



PLANNING COMMISSION MINUTES OF SEPTEMBER 6, 2018

The San Joaquin County Planning Commission met in regular session on September 6, 2018 September 6, 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  
Randy Hamilton, Vice-Chair  
Stan Morri  
Sheri Midgley  
James Grunsky

County Staff

Zayante (Zoey) P. Merrill, County Counsel  
Alex Chetley, Department of Public Works  
Michael Kith, Environmental Health Department  
Robert McClellon, Environmental Health Department

Community Development Department Staff

Kerry Sullivan, Director  
John Funderburg, Principal Planner  
Jennifer Jolley, Principal Planner  
Stephanie Stowers, Senior Planner  
Megan Aguirre, Senior Planner  
Corinne King, Counter Manager  
Giuseppe Sanfilippo, Associate Planner  
Alisa Goulart, Associate Planner

(absent)

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APPROVAL OF PREVIOUS MEETING MINUTES:

**1. Minutes from 12/02/2017.**

MOTION:

It was moved, seconded (Morri/Midgley), and passed with a vote of 5-0-0 to:

1. Approve and accept the minutes.

VOTE:

AYES: Midgley, Morri, Grunsky, Hamilton, Walker

NOES:

ABSENT:

**2. Minutes from 08/16/2018.**

MOTION:

It was moved, seconded (Walker/Hamilton), and passed with a vote of 5-0-0 to:

1. Continue the minutes at a later meeting date with following corrections made:
  - Item # 5, Site Approval application No. PA-1600128, was continued to the September 6, 2018, Planning Commission meeting, and not approved.
  - Transcribed commentary on Item # 6, Development Title Text Amendment Application No. PA-1800103, appears incomplete and needs revision.

VOTE:

AYES: Grunsky, Midgley, Hamilton, Morri, Walker

NOES:

ABSENT:

ACTION ITEMS:

1. **USE PERMIT APPLICATION NO. PA-1800037 OF MUSCO OLIVE (C/O BEN HALL)** for the expansion of an existing olive processing facility to include the construction of three (3) evaporation ponds for the storage of wastewater and a storage reservoir to support the onsite farming activities. No new structures are proposed with this application. The project site is located on the north and south sides of West Via Nicolo Road, 2,760 feet east of Patterson Pass Road, Tracy (Supervisorial District: 5). **CONSENT**

MOTION:

It was moved, seconded (Hamilton/Morri), and passed with a vote of 5-0-0 to:

1. Approve the Mitigated Negative Declaration; and
2. Approve Use Permit Application No. PA-1800037 with the Findings, Williamson Act Principles of Compatibility, and Conditions of Approval contained in the Staff Report with the addition of Conditions 6.a., 7.a., and 7.b. contained in the Notes for this Evening.

VOTE:

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

2. **GENERAL PLAN MAP AMENDMENT APPLICATION NO. PA-1800162 & ZONE RECLASSIFICATION APPLICATION NO. PA-1800163 OF HOLLY COMMERCE CENTER, LLC (C/O PHELAN DEVELOPMENT COMPANY)** to change the General Plan designation of a 54.9-acre portion of a 110.35 acre parcel from General Industrial (I/G) Limited Industrial (I/L) and a Zone Reclassification to change the zoning of the same parcel portion from General Agriculture, 40-acre minimum (AG-40) to Warehouse (I-W). The project site is located on the northeast corner of West Sugar Road and South Holly Drive, Tracy (Supervisory District: 5). **CONSENT**

MOTION:

It was moved, seconded (Hamilton/Morri), and passed with a vote of 5-0-0 to:

1. Approve the Negative Declaration; and
2. For Forward General Plan Map Amendment Application No. PA-1800162 and Zone Reclassification Application No. PA-1800163 to the Board of Supervisors with a recommendation if intent to approve based on the ability to make the required "Basis for General Plan Map Amendment" and "Bases for Zone Reclassification".

