



PLANNING COMMISSION MEMBERS

Rudy Buendia District 1
Lynn Tanner District 2 (Chairman)
Jack Mobley District 3 (Vice-Chair)
Cynthia Lashbrook District 4
Mark Errecia District 5

Robert A. (Bobby) Lewis, Secretary
www.co.merced.ca.us

AGENDA PLANNING COMMISSION

Regular Meeting of Wednesday, February 24, 2010 - 9:00 A.M.

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

The Planning Commission welcomes you and encourages your participation.

CITIZEN COMMUNICATIONS: If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to five (5) minutes.

PUBLIC COMMENT: If you would like to address the Planning Commission on any item on the agenda, please pick up a speaker card in the foyer; fill it out with your name, street address, phone number, email address and the item number you wish to speak on. Please hand the speaker card to the staff member to the left of the podium once the Commission Chairman opens the public hearing for the agenda item. Each speaker will be limited to five (5) minutes.

AGENDAS and MINUTES: Planning Commission agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Friday, but generally on the Wednesday, preceding each Commission meeting and may be viewed at www.co.merced.ca.us/planning/plancomarchive.html. All proposed agenda items with supportive documents are available for viewing at the Merced County Planning and Community Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Planning Commissioners will review and discuss at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

PUBLIC RECORDS: As required by Government Code Section 54957.5, any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning and Community Development Department.

AUDIO/VIDEO BROADCAST: All Planning Commission meetings are normally broadcast live and replayed on local cable television. In addition, a live audio/video broadcast of this meeting may be heard/viewed at: www.co.merced.ca.us/planning/index.html, via live audio or live video. All meetings are archived for audio/video replay following the meeting.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Planning Commission meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

COMMISSION QUORUM AND ACTION: A Quorum of the Planning Commission shall consist of three (3) members. Actions by the Commission shall require a majority vote (3 votes or more) of the total membership of the Commission. When an action by the Planning Commission results in a tie vote the action shall be deemed denied. In the case of a tie vote, the applicant may request that the application be reconsidered at another meeting of the Commission.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within five (5) calendar days after the day the action is made. [Within ten (10) calendar days after the day the action is made 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 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 the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted to the Board Clerk with the written appeal.

Members of the public are advised that a 2-hour time limit for customer parking in designated areas is strictly enforced by the City of Merced. You can request a one-day parking pass from County Administration prior to the Commission meeting, which must be displayed on the dashboard of your vehicle.

Please turn off all pagers, cellular telephones and any other communication devices.



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- I. **CALL TO ORDER**
- II. **ROLL CALL OF COMMISSIONERS**
- III. **APPROVAL OF MINUTES**
- IV. **CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda.

V. **PUBLIC HEARING(S)**

- A. **CONDITIONAL USE PERMIT No. CUP09-015 - Michael Ryel** - To allow multiple light industrial land uses (i.e. child care facility, warehousing, fabrication, vehicle repair, specialized schools, etc.) at an existing business park. The project site is located on the east side of Highway 59, one-fifth mile south of Gerard Avenue in the Merced SUDP. The property is designated Merced SUDP 'Commercial General' land use in the General Plan and is zoned M-1 (Light Manufacturing). **JF**

Recommendation: The actions requested are to:

- 1) Determine the project is categorically exempt from CEQA; and
- 2) Approve Conditional Use Permit No. CUP09-015 based on the project findings, and subject to the conditions of approval presented in the Staff Report.

- B. **MINOR SUBDIVISION No. MS09-012 - Roberts & Roberts** - To subdivide three legal lots involving 39.28 acres into four lots of 9.37, 9.50, 9.78, and 10.63 acres for the purpose of estate planning. The project site is located at the southeast corner of Cardella Road and Hatch Road in the Merced Rural Residential Center (RRC) #1. The property is designated 'Agricultural-Residential' land use in the General Plan and zoned A-R (Agricultural Residential). **JF**

Recommendation: The actions requested are to:

- 1) Determine the project is categorically exempt from CEQA; and
- 2) Approve Minor Subdivision Application No. MS09-012 based on the project findings, and subject to the conditions of approval presented in the Staff Report.

- C. **EXTENSION No. EXT10-001 TO CONDITIONAL USE PERMIT No. CUP08-011 - Hilmar Cheese** - To extend the expiration date for one year to February 11, 2011 in order to expand the existing Hilmar Cheese processing facility. The project is located at the northwest corner of Lander Avenue & August Road in the Hilmar area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **DG**

Recommendation: The actions requested are to:

- 1) Determine the previously adopted mitigated negative declaration prepared in accordance with CEQA Guidelines is adequate for the extension; and
- 2) Approve Extension No. EXT10-001 to Conditional Use Permit No. CUP08-011, based on the project findings, and subject to the conditions of approval and mitigation measures presented in the Staff Report.

VI. **COMMISSION ACTION ITEMS**

- A. **TO CONSIDER A REQUEST TO CURE AND CORRECT AN ALLEGED VIOLATION OF THE RALPH M. BROWN ACT (GOV CODE § 54954.2) FOR THE JANUARY 13, 2010 AGENDA ITEM:** “Public Hearing Item A: Minor Subdivision Application No. MS09-014, Pacheco LLC.” **DG**

Recommendation: The actions requested are to:

- 1) Follow the January 26, 2010, Board of Supervisor’s policy directive to the Planning Commission to revise its agenda descriptions, as a matter of sound public policy, to conform to the agenda format used by the Board of Supervisors, specifically including the type of CEQA document, if any, under consideration.
- 2) Re-advertise the application pursuant to state planning and zoning law and place it on the March 10, 2010 Planning Commission Agenda with the new agenda format description.

- B. **TO CONSIDER A REQUEST TO CURE AND CORRECT AN ALLEGED VIOLATION OF THE RALPH M. BROWN ACT (GOV CODE § 54954.2) FOR THE JANUARY 13, 2010 AGENDA ITEM:** “Public Hearing Item B: Major Subdivision Application No. MAS04-014, Lakeview Properties.” **JH**

Recommendation: The actions requested are to:

- 1) Follow the January 26, 2010, Board of Supervisor’s policy directive to the Planning Commission to revise its agenda descriptions, as a matter of sound public policy, to conform to the agenda format used by the Board of Supervisors, specifically including the type of CEQA document, if any, under consideration.
- 2) Re-advertise the application pursuant to state planning and zoning law and place it on the March 10, 2010 Planning Commission Agenda with the new agenda format description.

VII. **CORRESPONDENCE**

VIII. **GENERAL BUSINESS**

IX. **DIRECTOR’S REPORT**

X. **COMMISSIONER’S COMMENT**

XI. **ADJOURNMENT**