

- A. **CALL TO ORDER** – Chairwoman Fregosi called the meeting to order at 6:05 p.m.
PRESENT: Commissioners Eric Gonsalves, Nick Hackler (arrived at 6:10PM), Steve Hallam, Jeff Hillberg, Victor Pedroza (arrived at 6:55 PM), and Chairwoman Fregosi.
PRESENT: Alternate Commissioner Ashour Badal.
ABSENT: Commissioner Bean

- B. **APPROVAL OF MINUTES** – Chairwoman Fregosi noted that the approval of minutes would be done under Item I – Commissioner's Consideration.

C. **ANNOUNCEMENTS**

1. **Green Sheets:** Debbie Whitmore noted the green sheets for Items G1 and G2 – Fairbanks Ranch and Les Chateaux subdivision maps.
2. **Disclosure of Ex Parte Communications:** Debbie Whitmore advised the Commission of this procedure.

- D. 1. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**
Commissioner Gonsalves advised that he will be recusing himself from Item G3 – Amendment to the City of Turlock Zoning Regulations to prohibit the issuance of a mobile food facility permit on private property located in certain downtown overlay districts because he provided comment on this matter at a previous public meeting.

2. **DISCLOSURE OF EX PARTE COMMUNICATIONS**
The following agenda items are subject to this requirement. Debbie Whitmore advised that the Commission will disclose Ex Parte Communications immediately following the introduction of the item.

Chairwoman Fregosi advised that she had met with staff prior to this meeting to review the agenda.

- **G.1 VESTING TENTATIVE SUBDIVISION MAP 2014-04 (CHRIS HAWKE – FAIRBANKS RANCH)**
- **G.2 VESTING TENTATIVE SUBDIVISION MAP 2014-03 (RON KATAKIS – LES CHÂTEAUX).**

- E. **PUBLIC PARTICIPATION**
None

F. **CONSENT CALENDAR**

Commissioner Hallam asked that Item F1 – 2014 General Plan Implementation Report, be pulled from the Consent Calendar.

Commissioner Hallam asked about the timing on the expressway for the east side of Turlock. Mike Pitcock responded that due to a lack of funding this project is currently on hold.

1. **2014 General Plan Implementation Report:** The California Government Code (Section 65400 (b)) requires that an annual report on the implementation of the General Plan be submitted to the Legislative Body.
 - a) Planning Commission determination that the 2014 General Plan Implementation Report is in compliance with the California Government Code [Section 65400 (b)] having determined that this action is "exempt" from the provisions of CEQA.

1. **2015 Update to the City of Turlock CEQA Implementation Guidelines:** Under California law, each public agency must adopt local implementation guidelines to establish objectives, criteria, and specific procedures for administering its responsibilities under the California Environmental Quality Act (CEQA) and CEQA Guidelines (§15022).
 - a) Planning Commission determination that the 2015 Update to the City of Turlock CEQA Implementation Guidelines is in compliance with the California Government Code (§15022) having determined that this action is "exempt" from the provisions of CEQA.

Commissioner Hackler arrives.

MOTION: Commissioner Hillberg moved, Commissioner Hallam seconded, that the Planning Commission accept the Consent Calendar as presented. Motion carried unanimously with Commissioner Hackler abstaining, and Commissioners Bean and Pedroza absent.

G. PUBLIC HEARINGS

***CONSENT ITEMS**

None

NONCONSENT ITEMS

Ex-Parte Disclosures:

Commissioner Hallam advised that he had communication with Ms. Whitmore concerning the rural urban edge of the East Tuolumne Master Plan. He also spoke to Director Pitcock concerning the standards for Waring Road.

Commissioner Hillberg advised that he had communication with Mr. Katakis concerning a personal matter.

