



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Director

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JUNE 14, 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. GENERAL PLAN AMENDMENT No. GPA05-005, ZONE CHANGE APPLICATION No. ZC05-006, MAJOR SUBDIVISION APPLICATION Nos. MAS06-002, 06-003 and 06-004, and ADMINISTRATIVE PERMIT APPLICATION No. AA06-040 – To update the Fox Hills Community Specific Plan and expand the Fox Hills Community Specific Plan boundary by 850 acres, resulting in a plan area of approximately 1,250 acres. The applications involve rezoning of land for a variety of residential and commercial land uses, tentative subdivision maps which subdivide 824 acres of the community into 2,600 lots, and an Administrative Permit Application for a 9 acre commercial center. The majority of the project is located east of Interstate 5, with a small portion located on the west side of the freeway. The San Luis Canal forms the eastern boundary of the project site and Pioneer Road the northern boundary. The proposed SUDP expansion area is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural) and A-2 (Exclusive Agricultural). **TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED PLAN UPDATE AND RELATED APPLICATIONS.** Continued from the May 24, 2006 meeting.**

Planning Commission Agenda

June 14, 2006

Page 2

- B. REVOCATION OF ADMINISTRATIVE APPLICATION No. AA05-010 – 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 April 12, 2006 meeting.**
- C. 1ST EXTENSION No. EXT06-006 TO MAJOR SUBDIVISION APPLICATION No. MAS03-013 - Walter Soernsen** - To extend for one year the expiration date for the tentative map for the "Soernsen Estates residential subdivision. The project site is located at the northwest corner of Golf Road and Farmland Ave in the Merced area on land designated as Merced Rural Residential Center # 1 land use in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- D. EXTENSION No. EXT06-007 TO MAJOR SUBDIVISION APPLICATION No. MAS99-008 – Sierra View Meadows North** - To extend for one year the expiration date for the tentative map for 90 residential lots on property located north of Fir Avenue, at the extension of Cowden Avenue. The project site is designated Franklin-Beachwood Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- E. CONDITIONAL USE PERMIT No. CUP05-029 - Jose Ramirez** - To establish an agricultural business specializing in covering hay and silage with tires and plastic. The project is located on the south side of Wade Avenue, 875 feet west of Clausen Road in the Le Grand area. The project site is designated agriculture land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- F. GENERAL PLAN AMENDMENT No. GPA05-006, ZONE CHANGE No. ZC05-007, CONDITIONAL USE PERMIT No. CUP05-035, PROPERTY LINE ADJUSTMENT No. PLA06-008, AND AGRICULTURAL PRESERVE AMENDMENT No. AP06-001 - Dave Theodore\Bob Scarpitto**, - To adjust two existing parcels of 14.15 acres and 3.7 acres to parcels of 9.11 acres and 8.74 acres respectively, along with removal of the land from the Merced County Agricultural Preserve; and redesignate the 9.11 acre parcel from Agriculture to Highway Interchange Center within the General Plan, with a concurrent rezone from A-1 (General Agricultural) to H-I-C (Highway Interchange Commercial) and to allow a contractor\warehouse business park for a swimming pool construction business and ancillary services, on land located northeast of State Highway 99 at Collier Road in the Delhi area. (17.85 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- G. GENERAL PLAN AMENDMENT No. GPA05-004, ZONE CHANGE APPLICATION No. ZC05-005, AND MINOR SUBDIVISION APPLICATION No. MS05-037 – Ruth Cassinella** - To redesignate a 20 acre portion of a 328 acre parcel from Foothill Pasture to General Agricultural in the General Plan, with a concurrent rezoning of that 20 acre portion from Exclusive Agricultural (A-2) to General Agricultural (A-1) and to subdivide the 328 acre parcel into two parcels: Parcel 1 = 20 acres, with a Remainder Parcel of 308 acres, located on the west side of Fields Road, 500 feet south of Olsen Road in the Snelling area. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Director

