



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 16, 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. 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 26, 2005 meeting. Project Planner Dave Gilbert****
- B. 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 26, 2005 meeting. Project Planner Dave Gilbert****
- C. 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. Continued from the October 26, 2005 meeting. Project Planner Dave Gilbert****

- D. CONDITIONAL USE PERMIT No. 05011 AND MINOR SUBDIVISION APPLICATION No. 05024 - "Bettencourt Flying Service" John Brigham** - To divide a 40 acre parcel into two parcels of 20 acres each in order to relocate an agricultural flying service and to establish a private airstrip. The property is located on the east side of Bert Crane Road and 2 miles south of Highway 140 on land designated as Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO ADOPT A NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**
- E. ADMINISTRATIVE PERMIT APPLICATION No. 05109 - Antonia Castellanos** - To permit a new owner/operator for an existing taco truck operation located on the southeast corner of Santa Fe Drive and Walnut Avenue on land designated as Winton Specific Urban Development Plan - Commercial Transition in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**
- F. CONDITIONAL USE PERMIT APPLICATION No. 05022 – Pacific Holt Corporation** – To establish an agricultural well drilling and repair business (Mid State Pump Company). The applicant is proposing construction of a 4,000 square foot office building and a 22,100 square foot storage building located at the southeast corner of Vassar Avenue and State Highway 59 in the Merced area. The property is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). (18 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- G. CONDITIONAL USE PERMIT APPLICATION No. 05020 – Luis Oliveira** – To allow the sale of liquor from an outside bar located at the rear of the existing Stevinson Bar and Grill building and relocate required on-site parking to an adjacent parcel under the same ownership. The properties are located on the northeast corner of Third and Railroad Avenues and designated Stevinson Specific Urban Development Plan Commercial in the General Plan and zoned C-2 (General Commercial) (0.55 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- H. MAJOR SUBDIVISION APPLICATION No. 05012 - The Parkway (Phase III) Parkway South, LLC** - To divide 146 acres into 442 residential lots on property located east of State Highway 33, north of the Delta Mendota Canal on land designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential 5000sf minimum.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- I. ZONE VARIANCE No. 04011 AND MINOR SUBDIVISION APPLICATION No. 04061 - "Bob Warnke Golf Range" Eileen Warnke** - To vary from the 20 acre minimum parcel size and divide a 13 acre parcel into two parcels: Parcel 1 = 10 acres; Parcel 2 = 3 acres. The property is located on the east side of State Highway 165 approximately 700 feet north of Bradbury Road in the Turlock area designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- J. MINOR SUBDIVISION APPLICATION No. 04067 - John Andrews** - To divide 40 acres into two 20 acre parcels located approximately 1000 feet south of Elva Road and approximately 1000 feet west of Indiana Road in the Dos Palos area on land designated as Agriculture in the General Plan and zoned A-1 (General Agricultural.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**



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- K. MINOR SUBDIVISION APPLICATION No. 04066 – John Andrews -** To divide 75 acres into two 20 acre parcels and one 35 acre parcel located northeast of Eucalyptus Road and Indiana Avenue in the Dos Palos area designated as Agriculture in the General Plan and zoned A-1 (General Agricultural.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- L. MINOR SUBDIVISION APPLICATION No. 05061 - Jack and Leslie Chapman -** To divide two parcels into 4 parcels of 20 acres each. The project site is located on the north side of Le Grand Road and 1,350 feet west of Plainsburg Road in the Merced area. The project site is designated Agriculture in the General Plan, and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera**

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 NOVEMBER 16, 2005

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of November 16, 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 9:09 a.m., on November 16, 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 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
 Robert King, Planner III
 Jeff Wilson, Planner II

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF OCTOBER 26, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. 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 26, 2005 meeting. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated November 16, 2005.

The public hearing opened at 9:15 a.m.

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Duane Andrews, Golden Valley Engineering, stated that this property was four legal lots at one time, but a lender asked that the property owner combine the lots. He states that this project meets all the requirements and he asked for approval of this application.

