

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF MAY 23, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of May 23, 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 May 23, 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

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

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: Commissioner Rudy Buendia

III. APPROVAL OF MINUTES

M/S MOBLEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF APRIL 25, 2007.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. MS07-011 AND CONDITIONAL USE PERMIT APPLICATION No. CUP07-005 - Pacific Holt Corporation - To divide 32.15 acres into a 5.0 acre parcel and a 27.15 acre remainder parcel; and to allow the construction of a 16,000 square foot building for an agricultural well drilling and repair business. The project is located on the south side of Vassar Avenue, 600 feet east of State Highway 59. 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 May 23, 2007. He handed out a letter with 3 additional Merced Irrigation District conditions.

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

MERCED COUNTY PLANNING COMMISSION

Minutes – May 23, 2007

Page 2

Christine Lin, Golden Valley Engineering, stated that she would be available to answer any questions the Commission may have.

The public hearing closed at 9:22 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS07-011 AND CONDITIONAL USE PERMIT APPLICATION No. CUP07-005 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 MAY 23, 2007, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS07-011 AND CONDITIONAL USE PERMIT APPLICATION No. CUP07-005 SUBJECT TO THE 21 CONDITIONS WITH 3 MERCED IRRIGATION DISTRICT CONDITIONS BEING ADDED AS 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. Conditional Use Permit Application No. CUP07-005 is granted for the construction of the welling drilling, pumping, and repair operation, which shall be located, developed, and operated in a manner as described on the approved plot plan, submitted application, and operational statement, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Planning Director.
3. The applicant shall comply with all applicable County, State and Federal regulations.
4. 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.
5. The applicant/property owner shall enter into a Development Agreement with Merced County to insure the construction of the well drilling, pumping, and repair facility within two years of approval of Conditional Use Permit Application No. CUP07-005. If the facility is not constructed within the two year period, the 5.0 acre and 27.15 acre parcels shall be combined back into one 32.15 acre parcel.
6. Three copies of a landscaping & irrigation plan prepared by a licensed landscape architect or contractor shall be submitted for review and approval prior to issuance of a building permit. Landscaping and irrigation shall be installed per the approved plans prior to final inspection or issuance of a Certificate of Occupancy.
7. The site shall be maintained in a neat and orderly manner at all times.
8. All signs shall be subject to the standards in Chapter 18.42 of the Merced County Zoning Code.

MERCED COUNTY PLANNING COMMISSION

Minutes – May 23, 2007

Page 3

9. No use shall be permitted which creates dust, fumes, odors, vibrations, heat, glare, or electrical disturbances beyond the boundaries of the site.
10. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the project site, and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area.

Environmental Health Division

11. The applicant shall submit for approval a plot plan showing the proposed well and septic system location, and the required replacement area for a commercial facility of 300%.
12. Approved nitrogen reducing sewage disposal systems shall be installed, and the facility shall be required to be in a Zone of Benefit for operation and maintenance of these systems.

Department of Public Works/Road Division

13. The property owner shall dedicate to the County of Merced an additional 10 feet of right-of-way along the entire frontage of Vassar Avenue notated on the Parcel Map
14. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required fees, and improve Vassar Avenue fronting proposed Parcel 1. Said improvements shall include widening Vassar Avenue, overlaying existing pavement, constructing a paved rural agricultural driveway approach, installing a county standard street light near the entrance to the property and relocating any utilities in conflict with the proposed improvements. A paved driveway approach shall be constructed for the proposed remainder parcel. All work shall be per the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building and Safety Division (Building Permit Office) for any new structure.
15. The property owner shall provide a drainage plan for proposed Parcel 1, prepared by a licensed Civil Engineer per Merced County Drainage Manual and submit to Merced County DPW/Road Division for review and approval prior to the issuance of any building or encroachment permits. The applicant shall pay a review fee of \$500.00 to the DPW/Road Division for said review. The design shall direct storm run-off away from any public maintained roadway.

