

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 2, 2019

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

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

Absent: Wayne Mott.

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, 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: Daniel Solish, Deputy County Counsel; Tera Chumley, Senior Management Consultant, Chief Executive Office; 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**
 - A. Margaret Countryman voiced concerns regarding the City of Modesto's Board of Zoning Adjustment hearing.
4. **APPROVAL OF MINUTES**
 - A. April 18, 2019

Etchebarne/Buehner (6/0) **APPROVED.**
Commissioners Blom and Zipser 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. Twelve letters received April 30, 2019, from the applicant in support of Non-Consent Item 7-B – Use Permit and Development Agreement Application No. PLN2018-0117 – The Honest Choice.

- B. Seven letters received May 2, 2019, from the applicant in support of Non-Consent Item 7-B – Use Permit and Development Agreement Application No. PLN2018-0117 – The Honest Choice.

6. CONFLICT OF INTEREST

- A. Commissioner Etchebarne – Non-Consent Items 7-B – Use Permit and Development Agreement Application No. PLN2018-0117 – The Honest Choice and 7-C – Use Permit and Development Agreement Application No. PLN2018-0166 – JDI Farms.

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. PLN2018-0151 – PREM GEN CORP – NATHAN AVE – Request indefinite continuance.** This is a request to establish an indoor commercial cannabis cultivation, processing and distribution operation in three phases within three buildings totaling 13,850 square feet of building space in the M (Industrial) zoning district. A Development Agreement is included in the project request. The project is located at 2841 Nathan Avenue, between Beard and El Roya 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). APNs: 036-008-009 & 036-008-039.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **CONTINUANCE**. Blom/Willerup (8/0) **APPROVED INDEFINITE CONTINUANCE AS REQUESTED IN THE PLANNING COMMISSION MEMO DATED, MAY 2, 2019.**

NON-CONSENT ITEMS

6:09 p.m. Commissioner Etchebarne left the Chambers.

- B. **USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0117 – THE HONEST CHOICE** – This is a request to establish a commercial cannabis retail business, within an 850 square-foot suite of an existing building in the C-2 (General Commercial) zoning district. A Development Agreement is included in this project request. The project is located at 4701 Main Street, Suite D, between San Joaquin and Alameda Avenues, in the Community of Denair. 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:024-027-022.
Staff Report: Jeremy Ballard, Associate Planner.
Public hearing opened.
OPPOSITION: None.
FAVOR: Alice Lin, applicant's representative for The Honest Choice; Bob Holloway, local business owner; and Richard Shatswell, local business owner.

Public hearing closed.

Blom/Zipser (3/4) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

Roll Call Vote: Ayes - Commissioners: Blom, Maring, and Zipser.
Noes - Commissioners: Buehner, Hicks, Munoz, and Willerup.

- C. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0166 – JDI FARMS** – Request to operate a mixed-light commercial cannabis cultivation and nursery business, including 12 greenhouses to be utilized for cultivation, 8 greenhouses to be utilized for nursery production, and an existing agricultural storage building and two accessory storage buildings 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 1631 Fig Avenue, between Sycamore and Elm Avenues, 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: 048-007-012.

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

Public hearing opened.

OPPOSITION: None.

FAVOR: Darron Silva, property owner.

Willerup/Blom (7/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

Roll Call Vote: Ayes - Commissioners: Blom, Buehner, Hicks, Maring, Munoz, Willerup, and Zipser.
Noes - None.

7:16 p.m. – Commissioner Etchebarne returned to Chambers.

8. **OTHER MATTERS (NOT PUBLIC HEARINGS)** – None.
9. **REPORT OF THE PLANNING DIRECTOR**

BOARD OF SUPERVISORS ACTIONS

April 30, 2019: Set public hearing for May 14, 2019, at the 9:00 a.m. meeting, to consider the Planning Commission's Recommendation for Approval of Use Permit and Development Agreement application No. PLN2018-0162, Phenos Cooperative, Inc., for the operation of a commercial cannabis cultivation, processing, and distribution, located at 304 Motor City Court, between Detroit Lane and McHenry Avenue, in the Modesto area.

Approved the Planning Commission's Recommendation for Approval of Use Permit and Development Agreement application No. PLN2018-0159, Stockton Business Strategies, located at 1837 Welty Road, between Spencer and West Blewett Roads, in the Vernalis area.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

May 16, 2019: One Rezone application in the Salida area and one Use Permit and Development Agreement application in the Westley area.

10. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN – None.

11. ADJOURNMENT

The meeting was adjourned at 7:18 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>.)