



PLANNING COMMISSION MINUTES OF JULY 16, 2026

The San Joaquin County Planning Commission met in regular session on July 16, 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
Gloryanna Rhodes
Jass Sangha

County Staff

Kirin Virk, County Counsel

Shayan Rehman, Department of Public Works

Steven Shih, Environmental Health Department

Community Development Department Staff

Jennifer Jolley, Director
Corinne King, Deputy Director of Planning
Stephanie Stowers, Principal Planner
Jessica Leal, Associate Planner
Jacob Pahule, Associate Planner
Vicenta Gallegos, Administrative Assistant I
Gerardo Altamirano, Office Assistant Specialist
Sean Cardenas, Office Assistant Specialist

(absent)

Chris Meehleis, Vice-Chair
Lawrence Wight

APPROVAL OF PREVIOUS MEETING MINUTES:

1. Minutes from 06-18-2026.

MOTION:

It was moved, seconded (Sangha / Rhodes), and passed by a vote (3-0) to:

1. Approve and accept the minutes.

VOTE:

AYES: Gloryanna Rhodes, Donald Ruhstaller, Jass Sangha

NOES:

ABSENT: Lawrence Wight, Chris Meehleis

PUBLIC COMMENT ON ITEMS OF INTEREST TO THE PUBLIC THAT ARE NOT LISTED ON THE AGENDA:

(Note: Public comments for the following two items were intermixed during the meeting but placed in order by item in the minutes.)

OPPOSITION TO CONDITIONAL USE PERMIT NO. PA-2500281 (NOT AN AGENDIZED ITEM):

Pete Moyer, residing at 23050 Hansen Road, spoke in opposition to the proposed religious assembly on Hansen Road. He described the rural one- to three-acre subdivision and noted working to address longstanding traffic issues that County staff and Supervisor Rickman. Mr. Moyer cited a dangerous intersection at Hansen and Von Sosten, including witnessing a child being struck by a vehicle. He stated that adding a church and school would significantly increase daily traffic and worsen safety concerns near Lammersville School. He also referenced ongoing problems with short-term rentals and a wedding venue in the neighborhood that he stated were unpermitted. Mr. Moyer, a 25-year resident, stated that he feared for the safety of his family and community and opposed the project.

Vanny Dart, residing at 16440 Tsirelas Drive in Tracy, spoke in opposition to the proposed religious assembly on Hansen Road and echoed concerns raised by her neighbors. She described the area as a remote rural neighborhood without sidewalks and noted that children live roughly 1,000 feet from the proposed site. Mrs. Dart cited past safety incidents, including a neighbor's horse being struck and euthanized and an 8-year-old child being hit by a car. She stated that introducing significant traffic associated with the project would endanger children, residents, and animals. Mrs. Dart concluded by asking staff when the proposal was expected to appear on the Planning Commission's agenda.

Commissioner Ruhstaller stated that the Planning Commission could only listen during public comment and invited staff to respond if a tentative date existed.

Corinne King, Deputy Director of Planning, explained that the project was not yet scheduled for a Planning Commission hearing and that staff were still working with the applicant. She stated that neighbors would be notified once a hearing date was set.

Mrs. Dart asked whether there was an approximate month for the hearing.

Deputy Director of Planning Corinne King responded that the closest possible date might be in September, depending on the resolution of remaining issues.

Mrs. Dart thanked the Planning Commission and urged members to consider neighborhood safety, particularly the proximity of the site to a school and the lack of sidewalks used by children as young as five.

Tatiana Brif, residing at 23254 Currier Drive in Tracy, spoke in opposition to the proposed religious assembly. She noted that the neighborhood was planned more than 50 years ago and lacks contemporary features such as sound walls, sidewalks, and cul-de-sacs found in newer communities like Mountain House. Ms. Brif stated that the area experiences significant traffic surges during incidents on Highway 205 and that the neighborhood has no way to manage those impacts. She also referenced an existing nearby establishment that already generates large gatherings and overflow parking. Ms. Brif urged the Planning Commission to keep the area residential, stating that such facilities function as businesses and should be located in appropriately zoned areas.

