



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 9, 2005, 9:00 A.M.
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,
MERCED, CALIFORNIA**

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Jack Mobley; 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. CONDITIONAL USE PERMIT No. 04010 – Dolores Tagge - To legalize a third residence and add three more residences for family members for a total of six homes on a 34.4 acre parcel. The property is located north of August Road approximately 500 feet east of State Route 165 in the Hilmar area designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the January 26, 2005 meeting. Project Planner Robert King****
- B. CONDITIONAL USE PERMIT APPLICATION No. 04011 - Manuel and Elvira Bettencourt - To bring into conformance an existing fourth conventional home residence and to add a fifth mobile home residence for agricultural employees of an existing dairy. The property is located on the south side of Southern Pacific Avenue 1,320 feet east of Buhach Road on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson****

- C. CONDITIONAL USE PERMIT APPLICATION No. 04014- Nolberto & Rocina Corona** - To bring an existing fourth mobile home residence into conformance and add a fifth mobile home residence for family members on a 30 acre parcel. The property is located north side of Fahey Road; 4,500 feet west of Ingomar Grade in the Gustine area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**
- D. CONDITIONAL USE PERMIT APPLICATION No. 05003 - Bruce and Barbara Burroughs** - To add five additional mobile home residences to an existing dairy operation for agricultural employees. The property is located on the south side of Monte Vista Avenue; two miles east of Looney Road in the Snelling area on land designated as Agricultural in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**
- E. CONDITIONAL USE PERMIT APPLICATION No. 04012 – Phillip & Jackie Rasey** – To legalize an existing residence and establish an on-site trucking operation. The property is located on the north side of Azusa Road, approximately 500 feet east of Highway 33 in the Dos Palos “Y” SUDP. The property is designated General Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**
- F. CONDITIONAL USE PERMIT APPLICATION No. 05002 - Bill Wright** - To allow the expansion of a used car sales lot previously approved as Conditional Use Permit No. 01018 on a 1.18 acre site. The project is to expand the operation onto an adjoining 1.5 acre parcel. The property is located at the intersection of Ashby Road and Trindade Road and is designated General Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Keith Woodcock**
- G. MINOR MODIFICATION No. 05004 (MODIFICATION OF MINOR SUBDIVISION No. 3775 AND ZONE VARIANCE No. 327) – Premiere Partners** – To remove an approval condition preventing construction of a dwelling on an 11 acre parcel created by Minor Subdivision No. 3775 and Zone Variance No. 327. The subject property is located on the north side of South Bear Creek Drive, approximately one mile west of Plainsburg Road in the Merced Area, designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- H. MINOR MODIFICATION No. 05001 (MODIFICATION OF CONDITIONAL USE PERMIT No. 3220) – Live Oak Farms** - To allow construction of a 24,000 square foot building that will be used for fruit packing, cold storage and regular storage, on a five acre parcel. The project site is located north of Le Grand Road, east of the Burlington Northern and Santa Fe Railroad in the Le Grand SUDP. The site is designated Le Grand SUDP Industrial in the General Plan and Zoned Le Grand SUDP Light Manufacturing (M-1). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- I. MAJOR SUBDIVISION APPLICATION No. 04003 - "River Reach Estates" - Bhupinder Sahota** - To create a 19 one-acre residential subdivision on a 23.28 acre parcel to be called "River Reach Estates". The subdivision will include a Storm Water Detention Basin. Each lot will be serviced by private well & septic system and is located on the south side of Palm Avenue and 800 feet east of Santa Fe Drive in the Cressey area and is designated as Rural Residential Land Use in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Keith Woodcock**

VI. CORRESPONDENCE

VI. GENERAL BUSINESS



**PLANNING AND COMMUNITY
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VII. DIRECTOR'S REPORT

VIII. 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 9, 2005

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of March 9, 2005, 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 March 9, 2005, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Jack Mobley
 Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner
 Commissioner Rudy Buendia

Staff Present: William Nicholson, Planning and Community Development Director
 Keith Woodcock, Assistant Director
 Kim Lewallen, Recording Secretary

Legal Staff: Fernanda Saude, Assistant Deputy County Counsel

Commissioners Absent: Commissioner Gloria Bettencourt, excused absence

III. APPROVAL OF MINUTES

M/S MOBLEY – TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 23, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT No. 04010 – Dolores Tagge - To legalize a third residence and add three more residences for family members for a total of six homes on a 34.4 acre parcel. The property is located north of August Road approximately 500 feet east of State Route 165 in the Hilmar area designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the January 26, 2005 meeting. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated March 9, 2005.

