



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 24, 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; 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. 04006 - Dennis Bettencourt -The applicant is asking for a waiver from the 1000' buffer provision of the animal confinement regulations to place a new dwelling on the project site. The property is located on the southwest corner of Faith Home Road and Swenson Road in the Hilmar area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (2.59 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

B. MAJOR SUBDIVISION APPLICATION No. 03013 – Walter Soernsen Jr. – To divide one 9.6 acre parcel into 8 one acre parcels. The subject property is located at the northwest corner of the intersection of Golf Road and Farmland Avenue and is designated Merced Rural Residential Center No. 1 – Agricultural Residential land use in the General Plan and zoned A-R (Agricultural-Residential). (9.6 Acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

- C. MAJOR SUBDIVISION APPLICATION NO. 04007 “SANTA NELLA VILLAGES PHASE IV” – Arnaudo Brothers** To subdivide 237 acres into 170 lots on land located northwest of the intersection of Vera Cruz Drive and Luis Avenue and designated as Neighborhood Commercial, Low and Medium Density Residential in the Santa Nella Community Specific Plan and zoned C-1 (Neighborhood Commercial) R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5000 s.f. minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- D. GENERAL PLAN AMENDMENT APPLICATION NO. 03006 – Michael Gallo/5 G’s Corp.**
 – The Yosemite Lake Estates General Plan Amendment proposes designation of a 655 acre site for urban land uses. The site is located immediately adjacent to, and northwest of, Lake Yosemite. The proposed project consists of a General Plan amendment establishing the Yosemite Lake Estates Specific Urban Development Plan (SUDP) study area boundary. If Merced County approves the requested General Plan amendment, it would indicate that it would be County policy that the project area would eventually be urbanized, and that agricultural and rural uses would eventually cease. However, approval of the General Plan amendment would not constitute the approval of any specific development plan. A second tier of discretionary review, consisting of a Community Specific Plan (CSP), would subsequently occur if the General Plan Amendment were approved which would identify specific land uses. The property is more specifically located 3 miles northeast of the Merced City limits, north of Old Lake Road and west of Lake Yosemite extending north and west of the Merced Golf and Country Club. The site is designated as Agricultural land use in the General Plan. The zone is A-2 (Exclusive Agricultural). **TO RECOMMEND THAT THE BOARD OF SUPERVISORS CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner William Nicholson**

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.

The public hearing closed at 9:20 a.m.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. 04006, 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 MARCH 24, 2004, AND MAKES THE 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. 04006 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit No. 04006 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. 04006 is not transferable to another residence nor does it allow additional residences on APN# 045-080-027.
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. If any additional inspections are required in future years, the applicant will pay for the direct inspection costs at the adopted inspection rate.

- B. MAJOR SUBDIVISION APPLICATION No. 03013 – Walter Soernsen Jr. – To divide one 9.6 acre parcel into 8 one acre parcels. The subject property is located at the northwest corner of the intersection of Golf Road and Farmland Avenue and is designated Merced Rural Residential Center No. 1 – Agricultural Residential land use in the General Plan and zoned A-R (Agricultural-Residential). (9.6 Acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated March 24, 2004.

The public hearing opened at 9:29 a.m.

Judy Laughlin, 1945 Canyon Drive, is not in favor or against the application. She stated that they have had a lot of problems with the percolation system. She asked if the additional 8 homes being put in will affect the amount of water from the wells coming in.

Planner James Holland responded that there is no data concerning the wells and no problems have been discovered with the wells through any research. Regarding the

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septic issue, what was recommended to the applicant before recording the final map, was that Planning Staff recommends that the applicant is required to do percolation and soil testing on each lot. The results must be reviewed and approved by Environmental Health.

Chairman Sloan asked Planner Holland if the applicant provided any information on the well water.

Planner Holland responded that he has the environmental analysis is attached to the staff report and water conditions are included in the environmental analysis. He stated that the average groundwater depth is 60 ft. for the site. The environmental study did not note any problems.

William Nicholson, Planning Director, indicated the one acre lot is the minimum size for on site septic in Merced County. The condition on this map is that the map cannot record and lots won't be created unless Environmental Health signs off each individual lot that they have enough area for percolation of their leach fields.

