



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF APRIL 14, 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; 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 APPLICATION No. 04001 - Jerry Rodgers - To vary from the maximum sign height of 20 feet in a Commercial zone, and allow installation of a 60 foot high (384 sf) freestanding sign to serve a proposed service station with mini-mart and two fast food restaurants on property located northwest of the Highway 99 interchange with South Avenue in the Delhi area on land designated as Delhi Specific Urban Development Plan General Commercial and zoned C-2 (General Commercial.) 2.3 acres. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****
- B. MINOR SUBDIVISION APPLICATION No. 04008 – Everado Arteaga – To divide a 45.48 acre parcel of land into 2 parcels: Parcel No. 1 = 25.20 acres, Parcel No. 2 = 20.28 acres on property located on the north side of South Avenue approximately 1800 feet east of Cortez Avenue in the Delhi area which is designated as Agricultural land use in the General Plan. The zone is A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

- C. **MINOR SUBDIVISION APPLICATION No. 03069 – Bandoni** - To re-subdivide 2 parcels of approximately 40 acres each, into a total of 4 parcels. Parcel No 1 = 20.25; Parcel No. 2 = 20.25; Parcel No. 3 = 19.9; and Parcel No. 4 = 19.9 acres in size. The property is located on the northwest corner of Figmond Avenue and Fields Road in the Snelling area, on land designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (80.4 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**Project Planner Dan Skidmore
  
- D. **ZONE CHANGE No. 03018 AND MINOR SUBDIVISION APPLICATION No. 04002 - Donald Martin** -To change the existing zoning from R-3 to R-1-5000 and subdivide the property into 5 parcels; Parcels 1 - 5 = 9,494 s.f. each. The project site is located on the east side of Fern Street, and 650 feet north of Ashby Road, which is designated as Franklin-Beachwood SUDP- Medium Density Residential land use in the General Plan and zoned R-3 (Multi-Family Residential) (1 acre). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATIONS.** Project Planner Dan Skidmore
  
- E. **MINOR SUBDIVISION APPLICATION No. 03083 - Wright Trust** - To divide one 40-acre parcel into two parcels: Parcels 1 = 20 acres and Parcel 2 = 20 acres. The subject property is located on the northwest corner of Dwight Way and Sunset Drive in the Livingston area. The subject property is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Mark Hamilton
  
- F. **ZONE CHANGE No. 03012 AND MAJOR SUBDIVISION APPLICATION No. 03011 – Self Help Enterprises (Joe & Mary Terra-Boa)** – To rezone and subdivide a 3.2 acre parcel from R-1 to R-1-5000 and create 18 lots of approximately 5,000 square feet each. The subject property is located on the east side of Hinton Avenue and approximately 400 feet north of Harmony Ranch Drive in the Delhi area. The property is designated as Delhi SUDP Low Density Residential land use in the General Plan and zoned R-1 (Single-Family Residential) (3.2 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATIONS.** 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 APRIL 14, 2004

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 14, 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 9:20 a.m., on April 14, 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  
Kim Lewallen, Recording Secretary  
James Holland, Planner III  
Dan Skidmore, Planner II  
Mark Hamilton, Planner II

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner David Wager

### III. APPROVAL OF MINUTES

**M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MARCH 24, 2004.**

### IV. CITIZEN COMMUNICATIONS

None

### V. PUBLIC HEARINGS

**A. ZONE VARIANCE APPLICATION No. 04001 - Jerry Rodgers - To vary from the maximum sign height of 20 feet in a Commercial zone, and allow installation of a 60 foot high (384 sf) freestanding sign to serve a proposed service station with mini-mart and two fast food restaurants on property located northwest of the Highway 99 interchange with South Avenue in the Delhi area on land designated as Delhi Specific Urban Development Plan General Commercial and zoned C-2 (General Commercial.) 2.3 acres. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

**This item has been continued to the Planning Commission meeting of April 28, 2004.**

**B. MINOR SUBDIVISION APPLICATION No. 04008 – Everado Arteaga – To divide a 45.48 acre parcel of land into 2 parcels: Parcel No. 1 = 25.20 acres, Parcel No. 2 = 20.28 acres on property located on the north side of South Avenue approximately 1800 feet east of Cortez Avenue in the Delhi area which is designated as Agricultural land use in the General Plan. The zone is A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

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Planner James Holland presented the Staff Report and Recommendation dated April 14, 2004.

