DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
1010 10TH Street, Suite 3400, Modesto, CA 95354
Planning Phone: (209) 525-6330 Fax: (209) 525-5911
Building Phone: (209) 525-6557 Fax: (209) 525-7759

Referral
Early Consultation

Date: **January 31, 2023**

To: **Distribution List (See Attachment A)**

From: **Kristen Anaya, Associate Planner**
Planning and Community Development

Subject: **USE PERMIT APPLICATION NO. PLN2022-0124 – BYNATE**

Respond By:

****PLEASE REVIEW REFERRAL PROCESS POLICY****

The Stanislaus County Department of Planning and Community Development is soliciting comments from responsible agencies under the Early Consultation process to determine: a) whether or not the project is subject to CEQA and b) if specific conditions should be placed upon project approval.

Therefore, please contact this office by the response date if you have any comments pertaining to the proposal. Comments made identifying potential impacts should be as specific as possible and should be based on supporting data (e.g., traffic counts, expected pollutant levels, etc.). Your comments should emphasize potential impacts in areas which your agency has expertise and/or jurisdictional responsibilities.

These comments will assist our Department in preparing a staff report to present to the Planning Commission. Those reports will contain our recommendations for approval or denial. They will also contain recommended conditions to be required should the project be approved. Therefore, please list any conditions that you wish to have included for presentation to the Commission as well as any other comments you may have. Please return all comments and/or conditions as soon as possible or no later than the response date referenced above.

Thank you for your cooperation. Please call (209) 525-6330 if you have any questions.

Applicant: **Bynate**

Project Location: **21931 State Highway 33, between Fink Road and East Ike Crow Road, in the Community of Crows Landing**

APN: **027-012-055**

Williamson Act Contract: **N/A**

General Plan: **Commercial**

Community Plan: **Commercial**

Current Zoning: **General Commercial (C-2)**

Project Description: **This is a request to obtain a Use Permit to allow operation of an existing commercial cannabis retail business, within an existing 625 square-foot building on a 3,750 square-foot parcel in the General Commercial (C-2) zoning district. In accordance with County Code Section 6.78.120(A)(6)(c)(i), the applicant is also requesting a waiver to the required 200-foot setback from adjacent residences.**

The site has been developed with six (6) graveled parking stalls located at the rear of the parcel, which is accessed via an alleyway connected to County- maintained West 5th Street. Although customer parking is restricted along State Route (SR) 33, the customer entrance is located along the SR 33 building frontage. Hours of operation are proposed to be Sunday through Thursday 9:00 a.m. to 8:00 p.m. and Friday and Saturday 9:00 a.m. to 9:00 p.m. The project proposes a maximum

of three employees and is expected to generate approximately two truck/van delivery trip per week associated with the retail inventory for the facility. Bynate will serve approximately 40 customers per day. The property is served by the Crows Landing Community Service District (CSD) for water and by a private septic system for wastewater. No modification is proposed to the existing on-site septic facilities.

The project was originally approved by the Board of Supervisors on August 13, 2019, under Use Permit (UP) and Development Agreement (DA) application number PLN2018-0149 – *Bynate*. Conditions of Approval for UP and DA number PLN2018-0149 required issuance of a building permit for a change of occupancy of the existing structure, no later than February 13, 2020. The applicant did not complete these improvements by this deadline; thus, the 2018 Use Permit is now expired and a new Use Permit is required to be obtained to allow for the continued operation of the business. Existing underground utility infrastructure is located within the alley. After project approval, Turlock Irrigation District (TID) expressed concerns regarding paving over electrical infrastructure. Accordingly, as part of this current application, the applicant is requesting that the requirement to make alley improvements, including installing pavement as specified in Conditions of Approval numbers 16 and 17 of the 2018 Use Permit, not be applied to this project.

Full document with attachments available for viewing at:
http://www.stancounty.com/planning/pl/act-projects.shtm

