



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 13, 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 OF 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. CONDITIONAL USE PERMIT APPLICATION NO. 01021 – J.S. Hardin & Sons** - Excavation of 600,000 cubic yards of previously dredged aggregate. The material will be processed offsite at an existing rock-crushing plant via private haul road. 74.5 acres of the 89.3-acre site will be leveled of cobble piles to approximately pre-dredge grade, on property located on the west side of N. Snelling Rd. and ½ mile north of Robinson Rd. in the Snelling area on land which is designated as Agricultural land use in the General Plan and zoned A-2 (Exclusive-Agricultural) (89 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Continued from the Planning Commission meeting of July 23, 2003. Project Planner Dan Skidmore with Planning Consultant Bob Klousner
- B. MINOR SUBDIVISION APPLICATION NO. 03030 – Belyea, Vorhees, Snakeburg** - To divide an 89.5 acre parcel into three parcels; Parcel 1 = 34.99 acres, Parcel 2 = 25.47 acres, and Parcel 3 = 29.00 acres located ½ mile south of Cottonwood Rd. approximately 1 ½ miles west of Wentworth Road in the Gustine area which is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Continued from the Hearing Officer meeting of July 21, 2003. Project Planner Robert King

STRIVING FOR EXCELLENCE

- C. **MINOR SUBDIVISION APPLICATION NO. 03035 – John Zoria** - To divide a 138 acre parcel into four 20 acre parcels and a 58 acre remainder located southeast of the intersection of Volta and Pioneer Roads in the Los Banos area which is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural.) **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Continued from the Hearing Officer meeting of July 21, 2003. Project Planner Robert King
- D. **4TH EXTENSION OF MAJOR SUBDIVISION NO. 97006 – Oaktree Enterprises/ Fox Hills Management Group** – To extend for one year the Fox Hills Major Subdivision No. 97006 which proposes 402 residential lots on 105.4 acres located at the south end of Volta Road on both sides of Interstate 5. The property is designated as Fox Hills Specific Urban Development Plan Low Density Residential land use in the General Plan and zoned R-1 and R-1-5000 (Single-Family Residential) (105.4 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner James Holland
- E. **CONDITIONAL USE PERMIT APPLICATION NO. 03004 - Church of God In Christ - Mennonite, Ballico** - To construct an 8,000 square feet church and 3,360 square feet social hall on property located at the southwest corner of Gregg Street and Ballico Avenue which is designated as Ballico Specific Urban Development Plan Residential land use in the General Plan and zoned R-1 (Single-Family Residential). (2.8 Acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner James Holland
- F. **MINOR SUBDIVISION NO. 03039 AND ZONE VARIANCE APPLICATION NO. 03006 - Nathan Silva** - To vary from the minimum 20-acre parcel size in the A-1 (General Agricultural) zone and to divide a 3-acre parcel of land into two parcels of 1.5 acres each, on property located on the east side of Buhach Road, 975 feet south of Elliott Avenue in the Merced area. The property is designated as Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Mark Hamilton
- G. **ADMINISTRATIVE PERMIT APPLICATION NO. 03033 - Henry Ridenhour** - To allow a semi-mobile food vendor on the site of a Napa Auto Parts store, located on the west side of Winton Way, 942 feet north of Gertrude Avenue which is designated as Winton Specific Urban Development Plan General Commercial and Light Manufacturing land use in the General Plan and C-2/M-1 (General Commercial / Light Manufacturing) (4.27-acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Mark Hamilton

CORRESPONDENCE

None

GENERAL BUSINESS

Study session to review the first draft of the Merced County General Plan Housing Chapter update.

DIRECTOR'S REPORT

None

ADJOURNMENT



**PLANNING AND COMMUNITY
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Director

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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 AUGUST 13, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of August 13, 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 9:15 a.m., on August 13, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: 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
 James Holland, Planner III
 Dan Skidmore, Planner II
 Mark Hamilton, Planner I

Legal Staff: Fernanda Saude, Senior Deputy County Counsel

Commissioners Absent: Commissioner Whitney, absent, excused

III. APPROVAL OF MINUTES

M/S CLAUSS - WAGER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JULY 23, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

**A. CONDITIONAL USE PERMIT APPLICATION NO. 01021 – J.S. Hardin & Sons -
Excavation of 600,000 cubic yards of previously dredged aggregate. The material will be processed offsite at an existing rock-crushing plant via private haul road. 74.5 acres of the 89.3-acre site will be leveled of cobble piles to approximately pre-dredge grade, on property located on the west side of N. Snelling Road and ½ mile north of Robinson Road in the Snelling area on land which is designated as Agricultural land use in the General Plan and zoned A-2 (Exclusive-Agricultural) (89 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the Planning Commission meeting of July 23, 2003. Project Planner Dan Skidmore with Planning Consultant Bob Klousner****

William Nicholson, Planning Director, gave a summary of the Report presented at the last Planning Commission Meeting.

