



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

2222 "M" Street  
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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JULY 28, 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; Gloria Bettencourt; Rudy Buendia

**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. MINOR SUBDIVISION APPLICATION No. 04007 – Schlies Family Trust** - To subdivide a 153.4 acre parcel into five parcels: Parcel 1 = 30.00 Acres, Parcel 2 = 30.00 Acres, Parcel 3 = 30.16 Acres, Parcel 4 = 32.05 Acres and Parcel 5 = 31.09 Acres. The property is located on the north side of Childs Avenue, approximately one half mile west of Plainsburg Road in the Planada area. The land is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the July 14, 2004 meeting. Project Planner James Holland**

**B. MAJOR SUBDIVISION APPLICATION NO. 04011 - "Presidio Estates"** - To subdivide an 18 acre parcel into fourteen (14) one-acre lots on the west side of Herrod Avenue 600 feet north of Mulberry Avenue in and are designated Atwater Rural Residential Center (RRC) No. 1 and zoned A-R (Agricultural Residential). Previously approved as Major Subdivision No. 1030 and 02001. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**

- C. **EXTENSION NO. 04006 (3rd extension) TO MAJOR SUBDIVISION NO. 99008 - "Sierra View Meadows North"** - To extend for one year an approved tentative map for 90 residential lots on property located north of West Fir Avenue, at the extension of Cowden Avenue designated as Franklin-Beachwood Low Density Residential land use in the General Plan and zoned Single Family Residential (R-1) (17.4 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**
  
- D. **MINOR SUBDIVISION APPLICATION No. 04031 - Walfred Spycher-** To subdivide a 40 acre parcel into two parcels: Parcels 1 & 2 = 20.0 acres each. The property is located on the southwest corner of Sunny Acres Avenue and Cortez Avenue in the Turlock area on land designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**
  
- E. **MINOR SUBDIVISION APPLICATION No. 04027- Marie Cabrel** - To subdivide a 72.3 acre parcel into three parcels. Parcel No. 1 = 32.3 acres, Parcel No. 2 & 3 = 20.0 acres each. The property is located on the east side of Bert Crane Road, and 1,280 feet south of Highway 140 in the Atwater area and designated as Agricultural in the Merced County General Plan and zone A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore**
  
- F. **ADMINISTRATIVE APPLICATION No. 04067 - Larry & Michelle Bergman** - The applicant is asking for a waiver of the Animal Confinement Ordinance requirement of at least 1000' separation distance from the nearest Animal Confinement Facility to a new, proposed residence. The property is located on the north side of Crane Avenue, 665 feet west of Kilroy Road in the Hilmar area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General-Agricultural) (19.7 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
  
- G. **GENERAL PLAN AMENDMENT No. 03014, AND ZONE CHANGE APPLICATION NO. 03016 AND MAJOR SUBDIVISION APPLICATION No. 03017 – Silva Meadows** – To change the General Plan designation and zoning of 12.4 acres from Agricultural/A-1 (General Agricultural) to Atwater Rural Residential Center (RRC) No. 1/A-R (Agricultural Residential), and to change the designation and zoning of an adjacent 10.6 acres from Atwater RRC No.1/A-R to Agricultural/A-1 for a net increase in A-R lands of 1.8 acres. The applicant also proposes to re-subdivide four parcels totaling 110 acres into 85 one acre home sites. The properties are located on the west side of Quinley Avenue and north of Moran Avenue. **TO RECOMMEND APPROVAL OF THE MITIGATED NEGATIVE DECLARATION AND APPROVAL, DISAPPROVAL OR MODIFICATION OF THE APPLICATION TO THE BOARD OF SUPERVISORS. Project Planner James Holland**

VI. **CORRESPONDENCE**

Winton School District – Request for comments on a potential elementary school site at the southwest corner of Walnut Avenue and Chestnut Lane in the Community of Winton.

