



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
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Equal Opportunity Employer

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 28, 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. CUP07-012 - John Garcia** - To bring into conformance an existing used car sales lot, located on 1.56 acres that includes recreational vehicle sales. The project site is located at the northwest corner of Ashby Road and Beachwood Drive in the Franklin-Beachwood area and designated Franklin-Beachwood 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. Continued from the October 24, 2007 meeting. JH**
- B. MINOR SUBDIVISION APPLICATION No. MS07-041 - Frank Baba** - To divide a 40.30 parcel into two parcels of 20.15 acres each on property located on the southwest corner of Linwood Road and Pepper Street in the Ballico 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. Continued from the November 5, 2007 meeting. BG**
- C. MINOR SUBDIVISION APPLICATION No. MS07-035 - Bear Creek Ranch Partnership** - To divide a 103.4 acre parcel into 4 parcels Parcel 1 = 32.12 acres and Parcels 2, 3 and 4 = 23.76 acres each in size on property located on the north side of Olive Avenue, ½ mile west of Arboleda Drive 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. Continued from the November 5, 2007 meeting. JH**

- D. **ADMINISTRATIVE APPLICATION No. AA07-077 - Maria Sanchez** - To establish a semi-mobile food vendor on an existing convenience store property located west of Hwy 59 South of Cone Avenue in the Merced area. The project site is designated General Commercial Land Use in the General Plan and zoned M-1 (Light Manufacturing). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the November 7, 2007 meeting. DG**
- E. **2ND EXTENSION No. EXT 07-023 TO MAJOR SUBDIVISION No. MAS03-019 - Chris Waterson** - To extend for one year an 18 lot residential subdivision on property located on the south side of Bloss Ave, 125 feet west of Pearl Street in the Hilmar area. The project site is designated Hilmar 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. DG**
- F. **CONDITIONAL USE PERMIT No. CUP07-026 - Victor Torres** - To establish an agricultural and farm related equipment repair shop on property located on the east side of Hwy 59, 1300 feet south of Mission Ave 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. DG**
- G. **ZONE VARIANCE No. ZV07-004 AND MINOR SUBDIVISION APPLICATION No. MS07-043 - Humberto Vera** - To vary from the minimum 20 acre parcel size in the A-1 zone and divide a 33.6 acre parcel into two parcels: Parcel 1 = 12 acres and Parcel 2 = 21.6 acres on property located on the east side of Central Avenue, 800 feet south of Almond Avenue in the Winton 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. BG**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

SCHEDULED ITEMS

- 11:00 AM **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** It is the intention of the Commission to meet in closed session concerning existing litigation pursuant to Government Code Section 54956.9 (a): seven cases. 5th DCA Case #F051540 SJRRC v. County of Merced (University Community Plan); 5th DCA Case #F050813 SJRRC v. County of Merced (ACO); Merced County Court case #148238 SJRRC v. County of Merced (Jaxon); Merced County Court case #150145 SJRRC v. County of Merced & Merced County Court case #150013/150014 Farm Bureau v. County of Merced (RMP); Merced County Court case #150017 & 150012 – SJRRC & Fagundes v. County of Merced (Black Diamond); Merced County Court case #150015 Farm Bureau v. County of Merced (Fox Hills); Merced County Court case #150549 Bull Field v. County of Merced (Hwy 59 Landfill).

X. 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 NOVEMBER 28, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of November 28, 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 November 28, 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 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
 James Holland, Senior Planner
 Brian Guerrero, Planner I
 David Gilbert, Senior Planner

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman

III. APPROVAL OF MINUTES

M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF NOVEMBER 7, 2007.

IV. CITIZEN COMMUNICATIONS

Tom Grave spoke about the General Plan policy for an application being considered "premature and uncoordinated".

