

**CITY OF LOS BANOS
PLANNING COMMISSION REGULAR MEETING MINUTES
JUNE 28, 2017**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Vice Chairperson McCoy called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was led by Commissioner Jones.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members David Dees, Brett Jones, Erik Limon, and Palmer McCoy; John Cates, Refugio Llamas, and Susan Toscano absent.

STAFF MEMBERS PRESENT: Community & Economic Development Director Elms and Deputy City Clerk/Administrative Clerk I Sara Huff.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Limon, seconded by Dees to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Llamas, and Toscano absent.

CONSIDERATION OF APPROVAL OF THE ACTION MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING OF JUNE 14, 2017. Motion by Dees, seconded by Jones to approve the minutes as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Llamas, and Toscano absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Vice Chairperson McCoy opened the public forum. No one came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER A RECOMMENDATION TO THE LOS BANOS CITY COUNCIL REGARDING THE LOS BANOS GENERAL PLAN LAND RESOURCES AMENDMENT AND DRAFT SUBSEQUENT EIR (SCH #2016051033) (CONTINUE TO JULY 12, 2017).

Community & Economic Development Director Elms requested that the Planning Commission open the public hearing and continue it until July 12, 2017 so that staff has time to provide responses to the two comment letters that were received from Local Agency Formation Commission (LAFCO) and the Merced County Farm Bureau regarding the Subsequent Environmental Impact Report that was circulated.

Commissioner Dees asked what the comments were regarding for which Community & Economic Development Director Elms stated that, in general, both letters referred to Ag Mitigation.

Vice Chairperson McCoy opened the Public Hearing. BREANNE RAMOS, Executive Director of the Merced County Farm Bureau, spoke of representing approximately 1,200 ranchers, farmers, and dairy families throughout the county, spoke of her concerns about the acreage increase of this item, how the increase in acreage would be imposing on beneficial farm land that has been there for many years and is quickly diminishing at an astonishing rate, how she is requesting correct mitigation regarding this proposal, how there are concerns over water as the grounds are currently serviced by the Central California Irrigation District (CCID), once the land is annexed it will be removed from their service area, inquired how the City will derive water for this expansion, spoke to the accessibility of the water for farm lands and the growing population with strict regulations in place, stated the Merced County Farm Bureau would be more than willing to sit down and discuss the issues at hand more in depth, and thanked the Commissioners for their time.

Motion by Limon seconded by Dees to continue the Public Hearing – to Consider a Recommendation to the Los Banos City Council Regarding the Los Banos General Plan Land Resources Amendment and Draft Subsequent EIR (SCH #2016051033) to the Planning Commission meeting on July 12, 2017. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Llamas, and Toscano absent.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT.

Community & Economic Development Director Elms stated that next Monday, July 1, 2017, the new Associate Planner will be starting employment with the City, spoke of how staff has been reorganizing the offices and getting things ready to accommodate him, spoke of how the downturn in the economy caused a larger department to shrink down to a very small department, spoke of being excited to introduce him at the next Planning Commission meeting, spoke of how the Redevelopment Agency's files and projects got absorbed by the Planning and Economic Development Departments so there has been a lot of work finding homes for things, how there are already projects lined up for him to work on, spoke of an interview she did with ABC Action News Channel 30 in which she is glad they interviewed different businesses as well, and how they did a good job at highlighting economic development in Los Banos.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Absent.

DEES: Spoke to the public hearing that will take place at the next meeting and how he has concerns, how he feels he is completely uneducated on the subject but is looking forward to learning more about it so that the Commission is able to make the right decision.

Community & Economic Development Director Elms said the staff report should put him at ease and that her door is always open for further discussion on the item.

Commissioner Dees spoke of how his understanding is that the boundaries of the City will be expanded, being sure the development fees will be discussed, looking forward to learning more about it, and his appreciation for Community & Economic Development Director Elms for extending extra discussion on the subject.

JONES: No report.

LIMON: No report.

LLAMAS: Absent.

McCOY: Spoke of a previous statement made about the 99 Cents Only Store and their shopping carts, how he went back and reviewed minutes for that item and believes there was a misunderstanding on the cart situation and his understanding is that there was a miscommunication on how the issue was to be fixed, spoke of how the original plan for this location that was submitted was supposed to include how the carts were to be maintained in the lot and inside the building, how he thought those issues were to be addressed in the plan that was submitted, his opinion being that the Commission approved that item based on that assumption, how this was one of the first approvals of a project of that sort so it was a learning experience, how he doesn't want Community & Economic Development Director Elms to think that he's picking at the subject but he wants to require these types of things in the Conditions of Approval, how these are the types of issues that the City is trying to avoid happening around town, and asked if this store has received a Certificate of Occupancy.

Community & Economic Development Director Elms confirmed that they did receive their Certificate of Occupancy.

Commissioner McCoy spoke to the fact that he went to the new Save Mart location for the first time and saw where the carts were and how it doesn't look bad, but he wants to make sure that isn't the end of the cart storage situation.

Community & Economic Development Director Elms explained that they originally wanted the carts to be in the vestibule and how the architect explained there would be no room but that they agree to add screening, how the locking mechanisms need to be further implemented according to the Conditions of Approval, how the City didn't want

them to not open the new location based off of that alone, and stated that they do not have their final occupancy as they have not met all of their Conditions of Approval.

Commissioner Dees spoke of concerns he has heard from several people regarding no immediate access to the store off of Pacheco Boulevard.

Community & Economic Development Director Elms spoke to how there are a couple agencies involved in this issue including Caltrans and the Union Pacific Railroad, how the rail trail is still currently owned by the Union Pacific Railroad and how the City is the middle man in trying to get an agreement based on this situation, how she hopes there will be something coming into play soon as the City has been working on an agreement with them and has been making progress to where they will allow that driveway to occur, how the property owner wasn't able to get any financing for this driveway to occur on a piece of property that he doesn't own, how the City has gotten involved and is trying to get the Union Pacific Railroad to understand that this piece of property has no value, how the City owns both sides of the rail line and is trying to explain to the Union Pacific Railroad that there are no developable opportunities for that particular section that the City doesn't own.

Commissioner Dees spoke to the fact that PG&E has been discussing an increase in power to the City and wants to know if there were any updates for which Community & Economic Development Director Elms said they have not received any updates on this particular issue.

Commissioner McCoy spoke to the Hostetler sign being run on a generator and asked how long that will last for which Community & Economic Development Director Elms stated that is a temporary fix until there is nearby development.

Commissioner McCoy asked if there is a reason why the Union Pacific Railroad won't sell that portion of land to the City for which Community & Economic Development Director Elms said it is a very high priced ledger and there is no way that the City will pay that amount.

TOSCANO: Absent.

ADJOURNMENT: The meeting was adjourned at the hour of 7:20 p.m.

APPROVED:

/s/ John Cates
John Cates, Chairperson

ATTEST:

/s/ Sandra Benetti
Sandra Benetti, Planning Technician