



PLANNING COMMISSION MINUTES OF MAY 2, 2019

The San Joaquin County Planning Commission met in regular session on May 2, 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 Randy Hamilton, Vice Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

Randy Hamilton, Vice Chair

Stan Morri

Sheri Midgley

James Grunsky

County Staff

Mark Myles, County Counsel

Awni Taha, Department of Public Works

Linda Turkatte, Environmental Health Department

Community Development Department Staff

Zoey Merrill, Interim Director

Jennifer Jolley, Principal Planner

Stephanie Stowers, Senior Planner

Keia Williams, Office Assistant Specialist

(absent)

Kitty Walker, Chair

APPROVAL OF PREVIOUS MEETING MINUTES:

1. **Minutes from 10/18/2018, 11/15/2018, 12/20/2018, 02/21/2019, and 03/07/2019.**

MOTION:

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

1. Approve and accept all presented minutes.

VOTE:

AYES: Grunsky, Midgley, Morri, Hamilton

NOES:

ABSENT: Walker

ACTION ON REQUESTS FOR CONTINUANCES OR WITHDRAWALS:

- 1. CONSENT ITEM 1: USE PERMIT APPLICATION NO. PA-1900030 OF KEITH AND DENISE POWELL (C/O QUARTAROLI & ASSOCIATES, INC.)** for the expansion of an existing 34,035 square foot crane rental facility. The expansion includes the construction of an enclosed 14,400 square foot building for equipment storage with an 8,000 square foot overhang, totaling 22,400 square feet. The project site is located on the east side of South Comconex Road, 300 feet north of State Route 120, Manteca. (APN/Address: 208-180-23/17800 South Comconex Road, Manteca) (Supervisorial District: 3).

Request for continuance for a future date to be determined.

MOTION:

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

1. Grant the request for continuance

VOTE:

AYES: Hamilton, Grunsky, Midgley, Morri

NOES:

ABSENT: Walker

ACTION ITEMS:

- 1. CONSENT ITEM 2: DEVELOPMENT TITLE TEXT AMENDMENT APPLICATION NO. PA-1900067 OF SAN JOAQUIN COUNTY** to revise the definition of "Structure" in Title 9, Division 1, Chapter 9-110, Section 9-110.4 as it is used in Chapters 9-848 Flood Variance Procedures and 9-1605 Flood Hazards to conform to the Federal Emergency Management Agency (FEMA) Floodplain Management Regulations. This amendment is applicable Countywide. (Supervisorial District: ALL).

MOTION:

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

1. Approve Development Title Text Amendment N. PA-1900067 on consent.

VOTE:

AYES: Grunsky, Midgley, Morri, Hamilton

NOES:

ABSENT: Walker

2. **CONSENT ITEM 3: DEVELOPMENT TITLE TEXT AMENDMENT APPLICATION NO. PA-1900065 OF SAN JOAQUIN COUNTY** to add new definitions, use types, requirements, and land use development regulations for commercial cannabis activities in the unincorporated areas of San Joaquin County consistent with Title 4, Division 10, Chapter 1 Commercial Cannabis Business. The proposed amendments (1) add Chapter 9-1090 which regulates various types of commercial cannabis businesses including Cultivation, Manufacturing, Distribution, Retail Sales, and Laboratory Testing, (2) add a new definition for Commercial Cannabis Development Agreement, and (3) remove Chapter 9-125, which previously regulated commercial cannabis dispensaries. This amendment is applicable Countywide. (Supervisorial District: ALL).

Item pulled from consent for public hearing by request of Commissioner Hamilton.

Jennifer Jolley, Principal Planner, introduced the Staff Report into the record.

Commissioner Hamilton inquired if there is additional funding for enforcement.

Mark Myles, County Counsel, answered that, consistent with the Board's direction, any cannabis operation will need obtain a development agreement. Through the fees, there will be additional revenue for both law enforcement as well as children's programs.

Commissioner Morri asked if the additional funds would be equal to what the tax would have been.

Mr. Myles stated the idea is they would be at least equal to, if not more.

Commissioner Morri asked if the fees would change yearly.

Mr. Myles stated the county has not extensively used development agreements; they are primarily used in the Mountain House area. Development agreements are a legislative act, and the anticipated duration is five years; the fees for which are based on the business' revenue.

PUBLIC HEARING OPENED:

PROPONENTS:

Howard Seligman, Attorney, spoke in favor of the Text Amendment application. Mr. Seligman says the project has been presented as a result of extensive discussion by the Board of Supervisors; whom directed the amendments to be made and submitted to the Planning Commission, hopefully for recommendation of approval. This was a result of voter approval being a bit over sixty percent, not reaching the two-thirds requirement.

Zach Drivon, Attorney, spoke in favor of the Text Amendment application. Mr. Drivon outlined the benefit of the funding from the development agreements to assist with enforcement actions regarding illegal grow operations and community assistance programs. Mr. Drivon explained the position of cannabis being the highest value agricultural commodity within California. Mr. Von outlined the extensive regulation and mitigation in place with legal grow operations.

PUBLIC HEARING CLOSED.

Commissioner Hamilton voiced concern about the sheriff department's response times and personnel requirements for enforcement of the cannabis developments in rural areas.

MOTION:

It was moved, seconded (Midgley/Morri), and passed with a vote of 3-1-1 to:

1. Forward Development Title Text Amendment No. PA-1900065 to the Board of Supervisors with a recommendation of approval based on the ability to make the required Basis for Development Title Text amendment.

VOTE:

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

The meeting adjourned at 7 P.M.

Randy Hamilton, Vice Chair

Zayante (Zoey) P. Merrill, Secretary