



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JUNE 22, 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. CONDITIONAL USE PERMIT No. 05010 – "Isaac Irrigation" – Gary Schmidt - To bring into conformance an existing agricultural irrigation trenching and excavating business, and an accessory business of hauling agricultural commodities, located on the north side of Peach Avenue, 580 feet west of Washington Boulevard in the Livingston area. The project site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Kristi Vahl****
- B. MINOR SUBDIVISION APPLICATION No. 05012 – Jerald Langum - To divide 79 acres into three parcels resulting in parcel sizes of - Parcel No. 1 = 23 acres, Parcel No. 2 = 28 acres, and Parcel No. 3 = 28 acres. The project is located at the northwest corner of Worden Avenue and Athlone Road in the Le Grand area. The project site is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Dave Gilbert****
- C. MINOR SUBDIVISION APPLICATION No. 05023 – Carole Narita - To divide a 40-acre parcel into two 20 acre parcels. The project site is located on the north side of Harding Road, 1,325 feet east of Cortez Avenue. 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 June 8, 2005 meeting. Project Planner Dave Gilbert****

Planning Commission Agenda

June 22, 2005

Page 2

- D. MINOR SUBDIVISION APPLICATION No. 05016 - William and Carolyn Ahlem -** to divide a 40 acre parcel into two 20 acre parcels. The project is located on the northwest corner of Mitchell Road and Williams Avenue in the Hilmar area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Jeff Wilson**
- E. MINOR SUBDIVISION APPLICATION No. 05020 – Karen Crane -** To divide a 51 acre parcel into two parcels; Parcel 1 = 20 acres and Parcel 2 = 31 acres located west of Whitworth Road, north of Bunker Road in the Gustine area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Robert King**
- F. CONDITIONAL USE PERMIT No. 05004 – Cricket Communications –** To install an unmanned wireless telecommunication facility, consisting of a 120 foot tall monopole, 9 antennas and associated equipment in the northeast portion of a 44 acre parcel. The project site is located on the west side of State Highway 99, approximately 700 feet south of its intersection with Le Grand Road, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner James Holland**
- G. ADMINISTRATIVE PERMIT APPLICATION No. 05010 – Andrew Harrington -** To expand an existing horse boarding and training facility with a maximum of 80 horses and construct a barn. The project is located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. This item was appealed to the Planning Commission from the Hearing Officer meeting of May 9, 2005. Project Planner Dave Gilbert**
- F. ADMINISTRATIVE PERMIT APPLICATION No. 05014 - Laith Mikha -** To establish a 5,000 sq. ft. recycling facility with portable office and a mobile food vendor (taco truck) on-site. The property is located on the north side of Azusa Road, 250 feet west of Hwy 33 in the Dos Palos “Y” SUDP. The property is designated Commercial land use in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**
- H. MINOR SUBDIVISION APPLICATION No. 05028 - Frank and Delores Neves -** To divide an 87 acre parcel into two parcels; Parcel No. 1 = 63.34 acres and Parcel No. 2 = 23.97 acres. The project is located on the west side of Box Car Road, 2000 feet north of Highway 152 in the Los Banos area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**
- I. MAJOR SUBDIVISION APPLICATION No. 03012 - San Luis Ranch (Phase I) -** To divide 237 acres into 229 residential lots and a remainder parcel on property located east of State Highway 33, approximately ½ mile south of Henry Miller Road on land designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**



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VI. CORRESPONDENCE

VII. GENERAL BUSINESS

- A. "PRELIMINARY PLAN FOR THE REDEVELOPMENT OF CASTLE AIR FORCE BASE - (Merced County Redevelopment Agency) - To review the Preliminary Plan for the Redevelopment of the Castle Airport Aviation and Development Center and select the boundaries of the Redevelopment Project within the redevelopment survey area. The territory involves the former Castle Air Force Base boundary generally located north of Santa Fe Drive and west of Fox Road north of the City of Atwater. (1,867.3 acres) TO ADOPT A RESOLUTION TO SELECT THE BOUNDARIES OF THE CASTLE AIR FORCE BASE REDEVELOPMENT PROJECT AND APPROVE THE PRELIMINARY PLAN FOR THE REDEVELOPMENT OF THE PROJECT AREA. Project Planner John LeVan**
- B. Identification of Transportation projects for proposed Transportation Measure - Marjie Kirn, Deputy Executive Director, MCAg**

