

A. 1. **CALL TO ORDER** – Chairman Dias called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Elvis Dias, Geoff Powers, Kristin Bettencourt, Constance Anderson, Nick Hackler, Jim Reape and Matthew Davis

ABSENT: None

2. **SALUTE TO THE FLAG**

B. **APPROVAL OF MINUTES**

1. Chairman Dias introduced the minutes of the April 5, 2018 meeting.

**MOTION:** Commissioner Reape seconded by Commissioner Anderson to accept the minutes as submitted.

AYES: Commissioners Powers, Bettencourt, Anderson, and Reape

NOES: None

ABSTAIN: Commissioners Dias, Hackler and Davis

ABSENT: None

2. Chairman Dias introduced the minutes of the May 3, 2018 meeting.

**MOTION:** Commissioner Hackler seconded by Commissioner Reape to accept the minutes as submitted.

AYES: Commissioners Dias, Hackler, Reape, Davis, and Bettencourt

NOES: None

ABSTAIN: Commissioners Anderson and Powers

ABSENT: None

3. Chairman Dias introduced the minutes of the June 7, 2018 meeting.

**MOTION:** Commissioner Powers seconded by Commissioner Anderson to accept the minutes as submitted.

AYES: Commissioners Dias, Hackler, Bettencourt, Powers, and Anderson

NOES: None

ABSTAIN: Commissioners Reape and Davis

ABSENT: None

C. **ANNOUNCEMENTS**

Principal Planner Katie Quintero noted the handout at the dais as the minutes taken at the public hearing for Parcel Map 18-01. Planner Quintero explained that the Engineering Division conducts the public hearing for parcel maps. The minutes from the public hearing are provided to the Planning Commission for information purposes only.

**D. PUBLIC PARTICIPATION**

Chairman Dias opened the floor for Public Participation.

Hearing no one, Chairman Dias closed the floor for Public Participation.

**E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

**DISCLOSURE OF EX PARTE COMMUNICATIONS**

Commissioner Hackler stated he had a conflict with item G.1 CUP 2018-02-Turlock Free Methodist Church.

**F. CONSENT CALENDAR**

**None**

**G. PUBLIC HEARINGS**

**\*CONSENT ITEMS**

*Commissioner Hackler stepped down at 6:04 p.m.*

**NONCONSENT ITEMS**

**1. CONDITIONAL USE PERMIT 2018-02 – TURLOCK FREE METHODIST CHURCH:**

Assistant Planner Scott Quyle presented the staff report. Planner Quyle explained that the proposed project is a request to construct a metal storage building on the south east portion of the church property at 2006 E. Tuolumne Road (Stanislaus County APN 073-015-049). The accessory storage building measures 50'x65' with a maximum height of 16'3". The church will use the storage building to store machinery and equipment used to maintain the church and the grounds.

A condition of approval has been added prohibiting the storage building being used for commercial use, meetings, events, or other gathers.

Planner Quyle explained that if the accessory storage building was proposed on property zoned for commercial use it would be required to meet stricter design standards than residential accessory structures. The church is proposing to paint the storage building to match the existing church building. Landscaping, including trees, will be planted around the building and provide screening from the adjacent residences. A trash enclosure will also be constructed to store the dumpster that is currently free-roaming on the church property.

Commissioner Reape questioned the purpose of roll up window stating that it looks like other activities could take place in the storage building.

Planner Katie Quintero answered the shed is built for storage only. Additional structural requirements from the Building Department would be needed to allow the building to be used for something other than storage.

Commissioner Anderson inquired if items would be stored under the patio area.

Joe Bairos, the applicant, answered that the overhang was included to break up the monotony of the building. The rollup window was included to increase airflow inside the building while be used by maintenance staff and to deter break-ins.

Chairman Dias opened the public hearing. Hearing no one, Chairman Dias closed the public hearing.

**MOTION:** Commissioner Anderson moved, seconded by Commissioner Davis determining the proposed project is "Categorically Exempt" from the provisions of CEQA pursuant to Section §15332 [Infill Development] of the CEQA Guidelines and grant the Conditional Use Permit 2018-02 (Turlock Free Methodist Church), having determined the appropriate findings have been made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2018-15

AYES:	Commissioners Dias, Anderson, Reape, Powers, Davis, and Bettencourt
NOES:	None
ABSTAIN:	None
RECUSED:	Commissioner Hackler
ABSENT:	None

*Commissioner Hackler was reseated at 6:18*

- 2. APPEAL OF MINOR ADMINISTRATIVE APPROVAL 2018-01 – ELECTRIC GUARD DOG:** Associate Planner Adrienne Werner presented the staff report. Planner Werner stated that Electric Guard Dog, representing HOLT of California, has filed an appeal to Conditions #9 and #10 contained in Minor Administrative Approval 2018-01 (MAA 18-01). MAA 2018-01 is the authorization to install an electrified fence at 700 N. Walnut Road (Stanislaus APN: 089-014-007).

Planner Werner briefly explained that a minor administrative approvals are those which are routine in nature and do not require a public hearing. These types of minor permits are reviewed for consistency and conformance with requirements established in the Turlock Municipal Code (TMC) and are approved by staff in a relatively short period of time. Examples of other minor administrative approvals are large family daycare permits, most sign permits, and zoning certificates (zoning clearance) for business uses.

Planner Werner explained that the application submitted by Electric Guard dog to install the electrified fence at 700 N. Walnut Road was reviewed for consistency and conformance with the requirements established in TMC §9-2-126. Although the electrified fence is located in the front yard setback, staff issued MAA 2018-01 on April 20, 2018 with the conditions that the electrified fence must meet the front yard setback of 20-feet (Condition #9) and could not be located within the required setback areas (Condition #10). Planner Werner noted that the intent of setback areas are to maintain distance between a building and the property lines.