USE PERMIT APPLICATION NO. PLN2022-0124 – BYNATE
Attachment A

Distribution List

	CA DEPT OF CONSERVATION Land Resources / Mine Reclamation		STAN CO ALUC
X	CA DEPT OF FISH & WILDLIFE		STAN CO ANIMAL SERVICES
	CA DEPT OF FORESTRY (CAL FIRE)	X	STAN CO BUILDING PERMITS DIVISION
X	CA DEPT OF TRANSPORTATION DIST 10	X	STAN CO CEO
X	CA OPR STATE CLEARINGHOUSE		STAN CO CSA
X	CA RWQCB CENTRAL VALLEY REGION	X	STAN CO DER
	CA STATE LANDS COMMISSION	X	STAN CO ERC
	CEMETERY DISTRICT		STAN CO FARM BUREAU
	CENTRAL VALLEY FLOOD PROTECTION	X	STAN CO HAZARDOUS MATERIALS
	CITY OF:		STAN CO PARKS & RECREATION
X	COMMUNITY SERVICES DIST: CROWS LANDING	X	STAN CO PUBLIC WORKS
X	COOPERATIVE EXTENSION		STAN CO RISK MANAGEMENT
	COUNTY OF:	X	STAN CO SHERIFF
X	DER GROUNDWATER RESOURCES DIVISION	X	STAN CO SUPERVISOR DIST 5: C.CONDIT
X	FIRE PROTECTION DIST: WEST STAN	X	STAN COUNTY COUNSEL
X	GSA: NORTHWESTERN DELTA-MENDOTA GSA		StanCOG
X	HOSPITAL DIST: DEL PUERTO	X	STANISLAUS FIRE PREVENTION BUREAU
X	IRRIGATION DIST: TID	X	STANISLAUS LAFCO
X	MOSQUITO DIST: TURLOCK		STATE OF CA SWRCB DIVISION OF DRINKING WATER DIST. 10
X	STANISLAUS COUNTY EMERGENCY MEDICAL SERVICES AGENCY		SURROUNDING LAND OWNERS
	MUNICIPAL ADVISORY COUNCIL:		INTERESTED PARTIES
X	PACIFIC GAS & ELECTRIC	X	TELEPHONE COMPANY: AT&T
	POSTMASTER:		TRIBAL CONTACTS (CA Government Code §65352.3)
X	RAILROAD: UNION PACIFIC		US ARMY CORPS OF ENGINEERS
X	SAN JOAQUIN VALLEY APCD		US FISH & WILDLIFE
X	SCHOOL DIST 1: NEWMAN CROWS LANDING UNIFIED		US MILITARY (SB 1462) (7 agencies)
	SCHOOL DIST 2:		USDA NRCS
	WORKFORCE DEVELOPMENT	X	CA DEPT OF CANNABIS CONTROL
X	STAN CO AG COMMISSIONER		
	TUOLUMNE RIVER TRUST		

STANISLAUS COUNTY
CEQA REFERRAL RESPONSE FORM

TO: **Stanislaus County Planning & Community Development**
1010 10th Street, Suite 3400
Modesto, CA 95354

FROM: _____

SUBJECT: USE PERMIT APPLICATION NO. PLN2022-0124 – BYNATE

Based on this agency's particular field(s) of expertise, it is our position the above described project:

_____ Will not have a significant effect on the environment.
_____ May have a significant effect on the environment.
_____ No Comments.

Listed below are specific impacts which support our determination (e.g., traffic general, carrying capacity, soil types, air quality, etc.) – (attach additional sheet if necessary)

1.
2.
3.
4.

Listed below are possible mitigation measures for the above-listed impacts: *PLEASE BE SURE TO INCLUDE WHEN THE MITIGATION OR CONDITION NEEDS TO BE IMPLEMENTED (PRIOR TO RECORDING A MAP, PRIOR TO ISSUANCE OF A BUILDING PERMIT, ETC.):*

1.
2.
3.
4.

In addition, our agency has the following comments (attach additional sheets if necessary).

_____

_____

Response prepared by:

_____

Name Title Date

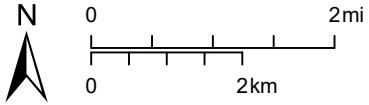
BYNATE

UP
PLN2022-0124

AREA MAP

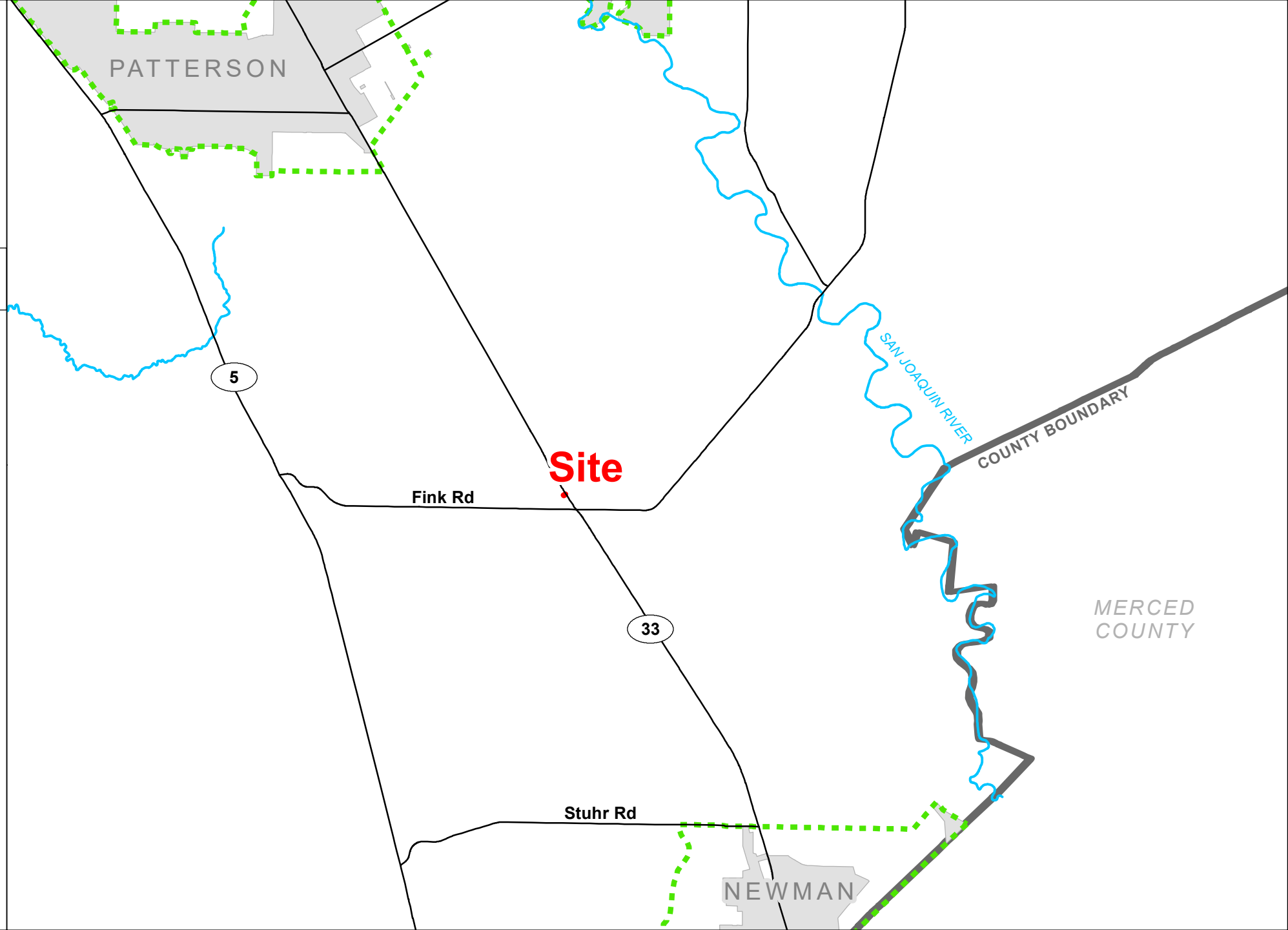
LEGEND

- Project Site
- Sphere of Influence
- City
- Road
- River



Source: Planning Department GIS

Date: 1/23/2023



BYNATE

UP PLN2022-0124

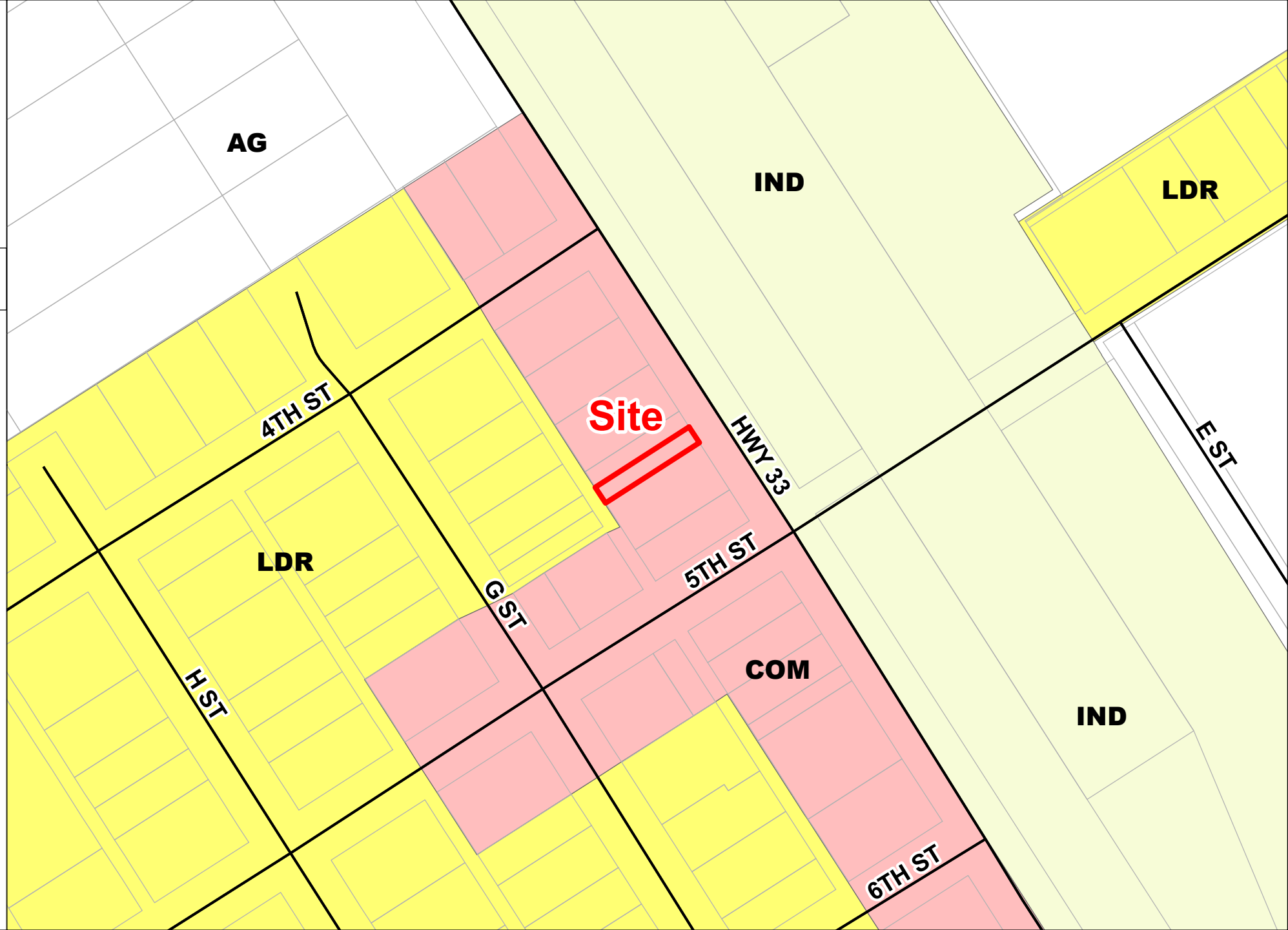
GENERAL PLAN MAP

LEGEND

- Project Site
- Parcel
- Road

General Plan

- Agriculture
- Commercial
- Industrial
- Low Density Residential



Source: Planning Department GIS

Date: 1/23/2023

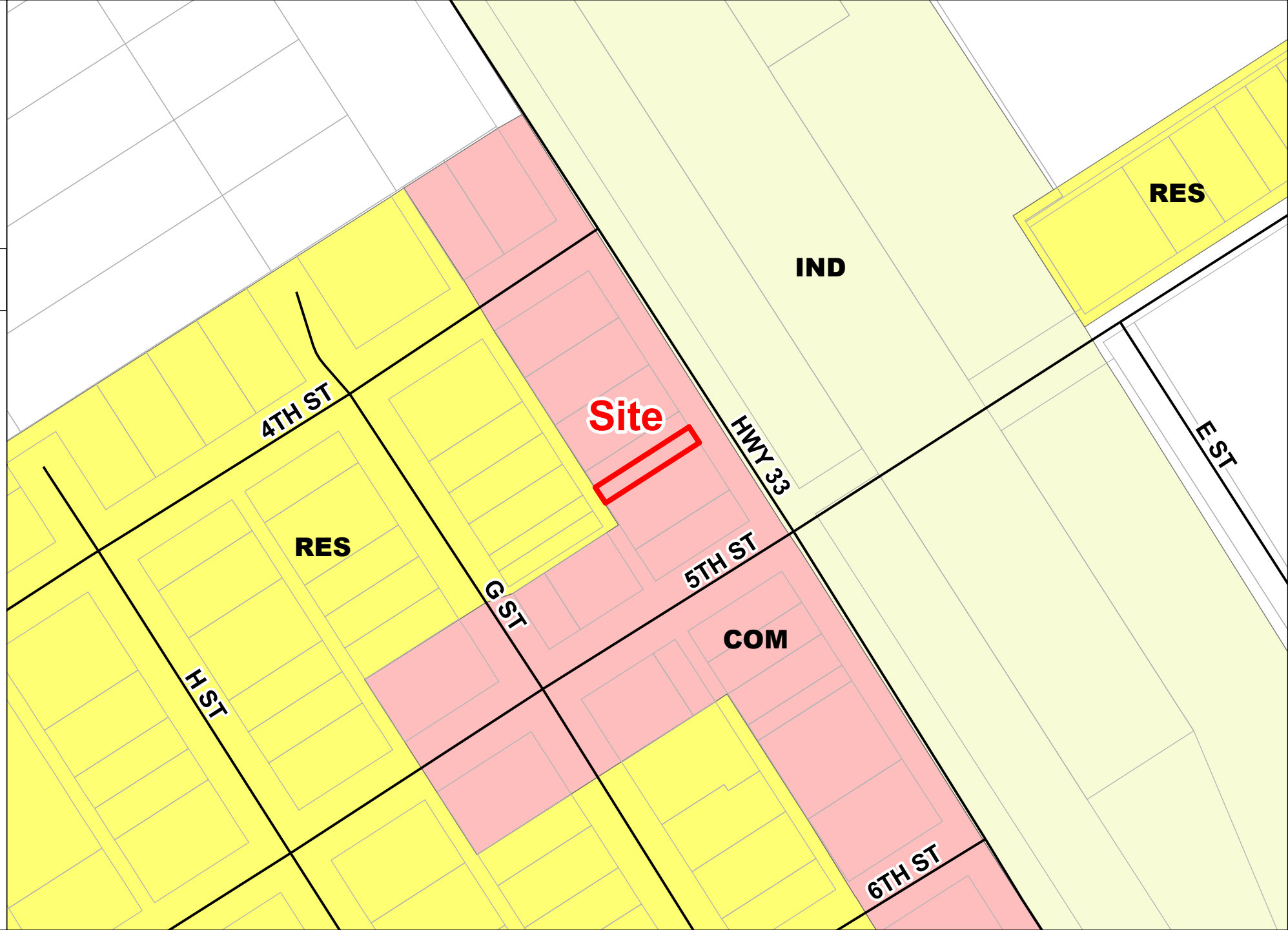
BYNATE

UP PLN2022-0124

COMMUNITY PLAN MAP

Community Plan
Land Use Designations

- Residential
- Commercial
- Industrial
- Road



N

0 300 ft

0 100 m

Source: Planning Department GIS

Date: 1/30/2023

BYNATE

UP
PLN2022-0124

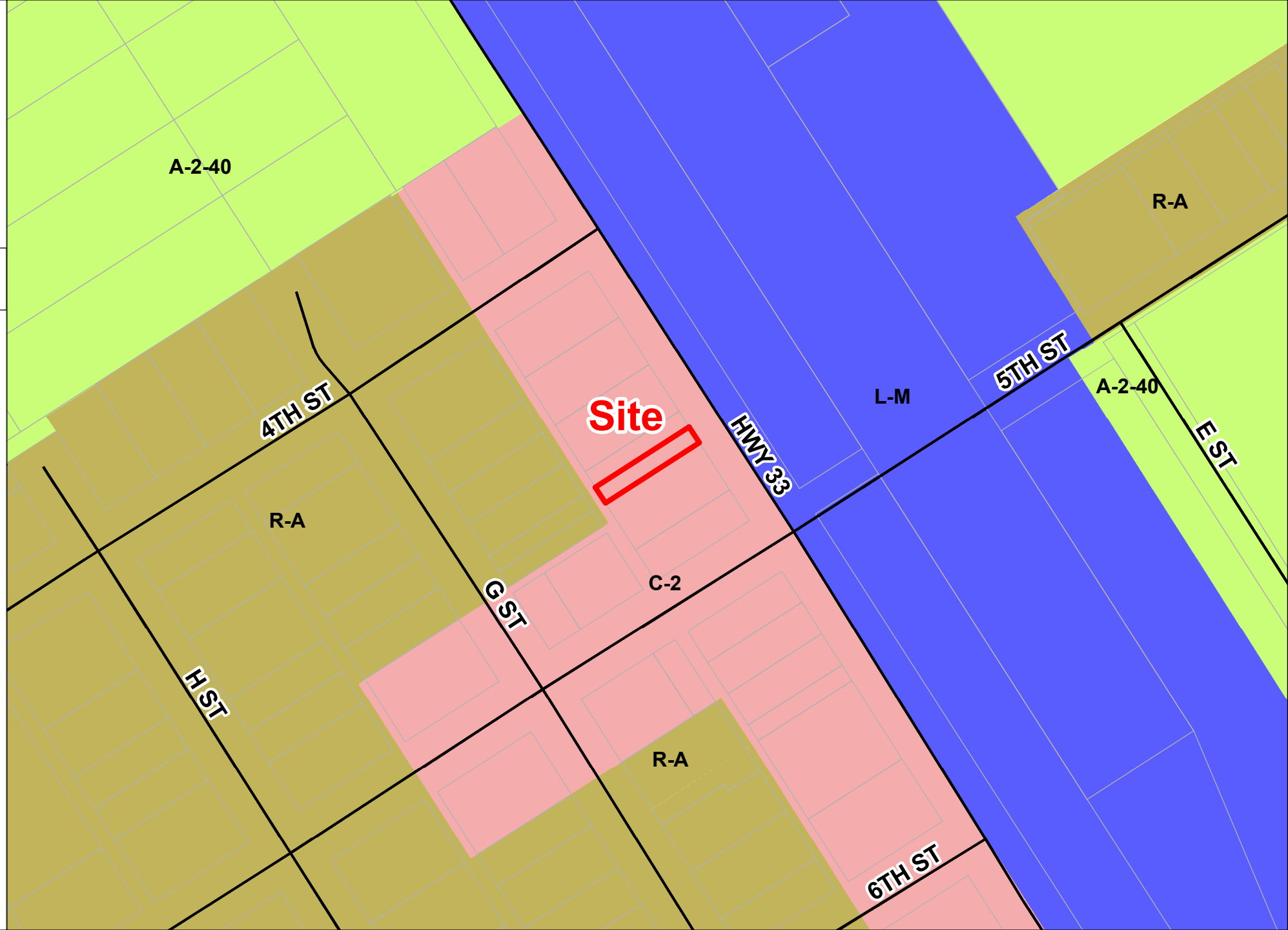
ZONING MAP

LEGEND

- Project Site
- Parcel
- Road

Zoning Designation

- Limited Industrial
- Rural Residential
- General Commercial
- General Agriculture 40 Acre



Source: Planning Department GIS

Date: 1/23/2023

BYNATE

UP PLN2022-0124

ACREAGE MAP

LEGEND

- Project Site
- # Parcel/Acres
- Road



N

0 300 ft

0 100 m

Source: Planning Department GIS

Date: 1/23/2023

BYNATE

UP
PLN2022-0124

2022 AERIAL AREA MAP

LEGEND

Project Site

Road



N

0 300 ft

