



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 27, 2006, 1:30 P.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. MAJOR MODIFICATION APPLICATION No. MM05-016 (for Conditional Use Permit No. 2870), GENERAL PLAN AMENDMENT GPA05-009 AND ZONE CHANGE No. ZC05-010 - Black Diamond Aggregates, Inc. - To modify the existing Conditional Use Permit to allow for mining below grade level and to change the reclamation plan's land use from agricultural to open space. The applicant also is proposing to change the General Plan designation of a portion of the property from Snelling RRC #1, Residential to Agriculture and to rezone the property from Agricultural Residential to A-1 (General Agricultural). The property is located on the south side of Highway 59 and 500 feet west of Snelling Road. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JW****
- B. MINOR SUBDIVISION APPLICATION No. MS06-021 - Michael Bliss - To divide a 154.8 acre parcel into two parcels; Parcel No. 1 = 20.00 acres and Parcel No. 2 = 134.77 acres. The property is located on the north side of Roosevelt Road and Ivy Avenue in the El Nido area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB****

- C. **MINOR SUBDIVISION APPLICATION No. MS06-022 - Michael Bliss** - To divide a 152.4 acre parcel into two parcels; Parcel No. 1 = 20.00 acres and Parcel No. 2 = 132.44 acres. The property is located on the southeast corner of Roosevelt Road and Ivy Avenue in the El Nido area on land designated as Agriculture in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**

- D. **CONDITIONAL USE PERMIT APPLICATION No. CUP06-006 - Jose Aguilar / Javier Martinez** - To establish an auto repair, smog and tire shop in a proposed 40' x 30' (1200 Sq Ft) building on a 7.3 acre parcel located at the northwest corner of Azusa Road & Highway 33 in the Dos Palos "Y" area. The project site is designated Dos Palos "Y" SUDP - Commercial land use in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**

- E. **APEAL No. APEA05-003 – Pablo Segoviano** - Appeal of the Development Services Director's decision to revoke Administrative Applications AA01-028, AA02-022, Additional Dwelling Permit Numbers 3667 and 3756 and Temporary Residence Permit No. 03-005 allowing the location of three manufactured homes on a 10 acre parcel. The subject property is designated Agricultural in the General Plan, zoned A-1 (General Agricultural) and located on the south side of State Highway 140, approximately 1,500 feet east of its intersection with State Highway 165 and approximately three quarters of a mile south of Stevinson. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

IX. **ADJOURNMENT**

APPEALS

Any person may appeal any action of the Development Services 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 and Community Development 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 SEPTEMBER 27, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of September 27, 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 1:45 p.m., on September 27, 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: William Nicholson, Assistant Development Services Director
 Kim Lewallen, Recording Secretary
 Gene Barrera, Planner II

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Rudy Buendia

III. APPROVAL OF MINUTES

M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF SEPTEMBER 13, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR MODIFICATION APPLICATION No. MM05-016 (for Conditional Use Permit No. 2870), GENERAL PLAN AMENDMENT GPA05-009 AND ZONE CHANGE No. ZC05-010 - Black Diamond Aggregates, Inc. - To modify the existing Conditional Use Permit to allow for mining below grade level and to change the reclamation plan's land use from agricultural to open space. The applicant also is proposing to change the General Plan designation of a portion of the property from Snelling RRC #1, Residential to Agriculture and to rezone the property from Agricultural Residential to A-1 (General Agricultural). The property is located on the south side of Highway 59 and 500 feet west of Snelling Road. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JW**

This item has been continued to an unknown Planning Commission date.

B. MINOR SUBDIVISION APPLICATION No. MS06-021 - Michael Bliss - To divide a 154.8 acre parcel into two parcels; Parcel No. 1 = 20.00 acres and Parcel No. 2 = 134.77 acres. The property is located on the north side of Roosevelt Road and Ivy Avenue in the El Nido area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**

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Planner Gene Barrera presented the Staff Report and Recommendation dated September 27, 2006.

The public hearing opened at 1:55 p.m.

Duane Andrews, Golden Valley Engineering, stated that this property will remain in family farming and by splitting the parcels for family members will make the property transfer transition easier. The applicants children will live in the new homes that will be built and there will be no change in farming practices. He also requested that Parcel 2 be changed to read as a “remainder” parcel.

Chairman Sloan asked the applicant, Michael Bliss, how long his family has farmed on this land. Mr. Bliss replied that there are 6 generations of his family that have been farming. He indicated that the farming operations will remain the same.

Chairman Sloan stated that he is normally against 20 acre parcel splits, but there is an increasing need for smaller parcels for families. The Bliss family has been there for many years, so he is in favor of approving this application.

