

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

December 19, 2019

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

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

Absent: Marc Etchebarne

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Kristin Doud, Senior Planner; Kristen Anaya, Assistant Planner; Christine Smith, Assistant Planner; and Jennifer Akin, Planning Commission Clerk. The following Stanislaus County staff were also present: Rob Taro, Assistant County Counsel; Tera Chumley, Management Consultant, Chief Executive Office; Ramon Salinas, Assistant Engineer/Surveyor, Department of 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. November 21, 2019
Blom/Willerup (5/0) **APPROVED**.
Commissioners Buehner, Maring, and Munoz abstained.
 - B. December 5, 2019
Maring/Buehner (5/0) **APPROVED**.
Commissioners Hicks, Munoz, and Zipser abstained.
5. **CORRESPONDENCE**

Director Freitas informed the Commissioners of various items of correspondence placed before them this evening:

 - A. Farmland Working Group Newsletter – Winter 2019
 - B. Letter dated December 11, 2019 to Stanislaus County Planning Commission regarding Non-Consent Item 7-E – Use Permit and Development Agreement Application No. PLN2019-0086 – Lyfted Farms – Daly Avenue

- C. Memo dated December 19, 2019 from Stanislaus County Department of Planning and Community Development regarding Non-Consent Item 7-D – Use Permit Application No. PLN2019-0028 – Keyes Community Service District
- D. Memo dated December 19, 2019 from Stanislaus County Department of Planning and Community Development regarding Non-Consent Item 7-E – Use Permit and Development Agreement Application No. PLN2019-0086 – Lyfted Farms, Inc. – Daly Avenue

6. CONFLICT OF INTEREST – None.

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. PLN2019-0084 – LYONS LAND MANAGEMENT – GATES ROAD** - Request to subdivide a 108.1± acre parcel into 54.2± and 53.9± acre parcels in the A-2-40 (General Agriculture) zoning district. The project site is located at 1949 Gates Road, on the southwest corner of Shoemake Avenue and Gates Road, in the Modesto area. The Planning Commission will consider finding that no further analysis is required pursuant to California Environmental Quality Act Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an EIR was prepared). APN: 012-044-016.
Staff Report: Kristen Anaya, Assistant Planner, Recommends **APPROVAL**.
Mott/Munoz (8/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**
- *B. PARCEL MAP APPLICATION NO. PLN2019-0038 – DAVID E POTTER INVESTMENTS – Requesting indefinite continuance** - Request to subdivide a 13.46 acre parcel into two parcels of 2.24 and 11.22 acres in the A-2-20 (General Agriculture) zoning district. The property is located at 151 Pomelo Avenue, on the northeast corner of Highway 33 and Pomelo Avenue, in the Patterson area. The Planning Commission will consider finding that no further environmental analysis is required pursuant to the California Environmental Quality Act Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an Environmental Impact Report was prepared). APN: 048-016-022.
Staff Report: Christine Smith, Assistant Planner, Recommends **CONTINUANCE**.
Mott/Munoz (8/0) **APPROVED INDEFINITE CONTINUANCE AS OUTLINED IN THE STAFF MEMO.**
- *C. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2018-0096 – TRULEAF, INC. – Requesting continuance to January 16, 2020** - Request to obtain a Use Permit and Development Agreement to allow indoor commercial cannabis cultivation, manufacturing (non-volatile), and distribution activities within an existing 22,000 square foot warehouse building in the P-I (17) (Planned Industrial) zoning district. The project is located at 4622 Glass Court, between Glass Lane and Galaxy Way, south of Kiernan Avenue, in the Modesto area. The Planning Commission will consider finding that no further

environmental analysis is required pursuant to the California Environmental Quality Act Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an Environmental Impact Report was prepared). APN: 046-011-049.

Staff Report: Jeremy Ballard, Associate Planner, Recommends **CONTINUANCE**.
Mott/Munoz (8/0) **APPROVED CONTINUANCE TO JANUARY 16, 2020 PLANNING COMMISSION MEETING AS OUTINED IN THE STAFF MEMO.**

NON-CONSENT ITEMS

- D. USE PERMIT APPLICATION NO. PLN2019-0028 – KEYES COMMUNITY SERVICE DISTRICT** - Request to construct a new wastewater lift station and supporting facilities on 4,356 square foot vacant parcel in the A-2-10 (General Agriculture) zoning district. The project site is located south of the intersection of Foote Road and the Union Pacific Railroad, north of East Keyes Road in the Community of Keyes. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration for this project. APN: 045-049-018.

Staff Report: Christine Smith, Assistant Planner, Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: None.

FAVOR: None.

Public hearing closed.

Blom/Buehner (8/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT WITH THE AMENDMENT, AS OUTLINED IN THE STAFF MEMO DATED DECEMBER 19, 2019, DELETING CONDITION OF APPROVAL NO. 16.**

- E. USE PERMIT AND DEVELOPMENT AGREEMENT APPLICATION NO. PLN2019-0086 – LYFTED FARMS – DALY AVENUE** - Request to obtain a Use Permit and Development Agreement to allow indoor commercial cannabis cultivation, manufacturing (volatile), and distribution activities within an existing 170,751 square-foot warehouse in the (M) Industrial zoning district. The project is located at 217 Daly Avenue, south of Yosemite Blvd. (SR 132), in the Modesto Area. The Planning Commission will consider finding that no further environmental analysis is required pursuant to the California Environmental Quality Act Guidelines Section 15183 (Consistency with a General Plan or Zoning for which an Environmental Impact Report was prepared). APN: 036-017-016.

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

Public hearing opened.

OPPOSITION: None.

FAVOR: Sebastian Jones, resident; Zach Drivon, representative

Public hearing closed.

Willerup/Zipser (8/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

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

8. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. Assignment of Nuisance Abatement Hearing Board Members

Commissioner Blom appointed as chair.
Commissioner Willerup appointed as member.
Commissioner Maring appointed as alternate member.

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

December 10, 2019: Continued to January 28, 2020 the Public Hearing to consider the Planning Commission's Recommendation for Denial of Use Permit and Development Agreement Application No. PLN2018-0103 – The People's Remedy, request to establish a commercial cannabis retail storefront located at 1350 Lone Palm Avenue, in the Modesto area. The item was continued to allow the applicant time to locate an alternate location.

December 17, 2019: Approved General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0101 – Natural Remedies Consulting, request to amend the General Plan and zoning designation to allow indoor commercial cannabis cultivation, manufacturing, retail, and distribution activities located at 5272 Jerusalem Court in the Modesto Area.

Approved General Plan Amendment, Rezone, Use Permit, and Development Agreement Application No. PLN2018-0112 – Jayden's Journey, request to amend the General Plan and zoning designation to allow operation of a cannabis retail business located at 5054 Pentecost Drive, in the Modesto area.

MISCELLANEOUS & ON THE HORIZON

Planning Commission

January 2, 2020: No items scheduled.

January 16, 2020: One Use Permit, in the Ceres area; and two Use Permit and Development Agreements both in the Modesto area.

Director Freitas thanked Commissioners Buehner and Etchebarne for their years of service to the Stanislaus County Planning Commission, presenting Commissioner Buehner with a plaque. Commissioner Buehner served Stanislaus County as a Planning Commissioner from 2011 to 2019, as Chair 2016. Commissioner Etchebarne served Stanislaus County as a Planning Commissioner from 2012-2019, as Chair 2017.

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

11. ADJOURNMENT

The meeting was adjourned at 6:57 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>.)