

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

July 7, 2022

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

Present: Dale Boucher, Kenneth Buehner, Erika Durrer, Thomas Maring, Wayne Pacheco, Wayne Zipser

Absent: Matt Beekman, Perfecto Munoz, Lars Willerup

Staff Present: The following Planning & Community Development staff were present: Angela Freitas, Director; Kristy Doud, Deputy Director; Jeremy Ballard, Associate Planner; Teresa McDonald, Associate Planner; Kristen Anaya, Associate Planner; Avleen Aujla, Assistant Planner; Emily Basnight, Assistant Planner; and Casse White, Planning Commission Clerk. The following Stanislaus County staff were also present: Rob Taro, Assistant County Counsel; Isael Ojeda, 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**

- A. Miguel Donoso, a resident from the Modesto area, spoke about the housing element and economic problems faced by local residents wanting to purchase or rent housing. He also spoke about the Stanislaus Homeless Alliance and the Stanislaus Community System of Care, and concerns with which group has the legal authority and responsibility for addressing homeless issues. He also spoke about funding received by the County for affordable housing and infrastructure.

Following Mr. Donoso, the Planning Commission continued on with Item 4 – Minutes and Item 5 – Correspondence before returning back to Citizen's Forum at the request of Ms. Medina.

- B. Leonor Domingo Medina spoke regarding a prior address she had made to the Planning Commission, two months prior, regarding the need for sidewalks and lighting in the Bret Hart Neighborhood. Ms. Medina also spoke about a streetlight in the neighborhood being paid for by a property owner and the need for the County to provide lighting and sidewalks.

Following Ms. Medina's address staff was able to confirm that her prior address had been made to the County Board of Supervisors and not the County Planning Commission.

4. **MINUTES**

- A. May 19, 2022
Pacheco/Zipser (6/0) **ACCEPTED.**

5. CORRESPONDENCE

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

- A. Email dated July 1, 2022 from Brad Johnson for Non-Consent Item 7-G – Use Permit Application No. PLN2014-0108 – Isabel Machado Dairy.
- B. Non-Consent Item 7-H – Rezone Application No. PLN2021-0112 – Top Shelf Mega Storage.
 - i. Letter dated June 10, 2022 from Sharon Turnbull.
 - ii. Letter dated June 11, 2022 from Todd Holley.
 - iii. Letter dated June 13, 2022 from Unknown Sender at 4129 West Barnhart Road.
 - iv. Fax dated July 7, 2022 from Greg and Teri Nascimento.
 - v. Fax dated July 7, 2022 from Sam Verdone.
 - vi. Fax dated July 7, 2022 from Todd Holley.

6. CONFLICT OF INTEREST – None.

7. PUBLIC HEARINGS (* - Consent Items)

Commissioner Buehner informed the public of the consent items and procedure.

*** CONSENT ITEMS**

After having received no requests to remove any of the items from the consent agenda, the Planning Commission acted to approve all Consent Items, on a 6/0 vote (Maring/Boucher). Prior to hearing the first non-consent item, Mr. Pena, a member of the public, asked to speak regarding Item 7-A – Time Extension for Use Permit No. PLN2019-0018 – Grower Direct Nut. At the direction of staff and County Counsel the item was pulled from the consent agenda and a public hearing on the item was conducted and a separate vote taken.

- A. **TIME EXTENSION FOR USE PERMIT NO. PLN2019-0018 – GROWER DIRECT NUT** – Request for a one-year time extension. The project was approved to expand an existing walnut storage and fumigation facility by constructing 305,500± square feet of structures for: storage facilities, offices, walnut shelling, sorting, grading, pasteurizing, packaging, and fumigation on a 26± acre parcel in the General Agriculture (A-2-40) zoning district. The project is located at 8133 East Service Road, on the northeast corner of Geer and East Service Roads, in the Hughson area. The project is considered Exempt from the California Environmental Quality Act. APN: 018-056-007. Staff Report: Kristen Anaya, Associate Planner, Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: Jesse Pena, resident.

FAVOR: Joshua Mann, applicant representative.

Public hearing closed.

Maring/Pacheco (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF MEMO DATED JULY 7, 2022.**

- *B. TIME EXTENSION FOR USE PERMIT & DEVELOPMENT AGREEMENT NO. PLN2019-0095 – CENTRAL VALLEY GROWERS, LLC – HOWARD ROAD III** – Request for a one-year time extension. The project was approved to establish a mixed-light commercial cannabis cultivation, nursery, processing, and distribution operation in phases on a 49-acre parcel in the General Agriculture (A-2-40) zoning district. The project site is located at 3735 Howard Road, between the California Aqueduct and the Delta Mendota Canal, north of Interstate Highway 5, in the Westley area. The project is considered Exempt from the California Environmental Quality Act. APN: 016-037-039.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.
Maring/Boucher (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF MEMO DATED JULY 7, 2022.**
- *C. PARCEL MAP APPLICATION NO. PLN2022-0005 – FURTADO LAND CO., LLC** – Request to subdivide a 230.35± acre parcel into four parcels, 52.07±, 47.06±, 40.71±, and 49.73± acres in size, and a 40.78± acre remainder, in the General Agriculture (A-2-40) zoning district. The project site is located at 5507 and 5601 Ellenwood Road, between Alvarado Road and Claribel Road, in the Oakdale 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). APN: 010-019-029.
Staff Report: Emily Basnight, Assistant Planner, Recommends **APPROVAL**.
Maring/Boucher (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF MEMO DATED JULY 7, 2022.**