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

APPEALS

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

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

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JUNE 22, 2005

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of June 22, 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 June 22, 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
 Robert King, Planner III
 Dave Gilbert, Planner III
 Kristi Vahl, Planner I
 Jeff Wilson, Planner I
 John LeVan, Senior

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Gloria Bettencourt

III. APPROVAL OF MINUTES

M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 25, 2005 AND JUNE 8, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. GENERAL BUSINESS

A. "PRELIMINARY PLAN FOR THE REDEVELOPMENT OF CASTLE AIR FORCE BASE - (Merced County Redevelopment Agency) - To review the Preliminary Plan for the Redevelopment of the Castle Airport Aviation and Development Center and select the boundaries of the Redevelopment Project within the redevelopment survey area. The territory involves the former Castle Air Force Base boundary generally located north of Santa Fe Drive and west of Fox Road north of the City of Atwater. (1,867.3 acres) **TO ADOPT A RESOLUTION TO SELECT THE BOUNDARIES OF THE CASTLE AIR FORCE BASE REDEVELOPMENT PROJECT AND APPROVE THE PRELIMINARY PLAN FOR THE REDEVELOPMENT OF THE PROJECT AREA. Project Planner John LeVan**

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 2

Project Planner John LeVan presented the staff report and recommendations dated June 22, 2005.

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

John Fowler, Commerce Aviation Economic Development, stated that his department is responsible for this activity and he also introduced Rod Hawkins to the Commission.

Rod Hawkins stated that the Preliminary Plan is the beginning of this process. It selects the boundaries of the redevelopment project area.

Chairman Sloan asked Mr. Hawkins if he anticipates the preliminary zoning and density by September 2005. Mr. Hawkins replied that it's not likely.

Mr. Fowler stated that he currently has the zoning information that is overlaid on Castle. They are working with the Planning Department to rezone the facility according to the 1996 Reuse Plan. The Board of Supervisors has authorized the master developer in considering a conceptual plan for the full build out Castle to begin thinking about a new EIR. Most of the 1100 of the 1800 acres is concrete and the use of that are airplanes on the facility. The rest of the facility will be impacted by specific development.

William Nicholson, Planning Director, stated that the Reuse Plan for Castle was adopted in 1996 by the Joint Powers Authority. That Plan is a community Plan for Castle. There is no housing proposed. The housing is transient. They would like to change the zoning from Special planning zoned into more of a planned development type zone for more flexibility. The zoning boundaries will match up with the current Reuse Plan.

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

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE RESOLUTION PREPARED FOR THE PRELIMINARY PLAN FOR THE REDEVELOPMENT OF CASTLE AIR FORCE BASE.

VI. PUBLIC HEARINGS

- A. **CONDITIONAL USE PERMIT No. 05010 – “Isaac Irrigation” – Gary Schmidt** - To bring into conformance an existing agricultural irrigation trenching and excavating business, and an accessory business of hauling agricultural commodities, located on the north side of Peach Avenue, 580 feet west of Washington Boulevard in the Livingston area. The project site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Kristi Vahl**

Planner Kristi Vahl presented the Staff Report and Recommendation dated June 22, 2005.

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

No one spoke in favor or opposition to this application.

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

Commissioner Tanner questioned Condition #8 regarding the dedication of the right of way. Kurt Royer, Road Division, explained that the standard policy is to make a recommendation that additional right of way be dedicated.