The public hearing was left open from the January 26, 2005 meeting.

Mike Smith, CCPS, stated that all of the additional homes are all within the area that is not being farmed right now. They won't be taking out any additional land. The Tagge family paid \$1926 for this application which was a seven month process. He asked the Commissioners to give this application consideration for approval.

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Angela Tagge, daughter of the applicant, stated that this property has been in her family since 1953. The 3 additional mobile homes that they are requesting are not going to be farmed. This is not a family compound.

Michelle Tagge, daughter of the applicant, feels that this application has not been given proper consideration by the Planning Department. She asked for consideration of this application.

Chairman Sloan clarified for the record that the Commission deliberates based on the current code and not what the General Plan Steering Committee is discussing regarding the possible changes of the code.

Dolores Tagge, the applicant, stated that only family will be living on the additional homes. She feels that Planning is not being fair to her.

Robert Tagge, son of the applicant, states that he was born and raised on the property. He asked for approval of this application.

The public hearing closed at 9:37 a.m.

Commissioner Tanner states that he can't recall more than one home approved for an immediate family member.

Planning Director William Nicholson explained that it depends on the total number of units on the property. If mobile homes are approved at four or less than it is approved at the Planning Department level. He also explained that farmland is for farming and housing is an accessory to that.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 04010, FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION LEGALIZES THE 3RD FAMILY RESIDENCE, BUT DENIES THE OTHER 3 ADDITIONAL RESIDENCES FOR CONDITIONAL USE PERMIT No. 04010.

- B. CONDITIONAL USE PERMIT APPLICATION No. 04011 - Manuel and Elvira Bettencourt -** To bring into conformance an existing fourth conventional home residence and to add a fifth mobile home residence for agricultural employees of an existing dairy. The property is located on the south side of Southern Pacific Avenue 1,320 feet east of Buhach Road on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated March 9, 2005.

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

Mike Smith, CCPS, stated that he accepts the conditions in the staff report and asked for approval of this application.

The public hearing closed at 9:51 a.m.

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MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 04011, FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 9, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 04011 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 04011 is to allow the addition of a mobile home as a fifth residence for a dairy employee to be placed on the property.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. The applicant shall obtain approval from the Merced County Health Department indicating the proposed installation is in conformance with the regulations of the Health Department.
4. A Right-to-Farm Certificate shall be recorded prior to the issuance of the building permit to notify subsequent occupants of the inconveniences of farming operations.
5. The additional permanent residence shall be subject to a yearly occupancy monitoring permit with the regulations administered by the Planning Department.
6. The property owner shall sign an affidavit provided by the Planning Department attesting to the qualifications of the occupant which shall be recorded prior to the issuance of the building permit.
7. Dairy water storage facilities of 3,000 gallons or more shall have a 4 1/2" male outlet with National Standard threads, with outlets parallel to grade and 18" to 30" above grade measured from the center of the connection. Water Storage tanks shall be clearly marked "Water" or "H2O", with any Fire Department connection marked "Fire Dept." and shall be accessible at all times. Static water storage shall be adequately vented for drafting.
8. Access gates, if any, must be provided with a Merced County coded 'Knox' key switch or a 'Knox' padlock, whichever is most appropriate (UFC 902.4).
9. Hay, straw and similar agricultural products shall not be stored adjacent to buildings or combustible material unless a cleared horizontal distance equal to the height of the pile is maintained between such storage and combustible material or building. Loose hay storage or other loose feed commodities shall be limited to stacks of 100 tons and a clear space of not less than 20 feet shall be maintained between stacks and property lines. (UFC 2806).

