



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Director

2222 "M" Street
Merced, CA 95340
(209) 385-7654
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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 10, 2007, 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; 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. 2nd EXTENSION No. EXT06-017 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009 - "Saddle Brook" - Maxwell Construction - To extend the expiration date of the residential subdivision tentative map consisting of 21 lots on 7.4 acres from Dec. 17, 2006 to Dec. 17, 2007. The project site is located on the south side of Olive Ave & 535 feet east of Jones Rd in the Winton area. The property is designated Winton SUDP - Agricultural-Residential land use in the General Plan and zoned AAgricultural-Residential (A-R). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****
- B. ADMINISTRATIVE USE PERMIT NO. AA05-062 – Antonio Brasil Dairy– The project site is 229 acres in size, being designated Agricultural in the General Plan and zoned A-1 (General Agricultural). It is located in the unincorporated area of Merced County, south of State Route (SR) 152, on the southwest corner of the intersection of SR152 and Flanagan Road, approximately four miles southwest of the unincorporated community of El Nido. While a portion of the project site lies within unincorporated Madera County, no active areas of the dairy would be located on this land. The dairy would have a capacity of 2,688 animal units (including 1,200 Holstein Milk Cows). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH****

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- C. CONDITIONAL USE PERMIT No. CUP06-010 - George Zambelli** - To establish a used auto sales lot on a 1.18 acre parcel. The property is located on the East side of North Buhach Road and is 290 feet North of Clover Avenue in the Merced area on land that is designated Atwater Area-of-Influence (General Commercial) and is zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**
- D. CONDITIONAL USE PERMIT No. CUP06-009 - Lee Roy Gonzales** - To establish a farm equipment repair shop on a 2.9 acre parcel located on the south side of Oak St, approximately 2,100 feet east of Mariana Rd in the Delhi 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. GB**
- E. MINOR SUBDIVISION APPLICATION No. MS06-066 - Dale Anthenien** - To divide a 116.6 acre parcel into 3 parcels: Parcel #1 = 37.1 acres, Parcel #2 = 39.9 acres, Parcel #3 = 39.6 acres on property located east of Azevedo Road, approximately 1/4 mile north of Taglio Road in the Gustine area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**
- F. MINOR SUBDIVISION APPLICATION No. MS06-068 AND ZONE VARIANCE No. ZV06-009 - Steve Perry / Keith Moore** - To vary from the minimum A-1 parcel size and validate two parcels illegally split by deed after adoption of the California Subdivision Map Act, dividing a 1.55 acre parcel into two parcels: #1 = 0.55 Acres, #2 = 1 acre on property located at the southeast corner of Eucalyptus Ave & Center Ave in the Dos Palos area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**
- G. REVOCATION APPLICATION No. REV06-001 TO REVOKE CONDITIONAL USE PERMIT APPLICATION No. CUP98-025 – Edward and Judith Keegan** – To revoke a Conditional Use Permit and other land use approvals allowing the property located at the southwest corner of State Highway 140 and Watts Street in the Planada SUDP to be operated as a used car sales lot and auto repair shop. The subject property is generally known as Assessors Parcel Number 037-030-020, is designated Planada SUDP general Commercial by the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**
- H. MAJOR SUBDIVISION APPLICATION No. MAS06-017 - Parkway South, Inc.** - To divide a 150 acre residential development known as 'The Parkway' into a total of 9 parcels. Proposed lots 1 through 6 creates the boundaries to 'Villages' I, III, V-A, V-B, and VII-A and VII-B. Lot A would create a 0.08 acre park strip; Lot B would create a 5.43 acre linear park and Lot C would create a 1.9 acre utility parcel. The property is located between Highway 33 and Hillsdale Avenue and 1 mile north of Highway 152, in the Santa Nella area. The project site is designated Santa Nella Community Plan Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**
- I. CONDITIONAL USE PERMIT APPLICATION No. CUP06-013 – Ramiro Rodriguez** - To locate a semi-mobile food vendor on property located northwest of the intersection of Stephens Street and Schendel Avenue in the Delhi area. The project site is designated as Delhi SUDP Commercial in the General Plan and zoned C-2 (General Commercial) (.73 acres). **TO APPROVE, DISAPPROVE, OR MODIFY THE APPLICATION. GB**



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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 JANUARY 10, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 10, 2007, 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 9:15 a.m., on January 10, 2007, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Deidre Kelsey swore in new Commissioner Cindy Lashbrook to the Planning Commission.

