

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

August 15, 2019

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

Present: Chair Scott Hicks, Marjorie Blom, Kenneth Buehner, Thomas Maring, Wayne Mott, Perfecto Munoz, and Lars Willerup.

Absent: Commissioners Etchebarne and Zipser.

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Jeremy Ballard, Associate Planner; and Angelica Dueñas, Confidential Assistant IV. The following Stanislaus County staff were also present: Rob Taro, Assistant County Counsel; Tera Chumley, Management Consultant, Chief Executive Office; Angie Halverson, Senior Land Development Coordinator, Public Works; Ramon Salinas, Assistant Engineer/Surveyor; 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. August 1, 2019
Blom/Munoz (6/0) **APPROVED.**
Commissioner Maring abstained.
5. **CORRESPONDENCE**

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

 - A. Letter, dated August 9, 2019, from Mike Howells, a neighbor, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0115 – Empire Health & Wellness.
 - B. Letter, dated August 9, 2019, from Connie Howells, a neighbor, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0115 – Empire Health & Wellness.
 - C. Letter, dated August 9, 2019, from Sandy Buckley, a neighbor, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0115 – Empire Health & Wellness.
 - D. E-mail, dated August 12, 2019, from Travis Miller, a representative of Empire Health & Wellness, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0115 – Empire Health & Wellness.

6. **CONFLICT OF INTEREST** – None.
7. **PUBLIC HEARINGS (* - Consent Items)**

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

*** CONSENT ITEMS –**

- *A. **REZONE AND PARCEL MAP APPLICATION NO. PLN2018-0173 – VIG – GOLDEN STATE, LLC** – Request to rezone a 3.06-acre parcel currently zoned P-D (319), which is expired, to a new P-D (Planned Development) to allow the construction of a 62,185 square-foot hotel and a 15,725 square-foot office/warehouse. A parcel map to create parcels of 2 and 1.06 acres is also included with this request. The project is located at 5049 Kiernan Court, north of Highway 99 & Kiernan Interchange, within the Community of Salida. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project. APN: 136-017-017.
Staff Report: Kristin Doud, Senior Planner, Recommends **INDEFINITE CONTINUANCE**.
Mott/Buehner (7/0) **APPROVED INDEFINITE CONTINUANCE AS OUTLINED IN THE AUGUST 15, 2019 STAFF MEMO.**
- *B. **TIME EXTENSION FOR VESTING TENTATIVE SUBDIVISION MAP APPLICATION NO. PLN2006-06 – KNIGHTS FERRY OVERLOOK** - Request for a one year time extension for VTSM Application No. PLN2006-06 - Knights Ferry Overlook. The approved VTSM subdivided a 33.70 acre parcel into eight lots ranging from 0.50 to 5 acres in size and a 12.03 acre remainder parcel in the A-2-5 (General Agricultural) and H-S (Historical Site) zoning districts. The extension is being requested to allow additional time to fulfill conditions of approval. The project is located at the southeast corner of Cemetery and Frymire Roads, in the Knights Ferry area. The project is considered Exempt from the California Environmental Quality Act. APNs: 002-044-003 and 002-044-004.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.
Mott/Buehner (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE AUGUST 15, 2019 STAFF MEMO.**

NON-CONSENT ITEMS

- C. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0115 – EMPIRE HEALTH & WELLNESS** - Request to establish a commercial cannabis retail business with delivery services, within an existing 3,720 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 **APPROVAL**.

Public hearing opened.

OPPOSITION: None.

FAVOR: Darron Silva, applicant; Doug Mutoza, Chief Operations Officer, Empire Health and Wellness; Travis Miller, manager, Empire Health and Wellness; Brandon Douglas, employee, Empire Health and Wellness; and Anthony Dominguez, Empire resident.

Maring/Munoz (3/4) **A MOTION WAS MADE TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS AND THE MOTION FAILED DUE TO A LACK OF MAJORITY VOTE. AS SUCH, THE PLANNING COMMISSION RULES AND REGULATIONS STIPULATE THAT THE RECOMMENDATION OF THE PLANNING COMMISSION TO THE BOARD OF SUPERVISORS SHALL BE TO DENY THE PROPOSAL.**

Roll Call Vote: Ayes – Commissioners Blom, Maring, Munoz.
Noes – Commissioners Buehner, Hicks, Mott, Willerup.
Abstaining – None.
Absent – Etchebarne and Zipser.

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

9. **REPORT OF THE PLANNING DIRECTOR**

BOARD OF SUPERVISORS ACTIONS

August 13, 2019: Continued indefinitely Use Permit (UP) and Development Agreement (DA) Application No. PLN2018-0113, Central Valley Growers, LLC – W. Fulkerth, request to establish a commercial cannabis cultivation business, located at 1301 West Fulkerth Road, in the Turlock area.

Approved Use Permit (UP) and Development Agreement (DA) Application No. PLN2018-0149, Bynate, request to establish a commercial cannabis retail business, located at 21931 State Highway 33, in the Crows Landing area.

MISCELLANEOUS & ON THE HORIZON

Planning Commission:

September 5, 2019: Three Parcel Map applications: one in the community of Knights Ferry and two in the Newman area. One Vesting Tentative Subdivision Map and Exception application in the Oakdale area.

Staff will present a report to the Planning Commission on the August 7, 2019 site visit to Use Permit No. PLN2016-0055 - Recology Blossom Valley Organics – North.

10. **ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN** – None.

11. ADJOURNMENT

The meeting was adjourned at 6:52 p.m.

Signature on file.

Angela Freitas, Secretary
Planning and Community Development

(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>.)

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