

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 17, 2019

1. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Marjorie Blom, Marc Etchebarne, Scott Hicks, Thomas Maring, Wayne Mott, Perfecto Munoz, Wayne Zipser

Absent: Kenneth Buehner

Staff Present: Angela Freitas, Director; Rachel Wyse, Senior Planner; Kristin Doud, Senior Planner; Kristen Anaya, Assistant Planner; Thomas E. Boze, Assistant County Counsel; Tera Chumley, Senior Management Consultant, Chief Executive Office; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Jennifer Akin, Planning Commission Clerk

2. PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, the Oath of Office was administered by Thomas Boze to new Commissioner Munoz.

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

4. APPROVAL OF MINUTES

- A. January 3, 2019
Etchebarne/Blom (6/0) **APPROVED.**
Commissioners Maring and Munoz abstained.

5. CORRESPONDENCE

Director Freitas informed the Commissioners of various items of correspondence placed before them this evening:

- A. Memo from Stanislaus County Planning and Community Development Department dated January 17, 2019, regarding Non-Consent item 7-D – Use Permit and Development Agreement Application No. PLN2018-0096 – Truleaf, Inc.
- B. Letter from Barbara Damewood dated January 17, 2019, regarding Non-Consent Items 7-B – Use Permit and Development Agreement Application No. PLN2018-0094 – Lyfted Farms, Inc. – 5271 Jerusalem Court and 7-C – Use Permit and Development Agreement Application No. PLN2018-0095 – Lyfted Farms, Inc. – 5266 Jerusalem Court

- C. Letter from Jerry Adams dated January 17, 2019, regarding Non-Consent Items 7-B – Use Permit and Development Agreement Application No. PLN2018-0094 – Lyfted Farms, Inc. – 5271 Jerusalem Court and 7-C – Use Permit and Development Agreement Application No. PLN2018-0095 – Lyfted Farms, Inc. – 5266 Jerusalem Court
- D. Letter from Varni Brothers, LLC dated January 17, 2019, regarding Non-Consent item 7-C – Use Permit and Development Agreement Application No. PLN2018-0095 – Lyfted Farms, Inc. – 5266 Jerusalem Court

6. CONFLICT OF INTEREST

- A. Commissioner Etchebarne – Non-Consent items 7-B – Use Permit and Development Agreement Application No. PLN2018-0094 – Lyfted Farms, Inc. – 5271 Jerusalem Court; 7-C – Use Permit and Development Agreement Application No. PLN2018-0095 – Lyfted Farms, Inc. – 5266 Jerusalem Court, and Item 7-D – Use Permit and Development Agreement Application No. PLN2018-0096 – Truleaf, Inc.

7. PUBLIC HEARINGS (* - Consent Items)

Commissioner Hicks informed the public that there were no Consent items.

*** CONSENT ITEMS** – None.

NON-CONSENT ITEMS

- A. **USE PERMIT APPLICATION NO. PLN2018-0043 – COUCO CREEK DAIRY, INC.** – Request to expand an existing dairy operation, operating on five parcels (totaling 421± acres), in order to increase support stock from 500 heifers to 2,250 heifers. Mature cow numbers are to remain at 3,487 combined milk and dry cows, for a total herd increase of 1,750 animals. The project is located in the A-2-40 (General Agriculture) zoning district at 3303 S. Washington Road, on the southwest corner of W. Harding Road and S. Washington Road, in the Turlock area. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project. APNs: 044-039-001, 044-039-002, 044-040-041, 044-040-042, 057-015-034.
Staff Report: Kristen Anaya, Assistant Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Anthony Machado, owner
Public hearing closed.
Etchebarne/Blom (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

6:12 p.m. - Commissioner Etchebarne left Chambers.

- B. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0094 – LYFTED FARMS, INC. – 5271 JERUSALEM COURT** – This is a request to establish a commercial cannabis indoor cultivation operation within an existing 19,532 square-foot warehouse building in the P-I (7) (Planned Industrial) zoning district. A Development Agreement is included in the project

request. The project is located at 5271 Jerusalem Court, north of Kiernan Avenue, in the Modesto area. The Planning Commission will consider finding that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an EIR was prepared). APN: 004-065-023.