Commissioners Present: Commissioner Jack Mobley
 Commissioner Steve Sloan-Chairman
 Commissioner Cindy Lashbrook
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 Jeff Wilson, Code Compliance Manager
 Oksana Newmen, Planner II
 David Gilbert, Senior Planner

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: Commissioner Lynn Tanner

III. APPROVAL OF MINUTES

NONE

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. 2nd EXTENSION No. EXT06-017 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009 - "Saddle Brook" - Maxwell Construction - To extend the expiration date of the residential subdivision tentative map consisting of 21 lots on 7.4 acres from Dec. 17, 2006 to Dec. 17, 2007. The project site is located on the south side of Olive Ave & 535 feet east of Jones Rd in the Winton area. The property is designated Winton SUDP - Agricultural-Residential land use in the General Plan and zoned Agricultural-Residential (A-R). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

Planner Oksana Newmen presented the Staff Report and Recommendation dated January 10, 2007.

The public hearing opened at 9:26 a.m.

Guy Maxwell, applicant, asked for the 1 year extension and approval.

Lola Hill, neighbor, asked if the sewage treatment plant is going to be approved with this extension.

Bill Nicholson, Assistant Development Services Director, explained that the applicant must obtain a can and will serve letter for their subdivision. The applicant has a reserved capacity for the project already.

The public hearing closed at 9:28 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 2nd EXTENSION No. EXT06-017 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE EXTENSION FOR 2nd EXTENSION No. EXT06-017 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009 TO DECEMBER 17, 2007 SUBJECT TO THE ORIGINAL FINDINGS AND ORIGINAL CONDITIONS WITH 4 ADDED PUBLIC WORKS CONDITIONS AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Approval of this extension shall extend the period of time for recording the final map to December 17, 2007. This condition replaces Condition #1 in the December 17, 2003 report.
2. The proposed storm-water drainage percolation basin shall be constructed to Merced County standard.
3. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
4. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No.1213.
5. The developer shall comply with all the standard condition of approval listed in the Planning Commission Resolution No. 97-1 (a copy was mailed to the developer with the staff report).
6. 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 location of the street trees shall be shown on the improvement plans.

Department of Public Works/Road Division

7. 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 systems and underground or relocate utilities and irrigation facilities. Improvement Level 1 requirements also apply to Parcel 1 as shown on the Parcel Map No. 3755 for Y.M.G Company, Inc.,

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recorded in Volume 78 of Parcel Maps at Pages 11 and 12, Merced County Records.

8. Release and relinquish all abutters' rights of access to and from the entire Olive Avenue frontage of Lots 1 and 21.
9. Construct a County Standard residential, or offset, cul-de-sac bulb with curb, gutter, sidewalk, and street light at the end of McConnell Avenue to provide direct access to the County park and proposed drainage basin. The County will participate in the construction of the improvements.
10. Replace all irrigation pipelines located within proposed roadbed areas, which do not conform to Merced County Improvement Standards and Specifications.
11. 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.
12. Provide centerline striping for these new roads, which intersect the existing peripheral streets.
13. 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, 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
14. 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.
15. The developer may be required to enter into an Improvement Agreement with Merced County (in conformance with Article 2.5 of Chapter 4 of Division 1 of the Government Code) prior to recording a Final Map to provide necessary infrastructure to the satisfaction of the Merced County Department of Public Works.
16. The applicant shall submit a current 'Sewer/Water Commitment Notice' issued by the Winton Water and Sanitary District for Major Subdivision No. 01009, prior to recordation of the final subdivision map.
17. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
18. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.
19. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.
20. The project shall be subject to the revised Winton Bridge and Major Thoroughfare Area of Benefit Fee, payable at building permit issuance, as adopted by the Board of Supervisors Resolution No. 2005-223.

Merced Irrigation District (MID)

21. The Applicant/Owner, upon development of the storm drainage basin and Lots 12, 13 and 14, is required to construct a fence along the MID Frontage outside the MID fee strip.

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22. A Storm Drainage Agreement must be executed between the property owner and MID before MID will accept any drainage water from the project. Improvements to MID facilities may also be required for the acceptance of storm water.

