

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 21, 2022

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

Present: Dale Boucher, Kenneth Buehner, Thomas Maring, Wayne Pacheco, Lars Willerup, Wayne Zipser

Absent: Matt Beekman, Erika Durrer, and Perfecto Munoz

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Kristy Doud, Deputy Director; Jeremy Ballard, Associate Planner; Kristen Anaya, Associate Planner; and Casse White, Planning Commission Clerk. The following Stanislaus County staff were also present: Rob Taro, Deputy County Counsel; Danny Mauricio, Assistant Engineer/Surveyor, Department of Public Works; and Parminder Dhillon, Senior Environmental Health Specialist, Department of Environmental Resources.
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – None
4. **MINUTES**
 - A. July 7, 2022
Zipser/Buehner (5/0) **ACCEPTED**.
Commissioner Willerup abstained.
5. **CORRESPONDENCE**

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

 - A. Memo dated July 21, 2022 from the Stanislaus County Planning and Community Development Department for Non-Consent Item 7-B – General Plan Amendment and Rezone Application No. PLN2021-0108 – James Bates RV and Boat Storage
 - B. Email dated July 21, 2022 from Greg Torres for Non-Consent Item 7-C – General Plan Amendment, Rezone, and Vesting Tentative Map App No. PLN2021-0040 – Lazares Companies.

6. CONFLICT OF INTEREST

- A. Commissioner Wayne Pacheco – Non-Consent Item 7-A, Use Permit Application No. PLN2021-0111 – Beltran Solar Energy Center

7. PUBLIC HEARINGS (* - Consent Items)

Commissioner Willerup informed the public that there were no consent items.

*** CONSENT ITEMS** - None

NON-CONSENT ITEMS

6:03 p.m. - Commissioner Pacheco left the Chambers

- A. **USE PERMIT APPLICATION NO. PLN2021-0111 – BELTRAN SOLAR ENERGY CENTER** – Request to modify Use Permit No. 2011-11 – Beltran Ranch Solar Farm, an approved solar photovoltaic (PV) facility located on a 1,720± acre project site in the General Agriculture (A-2-40/A-2-160) zoning district, by expanding the development footprint of photovoltaic panels and appurtenant equipment from 606± to 817± acres and amending the infrastructure which connects the system to the PG&E power grid, including a new collector line which will be located outside of the original project area. The project site is located on Davis Road, west of I-5, southwest of the Fink Road Landfill, in the Newman/Crows Landing area. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration. APNs: 025-017-013, -015, -019, and -020; 026-012-003; 027-017-063, -080, -082, -090, -091; and 025-012-015.
Staff Report: Kristen Anaya, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Jennifer Knott, applicant.
Public hearing closed.
Buehner/Boucher (5/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT DATED JULY 21, 2022.**

Roll Call Vote: Ayes – Boucher, Buehner, Maring, Willerup, Zipser
Noes – None
Absent – Beekman, Durrer, Munoz
Abstained – Pacheco

6:26 p.m. - Commissioner Pacheco returned to the Chambers

- B. **GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2021-0108 – JAMES BATES RV AND BOAT STORAGE** – Request to amend the General Plan and zoning designations of an 18.5-acre project site, from Urban Transition (UT) and General Agriculture (A-2-10) to Planned Development (P-D), to allow for development consistent with permitted uses in the Planned Industrial (P-I) zoning district. The site is located on Litt Road, on the southeast corner of Plainview and Litt Roads, west of Terminal Avenue and the Burlington Northern Santa Fe Railroad, in the Modesto area. The Planning Commission will consider

adoption of a California Environmental Quality Act Negative Declaration for the project. APN: 084-003-011 and 084-003-012.

Staff Report: Kristy Doud, Deputy Director, Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: None.

FAVOR: James Bates, applicant.

Public hearing closed.

Pacheco/Boucher (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT DATED JULY 21, 2022, AND INCLUDING THE AMENDMENTS TO DEVELOPMENT STANDARDS NO. 22, 24, 25, AND 40 AS OUTLINED IN THE STAFF MEMO DATED JULY 21, 2022, TO READ AS FOLLOWS:**