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10. Storage of baled hay or similar material shall be a minimum of 10 feet from a property line and shall not exceed 20 feet in height. Baled hay shall be limited to 25,000 cubic feet in volume and a minimum of 20 feet separation between piles (UFC 2805.1).
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 property (UFC 901.4.4).
12. Businesses or property owners in violation of Uniform Fire Code requirements, such as exceeding storage pile sizes, are subject to Cost Recovery, where the costs associated with a fire are collected from the business or owner by the Merced County Fire Department.
13. The property owner shall install a streetlight at the existing driveway approach on Southern Pacific Avenue. The street light may be mounted on the existing wood electrical pole. It shall be operational during all non-daylight hours. The cost for operating and maintaining the street light shall be paid by the property owners, not the County. This work shall be accomplished within six months from the date of the approval of this application.
14. The property owner shall dedicate to the County of Merced, additional width of road right-of-way along the entire frontage of SOUTHERN PACIFIC Avenue so that total width becomes a full even 60 feet. Legal description and exhibit map for the grant deed prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying shall be submitted for review an approval within six months from the date this application was approved, or prior to issuance of any building permits, which ever comes first. A fully executed grand deed with accompanying approved legal description and exhibit map shall be submitted for recordation within one month after the deed is returned to the property owner for signature
15. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct rural “agricultural” typed paved driveway approaches at the existing driveway approach onto SOUTHERN PACIFIC Avenue. The minimum width of the approaches shall be 18 feet while the maximum width shall be 35 feet. All work shall be in accordance to the Merced County Public Works Improvement Standards and specifications. This work shall be accomplished within six months from the date this application was approved.
16. The septic system leach fields shall be a minimum of 50 feet from the MID lateral to protect the facility from contamination and to protect the septic system from leakage from MID facilities.
17. The applicant shall not discharge any drainage water or nutrient enriched water from the property into MID facilities.

C. CONDITIONAL USE PERMIT APPLICATION No. 04014- Nolberto & Rocina Corona - To bring an existing fourth mobile home residence into conformance and add a fifth mobile home residence for family members on a 30 acre parcel. The property is located north side of Fahey Road; 4,500 feet west of Ingomar Grade in the Gustine area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

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Planner Jeff Wilson presented the Staff Report and Recommendation dated March 9, 2005.

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

Mike Smith, CCPS, stated that the applicants have paid close to \$3,000 for penalty fees and application fees. The 5th residence will be a primary residence and he feels that an Administrative Application could have been done.

Mimi Corona, the applicants daughter, stated that the land is zoned for grazing and the proposed home will not affect the agricultural land.

The public hearing closed at 10:01 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 04014, FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES CONDITIONAL USE PERMIT APPLICATION No. 04014 BY BRINGING INTO CONFORMANCE THE 4TH RESIDENCE BUT DENYING THE 5TH RESIDENCE.

- D. CONDITIONAL USE PERMIT APPLICATION No. 05003 - Bruce and Barbara Burroughs -**
To add five additional mobile home residences to an existing dairy operation for agricultural employees. The property is located on the south side of Monte Vista Avenue; two miles east of Looney Road in the Snelling area on land designated as Agricultural in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated March 9, 2005.

The public hearing opened at 10:25 a.m.

Barbara Burroughs, the applicant, stated that she is available to answer any questions.

Commissioner Tanner asked how many employees are currently on her operation. Ms. Burroughs replied about 30 employees.

The public hearing closed at 10:26 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05003, FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 9, 2005, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05003

