

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 18, 2016

I. ROLL CALL: Meeting called to order at 6:06 p.m.
Present: Chair Kenneth Buehner, Marjorie Blom, Steve Boyd, Marc Etchebarne, Richard Gibson, Scott Hicks, Tom Orvis, Bobby Yamamoto

Absent: Katherine Borges

Staff Present: Angela Freitas, Director; Miguel Galvez, Deputy Director; Jeremy Ballard, Assistant Planner; Timothy Vertino, Assistant Planner; Thomas E. Boze, Assistant County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Jennifer Akin, Planning Commission Clerk

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S FORUM

A. Matt Rickard, 2780 Sierra Vista Drive, Turlock, CA, spoke regarding the R.A.M. Farms Inc. Use Permit. Mr. Rickard addressed the Commissioners at the August 4, 2016, Planning Commission Meeting regarding enforcement of the Use Permit. Mr. Rickard returns to the Commission with a complaint about noise, hours of operation, failure to remove temporary structures located on the R.A.M. Farms Inc. site. Mr. Rickard referred to the September 3, 2015, Planning Commission meeting during which, Director Freitas explained that the tent structure was approved as a temporary structure. Mr. Rickard stated there are numerous Use Permit violations that County staff has not addressed and requested the Commission direct staff to return to the Conditions of Approval of the 2014 Use Permit.

Angela Freitas, Planning Director, responded that Mr. Rickard was correct in her quote from the September 3, 2015, regarding the temporary tent structure. At the time those comments were made, the structure was understood to be temporary, and that a building permit was issued for a temporary structure. However, the applicant has since requested that the structure remain as an agricultural structure, a permitted use in the General Agriculture (A-2) zoning district. Director Freitas stated that County staff continues to work with the applicant, City of Turlock, and the neighborhood to address complaints and will bring back, as needed, the Use Permit for review by the Commission.

IV. APPROVAL OF MINUTES

- A. August 4, 2016
Yamamoto/Etchebarne (5/0) **APPROVED.**
Commissioner(s) Blom, Boyd and Buehner abstained.

V. CORRESPONDENCE

Director Freitas informed the Commissioners of one item of correspondence placed before them this evening:

- A. Letter dated August 18, 2016, from the Sodhi Law Group regarding item VII-B – Variance Application No. PLN2016-0067 – 1st Light Energy.

VI. CONFLICT OF INTEREST

- A. Commissioner Marc Etchebarne – Non-Consent item VII-A, Use Permit Application No. PLN2016-0017 – Blaker Brewing.

VII. PUBLIC HEARINGS (* - Consent Items)

Commissioner Buehner informed the public of the consent items and procedure.

*** CONSENT ITEMS** – None

6:15 p.m. – Commissioner Etchebarne left Chambers.

NON-CONSENT ITEMS

- A. USE PERMIT APPLICATION NO. PLN2016-0017 – BLAKER BREWING** - Request to expand an existing microbrewery operation on a 97± acre parcel located in the A-2-40 (General Agriculture) zoning district. Development will occur in two phases. At full build-out the microbrewery will include two 2,448 square-foot buildings allowing for a maximum production of 8,680 gallons per week. The project site is located at 11204 Fulkerth Road, at the southwest corner of Fulkerth and N. Morgan Roads, west of the City of Turlock. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project. APN: 022-037-010
Staff Report: Timothy Vertino, Assistant Planner, Recommends **APPROVAL**
Public hearing opened.
OPPOSITION: None.
FAVOR: Rick Mummert, Benchmark Engineering; Tom Lucas, Owner/applicant, Blaker Brewing
Public hearing closed.
Blom/Orvis (7/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

6:25 p.m. – Commissioner Etchebarne returned to Chambers.

- B. VARIANCE APPLICATION NO. PLN2016-0067 - 1ST LIGHT ENERGY** – Request for a variance from the required side yard setback of five feet for a proposed 328 KW ground mounted photovoltaic system to be utilized for the operational use of the on-site Oakdale Golf & Country Club. The project site is

located at 243 N. Stearns Road, east of N. Stearns Road and north of State Route 108/120, in the Oakdale area. The Planning Commission will consider adoption of a CEQA Categorical Exemption for the project. APN: 064-016-017
Staff Report: Jeremy Ballard, Assistant Planner, Recommends **APPROVAL**.

At the request of the Planning Commission, Tim Spears, Fire Marshall, Stanislaus County Consolidated Fire, addressed the Commission regarding fire lane requirements

Public hearing opened.

OPPOSITION: Craig Porter, Oakdale, CA; Carl Porter, 955 N. Stearns Road, Oakdale, CA; Ameet S. Birring, Attorney, Sodhi Law Group, for Carl Porter; Levana Brown, Area resident, Oakdale, CA.

FAVOR: Justin Krum, President, 1st Light Energy; Rick Schultz, General Manager, Oakdale Golf Course and Country Club; Kathy Morgan, Commercial Operations Manager, 1st Light Energy.

Public hearing closed.

Etchebarne/Orvis (1/7) **MOTION TO APPROVE THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

There was no further discussion and a second Motion was entered.

Hicks/Boyd (7/1) (Etchebarne), **BASED ON THE INABILITY TO MAKE THE NECESSARY FINDINGS TO APPROVE THE VARIANCE, DENIED VARIANCE APPLICATION NO. PLN2016-0067 – 1ST LIGHT ENERGY.**

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

IX. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

August 16, 2016: Adopted the recommendation of the Nuisance Abatement Hearing Board for property located at 4355 Mesa Drive, Riverbank. And ordered the owner to abate the nuisance on the property and authorized County staff to abate the nuisance, should the property owner fail to comply within the specified time frame.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

September 1, 2016: Use Permit Application No. PLN2016-0040 – Mundt, in the Keyes area. Applicants are John & Catherine Mundt. Property owners are W. David Hendley Family Limited Partnership.

Parcel Map Application No. PLN2016-0023 – EO Truck & Trailer, Inc. in the Ceres area. Applicant/property owners are Ernest G. & Susan L. Ott.

Consideration for a recommendation of revocation to the Board of Supervisors of Use Permit Application No. PLN2013-0078 – Central Valley Recycling, in the Modesto area. Applicant/Property owner is Donald G. Francis.

Stanislaus County Capital Improvement Plan General Plan
Conformity Findings, Countywide.

September 15, 2016: Two Vesting Tentative Subdivision Maps in the Keyes area. One Ordinance Amendment, Countywide.

Airport Land Use Commission

September 15, 2016: Airport Land Use Compatibility Plan Update.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN – None

XI. ADJOURNMENT

The meeting was adjourned at 8:36 p.m.

Signature on file.

Angela 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 Department.)