

**CITY OF CERES  
PLANNING COMMISSION  
SPECIAL MEETING  
MINUTES**

**April 30, 2018**

**MEETING CALLED TO ORDER:** 6:00 p.m.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Vice-Chairperson Condit.

**ROLL CALL:**

**PRESENT:** Commissioners: Del Nero, Johnson, Kachel, Vice-Chairperson Condit

**ABSENT:** Chairperson Smith

**ALSO PRESENT:** Director of Community Development Tom Westbrook, City Manager Toby Wells, Director of Engineering Services/City Engineer Daryl Jordan, Senior Planner James Michaels, Planning Consultant, Marjorie Blom, City Attorney Robin Baral, Katharine Pan Associate Dyett & Bhatia, Kathrin Tellez Principal, Fehr & Peers, Administrative Secretary/Deputy City Clerk Ann Montgomery

**CONFLICT OF INTEREST DECLARATION:**

None

**CITIZEN COMMUNICATIONS:**

None

**CONSENT CALENDAR:**

1. Clerk's Report of Posting. The Agenda for the special meeting of the Planning Commission of April 30, 2018 was posted on April 25, 2018.

**ACTION:** It was moved by Commissioner Kachel; seconded by Commissioner Del Nero to approve the Consent Calendar. Motion passed by the following vote:

**AYES:** Commissioners Del Nero, Johnson, Kachel, Vice-Chairperson Condit

**NOES:** None

**ABSENT:** Chairperson Smith

## **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR**

None

### **PUBLIC HEARINGS:**

2. Adopt Planning Commission Resolution No. 2018-13, recommending to the City Council Adoption of the 2035 General Plan Update; Certification of an Environmental Impact Report (SCH #2017052063); Approve the Findings of Fact and Statement of Overriding Considerations Pursuant to CEQA and Accept the General Plan Update Financing Strategy.

Director of Community Development, Tom Westbrook announced this is an exciting day for the City of Ceres. As the Commission may recall, most of you were on the Commission when this process started a short two and half years ago. Now we're nearing the completion of this effort, with the Planning Commission meeting this evening followed by the City Council meeting in a couple of weeks. Once the adoption of the General Plan is complete, then we'll be rolling into some of the implementation measures associated with that General Plan.

Mr. Westbrook remarked that there are a couple of things he wanted to bring to the Commission's attention, that the Commission will be asked to do this evening. As the Commission may recall, during our Public Outreach process, there was a lot of discussion about Faith Home Road. In some of the first iterations of the alternative, there was a concept that had industrial along Faith Home Road that was not selected. But, in addition to the Faith Home Road corridor, there's a classification. So, the existing General Plan shows the classification of Faith Home Road as an expressway, which is six lanes that is consistent with the City of Modesto's General Plan and Stanislaus County's, in addition to the StanCOG's Regional Transportation Plan. During our Public Outreach Process, we heard loud and clear from some of the folks that participated, that they did not desire a six-lane facility. So, through the Environmental Impact Report Process we analyzed the facility as a six-lane as it shows in the existing General Plan, but also the four-lane facility, whether that be an arterial or a four-lane expressway. But regardless, still a four-lane facility.

Mr. Westbrook continued; one of the things staff will be asking for the Planning Commission's recommendation tonight is to leave that Faith Home Road as an existing six-lane expressway, or to reduce that standard to a four-lane arterial. We do have Kathrin Tellez of Fehr & Peers. Kathrin was fortunate enough to do the analysis for us of the traffic for the EIR, and so she is available to answer any direct question as it relates to Faith Home Road.

Mr. Westbrook also wanted to make the Commission aware of a couple of letters that staff received after we published the staff report. One was from Patricia Cousins and the second was from Stella Coakley. Both of those had been provided to the Planning Commission when we received them via email. The last letter staff received late this afternoon, is from Try Us Transportation. A copy of that letter is provided at the dais this evening. Essentially, Try Us Transportation owns a property at the southeast corner of Roeding Road and McGee Road. They had withdrawn their land use request for a General Plan designation of Light Industrial and so our final Environmental Impact Report responded to comments staff had received specific to that piece of property,

noting that it was changing to Low-density Residential. So, when you see the Final Environmental Impact Report, that's how we referenced it. The revised map also shows that as Low-density Residential. The letter staff received today is kind of a reconsideration. Try Us Transportation is suggesting no; they don't want the preference of Low-density Residential. They would like it to go back to that Light Industrial designation. So those are the two items: the Faith Home Road classification, and Try Us Transportation. Both of these are recommendations to the Council. Ultimately, the Council will make the decision on the classification of Faith Home Road, in addition to this request to go back to the Light Industrial that had been studied in the Environmental Impact Report.

Mr. Westbrook welcomed Robin Baral from Churchwell White. He's sitting in today for attorney services, noting that he was the one who reviewed all the Environmental Impact Reports and so forth, so he's very familiar with document we are discussing today. Mr. Westbrook also welcomed Kathrin Tellez with Fehr & Peers and Katharine Pan with Dyett & Bhatia. Katharine Pan will be giving a short PowerPoint presentation. At the conclusion of that, staff will answer any questions that the Commission may have. Then we will open the Public Hearing to the public and listen to their input.

Katharine Pan, Associate, Dyett & Bhatia stated that she has been working on this project since it started in the fall of 2015. Ms. Pan explained that she will provide a PowerPoint presentation with an overview of where we are today, the steps we've taken to get here, touch on some of the items that are being reviewed this evening, and then be available for any questions before we move onto Public Comment.

Ms. Pan reviewed the timeline, noting that when we started back in 2015, we started with Issue Identification and Visioning Exercises as well as background studies. So that gave us our community vision that the General Plan is based on as well as some of that background research in the Existing Conditions Report that some of you may have reviewed, that gave us some meat for the policies. We also went through an Alternatives Evaluation, where we selected a Preferred Plan, drafted the General Plan which came out in October of last year. Then this past winter and early spring, we've been working on the Environmental Review, which we'll be going over today. Then, right now we're in the Review and Adoption process.

