



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF AUGUST 23, 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. 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. Continued from the June 28, 2006 meeting. JH/kl****
- B. 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. Continued from the June 28, 2006 meeting. JH/kl****

**Planning Commission Agenda**

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- C. MINOR SUBDIVISION APPLICATION No. MS06-025 - Suzanne Solvin - To create four 20 acre parcels from 2 parcels totaling 80 acres for financial planning purposes. The project site is located on the west side of Griffith Avenue and one quarter mile south of Westside Boulevard in the Livingston area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 9, 2006 meeting. GB/ki****
- D. CONDITIONAL USE APPLICATION No. CUP05-033 – Antonio Texeira (Joe Vierra Applicant) - To expand an existing dairy to accommodate 2,600 animals (2,904 Animal Units) on property located on the northwest corner of the intersection of Livingston-Cressey Road and Sultana Drive in the Cressey area. The site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (342 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH/ki****
- E. CONDITIONAL USE PERMIT No. CUP06-005 - Norman and Gloria Bettencourt - To add a fifth residence on an existing dairy facility for a family member. The project site is located on the north side of the intersection of White Crane Avenue and Larson Avenue in the Hilmar Area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB/ki****
- F. MINOR SUBDIVISION APPLICATION No. MS 06-028 - John, Ralph & Donald Palazzo - To divide a 148 acre parcel into one parcel and a remainder parcel to create a 20 acre future home site parcel for one of the property owner's on property located on the north side of Palazzo Road, east of Hereford Road in the Dos Palos area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/ki****
- G. CONDITIONAL USE PERMIT APPLICATION No. CUP06-007 - Arlan Thomas - To establish a small, family operated winery on about 2 acres of a 200 plus acre grape orchard on property located at the northeast corner of Bear Creek Drive and Plainsburg Road in the Planada area. The project site is designated as Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/ki****
- H. MAJOR SUBDIVISION APPLICATION NO. MAS06-001 - "Aguilar Estates" - Pedro Aguilar - To subdivide 2.1 acres into 8 residential lots and a temporary detention basin lot. The project is located on the east side of Hinton Avenue along the proposed extension of Sassafras Avenue in the Delhi SUDP. The project site is designated Low Density Residential in the Delhi Community Plan and zoned R-1-5000 (Single Family Residential - 5000 sq. ft. minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/ki****

**VI. CORRESPONDENCE**

**VII. GENERAL BUSINESS**

**VIII. DIRECTOR'S REPORT**

**IX. ADJOURNMENT**



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

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**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 AUGUST 23, 2006**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of August 23, 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 August 23, 2006, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Jack Mobley  
   Commissioner Steve Sloan-Chairman  
   Commissioner Lynn Tanner  
   Commissioner Gloria Bettencourt

Staff Present:                      Robert Lewis, Development Services Director  
   Kim Lewallen, Recording Secretary  
   Bill Nicholson, Assistant Development Services Director  
   James Holland, Senior Planner  
   David Gilbert, Senior Planner  
   Gene Barrera, Planner II

Legal Staff:                        Walter Wall, Deputy County Counsel

Commissioners Absent:        Commissioner Rudy Buendia

**III. APPROVAL OF MINUTES**

**M/S BETTENCOURT - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF AUGUST 9, 2006.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      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. Continued from the June 28, 2006 meeting. JH/kl****

**This item has been continued to the October 25, 2006 meeting at the request of the applicant.**

**MERCED COUNTY PLANNING COMMISSION**

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- B. 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. Continued from the June 28, 2006 meeting. JH/kl****

Planner James Holland presented the Staff Report and Recommendation dated August 23, 2006.

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

No one spoke in favor or opposition to this application.

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

**MOTION: M/S TANNER - MOBLEY, AND UNANIMOUSLY CARRIED/CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION PREPARED FOR GENERAL PLAN AMENDMENT No. GPA05-003, ZONE CHANGE No. ZC05-003 and MINOR SUBDIVISION APPLICATION No. MS05-030.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 23, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES GENERAL PLAN AMENDMENT No. GPA05-003, ZONE CHANGE No. ZC05-003 and MINOR SUBDIVISION APPLICATION No. MS05-030 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. For MS05-030, 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 delineated and verified wetland areas identified in the *Wetland Delineation Report for the Herrin Property, Snelling, Merced County, California* shall be placed in a wetland conservation easement which shall be shown on the recorded parcel map for the project. The easement shall show a 20-foot area around the perimeter of the easement that will act as a buffer between the easement area and any development that may occur on the affected parcels and remainder.
3. A document shall be recorded and referenced on the parcel map that states that no development or construction activities of any kind, including grading activities, shall be allowed to occur within the wetland conservation easement area or within the 20-foot buffer area as so identified on the parcel map.