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Commissioner Wager indicated that at the last meeting, Mr. Klousner said the mine would run for a number of years and he asked how long the mine will run.

Mr. Nicholson stated that the crusher is on the old site. The rock from the new mine will be hauled to the old site to crush. The Reclamation Plan for the old site will still have to be reclaimed when mining is finished. Commissioner Wager asked how long at the old site? Mr. Nicholson responded that if the new Hardin CUP is not approved, the crusher at the old site would have to cease.

Commissioner Wager asked if the CUP and Negative Declaration are approved, would the old CUP transfer the new one? Mr. Nicholson responded that the existing old CUP is also owned by the Hardin family. The new CUP conditions will supercede the old CUP. The new project description provides for the continuance of the crusher on the old site.

The public hearing closed at 9:26 a.m.

Commissioner Wager indicated that he read the entire Negative Declaration. The answers to the concerns of the public have been addressed regarding the Mercury Testing, etc. One portion of the Negative Declaration he was not completely happy with. He feels that once they grade down, the topsoil will be 4 inches deep. It will be Delhi sand. It should be 12 inches deep.

Art Hardin, applicant, asked why he is concerned? Commissioner Wager responded that the dirt would be from the septic tanks. The soil at the mine site is clay. The 4" of sand will blow away. Mr. Hardin responded that the soil is sandy loam, not clay. The clay in the cobbles is from down deep that was dredged up.

Chairman Sloan wants to add a condition on the staff report so Staff can monitor the Reclamation and if additional topsoil is needed, it will be supplied.

MOTION: M/S WAGER – CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR CONDITIONAL USE PERMIT APPLICATION NO. 01021 WITH 12 MITIGATION MEASURES.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 13, 2003, AND MAKES THE 9 _____ FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 _____ FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION NO. 01021 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Conditional Use Permit is granted only for removal of 600,000 cubic yards of cobbles and sand from an 89.3-acre site, and to preserve riparian features and wetlands and reclaim the site to unirrigated grazing land. The performance criteria for unirrigated grazing land shall be as described in the reclamation plan. These uses shall be located, developed, and operated in a manner described on the approved plot plan, section, phasing map, elevations, and the conditions of this permit.
2. The surface mining permit shall be exercised according to the approved reclamation plan.
3. The project shall comply with standard conditions listed in Planning Commission.

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Resolution No. 97-1 (attached).

