

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 7, 2024

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

Present: Dale Boucher, Neill Callis, Thomas Maring, Carmen Morad, Wayne Pacheco, and Lars Willerup.

Absent: Becky Campo, Jose Sabala, and Wayne Zipser

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 Angelica Duenas, Planning Commission Clerk. The following Stanislaus County staff were also present: Rob Taro, Assistant County Counsel; Erica Inacio, Deputy Executive Officer, Chief Executive Office; 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**

Frank Mireles voiced concerns regarding Tenth Street Place compliance with ADA Standards for Accessible Design.
4. **MINUTES**
 - A. February 15, 2024
Willerup/Callis (5/0) **ACCEPTED**
Commissioner Maring abstained.
5. **CORRESPONDENCE**
 - A. Flyer, received March 6, 2024, from the Stanislaus County Planning and Community Development Department, regarding South 9th Street Corridor Plan.
 - B. Letter, received March 6, 2024, from Zach Drivon, for Non-Consent item 7.C. – Cancellation of the Development Agreement regarding Use Permit and Development Agreement No. PLN2023-0036 – The People's Remedy.
 - C. Memo, dated March 7, 2024, from the Stanislaus County Planning and Community Development Department, regarding Non-Consent item 7.B. – Use Permit Application No. PLN2022-0046 – Iglesia Apostolica.

6. **CONFLICT OF INTEREST** – None.
7. **PUBLIC HEARINGS (* - Consent Items)**

*** CONSENT ITEMS**

- *A. **PARCEL MAP APPLICATION NO. PLN2023-0130 – NORTHPOINTE MODESTO** – Request to subdivide a 335± acre parcel into three parcels, 129.2±, 57.7±, and 148.1± acres in size, in the General Agriculture (A-2-40) zoning district. The project site is located at 744 McEwen Road and 10072 Pellerin Road, between Yosemite Boulevard and the Tuolumne River, in the Waterford 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: 080-005-004, 019-001-001 and 019-002-001.
Staff Report: Emily DeAnda, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: Frank Mireles.
FAVOR: None.
Public hearing closed.
Maring/Callis (6/0) **APPROVED WITH FINDINGS AND ACTIONS AS OUTLINED IN THE STAFF REPORT.**

While opposition to Item 7A was voiced, the item remained on consent and no staff presentation was provided.

NON-CONSENT ITEMS

- B. **USE PERMIT APPLICATION NO. PLN2022-0046 – IGLESIA APOSTOLICA –** Request to restore, repair, and expand an existing legal nonconforming (LNC) church facility on a 0.38± acre parcel in the Rural Residential (R-A) zoning district. The property is located at 22007 I Street and 330 West 5th Street, on the northeast corner of Fink Road and Bonita Avenue, in the Community of Crows Landing. The Planning Commission will consider adoption of a California Environmental Quality Act Negative Declaration for this project. APN: 027-014-016.
Staff Report: Teresa McDonald, Associate Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: Frank Mireles.
FAVOR: Roger Campos, applicant's representative.
Public hearing closed.
Callis/Morad (6/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT WITH AN AMENDMENT TO CONDITION OF APPROVAL NO. 15 AS OUTLINED IN THE MARCH 7, 2024 MEMO TO READ AS FOLLOWS:**

15. No parking, loading, or unloading of vehicles is permitted within the County road right-of-way of **Fink Road or Bonita Avenue**.

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

- C. **CANCELLATION OF THE DEVELOPMENT AGREEMENT FOR USE PERMIT AND DEVELOPMENT AGREEMENT NO. PLN2020-0036 – THE PEOPLE’S REMEDY** – *Continued from February 15, 2024.* Request to cancel the adopted Development Agreement 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. This request is considered Exempt from California Environmental Quality Act. APN: 029-011-075.
Staff Report: Jeremy Ballard, Senior Planner, Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: Mark Ponticelli, operator; Zach Drivon, operator’s representative; Hilary Leffler, property owner; Frank Mireles; Cindy Joseph; Benny Solis; and Shena Hall.
FAVOR: None.
Public hearing closed.

Callis/Boucher (5/1) **FOUND THAT THE PEOPLE’S REMEDY IS IN MATERIAL BREACH OF THE DEVELOPMENT AGREEMENT AND ARE THEREFORE NONCOMPLIANT AND, PURSUANT TO COUNTY CODE 22.08 AND GOVERNMENT CODE SECTION 65865.1, RECOMMENDED TO THE BOARD OF SUPERVISORS THE ADOPTION OF NEW TERMS AND CONDITIONS TO BRING THE PEOPLE’S REMEDY INTO COMPLIANCE WITH THE DEVELOPMENT AGREEMENT.**

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

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

9. **REPORT OF THE PLANNING DIRECTOR**

BOARD OF SUPERVISORS ACTIONS

February 27, 2024: Continued to March 12, 2024 three public hearings for consideration of the Planning Commission’s recommendation of approval to adopt three new development agreements for: Lyfted Farms, Inc. – 5266 Jerusalem Court, Lyfted Farms, Inc. – 5271 Jerusalem Court, and Prem Gen Corp, to allow CEO staff and County

Counsel to continue to work with the industry to establish a cultivation fee schedule.

MISCELLANEOUS AND ON THE HORIZON

Planning Commission

March 21, 2024: One use permit in the Turlock area; two new development agreements in the Modesto area; and a presentation on the South 9th Street Corridor Plan.

April 4, 2024: No items currently scheduled.

10. ADDITIONAL MATTERS AT DISCRETION OF THE CHAIR

11. ADJOURNMENT

The meeting was adjourned at 7:45 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>.)

AF/ad