



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF OCTOBER 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; 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. CUP07-013 - Ranchers Tractor Company - To bring into conformance an existing tractor sales and service facility and to construct a 5,950 square foot addition to the existing service facility. The project is located at the northeast corner of Highway 59 and Vassar Avenue in the Merced 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. JH/BG****

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 OCTOBER 10, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of October 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 9:06 a.m., on October 10, 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
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 Brian Guerrero, Planner I

Legal Staff: Bob Gabriele, Deputy 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 SEPTEMBER 26, 2007.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT APPLICATION No. CUP07-013 - Ranchers Tractor Company - To bring into conformance an existing tractor sales and service facility and to construct a 5,950 square foot addition to the existing service facility. The project is located at the northeast corner of Highway 59 and Vassar Avenue in the Merced 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. JH/BG**

Planner Brian Guerrero presented the Staff Report and Recommendation dated October 10, 2007. Mr. Guerrero presented a requested modification to Finding #1 to reflect the non-conforming status of the tractor sales portion of the business. A letter was handed out to the Commissioners from the Public Works Department requesting a modification to Condition #5 regarding road dedication.

The public hearing opened at 9:10 a.m.

Tom Clendinin with Clendinin and Bros. Construction, stated that there is a gravel base on the property to prevent the farm equipment tires from tearing up. He asked if the right-of-way dedication be signed and approved by the Road Department before the Road Department signs off the building permit. He asked the Commission to allow him to proceed with construction and not wait approval to sign off.

Curt Royer, Public Works/Road Division, stated that Public Works would like the opportunity to review and coordinate with the applicant prior to the start of construction. They prefer not to proceed without getting the right-of-way signed off.

Chairman Sloan asked the Planning Staff to work out the wording for Condition #5.

Jerry Dingedine, Ranchers Tractor Company, asked if the applicant is to cover the cost for the surveying to be done for the easement. Chairman Sloan answered yes.

The public hearing closed at 9:16 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP07-013 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 OCTOBER 10, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT WITH A MODIFICATION TO FINDING #1 PRESENTED BY STAFF AND BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP07-013 SUBJECT TO THE 7 CONDITIONS WITH A MODIFICATION BEING MADE TO CONDITION #5 AS SET FORTH IN THE STAFF REPORT TO READ AS FOLLOWS:

Finding #1: Conditional Use Permit No. CUP07-013 proposes the construction and operation of a 5,950 square foot repair shop for an existing agricultural related equipment sales and repair business. The retail tractor sales are a lawful non-conforming use that has grandfathered status.

Conditions:

1. Conditional Use Permit No. CUP07-013 proposes the construction of a 5,950 square foot repair shop for an existing agricultural equipment sales and repair facility.
2. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (attached).
3. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$200** 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.

Public Works – Roads Division

5. To complete the property owner's half of a 60 foot ultimate right-of-way for Vassar Avenue, the property owner shall dedicate an additional 10 feet of right-of-way along the entire Vassar Avenue frontage of the property. This shall be done by a California Licensed Land Surveyor. The legal description and exhibits necessary for the dedication shall be submitted to the County Surveyor's Office for review.

Building and Safety Division

6. The applicant shall coordinate with the Building and Safety Division to bring existing buildings into conformance with the handicap accessibility regulations as provided in the 2001 California Building Code Chapter 11B. The applicant will need to hire a California licensed engineer or architect to review the property and draw any plans that may be needed to ensure compliance. Those plans will have to be submitted to the Building Department for our review and a building permit.

Merced Irrigation District

7. The applicant shall enter into a "Subdivision Drainage Agreement" or a "Deferred Fee Subdivision Drainage Agreement" with MID, paying all applicable fees, if project's storm drainage water is discharged into any MID facilities now, or in the future.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

The Planning Commission meetings for the month of November will be held on November 7th and November 28, 2007.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:23 a.m.

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Comments:
Creation Date: 10/9/2007 3:08:00 PM
Change Number: 12
Last Saved On: 10/17/2007 9:05:00 AM
Last Saved By: Information Systems
Total Editing Time: 411 Minutes
Last Printed On: 10/25/2007 3:00:00 PM
As of Last Complete Printing
Number of Pages: 3
Number of Words: 1,013 (approx.)
Number of Characters: 5,506 (approx.)