



CITY OF HUGHSON
REGULARLY SCHEDULED
PLANNING COMMISSION MEETING
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, APRIL 17, 2018 – 6:00 P.M.

CALL TO ORDER: Chair Alan McFadon

ROLL CALL: Chair Alan McFadon
Vice Chair Ken Sartain
Commissioner Julie Ann Strain
Commissioner Brian Evans
Commissioner Kevin Cloherty

Staff to be Present: Jaylen French, Community Development Director
Susana Diaz, Deputy City Clerk
Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Alan McFadon

RULES FOR ADDRESSING THE PLANNING COMMISSION

*Members of the audience who wish to address the Planning Commission are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.***

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

Members of the Audience may address the Planning Commission on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the Planning Commission cannot take action on matters not on the Agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

- 3.1: Approve the Minutes of the Regular Meeting of March 20, 2018.
- 3.2: Consider Approving Findings that Proposed Well No. 5 Relocation Property and Use is Consistent with the City of Hughson General Plan.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

5. INFORMATIONAL ITEMS:

- 5.1: Update on CPAT Downtown Revitalization Plan.
- 5.2: Update on Development and Construction Activity.
- 5.3: Update on Lebright Fields.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

- 7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

City Clerk:

City Attorney:

- 7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

UPCOMING EVENTS:

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| April 17 | ▪ Planning Commission, City Hall Chambers, 6:00 P.M. |
| April 20 | ▪ Hughson Family Resource Center Open House, 6940 Hughson Ave., 11:00 A.M. |

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| April 21 | ▪ Love Hughson Breakfast & Rally, Hughson Community Senior Center, 7:00 A.M. |
| April 23 | ▪ City Council Meeting, City Hall Chambers, 7:00 P.M. |
| April 26 | ▪ Hughson Chamber of Commerce Sponsor Dinner, Hughson Ave., 6:30 P.M. |
| April 28 & 29 | ▪ Hughson Fruit & Nut Festival, Hughson Ave, 10:00 A.M. |
| April 28 & 29 | ▪ Hughson City Wide Yard Sale |
| May 4 | ▪ Duarte Nursery Annual Friends Day, 1555 Baldwin Road, 9:00 A.M. |
| May 5 | ▪ Hughson City Wide Clean-Up, Tully Road & Walker Lane, 7:30 A.M. |

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

This Agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a Planning Commission meeting, please contact the City Clerk's office at (209) 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson Planning Commission shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

AFFIDAVIT OF POSTING

DATE: April 13, 2018 **TIME:** 5:00 pm
NAME: Susana Diaz **TITLE:** Deputy City Clerk

General Information: The Hughson Planning Commission meets in the Council Chambers on the *third Tuesday* of each month at 6:00 p.m., unless otherwise noticed.

PC Agendas: The Planning Commission Agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054.



CITY OF HUGHSON
PLANNING COMMISSION MEETING

CITY HALL COUNCIL CHAMBERS
7018 Pine Street, Hughson, CA

MINUTES
TUESDAY, MARCH 20, 2018 – 6:00 P.M.

CALL TO ORDER: Chair Alan McFadon

ROLL CALL:

Present: Chair Alan McFadon
Vice Chair Ken Sartain
Commissioner Julie Ann Strain
Commissioner Brian Evans
Commissioner Kevin Cloherty

Staff Present: Jaylen French, Community Development Director
Susana Diaz, Deputy City Clerk
Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Alan McFadon

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

No Public Comment

2. PRESENTATIONS: NONE.

3. NEW BUSINESS:

3.1: Approve the Minutes of the Regular Meeting of February 20, 2018.

EVANS/SARTAIN 4-0-1-0 motion passes to approve the Minutes as presented.

- 3.2: Consideration of Resolution PC No. 2018-01, accepting the 2017 Annual General Plan Report and the 2017 Annual Housing Element Progress Report.

Director French provided the staff report on item 3.2.

