



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Director

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

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 11, 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. 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. Continued from the September 27, 2006 meeting. JH**

B. MINOR SUBDIVISION APPLICATION No. MS05-021 – Stillman Family Trust – To divide three parcels totaling 157 acres into six parcels. Four Parcels A through D being 20 acres in size; Parcel E = 40 acres and Parcel F = 36.8 acres in size. The project is located on the north side of Childs Avenue east of Burchell Avenue in the Planada area and designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **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 Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

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MINUTES FOR MEETING OF OCTOBER 11, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of October 11, 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 9:09 a.m., on October 11, 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 Rudy Buendia

Staff Present: Robert A. Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Lewallen, Recording Secretary
 David Gilbert, Senior Planner
 Kristinae Toomians, Planner I

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Gloria Bettencourt

III. APPROVAL OF MINUTES

M/S MOBLEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF SEPTEMBER 27, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. 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. Continued from the September 27, 2006 meeting.**

Planner Kristinae Toomians presented the Staff Report and Recommendation dated October 11, 2006.

The public hearing opened at 9:25 a.m.

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George Alonzo, Attny for the Segovianos, stated that there are three mobile homes on the property and the applicant is currently working on remodeling them so he can rent the mobile homes out. There was flooding on the property at one time and that made it a burden on the applicant to fix up the mobile homes. The applicant, a Spanish speaker, indicated that he purchased a mobile home in 1994 and then put other mobile homes on the property in 1997. Joe Segoviano, the applicant's son, indicated that his father wants to add the 3rd mobile home and remove the first mobile home purchased in 1994. He stated that the second mobile home is completed and the 3rd mobile home will be completed in approximately 2 months.

Commissioner Jack Mobley stated that the County gave Mr. Segoviano 2 years to complete this project and it's still not up to code.

Commissioner Lynn Tanner asked what the property is being used for and who he will be renting the mobile homes out to.

Mr. Segoviano stated in Spanish and translated to English by his son, that one trailer will be for his son to live in and another mobile home will be for an agricultural worker and he will have some kind of crop started on the property soon.

David Fuentes, Code Compliance Specialist, stated that he has done several site inspections in the last 5 years on this property. He has seen no improvements on these 3 mobile homes. One mobile home has no bathroom facilities. He stated that a plot plan was done by the applicant to grow almonds, but Mr. Fuentes has not seen any almonds growing on the property. Ruben Castillo, County Counsel, asked Mr. Fuentes if he agrees that the good trailer is not done. Mr. Fuentes answered that someone can't live in that mobile home since there is no hot water and the trailer is not secured. Commissioner Tanner asked if he could see if anyone lives in the trailers or not. Mr. Fuentes stated that he is not aware of anyone living in the mobile homes. Joe Segoviano stated that there is a bathroom and septic in the mobile home and feels that Mr. Fuentes is incorrect.

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

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIED THE APPEAL AND UPHELD THE DECISION OF THE PLANNING DIRECTOR TO REVOKE ADMINISTRATIVE APPLICATIONS AA01-028, AA02-022, ADDITIONAL DWELLING PERMIT NUMBERS 3667 AND 3756 AND TEMPORARY RESIDENCE PERMIT No. 03-005.

- B. MINOR SUBDIVISION APPLICATION No. MS05-021 – Stillman Family Trust – To divide three parcels totaling 157 acres into six parcels. Four Parcels A through D being 20 acres in size; Parcel E = 40 acres and Parcel F = 36.8 acres in size. The project is located on the north side of Childs Avenue east of Burchell Avenue in the Planada area and designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.****

Planner David Gilbert presented the Staff Report and Recommendation dated October 11, 2006.

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

Cindy Lashbrook, Family Farmers Alliance, read a letter to the Commissioners, stating that the Merced County General Plan needs to be updated and feels a water

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supply plan is needed before any more subdivisions are approved. She also stated that if this project were approved, there would be leap-frog effect.

Tom Stillman, applicant, stated that his family has farmed the property for 15 years. He states that neighbors within 300 ft. of his property state that they are ok with his project. He made an agreement with the Mayo Dairy nearby regarding soil on his property and improvements will be continually made. He asked for approval of his application.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, stated that no irrigation is available at this time. Currently the Stillman's property is farmed as one parcel. She stated that a water study is needed for the eastern Merced region.

Jean Okui, Representative from Farmland Trust, stated that she reviewed the staff report and did not see any mention of the fact that the proposed subdivision is bordered on the north and east by the Furey agricultural conservation easement. She is the holder of the easement and is obligated to protect against anything that may diminish the productive capability of the farmland.

Bryant Owens, Plainsburg Rd. Merced, read his letter into the record stating asking for denial of this application.

Maureen McCory stated her opposition to this application. She states that she knows this neighborhood since she was a child. She feels that agricultural land needs to be saved. She stated that wildlife is on the property. She asked the Commissioners to consider denying this project.

Lydia Miller, San Joaquin Raptor Rescue Center, submitted a 57 page letter for the record asking for denial of this application.

Mary Furey, Planada resident, stated that she has property to the north and west of Mr. Stillmans property. She asked if more homes would be built in the future on the Stillman property. This is the 3rd property split the Stillman's have done. An EIR is needed. The 20 acre split would need additional septic and well. She is worried about the water supply and leap frog development.

Rachel Cross, Winton, asked if the Stillman's ponds are used for watercraft testing.

Tom Stillman replied that his ponds are not being used for testing watercrafts and he stated that no parcels of his are near the Furey's property. He asked for approval of his application.

Bob Alhema, a Merced resident and owner of the property to the north of Mr. Stillman, stated he is currently building a building on his property and farming his land. He states that 20 acres is viable for farming. He states that there will be growth and this application is consistent with the General Plan.

The public hearing closed at 10:36 a.m.

The Commissioners took a 5 minute break.

MOTION: M/S BUENDIA - TANNER TO DENY MINOR SUBDIVISION APPLICATION NO. MS05-021. MOTION FAILED ON A 2 - 2 VOTE.

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MOTION: M/S MOBLEY - SLOAN TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND APPROVE MINOR SUBDIVISION APPLICATION NO. MS05-021. MOTION FAILED ON A 2 - 2 VOTE. (DUE TO A LACK OF A MAJORITY VOTE IN SUPPORT OF THIS MOTION, THE APPLICATION IS NOT APPROVED BY THE COMMISSION.)

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

October 25, 2006 will be the public hearing for the Riverside Motorsports project. The Final Environmental Impact Report for this project will be available on the afternoon of October 12, 2006.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:00 a.m.