



PLANNING COMMISSION MINUTES OF APRIL 6, 2023

The San Joaquin County Planning Commission met in regular session on April 6, 2023 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

County Staff

Zoey Merrill, County Counsel

Chris Heylin, Department of Public Works

Steven Shih, Environmental Health Department
Cesar Ruvalcaba, Environmental Health Department
Frank Girardi, Environmental Health Department

Community Development Department Staff

Corinne King, Deputy Director of Planning
Tim Burns, Code Enforcement Chief
Megan Aguirre, Senior Planner
Giuseppe Sanfilippo, Associate Planner
Allen Asio, Office Assistant Specialist
Laura Sauers, Office Assistant Specialist

(absent)

Chris Meehleis

ACTION ITEMS:

- 1. GENERAL PLAN MAP AMENDMENT NO. PA-2200090 & CONDITIONAL USE PERMIT NO. PA-2100295 OF RIVER MAID LAND COMPANY (C/O MIKE SMITH ENGINEERING).** This project is comprised of two components: General Plan Map Amendment Application No. PA-2200090 proposes to change the land use designation of a 17.3-acre parcel from I/T (Truck Terminal) to A/G (General Agriculture) for consistency with the existing AG-40 zoning and to accommodate the underlying project for an agricultural processing facility Conditional Use Permit Application No. PA-2100295 proposes to establish a new stand-alone agricultural processing facility by constructing a 96,959 square foot two-story agricultural processing building. The first floor includes 80,000 square feet for agricultural processing, packing, storage, and distribution with a 12,400 square foot roof overhang. The second floor includes 4,559 square feet of storage space. 8-acres of the project site will be used as a process wastewater pond under permit from the Central Valley Regional Water Quality Control Board (CVRWQCB) for this facility and the adjacent fruit processing facility. The project proposes access from East Pine Street. The project will utilize a new on-site septic system for wastewater, an existing well for water, and a new on-site retention pond for storm drainage. The project also includes overflow parking for seasonal employees. The project site is located on the north side of East Pine Street, 2,580 ft. east of N. Guild Ave., east of Lodi. (Supervisory District: 4) **THIS ITEM IS CONTINUED FROM THE MARCH 16, 2023, PLANNING COMMISSION HEARING.**

GIUSEPPE SANFILIPPO, ASSOCIATE PLANNER, introduced the staff report into the record.

Commissioner Sangha asked when the 12-week season occurs. Mr. Sanfilippo replied that the harvest season occurs in the fall.

Commissioner Ruhstaller asked how long work has been going on before Code Enforcement was made aware. Tim Burns, Code Enforcement Chief, answered that the complaint was reported on February 24, 2023. The Department did not know when the violations began.

PUBLIC HEARING OPENED:

PROPONENTS:

Mike Smith, applicant, explained that the wastewater area and storm drain pond are separate, that they are working with the City of Lodi for public water, and that they had set up a meeting with the neighbors to listen to their concerns.

Commissioner Grunsky asked how many jobs would be created by having this facility. Mr. Smith answered that it is not known at this time.

Commissioner Grunsky asked if the parking lot is full during 12-week season. Mr. Smith answered that the statement was correct.

Commissioner Ruhstaller asked why work was done without permits. Mr. Smith answered that it was to get things out of the way, for safety concerns. The storage bins have been removed and then the applicant will work with Staff regarding the gravel parking lot.

Dennis Cooper and Nathan Porter, past employees, expressed their support for the project.

Arturo Garcia, neighbor, stated that River Maid Land Company is a good neighbor.

OPPONENTS:

Rob McMahan, Audie Andrews, Meghan Shearer, and Zeke Shearer (residents of the area) spoke to the Planning Commission regarding concerns about water testing, water treatment, waste and storm

water, storage, parking, traffic, monitoring and regulation, and lack of permits.

REBUTTAL:

Diane Kindermann, attorney, stated that the Mitigated Negative Declaration addresses all the environmental issues that the neighbors raised. There were no potential significant impacts identified. The applicant is heavily regulated for air quality and wastewater discharge, for which they have been in compliance. She explained that the applicants did not realize that permits were required. She was hired to oversee that the applicants go through the correct process. In regard to the truck routes, the applicants have advised their drivers to use the correct route. Some drivers may have used routes given to them through GPS. There are guarantees for compliance: CEQA mitigation measures, Conditions of Approval, State Conditions, and Monitoring Reports. Complaints are of concern but have been addressed with supporting evidence in the CEQA document.

Commissioner Ruhstaller asked if it was possible for the truck drivers to be instructed to use correct routes instead of using GPS.

Chiles Wilson, owner, answered that the drivers are informed of truck routes when they check in at the security booth. He explained that unpermitted activity was due to not knowing that permits were required for grading and storing containers.

Commissioner Ruhstaller asked if it was typical for this method of water treatment to be used for this type of processing.

Patrick Archibeque, Chief Executive Officer, answered that the water quality is better than required by the State Water Board.

Commissioner Ruhstaller asked how the applicant will address littering. Mr. Archibeque explained that litter comes from the highway. Security have been directed to pick up trash along the perimeter twice a week.

Ms. Kindermann explained in regard to waste discharge requirements that the applicant uses a typical treatment process.

Commissioner Sangha asked why the applicant needed to hire a land use attorney.

Diane Kindermann stated that her staff follows up with the applicant, send reminders, and help clients comply with their matters. Code Enforcement can help ensure the applicant is doing the right thing. There are watch groups in northern California that monitor water and air quality since everything is uploaded and public.

Chiles Wilson stated that after learning of violations and opposition letters, it would be wise to hire a land use attorney to navigate them through the process and obey the rules and to not make ignorant mistakes in the future.

PUBLIC HEARING CLOSED.

MOTION:

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

1. Forward the Mitigated Negative Declaration to the Board of Supervisors with a recommendation to adopt (Attachment D; Environmental Document);
2. Forward the Mitigation Monitoring and Reporting Program to the Board of Supervisors with a

recommendation to adopt (Attachment E; Mitigation Monitoring and Reporting Program);

3. Forward General Plan Map Amendment No. PA-2200090 to the Board of Supervisors with a recommendation to approve based on the ability to make the required Basis for a General Plan Map Amendment (Attachment F; Findings); and
4. Forward Administrative Use Permit No. PA-2100295 to the Board of Supervisors with a recommendation to approve with the recommended Conditions of Approval based on the ability to make with the Findings for Administrative Use Permit (Attachment F; Findings) and the recommended Conditions of Approval contained in the Staff Report (Attachment G; Conditions of Approval).
5. Include modification to the Recommended Conditions of Approval as presented in the Notes for This Evening. The addition of a Community Development Department Condition:

- 1.i. **RESTRICTED ACCESS:** Access to the project site from East State Route 12 and North Tecklenburg Road is prohibited.

VOTE:

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

NOES:

ABSENT: Chris Meehleis

The meeting adjourned at 7:16 P.M.

James Grunsky, Chair

Corinne King, Secretary