



PLANNING COMMISSION MINUTES OF AUGUST 6, 2026

The San Joaquin County Planning Commission met in regular session on August 6, 2026 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 Donald Ruhstaller, Chair.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

Donald Ruhstaller, Chair
Chris Meehleis, Vice-Chair
Gloryanna Rhodes
Lawrence Wight
Jass Sangha

County Staff

Kirin Virk, County Counsel

Shayan Rehman, Department of Public Works

Steven Shih, Environmental Health Department

Scott Sangalang, Environmental Health Department

Community Development Department Staff

Jennifer Jolley, Director
Corinne King, Deputy Director of Planning
Megan Aguirre, Principal Planner
Giuseppe Sanfilippo, Senior Planner
Vicenta Gallegos, Administrative Assistant I
Gerardo Altamirano, Office Assistant Specialist
Sean Cardenas, Office Assistant Specialist

(absent)

APPROVAL OF PREVIOUS MEETING MINUTES:

1. Minutes from 07-16-2026.

MOTION:

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

1. Approve and accept the minutes.

VOTE:

AYES: Jass Sangha, Lawrence Wight, Gloryanna Rhodes, Donald Ruhstaller, Chris Meehleis

NOES:

ABSENT:

ACTION ITEMS:

1. **MODIFICATION NO. PA-2200053 OF MANTECA SPORTSMEN, INC. (C/O SAN JOAQUIN COUNTY CDD)** to modify Use Permit No. UP-3009 for the Manteca Sportsmen Club to ensure that the gun range and related activities do not pose a danger to attendees and the public. Two new Conditions of Approval are proposed, including a requirement for 14 safety canopies at the rifle range to prevent projectiles from going over the levee and a requirement for a certified range master to be on-site during gun range operations. The project site is located on the north side of South Airport Way, 0.5 miles east of Kasson Rd., Manteca (Supervisory District: 5)

Environmental Determination: This project is exempt from CEQA pursuant to Section 15321 Class 21. A Notice of Exemption will be filed if the project is approved.

GIUSEPPE SANFILIPPO, SENIOR PLANNER, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

Mr. John Swan, President of the Manteca Sportsmen Club, introduced himself and provided the Club's address at 30261 South Airport Way in Manteca. He stated that he was accompanied by a team prepared to respond to concerns raised by the Office of Education. Mr. Swan introduced Lee Smith of Massell and Associates, a longtime range consultant and former member of the NRA Range Committee; Dr. Don Saba, a 26-year NRA board member and chairman of both the NRA Range Committee and Range Sourcebook Committee; and Jerry Clark of the California Rifle and Pistol Association, the organization's Range and Range Safety Officer Training Director. Mr. Swan then turned the presentation over to Dr. Saba to address the identified concerns.

Dr. Don Saba, an NRA Board Member from Tucson, Arizona, introduced himself and explained that he had served on the NRA Range Development Committee for 26 years, helping oversee national range design guidance. He stated that shooting ranges require site-specific solutions based on local conditions such as weather, wind, soil, and terrain, and noted that NRA guidance was recently updated to modernize standards and remove ambiguous terminology. Dr. Saba reported that he visited the Manteca Sportsmen Club range and reviewed the proposed canopy design, stating that its sloped armor-plate configuration was intended to block upward trajectories and prevent rounds from leaving the property. He indicated that the design was consistent with prior concepts developed for ranges near populated areas and aligned with recommendations he had seen from the Office of Education's consultant.

Dr. Saba expressed concern with the alternative "no blue sky" concept suggested in the consultant's report, noting that NRA had removed the term from its guidance because it lacked clear definition and could be defeated depending on shooting positions. He stated that the report did not describe how such a system would be constructed and explained that typical baffle structures are large, heavy, and would require multiple units elevated high above the ground. He asserted that the soil conditions at the site, including seasonal saturation from river conditions and high groundwater, were unsuitable for supporting such elevated structures, making the design impractical and potentially unsafe.

Dr. Saba stated that properly implemented canopies, supported by trained range safety officers, were the safest and most feasible solution for the site. He described how range personnel can prevent unsafe behavior and ensure shooters maintain proper firearm handling within the canopy structure. Dr. Saba concluded that the proposed canopy system was appropriate for the range, provided effective bullet containment, and represented the most practical and safe approach for the facility.