VOTE:

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

3. **ONE-YEAR TIME EXTENSION REQUEST FOR A PREVIOUSLY APPROVED USE PERMIT APPLICATION NO. PA-1600026 OF GURDWARA GUR NANAK PARKASH (C/O SUKHJIT (TONY SINGH))** to expand an existing 13,498 square foot religious assembly facility from a maximum of 170 members to a maximum of 700 members in two (2) phases over three (3) years. Phase One includes the construction of a 23,700 square foot multi-purpose assembly hall for educational programs and recreational activities, house, a 600 square foot structure to house fire tanks, and conversion of an existing 6,150 square foot agricultural building into a storage building. Phase Two, to be completed within three (3) years, includes the construction of a 20,555 square foot social hall with a kitchen, dining area, and retreat area. The project site is located on the north side of West Grant Line Road, 1,250 feet east of Hansen Road, Tracy (Supervisorial District: 5). **CONSENT**

MOTION:

It was moved, seconded (Hamilton/Morri), and passed with a vote of 5-0-0 to:

1. Approve the Mitigated Negative Declaration; and
2. A One-Year Time Extension application for previously approved Use Permit Application No. PA-1600026 with the previously approved Findings and previously approved Conditions of Approval with the updated Environmental Health Department conditions contained in the Staff Report.

VOTE:

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

4. **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). **(Continued from 8/16/18)**

Alisa Goulart introduced the Staff Report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Ron Weldum, Applicant, explained the reasons for delays experienced to get the project to this point. Mr. Weldum said the staff report covers all aspects of the project.

Commissioner Morri asked if the Enforcement Case had been opened in 2015.

Ron Weldum replied it had.

Commissioner Morri said there is a variety of code enforcement violations and asked if they had all been cleared up.

Ron Weldum replied they have.

OPPOSERS:

Peter Drummond, Area Resident, said he is a resident of thirteen years and lives right next door to the business. Mr. Drummond said when they moved to the area the trucking company was a small concern with a few trucks; since then the company has grown large with many trucks. Mr. Drummond described the equipment and the noise with trucks left idling for hours. Mr. Drummond said he does not feel the use of the trucks are agricultural. Mr. Drummond is concerned with the enforcement of the conditions as to truck numbers, number of trips, and the other conditions.

Mrs. Drummond expressed her concerns with the matter. Mrs. Drummond explained that the business changed drastically since the purchase of their home. Mrs. Drummond said at that time it was busy only during harvest season or a few months out of the year.

Commissioner Walker stated that conditions applied to this project and pointed out the two truck and the owner operator restrictions. Commissioner Walker then asked staff if any non-compliance with the Site Approval conditions would be acted on by the San Joaquin County Code Enforcement Department based on a complaint being filed with them.

Director Sullivan stated that Code Enforcement actions are complaint driven. Director Sullivan said we would investigate any complaint logged with our Code Enforcement Department.

REBUTTAL:

Jim Mettler, Owner, explained that more than two trucks have been operated out of this site. He explained that through Google Map you can see the numbers of trucks and trailers parked on this property. He explained the truck and trailer usage during on harvest season. He explained that truck washing is a required function and they have purchased new equipment to speed the process.

PUBLIC HEARING CLOSED.

Commissioner Hamilton commented on the clean operation, lack of dust and that there was no parking on the street. Commissioner Hamilton feels that the operation is in sync with Agricultural trucking.

Commissioner Grunsky discussed the reasons for an operation with this type of truck use. Commissioner Grunsky commented that the site is clean for an operating truck yard.

Commissioner Walker said she feels this is a very clean truck yard.

Commissioner Morri stated this is a permitted use in the Agricultural zone.

MOTION:

It was moved, seconded (Hamilton/Morri), and passed with a vote of 5-0-0 to:

1. Approve the Negative Declaration; and
2. Approve Site Approval Application No. PA-1600128 with the findings and Conditions of Approval contained in the Staff Report.

VOTE:

AYES: Hamilton, Grunsky, Morri, Midgley, Walker

NOES:

ABSENT:

- 5. REVISIONS OF APPROVED ACTIONS APPLICATION NO. QX-910006 OF PETER GARIBALDI** for an existing Quarry Excavation permit (QX-910006) to extend the life of the quarry permit and additional eighteen (18) years to remove a total of approximately 2.2 million tons of sand and gravel in six (6) phases. If approved there will be no increase in tonnage or change in phasing of the existing mining operation and the request would amend the following condition only: 1.a. This permit shall expire December 31, 2036. All proposed excavation and rehabilitation shall be completed prior to the expiration of this permit in accordance with the application and reclamation plan. The project site is located on the east side of Waverly Road, 1/2 mile east, of Sheldon Road, east of Linden (Supervisory District: 4).

John Funderburg, Principal Planner introduced the Staff Report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Ken Williams, Agent for the Applicant, said that it is for the removal of 24 million tons not 2.2 million tons.

Commissioner Walker asked staff if 24 million tons was evaluated in the CEQA document.

John Funderburg, Principal Planner, said the CEQA document evaluation was based on the 24 million tons.