NON-CONSENT ITEMS

- D. AMENDMENT OF THE DEVELOPMENT AGREEMENT (DA) FOR USE PERMIT (UP) & DA NO. PLN2018-0112 – JAYDEN’S JOURNEY** – Request to mutually amend the adopted DA to eliminate the Community Benefit Contribution and modify the payment rates for the Community Benefit Rate. The project is located at 5054 Pentecost Drive, southeast corner of Bitritto Court and Pentecost Drive, in the Modesto area. The Planning Commission will consider finding that the request is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines 15061 (Common Sense Exemption). APN: 004-094-028.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: None.
Public hearing closed.
Pacheco/Maring (4/2) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF MEMO DATED JULY 7, 2022.**

- E. AMENDMENT OF THE DEVELOPMENT AGREEMENT (DA) FOR USE PERMIT (UP) & DA NO. PLN2020-0036 – THE PEOPLE’S REMEDY** – Request to mutually amend the adopted DA to eliminate the Community Benefit Contribution and modify the payment rates for the Community Benefit Rate. The project site is located at 1119 Lone Palm Avenue, between Woodland and Kansas Avenues, west of State Route 99, in the Modesto area. The Planning Commission will consider finding that the request is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines 15061 (Common Sense Exemption). APN: 029-011-075.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Mark Ponticelli, applicant.
Public hearing closed.
Zipser/Maring (4/2) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF MEMO DATED JULY 7, 2022.**
- F. USE PERMIT APPLICATION NO. PLN2021-0078 – SANGHERA INVESTMENTS, INC.** – Request to construct a truck terminal that facilitates fueling, parking, loading, and unloading for company owned trucks and its drivers on a 5.23-acre parcel in the Planned Development (P-D) (332) zoning district. The project is located on North Golden State Boulevard, between Nunes and East Keyes Roads, east of State Highway 99, in the Community of Keyes. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration for the project. APN: 045-074-004.
Staff Report: Avleen Aujla, Assistant Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Josh Divelbiss, applicant representative.
Public hearing closed.
Zipser/Maring (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF MEMO DATED JULY 7, 2022.**
- G. USE PERMIT APPLICATION NO. PLN2014-0108 – ISABEL MACHADO DAIRY** – Request to expand an existing dairy facility, operating on a 59.39± acre parcel in the General Agriculture (A-2-40) zoning district, to allow for an increase to the herd size, from 1,260 mature cows to 2,860. The request also includes the construction of a 36,000± square-foot addition to an existing freestall barn and a new 94,500± square-foot freestall barn. The property is located at 7413 South Mitchell Road, at the southwest corner of the South Mitchell Road and Hilmar Road intersection, in the Turlock area. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration for the project. APN: 057-007-005.
Staff Report: Teresa McDonald, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Johnny Machado, applicant.
Public hearing closed.
Maring/Durrer (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT DATED JULY 7, 2022.**

- H. **REZONE APPLICATION NO. PLN2021-0112 – TOP SHELF MEGA STORAGE**
– Request to amend the zoning designation of a 10-acre parcel from Planned Development (P-D) (261) to a new P-D to allow for development of a recreational vehicle (RV) storage facility in two phases. The project site is located at 4401 W Barnhart Road, on the northeast corner of W Barnhart Road and N Golden State Boulevard, in the Keyes area. The Planning Commission will consider a California Environmental Quality Act Mitigated Negative Declaration. APN 045-052-031.
Staff Report: Kristy Doud, Deputy Director, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: Dave Romano, applicant representative.
Public hearing closed.
Durrer/Zipser (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT DATED JULY 7, 2022.**

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

- A. Assignment of Nuisance Abatement Hearing Board Members
Commissioner Pacheco appointed as member.
Commissioner Willerup appointed as member.
Commissioner Buehner appointed as alternate member.
- B. 6th Cycle Housing Element Update Presentation. Presentation provided by Nikki Streegan, from Rincon Consultants, and Ryan Lester, from Mintier Harnish, the County's Housing Element consultants for the 6th Cycle Update.

9. **REPORT OF THE PLANNING DIRECTOR**

BOARD OF SUPERVISORS ACTIONS

- May 24, 2022: Approved the Planning Commission's Recommendation of Approval of Rezone Application No. PLN2021-0098, A&R Mortuary Services, a Request to Rezone a 9,486± Square-Foot Parcel from Planned Development (P-D) (276) to a New P-D, to Allow a Mortuary Establishment Located at 5434 & 5436 Pirrone Road, Between the Modesto Irrigation District Lateral No. 8 Canal and Pirrone Court, in the Community of Salida.
- June 14, 2022: No Planning Commission items on the Agenda.
- June 15, 2022: Special Meeting. Conducted the third Tour of Unincorporated Communities. Stops on this meeting included the Kenwood Avenue Neighborhood, Montana Road Area / West Turlock Island, and Bret Harte Neighborhood.
- June 28, 2022: No Planning Commission items on the Agenda.

MISCELLANEOUS AND ON THE HORIZON

Planning Commission

July 21, 2022: One Use Permit in the Crows Landing area. One General Plan Amendment/Rezone/Tentative Map in the Denair area. One General Plan Amendment/Rezone in the Modesto area.

August 4, 2022: No items on the Agenda.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR

11. ADJOURNMENT

The meeting was adjourned at 8:34 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>.)