



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF MARCH 22, 2006, 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. 06002 - Joseph Marchini - To divide 128.13 acres into three parcels resulting in parcel sizes of: Parcel 1 = 45.02, Parcel 2 = 45.02, and Parcel 3 = 38.09. The project site is located on the north side of Buchanan Hollow Road, 2,640 feet east of Minturn Road in the Le Grand area designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the March 8, 2006 meeting. Project Planner Dave Gilbert****
- B. MINOR SUBDIVISION APPLICATION No. 06009 - Jim Victor - To subdivide 76.73 acres into three parcels resulting in parcel sizes of: Parcel A = 20.03 acres, Parcel B = 28.5 acres, and Parcel C = 28.20 acres. The project is located on the east side of Washington Boulevard, 650 feet north of Atwater Jordan Road in the Livingston 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. **MAJOR SUBDIVISION APPLICATION No. 05004 – EJ Franks Construction** - To divide a 25.2 acre parcel into 21 one acre parcels located north of Moran Ave approximately 1/4 mile west of Buhach Road in the Atwater area on land designated as Atwater Rural Residential Center (RRC) No. 1 and zoned A-R (Agricultural Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- D. **MAJOR SUBDIVISION APPLICATION No. 05013 - "Lands of Mercado" - Manuel Mercado** - To subdivide 1.85 acres into 8 lots located west of Hinton Avenue approximately 300 feet north of August Avenue on land designated as Delhi SUDP Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential 5,000 sf minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- E. **MAJOR SUBDIVISION APPLICATION No. 05017 - "SAN LUIS CREEK" - F & S Investments** - To subdivide 180 acres into 629 lots, approximately 5,000 square feet each, located south of McCabe Road approximately 1/4 mile east of State Highway 165 in the Santa Nella area, designated as Santa Nella SUDP Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential 5,000 sf minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- F. **ZONE VARIANCE APPLICATION No. 05004 AND MINOR SUBDIVISION APPLICATION No. 05076 - Juan Uribe** - To vary from the minimum parcel size of 20 acres in the A-1 zone and divide a 7.8 acre parcel into two parcels; Parcel No. 1 = 1.54 acres and Parcel No. 2 = 6.26 acres. The property is located on the northwest side of Livingston-Cressey Road and 2,200 feet north of Eucalyptus Avenue in the Livingston area, designated Agricultural 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.



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

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 06002, FROM CEQA.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 22, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 06002 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.
3. An irrigation easement shall be required and shown on the parcel map so that all parcels will have irrigation.

- B. MINOR SUBDIVISION APPLICATION No. 06009 - Jim Victor - To subdivide 76.73 acres into three parcels resulting in parcel sizes of: Parcel A = 20.03 acres, Parcel B = 28.5 acres, and Parcel C = 28.20 acres. The project is located on the east side of Washington Boulevard, 650 feet north of Atwater Jordan Road in the Livingston 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**

Planner Dave Gilbert presented the Staff Report and Recommendation dated March 22, 2006. A letter was handed out to the Commissioners from Merced Irrigation District with a request to add four conditions.

The public hearing opened at 9:26 a.m.

Larry Bowers, BCA, stated that he has no problem with the added conditions from MID and he asked for approval of this application.

The public hearing closed at 9:27 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 06009, FROM CEQA.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 22, 2006, AND MAKES THE 11**

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**FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 06009 SUBJECT TO THE 3 CONDITIONS SET FORTH IN THE STAFF REPORT WITH THE ADDITION OF CONDITION #4 PROVIDED BY THE MERCED IRRIGATION DISTRICT 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. An irrigation easement shall be required and shown on the parcel map so that all parcels will have irrigation.
4. The applicant shall not discharge any agricultural drainage water from the property into MID facilities. Any new or existing crossings over or under any MID facilities including bridges, pipelines and utilities will require a "Crossing Agreement". The MID canal bank roadway shall not be used for ingress and egress. That MID irrigation water delivery be ensured to all new parcels and an irrigation easement be provided from the existing irrigation delivery gate currently the whole property if there is no an irrigation delivery located within each parcel.

**C. MAJOR SUBDIVISION APPLICATION No. 05004 – EJ Franks Construction - To divide a 25.2 acre parcel into 21 one acre parcels located north of Moran Ave approximately 1/4 mile west of Buhach Road in the Atwater area on land designated as Atwater Rural Residential Center (RRC) No. 1 and zoned A-R (Agricultural Residential). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated March 22, 2006.

