



PLANNING COMMISSION MINUTES OF OCTOBER 20, 2022

The San Joaquin County Planning Commission met in regular session on October 20, 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

Jason Morrish, County Counsel

Alex Chetley, Department of Public Works

Steven Shih, Environmental Health Department

Cesar Ruvalcaba, Environmental Health Department

Community Development Department Staff

Jennifer Jolley, Director

Tim Burns, Code Enforcement Chief

Corinne King, Principal Planner

Megan Aguirre, Senior Planner

Allen Asio, Office Assistant Specialist

Domenique Martorella, Office Assistant Specialist

(absent)

Randy Hamilton

ACTION ON REQUESTS FOR CONTINUANCES OR WITHDRAWALS:

Community Development Department staff requested a continuance of Item # 2, Development Title Text Amendment No. PA-2200189 of San Joaquin County, to the November 3, 2022, Planning Commission hearing.

MOTION:

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

1. Continue Item # 2, Development Title Text Amendment No. PA-2200189 of San Joaquin County, to the November 3, 2022, Planning Commission hearing.

VOTE:

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

NOES:

ABSENT: Randy Hamilton

Commissioner Ruhstaller requested Item # 3, One-Year Time Extension for Previously Approved Use Permit No. PA-1600049 of Paree Enterprises Inc. (c/o Milestone Associates), be removed from the consent calendar due to modifications to Time Extensions due to the October 18, 2022, Board of Supervisors hearing.

ACTION ITEMS:

1. DEVELOPMENT TITLE TEXT AMENDMENT NO. PA-2100001, ZONE RECLASSIFICATION NO. PA-2100003, AND GENERAL PLAN TEXT AMENDMENT NO. PA-2100004 OF SAN JOAQUIN COUNTY. This project, referred to as the Development Title Update project, consists of 3 applications to address consistency with the 2035 General Plan approved in 2016. The project applications are as follows:

1) Development Title Text Amendment No. PA-2100001 to revise San Joaquin County's Development Title (Title 9 of the County Code) to be consistent with and implement the 2035 General Plan. The amendments include changes to the County's development regulations, such as zoning and subdivision controls, and other regulations related to uses, infrastructure, services, and fees.

2) Zone Reclassification No. PA-2100003 to align the zoning with the 2035 General Plan map designation in the urban and rural communities of the County, and also in the urban fringe around incorporated cities. Reclassifications are proposed to address the following: Zoning inconsistencies that existed prior to approval of the 2035 General Plan and zoning inconsistencies resulting from landowner requests or staff recommendations for General Plan map redesignation approved by the Board of Supervisors with the adoption of the 2035 General Plan.

3) General Plan Text Amendment No. PA-2100004 to correct internal inconsistencies with technical amendments and to ensure that the updated Development Title is consistent with the General Plan's policies and standards and with State law. The proposed technical amendments eliminate unreasonable restrictions that limit implementation of General Plan policies, and also add an I/W (Warehouse Industrial) designation that is consistent with the existing I-W (Warehouse Industrial) zone. These amendments will facilitate streamlining the permitting process, which is one of the goals for the Development Title Update.

MEGAN AGUIRRE, SENIOR PLANNER, introduced the staff report and modifications included as part of the Notes For This Evening into the record.

Commissioners Grunsky, Midgley, Ruhstaller, and Sangha discussed modification # 4 presented in the Notes For This Evening, and decided to exclude it from the modifications.

Commissioner Ruhstaller asked for clarification regarding the Zoning Administrator's ability to increase notification radius for projects. Jennifer Jolley, Director of Community Development, said that the minimum radius for project notification is being increased, and that the notification radius can be further increased at the Director's discretion for specific project as determined to be necessary.

PUBLIC HEARING OPENED:

Christine Howard, Mike Castellanos, Manuel Sarmento, Rachel Espinoza, and Matt Madzier (residents of the Manteca area) spoke to the Planning Commission regarding concerns about property rezoning, impacts to their properties, and issues arising from expansion of the City of Manteca. Commissioner Grunsky, Jennifer Jolley, and Megan Aguirre helped provide clarification regarding the zoning changes and that change proposed by the County would be minimal as the zoning would remain agriculture. Commissioner Grunsky suggested the speakers meet with Community Development Department staff after the hearing for further clarification regarding changes, as well as to determine if items of concern were within San Joaquin County's jurisdiction or the City of Manteca's jurisdiction.

James Chinchio, Resident and Farmer, said that the modifications to the agritourism section are in alignment with the way he and other farmers want to run their operations, and he appreciates Staff listening to their concerns.

PUBLIC HEARING CLOSED.

Commissioner Grunsky thanked the residents in attendance for their concerns, and again requested they meet with Community Development Department staff for further assistance and guidance.