Commissioner Ruhstaller asked a question about the San Joaquin County Office of Education's consultant's recommendation to repair the front face of the range berm.

Mr. Swan responded that one of the County departments had previously placed surface material on the berm that included large rocks and debris, and that the Club had long recognized the need to remove those materials to maintain a suitable backstop. He explained that the repair had not yet been completed because the project had been under review for four years but confirmed that the Club would address the berm improvements once the project moved forward.

Commissioner Ruhstaller asked Dr. Saba to clarify a recommendation concerning the proposed steel canopy design. He noted that the plans called for AR-400 steel plating, while the Office of Education's consultant stated that AR-400 was not adequate for rifle-caliber rounds. Commissioner Ruhstaller asked whether Dr. Saba, as an expert, agreed with that assessment.

Dr. Saba responded that he was familiar with the recommendation regarding AR-400 steel and explained that armor plate ratings are generally based on a 90-degree impact angle. He stated that the proposed canopy design used a long, sloped surface, meaning any bullet contact would occur at an oblique angle and be deflected downward rather than penetrating the plate. He compared the concept to the sloped armor of World War II tanks, noting that angled surfaces increase deflection and reduce penetration. Dr. Saba stated that he had personally tested mild steel under similar oblique conditions and found it capable of deflecting high-powered rifle rounds and emphasized that AR-400 offered greater protection. He concluded that AR-400 steel was adequate for the canopy design due to the angle of impact and would perform safely for the intended purpose.

Mr. Jerry Clark of the California Rifle and Pistol Association reiterated the importance of range safety procedures and explained the role of Range Safety Officers (RSOs). He stated that RSOs are required to review safe handling rules and range specific procedures with all participants before any shooting activity. Mr. Clark noted that individuals who handle firearms incorrectly or unsafely would be removed from the range. He described two levels of RSOs, range level personnel and chief RSOs responsible for facility oversight, and emphasized that shooters must arrive with unloaded firearms, magazines removed, and ammunition stored separately. Mr. Clark stated that he had trained more than a thousand RSOs in California and affirmed that his personnel would not permit anyone to enter the firing line in violation of safety protocols.

Mr. Larry Mendoza, a Manteca resident, spoke regarding safety concerns raised about the Manteca Sportsmen Club range. He stated that he preferred not to provide his home address due to privacy concerns related to his former profession. Mr. Mendoza said his understanding of the initial incident was that an officer responding to a report of a bullet striking the ground found no evidence, and that subsequent reports of recovered bullets came from a single individual on multiple occasions, which he felt warranted scrutiny. He explained his background in long-range shooting and stated that properly sighted rifles would not send rounds high enough to clear the levee at the range, noting that ballistic behavior varies significantly by bullet type, velocity, temperature, and elevation. Mr. Mendoza said he had used the range for 25 years and supported the repairs and safety improvements being implemented. He expressed concern about the location of the nearby school, stating that placing it approximately 1,557 yards from an established shooting range posed safety issues and suggesting the Board of Education consider relocation to avoid conflict with a facility that had operated since 1964.

Mr. Jaspreet Singh, a member of the Manteca Sportsmen Club, spoke in support of the range. He stated that he had used the facility for many years and had also visited numerous other ranges throughout California and other states. Mr. Singh said the Manteca range had some of the best rangemasters he had encountered, noting their strong emphasis on safety and consistent oversight of shooters. He explained that the safe environment was the reason he became a member and why he felt comfortable bringing his children to the range. Mr. Singh described the facility as well-managed, safe, and enjoyable, and expressed appreciation for the range operations.

Mr. Kevin Kirkpatrick, a Ripon resident and longtime member of the Manteca Sportsmen Club, spoke

as a range safety officer. He referenced reports of bullets being found on nearby school grounds and stated that the source of those rounds had not been established. Mr. Kirkpatrick emphasized that there had been no evidence presented demonstrating that any recovered bullets originated from the range. He expressed concern that key questions, such as who found the rounds, where they came from, and how their origin was verified, had not been addressed. He concluded by stating that proof of any connection to the range remained lacking.

