

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 21, 2019

1. **ROLL CALL:** Meeting called to order at 6:00 p.m.

Present: Chair Scott Hicks; Marjorie Blom; Kenneth Buehner; Wayne Mott; Perfecto Munoz; Lars Willerup; and Wayne Zipser.

Absent: Marc Etchebarne and Thomas Maring.

Staff Present: The following Planning & Community Development staff were present: Miguel Galvez, Deputy Director; Rachel Wyse, Senior Planner; Jeremy Ballard, Associate Planner; Teresa McDonald, Assistant Planner; and Anna Julia Lainfiesta, Administrative Clerk III. The following Stanislaus County staff were also present: Rob Taro, Deputy County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Tera Chumley, Management Consultant, Chief Executive Office, and Allison Lambertson, Confidential Assistant IV, Chief Executive Office.
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – No one spoke.
4. **APPROVAL OF MINUTES**
 - A. March 7, 2019
Blom/Mott (5/0) **APPROVED** the meeting minutes with the following correction:
 7. PUBLIC HEARINGS
 - *CONSENT ITEMS
 - *A. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0111 – MEDALLION WELLNESSJeremy Ballard, Associate Planner, Recommends CONTINUANCE.
Blom/Maring (8/0) **APPROVED CONTINUANCE TO APRIL 4, MARCH 21, 2019 PLANNING COMMISSION MEETING**

Commissioners Buehner and Zipser abstained.

5. CORRESPONDENCE

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

- A. Email dated March 19, 2019, from Jay Gilbert, regarding Consent Item 7-*A – Time Extension for Vesting Tentative Subdivision Map (VTSM) Application No. PLN2014-0074 – Fairway 7 Estates.
- B. Letter received March 20, 2019, from Tristan St. George, Manager Emerald Tattoo & Piercing, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0111-Medallion Wellness.
- C. Letter received March 20, 2019, from Noel Farias, Owner Car Pretty, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0111-Medallion Wellness.
- D. Letter received March 20, 2019, from Tony Fleming, Manager Big-O Tires, Modesto, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0111-Medallion Wellness.
- E. Email dated March 21, 2019, from Jay Gilbert, regarding Consent Item 7-*A – Time Extension for Vesting Tentative Subdivision Map (VTSM) Application No. PLN2014-0074 – Fairway 7 Estates.
- F. Letter delivered by Email dated March 21, 2019, from Daniel Bays, regarding Non-Consent Item 7-D – Use Permit and Development Agreement Application No. PLN2018-0159-Stockton Business Strategies.

6. CONFLICT OF INTEREST – None.

7. PUBLIC HEARINGS (* - Consent Items)

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

* CONSENT ITEMS

*Item 7-*A – Time Extension for Vesting Tentative Subdivision Map (VTSM) Application No. PLN2014-0074 – Fairway 7 Estates was removed from Consent and heard prior to the Non-Consent Items.*

- *A. TIME EXTENSION FOR VESTING TENTATIVE SUBDIVISION MAP (VTSM) APPLICATION NO. PLN2014-0074 – FAIRWAY 7 ESTATES** – Request for a one year time extension. The approved VTSM allows for an 8.1 acre parcel to be subdivided into 13 residential lots of approximately 20,000 to 27,466 square feet each in the R-A (Rural Residential) zoning district. The project site is located at the northeast corner of State Route 108/120 and North Stearns Road, in the Oakdale area. This request is considered Exempt from the California Environmental Quality Act. APN: 064-016-004.
Staff Report: Teresa McDonald, Assistant Planner, Recommends **APPROVAL**.
Public Hearing opened.

OPPOSITION: James Gilbert; Arlene Jones; Nancy Abdallah; and, Nelli Beeler.

FAVOR: Rich Deponte, applicant/owner.

Public Hearing closed.

Buehner/Willerup (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF MEMO.**

- *B. **PARCEL MAP APPLICATION NO. PLN2018-0147 – DOMPE WAREHOUSE COMPANY, INC.** - Request to subdivide a 371.55 acre parcel into a 40 acre parcel and a 331.55 acre remainder, in the A-2-40 (General Agriculture) zoning district. The project site is located at Medlin Road, between Fink Road and Anderson Road, in the Crows Landing 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: 027-018-053 and 027-016-006.
Staff Report: Teresa McDonald, Assistant Planner, Recommends **APPROVAL**.
Buhner/Willerup (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- C. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0111 – MEDALLION WELLNESS** – This is a request to establish a commercial cannabis retail, delivery, and distribution operation within three suites of an existing building located within the P-D 155 (Planned Development) zoning district. A Development Agreement is included in the project request. The project is located at 4213 McHenry Avenue, northwest of McHenry and Pelandale Avenues, 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: 046-008-013.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.

7:23 p.m. – Recessed.

7:35 p.m. – Reconvened.

Public hearing opened.

OPPOSITION: None.

FAVOR: Zach Drivon, applicant's representative.

Public hearing closed.

Blom/Zipser (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT WITH AMENDED COMMUNITY BENEFIT RATE AND CONTRIBUTION AS OUTLINED IN THE STAFF PRESENTATION.**

Roll Call Vote: Ayes – Commissioners: Blom; Buehner; Hicks; Mott; Munoz; Willerup; and, Zipser.

Noes – None.

- D. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0159 – STOCKTON BUSINESS STRATEGIES** – Request to establish a commercial cannabis mixed-light cultivation operation to allow up to 20,000 square feet of canopy within 24,762 square feet of greenhouse space, including

processing activities and storage within two existing agricultural storage buildings, in the A-2-40 (General Agriculture) zoning district. A Development Agreement is included in the project request. The project is located at 1837 Welty Road, between Spencer and West Blewett Roads, in the Vernalis 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:016-004-028.

Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.

OPPOSITION: Phil Alfano, Superintendent Patterson Joint Unified School District.

FAVOR: Sophia Herrera, applicant; and, Troy Shiftman, Project Manager.

Public hearing closed.

Willerup/Munoz (5-2) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

Roll Call Vote: Ayes – Commissioners: Blom; Hicks; Mott; Munoz; and, Willerup.

Noes – Commissioners: Buehner; and, Zipser.

8. **OTHER MATTERS (NOT PUBLIC HEARINGS)** – None.

9. **REPORT OF THE PLANNING DIRECTOR**

BOARD OF SUPERVISORS ACTIONS

March 19, 2019: Approved an Indefinite Continuous to Use Permit and Development Agreement Application No. PLN2018-0097, Legacy Nursery, LLC., located at 5737 California Avenue and Use Permit and Development Agreement Application No. PLN2018-0098, Legacy Nursery, LLC., located at 6812 California Avenue.

Approved Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp – El Roya Avenue, overturning the Planning Commission's Recommendation for denial.

Approved the submittal of the Housing Element Annual Progress Report to the State of California Department of Housing and Community Development for Calendar Year 2018.

MISCELLANEOUS & ON THE HORIZON

Board of Supervisors:

March 26, 2019: The Board of Supervisors will not be meeting.

Planning Commission:

April 4, 2019: One Use Permit for a Dairy expansion in the Modesto Area; one Use Permit and Development Agreement for commercial cannabis retail storefront in the Empire area; and, one Use Permit and Development Agreement for a cannabis retail business in the Crows Landing Community area.

April 11, 2019: The tentative Special Planning Commission scheduled for April 11, 2019, has been cancelled.

Deputy Director Galvez thanked Allison Lambertson for serving as the Planning Commission Clerk.

10. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN – None.

11. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Signature on file.
Miguel Galvez, Acting 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>.)