Planner Werner briefly provided background information noting that until June 2015, electrified fences were prohibited. The prohibition of electrified and barbed wire fences reflected new city design standards adopted in the 1992 General Plan. The 2006 adoption of the Westside Industrial Specific Plan (WISP) reflected the same standards and established similar restrictions. The intent of the prohibition on electrified and barbed wire fences was to reduce "prison effect" these types of fencing could create. In 2012 Volvo Rents requested the Planning Commission consider an ordinance change removing the prohibition against electrified and barbed wire fencing. The Planning Commission held several workshops discussing specific design standards, design guidelines, setback requirements, and the permitting process. The ordinance was amended and codified as part of the 2015 Omnibus Zoning Ordinance Update. The ordinance permitting electrified fences (TMC §9-2-126) became effective June 2015. In August, 2015 Volvo Rents located at 1400 South Avenue, was issued a permit to install an electrified fence. The electrified fence at 1400 South Avenue meets the 20-foot front yard setback.

Planner Werner explained that staff must make findings approving a project just as the Commissioners must also make findings approving a project. In the case of this project staff was able to make the findings for the MAA and with the conditions that the electrified fence meet the zoning district setbacks. Planner Werner explained that there is nothing exceptional or extraordinary about the property that would prohibit the electrified fence from meeting the 20-foot front yard setback as required by TMC§9-2-126. Planner Werner further noted that allowing the electrified fence to locate in the 20-foot front yard setback would constitute a special privilege inconsistent with the limitations on other properties in the same zoning district. Planner Werner further explained that if the Planning Commission believed the 20-foot setback was excessive, the appropriate mechanism to make a change was through an ordinance amendment and not through the granting of the MAA or a Variance.

Chairman Dias asked if the applicant would like to address the Commission.

Keith Kaneko, representing Electric Guard Dog, introduced his product stating the system is a highly technical, alarm sensor, audible and monitored, shock deterrent that cannot be scaled or cut, and a physically imposing barrier and deterrent.

Mr. Kaneko discussed why they feel the uniqueness of property makes complying with the setback requirement unreasonable and a hardship for the property owner. Locating the electrified fence at the 20-foot setback along the North Walnut Road frontage would cause a 10% loss of usable space on the property and make a few parking spaces unusable.

John Johnson, Vice President at 700 N. Walnut Road provided the Commissioners a handout detailing the break-ins they have experienced.

Commissioner Dias opened the public hearing.

Robert Puffer asked the property owner how any other breakings since December 2017 they have experienced.

Mr. Johnson answered they have had eight break-ins since December.

Mr. Puffer asked where the current fence is located in relation to the sidewalk and how far away from the sidewalk the electrified fence would be.

Mr. Kaneko answered that the nonelectric fence is setback 5-feet from sidewalk and the electrified fence will be built at least 12-inches behind it.

Hearing no further comment Commissioner Dias closed the public hearing.

Commissioner Dias noted that Electric Guard Dog participated in the workshops held in 2015 and did not raise concern with the 20-foot setback requirement at that time. Commissioner Dias questioned why the 20-foot setback is of concern now.

Mr. Kaneko restated that the 20-foot setback would cause a 10% loss of usable space on the property and make a few parking spaces unusable.

Commissioner Hacker asked if the electrified fence could be placed 5-feet back from existing nonelectric fence. He expressed with people being able to touch the electrified fence.

Mr. Kaneko answered that the dead space created between the nonelectric fence and the electrified fence creates an undesirable entrapment area. Additionally, a mesh material can be added to the fencing further making it difficult for someone to come in contact with the electrified fence.

Commissioner Anderson asked if the Commission could deny the appeal as presented or approve the appeal but amend or add conditions.

Planner Katie Quintero stated that if the Commission denied the appeal the applicant can appeal the Planning Commission's decision to the City Council. The other option would be for the applicant to apply for a Variance.

Commissioner Dias asked staff if it was possible for the applicant to withdraw the appeal and apply for the Variance.

Planner Quintero answered yes, they can withdraw the appeal and apply for a Variance.

Commissioner Dias clarified with applicant if he wanted a vote on the appeal or did they want withdrawal the appeal and apply for a Variance.

Mr. Kaneko answered he would like a vote on the appeal but will probably file for a Variance.

**MOTION:** Commissioner Reape moved, seconded by Commissioner Anderson to deny the appeal of Conditions # 9 and #10 in Minor Administrative Approval 2018-01.

AYES:	Commissioners Dias, Powers, Davis, Bettencourt, Reape, and Anderson
NOES:	Commissioner Hackler
ABSTAIN:	None
ABSENT:	None

## H. OTHER MATTERS

None

**I. COMMISSIONERS CONSIDERATION**

**Semi-Annual Permit and Application report for January-June 2018.**

Assistant Planner Quyle highlighted new projects and applications for this year and made himself available to answer questions.

**MOTION:** Commissioner Reape moved, seconded by Commissioner Powers to accept the Semi-Annual Permit and Application report for January-June 2018 as presented.

AYES: Commissioners Dias, Hackler, Powers, Reape, Anderson,  
Bettencourt, and Davis  
NOES: None  
ABSTAIN: None  
RECUSED: None  
ABSENT: None

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

None

**K. COMMISSIONERS COMMENTS**

Commissioner Hackler advised he is moving out of City limits making August 2<sup>nd</sup> his last meeting.

**L. STAFF UPDATES**

**M. ADJOURNMENT**

Chairman Dias asked for a motion to adjourn the meeting. Motion by Commissioner Anderson carried unanimously. The meeting was adjourned at 7:45 p.m.

**RESPECTFULLY SUBMITTED**

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Elvis Dias  
Commission Chair

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Katie Quintero  
Principal Planner