OPPOSERS:

Karna Harrigfeld, attorney for Committee for a Quality Rural Life, spoke in opposition to the project. Ms. Harrigfeld discussed the issues the Committee see as detrimental:

- Road way conditions, circulation of traffic, and the impact of 18 additional years of truck traffic on the roads.
- Air pollution.

Ms. Harrigfeld asked that the Planning Commission deny the Negative Declaration and require an Environmental Impact Report.

REBUTTAL:

Ken Williams stated that the area roads are in disrepair, and that there are large garbage trucks and a lot of other day-to-day traffic. He indicated that the roads need to be upgraded to handle the amount of traffic and truck traffic; however, without prior impact nothing will happen. Mr. Williams said they submitted their plan to the San Joaquin Valley Air Pollution Control District and the District responded with a letter saying, that they had no comments or concerns.

Commissioner Hamilton asked how many trucks they run a day.

Ken Williams said it depends on the market. They may run 100 trucks a day or 50 trucks a day, and it is seasonal with more during the summer season, maybe 150 trucks a day. Mr. Williams stated the number of trucks follows the construction trade.

Commissioner Grunsky noted that per the conditions of approval, you can only run 100 trucks per day.

Ken Williams agreed and stated that the average is less than 100 trucks, maybe 50.

Commissioner Hamilton asked how many employees will be employed at this site.

Ken Williams said that the business would have less than 12 employees.

PUBLIC HEARING CLOSED.

Commissioner Walker asked for clarification from Public Works and staff about the truck traffic, and noted that the additional years of wear and tear on the roads seem to be a legitimate concern. She indicated that the only place she saw traffic discussed was in the environmental document.

Alex Chetley, Department of Public Works, stated there are conditions on pages 8 and 9 is from the 1991 permit related to paying fees, constructing certain lanes, and making a bond for other improvements required by the Department of Public Works.

Commissioner Walker asked if they need to make any additional road improvements at this time.

Alex Chetley said that they are not required at this time, that much of the traffic is from the Foothill Landfill Transfer Station. Mr. Chetley indicated that there is a seven (7) year reconstruction plan for the roads in this area, which may explain the road work in the area this year.

Commissioner Hamilton asked if it was primarily County traffic on the roads.

Alex Chetley said it is hard to determine which has more, the quarry or the landfill.

Commissioner Walker asked if this is where the traffic mitigation fee comes in, since it is a fair share assessment.

Alex Chetley clarified that it is not a fair share fee. The traffic mitigation fee is a fee that all projects pay and the money goes into a road maintenance fund.

Commissioner Hamilton asked how long the landfill will be open.

Robert McClellan, Environmental Health Department, said it is estimated to operate through the year 2050 and has a cap on trucks of 200 per day.

Commissioner Walker asked if Public Works will in fact go out every five (5) years to determine what road maintenance may be required.

Alex Chetley said yes.

John Funderburg said that there is a yearly inspection by the Community Development Department and Public Works, and the roads and the quarry are inspected

MOTION:

It was moved, seconded (Hamilton/Midgley), and passed with a vote of 4-1-0 to:

1. Approve the Negative Declaration; and
2. Approve Revisions of Approved Actions for previously approved Quarry Excavation Application No. QX-91-0006 with a new expiration date of December 31, 2036, revised Findings, Williamson Act Compatibility Principles and previously approved Conditions of Approval contained in the Staff Report.

VOTE:

AYES: Midgley, Hamilton, Morri, Walker

NOES: Grunsky

ABSENT:

6. **REVISIONS OF APPROVED ACTIONS APPLICATION NO. PA-0900094 OF MARKUS & LIZ BOKISH (C/O BOKISCH VINEYARDS)** to revise condition of approval 1.B for a previously approved Site Approval for a small winery and tasting room to include the addition of twelve (12) marketing events for a maximum of eighty (80) people and the addition of outdoor amplified sound for the proposed marketing events and the previously approved wine release and industry events. The project site is located on the west side of Atkins Road, 2,665 feet north of Brandt Road, Lockeford (Supervisory District: 4).

Giuseppe Sanfilippo, Associate Planner introduced the Staff Report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Liz Bokish, property owner, gave a brief history of the winery, events, and the property. Mrs. Bokish explained the purpose of this request and that the amplified sound will face west. She noted that the neighbor to the east is buffered by a building.

Markus Bokish, property owner, spoke regarding their goals for sustainability and community.

Commissioner Hamilton asked about the parking location and number of spaces.