- B. ADMINISTRATIVE USE PERMIT NO. AA05-062 – Antonio Brasil Dairy**– The project site is 229 acres in size, being designated Agricultural in the General Plan and zoned A-1 (General Agricultural). It is located in the unincorporated area of Merced County, south of State Route (SR) 152, on the southwest corner of the intersection of SR152 and Flanagan Road, approximately four miles southwest of the unincorporated community of El Nido. While a portion of the project site lies within unincorporated Madera County, no active areas of the dairy would be located on this land. The dairy would have a capacity of 2,688 animal units (including 1,200 Holstein Milk Cows). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

Senior Planner David Gilbert presented the Staff Report and Recommendation dated January 10, 2007.

The public hearing opened at 9:41 a.m.

Antonio Brasil, applicant, asked for approval of this application.

The public hearing closed at 9:42 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CERTIFIES THE ENVIRONMENTAL IMPACT REPORT, ADOPTS THE CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONDITIONS, THE MITIGATION MONITORING PROGRAM PREPARED FOR ADMINISTRATIVE USE PERMIT NO. AA05-062.

MOTION: M/S MOBLEY – BUENDIA, AND UNANIMOUSLY CARRIED/CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 10, 2007, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES ADMINISTRATIVE USE PERMIT NO. AA05-062 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit Application No. 05-062 is granted for the construction and operation of a 2,688 animal unit milk cow dairy on 229 acres of land.
2. The Antonio Brasil Dairy 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.
3. All mitigation measures identified in the Environmental Impact Report 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 Departments.

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5. 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 administrative permit.
6. The applicant shall obtain all necessary permits, and comply with all applicable regulations administered by Federal, State, and County agencies.
7. To ensure the Madera County portion of the project planned for wastewater application is operated in accordance with environmental standards, all Merced County ACO requirements, including those related to the implementation of a CNMP and the agronomic application of wastewater, shall apply to those portions of the project within Madera County.

Merced County Department of Public Works Road Division:

8. The applicant shall obtain an encroachment permit from the Department of Public Works Road Division, pay plan check and inspection fees, and construct one agricultural rural driveway approach for the solitary access onto Flanagan Road proposed to serve the dairy facility, along with a 100 watt street light mounted on a wooden pole to illuminate said access. The driveway approach shall be constructed prior to completion and use of the milk barn.

State Water Resources Control Board:

9. Prior to the initiation of grading, the project applicant will be required by State law to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. Obtaining a General Construction Activity Stormwater Permit and a NPDES permit from the SWRCB and implementing all requirements of the permit, including those listed above, would avoid soil erosion and siltation effects.

California Department of Transportation:

10. As requested by Caltrans, Regional Transportation Impact fees, as applicable, shall be collected by Merced County, prior to utilizing the administrative permit. In addition, any improvements to the SR-152/Flanagan Road intersection as part of the Roadway Impact Agreement shall satisfy current Department standards.

- C. CONDITIONAL USE PERMIT No. CUP06-010 - George Zambelli - To establish a used auto sales lot on a 1.18 acre parcel. The property is located on the East side of North Buhach Road and is 290 feet North of Clover Avenue in the Merced area on land that is designated Atwater Area-of-Influence and is zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB****

This item has been referred back to Planning Staff and continued to an unknown Planning Commission date.

10 Minute Break

- D. CONDITIONAL USE PERMIT No. CUP06-009 - Lee Roy Gonzales** - To establish a farm equipment repair shop on a 2.9 acre parcel located on the south side of Oak St, approximately 2,100 feet east of Mariana Rd in the Delhi 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. GB**

Planner David Gilbert presented the Staff Report and Recommendation dated January 10, 2007.

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

Commissioner Lashbrook asked what happens when the conditions are not followed.

Planner Gilbert indicated that violations are handled by the Code Enforcement staff and this application can be revoked if the applicant does not comply with the conditions. The neighbors can call the County Code Enforcement Division if they are not complying with the conditions.

Mike Smith, CCPS, asked if Condition #7 can be modified to allow the applicants to ride their go carts on the holidays as well. The go carts are not kept on site and are only for the applicants grandchildren.

Jennifer Pickleseimer, neighbor, stated that she is concerned with the pollution from the go carts. Her property is 150 feet away from the go cart track. She is in objection to allow the applicant to ride on the holidays. Planner Gilbert indicated that the operating hours are from 10am to 5pm, limited to weekends only. Ms. Pickleseimer feels that the property value around the area will go down and she is against the go carts being there.

