Requirements for registering as a handler of hazardous materials in the County.
 - C. Submittal of a Hazardous Materials Business Plan (HMBP) by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
 - D. Generators of hazardous waste must notify the Department relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
 - E. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. **PROPOSED SCHOOL SITE DEVELOPMENT BY RIVERBANK UNIFIED SCHOOL DISTRICT FOR NEW ELEMENTARY SCHOOL** - The school district is proposing to construct and operate a public school facility on approximately 9.23 acres located at the southeast corner of Eleanor Avenue and Mesa Drive, near Riverbank. The Planning Commission will determine the site's consistency with the County General Plan. **The applicant is waiving the time frame requirements to hear project, and is requesting a continuance to July 20, 2006.**
APN: 062-017-007
Report presented by Ron Freitas, Director.
Poore/Assali, Unanimous (6-0) **CONTINUED TO JULY 20, 2006.**

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF JUNE 20, 2006

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF JUNE 27, 2006

- A. The Board approved an agreement with the City of Hughson regarding the City's proposed Sphere of Influence expansion.
- B. The Board set a public hearing for July 18th at 6:40 p.m. to consider Williamson Act Cancellation No. 2005-01, Parcel Map Application 2005-39, Clipper Ranch.
- C. The Board approved Lot Line Adjustments and new Williamson Act contracts

BOARD OF SUPERVISORS' ACTIONS OF JULY 4, 2006

- A. The Board did not meet this date.

MISCELLANEOUS & ON THE HORIZON

July 20, 2006

- 1. One Parcel Map
- 2. Certification of a Final EIR
- 3. Proposed School Site Development

August 3, 2006

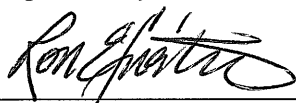
- 1. Two Parcel Maps
- 2. One Use Permit
- 3. One Tentative Subdivision Map
- 4. Appeal of Denial of Business License

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

XI. ADJOURNMENT

The meeting was adjourned at 6:44 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.)