

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

June 6, 2019

1. **ROLL CALL:** Meeting called to order at 6:00 pm.  
  
Present: Chair Scott Hicks; Marjorie Blom; Kenneth Buehner; Marc Etchebarne; Thomas Maring; Wayne Mott; Perfecto Munoz; Lars Willerup; and Wayne Zipser.  
  
Absent: None.  
  
Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Kristin Doud, Senior Planner; Rachel Wyse, Senior Planner; Jeremy Ballard, Associate Planner; Christine Smith, Assistant Planner; and Angelica Dueñas, Confidential Assistant IV. The following Stanislaus County staff were also present: Rob Taro, Assistant County Counsel; 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** – No one spoke.
4. **APPROVAL OF MINUTES**
  - A. May 16, 2019  
  
Maring/Buehner (7/0) **APPROVED.**  
Commissioners Etchebarne and Munoz abstained.
5. **CORRESPONDENCE**

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

  - A. Letter, received May 31, 2019, from Tony Weatherred, Executive VP of Stanislaus Farm Supply, regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.
  - B. Letter, received May 31, 2019, from Bryan Van Groningen, Co-Owner/VP of Van Groningen & Sons, Inc., regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.
  - C. Letter, received May 31, 2019, from Tom Burchell, President/CEO of Burchell Nursery Inc., regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.

- D. Petition packet, containing 15 letters, received June 4, 2019, from various persons, regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.
- E. Letter, received June 5, 2019, from Darrell Cordova, President of Stanislaus County Farm Bureau, regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.
- F. Letter, received June 6, 2019, from Brent Boersma, Boersma Farms, LP, regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.
- G. Letter received June 6, 2019, from Nick Gatzman, Partner at Travaille and Phippen, Inc., regarding Non-Consent item 7-A - Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.

## 6. CONFLICT OF INTEREST

- A. Commissioner Zipser – Non-Consent item 7-A – Use Permit Application No. PLN2018-0161 – Tri-Cal, Inc.
- B. Commissioner Etchebarne – Non-Consent item 7-B – Use Permit and Development Agreement Application No. 2018-0099 – Golden Purpose and Non-Consent item 7-C – Use Permit and Development Agreement Application No. PLN2018-0151 – Prem Gen Corp – Nathan Ave.

## 7. PUBLIC HEARINGS (\* - Consent Items)

**\* CONSENT ITEMS** – None.

**6:03 p.m. – Commissioner Zipser left the Chambers.**

### **NON-CONSENT ITEMS**

- A. **USE PERMIT APPLICATION NO. PLN2018-0161 – TRI-CAL, INC.** – Request to operate an agricultural contractor storage and staging yard specializing in the application of soil conditioning products for crop protection on a 6.38± acre parcel in the A-2-10 (General Agriculture) zoning district. The property is located at 10531 Crackerbox Road, west side of Crackerbox Road, between Lon Dale Road (State Route 120) and Wilkins Avenue, in the Oakdale area. APN: 006-004-020. Staff Report: Christine Smith, Assistant Planner, Recommends **APPROVAL**. Public hearing opened.  
**OPPOSITION:** Richard Mendoza, neighbor; Darrell R. Todd, neighbor; Jason Arhontes; and Stacy Graham.  
**FAVOR:** Darren Wilhelm, applicant; Sean Fields, Tri-Cal employee; and Marcus Haney, Oakdale resident.  
Maring/Mott (8/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

**7:01 p.m. – Commissioner Zipser returned to the Chambers and Commissioner Etchebarne left the Chambers.**

- B. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0099 – GOLDEN PURPOSE** – Request to establish a commercial cannabis indoor cultivation and distribution operation within two existing warehouses, and proposed third warehouse, to be completed in phases, in the PD (110) zoning district. A Development Agreement is included in the project request. The project is located at 4218 Jessup Road, between East Keyes Road and Highway 99, in the Community of Keyes. APN: 045-045-014.  
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** None.  
**FAVOR:** Patrick Sullivan, applicant’s representative.  
Blom/Willerup (8/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**
- C. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0151 – PREM GEN CORP – NATHAN AVE** – Request to establish an indoor commercial cannabis cultivation and processing operation in four phases within 14,750 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 and 539 El Roya Ave, east of Beard Ave, in the Modesto area. APNs: 036-008-009 & 036-008-039.  
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** None.  
**FAVOR:** DeAnn Edwards, applicant’s representative.  
Buehner/Mott (4/4) **A MOTION WAS MADE TO RECOMMEND DENIAL TO THE BOARD OF SUPERVISORS AND THE MOTION FAILED DUE TO A LACK OF MAJORITY VOTE. THE PLANNING COMMISSION WAS ALSO UNABLE TO ACHIEVE A MAJORITY VOTE IN FAVOR OF THE PROJECT AND 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 Buehner, Hicks, Mott, and Willerup.  
Noes – Commissioners Blom, Maring, Munoz, and Zipser.  
Abstaining – Commissioner Etchebarne.  
Absent – None.

**7:42 p.m. – Commissioner Etchebarne returned to the Chambers.**

**8. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. Assignment of the Nuisance Abatement Hearing Board Members:
- Commissioner Etchebarne was reappointed as chair.  
Commissioner Mott was reappointed as a member.  
Commissioner Blom was reappointed as an alternate member.

**9. REPORT OF THE PLANNING DIRECTOR**

### **BOARD OF SUPERVISORS ACTIONS**

May 21, 2019: Adopted and waived the second reading of an ordinance to establish a new fee and amend existing fees for Planning services.

June 4, 2019: Set a Public Hearing on June 25, 2019, at 9:00 a.m., to consider the Planning Commission's Recommendation for approval of Use Permit and Development Agreement JDI Farms, Inc., request to operate a mixed-light commercial cannabis cultivation and nursery business, located on Fig Avenue, in the Patterson area.

Set a Public Hearing on June 25, 2019, at 9:00 a.m., to consider the Planning Commission's Recommendation for denial of Use Permit and Development Agreement application for The Honest Choice, request to establish a commercial cannabis retail business, located at 4701 Main Street, in Denair.

### **MISCELLANEOUS & ON THE HORIZON**

June 13, 2019: Community meeting for the Empire Branch Library project at 6:00 p.m., in the conference room, of the current Empire Branch library.

#### **Planning Commission**

June 20, 2019: Presentation on the Empire Branch Library project. No action will be taken by the Planning Commission.

One Use Permit application in the Ceres area, for an almond storage warehouse and one Use Permit and Development Agreement application in the Crows Landing area, for a commercial cannabis retail business.

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

**11. ADJOURNMENT**

The meeting was adjourned at 7:47 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>.)