Shakeela Zahoori, residing at 23403 Hansen Road, spoke in opposition to the proposed religious assembly and stated that she agreed with the concerns raised by her neighbors. She emphasized respect for all religions but noted that the project would be located very close to her home and would create issues related to water use, parking, and safety. Ms. Zahoori stated that the rural neighborhood is quiet and peaceful and that increased traffic and unfamiliar visitors would disrupt that character. She urged the Planning Commission to consider the community's safety and preserve the countryside environment.

Cheryl DiCherico, residing at 16601 Wakefield Court in Tracy, spoke in opposition to the proposed religious assembly and stated that she and her neighbors were working together to address impacts to their rural neighborhood. She noted that while the property owners may reside on the site, the proposed use would significantly affect surrounding residents and was difficult for the community to understand. Ms. DiCherico stated that the applicants were strongly advocating for their project, but she urged the Planning Commission to help protect the neighborhood's rural character. She asked the Planning Commission to focus on preventing the project from proceeding and to support local residents.

OPPOSITION TO FUTURE TRUCK PARKING IN FRENCH CAMP (NOT AN AGENDIZED ITEM):

Catalina Rico, a resident of Yettner Road in French Camp for more than 30 years, spoke in opposition to continued permitting of commercial truck parking lots in the unincorporated community. She stated that French Camp is a historic residential area increasingly treated as industrial parking, resulting in air-quality concerns, runoff issues, and roadway damage on French Camp Road. Mrs. Catalina said th French Camp Road was never designed to support heavy truck traffic and that these impacts threaten community health and safety, which the General Plan is designed to protect. She urged the Planning Planning Commission to deny future permits, or at minimum halt approvals until comprehensive environmental reviews are completed. She asked the Commission to consider the cumulative effects of multiple truck yards rather than evaluating them individually.

Mary Nicholson, a 25-year resident of French Camp, spoke in opposition to continued permitting of commercial truck parking lots in the community. She described French Camp as a historic rural town where long-time residents value its quiet character and traditional lifestyle. Ms. Nicholson stated that the growing number of truck yards has led seniors to sell their homes, created blight such as weeds and debris, and diminished community spirit. She also noted the proximity of multiple truck lots to the new Be Well Campus and raised concerns about public safety, human-trafficking risks, and environmental impacts including air quality, runoff, and road damage. Ms. Nicholson urged the Planning Commission to deny future permits, or halt approvals until comprehensive impact studies are completed, and asked that cumulative effects be considered rather than individual project reviews.

Anthony Noceti, residing on Bowman Road in French Camp, spoke regarding a proposed truck parking lot near French Camp Road and El Dorado Street. He stated that his family has lived in French Camp since 1905 and noted concerns he previously raised at the French Camp MAC meeting, including permits, soil reports, and soil importation. Mr. Nocetti emphasized the need for all applicants to follow established rules and expressed support for residents who had spoken earlier about impacts from truck yards and similar uses. He added that his family operates long-standing businesses in the County and stated he would return to address additional concerns in the future.

ACTION ITEMS:

- 1. GENERAL PLAN MAP AMENDMENT NO. PA-2400220, AND ADMINISTRATIVE USE PERMIT NO. PA-2400217 OF ALAWDI ZAKRYA (C/O MOHAMED ELSHAFEI)** This project consists of two applications: General Plan Map Amendment No. PA-2400220 to change the General Plan designation of 0.81-acres from I/G (General Industrial) to C/C (Community Commercial) and Administrative Use Permit No. PA-2400217 for a take-out only commercial kitchen facility including a drive-up window. The proposed use will have no-site eating facilities. The project proposes new on-site well, septic, and storm water drainage systems. Driveways are proposed on both South El Dorado Street and South Harlan Road. The project site is on the east of South El Dorado Street., 85 feet south of East Hurd St, French Camp. (Supervisory District: 3)

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

Anthony Noceti requested this item be pulled from the Non-Contested Agenda and be heard on the Contested Item Agenda.

