



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 26, 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. ADMINISTRATIVE PERMIT APPLICATION No. 05050 – Don Shiveley** – To legalize a storage yard used for equipment and materials related to masonry work for poultry barn and dairy construction. The project site is located at the northeast corner of the intersection of Golf Link Road and Clausen Avenue in the Turlock area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (7.5 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner James Holland**
- B. ADMINISTRATIVE PERMIT APPLICATION No. 05053 – Michael Miranda** – To legalize an agriculture-related construction yard and metal fabrication shop and approve a second residence. The project site is located 450 feet northeast of the intersection of Golf Link Road and Clausen Avenue in the Turlock area designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (12 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner James Holland**

- C. **MINOR SUBDIVISION APPLICATION No. 05052 - Jayne Sorensen** - To divide 80 acres into four parcels of 20 acres each. The project is located at the southeast corner of Tahoe Street and Thornton Road in the Merced area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner Dave Gilbert**

- D. **CONDITIONAL USE PERMIT APPLICATION No. 05018 - Fred Oliveira** - To permit a second residence for a family member and three residences for agricultural employees. The project is located at the southwest corner of Eucalyptus Avenue and Swift Avenue in the Dos Palos area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (750 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner Dave Gilbert**

- E. **GENERAL PLAN AMENDMENT No. 05007, ZONE CHANGE No. 05008 and MINOR SUBDIVISION No. 05053 - Hostetler Investments LLC** - To change the General Plan land use designation from Franklin-Beachwood RRC Institutional to Franklin-Beachwood RRC Agricultural-Residential; to change the zoning from A-1 (General Agricultural) to A-R (Agricultural-Residential); and to divide 2.24 acres into two parcels of Parcel 1 = 1.03 and Parcel 2 = 1.21. The project site is located on the west side of Franklin Road, 200 feet north of Dan Ward Road. **TO RECOMMEND THE BOARD OF SUPERVISORS APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

- F. **MINOR SUBDIVISION APPLICATION No. 05055 - Dario Giampaoli** - To divide 351 acres into nine parcels: Parcel 1 = 40.0 acres, Parcel 2 = 40.0 acres, Parcel 3 = 40 acres, Parcel 4 = 23.03 acres, Parcel 5 = 43.0 acres, Parcel 6 = 43.34 acres, Parcel 7 = 41.62 acres, Parcel 8 = 44.49 acres, and Parcel 9 = 41.6 acres located at the southwest corner of Buchanan-Hollow Road and Minturn Road in the Le Grand area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

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 OCTOBER 26, 2005

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of October 26, 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 9:10 a.m., on October 26, 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 Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: William Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III
 Dave Gilbert, Planner III

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner

III. APPROVAL OF MINUTES

M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF OCTOBER 12, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. ADMINISTRATIVE PERMIT APPLICATION No. 05050 – Don Shiveley – To legalize a storage yard used for equipment and materials related to masonry work for poultry barn and dairy construction. The project site is located at the northeast corner of the intersection of Golf Link Road and Clausen Avenue in the Turlock area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (7.5 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated October 26, 2005.

The public hearing opened at 9:21 a.m.

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

The public hearing closed at 9:22 a.m.

MOTION: M/S BETTENCOURT – BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE PERMIT APPLICATION No. 05050, 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 OCTOBER 26, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION No. 05050 SUBJECT TO THE 9 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit No. 05050 is granted for this project, which shall be located, developed and operated in a manner as described on the approved plot plan and submitted application, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Planning Director.
2. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (attached).
3. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
4. The applicant shall submit a plan for the surfacing of all new parking and maneuvering areas for review and approval by the Public Works Road Division with their application for an Encroachment Permit required under Approval Condition 7.
5. The applicant shall size, paint and sign a minimum of one parking space as a handicapped parking space (consistent with subsection 18.40.03 of the Merced County Zoning Code).
6. The property owners shall dedicate to Merced County for road purposes, an additional 10-foot width of right-of-way along the entire property frontage with Golf Link Road and a 30-foot width of road right-of-way along the entire frontage of Clausen Avenue, this being measured from the centerline of the existing 40-foot wide, non-accepted, right-of-way. The Property owners shall also dedicate a 50-foot fillet (curve) at the northeast corner of Golf Link Road and Clausen Avenue. The legal description and exhibit needed for the road easement deed shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deed with accompanying legal description and exhibit shall be submitted for recordation within three months from the issuance of this permit. Closure calculations shall be submitted for metes and bounds type legal description.

