

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

April 20, 2023

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

Present: Dale Boucher, Erika Durrer, Thomas Maring, Carmen Morad, Wayne Pacheco, Lars Willerup

Absent: Becky Campo*, Wayne Zipser

Staff Present: The following Planning & Community Development staff were present: Kristy Doud, Deputy Director; Jeremy Ballard, Senior Planner; Kristen Anaya, Associate Planner; Emily Basnight, Assistant Planner; and Angelica Duenas, Planning Commission Clerk. The following Stanislaus County staff were also present: Rob Taro, Deputy County Counsel; Andrew Malizia, Senior Civil Engineer, Department of Public Works; Isael Ojeda, Assistant Engineer/Surveyor, Department of Public Works; and Parminder Dhillon, Senior Environmental Health Specialist, Department of Environmental Resources.

6:01 p.m. Deputy County Counsel, Rob Taro administered the Oath of Office to Planning Commissioner, Carmen Morad who was appointed to the Planning Commission by the Board of Supervisors on December 20, 2022.

2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – No one spoke.
4. **MINUTES**

- A. January 19, 2023
Maring/Pacheco (6/0) **APPROVED.**
- B. February 16, 2023
Pacheco/Boucher (5/0) **APPROVED.**
Chair Willerup abstained

5. **CORRESPONDENCE**

Deputy Director Doud informed the Commissioners that there is one item of correspondence placed before them this evening:

- A. Memo dated April 20, 2023, from Stanislaus County Planning and Community Development Department, regarding Public Hearing item 7.B. – Rezone Application No. PLN2018-0057 – Kamir Incorporated.

6. CONFLICT OF INTEREST

- A. Commissioner Maring – Consent item 7.A. Parcel Map Application No. PLN2022-0053 – Thomas and Deborah Morris.
- B. Commissioner Willerup – Consent item 7.A. Parcel Map Application No. PLN2022-0053 – Thomas and Deborah Morris.

Chair Willerup announced that due to a lack of quorum for consent item 7.A. Parcel Map Application No. PLN2022-0053 – Thomas And Deborah Morris, the Planning Commission would continue the meeting out of order and start with non-consent item 7.B. Rezone Application No. PLN2018-0057 – Kamir Incorporated.

6:04 p.m. Staff report provided for non-consent item 7.B. Rezone Application No. PLN2018-0057 – Kamir Incorporated with public hearing proceeding.

6:35 p.m. Vote taken non-consent item 7.B. Rezone Application No. PLN2018-0057 – Kamir Incorporated

****6:36 p.m. Commissioner Campo arrived and entered the Chambers.***

6:37 p.m. Commissioners Maring and Willerup left the Chambers. Vice-Chair Durrer assumed the role of Chair.

Chair Durrer informed the public of the consent procedures and that there was one consent item on the agenda, item 7.A. Parcel Map Application No. PLN2022-0053 – Thomas And Deborah Morris. An opportunity was provided for consent items to be removed. No items were pulled.

6:39 p.m. Commissioners Maring and Willerup returned to the Chambers. Commissioner Willerup resumed the role of Chair.

7. PUBLIC HEARINGS (*Consent Items)

CONSENT ITEMS

- *A. **PARCEL MAP APPLICATION NO. PLN2022-0053 – THOMAS AND DEBORAH MORRIS** – Request to subdivide a 160± acre parcel into four parcels, each 40± acres in size, in the General Agriculture (A-2-40) zoning district. The project site is located at 3106 River Road, 2210 and 2460 Orchard Road, between Orchard Road and Center Road, in the Vernalis 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 Ordinance for which an EIR was prepared) and that the project is CEQA Exempt under CEQA Guidelines Section 15061 (Common Sense Exemption). APNs: 016-009-040 and 016-009-041.
Staff Report: Emily Basnight, Assistant Planner, Recommends **APPROVAL**. Pacheco/Boucher (5/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT DATED APRIL 20, 2023.**

7. PUBLIC HEARINGS

NON-CONSENT ITEMS

B. REZONE APPLICATION NO. PLN2018-0057 – KAMIR INCORPORATED –

Request to rezone a 5.15-acre parcel from General Agriculture (A-2-10) to Planned Development (P-D), to allow for development of a fueling stop, convenience store, and two quick-service restaurants to serve the traveling public. The project site is located at East Keyes Road, between North Golden State Boulevard and State Route 99, in the Community of Keyes. The Planning Commission will consider a California Environmental Quality Act Mitigated Negative Declaration for this project. APN 045-050-007.

Staff Report: Kristen Anaya, Associate Planner, Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: None.

FAVOR: Amir Kayhani and Kamil Kayhani, applicants. Anita Martin, resident.

Public hearing closed.

Durrer/Pacheco (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE APRIL 20, 2023 STAFF REPORT, WITH THE MODIFICATION OF DEVELOPMENT STANDARD NO. 14 AS OUTLINED IN THE APRIL 20, 2023 STAFF MEMO, TO READ AS FOLLOWS:**

14. Prior to issuance of a building and grading permit, the associated plans shall be designed so as to maintain the ability to create an internal drive aisle at the ~~western~~^{north} property line from the project site to the parcel abutting the project site (APN: 045-074-004). ~~Should the APN: 045-074-004 adjacent parcel ever convert in the future to a use which is open to the public, direct mutual vehicular access between the project parcel and parcel to the northwest shall be provided to facilitate travel between the two parcels by the general public. If no further entitlements are required for the adjacent parcel to maintain a permitted business that is open to the public, direct mutual vehicular access shall still be provided upon notice by the County.~~ Within 30 days of being notified by the Planning Department that APN 045-074-004 has been approved to convert to a use serving the general public, a reciprocal access agreement for the north-south internal access between the project site and APN 045-074-004 shall be **conditionally** recorded, **on the basis that a maintenance agreement is executed to cover proportional fair share wear-and-tear of the driveway and drive aisles to the satisfaction of the applicant/operator for Kamir Incorporated.**

Roll Call Vote: Ayes – Boucher, Durrer, Maring, Morad, Pacheco, Willerup
Noes – None
Absent – Campo, Zipser
Abstained – None

8. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. Assignment of Member to Nuisance Abatement Hearing Board

Chair Willerup appointed Commissioner Maring as an alternate member to the Nuisance Abatement Hearing Board replacing Commissioner Beekman whose Planning Commission term has expired.

B. Assignment of Member to General Plan Update Committee

Chair Willerup appointed Commissioner Durrer as a member to the General Plan Update Committee (GPUC) replacing Commissioner Munoz whose Planning Commission term has expired. Chair Willerup also appointed Commissioner Campo as the new alternate member for the GPUC replacing the former alternate member, Commissioner Durrer.

9. REPORT OF THE PLANNING DIRECTOR

Deputy Director Doud gave the report of the Planning Director.

BOARD OF SUPERVISORS ACTIONS

Since the last Planning Commission meeting there have been no Planning Commission items on the Board's agenda.

MISCELLANEOUS AND ON THE HORIZON

Planning Commission

May 4, 2023: One Rezone and Vesting Tentative Subdivision Map in the Denair area. One Use permit in the Turlock area.

May 18, 2023: One Amendment to a Development Agreement in the Modesto area. Two Use Permits in the Crows Landing area.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR

Commissioner Morad introduced herself to the Commissioners.

11. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

Signature on file.

Kristy Doud, Deputy Director

(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>.)