Ms. Pan continued; a quick refresher on our Public Participation Program. It was very important to the City and very important to the consultants, Dyett & Bhatia that we were working with input from the community in order to build this Draft General Plan. Some of the ways that we kept the community informed of the process were: project website, we had some newsletters that went out to update people on the process, and also opened up Planning Commission and City Council Study Sessions to go over some of the materials that we were working on. The City also sent out a number of email blasts to let people know when there were meetings coming up or when projects were released on the website. Everything that is available in the agenda today that we're touching on is also available on the website for anyone to download and review. It was also important to us to reach out to people to find out what their preference is, what their experience is and what some of their concerns were. So these were actual events where we went out and we had stakeholder interviews, visioning workshop, alternatives workshop, staff presentations; staff went out to community organizations and gave them an overview of the General Plan process. We had a community wide survey, showed up at the Street Faire, and recently had an Open House for the Draft General Plan and EIR to hear more

about what people were thinking as they reviewed these items. Also, a number of these events allowed us to incorporate feedback into the actual documents themselves.

The Draft General Plan – Ms. Pan commented that she is not going to go into a lot of detail on this, but provide a quick reminder of where we are. The Public Review Draft was released in October of 2017. The Planning Commission and City Council went over the document at a Study Session in late October. We recently gave the public an opportunity to come out and ask questions and provide some feedback at the Open House in March.

We've been likening this document to a constitution for a local development. It includes policies, outlines goals and other implementation actions to address issues of land use, conservation, open space, circulation, noise, safety and environmental justices. Those are all required by state law, as well as economic development, which is one of those issues that is important to the community. It's an optional element that we are including.

As a reminder, the six elements that those policies are broken into are: Land Use and Community Design, Transportation and Circulation, Agricultural and Natural Resources, Health and Safety, Public Facilities and Services, and Economic and Community Development. The Housing Element, as we've been saying, is not included in this particular project because it is on a separate adoption schedule. It was recently adopted in 2016. There's also an Appendix included in the Draft General Plan that includes some Implementation Actions and those are more specific, department targeted, timeline specific actions that can take place in order to implement the policies of the Draft General Plan.

Current Draft of the Land Use Map – This may differ a little bit from what is in the actual Draft General Plan on the website, in that there are a few land use changes that came out of the October 30<sup>th</sup> Joint City Council/Planning Commission meeting that are now reflected here. Also, that Roeding Road parcel that Mr. Westbrook had mentioned has been removed based on the response to the EIR.

Ms. Pan continued; another item that the Commission has is the document that shows some recommended changes to the Draft General Plan. These are the recommendations that came out of Dyett & Bhatia's review of the policies as we were working on the EIR and looking through public comments, so we have some minor corrections, some additional policies that are specifically to reduce environmental impact, and then also a few revisions that were suggested by EPS as they were writing the Financial Strategy and also some revisions that came out of some comments that were received during the EIR process.

The Draft General Plan Financing Strategy was prepared by EPS summarizes the type of infrastructure investment identified during the General Plan Update along with some preliminary cost estimates. So these are things that West Yost and Fehr & Peers helped Dyett & Bhatia prepare, factoring the drafting of the policies. Some of the costs that we're looking at in this document are utilities, water, wastewater, storm water, and then also transportation and some other items like streetscape parking, public space, public facilities, parks, recreational facilities and things like that. The document gives kind of an overall financing framework, how to approach a couple of different tiers of funding versus benefits, so regional versus citywide versus specific plan area. It also identifies some potential financing mechanisms for those, and reviews and summarizes some of the

principals and policies that are in the Draft General Plan that could result in some capital investments. It targets those and gives the City suggestions for how to implement them. That is also being included and is available on the website as well.

Environmental Review Process – Ms. Pan explained that this is the CEQA (California Environmental Quality Act) process that we went through. We put out the Notice of Preparation of the EIR back in May of 2017. Then that was followed by a 30-day scoping period. During that scoping period we had a meeting here where we received some comments on issues that members of the public and other agencies thought were important for us to address in the EIR. Those were all taken under consideration as we drafted the Draft EIR. During the Environmental Review process, we went and looked at a number of issue areas under CEQA and published the Draft EIR in February of this year. Then we had another opportunity for public comment; that was the 48-day public comment period where we received a total of 11 letters, and then drafted the Final EIR, which is a response to comments and also any revisions to the EIR based on those comments. Currently we're in the Public Hearing phase, and then the next step after this would be the City Council certifying the EIR.

The Draft EIR is the longer more detailed document that's available. It covers these 14 topics under CEQA. There were a few that we didn't need to go over, such as Forestry and Mining Resources or Mineral Resources because those are not currently of issue in this planning area. It also goes over alternatives, cumulative impacts, stress inducing impacts and significant irreversible environmental change.

The Final EIR was released recently. This includes all comments made during the public comment period, plus the City's written responses to those comments. And, it lists revisions to the Draft EIR that were made in response to those comments. None of the information that was added to the Draft EIR, under the Final EIR, resulted in the identification of neuro-significant impacts. So this means that we don't need to recirculate the EIR. Ms. Pan pointed out that the Final EIR is a very thin document. It incorporates and revises the full Draft EIR.

Ms. Pan advised that when the City Council goes to certify the Final EIR, they will effectively be saying that they believe that it has been completed in compliance with CEQA, it was presented to City Council and they reviewed it, and that the Final EIR reflects the City Council's independent judgment and analysis of the project.

Ms. Pan explained that after a Final EIR is certified, but before adoption of the General Plan can take place, the City has to do two things for it to make written findings for any significant impact that was identified in the certified EIR. It also has to make a statement of Overriding Considerations regarding any specific reasons to support the action despite those impacts.

The Findings simply state that there are significant impacts found under agricultural resources, air quality, hazards and hazardous materials, land use, population and housing, noise and transportation and these are presented along with the Statement of Overriding Considerations, which pretty much just state that even though the City understands that there could be potential significant impacts, that when in balance with the potential benefits of the project, the impacts are considered acceptable. The benefits of the Statement of Overriding Considerations identifies specifically that the General Plan as written, would help implement the Community Vision and Guiding

Principles, facilitate the long term agricultural preservation in the region and promote a balance of housing services and employment opportunities in the community.

One more thing is that remaining policy question that Mr. Westbrook was talking about; the Faith Home Road question. Ms. Pan explained that the Draft General Plan shows that facility as a six-lane expressway, so that's how it's classified in the Draft General Plan and it's based on StanCOG's Regional Transportation Plan. The EIR took the time to analyze both a four-lane and a six-lane configuration of that facility. So, in the EIR, the six-lane expressway; that circulation system would allow for 13 study segments that Fehr & Peers studied to be operating at a sufficient (LOS) Level of Service. The four-lane arterial configuration would increase that by two. One thing that staff wanted to make clear is that it's not really possible to keep it as a two-lane road in the long term, so their recommendation is that it be reclassified as a four-lane in the Draft General Plan.