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7. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct two rural agricultural type paved driveway approaches at the access points onto Golf Link Road and Clausen Avenue. All work shall be in accordance with the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished within three months from the issuance of this permit. Prior to the issuance of any building permits, the applicant shall submit a (revised) Hazardous Materials Business Plan to the Merced County Department of Public Health Environmental Health Division.
8. Should the parking area and driveway surfacing requirements of this approval in combination with the structures already constructed require the disturbance of more than one acre of land, the applicant shall submit to the Regional Water Quality Control Board (Fresno Office) a Notice of Intent (NOI) to comply with requirements of National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, a site map, appropriate fees and a Storm Water Pollution Prevention Plan (SWPP) that complies with permit requirements.
9. For the purpose of condition monitoring, an inspection fee in the amount of **\$192.00** shall be required. This fee shall be paid within 14 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.

- B. ADMINISTRATIVE PERMIT APPLICATION No. 05053 – Michael Miranda – To legalize an agriculture-related construction yard and metal fabrication shop and approve a second residence. The project site is located 450 feet northeast of the intersection of Golf Link Road and Clausen Avenue in the Turlock area designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (12 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated October 26, 2005.

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

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

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

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE PERMIT APPLICATION No. 05053 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 OCTOBER 26, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION No. 05053

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

Conditions:

1. Administrative Permit No. 05053 is granted for this project, which shall be located, developed and operated in a manner as described on the approved plot plan and submitted application, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Planning Director.
2. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (attached).
3. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
4. The applicant shall submit a plan for the surfacing of all parking and maneuvering areas for review and approval by the Public Works Road Division with their application for an Encroachment Permit required under Approval Condition 7.
5. The applicant shall size, paint and sign a minimum of one parking space as a handicapped parking space (consistent with subsection 18.40.03 of the Merced County Zoning Code).
6. The property owners shall dedicate to Merced County for road purposes, an additional 10-foot width of right-of-way along the entire property frontage with Golf Link Road and a 30-foot width of road right-of-way along the entire frontage of Clausen Avenue, this being measured from the centerline of the existing 40-foot wide, non-accepted, right-of-way. The legal description and exhibit needed for the road easement deed shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deed with accompanying legal description and exhibit shall be submitted for recordation within three months from the issuance of this permit. Closure calculations shall be submitted for metes and bounds type legal description.
7. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct a rural agricultural type paved driveway approach at the access point onto Clausen Avenue. All work shall be in accordance with the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished within three months from the issuance of this permit.
8. Should the parking area and driveway surfacing requirements of this approval, in combination with the shop building require the disturbance of more than one acre of land, the applicant shall submit to the Regional Water Quality Control Board (Fresno Office) a Notice of Intent (NOI) to comply with requirements of National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, a site map, appropriate fees and a Storm Water Pollution Prevention Plan (SWPP) that complies with permit requirements.
9. The applicants shall comply with State above ground petroleum storage regulations by filing a storage statement with the State Water Resource Control Board, paying a facility fee, and preparing a federal spill prevention control and countermeasure plan, and comply with the County Fire Department requirements.
10. The property owner shall preserve access for maintenance and operation of the pipeline belonging to Improvement District 111A that is located along the northern boundary of the subject property. Any new development shall be set back a minimum of 12.5' from the centerline of the pipe.

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11. If the applicant proposes to continue welding operations on the project site, they shall submit a Hazardous Materials Management Plan to the Merced County Department of Public Health Environmental Health Division.
12. For the purpose of condition monitoring, an inspection fee in the amount of \$192.00 shall be required. This fee shall be paid within 14 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.