OPPONENTS:

Mr. Mike Hakeem of Stockton spoke on behalf of the San Joaquin County Office of Education (SJC OE or Office of Education), accompanied by Anthony Flores, and Annie Cunial, Division Directors for the Office of Education. He explained that the Office of Education operates the year-round Durham Ferry Outdoor Education Center and charter school, located approximately three-quarters of a mile from the Manteca Sportsmen Club range. Mr. Hakeem stated that the range was under enforcement and currently closed pending safety improvements. He said the staff report confirmed that the Sheriff's Department had determined the bullets found at the school site originated from the shooting facility, contrary to earlier testimony. He noted that staff had originally brought the matter forward as a potential revocation and that the current hearing focused on a revised approach.

Mr. Hakeem described the levee separating the properties as creating a dangerous and potentially lethal condition for students and teachers. He stated that the staff report identified three recommended upgrades to the rifle range, which the Office of Education supported. He further noted that the existing use permit in the record applied only to a pistol range, not a rifle range, and that rifle operations had never undergone public review or separate evaluation by staff. He asserted that rifle use was not grandfathered under the pistol-range permit and that the Commission would be determining appropriate conditions for rifle activity for the first time. Mr. Hakeem concluded by introducing consultant Jason Wuestenberg, who would present additional recommended conditions of approval and respond to earlier comments.

Mr. Jason Wuestenberg of Phoenix, Arizona, introduced himself as the consultant retained by the Office of Education to independently evaluate the Manteca Sportsmen Club's proposed corrective measures, including its newly designed safety canopy and updated operating procedures. He stated that his review included site inspections, examination of the canopy mock-up, interviews, and analysis of industry standards. Mr. Wuestenberg reported that the earthen berm behind the range appeared to be approximately 10–12 feet tall, noting that NRA guidance recommends berms of roughly 20 feet when no natural backstop exists, and therefore found the current berm height inadequate. He observed large rocks on the berm face but acknowledged this concern had already been addressed by the Club.

Mr. Wuestenberg stated that he did not object to the proposed canopy's angle but expressed concern that the canopy was designed with AR-400 steel. He said AR-400 was not generally considered appropriate for rifle-caliber rounds and recommended AR-500 steel instead, explaining that AR-400 was more prone to deformation. He also noted that the enclosed steel design created an "echo chamber" effect that could amplify sound back toward shooters, suggesting a more open, skeletonized structure as an alternative. Mr. Wuestenberg stated that his primary concern was that a shooter could defeat the canopy by standing or moving to the side and emphasized that such risks required active oversight. To address this, Mr. Wuestenberg recommended a staffing ratio of one range safety officer for every five shooters, stating that no single RSO or range master could adequately monitor all shooting positions. He emphasized that a range bore responsibility for ensuring no rounds left its property, including preventing accidental discharges from elevated barrels. Mr. Wuestenberg stated that the "no blue sky" concept remained relevant in modern range-safety practices, despite changes in terminology, and emphasized its purpose of preventing upward-angled shots from escaping the range. He concluded by recommending that the canopy be permitted only as a short-term solution for three to five years, provided AR-500 steel was used and the one-to-five RSO ratio was implemented, while reiterating his view that a no-blue-sky containment design was the more appropriate long-term solution.

Mr. Mike Hakeem concluded his presentation by stating that public safety should outweigh all other considerations, including cost, and that national range-safety standards should guide the Commission's decision. He emphasized that the berm at the Manteca Sportsmen Club range measured approximately 10–12 feet high, while national standards recommend a 20-foot berm where no natural backstop exists, further supporting the need for a no-blue-sky containment system. Mr. Hakeem stated that the proposed three- to five-year period for the canopy system represented an appropriate interim compromise. He then distributed two handouts: his consultant's recommended additional conditions of approval and photographs of the Office of Education facility showing bullet strike evidence.

Commissioner Ruhstaller asked Mr. Hakeem to confirm his earlier statement that the Manteca Sportsmen Club was permitted only for pistol-range use.

Mr. Hakeem replied that the original 1964 use-permit application and staff report both identified the request as a pistol range and that the issued permit reflected only pistol-range use, not rifle-range operations. He stated that rifle use had never undergone public review and that the current hearing constituted the first formal evaluation of rifle activity on the site.

Commissioner Ruhstaller then asked staff to clarify the facility's permitting history.

