



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF APRIL 27, 2005, 9:00 A.M.  
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,  
MERCED, CALIFORNIA**

**I. CALL MEETING TO ORDER**

**II. ROLL CALL OF COMMISSIONERS**

Jack Mobley; 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. MINOR SUBDIVISION APPLICATION No. 05001 – Jose Vega** - To divide 86.1 acres into four parcels resulting in parcel sizes of: Parcel No. 1 = 26.1 acres, Parcel No. 2 = 20.0 acres, Parcel No. 3 = 20.0 acres, and Parcel No. 4 = 20.0 acres. The project is located on the west side of Ingomar Grade, 2,800 feet north of Henry Miller Road in the Los Banos area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 13, 2005 meeting. Project Planner Dave Gilbert**
- B. MINOR SUBDIVISION APPLICATION No. 05004 – Gregory Pearl** - To divide 105.22 acres of agricultural land into five parcels for estate planning purposes. This will result in parcel sizes of: Parcel 1 = 25.22 acres; Parcel 2 = 20 acres; Parcel 3 = 20 acres, Parcel 4 = 20 acres and Parcel 5 = 20 acres. The project is located at the northeast corner of San Juan Road and Highway 152 in the Dos Palos area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 13, 2005 meeting. Project Planner Dave Gilbert**

- C. **EXTENSION No. 04015, 2nd EXTENSION TO MAJOR SUBDIVISION No. 99012-Bradford Point Estates** – To extend for two years an approved tentative map for 21 residential lots on property located at the southwest corner of Bellevue and Lake Road in the Merced area which is designated as Merced RRC No. 1 – Rural Residential land use in the General Plan and zoned A-R (Agricultural Residential) (30 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 13, 2005 meeting. Project Planner Robert King**
  
- D. **MAJOR SUBDIVISION APPLICATION No. 04005 "Las Casas De Santa Fe" - Western Ag Realty** - To subdivide two parcels, totaling 5.15 acres, into 27 single family residential lots, ranging in size from 6,000 sq ft to 10,117 sq ft. The project is located in the northeast of the Le Grand Community being situated on the west side of Santa Fe Avenue and the north side of Jackson Street and the east side of Washington Street. The property is designated Le Grand SUDP – Low Density Residential land use in the General Plan and zoned R-1 (Single-Family Residential). **TO ADOPT A NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
  
- E. **CONDITIONAL USE PERMIT No. 05005 – Antonio Teixeira** - To add ten mobile homes for a total of 12 dwellings for dairy workers to assist in operating an existing dairy with 1,500 cows on 323 acres. The project is located at the northwest corner of Livingston-Cressey Road and Sultana Drive in the Livingston area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner David Gilbert**
  
- F. **MAJOR SUBDIVISION APPLICATION No. 05003 – “Towe Subdivision”** - To subdivide a 2.3 acre parcel into nine parcels ranging from 6,748 sq. ft. to 12,787 sq. ft. for development of duplex or comparable units. The project is located south of Echo Street, approximately 850 feet east of Lander Avenue (State Highway 165) in the Hilmar SUDP and is designated Medium Density Residential in the General Plan and zoned R-2 (Two-Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**

VI. **CORRESPONDENCE**

VI. **GENERAL BUSINESS**

VII. **DIRECTOR'S REPORT**

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 APRIL 27, 2005**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 27, 2005, 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 April 27, 2005, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Jack Mobley  
   Commissioner Steve Sloan-Chairman  
   Commissioner Lynn Tanner  
   Commissioner Rudy Buendia

Staff Present:                      William Nicholson, Planning and Community Development  
   Director  
   Keith Woodcock, Assistant Director  
   Kim Lewallen, Recording Secretary  
   James Holland, Planner III  
   Dave Gilbert, Planner III  
   Robert King, Planner III  
   Kristi Vahl, Planner I

Legal Staff:                        Ruben Castillo, County Counsel

Commissioners Absent:      Commissioner Gloria Bettencourt, excused absence

**III. APPROVAL OF MINUTES**

**M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF APRIL 13, 2005.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      MINOR SUBDIVISION APPLICATION No. 05001 – Jose Vega - To divide 86.1 acres into four parcels resulting in parcel sizes of: Parcel No. 1 = 26.1 acres, Parcel No. 2 = 20.0 acres, Parcel No. 3 = 20.0 acres, and Parcel No. 4 = 20.0 acres. The project is located on the west side of Ingomar Grade, 2,800 feet north of Henry Miller Road in the Los Banos area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 13, 2005 meeting. Project Planner Dave Gilbert****

Planner Dave Gilbert presented the Staff Report and Recommendation dated April 27, 2005.