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

Public hearing opened.

OPPOSITION: None.

FAVOR: Zachary Drivon, applicant's agent

Public hearing closed.

Blom/Mott (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

C. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0095 – LYFTED FARMS, INC. – 5266 JERUSALEM COURT - This is

a request to establish a commercial cannabis indoor nursery and distribution operation within an existing 18,750 square foot warehouse building in the P-I (7) zoning district. A Development Agreement is included in the project request. The project is located at 5266 Jerusalem Court, north of Kiernan Avenue, in the Modesto area. The Planning Commission will consider finding that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an EIR was prepared). APN: 004-065-018.

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

Public hearing opened.

OPPOSITION: None.

FAVOR: Zachary Drivon, applicant's agent

Public hearing closed.

Blom/Maring (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT; INCLUDING ADDITIONAL LANGUAGE REGARDING GENERAL PLAN CONSISTENCY TO BE ADDED TO THE USE PERMIT FINDING AS RECOMMENDED BY STAFF IN THE STAFF PRESENTATION.**

D. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0096 – TRULEAF, INC. – *Requesting indefinite continuance.* This

is a request to establish a commercial cannabis indoor cultivation, manufacturing, and distribution operation within an existing 20,724 square foot warehouse building in the P-I (17) (Planned Industrial) zoning district. A Development Agreement is included in the project request. The project is located at 4622 Glass Court, between Glass Lane and Galaxy Way, south of Kiernan Avenue, in the City of Modesto Sphere of Influence. The Planning Commission will consider finding that no further analysis under CEQA is required pursuant to CEQA Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an EIR was prepared). APN: 046-011-049.

Staff Report: Kristin Doud, Senior Planner, Recommends **CONTINUANCE**.

Mott/Maring (6/0) **APPROVED INDEFINITE CONTINUANCE AS REQUESTED IN THE PLANNING COMMISSION MEMO DATED, JANUARY 17, 2019.**

7:03 p.m. – Commissioner Etchebarne returned to Chambers.

8. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. Election of Chair and Vice Chair for 2019

Upon motion of Commissioner Mott, seconded by Commissioner Zipser, the Planning Commission unanimously voted (7/0) to appoint Commissioner Hicks as Chair and Commissioner Blom as Vice Chair for the 2019 calendar year.

B. Assignment of Nuisance Abatement Hearing Board Members

Commissioner Hicks assigned Commissioner Etchebarne (Chair), Commissioner Mott (member), and Commissioner Blom (alternate).

C. Appointment of Commissioners to the General Plan Update Committee for 2019

Commissioner Hicks appointed Commissioner Zipser (member), Commissioner Munoz (member), and Commissioner Hicks (alternate).

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

January 8, 2019: Appointed Perfecto Munoz to the Stanislaus County Planning Commission.

Director Freitas and Commissioner Hicks congratulated Commissioner Munoz on his appointment to the Planning Commission, allowing him a few moments to introduce himself.

January 15, 2019: Approved the recommendation of the Nuisance Abatement Hearing Board regarding properties located at 433 Spruce Street and 1917 Donald Street, in the Modesto area, and 1822 East Avenue and 5407 S. Commons Road, in the Turlock area.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

February 7, 2019: One Parcel Map in the Turlock area; and three Use Permits and Development Agreements in the Modesto area.

February 14, 2019: Special Meeting. Four Use Permits and Development Agreements in the Modesto area.

In recognition of the need for the February 14th Special Meeting, along with Special Meetings on March 14th and April 11th, 2019, Director Freitas asked that Commissioner Hicks call for the Special Meetings in accordance with the Planning Commission's Rules and Regulations.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR

- A. Commissioner Hicks called for the Planning Commission Special Meetings of February 14, March 14, and April 11, 2019, to be held.

11. ADJOURNMENT

The meeting was adjourned at 7:14 p.m.

Signature on file.

Angela Freitas, Secretary

(The above is a summary of the minutes of the Planning Commission. Complete audio recordings and videos of the meeting are available from the Planning Department or on our website: <http://www.stancounty.com/planning/agenda/index.shtm>.)