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.co.merced.ca.us

- H. MINOR SUBDIVISION APPLICATION No. MS05-075 and ZONE VARIANCE APPLICATION No. ZV05-003 – Clarence Eisberg** - To subdivide an 8 acre parcel into 4 Parcels of approximately 1.1 acres each in size and a Remainder Parcel of approximately 3.5 acres. The project site is located at the northwest corner of Arboleda Drive and McHenry Road, is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). (8 Acres) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- I. CONDITIONAL USE PERMT APPLICATION No. CUP06-002 - Antonio Nunes** - To allow placement of a 7th residence on the property for use by a dairy employee. The project site is located on the east side of Healy Road and 1600 feet south of Vassar Ave in the Merced area, designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (92 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

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 JUNE 14, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of June 14, 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 9:25 a.m., on June 14, 2006, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Lynn Tanner
 Commissioner Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: Robert A. Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman
 Commissioner Jack Mobley
 Commissioner Rudy Buendia absent from Item B to Item I on the agenda

III. APPROVAL OF MINUTES

M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 – 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 24, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. GENERAL PLAN AMENDMENT No. GPA05-005, ZONE CHANGE APPLICATION No. ZC05-006, MAJOR SUBDIVISION APPLICATION Nos. MAS06-002, 06-003 and 06-004, and ADMINISTRATIVE PERMIT APPLICATION No. AA06-040 – To update the Fox Hills Community Specific Plan and expand the Fox Hills Community Specific Plan boundary by 850 acres, resulting in a plan area of approximately 1,250 acres. The applications involve rezoning of land for a variety of residential and commercial land uses, tentative subdivision maps which subdivide 824 acres of the community into 2,600 lots, and an Administrative Permit Application for a 9 acre commercial center. The majority of the project is located east of Interstate 5, with a small portion located on the west side of the freeway. The San Luis Canal forms the eastern boundary of the project site and Pioneer Road the northern boundary. The proposed SUDP expansion area is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural) and A-2 (Exclusive Agricultural). **TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED PLAN UPDATE AND RELATED APPLICATIONS. Continued from the May 24, 2006 meeting.**

MERCED COUNTY PLANNING COMMISSION

Minutes – June 14, 2006

Page 2

Planner James Holland presented the Staff Report and Recommendation dated June 14, 2006.

Ron Sissem, EMC Planning Group, stated that he has worked with Planning staff to put together some supplemental findings of evidence that are now part of the record and consider the Department of Conservation comments that were discussed previously. The applicants are required to pay 12 ½ % of the tentative cancellation value to the State. 12 ½ % also goes to the County. The applicant is also required to provide or contribute funds to permanently preserve 140 acres of land that was considered productive farmland. Regarding the conditions, they have worked with Staff and County Counsel to revise the condition language regarding how the 12 ½ % fee would be utilized, and the language says that the County will establish a farmland conservation fund. They have also talked with Caltrans regarding the noise issue on the I-5. There are no concerns with the barrier situation.

Michael Groves, EMC Planning Group, stated that they concur with the conditions of approval and he would like to see this project approved based on the Environmental Impact Report. He asked that the Commission consider in the motion the Williamson Act Contract cancellation. He stated that the Farm Bureau raised the issue that precedence may be set in the County regarding the cancellation of the Williamson Act Contract. He explained that there is a finding that was developed by staff that addresses the issue. The area is not high productive farmland.

Bill Martin, Executive Director of the Central Valley Farmland Trust, states that the 12 ½ % could create funding for Farmland Conservation easements. He supports the idea of funding, but has no opinion on the project itself or the cancellation of the Williamson Act Contract.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, indicated that she hasn't had the chance to read the findings.

Curt Royer, Public Works/Road Division, stated the engineering department has had a chance to go over the maps and has worked with the applicant and feels that they can recommend approval of this project.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT, ADOPT THE CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION AND RECOMMENDS THE CANCELLATION OF THE WILLIAMSON ACT CONTRACT PREPARED FOR GENERAL PLAN AMENDMENT No. GPA05-005, ZONE CHANGE APPLICATION No. ZC05-006, MAJOR SUBDIVISION APPLICATION Nos. MAS06-002, 06-003 and 06-004, and ADMINISTRATIVE PERMIT APPLICATION No. AA06-040.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS TO APPROVE GENERAL PLAN AMENDMENT No. GPA05-005, ZONE CHANGE APPLICATION No. ZC05-006, MAJOR SUBDIVISION APPLICATION Nos. MAS06-002, 06-003 and 06-004, and ADMINISTRATIVE PERMIT APPLICATION No. AA06-040 SUBJECT TO THE 43 CONDITIONS LISTED IN THE STAFF REPORT.