JESSICA LEAL, ASSOCIATE PLANNER, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPONENTS:

Mohammed Elshafei, representing applicant Alawdi Zakrya, presented the proposed project and requested approval of the General Plan Map Amendment and Administrative Use Permit. He explained that the 4,128-square-foot commercial kitchen would operate without indoor dining, drive-through ordering, or public seating, relying solely on pre-ordered online pickup. Mr. Elshafei stated that a traffic engineering firm conducted a queue study showing low trip generation and maximum queues of four to five cars. He further stated that the site plan was redesigned to provide a 125-foot internal driveway and one-way circulation to prevent backup onto public streets. He noted that the project included a new well, commercial septic system, trash enclosure, and site maintenance measures. Mr. Elshafei concluded that changing the parcel from General Industrial to Community Commercial would create a clean, low-impact business that serves French Camp and complies with County requirements.

OPPONENTS:

Anthony Noceti of French Camp returned to speak in opposition to a proposed project he described as functioning like a truck stop near French Camp. He stated that trucks already park along the roadway and center divider and that existing operations, including a food truck, were affecting neighborhood safety and quality of life. Mr. Noceti urged the applicants to appear before the Commission and follow required procedures. He noted ongoing issues in French Camp involving code enforcement, health and environmental oversight, planning, and public works. Mr. Noceti stated that he opposed the project due to traffic impacts and concerns about applicant transparency.

Mary Nicholson, residing at 976 French Camp Road, spoke in opposition to the proposed facility and concurred with earlier comments. She stated that trucks frequently park along French Camp Road and El Dorado Street, creating hazardous conditions for residents. Ms. Nicholson noted that she had been advised to report issues through a mobile app but said the app did not work and attempting to take photos near truck traffic was unsafe. She emphasized that French Camp should not function as a drive-through for trucks and urged drivers to use appropriate locations for food and services.

Catalina Rico of Yettner Road in French Camp returned to state her continued opposition to the proposed project.

REBUTTAL:

None.

PUBLIC HEARING CLOSED.

Commissioner Rhodes asked staff to clarify whether the item before the Planning Commission involved only an Administrative Use Permit or a broader action.

Director Jennifer Jolley explained that the project included both a General Plan Map Amendment and an Administrative Use Permit, noting that the General Plan Map Amendment was the reason the matter required Planning Commission review rather than staff-level approval. She added that the current zoning and General Plan designations were inconsistent, and the staff report outlined the history behind that inconsistency.

Commissioner Rhodes then asked whether the Planning Commission was effectively approving or denying the kitchen itself or only considering the General Plan Map Amendment.

Director Jolley clarified that the two actions were being processed together. She stated that the Planning Commission's recommendation on the General Plan Map Amendment would also form the basis for recommending approval of the Administrative Use Permit. Because the Administrative Use Permit was tied to the General Plan Map Amendment, it could not be approved at the meeting and must proceed to the Board of Supervisors along with the amendment.

County Counsel Kirin Virk further explained that the Planning Commission was responsible for reviewing two sets of findings: Findings for the General Plan Map Amendment and Findings for the Administrative Use Permit. She noted that although Administrative Use Permits are typically handled at the staff level, the required General Plan Map Amendment necessitated forwarding both items with the Planning Commission's recommendations to the Board of Supervisors.

Commissioner Ruhstaller noted that several neighbors had expressed concerns about traffic and truck activity in the area. He asked the applicant whether the proposed restaurant facility was intended primarily for truck drivers or for the broader community.

Mr. Elshafei, applicant's representative, stated that the proposed facility was not intended to serve truck drivers and was designed for general community use. He explained that all orders would be placed online in advance and picked up by customers in private vehicles, including families and students. The applicant emphasized that trucks would not queue or be served at the site, and that only delivery trucks bringing supplies would access the property briefly once or twice per day.

Commissioner Ruhstaller thanked the applicant for the clarification and asked whether any efforts had been made to speak directly with neighbors surrounding the site. He inquired whether the applicant had sought their input beyond the comments expressed at the meeting.

Mr. Elshafei stated that he understood the neighbors' concerns, noting that the property owner himself had complained about existing truck parking issues in the area, including soil contamination, oil leakage, noise, and general safety problems. He emphasized that the proposed project would not serve trucks and that the driveway design could not accommodate truck maneuvering. The applicant explained that the pickup window and circulation pattern were intended only for small vehicles, similar to standard fast-food drive-throughs, and that additional landscaping and twelve parking spaces were provided for brief customer use. He reiterated that the facility offered no dine-in or assembly space and would operate solely as an online-order pickup restaurant with minimal traffic and no truck service.