The public hearing closed at 9:17 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05052, FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05052 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT WITH THE ADDITION OF CONDITION #5 TO READ 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. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
3. A Right-to-Aviate notice shall be recorded along with the parcel map.
4. The property owner 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 the project on Thornton Road with a 50-foot radius fillet (curve) at the southeast corner of Tahoe Street and Thornton Road intersection.
5. An irrigation easement shall be identified on the Parcel Map showing the location of irrigation lines from agricultural wells to each parcel. Unless evidence can be provided that each parcel has an individual agricultural well.

- B. 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 26, 2005 meeting. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated November 16, 2005.

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

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Mike Smith from CCPS and representing the applicant stated that the existing ag employees are only going to be relocated. He asked for approval of this application.

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

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05018 FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05018 SUBJECT TO THE 8 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05018 shall allow the addition of four residences for employees and a son to be placed on the property, for a total of five residences.
2. This project shall comply with the applicable Standard Conditions in Planning Commission Resolution No. 97-1.
3. The applicant shall obtain approval from the Merced County Health Department for any additional water wells and septic systems. A plan shall be submitted showing the location of the wells and septic systems and which residences are attached to the wells and septic systems.
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 residences 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 occupants which shall be recorded prior to the issuance of the building permit.
7. The property owner shall dedicate to the County of Merced a 40 foot width of right-of-way along the entire frontage of Eucalyptus Road measured from the centerline of the existing 60 foot width, non-accepted right-of-way; a 30 foot width of right-of-way along the entire frontage of Swift Avenue measured from the centerline of the existing 60 foot wide, non-accepted right-of-way; and a 50 foot radius fillet (curve) at the southwest corner of Eucalyptus Road and Swift Avenue. The legal descriptions and exhibits needed for the grant deeds shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Fully executed grant deeds with accompanying legal descriptions and exhibit drawings shall be submitted for review and approval prior to the issuance of the Certificate of

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Occupancy/Final by the Department of Public Works/Building & Safety Divisions (Building Permit Office) for any new buildings. Closure calculations shall be submitted for metes and bounds type legal descriptions.

8. All storm water runoff from the site shall be directed away from County's roadways.

- C. 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. Continued from the October 26, 2005 meeting. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated November 16, 2005.

The public hearing opened at 9:28 a.m.

Duane Andrews, Golden Valley Engineering, stated that the purpose for this application is for family planning. He doesn't understand why a right to farm certificate is needed since this application is only family farming. He asked for approval of this application.

Chairman Steve Sloan indicated that the right to farm is needed on the conditions for the staff report.

The public hearing closed at 9:30 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05055 FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05055 SUBJECT TO THE 3 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. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.

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3. The property owner's shall dedicate to the County of Merced, annotated on the parcel map, additional 10-foot width of right-of-way along the entire frontage of Minturn Road with a 50-foot radius fillet (curve) at the southwest corner of Minturn Road and Buchanan Hollow Road.

D. CONDITIONAL USE PERMIT No. 05011 AND MINOR SUBDIVISION APPLICATION No. 05024 - "Bettencourt Flying Service" John Brigham - To divide a 40 acre parcel into two parcels of 20 acres each in order to relocate an agricultural flying service and to establish a private airstrip. The property is located on the east side of Bert Crane Road and 2 miles south of Highway 140 on land designated as Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO ADOPT A NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated November 16, 2005.

The public hearing opened at 9:45 a.m.

Commissioner Bettencourt asked why the applicant wants to split the property.

Planner Jeff Wilson explained that they are subdividing so the applicants son can buy the other 20 acres to help with the funding of the service.

Gene Roberts, neighbor, stated that his main concern is the possible contamination of the water to his property from the on site chemicals of the applicants property. He feels this could impact the value of his land and is worried that the applicant could sell his property later on and who is responsible for monitoring the operation.

Bill Nicholson, Planning Director, explained that an initial study was done and state agencies are responsible for monitoring the property and they can recommend improvements to be made on the property. Environmental Health also does inspections. He stated that more than one inspection can be done in a year if complaints come in from neighbors.

Bob Friesen, neighbor on Bert Crane Road, is also concerned with the water in the area. The property is being flooded and the water is being contaminated by the chemicals on site.