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SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05003 is to allow the addition of five additional mobile homes for dairy employees to be placed on the property, for a total of 20 residences.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. The applicant shall obtain approval from the Merced County Health Department indicating the proposed installation is in conformance with the regulations of the Health Department.
4. A Right-to-Farm Certificate shall be recorded prior to the issuance of the building permit to notify subsequent occupants of the inconveniences of farming operations.
5. The additional permanent residence shall be subject to a yearly occupancy monitoring permit with the regulations administered by the Planning Department.
6. The property owner shall sign an affidavit provided by the Planning Department attesting to the qualifications of the occupant which shall be recorded prior to the issuance of the building permit.
7. Dairy water storage facilities of 3,000 gallons or more shall have a 41/2" male outlet with National Standard threads, with outlets parallel to grade and 18" to 30" above grade measured from the center of the connection. Water Storage tanks shall be clearly marked "Water" or "H2O", with any Fire Department connection marked "Fire Dept." and shall be accessible at all times. Static water storage shall be adequately vented for drafting.
8. Access gates, if any, must be provided with a Merced County coded 'Knox' Key switch or a 'Knox' padlock, whichever is most appropriate (UFC 902.4).
9. Hay, straw and similar agricultural products shall not be stored adjacent to buildings or combustible material unless a cleared horizontal distance equal to the height of the pile is maintained between such storage and combustible material or building. Loose hay storage or other loose feed commodities shall be limited to stacks of 100 tons and a clear space of not less than 20 feet shall be maintained between stacks and property lines. (UFC 2806).
10. Storage of baled hay or similar material shall be a minimum of 10 feet from a property line and shall not exceed 20 feet in height. Baled hay shall be limited to 25,000 cubic feet in volume and a minimum of 20 feet separation between piles (UFC 2805.1).
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 property (UFC 901.4.4).

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12. Businesses or property owners in violation of Uniform Fire Code requirements, such as exceeding storage pile sizes, are subject to Cost Recovery, where the costs associated with a fire are collected from the business or owner by the Merced County Fire Department.

- E. CONDITIONAL USE PERMIT APPLICATION No. 04012 – Phillip & Jackie Rasey – To legalize an existing residence and establish an on-site trucking operation. The property is located on the north side of Azusa Road, approximately 500 feet east of Highway 33 in the Dos Palos “Y” SUDP. The property is designated General Commercial in the General Plan and zoned C-2 (General Commercial). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**

Planner Kristi Vahl presented the Staff Report and Recommendation dated March 9, 2005.

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

Mike Smith, CCPS, asked for approval of this application.

Steve Hamilton, County Public Works/Road Division, asked that Condition #11 be removed from the staff report because there is no lighting and drainage district existing there currently.

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

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 04012, FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 9, 2005, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 04012 WITH THE DELETION OF CONDITION #11 FOR A TOTAL OF 12 CONDITIONS AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 04012 is to legalize an existing residence and allow the establishment of a trucking operation with 5 trucks and 8 trailers.
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. The applicant shall file a Hazardous Material Business Plan with the Division of Environmental Health, if needed.
4. Gates, if any, must be provided with a Merced County coded ‘Knox’ key switch or a ‘Knox’ padlock, whichever is most appropriate (UFC 902.4).
5. The parcel shall be maintained in a condition that will not be dangerous or injurious to neighboring property. Weeds, rubbish and other dangerous or

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injurious materials are a public nuisance and required to be abated under MCC Section 9.25.

6. 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 property (UFC 901.4.4).
7. All parking and maneuvering areas shall be paved with an asphaltic or concrete surface, identified as suitable by the Department of Public Works. These improvements can be phased with gravel installed prior to initiating the trucking business, and then paving, to be installed within one year of approval of this permit. The deferment shall be included as part of the Deferment of Construction Agreement in Condition No. 8.
8. The property owners shall satisfy Improvement Level 2 requirements of Chapter 16.08, **IMPROVEMENT REQUIREMENTS**, of the Merced County Code along the Azusa Road frontage of the property. For this, the property owners may choose to enter into Deferment of Construction Agreement with the Department of Public Works for future construction of improvements along the entire Azusa Road frontage. The applicant shall pay the current fee for processing the agreement. This agreement shall be fully executed prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
9. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and reconstruct the existing driveway approach where it accesses onto Azusa Road. The new approach shall be a rural “agricultural” type driveway approach conforming to the Merced County Public Works Improvement Standards and Specifications. It shall be located at an acceptable distance from the existing guard rail. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. This work shall be accomplished prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
10. The property owners shall install a streetlight (250 Watt High Pressure Sodium) at the driveway approach on Azusa Road. For now, this streetlight may be mounted on a wooded type utility pole, such as the power pole near by. This work shall be accomplished prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
11. All storm drainage runoff shall be directed away from any public maintained roadway and maintained on site. The design of the storm drain basin will be subject to approval by the Merced County Department of Public Works.
12. A mitigation-monitoring fee of **\$192.00** 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. CONDITIONAL USE PERMIT APPLICATION No. 05002 - Bill Wright - To allow the expansion of a used car sales lot previously approved as Conditional Use Permit No. 01018 on a 1.18 acre site. The project is to expand the operation onto an adjoining 1.5 acre parcel. The property is located at the intersection of Ashby Road and Trindade Road and is designated General Commercial in the General Plan and zoned C-2 (General Commercial). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Keith Woodcock**