Markus Bokish stated they are required to have 150 parking spaces, but have closer to 170 spaces.

Commissioner Hamilton asked how many release parties are held a year.

Markus Bokish stated that one (1) release party is held per season for a total of four (4). Mr. Bokish noted that the parking area is adjacent to other agricultural operations. He also stated that the property is on a hill and access was planned with safety in mind.

Commissioner Hamilton asked to clarify if the site currently has four (4) events with 300 attendees maximum, and that the application is asking for eight (8) events with 800 attendees maximum.

Markus Bokish confirmed, that this is correct.

OPPOSERS:

Mary E Yaunt, neighbor, cited her ongoing problems. She cited harassment of her livestock, which prevents her from using her front pasture; drunkenness and attendee harassment; noise; litter; the use of her drive way for winery traffic, and the destruction of her fence and culvert. Mrs. Yaunt stated that the lights shine on her property and that without notifying some of the neighbors, the winery holds more than the approved events. Mrs. Yaunt stated that this is an unsafe location and the winery is a nuisance.

Commissioner Morri asked if her property is 400 plus feet away and light still hits her property.

Ms. Yaunt clarified that the lights are stadium lights.

Commissioner Walker explained that this application is just for events and amplified sound, and that even if the Commission denies the application, the existing Site Approval would still stand as is.

Ms. Yaunt restated that they already have more events than they are allowed.

REBUTTAL:

Liz Bokish explained that they have a Special Event permit to allow outdoor amplified sound while they are waiting for this application to be processed. Mrs. Bokish also stated that all lighting is on timers and begins turning off at 9:00 P.M.

Commissioner Walker noted that the conditions of approval include that requirements for light to be direct to the premises and not spill over onto adjacent properties. She asked if it would help to hood the lights.

Markus Bokish replied that all lighting is directed westward and on site only. The lights on Atkins Road face away from the neighbor. Mr. Bokish said that lights are used mainly in the winter for people leaving the tasting room to go to their car, since it is dark 4:30 p.m., and these lights are on no later than 6:00 P.M. Mr. Bokish described the two (2) parking lots, and explained that the lights on the commonly used parking lot face the property. He noted that there is only agricultural land and businesses adjacent to the property in this area.

Liz Bokish described the type and scope of events held on the property; and stated they work very hard to remain in compliance with the Conditions of Approval.

Commissioner Walker asked staff if the descriptions and titles of the various events created a loophole.

Director Sullivan explained the differences and allowances between Marketing Events and Accessory Events. Director Sullivan explained that the application addressed only Marketing Events, and would not allow any change of conditions with regard to their Accessory Events.

Commissioner Walker asked that a Condition of Approval be added regarding the "cleanup of litter after events within a 24 hour period and 1,000 feet in both directions of the roadway".

PUBLIC HEARING CLOSED.

MOTION:

It was moved, seconded (Hamilton/Grunsky), and passed with a vote of 5-0 to:

1. Approve the Mitigated Negative Declaration; and
2. Approve Revisions of Approved Actions Application No. PA-0900094 with the revised Findings, Williamson Act Compatibility Principles, and revised Conditions of Approval contained in the Staff Report and the added conditions of approval regarding litter clean up after events.

VOTE:

AYES: Midgley, Hamilton, Grunsky, Morri, Walker

NOES:

ABSENT:

7. **USE PERMIT APPLICATION NO. PA-1800094 OF ROMEO YACOUB** to expand an existing pallet sales and repair operation on to an adjacent parcel for outdoor storage only. The combined area will be 1.71 acres. The project site is located on the north side of Clark Drive, 220 feet east of State Route 99 (Supervisorial District: 1).

Alisa Goulart, Associate Planner introduced the Staff Report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

Romeo Yacoub, Property Owner, explained what had transpired to this point. Mr. Yacoub discussed the concern from the previous meeting that the pallets piles might be visible from northbound Highway 99 and that the highway wall prevents this. He also state that he is willing to lower the stakes from eight (8) feet to six (6) feet high, and that they are willing to work hard to comply with conditions of approval. Mr. Yacoub explained that by being able to use the adjacent property, fire trucks would have total access to all areas.

OPPONENTS:

None.

Commissioner Hamilton asked the applicant to answer some questions, including the average storage time for the pallets.

Romeo Yacoub requested Armando Matute, Business Owner, to respond.

Armando Matute said he needs more space for movement in and around the yard, and he has upwards of 15,000 pallets.