Doug Parsons, engineer on the project, stated that the owner has already proposed to sample the soil and to prepare a report on each septic for the 8 lots. There is 10,000 sq. ft. of septic reserve on each lot.

Chairman Sloan asked Mr. Parsons to address the well water concerns.

Mr. Parson indicated that he has no knowledge of any wells struggling in the area now. The Health Department didn't raise any concerns or issues about the septic or the well. He also stated that there is no expectation that 8 additional family wells are going to impact the area. Chairman Sloan asked if he has checked with any of the neighbors to see if they've had to extend their wells or any problems in the vicinity. Mr. Parsons replied no, he hasn't questioned the surrounding neighbors and Environmental Health didn't express any concerns. He doesn't feel that it is a problem. Chairman Sloan stated that he is not satisfied with no testing not being done yet, so he requests that an additional condition be added regarding hydrology testing being done before the final map is recorded. Mr. Parson's and the applicant both agree to have a test done on hydrology and soil prior to recording the map.

Mr. Parsons also questioned Condition #4 regarding the existing structures being removed. He stated that on lot 6 there is a shed that will be removed. On the northeast corner, it was the owners desire to have it there as long as possible as a rental. He will remove it ultimately. The map may record before moving the house. He would like the condition to be read that way.

Mr. Nicholson recommended that Condition #4 be modified to add a second sentence that this Condition does not include the existing dwelling, the other structures will be removed, but not the dwelling.

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 APPROVES THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 03013.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND

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RECOMMENDATION DATED MARCH 24, 2004, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 03013 SUBJECT TO THE 19 CONDITIONS SET FORTH IN THE STAFF REPORT WITH A MODIFICATION MADE TO CONDITION #4 AND ADDITIONAL CONDITION #19 BEING ADDED TO THE STAFF REPORT TO READ AS FOLLOWS:

Conditions:

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.
3. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.
4. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
5. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and under grounding or relocation of utilities and irrigation facilities.
6. The applicant shall release and relinquish all abutter's rights of access to and from the entire Golf Road frontage of Lots 6, 7 and 8.
7. Prior to recording the final map, the developer shall enter into a 'Subdivision Drainage Agreement' with the Merced Irrigation District and provide the County with a letter from the District stating that they will accept storm drainage water from this subdivision and that all applicable fees have been paid.
8. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
9. The developer shall provide centerline striping for those new roads which intersect existing peripheral streets.
10. The proposal shall provide for side and back yard drainage ditches, as applicable, on the lots in order to convey off site storm water runoff through the lot to a public roadside transmission facility and to prevent runoff onto an abutting lot.

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11. The Golf Road roadside ditch, located within the right-of-way, shall have a maximum foreslope of 4:1 (horizontal:vertical) and backslope of 3:1. Additional right-of-way may be required to meet the minimum grading requirement.
12. The developer shall enter into a “Construction Agreement” with the Merced Irrigation District for work associated with storm drainage discharge into the ‘Tower Lateral’.
13. A signature block shall be provided for the Merced Irrigation District on all improvement plans associated with storm drainage discharge to MID facilities.
14. Prior to recording the final map, the developer shall submit a landscaping plan to the Merced County Planning Department that provides for the installation of a fence and landscaping screen around the proposed storm water detention basin.
15. Construction activities disturbing five or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project.
16. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.
17. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
18. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$276.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
19. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.

C. MAJOR SUBDIVISION APPLICATION NO. 04007 “SANTA NELLA VILLAGES PHASE IV” – Arnaudo Brothers To subdivide 237 acres into 170 lots on land located northwest of the intersection of Vera Cruz Drive and Luis Avenue and designated as Neighborhood Commercial, Low and Medium Density Residential in the Santa Nella Community Specific Plan and zoned C-1 (Neighborhood Commercial) R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5000 s.f. minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

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Planner Robert King presented the Staff Report and Recommendation dated March 24, 2004. He also handed out a letter to the Commissioners from a surrounding property owner in opposition to the location of this project.

The public hearing opened at 9:55 a.m.

