



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

2222 "M" Street  
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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JUNE 28, 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. 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 June 14, 2006 meeting.**
- B. 1<sup>ST</sup> 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. Continued from the June 14, 2006 meeting.**
- C. 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. Continued from the June 14, 2006 meeting.**

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- D. 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. Continued from the June 14, 2006 meeting.**
- E. 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. Continued from the June 14, 2006 meeting.**
- F. 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. Continued from the June 14, 2006 meeting.**
- G. CONDITIONAL USE PERMIT APPLICATION No. CUP06-002 - Antonio Nunes** - To allow placement of a 7<sup>th</sup> 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. Continued from the June 14, 2006 meeting.**
- H. 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. Continued from the June 14, 2006 meeting.**
- I. ZONE VARIANCE APPLICATION No. ZV06-003 – Fong Yang/Mayko Vang** - To vary from the minimum parcel size requirement of one acre (43,560 square feet) required by the A-R (Agricultural Residential) zoning district for one of two parcels created by Minor Subdivision Application No. MS04-037. The resulting parcel sizes are: Parcel 1 = 43,381 square feet and Parcel 2 = 43,560 square feet. The project is located at the terminus of Bel Mira Drive, 1,200 feet south of S. P. Avenue in the Atwater area. The project site is designated Atwater RRC Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**



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- J. ZONE VARIANCE APPLICATION No. ZV06-004 AND MINOR SUBDIVISION APPLICATION No. MS06-008 - Gerald and Darlene Dover** - To divide a .93 acre parcel into 2 parcels, to separate an existing apartment complex from a house and garage resulting in parcel sizes of: Parcel A = .41 Acres and Parcel B = .52 Acres. To vary from the minimum front lot width at the front lot line by 4 feet on Proposed Parcel B. The project site is located on east side of Winton Way and 150 feet south of Myrtle Avenue area on land designated as Winton SUDP Medium Density Residential and zoned R-3 (Multiple Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- K. CONDITIONAL USE PERMIT No. CUP05-025 – Cingular Wireless** – To allow construction and operation of a wireless telecommunications facility consisting of a 120 foot tall monopole, 12 panel antennas, 2 microwave antennas and support equipment, on a 4.7 acre parcel located immediately south of Highway 59 in the Snelling SUDP. The property is designated Snelling SUDP Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- L. GENERAL PLAN AMENDMENT No. GPA05-003, ZONE CHANGE No. ZC05-003 and MINOR SUBDIVISION APPLICATION No. MS05-030 James and Phylena Herrin** – To amend the General Plan land use designation from Agricultural to Residential of 19 parcels located on the north side of Merced Falls Road one mile east of La Grange Road and immediately east of the Snelling Specific Urban Development Plan (SUDP). To rezone 17 parcels from A-1 (General Agricultural) to A-R (Agricultural Residential) and rezone from A-2 (Exclusive Agricultural) to A-R (Agricultural Residential). To divide a 10 acre parcel into four one acre parcels and a 5.36-acre remainder. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- M. CONDITIONAL USE PERMIT APPLICATION No. CUP06-001 - Rafael Pacheco** - To add a sixth and seventh residence for agricultural employees on an existing dairy site. The project site is located on the north side of Ingomar Grade and 500 feet east of Sylvester Road in the Los Banos area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
- N. MINOR MODIFICATION APPLICATION No. MM06-013 TO MAJOR SUBDIVISION APPLICATION MAS02-011 "Quail Hollow Estates" - Ryland Homes** - To deviate from the minimum lot depth on four lots in a 228 single-family residential lot subdivision. The project site is located on the southeast corner of Cypress Avenue and Walnut Avenue in the Winton Area on land designated as Low Density Residential in the General Plan and zoned A-1 (Single Family Residential). **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**

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## **MINUTES FOR MEETING OF JUNE 28, 2006**

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of June 28, 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 9:11 a.m., on June 28, 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 Gloria Bettencourt  
   Commissioner Rudy Buendia

Staff Present:                      Robert A. Lewis, Development Services Director  
   Bill Nicholson, Assistant Development Services Director  
   Kim Lewallen, Recording Secretary  
   James Holland, Planner III  
   David Gilbert, Planner III  
   Robert King, Planner III  
   Kristinae Toomians, Planner I

Legal Staff:                        Fernanda Saude, Assistant County Counsel

Commissioners Absent:        Commissioner Lynn Tanner

### **III. APPROVAL OF MINUTES**

**M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JUNE 14, 2006.**

### **IV. CITIZEN COMMUNICATIONS**

None

### **V. PUBLIC HEARINGS**

**A. 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 June 14, 2006 meeting.****

Planner David Gilbert presented the Staff Report and Recommendation dated June 28, 2006.

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

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Amanda & Andrew Harrington, applicants, stated that they have finished the fence as required by the Planning Commission. They removed the old driveway approach and are awaiting the new one. They were told by Environmental Health that the concrete pad was not needed. They are putting in a temporary storage container in the winter months on a concrete pad but in a different location from the map.

Planner David Gilbert stated that Environmental Health indicated in their findings that the concrete pad wasn't necessary as the manure would be spread out in the pasture area. The applicants fenced off the 20 acre pasture area. Environmental Health took away the recommendation and wanted Condition #9 to stay. The applicants did submit a letter asking that Condition #9 be deleted because they did not need the concrete pad.