Corinne King, Deputy Director of Planning, responded that the 1964 land-use permit applied specifically to the pistol range but also acknowledged that an existing rifle range was already located on the east side of the property at that time. Staff noted that the pistol range had been the subject of the permit, while the rifle range was recognized as a pre-existing use but was not separately evaluated under that original application.

REBUTTAL:

Dr. Don Saba responded to earlier comments regarding NRA guidance on backstop height. He stated that NRA range guidance does not mandate a 20-foot backstop and that the standards allow heights ranging from 10 to 20 feet, determined on a case-by-case basis. He explained that backstop height is evaluated in relation to site conditions and design features such as shooting canopies, and that NRA does not apply a one-size-fits-all standard. Dr. Saba said he inspected the range and observed shooters aiming at the toe of the berm while seated under the canopy, which he believed made the existing berm height appropriate. He estimated the berm to be approximately 12 to 14 feet tall and stated that, under the proposed canopy design, bullet strikes would occur low on the berm and would not travel over it. He concluded that NRA guidance does not state a required 20-foot height and that the existing berm height was acceptable given the intended shooting conditions.

Commissioner Ruhstaller asked whether the berm required repair, noting recommendations to remove large rocks and replace them with approximately 24 inches of suitable soil to improve bullet absorption.

Dr. Saba agreed that the backstop should be cleared of large rocks and stated that cleaning the berm face was necessary.

Mr. Swan added that the rocks had been deposited after the range was closed, explaining that a County department had contacted the former Club president offering excess material and subsequently dumped it on the berm. He stated that the Club later discovered the material was unsuitable but confirmed that the rocks were not present during prior range operations and that the Club intended to remove them and restore the berm appropriately.

PUBLIC HEARING CLOSED.

Commissioner Sangha stated that the Durham Ferry school is located within her district and reported that she had visited the site the previous morning to observe school activities and the locations referenced in the staff report. She said a teacher who was present during the original incident described bullet impacts found on campus several years earlier, including marks on a drainpipe, a portable classroom door, and nearby walls. Commissioner Sangha stated that witnessing the damage firsthand was deeply disturbing, especially given the presence of young children participating in outdoor and agricultural programs at the facility. She noted her support for the gun range and the Second Amendment but emphasized that public safety must take precedence. Commissioner Sangha said the visible bullet damage should be repaired promptly and expressed concern that such conditions could not continue in an active school environment. She stated that, according to the Sheriff's trajectory analysis, the bullets had originated from the range and reiterated that the situation was unacceptable.

Commissioner Rhodes asked whether "national" shooting-range guidelines referenced earlier were the same as NRA standards or if federal range-design standards also existed.

Dr. Saba responded that the only national guidance applicable to civilian ranges was produced by the National Rifle Association, which he described as the primary source of national best practices for safe range design and operation. He stated that no federal agency establishes civilian shooting-range design standards, noting that military-range specifications are specialized and not comparable to civilian facilities.

Commissioner Ruhstaller sought further clarification, asking whether any federal standards existed regarding operation of gun ranges.

Dr. Saba stated that NRA guidance addresses operational procedures, including range-master duties, ceasefire protocols, target-change periods, and firearm-handling requirements during shooting sessions. He explained that these procedures ensure shooters unload firearms, open actions, and comply with safety checks before moving downrange, and that such steps are part of established range-operation design.

Commissioner Ruhstaller then asked whether Dr. Saba disputed the recommendation that one range safety officer should be assigned for every five shooters.

Dr. Saba stated that, in his opinion, the Manteca range, operating approximately 14 shooting positions, could be safely supervised with two range masters.

Jason Wuestenberg responded to Commissioner Rhodes' question by clarifying how "national standards" are referenced in range-safety discussions. He explained that NRA recommendations, such as guidance suggesting a 20-foot berm where no natural backstop exists, are formally issued as recommendations rather than mandatory requirements. However, he stated that when multiple agencies and organizations adopt those recommendations and no other national body provides alternative standards, the recommendations effectively become the prevailing national standard for industry practice. Regarding the one-to-five ratio of range safety officers to shooters, Mr. Wuestenberg stated that this ratio originates from established law-enforcement standards. He noted that Arizona POST, the NRA Law Enforcement Division, and the National Law Enforcement Fire Instructors Association all endorse this ratio for trained personnel who have completed academy-level firearm instruction and regular continuing education. He explained that on public or private civilian ranges, where shooters have varied skill levels and may lack formal training, exceeding the one-to-five ratio increases risk and reduces the ability of RSOs to intervene effectively. Mr. Wuestenberg concluded that maintaining a one-to-five staffing ratio was necessary for adequate oversight if the canopy system were used.

