

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

November 3, 2022

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

Present: Matt Beekman, Dale Boucher, Kenneth Buehner, Erika Durrer, Thomas Maring, Perfecto Munoz, Wayne Pacheco, Lars Willerup, Wayne Zipser

Absent: None

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; Emily Basnight, Assistant Planner; and Casse White, Planning Commission Clerk. The following Stanislaus County staff were also present: Rob Taro, Deputy 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** – None
4. **MINUTES**
 - A. October 6, 2022
Zipser/Willerup (9/0) **ACCEPTED.**
5. **CORRESPONDENCE**

Director Freitas informed the Commissioners of two items of correspondence; including Item 5(B) which was received too late for the agenda and placed before the Planning Commission at the meeting.

 - A. 2023 Planning Commission Meeting Calendar
 - B. Correspondence received October 28, 2022, from Brad Johnson for Non-Consent Item 7-C – Use Permit No. PLN2021-0030 – Silva's Holsteins Dairy.
6. **CONFLICT OF INTEREST** – None

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

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

*** CONSENT ITEMS**

- *A. USE PERMIT APPLICATION NO. PLN2022-0020 – HALAL BUTCHER SHOP –**
Request to utilize a 4,000 square-foot suite, within an existing 29,040 square-foot warehouse building, for the slaughter of chickens, lambs, and goats on a 1.07± acre parcel in the Industrial (M) zoning district. The project site is located at 436 Mitchell Road, Suite F, between Hoover Avenue and Tenaya Drive, in the Modesto area. The Planning Commission will consider a California Environmental Quality Act Negative Declaration for this project. APN 036-001-083.
Staff Report: Teresa McDonald, Associate Planner, Recommends **INDEFINITE CONTINUANCE**.
Buehner/Maring (9/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF MEMO DATED NOVEMBER 3, 2022.**
- *B. VESTING PARCEL MAP APPLICATION NO. PLN2022-0031 – HOFTIEZER FAMILY TRUST** – Request to subdivide an 80± acre parcel into two parcels of 40± acres each in size in the General Agriculture (A-2-40) zoning district. The project site is located on 930 Texas Road, between Maze Boulevard (State Route 132) and California Avenue, in the Modesto area. The Planning Commission will consider finding that no further analysis is required pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183 (Consistency with a General Plan or Zoning Ordinance for which an EIR was prepared) and that the project is Exempt under CEQA Guidelines Section 15061 (Common Sense Exemption). APN: 012-055-010.
Staff Report: Jeremy Ballard, Associate Planner, Recommends **APPROVAL**.
Buehner/Maring (9/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT DATED NOVEMBER 3, 2022.**

NON-CONSENT ITEMS

- C. USE PERMIT APPLICATION NO. PLN2021-0030 – SILVA'S HOLSTEINS DAIRY** – *Continued from October 6, 2022.* Request to expand an existing dairy facility, operating on two parcels totaling 128± gross acres in size in the General Agriculture (A-2-40) zoning district, to allow for an increase to the herd size, from 1,095 mature cows to 2,200 and from 885 support stock to 1,900 support stock, and to allow construction of four shade barns totaling 146,650 square-feet. The property is located at 6706 Elaine Road and 6612 South Faith Home Road, between Ehrlich Road and the Merced County border, in the Turlock area. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration for the project. APNs: 057-013-019 and 057-022-012.
Staff Report: Emily Basnight, Assistant Planner, Recommends **INDEFINITE CONTINUANCE**.

Following Staff's Report, Commissioner Willerup disclosed receipt of an email received on Monday, October 31, 2022, from Manny Sousa with Sousa Engineering, which stated

that eight envelopes, containing a report, had been dropped off at the County Planning Department's offices at Tenth Street Place for the Planning Commissioners. The email received by Commissioner Willerup included the report as an attachment. Director Freitas informed the Planning Commission that staff had learned of the report provided by Mr. Sousa to Commissioner Willerup just prior to the start of the meeting and had not received the envelopes.

Public hearing opened.

OPPOSITION: None.

FAVOR: Manny Sousa, applicant representative; Paul Sousa, Director of Environmental Services and Regulatory Affairs for Western United Dairies; Adrian Silva, applicant; John Avila, R&J Avila Incorporated.

Public hearing closed.

Following the closing of the public hearing, Commissioner Willerup, at the request of the Chair Munoz, provided a summary of the email, along with the information in the report attached to the email, that was provided by Mr. Sousa. Chair Munoz also provided Mr. Sousa with an opportunity to provide the Planning Commission with an overview of the information provided in the report received by Commissioner Willerup.

Following deliberations by the Planning Commission and with a motion on the table, a recess was requested by Director Freitas to allow Planning staff to confer with Public Works staff on the Public Works conditions of approval proposed to be applied to the project.

7:14 p.m. – Recessed.

7:26 p.m. – Reconvened.

Buehner/Durrer (9/0) APPROVED THE PROJECT SUBJECT TO THE FINDINGS AND ACTIONS REQUIRED FOR PROJECT APPROVAL OUTLINED IN EXHIBIT A OF THE PLANNING COMMISSION STAFF REPORT DATED OCTOBER 6, 2022, WITH THE FOLLOWING THREE AMENDMENTS:

1) AN AMENDMENT TO CONDITION OF APPROVAL NO. 12, TO READ AS FOLLOWS:

12. Faith Home Road is classified as an 80-foot-wide Local Road. The current right-of-way width of the Faith Home Road at the project site is 40 feet for the full road width. The required $\frac{1}{2}$ width of Faith Home Road is 40 feet east **and west** of the centerline of the roadway. The existing right-of-way is 20 feet east of the centerline of the roadway. The remaining ~~60~~ 20 feet east of the centerline shall be dedicated as an Irrevocable Offer of Dedication for the entire parcel frontage, including a chord per current Public Works standards at the intersection of Elaine and Faith Home Roads, prior to issuance of a building permit or grading permit, or increase in the herd **size. Dedication beyond the TID right-of-way on the west side of Faith Home Road shall not be required.**

2) THE ADDITION OF A NEW CONDITION OF APPROVAL, TO READ AS FOLLOWS:

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28. Prior to increasing the herd or to the issuance of a grading permit or a building permit, whichever comes first, Ehrlich Road is classified as a 60-foot Local Road. The current right-of-way width of Ehrlich Road at the project site is 40 feet to the full road width. The required ½ width of Ehrlich Road is 30 feet south of the centerline of the roadway. The existing right-of-way at APN: 057-022-012 is 20 feet south of the centerline of the roadway. The remaining 10-foot south of the centerline shall be dedicated as an Irrevocable Offer of Dedication.

3) AN AMENDMENT TO THE PROJECTS AUGUST 5, 2022 MITIGATION MONITORING AND REPORTING PROGRAM TO CHANGE WHEN MITIGATION MEASURES 1-4 ARE TO BE IMPLEMENTED FROM “PRIOR TO ISSUANCE OF A GRADING OR BUILDING PERMIT” TO “PRIOR TO HERD EXPANSION.”

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

9. **REPORT OF THE PLANNING DIRECTOR**

BOARD OF SUPERVISORS ACTIONS

October 18, 2022: No Planning Commission items on the agenda.

November 1, 2022: No Planning Commission items on the agenda.

MISCELLANEOUS AND ON THE HORIZON

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November 17, 2022: No items scheduled.

December 1, 2022: No items scheduled.

Director Freitas announced that an alternate meeting date for the second meeting in December is still to be determined.

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

11. **ADJOURNMENT**

The meeting was adjourned at 7:32 p.m.

Signature on file.
Angela Freitas, Secretary

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(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>.)

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