



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JANUARY 14, 2004, 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. ADMINISTRATIVE APPLICATION No. 03101 - Nathan Lewis -** The applicant is asking for a waiver of the animal confinement regulations to allow placement of a new dwelling within 1000' of a dairy. The property is located on the northeast corner of Roosevelt Road and Vineyard Way in the El Nido area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (78 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (Continued from the regular meeting of December 17, 2003) Project Planner Mark Hamilton**
- B. MINOR SUBDIVISION APPLICATION NO. 03056 – Rajinderpal Kahlon –** To divide a 60.3 acre parcel into 2 parcels: Parcel 1 = 31.5 acres and Parcel 2 = 28.8 acres. The property is located on the north side of Bear Creek Drive, approximately 1500 feet west of Plainsburg Road. The subject parcel is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

- C. **MINOR SUBDIVISION APPLICATION No. 03065 – Lowell Krumm and William Warner Sr.** – To redivide three parcels totaling 124.5 acres into four parcels: Parcel 1 = 60.5 acres, Parcel 2 = 24 acres, Parcel 3 = 20 acres and Parcel 4 = 20 acres. The subject properties are located on the north side of Mariposa Way, approximately 940 feet east of Pioneer Road and are designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- D. **MINOR SUBDIVISION APPLICATION No. 03072 - Fawcett Farms** - To divide a 70-acre parcel into three parcels: Parcel 1 = 20 acres, Parcel 2 = 20 acres and Parcel 3 = 30 acres. The subject property is located on the southeast corner of Mercy Springs Road and Charleston Road in the Los Banos area. The site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
- E. **MINOR SUBDIVISION APPLICATION No. 03077 - Ronald Anderson** - To divide a 40 acre parcel into two 20 acre parcels. The subject property is located on the northeast corner of Crane Avenue and Washington Road in the Merced area. The site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural) (40 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
- F. **CONDITIONAL USE PERMIT APPLICATION No. 00004 - 2-Vel Dairy (Ray Veldhuis)** - To construct and operate an 8,161 animal unit dairy and heifer ranch on a 124-acre portion of a 1,840-acre site. The project is located on the west side of Lee Road, 2,600 feet north of Bradbury Road, in the Ballico area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT, AND APPROVE, DISAPPROVE, OR MODIFY THE APPLICATION. Project Planner Des Johnston**

V. **CORRESPONDENCE**

None

VI. **GENERAL BUSINESS**

Distribute Vander Woude Dairy EIR to the Commissioners

VII. **DIRECTOR'S REPORT**

None

VIII. **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**  
**MINUTES FOR MEETING OF JANUARY 14, 2004**

---

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 14, 2004, 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 9:10 a.m. on January 14, 2004, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Larry Whitney  
                                         Commissioner Steve Sloan-Chairman  
                                         Commissioner Lynn Tanner

Staff Present:                      William Nicholson, Planning and Community Development  
                                         Director  
                                         Michael Ricker, Assistant Director  
                                         Desmond Johnston, Deputy Director  
                                         Kim Lewallen, Recording Secretary  
                                         Bob Klousner, Planning Consultant  
                                         James Holland, Planner III  
                                         Mark Hamilton, Planner I

Legal Staff:                              Fernanda Saude, Deputy County Counsel

Commissioners Absent:      Commissioner Clauss  
                                         Commissioner Wager

**III. APPROVAL OF MINUTES**

**M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF DECEMBER 3, 2003 AND DECEMBER 17, 2003.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      ADMINISTRATIVE APPLICATION No. 03101 - Nathan Lewis -** The applicant is asking for a waiver of the animal confinement regulations to allow placement of a new dwelling within 1000' of a dairy. The property is located on the northeast corner of Roosevelt Road and Vineyard Way in the El Nido area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (78 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (Continued from the regular meeting of December 17, 2003) Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated January 14, 2004.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 2**

The public hearing opened at 9:15 a.m.

Nathan Lewis, applicant, stated that they are proposing to build a house. His family is very familiar with the dairy business.

Nancy Silva, property owner, understands the waiver. She is aware of the problems there. They will stay in compliance.

The public hearing closed at 9:17 a.m.

Chairman Sloan asked Planner Mark Hamilton if there were any correspondence received. Planner Hamilton indicated only a phone call was received in support of the application.