Commissioner Sangha asked whether the Commission was effectively relying on NRA standards because no formal federal standards existed for civilian shooting-range design.

Commissioner Ruhstaller responded by asking if that was the question Commissioner Rhodes had been trying to get an answer to originally and that he had not interpreted it as such.

Commissioner Rhodes explained that the distinction mattered to her as she worked to balance fairness to the gun range with the need to prioritize student safety, particularly after visiting the school site and reviewing conditions firsthand. Commissioner Rhodes stated that if a nationally documented standard existed, her decision would be more straightforward. She also noted that resolving the “who came first” question did not address the reality that firearms technology and shooting practices had changed significantly since the 1960s, making past determinations less relevant today. She added that the distinction between pistol-range approval and current rifle use remained a concern.

Commissioner Rhodes continued, stating that she had reviewed the gun range’s operating policies and found them broad and not particularly sophisticated. She noted that one of the recommended conditions involved strengthening policies and procedures, including clearer rules regarding firearm handling, case opening, and shooter conduct. Commissioner Rhodes observed that the range contained approximately fourteen shooting stations and a large firing-line area and expressed concern that without robust procedures and a one-to-five safety-officer ratio, the risk of accidents would increase, especially given varying shooter skill levels. She said she would be more comfortable if the range adopted more detailed policies and the recommended safety-officer ratio. Commissioner Rhodes then questioned, through the Chair, whether the range would be willing to consider such improvements, noting that prior responses suggested the Club believed they were unnecessary.

Commissioner Ruhstaller asked Mr. Swan whether the range would revise its policies and comply with recommended safety measures, including developing and enforcing updated rifle-range procedures and maintaining a one-to-five ratio of range safety officers to shooters.

Mr. Swan stated that the Club intended to update its rifle-range policies due to the length of time the range had been closed and changes in practices. He explained that the one-to-five ratio used in law-enforcement settings reflected the nature of tactical training, which differs from the Club’s seated, single-shot operations, but noted that the Club nonetheless agreed to adopt the ratio for public safety.

Commissioner Ruhstaller reiterated that multiple Commissioners had emphasized safety and noted that the Club appeared willing to pursue the most protective measures.

Mr. Swan responded that the range would limit the number of active lanes based on available RSOs, opening a maximum of five positions per RSO, and confirmed that safety had always been the Club’s top priority. He also confirmed the Club’s agreement to repair the berm’s impact face and strengthen operating procedures.

Commissioner Rhodes then asked additional questions regarding canopy design and steel thickness.

Mr. Swan clarified that AR-500 steel was a harder material produced through a different forging process, not necessarily a thicker plate, and that it offered greater deflection and durability.

Commissioner Meehleis asked if the Club would be willing to adopt the AR-500 plating even if it would cost more to implement and questioned about increasing the berm height.

Mr. Swan responded, stating that the Club was willing to upgrade to AR-500 despite the increased cost, reaffirming that safety was the highest priority. He added that increasing the berm height was not

feasible due to its function as a levee and regulatory constraints.

Commissioner Ruhstaller requested clarification on the meaning of the “no blue sky” concept and how overhead baffles function as a long-term containment solution.

Mr. Swan explained that “no blue sky” means a shooter cannot see any visible sky from the firing position, ensuring that upward-angled shots cannot leave the range. He stated that the proposed canopy was designed so shooters, while seated at the bench, could only see the berm and targets, with the front lip positioned below the top of the levee to prevent rounds from being fired at an elevated angle. Mr. Swan acknowledged concerns that a shooter could stand or move to the side and defeat the canopy but stated that such behavior would be prevented by range safety officers, noting that violations would result in warnings or removal from the range.

Commissioner Meehleis asked whether the range was open to both members and the general public.