- C. MINOR SUBDIVISION APPLICATION No. 05052 - Jayne Sorensen - To divide 80 acres into four parcels of 20 acres each. The project is located at the southeast corner of Tahoe Street and Thornton Road in the Merced area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner Dave Gilbert****

At the request of the applicant, this item has been continued to the November 16, 2005 meeting.

- D. CONDITIONAL USE PERMIT APPLICATION No. 05018 - Fred Oliveira - To permit a second residence for a family member and three residences for agricultural employees. The project is located at the southwest corner of Eucalyptus Avenue and Swift Avenue in the Dos Palos area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural) (750 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 12, 2005 meeting. Project Planner Dave Gilbert****

At the request of the applicant, this item has been continued November 16, 2005.

- E. GENERAL PLAN AMENDMENT No. 05007, ZONE CHANGE No. 05008 and MINOR SUBDIVISION No. 05053 - Hostetler Investments LLC - To change the General Plan land use designation from Franklin-Beachwood RRC Institutional to Franklin-Beachwood RRC Agricultural-Residential; to change the zoning from A-1 (General Agricultural) to A-R (Agricultural-Residential); and to divide 2.24 acres into two parcels of Parcel 1 = 1.03 and Parcel 2 = 1.21. The project site is located on the west side of Franklin Road, 200 feet north of Dan Ward Road. **TO RECOMMEND THE BOARD OF SUPERVISORS APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

Planner Dave Gilbert presented the Staff Report and Recommendation dated October 26, 2005.

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

Duane Andrews, of Golden Valley Engineering and representing the applicant, accepts the conditions in the staff report and asked for approval of this application.

The public hearing closed at 9:52 a.m.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 – 0, THE PLANNING COMMISSION EXEMPTS GENERAL PLAN AMENDMENT No. 05007, ZONE CHANGE No. 05008 and MINOR SUBDIVISION No. 05053, 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 OCTOBER 26, 2005, AND MAKES THE 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES GENERAL PLAN AMENDMENT No. 05007, ZONE CHANGE No. 05008 and MINOR SUBDIVISION No. 05053 SUBJECT TO THE 4 CONDITIONS WITH THE ADDITION OF CONDITION #5 AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Parcel Map shall be recorded within two years of the Board of Supervisors approval date.
2. The property owner shall satisfy Improvement Level I requirements of Chapter 16.08, Improvement Requirements, of the Merced County Code along the Franklin Road frontage of the property. All work to be done in accordance with Merced County/DPW Improvement Standards & Specifications.
3. The property owner shall submit engineered improvement plans for review and approval to the Department of Public Works/Road Division, pay plan check and inspection fees and secure an encroachment permit for construction of required road improvements. All improvements shall be completed prior to the recordation of the parcel map or the property owner shall enter into an Improvement Agreement with the County of Merced Public Works and post required Improvement Security. Improvement Security shall be in conformance with Section 17.12.130 of the Merced County Code.
4. The undesignated 1.46 acre portion of the site as shown on the tentative map shall be annotated on the parcel map as "Parcel A".
5. All septic systems and leach fields shall maintain a minimum setback of 20 feet to protect the integrity of the facilities of the Merced Irrigation District and to prevent seepage from the MID into the facilities of the property owner. The normal setback is 50 feet from open laterals, but since this lateral is piped, a 20 foot setback affords mutual protection.

- F. MINOR SUBDIVISION APPLICATION No. 05055 - Dario Giampaoli - To divide 351 acres into nine parcels: Parcel 1 = 40.0 acres, Parcel 2 = 40.0 acres, Parcel 3 = 40 acres, Parcel 4 = 23.03 acres, Parcel 5 = 43.0 acres, Parcel 6 = 43.34 acres, Parcel 7 = 41.62 acres, Parcel 8 = 44.49 acres, and Parcel 9 = 41.6 acres located at the southwest corner of Buchanan-Hollow Road and Minturn Road in the Le Grand area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

At the request of the applicant, this item has been continued to the November 16, 2005 meeting.

VI. CORRESPONDENCE

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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.