



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF MARCH 10, 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. ZONE VARIANCE No. 03011 and MINOR SUBDIVISION APPLICATION No. 03081 - Ida Rossie** - To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone and divide a nine-acre parcel into two parcels: Parcel 1 = 1.7 acres; Parcel 2 = 7.3 acres on property located on the east side of Livingston-Cressey Road and 1825 feet north of Eucalyptus Avenue in the Livingston area. The site is designated as Agricultural land use in the General Plan. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner John LeVan
- B. 1<sup>ST</sup> EXTENSION No. 04002 to MAJOR SUBDIVISION APPLICATION No. 02003 - Arnaudo Brothers** - To subdivide 4.3 acres into 15 residential lots ranging in size from 8,000 to 12,000 square feet on property located west of Luis Avenue north of Centinella Drive in the community of Santa Nella and designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King

**STRIVING FOR EXCELLENCE**

- C. **CONDITIONAL USE PERMIT APPLICATION No. 04001 – Performance Transmissions**  
– To allow an automotive transmission business inside an existing building which is designated as Hilmar Specific Urban Development Plan Commercial land use in the General Plan. The property is zoned C-2 (General Commercial) (22,500 sq. ft.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
- D. **MINOR SUBDIVISION APPLICATION NO. 03082 - Don Clinton Jr.** – To divide a 114.72 acre parcel into 3 parcels and a Remainder parcel: Parcel 1 = 20.0 Acres, Parcel 2 = 20.0 Acres, Parcel 3 = 20.0 Acres and Remainder Parcel = 54.72 Acres. The property is located on the north side of Jordan Road and the east side of Fresno Road in the Le Grand area. The subject parcel is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). (114.72 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- E. **MINOR SUBDIVISION APPLICATION No. 03085 – H/S Development** – To divide three parcels totaling 135.1 acres into 4 parcels: Parcel A = 19.2 Acres, Parcel B = 20.8 Acres, Parcel C = 19.4 Acres and Parcel D = 74.7 Acres. The subject properties are located at the northwest corner of Childs Avenue and Plainsburg Road and lie within and immediately adjacent to, the Planada Specific Urban Development Planning Area (SUDP) boundary. The subject properties are designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (135.1 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

VI. **CORRESPONDENCE**

None

VII. **GENERAL BUSINESS**

None

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 MARCH 10, 2004**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of March 10, 2004, 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 9:13 a.m., on March 10, 2004, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:     Commissioner Larry Whitney  
                                    Commissioner Steve Sloan-Chairman  
                                    Commissioner Lynn Tanner

Staff Present:               William Nicholson, Planning and Community Development  
                                    Director  
                                    Desmond Johnston, Deputy Director  
                                    John LeVan, Senior Planner  
                                    James Holland, Planner III  
                                    Mark Hamilton, Planner I  
                                    Kim Lewallen, Recording Secretary

Legal Staff:                 Fernanda Saude, Deputy County Counsel

Commissioners Absent:     Commissioner David Wager, absent

**III. APPROVAL OF MINUTES**

**M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 25, 2004.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A. ZONE VARIANCE No. 03011 and MINOR SUBDIVISION APPLICATION No. 03081 - Ida Rossie - To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone and divide a nine-acre parcel into two parcels: Parcel 1 = 1.7 acres; Parcel 2 = 7.3 acres on property located on the east side of Livingston-Cressey Road and 1825 feet north of Eucalyptus Avenue in the Livingston area. The site is designated as Agricultural land use in the General Plan. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner John LeVan****

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Planner John LeVan presented the Staff Report and Recommendation dated March 10, 2004 and handed out a letter to the Commissioners from a neighbor, Mark Dent, who is in favor of this application. He also recommended denial of this application.

The public hearing opened at 9:30 a.m.

Garth Pecchenino, of Tolladay, Fremming and Pecchenino, stated that the applicant agrees with the conditions and is willing to add a condition that no additional homes be added on the larger lot.

Kenneth Rossie, son of Ida Rossie, stated that they are willing to agree with all the stipulations of not adding any more homes to the larger parcel. It is his desire to put the parcel back into production.

Mark Dent, neighbor, approves of this application. He would like to see the parcel in production.

Ida Rossie, applicant, agrees with everyone else.

The public hearing closed at 9:35 a.m.

**MOTION: M/S TANNER – WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DENIES ZONE VARIANCE No. 03011 and MINOR SUBDIVISION APPLICATION No. 03081, BASED ON THE INABILITY TO MAKE THE LISTED FINDING AND CONDITIONS.**

- B. CONDITIONAL USE PERMIT APPLICATION No. 04001 – Performance Transmissions** – To allow an automotive transmission business inside an existing building which is designated as Hilmar Specific Urban Development Plan Commercial land use in the General Plan. The property is zoned C-2 (General Commercial) (22,500 sq. ft.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated March 10, 2004.

The public hearing opened at 9:43 a.m.

Dave Machado, owner of Performance Transmissions, handed out a letter to the Commissioners. He asked for approval of the application. He has no plans to have any vehicles in the lot that are not running. He hopes to expand and create new jobs if this application is approved.

The public hearing closed at 9:44 a.m.

Commissioner Tanner asked if a sign is permitted for this application.

William Nicholson, Planning Director, indicated that a sign can be added by the driveway according to the Zoning Code.

