

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

September 7, 2023

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

Present: Dale Boucher, Becky Campo, Neill Callis, Erika Durrer, Thomas Maring, Carmen Morad, 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, Senior Planner; Kristen Anaya, Associate Planner; and Shante Ruiz, Staff Services Technician. The following Stanislaus County staff were also present: Shaun Wahlid, County Counsel; Isael Ojeda, Assistant Engineer/Surveyor, and Chris Brady, Deputy Director, Department of Public Works; Parminder Dhillon, Senior Environmental Health Specialist, Department of Environmental Resources.
2. **PLEDGE OF ALLEGIANCE**
3. **CITIZEN'S FORUM** – None
4. **MINUTES**
 - A. August 17, 2023

Morad/Callis (9/0) **ACCEPTED**
5. **CORRESPONDENCE**

Director Freitas informed the Commissioners of correspondence which was received too late for the agenda and placed before the Planning Commission:

 - A. Various emails received for Non-Consent Item 7.C – Use Permit Application No. PLN208-0080 – Central Valley Crescent:
 - i. August 29, 2023, from Ambrish Ghumman.
 - ii. September 1, 2023, from John Torres
 - iii. September 1, 2023, from Brad Johnson
 - iv. September 2, 2023, from Vida Chen
 - v. September 5, 2023, from Pardeep Brar
 - vi. September 7, 2023, from Rana Javed

- vii. September 7, 2023, from Amar Pohwani
- viii. September 7, 2023, from Deen Wafa
- ix. September 7, 2023, from Christhudas Varghese

- B. Email dated September 1, 2023, from Brad Johnson for Non-Consent Item 7.D – Cancellation of Development Agreements for Non-Operating Commercial Cannabis Projects (PLN2019-0092 – Blue Oak Naturals)

6. CONFLICT OF INTEREST

- A. Commissioner Becky Campo – Non-Consent Item 7.C – Use Permit Application No. PLN2018-0080 – Central Valley Crescent

7. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. **TIME EXTENSION FOR USE PERMIT (UP) PLN2006-10061 – KNIGHTS FERRY OVERLOOK** – Request for a one-year time extension. The approved TM subdivided a 33.70 acre parcel into eight lots ranging from 0.50 to 5 acres in size and a 12.03 acre remainder parcel in the General Agricultural (A-2-5) and Historical Site (H-S) zoning districts. The project is located at the southeast corner of Cemetery and Frymire Roads, in the Knights Ferry area. This request is considered Exempt from the California Environmental Quality Act. APNs: 002-044-003 and 002-044-004.
Staff Report: Jeremy Ballard, Senior Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: None.
Public hearing closed.
Maring/Pacheco (9/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF MEMO.**

NON-CONSENT ITEMS

- B. **USE PERMIT AND PARCEL MAP APPLICATION NO. PLN2022-0078 - GILLUM** – Request to legalize an existing horse exercising facility, and to subdivide a 161.56± acre parcel, into three parcels and a remainder, consisting of two 40± acre parcels, a 41.56± acre parcel, and a 40± acre remainder, in the General Agriculture (A-2-40) zoning district. The property is located at 17480 26 Mile Road, between Sonora and Carter Roads, in the Oakdale area. The Planning Commission will consider adoption of a California Environmental Quality Act Mitigated Negative Declaration for the project. (APN: 001-011-039).
Staff Report: Kristen Anaya, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: George Rose.

Public hearing closed.

Callis/Morad (9/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT.**

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

C. USE PERMIT APPLICATION NO. PLN2018-0080 – CENTRAL VALLEY

CRESCENT – Request to establish a place of worship by converting a 720± square-foot garage into a prayer hall on a 2.71± acre parcel in the General Agriculture (A-2-40) zoning district. The property is located at 5043 Tully Road, on the northeast corner of Kiernan Avenue and Tully Road, in the Modesto area. The Planning Commission will consider adoption of a California Environmental Quality Act Negative Declaration for this project. APN: 004-069-033.

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

Public hearing opened.

OPPOSITION: Helder Garcia; Joel De Graef.

FAVOR: Soheli Sareshwala, Property Owner; Firoz Vohra; Amar Pohwani; Tamim Wafa; Ahmad Kayello, Imam; Hajra Tily; Safa Sareshwala; Jennifer Espinoza; Amin Vohra; Jim Autry; Ruben Bautista; Robert Jimenez; Dr. Rana Javed; Nahveed Rahmat, Imam; Ron Salim; Muhammad Shafqet; Sulman Razzaq; Elyas Said; Dr. Hassan Hussain; Danial Pahsa; Abdul Ahad; Bilqisa Said; George Petrulakis, Applicant representative.

