

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

Chairman Reape explained that the Commission and staff were participating in the meeting via zoom and that staff would provide instructions on how members of the public would be able to participate during public participation and public hearing discussion items.

2. SALUTE TO THE FLAG

3. ROLL CALL:

Commissioner Souza	Commissioner Davis	Commissioner Anderson	Commissioner Varani	Commissioner Dias	Commissioner Powers	Chairman Reape
Yes	Yes	Yes	Yes	Yes	Yes	Yes

PRESENT: Commissioners Ray Souza, Matthew Davis, Constance Anderson, Anokeen Varani, Elvis Dias, Geoff Powers, and Chairman Jim Reape

ABSENT: None

B. APPROVAL OF MINUTES

1. Chairman Reape asked for corrections or a motion to approve the minutes of the Regular Meeting of June 4, 2020.

MOTION: Commissioner Souza moved, seconded by Commissioner Anderson to accept the minutes as submitted. Motion carried 6/1 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Anderson	Commissioner Varani	Commissioner Dias	Commissioner Powers	Chairman Reape
Yes	Yes	Yes	Abstain	Yes	Yes	Yes

C. ANNOUNCEMENTS

Deputy Director of Development Services Katie Quintero introduced the new City Manager Toby Wells to the Planning Commission. She explained there were four green sheets pertaining to item G.1. CUP 2020-01 NHC to be discussed with the project. She also explained a copy of the minutes taken at the public hearing for Tentative Parcel Map 20-02 were provided in the Planning Commission agenda packets as an information item for the Planning Commissioners.

D. PUBLIC PARTICIPATION

Chairman Reape opened the floor for public participation. Hearing no one, Chairman Reape closed the floor for public participation.

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Chairman Reape asked the Planning Commission if there were any conflicts of interest or disclosures of ex parte communications. There were none.

F. CONSENT CALENDAR

Chairman Reape stated there were no consent calendar items.

G. PUBLIC HEARINGS

***CONSENT ITEMS**

Chairman Reape noted there were no public hearing consent items.

1. CONDITIONAL USE PERMIT 2020-01 NATURAL HEALING CENTER-TURLOCK (NHC):

Deputy Director Katie Quintero presented the staff report explaining this item is both a Development Agreement and the Conditional Use Permit for the retail cannabis dispensary for Natural Healing Center Turlock (NHC). The location at 3401 West Monte Vista Ave is an existing 5,000 sf building previously used as a restaurant with a zoning of PD 233 and a General Plan designation of Highway Commercial (HWC). The project will result in the minor alteration of the interior and exterior of the existing building to accommodate the proposed use. The applicant is proposing to build a 10-foot-tall fence and gate for a secure delivery area on the east side of the building. No other changes in the site are anticipated as a result of the project and the project does meet the required NWTSP design standards.

Deputy Director Quintero stated she received one letter in support of the project and one letter from a citizen with concerns regarding the impacts of a dispensary to this commercial area and a phone call in objection to the allowance of cannabis in the City as a whole.

Deputy Director Quintero stated the Development Agreement and Conditional Use Permit will be voted on as separate motions. The term of the Development Agreement is five years. Staff asked for the Commission to approve recommended changes to the Development Agreement as shown on the green sheet.

Deputy Director Quintero explained the Conditional Use Permit has four findings the Commission must be able to make to approve the project. Staff explained the Police Department requested the following modification to the Police Department conditions in the Conditional Use Permit:

Condition #3 states, “There shall be a secure loading and delivery area...” the shall is proposed to be changed to “should”

Conditions #3a states, “The area cannot be visible...” cannot is proposed to be modified to “should not”.

Condition #32 states “...All product and currency shall be removed...” the shall is proposed to be changed to “should”.

Chairman Reape asked if the background checks were completed. Deputy Director Quintero answered yes, the background checks have been done.

Chairman Reape asked about the signs to be put on the building. Deputy Director Quintero said the signs would have to be applied for separately through a sign permit.

Commissioner Dias asked if the changes to the conditions come from the Police Chief or the applicant. Deputy Director Quintero stated the changes came from our staff not the applicant.