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

Mike Smith, CCPS, stated that the land is not productive and the land has poor soil. He agrees to the conditions and asked for approval of this application. He also asked why the staff report doesn't list the conditions required for this project.

William Nicholson, Planning Director, explained for this application an Environmental Review needs to be conducted so the Commission doesn't have before them the application and the form to approve. The conditions get worked out through the CEQA process.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, stated that the Farm Bureau supports the Planning Department's recommendation for denial of this application. Parcelization of ag land is her main concern.

The public hearing closed at 9:19 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION No. 05001 DUE TO THE INABILITY TO MAKE THE FINDINGS LISTED IN THE STAFF REPORT.**

- B. MINOR SUBDIVISION APPLICATION No. 05004 – Gregory Pearl** - To divide 105.22 acres of agricultural land into five parcels for estate planning purposes. This will result in parcel sizes of: Parcel 1 = 25.22 acres; Parcel 2 = 20 acres; Parcel 3 = 20 acres, Parcel 4 = 20 acres and Parcel 5 = 20 acres. The project is located at the northeast corner of San Juan Road and Highway 152 in the Dos Palos area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 13, 2005 meeting. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated April 27, 2005.

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

Duane Andrews, Golden Valley Engineering, stated that this subdivision is strictly for family planning. The soil is great and there is plenty of water on the land. He is available for any questions.

Robin Pinto, neighbor of the Pearls, is concerned that the purpose of the split would allow new owners to come in and build new homes.

Diana Pedrozo, of Merced County Farm Bureau, is concerned about the parcelization of land. She feels the County General Plan needs to be updated. She asked for denial of this application.

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

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05004, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 27, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05004 SUBJECT TO THE 2 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. 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.

**C. EXTENSION No. 04015, 2nd EXTENSION TO MAJOR SUBDIVISION No. 99012- Bradford Point Estates – To extend for two years an approved tentative map for 21 residential lots on property located at the southwest corner of Bellevue and Lake Road in the Merced area which is designated as Merced RRC No. 1 – Rural Residential land use in the General Plan and zoned A-R (Agricultural Residential) (30 acres). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 13, 2005 meeting. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated April 27, 2005.

Commissioner Mobley abstained himself due to a potential conflict of interest.

The public hearing opened at 9:44 a.m.

Wayne Hoffman, neighbor, stated that he was given a different road configuration from the Planning Department. He feels the project needs to be re-evaluated. Planner King indicated that the map given to Mr. Hoffman is the wrong map and the correct one was being shown and was originally approved and stamped in 2000.

Garth Pecchenino, of Fremming, Parson & Pecchenino, asked that this extension be approved. He is happy to work with Mr. Hoffman on his issues.

The public hearing closed at 9:49 a.m.

Chairman Sloan asked how the 2 year extension going to affect the number of extensions the applicant can apply for. Mr. Nicholson explained that the applicant will only have 3 more years to file any additional extensions.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, COMMISSIONER MOBLEY ABSTAINED, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR EXTENSION No. 04015, 2nd EXTENSION TO MAJOR SUBDIVISION No. 99012.**

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**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, COMMISSIONER MOBLEY ABSTAINING, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 27, 2005, AND APPROVES EXTENSION No. 04015, 2nd EXTENSION TO MAJOR SUBDIVISION No. 99012 SUBJECT TO THE ORIGINAL LISTED CONDITIONS IN THE STAFF REPORT.**

- D. MAJOR SUBDIVISION APPLICATION No. 04005 "Las Casas De Santa Fe" - Western Ag Realty** - To subdivide two parcels, totaling 5.15 acres, into 27 single family residential lots, ranging in size from 6,000 sq ft to 10,117 sq ft. The project is located in the northeast area of the Le Grand Community being situated on the west side of Santa Fe Avenue and the north side of Jackson Street and the east side of Washington Street. The property is designated Le Grand SUDP – Low Density Residential land use in the General Plan and zoned R-1 (Single-Family Residential). **TO ADOPT A NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated April 27, 2005.

The public hearing opened at 10:13 a.m.

Duane Andrews, Golden Valley Engineering, stated that he accepts the conditions and asked for approval of this application.

