

Thursday, December 1, 2022  
6:00 p.m.  
City of Turlock Yosemite Room  
156 S Broadway, Turlock, California

**MINUTES**  
**Regular Meeting**  
**Turlock Planning Commission**

**A. 1. CALL TO ORDER** – Chair Matthew Davis called the meeting to order at 6:01 p.m.

PRESENT: Commissioners Jim Reape, Sukhminder Deol, Mark Reese, Ray Souza, and Chair Matthew Davis

VIA TELEPHONE: Commissioner Elvis Dias

ABSENT: Commissioner Constance Anderson

**2. SALUTE TO THE FLAG**

Chair Davis led those in attendance in the Pledge of Allegiance.

**B. APPROVAL OF MINUTES**

1. Chair Davis asked for corrections or a motion to approve the minutes of the Regular Meeting of November 3, 2022.

**MOTION:**

Commissioner Reape moved, seconded by Commissioner Reese to accept the minutes as submitted. Motion carried 5/2 by the following vote:

Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Reape	Commissioner Dias	Commissioner Deol	Chair Davis
Yes	Abstain	Absent	Yes	Yes	Yes	Yes

**C. ANNOUNCEMENTS**

Director of Development Services Katie Quintero introduced the City Engineer Nanda Gottiparthi and Public Works Director Erik Schultz to the Planning Commissioners.

**PUBLIC PARTICIPATION**

Chair Davis opened the floor for public participation.

Milt Trierweiler, resident, spoke about making decisions on facts and realty and asked the Commissioner to stay open minded to new concepts and ideas.

Hearing no one else, Chair Davis closed the floor for public participation.

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

**2. DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Chair Davis asked the Planning Commission if there were any conflicts of interest or disclosures of ex parte communications.

Commissioner Souza and Chair Davis both reported they had Ex Parte communications as each had separately met with the applicant of item G.2.

**E. PUBLIC HEARING CONSENT CALENDAR**

Chair Davis stated there was nothing on the public hearing consent calendar.

**F. PUBLIC HEARINGS**

**\*CONSENT ITEMS**

Chair Davis noted there were two items:

**1. DEVELOPMENT AGREEMENT FOR THE EVERGREEN MARKET**

Director of Development Services Katie Quintero stated that staff is requesting the continuance, not the applicant, to the January 5, 2023 Planning Commission meeting for the proposed Development Agreement between the City of Turlock and Evergreen Market for a cannabis retail dispensary at 101 E. Glenwood Avenue due to additional time to address proposed language changes in the Development Agreement.

**Public Hearing**

Chairman Davis opened the floor for public hearing.

Jeff Anderson, owner of the Evergreen Market, introduced himself to the Planning Commissioners.

Chairman Davis closed the floor for public hearing.

**MOTION:**

Commissioner Reape moved, seconded by Commissioner Reese recommend to continue the Development Agreement for Evergreen Market to the January 5, 2023 Planning Commission meeting. Motion carried 6/1 by the following vote

Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Reape	Commissioner Dias	Commissioner Deol	Chair Davis
Yes	Yes	Absent	Yes	Yes	Yes	Yes

**2. APPEAL OF CITY ENGINEER'S DENIAL OF APPLICANT'S WAIVER REQUEST FOR UNDERGROUNDING OVERHEAD UTILITIES-1525 W. MONTE VISTA AVENUE**

Director of Development Services Katie Quintero stated the item is an appeal of the City Engineer's denial of a request to waive the requirement to underground the overhead utility lines along N. Walnut Road as part of Minor Discretionary Permit 2021-08 located at 1525 N. Walnut Road. The Minor Discretionary permit 2021-08 was issued on August 21, 2022 authorizing the development of a 348 unit multi-family residential project with twelve, three-story buildings at a height of approximately 40 feet tall. The MDP required underground utilities to be installed under condition 26 and in accordance with Turlock Municipal Code 9-2-120. The applicant filed a waiver request on October 3, 2022 but was denied by the City Engineer on September 22, 2022.

Director of Development Services Katie Quintero stated the undergrounding of the utilities can be waived if the following conditions exist: if boring is required from the opposite side of the street, if undergrounding is impractical, or if the electrical transmission lines are 69 KV and above.

