



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 5, 2003, 9:00 A.M.
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,
MERCED, CALIFORNIA**

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Larry Whitney; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

III. APPROVAL OR MINUTES

IV. CITIZEN COMMUNICATIONS

Public opportunity to address the Planning Commission on items of interest over which the Planning Commission has jurisdiction.

SPEAKERS

If you would like to address the Planning Commission on any item on the agenda, please pick up a 3" x 5" card in the foyer, fill it out with your name, address, and item you wish to speak on, and give it to someone at the staff table (to the left of the podium) prior to speaking.

V. PUBLIC HEARING

- A. ADMINISTRATIVE PERMIT NO. 00044 – Bonanza Enterprises** – To consider revocation of a permit for an existing pheasant operation for failing to comply with previous conditions of approval on property located on the south side of Bloss Avenue approximately ¼ mile west of Golf Links Rd., east of the unincorporated community of Hilmar, designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural). (17.2 acres) **TO CONSIDER REVOCATION OR MODIFICATION OF THE USE. Project Planner Robert King. Continued from the November 20, 2002 meeting.**

STRIVING FOR EXCELLENCE

- B. FIRST EXTENSION NO. 02014 TO MAJOR SUBDIVISION NO. 00007 – Steve Tinetti** – To consider an extension of Major Subdivision Application No. 00007 involving 26 rural residential lots on property located on the north side of Bellevue Rd. 188 ft. east of Golf Rd in the Merced area which is designated as Merced RRC land use in the General Plan. The zone is A-R. (30.4 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**
- C. ZONE VARIANCE NO. 02025 AND MINOR SUBDIVISION APPLICATION NO. 02044 – Allen Sietsema** – To vary from the minimum parcel size in the A-1 (General Agricultural) zone and to divide a 27 acre parcel of land into two parcels: Parcel No. 1 = 1.72 acres and Parcel 2 = 25.28 acres and will be combined with adjacent properties resulting in a new 69.25 acre parcel on property located on the north side of west Avenue Two, 800 feet east of Buhach Road in the Atwater area which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

- A. Update on the Campus Parkway Project by the Public Works Department.**

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

APPEALS

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF FEBRUARY 5, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of February 5, 2003, are available in the Merced County Planning and Community Development Department, 2222 "M" Street, Second Floor, Merced, California.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:06 a.m., on February 5, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Larry Whitney
 Commissioner Kimberly Clauss
 Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner
 Commissioner David Wager

Staff Present: William R. Nicholson, Planning and Community Development
 Director
 Butch Cope, Assistant Director
 Kim Lewallen, Recording Secretary
 Robert King, Planner III
 Dan Skidmore, Planner I

Legal Staff: James Tarhalla, Deputy County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

M/S WHITNEY/WAGER, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 5, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. ADMINISTRATIVE PERMIT NO. 00044 – Bonanza Enterprises – To consider revocation of a permit for an existing pheasant operation for failing to comply with previous conditions of approval on property located on the south side of Bloss Avenue approximately ¼ mile west of Golf Links Rd., east of the unincorporated community of Hilmar, designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural). (17.2 acres) **TO CONSIDER REVOCATION OR MODIFICATION OF THE USE. Project Planner Robert King. Continued from the November 20, 2002 meeting.**

Planner Robert King presented the Staff Report and Recommendation dated February 5, 2003 and passed out a letter to the Commissioners regarding the Original permit and the Conditions Monitoring Inspection Report.

The public hearing opened at 9:12 a.m.

Lana Lopes, Neighbor, still feels that this application is an environmental problem due to the dust, water etc. She stated that there are still 7 pens with birds in them. She thought that all the birds would be removed by now.

Craig Larkins, neighbor, feels that the applicant doesn't care about the surrounding property owners. There are numerous tumbleweeds on the property as well.

Commissioner Clauss asked what the new date is when the pens are to be out.

Planner Bob King responded indicated there is no specific date yet, once the birds are removed, the pens should be removed. The pens should be out by April 1st and another month the debris will be cleared up.

Commissioner Clauss asked if the 500 pheasants outside would be a problem in the future. Planner King responded no, only one pen will be involved.

Mike Smith, CCPS, representing the applicant, said 400 to 500 birds are there now in one pen. Ron Sawyer, the applicant, stated that the rest of the pens are being removed now and relocated to the Westside. The debris will be hauled out and it has now been relocated from the Canal.