Romeo Yacoub explained that he has little space to use, and needs the adjacent property for the safe operation of his business. Mr. Yacoub explained that haulers, customers and fire trucks could easily pull in and out with access to the adjacent property.

Commissioner Hamilton asked again about the average storage time for the pallets.

Armando Matute indicated that the storage time can vary from 1 month, to 3 months, to 6 months or longer, and that they have many that are there for a long time.

Commissioner Walker asked if the business provides for long term storage.

Armando Matute replied yes.

Commissioner Walker asked when the pallets are no longer needed, or are in disrepair, how do they get rid of the pallets.

Armando Matute stated that he is working on this now.

Commissioner Walker stated that this situation appears to be a fire waiting to happen.

Commissioner Hamilton asked if there was any fire truck access of any kind.

Armando Matute indicated that there is fie access down the middle of the property. Mr. Matute said he

wants to grow his business and it is hard to find space.

Commissioner Hamilton asked if he has both plastic and wood pallets.

Armando Matute clarified that he just has wood pallets

Commissioner Morri asked how long Mr. Matute has been in business.

Armando Matute replied eight (8) years.

#### PUBLIC HEARING CLOSED

Commissioner Walker expressed her concern over to rewarding bad behavior. Commissioner Walker said the property and business should be brought into compliance on all outstanding issues before looking at approval of the expansion. Commissioner Walker noted that this is a hardship on the property owner and the business owner; however this property is a blight on the neighborhood. Commissioner Walker said that if the Planning Commission is not supportive of waiting on approval, that she wants to add conditions of approval related to meeting all fire conditions, all fire conditions depicting all PG & E gas distribution lines and fire hydrants. She also stated that the existing chain link fence is inadequate and the Conditions of Approval should be changed to require that the fence adjoining all residential property must be a masonry wall. She also wanted to clarify that oleander plantings should not be allowed; as they are highly flammable, and she would like the fire department to be consulted.

Commissioner Walker went on to say that she would only ask for the requirement of the masonry wall, but the suggested conditions should be considered. Commissioner Walker said she does not think it appropriate to approve this application.

Commissioner Hamilton said that the condition the property is in right presents a fire safety issue. He expressed concern that it is located near a mobile home park, with homes to the east and the south of the property. Commissioner Hamilton noted that he admires the effort being made to resolve this issue, but he does not feel this is the appropriate location for this venture.

Commissioner Walker asked staff if the application is denied, will the site still be subject to the fire requirements.

Zoey Merrill, County Counsel, said these are fire code requirements and they need a fire permit. Ms. Merrill then clarified what actions are available to the Planning Commission for denial.

Director Sullivan expanded further on possible actions, nothing that the Commission could deny the project subject to a 1 year wait until they could file a new application, or deny the project without prejudice and the applicant could come back with a new application sooner, but would still pay the fees again. She also indicated that the Commission can table the item until the applicant is in compliance.

MOTION:

It was moved, seconded (Hamilton/Grunsky), and passed with a vote of 5-0-0 to:

1. Table Use Permit Application No. PA-1800094 until the current operation is in full compliance with San Joaquin County Code Enforcement and the Fire District.

VOTE:

AYES: Grunsky, Midgley, Morri, Hamilton, Walker

NOES:

ABSENT:

8. **SITE APPROVAL APPLICATION NO. PA-1500200 OF WILLIAM HUANG** for the expansion of an existing 347,711 square foot poultry egg farm from 300,00 birds to 700,000 birds in six (6) phases to be completed in nine (9) years. Phase 1 includes the addition of 100,00 birds and the demolition of 71,520 square feet of buildings. Phase 2, to be completed in 3 years includes the addition of 100,00 birds and the construction of a 33,100 square foot compost barn. Phase 3, to be completed in 5 years, includes the addition of 100,000 birds and the construction of a 55,500 square foot layer house. Phase 6, to be completed in nine (9) years, includes the infill of the existing pond, and the construction of a 2,775 square foot packing and cold storage building, and the addition of three (3) manure drying tunnels to the existing layer house. Each manure drying tunnel to contain 15,500 square feet. The project site is located south side of Carter Road, 1,300 feet east of Henry Road (Supervisorial District: 4).

Megan Aguirre, Senior Planner, introduced the Staff Report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Steven Herum, Attorney for the Applicant, gave a history of the property, the business and its owners. Mr. Herum explained the cage free law and new ballot measure; which will require even more of the growers land. Mr. Herum explained the reasons additional space is required. Mr. Herum named some of the business groups with which his client works for and with. Mr. Herum noted that this is an agricultural business in an agricultural zone.