Nathan Bray, engineer for the applicant, presented a slideshow explaining that this project was approved at staff level and in condition #26, it states the utilities are required to be underground. He stated that the power polls to the North and South of the project will remain above ground and undergrounding will only extend 300 feet. Mr. Bray stated he spoke with TID regarding this situation and was told that TID does not like to run the underground utilities in the middle of overhead lines and would need to set two new poles and bore across Walnut Rd in order to remove three poles on the project. He also stated the transmission lines are not over 69 KV meeting the conditions to be considered for waiver. Mr. Bray asked the Planning Commission to overturn the City Engineer's decision.

Chris Hawke, the applicant, stated this is the first appeal requested on a staff position in 37 years but to underground for a net of one power pole is over \$500,000.

Commissioner Reape asked to hear from the City Engineer regarding his denial.

Nanda Gottiparthi, City Engineer, explained the conclusion was made that the project did not meet the TMC requirement to waive the condition to underground the utilities because the parcel across the street was undeveloped and would be required to underground the overhead lines in the future upon development.

Commissioner Reape asked if the undergrounding would only net one pole difference.

Nanda Gottiparthi stated yes, that was correct.

Commissioner Reese asked if the total amount required underground was 300 feet and if allowed, how would this affect the future land development

Director of Development Services Katie Quintero stated the removal of two poles and overhead lines could not be underground due to the high voltage box and the TID power box to the South. She stated this could set a precedence for future land development of the parcel across the street.

### **Public Hearing**

Chairman Davis opened the floor for public participation.

Milt Trierweiler, spoke in support of reversing the denial stating it did not make sense to charge ½ million dollars to get rid of one pole. He stated the above ground utilities run from Canal Dr and Geer Road to Monte Vista Ave so the aesthetics will not change as the buildings will be taller than the utility poles.

Chairman Davis closed the floor for public participation.

Commissioner Reape stated he understands why staff did not approve the waiver based on the language in the ordinance but on a practical scope he stated it does not make sense to underground for only 300 feet.

Commissioner Souza stated he supports the waiver looking at the practical reasons versus the technical requirements

Commissioner Reese stated the staff is doing what code states but it is only 300 feet that will be underground.

Chair Davis stated there is not a large benefit to underground this small area but agrees that staff followed what the code states.

**MOTION:**

Commissioner Reape moved, seconded by Commissioner Dias to uphold the appeal of the City Engineer’s denial of a request to waive the requirement to underground utilities and allow the lines to remain above ground and determine that the project is “Categorically Exempt” from the provisions of CEQA pursuant to CEQA Guidelines Section 15162 (a), and subject to the conditions of approval contained in draft Planning Commission Resolution 2022-10. Motion carried 6/1 by the following vote

Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Reape	Commissioner Dias	Commissioner Deol	Chair Davis
Yes	Yes	Absent	Yes	Yes	Yes	Yes

**H. OTHER MATTERS:**

**1. ADOPTION OF THE 2023 PLANNING COMMISSION MEETING CALENDAR**

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

**MOTION:**

Commissioner Reape moved, seconded by Commissioner Reese to adopt the meeting dates for 2023 as presented. Motion carried 6/1 by the following vote:

Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Reape	Commissioner Dias	Commissioner Deol	Chair Davis
Yes	Yes	Absent	Yes	Yes	Yes	Yes

**I. COMMISSIONER’S CONSIDERATION**

Chair Davis noted there were none.

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

Chair Davis noted there were none.

**K. COMMISSIONERS COMMENTS**

Commissioner Souza and Commissioner Davis expressed their appreciation for all the hard work of the Planning Division.

Commissioner Dias thanked staff for accommodating him via telephone.

**L. STAFF UPDATES**

Director of Development Services Katie Quintero stated due to the level of staffing in the Planning Division, the City has contracted a planner from JB Anderson to work one day a week starting on December 15<sup>th</sup>.

**M. ADJOURNMENT**

Having no further business, Chair Davis asked for a motion to adjourn the meeting. Motion by Commissioner Souza. Motion carried unanimously by a voice vote. The meeting was adjourned at 7:03 p.m.

**RESPECTFULLY SUBMITTED**

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Matthew Davis  
Planning Commission Chair

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Katie Quintero  
Director of Development Services