Chairman Sloan stated that he is hesitant to revoke this permit.

Assistant Development Services Director Bill Nicholson, indicated that they met with the Environmental Health Department Director Jeff Palsgaard and he agreed that a concrete pad is needed but not required. A temporary container in the winter is allowed. He states that Environmental Health is not changing their position on Condition #9.

Chairman Sloan recommended that Condition #9 be deleted.

Gary Souza, neighbor, stated that the applicants signed an agreement with the County to put the pad on the property. He asked that this application be continued again to allow for Environmental Health comments.

The public hearing closed at 9:35 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 – 1, NAY BY COMMISSIONER BUENDIA, THE PLANNING COMMISSION EXEMPTS REVOCATION OF ADMINISTRATIVE APPLICATION No. AA05-010 FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 1, NAY BY COMMISSIONER BUENDIA, THE PLANNING COMMISSION DENIES REVOCATION OF ADMINISTRATIVE APPLICATION NO. AA05-010 SUBJECT TO THE 11 CONDITIONS WITH CONDITION #9 BEING MODIFIED AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### Conditions:

1. Administrative Permit No. 05010 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. No more than 80 horses shall be boarded on the project site. Minor modifications may be approved by the Planning Director.
2. 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.
3. The property owners shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Dickenson Ferry Road. The legal

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description(s) and exhibit(s) needed for the grant deed easement shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deed with accompanying legal description(s) and exhibit(s) shall be submitted for recordation within two months from the issuance date of this permit.

4. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and reconstruct the existing driveway approach at the main entrance to the facility. 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 buildings.
5. On-site water storage for fire protection shall be provided. 5,000 gallons shall be required for this project, based upon NFPA Standard 1142. Water supply connections, hydrants or risers shall be located not more than 250 feet from any point of a significant building, measured from the outside (NFPA 24 & 1141). Water storage tanks shall be clearly marked "water" or "H<sub>2</sub>O", with any Fire Department connection marked "Fire Department" and shall be accessible at all times. Water storage shall have a water level indicator visible from the nearest outlet, filled automatically, and shall be adequately vented for drafting. Tanks shall have a 4 1/2 male outlet with National Standard Threads, be clearly marked "Fire Dept." and shall be accessible at all times. Water supply connections on gravity systems shall also be marked "Draft". Hydrant, risers and tanks shall be a minimum of 25 feet from all significant buildings. Water supply connections shall be parallel to grade and 18" – 30" above grade measured from the center of the connection. Please submit a plot plan showing the storage location and fire department access, for review and approval.
6. The horse boarding facility shall be maintained at all times in a manner that does not create any public nuisances or flies and/or odors.
7. For the purpose of condition monitoring, an inspection fee in the amount of **\$384.00** 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.
8. The applicant shall implement the following condition until the California Regional Water Quality Control Board (CRWQCB) determines that implementation of this condition is no longer necessary.
  - a. Measure and record electrical conductivity (EC) at the location where runoff from the property is discharged to the area drain (MID canal) and at the upgradient location where it enters the property once a week when storm water or irrigation water is being discharged from the property, and
  - b. Record the measurements on CRWQCB forms and submit the results to the Merced County Division of Environmental Health and the CRWQCB Central Valley Region on an annual basis.
  - c. If the results of the testing indicate there is any water quality problems, the applicant shall work with Regional Water Quality Control Board and Environmental Health on solutions such as installing a water return system which pumps water back to the north side of the property, or other identified measures. If the county determines the applicant is not performing the required testing in conformance with these conditions, monitoring shall be

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conducted by a qualified professional agreeable to the County. The County will also conduct random tests to ensure reliability of the samples.

9. All manure from the horse stalls shall be collected and stored in an enclosed container and removed from the property on a regular basis from November 1 through April 1 in compliance with requirements of the Merced County Code Chapter 18.48 (Animal Confinement Ordinance). A receipt from the hauling company shall be obtained from the applicant showing how much manure has been collected and removed. Manure may be spread on the pasture on the property agronomic rates from April 2 through October 31.
10. The hours of operation shall be from 7:00 a.m. to 9:00 p.m.
11. The applicant's shall keep any material from being thrown or drained onto the Souza's property. This condition shall not be applicable from material being blown by wind or drained by rain onto the Souza' s property.

- B. 1<sup>ST</sup> 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. Continued from the June 14, 2006 meeting.**

Planner Kristinae Toomians presented the Staff Report and Recommendation dated June 28, 2006.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:46 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1<sup>ST</sup> EXTENSION No. EXT06-006 TO MAJOR SUBDIVISION APPLICATION No. MAS03-013.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 28, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES 1<sup>ST</sup> EXTENSION No. EXT06-006 TO MAJOR SUBDIVISION APPLICATION No. MAS03-013 TO MARCH 24, 2007, SUBJECT TO THE 20 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS WITH THE ADDITION OF CONDITION #20 TO READ AS FOLLOWS.**

