



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 8, 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 APPLICATION No. CUP07-009 - Surjit Toor - To establish an auto repair shop within two existing buildings on a .64 acre parcel. The project site is located on the southwest corner of Lander Avenue and First Street in the community of Hilmar. The Project site is designated Hilmar SUDP - General Commercial in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the July 25, 2007 meeting. GB****
- B. MINOR SUBDIVISION APPLICATION No. MS07-028 - Todd Machado - To divide a 264.75 acre parcel into 3 parcels: Parcel 1 = 20 acres, Parcel 2 = 87.11 acres and Parcel 3 = 157.64 acres. The property is located at the northeast corner of Gurr Road and Dickenson Ferry Road in the Merced area and 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. JH****

- VI. CORRESPONDENCE**

- VII. GENERAL BUSINESS**

- VIII. DIRECTOR'S REPORT**

- IX. ADJOURNMENT**

APPEALS

Any person may appeal any action of the 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, and for subdivisions, the deadline is the following Monday at 5:00 pm. 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
MINUTES FOR MEETING OF AUGUST 8, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of August 8, 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 9:04 a.m., on August 8, 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 Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 Kim Anderson, Recording Secretary
 Gene Barrera, Planner II
 James Holland, Senior Planner

Legal Staff: Fernanda Saude, Assistant County Counsel

Commissioners Absent: Commissioner Lynn Tanner
 Commissioner Cindy Lashbrook

III. APPROVAL OF MINUTES

M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JUNE 26, 2007; JUNE 27, 2007; AND JULY 11, 2007.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT APPLICATION No. CUP07-009 - Surjit Toor - To establish an auto repair shop within two existing buildings on a .64 acre parcel. The project site is located on the southwest corner of Lander Avenue and First Street in the community of Hilmar. The project site is designated Hilmar SUDP - General Commercial in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the July 25, 2007 meeting. GB**

Planner Gene Barrera presented the Staff Report and Recommendation dated August 8, 2007.

Commissioner Mobley asked if the number of parking spaces onsite will be sufficient enough for customers. He asked if there will be parking along the street on the side of the business.

Planner Gene Barrera explained that parking is discussed in the staff report. There is adequate parking for customers. Included is parking along the street and the southern part of the property.

The public hearing opened at 9:14 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:15 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 – 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP07-009 FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED AUGUST 8, 2007, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP07-009 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions:

1. Administrative Application No AA07-009 is granted for an Auto/Truck Service and Parts Center within two existing buildings, and shall be operated in a manner that is consistent with the plot plan and the Applicant's Operational Statement.
2. For the purpose of condition monitoring, an inspection fee in the amount of **\$150.00** 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 at the established hourly rate at the time of the inspection.
3. The applicant shall comply with all applicable local, state and federal standards and regulations.
4. The project shall be developed in conformance with the applicable provisions noted Planning Commission Resolution No. 97-1.
5. In order for the applicant to comply with County Noise Standards, the three (3) service bay doors facing County streets shall remain closed during servicing of vehicles. The interior service bay doors (not facing County streets) may remain open for ventilation and servicing of motor vehicles.
6. No vehicles awaiting service shall be parked on County streets.

Commerce Aviation and Economic Development Department Condition:

7. The applicant/owner shall obtain a Business License Permit from the Commerce Aviation and Economic Development Department 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.

Building and Safety Division Condition:

8. The applicant shall be required to retain the services of a California licensed engineer or architect to determine if the current buildings are suitable for the proposed use. Should work be required, plans must be drawn and submitted to the Building Division for review before a permit for the work will be issued. The licensed engineer or architect must also determine if any work needs to be done to make the buildings comply with dabbled access requirements. Any work to be done would also be included on the plans and submitted for Building Division review on the same permit.
9. The disabled parking space shown on the plot plan is illegal, as the loading zone should be located on the passenger side of the vehicle. A revised plot plan will be required noting this change prior to an issuance of building permits.

Environmental Health Division:

10. Hazardous material and hazardous wastes will be handled at the proposed facility. For this reason the proponent is to contact Vickie Hayer at (209) 723-4753 for information.

- B. MINOR SUBDIVISION APPLICATION No. MS07-028 - Todd Machado - To divide a 264.75 acre parcel into 3 parcels: Parcel 1 = 20 acres, Parcel 2 = 87.11 acres and Parcel 3 = 157.64 acres. The property is located at the northeast corner of Gurr Road and Dickenson Ferry Road in the Merced area and 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. JH****

Planner James Holland presented the Staff Report and Recommendation dated August 8, 2007.

The public hearing opened at 9:28 a.m.

Tim Miller with Miller Planning & Design Group and representing the applicant, indicated that this project was requested by the applicant so they could expand the dairy operation. Parcel #2 with 87 acres would be retained for farming and Parcel #1 that is 20 acres is an area used for composting a feed operation. The entire property will continue to be used for agricultural purposes. He asked for support and approval of this project.

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

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MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS07-028 FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED AUGUST 8, 2007, AND MAKES THE FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS07-028 SUBJECT TO THE 7 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. Prior to the approval of any residential building permits for Parcels 2 and 3, the property owner(s) shall consult with the Planning and Community Development Department to determine that any proposed dwelling is outside the 1,000 ft dairy buffer, or, that a waiver has been obtained.
4. 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.
5. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

Merced Irrigation District

6. The applicant will not discharge any drainage water from the property into MID facilities.
7. MID irrigation water delivery shall be ensured to all new parcels and an irrigation easement is provided from the existing irrigation delivery gate currently serving the whole property, if there is not an irrigation delivery located within each new parcel.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

The 2nd round of the General Plan update is in progress and meetings will start in September throughout Merced County.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

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There being no further business, the meeting adjourned at 9:35 a.m.