



**PLANNING COMMISSION MEMBERS**  
**Greg Thompson** District 1  
**Lynn Tanner** District 2 (Chairman)  
**Jack Mobley** District 3 (Vice-Chair)  
**Cynthia Lashbrook** District 4  
**Mark Erreca** District 5

Robert A. (Bobby) Lewis, Secretary  
[www.co.merced.ca.us](http://www.co.merced.ca.us)

**AGENDA**  
**PLANNING COMMISSION**  
**Wednesday, April 28, 2010**

**Scheduled Item: Closed Session - Room 301 - 9:00 a.m.**  
**Regular Meeting: Board Chambers - 9:15 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](http://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](http://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 (three 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.***



**PLANNING COMMISSION MEMBERS**  
**Greg Thompson** District 1  
**Lynn Tanner** District 2 (Chairman)  
**Jack Mobley** District 3 (Vice-Chair)  
**Cynthia Lashbrook** District 4  
**Mark Erreca** District 5

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

**AGENDA**  
**PLANNING COMMISSION**  
**Wednesday, April 28, 2010**

**Scheduled Item: Closed Session - Room 301 - 9:00 a.m.**  
**Regular Meeting: Board Chambers - 9:15 a.m.**

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

**I. SCHEDULED ITEM**

**9:00 AM – ROOM 301**

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:** It is the intention of the Board to meet in Closed Session concerning Existing Litigation pursuant to CV000689 - San Joaquin Raptor Rescue Center and Protect Our Water v. County of Merced; Merced County Planning Commission and Does 1 to 20.

**9:15 AM – BOARD CHAMBERS**

**II. CALL TO ORDER**

**III. ROLL CALL OF COMMISSIONERS**

**IV. APPROVAL OF MINUTES**

**V. 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.

**VI. PUBLIC HEARING(S)**

**A. CONDITIONAL USE PERMIT No. CUP09-006 - Mid-Valley Agricultural Services** – To establish an agricultural fertilizer distribution, storage and sales facility on a 15.5 acre parcel. This new facility will consist of a 19,300 sq. ft. building used for office and warehouse space, a tank farm, fuel island and equipment storage areas. The project is located at the southeast corner of Eucalyptus Avenue and Sultana Drive in the Livingston area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **JH**

**Recommendation:** The actions requested are to:

- 1) Adopt the Mitigated Negative Declaration in conformance with CEQA; and
- 2) Approve Conditional Use Permit No. CUP09-006 based on the project findings, and subject to the conditions of approval presented in the Staff Report.

- B. ADMINISTRATIVE APPLICATION No. AA10-003 - Tudor Reyes** - To establish a semi-mobile food vendor within the existed parking lot of an established convenience store on a 9.31 acre parcel. The project site is located at 3823 North Highway 59, south of Pettinotti Road in the Merced area. The property is designated General Commercial land use in the General Plan and zoned C-1 (Neighborhood Commercial). **JF**

**Recommendation:** The actions requested are to:

- 1) Determine the project is categorically exempt from CEQA; and
- 2) Approve Administrative Application No. AA10-003 based on the project findings, and subject to the conditions of approval presented in the Staff Report.

- C. CONDITIONAL USE PERMIT NO. CUP09-015 - Michael Ryel** - To allow multiple light industrial land uses at an existing business park on a 4.5 acre parcel. 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 as General Commercial land use in the General Plan and zoned M-1 (Light Manufacturing). **JF**

**Recommendation:** The actions requested are to:

- 1) Determine the application 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.

- D. RESCIND APPROVAL OF MAJOR SUBDIVISION No. MAS06-011 - "Lucca Villas" - Pietro Bandoni** - To divide 22.2 acres into 17 single family residential lots ranging from 1.0 acres to 1.97 acres in size. The project is located on the east side of Leeds Road, 1,450 feet north of Olive Avenue in the Merced area. The property is designated Merced Rural Residential Center #1 Agricultural Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **DG**

**Recommendation:** The actions requested are to:

- 1) Rescind previous adoption of the Mitigated Negative Declaration that was prepared in conformance with CEQA, and
- 2) Rescind approval of Major Subdivision Application No. MAS06-011 by the Planning Commission on October 28, 2009, that included nine project findings, 37 conditions of approval, based on policy direction from the Board of Supervisors on January 26, 2010.

- E. MAJOR SUBDIVISION No. MAS06-011 - "Lucca Villas" - Pietro Bandoni** - To divide 22.2 acres into 17 single family residential lots ranging from 1.0 acres to 1.97 acres in size. The project is located on the east side of Leeds Road, 1,450 feet north of Olive Avenue in the Merced area. The property is designated Merced Rural Residential Center #1 Agricultural Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **DG**

**Recommendation:** The actions requested are to:

- 1) Adopt the Mitigated Negative Declaration in conformance with CEQA, and
- 2) Approve Major Subdivision Application No. MAS06-011 based on the project findings, and subject to the conditions of approval.

- VII. COMMISSION ACTION ITEM**
- VIII. DIRECTOR'S REPORT**
- IX. COMMISSIONER'S COMMENT**
- X. ADJOURNMENT**