**Conditions:**

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to



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- recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.
3. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.
  4. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
  5. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and under grounding or relocation of utilities and irrigation facilities.
  6. The applicant shall release and relinquish all abutter's rights of access to and from the entire Golf Road frontage of Lots 6, 7 and 8.
  7. Prior to recording the final map, the developer shall enter into a 'Subdivision Drainage Agreement' with the Merced Irrigation District and provide the County with a letter from the District stating that they will accept storm drainage water from this subdivision and that all applicable fees have been paid.
  8. 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.
  9. The developer shall provide centerline striping for those new roads which intersect existing peripheral streets.
  10. The proposal shall provide for side and back yard drainage ditches, as applicable, on the lots in order to convey off site storm water runoff through the lot to a public roadside transmission facility and to prevent runoff onto an abutting lot.
  11. The Golf Road roadside ditch, located within the right-of-way, shall have a maximum foreslope of 4:1 (horizontal:vertical) and backslope of 3:1. Additional right-of-way may be required to meet the minimum grading requirement.
  12. The developer shall enter into a "Construction Agreement" with the Merced Irrigation District for work associated with storm drainage discharge into the 'Tower Lateral'.
  13. A signature block shall be provided for the Merced Irrigation District on all improvement plans associated with storm drainage discharge to MID facilities.

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14. Prior to recording the final map, the developer shall submit a landscaping plan to the Merced County Planning Department that provides for the installation of a fence and landscaping screen around the proposed storm water detention basin.
15. Construction activities disturbing five or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project.
16. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.
17. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
18. 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.
19. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.
20. The subdivision shall be subject to new sewage disposal system requirements, effective November 18, 2005 which require special design onsite sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen. Such systems shall be operated and maintained by the property owner, and a Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new onsite treatment systems.

- C. 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. Continued from the June 14, 2006 meeting.****

Planner Kristinae Toomians presented the Staff Report and Recommendation dated June 28, 2006.

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

John McCullough, BCA, asked for approval of this application.

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

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR EXTENSION No. EXT06-007 TO MAJOR SUBDIVISION APPLICATION No. MAS99-008 ,**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 28, 2006, AND MAKES THE FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE FINDINGS, APPROVES EXTENSION No. EXT06-007 TO MAJOR SUBDIVISION APPLICATION No. MAS99-008 TO JUNE 14, 2007 SUBJECT TO THE ORIGINAL 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
2. The subdivider shall satisfy Improvement Level I requirements as set forth in Chapter 16.08 of the Merced County Code which generally includes dedication of road rights-of-way, public utility easements, roadway
3. Construction and installation of matching pavement along the existing roadways, street lighting, storm drainage system and under grounding or relocating utilities and irrigation facilities. Improvement plans shall be prepared to correspond exactly to the approved vesting tentative map.
4. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with the Public Works Department that no occupancy shall take place until such time that all improvements are completed.
5. The applicant shall provide centerline stripping for the first 200 feet for those new roads, which intersect the peripheral street.
6. The developer is advised that he/she may be obligated to comply with Federal Regulations for storm water run-off issued by the U.S. EPA on November 16, 1990(40 Code of Federal Regulations Part 122,123, and 124). For information and direction, contact the State water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
7. Development shall be subject to the Franklin-Beachwood Bridge and Major Thoroughfare Fees and Developer/Property Owner shall pay the fee that is currently in place at the time that the building permit is issued.
8. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map.

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9. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
10. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No. 1213.
11. The developer shall comply with all the standard conditions of approval listed in the Planning Commission Resolution No. 97-1, and development standards in section 18.08.03 of the Zoning Code.
12. Prior to recording of the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The general location of the street trees shall be shown on the improvement plans.
13. For the purpose of condition monitoring, a fee in the amount of **\$250.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
14. Area for dedication of a 0.72 acre neighborhood park shall be reserved on Final Map, at which time the County Public Works Director shall determine whether an onsite park is needed. Such park shall require street frontage on a minimum of two streets.

- D. 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. Continued from the June 14, 2006 meeting.**

Planner David Gilbert presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 9:54 a.m.

Mike Smith, CCPS, states that they will never have more than 499 tires on the property at one time. Will a permit be needed if they go over the 499 tires.

Assistant Development Services Director Bill Nicholson explained that Environmental Health has their own permit for any solid waste items. The Planning Departments Conditional Use Permit allows up to 2,000 tires and an additional permit is needed from Environmental Health if the applicant goes over 499 tires.

Chairman Sloan asked if staff is recommending a screening along Wade Avenue. Planner Dave Gilbert indicated that the tires will be covered by a tarp. Chairman Sloan asked if the tarps can be removed and replaced with a row of trees. Mr. Smith indicated that there is no problem with the trees being place in there and they are not expecting to exceed 499 tires.

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Sheryl Meyer, Environmental Health, states the reason the Fire Department is allowing the tires to be there because they didn't want the property to be a waste facility, so they wanted to bring it closer to the road to.

The public hearing closed at 10:01 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP05-029, 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 JUNE 28, 2006, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. CUP05-029 SUBJECT TO THE 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### **Conditions:**

#### Planning & Community Development Department

1. CUP05-029 is to allow a hay and silage covering operation, 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 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, Building and Public Works Departments.
3. The applicant shall obtain a business license from the County Commerce, Aviation and Economic Development Department. This business shall be renewed annually.
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$392.00** 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.