Ms. Pan stated that she is happy to respond to any questions at this time.

### Commission Discussion

Vice-Chairperson Condit remarked that the Plan touches on Public Safety a little bit, and he'd like to start with the service ratios. In the Plan, we suggest a service ratio of 1.3 police officers per 1,000 residents. He asked if we're suggesting that or are we making that a goal for the City.

Ms. Pan asked for clarification regarding which of the policies specifically he is referencing.

Vice-Chairperson Condit clarified that it was in Policy 6.J.1.

Ms. Pan responded in that case, it would be stated as a goal for the City, or at least for something like that, it would be at least a minimum guideline for that.

Mr. Condit stated that he didn't really see any implementation strategies along with that goal, and asked, do we not need to have implementation strategies for all of those.

Ms. Pan responded that we don't need to have implementation strategies for everything. There are some that specifically lent themselves to it either because have there were actions that got carried over from the previous General Plan or there were some things that we were very clearly aware of, that could be taken. If you have any recommendations for implementation actions that you would like to see, we can incorporate those before this goes before the City Council. So, not everything does have an implementation action associated with it.

Mr. Westbrook added, for the Commission's edification, both Police and Fire on a periodic basis do staffing plans, so they come up with numbers that they need to provide the level of service appropriate for the City.

Vice-Chairperson Condit inquired about response times, stating he was kind of confused because Police said they didn't have an average response time, except for the highest priority call, but then we're going to measure all their response times. He stated that he just didn't understand the correlation there and asked if we're just measuring the highest priority or measuring all the calls.

Ms. Pan explained she'd have to see the text of that policy, but she thinks what might have been the intention of that; so the City Police Department does not currently have the response time standards for general calls. That was something that was identified in order to make the analysis in the EIR, but it could be that when Dyett & Bhatia were writing the policies it was an interest to establish a service standard. So, in that case, even if it doesn't exist now, if it's in a policy stating that it will be done, that is an operation for the future.

Vice-Chairperson Condit clarified that we're going to establish a response time standard.

Vice-Chairperson Condit continued, the Fire Standard he thought was a little low; it was 9 minutes to a call.

City Manager Wells explained that Fire Standards are changing pretty dramatically, and it depends on the call type. So, a 9-minute response is relative to emergency services. That really ties in with what the ambulance standard is, and that's a different number across the board. Fire Service, an actual fire call is a different response. And, what we reflect in this document is a significant change regionally relative to what we call MCS. Modesto, Ceres and Stanislaus Consolidated, which is essence "Boundary Drop," was the old phrase, but resource sharing, i.e., the closest engine responds, and especially on a structure fire, the closest responding engine is what gets there and that allows us to adjust what's called the run card, which is the automatic dispatch, which allows you as soon as a reported working structure fire, you're automatically getting the resources that you need to dispatch to that call without any questions. So, writing that into a General Plan document is rather too prescriptive at this point in time, relative to overall staffing plans that come after it. That is a more reflective document to use so that we can adjust according to the changes that are occurring in the Fire Service which is happening relatively rapidly in the grand scheme of things as those change. This is very different than what was in the last General Plan.

Vice-Chairperson Condit inquired about Emergency Services.

Mr. Wells asked Vice-Chair Condit to clarify what he means by Emergency Services; Police.

Vice-Chairperson Condit replied, heart attack.

Mr. Wells stated that would be an EMS. That is the Universal Standard for the ambulance response.

Vice-Chairperson Condit asked, 9 minutes.

Mr. Wells responded yes. Ninety percent of the calls are within 9 minutes. It depends on the contract. So again, we do not respond to the ambulance side because that is a County contract. Now we're really getting into the weeds, in terms of how those contracts are written on that side. That is a contract technically between Mountain Valley EMS and the ambulance provider, which is currently AMR. So, the way our document is written is consistent with those documents, but will likely change. From a heart attack perspective, very low overall call volume, but generally speaking, CPR within two minutes is what you need to provide. And that is an impossible standard for

any public agency to provide, which is why most people are going to defibrillators and moving towards other devices to provide that level of care.

Vice-Chairperson Condit inquired about the Crime Prevention Environmental Design; is that in our Design Standards because that was only mentioned in that Public Safety portion.

Ms. Pan asked if that was the Design Standards in the early part of the document.

Mr. Condit replied yes.

Ms. Pan explained that she is going to have to take a look.

Mr. Westbrook explained that the Crime Prevention through Environmental Design is kind of a police standard. And so what happens when we get our normal processes through a development application, is that they're routed to our Police Department, so that they can address any projects with whatever type of designs they want so that there's nothing specific that's included in the General Plan. That's just a police function that the department does for development applications within the City.

Mr. Wells remarked that some of those examples would be having a park and having residences face the park versus back the park. Those are the types of things that are pretty much standard in designs today that 20 years ago, people weren't thinking about. When you site a local development, ensuring there's no black and dark corners, of that, knowing access points that people can't see. Those are the environmental designs functions that are pretty much regularly instituted as part of any design review now. And, in essence this document, referencing it, is consistent with what we're already doing. It just wasn't in our previous General Plan and so now it's providing an overall framework. These are kind of in essence standards that exist today.

Vice-Chairperson Condit stated that he wanted to talk a little bit about the Green Belt between Hughson and Ceres, and the implementation strategies moving forward with that. He inquired if we were looking at that shotgun type approach with the 4/5<sup>th</sup>s vote for the Council to reverse that.

Mr. Westbrook commented that he thinks once we get through the adoption of the General Plan, and he thinks staff's intent is to bring back, and the Commission probably noticed in the implementation in the Appendix, there are a lot of items. Some are one to three years; some are three to five; some are five to ten years. And he thinks that what our desire is, is to bring back to both the Planning Commission for recommendation to the Council, some of those items that we'd maybe like to put a little higher on the list to give some weight to. Ones that we know we need to do, that we won't wait for Council or Commission direction on, are our Zoning Code Update and our Public Facilities Fee Nexus Study, which is going to talk about what future development would pay. Those are the two things that we'll get started on right away. But, there are a number of items, including the Green Belt, which obviously requires a discussion with the City of Hughson and Stanislaus County. And, if there's a high desire and priority to start those discussions and efforts, then we can do so.