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT APPLICATION No. CUP07-012 - John Garcia - To bring into conformance an existing used car sales lot, located on 1.56 acres that includes recreational vehicle sales. The project site is located at the northwest corner of Ashby Road and Beachwood Drive in the Franklin-Beachwood area and designated Franklin-Beachwood 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. Continued from the October 24, 2007 meeting. JH**

At the request of the applicant, Mr. Garcia, this application has been continued to the December 19, 2007 meeting.

MERCED COUNTY PLANNING COMMISSION

Minutes – November 28, 2007

Page 2

- B. MINOR SUBDIVISION APPLICATION No. MS07-041 - Frank Baba - To divide a 40.30 acre parcel into two parcels of 20.15 acres each on property located on the southwest corner of Linwood Road and Pepper Street in the Ballico 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. Continued from the November 5, 2007 meeting. BG****

Planner Brian Guerrero presented the Staff Report and Recommendations of approval dated November 28, 2007.

The public hearing opened at 9:20 a.m.

Duane Andrews, Golden Valley Engineering, stated that the owners have a deep well on the 35 acres and a separate well for the homesite.

Maureen McCrory, Valley Land Alliance, read a letter in for the record. The letter states that the Planning Commission should not approve any additional parcel splits on A-1 or A-2 zoned land under the CEQA “common sense” exemption. The current General Plan is in need of revision in regards to the number of homes allowed per parcel. She would like to see a public accounting of the subdivision approvals since 2000. The General Plan update process and the County cannot account for the cumulative impacts and/or growth inducing impacts resulting from approvals over the past seven years. She asked the Commission to deny this application.

Mr. Andrews added that the home has been on the property for 40 years. Some time ago, his staff put together a research of parcel maps being split and none of the projects has come out of agricultural use. The applicants meet the qualifications. He asked the Commission to support this application.

Ms. McCrory added that the cumulative impacts are her main concern.

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 EXEMPTS MINOR SUBDIVISION APPLICATION No. MS07-041, 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 OF APPROVAL DATED NOVEMBER 28, 2007, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS07-041 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.

MERCED COUNTY PLANNING COMMISSION

Minutes – November 28, 2007

Page 3

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.

Department of Public Works: Roads Division

4. The property owner shall dedicate to Merced County, notated on the parcel map, 15 feet of right-of-way on Linwood Rd, measured from the centerline of Linwood Road to the north line of the deed recorded in Volume 1761, Page 447, Merced County Records.
5. To complete the property owner's half of a 60 foot ultimate right-of-way for Linwood Road, the property owner shall dedicate an additional 10 feet of right-of-way measured from the south line of the deed recorded in Volume 1761, Page 447, Merced County Records.
6. To complete the owner's half of a 60 foot ultimate right-of-way for Pepper Street, the property owner shall dedicate, notated on the parcel map 30 feet of right-of-way measured from the centerline of Pepper Street.
7. Right-of-way dedication on the parcel map shall include a 30 foot radius curve (fillet), at the southwest corner of Linwood Road and Pepper Street.

- C. MINOR SUBDIVISION APPLICATION No. MS07-035 - Bear Creek Ranch Partnership –** To divide a 103.4 acre parcel into 4 parcels Parcel 1 = 32.12 acres and Parcels 2, 3 and 4 = 23.76 acres each in size on property located on the north side of Olive Avenue, ½ mile west of Arboleda Drive 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. Continued from the November 5, 2007 meeting. JH**

This application has been withdrawn, by the applicants.

- D. ADMINISTRATIVE APPLICATION No. AA07-077 - Maria Sanchez -** To establish a semi-mobile food vendor on an existing convenience store property located west of Hwy 59 South of Cone Avenue in the Merced area. The project site is designated General Commercial Land Use in the General Plan and zoned M-1 (Light Manufacturing). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the November 7, 2007 meeting. DG**

Planner David Gilbert presented the updated Staff Report and Recommendations dated November 28, 2007.

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

Maria Guerrero speaking on behalf of Maria Sanchez, the applicant, states that she can move the food vendor back further so the area is not so congested.

