



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 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; Steve Sloan, Chairman; Lynn Tanner; Gloria Bettencourt; Rudy Buendia

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. CONDITIONAL USE PERMIT No. 2794 (tracking number CUP 03013) – Joseph Amarant – To consider revocation of propane service and distribution facility due to failure to comply with previous conditions of approval. The property is located on the north side of Clover Avenue approximately 600 feet east of Buhach Rd. and designated Atwater SUDP – Agricultural and zoned M-1 (Light Manufacturing). **TO REVOKE, MODIFY OR RETAIN THE EXISTING PERMIT. Continued from the May 12, 2004 meeting. Project Planner Robert King****
- B. MINOR SUBDIVISION APPLICATION No. 04007 – Schlies Family Trust - To subdivide a 153.4 acre parcel into five parcels: Parcel 1 = 30.00 Acres, Parcel 2 = 30.00 Acres, Parcel 3 = 30.16 Acres, Parcel 4 = 32.05 Acres and Parcel 5 = 31.09 Acres. The property is located on the north side of Childs Avenue, approximately one half mile west of Plainsburg Road in the Planada area. The land is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 9, 2004 meeting. Project Planner James Holland****

- C. **CONDITIONAL USE PERMIT APPLICATION No. 03016 - Tony & Carol Marcelino** - To place a 5th residence on the property for an agricultural employee, and to legalize an existing dairy. The property is located on the southeast corner of Franklin and Cardella Roads in the Merced area, which is designated as Agricultural Land Use in the Merced County General Plan. The zoning is A-1 (General Agricultural)(79 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 23, 2004 meeting. Project Planner Desmond Johnston**

- D. **CONDITIONAL USE PERMIT APPLICATION No. 04002 – Garcia Trucking** - To expand an existing agricultural transportation yard to allow a maximum of 25 trucks and trailers on property located north of Gerard Avenue and 670 foot west of Ivett Road. The property is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (10 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

- E. **MINOR SUBDIVISION APPLICATION No. 04023 AND ZONE VARIANCE APPLICATION No. 04005 – Joe Lewis** – To vary from the 20 acre minimum parcel size and divide a 39.4 acre parcel into two parcels. Parcel 1 = 8.6 acres and Parcel 2 = 30.8 acres on property located northwest of Second Avenue and Keaton Road in the Stevinson area and 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**

- F. **MINOR SUBDIVISION APPLICATION No. 04029 – P.B. Lyer** – To divide a 60.28 acre parcel into three parcels: Parcels 1 and 2 = 20 acres each; Parcel 3 = 20.28 acres on property located on the east of Whitworth Road, approximately 4/5 of a mile south of Husman Road in the Gustine area and designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

- G. **MAJOR SUBDIVISION APPLICATION NO. 04002 – Cotton Glen Estates** To subdivide 29.31 acres into 120 lots on property located south of Christian Avenue approximately 1000 feet west of State Highway 33 in the Dos Palos area designated as Dos Palos Specific Urban Development Plan (SUDP) Residential land use in the General Plan and zoned R-1 (Single Family Residential) and (R-3) Multiple Family Residential. **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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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.

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The Commissioners agreed to continue this item to 30 days.

- B. MINOR SUBDIVISION APPLICATION No. 04007 – Schlies Family Trust - To** subdivide a 153.4 acre parcel into five parcels: Parcel 1 = 30.00 Acres, Parcel 2 = 30.00 Acres, Parcel 3 = 30.16 Acres, Parcel 4 = 32.05 Acres and Parcel 5 = 31.09 Acres. The property is located on the north side of Childs Avenue, approximately one half mile west of Plainsburg Road in the Planada area. The land is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 9, 2004 meeting. Project Planner James Holland**

Deputy Director Des Johnston indicated to the Commissioners that this item will be continued due to the request of the applicant and Planner James Holland not being at today's meeting to present the staff report. The Commissioners agreed to continue this item.

- C. CONDITIONAL USE PERMIT APPLICATION No. 03016 - Tony & Carol Marcelino - To place a 5th residence on the property for an agricultural employee, and to legalize an existing dairy. The property is located on the southeast corner of Franklin and Cardella Roads in the Merced area, which is designated as Agricultural Land Use in the Merced County General Plan. The zoning is A-1 (General Agricultural)(79 Acres). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 23, 2004 meeting. Project Planner Desmond Johnston**

Planner Desmond Johnston presented the Staff Report and Recommendation dated July 14, 2004.

The public hearing opened at 9:18 a.m.