Commissioner Sangha stated that while the applicant had repeatedly explained the pickup-and-go operation, the Planning Commission still needed an answer regarding outreach to nearby residents. She noted that the concerns were coming directly from the community rather than consultants or County

staff. Commissioner Sangha emphasized that the Planning Commission must consider the broader public interest and asked the applicant again whether he had spoken with surrounding neighbors, requesting no repetition of prior explanations.

Mr. Elshafei responded, stating that he and the applicant were ready to talk to the community at large but that they hadn't reached out yet. He also stated that they were ready for anyone in the community to reach out to them to discuss the project.

Commissioner Sangha responded, expressing a firm reminder that it was his responsibility to engage with the community for projects of this nature, especially when residents are the ones raising objections. She continued, stating that the lack of outreach made it clear that they had not spoken with the community about the project, and that they had thought nobody in the community was going to react to the project.

Commissioner Rhodes then asked the applicant whether the project functioned similarly to an online-order version of an In-N-Out Burger and sought confirmation that trucks would not be able to access the pickup window. She stated that her understanding was that the design physically prevented trucks from using the drive-through.

Mr. Elshafei confirmed that interpretation, stating that the facility provided only a pickup window for online orders and no catering or onsite dining. He explained that trucks could not maneuver through the drive-through and that the window height made truck access impossible. He added that the parking stalls were sized only for passenger vehicles and that truck parking was not feasible anywhere within the site.

Commissioner Rhodes thanked the applicant and noted that, based on the explanation, the project appeared comparable to a typical fast-food drive-through, but with a faster, pre-ordered process. She stated that, with the findings available, she saw no reason not to move the project forward. Commissioner Rhodes then noted that denying the request could prevent other similar businesses, such as In-N-Out or McDonald's, from locating in the area given the similarities in operation.

Commissioner Ruhstaller stated that he had listened to the comments from French Camp residents regarding the project. He noted that the Commission's role was to determine whether required procedures and findings had been properly addressed. Based on his review of the materials and the information presented, he believed that all procedural requirements had been met. Commissioner Ruhstaller added that, assuming the applicant's representations were accurate, he felt the Commission had no choice but to move the project forward with a recommendation of approval.

MOTION:

It was moved, seconded (Rhodes / Ruhstaller), and failed by a vote (2-1) to:

1. Forward to the Board of Supervisors the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with a recommendation to adopt;

Forward to the Board of Supervisors the Findings for General Plan Map Amendment with a recommendation to adopt;

Forward to the Board of Supervisors General Plan Map Amendment No. PA-2400220 with a recommendation to adopt;

Forward to the Board of Supervisors the Findings for Administrative Use Permit No. PA-2400217 with a recommendation to adopt; and

Forward to the Board of Supervisors Administrative Use Permit No. PA-2400217 and the

corresponding recommended Conditions of Approval with a recommendation to approve.

VOTE:

AYES: Donald Ruhstaller, Gloryanna Rhodes

NOES: Jass Sangha

ABSENT: Lawrence Wight, Chris Meehleis

2. **CONDITIONAL USE PERMIT NO. PA-2500075 OF FRANK BORGES (C/O FREDERICK TORNATORE)** to establish a manure anaerobic digestion facility consisting of two above-ground cow manure “digesters” totaling 7,200 square feet and located on a 2.9-acre portion of an existing 78.8-acre dairy site. The digesters consist of a concrete base with a heavy-duty rubber bladder. A third external bladder will be used as an emergency methane gas containment in lieu of a combustion flare. Manure wastewater from the existing lagoons and manure will be pumped approximately 100 yards into the digester bladders. No manure will be processed from off-site donor dairies. The biogas from the bladders will be converted into biomethane gas (RNG), compressed, and loaded onto gas trucks. Once fully operational, the facility will generate approximately 12 truck trips per month. The parcel has direct access from East Brady Road. The project site is currently served by an on-site well for water, an on-site septic system for wastewater, and natural storm drainage. The project site is on the South side of East Brady Road, 3,130' East of South Manteca Boulevard, Manteca. (Supervisory District: 5)