Walter Wall, County Counsel, stated that the go cart activity is allowed by right in that zoned area. There are no violations by the applicant according to the noise ordinance. He feels the conditions are reasonable at 4 days a month to allow go cart riding. The applicant must comply with the conditions. He also stated that the Commission has the ability to modify the conditions.

Lee Roy Gonzales, applicant, stated that he is not building the carts on his property. The property is only being used to repair farm equipment.

Commissioner Mobley asked Mr. Gonzales if he is willing to not run the go carts in the back by the neighbors property. Mr. Gonzales replied yes, he is willing to put up a concrete barrier as well.

The public hearing closed at 10:32 a.m.

MOTION: M/S MOBLEY - LASHBROOK, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP06-009 FROM CEQA.

MOTION: M/S MOBLEY – LASHBROOK, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 10, 2007, AND MAKES THE 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. CUP06-009 SUBJECT TO THE 15 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. CUP06-009 is to establish an agricultural equipment repair business in an existing building, and to authorize the construction of office space directly adjacent to the repair building.
2. The applicant shall comply with all standard conditions of approval listed in the Planning Commission Resolution No. 97-1 (except No. 12, and 13).
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 comply with all applicable County, State and Federal regulations.
5. The hours of operation for the agricultural repair shop shall occur between the hours of 8am to 6pm Monday through Saturday.
6. The applicant is permitted to employ up to four full time employees for the agricultural repair shop.
7. The hours of operation for the private go-cart track use shall occur between the hours of 10am and 5pm exclusively, and be limited to weekend and holiday use only for a total of four days in a month.
8. The applicant shall properly maintain the go-carts used on the site in a manner that reasonably considers the peace of the surrounding neighbors. This condition includes maintaining factory equipped exhaust and muffler/baffler systems on the go carts, and performing mechanical adjustments to the go cart motors to prevent excessive air pollutant emissions and noise.

Commerce Aviation and Economic Development Department Condition:

9. 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:

10. A Hazardous Materials Business Plan must be submitted to the Division of Environmental Health. Contact the Hazardous Materials Program Specialist, Vickie Hayer, at (209)381-1083.

Public Works Department Conditions:

11. The applicant shall comply with any building and fire department conditions that apply to the activities done on site so as to provide the necessary protection from fire hazards.
12. The applicant shall provide adequate drainage onsite, in order to prevent the drainage of water to adjacent properties.
13. The project shall provide the necessary level of maintenance to the equipment stored on site so as to not have a detrimental effect on surface or groundwater resources.
14. To complete the property owner's half of 60 foot ultimate road right-of-way, the property owner shall dedicate an additional 10 feet of road right-of-way to the County of Merced along the entire Oak Street frontage. The necessary deed(s), legal description(s), and exhibits shall be prepared by a California Licensed Land Surveyor or Civil Engineer authorized to perform land surveying.

Turlock Irrigation District Conditions:

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

- E. MINOR SUBDIVISION APPLICATION No. MS06-066 - Dale Anthenien** - To divide a 116.6 acre parcel into 3 parcels: Parcel #1 = 37.1 acres, Parcel #2 = 39.9 acres, Parcel #3 = 39.6 acres on property located east of Azevedo Road, approximately 1/4 mile north of Taglio Road in the Gustine area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Senior Planner David Gilbert presented the Staff Report and Recommendation dated January 10, 2007.

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

Jessie Slone, Environmental Scientist, stated that the general rule does not apply to this project. There will be impacts to the east of the property and loss of agricultural land.

Chairman Sloan asked if Mr. Slone has done a site visit. Mr. Slone answered no, but he based his comments on documents he has read.

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Richard Wright, Grassland Water District, stated that he is concerned with this application as well. There will be increased noise and danger to species in the area. He asked the Commission to study the issues prior to approval.

Osha Maserve, Grassland Water District, stated that she is concerned with agricultural splits. She states that the area is important habitat for species. This project needs environmental review. She feels the General Rule exemption does not apply to this project. She asked that this application be denied.

The public hearing closed at 11:04 a.m.

Commissioner Lashbrook indicated that this project is in need of Environmental Review.

Walter Wall, County Counsel, explained that the general exemption for CEQA is allowable and there are no significant environmental impacts.

Commissioner Lashbrook also stated that the General Plan needs to be updated. Mr. Wall explained that the General Plan is currently being discussed for update.

Commissioner Mobley asked if the use of the land will be changing. Planner Gilbert replied no, it will be the same.