The public hearing closed at 2:04 p.m.

Bill Nicholson, Assistant Development Services Director, stated that the condition # 6 in the staff report regarding the dairy owner giving written permission for locating the offsite residence closer than one thousand feet, or the Planning Commission approving a waiver of the setback requirement is not needed and recommends the last sentence of Condition #6 to be deleted.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-021, 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 SEPTEMBER 27, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-021 SUBJECT TO THE 8 CONDITIONS WITH A MODIFICATION BEING MADE TO CONDITION #6 AND PARCEL #2 ON THE MAP TO BE CHANGED TO A “REMAINDER” PARCEL AS 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.

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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.
6. Any additional homes shall be built outside of a 1,000 foot buffer from the dairy location, which is directly west of the project site. This condition shall be required unless the dairy owner gives written permission for locating the offsite residence closer than one thousand (1,000) feet.

Chowchilla Water District Conditions:

7. The project proponent is required to install an irrigation system (with accompanying easement) that will be capable of irrigating all of the property in the proposed parcels with surface water supplied by the Chowchilla Water District.

Merced County Road Division Conditions:

8. The property owner shall dedicate to the County of Merced, annotated on the parcel map, a 30-foot width of road right-of-way along the entire frontage of Roosevelt Avenue.

- C. MINOR SUBDIVISION APPLICATION No. MS06-022 - Michael Bliss - To divide a 152.4 acre parcel into two parcels; Parcel No. 1 = 20.00 acres and Parcel No. 2 = 132.44 acres. The property is located on the southeast corner of Roosevelt Road and Ivy Avenue in the El Nido area on land designated as Agriculture in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB****

Planner Gene Barrera presented the Staff Report and Recommendation dated September 27, 2006.

The public hearing opened at 2:15 p.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 2:15 p.m.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-022 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 SEPTEMBER 27, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-022 SUBJECT TO THE 8 CONDITIONS WITH A MODIFICATION BEING MADE TO CONDITION #6 AND PARCEL 2 ON THE MAP TO BE CHANGED TO A “REMAINDER” PARCEL AS 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 Chowchilla Water 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.
6. Any additional homes shall be built outside of a 1,000 foot buffer from the dairy location, which is directly northwest of the project site. This condition shall be required unless the dairy owner gives written permission for locating the offsite residence closer than one thousand (1,000) feet.

Chowchilla Water District Conditions:

7. The project proponent is required to install an irrigation system (with accompanying easement) that will be capable of irrigating all of the property in the proposed parcels with surface water supplied by the Chowchilla Water District.

Merced County Road Division Conditions:

8. The property owner shall dedicate to the County of Merced, annotated on the parcel map, a 30-foot width of road right-of-way along the entire frontage of Roosevelt Avenue.

- D. CONDITIONAL USE PERMIT APPLICATION No. CUP06-006 - Jose Aguilar / Javier Martinez - To establish an auto repair, smog and tire shop in an existing 40' x 30' (1200 Sq Ft) building on a 7.3 acre parcel located at the northwest corner of Azusa Road & Highway 33 in the Dos Palos "Y" area. The project site is designated Dos Palos "Y" SUDP - Commercial land use in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB****

Planner Gene Barrera presented the Staff Report and Recommendation dated September 27, 2006. A letter was handed out to the Commissioners from the Department of Transportation regarding the setbacks on the property.

The public hearing opened at 2:27 p.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 2:28 p.m.

Planner Gene Barrera indicated that staff is only recommending the applicants agree to the setback from Highway 33 to Azusa for their entrance onto the project site. Caltrans is requesting that the applicant maintain an entrance way onto the site at least 150 ft. from the corner of Azusa and Highway 33. A site inspection determined that there are no gutters, so the applicant is free to put the entrance way from Highway 33.

Chairman Sloan asked if the applicant will agree to the 150 ft. setbacks from the intersection onto the site. The applicants agreed. County Counsel Ruben Castillo asked the applicant if they agree to the conditions. The applicants agreed.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP06-006 FROM CEQA.

MOTION: M/S TANNER – MOBLEY, AND UNANIMOUSLY CARRIED/CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 27, 2006, AND MAKES THE 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP06-006 SUBJECT TO THE 22 CONDITIONS WITH CONDITION #22 BEING ADDED AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions:

1. Conditional Use Permit Application CUP06-006 is for an auto repair, smog, tire shop in an existing 40' x 30' (1200 Sq Ft) building on a 7.3 acre parcel, and shall be developed in a manner that is consistent with the approved plot plan and the Applicant's Operational Statement.
2. The applicant shall comply with all of the standard conditions of approval listed in the 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 position the portable service lifts and work areas in a manner that will prevent any obstruction of vehicular line of sight at the intersection of Azusa Road and State Highway 33.
5. The applicant shall submit a landscape plan prior to issuance of building permits that includes potted shrubs and trees lining the perimeter of the project site where the existing shop building is located.