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

NON-CONTESTED AGENDA ITEM

MOTION:

It was moved, seconded (Rhodes / Sangha), and passed by a vote (3-0) to:

1. Approve action Item #2 on non-contested agenda.

VOTE:

AYES: Gloryanna Rhodes, Donald Ruhstaller, Jass Sangha

NOES:

ABSENT: Chris Meehleis, Lawrence Wight

3. **ADMINISTRATIVE USE PERMIT NO. PA-2500240 OF ROGER & CATHERINE C. TOWERS (C/O ROGER & CATHERINE C. TOWERS)** to permit construction of one Single Family Residence (SFR) on each of three parcels with a General Plan designation of OS/RC (Open Space, Resource Conservation). The proposed homes are anticipated to be in the range of 2,000 to 3,000 square feet. This approval also includes authorization for future development of an accessory dwelling unit (ADU), a junior accessory dwelling unit (JADU), and accessory structures on each parcel. All three parcels will have access from the County-maintained South Koster Road. The development will be served by on-site services for sewer, water, and stormwater drainage. The project site is on the east side of South Koster Road, 4,315' south of Blewett Road, Tracy. (Supervisory District: 5)

Environmental Determination: This project is exempt from CEQA pursuant to Section 15303 and the common-sense exemption under CEQA Guidelines Section 15061(b)(3). A Notice of Exemption will be filed if the project is approved.

JACOB PAHULE, ASSOCIATE PLANNER, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROPOSERS:

Roger Towers, the applicant, provided an extensive presentation outlining six primary points in support of his project. He first reviewed the SMARA process, explaining that MRZ2 designations identify areas where mineral resources may exist but do not guarantee mineable conditions. He noted that the designation bisected the property but that substantial setbacks along the Delta-Mendota Canal eliminated any realistic opportunity for excavation near the canal. Mr. Towers emphasized that the canal is critical to statewide water delivery, and no agency would permit mining activity within 300 feet of its centerline. He then explained that the property had already been mined during construction of the canal, evidenced by remnants of a former batch plant, and that the soil had since been so disturbed that it lacked tilth, silt, or agricultural viability. He stated that federal deed restrictions placed on the property when the Bureau of Reclamation conveyed it specifically prohibited excavation, and that the parcel's size—after accounting for setback requirements—left only five to eight acres, far too little to support commercial mining.

Next, Mr. Towers discussed general plan policies and zoning provisions governing mineral resource protection and compatibility. He noted that nearby quarries had undergone years of environmental review, community participation, and regulatory scrutiny, ultimately resulting in findings that those operations could coexist with existing residences. He argued that because homes already exist closer to active quarry operations than his property is to any mining activity, his proposal was consistent with established compatibility standards. He also asserted that CEQA exemption challenges based on "special circumstances" were unfounded because the property had no physical or legal ability to be mined, eliminating the rationale for such an exception.

Mr. Towers then addressed several opposition letters, stating that claims regarding improper parcel creation, agricultural zoning inconsistencies, or avoidance of building permits were incorrect. He noted that the parcels already existed as AG40 lots, and that current state law allows a primary residence, a secondary residence, and an accessory dwelling unit on such parcels. He cautioned that opponents' arguments misrepresented basic zoning and entitlement standards.

As his fifth point, Mr. Towers referenced constitutional considerations, particularly the 14th Amendment. He stated that he had a right to reasonable economic use of his property and equal protection under the law. He argued that denying residential development on his property—while allowing other homes within the same mining area—would violate equal protection and create an arbitrary distinction unsupported by policy or law.

Finally, Mr. Towers expressed concern about late-submitted Conditions of Approval from the San Joaquin Council of Governments (SJCOC) and the San Luis & Delta-Mendota agencies. He stated that

SJCOG's mitigation fee requirements appeared inconsistent with documentation he received indicating AG-40 land was exempt from the habitat conservation plan. He also described several canal-related conditions as duplicative of existing deed restrictions or overly broad, including a drainage requirement that would prohibit any water leaving the property. He stated that such conditions were unreasonable given natural stormwater flow patterns and were already addressed by Public Works reviews. Mr. Towers asked that these late conditions be reconsidered or clarified to prevent unnecessary cost, confusion, or overlapping regulatory obligations.