Chairman Sloan stated that the permit said July 1, 2002 was the original deadline for the birds and pen removal. Mr. Sawyer indicated that the pens will be removed in 2 months. Commissioner Wager stated that Mr. Sawyer is meeting his deadline. He is not worried about the pens. More dust and smell is created by the nearby Foster Farms.

Allen Lopes, neighbor, stated that all the pens were to be taken down.

Chairman Sloan stated that the wording of the Conditions is that 500 birds may be kept on the property but specific pen locations are not mentioned.

The public hearing closed at 9:27 a.m.

Commissioner Wager asked Planner King if he feels comfortable with the recommendations. Planner King indicated that Mr. Sawyer has been complying only because pressure has been put on him to comply. The lamb's quarters are needed to remain to control the dust.

Commissioner Clauss indicated that Condition #5 should be taken out and she would like to see the application come back to Planning Commission.

Commissioner Wager disagreed.

Commissioner Tanner had no problem with the 500 birds.

Karrie Solis, Code Enforcement Officer, stated that she would like to either see a timeline for the pens to be removed or the application come back to Planning Commission again.

Chairman Sloan indicated that he is tired of this application coming back and he doesn't want the conditions modified. He will vote to revoke the permit if Mr. Sawyer is not in compliance by April 1, 2003.

MOTION: M/S WAGER - , DIED FOR A LACK OF A SECOND.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 5, 2003

Page 3

MOTION: M/S CLAUSS - TANNER, AND CARRIED BY A VOTE OF 4-1, NAY BY COMMISSIONER WAGER, THE PLANNING COMMISSION CONTINUED THIS APPLICATION TO THE PLANNING COMMISSION MEETING TO BE APRIL 9TH. IF THE APPLICANT IS NOT IN COMPLIANCE BY APRIL 1ST, COMMISSION WILL CONSIDER REVOKING THE PERMIT.

- B. FIRST EXTENSION NO. 02014 TO MAJOR SUBDIVISION NO. 00007 – Steve Tinetti**
– To consider an extension of Major Subdivision Application No. 00007 involving 26 rural residential lots on property located on the north side of Bellevue Rd. 188 ft. east of Golf Rd in the Merced area which is designated as Merced RRC land use in the General Plan. The zone is AR. (30.4 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**

Planner Dan Skidmore presented the Staff Report and Recommendation dated February 5, 2003.

The public hearing opened at 9:42 a.m.

Duane Andrews, applicant's representative, requested the additional time for recording the map.

Commissioner Wager asked Mr. Andrews for his comments on the letter from MID. Mr. Andrews stated that the issues would be addressed.

Patrick Kern, owner of property to the south, stated that he owns the two lots on Bellevue Road and said he received a letter from Duane requesting their cooperation on removal of MID's ditch to the rear of their property. All the canal bank dirt should be removed when the new pipeline is put in. The ditch is not maintained and is overgrown.

Chairman Sloan stated that Tinetti doesn't own the property, MID has an easement on Kern's property.

Jim Tarhalla, County Counsel, stated that when an easement is abandoned, the dirt could be pushed back into the ditch.

Mr. Andrews indicated that there are lots of easements there. They can work with MID and the property owners. They will remove the dirt.

The public hearing closed at 9:55 a.m.

MOTION: M/S WAGER - CLAUSS, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS FIRST EXTENSION NO. 02014 TO MAJOR SUBDIVISION APPLICATION NO. 00007, FROM CEQA.

MOTION: M/S WAGER - CLAUSS, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 5, 2003, AND MAKES THE 7 _____ FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7___ FINDINGS, APPROVES FIRST EXTENSION NO. 02014 TO MAJOR SUBDIVISION NO. 00007 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. A final map shall be recorded with the Merced County Recorder's Office within two (2) years of the date of approval by the Planning Commission. The final map shall be recorded in conformance with the Merced County Subdivision Code.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 5, 2003