Mike Smith, CCPS, stated that he objects to Condition #6. He wants to discuss with Public Works Condition #6 since the property owner disagrees with the condition. The applicant and Public Works/Road Division haven't been able to reach an agreement. He would like to see the condition modified to direct the property owner to work with Public Works on the dedication. This application was originally requested to add a 5th residence and didn't need to bring the dairy into conformance since it was grandfathered in. If the application is denied or modified they still need to bring the dairy into conformance. They don't want to lose the right to bring the dairy into conformance because they object to Condition #6.

Steve Hamilton, Public Works/Road Division, stated that they need a yes or no answer. They would like to have the dedication. Chairman Sloan stated that they need to decide whether to dedicate that 10 ft. or not. Mr. Hamilton replied that they have a right to ask for a dedication.

The public hearing closed at 9:24 a.m.

Commissioner Tanner stated that it's necessary to have the 10ft. dedication. If the applicant is not willing to do that, he can not go along with the application. Commissioner Whitney and Chairman Sloan concur.

Mike Smith indicated that he doesn't want denial of this application. He doesn't want the option of not doing the project.

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Bill Nicholson, Planning Director, clarified that the way Condition #6 is worded, the applicant has to do this 10 ft. dedication before occupancy permit of a mobile home before they move into it or within two month of the application approval. Because this is a legal non-conforming dairy, when they started they didn't need a permit. If they never do this dedication, they could modify this condition so that the mobile home can never be put on this property. If they do any changes to the dairy in the future they can come back and get the dedication.

Mr. Hamilton stated that they are only concerned that prior to taking out a building permit the applicant has to make the 10 foot dedication.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 03016, FROM CEQA.

MOTION: M/S WHITNEY – TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 14, 2004, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 03016 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT WITH CONDITION #6 BEING MODIFIED AND CONDITION #13 BEING DELETED AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 03016 is approved to place a fifth residence on a dairy for an agricultural employee and to legalize the existing dairy, for a total of 1,100 animal units.
2. This project shall comply with the standards listed in Merced County Zoning Code Chapter 18.47.31.
3. The project is subject to all of the required Development Standards for constructing a residential structure as listed in the Merced County Zoning Code under Section 18.47.31 Housing, Additional Dwellings in Agricultural Zones.
4. The applicant shall comply with all of the standard conditions of approval listed in the Planning Commission Resolution No 97-1.
5. The Applicant shall comply with all of the Merced County Fire Department's requirements for dairies. (Attached)
6. Prior to issuing a building permit, the property owner shall dedicate to Merced County for road purposes, an additional 10-foot width of road right-of-way along the entire frontage of Franklin Road. Grant deeds with accompanying legal description and exhibit shall be submitted to the Department of Public Works for approval prior to recording.

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7. Prior to building permit issuance, the applicant is required to obtain from the Division of Environmental Health approval for the type of water system that will serve all five residences.
8. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct a rural “agricultural” type paved driveway approach at the main entrance on Franklin Road. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. This work shall be done prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building and Safety Division for the manufactured home or within two months from approval of this application, whichever comes first.
9. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Roads Division, pay the required permit fees, and install a street light at the main entrance on Franklin Road. The street light may be mounted on an electrical type wood pole. It shall be operational during all non-daylight activities. The cost for operating and maintaining the street light shall be paid by the property owners. The work shall be accomplished within six months from the date of the approval of this conditional use permit.
10. Absolutely no drainage of any kind may be discharged into any Merced Irrigation (MID) Facility.
11. MID facilities can not be utilized for wheeling wastewater at any time.
12. A backflow prevention device (meeting MID standards) must be installed at all MID water delivery points.
13. Upon approval of this application, an Additional Dwelling Occupancy Monitoring Permit (ADOMP) must be obtained for the 5th residence. The permit will be subject to a 50% ‘After the Fact’ penalty fee for having the dwelling unit in place before the permit was obtained.
14. For the purpose of condition monitoring, an initial inspection fee in the amount of **\$92.00** shall be paid within 10 days of the Planning Commission approval date. Should additional inspections be required, the applicant shall pay the inspection fee at the hourly rate in effect at the time of the inspection.

- D. CONDITIONAL USE PERMIT APPLICATION No. 04002 – Garcia Trucking - To expand an existing agricultural transportation yard to allow a maximum of 25 trucks and trailers on property located north of Gerard Avenue and 670 foot west of Ivett Road. The property is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural) (10 Acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

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

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

Mike Smith, CCPS, stated that he accepts the conditions on behalf of the applicant and asked for approval of this application.