Mr. Swan confirmed that it was, noting that the facility had operated as a nonprofit, volunteer-run Club since 1937 and provided public access. When asked about operating hours, Mr. Swan stated that the schedule varied by day: Saturdays from 8:00 a.m. to 8:00 p.m., Sundays from 8:00 a.m. to 4:00 p.m., Mondays from 9:00 a.m. to noon, Tuesdays closed, Wednesdays from 12:00 p.m. to 8:00 p.m., Thursdays from 10:00 a.m. to 4:00 p.m., and Fridays from 10:00 a.m. to 8:00 p.m.

Commissioner Meehleis noted that he was comparing these hours to the school’s schedule.

Commissioner Rhodes asked staff whether San Joaquin County had ever approved any other rifle ranges.

Director Jennifer Jolley responded that she could not confirm that information, explaining that while other shooting ranges existed within the County, many were established decades ago and she was not aware of any rifle-specific approvals during her 26-year tenure.

Commissioner Rhodes stated that the absence of documented rifle-range approvals suggested that the Commission was effectively establishing standards for rifle-range permitting in the County for the first time. She emphasized that her decision needed to be consistent, defensible, and applicable should future rifle-range applications be submitted. Commissioner Rhodes noted her strong support for the Club but reiterated that, given the school’s proximity and frequent use by children and visiting student groups, she needed to ensure that any approval was one she could “live with” and feel confident upholding in similar circumstances.

Mr. Hakeem requested that the Commission allow consultant Jason Wuestenberg additional time to explain the “no blue sky” concept, noting that the earlier question from Commissioner Rhodes had not been fully answered. He stated that, because the “no-blue-sky” design was central to the Office of Education’s proposal, the Commission would benefit from further clarification before making a decision.

Mr. Wuestenberg explained that a “no blue sky” range uses a series of overhead baffles extending downrange from the fixed firing line to ensure that shooters cannot see open sky from any shooting position. He stated that the purpose of these baffles is to intercept any upward-angled shot, whether intentional or accidental, regardless of whether a shooter is standing, kneeling, seated, or prone. Mr. Wuestenberg noted that the spacing, height, and materials of the baffles vary depending on factors such as berm height and site conditions and are determined through engineering analysis. He said he had observed multiple “no-blue-sky” systems in use at ranges across the country, using combinations of linked baffles or materials such as wood, pea gravel, steel, or concrete. Mr. Wuestenberg concluded that the underlying objective of the design is to ensure all rounds remain contained within the range.

Commissioner Rhodes commented that she felt all four recommendations from Mr. Wuestenberg would be required to make her feel comfortable approving the project.

Mr. Wuestenberg offered a final remark, stating that his recommendation to allow the canopy system for three to five years was intended as a temporary compromise. He explained that the limited use period would enable the range to reopen, generate revenue, conduct research, seek bids, and secure funding for a long-term solution. Mr. Wuestenberg reiterated that the canopy was not, in his view, an appropriate permanent measure and that the ultimate goal should be the installation of a full "no-blue-sky" containment system.

Director Jolley interjected during the formation of the motion to ask the Commission to adopt a clear cut off time limit for the usage of the safety canopy system as a temporary solution.

MOTION:

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

1. Approve the application with staff's recommended Conditions of Approval:
2. Adopt Finding Nos. 2, 3, and 6 for Modification of Use Permit (Attachment C), and
3. Approve Modification No. PA-2200053 to Use Permit No. UP-3009 with the revised Conditions of Approval Nos. 1.d and 1.e. and the addition of the four additional Conditions of Approval submitted by the SJCOE's ballistics expert in his report:
 1. The safety canopy is used as a short-term solution, no longer than 5 years.
 2. The safety canopy is built using 3/8-inch AR500 rated steel plates.
 3. Manteca Sportsmen Club must develop, publish and enforce policies related to the safe operation of the rifle range.
 4. Repair the impact berm.

VOTE:

AYES: Lawrence Wight, Gloryanna Rhodes, Donald Ruhstaller, Chris Meehleis, Jass Sangha
NOES:
ABSENT:

