



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF SEPTEMBER 8, 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 August 11, 2004 meeting. Project Planner Robert King**

**B. ZONE VARIANCE No. 02032 and MINOR SUBDIVISION No. 02060 – Ronald McDevitt** - To vary from the 160 acre minimum parcel size in the A-2 (Exclusive Agricultural) zone and subdivide the 197-acre parcel into three lots; Parcel 1 = 52.0 acres, Parcel 2 = 74.0 acres, and Parcel 3 = 67.3 acres. The property is designated as Foothill Pasture in the Merced County General Plan and located 1 ¼ miles east of Bonita Rd. two miles south of Billy Wright Rd. in the Los Banos area. (197.0 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

- C. MINOR SUBDIVISION APPLICATION No. 04046 – P.B. Iyer** - To divide an 85.7 acre parcel into three parcels. Parcel 1 = 31.5 acres, Parcel 2 = 22.5 acres, Parcel 3 = 31.74 acres. The property is located on the west side of Whitworth Road approximately 4000 ft. north of Romero Road in the Gustine area on land designated Agricultural and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Desmond Johnston**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

**APPEALS**

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

# **MERCED COUNTY PLANNING COMMISSION**

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## **MINUTES FOR MEETING OF SEPTEMBER 8, 2004**

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of September 8, 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 9:05 a.m., on September 8, 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  
   Commissioner Gloria Bettencourt  
   Commissioner Rudy Buendia

Staff Present:                      William Nicholson, Planning and Community Development  
   Director  
   Desmond Johnston, Deputy Director  
   Victoria Lane, Acting Recording Secretary  
   Robert King, Planner III

Legal Staff:                              Ruben Castillo, County Counsel

Commissioners Absent:      None

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

**M/S WHITNEY – BETTENCOURT, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF SEPTEMBER 8, 2004.**

### **IV. CITIZEN COMMUNICATIONS**

None

### **V. PUBLIC HEARINGS**

**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 August 11, 2004 meeting. Project Planner Robert King****

Planner Robert King presented the Staff Report and Recommendation dated September 8, 2004. He also passed out a letter to the Commissioners from Jeff Palsgaard describing the inspection performed at the project site.

The public hearing opened at 9:10 a.m.

Tim Miller, Miller & Associates, handed out a clean up schedule outlining a 90 day plan to clean up the property and presented himself for any questions from the Commissioners.

The public hearing closed at 9:16 a.m.

Chairman Sloan stated that he tried to make it clear to the Amarants how important it is to clean up their property. He said he had no problem giving them another 90 days, but he cautioned her that this would be the last time the Commission would extend her time to clean up her property.

Ruben Castillo, County Counsel, asked if the clean up schedule handed out by Mr. Miller would be the schedule the Commission would hold the Amarants. Chairman Sloan replied yes.

Commissioner Tanner asked about the conditions stated in the memo from Mr. Nicholson. Mr. Miller replied that the Amarant's would adhere to the stated conditions.

**MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION AGREES TO HOLD THIS REVOCATION UNTIL DECEMBER 8, 2004 SUBJECT TO THE 4 CONDITIONS AND THE CLEAN UP SCHEDULE PREPARED BY TIM MILLER OF MILLER AND ASSOCIATES.**

- B. ZONE VARIANCE No. 02032 and MINOR SUBDIVISION No. 02060 – Ronald McDevitt** - To vary from the 160 acre minimum parcel size in the A-2 (Exclusive Agricultural) zone and subdivide the 197-acre parcel into three lots; Parcel 1 = 52.0 acres, Parcel 2 = 74.0 acres, and Parcel 3 = 67.3 acres. The property is designated as Foothill Pasture in the Merced County General Plan and located 1 ¼ miles east of Bonita Rd. two miles south of Billy Wright Rd. in the Los Banos area. (197.0 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

**This item has been continued to the September 22, 2004 meeting. The Commission agreed to this request.**

- C. MINOR SUBDIVISION APPLICATION No. 04046 – P.B. Iyer** - To divide an 85.7 acre parcel into three parcels. Parcel 1 = 31.5 acres, Parcel 2 = 22.5 acres, Parcel 3 = 31.74 acres. The property is located on the west side of Whitworth Road approximately 4000 ft. north of Romero Road in the Gustine area on land designated Agricultural and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Desmond Johnston**

Planner Desmond Johnston presented the Staff Report and Recommendation dated September 8, 2004.

The public hearing opened at 9:25 a.m.

Larry Bowers, BCA, spoke on behalf of the applicant. He stated that the applicant has subdivided several of his properties in the last 8-10 years but has not sold any of it. He stated that proposed Parcel 3 contains cherry orchards and proposed

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Parcels 1 & 2 were almond orchards that have been torn out and are going to be refurbished.

Chairman Sloan questioned Mr. Bowers about a parcel previously owned by Mr. Iyer that had been subdivided and sold off. Mr. Bowers stated that he did not know.

Commissioner Bettencourt asked about the financial aspect of this project that was mentioned in the staff report. Mr. Bowers stated that the applicant wants to divide the parcel so he can refurbish a section of the ranch without encumbering the whole ranch.

Chairman Sloan stated that the banks know that the 20 acre parcels are very attractive for many reasons, including use as a ranchette. He went on to say that he believes the banks are encouraging this property division in order to increase the value of the collateral.

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

**MOTION: M/S TANNER - BETTENCOURT, CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION No. 04046 DUE TO THE INABILITY TO MAKE THE LISTED FINDINGS AND CONDITIONS IN THE STAFF REPORT.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

Commission discussed the upcoming Planning Commission workshop. There was an update on the Riverside Motorsports Parkway. An update was made on the Delhi and Hilmar Community Plans.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:06 a.m.