0 100 m

Source: Planning Department GIS

Date: 1/23/2023

BYNATE

UP
PLN2022-0124

2022 AERIAL SITE MAP

LEGEND

Project Site

Road

N

0 50 ft

0 15 m

Source: Planning Department GIS

Date: 1/23/2023



Stanislaus County

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Form Available Online: http://www.stancounty.com/planning/applications.shtm

APPLICATION QUESTIONNAIRE

Please Check all applicable boxes

APPLICATION FOR:

Staff is available to assist you with determining which applications are necessary

- ☐ General Plan Amendment
- ☐ Rezone
- ☒ Use Permit
- ☐ Variance
- ☐ Historic Site Permit
- ☐ Subdivision Map
- ☐ Parcel Map
- ☐ Exception
- ☐ Williamson Act Cancellation
- ☐ Other _____

PLANNING STAFF USE ONLY:

Application No(s): _____ _____ _____
Date: _____
S _____ T _____ R _____
GP Designation: _____
Zoning: _____
Fee: _____
Receipt No. _____
Received By: _____
Notes: _____

In order for your application to be considered COMPLETE, please answer all applicable questions on the following pages, and provide all applicable information listed on the checklist on pages i – v. Under State law, upon receipt of this application, staff has 30 days to determine if the application is complete. We typically do not take the full 30 days. It may be necessary for you to provide