2. **VARIANCE NO. PA-2500134 AND MINOR SUBDIVISION NO. PA-2500133 AND OF JON MORENO (C/O MATTHEW WEBER)** This project is comprised of two applications: A Variance to reduce the minimum lot size in the AG-40 (General Agriculture, 40-acre minimum) zone from 40 acres to 5 acres, and a Minor Subdivision to subdivide one legal parcel totaling 15.12 acres into 3 parcels between 5.03 and 5.05 acres in size. The site currently contains a single-family residence and a barn. While the applicant is not proposing to construct any additional dwellings or structures, the resulting subdivision would allow for an additional single-family residence and an accessory dwelling unit to be constructed on each of the newly created lots. Parcel 1 will utilize the existing access from East Weigum Street. Parcels 2 and 3 are currently vacant. Access to both parcels is proposed via a new access easement located along the eastern property line, connecting to East Weigum Street. The project site is on the west side of East Weigum Street, at the western terminus of Weigum Court, 655 feet west of Tretheway Road, Lodi. (Supervisory District: 4)

Environmental Determination: A Mitigated Negative Declaration has been prepared for this project and is proposed for adoption.

MEGAN AGUIRRE, PRINCIPAL PLANNER, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Mr. Matthew Weber, speaking on behalf of applicant Mr. Jon Moreno and MCR Engineering, provided background on the Variance request. He stated that Mr. Moreno has lived on Weigum Road for 30 years, having purchased the home from his father, and that the adjoining parcel had been owned by neighbors Mr. Moreno had known for decades. When those owners passed away, Mr. Moreno purchased the parcel with the intention of creating homesites for his adult children, with the existing residence intended for his eldest son, the proposed ADU for his youngest son, and a future residence for his daughter.

Mr. Weber stated that staff had been helpful throughout the process and explained that the Variance was sought because the existing AG-40 designation did not match the established development pattern of the surrounding neighborhood. He presented a map that he indicated depicted more than 30 parcels from Highway 12 to Weigum Road, each consisting of less than five acres, and noted that parcels along Weigum and Tretheway Roads are primarily one-acre lots. He pointed out that neighboring parcels directly north and east of the site are approximately five acres and that the subject parcel had previously been zoned AG-5 until the early 1980s, consistent with the existing pattern.

Mr. Weber explained that the subject 15-acre parcel contains two APNs but functions as a single parcel, and the request was to create three 5-acre lots matching the configuration of nearby parcels. He stated that the property had never been farmed and could not be commercially farmed due to surrounding residential development and limited access for equipment. He added that 3-acre parcels across Tretheway were approved through a Variance in the 1990s, demonstrating past precedent.

Mr. Weber acknowledged opposition from adjacent neighbors but clarified that the project would not use the private access road from Highway 12 despite having legal rights to it. Instead, access would be provided from Weigum Road with a 30-foot easement across the three proposed parcels, recorded for private maintenance and compliant with County fire and access standards. He stated that the project would not impact larger agricultural parcels to the south and west, which maintain clear buffers and continued farm operations.

Mr. Weber concluded by requesting that the Commission adopt the Findings in the affirmative, as provided in the applicant's handout, and approve the Variance, stating that the proposal aligned with the neighborhood's development pattern and provided appropriate homesites for Mr. Moreno's family.

Commissioner Ruhstaller asked whether the larger agricultural parcels shown in purple on the exhibit were currently being farmed. Mr. Weber responded that the purple-designated parcels appeared to be in active agricultural use, while the smaller parcels in the area from Highway 12 down to Mr. Moreno's property were not being farmed due to their limited size. He clarified that Mr. Moreno's existing 5-acre parcel contains a residence and has no active farming, and the adjacent 5-acre parcel to the north also contains a home.

Commissioner Ruhstaller then asked specifically about the green parcels to the west.

Mr. Weber confirmed that those parcels were planted in grapes and contained no residences, and that the proposed project would not interfere with their continued agricultural use. He added that any future home sites would be located far enough back on the proposed lots to avoid impacts.

Commissioner Rhodes then asked whether the subject property was currently one parcel.

Mr. Weber confirmed that, despite containing two APNs, the land functioned as a single approximately 15-acre parcel. He stated that, if the Variance were approved, the property would be divided into three 5-acre parcels consistent with neighboring parcels and aligned with the existing 5-acre pattern on Wigham Road and Tretheway Road.

Commissioner Rhodes asked whether the portion of the property already showing an interior lot line contained an existing residence.

Mr. Weber confirmed that the parcel included a home and an ADU, noting that the ADU would become a standalone residence once the parcel was formally divided.

Commissioner Rhodes then asked how many accessory dwelling units could be developed per parcel.

Corinne King, Deputy Director of Planning, responded that each parcel could contain one primary residence, one ADU, and potentially one junior ADU incorporated into an existing structure.