Assistant Director Keith Woodcock requested that this item be continued to the March 23, 2005 meeting. Chairman Sloan agreed.

- G. MINOR MODIFICATION No. 05004 (MODIFICATION OF MINOR SUBDIVISION No. 3775 AND ZONE VARIANCE No. 327) – Premiere Partners – To remove an approval condition preventing construction of a dwelling on an 11 acre parcel created by Minor Subdivision No. 3775 and Zone Variance No. 327. The subject property is located on the north side of South Bear Creek Drive, approximately one mile west of Plainsburg Road in the Merced Area, designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated March 9, 2005.

The public hearing opened at 10:54 a.m.

Mike Smith, CCPS, asked for approval of this application.

Eugene Pike, resident on Santa Inez Ct., stated that there has to be better use for this property and doesn't agree with passing an ordinance far away from principles of location. He feels the property is an eyesore.

The public hearing closed at 10:57 a.m.

Commissioner Tanner asked the width of the parcel. Planner Holland responded that the minimum width is around 220 ft.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR MODIFICATION No. 05004 (MODIFICATION OF MINOR SUBDIVISION No. 3775 AND ZONE VARIANCE No. 327), FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND UNANIMOUSLY CARRIED/CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 9, 2005, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES MINOR MODIFICATION No. 05004 (MODIFICATION OF MINOR SUBDIVISION No. 3775 AND ZONE VARIANCE No. 327) SUBJECT TO THE 9 CONDITIONS WITH A SENTENCE BEING ADDED TO CONDITION #3 TO READ AS FOLLOWS:

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Conditions:

1. Minor Modification No. 05004 is to remove Approval Condition (b) from Minor Subdivision No. 3775 and Zone Variance No. 327, prohibiting the construction of one or more dwellings on Parcel No. 1, immediately north of South Bear Creek Drive and south of Bear Creek.
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. Approval Condition (b) shall be modified to allow the construction of one dwelling unit on Parcel 1 and read as follows: “No more than one dwelling unit may be constructed on this property {Parcel No. 1} “.
4. A ‘Right to Farm’ notice shall be placed on the title of Parcel 1.
5. Prior to the submittal of any building permit application, the applicant shall provide the Environmental Health Division with a fully detailed plot plan showing the proposed site layout (with well and septic locations, setbacks and 100% replacement area) together with a percolation test performed at the proposed septic system location by an appropriately qualified professional.
6. Any building permit application for the property shall demonstrate full compliance with all applicable regulations governing development within a designated floodplain.
7. Trees of caliper of 4 inches or more, 3-feet above ground, shall be surveyed prior to any onsite earth disturbance and protected from farming or homebuilding operations.
8. All other conditions of approval required by the Planning Commission for Minor Subdivision No. 3775 and Zone Variance No. 327 shall remain in full effect.
9. A mitigation-monitoring fee of **\$144.00** shall be paid prior to the issuance of final approval for this proposal. Should additional staff time be required for review of 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.

- H. MINOR MODIFICATION No. 05001 (MODIFICATION OF CONDITIONAL USE PERMIT No. 3220) – Live Oak Farms -** To allow construction of a 24,000 square foot building that will be used for fruit packing, cold storage and regular storage, on a five acre parcel. The project site is located north of Le Grand Road, east of the Burlington Northern and Santa Fe Railroad in the Le Grand SUDP. The site is designated Le Grand SUDP Industrial in the General Plan and Zoned Le Grand SUDP Light Manufacturing (M-1). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated March 9, 2005.