Robert Silva, neighbor, asked whether the small space would be a concern for fire hazards with the food vendor store close to the gas pumps on site.

Brenda Esquivel, owner of the taco truck nearby, is opposed to this application and states that business is not good for everyone in the area.

MERCED COUNTY PLANNING COMMISSION

Minutes – November 28, 2007

Page 4

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

Commissioner Buendia asked if a fire truck could fit through the area if a food vendor was to be placed in the area by Shannon's.

Assistant Development Services Director Bill Nicholson states that there will not be enough room and the fire truck would have to go around through the south of Shannon's Market.

Commissioner Mobley feels there is not enough room in the area for a taco truck. The area would be too congested. There is more room to the south on the neighbors property.

Commissioner Tanner agrees that the area is too small to add a taco truck. There is not enough room to park or walk.

County Counsel Bob Gabriele asked the Commissioners to vote the CEQA action and approval or denial vote separate.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DOES NOT EXEMPT ADMINISTRATIVE APPLICATION No. AA07-077 FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES ADMINISTRATIVE APPLICATION No. AA07-077.

- E. 2ND EXTENSION No. EXT07-023 TO MAJOR SUBDIVISION No. MAS03-019 - Chris Waterson** - To extend for one year an 18 lot residential subdivision on property located on the south side of Bloss Ave, 125 feet west of Pearl Street in the Hilmar area. The project site is designated Hilmar 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. DG**

Planner David Gilbert presented the Staff Report and Recommendations of approval dated November 28, 2007.

The public hearing opened at 10:00 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 10:01 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 2ND EXTENSION No. EXT 07-023 TO MAJOR SUBDIVISION No. MAS03-019.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 28, 2007 AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND BASED ON THOSE 11 FINDINGS, APPROVES 2ND EXTENSION No. EXT 07-023 TO MAJOR

**SUBDIVISION No. MAS03-019 SUBJECT TO THE 25 CONDITIONS SET FORTH
IN THE STAFF REPORT AS FOLLOWS:**

Conditions:

Planning & Development Department

1. Major Subdivision Application No. MAS03-019 shall expire on November 16, 2008, unless an extension request is applied for.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Hilmar County Water District. A current “can and will serve” letter shall be received from the District prior to recording the Final Map.
3. The developer will need to supply a set of improvement plans for review by the Hilmar County Water District Engineer, with calculations for water, sewer and storm drainage demand from the site. Also, the storm drainage for the site with storage of a 10-year storm event will need to be designed in accordance with Merced County standards.
4. Pay the local parkland dedication and improvement fee as required by County Ordinance No. 1090 prior to recording the final map.
5. Prior to the final map recordation, the parking spaces shall be realigned to better distribute the parking around the site.

Public Works/Road Division

6. The applicant shall satisfy Improvement Level I requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way as shown on the tentative map and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities. A 10-foot wide public utility easement shall be dedicated along the Bloss Avenue frontage of the property.
7. Provide a letter from the Turlock Irrigation District (TID) accepting storm drainage water from this proposed development into their facilities prior to recording the final map. Provide a signature approval block for TID and Hilmar County Water District on the Improvement Plans.
8. Bloss Avenue shall be constructed with a 24 feet from the centerline to the face of curb.
9. The entry and exit gates shall be set back 25 feet south of the Bloss Avenue right-of-way line.
10. The subtitle of the final map shall include FOR CONDOMINIUM PURPOSES.
11. Prior to recordation of the final map, the owner shall obtain an offsite storm

MERCED COUNTY PLANNING COMMISSION

Minutes – November 28, 2007

Page 6

drainage easement from the Hilmar Christian Tabernacle Church located on Lots 60 and 61 as shown on the map of Hilmar High School Tract in Volume 7 of the Official Plats at Page 27, Merced county Records, also known as Assessor's Parcel Number 017-041-025.

