



PLANNING COMMISSION MINUTES OF AUGUST 18, 2022

The San Joaquin County Planning Commission met in regular session on August 18, 2022 at 6 p.m., in the San Joaquin County Administration Building, 44 N. San Joaquin St., #640 (Board of Supervisors Chambers), Stockton, California.

The meeting was called to order by James Grunsky, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

James Grunsky, Chair

Sheri Midgley, Vice-Chair

Donald Ruhstaller

Jass Sangha – Via MS Teams

County Staff

Zoey Merrill, County Counsel

Chris Heylin, Department of Public Works

Steven Shih, Environmental Health Department

Cesar Ruvalcaba, Environmental Health Department

Community Development Department Staff

Jennifer Jolley, Interim Director

Corinne King, Principal Planner

Megan Aguirre, Senior Planner

Nancy Arroyo, Assistant Planner

Sol Jobrack, Assistant Planner

Allen Asio, Office Assistant Specialist

Domenique Martorella, Office Assistant Specialist

(absent)

Randy Hamilton

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ACTION ON REQUESTS FOR CONTINUANCES OR WITHDRAWALS:

Planning Staff requested a continuance to the September 1, 2022, Planning Commission hearing for Item # 2 - Development Title Text Amendment No. PA-2200174. Although no motion was made on this request, the item was not heard and was rescheduled to September 1, 2022.

ACTION ITEMS:

1. **ZONE RECLASSIFICATION NO. PA-2000152 OF ROBERT A. CAFFESE TRUST, ET AL. AND STEVE C. & CATHLEEN T. LAGOMARSINO (C/O NORTH STAR ENGINEERING GROUP, INC.)** to change the zoning of 3 parcels totaling 27.92 acres for subsequent commercial and residential development and use.

One parcel (APN: 173-280-24) totaling 2.0 acres is proposed to be rezoned from AU-20 (Agriculture-Urban Reserve, 20 acre minimum) to C-G (General Commercial). The specific underlying commercial development project has not yet been determined. (Use Type: Retail Sales and Service – General)

Two parcels (APN's: 173-280-03 and -25) totaling 25.92 acres are proposed to be rezoned from AU-20 (Agriculture-Urban Reserve, 20 acre minimum) to R-L (Low Density Residential). The underlying residential development project is for a subdivision that will include development of an 11.66-acre portion of APN 173-280-01 already designated for residential development, for a total of 37.58 acres, and a maximum of 154 units. The project is located on the southwest corner of E. Main St. and Walker Ln., Stockton. (Supervisorial District: 1)

**CORINNE KING, PRINCIPAL PLANNER, introduced the staff report into the record.**

PUBLIC HEARING OPENED:

PROPONENTS:

Mike Hakeem, attorney representing the Applicant, said they agree with the recommendations in the staff report are looking forward to developing the project.

OPPONENTS:

None.

PUBLIC HEARING CLOSED.

MOTION:

It was moved, seconded (Ruhstaller / Sangha), and passed by a vote (4 to 0) to:

1. Adopt the Mitigated Negative Declaration (Attachment C) and Mitigation Monitoring Reporting Program-MMRP (Attachment D); and
2. Forward Zone Reclassification No. PA-2000152 to the Board of Supervisors with a recommendation of intent to approve based on the ability to make the required "Bases for Zone Reclassification" (Attachment E).

VOTE:

AYES: Sheri Midgley, Jass Sangha, Donald Ruhstaller, James Grunsky

NOES:

ABSENT: Randy Hamilton

2. **DEVELOPMENT TITLE TEXT AMENDMENT NO. PA-2200174** to amend Development Title Sections 9-210.10, 9-215.14, 9-220.13, and 9-884.4 to extend the approval period for planning projects from 18 months to 3 years and to amend Development Title Section 9-881.4 to extend time extensions from 1 year to 2 years. This project is Countywide. (Supervisorial District: Countywide).

**Item continued to September 1, 2022, hearing.**

3. **DEVELOPMENT TITLE UPDATE STUDY SESSION** to discuss various topics including: Events, Short-Term Rentals, Agritourism, Storage, Warehouse Industrial, and Liquor Sales. The project is applicable countywide. (Supervisory District: Countywide)

**MEGAN AGUIRRE, SENIOR PLANNER, introduced the discussion topics into the record.**

PUBLIC COMMENTS OPENED:

- **Special Events:**

The Planning Commission clarified the cut-off time for amplified sound at events permitted for a Winery Use is 9PM with the full event to end by 10PM. The Planning Commission discussed keeping these time limits in place for Special Events. Clarification was provided regarding Special Events compared to events allowed with a Winery Use, which can exceed the otherwise allowed number of events or include a greater number of attendees than allowed for standard events.

The Commissioners discussed requiring a Business License application for locations hosting Special Events or Short-Term Rentals. A suggestion was made to allow Special Events on residentially zoned parcels. The requirement for a Business License would allow the County to also require record-keeping for such uses and enforcement actions in the case of nuisance issues affecting the neighbors. It was suggested that a person renting a property not be allowed to apply for a Special Event unless the rental was for a 30-day or longer period. It would be acceptable for the property owner to apply for a Special Event and have the event run by a third party.