Vice-Chairperson Condit stated that's a good Segway to prioritizing infill. One of our policies was prioritize growth in the Sphere of Influence. He asked, why not in the City limits instead of the Sphere of Influence.

Ms. Pan explained that most of the areas for infill are within City limits, so it's actually mostly in the center part.

Vice-Chairperson Condit asked, so most of the infill isn't in the Sphere of Influence; it's in the City limits.

Ms. Pan responded yes, noting that the idea of infill is where there is already development, that's where you want to prioritize any future development to preserve any open space areas or areas that are kind of not yet fully developed. Those areas are mostly in the city already.

Mr. Westbrook stated that the other part of that really gets to the discussion we just had regarding the Public Facility Fee Update Program because through that the City can consider prioritizing or incentivizing infill development by maybe having a different Fee Schedule because there are different services that need to be provided. So that's really where you talk about, well maybe there are portions of town that pay less in their public facility fees because sewer and water services are already provided versus the green fill development where something may have to be extended. So, he thinks that you really can have some of that discussion when you talk about the public facility fee update itself.

Mr. Wells remarked, as an example, when Livermore went through this process in a previously life, they wanted to encourage residential development in their downtown. So they structured their fee program on a per bedroom count for their impact. The same for fee program, but if you had a one bedroom apartment, its actual traffic impact was calculated down to that level. So, you could actually really break this thing down and have a different fee schedule to apply to what's actually being built, which is very different than what our general process would be; single family or multi-family. You're really able to drill down to that next level, and you can use that to incentivize that development you're looking for by getting those overall impacts rather than called big buckets and round generalizations narrowly focused to be able to do that. Those are the types of things we can do in our Nexus Fee Study to drive in the right direction.

Ms. Pan stated that she also thinks that's a little bit of a syntax question, so where everything is prioritized infill development in the sphere of influence. It's not saying prioritize development in the Sphere of Influence over anywhere else in the County; it's just saying within the Sphere of Influence where there's development; ensure that is taking place within infill areas which is undeveloped areas.

Vice-Chairperson Condit stated that he would just rather see it within the City limits instead of within the Sphere of Influence.

Vice-Chairperson Condit continued, that brings him to the job-housing ratio. Right now we're at 0.63 jobs per household. This Plan at full build-out would get us to 1.32 jobs.

Mr. Westbrook clarified that's the estimation. That was part of some of that visioning process that we conducted a couple years ago. There's this desire to have more jobs available. What that ratio would imply at that .63 existing, that there's not enough jobs

for the residents to live in your community. So, they have to commute to places elsewhere, whether it's Modesto, Stockton or wherever. When you go the other end of the spectrum; if you get to ratio that's like 2 or higher, then what happens, you have a lot of jobs and nobody can live there because you don't have enough housing units. So, anywhere between that 1 and 2 ratio is where you want to be. The 1.32 at the full build out kind of puts us at right at that good number of having a number of jobs, but also having a balance of saying that the employees that work in our community can also live here.

Vice-Chairperson Condit asked if we know what Modesto's is or Turlock's.

Mr. Westbrook replied no.

Vice-Chairperson Condit inquired about Transportation; the fare-box recovery ratio, stating that he knows this was a big deal last year. He didn't see a strategy on how we're going to go about increasing our bus system again.

Mr. Wells explained that generally on the Transportation side, one thing we are doing at the State level right now, is that we're actually pursuing legislation to change the metric for how the fare-box ratios are calculated. We do feel so far, the first step in that process was in essence, unanimous. So, we feel we will have some progress there. Overall, we need some help from our partners at StanCOG to do that and it's probably, from a policy standpoint, it's a little lower level in the grand scheme of things, that we do feel that we can have success with StanCOG level in getting that reflected. And once we get those changes in place, it allows us to make a little different service level change for how we provide transit and operations.

Vice-Chairperson Condit asked about Faith Home Expressway. He had a question on why we have residential along the expressway.

Mr. Westbrook explained that was carried over from the existing General Plan. As the Commission may recall, when we talked about some of the alternatives, maybe capitalizing with an industrial corridor, a lot of the property owners that live within that stretch said that was not desirous, and so that was taken away. The result was just leaving it, because there are really only three land use choices: a residential, commercial or industrial. So, it just retained its existing residential designation.

Vice-Chairperson Condit remarked that he would suggest making it agriculture. If we're serious about the Green Belt, he thinks that's a good step.

Mr. Westbrook explained that agriculture wasn't analyzed in the Environmental Impact Report, so he doesn't know if it would be an issue to take that 200, 500 acres, whatever that stretch is, to change it to an agricultural use.

Vice-Chairperson Condit asked, why would it be an issue; would we have an issue there if we made that change?

Mr. Wells responded, it wasn't studied, so you're adopting a document that was studied with the land uses that are shown. So, if you make a change to the land uses, you would have to analyze whether those impacts would need to be analyzed or not. It's more of a legal question.

Vice-Chairperson Condit stated that he would suggest that we study that because we've heard from the community that they want to see more agriculture. We have in our plan to maintain a connection to agriculture, and if we're serious about the Green Belt, he thinks that's a good step, good faith to the City of Hughson to show them that we're serious.

Mr. Wells explained that the Planning Commission and City Council adopted a preferred land use alternative a year and a half ago, or two years ago, and that was never suggested by either of those bodies to be studied that way. Hence, the analysis was done on the basis of what was recommended by those two bodies and that's what's been studied. So, what you're suggesting, and again that's the prevue of the body to make a recommendation to City Council, but that was not the direction that was given previously.

Mr. Westbrook added, for the public's benefit, the General Plan Study Area shows that east side is about a half mile swath of the east side of the General Plan study area, is agriculture designation already.

Vice-Chairperson Condit agreed; right past it.

Mr. Westbrook remarked that he thinks Gilbert Road is the cutoff.