1. *This item was continued from the February 5th meeting.* **VESTING TENTATIVE SUBDIVISION MAP 2014-04 (CHRIS HAWKE – FAIRBANKS RANCH)** To subdivide approximately 40.6 acres into 129 single-family residential lots and one approximately 2.33 acre storm drainage basin within the East Tuolumne Master Plan (ETMP) Area. The subject property is located at 2707 East Tuolumne Road (Stanislaus County APN 073-013-003).

Katie Quintero presented the staff report for Item G.1 - VTSM 2014-04 Fairbanks Ranch and Item G.2 - VTSM 2014-03 Les Chateaux concurrently. She noted that these are two separate map applications which can be developed separately. Katie provided information on how the East Tuolumne Master Plan meets current General Plan Policies, and noted that these maps also meet current adopted policy. She provided a rendering

of the wall proposed along Waring Road, and a layout of each subdivision including lot sizes and the location of storm drain basins. Katie advised of the findings that need to be made to approve a subdivision map, and noted that each map complies exactly with what was adopted in the amended East Tuolumne Master Plan and updated General Plan. Staff is recommending approval of both maps.

Chris Hawke thanked staff for their work in bringing the projects forward, and asked for the Commission's approval.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

Milt Trieweiller spoke about the type of vegetation that would be required in response to the current drought and water supply, and asked if the storm basins were in a recharge area.

Debbie Whitmore responded that generally the northeast portion of Turlock is in a recharge area. She advised that single family units are subject to the new water model landscape ordinance, but it is up to the property owner as to what to plant.

Hearing no additional comment, Chairwoman Fregosi closed the public hearing.

MOTION: Commissioner Hillberg moved, Commissioner Hackler seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect and the Mitigation Monitoring Program having made the findings in draft Planning Commission Resolution 2015-01 as amended. Motion carried unanimously with Commissioners Bean and Pedroza absent.

MOTION: Commissioner Hillberg moved, Commissioner Badal seconded, that the Planning Commission approve Vesting Tentative Subdivision Map No. 2014-04-Fairbanks Ranch, having determined that the appropriate findings have been made, subject to the conditions of approval listed in draft Planning Commission Resolution 2015-01 as amended. Motion carried unanimously with Commissioners Bean and Pedroza absent.

2. *This item was continued from the February 5th meeting.* **VESTING TENTATIVE SUBDIVISION MAP 2014-03 (RON KATAKIS – LES CHÂTEAUX).** To subdivide approximately 19.7 acres into 60 single-family residential lots and one approximately 1.22 acre storm drainage basin within the East Tuolumne Master Plan (ETMP) Area. The subject property is located at 3007 East Tuolumne Road (Stanislaus County APN 073-013-004).

Katie Quintero presented the staff report as noted under Item G.1.

Public Hearing:

Chairwoman Fregosi opened the public hearing.

Milt Trieweiller, spoke about information available on the website NASA.gov concerning global climate change, the impacts of the drought in relation to residential development.

A member of the audience commented on the landscaping and proposed wall along Waring Road, and asked if a wall would be required along the lots at Waring and Hawkeye.

Katie Quintero noted that current General Plan policy requires a buffer adjacent to ag land, but that each project would be evaluated at the time it came forward.

Hearing no additional comment, Chairwoman Fregosi closed the public hearing.

Commissioner Hallam commented that he cannot support the requirement for curb, gutter and sidewalk facing a rural edge, and cannot make Finding No. 3 – “That the site is physically suited for the type of the proposed development.” He noted that although General Plan policy 6.1 establishes the edge, an urban street standard is not appropriate in these areas.

Chairwoman Fregosi commented about water conservation in relation to the comment that agriculture uses of water total 80% of the overall usage. She said the Plan that was adopted was the best option, and said her preference for the landscaping along the Waring Road wall would be something that did not require watering.

Debbie Whitmore noted that landscaping in a public right-of-way is subject to the new water efficient landscape ordinance.