## MERCED COUNTY PLANNING COMMISSION

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4. Prior to any site clearing activities, the applicant shall retain a qualified professional to inventory the site for the presence of any raptor nesting trees or heritage quality Black Oak trees. Should any of these be identified outside the required wetland conservation easements, the applicant shall either:
  - A. Amend their plans to provide for the preservation of these trees.
  - B. Propose a mitigation program to offset the loss of these trees.

These survey results shall be submitted to the Planning Department for review prior to recordation of the final subdivision map.

5. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map.
6. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$245** shall be required. The fee shall be paid prior to recordation of the Final Map.

### Public Works Department

7. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
8. The applicant shall release and relinquish all abutters' rights of access to and from the Merced Falls Road frontages of Parcels 1 and 4.
9. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
10. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
11. The Developer/Applicant may be required to submit a Dust Control Plan to the San Joaquin Valley Air Pollution Control District prior to the commencement of construction. Information on this requirement, together with information on any other rules or regulations that may apply to this proposal, can be obtained from the District's Small Business Assistance Office at (209) 557-6446.

Environmental Health Division

12. The use of specially designed onsite sewage treatment systems, which the property owner must operate/maintain, is required. These systems shall release an effluent concentration of less than 10 mg/l of total nitrogen.
13. A Zone of Benefit shall be formed to monitor the operation and maintenance of the new onsite sewage treatment systems.

- C. MINOR SUBDIVISION APPLICATION No. MS06-025 - Suzanne Solvin - To create four 20 acre parcels from 2 parcels totaling 80 acres for financial planning purposes. The project site is located on the west side of Griffith Avenue and one quarter mile south of Westside Boulevard in the Livingston area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 9, 2006 meeting. GB/kl****

Planner Gene Barrera presented the Staff Report and Recommendation dated August 23, 2006.

The public hearing opened at 9:57 a.m.

Garth Pechennino from Fremming, Parsons & Pechennino, thanked staff. He stated that the property on the southwest was approved for a subdivision last year. The applicants property has good soil and he asked for approval of this application.

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

**MOTION: M/S TANNER – MOBLEY, WITH COMMISSIONER BETTENCOURT ABSTAINING FROM VOTING ON THIS APPLICATION, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-025 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 23, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-025 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
3. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
4. The applicant shall comply with all applicable County, State and Federal regulations.

5. Lands previously receiving Merced Irrigation District irrigation water will continue to do so, and irrigation water delivery shall be ensured to all new parcels. An irrigation easement shall also be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery gate located within each new parcel.

Merced Irrigation District Conditions:

6. APN 055-080-011 is currently land locked. The property owner must obtain an appropriate "Crossing Agreement" for any existing or planned crossings over or under any MID facilities, including driveways, bridges, utilities and pipelines. Crossing points over the pipelines would have to be reinforced to accommodate traffic loads.
7. The applicant shall not discharge any agricultural drainage water from the property into MID facilities.

- D. CONDITIONAL USE APPLICATION No. CUP05-033 – Antonio Texeira (Joe Vierra Applicant) - To expand an existing dairy to accommodate 2,600 livestock (2,904 Animal Units) on property located on the northwest corner of the intersection of Livingston-Cressey Road and Sultana Drive in the Cressey area. The site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (342 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH/ki****

Planner James Holland presented the Staff Report and Recommendation dated August 23, 2006.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 10:21 a.m.

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE RESOLUTION, CERTIFIES THE ENVIRONMENTAL IMPACT REPORT, ADOPTS THE FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND THE MITIGATION MONITORING PLAN AND CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED AUGUST 23, 2006, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES CONDITIONAL USE APPLICATION No. CUP05-033 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. CUP05-033 is granted for the Antonio Texeira Dairy to allow its expansion to 2,904 animal units and operation on 218 acres of land.
2. The Antonio Texeira Dairy Expansion project shall be located, developed and operated in a manner described on the approved plot plan, Comprehensive Nutrient Management Plan, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project would be based on a written request of the applicant to the Planning Director.



