

PLANNING COMMISSION MINUTES OF JANUARY 17, 2019

The San Joaquin County Planning Commission met in regular session on January 17, 2019, 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

Zoey Merrill, County Counsel
Alex Chetley, Department of Public Works
Michael Kith, Environmental Health Department

Community Development Department Staff

Eric Merlo, Assistant Director
Stephanie Stowers, Senior Planner
Giuseppe Sanfillippo, Associate Planner
Alisa Goulart, Associate Planner
Keia Williams, Office Assistant Specialist
Domenique Martorella, Office Assistant Specialist

ACTION ITEMS:

- 1. APPEAL TO THE PLANNING COMMISSION OF THE COMMUNITY DEVELOPMENT DEPARTMENT'S APPROVAL OF SITE APPROVAL APPLICATION NO. PA-1700109 OF RAGHBIR BRAR (C/O OCTAVIO MEDINA)** to expand an existing truck parking facility from a maximum of 14 trucks and 60 trailers to a maximum of 24 trucks and 114 trailers, and the construction of a 1,800 square foot building for truck maintenance. The project site is located on the east side of South McKinley Avenue, 475 feet north of East Roth Road, French Camp. (Supervisorial District: 1).

Giuseppe Sanfilippo, Associate Planner, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

Mark Meissner, Director of Community Development for the City of Lathrop, opened highlighting main items of concern contained within the letter sent from the City of Lathrop regarding the appeal:

- The appeal is primarily concerning the expansion of the project without traffic mitigation caused by the increase in truck trips.
- The threshold was under fifty trips per hour, but the exact amount was not specified.
- The impact to Roth Road due to the expansion.
- San Joaquin County has not adopted the North Lathrop Transportation Fee described in the letter / appeal.
- The City of Lathrop is not opposed to the project; they are only requesting the project pay a fair share for its impact to the Roth Road / I-5 corridor.
- The City of Lathrop is requesting a condition is added to the project requiring the Applicant to coordinate with the City of Lathrop to determine the extent of impact, and pay their fair share for improvements.

Commissioner Walker inquired as to what the fee would be.

Mark Meissner stated the number of trips created by the project determines the fee, and the fee is approximately \$1,600 per trip.

Commissioner Walker asked San Joaquin County Public Works what their traffic mitigation fee is for the project.

Alex Chetley, Engineering Services Manager for the Department of Public Works, stated the Applicant is required to pay the two fees adopted by the Board of Supervisors: Traffic Impact Mitigation Fee Program and the Regional Traffic Impact Mitigation Fee Program. Mr. Chetley stated he is unable to provide the exact amount as it is determined at the time of Building Permits by trips and square footage of buildings.

Commissioner Walker inquired why the Council of Governments did not respond regarding traffic for this project.

Zoey Merrill, Deputy County Counsel, replied that we cannot speculate on behalf of COG, but the assumption is that fees are gathered as part of the Building Permits and are passed on to COG as per the fees adopted by the Board of Supervisors.

Commissioner Hamilton asked how trips are determined for a project.

Alex Chetley responded trips are determined by an industry standard reference Institute of Transportation Engineers that published a volume of trips by type of development from information gathered from projects across the United States, by a traffic study performed for the project specifically, or from

information provided by the Applicant. Commissioner Hamilton asked for clarification of a "trip". Mr. Chetley confirmed that any arrival or departure is considered a "trip".

OPPONENTS:

None.

REBUTTAL:

None.

PUBLIC HEARING CLOSED.

Zoey Merrill specified that the letter from the City of Lathrop was received at 9:41am the day of the Planning Commission. Ms. Merrill specified that the City of Lathrop did not comment on the project at the time of referral, nor during the period of environmental review; as a result, the City of Lathrop is barred from challenging the project under CEQA because they did not exhaust their resources by commenting during the review period. Ms. Merrill stated that it is County Counsel's position the City of Lathrop has no jurisdiction upon which to require the fee, and neither does the County as the Board of Supervisors have not adopted the fee articulated by staff. Ms. Merrill stated that there has not been time to review the draft TMP document, and Public Works can review the document under direction by the Planning Commission.

Commissioner Walker questioned if the appeal should have been accepted.

Zoey Merrill clarified that the appeal was made within the proper period and there was not a basis to bar or deny application of the appeal.

Commissioner Walker asked to verify that if the appeal was denied at the Planning Commission that the City of Lathrop would be able to appeal to the Board of Supervisors. Zoey Merrill confirmed the item could be appealed to the Board of Supervisors.

Commissioner Hamilton asked regarding the period made available for comments on the project.

Zoey Merrill confirmed the period is mandated by the State of California and applies to all possible commenters

Stephanie Stowers, Senior Planner for the Community Development Department, further clarified the period for comments: the first is a referral period that is currently at least twenty-eight days and the environmental review opens up a second period for comments that can be from twenty to thirty days, dependent upon the project.

MOTION:

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

1. To deny the Appeal to the Planning Commission by the City of Lathrop of the Community Development Department's Approval of Site Approval Application No. PA-1700109.

VOTE:

AYES: Midgley, Hamilton, Grunsky, Morri, Walker

NOES:

ABSENT:

- 2. DEVELOPMENT TITLE TEXT AMENDMENT APPLICATION NO. PA-1800303 OF SAN JOAQUIN COUNTY** to amend Development Title Division 19 Enforcement Regulations by adding new definitions, clarifying criminal penalties, and providing clarification regarding enforcement regulations, definitions, and penalties throughout the San Joaquin County Development Title. The project site is located countywide. (Supervisory District: Countywide).

Christine Luckasen, Assistant Planner for the Community Development Department, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

None.

OPPOSERS:

None.

REBUTTAL:

None.

PUBLIC HEARING CLOSED.

Commissioner Morri stated concern regarding complaints on agricultural properties and how complaints are legitimized.

Eric Merlo, Assistant Director for the Community Development Department, stated complaints would be investigated by County Code Enforcement to determine validity.

Zoey Merrill, Deputy County Counsel, stated the amendments proposed are to further assist enforcement investigations to make a determination.

Commissioner Walker brought up comments regarding the language of the amendment; a typo of "worn" to "warn" and the addition of the descriptor "broken".

Scott McDonald with the District Attorney's Office spoke of the current limitations in place with the Development Title Division 19 Enforcement Regulations and how the amendments will assist with improving processing of court items.

Commissioner Hamilton questioned the fees proposed by the amendment. Scott McDonald clarified the fees are in addition to the court costs for the infractions. Zoey Merrill added that fees are prescribed by government code.

MOTION:

It was moved, seconded (Midgley / Grunsky), and passed with a vote of 5 to 0.

1. Approved Development Title Text Amendment Application No. PA-1800303 with the findings and Conditions of Approval Contained in the Staff Report.
2. Amended the proposed definition of "Junk" being added to Section 9-110.4, Chapter 9-110, Division 1, Title 9 to include the descriptor of "broken" and correct the typo of "warn" to "worn".

VOTE:

AYES: Grunsky, Midgley, Morri, Hamilton, Walker

NOES:

ABSENT:

Adjournment 7:37 PM.

KITTY WALKER, Chair

ERIC MERLO, Secretary