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

Sean Purciel from Benchmark engineering stated that he is representing the applicant and asked for approval of the application.

The public hearing closed at 9:38 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 05004.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 22, 2006, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS,**

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**APPROVES MAJOR SUBDIVISION APPLICATION No. 05004 SUBJECT TO THE 16 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. 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.
3. Release and relinquish all abutters' rights of access to and from the entire Moran Avenue frontage of Lots 1 and 21.
4. Shirley Lane cul-de-sac shall be designated "Court" pursuant to Section 17.04.050.B of the Merced County Code.
5. Roadside ditches may be constructed along the Landram Avenue and Moran Avenue frontages of the subdivision to match abutting built-out areas as allowed by Merced County Department of Public Works Improvement Standards and Specifications Drawing ST-06B adopted by Board of Supervisors Resolution No. 2004-43. Almond Crest Avenue may be constructed with a 46-foot road right of way width.
6. Include in the subdivision improvement plans the design of roadway and Merced Irrigation District improvements along the south side of Landram Avenue east of Station Avenue for Assessor's Parcel Number 059-520-016. Construction of offsite improvements shall be pursuant to the terms of a Deferment of Construction Agreement recorded in Volume 3857 of Official Records at Page 482, Merced County Records, and is not the responsibility of the Willow Glen developer.
7. The storm drainage basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes beginning 10 feet from the property line. An 8:1 or flatter ramp shall be constructed from the Jack Court access point to the bottom of the basin. If the storm drainage basin configuration changes at the subdivision improvement plan design stage, the basin must be located with public road frontage for direct access.
8. Because of the unpredictable performance of storm drainage percolation basins, the developer shall ensure function to minimum County standards within two years of acceptance of the subdivision improvements (recording date of the Notice of Completion) by one of the following methods prior to recordation of the final map: (1) reserve one abutting residential lot by entering into a construction agreement with the County, provide security and plan check and inspection fees, for expansion of the basin into the reserved lot; (2) locate the basin adjacent to a Merced Irrigation District (MID) facility with confirmation to accept storm water runoff from the subdivision by entering into construction agreements with the County and MID, provide security and plan check and inspection fees, for installation of a storm water pump station; or, (3) if recommended by the geotechnical engineer, enter

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into a construction agreement with the County, provide security and plan check and inspection fees, to significantly over-excavate the basin and backfill with select, highly permeable import material. The developer shall be responsible for all costs associated with the design, plan check, construction, and inspection for storm drainage basin modifications if the percolation basin does not function to minimum County standards.

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 the 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](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
12. The developer shall perform soils analysis and percolation tests for each proposed lot. The tests shall be conducted at each proposed septic system location and the results submitted to the Division of Environmental Health prior to recording the final map.
13. Special design onsite sewage treatment systems, which the property owner must operate/maintain, will be required which release an effluent concentration of less than 10 mg/l of total nitrogen
14. 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 Merced Union High School District.
15. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
16. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$276.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

- D. MAJOR SUBDIVISION APPLICATION No. 05013 - "Lands of Mercado" - Manuel Mercado** - To subdivide 1.85 acres into 8 lots located west of Hinton Avenue approximately 300 feet north of August Avenue on land designated as Delhi SUDP Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential 5,000 sf minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated March 22, 2006.

The public hearing opened at 9:42 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:42 a.m.

**MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. 05013, FROM CEQA.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 22, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05013 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. 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.
3. 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.
4. Provide centerline striping for those new roads which intersect the existing peripheral streets.
5. 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](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
6. Obtain permits from the Division of Environmental health for destruction of the existing well and removal of existing septic tanks prior to grading.
7. The developer shall pay park fees of \$280 per lot as required per County Ordinance No. 1090.



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8. Landscaping, including one street tree per lot shall be installed by the developer as required by the zoning ordinance and other applicable county regulations.
9. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
10. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$296.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

**E. MAJOR SUBDIVISION APPLICATION No. 05017 - "SAN LUIS CREEK" - F & S Investments** - To subdivide 180 acres into 629 lots, approximately 5,000 square feet each, located south of McCabe Road approximately 1/4 mile east of State Highway 165 in the Santa Nella area, designated as Santa Nella SUDP Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential 5,000 sf minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated March 22, 2006.