The Commissioners agreed that the current limit of 4 Special Events per year, with a maximum of 3 days for each event, is fine.

- **Short-Term Rentals:**

The Planning Commission discussed Short-Term Rentals, including those outside of an AirBnB / home rental, such as renting out a pool or space to store a boat / RV. The Commissioners brought up concerns about liability issues from the rental of non-lodging space. For lodging-related short-term rentals, it was suggested that a ministerial land use permit could be applied for, which would provide notification to the neighborhood, as well as regulations for the use and the ability to revoke the use due to nuisance or enforcement issues that could arise.

- **Agritourism:**

The Planning Commission discussed Agritourism uses such as farm and barn tours, cooking classes, picnic / dinner days, volunteer work, and overnight stays. A limit of 6 guest rooms with a maximum of 15 visitors per night was suggested. Concerns of water usage and impact on wastewater systems were brought up.

The Commissioners discussed the benefit of such offerings for the continued viability of farming operations, as well as educational possibilities through field trips.

James Chincholo, resident, spoke about the positive impact of Agritourism on his farming operation, as well as the benefit to other farmers within the San Joaquin County area. He said that there is currently very little structure in place for such operations and having established uses and regulations would help neighbors understand the operation and the rules he has to abide by. He also said that the current limit on Special Events may not be enough for farming operations, but that a land use permit along the lines of what is available for winery uses, with a number of allowed events, would be more fitting.

The Commissioners discussed implementing a permitting process to allow winery-use-style events for farm operations along with the Special Event permitting. The Commissioners discussed limiting

attendance to these types of events to 40 people. The cost and renewal time of such a permit was also discussed, and it was suggested that the permitting not be an annual renewal, and instead be for the life of the operation.

The Commissioners requested Mr. Chinchiole speak to other farm operations he's in contact with and let them know the Planning Commission would like to hear their feedback and suggestions for Agritourism uses.

Virginia Gardner, Delta Protection Commission, spoke in support of the Agritourism suggestions. Ms. Gardner said that many of the items being discussed have been recommended in the economic stability plan that was updated in 2020. Ms. Gardner said that they will also be submitting written comments to Community Development Department Staff.

- **Storage**

The Planning Commission discussed requests for various types of Storage in agricultural zones: boat/RV storage, construction equipment/materials, and personal/mini storage facilities. The ability to apply for unmanned storage facilities is often requested in the agriculturally zoned areas of San Joaquin County. Since these facilities would be unmanned, they are expected to have a lesser impact on neighbors and farming operations. In addition, storage uses would be restricted to non-viable farmland.

The Commissioners discussed increased setbacks for such uses, along with screening and landscaping to lessen the aesthetic impacts. The Commissioners also discussed using similar locational requirements to the Agriculture Industrial zoning to lessen the impacts of traffic and noise on neighboring parcels. It was suggested that parcels within 500 feet of an approved recreation facility also be included as allowable potential locations for boat/RV storage.

Kevin Swanson, resident, spoke about the difficulty with development in the Agriculture Urban Reserve zone. Mr. Swanson said that storage services would be a proper fit in areas anticipated to ultimately turn into an urban community.

The Planning Commission discussed storage yards for construction materials and equipment. It was discussed to use similar locational requirements as the Agricultural Industrial, but with a smaller distance requirement for interchange locations.

- **Warehouse Industrial**

The Planning Commission discussed the possible creation of a Warehouse Industrial General Plan Designation to correspond with the existing Warehouse Industrial zone. Potential parcels for this designation could be required to be located on a County-defined major collector, or higher, classification roadway. The parcels would not require public sewer, storm drainage, nor water; and the parcels would be located within 2 miles of an urban community or a location adjacent to a utility special district. The proposal would allow more flexibility for warehousing and storage uses compared to the restrictions and requirements of current designations.

Mike Sousa, resident, spoke in support of the proposed designation and asked for clarification on the locational criteria. Ms. Jolley said that the property either needs to be within 2 miles of an urban community or within or adjacent to the utility special districts; the property only needs to meet one of these criteria. The County defined major collector, or higher, classification roadway is required regardless of the property location.

- **Liquor Sales**

The Planning Commission discussed possible restrictions on liquor sales to avoid an over-concentration of businesses, land use conflicts, and locations near sensitive areas. It was clarified that the discussion is regarding bars and stores selling liquor for off-premises consumption and does not include a restaurant selling liquor. Potential limiting factors could include being located within 500 feet of an existing similar business, 4 similar businesses within a 1000-foot radius, areas with a high crime rate, and locations adjacent to residential neighborhoods.

The Commissioners were in agreement with more restrictive measures being put in place regarding liquor sales. They were supportive of the idea of requiring a public hearing for such permits to better inform the public and get their participation on these types of projects.

PUBLIC COMMENTS CLOSED.

MOTION:

No motion was made for this item, as it was a study session only.

The meeting adjourned at 7:52 P.M.

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James Grunsky, Chair

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Jennifer Jolley, Secretary