John Brigham, President of Brigham Flying Services, stated that plastic containers are picked up from the property and no active material comes back. He also stated that the containers are triple rinsed so they are clean before being stored. This business is a family business and they have no intentions of selling the business. In addition, chemicals are stored for a start time on site, 1-2 days.

Commissioner Tanner stated that there are conditions of approval and Mitigation Measures that will protect the water from contamination.

Commissioner Buendia asked what the operation hours are for the business. Mr. Brigham explained that from dusk to dawn he is flying, so the business could run up to 100 hours per week.

Mr. Roberts explained that he is still concerned of the water contamination because the business is in his back yard.

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Chairman Sloan assured Mr. Roberts that this business will not be much danger for him.

The public hearing closed at 10:05 a.m.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION PREPARED FOR CONDITIONAL USE PERMIT No. 05011 AND MINOR SUBDIVISION APPLICATION No. 05024 WITH 6 MITIGATION MEASURES.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 24 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 24 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05011 AND MINOR SUBDIVISION APPLICATION No. 05024 SUBJECT TO THE 24 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05011 is to relocate an agricultural flying service, known as the Bettencourt Flying Service (BFS) and to establish a private airstrip with three landing pads for three helicopters.
2. The applicant shall comply with all standard conditions of approval listed in the Planning Commission Resolution No. 97-1 (except No. 6, 12, and 13).
3. The applicant shall comply with all Federal, State and County Requirements including, but not limited to the San Joaquin Valley Air Pollution Control District, California Department of Transportation and the Merced County Health Department; Environmental Health Division.
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. Portable fire extinguishers shall be installed in compliance with the applicable use requirements (UFC Std. 10-1).
9. The applicant shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct a paved driveway approach for the proposed common driveway accessing

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onto Bert Crane Road. The new approach shall be a rural “agricultural” type driveway approach conforming to the Merced County Public Works Improvement Standards and Specifications. 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 structure.

10. The project shall implement SJVaPCD's Regulation VIII, Rule 8021 – Construction, Demolition, Excavation, and Other Earthmoving Activities. (Adopted November 15, 2001; Amended August 19, 2004). This rule applies to any construction, demolition, excavation, extraction, and other earthmoving activities, including, but not limited to, land clearing, grubbing, scraping, travel on site, and travel on access roads to and from the site. Prior to the initiation of construction, the applicant shall prepare a dust control plan consistent with the standards of Rule 8021, and to implement the requirements of the plan during construction. A copy of the approved plan shall be submitted to the Merced County Building Division prior to the issuance of any building or demolition permit for the facility. The project applicant shall obtain an Authority to Construct permit prior to initiating construction on the expanded facility as required by SJVAPCD. (MM)
11. Prepare a Hazardous Materials Business Plan and submit it for approval to the Merced County Department of Health, Environmental Health Division. Upon approval, implement the requirements of the Plan. (MM)
12. Prepare a Spill Prevention Control Plan and submit it for approval to the Regional Water Quality Control Board. Upon approval, implement the requirements of the Plan. (MM)
13. Floodproof all chemical and fuel storage tanks and facilities, including containment berms, to meet the requirements for nonresidential structures as set forth in 18.34.05.b.3 of the Merced County Zoning Code. (MM)
14. All wastewater generated on site shall be contained and properly maintained so as to prevent any contamination to the property and to the groundwater.
15. All parking and maneuvering areas shall be surfaced with an aggregate base.
16. The applicant shall obtain an Authority to Construct/Permit To Operate (ATC/PTO) from the Air Pollution Control District prior to any construction activities being performed on the property.
17. Fuel storage tanks and dispensing require Building Permits, with a plan review required. All work shall be in compliance with UFC Article 79.
18. On-site water storage for fire protection shall be provided for the proposed hangar at the time of its construction. 5000 gallons are required for this project, based upon NFPA Standard 1142.
19. Hazardous Materials in excess of exempt quantities, including fuels, shall have identification signs indicating Health, Flammability and Reactivity per UFC Standard 79-3, Chapter 6. Storage and use shall comply with Article 80

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of the Uniform Fire Code. For exempt amounts see Tables 8001.13-A, 8001.13D.

20. The applicant shall obtain all necessary Building Permits for any new construction.
21. 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.