4. Prior to exercising the permit, the applicant shall provide the County with a financial guarantee for reclamation of the site in the amount acceptable to the Planning and Community Development Director and the State Division of Mine and Geology.
5. Upon completion of the project, all the machinery and equipment associated with the mining operation shall be removed from the property.
6. The project sponsor/operator shall prepare and implement a dust control plan approved by the Air Pollution Control officer, to meet the requirements of SJVAPCD Rules 8011, 8021, 8031, and 8061 as applicable. The plan shall be prepared and approved by the Air Pollution Control officer prior to the initiation of operations. All control measures shall be implemented during project operations as required by the Air Pollution Control officer. Prior to initiating operations, the project proponent or operator shall provide a copy of the approved dust control plan to the Merced County Department of Planning and Community Development. (MM)
7. The project sponsor shall maintain access to the Ferrel Ditch and its headworks by maintenance personnel, including those from the Merced Irrigation District. Should gravel extraction result in access being denied, the project sponsor or operator shall notify MID of the closure, and shall restore access as soon as practicable but no longer than 90 days from the date of closure. (MM)
8. No extraction of the last ridge of tailings adjacent to the Merced River will occur, nor will the last ridge be breached. The area of the "last ridge" to be retained shall include the last ridge of tailings and a buffer area 50 feet in width to the north of the base of the last ridge. The project sponsor, working with the County and Anadromous Fish Restoration Program of the U.S. Fish and Wildlife Service, shall establish a conservation easement encompassing the last ridge of tailings and the riverbank to permanently protect riparian vegetation adjacent to the river and to permit the enhancement of riverine habitat. The easement shall be recorded at the completion of the last phase of mining, prior to completion of the reclamation plan. This constraint would avoid any potential impacts to the riverside and riparian woodland habitats. (MM)
9. All tailings depressions delineated as potential jurisdictional wetlands on Figure 4 will not be excavated. Excavation in tailings piles near ponded wetlands shall maintain a sufficient buffer zone so that no cobble material rolls toward the wetlands. Excavation adjacent to retained wetlands shall maintain all wetland functions and values in the retained wetlands. Prior to the completion of any phase of extraction and prior to the initiation of any subsequent phase, the project sponsor shall contract with a professional biologist to examine the quality of wetland functions and values within retained wetlands. A report of the biologist's findings shall be submitted to the Merced County Planning Department. Should excavation result in the dewatering of wetlands, damage or loss to vegetation within the wetlands, or loss of wetland functions or values, the project sponsor shall provide compensatory mitigation by purchasing credits in a mitigation bank or recreating wetlands with similar functions and values to those lost or degraded. For purchased wetland credits, credited wetlands shall have similar functions and values to those lost or degraded and shall be obtained at a minimum ratio of 1.0 acres of wetlands credited for every acre of wetlands lost or degraded. Recreated wetlands shall be established in the area of the project (lower Merced River corridor) and shall be established at a minimum ratio of 2.0 acres created for each acre of wetlands lost or degraded to mitigate the loss of functions and values while the new wetlands become established. Additionally, should retained wetlands be lost or degraded, the project sponsor shall consult with the Army Corps of

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Engineers to determine the need to obtain a Section 404 Permit. Should a 404 permit be required by the Corps, the applicant shall expeditiously obtain such permit and implement all mitigation required by the Corps, including compensatory mitigation for wetland loss or degradation. Compensation, if any, required by the Corps shall count towards any compensation required previously in this paragraph. (MM)

10. The vertical excavation and removal of tailings will end at an elevation that is at least six feet above the elevation of the ordinary high water mark (OHWM) in the river and in each depression. The final grade will be at least three feet above the Ferrel Canal waterline. (MM)
11. Each spring, prior to the initiation of Swainson's hawk nesting, a qualified biologist shall be contacted by the project applicant to search for breeding and nesting activities by Swainson's hawk within 1/2 mile (or no more than line of sight) from the excavation and loading locations for the upcoming season. Any sighting of a nest location shall be reported to the California Department of Fish and Game (CDFG) and specific mitigation shall be implemented as required by CDFG. (MM)
12. Tractor and truck activities on the tailings piles shall be restricted from operating during rain or within five days after rain, at night, from November to March. (MM)
13. During the months of May and June each year, traffic and excavation shall be restricted from the nest route of the Western pond turtle. Routes shall be determined by drawing a straight line from each pond between the tailings piles and the closest area of soil along the riverbank. Routes to be avoided shall be delineated with temporary exclusion fencing. Construction contractors and site supervisors shall inform equipment operators and laborers of the existence of sensitive habitats in adjacent areas, and the need to stay clear of such sites. (MM)
14. Prior to initiating clearing or grading of the haul road, the project sponsor or operator shall stake the centerline of the proposed route. County staff shall inspect the proposed route to determine whether it avoids wetlands. If the route does not avoid wetlands, the County shall require the project sponsor or operator to coordinate the fill of such features with the Army Corps of Engineers (COE) and to implement any mitigation specified by the COE. (MM)
15. Prior to constructing the haul road crossing of the Ferrel Canal or undertaking any work within or adjacent to the Canal, the project sponsor shall contact the California Department of Fish and Game (CDFG) to determine the need for a Stream Alteration Agreement (under §1600 of the Fish and Game Code), and to coordinate construction with the replacement or reconstruction of the fish screens at the intake of the Ferrel Canal. Should the fish screens not be deemed effective at excluding listed fish species, no work shall occur in the canal except during the period June 15 to September 30 of any year. (MM)
16. Use of all equipment, including trucks and front loaders, shall be limited to 7 a.m. to 6 p.m., Monday through Friday, as a condition of project approval. (MM)
17. Prior to implementing gravel extraction activities, the project sponsor or operator shall enter into a Roadway Impact Agreement with the Merced County Department of Public Works to mitigate the impact of the project on the integrity of County roadways below a level of significance. (MM)
18. The applicant shall furnish the Planning and Community Development Director with a report describing compliance with the reclamation plan by July 1st of each year. With each report, the permittee shall provide a map to scale, showing current

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progress and mining reclamation, revegetation, and wetland protection.

