



PLANNING COMMISSION MINUTES OF SEPTEMBER 7, 2023

The San Joaquin County Planning Commission met in regular session on September 7, 2023 at 6 p.m., in the San Joaquin County Administration Building, 44 N. San Joaquin St., #640 (Board of Supervisors Chambers), Stockton, California.

The meeting was called to order by James Grunsky, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

James Grunsky, Chair

Sheri Midgley, Vice-Chair

Donald Ruhstaller

Chris Meehleis

Jass Sangha

County Staff

Zoey Merrill, County Counsel

Chris Heylin, Department of Public Works

Steven Shih, Environmental Health Department

Frank Girardi, Environmental Health Department

Community Development Department Staff

Corinne King, Deputy Director of Planning

Megan Aguirre, Principal Planner

Tim Burns, Code Enforcement Chief

Nancy Arroyo, Associate Planner

Sol Jobrack, Associate Planner

Allen Asio, Office Assistant Specialist

Laura Sauers, Office Assistant Specialist

John B. Anderson, Contract Planner

APPROVAL OF PREVIOUS MEETING MINUTES:

1. Minutes from 3/16/2023 and 4/6/2023.

MOTION:

It was moved, seconded (Midgley / Ruhstaller), and passed by a vote (5-0) to:

1. Approve and accept the minutes.

VOTE:

AYES: Sheri Midgley, Chris Meehleis, Donald Ruhstaller, Jass Sangha, James Grunsky

NOES:

ABSENT:

ACTION ITEMS:

- 1. DEVELOPMENT AGREEMENT AMENDMENT NO. PA-2200244 OF MH 284, LLC (C/O CHRIS POWELL, ESQ.)** The proposed Second Amendment to the Mathews-Rivani Development Agreement PA-0500148 (DA) would serve to extend the life of the Major Subdivision Map PA-0500143 (SU) and Tract Map No. 3506 to be consistent with the term of the existing Development Agreement. The Second Amendment to the Development Agreement ("Amendment") also clarifies and provides certainty of timing for public land dedication to the Mountain House Community Services District ("MHCSD") as well as allowing original conditions of the Major Subdivision Map required of the MHCSD to be updated to reflect current conditions. All other conditions of approval imposed for Tract Map No. 3506 in the 2005 approval will remain unaffected. The project site is located south of Grant Line Rd, within Neighborhood A/B of the Mountain House Specific Plan III area. (Supervisorial District: 5)

CONSENT

MOTION:

It was moved, seconded (Ruhstaller / Sangha), and passed by a vote (5-0) to:

1. Approve action item #1 on consent, with the recommendations in the Staff Report

VOTE:

AYES: Donald Ruhstaller, Chris Meehleis, Sheri Midgley, Jass Sangha, James Grunsky

NOES:

ABSENT:

2. REVISIONS OF APPROVED ACTIONS FOR A PREVIOUSLY APPROVED SITE APPROVAL NO. PA-0900037 OF STONUM VINEYARDS (C/O KATHLEEN STONUM) to establish 36 annual winery events at an approved Small Winery within 3 defined event areas (Event Areas A, B, and C) to include the following proposed events:

- 12 Marketing Events with a maximum of 150 attendees
- 10 Small-scale Accessory Winery Events with a maximum of 80 attendees
- 10 Large-scale Accessory Winery Events with a maximum of 80 attendees, and
- 4 Wine Release Events with a maximum of 150 attendees.

The applicant is proposing amplified sound at all Marketing Events, Large-scale Accessory Events, and Wine Release Events within Event Areas A and B. No outdoor amplified sound is proposed or permitted for Small-scale Winery Events, or within Event Area C. No new construction is proposed with this application. The project site is on the eastside of N. Alpine Rd., 670 feet north of E. Realty Rd., Lodi. (Supervisory District: 4)

SOL JOBRACK, ASSOCIATE PLANNER, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Brett Jolley, attorney representing the property owners, spoke in support of the application and discussed the history of the site. He stated that a neighbor expressed their concerns regarding the amplified sound. He also added that the neighbors met with the property owners and discussed their concerns which resulted in the neighbors withdrawing their opposition. He stated that two other neighbors submitted letters in support.

OPPOSERS:

None.

REBUTTAL:

None.

PUBLIC HEARING CLOSED.

Commissioner Grunsky, Sangha, Ruhstaller and Midgley all acknowledge that the applicant and opposing party resolved their discrepancies. Commissioner Ruhstaller stated that 3 of 4 opposers were no longer in opposition.