**MOTION: M/S WHITNEY – TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. 03101, FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 14, 2004, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. 03101 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Administrative Permit No. 03101 is granted to locate a new single-family residence on the subject property as shown on the approved plot plan.
2. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning, and Public Works Departments.
3. The property owner signs and records a Right-to-Farm Certificate before issuance of a building permit.
4. This Administrative Permit No. 03101 is not transferable to another residence nor does it allow additional residences on APN# 074-110-007.
5. For the purpose of mitigation and/or condition monitoring, an inspection fee for \$92.00 shall be required. This fee shall be paid before issuance of a building permit.
6. The Owner(s) shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Roosevelt Road with a 50-foot inside radius at the northeast corner intersection of Roosevelt Road and Vineyard Way. The legal description(s) and exhibit(s) needed for the grant deeds shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deeds with accompanying legal description(s) and exhibit(s) shall be submitted for recordation prior to the issuance of any building permit.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 3**

7. Obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct a paved “Rural” type driveway approach at the access point onto Roosevelt Road. All work shall be per Merced County Public Works Improvement Standards and Specifications and shall be accomplished within three months from the date of the building permit issuance.

**B. MINOR SUBDIVISION APPLICATION NO. 03056 – Rajinderpal Kahlon – To divide a 60.3 acre parcel into 2 parcels: Parcel 1 = 31.5 acres and Parcel 2 = 28.8 acres. The property is located on the north side of Bear Creek Drive, approximately 1500 feet west of Plainsburg Road. The subject parcel is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated January 14, 2004.

William Nicholson, Planning Director, stated that a fax came in from some landowners in opposition to the project.

The public hearing opened at 9:30 a.m.

Duane Andrews, Golden Valley Engineering, stated that a portion of Condition # 3a in the staff report needs to be deleted. He feels the portion regarding the crossing of bear creek is impossible. He stated the property will remain in farming. He also asked for approval of this project.

Steve Hamilton, Public Works/Road Division, stated that deleting the requested portion of Condition # 3a is fine.

Steve Tinetti, neighboring property owner, stated that the dairy barn has been removed from the property. He is in support of the project.

Kim Rogina, neighboring property owner, stated that she would like to see the property stay exclusively agriculture.

The public hearing closed at 9:31 a.m.

**MOTION: M/S WHITNEY – TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION NO. 03056 FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 14, 2004, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION NO. 03056 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS WITH A PORTION OF CONDITION 3A TO BE OMITTED:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 4**

2. The applicant shall comply with all applicable County, State and Federal regulations.
3. The project shall comply with the following requirement of the Department of Public Works Roads Division:
  - a. A 20-foot minimum width egress/ingress easement for the benefit of proposed Parcel 2 across proposed Parcel 1, shall be recorded by separate instrument concurrently with any change of owners of proposed Parcel 2. Said instrument shall specify conditions, covenants and restrictions, specifically addressing responsibility for construction and maintenance of the easement and for restriction concerning placement of fences, gates and other barriers within said easement.
4. The applicant shall provide for the delivery of irrigation water to each proposed parcel by providing easements that allow for the effective service of each parcel from the existing irrigation delivery gate currently serving the whole property.
5. A Right-To-Farm statement shall be placed on the face of the Parcel Map consistent with Ordinance No. 1213.

**C. MINOR SUBDIVISION APPLICATION No. 03065 – Lowell Krumm and William Warner Sr.**  
– To redivide three parcels totaling 124.5 acres into four parcels: Parcel 1 = 60.5 acres, Parcel 2 = 24 acres, Parcel 3 = 20 acres and Parcel 4 = 20 acres. The subject properties are located on the north side of Mariposa Way, approximately 940 feet east of Pioneer Road and are designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated January 14, 2004.

The public hearing opened at 9:43 a.m.

Laverne Caldeira, owner of parcels in the area, stated that he is in favor of this application. He stated this is a nice neighborhood and a few more parcels will not hurt the area since it will remain in agricultural.

David Heinrichs, of Fremming, Parson & Pecchinino, stated that the owner has found a buyer for this subdivision already.

The public hearing closed at 9:45 a.m.