1ST MOTION: LASHBROOK – DIED FOR LACK OF A SECOND.

2ND MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 – 1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-066, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 – 1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 10, 2007, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-066 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Hearing Officer Approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the 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, consistent with Ordinance No. 1213.

Department of Public Works/Road Division

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4. To complete the property owner's half of a 60-foot right-of-way width for Taglio Road and Azevedo Road; the property owner shall dedicate to the County of Merced, annotated on the parcel map, a 10-foot width of road right-of-way along the entire frontages of Taglio Road and Azevedo Road.

F. MINOR SUBDIVISION APPLICATION No. MS06-068 AND ZONE VARIANCE No. ZV06-009 - Steve Perry / Keith Moore - To vary from the minimum A-1 parcel size and validate two parcels illegally split by deed after adoption of the California Subdivision Map Act, dividing a 1.55 acre parcel into two parcels: #1 = 0.55 Acres, #2 = 1 acre on property located at the southeast corner of Eucalyptus Ave & Center Ave in the Dos Palos area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Senior Planner David Gilbert presented the Staff Report and Recommendation dated January 10, 2007.

The public hearing opened at 11:29 a.m.

Kevin Hamill, representing the applicant, asked for approval of this application.

The public hearing closed at 11:30 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-068 AND ZONE VARIANCE No. ZV06-009 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 JANUARY 10, 2007, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-068 AND ZONE VARIANCE No. ZV06-009 SUBJECT TO THE 6 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. Zone Variance Application No. ZV06-009 shall be valid as long as Minor Subdivision Application No. MS06-068 is valid.
3. The applicant shall comply with all applicable County, State and Federal regulations.
4. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits for homes to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

Environmental Health Division

5. The applicant shall show wells and sewage disposal systems and 100% replacement areas on the plot plan.

Public Works/Road Division

6. The new home and any other structures shall be located such that they are a minimum of 20 feet from the future ultimate right-of-way width for Center Avenue which is 60 feet, 30 feet from of which fronts the subject property. The ultimate right-of-way shall include a 50 foot radius (fillet) at the southeast corner of Eucalyptus Avenue and Center Avenue. The new home and any other structures shall be located such that they are a minimum of 20 feet from the Eucalyptus Avenue right-of-way width which is 60 feet, 30 feet of which fronts the subject property.

G. REVOCATION APPLICATION No. REV06-001 TO REVOKE CONDITIONAL USE PERMIT APPLICATION No. CUP98-025 – Edward and Judith Keegan – To revoke a Conditional Use Permit and other land use approvals allowing the property located at the southwest corner of State Highway 140 and Watts Street in the Planada SUDP to be operated as a used car sales lot and auto repair shop. The subject property is generally known as Assessors Parcel Number 037-030-020, is designated Planada SUDP general Commercial by the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

Code Compliance Manager Jeff Wilson presented the Staff Report and Recommendation dated January 10, 2007.

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

Judith Keegan, owner, stated that she has been trying to get the operator, Mr. Ledezma, to comply with the conditions. She asked the operator to remove the trailer that was on the property, but another trailer was put back on the property. She doesn't want to run Mr. Ledezma out of business.

David Fuentes, Code Enforcement Officer, stated that he has been working on this project since May 1999. He has worked with the owner and the operator and went over the conditions and had extended the time lines several times. The Planada MAC is aware of this project and recommends the project to be revoked. The owner and the operator were both notified of non-compliance.

Mr. Wilson indicated he is concerned that the owner will have to pay the \$900 outstanding compliance fee. The property owner must pay that however.

Chairman Sloan stated that he would allow a 30 day continuance to give the owner and the operator more time to clean up the property. Ms. Keegan accepted the 30 day allowance, but asked what will happen if Mr. Ledezma doesn't comply. Chairman Sloan indicated that the permit will be revoked.

Ms. Keegan stated that she signed an easement with the County to put in curbs and gutters around the property, but that never happened.

Bill Nicholson, Assistant Development Services Director, explained that Public Works put in curb and gutters in the Planada area along the Hwy 140 frontage, but there was limited money on the grant, so certain parts of Hwy 140 were done and some were not.

Mrs. Keegan indicated that she will do what she can to get Mr. Ledezma to comply.

The public hearing closed at 11:55 a.m.

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MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION AGREES TO CONTINUE THIS APPLICATION TO 30 DAYS – FEBRUARY 14, 2007 - TO ALLOW THE OWNER AND OPERATOR TO COMPLY WITH THE CONDITIONS IN THE STAFF REPORT.

