

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

May 16, 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; Wayne Mott; Lars Willerup; and Wayne Zipser.

Absent: Perfecto Munoz.

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Kristin Doud, Senior Planner; and Jeremy Ballard, Associate Planner. The following Stanislaus County staff were also present: Rob Taro, Assistant 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** – None.
4. **APPROVAL OF MINUTES**
 - A. May 2, 2019

Maring/Etchebarne (7/0) **APPROVED**.
Commissioner Mott 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. An email, dated April 30, 2019, from Nav Athwal, regarding Non-Consent item 7-B – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road.
 - B. A letter, dated May 15, 2019, from Susan Hamilton Flora, regarding Non-Consent item 7-B – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road.

- C. A letter, dated May 15, 2019, from Angela Sue Henderson, regarding Non-Consent item 7-B – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road.
- D. A letter, dated May 15, 2019, from: Ivan E. Bays, Eleanor Bays, Jeanne Kolding, Cathie Gabrio, Kenneth Bays, Michele Bays, Daniel Bays, and Rebecca Bays, regarding Non-Consent item 7-B – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road.

6. CONFLICT OF INTEREST

- A. Commissioner Etchebarne – Non-Consent item 7-A – Rezone Application No. PLN2018-0067 – Modified Enterprises, LLC and Non-Consent item 7-B – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road.
- B. Commissioner Maring – Non-Consent Items 7-B – Use Permit and Development Agreement Application No. PLN2018-0114 – Central Valley Growers, LLC – Howard Road.

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.

- A. **REZONE APPLICATION NO. PLN2018-0067 – MODIFIED ENTERPRISES, LLC**
– Request to change the zoning designation of a 1.01-acre parcel from expired P-D 287 (Planned Development) to a new P-D, to allow the construction of a 15,000 square-foot building, to be utilized for various light industrial, low people intensive commercial, and office uses. The project is located at 4847 Kiernan Court, north of the Highway 99 and Kiernan Avenue Interchange, in the Community of Salida. The Planning Commission will consider adoption of a CEQA Negative Declaration for the project. APN: 136-019-002.
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Dennis Wilson, applicant’s representative; and Katherine Borges, Salida resident.
Buehner/Zipser (7/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

6:13 p.m. – Recessed and Commissioner Maring left the Chambers. Recess was to allow the Planning Commission Members time to review all correspondence too late for the agenda.

6:21 p.m. – Reconvened.

B. 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 Community of 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 **APPROVAL**.

Public hearing opened.

OPPOSITION: John Jerome; Daniel Bays; and Ken Bays.

FAVOR: Chris Cox, applicant's representative.

Buehner/Mott (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE MAY 16, 2019 STAFF MEMO AND INCLUDING AN AMENDMENT TO CONDITION OF APPROVAL NUMBER 20 TO READ AS FOLLOWS:**

20. All access roads utilized to access the operation shall be properly graded and maintained-, **including but not limited to, regularly oiled to control dust, and in addition, shall be graded and maintained to an all weather standard that is appropriate to be used by emergency vehicles. "Regularly maintained" shall be semi-annually at a minimum, unless additional maintenance is necessary.**

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

7:11p.m. – Commissioner Maring returned to the Chambers. Commissioner Etchebarne did not return to the Chambers.

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

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

May 14, 2019: Approved 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.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

June 6, 2019: One Use Permit application in the Oakdale area for agricultural services establishment and two Use Permit and Development Agreement applications, one in the Keyes area and the second in the Modesto area within the City of Modesto Sphere of Influence.

10. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN – None.

11. ADJOURNMENT

The meeting was adjourned at 7:13 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>.)