

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

February 21, 2019

1. **ROLL CALL:** Meeting called to order at 6:00 p.m.  
Present: Chair Scott Hicks, Kenneth Buehner, Marc Etchebarne, Thomas Maring, Wayne Mott, Wayne Zipser  
  
Absent: Marjorie Blom, Perfecto Munoz  
  
Staff Present: Angela Freitas, Director; Miguel Galvez, Deputy Director; Rachel Wyse, Senior Planner; Kristin Doud, Senior Planner; Jeremy Ballard, Associate Planner; Christine Smith, 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; Angelica Duenas, Confidential Assistant IV
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – No one spoke.
4. **APPROVAL OF MINUTES**
  - A. February 7, 2019  
Etchebarne/Mott (5/0) **APPROVED.**  
Commissioner Maring abstained.
5. **CORRESPONDENCE**

Director Freitas informed the Commissioners of various items of correspondence mailed in their agenda packet or placed before them this evening:

  - A. Letter dated February 19, 2019, from Stanislaus County Department of Public Works, regarding Non-Consent Item 7-E – Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC with additional condition of approval.
  - B. Email dated February 20, 2019, from Dennis Whorton, regarding Non-Consent Item 7-E – Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC.
6. **CONFLICT OF INTEREST**
  - A. Commissioner Etchebarne – Consent Item 7-C Use Permit and Development Agreement Application No. PLN2018-0115 – Empire Health & Wellness; Non-Consent Items 7-E – Use Permit and Development Agreement Application No.

PLN2018-0100 – 37 North Ventures; and 7-F Use Permit and Development Agreement Application No. PLN2018-0108 – MDF Farms.

- B. Commissioner Maring – Non-Consent Item – 7-E Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures.
- C. Commissioner Mott - Non-Consent Item – 7-E Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures.

**7. PUBLIC HEARINGS (\* - Consent Items)**

Commissioner Hicks informed the public of the Consent Items and procedure.

**\* CONSENT ITEMS**

- \*A. **TIME EXTENSION FOR PARCEL MAP APPLICATION NO. PLN2016-0032 – KRUM** – Request for a one-year time extension for Parcel Map Application No. PLN2016-0032 – Krum. The approved parcel map subdivided a 9.74± acre parcel into two parcels of 6.74 and 3 acres in size in the A-2-3 (General Agriculture) zoning district. The property is located at 7643 Langworth Road, south of State Highway 108, between the cities of Riverbank and Oakdale. The project is considered Exempt from CEQA. APN: 062-032-009.  
Staff Report: Christine Smith, Assistant Planner, Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** None.  
**FAVOR:** None.  
Buehner/Etchebarne (6/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF MEMO.**
- \*B. **USE PERMIT AND WILLIAMSON ACT CANCELLATION APPLICATION NO. PLN2015-0081 – SULLIVAN ROAD SOLAR – Request continuance to March 7, 2019** - Request to construct a 40-megawatt (MW) solar facility on 214± acres of three parcels totaling 1,049± acres in the A-2-40 (General Agriculture) zoning district. Project implementation includes interconnection to the existing Miller (electrical) Substation located on a separate parcel within the project site. The project would operate for approximately 35 years, after which the facilities would be decommissioned and removed, and the project site reclaimed to grazing land. A Williamson Act Cancellation is being requested for parcels 028-015-001 and 028-007-020 which contain the solar arrays. A power line connecting the facility to the Miller substation will cross parcel 028-007-054. The project site is located east of Sullivan Road and bisected by Pete Miller Road, west of Interstate 5, in the Newman area. The Planning Commission will consider a CEQA Mitigated Negative Declaration for this project. APNs: 028-015-001, 028-007-020, and 028-007-054.  
Staff Report: Rachel Wyse, Senior Planner, Recommends **CONTINUANCE**.  
Buehner/Etchebarne (6/0) **APPROVED CONTINUANCE TO MARCH 7, 2019 PLANNING COMMISSION MEETING.**

- \*C. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0115 – EMPIRE HEALTH & WELLNESS – Request continuance to April 4, 2019** - Request to establish a commercial cannabis retail operation within an existing 3,875 square-foot building in the C-2 (General Commercial) zoning district. A Development Agreement is included in the project request. The project is located at 4725 Yosemite Boulevard, between A and B Streets, in the Community of Empire. 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 certified). APN: 133-012-005.  
Staff Report: Jeremy Ballard, Associate Planner, Recommends **CONTINUANCE**. Buehner/Etchebarne (6/0) **APPROVED CONTINUANCE TO April 4, 2019 PLANNING COMMISSION MEETING.**