VII. **GENERAL BUSINESS**

None

VIII. **DIRECTOR'S REPORT**

None

IX. **ADJOURNMENT**



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*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 JULY 28, 2004**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of July 28, 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 9:07 a.m., on July 28, 2004, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Steve Sloan-Chairman  
   Commissioner Gloria Bettencourt  
   Commissioner Rudy Buendia

Staff Present:                      William Nicholson, Planning and Community Development  
   Director  
   Desmond Johnston, Deputy Director  
   Kim Lewallen, Recording Secretary  
   James Holland, Planner III  
   Dan Skidmore, Planner II

Legal Staff:                        Ruben Castillo, County Counsel

Commissioners Absent:        Commissioner Larry Whitney, absent, excused  
   Commissioner Lynn Tanner, absent

**III. APPROVAL OF MINUTES**

**M/S BUENDIA – BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JULY 14, 2004.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      MINOR SUBDIVISION APPLICATION No. 04007 – Schlies Family Trust - To subdivide a 153.4 acre parcel into five parcels: Parcel 1 = 30.00 Acres, Parcel 2 = 30.00 Acres, Parcel 3 = 30.16 Acres, Parcel 4 = 32.05 Acres and Parcel 5 = 31.09 Acres. The property is located on the north side of Childs Avenue, approximately one half mile west of Plainsburg Road in the Planada area. The land is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the July 14, 2004 meeting. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated July 28, 2004.

The public hearing opened at 9:24 a.m.

Duane Andrews, of Golden Valley Engineering, representing the applicants, stated that he is able to answer any questions the Commission may have for him and he asked for approval of this application.

The public hearing closed at 9:25 a.m.

**MOTION: M/S BUENDIA – SLOAN, AND CARRIED BY A VOTE OF 2 - 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION No. 04007 DUE TO THE INABILITY TO MAKE THE LISTED FINDINGS AND CONDITIONS.**

- B. MAJOR SUBDIVISION APPLICATION NO. 04011 - "Presidio Estates" - To subdivide an 18 acre parcel into fourteen (14) one-acre lots on the west side of Herrod Avenue 600 feet north of Mulberry Avenue in and are designated Atwater Rural Residential Center (RRC) No. 1 and zoned A-R (Agricultural Residential). Previously approved as Major Subdivision No. 1030 and 02001. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore****

Planner Dan Skidmore presented the Staff Report and Recommendation dated July 28, 2004.

The public hearing opened at 9:29 a.m.

Frank Borgess, owner, asked for approval of this application.

Margaret Parks, neighbor, stated that she is opposed to this application. She feels her property is affected by the road and the canal on the back of the property. There is a constant dust problem as well.

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

William Nicholson, Planning Director, stated that the problem of dirt bikes and ATV's causing dust is a common problem in Merced County depending on the Irrigation District it's in.

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION NO. 04011, FROM CEQA.**

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 28, 2004, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION NO. 04011 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The project shall comply with the standard conditions of approval listed in the Planning Commission Resolution No. 97-1 for major subdivisions.

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2. 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, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
3. The developer shall enter into an improvement agreement with the Department of Public Works prior to recording the final map for the purpose of constructing a storm drain pump station if the percolation basin fails to function to Merced County standards within two years of recording a Notice of Completion for the subdivision improvements. Twenty-foot wide direct access to a county maintained road shall be provided to the storm drainage percolation basin.
4. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map.
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. The applicant shall provide centerline striping on Presidio Court at its intersection with Herrod Avenue.
7. Spring Valley Drive east of Happy Valley Avenue shall be changed to Spring Valley Court. The developer shall pay the Department of Public Works \$500.00 to cover the cost of processing a road name change pursuant to Section 970.5 of the State of California Streets and Highways Code.
8. The developer is advised that he/she 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 Part 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.
9. A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
10. For the purpose of condition monitoring, a fee in the amount of **\$79.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
11. Provide a signature block on the subdivision improvement plans for the Merced Irrigation District for their facilities on this property.

**C. EXTENSION NO. 04006 (3rd extension) TO MAJOR SUBDIVISION NO. 99008 - "Sierra View Meadows North" - To extend for one year an approved tentative map for 90 residential lots on property located north of West Fir Avenue, at the extension of Cowden Avenue designated as Franklin-Beachwood Low Density Residential land use in the General Plan and zoned Single Family Residential (R-1) (17.4 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore****

Planner Dan Skidmore presented the Staff Report and Recommendation dated July 28, 2004.

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

John McCullough, of B.C.A, had no comments regarding this application, but is available to answer any questions.

The public hearing closed at 9:36 a.m.