Minor Subdivision

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. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation. (MM)
3. The applicant shall ensure that the parcel map for the southern 20-acre parcel includes an avigation easement to notify future occupants of the parcel that there is a private airstrip immediately to the north. (MM)

- E. ADMINISTRATIVE PERMIT APPLICATION No. 05109 - Antonia Castellanos -** To permit a new owner/operator for an existing taco truck operation located on the southeast corner of Santa Fe Drive and Walnut Avenue on land designated as Winton Specific Urban Development Plan - Commercial Transition in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated November 16, 2005.

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

Mike Smith from CCPS and representing the applicant, agrees with the staff report, but doesn't understand why this application would need to go before the Planning Commission for a name change only.

Bill Nicholson, Planning Director, explained that the owner of the taco truck would be changing so the new owner will be held liable for any code enforcement violations and the new owner will be made aware beforehand of all conditions and required inspections and the permit goes with the operator and any change in ownership or operators requires a new permit.

The public hearing closed at 10:32 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE PERMIT APPLICATION No. 05109 FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 3 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 3 FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION No. 05109 SUBJECT TO THE 18 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The project shall be subject to all relevant Federal, State and local requirements, specifically the requirements of the California Health and Safety Code.
2. The Administrative Permit No. 05109 is granted for parking a semi-mobile food vehicle on the project site as shown on the approved plot plan.
3. The hours of operation for the mobile food vendors will be between 10 A.M. and 10 P.M. (See Environmental Information Form)
4. The mobile food vendor shall comply with the development standards of the zone related to setbacks and paved parking. No additional signs other than those painted on the vehicle shall be permitted.
5. Waste water generated on-site shall not be released on-site or into any storm drainage or irrigation system.
6. The site shall be kept clean and free of litter at all times, and there shall be adequate trash receptacles adjacent to the vehicle. Trash and garbage shall be removed from the site at the end of each day. Receptacles shall be of the type designated for outdoor use and not interfere with vehicular or pedestrian circulation. Receptacles shall be removed from the site at the end of each day. (18.47.280.D)
7. The vehicle shall be self contained for potable water, waste water, and power. Electrical connections to adjacent businesses may be permitted if approved by the County Building Division.
8. A copy of the Administrative Permit shall be kept with the operator at all times and shall not be transferred to another operator.
9. The vehicle and activities shall not divert vehicles and/or pedestrians from normal circulation patterns.
10. The vehicle and activities shall not block visibility to adjacent existing approved activities.
11. The vehicle and activities shall not increase access problems for other nearby activities.
12. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and shall be hooded and directed downward and into the project site. No glare or

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direct light shall emanate from the project area (Zoning Code Section 18.41.06).

13. All furniture provided for customers shall be of the type designated as “outdoor and/or patio” furniture and maintained in a good appearance. Seating shall be kept within approved site area and not interfere with vehicular or pedestrian circulation. Furniture shall be removed from the site at the end of the day.
14. Canopies may be allowed over seating areas as either free standing pavilions and/or awnings attached to the vehicle. Canopies shall be designed for outdoor commercial use and maintained in good appearance. Canopies shall be within the approved site area and not interfere with pedestrian or vehicular circulation. Tarp, plastic sheeting, and other similar materials are specifically prohibited. Canopies shall be removed from the site at the end of the day.
15. Toilet facility meeting the requirements of the Division of Environmental Health shall be provided to the operator of the truck either by the principal on-site business or through an agreement with an adjacent use with a written agreement provided to the Division of Environmental Health and the Planning and Community Development Department.
16. A fire extinguisher with a minimum rating of 2-A, 10-B: C shall be provided and carried by each vendor truck.
17. The site shall be maintained in a neat and orderly manner at all times.
18. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$192.00** shall be required. This fee shall be paid prior to initiation of the semi-mobile food vending business.

- F. CONDITIONAL USE PERMIT APPLICATION No. 05022 – Pacific Holt Corporation –** To establish an agricultural well drilling and repair business (Mid State Pump Company). The applicant is proposing construction of a 4,000 square foot office building and a 22,100 square foot storage building located at the southeast corner of Vassar Avenue and State Highway 59 in the Merced area. The property is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). (18 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

This item has been continued to the December 7, 2005 meeting at the request of the applicant.

