



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JANUARY 8, 2003, 9:00 A.M.  
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,  
MERCED, CALIFORNIA**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL OF COMMISSIONERS**

Larry Whitney; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

**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. ZONE VARIANCE APPLICATION NO. 02029 AND MINOR SUBDIVISION APPLICATION NO. 02054 - David Souza-** To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone to divide a 36 acre parcel into two parcels: Parcel 1 = 4.33 acres and Parcel 2 = 31.65 acres. The property is located on the southeast corner of Westside Blvd. and Weir Ave. in the Livingston area, which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Mark Hamilton

**STRIVING FOR EXCELLENCE**

- B. ZONE VARIANCE APPLICATION NO. 02030 AND MINOR SUBDIVISION APPLICATION NO. 02058 - Jerry L. Ruiz-** To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone to divide an 18.62 acre parcel into two parcels of 9.35 acres each. The property is located on southwest corner of Eucalyptus Ave and Reynolds Ave. in the Dos Palos area, which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**  
Project Planner Mark Hamilton

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

**APPEALS**

Any person may appeal any action of the Planning Director or 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. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning 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**

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## **MINUTES FOR MEETING OF JANUARY 8, 2003**

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 8, 2003, 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 9:14 a.m., on January 8, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

### **II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Kimberly Claus  
   Commissioner Steve Sloan-Chairman  
   Commissioner Lynn Tanner  
   Commissioner David Wager

Staff Present:                      William R. Nicholson, Planning and Community Development  
   Director  
   Butch Cope, Assistant Director  
   Kim Lewallen, Recording Secretary  
   Mark Hamilton, Planner I

Legal Staff:                        James Tarhalla, Deputy County Counsel

Commissioners Absent:        Commissioner Whitney, absent, excused

### **III. APPROVAL OF MINUTES**

**M/S WAGER – TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF DECEMBER 18, 2002.**

### **IV. CITIZEN COMMUNICATIONS**

None

### **V. PUBLIC HEARINGS**

**A. ZONE VARIANCE APPLICATION NO. 02029 AND MINOR SUBDIVISION APPLICATION NO. 02054 - David Souza-** To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone to divide a 36 acre parcel into two parcels: Parcel 1 = 4.33 acres and Parcel 2 = 31.65 acres. The property is located on the southeast corner of Westside Blvd. and Weir Ave. in the Livingston area, which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated January 8, 2003.

Commissioner Wager asked if any of the adjoining neighbors were contacted regarding this application. Planner Hamilton indicated yes, and no comments were received. The public hearing opened at 9:18 a.m.

The following person spoke in favor of the project.

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David Souza, applicant, stated that there is no access to the main parcel across the canal except by Westside Boulevard.

No one spoke in opposition to the project.

The public hearing closed at 9:19 a.m.

Commissioner Wager indicated that he went to the site and feels it is encumbered by the McCoy lateral and since the neighbors do not object to the application, he is in favor of the variance.

Commissioner Tanner asked if there is a bridge to the smaller parcel now? Commissioner Wager responded no, the only access is by going through Westside Boulevard.

Commissioner Tanner asked where the nearest dairy is. Planner Hamilton responded about a mile away, or 3000 feet from the closest point of the dairy facility.

Commissioner Tanner also asked if both parcels are cultivated. Mr. Souza responded yes. The larger parcel is leased out and farmed. The house is also leased out to someone who works in town.

**MOTION: M/S WAGER - SLOAN, AND DENIED BY A VOTE OF 2 - 2, NAY BY COMMISSIONER TANNER AND COMMISSIONER CLAUSS, THE PLANNING COMMISSION DENIES ZONE VARIANCE APPLICATION NO. 02029 AND MINOR SUBDIVISION APPLICATION NO. 02054.**

- B. ZONE VARIANCE APPLICATION NO. 02030 AND MINOR SUBDIVISION APPLICATION NO. 02058 - Jerry L. Ruiz-** To vary from the minimum parcel size (20 acres) in the A-1 (General Agricultural) zone to divide an 18.62 acre parcel into two parcels of 9.35 acres each. The property is located on southwest corner of Eucalyptus Ave and Reynolds Ave. in the Dos Palos area, which is designated as Agricultural land use in the General Plan. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated January 8, 2003.

The public hearing opened at 9:32 a.m.

The following person spoke in favor of the project:

Mike Smith, Representing the applicant, indicated that the parcel is 18.6 acres and already substandard. The home site on the west is the applicant's father. A foundation for a new home on the easterly parcels has already started.

No one spoke in opposition to the project.

The public hearing closed at 9:36 a.m.

Bill Nicholson, Planning Director, stated that Condition #4 requires CCID approval. The following wording should be added to say, "If CCID has a fee interest in the property".

Commissioner Wager asked how is the dairy affected with all the small parcels in the area now? Mr. Nicholson responded that they have to meet the 1000 foot setback rule.

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Commissioner Clauss indicated what bothers her is all the 20 acre parcels south of Eucalyptus Road.

Commissioner Wager indicated that Mr. Ruiz has a problem with the ditch and what is the reason for the variance? Mike Smith responded that the canal is a hindrance. Mr. Ruiz is building his home there.

Commissioner Clauss indicated that she is having trouble finding a reason for this split. Chairman Sloan doesn't see this split adversely affecting the area with the small parcels there already.

**MOTION: M/S TANNER - SLOAN, AND DENIED BY A VOTE OF 2 - 2, NAY BY COMMISSIONER CLAUSS AND COMMISSIONER WAGER, THE PLANNING COMMISSION DENIES ZONE VARIANCE APPLICATION NO. 02030 AND MINOR SUBDIVISION APPLICATION NO. 02058.**

## VI. CORRESPONDENCE

None

## VII. GENERAL BUSINESS

The Commission agreed to have the Sawyer Pheasant (AA 00044) review of the operation continued to the first meeting in February.

## VIII. DIRECTOR'S REPORT

Bill Nicholson gave an update from the General Plan Steering Committee meeting in December and reviewed three topics:

- Castle Parkway Alignments
- Zone Variance Study in Ag Zones
- New SUDP's on the Westside

## IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:35 a.m.