MOTION: Commissioner Hackler moved, Commissioner Badal seconded, that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect and the Mitigation Monitoring Program having made the findings in draft Planning Commission Resolution 2015-02. Motion carried unanimously with Commissioners Bean and Pedroza absent.

MOTION: Commissioner Hackler moved, Commissioner Badal seconded, that the Planning Commission approve Vesting Tentative Subdivision Map No. 2014-03 – Les Chateaux, having determined that the appropriate findings have been made, subject to the conditions of approval listed in draft Planning Commission Resolution 2015-02 as amended. Motion carried with Commissioner Hallam dissenting, and Commissioners Bean and Pedroza absent.

Commissioner Pedroza arrives.

To avoid the appearance of a conflict of interest, Commissioner Gonsalves leaves the room.

3. **AMENDMENT TO THE CITY OF TURLOCK ZONING REGULATIONS TO PROHIBIT THE ISSUANCE OF A MOBILE FOOD FACILITY PERMIT ON PRIVATE PROPERTY LOCATED IN CERTAIN DOWNTOWN OVERLAY DISTRICTS:** To prohibit the issuance of temporary, on-site mobile food facility permits pursuant to TMC Section 9-2-125 (Mobile food facilities) in three Downtown Overlay Districts – Downtown Core, Downtown Core Transition, and Office/Residential.

Debbie Whitmore provided a definition of the two types of food vendor permits, street vendors and mobile food facilities, and outlined the restrictions of each. She reviewed the regulatory history of how the City has permitted mobile food vendors; the current permitting process; and the findings for permit issuance including the requirement to

meet Building and Fire codes. Debbie reviewed the goals established by the Downtown Plan. She noted that there are no mobile food vendors currently located in Downtown, and that the moratorium may have deterred a vendor from submitting an application. She advised that the moratorium is currently not in place, and that this amendment would establish a permanent restriction on mobile food facilities in the Downtown districts.

Public Hearing:

Chairwoman Fregosi opened the public hearing. Hearing no comments, Chairwoman Fregosi closed the public hearing.

Commissioner Pedroza commented that he does not support the ban on mobile food vendors in the downtown zoning districts because they provide a service that other vendors do not.

Commissioner Hillberg said he agrees that mobile food vendors should not be banned in the downtown zoning districts.

Commissioner Hackler asked if a food truck area similar to Center Street would also be banned in the downtown zoning districts.

Debbie Whitmore said a food truck court would require a Conditional Use Permit and public hearing before the Planning Commission because it is not a part of the zoning code.

Chairwoman Fregosi asked how many properties in the downtown zoning districts could accommodate food trucks.

Debbie Whitmore responded there were approximately 10 lots allowing for one truck per lot.

Commissioner Hallam commented on the current renaissance of Turlock's downtown and said he supports the prohibition of mobile food trucks in the three downtown zoning districts.

Commissioner Pedroza commented that mobile food vendors may provide a unique product not currently offered in Downtown, and that the prohibition signaled they could not locate there.

Chairwoman Fregosi commented on the need for mobile food vendors, and said she would support a mobile food court, but not in the downtown area.

Commissioner Hackler commented that from a business standpoint people have to start somewhere. He asked how both concepts could be merged together and suggested that the establishment of a fee structure similar to what "brick and mortar" businesses pay needs to be considered.

MOTION:

Commissioner Hallam moved, Commissioner Badal seconded, that the Planning Commission recommends that the City Council amend TMC 9-2-125 (Mobile Food Facilities) to prohibit the issuance of a mobile food facility permit on private property located in three Downtown Overlay districts (Downtown Core, Downtown Core Transition, and Office/Residential), having determined that the

amendments are exempt from CEQA pursuant to Sections 15061(b)(3) and 15183 of the CEQA Guidelines and pursuant to the findings contained in draft Planning Commission Resolution No. 2015-05. Chairwoman Fregosi called for the vote. Commissioner Pedroza asked for a roll call vote. Due to the following tie vote, motion fails:

AYES:	Badal, Hallam, and Fregosi
NOES:	Hackler, Hillberg and Pedroza
ABSTAINED:	None
NOT PARTICIPATING:	Gonsalves
ABSENT:	Bean
NON-VOTING:	None

Commissioner Gonsalves is re-seated.