- G. CONDITIONAL USE PERMIT APPLICATION No. 05020 – Luis Oliveira –** To allow the sale of liquor from an outside bar located at the rear of the existing Stevinson Bar and Grill building and relocate required on-site parking to an adjacent parcel under the same ownership. The properties are located on the northeast corner of Third and Railroad Avenues and designated Stevinson Specific Urban Development Plan Commercial in the General Plan and zoned C-2 (General Commercial) (0.55 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

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Planner James Holland presented the Staff Report and Recommendation dated November 16, 2005. Mr. Holland also handed out letters to each commissioner with the new proposed conditions from the Road Division.

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

Mike Smith, CCPS, stated that this application does not include a night club. He also asked how much time he has regarding the Condition #4 in the staff report regarding the new parking area. He asked for approval of this application.

Commissioner Bettencourt asked how many events will be held at this location in a year. Mr. Smith replied that there may be events there on some holidays.

Curt Royer, Public Works/Road Division, stated that the applicant is given one year to make improvements on the parking lot.

The public hearing closed at 10:52 a.m.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05020, FROM CEQA.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05020 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT WITH CHANGES BEING MADE TO ADD THE 3 ROAD CONDITIONS TO INCLUDE DELETING CONDITION #7 AND REPLACING WITH ROAD CONDITION #4, DELETING CONDITION #9 AND REPLACING WITH ROAD CONDITION #1, ADOPTING ROAD CONDITION #3 AS CONDITION #16 AND CURRENT #16 TO BE MOVED TO CONDITION #17 TO READ AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05020 is to expand the range of uses currently permitted for the Stevinson Bar and Grill by legalizing an existing open air bar structure and allowing liquor sales from the outside bar during up to five (5) special events that may be held every year. The Conditional Use Permit also approves relocation of existing on-site parking from the western property boundary to the eastern portion of the project site.
2. The applicant 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. Prior to the final approval of any building permits, the applicant shall install a landscaping strip along the unpaved areas of the property frontage with Railroad Avenue and Third Avenue. The landscaping strip shall meet County standards for a 'Type C' landscaping screen to the maximum extent feasible. Plans for the required landscaping shall be submitted to the Planning Department for approval prior to installation.

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4. The applicant shall improve the new parking area to County standards by paving it with asphalt or concrete. Improvement plans shall be submitted to the Public Works Road Division for approval prior to the final approval of any building permits.
5. The new on-site parking area shall provide a minimum of 11 parking spaces. These parking spaces shall be clearly striped in accordance with Section 18.40 of the Merced County Zoning Code and include 1 appropriately signed and painted handicapped parking space.
6. The applicant shall provide lighting for their parking lot area that is consistent with the standards provided in subsection 18.40.04.E of the Merced County Zoning Code.
7. All storm drain runoff from the site shall be directed away from County maintained roadways.
8. The property owner shall submit an application to the Planning Department requesting the voluntary merger of the properties that are the subject of this approval.
9. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required fees, construct a rural “agricultural” type driveway approach serving the proposed parking lot and install a standard streetlight near said driveway approach. All work shall be per the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished prior within two months from the issuance of this conditional use permit.
10. A maximum of five special events may be held at the Stevinson Bar and Grill in any one calendar year. The open air bar may be used for beverage and liquor sales during these events.
11. No special event shall end later than the bars regular 1:30 AM closing time.
12. A minimum of two private security guards be hired for any proposed special event that is scheduled to start or continue after 6:00 PM.
13. Staff shall be posted at both gateways to prevent any guests with alcoholic beverages in their possession from leaving the open air bar area. Guests should also be prevented from entering this area directly from Railroad Avenue.
14. The Railroad Avenue gate should be kept locked during all times that the open air bar is not in use.
15. The bar owners or event promoters shall notify the Sheriffs Department in advance of any event likely to generate attendance in excess of 100 people.
16. The property owner shall only permit parallel parking along Third Avenue and Railroad Avenue frontages. “Parallel Parking only” signs along said avenues shall be provided and maintained by the property owner.
17. A condition monitoring fee of **\$288** shall be paid by the applicant upon project approval. Should additional staff time be required for condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

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- H. **MAJOR SUBDIVISION APPLICATION No. 05012 - The Parkway (Phase III) Parkway South, LLC** - To divide 146 acres into 442 residential lots on property located east of State Highway 33, north of the Delta Mendota Canal on land designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential 5000sf minimum.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated November 16, 2005.

