

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

November 16, 2017

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Marjorie Blom, Katherine Borges, Kenneth Buehner, Richard Gibson, Scott Hicks, Tom Orvis, Bobby Yamamoto
- Absent: Steve Boyd and Marc Etchebarne
- Staff Present: Angela Freitas, Director; Miguel Galvez, Deputy Director; Rachel Wyse, Senior Planner; Kristin Doud, Senior Planner; Denzel Henderson, Assistant Planner; Thomas E. Boze, Assistant County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Jennifer Akin, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. Commissioners Gibson and Orvis expressed their condolences to the family of Karl Whitehead, the security guard that died after being assaulted; they also observed a moment of silence to honor his memory.
- IV. APPROVAL OF MINUTES**
- A. November 2, 2017  
Yamamoto/Borges (6/0) **APPROVED.**  
Commissioner Buehner abstained.
- V. CORRESPONDENCE**  
Director Freitas informed the Commissioners of various items placed before them this evening:
- A. E-mail dated November 14, 2017, from Martin Navarro, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- B. E-mail dated November 14, 2017, from Debbie Nutt, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- C. E-mail dated November 15, 2017, from Kelly Ordaz, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities

- D. E-mail dated November 15, 2017, from Nanette Spyksma, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- E. E-mail dated November 15, 2017, from Patty Carroll, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- F. E-mail dated November 15, 2017, from Marcus & Cristie Nelms, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- G. E-mail dated November 15, 2017, from Michael & Maxine Estrada, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- H. E-mail dated November 15, 2017, from Pam Tallman, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- I. E-mail dated November 16, 2017, from William Parks, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- J. E-mail dated November 16, 2017, from Mary Maldonado, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- K. E-mail dated November 16, 2017, from Herb Jenkins, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- L. E-mail dated November 16, 2017, from Lynel Castillo, regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- M. Memo dated November 16, 2017, from Stanislaus County Planning Department, regarding Non-Consent item VII-B, General Plan Amendment and Rezone Application No. PLN2017-0081 – Mistlin Honda
- N. Memo Addendum dated November 16, 2017, from Stanislaus County Planning Department regarding Non-Consent item VII-D, Ordinance Amendment No. PLN2017-0119 – Commercial Cannabis Activities
- O. Memo dated November 16, 2017, from Stanislaus County Planning Department regarding, Non-Consent item VII-A, Parcel Map and Exception Application No. PLN2017-0025 – Joseph Guichard

*6:02 p.m. – Recess to allow the Commissioners to read the correspondence placed before them this evening.*

6:12 p.m. – Reconvene

**VI. CONFLICT OF INTEREST**

- A. Commissioner Marjorie Blom – Non-Consent item VII-D, Ordinance Amendment Application No. PLN2017-0119 – Commercial Cannabis Activities

**VII. PUBLIC HEARINGS (\* - Consent Items)**

Commissioner Orvis informed the public that there were no consent items.

**\* CONSENT ITEMS** - None

**NON-CONSENT ITEMS**

- A. PARCEL MAP AND EXCEPTION APPLICATION NO. PLN2017-0025 – JOSEPH GUICHARD** - Request to subdivide two adjoining parcels totaling 16.94± acre into four parcels and a remainder parcel ranging in size from 3.03± acres to 3.91± acres in the Rural Residential (R-A) zoning district. An exception is being requested for approved access to a County-maintained road. The properties are located at 10591 Gibbs Drive and 11131 Rodden Road, between Stoneyridge and Rodden Roads, in the east Oakdale area. The Planning Commission will consider adoption of a CEQA Negative Declaration for this project. APN: 010-074-002 & 010-074-003.

Staff Report: Denzel Henderson, Assistant Planner, Recommends **APPROVAL**.  
Public hearing opened.

**OPPOSITION:** None

**FAVOR:** Joseph Guichard, Applicant

Public hearing closed.