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 3

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 05010 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 JUNE 22, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05010 SUBJECT TO THE 14 CONDITIONS WITH THE DELETION OF CONDITION #8 AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05010 is to bring into conformance an existing custom trenching and excavating business, known as Isaac Irrigation & Trenching, with an accessory business of one truck for hauling agricultural commodities.
2. The applicant shall comply with all standard conditions of approval listed in the Planning Commission Resolution No. 97-1 (except No. 6, 12, and 13).
3. If any hazardous materials will be stored/handled or used in amounts greater than 55 gals, 500 pounds, or 200 cubic feet of gas at standard temperature and pressure or any amount of hazardous waste, a Hazardous Material Business Plan must be submitted to the Division of Environmental Health.
4. Hot Work such as arc-welding or oxy/acetylene welding shall comply with UFC Article 49. Generally, such work shall be done in clean areas with no combustible exposures. A minimum 2-A, 20-B:C fire extinguisher is required to be readily accessible, located within 30 feet of the hot work area.
5. Fire extinguishers with a minimum rating of 2-A, 10-B:C shall be located so that travel to an extinguisher does not exceed 75 feet (UFC Standard 10-1).
6. 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).
7. 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.
8. The property owner(s) shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct two paved driveway approaches at the existing access points onto Peach Avenue. The new approaches shall be rural "agricultural" type driveway approaches conforming to the Merced County Public Works Improvement Standards and Specifications. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. This work shall be accomplished within three months from approval of this application.

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 4

9. Other than passenger type automobiles and unladen pick-ups, all traffic from the site shall access Peach Avenue only via the new paved driveway approaches.
10. All storm drainage runoff from the site shall be directed away from Peach Avenue.
11. All repairs and storage of parts, accessories, etc. shall be within a fully enclosed structure.
12. Outside storage of junked or wrecked vehicles shall not be allowed.
13. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.
14. For the purpose of condition monitoring, an initial inspection fee in the amount of **\$192.00** 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.

- B. MINOR SUBDIVISION APPLICATION No. 05012 – Jerald Langum** - To divide 79 acres into three parcels resulting in parcel sizes of - Parcel No. 1 = 23 acres, Parcel No. 2 = 28 acres, and Parcel No. 3 = 28 acres. The project is located at the northwest corner of Worden Avenue and Athlone Road in the Le Grand area. The project site is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated June 22, 2005.

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

Duane Andrews, the applicants representative from Golden Valley Engineering, asked for approval of this application.

Diana Westmoreland-Pedrozo of Merced County Farm Bureau, stated that she is against the premature parcelization of agricultural land. She also stated that the current General Plan is in need for an update. She feels there is a water issue.

The public hearing closed at 9:57 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05012, 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 JUNE 22, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05012 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 5

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.
3. The applicant shall obtain a “Non-exclusive License Agreement” for all crossings over or under any MID facilities, including roadways, bridges, utilities, and pipelines.
4. The applicant shall not discharge any drainage water from the property into MID facilities.
5. Irrigation water delivery shall be ensured to all new parcels and an irrigation easement be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each new parcel.
6. The property owner shall dedicate to the County of Merced and annotated on the parcel map a 30 foot width of road right-of-way (the existing unaccepted northerly 20-foot road width plus an additional 10-foot width) along the project frontage on Worden Avenue.

C. MINOR SUBDIVISION APPLICATION No. 05023 – Carole Narita - To divide a 40-acre parcel into two 20 acre parcels. The project site is located on the north side of Harding Road, 1,325 feet east of Cortez Avenue. 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 June 8, 2005 meeting. Project Planner Dave Gilbert

Planner Dave Gilbert presented the Staff Report and Recommendation dated June 22, 2005.

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

Garth Pechennino, Tolladay, Fremming and Pechennino, agrees with the conditions in the staff report and asked for approval of this project.

Diana Westmoreland-Pedrozo, from Merced County Farm Bureau, states that she is against the premature parcelization of agricultural land and also she is concerned with the water supply.

The public hearing closed at 10:05 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05023, FROM CEQA.

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 6

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 22, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05023 SUBJECT TO THE 3 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.
3. To complete the property owner's half of a 60-foot ultimate road right-of-way width the property owner shall dedicate to the County of Merced and annotated on the parcel map an additional 15 foot width road right-of-way along the project frontage on Harding Road.

- D. MINOR SUBDIVISION APPLICATION No. 05016 - William and Carolyn Ahlem - To divide a 40 acre parcel into two 20 acre parcels. The project is located on the northwest corner of Mitchell Road and Williams Avenue in the Hilmar area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Jeff Wilson****

Planner Jeff Wilson presented the Staff Report and Recommendation dated June 22, 2005. He stated that staff has difficulty making Findings #8, 12 & 13 in the staff report.