STRAIN/EVANS 5-0-0-0 motion passes to Adopt Resolution PC No. 2018-01, Accepting the 2017 Annual General Plan Report and the 2017 Annual Housing Element Progress Report.

4. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

5. INFORMATION ITEMS: NONE.

6. CORRESPONDENCE: NONE.

7. COMMENTS:

- 7.1: Staff Reports and Comments: (Information Only – No Action)

Community Development Director:

Introduced the concept of a Fitness Court in Hughson. He provided an update on the Province Place subdivision and the Manley property.

City Clerk:

Informed the Planning Commission that business cards are available to them from the City of Hughson.

City Attorney:

Deputy City Attorney Monica Streeter informed the Planning Commissioners of the recent California Court decision requiring cities that have code enforcement and a process for citizen appeals to establish an independent appeals board.

- 7.2: Commissioner Comments: (Information Only – No Action)

Commissioner Strain reported that she visited Main Street Deli at its new location on 3rd Street and it is experiences high numbers of customers. She also reported the progress of the new homes at Province Place.

Commissioner Evans announced that Boy Scout troop 27 will be holding their Annual BBQ drive-thru dinner on April 13, 2018.

ADJOURNMENT:

Chair McFadon adjourned the meeting at 6:39 P.M.

ALAN MCFADON, Chair

SUSANA DIAZ, Deputy City Clerk



**PLANNING COMMISSION
AGENDA ITEM NO. 3.2
SECTION 3: NEW BUSINESS**

Meeting Date: April 17, 2018
Subject: Consider Approving Findings that the Proposed Well No. 5 Relocation Property and Use is Consistent with the City of Hughson General Plan
Enclosures: Well No. 5 Relocation Grant Deeds
Presented By: Jaylen French, Community Development Director

Staff Recommendation:

Approve the findings that the property to which Hughson Well No. 5 is proposed to be relocated, and the use of said property, is consistent with the adopted City of Hughson General Plan.

Background and Overview:

In 2012, the California Department of Public Health, now the State Water Board, issued the City of Hughson Compliance Order No. 03-10-09CO-001 to address Arsenic levels in the City's water.

In 2013, the City of Hughson applied for and was awarded a Safe Drinking Water State Revolving Loan for the Well No. 7 Replacement Project, which includes the drilling of a new well (No. 9), the re-drilling of an existing well (No.5, to be called No. 10), an arsenic treatment facility connecting both wells and a 1-million-gallon storage/blending tank.

In 2017, the City executed the funding/financing agreement with the State, which includes up to \$5 million in grant funding for the proposed \$8.3 million project, as well as 0% interest on the remaining balance for 30 years. The City has initiated the project per State Compliance Order 03-10-09CO-001 to address issues of naturally occurring arsenic in the City's water system.

Pursuant to the Safe Drinking Water State Revolving Loan Fund application for the Well No. 7 Replacement Project, and in accordance with the requirements of the California Environmental Quality Act (CEQA), an Initial Study for the project was prepared in 2013. The Initial Study identified potentially significant environmental effects on biological and cultural resources, but that these potential effects would be reduced to a less than significant level with recommended mitigation measures.

Based on the Initial Study, a proposed Mitigated Negative Declaration (MND) was prepared.

Subsequently, the City has prepared two (2) addendum to the MND document to address the specifics of the re-drilling and connection of Well No. 5 to the proposed Well No. 9 and is in the process of preparing another addendum to address the proposed relocation of Well No. 5. The City Council approved Addendum No. 3 at the January 22, 2018 regularly scheduled Council meeting. The Addendum is being circulated for review through the State Clearinghouse until April 23, 2018.

Discussion:

The City, in coordination with its water engineer, has determined that the Well No. 7 Replacement project would benefit by relocating the Well No. 5 site, as opposed to re-drilling in the same location. This would allow greater access for the well drillers and installers thus reducing cost and would reduce the length between the well sites and the pipeline required to serve the combined arsenic treatment facility.