additional information and/or meet with staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all the necessary information is provided to the satisfaction of the requesting agency. An application will not be accepted without all the information identified on the checklist.

Please contact staff at (209) 525-6330 to discuss any questions you may have. Staff will attempt to help you in any way we can.

PROJECT INFORMATION

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets as necessary)

Please note: A detailed project description is essential to the reviewing process of this request. In order to approve a project, the Planning Commission or the Board of Supervisors must decide whether there is enough information available to be able to make very specific statements about the project. These statements are called "Findings". It is your responsibility as an applicant to provide enough information about the proposed project, so that staff can recommend that the Commission or the Board make the required Findings. Specific project Findings are shown on pages 17 – 19 and can be used as a guide for preparing your project description. (If you are applying for a Variance or Exception, please contact staff to discuss special requirements).

The applicant proposes to continue to utilize the site for the retail sale of compliant cannabis products with Stanislaus County and State of California requirements. The site is currently improved with 625 sqft commercial building and gravel parking lot.

The operations serves as both a MEDICAL and recreational cannabis retail. Hours of operation would like to be from 9am-9pm.

PROJECT SITE INFORMATION

Complete and accurate information saves time and is vital to project review and assessment. Please complete each section entirely. If a question is not applicable to your project, please indicated this to show that each question has been carefully considered. Contact the Planning & Community Development Department Staff, 1010 10th Street – 3rd Floor, (209) 525-6330, if you have any questions. Pre-application meetings are highly recommended.

ASSESSOR'S PARCEL NUMBER(S): **Book** 027 **Page** 012 **Parcel** 055

Additional parcel numbers: 027-012-055-000

Project Site Address or Physical Location: 21931 State Highway 33, Crows Landing, CA 95313

Property Area: Acres: _____ or Square feet: 3,750

Current and Previous Land Use: (Explain existing and previous land use(s) of site for the last ten years)

Since 2018 the land has been used for Highway 33, a cannabis retail storefront. Prior use was Mary Jane's Hair Salon.