Chairman Sloan agrees with Finding #13 should remain, but feel that Findings 8 & 12 should be deleted.

The public hearing opened at 10:33 a.m.

Dennis Wilson, Horizon Consulting, is in disagreement with the objections to Findings #8, 12 & 13. He stated that this application is consistent with the General Plan. He feels they are consistent in the parcel size and there are productive crops that can be grown on these parcels. He asked that this application be approved.

Commissioner Tanner asked how this property is irrigated. Mr. Wilson replied that the property is in the Turlock Irrigation District. He indicated that they will provide drainage channel east to west where the division line is. It all drains into the Hilmar drain to the south.

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 7

Diana Westmoreland-Pedrozo, of Merced County Farm Bureau, stated that she is against the premature parcelization of agricultural land and is concerned with the water supply.

The public hearing closed at 10:36 a.m.

MOTION: M/S TANNER – BUENDIA, MOVES TO DENY MINOR SUBDIVISION APPLICATION NO. 05016 AND CARRIED BY A VOTE OF 2 - 2, NAY BY CHAIRMAN SLOAN AND COMMISSIONER MOBLEY, THIS APPLICATION IS AUTOMATICALLY DENIED DUE TO THE INABILITY TO MAKE FINDING #13 IN THE STAFF REPORT.

- E. MINOR SUBDIVISION APPLICATION No. 05020 – Karen Crane - To divide a 51 acre parcel into two parcels; Parcel 1 = 20 acres and Parcel 2 = 31 acres located west of Whitworth Road, north of Bunker Road in the Gustine area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated June 22, 2005.

The public hearing opened at 10:50 a.m.

Joe Silva, neighbor, doesn't want to see this subdivision approved. There are a lot of problems in the area already and he feels new neighbors would bring in more flies and the orchards there wouldn't be kept clean.

Garth Pechennino of Tolladay, Fremming & Pechennino, stated that the application is consistent with the findings in the staff report. The parcel is high quality soil and is under production. The parcel is also in the Williamson Act. There are no homes currently on the parcel. He understands Mr. Silva's complaints but feels his concerns are not related to this application.

Bert Crane, the applicant's father, stated that the problems that Mr. Silva is speaking of are not her daughter's problems. The land is currently almonds and they don't flood the parcel. The property is in the Williamson Act and the purpose of the subdivision is for estate planning. He asked for consideration of this application.

Diana Westmoreland-Pedrozo of Merced County Farm Bureau, stated that the General Plan needs to be updated and she is also against the premature parcelization of agricultural land.

The public hearing closed at 11:05 a.m.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05020, 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 JUNE 22, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05020

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 8

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.

- F. CONDITIONAL USE PERMIT No. 05004 – Cricket Communications – To install an unmanned wireless telecommunication facility, consisting of a 120 foot tall monopole, 9 antennas and associated equipment in the northeast portion of a 44 acre parcel. The project site is located on the west side of State Highway 99, approximately 700 feet south of its intersection with Le Grand Road, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the June 8, 2005 meeting. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated June 22, 2005.

The public hearing opened at 11:16 a.m.

Alex Goetze, of Crickett Communications, agrees with the conditions in the staff report. He stated that he is available to answer any questions.

The public hearing closed at 11:17 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 05004, 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 JUNE 22, 2005, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05004 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05004 is to allow Cricket Communications to construct and operate a wireless telecommunication facility, consisting of a 120 foot tall monopole, nine panel antennas and associated support equipment, on a 44 acre parcel located immediately west

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 9

of State Highway 99, approximately 700 feet south of its intersection with Le Grand Road in the Merced/Le Grand area.

