



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF MARCH 14, 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; Cindy Lashbrook; Lynn Tanner; Rudy Buendia; Steve Sloan, Chairman

**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. CUP06-015 - Rod Espinoza - To establish a vehicle impound & storage yard on a 1.25 acre parcel on property located at the northeast corner of Broadway and Station Avenue in the Atwater area. The project site is designated Atwater SUDP - Highway Interchange Center and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the February 14, 2007 meeting. DG****
- B. ZONE CODE TEXT AMENDMENT No. ZCTA06-001 – Dan & Brian Anderson - To amend Chapter 18.02 of the Merced County Zoning Code, Agricultural Zones; Section 18.02.02, allowable land uses and permit requirements; to allow existing mini-storage facilities to expand as an allowed use in all agricultural zones that are within a city's sphere of influence in Merced County. **THE ACTION REQUESTED IS TO RECOMMEND THE BOARD OF SUPERVISORS APPROVE, DISAPPROVE OR MODIFY THE AMENDMENT. DG****
- C. MINOR SUBDIVISION APPLICATION No. MS07-003 - Martin Hadley - To divide 39.6 acres into two 19.8 acre parcels on property located approximately one-quarter mile north of Gillette Rd & east of Simonson Road in the Le Grand area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

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- D. MINOR SUBDIVISION APPLICATION No. MS06-045 - Daniel Carroll - To divide a 67.4 acre parcel into a 28.7 acre and a 38.7 acre parcel located northeast of Snyder Road and Orchard Road in the Gustine area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK****

**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 Development Services 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**

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## **MINUTES FOR MEETING OF MARCH 14, 2007**

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of March 14, 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 9:09 a.m., on March 14, 2007, 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 Cindy Lashbrook  
   Commissioner Rudy Buendia

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

Legal Staff:                        Walter Wall, Deputy County Counsel

Commissioners Absent:        None

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

**M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 14, 2007 AND FEBRUARY 28, 2007.**

### **IV. CITIZEN COMMUNICATIONS**

None

### **V. PUBLIC HEARINGS**

**A.      CONDITIONAL USE PERMIT No. CUP06-015 - Rod Espinoza - To establish a vehicle impound & storage yard on a 1.25 acre parcel on property located at the northeast corner of Broadway and Station Avenue in the Atwater area. The project site is designated Atwater SUDP - Highway Interchange Center and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the February 14, 2007 meeting. DG****

This application has been withdrawn at the request of the applicant.

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- B. ZONE CODE TEXT AMENDMENT No. ZCTA06-001 – Dan & Brian Anderson** - To amend Chapter 18.02 of the Merced County Zoning Code, Agricultural Zones; Section 18.02.02, allowable land uses and permit requirements; to allow existing mini-storage facilities to expand as an allowed use in all agricultural zones that are within a city's sphere of influence in Merced County. **THE ACTION REQUESTED IS TO RECOMMEND THE BOARD OF SUPERVISORS APPROVE, DISAPPROVE OR MODIFY THE AMENDMENT. DG**

Planner David Gilbert presented the Staff Report and Recommendation dated March 14, 2007. It was recommended that the second bullet point on page 1 of the Planning Commission report be changed to state the following: "is consistent with the City's General Plan and/or Development Standards".

The public hearing opened at 9:17 a.m.

Dan Anderson, applicant, had a misunderstanding of the recommendation from the City of Gustine regarding the 80% building coverage.

Mr. Gilbert explained that Mr. Anderson has 5 acres and 80% of that is covered with the building and the rest would be covered with landscaping or parking area.

Mr. Anderson added that the building has existed for 17 years and would only like to expand in the back portion, so there will be no road frontage added. The area is changing from agricultural to other uses. Currently, there are changes being made to annex part of that area into the City of Gustine for development.

