

PLANNING COMMISSION MINUTES OF AUGUST 16, 2018

The San Joaquin County Planning Commission met in regular session on August 16, 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

James Grunsky

County Staff

Zayante (Zoey) P. Merrill, County Counsel

Alex Chetley, Department of Public Works

Steven Shih, Environmental Health Department

Community Development Department Staff

Kerry Sullivan, Director

Stephanie Stowers, Senior Planner

Giuseppe Sanfillippo, Associate Planner

Alisa Goulart, Associate Planner

Carla Raborn, Accounting Technician II

(absent)

Randy Hamilton, Vice Chair

APPROVAL OF PREVIOUS MEETING MINUTES:

1. Minutes from November 2, 2017, November 16, 2017 and July 5, 2018.

MOTION:

It was moved, seconded (Morri / Midgley), and passed with a vote of 4-0-1.

1. Approved and accepted the minutes.

VOTE:

AYES: Midgley, Morri, Grunsky, Walker

NOES:

ABSENT: Hamilton

ACTION ON REQUESTS FOR CONTINUANCES OR WITHDRAWALS

1. **Request for Continuance on Item number #5, Site Approval application No. PA-1600128, until the September 6, 2018, Planning Commission meeting.**

MOTION:

It was moved, seconded (Midgley / Morri), and passed with a vote of 4-0-1.

1. To allow Continuance on Item #5 until the September 6, 2018, Planning Commission meeting.

VOTE:

AYES: Midgley, Grunsky, Morri, Walker

NOES:

ABSENT: Hamilton

ACTION ITEMS:

1. **USE PERMIT APPLICATION NO. PA-1600266 OF PHRABUDDHIVONGSAMUNEE BUDDHIST TEMPLE (C/O DAVID MIRAFLOR)** for the expansion of an existing 4,311 square foot neighborhood religious assembly facility for a maximum of 120 attendees. The project includes the construction of a 4,183 square foot dormitory building with a kitchen and fellowship hall for visiting monks, and the addition of two (2) 400 square foot storage containers. The project also includes three (3) temporary tents totaling 4,420 square feet to be used seasonally. No change is proposed to the maximum number of attendees. The project site is located on the west side of Thornton Road, 2,630 feet north of Eight Mile Road, Stockton. (Supervisory District: 3). **CONSENT**

MOTION:

It was moved, seconded (Midgley / Morri), and passed with a vote of 4-0-1.

1. Approved the Negative Declaration; and
2. Approved Use Permit Application No. PA-1600266 with the Findings and Conditions of Approval Contained in the Staff Report.

VOTE:

AYES: Morri, Midgley, Grunsky, Walker

NOES:

ABSENT: Hamilton

2. **ONE-YEAR TIME EXTENSION FOR PREVIOUSLY APPROVED USE PERMIT APPLICATION NO. PA-1600197 OF NORTHERN INTERIOR WINE PARTNERS, INC (C/O MIKE SMITH ENGINEERING, INC)** to expand an existing winery in five (5) phases over fifteen (15) years. No marketing events are proposed as part of the application nor were previously approved. Phase 1, with building permits to be issued within eighteen (18) months, includes the construction of a 30,100 square foot case storage building. Phase 2, with building permits to be issued within two (2) years, includes the construction of a 19,995 square foot storage building. Phase 3, with building permits to be issued within five (5) years, includes the construction of a 50,095 square foot storage building. Phase 4, with building permits to be issued within ten (10) years, includes the construction of a 50,095 square foot storage building. Phase 5, with building permits to be issued within fifteen (15) years, includes the construction of a 50,095 square foot storage building. This Time Extension will

extend the timing of all phases by one (1) year. The project site is located on the west side of Clements Road, 4,571 feet north of Frazier Road, Linden. (Supervisorial District: 4). **CONSENT**

MOTION:

It was moved, seconded (Midgley / Morri), and passed with a vote of 4-0-1.

1. Approved the Negative Declaration; and
2. Approved One-Year Time Extension for Previously Approver Use Permit Application No. PA-1600197 with the Findings and Conditions of Approval Contained in the Staff Report.

VOTE:

AYES: Morri, Midgley, Grunsky, Walker

NOES:

ABSENT: Hamilton

- 3. ROAD NAME CHANGE APPLICATION NO. PA-1800136 OF UNION PACIFIC RAILROAD COMPANY (C/O CITY OF TRACY)** to rename a portion of West Schulte Road between South Lammers Road and South Corral Hollow Road to Western Pacific Way. The project site is located between South Lammers Road to the west, and South Corral Hollow Road to the east, Tracy. (Supervisorial District: 5). **CONSENT**

MOTION:

It was moved, seconded (Midgley / Morri), and passed with a vote of 4-0-1.

1. Approved the Negative Declaration; and
2. Approved Road Name Change Application No. PA-1800136 with the Findings and Conditions of Approval Contained in the Staff Report.

VOTE:

AYES: Morri, Midgley, Grunsky, Walker

NOES:

ABSENT: Hamilton

- 4. REVISIONS OF APPROVED ACTIONS APPLICATION FOR A PREVIOUSLY APPROVED USE PERMIT APPLICATION NO. PA-0600207 OF PASTOR OF SAINT BERNARD CHURCH** to revise Condition of Approval 1.b. to amend the phasing timeline for a previously approved religious assembly with a K-8 school, multi-purpose buildings, and parish offices. The Revision would result in full build out in three (3) phases over twenty-one (21) years with an expiration date of April 29, 2028 instead of the previously approved three (3) phases over fifteen (15) years with an expiration date of April 29, 2018. Phase 1 has been completed. Phase 2, to be completed in sixteen (16) years, includes the construction of a 48,376 square foot church with a seating capacity of 2,000 people. Phase 3, to be completed within twenty-one (21) years, includes the construction of two (2) school buildings totaling 31,200 square feet a 1,200 square foot multi-purpose support building, a 17,588 square foot church support building, and an 8,421 square foot church support building. The project site is located at the southwest corner of West Valpico Road and South Corral Hollow Road, west of Tracy. (Supervisorial District: 5). **CONSENT**

MOTION:

It was moved, seconded (Midgley / Morri), and passed with a vote of 4-0-1.