At the request of staff, Chairwoman Fregosi calls for a 5-minute recess at 7:18 PM.

To avoid the appearance of a conflict of interest, Commissioner Gonsalves leaves the room.

Chairwoman Fregosi re-convenes the meeting at 7:24PM.

Debbie Whitmore suggested that the Planning Commission may wish to make a recommendation on this ordinance amendment to move the item on to the City Council.

MOTION: Commissioner Hillberg moved, Commissioner Pedroza seconded, that the Planning Commission refer the amendment to TMC 9-2-125 (Mobile Food Facilities), prohibiting the issuance of a mobile food facility permit on private property located in three Downtown Overlay districts (Downtown Core, Downtown Core Transition, and Office/Residential), to the City Council for their consideration. Motion carried unanimously with Commissioner Bean absent and Commissioner Gonsalves not participating.

Commissioner Gonsalves is re-seated.

4. **COMPREHENSIVE UPDATE TO THE CITY OF TURLOCK ZONING REGULATIONS:** A comprehensive update to the Turlock Zoning Regulations (Title 9 of the Turlock Municipal Code). The proposed changes will be citywide and will affect the permitting requirements for uses, development standards, and permitting processes in all zoning districts.

Debbie Whitmore provided an overview of the comprehensive zoning ordinance update. She advised that changes in Chapter 1 include definitions and some minor rewording to improve clarity.

Adrienne Werner reviewed the changes to Chapter 2 concerning accessory structures. She clarified what could be defined as an accessory structure, how many structures could be allowed on one property, accessory structures abutting public alleys, front yard entry features and shade structures. Adrienne noted the revisions to this section of the code as agreed to by the Planning Commission:

1. Detached accessory structures cannot exceed 15-feet in overall height.
2. Detached accessory structures taller than 7-feet would have to maintain a 5-foot setback from all property lines.
3. Detached accessory structures taller than 7-feet must share compatible architecture with the main house.
4. Exception to allow entry features to exceed 3-feet in height in the front yard setback.
5. Second dwellings cannot take advantage of the reduced setbacks for detached accessory structures.
6. Detached accessory structures located off a 20-foot public alley can be located on the property line (i.e. zero lot line).

Commissioner Hackler asked if a pool and pool house would be included in the square footage maximum. Staff responded that if it is not above the fence line it will not count.

Debbie Whitmore noted additional changes to Chapter 2 concerning building projections into yards, landscaping and irrigation.

Commissioner Hallam asked if the ordinance referring to the water efficiency law makes exceptions to land use permits that do not include landscape, and suggested that a sentence for clarification such as, "land use permit that triggers landscaping" would be helpful.

Debbie Whitmore reviewed the changes to the regulations for recreational vehicles, campers, utility trailers, boats; salvage and wrecking yards; cargo containers; electrified fences; drive-through facilities; off-street parking and loading; nonconforming structures and uses; changes to the base zoning districts; changes to the downtown overlay district, and minor changes to the administration section.

Public Hearing:

Ken Oyer asked for clarification about businesses being operated from residences versus operating in a commercial zone. He commented about a home-based business in his neighborhood, and asked if multiple sheds used for storing business equipment and materials, were allowed in a residential neighborhood. Mr. Oyer said consideration should be given as to the purpose of a 1,000 square foot building in a residential neighborhood.

Debbie Whitmore advised that a Home Occupation Permit allows for up to 400 square feet of storage for the permitted home-based business. She noted that it is difficult to verify business versus personal use in regards to storage.

Milt Trieweiller commented about residential water percolation.

Hearing no additional public comment, Chairwoman Fregosi closed the public hearing.