Chairman Sloan asked if currently there are any non-operating vehicles on the property. Mr. Smith replied yes. Chairman Sloan indicated that a condition needs to be added to remove the junk cars from the property within 60 days. Mr. Smith responded that he and the applicant will agree to that condition.

Anthony Davis, property owner on Ivett Road, is concerned with the road maintenance on Gerard. The oncoming traffic is bad. The potholes in the road are patched, but it only last a couple of weeks before it becomes bad again. He asked whether improvements will be made on that road.

Mary Laurencio, property owner on Gerard, stated that 2 cars cannot pass each other on Gerard. One car has to pull off the road to let the other go by. They need road improvements and asked the Commissioners to consider that.

Alfred Vera, property owner on Gerard, also stated that the roads on Gerard need improvements.

Steve Hamilton, Public Works/Road Division, indicated that Condition #12 in the staff report addresses the road issues.

Mr. Vera asked if they could pass around a petition to have this business removed from Gerard Street.

Ruben Castillo, County Counsel, advised that they could send around a petition with signatures and provide that to the Board of Supervisors.

William Nicholson, Planning Director, stated that their trucking business is allowed in the A-1 zone which is General Agricultural. As long as the business is only hauling agricultural related products they are allowed to run their business.

The public hearing closed at 9:52 a.m.

Ruben Castillo, County Counsel, indicated that Mr. Anthony Davis provided the Commissioners with a map of all the parcels in the area.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 04002, FROM CEQA.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 14, 2004, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 04002 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT WITH THE ADDITION OF CONDITION #17 TO READ AS FOLLOWS:

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Conditions:

1. Conditional Use Permit Application No. 04002 is to allow Garcia Trucking to expand its existing agricultural transportation yard to allow a maximum of 25 trucks and trailers.
2. The applicants 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 applicant shall file a Hazardous Material Business Plan with the Division of Environmental Health prior to any expansion authorized by this permit approval taking place.
4. The applicant shall dimension, paint and sign at least one of the car parking stalls shown on the submitted site plan as a handicapped parking stall consistent with the requirements of subsection 18.40.03E of the Zoning Code.
5. The on-site storage of fuel tankers, LPG or CNG trucks, or storage of any trucks whose load includes hazardous materials is specifically prohibited by this permit.
6. Fire extinguishers with a minimum rating of 20-B:C shall be located in accessible locations as approved by the Fire Department.
7. Access gates, if any, must be provided with a Merced County coded 'Knox' key switch or a 'Knox' padlock, whichever is most appropriate (UFC 902.4).
8. The parcel shall be maintained in a condition that will not be dangerous or injurious to neighboring property. Weeds, rubbish and other dangerous or injurious materials are a public nuisance and required to be abated under MCC Section 9.25.
9. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property (UFC 901.4.4).
10. All stormwater runoff generated from the project site shall be directed away from the County right of way and adjacent property. The applicant shall provide the County with a set of engineered plans and calculations indicating how this condition will be accomplished.
11. All parking and maneuvering areas and driveways shall be surfaced with materials identified as suitable by the Department of Public Works.
12. The applicant shall make all on and off site improvements, as determined to be necessary the Department of Public Works Road Division, to comply with adopted County policies and standards.

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13. The applicant shall obtain a 'Non-Exclusive Driveway License Agreement' for all new and existing crossings over or under any MID facility, including driveways, utilities and pipelines.
14. The applicant shall work with the MID to replace current pipeline material with reinforced concrete pipeline at any points where the applicant's trucks will cross existing MID irrigation facilities.
15. No stormwater runoff or agricultural drainage shall be discharged from the project site into MID facilities.
16. A mitigation-monitoring fee of **\$184.00** shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.
17. All non-operational vehicles must be removed from the property within 60 days of final approval.

E. MINOR SUBDIVISION APPLICATION No. 04023 AND ZONE VARIANCE APPLICATION No. 04005 – Joe Lewis – To vary from the 20 acre minimum parcel size and divide a 39.4 acre parcel into two parcels. Parcel 1 = 8.6 acres and Parcel 2 = 30.8 acres on property located northwest of Second Avenue and Keaton Road in the Stevinson area and 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 July 14, 2004 and recommended denial of this application.

Commissioner Tanner asked Planner Hamilton if the mobile home on this property was approved. Planner Hamilton responded yes it was approved. Commissioner Tanner asked if it is within the 1,000 ft. dairy buffer.

William Nicholson, Planning Director, explained that Animal Confinement Ordinance allows homes for dairy workers and dairy owners. The dairy adjacent to the east is the dairy that these people operate. The 1,000 ft. dairy buffer is the dairy to the south. All of these units are for dairy employees, so the Animal Confinement Ordinance doesn't restrict you from building homes for dairy employees.