#### Fire Department

5. The tire cutting facility shall be limited to the storage equivalent to 2,000 tires of common available sizes, whether whole or in parts. Processing tries beyond cutting or additional processing equipment shall not be permitted.
6. Approved addressing or numbers shall be placed on the premises in such a position as to be plainly visible and legible from the street fronting the property (UFC 901.4.4).
7. 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 by MCC Section 9.25 to be abated.

#### Building & Safety Divisions

8. A building permit shall be required for the proposed 1,600 square foot warehouse/storage building.

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### Public Works/Road Division

9. The applicant shall install a temporary manure collection bin on top of a concrete pad and have the manure hauled off on a regular basis.

### Environmental Health Division

10. There shall be a 40 foot separation between the tire storage pile and the plastic storage pile. Both piles shall be covered by a tarp at all times.
11. The applicant shall comply with Article 5.5 – Waste Tire Storage and Disposal Standards of the California Code of Regulations (attached).
12. All trucks hauling tires shall be permitted and registered with the California Integrated Waste Management Board prior to hauling. Hauling and manifesting requirements shall apply.
13. If more than 499 tires are being stored on-site, the applicant shall apply to be as a permitted minor waste tire facility.
14. The applicant shall plant 15 gallon trees 15 feet apart between Wade Avenue and the pile of tires and plastic in order to screen the piles from the public road. These trees shall be properly maintained at all times.

- E. 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. Continued from the June 14, 2006 meeting.****

Planner Robert King presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 10:20 a.m.

Bob Scarpitto, applicant, stated that he is trying to relocate his pool company from Turlock into the Delhi area. He is willing to work with the Delhi MAC and wants to be a part of the Delhi Community. He asked for approval of this project.

Dennis Cote, Delhi MAC, feels the project is marginally appropriate. This project is out of the new Delhi Community Plan boundary and the project undercuts the General Plan and should be located in the plans industrial area. There are several environmental concerns with traffic, water and storm water ponds.

Dave Theodore, property owner, feels that this project is an outstanding development. He asked for approval of this application.

The public hearing closed at 10:25 a.m.

Commissioner Bettencourt indicated that she has no problem with the pool company at the proposed location as it will have good truck access to Highway 99. Chairman Sloan agrees.

**MOTION: M/S BETTENCOURT - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR 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 WITH 2 MITIGATION MEASURES.**

**MOTION: M/S BETTENCOURT – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS TO APPROVE 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 SUBJECT TO THE 12 FINDINGS AND 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

**Planning and Community Development Department Conditions**

1. Conditional Use Permit No. CUP05-035 is to establish a contractor/warehouse business park for swimming pool/landscape related businesses to include ten separate buildings, nine of which will be leased to construction-based businesses with the main tenant Viking Pools, with indoor and outdoor show areas.
2. Satisfy Improvement requirements as set forth in Chapter 16.08 of the Merced County Code.
3. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
4. A monitoring fee, in the amount of \$490.00 shall be paid within 90 days of approval and/or prior to issuance of building permits whichever come first..
5. The final site design shall be prepared to the satisfaction of the Development Services Director for conformance to all applicable Title 18 development standards, including those contained in Chapters 18.18.03, 18.37, 18.38, 18.40, 18.41, 18.42 and 18.44, prior to the issuance of building permits for the project. Certificates of Occupancy shall not be issued for the project until all required development standards are implemented. (MM1)

**Public Works/Roads Division Conditions**

6. The design and improvements to Pinewood Street shall be to the satisfaction of the Merced County Public Works, Roads Division so as to meet County street safety and design standards and to adequately serve the project. Certificates of Occupancy shall not be issued for the project until all required roadway improvements to Pinewood Street are constructed by the project proponent. (MM2)

B. Property Line Adjustment No. PLA06-008

**Planning and Community Development Department Conditions**

1. As required by the Merced County Subdivision Code, and the State Subdivision Map Act, the following shall be provided to the Planning and Community Development Department before this Property Line Adjustment can be finalized by the recording of a Certificate of Compliance by the County.
2. The following documents prepared and “wet stamped” by a licensed land surveyor, or a registered civil engineer authorized to perform land surveying: 1) a Final Property Line Adjustment Map, as per Section 17.16.060 of the Subdivision Code; and 2) complete legal descriptions of all newly adjusted parcels.
3. A letter from the County Tax Department stating that taxes on all property involved have been paid;
4. If more than one property owner is involved, written notice from a title company stating that all necessary deeds are ready for recording and requesting that the County record the Certificate of Compliance.
5. All structures shall meet the setback requirements for the new property lines or a Minor Deviation Application must be approved prior to recordation of the Certificate of Compliance.

**F. 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. Continued from the June 14, 2006 meeting.**

Planner James Holland presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 10:59 a.m.

Joe Ovatt, representative, stated that he has been helping the applicant with this project. The proposed property has been a dumpsite for approximately 25 years and is not farmable. The applicant has been spending time cleaning up this site. He asked for approval of this application.

Clarence Eisberg, the applicant, handed out a letter to each Commissioner. The letter stated that Mr. Eisberg’s goal is to relocate his 7 acre home on Gardner Avenue and provide a homesite for his two children. There is no farming or crops done on this property for the last 40 years. He also wrote a letter to each of his neighbors as suggested by the Planning Department explaining that A-1 1 acre lot creations being out of compliance with the General Plan. He suggests amending the General Plan to 1 acre parcels to bring everyone in compliance.