Public Works/Building and Safety Division

16. A building permit shall be obtained. Property owner/applicant shall submit four set of fully engineered plans and two sets of the engineering calculations. As a commercial business, this building shall be handicap accessible and shall be shown on the engineered plans.
17. The plot plan shall show the increased sized dumpster area and the recycling bins that shall be supplied as stated in the ordinance (see attached ordinance). This dumpster area shall be completed prior to issuance of any Certificate of Occupancy.

San Joaquin Valley Air Pollution Control District

18. Applicant/property owner shall obtain any applicable permit from the San Joaquin Valley Air Pollution Control District prior to issuance of a building permit.

MERCED COUNTY PLANNING COMMISSION

Minutes – May 23, 2007

Page 4

Merced Irrigation District

19. Any crossings over or under MID facilities will require the appropriate crossing agreements or easements between MID and the property owner.
20. If storm drainage from this project is proposed to discharge into the Hartley Lateral, it will require a “Subdivision Drainage Agreement” between the owner and the Merced Irrigation District Drainage Improvement District, including all applicable fees.
21. A “Construction Agreement” between the owner and the MID shall be executed for any work associated with MID facilities.

- B. ADMINISTRATIVE APPLICATION No. AA07-022 - Juan Macias** – To establish a semi-mobile food vendor business on property located at the corner of Buhach Road and Clover Avenue in the Atwater area. The project site is designated Atwater SUDP - General Commercial land use in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**

Planner Gene Barrera presented the Staff Report and Recommendations dated May 23, 2007.

The public hearing opened at 9:30 a.m.

Mike Smith, CCPS, asked for approval of this application and accepts the conditions listed in the staff report.

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

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. AA07-022 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 MAY 23, 2007, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. AA07-022 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions:

1. Administrative Application No AA07-022 is for the use of the operator of the Semi Mobile Food Vendor Business and vehicle, and shall function 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.

MERCED COUNTY PLANNING COMMISSION

Minutes – May 23, 2007

Page 5

3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$150** 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 hours of operation of the semi mobile food vending business will occur between the hours of 9:00 am and 6:00 pm, and will be open for business 7 days a week.
5. The applicant shall comply with all applicable County, State and Federal regulations.
6. Administrative Application No. AA07-022 shall not be transferable to another operator

Commerce Aviation and Economic Development Department Condition:

7. 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 Public Works Department Road Division Conditions:

8. The applicant shall position the semi-mobile food vendor truck on an acceptable location that is not within County road right-of-way, does not conflict with on-site vehicular movement, and does not obstruct sight visibility for the vehicles.
9. There shall be adequate onsite parking and maneuvering space for customers of the proposed food vendor.

The Merced County Public Health Department Environmental Health Division:

10. The mobile food preparation unit (mfpu). Operating at a fixed location, will be required to meet all structural and operation requirements of state law and Division of Environmental Health policies and procedures:
 - a. An approved commissary as a base of operations;
 - b. A fulltime electrical power supply to the mobile food preparation unit at the site;
 - c. Approved restrooms available within 200 ft. during al hours of operation; Contact Wendylyn Burns at the Division of Environmental Health at (209) 381-1074.

- C. MAJOR SUBDIVISION APPLICATION No. MAS06-015 - "August Ave. Subdivision" - Ronnie Givargis - To create a 24 lot residential subdivision on property located on the north side of August Road, approximately 1000 feet east of Hinton Ave in the Delhi area. The subject property is designated Delhi SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK****

Planner Robert King presented the Staff Report and Recommendations dated May 23, 2007.

The public hearing opened at 9:40 a.m.

Manny Souza, representative for the applicant, thanked Planning staff and will be available to answer any questions.

Gilbert Gutierrez, owner, stated that he has not come to an agreement with the buyer, Mr. Givargis, who is in the process of purchasing the property from him. He is meeting with his lawyer today to discuss agreements. He is against the subdivision.

Mr. Souza stated that the project is in conformance and the applicant would like this project approved.

Chairman Sloan disagreed with Mr. Souza and continued this item for 30 days to allow the applicant and owner time to come to agreement on the property before making a decision about the Major Subdivision application.

Rita Grand, neighbor, is opposed to this project. Her main concern is the Delhi sewer system. How is water going to be provided for a 24 lot subdivision? She asked the commission to allow subdividing for all land along August Road, not just the applicants property. This will cause her and her neighbors to drill deeper wells.

