

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

November 2, 2017

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Marc Etchebarne, Marjorie Blom, Katherine Borges, Steve Boyd, Richard Gibson, Scott Hicks, Tom Orvis, Bobby Yamamoto
Absent: Kenneth Buehner
Staff Present: Angela Freitas, Director; Miguel Galvez, Deputy Director, Kristin Doud, Senior Planner; Thomas E. Boze, Assistant County Counsel; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Jennifer Akin, Planning Commission Clerk

II. **PLEDGE OF ALLEGIANCE**

III. **CITIZEN'S FORUM** – No one spoke.

6:01 – *Commissioner Orvis entered Chambers*

IV. **APPROVAL OF MINUTES**

- A. October 19, 2017
Yamamoto/Orvis (6/0) **APPROVED**
Commissioners Borges and Boyd abstained.

V. **CORRESPONDENCE**

Director Freitas informed the Commissioners that there were no items of correspondence.

VI. **CONFLICT OF INTEREST** - None

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

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

*** CONSENT ITEMS**

- *A. **ORDINANCE AMENDMENT NO. PLN2017-0119 – COMMERCIAL CANNABIS ACTIVITIES** – *Requesting continuance to November 16, 2017.* Request to amend Chapter 21.08 – General Provisions, Chapter 21.12 Definitions, Chapter 21.20 General Agriculture District (A-2), Chapter 21.42 Planned Industrial District (PI), Chapter 21.56 General Commercial District (C-2), Chapter 21.60 Industrial District (M), and Chapter 21.64 Limited Industrial District (LM) of the Stanislaus County Title 21 Zoning Ordinance to allow for commercial cannabis activities, subject to obtaining a discretionary land use permit.
Staff Report: Kristin Doud, Senior Planner, Recommends **CONTINUANCE**
Boyd/Yamamoto (8/0) **APPROVED CONTINUANCE TO NOVEMBER 16, 2017**

NON-CONSENT ITEMS

- B. USE PERMIT APPLICATION NO. PLN2017-0059 – AG-AIR, INC.** - Request to establish a crop dusting business and private heliport, including construction of a 5,445 square foot concrete landing pad (heliport) and use of two helicopters that are proposed to be stored in an existing 6,434 square foot agricultural storage building. The property is located in the A-2-40 (General Agriculture) zoning district at 5420 Dodds Road, on the south side of Dodds Road, between 26 Mile Road and the west County line, near the community of Valley Home and the City of Oakdale. The Planning Commission will consider recommendation to the Board of Supervisors approval and adoption of a CEQA Negative Declaration for this project. APN: 002-003-021.

Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**

Public hearing opened.

OPPOSITION: None

FAVOR: Brent Alger, applicant

Public hearing closed.

Gibson/Orvis (8/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE SEPTEMBER 21, 2017, STAFF REPORT, WITH AMENDED CONDITIONS OF APPROVAL NOS. 4,10,11 & 16 & DELETION OF NOS. 13 – 15, 17 & 18, AS OUTLINED IN THE MEMO TO THE PLANNING COMMISSION DATED NOVEMBER 2, 2017, TO READ AS FOLLOWS:**

4. The applicant/**property** owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.

10. The applicant ~~and/or~~ **property** owner shall be required to receive approval from the FAA prior to conducting any flight activity. A Notice of Landing Proposal shall be submitted to FAA and a written response from FAA shall be forwarded to the Planning Department for review prior to conducting any flight activity. If it is determined that the airport is exempt from FAA permitting, provide documentation showing that the airport is exempt to the Stanislaus County Department of Planning and Community Development.

11. ~~Prior to conducting any flight activity, t~~The applicant/**property** owner **shall** ~~must present verification that an aviation easement for a "Clear Zone Area" has been recorded for any adjacent properties, not controlled or owned by the applicant/owner, that fall within an area extending~~ **maintain a 2801,000-foot Helicopter Protection Zone (HPZ), in accordance with Federal Aviation Administration design standards for helicopters,** from all sides of the heliport. ~~The aviation easement shall contain language to prevent construction of any structures within this "Clear Zone Area" and grant the airport owner/operator the right to fly in, through, or across any portion of the airspace of the adjacent property. The "Clear Zone Area" requirements are contained within the Airport Siting Standards – Appendix V-A of the Safety Element, Stanislaus~~

County General Plan **No additional structures or any hazardous materials, including fuel, may be located within the HPZ.**

- ~~13. The applicant shall obtain an encroachment permit for an asphalt driveway onto Dodds Road.~~
- ~~• A paved driveway shall be installed per Stanislaus County Public Works Standards and Specification for a Collector Road.~~
 - ~~• The existing driveway is located on the South San Joaquin Irrigation District's (SSJID) 200 foot canal right-of-way. An easement shall be obtained showing that the owner of Ag-Air, Inc., has the right to utilize this driveway. If this easement cannot be obtained, a new driveway, in an approved location, shall be installed within 6 months of the approval of the use permit. As of mid July, 2017, SSJID does not have an easement for this driveway.~~
- ~~14. No parking, loading, or unloading of vehicles is permitted within the Dodds Road right-of-way. The developer shall install or pay for the installation of any off-site signs and/or markings, as required by Stanislaus County.~~
- ~~15. Prior to issuance of any building or grading permit for the property, or within 6 months of the approval of the use permit, whichever comes first, an Irrevocable Offer of Dedication shall be submitted and approved. Dodds Road is classified as a 60-foot Minor Collector Roadway. The required ½ width of Dodds Road is 30 feet south of the centerline of the roadway. Currently there is an existing right-of-way of 20 feet on the south side of the centerline. This means that 10 feet of road right-of-way shall be dedicated with an Irrevocable Offer of Dedication for the parcel frontage.~~
16. Within 6 months of the approval of the use permit, a **Prior to issuance of a building permit, or prior to any grading on the property,** a grading, drainage, and erosion/sediment control plan for the project site shall be submitted to Public Works for review and approval. The grading and drainage plan shall include the following information:
- The plan shall contain enough information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County road right-of-way.
 - The plan shall comply with the current State of California National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the project's Stormwater Pollution Prevention Plan shall be provided prior to the approval of the Plan, if applicable.
 - The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan review of the grading plan.

- The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.

~~17. Prior to issuance of any Grading or Building Permit, the property owner shall obtain coverage for the project under the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.~~

~~18. The applicant of the building permit shall pay the current Stanislaus County Public Works weighted labor rate for the review of the building and/or grading plans and all related inspection fees.~~

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

IX. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS

No Planning Department related items to report.

MISCELLANEOUS & ON THE HORIZON

- The Planning Department received an Appeal to the Board of Supervisors, of the Planning Commission's decision regarding Variance Application No. PLN2017-0064 – Hickman Market.

Planning Commission

November 16, 2017: One General Plan Amendment and Rezone in the Modesto area, one Rezone in the Modesto/Waterford area, one Parcel Map in the Oakdale area, and one County-wide Ordinance Amendment.

December 7, 2017: No items scheduled at this time.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None

XI. ADJOURNMENT

The meeting was adjourned at 6:18 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.)