



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 7, 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 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. This item was continued from the November 16, 2005 meeting. Project Planner James Holland****
- B. MINOR SUBDIVISION APPLICATION No. 05038 - Karnail Rai - To divide a 44 acre parcel into two parcels; Parcel 1 = 23.4 and Parcel 2 = 20.6. The project is located on the east side of Newport Road, 1,320 feet north of Lombardy Avenue in the Ballico area. The project site 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****
- C. CONDITIONAL USE PERMIT No. 05024 - Diana Mello - To construct 3 buildings to store boats behind an existing bait and tackle shop. The project site is located on the north side of Merced Falls Road, approximately 3 miles east of La Grange Road in the Snelling area. The project site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

- D. **MINOR SUBDIVISION APPLICATION No. 05029 - Anthony Medeiros Jr.** -To divide a 195.5 acre parcel into four 38.3 acre parcels with a 42.3 acre remainder parcel. The project site is located a ½ mile north of Avenue 26, and 1 ¼ mile east of Bliss Road, in the Chowchilla area. The property is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
Project Planner Gene Barrera

- E. **MINOR SUBDIVISION APPLICATION No. 05059- V.O.J.E. Inc.**-To divide 296 acres into 8 parcels; Parcel 1 = 51 acres, Parcels 2 through 8 equaling 35 acres each. The project site is located at the northeast corner of Arboleda Dive and Childs Avenue in the Planada area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
Project Planner Gene Barrera

- F. **MINOR SUBDIVISION APPLICATION No. 05057 - Jean Okuye** - To divide two parcels of 40 acres into four parcels of 20 acres each. The property is located on southwest corner of Olive Avenue and Cressey Way in the Livingston 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**

- G. **CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CAMPUS PARKWAY PROJECT - Merced County** - The Campus Parkway project is a proposed four-lane limited-access expressway located on the east side of the City of Merced which will connect northern Merced with State Highway 99 at the planned Mission Interchange. The project starts at the Mission Interchange and extends 4.5 miles north to Yosemite Avenue. The Final Environmental Impact Report (EIR) is the final environmental document for the Campus Parkway project required for compliance with the California Environmental Quality Act. **TO RECOMMEND THE BOARD OF SUPERVISORS CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT.**

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 – December 7, 2005
Page 2

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

Steve Rough, Public Works/Road Division, stated that are asking the applicant to widen their frontage on the road to meet County standards and to provide a paved driveway approach. There is an additional requirement for a street light which is a safety issue.

Chairman Sloan asked how far the applicant is going to be required to improve Vassar Road. Mr. Rough replied that they will be required to improve the entire frontage, which is typical. It's about 10-12 feet wide now and the ultimate width needs to be 16 feet.

Commissioner Mobley asked what if there would be an impact on the traffic. Mr. Rough replied that the traffic would only be generated from the project. Planner James Holland responded that an analysis was done on the parking requirements. There will be 21 parking spaces for this project. There could be 50 plus trips a day.

Chairman Sloan asked how much it would cost to widen the road for the applicant. Mr. Rough couldn't give a rough estimate since he hasn't done any calculations or done any measuring of the property. Chairman Sloan indicated that he is not comfortable with widening Vassar Road along the frontage of his property and the applicant having to pay for widening the County roads. He feels that a condition could be made that the applicant shares in paying for the cost, but not paying for the total amount himself. Mr. Rough stated that this is what the County recommends, there is the possibility of having a deferment of construction agreement could be entered to into that would defer the improvements to a later day and that does not eliminate their obligation. Chairman Sloan indicated that he is more comfortable with deferring that to a later day when more property owners are included in the cost of improving the roadway. County Counsel Ruben Castillo confirmed that there is a vehicle for deferring the cost of required improvements. Mr. Rough responded that there is a vehicle that can be used to defer those improvements and that is the deferment of construction agreement. A copy of the applicants deed will be required.

Commissioner Lynn Tanner could see improvements made along Vassar Road to the driveway if there is an increase in the traffic. Chairman Sloan stated that he doesn't have a problem with improvements at the entrance, but Vassar Road isn't in the best shape.