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03065 FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 14, 2004, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03065**

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 5**

**SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicants shall comply with all applicable County, State and Federal regulations.
3. The project shall comply with the following requirement of the Department of Public Works Roads Division:
  - a. The owners shall dedicate to the County of Merced, annotated on the parcel map, for road purposes, an additional 10-foot width of right-of-way along the entire property frontage with McHenry Road and an additional 20-foot width right-of-way along the entire property frontage with Mariposa Way.
4. The applicants shall not discharge any agricultural drainage water from the properties into Merced Irrigation District facilities.
5. The applicant shall provide for the delivery of irrigation water to each proposed parcel by either, providing easements that allow for the effective service of each parcel from the existing irrigation delivery source, or, through the installation of a water delivery structure to the un-served parcel(s) as approved by the Merced Irrigation District Manager of the Engineering Water Resources Department.
6. A Right-To-Farm statement shall be placed on the face of the Parcel Map consistent with Ordinance No. 1213.

- D. MINOR SUBDIVISION APPLICATION No. 03072 - Fawcett Farms - To divide a 70-acre parcel into three parcels: Parcel 1 = 20 acres, Parcel 2 = 20 acres and Parcel 3 = 30 acres. The subject property is located on the southeast corner of Mercy Springs Road and Charleston Road in the Los Banos area. The site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton****

Planner Mark Hamilton presented the Staff Report and Recommendation dated January 14, 2004.

The public hearing opened at 9:51 a.m.

John Fawcett, property owner, stated that he owns 478 acres and he is planning on staying in farming. Everything they are doing is compatible with farming. The parcels are irrigated by CCID and each parcel is irrigated.

Bob Hart, Surveyor, stated that they object to the dedication along Mercy Springs Road and a 50 ft. radius for a right-of-way is not necessary. He stated that there is a 4ft clear on the existing right-of-way. He stated that Mercy Springs Road is controlled by CalTrans. CalTrans did not ask for the dedication.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 6**

Steve Hamilton, Public Works/Road Division, stated that they are asking for an easement, not a dedication. There asking for an easement to accommodate a radius.

The public hearing closed at 10:09 a.m.

**MOTION: M/S WHITNEY – TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03072, FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 14, 2004, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03072 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commissions approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation, consistent with ordinance No. 1213.
3. The owner shall dedicate to the County of Merced, annotated on the parcel map, a 30-foot width (owner's half of a 60-foot road width) of right-of-way for road purpose, along the entire frontage of Charleston Road, with a 50-foot radius fillet (curve) at the southeast corner of Mercy Spring road and Charleston Road intersection.
4. As per the Subdivision Map Act the applicant shall provide for the delivery of irrigation water to each proposed parcel by providing easements that allow for the effective service of each parcel from the existing irrigation delivery gate that serves the whole property.

**BREAK**

- E. MINOR SUBDIVISION APPLICATION No. 03077 - Ronald Anderson - To divide a 40 acre parcel into two 20 acre parcels. The subject property is located on the northeast corner of Crane Avenue and Washington Road in the Merced area. The site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural) (40 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton****

Planner Mark Hamilton presented the Staff Report and Recommendation dated January 14, 2004 and handed out a letter from Robert Tribsch who is in favor of the application.



The public hearing opened at 10:39 a.m.

Larry Bowers, of B.C.A., stated the he has no concerns with the conditions in the staff report.

Ronnie Anderson, owner of property, stated that they are in compliance with all the rules for the property.

Rod Nylen, Nylen Partnership, asked that conditions be placed on any new homes built in the future on the property. They have redesigned their map and moved the dairy site back already to comply with the 1000 ft. limitation on the present houses that are there.

Chairman Sloan stated that if his dairy is approved, if someone wishes to build a home on the Anderson property, they will have to comply with the 1,000 ft. setback.

Planner Mark Hamilton indicated that the property is 750 ft. from the road.

The public hearing closed at 10:44 a.m.

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03077, FROM CEQA.**

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 14, 2004, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03077 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commissions approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation, consistent with Ordinance No. 1213.
3. The owner shall dedicate to the County of Merced, annotated on the parcel map, 10-foot additional width of right-of-way for road purposes, along the entire frontages of Crane Avenue and Washington Road, with a 50-foot radius fillet (curve) at the southwest corner of Crane Avenue and Washington Road intersection as shown on submitted plot plan.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 8**

4. The applicant shall provide for the delivery of irrigation water to each proposed parcel by providing easements that allow for the effective service of each parcel from the existing irrigation delivery gate or pipeline that serves the whole property such. Such easement shall be identified on the parcel map.

