



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 28, 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. EXTENSION APPLICATION NO. 03002 - Fourth Extension of Major Subdivision No 98003 New Century Park Phase Two. - Farnsworth Family - To approve a one year extension of the deadline for recording Major Subdivision No. 98003. The subdivision was approved on May 13, 1998, to create 116 residential lots on an existing 19.9 acre parcel located on the south side of Childs Avenue and west of Plainsburg Road in the Planada Specific Urban Development Plan area. The property is designated as Planada Specific Urban Development Plan Low Density residential land use in the General Plan and zoned R-1-5000 (Single Family Residential). (19.9 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

- B. MINOR SUBDIVISION APPLICATION No. 03071 – David Souza – To divide one 100 acre parcel into four parcels: Parcel 1 = 20 Acres, Parcel 2 = 20 Acres, Parcel 3 = 32.31 Acres and Parcel 4 = 23.77 Acres. The subject property is located on the south side of Pioneer Road and the west side of Canyon Road in the Los Banos area and is designated Agricultural in the Merced County General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

- A.** Update on General Plan Steering Committee activities.

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
MINUTES FOR MEETING OF JANUARY 28, 2004

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 28, 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 9:12 a.m., on January 28, 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
 Desmond Johnston, Deputy Director
 Michael Ricker, Assistant Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Kimberly Clauss
 Commissioner David Wager

III. APPROVAL OF MINUTES

M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JANUARY 14, 2004.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. EXTENSION APPLICATION NO. 03002 - Fourth Extension of Major Subdivision No 98003 New Century Park Phase Two - Farnsworth Family - To approve a one year extension of the deadline for recording Major Subdivision No. 98003. The subdivision was approved on May 13, 1998, to create 116 residential lots on an existing 19.9 acre parcel located on the south side of Childs Avenue and west of Plainsburg Road in the Planada Specific Urban Development Plan area. The property is designated as Planada Specific Urban Development Plan Low Density residential land use in the General Plan and zoned R-1-5000 (Single Family Residential). (19.9 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

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Planner James Holland presented the Staff Report and Recommendation dated January 28, 2004.

The public hearing opened at 9:21 a.m.

Laverne Calderia, Century 21 rep., asked for approval of this extension.

Steve Hamilton, County Public Works/Road Division, stated that the Roads Division will take care of the conditions in the staff report.

The public hearing closed at 9:22 a.m.

William Nicholson, Planning Director, stated that the can and will serve letter has expired, but they are working on getting a new one.

MOTION: M/S WHITNEY – TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES TO REAFFIRM THE PREVIOUS MITIGATED NEGATIVE DECLARATION PREPARED FOR EXTENSION APPLICATION NO. 03002 - FOURTH EXTENSION OF MAJOR SUBDIVISION NO 98003 NEW CENTURY PARK PHASE TWO.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 28, 2004, AND MAKES THE 6 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 6 FINDINGS, APPROVES EXTENSION APPLICATION NO. 03002 - FOURTH EXTENSION OF MAJOR SUBDIVISION NO 98003 NEW CENTURY PARK PHASE TWO SUBJECT TO THE 1 CONDITION SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The applicant shall submit the following material to the Merced County Department of Public Works in advance of the recordation of any final map:
 - a. 'As Built' or 'Record' drawings showing the storm drain line relocated by the Planada School District at the applicants request.
 - b. Legal documents providing for abandonment of the easement required for the previously approved storm drain line location.
 - c. Deeds granting an easement to Merced County for the new storm drain line location.

- B. MINOR SUBDIVISION APPLICATION No. 03071 – David Souza – To divide one 100 acre parcel into four parcels: Parcel 1 = 20 Acres, Parcel 2 = 20 Acres, Parcel 3 = 32.31 Acres and Parcel 4 = 23.77 Acres. The subject property is located on the south side of Pioneer Road and the west side of Canyon Road in the Los Banos area and is designated Agricultural in the Merced County 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 28, 2004.

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The public hearing opened at 9:35 a.m.

Duane Andrews, Golden Valley Engineering, stated that he has no issues with the conditions. The lagoons and corrals are more than 1, 000 ft. from the site.

David Souza, applicant, stated that he needs this split to carry on his farming. He runs a small harvest company out of the property.

Chairman Steve Sloan indicated that his family owns parcels to the north and the south of the applicants property. He is not interested in their land. His property is 200 ft. from Mr. Souza's property.

Ruben Castillo, County Counsel, asked if this will affect the value of his property. Chairman Sloan replied no. Mr. Castillo indicated to Chairman Sloan that this is not conflicted and he can participate in the decision for this project.

Chairman Sloan feels that there should be an additional finding added to the staff report alerting people that there is a possibility of the Los Banos airport being moved close to that property.

Mr. Souza explained that he is not selling any of the parcels in the future. They are for his children. He wants to continue to farm out the western portion of his property.

William Nicholson, Planning Director, indicated that our standard mapping program for the dairies goes to the property line. They use the property line to measure the 1,000 ft. buffer.

The public hearing closed at 9:50 a.m.

MOTION: M/S WHITNEY - TANNER, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03071, FROM CEQA.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 28, 2004, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03071 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS WITH THE ADDITION OF CONDITION #5 AND FINDING #11 TO READ AS FOLLOWS:

Added Finding:

11. Subject properties are located in the immediate vicinity of the potential location of the new Los Banos Airport. Development of the airport may result in substantial changes to land use patterns and ambient noise levels.

Conditions:

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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 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 Canyon Road, with a 50-foot radius fillet (curve) at the southwest corner of the Pioneer Road and Canyon Road intersection.
4. A Right-To-Farm statement shall be placed on the face of the Parcel Map consistent with Ordinance No. 1213.
5. All parcels created by the Minor Subdivision shall be provided with easements to allow for the continued delivery of irrigation water.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

There will be a General Plan Steering Committee Meeting on February 25, 2004.

VIII. DIRECTOR'S REPORT

Update on the General Plan Steering Committee Activities:

1. Ag parcel sizes- new minimums or exceptions to current minimum parcels sizes.
2. Noise Chapter Amendment – railroad noise impacts and other sources.
3. Mobile food vendor sting/operational requirements.
4. Expansion of urban boundaries including rural residential centers.
5. Ag service center vs. SUDP Growth policies
6. A zoning consistency program for Castle Airport
7. other policy issues raised by the Steering Committee (Oak preservation)

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 a.m.