Commissioner Hackler commented that he supports what is being moved forward in the Zoning Ordinance Update.

Commissioner Hallam asked for a change to the language concerning land use permits and the new water standards.

MOTION: Commissioner Hallam moved, Commissioner Hillberg seconded, that the Planning Commission recommends that the City Council repeal Title 9 (Zoning Regulations) and replace the title with the proposed

amendments, having determined that the amendments are exempt from CEQA pursuant to Sections 15061(b)(3) and 15183 of the CEQA Guidelines and pursuant to the findings contained in draft Planning Commission Resolution No. 2015-04, 9-2-109 including the modification of TMC Section 9-2-109(b) clarifying that the landscaping and irrigation standards contained in this section apply only to development projects that are subject to the State-mandated Water Efficiency Landscaping Ordinance. Motion carried unanimously with Commissioner Bean absent.

Debbie Whitmore advised that the Planning Commission could also recommend approval of an amnesty program as requested by a local business owner, including a reduction in fees, for existing cargo containers that are out of compliance.

Commissioner Gonsalves asked if property owner approval would be required prior to the issuance of a cargo container permit.

Debbie Whitmore responded that it must be the property owner that applies for the permit.

Commissioner Hillberg commented that an amnesty program, including reduced fees, is a good idea that will encourage compliance.

MOTION: Commissioner Hallam moved, Commissioner Pedroza seconded, that the Planning Commission recommends that the City Council approve an amnesty program as outlined below:

- 1) A delay in the enforcement of the provisions listed in the modified TMC 9-2-125 (Cargo Containers) for a period of 6 months; and/or
- 2) A reduction in the planning permitting fees for a 6-month period, as follows, and subsidize the permitting fees with General Fund revenues:
 - a) Reduce the cost of the Minor Discretionary Permit required for commercial and industrial zoned properties from \$1,475 to \$345; and
 - b) Reduce the cost of the Minor Administrative Approval required for residential zoned properties from \$345 to \$170.

Motion carried unanimously with Commissioner Bean absent.

H. OTHER MATTERS

None

I. COMMISSIONERS' CONSIDERATION

APPROVAL OF MINUTES

1. **Regular Meeting of November 6, 2014** – Motion and Second (Hackler/Pedroza) to approve the minutes as presented. Motion carried unanimously with Commissioner Bean absent, and Commissioners Gonsalves, Hallam and Hillberg abstaining.

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2. **Regular Meeting of February 5, 2015** – Motion and Second (Hillberg/Hackler) to approve the minutes as presented. Motion carried unanimously with Commission Bean absent.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

None

K. COMMISSIONERS COMMENTS

Commissioner Hallam asked that the annual League of California Cities Planners Academy be funded in the next fiscal year.

Chairwoman Fregosi commented that a retail business on Main Street continues to display merchandise on tables outside on the sidewalk.

Commissioner Pedroza commented about the status of wells being drilled in the County as asked if County requirements apply to drilling within the City limits.

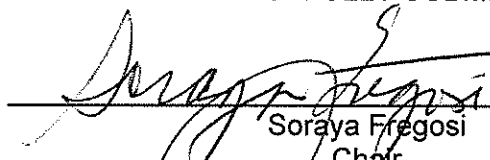
Mike Pitcock responded that there is no moratorium in place at this time, and that well drilling with the City limits is not subject to County regulations.

L. STAFF UPDATES

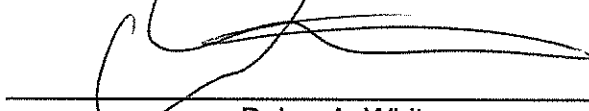
None

- M. ADJOURNMENT:** Chairwoman Fregosi asked for a motion (Pedroza/Hillberg) to adjourn the meeting at 8:43 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED



Soraya Fregosi
Chair



Debra A. Whitmore
Deputy Director of Development Services