Chairman Sloan asked if his neighbors responded to his letter. Mr. Eisberg indicated that his neighbors did reply and they agreed except one neighbor.



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

Commissioner Mobley stated that he has no problem with allowing this division.

Commissioner Buendia was concerned that surrounding neighbors will also want to subdivide their properties as well.

Chairman Sloan agreed with Commissioner Mobley. He stated that the application should be referred back to Planning staff to develop conditions of approval for the Commission. Commissioner Bettencourt, Buendia and Mobley all agree. Chairman Sloan indicated that it is the Commissions desire to approve this application, but environmental analysis should be completed ahead of this.

**This item has been referred back to staff to develop conditions and will be brought back to the Commission at a future Commission date.**

- G. CONDITIONAL USE PERMT APPLICATION No. CUP06-002 - Antonio Nunes - To allow placement of a 7<sup>th</sup> 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. Continued from the June 14, 2006 meeting.****

Planner James Holland presented the Staff Report and Recommendation dated June 28, 2006. He indicated that a modification is needed on Condition #10 to read the “central driveway” instead of “northernmost driveway”.

The public hearing opened at 11:24 a.m.

Mike Smith, CCPS, stated that the dairy employee did provide a W-2 form to the Planning Department. He accepts the modification to Condition #10 and he asked for approval of this application.

The public hearing closed at 11:25 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMT APPLICATION No. CUP06-002 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 JUNE 28, 2006, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMT APPLICATION No. CUP06-002 SUBJECT TO THE 12 CONDITIONS WITH THE MODIFICATION OF CONDITION #10 AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. CUP06-002 shall allow the addition of 1 mobile home for a dairy employee to be placed on the project site, for a total of 7 residences.

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2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. 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.
4. The additional permanent residence shall be subject to a yearly occupancy monitoring permit in accordance with regulations administered by the Planning Department.
5. The property owner shall sign an affidavit provided by the Planning Department attesting to the qualifications of the occupant which shall be recorded prior to the issuance of the building permit.
6. No agricultural drainage or nutrient enriched water from the property shall be discharged into Merced Irrigation District canals or laterals.
7. The property owner shall obtain a “Non-exclusive License Agreement” for any new or existing crossings over or under any of the Merced Irrigation District’s facilities, including bridges, utilities, and pipelines.
8. The applicant shall pay a Condition Monitoring Fee of \$196.

### Public Works/Road Division

9. The property owner shall dedicate to the County of Merced, an additional 10-foot width of right-of-way along the entire property frontage with Healy Road.
10. The applicant shall pave the central driveway entrance to the project site to applicable County standards and install a County specification street light on the power pole adjacent to the southern driveway entrance. The cost for operating and maintaining the street light shall be paid by the property owner/applicant, not the County. This work shall be accomplished prior to the issuance of the Final Inspection/Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for the new residence.

### Environmental Health Division

11. The applicant shall obtain approval from the Merced County Health Department indicating the proposed installation is in conformance with the regulations of the Health Department.
12. Septic system leach fields shall be a minimum of 50 feet from any open Merced Irrigation District facility or 20 feet from a piped facility to protect the facility from contamination and to protect the septic systems from leakage from Merced Irrigation District facilities.

- H. 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

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west side of Fields Road, 500 feet south of Olsen Road in the Snelling area. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 14, 2006 meeting.**

Planner Robert King presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 11:32 a.m.

Garth Pechennino of Fremming, Parsons & Pechennino, and representing the applicant, asked for approval of this application.

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

**MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR GENERAL PLAN AMENDMENT No. GPA05-004, ZONE CHANGE APPLICATION No. ZC05-005, AND MINOR SUBDIVISION APPLICATION No. MS05-037 WITH 2 MITIGATION MEASURES.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT No. GPA05-004, ZONE CHANGE APPLICATION No. ZC05-005, AND MINOR SUBDIVISION APPLICATION No. MS05-037 BASED ON THE 10 FINDINGS SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

**Planning and Community Development Department Conditions**

1. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
2. A monitoring fee, in the amount of \$245.00 shall be paid within 90 days of approval and/or prior to issuance of building permits whichever come first..
3. A document shall be recorded in official Merced County Records and referenced on the parcel map for the project providing constructive notice to the owner(s) of Parcel 1 that the parcel may contain important prehistoric or historic archaeological resources, and that a qualified archaeologist shall survey the site for such resources, and provide mitigation to protect any resource or resources should they exist on the site, prior to the issuance of building or administrative permits for the parcel. (MM)
4. A document shall be recorded in official Merced County Records and referenced on the parcel map for the project providing constructive notice to the owner(s) of Parcel 1 that the parcel may contain vernal pools, which are under the jurisdiction of the Army Corps of Engineers, and that a qualified wetlands biologist shall survey the site for jurisdictional wetlands, and provide mitigation acceptable to the (ACOE) should such resources exist on the site, prior to the issuance of building or administrative permits for the parcel. (MM)

**Public Works/Roads Division Conditions**

5. The owner shall dedicate to the County of Merced, annotated on the parcel map, a 30-foot width of right-of-way (the existing unaccepted westerly 20-foot road width plus an additional 10-foot width) along the entire frontage of Fields Road.