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR EXTENSION NO. 04006 (3rd extension) TO MAJOR SUBDIVISION NO. 99008.**

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 28, 2004, AND MAKES THE FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE FINDINGS, APPROVES EXTENSION NO. 04006 (3rd extension) TO MAJOR SUBDIVISION NO. 99008 SUBJECT TO THE 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
2. The subdivider shall satisfy Improvement Level I requirements as set forth in Chapter 16.08 of the Merced County Code which generally includes dedication of road rights-of-way, public utility easements, roadway construction and installation of matching pavement along the existing roadways, street lighting, storm drainage system and under grounding or relocating utilities and irrigation facilities. Improvement plans shall be prepared to correspond exactly to the approved vesting tentative map.
3. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with the Public Works Department that no occupancy shall take place until such time that all improvements are completed.
4. The applicant shall provide centerline stripping for the first 200 feet for those new roads which intersect the peripheral street.
5. The developer is advised that he/she 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 Part 122,123, and 124). For information and direction, contact the State water Resources Control Boards Construction Activity Storm Water Hotline at (916) 657-1146.
6. The developer shall provide a signature block on the Sierra View Meadows North improvement plans for MID.

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7. The developer shall pay the \$1,514.00 traffic impact fee per single family dwelling at the building permit stage.
8. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map.
9. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
10. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No. 1213.
11. The developer shall comply with all the standard conditions of approval listed in the Planning Commission Resolution No. 97-1, and development standards in section 18.08.03 of the Zoning Code.
12. Prior to recording of the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The general location of the street trees shall be shown on the improvement plans.
13. For the purpose of condition monitoring, a fee in the amount of **\$250.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
14. Area for dedication of a 0.72acre neighborhood park shall be reserved on the Final Map, at which time the County Public Works Director shall determine whether an onsite park is needed. Such park shall require street frontage on a minimum of two sides.

**D. MINOR SUBDIVISION APPLICATION No. 04031 - Walfred Spycher - To subdivide a 40 acre parcel into two parcels: Parcels 1 & 2 = 20.0 acres each. The property is located on the southwest corner of Sunny Acres Avenue and Cortez Avenue in the Turlock area on land designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore****

Planner Dan Skidmore presented the Staff Report and Recommendation dated July 28, 2004.

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

Mike Smith, of CCPS, indicated that the reason for the split is for the applicant's two sons. He asked for approval of this application.

The public hearing closed at 9:41 a.m.



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**MOTION: M/S BUENDIA - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04031, FROM CEQA.**

**MOTION: M/S BUENDIA - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 28, 2004, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04031 SUBJECT TO THE 4 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 standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
3. The owner(s) shall dedicate to the County of Merced, annotated on the parcel map, an additional 10-foot width of right-of-way along the entire frontage of Sunny Acres, and a 30-foot width of road right-of-way (the existing unaccepted 20-foot road width plus an additional 10-foot width) along the entire frontage of Cortez Avenue with a 50-foot radius fillet (curve) at the southwest corner of Sunny Acres Avenue and Cortez Avenue intersection.
4. The applicant shall comply with all County, State and Federal regulations.

- E. MINOR SUBDIVISION APPLICATION No. 04027- Marie Cabrel - To subdivide a 72.3 acre parcel into three parcels. Parcel No. 1 = 32.3 acres, Parcel No. 2 & 3 = 20.0 acres each. The property is located on the east side of Bert Crane Road, and 1,280 feet south of Highway 140 in the Atwater area and designated as Agricultural in the Merced County General Plan and zone A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dan Skidmore****

Planner Dan Skidmore presented the Staff Report and Recommendation dated July 28, 2004 and recommended denial of this application.

The public hearing opened at 9:46 a.m.

Garth Pecheninno, of Fremming, Parson and Pechininno, stated that this project is consistent with the General Plan. The site has adequate water. The surplus water is from Merced Irrigation District. The reason for the division is for State Planning. The average parcel size in the area is 26 acres. He passed out copies to the Commissioners of the minutes from the property division in 1975. He asked for approval of this project and feels that they meet all the requirements.

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William Nicholson, Planning Director, explained that the Assessors will typically show old subdivision lots to mainly identify the boundary of a land for taxing purposes. In this case, the zoning is A-1 and back in 1975 to create a 3 acre parcel was below 20 acres. They took the balance of their 17 acres and combined it with the land to the north, which is now a Convey and Combine.

Marie Cabral, applicant, stated that her purpose of this application is to divide the land according to her living trust. Her daughter, Celeste Souza, indicated that she wants the property to stay in her family and continue to grow crops.

Chairman Sloan recommends continuing this item, because he wants to get further information with the existing parcels out there and the old subdivision map that may exist out there. He wants clarification before approving this application. The applicant and representative concur with the recommendation.

Ruben Castillo, County Counsel, felt this is necessary because information should have been presented before the hearing instead of the day of.

