

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

October 17, 2019

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

Present: Chair Scott Hicks, Marjorie Blom, Marc Etchebarne, Thomas Maring, Wayne Mott, Perfecto Munoz, Lars Willerup, Wayne Zipser

Absent: Kenneth Buehner

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Rachel Wyse, Senior Planner; Kristin Doud, Senior Planner; Christine Smith, Assistant Planner; Teresa McDonald, Assistant Planner; Kristen Anaya, Assistant Planner; and Angelica Dueñas, Confidential Assistant IV. The following Stanislaus County staff were also present: Rob Taro, Assistant County Counsel; Frederick Clark, Deputy Director, Department of Public Works; and Karl Quinn, Senior Environmental Health Manager, Department of Environmental Resources.
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – No one spoke.
4. **APPROVAL OF MINUTES**
 - A. October 3, 2019
Willerup/Blom (7/0) **APPROVED.**
Commissioner Etchebarne abstained.
5. **CORRESPONDENCE**

Director Freitas informed the Commissioners that there were several items of correspondence placed before them this evening:

 - A. Letter, dated October 9, 2019, from Joanne Santos Alvernaz, regarding Non-Consent item 7-C – Use Permit Application No. PLN2018-0054 – S & S Dairy.
 - B. Letter, dated October 16, 2019, from DHE-Dependable Highway Express, regarding Non-Consent item 7-D – Use Permit and Development Agreement Application No PLN2018-0103 – The People's Remedy, LLC.

- C. Letter, dated October 15, 2019, from Armor Roofing, regarding Non-Consent item 7-D – Use Permit and Development Agreement Application No PLN2018-0103 – The People’s Remedy, LLC.
- D. Letter, dated October 15, 2019, from CB Cummins (Cummins Brothers Concrete), regarding Non-Consent item 7-D – Use Permit and Development Agreement Application No PLN2018-0103 – The People’s Remedy, LLC.
- E. Letter, dated October 16, 2019, from Valley Air Conditioning & Heating, regarding Non-Consent item 7-D – Use Permit and Development Agreement Application No PLN2018-0103 – The People’s Remedy, LLC.

6. CONFLICT OF INTEREST

- A. Commissioner Etchebarne – Non-Consent item 7-D – Use Permit and Development Agreement Application No. PLN2018-0103 – The People’s Remedy, LLC.
- B. Commissioner Maring – Non-Consent item 7-B – Use Permit Application No. PLN2019-0044 – Westside Hulling Association.

7. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. PLN2019-0049 – TIERRA ANTIQUITIES** - Request to subdivide a 142± acre parcel into a 69± and a 73± acre parcel in the A-2-40 (General Agriculture) zoning district. The project is located on the south side of West Stuhr Road, between the Delta Mendota Canal and Jorgensen Road, in the Newman 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: 026-020-033.
Staff Report: Christine Smith, Assistant Planner, Recommends **APPROVAL**.
Etchebarne/Maring (8/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINE IN THE STAFF REPORT.**

6:03 p.m. Commissioner Maring left the Chambers.

NON-CONSENT ITEMS

- B. **USE PERMIT APPLICATION NO. PLN2019-0044 – WESTSIDE HULLING ASSOCIATION** – Request to expand an existing almond and walnut hulling/shelling facility by constructing an additional 27,500 square-foot almond huller/sheller building, three new baghouses, auger lines, and a 932 square-foot utility/restroom, on two parcels totaling 33.07 acres, in the A-2-40 (General

Agriculture) zoning district. The property is located at 206 Frank Cox Road and 9843 Highway 33, on the southeast corner of Highway 33 and Frank Cox Road, in the Westley area. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project. APN: 016-031-014 & 016-031-015.

Staff Report: Teresa McDonald, Assistant Planner, Recommends **APPROVAL**.
Public hearing opened.

OPPOSITION: None.

FAVOR: Kevin Genasci, applicant's representative.

Public hearing closed.

Etchebarne/Zipser (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINE IN THE STAFF REPORT.**

6:12 p.m. Commissioner Maring returned to the Chambers.

- C. **USE PERMIT APPLICATION NO. PLN2018-0054 – S & S DAIRY** – Request to expand an existing dairy facility, operating on a 106± acre parcel in the A-2-40 (General Agriculture), in order to increase the herd from 1,380 mature cows to 2,900 mature cows and support stock from 1,175 to 1,550 heifers, for a total herd increase of 1,895. This request includes the replacement of three free-stall shade barns with five free-shade stall barns totaling 175,350 square feet. The property is located at 348 E. Monte Vista Avenue, on the southwest corner of E. Monte Vista Avenue and Bystrum Road, in the Ceres area. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project. APN: 022-026-014.

Staff Report: Kristen Anaya, Assistant Planner, Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: April Premo, neighbor; and Kenneth Moore, neighbor.

FAVOR: Manny Sousa, applicant's representative.

Public hearing closed.

Mott/Etchebarne (8/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINE IN THE STAFF REPORT.**

6:48 p.m. Commissioner Etchebarne left the Chambers.

- D. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0103 – THE PEOPLE'S REMEDY, LLC** – Request to establish a commercial cannabis retail storefront and distribution operation, within an existing 2,555 square-foot building, in the M (Industrial) zoning district. A Development Agreement is included in the project request. The project is located at 1350 Lone Palm Avenue, north of Woodland 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 certified). APN: 029-010-082.

Staff Report: Kristin Doud, Senior Planner.

Public hearing opened.

OPPOSITION: Allen Layman, neighbor.

FAVOR: George Petrulakis, applicant's representative.

Public hearing closed.

Bom/Zipser (2/5) **A MOTION WAS MADE TO RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS WITH AMENDMENT TO CONDITION OF APPROVAL NO. 26 AS OUTLINED IN STAFF'S PRESENTATION 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 and Zipser.
Noes – Commissioners: Hicks, Maring, Mott, Munoz, and Willerup.
Abstaining – Commissioner Etchebarne.
Absent – Commissioner Buehner.

7:40 p.m. Commissioner Etchebarne returned to the Chambers.

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

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS – None.

MISCELLANEOUS & ON THE HORIZON

Planning Commission:

November 7, 2019: The November 7, 2019 Planning Commission meeting has been cancelled.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR – None.

11. ADJOURNMENT

The meeting was adjourned at 7:41 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>.)