



PLANNING COMMISSION MINUTES OF JANUARY 16, 2020

The San Joaquin County Planning Commission met in regular session on January 16, 2020, 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, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:
(present)

Commissioners

Randy Hamilton, Chair
James Grunsky, Vice-Chair
Kitty Walker
Sheri Midgley
Stan Morri

County Staff

Zoey Merrill, County Counsel

Alex Chetley, Department of Public Works

Steven Shih, Environmental Health Department

Community Development Department Staff

David Kwong, Director
Jennifer Jolley, Principal Planner
Giuseppe Sanfilippo, Associate Planner
Domenique Martorella, Office Assistant Specialist

ACTION ITEMS:

1. **VARIANCE NO. PA-1900247 OF JO ANN HELEN VAN DYK ET AL (C/O SHORE, MCKINLEY, CONGER, & JOLLEY)** to reduce the minimum lot size in the AG-40 zone (General Agriculture, 40-acre minimum) from forty (40) acres to two (2) acres. The project site is located on the south side of East River Road, 2,650 feet east of South Carrolton Road, east of Ripon (Supervisorial District: 4).

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

Commissioner Walker asked why the Finding 2 could be made and why the project did not qualify for any of the exceptions identified in the staff report.

Giuseppe Sanfilippo explained the various exemptions that would allow for subdividing a parcel that is below the zone minimum, and why project site did not qualify. Mr. Sanfilippo stated that Development Title Section 9-610.3(d) permits parcels to be created below the zone minimum for certain specified use types in the AG zone. However, the use on the subject parcel is residential, which is not one of the use types listed under Development Title Section 9-610.3(d). Mr. Sanfilippo stated the project site did not qualify to use the exception outlined in Development Title Section 9-610.3(e) to create two parcels with one home on each parcel where two existing homes exist, because this exemption requires each single family residence to have been built prior to February 9, 1961. Mr. Sanfilippo said the parcel does not meet the 40-acre minimum as required by Development Title Section 9-610.3(a) to create a Homesite parcel.

Jennifer Jolley, Principal Planner, clarified that when a Homesite parcel is created for financing purposes, it is not a separate legal parcel. It is required to be merged with the remainder parcel upon repayment of the loan.

PUBLIC HEARING OPENED:

PROPONENTS:

Brett Jolley, representing the applicants, acknowledges that a variance is not the preferred method of planning, but stated that other options were exhausted prior to applying. Mr. Jolley provided the history of the property and construction of the residences located on them. Mr. Jolley explained the property owners wish to focus on their farming operations instead of working as a landlord to manage an additional residence and stated that the current tenants have expressed interest in purchasing the residence.

Mr. Jolley provided a map handout for review by the Commissioners detailing parcels within an approximate two-mile radius of the project parcel. Mr. Jolley said that approximately eighteen percent of the parcels within the radius meet the forty acre minimum, and that approximately twenty-seven percent of the parcels are equal in size to the proposed subdivision of 2- acres and a remainder of 19-acres.

Mr. Jolley stated that Finding #1 can be made as the variance will not create any special circumstances. It will allow the owner to continue residing and farming the property without the burden of maintaining a second residence. Mr. Jolley stated this is consistent with the intent and purpose of San Joaquin County's (SJC) policies to promote continued family farming. Mr. Jolley stated the project doesn't propose additional development and that neighboring properties are all of similar size or even smaller than the proposed subdivision.

Mr. Jolley then stated that Finding #2 can be made as a special privilege will not be created due to the duration of ownership, the duration of residency, and the existing development of parcels that are between two and five acres.

Mr. Jolley said the applicant is in agreement with Staff's Finding #3.

Mr. Jolley stated that no letters of opposition were received for the project by neighbors or the Farm Bureau. Additionally, no opposition is in attendance for the public hearing. If the Variance were approved, there would be physical changes to the property as the two single-family residences are existing and no new development is proposed. Mr. Jolley stated there is no harm in approving the project, nor any benefit to denial.