Steve Sloan asked County Counsel Ruben Castillo if there would be a problem with him voting on this project since he is a member of the San Luis Water District board. He stated that the San Luis Water District in which this land lays at the current time would receive water on a wholesale basis. The retail provider would be the Santa Nella County Water District in which he has no authority on.

Ruben Castillo didn't feel that there would be a conflict with Chairman Sloan voting on this application.

Mr. Castillo asked that the additional condition provided be modified to read "until" instead of "till".

The public hearing opened at 11:05 a.m.

Tony Marshall, MCR Engineering, agrees with staff recommendations in the staff report and asked for approval of this application.

Mr. Castillo asked the developer, Mr. Marshall if he agrees with the modification to the wording in the new condition. Mr. Marshall answered yes.

The public hearing closed at 11:07 a.m.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING EXEMPTS MAJOR SUBDIVISION APPLICATION No. 05012 FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05012 SUBJECT TO THE 22 CONDITIONS SET FORTH IN THE STAFF REPORT WITH THE DELETION OF CONDITION #13 AND A MODIFICATION TO CONDITION #12 TO READ 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. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.

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3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service, and State Department of Fish & Game.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with “Can and Will Serve Letters” from both the San Luis Water District and the Santa Nella County Water District.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. 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, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
7. Release and relinquish all abutters' rights of access to and from the entire SR 33, Vera Cruz Drive and Hilldale Avenue frontage of all lots.
8. The Developer shall form, annex to, or include into a Landscape, a Street Lighting, and a Storm Drainage Maintenance Zone of Benefit.
9. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall 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.
10. Provide centerline striping for those new roads which intersect existing peripheral streets.
11. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.
12. A final map for Lots 17-40 shall not be recorded until such time a final configuration of the Hill Dale Avenue and I-5 Interchange right of way has been approved by Merced County and Caltrans. These lots may be

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eliminated in part or whole, or their configuration changed as a result of the final right of way location.

13. This subdivision will require the reconstruction and realignment of Hilldale avenue north of, and over, including a new bridge over the Delta Mendota Canal.

14. Prior to approval of the Final Map:
 - a. Specify which streets are to utilize the "Alternate Residential" street design.
 - b. Clearly delineate the full-width of the Kit Fox corridor required along the north side of the Delta Mendota Canal.
 - c. Clearly indicate the intention of the unlabeled triangular parcel located at the southwest corner of Vera Cruz Drive and Hilldale Avenue, and the intent of Lots A-F.
 - d. Clearly indicate the boundary of the proposed storm drain basin, and whether it will be designed to percolate or to discharge into the Delta Mendota Canal.

15. Developer shall, "Pay such Bridge and Thoroughfare Fees as approved by the Board of Supervisors in effect at such time that Building Permits are issued."

16. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.

17. USFWS easements previously established by the developer for San Joaquin Kit Fox corridors shall be extinguished where they overlay proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works prior to the approval of the subdivision improvement plans.

18. In the event that Condition No. 18 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works.

19. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.

20. Bike Routes shall be constructed consistent with the Santa Nella CSP.

21. A condition monitoring fee of **\$480.00** shall be required prior to the recordation of the Final Map.

I. ZONE VARIANCE No. 04011 AND MINOR SUBDIVISION APPLICATION No. 04061 -"Bob Warnke Golf Range" Eileen Warnke - To vary from the 20 acre minimum parcel size and divide a 13 acre parcel into two parcels: Parcel 1 = 10 acres; Parcel 2 = 3 acres. The property

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is located on the east side of State Highway 165 approximately 700 feet north of Bradbury Road in the Turlock area designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
Project Planner Robert King

At the request of the applicant, this item has been continued to the December 21, 2005.