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6. The applicant shall construct a minimum 4-foot wide by 25-foot long landscaped strip or island at the corner of the property starting at the intersection of State Highway 33 and Azusa Road.
7. The landscaped corner Island/strip and potted trees/ shrubs shall be developed in a manner consistent with the landscape standards outlined in Section 18.37.04 of the Merced County Zoning Code (Sight Distance at Public Intersections and Private Driveways). This Section maintains standards for sight distance at public intersections and private driveways, and states that no obstruction higher than two feet, six inches above the nearest roadway surface shall be installed or maintained within the sight distance triangles at public roadway intersections and private driveways. The dimensions of these sight distance triangles, and any exceptions, shall be determined by the County Department of Public Works.
8. Street address numbers shall be placed on the building in such a position as to be plainly visible and legible from the street fronting the property.
9. The applicant shall be required to construct an enclosed storage area for any overnight storage of vehicles beyond the storage capacity of the existing 40' x 30' (1200 Sq Ft) shop building. Screening of the storage area shall consist of a 6-foot galvanized commercial grade chain-link fence system that includes Polyethylene Thermoplastic privacy slats.

Commerce Aviation and Economic Development Department Condition:

10. The applicant/owner shall obtain a Business License Permit from the prior to operating the Business. The Property Owner/applicant shall pay all required fees for the Business license. The Property owner/applicant shall annually renew the Business License and pay all required fees.

Environmental Health Division Conditions:

11. If any hazardous materials will be stored / handled or used in amounts greater than 55 gals, 500 pounds, or 200 cubic feet of gas as standard temperature and pressure or any amount of hazardous waste, then a hazardous materials business plan will have to be submitted to the Division of Environmental Health. Contact Vickie Hayer, at (209) 381-1083.
12. The water well and sewage disposal system will need to be checked and restored to proper operation, as they have not been operated in many years.

Fire Department Conditions:

13. Any onsite welding shall be in compliance with the Fire Code.
14. The building shall be inspected and approved for use by the Fire Department prior to occupancy.

Road Division Conditions:

15. The applicant shall satisfy Improvement Level 1 requirements of Chapter 16.08 of the Merced County Code for required dedications and street

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improvements along State Highway 33 and Azusa Road frontages of the property. The construction of street improvements may be satisfied by the owner entering into a Deferment of Construction Agreement with the Department of Public Works. The owner shall sign the Agreement and pay the processing fee within 6 months of the approval of this Conditional Use Permit

16. The owner shall dedicate right-of-way, as determined by the State of California Department of Transportation (Caltrans), along the State Highway 33 frontage of the property within 6 months of the approval of this Conditional Use Permit.
17. The owner shall relinquish all abutter's rights of access to and from the entire State Highway 33 frontage of the property. Relinquishment shall be made within 6 months of the approval of this Conditional User Permit.

Building and Safety Division:

18. The applicant shall submit complete plans with stamp from an architect or engineer, which include a site plan, floor plan, and construction details for a commercial smog shop.
19. The applicants shall be in conformance with state access requirements.
20. The applicants shall obtain approval from the Fire Department, Environmental Health Division, and Road Division.
21. The applicants shall submit three sets of plans to the Building Division.

California Department of Transportation:

22. The applicant shall maintain an entrance way set back distance on Azusa Road that is 150 ft. from the corner of State Highway 33 and Azusa Road as per Caltrans standards.

- E. APPEAL No. APEA05-003 – Pablo Segoviano - Appeal of the Development Services Director's decision to revoke Administrative Applications AA01-028, AA02-022, Additional Dwelling Permit Numbers 3667 and 3756 and Temporary Residence Permit No. 03-005 allowing the location of three manufactured homes on a 10 acre parcel. The subject property is designated Agricultural in the General Plan, zoned A-1 (General Agricultural) and located on the south side of State Highway 140, approximately 1,500 feet east of its intersection with State Highway 165 and approximately three quarters of a mile south of Stevinson. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH****

This item has been continued to the October 11, 2006 meeting.

VI. CORRESPONDENCE

There will be a workshop on October 4, 2006 with the Board of Supervisors and the Planning Commissioners to discuss the Riverside Motorsports project.

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 2:47 p.m.