MOTION:

It was moved, seconded (Ruhstaller / Sangha), and passed by a vote (5-0) to:

1. Adopt the Mitigated Negative Declaration.
2. Adopt the Mitigation Monitoring and Reporting Program
3. Adopt the revised Findings for Site Approval
4. Approve Revisions of Approved Actions for Site Approval No. PA-0900037 with the revised Conditions of Approval and modified Condition of Approval 1.f.2. contained in the notes for this evening.

VOTE:

AYES: Jass Sangha, Chris Meehleis, Sheri Midgley, Donald Ruhstaller, James Grunsky

NOES:

ABSENT:

3. **APPEAL TO THE PLANNING COMMISSION OF MINOR SUBDIVISION NO. PA-2300032 OF ERNEST J. GUEDEL (C/O DILLON & MURPHY ENGINEERING)** to subdivide a 39.21-acre parcel into 3 parcels. Parcel 1 to contain 9.8 acres. Parcel 2 to contain 9.8 acres. Parcel 3 to contain 20.4 acres. The project site is on the east side of N. Lower Sacramento Rd., 1,300 feet south of E. Liberty Rd., Galt. (Supervisorial District: 4)

NANCY ARROYO, ASSOCIATE PLANNER, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

John Luebberke, the appellant's attorney, argued against the approval stating that the project could potentially create a deficit to the housing obligation for Rural Residential housing to be provided in the County under the General Plan because the project approval creates access issues for the parcel to the north essentially making it undevelopable. Mr. Luebberke stated that the northern parcel owners had secured a project approval but let it expire. Mr. Luebberke asked that the Planning Commission to work with the northern parcel owners and himself to help facilitate, through the direction of staff, a solution for better access so the owners of the northern parcel have a complete application and can move forward with their own project and produce more housing.

Commissioner Ruhstaller asked why the approval expired. Mr. Luebberke deferred to his client, Norman Holtberg.

Mr. Holtberg responded that the timing was bad due to the wrong market cycle and consequently the market crash.

Commissioner Ruhstaller asked if the property owners had worked together.

Mr. Holtberg stated that he had reached out to the neighboring parcel owner to try to resolve their issue but that he was unsuccessful.

OPPONENTS:

Rawley Peterson, the applicant's attorney, argued that his client has the right to develop his property and that the water agreement expired when the prior project expired. Mr. Peterson stated that the appellants dilemma may cost them more money but that their issue with access should not prevent his client from developing his property. Mr. Peterson also called the appellant's request eminent domain.

REBUTTAL:

None.

PUBLIC HEARING CLOSED.

Commissioner Sangha stated that things should be done in a timely manner and that the owner has the right to develop his property within the land use parameters.

Commissioner Grunsky agreed.

Commissioner Meehleis stated that the appellant has options to create other access to their parcel and asked if it was looked at.

Corinne King, Deputy Director stated that the appellant's property was not looked at with this application which only has frontage on N. Lower Sacramento Road.

Commissioner Ruhstaller stated that the appellant allowed the project to lapse.

MOTION:

It was moved, seconded (Ruhstaller / Sangha), and passed by a vote (5-0) to:

1. Deny the appeal and uphold the Community Development Department's approval of Minor Subdivision No. PA-2300032 with the previously approved Findings and Conditions of Approval contained in the Staff Report.

VOTE:

AYES: Sheri Midgley, Chris Meehleis, Jass Sangha, Donald Ruhstaller, James Grunsky

NOES:

ABSENT:

4. ELECTION OF OFFICERS. A vote by the Planning Commission for appointment of Chair and Vice-Chair for the upcoming year of service.

Zoey Merrill, County Counsel, explained the process for electing officers at Commissioner Grunsky request.

Commissioner Grunsky asked how often this is done.

Zoey Merrill, County Counsel, stated that it is voted on annually and clarified that commissioners can only serve in each position for a maximum of two terms.

Commissioner Ruhstaller asked if the current Chair and Vice-Chair would want to continue in their roles and they indicated that they would.

Zoey Merrill, County Counsel, provided additional direction on opening nominations.

Commissioner Grunsky, Chair, opened nominations.

MOTION:

It was moved, (Ruhstaller), and passed by a vote (5-0) to:

1. Nominate and elect James Grunsky as the Planning Commission Chair.

VOTE:

AYES: Chris Meehleis, Jass Sangha, Sheri Midgley, Donald Ruhstaller, James Grunsky

NOES:

ABSENT:

It was moved, (Grunsky), and passed by a vote (5-0) to:

2. Nominate and elect Sheri Midgley as the Planning Commission Vice-Chair.

VOTE:

AYES: Jass Sangha, Sheri Midgley, Chris Meehleis, Donald Ruhstaller, James Grunsky

NOES:

ABSENT:

The meeting adjourned at 7:05 P.M.

James Grunsky, Chair

Corinne King, Secretary