**F. CONDITIONAL USE PERMIT APPLICATION No. 00004 - 2-Vel Dairy (Ray Veldhuis) - To construct and operate an 8,161 animal unit dairy and heifer ranch on a 124-acre portion of a 1,840-acre site. The project is located on the west side of Lee Road, 2,600 feet north of Bradbury Road, in the Ballico area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT, AND APPROVE, DISAPPROVE, OR MODIFY THE APPLICATION. Project Planner Des Johnston****

Planner Desmond Johnston and Planning Consultant Robert Klousner presented the Staff Report and Recommendation dated January 14, 2004 and handed out letters to the Commissioners from Tom & Lisa Tiwater regarding their concerns with the proposed application.

The public hearing opened at 11:02 a.m.

Tom Terpstra, lawyer representing the applicant, thanked the staff for their work on this project. He stated that the application is consistent with all the regulations and are in full compliance with CEQA. They agree with the listed conditions. They did not receive any letters in opposition and asked for approval of this project.

Joe Ramos, of Western United Dairyman, stated that this is an ideal site for a dairy and they are in support of this project.

Dirk Ulrich, owner of the parcel to the south, stated that there are approximately 600 acres of irrigated land with ponds around the area. He is concerned with the lagoon water.

Tom Tiwater, neighbor, is concerned with the groundwater. He asked who is going to pay for the wells in the future. He stated that the mosquitoes in the area are bad. Mosquito Abatement does their job when they are called, but mosquitoes continue to be a problem currently. He can't imagine what it will be like with 8,000 cows. He is in opposition to this project.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, submitted a letter into the record, stating that 2-Vel Dairy has met the requirements and conditions of the Planning Department and Environmental Health. The Farm Bureau is in support of this application and asked the Planning Commissioners to approve this application.

J.P. Katabiela, representing Dairy industry, is in support of this project. There is an economic benefit to dairies into the dairy industry as a whole in the County. The dairy addresses the problems in regards to the groundwater. He asked for approval of this project.

Bob Klousner, Planning Consultant, indicated that all irrigation return water goes to perimeter ditches then to the ponds where it's reinjected into the irrigation system. There is no pure wastewater is applied into the fields. It's all recycled irrigation water. The measures are part of the Animal Confinement Ordinance. There will be an increase in inspections from Environmental Health Staff. They don't expect outside migration of any potential contaminated groundwater. There are

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – January 14, 2004**

**Page 9**

requirements for the testing of the soils and groundwater within the EIR. There is periodic testing for the manure as well.

Jeff Palsgaard, Environmental Health, stated that a monitoring report is done annually including the nitrogen generated on the property.

The public hearing closed at 11:22 a.m.

**MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION ADOPTS RESOLUTION #04001 AND CERTIFIES THE EIR PREPARED FOR CONDITIONAL USE PERMIT APPLICATION No. 00004.**

**MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 14, 2004, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 00004 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit No. 00004 is granted for the construction and operation of a 8,161 animal unit milk cow dairy on 1,840 acres.
2. The 2-Vel Dairy project shall be located, developed and operated in a manner described on the approved plot plan, Comprehensive Nutrient Management Plan, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project would be based a written request of the applicant to the Planning Director.
3. All mitigation measures identified in the Environmental Impact Report are adopted and incorporated by reference as project conditions.
4. Prior to utilizing this conditional use permit, and prior to obtaining any building permits, the applicant shall enter into a reimbursement agreement with the County Road Division to maintain the structural section of County Roads. The applicant shall pay an impact fee of \$79,000.00 to the Department of Public Works Road Division for the cost of asphalt concrete material to overlay Lee Road from Bradbury Road to Oakdale Road and to overlay Turlock Road from Lee Road to Oakdale Road. The applicant may pay the impact fee in five (5) equal annual installments of \$15,000.00. The fee, or first installment, shall be paid within 12 months of use permit approval.
5. An encroachment permit must be obtained from the Department of Public Works, and a paved driveway approach constructed and streetlight installed to County standards at the primary access at Lee Road, and ten feet of Right-of-Way dedicated along Lee Road frontage, prior to utilizing the conditional use permit.
6. The project shall comply with all applicable regulations administered by the County Fire, Health, Planning, and Public Works Departments.

7. For the purpose of condition and mitigation monitoring, an annual fee in the amount of **\$300.00** shall be paid prior to utilizing the conditional use permit.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

Michael Ricker, Assistant Director was introduced to the Planning Commissioners.

The Vanderwoude Dairy EIR was handed out to the Commissioners.

February 11, 2004 will be the next General Plan Steering Committee Meeting at 1:30 p.m. to discuss the expanded SUDP at Fox Hills.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:30 a.m.