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 submit plans for proposed access road design and surfacing materials for review and approval by the Public Works Road Division prior to building permit issuance.
4. In the event that any hazardous materials are to be stored at the project site in amounts exceeding 55 gallons, 500 pounds or 200 cubic feet of gas, the applicant shall prepare and submit a Hazardous Materials Business Plan to the Merced County Department of Public Health, Environmental Health Division
5. Cricket Communications shall provide the County with a signed agreement providing for the availability of the wireless monopole for collocation by other wireless service providers.
6. The applicants shall provide for tower lighting consistent with the requirements of subsection 18.47.24.C.1 of the Zoning Code.
7. Any signs proposed for the project site shall conform to the standards provided in subsection 18.47.24.C.3 of the Zoning Code.
8. The applicant shall post an acceptable type of financial security with the County to ensure proper maintenance of the facility and pay for its removal if it is abandoned, or the permit expires. This security shall be for not less than one and a half times the cost of facility removal.
9. The project site 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 are required to be abated under MCC Section 9.25.
10. The applicant shall enter into a “Non-exclusive License Agreement” with Merced Irrigation District (MID), for all crossings over or under any MID facilities, including roadways, bridges, utilities and pipelines.
11. A mitigation-monitoring fee of **\$192.00** shall be paid prior to the issuance of final approval for this proposal. Should additional staff time be required for review of 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.

- G. APPEAL No. 05001 TO ADMINISTRATIVE PERMIT APPLICATION No. 05010 – Andrew Harrington** - To expand an existing horse boarding and training facility with a maximum of 80 horses and construct a barn. The project is located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. This item was appealed to the Planning Commission from**

MERCED COUNTY PLANNING COMMISSION
Minutes – June 22, 2005
Page 10

the Hearing Officer meeting of May 9, 2005. Project Planner Dave Gilbert

Planner Dave Gilbert presented the Staff Report and Recommendation dated June 22, 2005. He recommended that the Planning Commission deny the appeal.

The public hearing opened at 11:30 a.m.

Gary & Terri Souza, neighbors, stated that since 1998 the applicants have been out of compliance. She states that the applicants do not monitor the drainage water and there is no manure removal. She states that the applicants have several buildings without a permit and she is concerned with about the possible roadway expansion. She asked that a certified surveyor come in to survey there property. She feels that the County is not monitoring the applicants permit.

Andrew & Andrea Harrington, applicants, stated that they are trying to conform and update their permit currently. They also indicated that they will do anything to make this application work.

Jeff Palsgaard, Environmental Health, stated that he has been out to the project site regarding the neighbors complaints. He stated that the water discharges off the site and that the neighbors have legitimate complaints. There should be a 2 foot berm requirement.

Chairman Sloan asked Mr. Palsgaard if the applicants are currently in compliance. Mr. Palsgaard replied that the applicants are over in the number of horses allowed, but otherwise they are in compliance. Chairman Sloan also asked if the applicants currently have a business license. William Nicholson, Planning Director, stated that the applicants do have a business license. The Harringtons confirmed that they do hold a business license currently.

Mrs. Souza stated that the water is not contained and it flows into the drain. The applicants irrigate every 20 days.

Diana Westmoreland-Pedrozo, representing the East San Joaquin Water Quality Coalition, asked the Planning Department to include the water quality coalition. They would like to keep the water quality in good condition.

Alan Indman, Mosquito Abatement, stated that if the water doesn't drain off the pasture, it would create a mosquito problem. Water drain off is very important.

The public hearing closed at 11:52 a.m.

Commissioner Mobley asked if there is currently water monitoring. Mr. Nicholson replied that currently there is requirement.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION UPHOLDS THE HEARING OFFICERS DECISION AND DENIES APPEAL NO. 05010 FOR ADMINISTRATIVE PERMIT APPLICATION No. 05010 DUE TO THE ABILITY TO MAKE THE LISTED 8 FINDINGS SET FORTH IN THE STAFF REPORT SUBJECT TO THE 8 CONDITIONS WITH A MODIFICATION TO CONDITION #8 TO READ AS FOLLOWS.