Richard Jenkins, Applicant, stated that their goal is to create a state of the art facility. Mr. Jenkins explained that this is a \$10,000,000 project and that they are doing everything they can to mitigate noise, smell, and pests. Mr. Jenkins said there will be no outdoor manure drying. Mr. Jenkins said we are trying to get ahead of the proposed law changes.

Commissioner Morri commented that chickens are no longer incinerated, but frozen instead.

Richard Jenkins said that is correct, and explained that it is still legal to incinerate, but the freezing process is better and cleaner. Mr. Jenkins said they had spent \$60,000 on freezing equipment. Mr. Jenkins explained that they are always updating equipment and practices.

Commissioner Hamilton asked if the pelletizer is only used for manure.

Richard Jenkins confirmed that it is only for manure. Mr. Jenkins explained you cannot store manure outside, and the pelletizer is the solution. He said that they try to stay ahead of the changes, which they believe will soon be mandated.

Commissioner Morri said he has toured a number of these operations over the year, and that this operation is state of the art.

Commissioner Hamilton asked what size the drying tunnels are.

Richard Jenkins gave the dimensions and new designs planned for this project.

Commissioner Hamilton asked what kind of restrictions competitors in other states face.

Richard Jenkins replied that there are no regulations or restrictions, and that other states have cheaper labor. Mr. Jenkins said doing business in California is expensive, but the company wants to be here. Mr. Jenkins said it is a family-owned and many family members participate in the day-to-day operation.

Steven Herum stated that we need employment for the community, and this operation will provide up to 80 jobs.

#### OPPONENTS:

Jill Turner, Neighbor, gave a history of their purchase of the property and the new home being built. Mrs. Turner described the problems they must deal with now, and when it was poorly run by the previous owner. Mrs. Turner noted issues with rats, mosquitoes, flies, smell, feathers and dust. Mrs. Turner said the ammonia smell can wake you from sleep, and that there have been changes, but that she can't breathe some days. She said that conditions are unhealthy, and can cause chronic respiratory issues, so she is concerned what the expansion will bring. Mrs. Turner said the applicant had told her he would be interested in purchasing if they ever wanted to sell their property. She felt it was like saying "if you don't like it move on". Mrs. Turner said his other suggestion was to plant a row of Redwood trees, which might help. Mrs. Turner asked if the air quality has ever been tested during a time when it is at its worst and asked if there are plans for a filter system on the fan system. Mrs. Turner said there must be something done to contain the dust and odors on site, and she had considered planting almond trees on her property, but the almond growers are consulted said the dust would cause unhealthy trees. While she believes in the Right to Farm, human beings should come first and their health should be considered first. She passed out pictures of the site property to show the coating of dust, manure, and feathers.

Keith Norose said there is a lot of truck traffic and the roads are not built for that kind of traffic. He also said the odor can be bad.

#### REBUTTAL:

Steven Herum said there was an air quality study done, Environmental Health can be contacted for details. He said Mr. Jenkins has cleaned up the site and there have been less complaints. He said the fan systems will have filters. He said there will be up to 86 trucks a week and no additional employees, so the project was deemed to only have a small impact. He reiterated that the site is a state-of-the-art facility.

#### PUBLIC HEARING CLOSED.

Commissioner Walker asked where the frozen birds are disposed.

Richard Jenkins said that the frozen birds are disposed of at a landfill site. He said he is willing to put trees along the neighboring property, and will work with the neighbors as much as he can.

Commissioner Morri cited the Right to Farm, but also that he can understand the neighbor concern. He also noted that it is a state-of-the-art facility

Commissioner Hamilton said this is an agricultural project on agricultural land, and they are trying work with neighbors and meet all compliance standards in regards to the neighbors, the County, and the State.

Commissioner Grunsky said this is a well operated chicken facility.

Commissioner Midgley said she was surprised at how clean the site is. She noted that the applicant is willing to remedy any issues.

#### MOTION:

It was moved, seconded (Grunsky/Morri), and passed with a vote of 5-0-0 to:

1. Approve the Negative Declaration; and

2. Approve Site Approval Application No. PA-1500200 with the Findings, Williamson Act Principles of Compatibility, and Conditions of Approval contained in the Staff Report.

VOTE:

AYES: Morri, Hamilton, Midgley, Grunsky, Walker

NOES:

ABSENT:

The meeting adjourned at 10:00 P.M.

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Kitty Walker, Chair

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Kerry Sullivan, Secretary