19. The Planning and Community Development Director or his designee shall review the report and inspect the mining operation to determine and assure continuing compliance with the approved reclamation plan and the Conditions of Approval. The applicant shall pay the County the actual cost of conducting inspections, annually or at other times, and shall make available to the Planning and Community Development Director such information necessary for determining compliance.
20. If the Conditional Use Permit is not used within one year, it shall become automatically void without further action. The Planning Commission may extend the Conditional Use Permit if a request is filed by the applicant prior to its expiration. (Zoning Code Section 18.50.09B).
21. If the use authorized by the Conditional Use Permit is abandoned or discontinued for a period of one year or more, the Planning and Community Development Department may initiate revocation proceedings at a public hearing before the Planning Commission.
22. Prior to initiating excavation or harvesting of aggregate on the project site, the project sponsor shall consult with the Regional Water Quality Control Board (RWQCB) to determine the need to obtain an Industrial Activity NPDES permit. As required by the RWQCB, the project sponsor shall file a Notice of Intent or a Notice of Non-applicability. The project sponsor shall implement any Best Management Practices (BMPs) required by the RWQCB.
23. During the life of the project, the project sponsor shall comply with the requirements of regional, state, and local agencies with jurisdiction over the project or resources affected by the project.

B. MINOR SUBDIVISION APPLICATION NO. 03030 – Belyea, Vorhees, Snakeburg - To divide an 89.5 acre parcel into three parcels; Parcel 1 = 34.99 acres, Parcel 2 = 25.47 acres, and Parcel 3 = 29.00 acres located ½ mile south of Cottonwood Rd. approximately 1 ½ miles west of Wentworth Road in the Gustine area which is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the Hearing Officer meeting of July 21, 2003. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated August 13, 2003.

The public hearing opened at 9:40 a.m.

Carleen Belyea, owner, plans to continue farming through someone else. She wants to put in a drip system. People are dumping trash on Parcel #1 and she would like to put a home there and clean up the Parcel.

Commissioner Wager asked if there is sprinkler irrigation there now? Mrs. Belyea responded part of it is and the water is from the Del Porto water system.

Commissioner Wager asked about Parcel 2 & 3. Mrs. Belyea responded that the applicant would put in a 25' private easement along the northerly property line.

Commissioner Clauss asked Mrs. Belyea if her intent is to build a homesite. Mrs. Belyea responded yes, on Parcel 1.

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Dave Coxey, San Luis Water District, stated that it would be problematic to have additional outlets on the Delta Mendota Canal. Del Ponto could handle it with a Community ditch.

The public hearing closed at 9:49 a.m.

Commissioner Wager stated that he is not comfortable with this application. The average parcel size is 60 acres. His main concern is the water. If the water doesn't get to Parcel 2 & 3, it's a problem. Commissioner Clauss agrees with Commissioner Wager.

Chairman Sloan asked if this parcel is from a previous split. Planner Robert King indicated that he is not sure.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION NO. 03030 DUE TO THE LACK OF DEFINITE WATER FOR THE PROPOSED PARCELS AND THE INABILITY TO MAKE THE FINDINGS.

- C. MINOR SUBDIVISION APPLICATION NO. 03035 – John Zoria - To divide a 138-acre parcel into four 20-acre parcels and a 58-acre remainder located southeast of the intersection of Volta and Pioneer Roads in the Los Banos area, which is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural.) TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the Hearing Officer meeting of July 21, 2003. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated August 13, 2003.

William Nicholson, Planning Director, indicated that he met with Larry Bowers, the engineer for the project, and Mr. Bowers asked for this item to be referred back to staff to work out the issues.

Chairman Sloan felt that this item should be heard.

Larry Bowers indicated that the owner wants to do something, but not at crossroads with Staff and the Water District.

The public hearing opened at 10:05 a.m.

Larry Bowers, B.C.A., engineer for the applicant, stated that the bank wants the property divided for loans for improvements. The property is in apricots and the water comes from CCID. One corner of the Parcel is in the San Luis Water District.