**At the request of Chairman Sloan, this application has been continued to the August 11, 2004 meeting.**

- F. ADMINISTRATIVE APPLICATION No. 04067 - Larry & Michelle Bergman -** The applicant is asking for a waiver of the Animal Confinement Ordinance requirement of at least 1000' separation distance from the nearest Animal Confinement Facility to a new, proposed residence. The property is located on the north side of Crane Avenue, 665 feet west of Kilroy Road in the Hilmar area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General-Agricultural) (19.7 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

Deputy Director Desmond Johnston presented the Staff Report and Recommendations dated July 28, 2004. He also wanted to add a condition to the staff report stating that the applicant is required to dedicate a 10 foot right-of-way if this application is approved. He recommended denial due to the inability to make two of the findings listed in the staff report.

The public hearing opened at 10:28 a.m.

Larry Bergman, applicant, stated that the dwelling on the property is currently where his grandmother lives. It is important for him to take care of her. Another reason he applied for the Administrative application is that the area is not farmable. There is no way to get water in that area the way the property is irrigated.

Commissioner Bettencourt asked Mr. Bergam if there was a problem with Condition #6 regarding the 10 foot road dedication.

Mr. Bergman indicated that he has no problem with the condition. He is willing to give the 10 foot road dedication.

Duane Matheron, neighbor, is in support of the application. The open ground there is not farmable.

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Dr. S.S. Takhar, neighbor, indicated that he is happy to see young people coming into farming. He is in approval of this application.

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

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. 04067, FROM CEQA.**

**MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 28, 2004, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. 04067 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT WITH CONDITION #6 BEING ADDED TO THE CONDITIONS TO READ AS FOLLOWS:**

**Conditions:**

1. Administrative Permit No. 04067 is granted to locate a second single-family residence on the subject property as shown on the approved plot plan.
2. The application 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. The property owner signs and records a Right-to-Farm Certificate before issuance of a building permit.
4. This Administrative Permit No. 04067 is not transferable to another residence nor does it allow additional residences on APN# 045-230-004.
5. For the purpose of mitigation and/or condition monitoring, an inspection fee for **\$92.00** shall be required. This fee shall be paid before issuance of a building permit.
6. The owner(s) shall dedicate to the County of Merced an additional 10 foot width of right-of-way along the entire Crane Road frontage.

- G. GENERAL PLAN AMENDMENT No. 03014, AND ZONE CHANGE APPLICATION NO. 03016 AND MAJOR SUBDIVISION APPLICATION No. 03017 – Silva Meadows – To change the General Plan designation and zoning of 12.4 acres from Agricultural/A-1 (General Agricultural) to Atwater Rural Residential Center (RRC) No. 1/A-R (Agricultural Residential), and to change the designation and zoning of an adjacent 10.6 acres from Atwater RRC No.1/A-R to Agricultural/A-1 for a net increase in A-R lands of 1.8 acres. The applicant also proposes to re-subdivide four parcels totaling 110 acres into 98 one acre home sites. The properties are located on the west side of Quinley Avenue and north of Moran Avenue. **TO RECOMMEND APPROVAL OF THE MITIGATED NEGATIVE DECLARATION AND APPROVAL, DISAPPROVAL OR MODIFICATION OF THE APPLICATION TO THE BOARD OF SUPERVISORS. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated July 28, 2004. He passed out letters to the Commissioners from Joe Horta, in opposition

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to this application; Tim Miles stating his concerns regarding this application and Ray Franco, president at California Heirlooms, Inc., who is in agreement to this application.

The public hearing opened at 10:50 a.m.

Duane Andrews of Golden Valley Engineering stated that he has no objections to building a fence along the property. He also recommended approval of this application.

Anthony Beebe, neighbor, recommended that a groundwater study be done on this property. He is not against development, but feels the CEQA Initial Study implied that the area is poor for new home development and that the proposal has an impact on the schools. He asked the Commission consider denial of building future homes in the area. He feels the project is not consistent with the City of Atwater development standards. He stated that the CEQA Study did not address the fact that new homes under construction right now that are being built to the north. He asked the Commission to reconsider this application. He is opposed to this development.

**Commissioner Bettencourt had to be excused from the meeting at 11:00 a.m., so Chairman Sloan agreed that this application be continued to the August 11, 2004 meeting, so the Commission can decide whether or not to recommend approval to the Board of Supervisors to approve or deny this project. The applicants and their representatives agreed to have this continued.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:05 a.m.