Commissioner Kachel stated that part of it is just the terms we're talking about; the agricultural land use designation of agriculture residential or whatever, and then Green Belt. He thinks part of that went into the process of when we arrived at the decision to leave the General Plan area as it is now. In other words, we didn't propose to expand our sphere or go out further. And, he thinks you can take the same argument and come to the position that we should withdraw the residential. But the other alternative at the time the plan was developed, and there was some discussion on this, he recalls, was should we expand the area, as a lot of cities' plans do. To him, at that time, when the determination was made to stay within the existing plan boundaries for lack of whatever the correct term is, he thinks that was a big step in trying to address the concerns that Mr. Condit has and some of the concerns that we got through the workshop processes. Couldn't have gone further and reduced it, yes, but then reduce the amount of development potential and designate it agricultural, yes. That would've been one way to go, which would've been even more one way, but then we could've gone the other way and expanded. So, he thinks that was part of the plan process when we defined what the plan would be, what the project would be and that's what we studied all along. He just comes from a different perspective, but he has the same concerns. But he thinks we're talking about, this is the plan for 2035 or beyond, which he probably won't be around to worry about, but Mr. Condit probably will. He thinks in the next 20 years, we struck a balance between having the potential to grow, but not to make some sort of plan which, there are some cities that at one point in time in this county, had at least some massive plans, massive spheres of influence that gobbled up huge amounts of agricultural land. This plan and the plan before it he thought were reasonable, and so that's how he looks at that topic. He sees it from the glass half full, versus the glass half empty. It's the same amount and it stays right there at Faith Home Road, is kind of the line. The decision on what Faith Home Road is designated on the General Plan is something we do have to address tonight, but as far as the land use balance, he thinks that was for him anyway, to his satisfaction. He can't speak for anyone else. It was

addressed at that time and he thinks that was what the Council was thinking, when it directed this thing to go ahead the way they did.

Commissioner Del Nero inquired about the Faith Home area. When was that made an expressway or the designation for that area?

Mr. Westbrook explained the expressway standard, at least in the City's General Plan has been in place since 1997. He's not familiar if StanCOG or the County's Plans had it prior to that.

Mr. Wells stated that he believes that in the 1990 Regional Expressway Plan, (the Regional Expressway plans are done every 10 years). He believes in 1990; that's the last one he has seen, that it was a six-lane expressway at that point in time. He knows what it was in 2000 and again in 2010. It would be due for an update on a regional plan in 2020.

### **The Public Hearing was opened at 6:41 p.m.**

- Gil Bostwick – Petrulakis Law & Advocacy, 1130 12<sup>th</sup> Street, Modesto, CA

Mr. Bostwick stated he is Petrulakis Law & Advocacy's Land Use Planning and Government Relations Manager. They represent Mr. Sake Sanghera and Try Us Transportation, noting that Mr. Sanghera could not be here tonight as he is out of the country on an extended trip.

Mr. Bostwick explained that he is here tonight to discuss the modification of the land use designation that the Planning Commission and City Council previously approved in March of 2017, to the parcel Sake Sanghera owns and the adjacent parcel his son, Suki Sanghera separately owns on Roeding Road. Mr. Bostwick stated by now he hopes that the Commission has had a chance to review the letter that was submitted today via email by Suki Sanghera. Mr. Bostwick stated that he would just like to add some additional information into the public record.

Under normal circumstances in the proceeding for certification of the EIR before you tonight, he would basically reiterate what staff did in their initial responses to comments that you can see struck out in your Final EIR, and agree with their comments that the need for more in depth study of a specific property is properly done at the time the specific project is proposed. And at that time, stakeholder meetings would be held and the concerns would be appropriately addressed for that specific project. But, tonight we do not think that this is a normal circumstance. As you may know, Suki Sanghera sent a letter to the City dated March 26<sup>th</sup>, withdrawing the request for land use designation change. Mr. Bostwick's understanding is that this letter was sent to the City following a meeting that was personally requested by one or more City officials to be held with Suki Sanghera. Attending this March 26<sup>th</sup> meeting with Suki were three City officials. City staff sent the draft language for the letter that Suki sent to him that same day and received the letter back also on that date. Subsequently, on March 29<sup>th</sup>, staff requested a revision to the letter and his client revised the letter and sent it back on March 30<sup>th</sup>. Mr. Bostwick remarked that he knows the City really wants to finalize the General Plan and the associated EIR; however the events surrounding the City obtaining the letters sent from Suki Sanghera and what he related to Mr. Bostwick of what he was told at that meeting, raises serious questions as to why and how he was pushed into a quick

decision on this matter. Mr. Bostwick supposes Mr. Sanghera could've just said no; however, apparently he was given the needed assurances by people he trusted. So much so, that he did not even think that it was necessary to call his father to confirm what he was told, nor consult with his legal counsel. Something does not add up here. The Sanghera family went through considerable effort and expense to locate land for a possible future project. Meetings were held with City officials, options discussed, presentations made at Planning Commission and City Council and so forth. While a general idea for a type of project was presented, no specific project was proposed as we agreed to let the process move forward and leave the specifics for a later date. We know that there is some opposition to the land use re-designation. We always knew that prior to submitting an actual application for a specific project, meetings would be held with staff, with affected property owners, in order to discuss the specific project and provide a vision for appropriate measures to alleviate concerns that would arise out of that project. We have no problem with that. It's all part of the land use process.

Mr. Bostwick continued, the immediate, much larger problem, and this should be of concern to all citizens, is whether you oppose this type of project or not, is the means which the City acquired the withdrawal letter from Suki Sanghera. Again, something just doesn't add up. He does not know the specifics or what went on behind scenes, but the entire situation seems odd, especially in light of all of our previous discussions with the City on the matter. It would've been easy enough to pick up the phone and coordinate a meeting with the Sanghera team and the writers of the comment letters that oppose this project, to discuss matters of concern with City staff. Even if the outcome was uncertain, it would've provided clarity and more information to all concerned parties. Even the School District comment letter speaks to collaboration with the City and the project developers. That is after their strongly worded statement regarding re-designating the parcels back as the resolution to the issue, which would meet the district's satisfaction.

It would be an understatement to say he is disappointed and disturbed by the way this whole matter has unfolded. With that, he respectfully requested that the Planning Commission do not approve the staff recommendation of sending this matter onto the Council with their approval, and instead send this back to staff for revision of the General Plan and associated EIR to conform with the originally approved land use designation for both parcels. Mr. Bostwick thanked the Commission and stated that he is available to answer any questions that he can.