12. The developer shall relocate the irrigation structure at the northeast corner of the property and replace the private irrigation pipeline outside of the Bloss Avenue road right-of-way to serve Lots 60 and 61, if the owner of said property, Hilmar Christian Tabernacle Church, does not relinquish their water rights through abandonment out of the TID.
13. Conditions, Covenants, and Restrictions shall be submitted to the Department of Public Works for review of maintenance provisions for the private roadway and storm drainage system in addition to graffiti abatement for the fence along Bloss Avenue and maintenance of the fence and any required landscaping.
14. 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.
15. 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 11/16/90 (40 Code of Federal Regulations Parts 122, 123, and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.
16. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
17. 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.
18. 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.
19. The project shall be subject to the revised Hilmar Bridge and Major Thoroughfare Area of Benefit Fee based upon the community specific plan update in progress; however, the project will be subject to the current fee established by Resolution No. 94-284 if building permits are issued prior to adoption of the updated community specific plan and the revised Hilmar Bridge and Major Thoroughfare Fee.
20. A Public Utility Easement shall be dedicated within the Private Drive area so that utilities may be provided to each proposed lots
21. Trash enclosures and required recycling areas shall be shown on the

improvement plans and shall not block proposed sidewalks.

22. Power Poles, utility vaults and pedestals shall not be located within proposed sidewalks pursuant to Section 16.08.040.A.1.g of the Merced County Code.

Merced County Fire Department

23. Access gates, if any, must be approved with a Merced County coded 'Knox' key switch or an acceptable alternative. Access gate plans shall be submitted to the Fire Department for approval.
24. An approved water system, including at least one onsite fire hydrant, capable of a minimum flow of 1,000 gallons per minute is required for one or two family residential buildings.
25. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property.

- F. CONDITIONAL USE PERMIT No. CUP07-026 - Victor Torres** - To establish an agricultural and farm related equipment repair shop on property located on the east side of Hwy 59, 1300 feet south of Mission Ave 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. DG**

Planner David Gilbert presented the Staff Report and Recommendations of approval dated November 28, 2007.

The public hearing opened at 10:07 a.m.

Robert Silva, neighbor, states that there are two businesses on the property already along with 2 residential homes and this project would add another residence. The drainage is a problem in the area already. He asked if the operation has enough parking for the hay business and is there going to be onsite truck repair. He feels this application is not an ag parcel and should be an A-R zone.

Bill Nicholson, Assistant Development Services Director, explained the A-1 zoning for agricultural related businesses and the truck repair must be for ag trucks such as the hay trucks.

Commissioner Tanner asked if the owner will be repairing the vehicles outside of the shop. Planner Dave Gilbert answered that the owner must repair all vehicles inside the shop.

The public hearing closed at 10:15 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP07-026, 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 NOVEMBER 28, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. CUP07-026 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions:

1. Conditional Use Permit Application No. CUP07-026 authorizes the establishment of an agricultural equipment repair business in an existing 2,700 square foot metal building, which shall be located in a manner as described on the approved plot plan, submitted application and operational statement. Minor modifications may be approved by the Development Services Director.
2. The applicant shall comply with all applicable standard conditions of approval listed in Planning Commission Resolution No. 97-1.
3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$380** 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 equipment repair shop shall occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 noon on Saturday.
6. The applicant is permitted to employ up to five full time employees for the agricultural equipment repair shop.
7. Property owner shall record a right-to-aviate notice with Merced County prior to issuance of a Business License. This notice will notify the property owner, applicant, and future buyers of the property that the project site is in the vicinity of a public airport and may be subject to inconveniences or discomforts resulting from airport normal operations.

Commerce Aviation and Economic Development Department Condition:

8. 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:

MERCED COUNTY PLANNING COMMISSION

Minutes – November 28, 2007

Page 9

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

Public Works/Building & Safety Division:

10. The buildings associated to the proposed use shall conform to handicap accessibility regulations. A California licensed engineer or architect shall review the property and draw any plans that may be needed to ensure compliance. Those plans shall be submitted to the Building Department for review and a building permit prior to the start of any work on the site.