### **NON-CONSENT ITEMS**

*Item 7-E - Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Venture, LLC was heard out of order and prior to Item 7-D – Rezone Application No. PLN2016-0071 – Wells Avenue RV & Self Storage.*

- D. **REZONE APPLICATION NO. PLN2016-0071 – WELLS AVENUE RV & SELF STORAGE** - Request to rezone two parcels totaling 7.69± acres from expired Planned Development (P-D) 190 to a new P-D to allow the creation of 110 recreational vehicle/trailer storage spaces and the construction of five buildings containing 123,633± square feet of self-storage units and a two story 4,535± square-foot office/manager's residence. The project site is located at 418 Wells Avenue, west of McHenry Avenue, south of Pelandale Avenue, in the Modesto area. The Planning Commission will consider adoption of a CEQA Mitigated Negative Declaration for the project. APNs: 046-005-002 and 003.  
Staff Report: Rachel Wyse, Senior Planner, Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** None.  
**FAVOR:** Rob Christensen, VVH Consulting Engineers.  
Public hearing closed.  
Buehner/Zipser (6/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**6:13 p.m. – Commissioner Etchebarne left Chambers.**

- E. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0100 – 37 NORTH VENTURES, LLC** – Request to establish a commercial cannabis mixed-light cultivation operation to allow a 10,000 square-foot canopy within a 20,160 square-foot greenhouse building in the A-2-40 (General Agriculture) zoning district. A Development Agreement is included in the project request. The project is located at 437 Goodwin Road, between Yosemite Boulevard (Hwy 132) and Dry Creek, 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 certified). APN: 009-012-017.  
Maring/Buehner (6/0) **CONTINUED ITEM TO THE MARCH 7, 2019 PLANNING COMMISSION MEETING DUE TO LACK OF QUORUM.**

- F. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0108 – MDF FARMS** – Request to establish a mixed-light commercial cannabis cultivation operation by constructing six greenhouse buildings for a total of 19,440 square feet in two phases, in the A-2-20 (General Agriculture) zoning district. A Development Agreement is included in the project request. The project is located at 16218 Sycamore Avenue, between Fig and Orange Avenues, in the Patterson 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 certified). APN: 048-007-002.
- Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.  
Public hearing opened.
- OPPOSITION:** Mary Emehiser; and, Mark Wolfe.  
**FAVOR:** Michael Fantozzi, applicant/property owner/agent; Alex Walden; Irma Eyzaguirre; Monica Fantozzi; and, Mike Ackman.  
Public hearing closed.
- Zipser/Maring (5/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- Roll Call Vote:** Ayes: Commissioners – Buehner, Maring, Mott, Zipser, and Hicks  
Noes: None.

**6:59 p.m. – Commissioner Etchebarne returned to Chambers.**

8. **OTHER MATTERS (NOT PUBLIC HEARINGS)** – None.
9. **REPORT OF THE PLANNING DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS**

February 12, 2019: Set Public Hearing for March 19, 2019 to consider the Planning Commission's Recommendation to Deny Use Permit and Development Agreement Application Nos. PLN2018-0110 - Prem Gen Crop.; and, PLN2018-0097 - Legacy Nursery, LLC., located at 5737 California Avenue

Set Public Hearing for March 19, 2019 to Consider the Planning Commission's Recommendation for Approval of Use Permit and Development Agreement Application No. PLN2018-0098 – Legacy Nursery, LLC., located at 6812 California Avenue.

Approved the Planning Commission's Recommendation for Approval of Rezone Application No. PLN2018-0141 – Palm Estates and Wenstrand Ranch.

Approved the Planning Commission's Recommendation for Approval of Rezone Application No. PLN2018-0055 – DJM Investments.

Approved the Planning Commission's Recommendation for Approval of Use Permit and Development Agreement Application No. PLN2018-0094 – Lyfted Farms, Inc., located at 5271 Jerusalem Court.

Continued consideration of the Planning Commission's Recommendation for Approval of Use Permit and Development Agreement Application No. PLN2018-0095 – Lyfted Farms, Inc., located at 5266 Jerusalem Court from February 12, 2019 to February 26, 2019.

### **MISCELLANEOUS & ON THE HORIZON**

#### Planning Commission

March 7, 2019: Four Use Permits and Development Agreement Applications, and two items continued from tonight [item 7-E – Use Permit and Development Agreement Application No. PLN2018-0100 - 37 North Ventures LLC and item 7-\*B – Use Permit and Williamson Act Cancellation Application No. PLN2015-0081 - Sullivan Road Solar.

March 14, 2019: Special meeting will be cancelled.

### **10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR**

A. Chair Hicks reopened the Citizen's Forum and Maggie Countryman spoke.

### **11. ADJOURNMENT**

The meeting was adjourned at 7:05 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>.)