Commissioner Walker stated that, while the majority of the parcels are less than the zoning minimum acreage, it seems a majority of the acreage is being used for agriculture.

Mr. Jolley stated that, although he did not have an acreage by acreage comparison, he estimates approximately fifty percent (50%) of the parcels in the vicinity of the project site do not meet the 40-acre zone minimum.

Commissioner Walker stated that she didn't want the area being mis-categorized as a non AG-40 viable area and asked for clarification on the application process under which the applicant was able to build the second dwelling.

Jennifer Jolley explained that as long as one of the homes of the property is the primary residence for the owner, then there is no requirement as to who can reside in the second dwelling.

PUBLIC HEARING CLOSED.

Commissioner Grunsky asked for clarification about the exception that allows for subdividing a parcel when the dwellings were built prior to a certain year.

Jennifer Jolley explained that the exception is called out specifically in the Development Title with the date being established with the adoption of the Development Title in 1992. Commissioner Grunsky said he is in favor of approval and understands the want of the applicant to continue farming and not be a landlord.

Commissioner Hamilton said he is sympathetic to the applicant's situation, but he is concerned about creating an increase in similar applications due to approving the variance.

Commissioner Walker said she is sympathetic to what the applicant is dealing with, but there has been a long standing policy in the county against breaking down larger parcels to prevent weakening of the agricultural zoning.

Commissioner Morri spoke to the exceptions regarding subdividing property with two single-family residences built before a February 9, 1961.

Commissioner Grunsky spoke to issue of historical farming and that as the current generation of farmers gets older this situation will continue to arise.

Commissioner Walker said she is in agreement about revising limits and a solution is needed. Commissioner Walker said that this is an item that needs review in the updated Development Title-along with other issues such as truck parking issue, agricultural and otherwise, as well as the proliferation of the freeway service uses.

Commissioner Grunsky said he understands why a property owner would want to create a smaller parcel, and specifically younger people may not want to take on a 20 or 40-acre parcel in crop production when their desire is just to get out of the city and acquire a few acres in the country.

Commissioner Midgley agrees that approval of the variance would open the floodgates for more applications, but understands this issue does need to be addressed.

FIRST MOTION:

It was moved (Grunsky) to approve application PA-1900247 under special circumstances on the findings. No second on the motion. Motion failed.

SECOND MOTION:

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

1. Deny Variance No. PA-1900247 based on the inability to make Findings #1 and #2 contained in the staff report.

VOTE:

AYES: Midgley, Walker, Morri, Hamilton

NOES: Grunsky

ABSENT:

Commissioner Walker asked for the estimated timeframe on the comprehensive Development Title update. David Kwong, Director of SJC Community Development Department, said the contract to obtain a consultant will be brought before the SJC Board of supervisors in the next month. Mr. Kwong said, once approved, it will be an eighteen month project where there will be a comprehensive strategy to address issues that have been raised by the Planning Commission, including situations like the proposed project as well as truck parking issues..

THIRD MOTION:

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

1. Direct staff that as part of the comprehensive development code update that the division of homesite parcels in the agricultural zone be examined, agricultural and seasonal truck parking issues be examined, and usages and locations of Freeway Service commercial uses be examined.

VOTE:

AYES: Walker, Grunsky, Morri, Midgley, Hamilton

NOES:

ABSENT:

OTHER BUSINESS/COMMENTS:

David Kwong spoke of the change of venue for future Planning Commission hearings.

Commissioner Hamilton asked about the timeframe for construction of the Public Health building. Mr. Kwong said the construction could be a year or more.

Commissioner Walker asked if the Planning Commission hearings would be moving back after construction is done. Mr. Kwong said it might be a possibility. Jennifer Jolley said she doesn't think there are plans for a public hearing space with the new Public Health building, but that staff would confirm.

The meeting adjourned at 7:15 P.M.

Randy Hamilton, Chair

David Kwong, Secretary