Commissioner Buendia asked Mr. Andrews how tall the sound wall will be. Mr. Andrews indicated that the wall would be reduced to 7 feet and hope to not have to build a 20 foot wall.

William Nicholson, Planning Director, indicated that a possible General Plan text amendment won't eliminate the whistle noise. The whistle noise would be a short brief impact. The conditions in the report state that they shall build a 20 ft. wall unless the General Plan Text Amendment is adopted. Chairman Sloan asked how long the text amendment is complete. Mr. Nicholson responded in 2-3 weeks it will be out for public review and then go for a public hearing and the total process could take 4 months.

Vicki Scoggins, resident on Washington Street, Le Grand, stated that she can handle the train noise and doesn't want to see a 20 ft. wall built. She feels that graffiti would be a problem if the wall was built. She asked who will maintain the wall and landscaping.

Mr. Andrews answered that they will have to form a landscape maintenance district and that the wall would be maintained through the County.

The public hearing closed at 10:20 a.m.

**MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 04005.**

**MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 27, 2005, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 04005**

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**SUBJECT TO THE 24 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The project proponents shall submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District to the County prior to recordation of the Final Map.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Le Grand Community Services District.
3. The project proponent shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
4. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
5. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.
6. All abandoned wells and septic tanks must be properly destroyed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health.
7. All lot and street 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 project proponent shall enter into an agreement with public works that no occupancy shall occur until such time as all improvements are completed.
8. The project proponent shall release and relinquish all abutter's rights of access to and from the entire Santa Fe Avenue frontage of all corner lots in the subdivision.
9. The project proponent shall be financially responsible for all costs associated with upgrading the existing storm drain pump station located within the American Heritage Homes No. 1 Major Subdivision No. 898 with the inclusion of stormwater runoff from the Las Casas de Santa Fe Subdivision. The project proponent shall be financially responsible for all costs associated with expanding the American Heritage Homes No. 1 storm drain retention basin within McPherson Subdivision No. 03001. The project proponent shall be financially responsible for all costs associated with replacing the existing storm drainage transmission facilities to increase capacity to accommodate the additional runoff from the Las Casas de Santa Fe subdivision to the American Heritage Homes No. 1 storm drain retention basin, if necessary.

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10. No stormwater runoff from the subdivision shall be allowed to surface flow offsite without offsite improvements being designed and constructed by the project proponent with subdivision improvements.
11. The project proponent shall enter into a “Subdivision Drainage Agreement” with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1) for stormwater discharge into the Fancher Lateral, paying all applicable fees, prior to the recordation of the Final Map.
12. The project proponent shall provide a letter from MID accepting storm drainage water from the project into MID facilities prior to recording the Final Map.
13. The project proponent shall provide centerline striping for those new roads which intersect the existing peripheral streets.
14. Streets shall be named and designated to the satisfaction of the Fire Department and the Merced County Department of Public Works.
15. A sound wall shall be constructed to reduce exterior noise exposure in outdoor activity areas and the level of noise affecting exterior building facades in accordance with the noise standards contained in the General Plan. The wall shall be constructed in accordance with the conclusions and recommendations of the *Acoustical Analysis, Las Casas de Santa Fe Subdivision, Merced County California, August 18, 2004*, prepared by Brown-Buntin Associates, Inc. The sound wall shall be constructed in accordance with Chapter 18.37.07 of the Merced County Zoning Code. The sound wall shall be constructed prior to the issuance of a certificate of occupancy for any lot which is affected by railroad noise as identified in the above Acoustical Analyses.
16. Acoustic baffles shall be installed on the interior side of attic vents on the residences that face, or are perpendicular to, the Santa Fe railway on Lots 1-7, 24-26 & 16-17. Certificates of occupancy shall not be issued for the residences on these parcels if acoustical baffles are not installed on the residences on these parcels.
17. If two-story homes are proposed, an acoustical analysis of interior noise levels shall be provided to ensure acceptable interior noise environment, and mitigation, if necessary, implemented prior to the issuance of a certificate of occupancy for the affected residences.
18. The project proponent shall pay all costs and provide all documents necessary to form or annex into a landscaping and/or park maintenance zone of benefit prior to recording the Final Map. Walls adjacent to landscaped areas shall be masonry.
19. A Right-To-Farm statement shall be placed on the face of the Final Map or any phased Final Maps consistent with County Ordinance No. 1213.
20. 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.
21. The project proponent may be required to comply with Federal Regulations for



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stormwater runoff issued by the Environmental Protection Agency on November 16, 1990 (40 Code of Federal Regulations Part 122, 123, and 124). 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 proponent shall contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146 to determine if the project is subject to applicable stormwater runoff permits. If subject to this permitting the project proponent will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. If the project is subject to this permitting process, the project proponent shall obtain all required permitting and submit a copy of the approved plans to the Merced County Planning and Community Development Department prior to the issuance of grading permits for the project. If not subject to this permitting process, the project proponent shall submit verification to that effect to the Planning and Community Development Department.