Chairman Sloan indicated that the pump company normally doesn't generate a lot of traffic. Commissioner Mobley feels that the applicant shouldn't have to pay for the improvements himself. Commissioner Mobley asked how many times a day are the trucks dispatched from the pump company.

Mark Herman, applicant, stated that he is not sure how many times a day. Commissioner Bettencourt asked if there was a problem with the applicant paying for a portion of the road improvement. Mr. Herman had no problem with that.

William Nicholson, Planning Director, suggested on Condition #7 as worded, can be modified so that it applies to the proposal.

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

MERCED COUNTY PLANNING COMMISSION

Minutes – December 7, 2005

Page 3

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05022, 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 DECEMBER 7, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05022 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit No. 05022 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 on-site sewage disposal (septic) system shall be constructed according to Merced County health Department specifications and shall feature a minimum separation of 5 feet from trench bottom to groundwater.
5. In the event the permitted use accommodates 25 or more persons for any 60 days of the year, the property owner shall obtain a permit to operate a small public water system from the Merced County Department of Environmental Health.
6. The property owner shall dedicate to the County of Merced an additional 10 feet of right-of-way along the entire frontage of Vassar Avenue and shall dedicate an additional 20 feet of road right-of-way to the State of California Department of Transportation (CalTrans) along the entire frontage of State Highway 59. The legal description(s) and exhibit(s) 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 deed(s) with accompanying legal description(s) and exhibit drawing(s) shall be submitted for review and approval prior to the issuance of the Certificate of Occupancy/Final by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings. Closure calculations shall be submitted for metes and bounds type legal descriptions
7. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and improve Vassar Avenue fronting along their property. Said improvements shall include widening Vassar, overlaying existing pavement, constructing a paved driveway approach, installing a standard streetlight near the entrance to the property and relocating any utilities in conflict with the proposed improvements. All work shall be per the Merced County Public Works Improvement Standards and Specifications. All improvements to Vassar Avenue west of the approved driveway shall be made prior to a certificate of occupancy being issued. All other improvements required by this condition shall be subject to the applicant entering into a deferment of construction agreement with Merced County Public Works Department.

MERCED COUNTY PLANNING COMMISSION

Minutes – December 7, 2005

Page 4

8. The property owner shall provide a drainage plan, prepared by a licensed Civil Engineer per Merced County Drainage Manual and submit to Merced County DPW/Road Division for review and approval prior to the issuance of any building permits. The applicant shall pay a review fee of \$500.00 to the DPW/Road Division for such review. The design shall direct storm runoff away from any public maintained roadway.
9. 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).
10. The applicant shall submit a plan detailing the proposed surfacing of on-site parking and maneuvering areas and driveways for review and approval by the Public Works Road Division concurrently with its Encroachment Permit application required by Approval Condition No. 7.
11. If an off-site outlet for stormwater discharges is required under Approval Condition No. 8, the applicant will enter into an 'Agreement of Inclusion' with the Merced Irrigation District Drainage Improvement District No. 1, and pay all applicable fees, to allow discharge of stormwater flows into their Paden Drain facility.
12. The applicant shall not discharge any agricultural drainage water from the property into Merced Irrigation District Facilities.
13. 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.
14. The applicant shall submit a Report of Waste Discharge to the Regional Water Quality Control Board (Fresno Office). This submittal will allow the Board to determine whether they need to prescribe specific waste discharge requirements (WDRs) for the project, or issue a waiver.
15. Prior to project construction, the applicant shall submit to the Regional Water Quality Control Board (Fresno Office), an NOI and filing fee to comply with NPDES permit requirements addressing Dewatering and Other Low Threat Discharges to Surface Waters if it appears likely that implementation of the project is likely to contact groundwater and result in construction dewatering.
16. Prior to the commencement of construction, the applicant shall submit a Dust Control Plan to the San Joaquin Valley Air Pollution Control District. Information on this requirement, together with information on any other rules or regulations that may apply to this proposal, can be obtained from the District's Small Business Assistance Office at (209) 557-6446.
17. For the purpose of condition monitoring, an inspection fee in the amount of **\$245.00** 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. MINOR SUBDIVISION APPLICATION No. 05038 - Karnail Rai - To divide a 44 acre parcel into two parcels; Parcel 1 = 23.4 and Parcel 2 = 20.6. The project is located on the east side of Newport Road, 1,320 feet north of Lombardy Avenue in the Ballico area. The project site 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**

MERCED COUNTY PLANNING COMMISSION

Minutes – December 7, 2005

Page 5

Planner David Gilbert presented the Staff Report and Recommendation dated December 7, 2005. A letter was handed out to each commissioner from a neighbor in opposition to the approval of this application.