Donna Schulken, Santa Nella resident, doesn't oppose the construction for this project; however she has concerns about the population and budget issues. She feels that more fire department personnel will be needed since Santa Nella is a small community. She would like to see the sidewalks improved to get to the school, school overcrowding needs to be addressed and she stated that there is no mention of a park facility close by the proposed subdivision.

Greg Arnaudo, representing the subdivision, asked for approval of this project. He stated that a sidewalk will be put in and the Santa Nella schools have all been notified of the impact and had no comments.

Chairman Sloan asked if a greenbelt will be put in. Mr. Arnaudo responded yes, and that it will be about 250 ft. wide.

William Nicholson, Planning Director, stated that there are fees for all the public services that are going to be impacted. There is a fee study that is being prepared for presentation to the Board of Supervisors. It addresses Fire protection and Sheriff's facilities. There are park fees to be paid. There will be a new elementary school built as well as a High School. It takes growth to get these things the Community needs.

The public hearing closed at 10:03 a.m.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION NO. 04007 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 MARCH 24, 2004, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION NO. 04007 SUBJECT TO THE 9 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. A Development Agreement shall be entered into between the proponents of this project and the County of Merced pursuant to Section 65864 of the California Government Code and Merced County Ordinance No. 1361 to provide for facilities and maintenance as per the Implementation Plan Section of the Santa Nella Community Specific Plan prior to recording a Final Map to provide necessary infrastructure.
3. Prior to recordation of the Final Map and as part of the Development

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Agreement a Consistency Checklist shall be prepared to document the projects conformance to the requirements of the Santa Nella Community Specific Plan and mitigation required within the Santa Nella Community Specific Plan Program EIR.

4. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence that approval for such activities has been granted from the California State Department of Fish and Game and the United States Fish and Wildlife Service.
5. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with “Can and Will Serve Letters” from both the San Luis Water District and the Santa Nella County Water District.
6. The applicant shall provide to the satisfaction of the Merced County Department of Public Works, Professional Services Division a traffic study analyzing the proposed intersection of Centinella Avenue and Vera Cruz Drive and based on this study modify the subdivision design so as to be consistent with the Circulation concept of the Santa Nella Community Specific Plan.
7. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels along the collector roads will exceed 65 dBA Ldn at the building setback line of adjacent parcels. If sound levels exceed 65 dBA, measures to reduce such noise levels (screening or increased setbacks) shall be identified and implemented as part of the project.
8. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
9. A condition monitoring fee of **\$240.00** shall be required prior to the recordation of the Final Map.

- D. GENERAL PLAN AMENDMENT APPLICATION NO. 03006 – Michael Gallo/5 G’s Corp. –**
The Yosemite Lake Estates General Plan Amendment proposes designation of a 655 acre site for urban land uses. The site is located immediately adjacent to, and northwest of, Lake Yosemite. The proposed project consists of a General Plan amendment establishing the Yosemite Lake Estates Specific Urban Development Plan (SUDP) study area boundary. If Merced County approves the requested General Plan amendment, it would indicate that it would be County policy that the project area would eventually be urbanized, and that agricultural and rural uses would eventually cease. However, approval of the General Plan amendment would not constitute the approval of any specific development plan. A second tier of discretionary review, consisting of a Community Specific Plan (CSP), would subsequently occur if the General Plan Amendment were approved which would identify specific land uses. The property is more specifically located 3 miles northeast of the Merced City limits, north of Old Lake Road and west of Lake Yosemite extending north and west of the Merced Golf and Country Club. The site is designated as Agricultural land use in the General Plan. The zone is A-2 (Exclusive Agricultural). **TO RECOMMEND THAT THE BOARD OF SUPERVISORS CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner William Nicholson**

Planner William Nicholson and Dwayne Myers, Principal with the Planning Center, consultants who prepared the EIR presented the Staff Report and Recommendation

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dated March 24, 2004. Letters were handed out to the Commission from Robin & Eileen Ingraham, Darlene Peters and Lydia Miller and Steve Burke, all in opposition to this project.

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

Frank Borgess, representing the Gallo family, stated that he supports the findings and conditions in the staff report. Mr. Gallo is a significant landowner and is sensitive to the environment. This area is only a study area. They have been studying the area for 7 years already. They conducted a meeting with Lydia Miller and Steve Burke's group and discussed with them their concerns of the environment as well. They are willing to work with them to assure them that this is simply a study area and offered to them an opportunity to be a part of the process at the Community Plan stage. He encouraged the Planning Commission to allow a study area to take place, so they can deal with project specifics and to come up with mitigation programs that could mitigate severe impacts to less severe impacts.