Blom/Yamamoto (7/0) **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT AND INCLUDING THE ADDITION OF CONDITION OF APPROVAL NO. 21 AS OUTLINED IN THE NOVEMBER 16, 2017, MEMO TO READ AS FOLLOWS:**

21. **Parcels numbered 2 and 4 on the tentative map front onto Rodden Road. Due to the topography constraints and for health and safety issues, access to Rodden Road will not be allowed to these two parcels. Instead, the proposed access is to be through parcel 3 that fronts Gibbs Drive. Per Stanislaus County General Plan and Standards and Specifications, fire and safety vehicle access on roads and driveways cannot exceed 10% in slope, with a maximum of 12% in specific circumstances. The existing topography for both parcels 2 and 4 are more than the allowed 10% slope.**

- B. GENERAL PLAN AMENDMENT AND REZONE APPLICATION NO. PLN2017-0081 – MISTLIN HONDA** – Request to amend the General Plan designation on 2.28 +/- acres of a 50.26 +/- acre parcel, from Urban Transition to Planned Development (PD) and rezone from A-2-10 (General Agriculture) to PD to allow for expanded vehicle storage for an existing dealership. The lot line adjustment will add the 2.28 +/- acres to the adjoining 2.28 +/- acre parcel used by the dealership. The project site is located east of the existing Mistlin Honda Dealership on McHenry Avenue, between Bangs Avenue and Claribel Road in

the Modesto area. The Planning Commission will recommend adoption of a CEQA Negative Declaration for this project. APN: 082-006-072.

Staff Report: Rachel Wyse, Senior Planner, Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** None

**FAVOR:** Dennis Wilson, Horizon Consulting

Public hearing closed.

Borges/Buehner (7/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT AND INCLUDING THE DELETION OF DEVELOPMENT STANDARD NO. 10, THE AMENDMENT OF NOS. 11 AND 12, AND THE ADDITION OF NOS. 18 AND 19, AS OUTLINED IN THE NOVEMBER 16, 2017, MEMO TO READ AS FOLLOWS:**

#### Department of Planning and Community Development

10. ~~A 25-foot wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072). A 20-foot wide access driveway, with an all-weather surface, shall be installed on the project site thereby extending the driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.~~

#### Department of Public Works

11. ~~Prior to the lot line adjustment being recorded~~ **final inspection on the grading permit**, the area being added to the development shall be annexed to the North McHenry Lighting District. The owner shall provide all necessary documentation and pay all costs associated with the annexation.

12. A grading, drainage and erosion/sediment control plan for the project site shall be submitted prior to ~~onset of the use~~ **paving the vehicle storage areas**. Public Works will review and approve the drainage calculations. The grading, **and** drainage ~~and erosion/sediment control~~ plans shall include the following information:

A. ~~Sufficient~~ **The plans shall contain enough** information to verify that all runoff will be kept from going onto adjacent properties and Stanislaus County and/or State of California road rights-of-ways.

B. The grading, drainage and erosion/sediment control plans shall comply with the current Stanislaus County National Pollutant Discharge Elimination System (NPDES) General Construction Permit. A Waste Discharger Identification Number and a copy of the Notice of Intent and the projects Stormwater Pollution Prevention Plan (SWPPP) shall be provided prior to the approval of any grading, if applicable.

C. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for the plan

~~reviews and for all on-site inspections of the grading plan. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.~~

- D. ~~The grading, drainage, and associated work shall be accepted by Stanislaus County Public Works prior to a final inspection or occupancy, as required by the grading permit. The applicant of the grading permit shall pay the current Stanislaus County Public Works weighted labor rate for all on-site inspections. The Public Works inspector shall be contacted 48 hours prior to the commencement of any grading or drainage work on-site.~~

### Planning Commission

18. **Prior to the final inspection of the grading permit, a 25-foot-wide access easement shall be included in the grant deed that is prepared and recorded to reflect the lot line adjustment, for use by the 47.98± acre parcel (APN 082-006-072).**
19. **Prior to the final inspection of the grading permit, 20-foot-wide access driveway with an all-weather surface shall be installed on the project site. This will thereby extend the existing driveway from McHenry Avenue to the western property line of the 47.98± acre parcel.**