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

Mike Smith, CCPS, stated that the properties in the area have a lot of old subdivisions for a total of 23. He asked for approval of this application. He handed out an Assessors map to the Commissioners to show the old subdivisions in the area.

The public hearing closed at 9:58 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05038, 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 DECEMBER 7, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05038 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.
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 property owners shall obtain an Additional Dwelling Unit Permit for seven residences occupied by agricultural employees and one residence occupied by family members. No additional residences and modifications to existing residences shall be allowed.
4. An all weather access road shall be provided to within 150 feet of all significant buildings on Parcel 2.
5. A revised plot plan will be required by the Environmental Health Department showing the location of and wells and sewage disposal systems. If there are more than 4 dwelling units connected to a single well, the facilities constitute a public water system. A public water well system shall require a permit from the Environmental Health Department.

MERCED COUNTY PLANNING COMMISSION

Minutes – December 7, 2005

Page 6

- C. CONDITIONAL USE PERMIT No. 05024 - Diana Mello -** To construct 3 buildings to store boats behind an existing bait and tackle shop. The project site is located on the north side of Merced Falls Road, approximately 3 miles east of La Grange Road in the Snelling area. The project site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated December 7, 2005.

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

No one spoke in favor or opposition to this application.

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 EXEMPTS CONDITIONAL USE PERMIT No. 05024 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 DECMEBER 7, 2005, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05024 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05024 is approved to construct two buildings totaling 21,600 square feet for boat storage. This use shall be located, developed and operated in a manner as described on the approved plot plan. Minor modifications may be approved by the Planning Director.
2. The Planning & Community Development staff shall review the building plans prior to issuance of a building permit. Handicap accessibility to the buildings from the parking areas shall be provided and shown on the approved building permit plans.
3. The property owner shall designate parking spaces around the bait shop building. One driveway approach shall be designated on the property to the bait shop and boat storage facility from Merced Falls Road.
4. The property owner shall provide a Knox Box lock access to the Fire Department and install a water storage tank for fire fighting purposes.
5. The property shall have one year to construct the boat storage facility. After one year if the boat storage facility is not constructed the conditional use permit shall become automatically null and void without further action. The Planning and Community Development Director may extend the Permit if a request is filed by the property owner prior to its expiration.

6. The project shall be subject to any all development impact fees adopted by the County according to law. Said fees shall be collected at the Building Permit Stage.
7. Construction plans for building permits shall include the following note for noise control: The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. Placement of this note on construction plans shall be conducted on a random basis by the County Planning Department.
8. The property owner shall install landscaping at least 10 feet in width along the wrought fence in front of the boat storage facility. Three copies of the landscape and irrigation plans prepared by a licensed landscape architect/contractor shall be submitted for review and approval by the Planning Director prior to the issuance of Building Permits. Landscaping and irrigation, in compliance with the approved plans, shall be installed prior to Final Inspection or issuance of a Certificate of Occupancy by the County Building Division.
9. All landscaping and parking areas shall be maintained throughout the life of this permit.
10. The site shall be maintained and in a neat and orderly manner at all times. All junky or inoperable vehicles shall be removed from the site.
11. Security lighting shall be provided around the boat storage buildings. The lighting shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area. This shall be monitored by the County Public Works Department and Planning Departments. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
12. For the purpose of condition monitoring, an inspection fee in the amount of **\$288** 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.

- D. MINOR SUBDIVISION APPLICATION No. 05029 - Anthony Medeiros Jr. -To divide a 195.5 acre parcel into four 38.3 acre parcels with a 42.3 acre remainder parcel. The project site is located a ½ mile north of Avenue 26, and 1 ¼ mile east of Bliss Road, in the Chowchilla area. The property is designated Agricultural 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 December 7, 2005.