Commissioner Souza asked since the pilot program time line was approved one year ago, if the applicant would have four years or five. Deputy Director Quintero stated when the pilot program was adopted there were no time limits placed on the program so the term of this Development Agreement will be for five years.

Commissioner Dias asked if the adjacent “L” shaped property will have access to get to their property. Deputy Director Quintero answered yes, they do have the ability to access their property.

Commissioner Dias asked if this business can use the pylon freeway sign for advertisement. Deputy Director Quintero answered no, this business will not be allowed to use it per the existing sign ordinance.

Commissioner Anderson asked if the wall for the secured area went around entire property. Deputy Director Quintero answered no, it is only on the east side of the building.

Public Hearing: Chairman Reape opened the public hearing.

Joe Armendariz, the applicant & Randy Russom with RRM Design Group introduced themselves. Mr. Russom said they have not applied for the sign application yet but will make sure the signs meet the conditions in the ordinance and that they have no intention of using the freeway pylon sign. Joe Armendariz stated this is an ideal location and thanked everyone for this opportunity.

Nick Andre CEO of NHC stated he was excited to come to Turlock.

Matthew Jacob, spoke against the project stating he sent a letter regarding the concerns for the property next to the current restaurant. He explained his concern was with the finding stating the project will not affect abutting properties. Mr. Jacob stated that there are studies done showing that the property values drop by 5% within the area of cannabis retail stores and will limit the potential use for the adjacent properties causing adverse economic effects in this valuable shopping district. Mr. Jacob also explained that the real property rights tied to ownership of the parcel allows the use of the pylon freeway sign. He requested information where it stated the four parcels cannot use the pylon sign. Deputy Director Quintero explained

a cannabis sign ordinance was just adopted and locating on freeway signs was not permitted. City Attorney Nubia Goldstein stated she will check into the cannabis sign ordinance to see what is allowed.

City Manager Toby Wells explained the Development Agreement was formatted after the one City of Ceres uses. He explained in three years, the City of Ceres only had 36 calls for service for the dispensaries, but the bar near the dispensary has 30 calls per weekend. City Manager Wells stated the study regarding lower property values was for dispensaries near residential areas not commercial locations.

Commissioner Varani asked if a charter school was going in this area. Deputy Director Quintero said no application has been submitted. Attorney Goldstein stated they cannot look at what the potential use of the property could be but what is actually at this location at time the application was applied for.

Hearing no one else, Chairman Reape closed the public hearing.

Commissioner Varani expressed her concerned with the location being so close to the shopping center.

Chairman Reape commented stating the dispensaries need to be near retail areas to be able to meet the 600 feet distance requirement from schools. Also, he stated it would be best if the signs would be discreet and follow the language in the cannabis sign ordinance.

Commissioner Davis stated he understands concern with the use of the property but liked the use of an existing property.

MOTION:

Development Agreement:

Chairman Reape moved, seconded by Commissioner Dias determining the proposed project is Exempt for the provisions of the California Environmental Quality Act (CEQA) and adopting Resolution 2020-16 recommending City Council adopt an Ordinance as amended in the green sheet approving a Development Agreement by and between the City of Turlock and NHC.

Planning Commission recommends the City Council approve the development agreement by and between the City of Turlock and Natural Healing Center.

Motion carried 6/1 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Anderson	Commissioner Varani	Commissioner Dias	Commissioner Powers	Chairman Reape
Yes	Yes	Yes	No	Yes	Yes	Yes

Conditional Use Permit

Chairman Reape moved, seconded by Commissioner Souza that the Planning Commission grant Conditional Use Permit No. 2020-01 (NHC) having determined that the project is "Categorically Exempt" from the provisions of CEQA, and that all of the appropriate findings can

be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2020-17 with the proposed amendments to the Police Conditions 3, 3a and 32a.

Motion carried 6/1 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Anderson	Commissioner Varani	Commissioner Dias	Commissioner Powers	Chairman Reape
Yes	Yes	Yes	No	Yes	Yes	Yes

2. ORDINANCE AMENDMENT 2020-03 (INDUSTRIAL HEMP MANUFACTURING):

City Attorney Goldstein explained this is a proposed ordinance amendment to establish regulation for industrial hemp businesses in the City of Turlock. The State of California has laws regulating the manufacturing of hemp but the City did not have regulations in the Municipal Code. Hemp is defined under state law by the concentration of CBD and THC amounts in the product and is mainly used in oils, lotions, materials, and fabric. Hemp cannot be grown near cannabis due to potential health and safety issues therefore making cultivation best suited for unincorporated areas of Stanislaus County. This ordinance would establish the zoning areas industrial hemp uses could be allowed.

