



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 11, 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. MINOR SUBDIVISION APPLICATION No. 05010 – Brian Carter - To divide 40 acres of agricultural land into two 20 acre parcels. The project site is located 1320 feet south of Cottonwood Road and one mile west of Whitworth Road in the Gustine area. The project site is designated Agricultural in the General Plan and zoned General Agricultural (A-1). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl****
- B. CONDITIONAL USE PERMIT No. 05008 - Modern Dairy Inc - To establish a dairy farm equipment storage and repair business in an existing building. The property is located on the southwest corner of the intersection of Bradbury Road and Lander Avenue in the Turlock area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson****

- C. ZONE CHANGE NO. 05002 – Merced County** - To rezone an approximately five foot wide strip of land, approximately 0.60 acres in area, from A-2 (Exclusive Agricultural) to A-1 (General Agricultural). The site is designated Foothill Pasture in the Merced County General Plan and located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in the Le Grand area. **TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Keith Woodcock

VI. CORRESPONDENCE

VI. GENERAL BUSINESS

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 – May 11, 2005

Page 2

Planner Kristi Vahl explained that the property owner would be willing to put their property into the Williamson Act, but it wasn't included as a condition because staff didn't feel that it would be adequate mitigation for the project proposal.

Joe Silva, neighbor surrounding the property, stated that he is against this application. He is worried about the dust factor and the traffic on the private access easement extending south from Cottonwood Road. He stated that people come onto his property and destroy his alfalfa. He feels the applicant will split this parcel and build homes on the parcels.

Rebecca Carter, the applicant, stated that she has just moved to the area and she isn't one of the people destroying Mr. Silva's property. She feels that the dust and traffic are an issue as well and she is willing to work with the situation. She also has no intention of building any homes if the property is split.

The public hearing closed at 9:20 a.m.

Steve Hamilton of Public Works/Road Division, stated that the County maintains Cottonwood Road.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION No. 05010 DUE TO THE INABILITY TO MAKE THE LISTED FINDINGS IN THE STAFF REPORT.

- B. CONDITIONAL USE PERMIT No. 05008 - Modern Dairy Inc - To establish a dairy farm equipment storage and repair business in an existing building. The property is located on the southwest corner of the intersection of Bradbury Road and Lander Avenue in the Turlock area on land designated 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 May 11, 2005.

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

Mike Smith, CCPS, stated that he had a concern with Condition #11 but discussed the issue with the Road Division regarding the encroachment permit. He has a concern regarding Condition #10. The Road department is requesting the applicant dedicate a portion of the parcel on the corner so they can complete the radius. The problem with that condition is that the applicant will have to merge the balance of the parcel with the bigger parcel. Their intent on that parcel is to use the property line and move it west of the building. They were going to apply for a property line adjustment. He asked that the last sentence in Condition #10 be modified or deleted.

William Nicholson, Planning Director, stated that under the current rules, if you have a substandard parcel you are allowed to move the property line and still retain the substandard parcel size. Therefore the applicant has the right to do that. Condition #10 can be modified to say the remaining area can be merged or the line shall be relocated through a property line adjustment.

MERCED COUNTY PLANNING COMMISSION

Minutes – May 11, 2005

Page 3

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

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 05008, FROM CEQA.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MAY 11, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05008 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS WITH A MODIFICATION BEING MADE TO CONDITION #10 TO READ AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05008 is to establish a dairy farm equipment storage and repair business, known as Modern Dairy Inc.
2. The applicant shall comply with all standard conditions of approval listed in the Planning Commission Resolution No. 97-1 (except No. 12, and 13).
3. The applicant shall file a Hazardous Material Business Plan with the Division of Environmental Health.
4. 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).
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 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 storm water runoff generated from the project site shall be directed away from the County right of way and adjacent properties.
8. Welding shall comply with all requirements of CFC Article 49 (Hot Work).
9. Portable fire extinguishers shall be installed in compliance with the applicable use requirements (UFC Std. 10-1).
10. The property owner(s) shall dedicate to the State of California Department of Transportation (Caltrans) from the parcel located at the southwest corner of Lander Avenue and Bradbury Road, additional road right-of-way necessary for the signalization improvements provided by Caltrans. The remaining area shall be merged with the larger parcel.
11. The property owner(s)/applicants shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and remove the easterly driveway approach on Bradbury Road. In its place,

MERCED COUNTY PLANNING COMMISSION

Minutes – May 11, 2005

Page 4

the property owners(s)/applicant shall provide an acceptable physical barrier that will prevent vehicles accessing Bradbury Road at this location.

12. For the purpose of condition monitoring, an initial inspection fee in the amount of **\$240.00** shall be paid within 10 days of the Planning Commission approval date. Should additional inspections be required, the applicant shall pay the inspection fee at the hourly rate in effect at the time of the inspection.

- C. ZONE CHANGE NO. 05002 – Merced County - To rezone an approximately five foot wide strip of land, approximately 0.60 acres in area, from A-2 (Exclusive Agricultural) to A-1 (General Agricultural). The site is designated Foothill Pasture in the Merced County General Plan and located on the east side of Cunningham Road, approximately 2,000 feet north of Hainline Avenue in the Le Grand area. **TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Keith Woodcock****

Assistant Director Keith Woodcock presented the Staff Report and Recommendation dated April 27, 2005.

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

No one spoke in favor or opposition to this application.

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

MOTION: M/S BUENDIA - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ZONE CHANGE NO. 05002 FROM CEQA.

MOTION: M/S BUENDIA - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISOR TO APPROVE ZONE CHANGE NO. 05002.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

At the May 25th Planning Commission there will be a discussion regarding the Merced Community Golf Center.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 a.m.