- Lourdes Perez – Ceres Resident

Ms. Perez stated that having been involved in the visioning process for the General Plan Update and hearing from several community residents how important it was to not have land use designation of Light Industrial or Industrial near our schools, so she wants to thank the Planning Commission publicly for not having re-designated the land use adjacent to the Whitmore Charter parcel. Not to differ from the gentleman that just presented on his case, but she does want to voice the concern that we had, as a Board Member for the defense and also standing for the health and well-being of students, families, staff and everyone that would come onto that campus. Thank you, once again.

- Patricia Cousins – Long term resident of Roeding Road

Mrs. Cousins explained that she drives the intersection of McGee and Roeding probably daily. Today four times, she drove through that intersection. She's just appalled, but

glad that she came tonight, because she's been reassured by Mr. Westbrook and Ms. Blom when she asked who's the County Agency to whom I should be appealing this appalling situation. And then she got an email back maybe a month ago that said she should know that that's been withdrawn; and said that's no longer before the land use folk, whoever they are. It was not given a county address or anything. She believed that had been set aside, but she came tonight out of abundance of caution, believing that anything can happen. It's an appalling idea and the way it was inserted into the whole land use process that somehow having a truck stop on the corner of Roeding and McGee was part of whatever plan, 1 or 2, that was chosen as the best one, but this was tagged onto it. For all the reasons she's articulated before, it's an unusable intersection. In much of the winter last year (2016-17), it was flooded much of the time. She sent emails begging anybody thinking about allowing such a use to come and try to use that intersection; she doesn't know that anyone ever did. It's an appalling idea. She has opposed it from day 1 and she still opposes it.

- Ray Dias – Property owner at 1906 Faith Home Road

Mr. Dias stated that he has to admit he's a little more than disappointed at the unconscionable surprise letter to reinstate the request for Light Industrial on the Roeding Road parcel. He was pleased that the EIR corrections were made to recognize when they're looking at impacts to the schools, that they updated the EIR to acknowledge that the distance from this parcel to the schools should be measured to the school boundaries, not just to the centroid point of the schools. Obviously, children don't congregate only at the center point of the school; they will congregate anywhere they can within the boundaries of the school. And, that impacts from any of the activity of the Light Industrial area activities would go be to the boundaries and beyond. If the Commission looks at his previous comments, they'll see that he thought there was three schools impacted by this. He believes he read the rebuttal that there's only two schools and the third school is just beyond a quarter mile limitation. He's not aware that noise and particles impacts stop exactly at the quarter mile limit and they would probably drift over. So, he would say that three schools are still within the sphere of influence of a Light Industrial activity. He asks the Commission to continue to not approve a Light Industrial designation for that particular parcel.

Mr. Dias continued, secondly, Green Belt was discussed a bit earlier. He had previously commented on that as well, too. His question was, where would the Green Belt be. He heard earlier this evening about Gilbert Road. His suggestion on that is, if the sphere of influence goes out to Washington Road, that seemed like a more logical choice as the Commission continues their planning deliberations and discussions.

Lastly, back to Faith Home Road. Mr. Dias stated that he non-concurs, explaining that his self, as a licensed engineer, he non-concurs with his fellow engineers. That is not necessarily not possible to leave as a two-lane road. You can't make that determination until there's been a full updated plan. They're talking about the Regional Expressway Plan that's due to be updated in 2020. Maybe it can; maybe it can't; he doesn't know. But, until StanCOG and the other affected municipalities work together to make an updated, totally integrated plan of what the County needs, we don't know what we really need there. And, he doesn't think it's getting the cart before the horse to say, we need to make Faith Home Road a two-lane, four-lane or six-lane. Let's get things done in the right order before we make any conclusions. He thinks that's an important step and he asks the Commission to consider that. Thank you.

- Dan Pangrazio, Assistant Superintendent of Business Services, Ceres Unified School District

Mr. Pangrazio commented on the same topic of the parcel adjacent to Whitmore Charter School, Berryhill Campus. He is here to reassert that we stand behind the letter that the School District submitted and that letter articulates their core concern about that particular parcel. The core concerns are: air quality, hazards and hazardous materials, transportation and noise. All of those are potentials that could come with whatever that specific Light Industrial use would be. We believe this is absolutely an appropriate time to be commenting on these potential issues and so that was the nature of their significant concern on that topic. And that's what the letter states.

Mr. Pangrazio continued, our concerns are resolved and have been resolved with the revocation of the land use change to Light Industrial. So at this point, our concerns are resolved with that revocation. If that were to somehow change, then all of those core concerns would have to be revisited in detail and our position is that the potential negative impacts of the change to Light Industrial would not be acceptable to the school district.

Vice-Chairperson Condit asked Mr. Pangrazio if he believed the impact would affect three schools.

Mr. Pangrazio responded that he believes there would be impact to three schools, but the amount of significant impact to the quantity of the impact, when it comes to those core issues, his belief is that it would impact Whitmore Charter, Berryhill Campus the most, but looking at the potential impact to all three is something that, he would be open to as well. But, as our letter clearly states, our core driving concern from the District is the fact that Light Industrial in the previous consideration would be directly adjacent to the school. And as the gentleman stated a few moments ago, the students don't just play on the grass closest to the basketball court, they may play right up next to the fence, adjacent to whether it be Residential or Light Industrial or some other type of parcel.

We do believe that whenever that would potentially take place, the change to Light Industrial would be of significant concern to our stakeholders, and to students and parents in that area. He doesn't believe at all that they would want Light Industrial to be there. And that's really of the he doesn't know how many page General Plan and EIR that we combed through, that was their concern. So, to be frank with the Commission, they're not here to throw road blocks on a Light Industrial existing in Ceres, and he doesn't plan to take that approach in the future, but this is Light Industrial potentially occurring immediately adjacent to one of our campuses.