The public hearing opened at 10:26 a.m.

Mike Smith, CCPS, stated there will no destruction of agricultural land. That land will still be farmed. He stated that the dairy to the south is this property owners dairy. The buffer is inside of his dairy. This application originally came in as a Property Line Adjustment. The south parcel came out to a 20 acre piece so they were forced to abandon the Property Line Adjustment.

The public hearing closed at 10:30 a.m.

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William Nicholson, Planning Director, explained that there are three qualifications for convey and combine. One is that the property owner has to live in the house for 10 years. The second is that they have to have at least an acre but no more than 6 acres. And three is that the property that you're combining has to be combined with an adjacent property owner under different ownership.

Commissioner Tanner asked if there is a problem with moving the property line so they can give him the 6 acres. Mr. Smith replied that there is no problem with that.

Joe Lewis Jr., applicant and owner, stated that by leaving the 6 acres that will leave 200 ft. that they cannot farm. He stated that he plans to sell the dairy when he retires and keep a small parcel so he can put a mobile home there for him to live in.

Mr. Nicholson explained that the issue for clearing the mobile home is for dairy workers only. If the homes are going to be occupied by someone else they cannot do that. Once the owner sells the dairy, he has to get another occupancy permit for the mobile home on the small parcel.

Ruben Castillo, County Counsel, stated that Mr. Lewis's comments regarding future plans for the property is not what is being decided by the Commission today.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04023 AND ZONE VARIANCE APPLICATION No. 04005, FROM CEQA.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 14, 2004, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04023 AND ZONE VARIANCE APPLICATION No. 04005 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Zone Variance No. 04005 shall be valid as long as Minor Subdivision Application No. 04023 is valid.
2. A Parcel Map shall be recorded within two years of the Planning Commission approval date.
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 Second Avenue and Keaton Road, with a 50-foot radius fillet (curve) at the northwest corner of Second Avenue and Keaton Road intersection.
4. A Right-to-farm notification shall be placed on the face of the Parcel Map.

- F. MINOR SUBDIVISION APPLICATION No. 04029 – P.B. Iyer – To divide a 60.28 acre parcel into three parcels: Parcels 1 and 2 = 20 acres each; Parcel 3 = 20.28 acres on property located on the east of Whitworth Road, approximately 4/5 of a mile south of Husman Road in the Gustine area and designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE,****

DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King

Planner Robert King presented the Staff Report and Recommendation dated July 14, 2004 and passed out a letter from the Merced County Farm Bureau in opposition to this application.

The public hearing opened at 11:00 a.m.

Larry Bowers, of B.C.A., stated that the water is in disuse and it has to be repaired and replaced when new orchards are put in. The idea is to rebuild the irrigation system. They will put in high value crops. They would like the smaller parcels to allow them the ability to change out smaller areas if the crop fails. Their intention is to create financial ability for the farming operation. Under the Williamson Act, the chances of these parcels becoming home sites is almost nonexistent because you cannot have anything on the site other than a home of less than 2500 sq. ft. without coming into conflict with the Williamson Act. Their goal is to create farming operations and gain some financial latitude.

Chairman Sloan doesn't see why they need 3 separate parcels to change things crop wise. Mr. Bowers replied that it allows them to only finance 20 acres instead of 60. Chairman Sloan asked what the purpose of the easement is. Mr. Bowers replied it's to get access to the 3 parcels.

The public hearing closed at 11:09 a.m.

MOTION: M/S TANNER – WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04029, FROM CEQA.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 14, 2004, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04029 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 Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject 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.
4. The applicant shall comply with all County, State and Federal regulations.

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- G. MAJOR SUBDIVISION APPLICATION NO. 04002 – Cotton Glen Estates** To subdivide 29.31 acres into 120 lots on property located south of Christian Avenue approximately 1000 feet west of State Highway 33 in the Dos Palos area designated as Dos Palos Specific Urban Development Plan (SUDP) Residential land use in the General Plan and zoned R-1 (Single Family Residential) and (R-3) Multiple Family Residential. **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated July 14, 2004. He also passed out a letter to the Commissioners from Thomas Kaljian, Real Estate Agent in favor to this application.

The public hearing opened at 11:23 a.m.

Duane Andrews, Golden Valley Engineering, stated that he has no issues. He wanted to discuss Condition #18 however, regarding the secondary access. The condition is not well defined but will work with the Fire Department and Sheriff's Department.