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3. All mitigation measure identified in the EIR are adopted and incorporated by reference as project conditions.
4. The project shall comply with all applicable regulations administered by the County Fire, Health, Planning and Public Works Department.
5. The project shall comply with the following requirements of the Merced Irrigation District (MID):
  - MID shall not accept any agricultural drainage or nutrient enriched water from the property into MID's canals or laterals.
  - Septic system leach fields shall be a minimum of 50 feet from any open MID facility or 20 feet from a piped facility to protect the facility from contamination and to protect septic systems from leakage from MID facilities.
  - The property owner must obtain a "Non-exclusive License Agreement" for any new or existing crossings over or under any of the MID facilities, including for bridges, utilities and pipelines.
  - Wherever there is a commingling of wastewater containing manure at an MID irrigation delivery point, a backflow prevention device meeting MID standards must be installed. The purpose of the installation is to keep wastewater containing manure from entering any MID facilities and contaminating the water in the facilities.
  - All wastewater facilities must maintain a minimum 50-foot setback from any irrigation district facility or right of way.
6. As requested by Caltrans, Regional Transportation Impact fees, as applicable, shall be collected by Merced County, prior to utilizing the Conditional Use Permit.
7. For the purpose of condition and mitigation monitoring, an annual conditions monitoring fee in the amount of **\$588.00** shall be paid prior to utilizing the conditional use permit.

- E. CONDITIONAL USE PERMIT No. CUP06-005 - Norman and Gloria Bettencourt -** To add a fifth residence on an existing dairy facility for a family member. The project site is located on the north side of the intersection of White Crane Avenue and Larson Avenue in the Hilmar area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB/kl**

Planner Gene Barrera presented the Staff Report and Recommendation dated August 23, 2006.

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

Norman Bettencourt, applicant, stated that they are asking for the fifth residence for their terminally ill daughter. He has agreed to meet with the neighbor who is in opposition of this application.

Gwen Fielder, neighbor, stated that there was a miscommunication between herself and her neighbor, Mr. Bettencourt, regarding the reasons for the request of a 5<sup>th</sup> additional residence. She has no problem with the homesite.

The public hearing closed at 10:37 a.m.

**MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, WITH COMMISSIONER BETTENCOURT ABSTAINING FROM THE VOTE, AS SHE IS THE APPLICANT, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP06-005 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, WITH COMMISSIONER BETTENCOURT ABSTAINING FROM THE VOTE, AS SHE IS THE APPLICANT, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 23, 2006, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. CUP06-005 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. CUP06-005 shall allow the addition of a modular home for an ailing family member be placed on the property, for a total of five residences on site.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$147** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant/ property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
4. The applicant shall obtain an additional dwelling monitoring permit prior to occupancy and is subject to annual renewal.
5. 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.
6. A Right-to-Farm Certificate shall be recorded prior to issuance of the building permit to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.
7. The additional permanent residence shall be subject to a yearly occupancy monitoring permit with the regulations administered by the Planning Department.
8. 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.

Public Works/Road Division Conditions:

9. 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 Crane 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 deed with accompanying legal description and exhibit drawing shall be submitted for recordation within 6 months of the approval of this Conditional Use Permit.
10. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct a paved driveway approach at the main dairy entrance off of Crane Avenue. The new approach shall be a rural “agricultural” type driveway approach conforming to the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished within 6 months of the approval of this Conditional Use Permit.
11. The property owner shall install a street light at the main dairy entrance off of Crane Avenue. The cost of operating and maintaining the street light shall be paid by the property owner, not the County. Installation shall be accomplished within 6 months of the approval of this Conditional Use Permit.

Turlock Irrigation District Conditions:

12. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

- F. MINOR SUBDIVISION APPLICATION No. MS 06-028 - John, Ralph & Donald Palazzo -**  
To divide a 148 acre parcel into one parcel and a remainder parcel to create a 20 acre future home site parcel for one of the property owner's on property located on the north side of Palazzo Road, east of Hereford Road in the Dos Palos area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/ki**

Planner Dave Gilbert presented the Staff Report and Recommendation dated August 23, 2006.

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

Garth Pechennino, Fremming, Parsons and Pechennino, asked for approval and states they are building a home on the parcel for a family member only.

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

**MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS 06-028, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 23, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-028 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.
3. An irrigation easement shall be required and shown on the parcel map so that all parcels will have irrigation.
4. The property shall obtain a new Williamson Act Contract.