- I. **ZONE VARIANCE APPLICATION No. ZV06-003 – Fong Yang/Mayko Vang** - To vary from the minimum parcel size requirement of one acre (43,560 square feet) required by the A-R (Agricultural Residential) zoning district for one of two parcels created by Minor Subdivision Application No. MS04-037. The resulting parcel sizes are: Parcel 1 = 43,381 square feet and Parcel 2 = 43,560 square feet. The project is located at the terminus of Bel Mira Drive, 1,200 feet south of S. P. Avenue in the Atwater area. The project site is designated Atwater RRC Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

Planner David Gilbert presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 11:39 a.m.

Mike Smith, CCPS, asked for approval of this application.

The public hearing closed at 11:40 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE APPLICATION No. ZV06-003 FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 28, 2006, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES ZONE VARIANCE APPLICATION No. ZV06-003 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning and Community Development Department

1. This variance allows the reduction to the minimum parcel size of one acre (43,560 sq. ft.) for Parcel #1 to 0.99 acres or (43,381 sq. ft.) of Minor Subdivision Application No. MS04-037.
2. All setbacks required and allowed uses in the A-R zoning district shall be in compliance with the Merced County Zoning Code for the construction of a single-family residence on Parcel #2.
3. All conditions for Minor Subdivision Application No. MS04-037 shall remain in effect with the approval of this zone variance.

Division of Environmental Health

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4. The plot plan shall be revised to show all existing and proposed well and sewage disposal systems, and 100% replacement areas, and show existing wells and septic systems on adjacent properties.

**J. ZONE VARIANCE APPLICATION No. ZV06-004 AND MINOR SUBDIVISION APPLICATION No. MS06-008 - Gerald and Darlene Dover - To divide a .93 acre parcel into 2 parcels, to separate an existing apartment complex from a house and garage resulting in parcel sizes of: Parcel A = .41 Acres and Parcel B = .52 Acres. To vary from the minimum front lot width at the front lot line by 4 feet on Proposed Parcel B. The project site is located on east side of Winton Way and 150 feet south of Myrtle Avenue area on land designated as Winton SUDP Medium Density Residential and zoned R-3 (Multiple Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.****

Planner David Gilbert presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 11:49 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 11:50 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE APPLICATION No. ZV06-004 AND MINOR SUBDIVISION APPLICATION No. MS06-008 FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 28, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES ZONE VARIANCE APPLICATION No. ZV06-004 AND MINOR SUBDIVISION APPLICATION No. MS06-008 SUBJECT TO THE 8 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning Department 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 Zone Variance No. ZV06-004 shall remain in effect as long as Minor Subdivision Application No. MS06-008 is active.
3. The project shall comply with the Standard Conditions in Planning Commission Resolution 97-1.

Public Works/Road Division Conditions:

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4. The property owner shall dedicate to the County of Merced, annotated on the parcel map, an additional 10-foot width of road right-of-way and a 10-foot wide Public Utility Easement (PUE) the entire frontages of Winton Way and Myrtle Avenue.
5. The property owner shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. For this, Owner may enter into a "Deferment of Construction Agreement" with the Department of Public Works Road Division for the future construction of these mandatory improvements along Winton Way and Myrtle Avenue frontages. The property owner shall be subject to the current processing fee for the agreement. The improvements or agreement shall be provided prior to the recordation of parcel map.
6. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division and construct two rural driveway approaches at the existing driveway approaches on Winton Way. Work shall be in accordance to the Merced County Public Works Improvement Standards and Specifications. This work shall be completed prior to the recordation of the parcel map unless acceptable security for the amount to cover the cost said improvements is provided to Merced County prior to the recordation of the parcel map.
7. The property owner shall form, annex to, or be include into a lighting and drainage maintenance zone of benefits, and pay the required process fees. This is to be accomplished through the Department of Public Works, Public Services Division and prior to the recordation of the Parcel Map. At the option of the DPW Administrative Engineer, this may be deferred.
8. Prior to the recordation of the map, the property owner shall satisfy local recreational park land space/or fee obligation.

- K. CONDITIONAL USE PERMIT No. CUP05-025 – Cingular Wireless** – To allow construction and operation of a wireless telecommunications facility consisting of a 120 foot tall monopole, 12 panel antennas, 2 microwave antennas and support equipment, on a 4.7 acre parcel located on the south side of State Highway 59, approximately 200 feet south of its intersection with Montgomery Street within the Snelling SUDP. The property is designated Snelling SUDP Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

**This item has been continued to the August 23, 2006 meeting.**

- L. GENERAL PLAN AMENDMENT No. GPA05-003, ZONE CHANGE No. ZC05-003 and MINOR SUBDIVISION APPLICATION No. MS05-030 James and Phylena Herrin** – To amend the General Plan land use designation from Agricultural to Residential of 19 parcels located on the north side of Merced Falls Road one mile east of La Grange Road and immediately east of the Snelling Specific Urban Development Plan (SUDP). To rezone 17 parcels from A-1 (General Agricultural) to A-R (Agricultural Residential) and rezone from A-2 (Exclusive Agricultural) to A-R (Agricultural Residential). To divide a 10 acre parcel into four one acre parcels and a 5.36-acre remainder. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

**This item has been continued to the August 23, 2006 meeting.**

- M. CONDITIONAL USE PERMIT APPLICATION No. CUP06-001 - Rafael Pacheco** - To add a sixth and seventh residence for agricultural employees on an existing dairy site. The project site is located on the north side of Ingomar Grade and 500 feet east of Sylvester Road in the Los Banos area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

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Planner Robert King presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 11:56 a.m.