Fire Department

11. The applicant shall meet all applicable requirements of the Merced County Fire Department for compliance with the Uniform Fire Code.

- G. ZONE VARIANCE No. ZV07-004 AND MINOR SUBDIVISION APPLICATION No. MS07-043 - Humberto Vera** - To vary from the minimum 20 acre parcel size in the A-1 zone and divide a 33.6 acre parcel into two parcels: Parcel 1 = 12 acres and Parcel 2 = 21.6 acres on property located on the east side of Central Avenue, 800 feet south of Almond Avenue in the Winton 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. BG**

Planner Brian Guerrero presented the Staff Report and Recommendations dated November 28, 2007.

The public hearing opened at 10:29 a.m.

Mike Smith, CCPS, states that the old Property Line Adjustment removed 2 lot lines to create one parcel. There is no intent to sell of the parcel. There are 4 owners in one family, so ownership will be split.

Commissioner Lashbrook asked if another home will be built. Mr. Smith stated that one home may be put on the east parcel in the pasture area and they would use the existing well and that there are 2 homes on the west parcel. Planner Brian Guerrero stated that any additional mobile homes would require an additional dwelling occupancy monitoring permit.

County Counsel Bob Gabriele, stated that the staff report determines that the application for the variance is inconsistent with the Zoning Code and the General Plan but an analysis leading to a determination as to what the CEQA aspect would be, it is only seen on the context for the subdivision. He asked if he is missing something in terms of that analysis.

Robert Lewis, Development Services Director, states that Mr. Gabriele will want 3 separate actions. First would be a CEQA determination, then a determination on the zone variance and one for the minor subdivision. Mr. Gabriele discussed the General Plan inconsistencies for this application. Mr. Lewis agreed and would like this application continued to 30 days to give the Commission the opportunity to make a good decision regarding this application. Mr. Gabriele stated that the applicant could make a proposal that might benefit the process. Commissioner Lashbrook asked the applicant to check with the Central Valley Farmland Trust to show someone does not intend to split up property in a few years.

Jay Anderson, Merced resident and owner of the 12 acres nearby, said Mr. Vera has done a great job with the property since he has owned it and feels this application is a good idea.

Mr. Cuttone, neighbor across the street, noticed that construction was done behind the home without permits. He went to the County to complain. There is no way in or out so they encroached on the neighbors. He does not think they should split the property or build more homes.

This item was continued to the December 19, 2007 meeting.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Robert Lewis stated that the Board of Supervisors made no decision on the Bear Creek Ranch project on November 20th and the Commissions decision to deny was not overturned by the Board of Supervisors. The applicant has since requested their other subdivision (which was on today's agenda) to be withdrawn.

VIII. DIRECTOR'S REPORT

Meeting adjourned to Room 301 at 10:50 a.m. for the Scheduled Item: CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

SCHEDULED ITEMS

11:00 AM CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Commission to meet in closed session concerning existing litigation pursuant to Government Code Section 54956.9 (a): seven cases. 5th DCA Case #F051540 SJRRC v. County of Merced (University Community Plan); 5th DCA Case #F050813 SJRRC v. County of Merced (ACO); Merced County Court case #148238 SJRRC v. County of Merced (Jaxon); Merced County Court case #150145 SJRRC v. County of Merced & Merced County Court case #150013/150014 Farm Bureau v. County of Merced (RMP); Merced County Court case #150017 & 150012 – SJRRC & Fagundes v. County of Merced (Black Diamond); Merced County Court case #150015 Farm Bureau v. County of Merced (Fox Hills); Merced County Court case #150549 Bull Field v. County of Merced (Hwy 59 Landfill).

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 1:30 p.m.