

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 18, 2019

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

Present: Chair Scott Hicks, Kenneth Buehner, Marc Etchebarne, Thomas Maring, Perfecto Munoz, Lars Willerup, and Wayne Zipser.

Absent: Marjorie Blom and Wayne Mott.

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Miguel Galvez, Deputy Director; Kristin Doud, Senior Planner; Jeremy Ballard, Associate Planner; and Angelica Dueñas, Confidential Assistant IV. The following Stanislaus County staff were also present: Daniel Solish, Deputy County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; and Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources.
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – None.
4. **APPROVAL OF MINUTES**
 - A. June 20, 2019
Etchebarne/Munoz (6/0) **APPROVED**.
Commissioner Buehner abstained.
5. **CORRESPONDENCE**

Director Freitas informed the Commissioners that there are two items of correspondence placed before them this evening that were too late for the agenda:

 - A. Letter, received July 12, 2019, from Russell and Donna Smith, residents of Patterson, CA, regarding Non-Consent item 7-A – Use Permit and Development Agreement Application No. PLN2018-0129 – Mission Nurseries, LLC.
 - B. Memo, dated July 18, 2019, from the Department of Planning and Community Development, regarding Non-Consent item 7-A – Use Permit and Development Agreement Application No. PLN2018-0129 – Mission Nurseries, LLC.
6. **CONFLICT OF INTEREST**
 - A. Commissioner Etchebarne – Non-Consent item 7-A – Use Permit and Development Agreement Application No. PLN2018-0129 – Mission Nurseries,

LLC. and Non-Consent item 7-B – Use Permit and Development Agreement
Application No. PLN2018-0121 – All Season Organics, LLC.

7. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS** – None.

NON-CONSENT ITEMS

6:03 p.m. – Commissioners Etchebarne left the Chambers.

6:07 p.m. – Commissioner Buehner joined the meeting.

A. USE PERMIT APPLICATION NO. PLN2018-0129 – MISSION NURSERIES, LLC.

– Request to operate a mixed-light commercial cannabis cultivation and nursery business, including 6 greenhouses to be utilized for cultivation, 12 greenhouses to be utilized for nursery production, and an existing agricultural storage building for office, storage, distribution, and processing activities in the A-2-20 (General Agriculture) zoning district. A Development Agreement is included in the project request. The project is located at 2306 Almond Avenue, between Elm Avenue and the San Joaquin River, 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: 048-014-009.

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

Public hearing opened.

OPPOSITION: None.

FAVOR: Cena Dunfee, neighbor; Steven Arago, applicant's representative; and Rod Olsen, applicant's agent.

Zipser/Munoz (4/2) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT INCLUDING AMENDMENTS TO CONDITIONS OF APPROVAL AS OUTLINED IN THE JULY 18, 2019 STAFF MEMO.**

Roll Call Vote: Ayes – Maring, Munoz, Willerup, and Zipser.
Noes – Buehner and Hicks.
Abstaining – Etchebarne.
Absent – Blom and Mott.

B. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0121 – ALL SEASON ORGANICS, LLC - Request to operate a mixed

light commercial cannabis cultivation, nursery, and distribution business, including 12 greenhouses to be utilized for cultivation, 12 greenhouses to be utilized for nursery production, and multiple existing accessory storage buildings for office, storage, distribution, and processing activities in two phases in the A-2-40 (General Agriculture) zoning district. A Development Agreement is included in the project request. The project is located at 1054 Merriam Road, between Riverview and Blue Gum Roads, in the Hickman 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: 019-008-030.

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

Public hearing opened.

OPPOSITION: David Thompson, neighbor; Jonathan Merriam, neighbor; Meredith Clarke, neighbor; and Gary Acosta, neighbor.

FAVOR: Mike Warda, applicant's representative; Jeff Waters, KB Security; Rod Olsen, County resident; and Gale Sanders, County resident.

After the Public Hearing closed Noe Pacheco, applicant, approached the podium and responded to questions from the Planning Commission.

A motion was made by Commission Munoz to recommend approval to the Board of Supervisors as outlined in the staff report. The motion failed due to lack of a second. No additional discussion took place and a second motion was made.

Buehner/Willerup (5/1) **RECOMMENDED DENIAL TO THE BOARD OF SUPERVISORS.**

Roll Call Vote: Ayes – Buehner, Hicks, Maring, Willerup, and Zipser.
Noes – Munoz.
Abstaining – Etchebarne.
Absent – Blom and Mott.

7:50 p.m. – Commissioner Etchebarne returned to the Chambers.

8. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Use Permit No. PLN2016-0055 – Recology Blossom Valley Organics – North.

Following Staff's presentation, Chair Hicks appointed a subcommittee to visit the project site as part of the annual review. The subcommittee consists of Commissioners: Buehner, Maring, and Willerup. The subcommittee is scheduled to visit Recology Blossom Valley Organics – North on August 7, 2019 and will report their findings back to the Planning Commission.

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

June 25, 2019: Set a Public Hearing for July 30, 2019, to consider an appeal of the Planning Commission's recommendation for approval of Use Permit (UP) Application No. PLN2018-0161, Tri-Cal, Inc., request to operate an agricultural contractor storage and staging yard specializing in the application of soil conditioning products, located on Crackerbox Road, in the Oakdale area.

Approved UP and Development Agreement (DA) Application No. PLN2018-0166, JDI Farms Inc., request to operate a mixed-light commercial cannabis cultivation and nursery business, located on Fig Avenue, in the Patterson area.

Approved UP and DA Application No. PLN2018-0117, The Honest Choice, request to establish a commercial cannabis retail business, located on Main Street, in the community of Denair.

July 16, 2019: Set Public Hearings for July 30, 2019, to consider the Planning Commission's recommendation for:

- Approval of UP and DA Application No. PLN2018-0099, Golden Purpose, request to establish a commercial cannabis cultivation and distribution business, located on Jessup Road, in the community of Keyes.
- Denial of UP and DA Application No. PLN2018-0151, Prem Gen Corp – Nathan Avenue, request to establish a commercial cannabis cultivation and processing operation, located on Nathan and El Roya Avenues, in the Modesto area.

Approved UP and DA Application No. PLN2018-0114, Central Valley Growers, LLC – Howard Road, request to establish a commercial cannabis cultivation business, located on Howard Road, in the Westley area.

Approved Rezone Application No. PLN2018-0067, Modified Enterprises, LLC, a request to change the zoning designation of a 1.01-acre parcel to a new Planned Development to allow for light industrial, commercial, and office uses, located on Kiernan Court, in the community of Salida.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

August 1, 2019: One Parcel Map and Variance Application in the Riverbank area, request to subdivide a 5.5-acre parcel into four parcels, 1.7, 1.3, 1.3, and 1.2 acres in size, in the A-2-40 (General Agriculture) zoning district.

10. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN – None.

11. ADJOURNMENT

The meeting was adjourned at 8:14 p.m.

Signature on file.

Miguel Galvez, Deputy Director
Planning and Community Development
on behalf of 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>.)