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

**MOTION: M/S TANNER - MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS ZONE CODE TEXT AMENDMENT No. ZCTA06-001, FROM CEQA GUIDELINES 15060(c)(2).**

**MOTION: M/S TANNER - MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE ZONE CODE TEXT AMENDMENT No. ZCTA06-001 AND RECOMMENDS THAT THE MINI-STORAGE EXPANSION BE CONSISTENT WITH THE CITY'S GENERAL PLAN AND/OR DEVELOPMENT STANDARDS.**

- C. MINOR SUBDIVISION APPLICATION No. MS07-003 - Martin Hadley** - To divide 39.6 acres into two 19.8 acre parcels on property located approximately one-quarter mile north of Gillette Rd & east of Simonson Road in the Le Grand area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner David Gilbert presented the Staff Report and Recommendation dated March 14, 2007.

The public hearing opened at 9:29 a.m.

Duane Andrews, Golden Valley Engineering, stated that the applicant will be creating a homesite on one parcel and they will apply for a convey and combine application after this Minor Subdivision is approved. He has issues regarding Condition #3 and #4. He states that a landowner can't grant himself an easement and once the applicant recombines the parcels, the easements will be removed. He

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doesn't need any easements for his homesites. They can show an irrigation easement to be granted by a separate instrument, if necessary, on the map. They can't record that prior to the final map.

The public hearing closed at 9:31 a.m.

Chairman Sloan made the modifications to Condition #3 and Condition #4 to remove the word "recorded" and replaced with "shown".

**MOTION: M/S TANNER – MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS07-003 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 14, 2007, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS07-003 SUBJECT TO THE 4 CONDITIONS WITH MODIFICATIONS BEING MADE TO CONDITION #3 AND CONDITION #4 TO REMOVE THE WORD "RECORDED" AND REPLACED WITH THE WORD "SHOWN" FROM EACH CONDITION 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. An irrigation easement shall be shown on the parcel map so that irrigation water is provided to both parcels
4. A minimum 20 foot wide access easement with an all weather surface shall be provided from Parcel 1 to the Remainder Parcel as shown on the approved tentative map. This access easement shall be shown on the parcel map prior to recordation of the Parcel Map.

- D. MINOR SUBDIVISION APPLICATION No. MS06-045 - Daniel Carroll - To divide a 67.4 acre parcel into a 28.7 acre and a 38.7 acre parcel located northeast of Snyder Road and Orchard Road in the Gustine area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK**

Commissioner Lashbrook requested to be excused from discussion and voting on this application due to a financial conflict of interest. Commissioner Lashbrook left the Board Room.

Planner Oksana Newmen presented the Staff Report and Recommendation dated March 14, 2007.

The public hearing opened at 9:39 a.m.

Martin Miller, neighbor, stated that over the years he has watched the parcels in the area get smaller. He has a concern with the drainage from the applicant's property. The water drains down to his parcel and is close to the roadway.

Chairman Sloan suggested to Mr. Miller that he discuss the issue with the Central California Irrigation District, since they are the providers for his water. He also indicated that there is new law that requires a property owner to keep drainage water on their property. Mr. Miller agreed to talk with CCID. Chairman Sloan also added that if the drainage was going onto County property then the County could do something about the problem.

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

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, WITH COMMISSIONER LASHBROOK EXCUSED FROM VOTING, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-045 FROM CEQA.**

**MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, WITH COMMISSIONER LASHBROOK EXCUSED FROM VOTING, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 14, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-045 SUBJECT TO THE 6 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 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 recorded prior to issuance of any building permits to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

Public Works Road Division

4. The owner shall provide a 20-foot wide private ingress and egress easement across proposed Parcel 1& 2 to provide to APN #069-280-037 with access to a publicly maintained road. The easement shall be annotated on the parcel map.
5. The owner shall dedicate a 50-foot radius for road purposes at the intersection of Orchard Road and Snyder Road. Dedication shall be on the parcel map.
6. Private irrigation easements shall be annotated on the parcel map .

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

Bill Nicholson discussed the General Plan update Focus Group meetings which should begin in April 2007.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:50 a.m.