List any known previous projects approved for this site, such as a Use Permit, Parcel Map, etc.: (Please identify project name, type of project, and date of approval)

In 2019, the sit was approved for Cannabis retail through Development Agreement and Use Permit

Existing General Plan & Zoning: General Commercial

Proposed General Plan & Zoning: _____
(if applicable)

ADJACENT LAND USE: (Describe adjacent land uses within 1,320 feet (1/4 mile) and/or two parcels in each direction of the project site)

East: industrial railroad/ Agricultural

West: Residential

North: Commercial

South: Commercial

WILLIAMSON ACT CONTRACT:

Yes ☐ **No** ☒

Is the property currently under a Williamson Act Contract?
Contract Number: _____

If yes, has a Notice of Non-Renewal been filed?

Date Filed: _____

Yes ☐ No ☒ Do you propose to cancel any portion of the Contract?

Yes ☐ No ☒ Are there any agriculture, conservation, open space or similar easements affecting the use of the project site. (Such easements do not include Williamson Act Contracts)

If yes, please list and provide a recorded copy: _____

_____

SITE CHARACTERISTICS: (Check one or more) Flat ☒ Rolling ☐ Steep ☐

VEGETATION: What kind of plants are growing on your property? (Check one or more)

Field crops ☐ Orchard ☐ Pasture/Grassland ☐ Scattered trees ☐

Shrubs ☐ Woodland ☐ River/Riparian ☐ Other ☒

Explain Other: weeds, minimal vegetation

Yes ☐ No ☒ Do you plan to remove any trees? (If yes, please show location of trees planned for removal on plot plan and provide information regarding transplanting or replanting.)

GRADING:

Yes ☐ No ☒ Do you plan to do any grading? (If yes, please indicate how many cubic yards and acres to be disturbed. Please show areas to be graded on plot plan.) _____

_____

STREAMS, LAKES, & PONDS:

Yes ☐ No ☒ Are there any streams, lakes, ponds or other watercourses on the property? (If yes, please show on plot plan)

Yes ☐ No ☒ Will the project change any drainage patterns? (If yes, please explain – provide additional sheet if needed) _____

_____

Yes ☐ No ☒ Are there any gullies or areas of soil erosion? (If yes, please show on plot plan)

Yes ☐ No ☒ *Do you plan to grade, disturb, or in any way change swales, drainages, ditches, gullies, ponds,* low lying areas, seeps, springs, streams, creeks, river banks, or other area on the site that carries or holds water for any amount of time during the year? (If yes, please show areas to be graded on plot plan)

Please note: If the answer above is yes, you may be required to obtain authorization from other agencies such as the Corps of Engineers or California Department of Fish and Game.

STRUCTURES:

Yes ☒ No ☐ Are there structures on the site? (If yes, please show on plot plan. Show a relationship to property lines and other features of the site.

Yes ☐ No ☒ Will structures be moved or demolished? (If yes, indicate on plot plan.)

Yes ☐ No ☒ Do you plan to build new structures? (If yes, show location and size on plot plan.)

Yes ☐ No ☒ Are there buildings of possible Historical significance? (If yes, please explain and show location and size on plot plan.) _____

_____

PROJECT SITE COVERAGE:

Existing Building Coverage: 625 Sq. Ft. Landscaped Area: _____ Sq. Ft.

Proposed Building Coverage: 625 Sq. Ft. Paved Surface Area: _____ Sq. Ft.

BUILDING CHARACTERISTICS:

Size of new structure(s) or building addition(s) in gross sq. ft.: (Provide additional sheets if necessary) n/a

Number of floors for each building: One building with one floor.

Building height in feet (measured from ground to highest point): (Provide additional sheets if necessary)

19 feet

Height of other appurtenances, excluding buildings, measured from ground to highest point (i.e., antennas, mechanical equipment, light poles, etc.): (Provide additional sheets if necessary)

21 feet

Proposed surface material for parking area: (Provide information addressing dust control measures if non-asphalt/concrete material to be used)

Rocks are utilized to cover the rear parking lot and prevent dust.

UTILITIES AND IRRIGATION FACILITIES:

Yes ☒ No ☐ Are there existing public or private utilities on the site? Includes telephone, power, water, etc. (If yes, show location and size on plot plan)

Who provides, or will provide the following services to the property?

Electrical: Turlock Irrigation Sewer*: Septic

Telephone: Comcast Gas/Propane: PGE

Water**: Crows Landing Water District Irrigation: Turlock Irrigation District

***Please Note: A "will serve" letter is required if the sewer service will be provided by City, Sanitary District, Community Services District, etc.**

****Please Note: A "will serve" letter is required if the water source is a City, Irrigation District, Water District, etc., and the water purveyor may be required to provide verification through an Urban Water Management Plan that an adequate water supply exists to service your proposed development.**

Will any special or unique sewage wastes be generated by this development other than that normally associated with resident or employee restrooms? Industrial, chemical, manufacturing, animal wastes? (Please describe:)

no (no public bathrooms)

Please Note: Should any waste be generated by the proposed project other than that normally associated with a single family residence, it is likely that Waste Discharge Requirements will be required by the Regional Water Quality Control Board. Detailed descriptions of quantities, quality, treatment, and disposal may be required.