- Jeanne Knox – 4455 Roeding Road, Ceres, CA

Ms. Knox explained that her family farms, not counting the house and the buildings, just under 40 acres of orchards, actively growing. A lot of what we grow gets shipped out of the country. She drives down Roeding Road several times a day; she shops a lot in Ceres; she works west of Faith Home Road; she is uncomfortable with it being turned into a six-lane expressway. She realizes that this committee has limited impact on it and it also includes Stanislaus County's Board and a Modesto Board and such. She noted

that on Election Day, she is an Election Inspector in charge of a polling site. Usually it's near Whitmore and Faith Home Road at Valley View Christian, and frequently it's a double or triple poll. The group or section that she's responsible for covers a lot of the people that live between Faith Home Road, the East side and Washington Road from Hatch clear down to the mobile home. She counted how many addresses there are along that and it would be significantly impacted with a lot of trucks going down Faith Home Road. It would also mean that we would have to have light intersections every half mile, which would slow things down. As some of the other speakers have mentioned this evening, there's concern about the trucking parcel on Roeding, close to the canal. You already have one light industry area; you've got the Christian Church with its Day Care; you've got the school, just to the south of it. She would highly recommend that you get out one of those machines that tracks the flow of traffic on that road before any decisions are made because you might be really surprised during commute hours, how busy that area is. One thing, she would like to thank the Council and she realizes they may not have direct influence; thank you for repaving parts of Ceres. It's nice to see the paving that's being done in the City of Ceres. It's nice to see the bike trail that is on the canal that parallels Mitchell Road to the south that's now being extended down to Service Road. She sees a lot of people starting to use it more and more. It gets us out of our cars and being able to exercise nicely. Thank you very much.

**The Public Hearing was closed at 7:02 p.m.**

#### Commission Discussion

Commissioner Kachel remarked that the good news is we only have comments and what not on a couple issues he thinks the Commission really has to work their way through at this point.

Commissioner Kachel stated, in response to the Faith Home issue in general and the Try Us Transportation, Inc. situation, more specifically; he's not sure what to make of the stories about how the letters were written and then changed and then we got a change again today. Applicant meet with the City all the time, and made a decision at that time, and now has changed his mind. In the meantime, the document was put together based on that decision, which was made basically a little over a month ago. So, we have a situation where the recommendation from the staff and then the documents have been prepared and the Final EIR and the Plan itself, would be to not make any changes on Roeding, if he's correct. It's residential now, and it would remain residential?

Mr. Westbrook responded that is correct. The Final Environmental Impact Report changed that back to the Low-Density Residential designation. So that's the way the final map was completed and the revised land use diagram is shown.

Commissioner Kachel asked, so in essence what that did was took that recommendation that was made by what plans proceed, which was made by City Council and said, we're recommending, based on the analysis of the impacts, recommending that you not proceed with that particular portion of the City Council's original recommendation as opposed to, he believes the gentleman indicated, was taken out and put back. That's residential now, is what he wants to get on the record.

Mr. Westbrook confirmed yes, the revised land use diagram shows it as residential.

Commissioner Kachel clarified, so that's where we are now. The question of how the letter was done; he doesn't know how to respond to that. But, we do have an issue here. We have an applicant who has been a part of the General Plan process, as everybody had an opportunity to, said I'd like this for my property, and the City Council and some of the Planning Commission, including himself originally said that sounds like a good idea. Let's proceed with that in the Plan. He knows, as he looked at that later on personally, back in October when we had our Joint Meeting with the City Council, he made a point of saying he changed his personal position on that; was opposed to that. That was before the EIR came out, but that was just him after looking at it a little bit closer and realizing that to him, in his mind, it didn't make sense. But that's not really the point, and he's trying to gather his thoughts. He's not sure where to go with this; what the best course of action is here. We could just proceed with the staff recommendation as its put forward to us tonight, but we've got a participant in the Plan process who feels, based on the presentation we had tonight, which was not in the letter we got today, explaining there was something done which was somewhat unfair or unjust to the applicant. How do we get the best recommendation to the City Council? He guesses there are different ways of addressing this. City Council is going to have to make the decision on this, but it's the Commission's job to make a recommendation. Based on the documents that were prepared, and the letter from the School District, was very comprehensive; 8 or 9 pages long. It looked like it was written by an environmental professional, saying these are the things that you need to study if you're going to go ahead with this project. And, because the project was withdrawn, that study wasn't done. So, that leaves us in a situation; how will the City Council react to the proposed request to put this back in, after first taking it out, based on the process? He guesses what he's saying is, and even the applicant he believes indicated, saying this is a complex project. He believes he caught him saying, and correct him if he's wrong; he thinks he said, this is a complex project, and the specifics of it would need to be studied at some point in time. The question is, is this that point in time. We don't have a specific project before us, what we have is a designation of a Light Industrial and everything that that implies. And, he's not familiar enough with the City's Light Industrial Zone to know how it works, what kind of uses are allowed and which ones are not; which are discretionary and which are allowed outright. There are certainly potential impacts out there which were pointed out among other places in the letter from the School District. So, just for his own personal point of view, and his own experience, this sounds like a project, in and of itself. Everyone might be better served if this were to proceed as a separate project, separate from the General Plan Amendment that we have before us tonight. How that fits in with the City Council and how that fits in with staff's opinion, he doesn't know. That the applicant has an idea of what he wants to do with that property, he said to us when this Plan started that he'd like for us to consider that. We said yes, it sounds good, let's put it in the Plan. As the Plan as proceeded on, it's been looked at, there have been impacts identified, and maybe it's not a good idea. The Plan seems to indicate now the idea is to leave it out. That does not preclude the applicant from making an application for a General Plan Amendment and a Rezone, and a Specific Plan tomorrow or the next day or any other day. What that does though, is leave us in the "What do we do with this thing that we've got before us tonight?" Does the whole Plan sit and wait for this to be done? It seems to him there's enough indication here of potential impacts, adverse impacts from this project, both in the documents and the testimony we've heard from some of the neighbors as well, and from the schools that this has a potential to be a significant impact beyond what the EIR considers mitigated or that we can override. Those would seem to need their own specific study. He guesses

as he talks himself through this, and asked that we please bear with him; maybe he needs to stop there and see what anybody else has to say on this.

Mr. Westbrook asked if he might weigh in a little bit and bring some perspective. This property is not in the City Limits; it's in Stanislaus County. For example, if the Planning Commission moved forward, left it as a Low-Density Residential, the City Council moved forward and kept it Low-Density Residential, and then as Commissioner Kachel mentioned, if somebody had a desire to develop a project on this site and it was industrial in nature; one, they would need a General Plan Amendment through the City of Ceres, but two, they would need development applications through Stanislaus County, which would do the analysis of the impact of what that would have. The request, while we're going through the General Plan process eliminates that need to do an amendment. So, for property owners that desire, and there were about a half a dozen throughout our 14,000 acre General Plan Study Area, that said we would like some reconsideration. Whether this moves forward as an Industrial or Light Industrial or Low-Density Residential, there's just two distinguishing points. If its Light Industrial designation, then it would be consistent with the City's General Plan, and they would just need County approvals for the project because it's not in the City limits, it's not close to the City limits; it's not even within the primary sphere of influence. So the expectation that it would develop in the City is extremely remote. If it had the Low-Density designation, as shown in the Final EIR, then there would be that additional step of a City process. And so, the request, at this point in time from the applicant to reinsert that in as Light Industrial just eliminates a step at some point in time in the future, if they were to develop it as a Light Industrial project; if that helps.