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

Tony Whitehurst, asked the Commission to approve the project and are in negotiation with the school district regarding mitigations.

Chairman Sloan asked Mr. Whitehurst to explain Condition #22 regarding the conservation easement and the plan for carrying that out. Mr. Whitehurst explained that there is currently no official plan in place and they are willing to comply to County's requests and have no objection to the mitigation.

William Nicholson, Assistant Planning Director, explained that this is the first map that has a specific ag mitigation requirement. As required by the Santa Nella Community Specific Plan and its Environmental Impact Report. Chairman Sloan asked who is responsible for approving the land suitable for mitigation. Mr. Nicholson replied that the County would be responsible in consultation with a land trust if ultimately held by them.

Mr. Whitehurst stated that they will work with staff on the proper application. The condition will be met before recording the final map.

The public hearing closed at 10:11 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. 05017, FROM CEQA.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 22, 2006, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05017**

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**SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall pay the school impact fees legally adopted by the Gustine Unified School District, or any fees reached through agreement with the developer.
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 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 McCabe Road and the proposed Plaza Drive extension 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 along the extensions of McCabe Road and Plaza Drive, along the internal through streets, and along the final 200' of those roads which intersect McCabe Road.
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

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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](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

12. Design all streets to intersect at perpendicular angles.
13. Street cul-de-sac's and knuckles are to be re-designed to conform to County Improvement Standards.
14. Re-align and/or incorporate traffic calming improvements to the north-south internal streets exceeding ¼ mile in length, to discourage speeds in excess of 35 MPH.
15. Terminate McCabe Road, and all underground infrastructures, at the most easterly subdivision road intersection.
16. 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."
17. Re-design the easterly extension of Plaza Drive as required by the Roads Division, along with design the internal major east-west through roadway to intersect with Plaza Drive at a "T" intersection.
18. Modify the street sections consistent with the specifications of recommendation no. 11 in their letter to the Planning Department dated November 8, 2005. (attached).
19. Street "F" and Street "G", east of Street "I" should be designed using the 52' street sections.
20. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
21. Bike Routes shall be constructed consistent with the Santa Nella CSP.
22. Prior to recording the Final Map, the applicant shall acquire a conservation easement on one acre of productive agricultural land of equal or greater quality for each acre converted by this subdivision through fee title, easement or other measure. As an alternative, funding in an equivalent amount may be provided to an appropriate third party non-profit conservation trust or organization for their use in obtaining an equivalent easement.
23. A condition monitoring fee of **\$480.00** shall be required prior to the recordation of the Final Map.

- F. ZONE VARIANCE APPLICATION No. 05004 AND MINOR SUBDIVISION APPLICATION No. 05076 - Juan Uribe** - To vary from the minimum parcel size of 20 acres in the A-1 zone and divide a 7.8 acre parcel into two parcels; Parcel No. 1 = 2.00 acres and Parcel No. 2 = 5.80 acres. The property is located on the northwest side of Livingston-Cressey Road and 2,200 feet north of Eucalyptus Avenue in the Livingston area, 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 March 22, 2006.

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

Mike Smith, CCPS, stated that a portion of this property can be farmed and one portion is vacant. The land is not agricultural property.

Juan Uribe, applicant, stated that the property is not farmable to produce crops. Water is an issue because it is not in the Merced Irrigation District. Their intention is to build a home for their family.

Irene Uribe, applicant, stated that there is no irrigation to this property and they only want to build another home on their land.

The public hearing closed at 10:38 a.m.

Chairman Sloan stated that this property is not ag productive and he is unable make Findings # 3, 4 & 6 in the staff report.

Commissioner Bettencourt asked if the applicant is allowed to build another home on the parcel. Bill Nicholson, Assistant Planning Director explained that 6 acres of land is needed to get another residence on the property and the applicants have more than six.

Chairman Sloan feels that a Zone Variance is not needed on this application. Commissioner Mobley agrees with Chairman Sloan.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES ZONE VARIANCE APPLICATION No. 05004 AND MINOR SUBDIVISION APPLICATION No. 05076 DUE TO THE INABILITY TO MAKING FINDINGS # 3, 4 & 6.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

The Planning Commissioners conference of 2006 is coming up for each Commissioner interested in attending.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:59 a.m.