Yes ☒ **No** ☐ Are there existing irrigation, telephone, or power company easements on the property? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☒ Do the existing utilities, including irrigation facilities, need to be moved? (If yes, show location and size on plot plan.)

Yes ☐ **No** ☒ Does the project require extension of utilities? (If yes, show location and size on plot plan.)

AFFORDABLE HOUSING/SENIOR:

Yes ☐ **No** ☒ *Will the project include affordable or senior housing provisions? (If yes, please explain)*

RESIDENTIAL PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Total No. Lots:_____ Total Dwelling Units:_____ Total Acreage:_____

Net Density per Acre: _____ Gross Density per Acre: _____

(complete if applicable)	Single Family	Two Family Duplex	Multi-Family Apartments	Multi-Family Condominium/ Townhouse
Number of Units:				
Acreage:				

COMMERCIAL, INDUSTRIAL, MANUFACTURING, RETAIL, USE PERMIT, OR OTHER PROJECTS: (Please complete if applicable – Attach additional sheets if necessary)

Square footage of each existing or proposed building(s): 625

Type of use(s): Continued use as a cannabis retail storefront.

Days and hours of operation: Sunday -Thursday 9am-8pm, Friday & Saturday 9am-9pm

Seasonal operation (i.e., packing shed, huller, etc.) months and hours of operation:

n/a

Occupancy/capacity of building: 15 people maximum.

Number of employees: (Maximum Shift): 3 (Minimum Shift): 1

Estimated number of daily customers/visitors on site at peak time: 4-6

Other occupants: 1 external security guard

Estimated number of truck deliveries/loadings per day: .25 (1 transport every 4 days)

Estimated hours of truck deliveries/loadings per day: 4-6

Estimated percentage of traffic to be generated by trucks: minimal

Estimated number of railroad deliveries/loadings per day: None

Square footage of:

Office area: 67 Warehouse area: n/a

Sales area: 242 Storage area: 67

Loading area: 56 Manufacturing area: n/a

Other: (explain type of area) 98 sq ft waiting room and 95 sq ft bathroom.

Yes ☐ **No** ☒ Will the proposed use involve toxic or hazardous materials or waste? (Please explain)

ROAD AND ACCESS INFORMATION:

What County road(s) will provide the project's main access? (Please show all existing and proposed driveways on the plot plan)

Highway 33 between 4th and 5th street. Main Entrance is on highway and service entrance in alleyway between 4th & 5th street.

Yes ☒ No ☐ Are there private or public road or access easements on the property now? (If yes, show location and size on plot plan)
Alley at rear of property.

Yes ☐ No ☒ Do you require a private road or easement to access the property? (If yes, show location and size on plot plan)
Alley at rear of property.

Yes ☐ No ☒ Do you require security gates and fencing on the access? (If yes, show location and size on plot plan) Enclosed security cage at rear entrance.

Please Note: Parcels that do not front on a County-maintained road or require special access may require approval of an Exception to the Subdivision Ordinance. Please contact staff to determine if an exception is needed and to discuss the necessary Findings.

STORM DRAINAGE:

How will your project handle storm water runoff? (Check one) ☐ Drainage Basin ☐ Direct Discharge ☐ Overland

☒ Other: (please explain) n/a existing building

If direct discharge is proposed, what specific waterway are you proposing to discharge to? _____

Please Note: If direct discharge is proposed, you will be required to obtain a NPDES permit from the Regional Water Quality Control Board, and must provide evidence that you have contacted them regarding this proposal with your application.

EROSION CONTROL:

If you plan on grading any portion of the site, please provide a description of erosion control measures you propose to implement.

The site will not be graded. Base rock or "crusher run" is a blend of both fine and coarse aggregate. The combination of larger and smaller particles allow it to compact tightly, creating a stable base or foundation beneath driveways to manage water and prevent erosion.

Please note: You may be required to obtain an NPDES Storm Water Permit from the Regional Water Quality Control Board and prepare a Storm Water Pollution Prevention Plan.

ADDITIONAL INFORMATION:

Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. (Attach extra sheets if necessary)

Pre-existing building built in 1908. No room for major landscape and per County, rear parking lot cannot be paved due to septic system location, and concerns from water district about flooding and pooling.

CalTrans has permitted on street parking in the front of the retail store. No parking is permitted at the intersection of Highway 33 and 5th Street.