

PLANNING COMMISSION MINUTES OF MAY 3, 2018

The San Joaquin County Planning Commission met in regular session on May 3, 2018 at 6:30 p.m., in the Public Health/Planning Commission Auditorium, 1601 East Hazelton Avenue, Stockton, California.

The meeting was called to order by Kitty Walker, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

Kitty Walker, Chair

Stan Morri

Sheri Midgley

Randy Hamilton

County Staff

Zoey Merrill, County Counsel

Alex Chetley, Department of Public Works

Steven Shih, Environmental Health Department

Community Development Department Staff

Kerry Sullivan, Director

Eric Merlo, Assistant Director

Ray Hoo, Deputy Director Programs and Administration

Jennifer Jolley, Principal Planner

Stephanie Stowers, Senior Planner

Alisa Goulart, Associate Planner

Brittney Hanna, Office Assistant Specialist

ACTION ITEMS:

1. **USE PERMIT APPLICATION NO. PA-1700253 OF FRENCH CAMP RV PARK LLC (C/O JACK VERDERAME)** to expand an existing 196-space recreational vehicle park to include the addition of 106 spaces for a total of 302 recreational vehicle spaces. The expansion will utilize the area that was previously approved for a nine-hole golf course which has since closed. The project site is located on the north side of East French Camp Road, 750 feet west of State Route 99, Manteca (Supervisory District: 1). **CONSENT**

MOTION:

It was moved, seconded (Midgley/Morri), and passed with a vote of 4-0.

1. Approved the Negative Declaration; and
2. Approved Use Permit Application No. PA-1700253 with the findings and Conditions of Approval Contained in the Staff Report

VOTE:

AYES: Midgley, Walker, Morri, Hamilton

NOES:

ABSENT:

2. **APPEAL TO THE PLANNING COMMISSION OF COMMUNITY DEVELOPMENT APPROVAL BY CALIFORNIA MOBILE HOME PARK OF SITE APPROVAL APPLICATION NO. PA-1700052 OF NJ MCFADDEN DEVELOPMENT LLC (C/O SIEGFRIED ENGINEERING)** to construct a 9,450 square foot warehouse and manufacturing building with an attached 1,800 square foot canopy and a detached private canopied fueling station with one fueling position. The warehouse building is for the storage of manufacturing equipment, vehicles, raw materials, and manufactured product. Stored materials are to include steel, wood, and masonry or concrete products. The project site is located on the north side of East Farmington Road, 290 feet west of Golden Gate Avenue, Stockton (Supervisory District: 1).

Alisa Goulart, Associate Planner, introduced the staff report into the record with supplemental information provided by Alex Chetley from Public Works.

PUBLIC HEARING OPENED:

PROponents:

Ember Madison, Attorney representing California Mobile Home Park, said the intent of the appeal is not stop the project, but to protect the residents of the Mobile Home Park adjacent to the project location. Mr. Madison said at this time the Conditions of Approval do not address the impact on adjacent properties, and that it violates Section Code 9-818.6. Mr. Madison said the law does not state the project applicant is not responsible for the run off from the railroad property; yet the impact to additional properties, namely the mobile home park, due to the project's impact, run off from the railroad property needs to be addressed. Mr. Madison said a solution can be found for this problem, but it needs to be addressed now rather than later.

Commissioner Walker asked for clarification of how the wall would prevent proper drainage.

Ember Madison replied that the wall would prevent water draining where it needs to; instead redirecting drainage and causing runoff to adjacent properties.

Commissioner Hamilton asked where the water drainage from the mobile home park goes currently.

Matt Davies, representing the mobile home park, described the logistics and gradient of the Mobile Home Park, along with flooding issues they currently have including current impacts from the railroad property. Mr. Davies said run off from the project will increase the amount of water impacting the mobile home park site. Mr. Davies expressed his concerns with the parties involved and explained that they have not tried to resolve their concerns.

OPponents:

Tony Lopes, Siegfried Engineering, said that the grade of the property where the fence will be erected would not promote runoff to the railroad property. Mr. Lopes explained that due to the gradient of the property, they may receive some run off from the railroad property and there should be little to no change from previous amounts of water. Mr. Lopes said that the railroad property is like any county road, which diverts run off to the side of the road and/or ditches.