8:14 - Commissioner Becky Compo disclosed a conflict of interest following Mr. Petrulakis' presentation and left the Chambers.

Public hearing closed.

Zipser/Maring (3/5) **MOTION TO DENY**

Roll Call Vote: Ayes – Commissioners Maring, Willerup, and Zipser
Noes – Boucher, Callis, Durrer, Morad, and Pacheco
Abstaining – None
Absent – Campo

Motion failed due to a lack of majority and a new vote ordered.

Durrer/Morad_(5/3) **APPROVE THE PROJECT SUBJECT TO THE FINDINGS AND ACTIONS OUTLINED IN EXHIBIT A – FINDINGS AND ACTIONS REQUIRED FOR PROJECT APPROVAL IN THE SEPTEMBER 7, 2023 STAFF REPORT, AND WITH AN AMENDMENT TO CONDITION OF APPROVAL NO. 12, TO READ AS FOLLOWS:**

12. Prior to operation of the prayer room or within six months of the approval of the use permit, whichever comes first, an encroachment permit shall be taken out for an asphalt driveway onto Tully Road. The

driveway to be paved is the driveway that sees the most traffic accessing Tully Road.

- A paved driveway shall be installed per Stanislaus County Public Works Standards and Specifications for a Major and Collector Roads.
- Access to Tully Road shall be right-in/right-out access only, **unless otherwise allowed by County Public Works subject to further analysis, including environmental review, to allow for left-in/left-out access.**

Roll Call Vote: Ayes – Commissioners Callis, Durrer, Morad, Pacheco, and Willerup
Noes –Boucher, Maring, and Zipser
Abstaining – None
Absent – Campo

8:35 p.m. – Commissioner Campo returned to the Chambers.

- D. CANCELLATION OF DEVELOPMENT AGREEMENTS FOR NON-OPERATING COMMERCIAL CANNABIS PROJECTS** – Request to cancel the adopted Development Agreements for eight commercial cannabis operations of various types located throughout the unincorporated area of Stanislaus County. The Planning Commission will consider finding that the requests are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines 15061 (Common Sense Exemption). Request includes the following sites: APN 004-094-017, located at 485 Bitritto Way, in the Modesto area (GPA REZ UP & DA No. PLN2018-0093 – The Genezen Project); APN 048-014-009, located at 2036 Almond Avenue, in the Patterson area (UP & DA No. PLN2018-0129 – Mission Nurseries); APN 036-008-052, located at 2841 Nathan Avenue, in the Modesto area (UP & DA No. PLN2018-0151 – Prem Gen Corp – Nathan Avenue); APN 016-004-028, located at 1837 Welty Road, in the Vernalis area (UP & DA No. PLN2018-0159 – Stockton Business Strategies); APN 009-014-025, located at 778 Albers Road, in the Modesto area (UP & DA No. PLN2018-0163 – Blue Oak Naturals); APN 135-043-031, located at 4100 Bangs Avenue, in the Community of Salida (UP & DA No. PLN2019-0092 – Pacific Botanicals, LLC.); APN 016-037-039, located at 3735 Howard Road, in the Westley area (UP & DA No. PLN2019-0095 – Central Valley Growers, LLC – Howard Road III); APN 044-036-006, located at 2201 S. Daubenberger Road, in the Turlock area (UP & DA No. PLN2019-0133 – Legacy Nursery – S. Daubenberger Road).
Staff Report: Jeremy Ballard, Senior Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: None.
Public hearing closed.
Morad/Callis (9/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF MEMO.**

Roll Call Vote: Ayes – Commissioners Boucher, Callis, Campo, Durrer, Maring, Morad, Pacheco, Willerup, Zipser

Noes – None
Abstaining – None
Absent – None

8. OTHER MATTERS (NOT PUBLIC HEARINGS) - None

9. REPORT OF THE PLANNING DIRECTOR

BOARD OF SUPERVISORS ACTIONS

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

MISCELLANEOUS AND ON THE HORIZON

Planning Commission

September 21, 2023: No items scheduled.

October 5, 2023: One Development Agreement (DA) cancellation for a General Plan Amendment, Rezone, and Use Permit in the Modesto area; and one DA cancellation for a Use Permit in the Patterson area.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR

11. ADJOURNMENT

The meeting was adjourned at 8:45 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>.)