Commissioner Kachel remarked, yes, it does. Thank you.

Commissioner Del Nero asked, so that he can understand it. If it came before this body, we could say no.

Mr. Westbrook explained that if the map you see today is adopted by the Planning Commission and the City Council, that property would have a designation in on the Ceres General Plan as Low-Density Residential. If somebody came and said I want to develop an industrial use on this property, then there would be an application process through the City of Ceres that would be a public hearing, and yes, it would be presented to not only to the Planning Commission, but the City Council, who would both have to say at that time they want it to be Light Industrial before anything can proceed in the County.

Commissioner Kachel remarked, so the project would actually proceed through the County, regardless. We don't see annexations in the near future out there.

Mr. Westbrook stated the property is not within the primary sphere of influence. The primary sphere of influence is not being adjusted with this General Plan Update, just like the boundaries weren't adjusted. It's not within the primary sphere of influence. It's not contiguous to the City limits. So, it would take a lot of work before any parcel at this location could be annexed into the City.

Commissioner Kachel inquired, as far as Faith Home Road is concerned, Mr. Dias mentioned it; he thought it was premature to make any kind of designation, whether it be two, four or six lanes. Well, that's one way to look at it. On the other hand, it's already

designated for six lanes now. And, he believes the staff's recommendation is to change that from six to four. So, he's not sure which one makes the people happier, one way or another, but to him, he doesn't see that being a six-lane expressway at any point in the future, whether it be his or Mr. Condit's or anybody else's long-term future, whether it's a collector or major, or he doesn't know yet. But, he supports the recommendation at this point to remove the expressway designation, and our EIR allows us to go either way with this, and designate it to a four-lane road in the future instead of a six, which at least gets one of the three options off the table going forward into 2020 when the Regional Plan would be done in conjunction with the City of Modesto and the County and with the Planning Agency of StanCOG. To him, having two future potentialities, of staying like it is. It's going to stay like it is until somebody goes out to develop it there anyway. City doesn't really do its own development. That has to come from the land owners that want to build along its route for the most part. It's rare to build a road all by itself or build one in the north part of the County, he guesses, but that's been in the works for 20 or 30 years now. It still isn't done. From his perspective, he agrees that the six lane is not realistic at this point in time, so he's going to recommend we go with the staff recommendation to go with a four lane road, which to him, at least is a step in the direction of making it more realistic based on what the long-term future seems to be, which is what we're up here to do. That's all he has.

Vice-Chairperson Condit inquired that we have four actions; correct. The EIR, CEQA, the Adopted 2035 General Plan and the General Plan Update Financing Strategies.

Deputy City Clerk Montgomery confirmed and explained that all four can be voted on with the one Resolution that is included in the packet.

Mr. Westbrook added that the only thing that we would need would be direction on the Faith Home Road included in the motion.

Vice-Chairperson Condit asked, with the General Plan Update, is that where we make the recommendation for four lanes?

Mr. Westbrook replied that can be made with the motion, when the Commission adopts that Resolution.

Vice-Chairperson Condit remarked that it says revisions in here; can we revise the map in that? He asked if he was reading that correctly.

Mr. Westbrook replied, yes, it would be recommendation.

Commissioner Kachel stated that based on everything we've heard tonight, based on the documents we've had before us, and he does want to complement everyone involved with putting these documents together; and he's said this before and he'll say it again, this has been an outstanding process. It's been about 2 and half years since it started, and the amount of community outreach that was done was immense. He thought we got great response and he thinks the fact that we don't have a lot of people here tonight, speaks very highly of the success of the process which we followed. In other words, people were satisfied. If they're happy, they don't show up. If they were unhappy, they'd be showing up. So, he thinks we have listened to the community, taken into account what they wanted; what the process has brought out as far as goals and policies

for the future of Ceres, and with all that as background, including our discussion tonight on the topics we've had tonight, he will make the following recommendation:

**ACTION:** It was moved by Commissioner Kachel; seconded by Commissioner Del Nero to:

- 1) Certify the Environmental Impact Report (EIR – SCH #2017052063) prepared for the proposed 2035 General Plan Update pursuant to CEQA Guidelines Section 15090
- 2) Adopt the proposed Findings of Fact and Statement of Overriding Considerations, pursuant to CEQA Guidelines Sections 15091 and 15093
- 3) Adopt the 2035 General Plan Update, including a recommendation that Faith Home Road be designated as a four-lane road in the Transportation Circulation Element, Tax Maps and anywhere else in the Plan that are needed to insert for general consistency with that four-lane designation, thereby removing the six-lane designation
- 4) Accept the General Plan Update Financing Strategy

Motion passed by the following vote:

**AYES:** Commissioners Kachel, Del Nero, Johnson  
**NOES:** Vice-Chairperson Condit  
**ABSENT:** Chairperson Smith

**NEW BUSINESS:**

None

**PUBLIC MEETING(S):**

None

**UNFINISHED BUSINESS:**

None

**MATTERS INITIATED BY PLANNING COMMISSION AND STAFF**

None

**REPORTS:**

Director of Community Development, Tom Westbrook announced:

- Ceres Street Faire this Saturday and Sunday, May 5<sup>th</sup> and 6<sup>th</sup>. The parade starts at 10 a.m. and hope to see you all there.

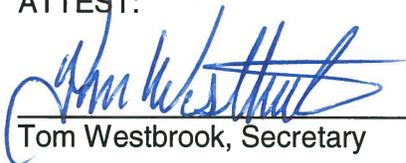
**ADJOURNMENT:**

The Commission adjourned at 7:20 p.m. to the next regularly scheduled meeting of Monday, May 7, 2018.

APPROVED:

  
\_\_\_\_\_  
Couper Condit, Vice-Chairperson

ATTEST:

  
\_\_\_\_\_  
Tom Westbrook, Secretary

I:\PLANNING\DEPT\PLANNING\PC\Minutes\2018\4-30-18 draft.doc