Collette Faris, property owner on Christian Avenue, who said she is a representative community for Midway, asked what the benefits of this subdivision will be. They have a 40% unemployment rate. She asked how the 120 new lots will be affordable for this community.

Chairman Sloan asked how much talk is going on within the Community regarding this new subdivision. Ms. Faris replied that there is a petition being passed around in the Community right now. She feels that most of the community does not understand this project.

William Nicholson, Planning Director, explained that this application is in the County. They are not annexing the property into the City.

Mr. Andrews stated that this subdivision is positive and is good for the area.

Chairman Sloan asked what the costs of these homes will be.

William Moore, Mequidy LLC development, stated that the home prices are from \$150,000 to the high \$200,000's. The square footage of the homes ranges from 1,500 to 2,400 sq. ft.

Ms. Faris stated that the Community of Dos Palos is not educated enough on this application. They need more information.

Rev. D. Jones stated that he owns the church on the north side of Christian Avenue. He wants to know how this will affect his church if the subdivision is built.

Mr. Nicholson stated that Midway is designated for residential development. Churches are allowed in that zoning. It will have no effect on his church. This application will increase surrounding property values

Mr. Jones asked if the development will affect his church. Chairman Sloan replied that it will not affect his church.

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Chairman Sloan asked Mr. Nicholson if the park fees will be used for the Midway area. Mr. Nicholson replied yes, the park fee ordinance requires some money to be spent in the area where the fees are generated on County Parks. It wouldn't go to the City of Dos Palos.

The public hearing closed at 11:41 a.m.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION NO. 04002.

MOTION: M/S WHITNEY - TANNER, AND UNANIMOUSLY CARRIED/CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 14, 2004, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION NO. 04002 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Midway Community Services District.
3. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, to include dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
4. Street designations shall conform to Section 17.04.050.B of the Merced County Code with north/south s being avenues and east/west being streets.
5. Street names shall be to the satisfaction of the County Fire Department with Moore and Whitney being renamed.
6. The Christian Avenue roadway section along the subdivisions frontage shall be constructed to provide a minimum of 24 feet from centerline to curb face.
7. The developer shall release and relinquish all abutters' rights of access to and from the entire Christian Avenue frontage of lots 1, 116, 117, 118, 119, and 120.
8. Provide a letter from the Central California Irrigation Water District (CCID) accepting storm drainage prior to recordation of the final map.
9. The developer shall ensure continued delivery of irrigation operations to the satisfaction of CCID for facilities on or impacted by their development.

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10. Prior to the issuance of building permits the property defined as Assessor's Parcel Number 089-220-049 shall be detached from CCID.
11. The developer shall construct a storm drainage facility within the boundary of the Cotton Glen Estates subdivision as shown on the tentative map.
12. 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 all improvements are completed.
13. The developer shall provide centerline striping for those new roads of intersecting Christian Avenue,
14. The developer is advised that they may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For Information contact the State Water Resources Control Board, Construction Activity Storm Water Hotline 916-341-5537 or www.swrcb.ca.gov
15. Construction equipment used at the site shall be equipped with catalysts/particulate traps to reduce particulate and NOx emissions unless demonstrated to be infeasible by project contractors.
16. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
17. An approved water system capable of a minimum fire flow of 1,000 gallons per minute is required for single family residential. (UFC Appendix III-A and MCC 9.24.280)
18. A secondary access for emergency purposes, either on a temporary or permanent basis be obtained for the southern half of this subdivision prior to recordation of the final map.
19. Non-access strips shall be dedicated at all dead end streets pursuant to Section 17.04.050.A11 of the Merced County Code.
20. A block wall shall be constructed along the eastern property line of lots 90 through 99.
21. Prior to submission of improvement plans or Final Subdivision Maps, the project sponsor shall determine the capacities of offsite stormwater transmission facilities and detention ponds to receive storm flows from the project area. Should any deficiencies be noted, the project applicant shall be required to either improve downstream facilities or retain or detain storm water on site to avoid potential adverse effects. The results shall be reviewed and approved by the Merced County Department of Public Works prior to approval of improvement plans or the Final Subdivision Map.
22. Enter into a Development Agreement in accordance with Section 65864 et

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seq. of the California Government Code, pay \$500.00 per lot at issuance of each house building permit as a proportionate share of the cost to finance a comprehensive traffic and circulation study for subsequent road impact fees due to new development.

23. 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.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Mark Hamilton, Planner II with the Planning Department is leaving the department. His last day is July 16, 2004.

Planning Department is currently in recruitment for 3 Planners and an Assistant Director.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:52 a.m.