- H. MAJOR SUBDIVISION APPLICATION No. MAS06-017 - Parkway South, Inc. -** To divide a 150 acre residential development known as 'The Parkway' into a total of 9 parcels. Proposed lots 1 through 6 creates the boundaries to 'Villages' I, III, V-A, V-B, and VII-A and VII-B. Lot A would create a 0.08 acre park strip; Lot B would create a 5.43 acre linear park and Lot C would create a 1.9 acre utility parcel. The property is located between Highway 33 and Hillsdale Avenue and 1 mile north of Highway 152, in the Santa Nella area. The project site is designated Santa Nella Community Plan Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

Planner Oksana Newmen presented the Staff Report and Recommendation dated January 10, 2007.

The public hearing opened at 12:02 p.m.

David Downs, representative for Parkway South, stated that he is available to answer any questions the Commission may have. He states that this is being divided to sell off.

Walter Wall, County Counsel, stated that it is his understanding that the Regional Water Quality Control Board is the responsible state agency for on site contamination remediation. Condition #3 should be modified to state "limited to" the Regional Water Quality Control Board.

There was discussion between Mr. Downs and Bill Nicholson indicated that they are not sure who is finally responsible for on site contamination remediation.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. MAS06-017 FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 10, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. MAS06-017 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.

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2. Approval of this application does not remove from the property owner the requirement to comply with all conditions of approval for Major Subdivision Application No. MAS03-010, Major Subdivision Application No. MAS03-015 (as amended by Minor Modification No. MM05-005) and Extension No. EXT05-011, as required for recordation of their respective Final Maps.
3. No final map shall be recorded for any portion (Village) of 'The Parkway' previously approved under Major Subdivision Applications MAS03-010 and MAS03-015, until the County has received final confirmation from all responsible state agencies that on-site contamination caused by leakage from the previously existing oil pipeline has been fully remediated.
4. The applicant shall file any necessary final map extension requests during the site remediation process.
5. A condition monitoring fee of **\$245.00** shall be required prior to the recordation of the Final Map.

- I. CONDITIONAL USE PERMIT APPLICATION No. CUP06-013 – Ramiro Rodriguez - To locate a semi-mobile food vendor on property located northwest of the intersection of Stephens Street and Schendel Avenue in the Delhi area. The project site is designated as Delhi SUDP Commercial in the General Plan and zoned C-2 (General Commercial) (.73 acres). TO APPROVE, DISAPPROVE, OR MODIFY THE APPLICATION. GB**

Planner Oksana Newmen presented the Staff Report and Recommendation dated January 10, 2007.

The public hearing opened at 12:15 p.m.

Mike Smith, CCPS, explained that the only food the applicant will be selling is hotdogs, chips and sodas and the semi-mobile food vendor will be pulled behind a truck to the proposed area. He asked for approval of this application.

Chairman Sloan asked if the Delhi MAC had any concerns. Mr. Smith responded that the Delhi MAC only has problems with the cleanliness of the area because currently there is a taco truck and litter has been a problem there in the past.

The public hearing closed at 12:18 a.m.

MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP06-013 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 JANUARY 10, 2007, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP06-013 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No CUP06-013 is intended for the use of a Mobile Food Cart on an existing 0.73 acre parcel containing an existing grocery market, barber shop, mobile catering truck, and shall be developed in a manner that is consistent with the approved plot plan.
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 comply with all applicable County, State and Federal regulations.
5. Two (2) parking spaces shall be designated for the mobile food cart use on site as per the requirements of the Merced County Zone Code.
6. The mobile food cart shall be moved off site after the end of each business day.
7. The hours of operation shall be from 10:00 am to 10:00 pm and is approved to be open seven (7) days per week.
8. The applicant shall operate the mobile food cart in a manner that is consistent with the Operational Statement submitted for this application.

Commerce Aviation and Economic Development Department Condition:

9. 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.

Merced County Environmental Health Division:

10. Applicant must contact Hassan Golbad (209) 381-1077 for requirements.
11. During all hours of operation, the staff must have access to a restroom, which has been approved by Environmental Health Division.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Foster Farms submitted correspondence in hopes to come to agreements with the Riverside Motorsports Park project.

Bill Nicholson explained to new Commissioner Cindy Lashbrook the General Plan update process.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 12:35 p.m.