This ordinance is proposed to establish a regulatory program for the hemp manufacturing operations. There are two types of hemp operations:

Type A: This Industrial hemp business makes products that does not include any volatile extraction of THC. It would compound, blend, infuse or mix the concentrate.

Type B: This is a heavier use that would allow extraction of cannabinoids including CBD from industrial hemp through natural solvent (olive oil or ethanol), CO2 or steam extraction methods. This type of business would require more regulations at the City level including a conditional use permit as well as a business license.

Chairman Reape asked why processing of hemp and cannabis cannot be processed in the same location. Attorney Goldstein said they can if they are licensed with the State but must adhere to a much stricter license.

Commissioner Varani asked if there were any new businesses for hemp and if there was a cap for the number allowed. Attorney Goldstein stated hemp would be a new business type and there is no cap on the number of businesses allowed.

Commissioner Dias asked why type A would be allowed in the business park district. Attorney Goldstein said this type of business is not a heavy commercial type, more of a light industrial business.

Commissioner Anderson asked if these businesses are for manufacturing only not retail. Attorney Goldstein answered that was correct.

Public Hearing: Chairman Reape opened the public hearing.

Milt Trieweiler stated there was a warehouse explosion in Los Angeles. He asked if the City was equipped for such a use. Attorney Goldstein stated protocols will be in place for Type B business to address health and safety concerns.

Mary Jackson asked if they will be paying into the facility fees for police and fire and that we need to be cautious of where these businesses are allowed.

Attorney Goldstein explained this is prohibiting the growing of hemp, it is only allowing manufacturing.

Hearing no one, Chairman Reape closed the public hearing.

Commissioner Dias asked what the Fire departments input was on this type of business.

Fire Marshal Gomez stated there are provisions in the code for more hazardous operations and these businesses will have to meet all the requirements to help eliminate and minimize risk.

Commissioner Anderson inquired about this being one of two parts. Attorney Goldstein stated yes, this is for the zoning code, the regulatory ordinance will go to City Council.

MOTION: Commissioner Dias moved, seconded by Commissioner Varani determining the proposed project is Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3) of Title 14 of the California Code of Regulations and recommending to City Council to accept Ordinance Amendment 2020-03 (Industrial Hemp Manufacturing).

Motion carried 7/0 by the following vote:

Commissioner Souza	Commissioner Davis	Commissioner Anderson	Commissioner Varani	Commissioner Dias	Commissioner Powers	Chairman Reape
Yes	Yes	Yes	Yes	Yes	Yes	Yes

H. OTHER MATTERS:

Chairman Reape noted there were none.

I. COMMISSIONER'S CONSIDERATION

Chairman Reape noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Chairman Reape noted there were none.

K. COMMISSIONERS COMMENTS

Commissioner Anderson asked for an update on the four retail cannabis facilities.

Deputy Director Quintero answered that two have been approved with Firehouse opening yesterday, Perfect Union planning to open in early September, NHC moving forward to City Council for approval and Evergreen is currently looking for a location.

Commissioner Dias asked if Firehouse meet all their requirements.

City Manager Toby Wells explained they were issued a temporary occupancy with a few minor items to complete.

Fire Marshal Gomez explained this is common for all new occupancies for new businesses.

Police Captain Williams stated there were 40 conditions required and all but two were met.

Commissioner Powers stated today would be his last Planning Commission meeting as he has moved outside of the Turlock City limits.

L. STAFF UPDATES

Deputy Director Quintero stated Jessica's house is now under construction and she was asked to thank the Commission for working with them to get this project going.

M. ADJOURNMENT

Chairman Reape asked for a motion to adjourn the meeting. Motion by Commissioner Davis motion carried unanimously. The meeting was adjourned at 7:36 p.m.

RESPECTFULLY SUBMITTED

Jim Reape
Chairman

Katie Quintero
Deputy Director of Development Services