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

Duane Andrews, Golden Valley Engineering, indicated that he is ok with the conditions and he asked for approval of the project.

Commissioner Tanner asked about the water access. Mr. Andrews responded that there are sprinklers installed and it's in the Turlock Irrigation District. Commissioner Tanner asked if a bridge will be put across the parcels. Mr. Andrews responded that that issue needs to be worked out with the Turlock Irrigation District.

Joan McCurdy, 13430 South Ave. Delhi, stated that she has seen a lot of agricultural land lost and she is against the application.

Roland Beard, 13456 South Ave. Delhi, stated that you can't make a living on a 20 acre parcel. He indicated that both parcels are under the Williamson Act. He is against the application.

Elizabeth Mello, 13601 El Capitan Way, Delhi, stated that she jointed the Williamson Act 2 years ago. She indicated that you can't make a living even on 25 acres. She is against this application.

Jessie Espinosa, 15132 Harding Road, Delhi, stated that he owns part of property regarding this application. He has no intention of selling off the property to make homes. It is only for farming.

Ms. McCurdy asked if there will be a bridge built. Chairman Sloan indicated that it will be whatever Turlock Irrigation District requires. Planner James Holland indicated that Condition #4 talks about an irrigation easement and Condition #5 talks about an easement rather than a physical structure.

William Nicholson, Planning Director, stated that there is a mobile home out there right now for access. The access right now is to Parcel #2. They would have to go to Turlock Irrigation District to get an approval for an access easement. He doesn't feel we need to require a new bridge. Chairman Sloan stated that the conditions are fine the way they are written and do not need any modifications made to them. County Counsel Ruben Castillo agreed with Chairman Sloan.

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

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04008, 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 APRIL 14, 2004, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04008 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:
  - 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.

- C. MINOR SUBDIVISION APPLICATION No. 03069 – Bandoni -** To re-subdivide 2 parcels of approximately 40 acres each, into a total of 4 parcels. Parcel No 1 = 20.25; Parcel No. 2 = 20.25; Parcel No. 3 = 20; and Parcel No. 4 = 20 acres in size. The property is located on the northwest corner of Figmond Avenue and Fields Road in the Snelling area, on land designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (80.4 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**  
**Project Planner Dan Skidmore**

Planner Dan Skidmore presented the Staff Report and Recommendation dated April 14, 2004 and handed out a letter from Diana Westmoreland-Pedrozo of the Merced County Farm Bureau asking for denial of this application due to the current use of the property as day pasture, with no irrigation system, steep slopes, potential habitat and wildlife issues, and the large parcel sizes in the vicinity.

The public hearing opened at 9:50 a.m.

Garth Pechennino, of Tolladay, Fremming and Pechennino, representing the applicant, stated that the area is zoned A-1 General Agriculture. It does meet the minimum parcel sizes. He agrees that the application can be approved with the listed conditions in the staff report. He asked for approval for the project.

Pete Bandoni, applicant, stated that the property is zoned A-1 and were told they could divide the property into 20 acre parcels. There were two objections because two of the parcels were 19.99 acres parcels. They have amended that so that each parcel is over 20 acres. The parcel is not in the Williamson Act. He stated that there is a drain on the property that runs from the east end to the northwest corner. It's only drainage, and not a river. It is not in the marshlands. He doesn't intend to farm the property and stated it will stay at its present use. He asked for approval of this application.

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

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**MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION No. 03069 DUE TO THE INABILITY TO MAKE THE LISTED FINDINGS AS SET FORTH IN THE STAFF REPORT.**

**Commissioner Whitney has Jury Duty at 10:00 am, therefore the following Planning Commission items have been continued to the April 28, 2004 meeting.**

- D. ZONE CHANGE No. 03018 AND MINOR SUBDIVISION APPLICATION No. 04002 - Donald Martin** -To change the existing zoning from R-3 to R-1-5000 and subdivide the property into 5 parcels; Parcels 1 - 5 = 9,494 s.f. each. The project site is located on the east side of Fern Street, and 650 feet north of Ashby Road, which is designated as Franklin-Beachwood SUDP- Medium Density Residential land use in the General Plan and zoned R-3 (Multi-Family Residential) (1 acre). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATIONS. Project Planner Dan Skidmore**

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**This item has been continued to the April 28, 2004 Planning Commission meeting.**

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**This item has been continued to the April 28, 2004 Planning Commission meeting.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:55 a.m.