

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 7, 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; and, Wayne Zipser.

Absent: Kenneth Buehner.

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Miguel Galvez, Deputy Director; Rachel Wyse, Senior Planner; Kristin Doud, Senior Planner; Jeremy Ballard, Associate Planner; and Angelica Duenas, Confidential Assistant IV. The following Stanislaus County staff were also present: Rob Taro, Deputy County Counsel; Frederic Clark, Deputy Director, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources.
2. **PLEDGE OF ALLEGIANCE**

Following the Pledge of Allegiance, the Oath of Office was administered by Rob Taro, Deputy County Counsel, to Commissioner Lars Willerup.
3. **CITIZEN'S FORUM**

A. Alex Walden spoke.
4. **APPROVAL OF MINUTES**

A. February 21, 2019
Etchebarne/Mott (5/0) **APPROVED.**
Commissioners Blom, Munoz, and Willerup 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. Email dated February 26, 2019, from Robert Vieux, regarding Non-Consent Item 7-D – Use Permit and Development Agreement Application No. PLN2018-0113 – Central Valley Growers – West Fulkerth Road.

- B. Letter dated March 6, 2019, from Stanislaus County Public Works Department, regarding Non-Consent Item 7-D – Use Permit and Development Agreement Application No. PLN2018-0113 – Central Valley Growers – West Fulkerth Road.
- C. Letter dated March 6, 2019, from Stanislaus County Public Works Department, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC.
- D. Letter dated March 6, 2019, from Hazel Flora, property owner/neighbor, regarding Non-Consent Item 7-C – Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC.
- E. Letter dated March 6, 2019, from Stanislaus County Public Works Department, regarding Non-Consent Item 7-E – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard.
- F. Email dated March 7, 2019, from Daniel Bays, regarding Non-Consent Item 7-E – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard.

6. CONFLICT OF INTEREST

- A. Commissioner Etchebarne – Consent Item 7-*A – Use Permit and Development Agreement Application No. PLN2018-0111 – Medallion Wellness; and, Non-Consent Items: 7-C - Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC; 7-D – Use Permit and Development Agreement Application No. PLN2018-0113 – Central Valley Growers, LLC – West Fulkerth Road; 7-E – Use Permit and Development Agreement Application No. PLN-0114 – Central Valley Growers, LLC – Howard Road.
- B. Commissioner Maring – Non-Consent Item 7-C - Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC.
- C. Commissioner Mott - 7-C - Use Permit and Development Agreement Application No. PLN2018-0100 – 37 North Ventures, LLC.

7. PUBLIC HEARINGS (* - Consent Items)

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

* CONSENT ITEMS

- *A. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0111 – MEDALLION WELLNESS** – *Request continuance to March 21, 2019* - 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 **CONTINUANCE**.
Blom/Maring (8/0) **APPROVED CONTINUANCE TO MARCH 21, 2019 PLANNING COMMISSION MEETING.**

NON-CONSENT ITEMS

- B. USE PERMIT AND WILLIAMSON ACT CANCELLATION APPLICATION NO. PLN2015-0081 – SULLIVAN ROAD SOLAR** – 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 **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: None.
Public hearing closed.
Maring/Munoz (8/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

6:18 p.m. Commissioners Etchebarne, Maring, and Mott left the Chambers.

- C. 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.
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: Dennis Whorton; Hazel Flora; Louis Frantz; Vicki Elliott; Wayne Elliott; Sheryl Leib; David Leib; Brenda McDonald; and, Alex Walden.

7:23 p.m. – Recessed.

7:30 p.m. – Reconvened.

FAVOR: Jacob Freidrich, applicant; and, Robert Mendes, property owner.
Public hearing closed.

Blom/Zipser (5/0) **RECOMMENDED DENIAL TO THE BOARD OF SUPERVISORS.**

Roll Call Vote: Ayes - Commissioners: Blom; Hicks; Munoz; Willerup; and Zipser.

Noes - Commissioners: None.

7:43 p.m. Commissioners Maring and Mott returned to the Chambers. Commissioner Zipser left the meeting.

- D. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0113 – CENTRAL VALLEY GROWERS, LLC – WEST FULKERTH ROAD** – Request to establish a commercial cannabis mixed-light cultivation operation to allow a 22,000 square foot canopy within a 29,880 square foot greenhouse building, and office, storage, and processing activities within a 7,470 square foot agricultural storage building, in the A-2-40 (General Agriculture) zoning district. A Development Agreement is included in the project request. The project is located at 1301 West Fulkerth Road, between Crows Landing and Carpenter Roads, in the Turlock 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: 022-030-014.
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.

7:59 p.m. – Recessed.

8:00 p.m. – Reconvened.

Public hearing opened.

OPPOSITION: Sheryl Melo; Alvin Melo; Lanette Melo; George Melo; and, Daniel Borba.

FAVOR: Chris Cox, applicant's representative.

Public hearing closed.

Munoz/Willerup (4-2) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT WITH AMENDED CONDITIONS OF APPROVAL NO. 28 AND 29 AS OUTLINED IN THE LETTER DATED MARCH 6, 2019, FROM THE STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS; AND, INCLUDING LANGUAGE REGARDING ADDITIONAL FINDINGS FOR RIGHT OF WAY DEDICATION AND IMPROVEMENTS AS RECOMMENDED BY STAFF IN THE STAFF PRESENTATION.**

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

- E. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0114 – CENTRAL VALLEY GROWERS, LLC – HOWARD ROAD** – Request to establish a commercial cannabis mixed-light cultivation operation to allow a 20,000 square foot canopy within a 29,880 square foot greenhouse building, and office, storage, and processing activities within a 7,470 square foot agricultural storage building, in the A-2-40 (General Agriculture) zoning district. A

Development Agreement is included in the project request. The project is located at 3501 Howard Road, between CA Interstate 5 and CA Highway 33, in the Westley 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: 016-019-036. Staff Report: Kristin Doud, Senior Planner, Recommends **CONTINUANCE**. Blom/Mott (6/0) **APPROVED INDEFINITE CONTINUANCE AS REQUEST BY THE APPLICANT.**

8:23 p.m. Commissioners Etchebarne returned to the Chambers.

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

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

February 26, 2019: Appointed Lars Willerup to the Stanislaus County Planning Commission.

Approved 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.

MISCELLANEOUS & ON THE HORIZON

Board of Supervisors:

March 19, 2019: Public Hearing to consider the Planning Commission's Recommendation for Denial of Use Permit and Development Agreement Application No. PLN2018-0110, Prem Gen Corp. and Use Permit and Development Agreement Application No. PLN2018-0097, Legacy Nursery, LLC., located at 5737 California Avenue.

Public Hearing 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.

Planning Commission

March 21, 2019: One Time Extension; one Parcel Map and two Use Permits and Development Agreement Applications.

10. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

A. Commissioner Hicks welcomed Commissioner Willerup to the Planning Commission.

B. Commission Willerup introduced himself to the Planning Commission.

11. ADJOURNMENT

The meeting was adjourned at 8:35 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>.)