The City is proposing to relocate Well No. 5 site from its existing location on Tully Road south of Whitmore Avenue (APN: 018-049-036), located in the northwest corner of APN 018-049-035—the California TrusFrame facility, to the southwest corner of 018-049-035. See figure below.



Planning Commission’s consideration whether the proposed new well site location conforms to the General Plan is the first step in the process. Next the City Council will consider adopting a resolution of acceptance of the new parcel. To create a legal parcel for the proposed new well site, the City will need to process and approve a lot line adjustment.

The current well location is designated Industrial (I) in the adopted Hughson General Plan and zoned Public Facilities (P-F). The proposed location is designated and zoned Industrial (I). If approved by the City Council, the new well site will be rezoned to Public Facilities (P-F). Neither site is within a Specific Plan area.

The Hughson Planning Commission is tasked with making the following findings:

1. The action is consistent with the general plan or any applicable specific plan;

2. The action will not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and
3. The site is suitable for the requested land uses, if applicable.

The findings determine that the proposed property and use is consistent with the City's Adopted General Plan. City staff has reviewed the General Plan and found nothing that would be contrary to this amendment.

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| <p>RECORDING REQUESTED BY, AND WHEN RECORDED MAIL TO:</p> <p>DANIEL J. SCHROEDER NEUMILLER & BEARDSLEE A PROFESSIONAL CORPORATION POST OFFICE BOX 20 STOCKTON, CALIFORNIA 95201-3020</p> | |
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SPACE ABOVE THIS LINE FOR RECORDER'S USE

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|---|---|
| <p>MAIL TAX STATEMENTS TO:</p> <p>Property exempt from taxation pursuant to California Constitution Article XII Section 3(b)</p> <p>Public Entity, Filing Fee Waived Gov. Code § 6103</p> | <p>DOCUMENTARY TRANSFER TAX \$ _____</p> <p>....Computed on the consideration or value of property conveyed; ORComputed on the consideration or value less liens or encumbrances remaining at time of sale.</p> <p>_____ Signature of Declarant or Agent Determining Tax</p> |
|---|---|

APN: 018-049-_____

GRANT DEED

WHEREAS, the City of Hughson (the "City") held fee title to that certain real property commonly referred to as Assessor Parcel No. 018-049-036; and

WHEREAS, APN 018-049-036 was constructed as a well site for a city water well (Well No. 5); and

WHEREAS, in 20__, the City of Hughson removed Well No. 5 from the City's water distribution system; and

WHEREAS, the City has developed a municipal water project to provide adequate water to its residents that includes the re-drilling of Well No. 5, which will be connected to the Arsenic Treatment Plant at the City's new Well No. 9; and

WHEREAS, the City and Grantor (defined below) determined that it was in the best interest of the parties to exchange APN 018-049-036 for a new piece of real property for use by the City as a well site; and

WHEREAS, the City conveyed APN 018-049-036 to Grantor via Doc 2017-_____, recorded in the Official Records of Stanislaus County on _____, 2017 in exchange for the conveyance of the real property described on Exhibit A, attached hereto.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Phillip D. Overholtzer and Linda Overholtzer, Trustees of the Overholtzer Revocable Trust under instrument dated January 14, 2002 (“Grantor”)

hereby GRANTS to

The City of Hughson

all of its right, title, and interest in that real property situate in the City of Hughson, County of Stanislaus, State of California, being more particularly described as follows:

SEE EXHIBIT “A” ATTACHED HERETO AND MADE A PART HEREOF

Dated: _____, 2017

Phillip D. Overholtzer, Trustee

Linda Overholtzer, Trustee

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

On _____, before me, _____, a Notary Public, personally appeared **PHILLIP D. OVERHOLTZER**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

On _____, before me, _____, a Notary Public, personally appeared **LINDA OVERHOLTZER**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF STANISLAUS
DESCRIBED AS FOLLOWS:

[INSERT LEGAL DESCRIPTION]