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The public hearing opened at 11:24 a.m.

Steven Del Real, employee at Live Oak Farms, states that the reason for the expansion of Live Oak Farms is for food safety and cleanliness. The current facility doesn't meet the standards. Also, there will be an improvement in the employees working area. More restrooms will be added. Live Oak Farms is the largest employer in Le Grand.

The public hearing closed at 11:25 a.m.

MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR MODIFICATION No. 05001 (MODIFICATION OF CONDITIONAL USE PERMIT No. 3220), FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 9, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MINOR MODIFICATION No. 05001 (MODIFICATION OF CONDITIONAL USE PERMIT No. 3220) SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Minor Modification No. 05001 is to allow construction of a new 24,000 square foot building that will be used for fruit packing, cold storage and regular storage, on a 5 acre parcel. The project site is located north of Le Grand Road, immediately east of the Burlington Northern and Sante Fe Railroad in the Le Grand SUDP. The site is designated Le Grand SUDP Industrial in the General Plan and Zoned Le Grand SUDP Light Manufacturing (M-1).
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. When requested by the owner of Assessors Parcel Number 065-050-026, the applicants shall construct a 6 feet tall concrete block wall along the northwestern boundary of the property.
4. The applicants submit a parking lot landscaping plan that provides for the planting of shade trees consistent with the requirements of subsection 18.38.04.G.3 of the Zoning Code.
5. The applicants shall submit a parking plan that shows the location of all existing on-site parking spaces, together with existing lighting, and provides for two of these spaces being signed and marked for handicapped use only.
6. Should on-site activities require the storage of any hazardous materials in amounts greater than 55 gallons, 500 pounds, or 200 cubic feet of gas, or any amount of hazardous waste, Live Oak Farms shall submit a Hazardous Materials Business Plan to the Environmental Health Division.

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7. The applicants shall make all road improvements required by the Public Works Road Division for this and earlier projects on the site. The Road Division will enter into a 'Deferment of Construction Agreement' with the applicant, subject to standard requirements and limitations.
8. Live Oak Farms shall apply to the Public Works Road Division for vacation of the Railroad Avenue right-of-way. The applicant shall provide the County with clear documentation showing that no parcels, other than those under their consolidated ownership, shall be landlocked as a result of this vacation and shall provide the approval signatures of all affected property owners, together with required fees.
9. Live Oak Farms shall submit improvement plans to the Public Works Department providing for modification to County standards of the existing drainage pond located on the north side of Le Grand Road, immediately east of Railroad Avenue.
10. A monitoring fee of **\$144.00** shall be paid prior to the issuance of final approval for this proposal. Should additional staff time be required for review of 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.

I. MAJOR SUBDIVISION APPLICATION No. 04003 - "River Reach Estates" - Bhupinder Sahota - To create a 19 one-acre residential subdivision on a 23.28 acre parcel to be called "River Reach Estates". The subdivision will include a Storm Water Detention Basin. Each lot will be serviced by private well & septic system and is located on the south side of Palm Avenue and 800 feet east of Santa Fe Drive in the Cressey area and is designated as Rural Residential Land Use in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Keith Woodcock**

Assistant Director Keith Woodcock presented the Staff Report and Recommendation dated March 9, 2005.

The public hearing opened at 11:40 a.m.

Troyce Metcalf, resident on Palm Avenue, states that he would be right across the street from the subdivision. He asked how the 19 wells being put in this subdivision will affect the surrounding properties.

Mr. Woodcock stated that the minimum size for having an onsite septic is a one net acre. The County established that all impacts of having onsite septic and well would be mitigated to a level of less than significant with that standard. As far as hydrology, the initial study examined wells and surface water and concluded that there would be no effect.

The public hearing closed at 11:44 a.m.

Steve Hamilton, Public Works/Road Division, explained that he is not aware of any improvements will be placed on the north/east side of Palm Avenue. All improvements will be done of the existing subdivision.

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Commissioner Tanner asked Mr. Woodcock to explain the outside noise and asked if they could get that below 65 dBLdn. Mr. Woodcock replied that using the building as a buffer will provide an area on the north side to make it less than 65 dBLdn.