- C. **REZONE APPLICATION NO. PLN2017-0062 – MASELLIS ENTERPRISES, LLC** – Request to rezone a 9.81 acre property from an expired Planned Development (P-D (268)) to a new P-D to allow various agricultural supply businesses to operate out of the existing buildings. The project also proposes to add 2,500 square feet to one of the existing retail buildings and 34 additional parking spaces. The project is located at 118 Albers Road, on the northeast corner of Albers Road and Yosemite Boulevard, east of the City of Modesto. The Planning Commission will recommend adoption of a CEQA Negative Declaration for this project. APN: 009-014-023.  
Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.  
Public hearing opened.  
**OPPOSITION:** None  
**FAVOR:** Jacob Harvey, Applicant's Agent  
Public hearing closed.  
Blom/Hicks (7/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT**

6:35 p.m. – *Commissioner Blom left Chambers and did not return for the remainder of the meeting.*

- D. **ORDINANCE AMENDMENT APPLICATION NO. PLN2017-0119 – COMMERCIAL CANNABIS ACTIVITIES** – *Continued from November 2, 2017*  
- Request to amend Chapter 21.08 – General Provisions, Chapter 21.12 - Definitions, Chapter 21.20 - General Agriculture District (A-2), Chapter 21.42 - Planned Industrial District (PI), Chapter 21.56 - General Commercial District (C-

2) Chapter 21.60 - Industrial District (M), and Chapter 21.64 - Limited Industrial District (LM) of the Stanislaus County Title 21 Zoning Ordinance to allow for commercial cannabis activities, subject to obtaining a discretionary land use permit. This project is being deemed Exempt from the California Environmental Quality Act (CEQA). APN: County-wide.

Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** Debbie Nutt, Salida resident; Daniel Acosta, Salida resident; Salvador Rodaz, Thomas Douglas

**FAVOR:** Debbie Whitmore, City of Turlock, Zachary Drivon, Attorney

Public hearing closed.

Gibson/Yamamoto (6/0) **RECOMMENDED APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE PLANNING COMMISSION MEMO ADDENDUM DATED NOVEMBER 16, 2017, WITH THE EXCEPTION OF THE PROPOSED AMENDMENT TO ZONING ORDINANCE CHAPTER 21.56 – GENERAL COMMERCIAL DISTRICT (C-2), AND A RECOMMENDATION THAT THE BOARD OF SUPERVISORS APPROVE THE REGULATORY ORDINANCE, PRESENTED TO THE PLANNING COMMISSION AS EXHIBIT 2 OF THE PLANNING COMMISSION MEMO ADDENDUM, WITH AN AMENDMENT TO INCLUDE PARKS IN THE DEFINITION OF A YOUTH CENTER, INCREASE THE SETBACK FROM RESIDENCES FROM 200- TO 600- FEET, AND ELIMINATION OF THE SETBACK WAIVER OR REDUCTION PROVISION.**

**VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None**

**IX. REPORT OF THE PLANNING DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS**

November 21, 2017: Consideration to Set the Public Hearings for:

- Use Permit Application No. PLN2017-0059 – Ag-Air, Inc., Appeal to the Board of Supervisors regarding Variance Application PLN2017-0064 – Hickman Market; Rezone Application No. PLN2017-0062 – Masellis Enterprises, Inc.; to the December 12, 2017, Board of Supervisor's Meeting.
- General Plan Amendment and Rezone Application No. PLN2017-0081 – Mistlin Honda; to the December 19, 2017, Board of Supervisor's Meeting.

**MISCELLANEOUS & ON THE HORIZON**

Planning Commission

December 7, 2017: Meeting has been cancelled.

December 21, 2017: One Parcel Map in the Modesto area, and one Use Permit in the Turlock area.

January 4, 2018: No items scheduled at this time.

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

**XI. ADJOURNMENT**

The meeting was adjourned at 8:08 p.m.

Signature on file.  
Angela Freitas, Secretary

(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Department.)