David Coxey, San Luis Water District, indicated that they serve a portion of the property and the division doesn't conform to their district boundaries. He feels it will be problematic for potable water from the Delta Mendota Canal.

Commissioner Wager feels that because of the high value of the property, there is pressure to split it.

Chairman Sloan feels that some splits are needed, but not all meet the findings. He noted concerns with the application as there were problems with the water district, access, and the conveyance and location of the proposed airport.

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

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MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION NO. 03035 DUE TO THE INABILITY TO MAKE THE LISTED FINDINGS.

- D. 4TH EXTENSION OF MAJOR SUBDIVISION NO. 97006 – Oaktree Enterprises/ Fox Hills Management Group** – To extend for one year the Fox Hills Major Subdivision No. 97006 which proposes 402 residential lots on 105.4 acres located at the south end of Volta Road on both sides of Interstate 5. The property is designated as Fox Hills Specific Urban Development Plan Low Density Residential land use in the General Plan and zoned R-1 and R-1-5000 (Single-Family Residential) (105.4 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner James Holland

Planner James Holland presented the Staff Report and Recommendation dated August 13, 2003.

The public hearing opened at 10:35 a.m.

Dick Price, applicant, indicated to the Commission that he is working out the details for the final map.

Jay Callahan, Winton MAC, asked the Commission to take into consideration that there may be a history of native American use of land near the site.

Chairman Sloan stated that an Environmental Impact Report was done on that project and no problems were found.

The public hearing closed at 10:37 a.m.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 4TH EXTENSION OF MAJOR SUBDIVISION NO. 97006.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 13, 2003, AND MAKES THE _____ FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE _____ FINDINGS, APPROVES 4TH EXTENSION OF MAJOR SUBDIVISION NO. 97006 SUBJECT TO THE ORIGINAL CONDITIONS OF APPROVAL SET FORTH IN THE STAFF REPORT.

- E. CONDITIONAL USE PERMIT APPLICATION NO. 03004 - Church of God In Christ - Mennonite, Ballico** - To construct an 8,000 square feet church and 3,360 square feet social hall on property located at the southwest corner of Gregg Street and Ballico Avenue which is designated as Ballico Specific Urban Development Plan Residential land use in the General Plan and zoned R-1 (Single-Family Residential). (2.8 Acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner James Holland

Planner James Holland presented the Staff Report and Recommendation dated August 13, 2003.

The public hearing opened at 10:45 a.m.

No one spoke for or against this application.

The public hearing closed at 10:45 a.m.

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William Nicholson, Planning Director, stated that the Planning Department did not see it as being necessary to limit the number of services. The church must meet parking requirements. There is to be no use of the social hall at the same time as a regular church service. The first sentence of Condition #12 will be deleted out and the remainder will be the final wording for the Condition.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION NO. 03004, FROM CEQA.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 13, 2003, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION NO. 03004 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 03004 is for an 11,350 square foot church and social hall with seating for 284 people in the sanctuary.
2. The applicants shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
3. Prior to building permit submittal, the applicant shall submit a landscaping plan to the Planning and Community Development Department that meets the requirements of Section 18.38 of the Merced County Zoning Code and includes the following specific provisions:
 - A. A minimum 5' wide 'Type A' (Opaque) landscaping screen shall be installed along the western and southwestern property boundaries.
 - B. A 6 foot tall masonry wall shall be constructed along the south –easterly property boundary, where the proposed parking lot abuts residentially zoned property. The wall shall be partially screened with trees and shrubs, consistent with subsection 18.38.3.a of the Merced County Zoning Code.
 - C. A minimum 5' wide 'Type C' (Broken) landscaping screen shall be installed along the northern and eastern property boundaries (fronting Gregg Street and Ballico Avenue).
 - D. The proposed parking lot shall be provided with landscape trees consistent with subsection 18.38.3.C(1) of the Zoning Code.
4. The applicant may reduce the size of the proposed parking lot to no fewer than 107 spaces (including handicapped parking) to facilitate meeting the conditions of approval for this project.
5. The applicant shall revise the design of the proposed parking lot to provide lighting consistent with the standards provided in subsection 18.40.04.E of the Merced County Zoning Code.
6. All stormwater runoff generated from the project site shall be directed away from the County right of way and adjacent property. The applicant shall provide the

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County with a set of engineered plans and calculations indicating how this condition will be accomplished.

