

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 5, 2007

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Jim Poore, Marie Assali, Annabel Gammon, Allen Layman, Arsenio Mataka, Michael Navarro, John Shores, and Ray Souza
- Absent: Robert Hardie
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Assistant Director; Angela Freitas, Senior Planner; Bill Carlson, Senior Planner; Joshua Mann, Associate Planner; Rachel Wyse, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Transportation Project Coordinator, Public Works Department; Denise Woods, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk
- II. **PLEDGE OF ALLEGIANCE**
- III. **CITIZEN'S FORUM** - No one spoke
- IV. **APPROVAL OF MINUTES**
- A. March 15, 2007
Souza/Layman, 7-0, **APPROVED**
Commissioner Navarro abstained
- V. **CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Announcement for the California County Planning Commissioner Association Spring Conference
- B. Copy of Appendix "C" of City of Waterford's General Plan Update Final Environmental Impact Report, presented to Planning Commission Clerk by Gus H. Oberthier, March 28, 2007, regarding Item VII-D, General Plan Amendment Application No. 2007-01 - Agricultural Element Update
- C. Farmland Working Group newsletter for Spring 2007
- D. Memo from Department of Planning and Community Development, dated April 5, 2007, regarding Item VII-C, Use Permit Application No. 2006-36 - Fiscalini Cheese Co.
- E. Hand delivered letter from Tim Byrd regarding the Ag Element Update

VI. CONFLICT OF INTEREST

- A. Commissioner Souza is familiar with Mr. Fiscalini, but this will have no bearing on his decision.
- B. Commissioner Poore is also familiar with Mr. Fiscalini, but this will have no bearing on his decision.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. **PARCEL MAP APPLICATION NO. 2006-30 - HAWKINS FAMILY TRUST**
(Continued from March 15, 2007) Request to divide two parcels totaling 366.47 acres into three parcels of 122.3, 122.6, and 127.5 acres in an A-2-40 (General Agriculture) zoning district on Williamson Act property (Contract No. 71-0071 & 94-4258). Located at 1601 Hawkins Road, south of Lake Road, in the Waterford / Hickman area. The Planning Commission will consider a CEQA Mitigated Negative Declaration on this project.
APN: 020-001-008 & 020-003-024
Staff Report: Joshua Mann Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Assali/Mataka, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- *B. **PARCEL MAP APPLICATION NO. 2006-49, VARIANCE APPLICATION NO. 2006-05, EXCEPTION APPLICATION NO. 2006- 06 - SCHWARTZ PARCEL MAP**
(Continued from March 1, 2007) **Requesting Indefinite Continuance.** Request to create 4 residential lots, ranging in size from 36,725 to 52,009 square feet, with a 2.44 acre remainder parcel (total of 5 parcels) from three existing parcels, in the R-A (Rural Residential) zoning district. All the lots will be served by public water and private septic systems. A variance is needed to create three parcels with less than 65 feet of width along the street frontage. The project is located at the southwest corner of Scarlet Oak Drive and Black Oak Court, east of Oakdale. This project is exempt from CEQA.
APN: 010-025-076, 010-025-101, and 010-025-102
Staff Report: Bill Carlson Recommends **APPROVAL OF INDEFINITE CONTINUANCE**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Assali/Mataka, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AND CONTINUED INDEFINITELY.**

NON-CONSENT ITEMS

- C. **USE PERMIT APPLICATION NO. 2006-36 - FISCALINI CHEESE CO.** - Request to relocate and expand an existing farmstead cheese processing facility on a 38 acre parcel, in the A-2-40 (General Agriculture) zoning district. The new facility will consist of a two-story 81,800 square foot building designed to provide a visitor's center, office, processing and packaging rooms, cheese storage, and an equipment room. The applicant is proposing to conduct tours of the facility to educate professional and public officials about the cheese making process as well as innovations and conservation methods available to the dairy industry. The visitor's center will include a research and development kitchen and 3,500 square foot retail store. Retail items will be limited to Fiscalini cheese, locally grown processed food items, and promotional non-food items intended to educate the public and advance agricultural sales. The project is located southeast of the Kiernan Avenue and Jackson Road intersection, in the Modesto/Salida area. The Planning Commission will consider a CEQA Negative Declaration on this project.

APN: 012-004-019

Staff Report: Rachel Wyse Recommends **APPROVAL ALONG WITH REVISED CONDITIONS OF APPROVAL AS RECOMMENDED IN MEMO DATED APRIL 5, 2007.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Armando Flores, 833 Ohio Avenue, Modesto; Lea Hoogestraat, 1805 Stone Haven, Ceres; Joseph Wright, counsel for Fiscalini, who handed out copies of sections of the California Health & Safety Code; John Fiscalini, 7231 Covert Road.

Public hearing closed.

Souza/Assali, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, ALONG WITH AMENDED CONDITION OF APPROVAL NO. 44 AND ADDITIONAL CONDITION OF APPROVAL NO. 52:**

44. The existing water system does not meet minimum standards for a public water system and shall be sufficiently upgraded prior to issuance of a building permit for the proposed cheese processing facility. The existing water system serving the retail cheese store is currently a non-public water system and is regulated under the California Uniform Retail Food Facilities Law through guidelines developed by the Department of Environmental Resources (DER). The proposed cheese processing facility will redefine the water system as a public transient non-community water system according to the CA Health and Safety Code (HSC) Section 116275. As such, the owner must obtain a public water supply permit from DER. The water supply permit issuance is contingent upon the water system meeting construction standards, and providing water, which is of an acceptable quantity and quality. The owner must submit ~~a water system technical report that is prepared, stamped, and signed by a qualified professional engineer (HSC Section 116530).~~ **to DER a technical report for the water system that serves the existing facilities and that will serve proposed facilities. A qualified professional engineer must prepare, stamp and sign the technical report.** A qualified engineer typically has 2-3 years

experience in public water system design. Include detailed plans and specifications on the water system and identify facilities that are served. Include a physical description of the existing and proposed water system, include water quality **and quantity** information (Title 22 California Code of Regulations).