William Nicholson, Planning Director, explained that there are two optional mitigation measures that requires you have all outside areas have less than 65 dBLdn. And interior noise has to be 45 dBLdn or lower. This application complies with the current code. He suggested keeping sentence 3A in the staff report conditions.

There was discussion between Keith Woodcock, Steve Sloan and Lynn Tanner explaining the noise impacts.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE MITIGATED NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 04003.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 9, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 04003 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. The Project shall comply with the mitigation measures contained in the Mitigated Negative Declaration and Initial Study related to Air Quality, Geology/Hydrology, Noise, and Traffic/Circulation. Provided further than mitigations related to noise shall be to provide for the attenuation of outdoor noise of 65dBLdn for the entire parcel.
3. The Project shall comply with the requirements of the Public Works Department as follows (as further described in Memo dated April 6, 2004):
 - A. Safety 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 utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage systems and underground or relocate utilities and irrigation facilities.
 - B. Prior to final map recordation, the owner shall perfect quiet title pursuant to Section 760.010, et seq., of the California Code of Civil Procedures, of the fee interest canal reserved by S.F.B. Morse in the deed from Morse to MacLeod recorded in Volume 119, Deeds, Page 409, Merced County Records, and as delineated on the Parcel Map for Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records.
 - C The developers shall comply with the terms of the Deferment of Construction Agreement recorded in Volume 3615 of Official Records at

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Page 697, Merced County Records, as required by Minor Subdivision No. 96035, for Parcels 1,2,3,4 and Remainder as shown in Parcel Map for Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records. Santa Fe Drive right of way width shall be 100 feet pursuant to Section 4.01.C of the Merced County Department of Public Works Improvement Standards and Specifications. Existing Santa Fe Drive shall be widened with a 4-foot wide paved shoulder and 4-foot wide gravel shoulder. Palm Avenue, a minor rural collector roadway, right of way width shall be 30 feet from centerline if vertical curb and gutter is installed or 40 feet from centerline if roadside ditch is constructed. A 50-foot radius shall be dedicated at the northwest boundary of Parcel 4 at the Palm Avenue and Santa Fe Drive intersection. A 10-foot wide public utility easement shall be dedicated along the Palm Avenue and Santa Fe Drive frontages of the aforementioned parcels. Parcels 1, 2, 3, and 4 shall be included in the subdivision street lighting and storm drainage maintenance zone of benefit in County Service Area Number One.

D. Interior subdivision roadways shall be constructed pursuant to Drawing ST-06B of the Merced County Department of Public Works Improvement Standards and Specifications which was approved by Resolution 2004-43 by the Merced County Board of Supervisors.

E. The designation of street names shall conform to Section 17.04.050.B, Naming of Streets, of the Merced County Code.

F. The west Campus Court cul-de-sac shall be relocated to the east approximately 60 feet.

G. Lot 19 shall be reserved for storm drainage purposes on the final map. If Lot A Storm Drain Pond does not function to minimum County of Merced standards within two years from the recording date of the subdivision improvement agreement Notice of Completion, the percolation basin shall be expanded, at developer's expense, into Lot 19. The developer shall provide adequate security for design and construction of the basin expansion prior to recordation of the final map. If Lot A functions within County standards after the two year period, the County will vacate the reservation on Lot 19.

H. Release and relinquish all abutters rights of access to and from the entire Santa Fe Drive frontage of Lot 8 and Parcel 4 as shown on the Parcel Map of Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records.

I. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets have been rough graded and compacted, 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.

J. Provide centerline striping for those new roads which intersect the existing peripheral streets.

K. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for stormwater runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and

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124). For information and direction, contact the State Water Resources Control Board's Construction Activity Stormwater Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.

4. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
5. The project shall comply with the requirements of the Environmental Health Division. Soils analyses and percolation tests for each lot shall be submitted to the Division of Environmental Health prior to construction. The location of the tests shall be where the proposed septic systems would be installed.
6. A condition monitoring fee of \$450 shall be required prior to the recordation of the Final Map.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

There may be a General Plan Steering Committee meeting following the regularly scheduled Planning Commission meeting.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 12:15 p.m.