Commissioner Rhodes asked the applicant to clarify whether he was objecting only to Mitigation/Condition No. 4 from SJCOG or whether there were additional late-submitted mitigation requirements not reflected in the staff report.

Mr. Towers responded that no new conditions had been added, but that several existing conditions, particularly those from the Bureau of Reclamation, had been received very late, including materials he said arrived earlier that day. He stated that he did not fully understand those provisions or see their necessity, noting that drainage, excavation limits, and related issues were already reviewed by other County departments. He also described his understanding of SJCOG's mitigation fee framework, stating that the condition language did not clearly reflect how the fee should be applied and that he wished it had been clarified months earlier.

OPPONENTS:

David Temblador, attorney for Knife River Construction, addressed the Planning Commission and stated that the central issue was land-use compatibility, specifically whether it was appropriate to locate three single-family homes within an established mining district. He outlined three points for consideration: consistency with state law and county land-use policy; consistency with prior county decisions; and common-sense implications for future compatibility. Mr. Temblador noted that the property was designated as a significant mineral resource area under state SMARA classifications and carried a general plan designation of Open Space Resource Conservation, with zoning intended to protect those resources. He stated that prior applications for residential development on the site were denied by both the Commission and the Board of Supervisors in 2003 and 2009, and that subsequent litigation by the applicant was also denied at both the trial and appellate court levels. He argued that placing multiple residences and potential ADUs near active mining operations would introduce long-term conflicts for families unfamiliar with mining impacts, such as truck activity and operational noise. Mr. Temblador added that Knife River had reached out to the applicant to discuss compatibility and found him reasonable and professional, but that the company ultimately remained compelled to oppose the project.

Gerald Costa, residing at 734 O'Neil Court in Tracy, spoke in opposition to the project, stating that he had farmed apricots in the Tracy area for 50 years. He provided background on the property's history, noting that it was previously sold by the Bureau of Reclamation and later subdivided. Mr. Costa expressed concern that allowing three homes and potential ADUs would create incompatibility with long-standing agricultural operations, leading to complaints about noise, dust, chemicals, and ultimately pressure to restrict farming. He also stated that the area contains valuable mineral resources and argued that residential development would conflict with mining operations, including truck traffic, dust, conveyors, lights, and noise. Mr. Costa asserted that mining resources are economically important due to transportation costs and said that future residents could seek to limit mining activities. He concluded by noting he had additional points but deferred further comments due to time limits.

Scott Miller, attorney for Cemex Construction Materials Pacific LLC, spoke in opposition to the project and noted that Cemex operates a permitted quarry located east of the Delta-Mendota Canal adjacent to the applicant's property. He stated that the property received a quarry excavation permit in 2008 following certification of an Environmental Impact Report with Findings of Significant Impacts and Overriding Considerations, and that the applicant did not object at the time. Mr. Miller emphasized that the project must be compatible with surrounding land uses and argued that staff's compatibility findings did not adequately address General Plan policies requiring new development to complement the rural,

natural, and agricultural setting of the area. He cited the property's MRZ-2 designation and general plan goal NCR-4, which calls for mineral deposits in MRZ-2 zones to remain in agricultural or open-space uses until resource extraction. Mr. Miller further stated that the CEQA exemption relied upon was inapplicable because the project site was not a residential zone and was not located in an urbanized area. He concluded that the proposed residences would create long-term conflicts for future occupants unfamiliar with mining operations and reiterated that Cemex opposed the project for the reasons outlined in its written comments.

Steve Dallura stated that he had previously considered purchasing one of the lots near the project site but chose not to after evaluating surrounding conditions. He described observing heavy truck traffic near Bird Road and significant noise, dust, and light impacts from mining operations near Interstate 580, concluding that such conditions were unsuitable for residential living. Mr. Dallura explained that these experiences led him to reject the idea of building on the property, as he believed future resale would be difficult and would require disclosing the surrounding mining activity and potential long term land use changes. He stated that mining operations and agricultural activity were fundamentally incompatible with residential development and argued that approving homes in the area could ultimately threaten mining operations. Mr. Dallura concluded that incompatibility concerns should not be dismissed and that relocating residences near mines did not make sense.