Conditions:

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 11

1. Administrative Permit No. 05010 is granted for this project, which shall be located, developed and operated in a manner as described on the approved plot plan and submitted application, consistent with the specific conditions provided in this approval. No more than 80 horses shall be boarded on the project site. Minor modifications may be approved by the Planning Director.
2. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
3. The property owners shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Dickenson Ferry Road. The legal description(s) and exhibit(s) needed for the grant deed easement shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Approved grant deed with accompanying legal description(s) and exhibit(s) shall be submitted for recordation within two months from the issuance date of this permit.
4. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and reconstruct the existing driveway approach at the main entrance to the facility. The new approach shall be a rural "agricultural" type driveway approach conforming to the Merced County Public Works Improvement Standards and Specifications. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. This work shall be accomplished prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
5. On-site water storage for fire protection shall be provided. 5,000 gallons shall be required for this project, based upon NFPA Standard 1142. Water supply connections, hydrants or risers shall be located not more than 250 feet from any point of a significant building, measured from the outside (NFPA 24 & 1141). Water storage tanks shall be clearly marked "water" or "H₂O", with any Fire Department connection marked "Fire Department" and shall be accessible at all times. Water storage shall have a water level indicator visible from the nearest outlet, filled automatically, and shall be adequately vented for drafting. Tanks shall have a 4 1/2 male outlet with National Standard Threads, be clearly marked "Fire Dept." and shall be accessible at all times. Water supply connections on gravity systems shall also be marked "Draft". Hydrant, risers and tanks shall be a minimum of 25 feet from all significant buildings. Water supply connections shall be parallel to grade and 18" – 30" above grade measured from the center of the connection. Please submit a plot plan showing the storage location and fire department access, for review and approval.
6. The horse boarding facility shall be maintained at all times in a manner that does not create any public nuisances or flies and/or odors.
7. For the purpose of condition monitoring, an inspection fee in the amount of **\$384.00** shall be required. This fee shall be paid within 14 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
8. A berm two (2) feet in height shall be constructed and maintained along the south property line to prevent pasture run-off from discharging off-site. The berm shall be completed prior to issuance of a building permit for any new structures.

H. ADMINISTRATIVE PERMIT APPLICATION No. 05014 - Laith Mikha - To establish a 5,000 sq. ft. recycling facility with portable office and a mobile food vendor (taco truck) on-site. The property is located on the north side of Azusa Road, 250 feet west of Hwy 33 in the Dos Palos "Y" SUDP. The property is designated Commercial land use in the General Plan and

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 12

zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**

Planner Kristi Vahl presented the Staff Report and Recommendation dated June 22, 2005.

The public hearing opened at 12:05 p.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 12:05 p.m.

Commissioner Tanner asked what the parking situation is on the property. Planner Kristi Vahl replied that they are short 3 spaces, but there is parking along the side of the property. Commissioner Buendia asked if there are handicapped spaces available for parking. Planner Vahl replied that there is one space available for the proposed market and one space available for the recycling center.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE PERMIT APPLICATION No. 05014, 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 JUNE 22, 2005, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION No. 05014 SUBJECT TO THE 15 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit No. 05014 is granted to establish a 5,000 sq. ft. recycling facility and a semi-mobile food vendor truck on the subject property as shown on the approved plot plan.
2. In accordance with Section 18.47.61 of the Merced County Zoning Code for "Recycling Facilities" the following conditions shall apply:
 - a. Shall accept only glass, metal, plastic containers, papers or other recyclable items in a specifically marked container.
 - b. Shall use no power driven processing equipment except for reverse vending machines which may pay money for deposit of certain recyclables.
 - c. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule.
 - d. Shall store all recyclable material within the fenced in area and shall not leave materials outside of the unit when attendant is not present.
 - e. Shall be maintained in a clean and sanitary manner free of litter and other undesirable materials.
 - f. Shall not exceed noise levels of 70 dBA.

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 14

feet walking distance of the vehicle. The vehicle operator must have written authorization for use of the restroom.

12. The operator(s) shall maintain a portable fire extinguisher rated a minimum of 2-A, 10-B:C at the site during all hours of operation.
13. After final sale of the project site is completed between the existing owner and the applicants, the applicants (new owners) shall apply for a property line adjustment so that the market, recycling facility, and mobile food vendor are located on one parcel.
14. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (attached).
15. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$192.00** shall be required. This fee shall be paid prior to initiation of the business.

I. MINOR SUBDIVISION APPLICATION No. 05028 - Frank and Delores Neves - To divide an 87 acre parcel into two parcels; Parcel No. 1 = 63.34 acres and Parcel No. 2 = 23.97 acres. The project is located on the west side of Box Car Road, 2000 feet north of Highway 152 in the Los Banos area, designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated June 22, 2005.