22. 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.
23. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1
24. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$340.00** shall be required. This fee shall be paid prior to recordation of the Final Map.

**E. CONDITIONAL USE PERMIT No. 05005 – Antonio Teixeira** - To add ten mobile homes for a total of 12 dwellings for dairy workers to assist in operating an existing dairy with 1,500 cows on 323 acres. The project is located at the northwest corner of Livingston-Cressey Road and Sultana Drive in the Livingston area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner David Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated April 27, 2005. He also passed out letter from The Vierra's in approval of this application.

The public hearing opened at 10:40 a.m.

Rod Bettencourt, a neighbor, feels that 10 mobile homes are too many and that they could have 40-50 people there in the near future. He asked for denial of this application.

Nina Noldie, a neighbor across the street from this dairy, also feels that 10 additional mobile homes are too many. She is concerned that the agricultural workers will not stay there. There is one small school in the area and too many children would overcrowd the school. She would be ok with only 5 additional mobile homes.

Colleen Medefind, neighbor, is concerned with the number of mobile homes being proposed. She is also more comfortable with 5 rather than 10 being put in and she feels it will have an impact on the school in the area.

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Duarte Teixeira, brother of the applicant, stated that the applicant needs the additional 5 mobile homes for the agricultural workers to make it easier for the workers to be available at all times during the night and day. The applicant has never had anyone but the workers on the property living there. He accepts the conditions on behalf of his brother Antonio Teixeira.

Commissioner Buendia asked how many employees the dairy currently has. Mr. Teixeira replied about 10.

William Nicholson, Planning Director, explained the Additional Dwelling Occupancy Monitoring Permit Program to the concerned neighbors, stating that this program monitors the occupancy to ensure that only ag workers would reside in the additional mobile homes.

The public hearing closed at 10:49 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 3 – 1, NAY BY COMMISSIONER BUENDIA, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 05005, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 3 - 1, NAY BY COMMISSIONER BUENDIA, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 27, 2005, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05005 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit Application No. 05005 shall allow the addition of 10 mobile homes for dairy employees to be placed on the property, for a total of 12 residences.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. The applicant shall obtain approval from the Merced County Health Department indicating the proposed installation is in conformance with the regulations of the Health Department.
4. A Right-to-Farm Certificate shall be recorded prior to the issuance of the building permit to notify subsequent occupants of the inconveniences of farming operations.
5. The additional permanent residences shall be subject to a yearly occupancy monitoring permit with the regulations administered by the Planning Department.
6. The property owner shall sign an affidavit provided by the Planning Department attesting to the qualifications of the occupants which shall be recorded prior to the issuance of the building permit.

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7. The property owner shall install a 250-watt high pressure sodium street light at the existing driveway approach on Livingston-Cressey Road. The street light may be mounted on the existing wooden electrical power pole. It shall be operational during all non-daylight hours. The cost for operating and maintaining the street light shall be paid by the property owner/applicant, not the County. This work shall be accomplished prior to the issuance of the Final Inspection/Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
8. Merced Irrigation District shall not accept any agricultural drainage or nutrient enriched water from the property into its canals or laterals.
9. Septic system leach fields shall be a minimum of 50 feet from any open Merced Irrigation District facility or 20 feet from a piped facility to protect the facility from contamination and to protect the septic systems from leakage from Merced Irrigation District facilities.
10. The property owner shall obtain a “Non-exclusive License Agreement” for any new or existing crossings over or under any of the Merced Irrigation District’s facilities, including bridges, utilities, and pipelines.

