



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 12, 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. REVOCATION OF ADMINISTRATIVE APPLICATION No. 05010 – Andrew & Amanda Harrington** - To expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses. The project site is located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road and 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. 05079 - Eugene Dana** - To divide an 89 acre parcel: Parcel 1 = 20 acres, Parcel 2 = 23 acres, Parcel 3 = 23 acres, with a remainder of 23 acres located southeast of Canal School Road and Preston Road in the Gustine area and designated as Agriculture in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

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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MINUTES FOR MEETING OF APRIL 12, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 12, 2006, are available in the Merced County Planning and Community Development Department, 2222 "M" Street, Second Floor, Merced, California.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:10 a.m., on April 12, 2006, 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
 David Gilbert, Planner III
 Robert King, Planner III

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

M/S MOBLEY – BETTENCOURT, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MARCH 8, 2006 AND MARCH 22, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. REVOCATION OF ADMINISTRATIVE APPLICATION No. 05010 – Andrew & Amanda Harrington - To expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses. The project site is located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road and 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**

Planner Dave Gilbert presented the Staff Report and Recommendation dated April 12, 2006.

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

Andrew & Amanda Harrington, applicants, stated that they haul away the manure during the winter time and spread the manure out during the summer time.

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Chairman Sloan asked how many horses they currently have. Mrs. Harrington replied that they have 73 horses but they don't want the concrete pad, and they need fencing to be done first.

Gary Souza, neighbor, handed out a letter to the Commissioners with the first staff report sent out by the Planning Department and the Conditions Monitoring Monthly Report. His main concern is the County agreeing with doing what they said they were going to do in the staff report. Mr. Souza isn't happy with the project expansion and also the water runoff onto his property.

Jeff Palsgaard, Environmental Health, states that Condition #9 was not complied with. They should have notified the Planning Department early on that they were making a recommended change. They support the Planning Departments recommendations. Condition #9 can be revised if needed.

Bill Nicholson, Assistant Planning Director, states that the applicants are not in compliance. The applicants have requested an additional 60 days to come into compliance.

Jess Sitre, Environmental Health, stated that the concrete pad is needed during the winter months.

Chairman Sloan states that he is ok with the extension of this application for another 60 days to allow the applicants to build the fence.

Terri Souza, neighbor, believes that the Harrington's dumped half of their manure on their pasture and feels they are not hauling off what they are supposed to and she states they are dumping water into their pasture as well.

Amanda Harrington stated that they have not dumped anything onto the Souza's property. They asked for a continuance of 60 days in order to get their fence built.

Walter Wall, Deputy County Counsel, states that the issue is whether or not they have met Condition #9 regarding their compliance with the operational statement and whether or not they are in compliance with Environmental Health requirements. They still have not built the fence as required.

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

Commissioner Rudy Buendia stated that he has no problem with the extension of an additional 60 days and asked if the Commissioners can do a site visit before the 60 days is up.

Chairman Sloan agreed and reminded the Harrington's if their fence is not built in 60 days, they will revoke their permit and denied it. He asked that a condition be added to ensure that the Harrington's shall keep all hay, bedding and water on their property.

Commissioner Tanner asked what is done with the manure in the winter time. Mr. Palsgaard indicated that a dumpster is adequate for the Harrington's use to remove the manure and they are keeping records of the weight that is hauled off and the number of trips.

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Planner Dave Gilbert indicated that there is a monthly report on the manure and the Harrington's are providing receipts of the hauling away.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONTINUES REVOCATION OF ADMINISTRATIVE APPLICATION No. 05010 TO 60 ADDITIONAL DAYS AND SHALL RETURN ON JUNE 14, 2006 TO ALLOW THE COMMISSIONERS TO VISIT THE PROJECT SITE AND THE COMMISSIONER REQUEST THAT THE APPLICANT HAVE THEIR FENCE BUILT BEFORE THAT DATE. A CONDITION WILL BE ADDED STATING THAT HAY, BEDDING AND WATER WILL NOT BE DUMPED ONTO THE SOUZA'S PROPERTY.

- B. MINOR SUBDIVISION APPLICATION No. 05079 - Eugene Dana - To divide an 89 acre parcel into four parcels: Parcel 1 = 20 acres, Parcel 2 = 23 acres, Parcel 3 = 23 acres, with a remainder of 23 acres located southeast of Canal School Road and Preston Road in the Gustine area and designated as Agricultural 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 April 12, 2006.

The public hearing opened at 10:09 a.m.

David Heinrichs, Fremming, Parsons & Pecchenino, stated that this property will remain in farming.

Planner Robert King indicated that a letter was given to him from a neighbor that is opposed to this division because of a concern with the well in the area.

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

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05079, 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 APRIL 12, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05079 SUBJECT TO THE 6 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. 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 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 Canal School Road.
6. The Parcel Map shall identify irrigation easements to all parcels as shown on the tentative parcel map.

VI. CORRESPONDENCE

Bill Nicholson, Assistant Planning Director, explained that the Merced County General Plan Update will start and will be approximately a 3 year plan. Six different groups will be appointed by the Board to update each section of the General Plan.

A site check will be conducted on May 24th following the regularly scheduled Planning Commission meeting to look at the Harrington's property.

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 a.m.