This item has been continued to the June 27, 2007 Planning Commission meeting.

- D. 2ND EXTENSION No. EXT07-005 TO MAJOR SUBDIVISION APPLICATION No. MAS 03-013 – Walter Soernsen** - To extend the tentative map expiration date to March 24, 2008 on property located at the northwest corner of Golf Road and Farmland Ave in the Merced area. The project site is designated Merced Rural Residential Center land use in the General Plan and is zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK**

Planner Robert King presented the Staff Report and Recommendations dated May 23, 2007.

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

No one spoke in favor or opposition to this application.

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

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS MITIGATED NEGATIVE DECLARATION PREPARED FOR 2ND EXTENSION No. EXT07-005 TO MAJOR SUBDIVISION APPLICATION No. MAS 03-013.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MAY 23, 2007, AND MAKES THE ORIGINAL 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE ORIGINAL 11 FINDINGS, APPROVES 2ND EXTENSION No. EXT07-005 TO MAJOR SUBDIVISION APPLICATION No. MAS 03-013 SUBJECT TO THE 25 CONDITIONS WITH CONDITIONS #1, 11, 12, 13 AND 14 BEING ADDED AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. **New Condition added for EXT07-005**
The applicant shall take no action in violation of the California Endangered Species Act, Fish and Game Code Sections 2081 and 1600, or any other provision of state or federal law pertaining to the protection and/or endangered species. Compliance with said laws shall be the sole and exclusive responsibility of the applicant, and the County of Merced shall be held harmless from and against any claims, whether by regulatory agency (s) or third party(s) in that regard.
2. The Final Map shall be recorded within two years of the Planning Commission approval.
3. Prior to recording the final map, the developer shall submit a landscaping plan to the Merced County Planning Department that provides for the installation of a fence and landscaping screen around the proposed storm water detention basin.
4. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
5. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$300.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

Environmental Health Division

6. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.
7. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.
8. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
9. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.
10. The subdivision shall be subject to new sewage disposal system requirements, effective November 18, 2005 which require special design onsite sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen. Such systems shall be operated and maintained by the property owner, and a Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new onsite treatment systems.

Public Works Department

11. **New Condition added for EXT07-005**
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.

12. **New Condition added for EXT07-005**
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.
13. **New Condition added for EXT07-005**
The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code and established by Ordinance No. 1749, in place at the time of building permit issuance.
14. **New Condition added for EXT07-005**
Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.
15. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and under grounding or relocation of utilities and irrigation facilities.
16. The applicant shall release and relinquish all abutter's rights of access to and from the entire Golf Road frontage of Lots 6, 7 and 8.
17. 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.
18. The developer shall provide centerline striping for those new roads which intersect existing peripheral streets.
19. The proposal shall provide for side and back yard drainage ditches, as applicable, on the lots in order to convey off site storm water runoff through the lot to a public roadside transmission facility and to prevent runoff onto an abutting lot.
20. The Golf Road roadside ditch, located within the right-of-way, shall have a maximum foreslope of 4:1 (horizontal:vertical) and backslope of 3:1. Additional right-of-way may be required to meet the minimum grading requirement.
21. Construction activities disturbing five or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project.
22. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.

Merced Irrigation District

23. Prior to recording the final map, the developer shall enter into a 'Subdivision

MERCED COUNTY PLANNING COMMISSION

Minutes – May 23, 2007

Page 9

Drainage Agreement' with the Merced Irrigation District and provide the County with a letter from the District stating that they will accept storm drainage water from this subdivision and that all applicable fees have been paid.

24. The developer shall enter into a "Construction Agreement" with the Merced Irrigation District for work associated with storm drainage discharge into the 'Tower Lateral'.
25. A signature block shall be provided for the Merced Irrigation District on all improvement plans associated with storm drainage discharge to MID facilities.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Robert Lewis gave an update on the General Plan Update Focus Groups. 3 meetings were held on May 21st and 3 more will be held on May 24th. Date, time and location information is available on the Planning Department website.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:04 a.m.