Mike Smith, CCPS, stated that 2 of the homes on the property are for family members and there are 5 mobile homes on the property for employees. He asked for approval of this application.

The public hearing closed at 11:58 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP06-001 FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 28, 2006 AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP06-001 SUBJECT TO THE 10 CONDITIONS WITH CONDITION #5 BEING REPLACED WITH 4 ROAD DIVISION CONDITIONS AS SET FORTH AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. CUP06-001 shall allow the addition of two mobile homes for dairy employees to be placed on the property, for a total of seven residences on site.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. The applicant shall pay a mitigation monitoring fee of \$98.00 within 30 days of approval of this application.
4. The applicant shall obtain an additional dwelling monitoring permit prior to occupancy and is subject to annual renewal.

**Public Works/Road Division Conditions**

5. The property owner(s) shall dedicate to the County of Merced an additional 20-foot width of right-of-way along the entire frontage of Ingomar Grade. The legal description(s) and exhibit(s) needed for the grant deed easement shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deeds with accompanying legal description and exhibit drawing shall be submitted for recordation accomplished prior to the issuance of the Final Inspection/Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for the new residence. Closure calculations shall be submitted for metes and bounds type legal descriptions.
6. The property owner(s) shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Henry Miller Avenue. The legal description(s) and exhibit(s) needed for the grant deed easement shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deeds with accompanying legal description and exhibit drawing shall be submitted for recordation accomplished prior to the issuance of the Final Inspection/Certificate of Occupancy by the Department of Public

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Works/Building & Safety Division (Building Permit Office) for the new residence. 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 reconstruct the existing driveway approach onto Ingomar Grade. This 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 Final Inspection/Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for the new residence.
8. The property owner shall install a street light on the existing power pole adjacent to the southern main driveway approach. The street light shall be 150 watts minimum, equipped with at least an 8-foot arm and install orientated toward Ingomar Grade. The cost of for operating and maintaining the street light shall be paid by the property owner, not the County. This work shall be accomplished prior to the issuance of the Final Inspection/Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for the new residence.

**Environmental Health Division Conditions**

9. Septic system leach fields shall be a minimum of 50 feet from any open Merced Irrigation District facility or 20 feet from a piped facility to protect the facility from contamination and to protect the septic systems from leakage from Merced Irrigation District facilities.
10. The applicant shall obtain approval from the Merced County Health Department indicating the proposed installation is in conformance with the regulations of the Health Department.

- N. MINOR MODIFICATION APPLICATION No. MM06-013 TO MAJOR SUBDIVISION APPLICATION MAS02-011 "Quail Hollow Estates" - Ryland Homes - To deviate from the minimum lot depth on four lots in a 228 single-family residential lot subdivision. The project site is located on the southeast corner of Cypress Avenue and Walnut Avenue on land designated as Winton SUDP Low Density Residential in the General Plan and zoned A-1 (Single Family Residential). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

Planner David Gilbert presented the Staff Report and Recommendation dated June 28, 2006.

The public hearing opened at 12:05 p.m.

Darryl Pettigrove, Ryland Homes, asked for approval of this application.

The public hearing closed at 12:06 p.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR MINOR MODIFICATION APPLICATION No. MM06-013 TO MAJOR SUBDIVISION APPLICATION MAS02-011.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 28, 2006, AND MAKES THE 12**



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**FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES MINOR MODIFICATION APPLICATION No. MM06-013 TO MAJOR SUBDIVISION APPLICATION MAS02-011 SUBJECT TO THE ORIGINAL 32 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. *Resolution No. 97-1* - The project shall comply with the standard conditions of approval listed in the Planning Commission Resolution No. 97-1 for major subdivisions (Attached).
2. *Landscape Plans* - Three copies of the landscape and irrigation plans as shown on the plot plan shall be submitted for review and approval by the Planning Director in accordance with the standards of Chapter 16.40 of the Merced County Code prior to the issuance of Building Permits. The landscape plan for the street trees and the combination wall and berm (noise barrier) shall be in conformance with the Landscape Chapter of the County Zoning code. Approved street trees shall be installed prior to occupancy of each house. The general location of the street trees shall be shown on the improvement plans. Landscaping and irrigation, in compliance with the approved plans, shall be installed prior to occupancy. Perimeter landscape maintenance shall be accomplished through a County Service Area agreement. The 11-acre remainder shall be maintained in a weed free environment.
3. *SJAQMD Compliance* - The applicant will be required to obtain and/or modify any permits required by the San Joaquin Air Quality Management District and comply with any applicable District rules.
4. *MID Requirements* - The applicant shall comply with MID requirements in regards to redirecting or piping at the Middle Lateral (Please see correspondence dated January 24, 2003 attached). A signature block or letter shall be provided on final improvement plans for approval by MID.
5. *Approved Plot Plan* - The project shall comply with the approved plot plan subject to these conditions and any County standards, including but not limited to parking, on-site circulation, landscaping, fences and walls, signage, trash areas, lighting, noise and pollutants, and building setbacks. The plot plan shall be reviewed and approved by staff prior to issuance of any building permits.
6. *County Department Regulations* - The applicant shall comply with applicable regulations administered by the County. These regulations shall include, but not limited to standards administered by the County Fire, Health, Planning and Public Works Departments (Roads and Building Division).
7. *Final Map* - A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
8. *Noise* - The applicant will be required to comply with the decibel noise requirement found in the General Plan. Prior to the Building Permit stage,

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the applicant will be required to provide architectural treatments on the plans to reduce the noise level to 45-decibels or less for the inside of residential structures constructed in the subdivision.