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**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 04001, FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 10, 2004, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 04001 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. 04001 is for a proposed transmission shop to be located within a 4,380 square foot portion of an existing warehouse type building on the project site and shall be developed consistent with the approved plot plan.
2. The applicant shall comply with all of the standard conditions of approval listed in the Planning Commission Resolution No 97-1.
3. For the purpose of condition monitoring, an initial inspection fee in the amount of **\$184.00** shall be paid prior to issuance of a building permit. If any additional inspections are required in future years, the applicant will pay for the direct inspection costs at the adopted inspection rate.
4. The applicant shall provide lighting for the rear portion of the building in a manor that is outlined in section 18.41.06 of the Merced County Zoning Code.
5. The applicant shall maintain and operate the transmission shop in compliance with Zone Code Section 18.47.13 for Automobile/Truck Repair facilities, including performing all repairs within the building.
6. Applicant will need to submit a Hazardous Materials Business Plan. Contact Steve Lowe, Hazardous Materials Specialist at (209) 381-1090.
7. If determined to be H-4 occupancy, the use shall address the Uniform Building Code requirements for a sprinkler system and mechanical ventilation system.
8. Repair garages shall comply with Article 29 of the Uniform Fire Code.
9. Fire extinguishers with either a minimum rating of 4-A, 40-B:C and located so that travel to an extinguisher does not exceed 30 feet, or a 4-A, 80-B:C rating and located so that travel to an extinguisher does not exceed 50 feet shall be provided (UFC Standard 10-1).
10. Hazardous materials in excess of exempt amounts shall comply with Article 80 of the Uniform Fire Code. For exempt amounts see Table 8001.13D.
11. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the

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property (UFC 901.4.4).

12. All non-operational vehicles that are to remain on the premises shall be kept within the proposed transmission shop portion of the building. The rear portion of the building shall be used for storage of operational vehicles, in compliance with the Zone Code Section 18.47.13.
13. The service lifts and work areas for the vehicles shall be positioned in a manner that the vehicle service area are out of the line of sight from Bloss Avenue frontage of the property, or at least 40 feet from the front roll up door.

**C. MINOR SUBDIVISION APPLICATION NO. 03082 - Don Clinton Jr. – To divide two parcels totaling 114.72 acres into 3 parcels and a Remainder parcel: Parcel 1 = 20.0 Acres, Parcel 2 = 20.0 Acres, Parcel 3 = 20.0 Acres and Remainder Parcel = 54.72 Acres. The property is located on the north side of Jordan Road and the east side of Fresno Road in the Le Grand area. The subject parcels are designated Agricultural in the General Plan and zoned A-1 (General Agricultural). (114.72 acres). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated March 10, 2004.

The public hearing opened at 9:59 a.m.

Gerry Westfall, neighbor, stated that there is a problem with the well water. They are only pumped with wind mills. The property is also a fire hazard.

Sara Westfall, neighbor, is opposed to this application. She feels with would be an impact on the agricultural community.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, submitted a letter to the Commissioners. She read the letter and stated that the land has not been cultivated or irrigated. The 114.7 acre parcel is rangeland. Twenty acre parcels of rangeland are not viable economic units. The County General Plan discourages the parcelization of large agricultural parcels. She indicated that the Merced County Farm Bureau recommends that the Planning Commission deny this application, based on the size of the proposed parcels, the size of the neighboring parcels and it is out of compliance with the General Plan.

David Heinrichs, project engineer and neighbor, passed out copies of an aerial photo to the Commissioners. He stated that the area is surrounded by most developed ag land. There is no current irrigation on the area. The average parcel size in the area is 28.7. He feels this application is compatible and it should be approved.

Pat Westfall, neighbor, stated that this parcel is a rangeland. They have problems with vandalism in the area. She is concerned with the loss of agriculture land.

Don Clinton Jr., applicant, stated that the purpose of the parcel split is for his 3 children. He would like to give a 20 acre parcel to each. He stated a well would be put down if he was going to farm. He asked for approval of this application.

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Don Clinton Sr., father of the applicant, stated that the value of the 3 parcels will go up if the parcel is split up into 3 parcels. He feels the land needs to be used and not just left as it is right now. He is in favor of this application.

The public hearing closed at 10:20 a.m.

**MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION NO. 03082, DUE TO THE INABILITY TO MAKE THE FINDINGS AND CONDITIONS IN THE STAFF REPORT.**

- D. MINOR SUBDIVISION APPLICATION No. 03085 – H/S Development – To divide three parcels totaling 135.1 acres into 4 parcels: Parcel A = 19.2 Acres, Parcel B = 20.8 Acres, Parcel C = 19.4 Acres and Parcel D = 74.7 Acres. The subject properties are located at the northwest corner of Childs Avenue and Plainsburg Road and lie within and immediately adjacent to, the Planada Specific Urban Development Planning Area (SUDP) boundary. The subject properties are designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (135.1 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated March 10, 2003.

The public hearing opened at 10:30 a.m.

John Session, H/S Development, stated that they conformed the Assessors map to show Parcels A, B & C is separate from Parcel D.

The public hearing closed at 10:31 a.m.

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03085, FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 10, 2004, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03085 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The project shall comply with the following requirement of the Department of Public Works Roads Division:

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- a. The owner shall dedicate to the County of Merced, annotated on the parcel map, 12-foot additional width of right-of-way for road purposes along the entire frontages with Childs Avenue and Plainsburg Road.
3. An easement providing Parcel B with road access to Childs Avenue shall be placed on the parcel map and shall be a minimum of 20 foot in width.
4. The applicants shall provide evidence of compliance with MID requirements prior to recording the parcel map.
5. A Right-To-Farm statement shall be placed on the face of the Parcel Map consistent with Ordinance No. 1213.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

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