**F. MAJOR SUBDIVISION APPLICATION No. 05003 – “Towe Subdivision” - To subdivide a 2.3 acre parcel into nine parcels ranging from 6,748 sq. ft. to 12,787 sq. ft. for development of duplex or comparable units. The project is located south of Echo Street, approximately 850 feet east of Lander Avenue (State Highway 165) in the Hilmar SUDP and is designated Medium Density Residential in the General Plan and zoned R-2 (Two-Family Residential). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**

Planner Kristi Vahl presented the Staff Report and Recommendation dated April 27, 2005. She handed out letters to the Commissioner from neighbors in disapproval of this Major Subdivision.

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

Alan Boyington, neighbor, owns property behind the proposed subdivision. He is concerned with the possibility of the homes being two stories. He is ok with single story homes.

Amber Meyers-Hart, resident on Lucas Ct., has several concerns with this subdivision. She states that the traffic is bad and the schools are overcrowded. Hilmar is a small town and she would like to see it stay that way. She feels the traffic on Lander Avenue needs to be improved. The property values in the area may go down if these duplexes are put in.

Des Johnston, of Thompson-Hysell Engineers, accepts the conditions on behalf of the applicants. The owner would like to develop this subdivision since it is zoned R-2 and he has the right to do that. There is a possibility that it would be single story lots. Staff is asking that the row of poplar trees along the west side of the property remain there and that is agreeable with the property owner. The owner is willing to plant evergreens there if necessary as a screen. He asked for approval of this application.

The public hearing closed at 11:10 a.m.

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**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. 05003 FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 27, 2005, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05003 SUBJECT TO THE 17 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 in accordance with the standards of Merced County and Hilmar County Water District. The developer will be responsible for any on-site and off-site improvements to the facilities of the Hilmar County Water District as determined by the District Engineer as required to provide service to this development. The Applicant shall be required to enter into a development agreement with HCWD for the fees associated with the development.
3. The applicant shall provide improvement plans for review by the District Engineer, deposit funds for that review, provide a soils report, title report, and calculations for storm drainage based on Merced County standards.
4. The project proponents shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes 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.
5. Rodeo Circle is a duplication of an existing County street name and shall be changed to the satisfaction of the Department of Public Works and Fire Department. The street shall be designated "Court" pursuant to Section 17.04.050.B of the Merced County Code.
6. 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.
7. Provide centerline striping for those new roads which intersect the existing peripheral streets.
8. The developer shall plant a minimum of one street tree per residential lot. The tree species must be accepted by the Department of Public Works, Division of Parks and Recreation and the Planning Department as part of the improvement plan approval, and trees shall be located outside of any public utility easement areas.

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9. Existing trees residing on the west side of the property shall not be removed unless there is a demonstrated need to remove them. In the event that these trees are removed as part of the site improvement process, they shall be replaced on the project site at a 2:1 ratio.
10. 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.
11. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
12. The developer shall construct curb, gutter and sidewalk along the Echo Street frontage of T.I.D. Lateral No. 7 to facilitate construction of the required wheelchair ramp at the southeast corner of the intersection of Echo Street and Rodeo Circle.
13. Provide a letter from T.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
14. T.I.D. will be provided with a signature block for signature and approval of all subdivision improvement plans.
15. Construction activities disturbing one 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. As required by regulations implementing the Construction Stormwater Permit, the SWPPP shall include:
  - a. Specific and detailed Best Management Practices (BMPs) to mitigate construction related pollutants, including sediments. These controls would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricant, paints, solvents, and adhesives) with stormwater. The SWPPP would specify properly designed centralized storage areas that keep these materials out of the rain and/or protected from the wind.
  - b. Dust control BMPs for the stabilization of exposed surfaces and to minimize activities that suspend or track dust particles. For heavily traveled and disturbed areas, wet suppression (watering), chemical dust suppression, gravel or asphalt surfacing, temporary gravel construction entrances, equipment wash-out areas, and haul truck covers can be employed as dust control applications. Permanent or temporary vegetation and mulching, and sand fences can be employed to prevent sediment-laden stormwater from reaching receiving waters, or to force stormwater to drop their sediment load onsite.
  - c. The SWPPP is required to specify a monitoring program to be implemented by the construction site supervisor. SWRCB personnel,

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who may make unannounced site inspections, are empowered to levy appropriate fines if it is determined that the SWPPP has not been properly prepared and implemented.

16. Prior to submission of improvement plans or Final Subdivision Maps, the project sponsor shall determine the capacities of offsite stormwater transmission facilities 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 stormwater 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.
17. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$360.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

A General Plan Steering Committee will be held today at 1pm in Room 301 to discuss Fox Hills and the water study in the McSwain area.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:15 a.m.