Commissioner Ruhstaller asked for clarification that the applicant's intent was to create three 5-acre parcels, each capable of containing a single-family residence.

Mr. Weber confirmed this, stating that one parcel already contained a home, the second contained an ADU eligible for conversion to a single-family residence, and the third was vacant and envisioned as a future homesite for Mr. Moreno's daughter.

Commissioner Rhodes asked whether three ADUs could also be developed, and Mr. Weber stated that each parcel could have its own ADU under current law.

Commissioner Wight asked whether each parcel would be served by its own well.

Mr. Weber responded that the existing home had a well, a second well had been installed for the ADU, and that each of the proposed parcels would have an individual well reviewed and approved by County Environmental Health.

OPPONENTS:

Mr. Andrew Genasci, Executive Director of the San Joaquin Farm Bureau Federation, spoke in opposition to the proposed Variance. He acknowledged that several subdivisions in the area were created in past decades but noted that the zoning change from AG-5 to AG-40 was adopted specifically to prevent continued fragmentation of agricultural land. Mr. Genasci stated that allowing the 15-acre

parcel to be divided into three 5-acre lots would erode the intent of AG-40 zoning and could encourage neighboring landowners to pursue similar splits, resulting in the incremental loss of viable farmland and effectively creating an unplanned subdivision. While recognizing the applicant's desire to establish homesites for family members, he emphasized that agricultural zoning exists to ensure long-term land viability and should not be weakened by past subdivision patterns. Mr. Genasci urged the Commission to deny the Variance request to preserve the integrity of the surrounding agricultural area.

REBUTTAL:

Mr. Weber responded to the San Joaquin Farm Bureau Federation's concerns by stating that he understood their position but believed it did not apply in the same way to the subject property. He noted that the parcel was not a standalone 40-acre agricultural site but was surrounded by numerous small lots created decades ago. Mr. Weber asserted that approving the request would align the property with the existing neighborhood pattern rather than encourage countywide subdivision of agricultural lands. He described the parcel as unique and situated behind long-established residential development, stating that the proposed three 5-acre parcels represented the most logical and consistent configuration for the area. Mr. Weber concluded that the request would match the surrounding neighborhood without setting a broader precedent.

PUBLIC HEARING CLOSED.

Commissioner Rhodes stated that she agreed with staff's analysis and emphasized that her role as a Planning Commissioner was to determine whether a proposal was consistent with the General Plan. She concluded that the requested Variance did not meet that requirement.

Commissioner Sangha stated that she agreed with Commissioner Rhodes and expressed support for following staff's recommendation. She then moved to adopt staff's recommendation as the Commission's action on the item.

MOTION:

It was moved, seconded (Sangha / Rhodes), and passed by a vote (4-1) to:

1. Deny the application for Minor Subdivision No. PA-2500133 and Variance No. PA-2500134 based on the inability to make Variance Findings Nos. 1 and 3 and Minor Subdivision Findings Nos. 1 and 2 contained in the Staff Report.

VOTE:

AYES: Gloryanna Rhodes, Donald Ruhstaller, Jass Sangha, Chris Meehleis
NOES: Lawrence Wight
ABSENT:

OTHER BUSINESS:

Director Jolley reported that the Board of Supervisors recently approved a truck-parking facility with a General Plan Amendment and Zone Reclassification on Cherokee Lane. She also informed the Commission that a solar farm project previously heard by the Commission had been appealed to the Board of Supervisors. At the Board hearing, the applicant reduced the size of the solar farm from approximately 10 acres to 6 acres, and the Board voted to return the item to the Planning Commission for a new hearing. Director Jolley stated that staff would begin renotification to the public and bring the revised proposal back to the Commission in the coming months.

She further noted that the religious assembly project on Nancy Emilia Court in District 5 had been appealed and would be heard by the Board of Supervisors on September 15th.

Commissioner Sangha asked for clarification regarding the Board's action on the solar farm appeal.

Director Jolley confirmed that the Board had sent the item back to the Planning Commission due to the applicant's proposed reduction in project size and explained that public notice would be reissued because the revised proposal required a new hearing.

The meeting adjourned at 7:55 P.M.

Donald Ruhstaller, Chair

Jennifer Jolley, Secretary