The public hearing opened at 12:15 p.m.

Larry Bowers, of B.C.A, and representing the applicant, stated that he had no comments on this application except that the 23 acres is actually closer to 20 acres in size.

Commissioner Tanner asked how the parcel is irrigated.

Frank Neves, applicant, stated that the project is irrigated from north to south.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, states that she is against the premature parcelization of agricultural land. The General Plan needs to be updated.

The public hearing closed at 12:18 p.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05028, 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 JUNE 22, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05028 SUBJECT TO THE 2 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 15

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.

- J. MAJOR SUBDIVISION APPLICATION No. 03012 - San Luis Ranch (Phase I) - To divide 237 acres into 229 residential lots and a remainder parcel on property located east of State Highway 33, approximately ½ mile south of Henry Miller Road on land designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated June 22, 2005. He also added that there needs to be modifications made to Condition #3, Condition #7, Condition #12 and Condition #16. (see attached conditions below for wording).

The public hearing opened at 12:34 p.m.

Richard Strong, representing the applicant, stated that he is available for any questions and he is in concurrence with the proposed changes in the language for Condition #3, 7, 12 & 16.

Diane Westmoreland-Pedrozo, Merced County Farm Bureau, stated that she is concerned with building more homes not connected to jobs. She feels this will create a commuter community.

William Nicholson, Planning Director, explained that the Plan is actually bringing more houses to the area that people commute to. They are not too worried about the jobs coming with the housing.

The public hearing closed at 12:39 p.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, CHAIRMAN SLOAN ABSTAINED FROM VOTING, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. 03012 FROM CEQA.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, CHAIRMAN SLOAN ABSTAINED FROM VOTING THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 22, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 03012 SUBJECT TO THE 17 CONDITIONS WITH MODIFICATIONS BEING MADE TO CONDITION #3, #7, #12 AND #16 AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 16

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. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken for the subdivision until completion of the following steps which partially implement the EIR on the Santa Nella Community Specific Plan:
 - a. The Habitat Conservation Plan (HCP) for the site has been approved by the US Fish & Wildlife Service;
 - b. On-site Kit Fox corridor easements have been granted and funding has been deposited to ensure the property management and maintenance of these corridors as outline in the HCP;
 - c. The applicant demonstrate a good faith effort to enter into a Memorandum of Understanding (MOU) with the US Fish & Wildlife Service, State Department of Fish & Game, and various State and Federal agencies to ensure the long term management of the Kit Fox corridors. This MOU is anticipated to be completed in approximately 12 months.
4. 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.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
7. Release and relinquish all abutters' rights of access to and from the frontage as directed by the Public Works Roads Division.
8. Notwithstanding Condition No. 3, all lot and street grading shall be completed prior to 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 for the centerline striping of Vera Cruz Drive at its intersection with State Highway 33.
10. The developer is obligated to comply with Federal Regulations for storm

MERCED COUNTY PLANNING COMMISSION

Minutes – June 22, 2005

Page 17

water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).

11. Two points of access are required for emergency vehicle access (UFC 902.2.1). Emergency access points shall be provided to the satisfaction of the Merced County Fire Department.
12. Vera Cruz Drive construction shall be redesignated to the satisfaction of the Merced County Public Works /Road Division.
13. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
14. Two points of access are required for emergency vehicle access (UFC 902.2.1). Access roads are to be a minimum of 20 feet in width, with a vertical clearance of at least 16 feet, 6 inches with an all weather driving surface capable of supporting highway loads (UFC901, 902)
15. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
16. Bike Routes shall be constructed consistent with the Santa Nella CSP.
17. A condition monitoring fee of **\$480.00** shall be required prior to the recordation of the Final Map.

VII. CORRESPONDENCE

None

VIII. GENERAL BUSINESS

A. IDENTIFICATION OF TRANSPORTATION PROJECTS FOR PROPOSED TRANSPORTATION MEASURE - Marjie Kirn, Deputy Executive Director, MCAG

This General Business item was continued to the July 13, 2005 meeting.

IX. DIRECTOR'S REPORT

None

X. ADJOURNMENT

There being no further business, the meeting adjourned at 12:47 p.m.