9. *Lighting* - All area and security 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 Planning Department. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
10. A "Neighborhood Park" shall be provided (and completed) at the north end of the subdivision. The residential park shall be installed on Lot "B" prior to the completion of Lot number 164 in Phase 2 of the subdivision. The park shall be included in the Landscaping and Fencing Plan for the subdivision.
11. Release and relinquish all abutters' rights of access to and from all lots fronting Almond Avenue and Cypress Avenue with the exception of Lots 61 through 65 fronting Cypress Avenue.
12. The building setback from the Cypress Avenue right of way line of Lots 61 through 65 shall be 32 feet and shall be delineated on the final map.
13. Circular driveways or vehicle turnarounds shall be constructed on Lots 61 through 65 at the building permit state.
14. Pursuant to Section 4.02.D.4 of the Merced County Department of Public Works Improvement Standards and Specifications, the developer may be required to reconstruct Cypress Avenue to centerline.
15. The developer shall construct speed humps on Meadowlark Avenue and Falcon Avenue as part of subdivision improvements.
16. Walnut Avenue right of way shall be 40 feet from centerline at the time the remainder is developed.
17. Crane Court and Robin Drive are duplications of existing County street names and shall be changed to the satisfaction of the Fire Department and Department of Public Works.
18. Prior to recording the first phase final map, the owner shall provide all documentation to the Department of Public Works to form a park maintenance zone of benefit in County Service Area No. 1 for the proposed neighborhood park.
19. Prior to recording the final map, the owner shall provide all documentation to the Department of Public Works to form a landscaping maintenance zone of benefit in County Service Area No. 1 for landscaping along peripheral streets.
20. The developer shall, if feasible, and at Merced County expense, extend a storm drainage line to the west side of the intersection of Cypress Avenue and Fairlane Avenue for connection to existing catch basins in Fairlane Avenue.

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21. The developer shall design public improvements along the Crawford Street, Cypress Avenue, and Wren Drive frontages of Not a Part of This Subdivision (N.A.P.O.T.S.). Developer shall provide legal descriptions and exhibit maps for offsite road right of way necessary for public improvements as follows: wheelchair ramp at the northeast corner of the intersection of Crawford Street and Cypress Avenue (APN: 147-090-016); wheelchair ramp and widening of Cypress Avenue at the southeast corner of the intersection of Cypress Avenue and Wren Drive. The developer shall be responsible for all costs associated with the design of public improvements along the frontage of N.A.P.O.T.S. and for the preparation of the offsite road right of way legal descriptions and exhibit maps. The developer shall be responsible for the acquisition of offsite road right of way; however, upon request by the developer, the County of Merced shall, at developer's expense, obtain offsite right of way. The developer shall be responsible for the construction of Wren Drive improvements; sidewalk will not be required along the Wren Drive frontage of N.A.P.O.T.S. The developer shall be reimbursed by the County of Merced for the construction of the following improvements associated with N.A.P.O.T.S.: pavement widening, curb, gutter, sidewalk, and wheelchair ramps along Cypress Avenue; and, six (6) feet of pavement widening, curb, and gutter along Crawford Street.
22. The developer shall provide a letter from MID accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
23. *Road Striping* - Provide centerline striping for those new roads which intersect the existing peripheral streets and a maximum of 200 feet or the first intersection east of Cypress Road.
24. *Level 1 Requirements* - 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, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
25. The developer shall delineate all utility easements on the final map which are located within the Remainder. The owner shall dedicate easements to the appropriate jurisdictions for all in-place utilities not of record.
26. *Grading* - All lot and street grading shall be completed 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.
27. *Storm Water Runoff* - Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations of 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) 657-1146.
28. *Recreational Fees* - The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090.

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Said fee is payable prior to or concurrent with the recording of the Final Map.

29. *Drainage and Storm Basins* - Drainage and storm basins shall be designed to the satisfaction of the Merced County Department of Public Works.
30. Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department and Building Division approval.
31. Prior to final map stage, the cul-de-sacs (along Almond Avenue) and the three cul-de-sacs (along Cypress Avenue) shall be constructed with a paseo and/or a fence plan that encourages pedestrian access to the school and to Cypress Avenue, making the cul-de-sacs visible from the outside and pedestrian accessible. A paseo will open up these cul-de-sacs and will utilize a fence or wall to facilitate pedestrian friendly access. Wrought iron and a block wall combination can be used to facilitate the opening of the paseo. Landscaping can also be used to soften the ends of the cul-de-sacs and may be used as a wall.
32. *Condition Monitoring* - For the purpose of condition monitoring, a fee in the amount of **\$186.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 12:09 p.m.