The public hearing opened at 10:33 a.m.

MERCED COUNTY PLANNING COMMISSION

Minutes – December 7, 2005

Page 8

Larry Bowers, BCA, stated that there are no problems with the conditions in the staff report and agrees to the modification for Condition #5 regarding irrigation easement requirements to the parcels.

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

Commissioner Bettencourt asked where the access is to Parcel #2. Mr. Bowers stated that Road 11 was abandoned so Road 11 remains the easement for access.

MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 1, NAY BY CHAIRMAN SLOAN THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION No. 05029 DUE TO THE INABILITY TO MAKE FINDINGS 4 AND 15 IN THE STAFF REPORT.

- E. MINOR SUBDIVISION APPLICATION No. 05059- V.O.J.E. Inc.-To divide 296 acres into 8 parcels; Parcel 1 = 51 acres, Parcels 2 through 8 equaling 35 acres each. The project site is located at the northeast corner of Arboleda Dive and Childs Avenue in the Planada area. The project site is designated Agricultural land use in the General Plan and is 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 December 7, 2005.

The public hearing opened at 10:45 a.m.

Duane Andrews, Golden Valley Engineering, stated that he has no issues and he asked for approval of this application.

Max Homestead, neighbor to the east, stated that he has no objections regarding this application.

The public hearing closed at 10:46 a.m.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05059, 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 DECEMBER 7, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05059 SUBJECT TO THE 7 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

MERCED COUNTY PLANNING COMMISSION

Minutes – December 7, 2005

Page 9

vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.

3. The property owners 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 Childs Avenue with a 50-foot radius fillet (curve) at the northeast corner of Arboleda Drive and Childs Avenue.
4. Irrigation water delivery shall be ensured to all new parcels, and an irrigation easement shall be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each new parcel.
5. All inoperative, unregistered vehicles shall be properly stored in a storage compound or building, pursuant to County Ordinance No. 9.10.040.
6. The applicant shall comply with all County, State and Federal regulations.
7. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1 

- F. MINOR SUBDIVISION APPLICATION No. 05057 - Jean Okuye - To divide two parcels of 40 acres into four parcels of 20 acres each. The property is located on southwest corner of Olive Avenue and Cressey Way in the Livingston 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 December 7, 2005. He handed out a letter to each commissioner from the Public Works/Road Division requesting an addition of 3 conditions.

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

Larry Bowers, BCA, stated that he has no problems with the new Public Works/Roads conditions. He asked for approval of this application.

Jean Okuye, applicant, stated that the purpose is for family planning and she would like to subdivide to sell a parcel to her daughter and in the future to her son. She has no plans to sell the parcels off to anyone outside her family.

The public hearing closed at 10:53 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05057, 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 DECEMBER 7, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05057 SUBJECT TO THE 3 CONDITIONS WITH THE ADDITION OF CONDITION #4

**FROM THE PUBLIC WORKS DEPARTMENT TO READ AS 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.
3. The property owners shall dedicate to the County of Merced, annotated on the parcel map, an additional 20 foot width of road right of way along the entire frontage of Walnut Avenue and an additional 10 foot road right of way along the entire frontage of Olive Avenue for compliance with the General Plan and County standards.

- G. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CAMPUS PARKWAY PROJECT - Merced County** - The Campus Parkway project is a proposed four-lane limited-access expressway located on the east side of the City of Merced which will connect northern Merced with State Highway 99 at the planned Mission Interchange. The project starts at the Mission Interchange and extends 4.5 miles north to Yosemite Avenue. The Final Environmental Impact Report (EIR) is the final environmental document for the Campus Parkway project required for compliance with the California Environmental Quality Act. **TO RECOMMEND THE BOARD OF SUPERVISORS CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT.**

This item was continued to the December 21, 2005 Planning Commission meeting.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

There will be a Planning Commission lunch at the Branding Iron today at 11:30.

There will be no General Plan Steering Committee meeting today.

VIII. DIRECTOR'S REPORT

Progress is being made on the General Plan update.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:09 a.m.