Dan Holmes, Merced resident, is not opposed to this application. He noted a problem with only one point of access at Golf and Old Lake Road. He feels the area should be designated as Rural Residential Center with one acre density for the buildable area. He feels that the planning on this project should be delayed until the City and the County have worked out how they will develop the area between G Street and Old Lake Road. He feels that developers will be lined up immediately if this land is urbanized.

Darlene Peters, Old Lake Road resident, sent a letter to the Commission in opposition to this application. She feels the Bellevue Ranch project will greatly affect the area in reference to traffic, schools, etc. The project is premature and there are no utilities. She urged the Board of Supervisors to disapprove Yosemite Lake Estates and retain the current zoning of A-2.

Merv Wright, Old Lake Road resident, stated there is a problem with the leech fields in the area already. He thanked the Commission for protecting their interests. He is recommending denial of this application. His well has been extended twice already, now at 300' depth. He is concerned that the City of Merced may choose to annex the area and he asked where the flood ponds will be placed. He doesn't like the open urban land use designation.

Chairman Sloan reminded the audience that the purpose of this application is to certify the Environmental Impact Report and to establish a study area boundary. There not talking about density or zoning.

Bryant Owens, Le Grand resident, is in opposition to this application. He referenced his letter on the Draft EIR with 106 comments. He feels that the issue of prime farmland hasn't been addressed, and grazing land can be prime.

Robin Ingraham, Old Lake Road resident, submitted a letter to the Commission in opposition to this application. He said a prior application by C. Ray Robinson on this property was denied by the Board in the past. He stated that a number of homes in his area have been flooded due to the inability to soak into the soil's composition of red clay, hard pan and river rock. There is poor soil drainage. There is an occasional overflow of septic tanks and leach lines during times of heavy winter precipitation. His home has been flooded three times. His leach lines have been redone twice and

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new well too. They like the open views and don't want dorms, low income housing or a hotel on this site.

Dwayne Bumgartner, Golf Road resident, is in opposition to this application, does not want County to issue first approval in a series.

Pam Cooman, Old Lake Road resident, stated that they love the rural setting and wildlife out in the area. They have had their well extended once already and they are on their second leach field. Their home has flooded once. They are in opposition to this application.

George McCully, Old Lake Road resident, is opposed to this application. He asked why they have to develop the area when City has vacant land? Don't jump to this site.

Josephine Fox, resident in the Hillcrest Estate division as well as Mariposa and San Jose, stated that there is poor land management in the San Joaquin Valley. The Lake Yosemite area should be preserved and the Lake and environment protected.

Nanette Rahilly, Golf Road resident, stated that she purchased her home in 1975 and they told her that the land across from her is designated as wetland and that wetland property is not available for development. She asked if that land is no longer wetland and what are the guidelines established for that. New leach lines are being put in currently at her home. They had drainage tanks put in. They asked the Commission to consider the implications that are about to occur.

The public hearing closed at 11:37 a.m.

William Nicholson, Planning Director, responded to some of the audiences concerns. First is the concern of the access to the property. He stated that there is no detailed traffic study for the area. They won't know impacts until we know what exactly is being proposed at the site. But Public Works has identified a need for a second point of access to the project. They haven't identified where the storm drainage basins will be yet. They are required to get a license through Merced Irrigation District to accept drainage in their canals. Design depends on the location of development and the density of the area. There are strict guidelines to the wetlands in the area. This is a lengthy process with federal agency involvement and will still be an issue for this property.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND APPROVE GENERAL PLAN AMENDMENT APPLICATION NO. 03006 SUBJECT TO THE LISTED 5 FINDINGS AS STATED IN THE STAFF REPORT.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

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There will be a discussion at the April 14th Planning Commission meeting to replace Kimberly Clauss as the representative for the General Plan Steering Committee.

General Plan Steering Committee meeting will be held on April 28th following the regularly scheduled Planning Commission meeting.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:50 a.m.