22. Prior to issuance of any grading or building permit, the developer shall complete a vertical and horizontal vehicular movement analysis and make required improvements identified by said analysis to **address safety** at the intersection of Plainview Road and Terminal Avenue and the at-grade railroad crossing ~~to accommodate any vehicle for the proposed use~~, to the satisfaction of the County Department of Public Works. **The Public Works Director may determine that such an analysis and improvements are not necessary if the facility driveways are redesigned and determined to be satisfactory in eliminating the use of the Plainview Road by customers of the facility or the access to the railroad crossing has been cut off by the County's closure of Plainview Road. The County shall be under no obligation to close Plainview Road as a means of facilitating development of this project.**
24. Prior to the final of any grading or building permit, **unless otherwise deferred or not required by the City of Modesto**, the applicant shall make road frontage improvements along the parcel frontage of Litt Road and Plainview Road. The improvements shall meet City of Modesto standards. Improvement plans shall be submitted to the County Department of Public Works and to the City of Modesto for review and approval.
25. A financial guarantee in a form acceptable to the County Department of Public Works shall be deposited for the street improvements installation along the frontage on Litt Road and Plainview Road prior to the issuance of any building or grading permit, **unless otherwise deferred or not required by the City of Modesto**.
40. The project shall dedicate sufficient street right-of-way to provide 30 feet from centerline for Plainview Road and shall provide full street improvements, including paving, curb, gutter, sidewalk, and storm drainage improvements to City standard. **Stanislaus County Public Works and the City of Modesto have agreed that the future of Plainview Road is under review as to whether the roadway will be ultimately closed and abandoned. The dedication and construction of improvements will be deferred until such time as a final decision is made regarding the future of Plainview Road. If the roadway is**

determined to be closed permanently, this condition of dedication and street improvements will be eliminated. If the roadway remains, the dedication and construction of the improvements will be deferred to a future date consistent with other development in the area. The City will require a deferred improvement agreement to memorialize the requirements after a final decision is made with respect to the future of Plainview Road.

Roll Call Vote: Ayes – Boucher, Buehner, Maring, Pacheco, Willerup, Zipser
Noes – None
Absent – Beekman, Durrer, Munoz

C. GENERAL PLAN AMENDMENT, REZONE, AND VESTING TENTATIVE MAP APPLICATION NO. PLN2021-0040 – LAZARES COMPANIES

– Request to amend the Denair Community Plan designation from Estate Residential to Low-Density Residential and the zoning designation from Rural Residential (R-A) to Planned Development (P-D) on an 18.6± acre project site, and to subdivide the project site into 72 parcels, ranging in size from 7,223 to 14,962 square feet, to allow for low-density residential development. The project site is located at 3531 East Monte Vista Avenue, between North Waring and Lester Roads, in the Community of Denair. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration for this project. APN: 024-012-009.

Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: None.

FAVOR: Trevor Smith, applicant representative.

Public hearing closed.

Buehner/Pacheco (6/0) RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT DATED JULY 21, 2022, AND WITH THE ADDITION OF DEVELOPMENT STANDARD NO. 55, TO READ AS FOLLOWS:

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55. Development of Parcels No. 32 through 36 shall be restricted to only single-story dwellings.

Roll Call Vote: Ayes – Boucher, Buehner, Maring, Pacheco, Willerup, Zipser
Noes – None
Absent – Beekman, Durrer, Munoz

8. OTHER MATTERS (NOT PUBLIC HEARINGS) – None

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

July 12, 2022:

Approved to Set the Public Hearing on July 26, 2022 to Consider the Planning Commission's Recommendation of Approval to Mutually Amend:

- Development Agreement No. PLN2018-0112 - Jayden's Journey to Eliminate the Community Benefit Contribution and Modify the Payment Rates for the Community Benefit Rate for a Commercial Cannabis Retail Business, Located at 5054 Pentecost Drive, Southeast Corner of Bitritto Court and Pentecost Drive, in the Modesto Area.
- Development Agreement No. PLN2020-0036 - The People's Remedy to Eliminate the Community Benefit Contribution and Modify the Payment Rates for the Community Benefit Rate for a Commercial Cannabis Retail Business, Located at 1119 Lone Palm Avenue, Between Woodland and Kansas Avenues, West of State Route 99, in the Modesto Area.

Approved to Set the Public Hearing on July 26, 2022 to Consider the Planning Commission's Recommendation of Approval of Rezone Application No. PLN2021-0112 - Top Shelf Mega Storage, a Request to Rezone a 10-Acre Parcel from Planned Development (P-D) (261) to a New P-D to Allow for Development of a Recreational Vehicle Storage Facility in Two Phases, Located at 4401 West Barnhart Road, on the Northeast Corner of West Barnhart Road and North Golden State Boulevard, in the Keyes Area.

MISCELLANEOUS AND ON THE HORIZON

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August 4, 2022:

No items on the Agenda.

August 18, 2022:

One Use Permit in the Modesto area. One Use Permit in the Turlock area.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR – None

11. ADJOURNMENT

The meeting was adjourned at 7:22 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>.)