REBUTTAL:

Mr. Towers provided rebuttal comments, stating that opposition arguments portraying mining as incompatible with residential uses were based on misconceptions. He argued that mining operations in the area were subject to extensive permitting, review, and mitigation requirements intended to prevent impacts such as truck traffic, dust, and noise on nearby homes. Mr. Towers stated that Costa Road was not a haul route and that dust and air-quality issues were regulated through established control plans. He described comments suggesting future land uses such as garbage pits or sewage facilities as unfounded, noting that reclamation plans called for agricultural restoration. Mr. Towers acknowledged prior litigation referenced by opposition speakers but stated that a new general plan and updated zoning ordinances were now in place. He asserted that quarries had already been found compatible with existing residences and argued it was unreasonable to claim the reverse, that residences could not be compatible with quarry operations. Mr. Towers concluded that the site was quiet, lacked excavation potential, and remained consistent with permitted residential use under the zoning and general plan framework.

PUBLIC HEARING CLOSED.

Commissioner Rhodes stated that she was reviewing the recommended findings and noted she could support most of them except the compatibility finding. She asked County Counsel for clarification regarding references to SJCOG and the Bureau of Reclamation, explaining that she wanted to ensure all conditions were clearly identified before making any decision.

County Counsel Virk directed her to Condition of Approval No. 5 in the packet, explaining that this condition related to the Delta-Mendota Canal and was the Bureau of Reclamation requirement referenced earlier.

Commissioner Rhodes confirmed that she had located the condition and understood its purpose. She then stated that, although she generally supported farmers' ability to transition their land to other uses, she could not find mining operations and residential development to be compatible, particularly given the property's designation.

Commissioner Sangha commented, stating that she did not want to repeat what Commissioner Rhodes had said, and was in agreement in not being able to make the finding for compatibility.

Commissioner Ruhstaller stated that he found it compelling that nine existing residences were already located within a one-mile radius of the project site and had been established in proximity to active quarry

operations. He noted that those homes had been built and were functioning within the same environment now under consideration. Based on that information, Commissioner Ruhstaller said he found it difficult to conclude that the proposed project was incompatible and expressed his belief that the project should be approved.

County Counsel Kirin Virk addressed the Planning Commission before the vote to provide final clarifications. She noted that earlier comments referenced a CEQA exemption and stated for the record that the project also relied on the common-sense exemption under CEQA Guidelines Section 15061(b)(3), as mentioned during staff's presentation. She then requested confirmation from staff regarding the Condition of Approval associated with SJCOG.

Director Jolley explained that the original condition language had been provided directly by SJCOG, and staff worked with SJCOG earlier in the day to clarify its intent. She stated that the condition was meant to ensure future property owners were aware of the requirement to comply with the habitat conservation plan and that a recorded notice on each parcel would provide that disclosure prior to issuance of building permits. She emphasized that this clarification did not add new requirements but simply ensured accurate notification to future buyers and consistency with SJCOG's direction.

FIRST MOTION:

It was moved (Ruhstaller) to approve application PA-2500240. No second on the motion. Motion failed.

SECOND MOTION:

It was moved, seconded (Rhodes / Sangha) and failed by a vote (2-1) to:

1. Deny the application for Administrative Use Permit No. PA-2500240.

VOTE:

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

Directors Report:

Director Jolley informed the Commission that the text amendment establishing updated warehouse and industrial policies had been approved by the Board of Supervisors consistent with the Commission's prior recommendation. She noted that the next Planning Commission meeting would be held on August 6th and would include a variance, a subdivision, and the return of the Manteca Sportsman Club item. Director Jolley added that the August 20th meeting would include a cleanup General Plan Amendment, with only one item scheduled for that date.

The meeting adjourned at 8:20 P.M.

Donald Ruhstaller, Chair

Jennifer Jolley, Secretary