Page 4

2. Developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
3. Developer shall release and relinquish all abutters' rights of access to and from the entire Bellevue Road and Golf Road frontages of Lots 6, 7, 1 and 26.
4. A letter shall be provided to the Merced County Public Works –Roads Division from the Merced Irrigation District accepting storm drainage water from this proposed development into their facilities.
5. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
6. Developer shall provide centerline striping for North Butte Drive at the intersection of Golf Road.
7. Developer is advised that he may be obligated to comply with Federal Regulations for storm water run-off issued by the U.S.EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123, and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
8. Developer shall provide street lighting along the proposed private interior road with adequate spacing and wattage in accordance with requirements of the County Standards.
9. Developer has the option of maintaining the on-site street lighting, common area fence and landscaping, and/or storm drainage facilities through either a private homeowner's association or through a County Service Area Maintenance Zone of Benefit.
10. Percolation tests and soil profiles must be completed subject to approval of the County Environmental Health Division prior to recordation of the final map. A County Service Area Maintenance Zone of Benefit may also be required for repair and maintenance of on-site sewage disposal systems.
11. A Merced Irrigation District (MID) signature block shall be included on the improvement plans for Westhills Estates Subdivision.
12. As a condition of acceptance of storm water runoff, which will be conveyed through an existing pipeline into the MID's Tower Lateral, the Developer must pipeline the Sells Lateral through the entire subdivision, meeting MID standards.
13. The property owner shall enter into a subdivision drainage contract with the Merced Irrigation District Drainage Improvement District No. 1, paying all applicable fees, including the one time hook up fee and a yearly maintenance fee. The annual maintenance fee will be assessed and collected on the County tax rolls. Because this subdivision is located outside the MID's boundary, language in the drainage contract is still being drafted and the fees require approval by the MID Board of Directors.

14. Execute an easement for the new pipeline location with a minimum width of 20 feet.
15. Developer shall enter into a Construction Agreement for the work associated with MID facilities.
16. All street arrangements will require a minimum of two access points for emergency vehicles. Access shall have an all weather surface and be maintained in good condition.
17. For purposes of condition monitoring, a one-time fee in the amount of **\$250.00** shall be paid prior to or concurrently with the submittal of the final map.

C. ZONE VARIANCE NO. 02025 AND MINOR SUBDIVISION APPLICATION NO. 02044 – Allen Sietsema – To vary from the minimum parcel size in the A-1 (General Agricultural) zone and to divide a 27 acre parcel of land into two parcels: Parcel No. 1 = 1.72 acres and Parcel 2 = 25.28 acres and will be combined with adjacent properties resulting in a new 69.25 acre parcel on property located on the north side of west Avenue Two, 800 feet east of Buhach Road in the Atwater area which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**

Planner Dan Skidmore presented the Staff Report and Recommendation dated February 5, 2003.

The public hearing opened at 10:02 a.m.

Duane Andrews, representing the applicant, stated that the property is in the sphere of influence in Atwater and may be annexed in the near future.

Commissioner Wager indicated that he knows the property and is in favor of the combination of the parcels.

Agnes Sietsema, relative to the owner, said her brother is in a nursing home and would like to sell the larger property to a farmer.

The public hearing closed at 10:06 a.m.

MOTION: M/S WHITNEY - CLAUSS, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE NO. 02025 AND MINOR SUBDIVISION APPLICATION NO. 02044, FROM CEQA.

MOTION: M/S WHITNEY - CLAUSS, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 5, 2003, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES ZONE VARIANCE NO. 02025 AND MINOR SUBDIVISION APPLICATION NO. 02044 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Zone Variance No. 02025 shall be valid as long as Minor Subdivision Application No. 02044 is valid.
2. A Parcel Map shall be recorded within two years of the Planning Commission

MERCED COUNTY PLANNING COMMISSION

Minutes – February 5, 2003

Page 6

approval date.

3. The applicant shall conform to Planning Commission Resolution No. 97-1.
4. The owner shall dedicate, to the City of Atwater, road right of way as required by the City of Atwater. Dedication shall be annotated on the parcel map. Any agreement between the City of Atwater and the owner addressing the building setback and ultimate right of way line, such as owner's responsibility to relocate or demolish dwellings or structures at a future date, shall be recorded prior to or concurrent with the parcel map.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

- A. Steve Rough, County Public Works Department presented to the Commission a brief update on the Campus Parkway Project. He passed out the Campus Parkway Funding Status Report and the Vicinity Map of the Campus Parkway Project.

VIII. DIRECTOR'S REPORT

The General Plan Steering Committee will be taking a tour of the Westside today at noon.

Bill Nicholson introduced James Holland, Planner III, to the commission.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:35 a.m.