**G. CONDITIONAL USE PERMIT APPLICATION No. CUP06-007 - Arlan Thomas - To establish a small, family operated winery on about 2 acres of a 200 plus acre grape orchard on property located at the northeast corner of Bear Creek Drive and Plainsburg Road in the Planada area. The project site is designated as Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/kl**

Planner Dave Gilbert presented the Staff Report and Recommendation dated August 23, 2006.

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

Duane Andrews, Golden Valley Engineering, asked for approval of this application.

The public hearing closed at 10:51 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP06-007 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 23, 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-**

**007 SUBJECT TO THE 8 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. CUP06-007 is to allow the manufacturing and distribution of a maximum of 3,000 gallons of wine.
2. Applicant shall be allowed 2 employees for this application.
3. Should the applicant expand the vineyard into the Bear Creek area and/or the pasture area to the north and west a CEQA Initial Study shall be required for this expansion and shall be heard before the Planning Commission.
4. The applicants shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
5. For the purpose of condition monitoring, an inspection fee in the amount of **\$294.00** shall be required. This fee shall be paid within 30 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.
6. The property owner shall obtain a business license within 30 days from the Planning Commission's approval. This business license shall be renewed annually.

Merced Irrigation District (MID)

7. The applicant shall not discharge any agricultural or commercial drainage water from the property into MID facilities.
8. Measures shall be included to protect Bear Creek from any potential contamination generated on the site that could flow by either surface or subsurface means to said creek.

- H. MAJOR SUBDIVISION APPLICATION NO. MAS06-001 - "Aguilar Estates" - Pedro Aguilar** - To subdivide 2.1 acres into 9 residential lots with 1 lot being used as a temporary detention basin lot until permanent storm drainage facilities are constructed. The project is located on the east side of Hinton Avenue along the proposed extension of Sassafras Avenue in the Delhi SUDP. The project site is designated Low Density Residential in the Delhi Community Plan and zoned R-1-5000 (Single Family Residential - 5000 sq. ft. minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/ki**

Planner Dave Gilbert presented the Staff Report and Recommendation dated August 23, 2006.

The public hearing opened at 10:58 a.m.

Michael King, representing the applicants, agrees with the recommendations and is available to answer any questions.

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

**MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION NO. MAS06-001 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 23, 2006, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION NO. MAS06-001 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Delhi and/or Turlock Unified School District.
3. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with "Can and Will Serve Letters" from both the Delhi County Water District.

Public Works/Road Division

4. The temporary storm drain basin easement dedicated on the tentative map shall be abandoned upon recordation of the final map.
5. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
6. 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.
7. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537,

**MERCED COUNTY PLANNING COMMISSION**

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

Turlock Irrigation District

8. An irrigation pipeline belonging to irrigation Improvement District 52, the Delhi State Land Settlement, runs parallel to the east property line of the subject parcel. This pipeline was upgraded during construction of the adjacent Hillside Estates subdivision. A 25-foot wide easement centered on this pipeline shall be required.
9. In order for the District to accept the necessary easements, this statement shall appear on the acceptance documents:

Certificate of Acceptance

This is to certify that the interest in real property conveyed by this map to the Turlock Irrigation District, a governmental agency, and to the named improvement districts of the District (if any) are hereby accepted by the undersigned officer on behalf of the Board of Directors of the Turlock Irrigation District pursuant to authority conferred by Turlock Irrigation Rule RL 0340.001 adopted on January 2, 1990 and revised December 18, 2001.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Wilton B. Fryer, P.E.  
Civil Engineering Department Manager

10. Properties that will no longer irrigate or have direct access to water shall request abandonment from the improvement district.
11. District maps and records indicate the existence of a pipeline serving an irrigation valve located at the intersection of Hinton Road and the future alignment of Sassafras Drive. This line shall be removed as per District Standards.
12. A 10-foot wide Public Utility Easement shall be dedicated along all street frontages.
13. The property owner/developer shall apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at the developer's expense.
14. Prior to recordation of the Final Map, the property owner shall satisfy local recreational park land space/or fee obligation (Planning and Community Development Department Condition).

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

The General Plan Update meetings are still being held throughout Merced County.

There was discussion on the Final EIR for the Riverside Motorsports park. A joint meeting between the Board of Supervisors and the Planning Commissioners will be held in the near future. Dee Tatum stated that the scheduling for the Riverside Motorsports park is still at the staff level.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:14 a.m.