7. The applicant shall dedicate a 10-foot public utility easement along the Ballico Avenue and Gregg Street frontages of the property, which is deemed necessary for future improvements. The applicant may apply for a vacation of the existing westerly 10-foot of road right-of-way to be used for said easement.
8. The applicant shall locate and construct paved driveway approaches accessing onto Ballico Avenue and Gregg Street that have a minimum separation distance of 150' from each other and the nearest street intersection.
9. The applicant shall improve the abutting half of the Ballico Avenue and Gregg Street frontage of the property, sufficient to achieve a minimum of 18 foot of pavement from centerline, plus construct curbs, gutters, sidewalks and street lighting.
10. Prior to building permit submittal, the applicant shall obtain an on-site sewage disposal system plot plan approval from the Department of Public Health Division of Environmental Health. The applicant shall provide the Division with all information necessary to determine the area and specifications of the on-site sewage system required for this proposal.
11. The applicant shall submit a 'Can and Will Serve' letter from the Ballico Community Services District for the proposed church and social hall at the time of building permit submittal.
12. The main body of the church (the sanctuary) and the social hall shall not be used simultaneously.
13. A mitigation-monitoring fee of **\$138.00** shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

F. MINOR SUBDIVISION NO. 03039 AND ZONE VARIANCE APPLICATION NO. 03006 - Nathan Silva - To vary from the minimum 20-acre parcel size in the A-1 (General Agricultural) zone and to divide a 3-acre parcel of land into two parcels of 1.5 acres each, on property located on the east side of Buhach Road, 975 feet south of Elliott Avenue in the Merced area. The property is designated as Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated August 13, 2003.

The public hearing opened at 10:58 a.m.

Mike Smith, CCPS, stated that there are no special circumstances to this project. Hwy 99 to Hwy 140 are all small parcels. The applicant purchased the land for the purpose of a homesite. If this project is approved, then this will become a 2nd homesite.

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Donald McKean, neighbor, stated that he is in favor of this application. He stated that this parcel cannot be farmed anymore and feels that only a homesite can be built on the land.

The public hearing closed at 11:03 a.m.

Commissioner Wager indicated that he has a problem with the application and stated that the Commission has denied other small parcel splits and will not approve this application.

Commissioner Clauss agrees with Commissioner Wager.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION NO. 03039 AND ZONE VARIANCE APPLICATION NO. 03006.

- G. ADMINISTRATIVE PERMIT APPLICATION NO. 03033 - Henry Ridenhour - To allow a semi-mobile food vendor on the site of a Napa Auto Parts store, located on the west side of Winton Way, 942 feet north of Gertrude Avenue which is designated as Winton Specific Urban Development Plan General Commercial and Light Manufacturing land use in the General Plan and zoned C-2/M-1 (General Commercial / Light Manufacturing) (4.27-acres). TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated August 13, 2003.

The public hearing opened at 11:10 a.m.

Mike Smith, CCPS, stated that the conditions are accepted and the applicant meets all the standards.

Commissioner Wager questioned Condition #11 regarding the restroom access. Planner Mark Hamilton indicated that the restroom access is for the employees only. Mike Smith responded that he got the restroom approval from the property owner. William Nicholson, Planning Director, indicated that this is required.

Commissioner Wager asked what if Napa Auto Parts closes at 5pm, and will the Food Vendor have to close at 5 pm as well.

Karrie Solis, Code Enforcement Officer, stated that enforcement problems mostly consist with the litter in the area.

Butch Cope, Assistant Director, stated that the Ordinance says that the TacoTruck's hour depend on the hours of the adjacent business where the restroom is located.

Jay Callahan, Winton MAC member, talked to the businesses and there was a variety of comments received. The MAC has voted that they do not want more than the existing 3 trucks in the Community already. They feel that trash is generated from these trucks all over the sites. Health standards are not as high for taco trucks as for restaurants.

Marla Flores, Winton MAC member, concurred with Mr. Callahan and is against more taco trucks. They create too much debris.

Mike Smith stated that the Taco Trucks are continually inspected by the Health Department.

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Al Souza, Winton MAC, stated that Taco Trucks are unfair competition to restaurants.

The public hearing closed at 11:03 a.m.

MOTION: M/S WAGER - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES ADMINISTRATIVE PERMIT APPLICATION NO. 03033.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

John LeVan presented a review of the first draft of the Merced County General Plan Housing Chapter update.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 12:17 p.m.