



**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 25, 2004, 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. ADMINISTRATIVE APPLICATION No. 03105 - Hargurnam Singh & Abel Cauzar** - To transfer an Administrative Permit for a semi-mobile food vendor truck, from the land owner (Hargurnam Singh) (AA98006) to the vehicle owner (Abel Cauzar) (03105). The vehicle would be located on property located at the southeast corner of Santa Fe Drive and Walnut Avenue in the Winton area, which is designated as Winton Specific Urban Development Plan, SUDP - Commercial. The zone is C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Renee Foster

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

As part of the 20-Year Regional Transportation Plan update, MCAG will present transportation scenarios, funding strategies, and a project list. All present are invited to vote on these items.

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 – February 25, 2004

Page 2

Planner Renee Foster indicated that a condition be added to the staff report that states that this application be checked in 90 days for cleanliness of the area.

Commissioner Clauss asked if the Winton MAC is ok with this condition. Planner Foster responded that they are not supporting the application.

The public hearing opened at 9:19 a.m.

Mike Smith, CCPS, stated that he accepts the conditions to the staff report.

Marlys Flores, Winton resident, and a member of the Winton MAC, submitted a letter to the Commissioners stating her opposition to the project and also showed the Commissioners pictures of the project site. She feels that taco trucks leave a negative impact on the community of Winton. She only wants the two current taco trucks in the area to stay there and no more taco trucks to come in. She asked for denial of this project.

Chairman Steve Sloan asked Ms. Flores if they kept the property clean, would she accept this application. Ms. Flores stated no.

Abel Cauzer, owner of the taco truck, stated that he is trying his best to keep the property clean. He is not responsible for the trash that was in the pictures that Ms. Flores provided to the Commission. He promises to keep the site clean.

Commissioner Clauss asked Jeff Palsgaard his opinion on this application.

Jeff Palsgaard, Environmental Health, accepts the decision made by the Planning Commission. He requested that a condition be added for the owner to comply with federal safety regulations. Chairman Sloan indicated that this condition is already in the staff report.

Commissioner Whitney asked how often the mobile vendors are inspected. Mr. Palsgaard responded that they are inspected 2 times a year and also if someone complains about the mobile vendor.

The public hearing closed at 9:31 a.m.

Commissioner Whitney asked if they get a permit for the mobile food vendor, can they go anywhere in the County?

Bill Nicholson, Planning Director, responded that the permit that the Planning Department issues would be for a semi-mobile vendor permit, and this permit is to park the truck in a specified location. The permit issued by the Environmental Health Division is for a food preparation permit.

Commissioner Tanner indicated that he would like to have this application come back in 6 months before the Commission to check on the progress since there is a new owner and a new operator.

Chairman Sloan suggested that the Winton MAC be able to look at the progress of this project every 90 days and bring this application back to the Commission if the site is not being kept clean. This will continue for one year.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 25, 2004

Page 3

Mr. Nicholson indicated that the monitoring fee should be doubled to \$256.00.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 25, 2004, AND MAKES THE 3 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 3 FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION NO. 03105 SUBJECT TO THE 9 CONDITIONS ALONG WITH THE 16 CONDITIONS IN THE ORIGINAL STAFF REPORT AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The project shall be subject to all relevant Federal, State and local requirements, specifically the requirements of the California Health and Safety Code.
2. The applicant will return to the Winton MAC every 90 days for one year to ensure that he is complying with the conditions of approval. If the Winton MAC is dissatisfied with the cleanliness of the site, the permit will be reviewed again by the Planning Commission.
3. The hours of operation for mobile food vendors are for no more than sixteen hours a day.
4. The mobile food vendor shall comply with the development standards of the zone related to setbacks and paved parking. No additional signs other than those painted on the vehicle shall be permitted.
5. Waste water generated on-site shall not be released on-site or into any storm drainage or irrigation system.
6. The site shall be kept clean and free of litter at all times, and there shall be adequate trash receptacles adjacent to the vehicle.
7. The vehicle shall be self contained for potable water, waste water, and power. Electrical connections to adjacent businesses may be permitted if approved by the County Building Division.
8. A copy of the Administrative Permit shall be kept with the operator at all times and shall not be transferred to another operator.
9. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$256.00** shall be required. This fee shall be paid prior to initiation of the semi-mobile food vending business.

VI. CORRESPONDENCE

None

MERCED COUNTY PLANNING COMMISSION

Minutes – February 25, 2004

Page 4

VII. GENERAL BUSINESS

As part of the 20-Year Regional Transportation Plan update, MCAG presented the transportation scenarios, funding strategies, and a project list. The Commissioners voted on these items.

Kimberly Clauss announced her resignation to the Planning Commission.

VIII. DIRECTOR'S REPORT

The VanderWoude Dairy project is going before the Board of Supervisors on March 9, 2004.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:34 a.m.