

**CITY OF CERES  
PLANNING COMMISSION  
MEETING MINUTES  
September 3, 2019**

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

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Chairperson Condit.

**ROLL CALL:**

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

**ABSENT:** Commissioner Smith

**ALSO PRESENT:** Director of Community Development Tom Westbrook, City Manager Toby Wells, Director of Engineering Services/City Engineer Daniel Padilla, City Attorney Kerry Fuller, Senior Planner James Michaels, Administrative Secretary Ann Montgomery

**CONFLICT OF INTEREST DECLARATION:**

None

**CITIZEN COMMUNICATIONS:**

None

**CONSENT CALENDAR:**

1. Clerk's Report of Posting. The Agenda for the regular meeting of the Planning Commission of September 3, 2019 was posted on August 29, 2019.
2. Approval of Minutes
  - a. August 19, 2019 (all present)

**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, Chairperson Condit

**NOES:** None

**ABSENT:** Commissioner Smith

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

None

### **PUBLIC HEARINGS:**

*(continued from the August 19, 2019 Planning Commission Meeting)*

3. Conditional Use Permit (CUP) 19-16/Development Agreement (DA) 19-17; Proposal to allow for a laboratory operation for the testing of cannabis related products located at 2909 McKittrick Court. Tri Valley Labs, Inc., applicant.

City Manager, Toby Wells presented the staff report. Mr. Wells apologized for the delay in presenting this item to the Commission, explaining he had hoped to present it at the last meeting, but was working out final details in the Development Agreement with the City Attorney. Mr. Wells provided a brief background on cannabis in Ceres and the applicant, Mr. Cueto's plans for a testing facility, leading up to where we are today.

Brief Commission discussion ensued.

#### **The Public Hearing was opened at 6:10 p.m.**

- Hiram Cueto, Tri Valley Labs, Inc.

Mr. Cueto explained his proposed project, noting that he's a chemist; moved to Ceres in 1990, and has actually ran an environmental testing lab in Ceres for the past 22 years. In 2016, when recreational cannabis was approved by the state, he decided to move to cannabis testing. He closed his lab last August and took advantage of an opportunity to learn about cannabis testing, procedures and regulations at a facility in Sacramento. He and his partner recently decided to buy a building in Ceres that has everything they need for the testing.

Chairperson Condit asked Mr. Cueto how long he worked at the Sacramento lab and if there were any security or safety issues there.

Mr. Cueto responded, he worked there about 8 months and there weren't any security issues. He explained the amount of product is very minimal so there's no incentive for anyone to go to a lab and steal product. He went on to explain the testing process and noted that very little is needed for testing, and no cash or large amount of product is stored at the testing facilities.

Chairperson Condit thanked Mr. Cueto and asked if there's anything else he'd like to add.

Mr. Cueto wanted to share something personal about the name of the lab, noting his parents worked over 30 years for Tri Valley Growers; his dad almost 40 years, his mom just over 30 years and he's very proud to name the lab, "Tri Valley Labs" in honor of that great company for Modesto and the valley.

#### **The Public Hearing was closed at 6:20 p.m.**

Brief Commission discussion ensued.

Chairperson Condit thanked Tri Valley Labs for coming here, being willing to locate in Ceres and the great name. Unfortunately, with the public benefit fee going to the General Fund; he has said this before on the other cannabis projects, he is not comfortable with that. He thinks we need to model after Riverbank, which has dedicated their money solely to four items: public safety, code enforcement, grant project for the community and to cover administrative costs. That's something that he thinks we should look into, in a broader base, which we tried to do the first go-around, and he still thinks we should. He has a big concern with the building being adjacent to residential. He understands it's perfect for Tri Valley Labs; he wishes there would be another building somewhere else, not adjacent to residential. So, because of those two things he just can't support the project, and he'll look to his colleagues for a motion.

Commissioner Kachel remarked that he has a different perspective on it. It's an industrial use in an industrial zone, combined with the Development Agreement at the local level, and the requirements of the project; all these projects have to go through at the state level. They are a heavily regulated industry, as anything in the state of California. It's a small business; it's one that fits in the overall process of the cannabis industry as he understands it, and the explanation was helpful as well. It sounds like something that would be a good business to have here in Ceres as it's not something we've got in every other city around.

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

- 1) Accept that this project is consistent with CEQA Guidelines Section 15061 (b-3) – Review for Exemption.
- 2) Approve Conditional Use Permit 19-16 per the findings and conditions listed in PC Resolution 19-11, subject to the City Council approving the Development Agreement associated with this proposal.
- 3) Recommend the City Council approve Development Agreement 19-17 for Tri Valley Labs, Inc., per PC Resolution 19-12.

Motion failed by the following vote:

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

City Manager Wells stated, just to clarify, this item will still proceed to the City Council.

4. General Plan Amendment (GPA) 19-12, Vesting Tentative Parcel Map (VTPM) 19-13, and Site Plan Approval (SPA) 19-14; Proposal for a 64-unit apartment complex and one 8,240 square foot retail commercial shop building on four (4) proposed lots at the northwest corner of Morgan Road and Service Road. GDR Engineering, applicant.

Senior Planner, James Michaels presented the staff report.

Mr. Michaels noted that there are two conditions that have been requested to be modified:

- Mr. Michaels read into the record, in PC Resolution 19-16, Condition B.4., addition of the following verbiage at the end: *“All turning movements at Service Road and Morgan Road shall be limited to right in and right out only, unless otherwise approved by the*

*City Engineer. The specific design and improvements to achieve said turning movements shall be reviewed and approved by the City Engineer.”*

- Eliminate Condition B.7.a. in PC Resolution 19-16, which has to do with requiring the lot line merger prior to granting occupancy to any of the apartment buildings.

Brief Commission discussion ensued.

**The Public Hearing was opened at 6:38 p.m.**

**There being no public comments, the Public Hearing was closed at 6:38 p.m.**

Brief Commission discussion ensued.

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

- 1) Recommend the City Council adopt the Mitigated Negative Declaration prepared for this project per PC Resolution 19-13.
- 2) Recommend the City Council approve the General Plan Amendment/Brown Annexation Master Plan Amendment per the findings and conditions listed in PC Resolution 19-14.
- 3) Approve 19-13 VTPM subject to the City Council adopting the Mitigated Negative Declaration and approving the General Plan Amendment/Brown Annexation Master Plan Amendment per the findings and conditions listed in PC Resolution 19-15.
- 4) Approve 19-14 SPA subject to the City Council adopting the Mitigated Negative Declaration and approving the General Plan Amendment/Brown Annexation Master Plan Amendment per the findings and conditions contained in PC Resolution 19-16 *as amended*.

Motion passed by the following vote:

**AYES:** Commissioners Del Nero, Johnson, Chairperson Condit

**NOES:** Commissioner Kachel

**ABSENT:** Commissioner 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:

- There will be an informational meeting regarding the Aegis Treatment Center on Thursday, September 5<sup>th</sup> at 6:00 p.m. here in the Community Center.
- The Ceres Chamber of Commerce is hosting its second annual "One Table. One Community" dinner event downtown 4<sup>th</sup> Street, on Saturday, September 14<sup>th</sup> at 6:00 p.m. If you're interested in attending, contact the Chamber for tickets.

The Commission adjourned at 6:44 p.m. to the next regularly scheduled meeting of Monday, September 16, 2019.

APPROVED:

  
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David Johnson, Vice-Chairperson

ATTEST:

  
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Tom Westbrook, Secretary

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