- B. REVOCATION OF ADMINISTRATIVE APPLICATION No. AA05-010 – 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 April 12, 2006 meeting.**

This item was continued to the June 28, 2006 meeting.

- C. 1ST EXTENSION No. EXT06-006 TO MAJOR SUBDIVISION APPLICATION No. MAS03-013 - Walter Soernsen** - To extend for one year the expiration date for the tentative map for the "Soernsen Estates residential subdivision. The project site is located at the northwest corner of Golf Road and Farmland Ave in the Merced area on land designated as Merced Rural Residential Center # 1 land use in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

- D. EXTENSION No. EXT06-007 TO MAJOR SUBDIVISION APPLICATION No. MAS99-008 – Sierra View Meadows North** - To extend for one year the expiration date for the tentative map for 90 residential lots on property located north of Fir Avenue, at the extension of Cowden Avenue. The project site is designated Franklin-Beachwood Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

- E. CONDITIONAL USE PERMIT No. CUP05-029 - Jose Ramirez** - To establish an agricultural business specializing in covering hay and silage with tires and plastic. The project is located on the south side of Wade Avenue, 875 feet west of Clausen Road in the Le Grand area. The project site is designated agriculture land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

- F. GENERAL PLAN AMENDMENT No. GPA05-006, ZONE CHANGE No. ZC05-007, CONDITIONAL USE PERMIT No. CUP05-035, PROPERTY LINE ADJUSTMENT No. PLA06-008, AND AGRICULTURAL PRESERVE AMENDMENT No. AP06-001 - Dave Theodore\Bob Scarpitto**, - To adjust two existing parcels of 14.15 acres and 3.7 acres to parcels of 9.11 acres and 8.74 acres respectively, along with removal of the land from the Merced County Agricultural Preserve; and redesignate the 9.11 acre parcel from Agriculture to Highway Interchange Center within the General Plan, with a concurrent rezone from A-1 (General Agricultural) to H-I-C (Highway Interchange Commercial) and to allow a contractor\warehouse business park for a swimming pool construction business and ancillary services, on land located northeast of State Highway 99 at Collier Road in the Delhi area. (17.85 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

MERCED COUNTY PLANNING COMMISSION

Minutes – June 14, 2006

Page 4

- G. GENERAL PLAN AMENDMENT No. GPA05-004, ZONE CHANGE APPLICATION No. ZC05-005, AND MINOR SUBDIVISION APPLICATION No. MS05-037 – Ruth Cassinella -** To redesignate a 20 acre portion of a 328 acre parcel from Foothill Pasture to General Agricultural in the General Plan, with a concurrent rezoning of that 20 acre portion from Exclusive Agricultural (A-2) to General Agricultural (A-1) and to subdivide the 328 acre parcel into two parcels: Parcel 1 = 20 acres, with a Remainder Parcel of 308 acres, located on the west side of Fields Road, 500 feet south of Olsen Road in the Snelling area. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

- H. MINOR SUBDIVISION APPLICATION No. MS05-075 and ZONE VARIANCE APPLICATION No. ZV05-003 – Clarence Eisberg -** To subdivide an 8 acre parcel into 4 Parcels of approximately 1.1 acres each in size and a Remainder Parcel of approximately 3.5 acres. The project site is located at the northwest corner of Arboleda Drive and McHenry Road in the Merced area and is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). (8 Acres) **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

- I. CONDITIONAL USE PERMT APPLICATION No. CUP06-002 - Antonio Nunes -** To allow placement of a 7th residence on the property for use by a dairy employee. The project site is located on the east side of Healy Road and 1600 feet south of Vassar Ave in the Merced area, designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (92 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

This item was continued to the June 28, 2006 meeting.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:54 a.m.