MOTION:

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

1. Forward the Addendum to the San Joaquin County 2035 General Plan Final Environmental Impact Report for the Development Title Update Project (PA-2100001 [TA], PA-2100003 [ZR], and PA-2100004 [TA]) to the Board of Supervisors with a recommendation for adoption;
2. Forward Development Title Text Amendment No. PA-2100001 to the Board of Supervisors with a recommendation for approval based on the ability to make the required Basis for Development Title Text Amendment;
3. Forward Zone Reclassification No. PA-2100003 to the Board of Supervisors with a recommendation of intent to approve based on the ability to make the required Bases for Zone Reclassification;
4. Forward General Plan Text Amendment No. PA-2100004 to the Board of Supervisors with a recommendation for approval based on the ability to make the required Basis for General Plan Text Amendment; and
5. Include modifications as presented in the Notes For This Evening, excluding item # 4.
 - 1) Revise Table 9-200-020.1: Uses in Residential Zones:
 - a. Permit the Residential Care Facility – Large and Senior use types in the R-R, R-VL, and R-L zones pursuant to an Administrative Use Permit.
 - b. Permit the Residential Housing – Multi-Unit Residential use type with a Zoning Compliance Review rather than an Administrative Use Permit in the R-H zone.
 - 2) Revise Table 9-204.020-1: Uses in Airport, Mixed Use, and Public Facilities Zones to permit the Residential Housing – Multi-Unit Residential use type in the M-X zone subject to an Administrative Use Permit rather than a Conditional Use Permit.
 - 3) Revise Chapter 408 Signs to add a process to modify the allowed height, square footage, or number of signs subject to an Administrative Use Permit.
 - 4) ~~Revise Sections 9-408.070(m)(2) and 9-409.060(k)(2)(A) to remove the phrase “Act of God”.~~
 - 5) Revise Table 9-409.070 – Animal Standards to include Educational Animal subject to the same standards as Family Food Production.
 - 6) Revise Section 9-409.360 (d)(6) pertaining to Large Agricultural Stores to make the minimum structure size 1,500 square-feet rather than a maximum of 1,500 square-feet, to differentiate between a Large and Small Agricultural Store. Small Agricultural Stores are limited to 1,500 square-feet.
 - 7) Revise Section 9-409.440 Special Events and Sales(a)(1) to decrease the number of people from 100 to 75 related to criteria for when a permit is required.
 - 8) Revise Section 9-603.010 to replace “Department 7” with “Division 7” in reference to the Porter-Cologne Water Quality Control Act.

- 9) Revise Section 9-608.190 Road Naming Procedures to:
 - a. Allow the Zoning Administrator to name new roads not only at the time the road is accepted as a public highway, but also if determined to be necessary for wayfinding.
 - b. Identify the application process as a Zoning Compliance Review for both new roads not named on a Tentative Map and for road name changes.

- 10) Revise Section 9-700.030 Agricultural Experiences to:
 - a. Allow more than 49 participants and more than 4 days per month with an Administrative Use Permit.
 - b. Increase the hours of operation from 9:00 a.m. - 7:00 p.m. to 7:00 a.m. - 9:00 p.m.

VOTE:

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

NOES:

ABSENT: Randy Hamilton

2. **DEVELOPMENT TITLE TEXT AMENDMENT NO. PA-2200189 OF SAN JOAQUIN COUNTY** to amend Chapter 9-1080, Agricultural Mitigation, of Title 9, to improve the County's ability to carry out the purpose and intent of the Chapter. Amendments include clarifications of how agricultural mitigation is to be accomplished in the County.

Two draft Development Title Text Amendments are being provided to the Planning Commission for review:

Text Amendment Option A: Draft amendments proposed by Community Development Department staff. These amendments would provide for additional clarifications of how agricultural mitigation is to be accomplished, pertaining to use of a Qualifying Entity to oversee and implement the County agricultural mitigation program (and eliminating use of the AgTAC), as well as how agricultural mitigation may be accomplished through use of agricultural land conservation easements, payment of in-lieu fees or use of an agricultural mitigation bank.; and

Text Amendment Option B: Draft amendments proposed by the Agricultural Technical Advisory Committee ("AgTAC"). These amendments were previously considered by the Planning Commission in 2021, with one additional amendment being added clarifying agricultural land conservation easements shall be held in perpetuity.

Continued to the November 3, 2022, Planning Commission hearing.

3. **ONE-YEAR TIME EXTENSION FOR PREVIOUSLY APPROVED USE PERMIT NO. PA-1600049 OF PAREE ENTERPRISES INC. (C/O MILESTONE ASSOCIATES)** for a truck stop with a truck wash, gas station, and convenience store. The project includes construction of a 13,412-square-foot convenience store and gas station with a 7,200-square-foot automobile fueling canopy; a 5,940-square-foot diesel fueling canopy; a 3,500-square-foot truck wash; and a 2,032-square-foot fuel storage building. In addition, there is parking for 27 tractor-trailers. (Use Types: Truck Sales and Service-Stop, Gasoline Sales-Combination) The project site is located on the northwest corner of S. Ahern Rd. and the Interstate 5 south off-ramp, Tracy. (Supervisorial District: 5)

Jennifer Jolley, Director of Community Development, presented an update to the project based upon the October 18, 2022, Board of Supervisors session. Director Jolley said the Board of Supervisors granted an automatic 2-year Time Extension for all planning applications that are in approved status, with the exception of minor subdivisions, major subdivisions, and quarry operations. Director Jolley said this project applied for a Time Extension prior to its expiration date, which kept it in active status; therefore, it has been granted a 2-year Time Extension.

MOTION:

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

1. Modify the time extension from 1 year to 2 years; and
2. Approve Time Extension for Use Permit No. PA-1600049 with the previously approved Findings and updated Conditions of Approval contained in the Staff Report.

VOTE:

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

NOES:

ABSENT: Randy Hamilton

The meeting adjourned at 6:56 P.M.

James Grunsky, Chair

Jennifer Jolley, Secretary