Commissioner Walker asked why there is so much water on the Mobile Home Park property.

Tony Lopes said that it is due, in part, to an inadequate drainage system. Mr. Lopes said that once the fence is up the project property will not drain towards the Mobile Home Park, thus reducing the amount of runoff on to their property. Mr. Lopes said the opponent has not provided any technical data; it is all based on perception.

Commissioner Walker asked about water flowing down the fence line and running around it.

Tony Lopes referred to the property map; showing the fence line, because the land does not slope in that direction water will not flow to the mobile home park property, but will remain in place at the fence line.

Commissioner Walker asked if the retention pond is to be fenced by chain link.

Tony Lopes said a concrete wall will be used for fencing.

Commissioner Walker asked if water could drain into the pond if the retention pond fencing was chain link.

Tony Lopes said solid wall was used for security reasons and that the project does not want to take on someone else's (the railroad) runoff as they do not know what it might contain; and it is not right to be asked to take responsibility for another property's runoff. Mr. Lopes said they are taking responsibility for all drainage water on the project property, and reducing the runoff on the adjoining site.

Commissioner Hamilton asked how long the mobile home park had been on site.

Ember Madison said it has been there since 1960 and the client has experienced flooding issues for 13 years.

REBUTTAL:

Ember Madison said he believes there is a feasible solution between the applicant and the neighboring property.

PUBLIC HEARING CLOSED

Commissioner Hamilton said he feels the applicant is doing everything they can and above what is required.

Commissioner Morri said he believed that Public Works stated everything very clearly and feel comfortable denying the appeal.

Commissioner Midgley said she did not see how this project will create more water drainage. Commissioner Midgley said they are in support of denying the appeal.

Commissioner Walker said she agrees with all the comments so far and also understands the dilemma. Commissioner Walker said although she supports the approval of the project, and thinks it has been designed appropriately, she understands the inequities of the way that the code has been written.

MOTION:

It was moved, seconded (Hamilton/Morri), and passed with a vote of 4-0.

1. To deny the Appeal to the Planning Commission by California Mobile Home Park Investors LLC of the Community Development Department's Approval of Site Approval Application No. PA-1700052 of NJ McFadden.

VOTE:

AYES: Walker, Midgley, Hamilton, Morri

NOES:

ABSENT:

3. GENERAL PLAN TEXT AMENDMENT APPLICATION NO. PA-1700202 OF SAN JOAQUIN COUNTY to add new definitions in Development Title Section 9-110.4 for Fireworks, Public Display of Fireworks and Salute Fireworks. The Text Amendment also proposes to add the requirement of an Improvement Plan with Special Use Regulations for public displays of fireworks in the following sections of the Development Title: Table 9-305.4 and Section 9-305.6 (Residential), Table 9-405.4 and Section 9-405.5 (Commercial), Table 9-505.4 and Section 9-505.5 (Industrial), Table 9-605.4 and Section 9-605.6 (Agricultural) and Table 9-705.4 and Section 9-705.8 (Other Zones). The project site is located County-wide (Supervisorial District: All).

Jennifer Jolley, Principal Planner, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

Ed Martell, Fire Chief Montezuma Fire, asked that the Commission approve the General Plan Text Amendment.

OPPONENTS:

None

REBUTTAL:

None

PUBLIC HEARING CLOSED

MOTION:

It was moved, seconded (Hamilton/Midgley), and passed with a vote of 4-0.

1. To approve the Development Title Text Amendment Application No. PA-1700202 and forward a recommendation for approval to the Board of Supervisors

VOTE:

AYES: Morri, Walker, Hamilton, Midgley

NOES:

ABSENT:

OTHER BUSINESS: Election of Officers

MOTION:

It was moved, seconded (Walker / Morri), and passed with a vote of 4-0.

1. Elect Randy Hamilton as Vice Chairman.

VOTE:

AYES: Midgley, Morri, Walker, Hamilton

NOES:

ABSENT:

Adjournment 7:32 PM

KITTY WALKER, Chair

KERRY SULLIVAN, Secretary