- J. MINOR SUBDIVISION APPLICATION No. 04067 - John Andrews -** To divide 40 acres into two 20 acre parcels located approximately 1000 feet south of Elva Road and approximately 1000 feet west of Indiana Road in the Dos Palos area on land designated as Agriculture in the General Plan and zoned A-1 (General Agricultural.) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** **Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated November 16, 2005.

The public hearing opened at 11:20 a.m.

Commissioner Tanner asked how the property is irrigated.

Duane Andrews, Golden Valley Engineering, stated that he is not sure how the property is irrigated. He stated that the purpose of this subdivision is for family planning. The applicants father passed away and the family was left with a three million dollar death tax, so dividing the property will help with paying that off to make things easier on the family. He asked for approval of this application.

The public hearing closed at 11:23 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 – 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04067 FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04067 SUBJECT TO THE 4 CONDITIONS IN THE STAFF REPORT WITH THE ADDITION OF ROAD CONDITION #5 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. A Right-to-Farm Certificate shall be placed on the parcel map notifying the

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potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.

4. The applicant shall comply with all County, State and Federal regulations.
5. The owner shall dedicate to the County of Merced, annotated on the parcel map, a 30 foot width of road right of way along the entire frontage of Esther Avenue measured from the centerline of the existing unaccepted road right of way of Esther Avenue.

K. MINOR SUBDIVISION APPLICATION No. 04066 – John Andrews - To divide 75 acres into two 20 acre parcels and one 35 acre parcel located northeast of Eucalyptus Road and Indiana Avenue in the Dos Palos area designated as Agriculture in the General Plan and zoned A-1 (General Agricultural.) TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King

Planner Robert King presented the Staff Report and Recommendation dated November 16, 2005.

The public hearing opened at 11:20 a.m.

Commissioner Tanner asked how the property is irrigated.

Duane Andrews, Golden Valley Engineering, stated that he is not sure how the property is irrigated. He stated that the purpose of this subdivision is for family planning. The applicants father passed away and the family was left with a three million dollar death tax, so dividing the property will help with paying that off to make things easier on the family. He asked for approval of this application.

The public hearing closed at 11:23 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 – 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04066 FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 1, NAY BY COMMISSIONER BETTENCOURT, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04066 SUBJECT TO THE 4 CONDITIONS IN THE STAFF REPORT WITH THE ADDITION OF ROAD CONDITION #5 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.

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3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
4. The applicant shall comply with all County, State and Federal regulations.
5. The owner shall dedicate to the County of Merced, annotated on the parcel map, a 30 foot width of road right of way along the entire frontage of Esther Avenue measured from the centerline of the existing unaccepted road right of way of Esther Avenue.

- L. MINOR SUBDIVISION APPLICATION No. 05061 - Jack and Leslie Chapman -** To divide two parcels into 4 parcels of 20 acres each. The project site is located on the north side of Le Grand Road and 1,350 feet west of Plainsburg Road in the Merced area. The project site is designated Agriculture in the General Plan, and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera**

Planner Gene Barrera presented the Staff Report and Recommendation dated November 16, 2005.

The public hearing opened at 11:31 a.m.

Larry Bowers, BCA, stated that the purpose for this subdivision is for family planning.

Commissioner Tanner asked if there is only one well for the four parcels.

Jack Chapman, applicant, pointed out on the overhead map where the two wells are. He stated that the property is flood irrigated. He farms almonds and he plans to retire by investing in his farming operations.

The public hearing closed at 11:33 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05061, FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 16, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05061 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:


Conditions:

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.

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2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
3. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1. 
4. The property owners shall dedicate to the County of Merced, annotated on the parcel map, additional 10-foot width of right-of-way along the entire frontages of Le Grand Road and Plainsburg Cemetery Road with a 50-foot radius fillet (curve) at the northwest corner of Le Grand Road and Plainsburg Cemetery Road.
5. The property owners shall dedicate an ingress/egress access easement to the proposed parcel not fronting a County public maintained roadway (Proposed Parcel 1), which shall be annotated on the parcel map as including the phrase, "Proposed Easement for the Benefit of Parcel 1".

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

The Campus Parkway project will be heard before the Planning Commission at the December 7, 2005 meeting.

There will be a General Plan Steering Committee meeting at 1pm on December 7, 2005 following the Planning Commission meeting.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:40 a.m.