Department of Environmental Resources: Hazardous Materials Division

52. **Applicant shall 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 shall notify the Department of Environmental resources relative to: (Calif. H&S, Division 20)**

- A. **Permits for the underground storage of hazardous substances at a new facility or the modification of existing tank facilities.**
- B. **Requirements for registering as a handler of hazardous materials in the County.**
- C. **Submittal of hazardous materials Business Plans 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. **The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which shall be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.**
- E. **Generators of hazardous waste shall notify the Department of environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.**
- F. **Permits for the treatment of hazardous waste on-site shall be required from the Hazardous Materials Division.**
- G. **Medical waste generators shall complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.**

- D. **GENERAL PLAN AMENDMENT APPLICATION NO. 2007-01 - AGRICULTURAL ELEMENT UPDATE** - Consider a recommendation to the Board of Supervisors for adoption of an update of the Agricultural Element of the Stanislaus County General Plan. The purpose of the Agricultural Element is to promote and protect local agriculture through the adoption of policies designed to achieve three main goals: 1) strengthen the agricultural sector of our economy, 2) conserve our agricultural lands for agricultural use, and 3) protect the natural resources to sustain agriculture in Stanislaus County. The update focuses on the need to address impacts to agricultural land and the natural resources needed to support local agriculture and changes which have occurred as a result of the policies adopted in the current element. The updated element has been reformatted to remove dated statistics, references to obsolete agencies and programs, and provide a layout consistent with

other elements of the County General Plan. The Planning Commission will consider recommending approval of a Negative Declaration to the Board of Supervisors. Staff Report: Angela Freitas Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

8:00 p.m. Recessed
8:10 p.m. Reconvened

Public hearing opened.

PUBLIC COMMENTS: Vance Kennedy, 5052 Tully Road, Modesto, who handed out a memo to the Commission; Dennis Wilson, 909 14th Street, Modesto; Wayne Zipser, 1427 Stallone Way, Turlock; Bill Martin, Central Valley Ag Land Trust, Elk Grove; Jeanne Ferrari, Farmland Working Group, 3507 Hawkeye Avenue, Turlock; Gus Oberthier, Waterford; Don Swatman, 3400 Norwich Lane, Modesto; Mitch Etchebarne, Stanislaus Farm Bureau, 5737 California Avenue, Modesto; Ray Prock, 5712 N. Hickman Road, Denair

Public hearing closed.

Assali/Gammon, Unanimous (8-0), **RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS OF THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Assistant Director Ford gave an update on El Rematito Marketplace.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF MARCH 20, 2007

- A. The Board approved a resolution initiating an expansion of the county's Enterprise Zone by approximately 215 acres to include the City of Hughson.
- B. The Board approved the opening of a 30-day public comment period regarding the Draft Community Development Block Grant Consolidated Plan for Fiscal Years 2007-2012, and a Draft Annual Action Plan for Fiscal Year 2007-2008. The Board also set a public hearing for May 1, 2007, at 9:15 a.m., to close the public comment period and consider approval of the Draft Community Development Block Grant Consolidated Plan for Fiscal Years 2007-2012.

BOARD OF SUPERVISORS' ACTIONS OF MARCH 27, 2007

- A. The Board set a public hearing for April 17, 2007, at 6:35 p.m., to consider Rezone Application No. 2006-07 - Golden State Commercial Center.
- B. The Board set a public hearing for April 17, 2007, at 6:40 p.m., to consider Rezone Application No. 2004-11, Parcel Map Application No. 2004-30 - Valley Lexus.
- C. The Board considered and approved an appeal of Planning Commission's denial of Vesting Tentative Parcel Map Application No. 2006-02 - Furtado Family Trust. You'll recall this was a request to create 13 parcels of 80-plus acres, one 70-acre

parcel, and one 117-acre remainder, from 2 existing parcels totaling 1,147 acres in the A-2-40 zoning district. The project site was located at Tim Bell and Warnerville Roads. The Board added a condition, agreed by the applicant, that no homes to be constructed until tree or vine crops are planted.

BOARD OF SUPERVISORS' ACTIONS OF APRIL 3, 2007

- A. The Board set a public hearing for April 24, 2007, at 9:30 a.m., to consider an appeal of Planning Commission's denial of Parcel Map Application No. 2006-47, Variance Application No. 2006-04 - Grewal.
- B. The Board set a public hearing for April 17, 2007, at 6:55 p.m., to consider General Plan Amendment No. 2007-01 - Update of the Stanislaus County Agricultural Element of the General Plan.
- C. The Board also authorized the submittal of a \$600,000 Grant Application to the California State Department of Housing and Community Development under the CalHome Program to provide additional funds to the First Time Home Buyer Program.

MISCELLANEOUS & ON THE HORIZON

April 19, 2007

- 1. One Use Permit
- 2. One Variance with a Lot Line Adjustment
- 3. One Parcel Map
- 4. An Appeal of a Staff's Denial of a Staff Approval Application and a Lot Line Adjustment

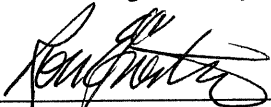
May 3, 2007

- 1. One Use Permit

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None

XI. ADJOURNMENT

The meeting was adjourned at _____ p.m./a.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.)