1. Approved the Negative Declaration; and
2. Approved Revisions of Approved Actions Application No. PA-0600207 with the Findings and Conditions of Approval Contained in the Staff Report

VOTE:

AYES: Morri, Midgley, Grunsky, Walker

NOES:

ABSENT: Hamilton

- 5. SITE APPROVAL APPLICATION NO. PA-1600128 OF CAROL METTLER (C/O RONALD WELDUM)** to establish an agricultural truck parking facility and a farm service facility. The agricultural truck parking facility to include two (2) trucks and four (4) double trailers, to be owner operated. The farm service facility to include two (2) trucks and thirty-five (35) double trailers to provide transportation of farm products off site, operating from August through December. The two (2) trucks and thirty-five (35) double trailers are stored and idle on site from January through July. The project site is located on the west side of North Locust Tree Road, 2,500 feet north of Newfield Road, Lodi. (Supervisorial District: 4). **CONSENT**

MOTION:

It was moved, seconded (Midgley / Morri), and passed with a vote of 4-0-1.

1. To continue item to the September 6, 2018, Planning Commission meeting.

VOTE:

AYES: Midgley, Grunsky, Morri, Walker

NOES:

ABSENT: Hamilton

- 6. DEVELOPMENT TITLE TEXT AMENDMENT APPLICATION NO. PA-1800103 OF SAN JOAQUIN COUNTY** to add new definitions for Large-scale Accessory Winery Event and Permanent Parking, and modify definitions for Small-scale Accessory Winery Event, Wine Release Event and Marketing Calendar (Section 9-110.4). Also, this Development Title Text Amendment will amend various sections of the wineries and related facilities Chapter of the Development Title pertaining to minimum lot sizes, setback requirements, permitted events, outdoor amplified sound and parking attendant requirements (Chapter 9-1075). The Text Amendment is applicable Countywide (Supervisorial District: All).

Jennifer Jolley introduced the Staff Report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

None.

OPPONENTS:

Bruce Blodgett, San Joaquin Farm Bureau Association expressed his concerns regarding the increased number of events and attendees proposed, conflicts with CEQA and Williamson Act parcels. He proposed a programmatic EIR to cover all San Joaquin wineries to ensure that the cost of these changes would not be placed on the individual property owners.

Commission Walker expressed support for the Farm Bureau's comments, and asked how many of the winery parcels are in the Williamson Act.

Director Sullivan stated that there are currently 32 wineries with marketing events, 11 under the Williamson Act. There are an additional 42 without marketing events, 13 under the Williamson Act.

Commission Walker stated that she did not believe that by doing a programmatic EIR would absolve the responsibilities of individual winery owners.

Director Sullivan agreed with Commissioner Walker, and stated that if an EIR was done with the proposed Text Amendment, subsequent EIRs, Negative Declarations, or Mitigated Negative Declarations would be required that would tier off of the programmatic EIR for each individual winery.

Commission Walker asked County Counsel, Zoey Merrill, if there was an advantage to a programmatic EIR.

Zoey Merrill, County Counsel, stated that Director Sullivan had accurately addressed the issue. She continued, stating that setting parameters for a programmatic EIR may be nearly impossible because those parameters are unknown. With previous programmatic EIRs, like Mountain House, the exact parameters were known, which is not the case for all future winery projects and issues.

REBUTTAL:

None.

PUBLIC HEARING CLOSED

Commissioner Walker stated that she had a problem with the scope of the proposed changes, particularly the number of additional events and increased attendees, and that the impact could be astounding. She stated that she did not see the rationale or justification for the event-related changes, but agrees with the text related changes proposed by staff.

Commissioner Morri asked staff if they had contacted other wine-based counties in drafting the Winery Ordinance.

Director Sullivan stated that Jennifer Jolley had done extensive research and spoken to many different jurisdictions in drafting the ordinance, including Napa County and that throughout the state there are different conflicts based on region. She stated that staff was happy with the 2016 updated ordinance, and that staff felt like the ordinance had the right balance for San Joaquin County as a result of vast amounts of research and countless meetings with the community. She stated that as a result there were no code enforcement cases related to wineries in the past year. She stated that the Board of Supervisors directed the changes regarding events because wineries have spent a lot of money on their sites and that they should be able to utilize their facilities a lot more robustly than the current ordinance allows.

Commissioner Grunsky asked Commissioner Walker if her concern was only the large-scale accessory events.

Commissioner Walker stated that she was mainly concerned with the scope of accessory events, but supported the changes proposed by staff.

Commissioner Grunsky stated that he did not think that there would be a large demand for such events, and as a result, a limited impact.

MOTION:

It was moved, seconded (Grunsky/Midgley) and passed with a vote of 3-1-1.

1. Approved the Negative Declaration; and
2. Forward Text Amendment No. PA-1800203 to the Board of Supervisors with a recommendation of approval based on the ability to make the required Bases for Development Title Text Amendment.

VOTE:

AYES: Grunsky, Morri, Midgley
NOES: Walker
ABSENT:

The meeting adjourned at 7:45 P.M.

KITTY WALKER, Chair

KERRY SULLIVAN, Secretary