



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 14, 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. 05015 - Ramiro Rodriguez - To consider locating a semi-mobile food vendor on property located on the northwest corner of Stephens Street and Schendel Avenue in the Delhi area. The property is designated as Delhi SUDP Commercial in the General Plan and zoned C-2 (General Commercial) (.73 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 24, 2005 meeting. Project Planner Robert King****
- B. MAJOR SUBDIVISION APPLICATION No. 03012 - Santa Nella Village (Phase 5a) - To divide 40.7 acres into 138 residential lots on property located northwest of San Luis Avenue and Centinella Drive on land designated as Santa Nella SUDP Medium Density Residential in the Santa Nella and zoned R-3 (Multiple Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

- C. **CONDITIONAL USE PERMIT No. 05013 - Gemperle Egg Packing** - To add two brooder houses and a grow barn to an existing poultry facility on property located south of Bradbury Road approximately ¼ mile west of Lander Avenue in the Turlock area designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). (52.1 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

- D. **MINOR MODIFICATION No. 05012 (1st Modification to Conditional Use Permit No. 03001) – Michael & Veronica Brasil** - To add a 3 additional residences for a total of eight homes to be occupied by employees of an existing dairy operation. The property is located on the northwest corner of First Avenue and Griffith Avenue in the Stevinson area and is designated Agricultural in the General Plan and zoned A-1 (General Agricultural)(129.5 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Kristi Vahl**

- E. **MINOR SUBDIVISION APPLICATION No. 05046 - Albert Catrina** - To divide a 52 acre parcel into two parcels of 26 acres in size. The project is located on the north side of Catrina Street and a half mile east of Indiana Road in the Dos Palos “Y” area on land designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

- F. **ZONE VARIANCE APPLICATION No. 05001 - Ranchwood Homes** - To vary 11 to 15 feet from the minimum lot width at the front lot line for four lots in the El Capitan Estates subdivision on property located on the east side of Drake Avenue, north of Fir Avenue. The project site is designated Franklin-Beachwood SUDP Medium Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

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 SEPTEMBER 14, 2005

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of September 14, 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 9:05 a.m., on September 14, 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 Lynn Tanner
 Commissioner Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: William Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary
 Robert King, Planner III
 Jeff Wilson, Planner I
 Dave Gilbert, Planner III

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman, excused absence

III. APPROVAL OF MINUTES

M/S BETTENCOURT - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF AUGUST 24, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT No. 05015 - Ramiro Rodriguez - To consider locating a semi-mobile food vendor on property located on the northwest corner of Stephens Street and Schendel Avenue in the Delhi area. The property is designated as Delhi SUDP Commercial in the General Plan and zoned C-2 (General Commercial) (.73 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 24, 2005 meeting. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated September 14, 2005.

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

Mike Smith of CCPS is representing the applicant. He stated that the parking on site is paved and has curb and gutter. The parking lot is never full. He feels that this project is not affecting the area. He met with MAC members to discuss this project

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 2

and their only main concern is the trash in the area if the mobile food vendor were to be approved. He asked for approval of this application.

Ivan Nightengale, neighbor to the north, stated that he would like to see the area beautified. He feels this is not the best location and is against the taco truck.

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

The Planning Commission discussed with Planning and Public Works Department staff the status of the 11 parking spaces partially within the right-of-way of Stephens Street and the storage of the recycled cardboard. The Commission agreed to modify Condition No. 8 and add a Condition #13.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 05015, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 14, 2005, AND MAKES THE 6 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 6 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05015 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS AMENDED AS FOLLOWS:

Conditions:

1. Conditional Use Permit No. 05015 is granted to locate a semi-mobile food vendor at the "secondary location" as shown on the approved plot plan.
2. The vendor truck shall be maintained and operated in accordance with the conditions of the permit and the approved plot plan. The Planning and Community Development Director may approve minor modifications to the application.
3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
4. The applicant shall comply with the Merced County Zoning Code Development Standards required for Semi-Mobile Food Vendors (§18.47.79.D) including, but not limited to the following:
 - a. The operating hours shall be limited to be between 10:00 a.m. to 10:00 p.m. daily, including Saturday and Sundays
 - b. There shall be adequate trash receptacles adjacent to the vehicle.
 - c. The site shall be kept clean and free of litter at all times. Trash and garbage shall be removed from the site at the end of each day (§18.47.79.D.9.).

- d. Wastewater generated by this use shall not be released on-site or
- e. into any storm drainage or irrigation system (§18.47.79.D8.).

MERCED COUNTY PLANNING COMMISSION
Minutes – September 14, 2005
Page 3

- f. Grease shall be disposed per requirements of the Division of Environmental Health.
- 5. No additional advertising sign except a sign attached to the vehicle and approved by the Planning and Community Development Director is allowed.
- 6. Conditional Use Permit No. 05015 is not transferable to another operator.
- 7. The vehicle shall be self-contained for potable water, wastewater, and power within the vehicle. Electrical connections to adjacent businesses may be permitted if approved by the County Building Division as meeting County Codes.
- 8. 27 parking spaces shall be provided on site as per the requirements of the Merced County Zone Code. These 27 spaces may include the 11 non-conforming spaces within the Stephens Street right-of-way until such time as the County widens Stephens Street.
- 9. The Division of Environmental Health requires that the Mobile Food Preparation Unit obtain the necessary (Health) permit to operate a vehicle in accordance with the California Retail Uniform Food Facilities Law.
- 10. The vehicle must be brought to an approved commissary or other approved food facility for servicing each day of operation.
- 11. During all hours of operation, the staff must have access to a restroom, which has been approved by Environmental Health Division. The restroom must be within 200 feet walking distance of the vehicle. The vehicle operator must have written authorization for use of the restroom.
- 12. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$96.00** shall be required. This fee shall be paid prior to initiation of the business.
- 13. Outside storage of materials including recycled cardboard, may be permitted only in the area of the two most northwest parking spaces and subject to applicable regulations of the County's Health and Fire Departments.

B. MAJOR SUBDIVISION APPLICATION No. 05009 - Santa Nella Village (Phase 5a) - To divide 40.7 acres into 138 residential lots on property located northwest of San Luis Avenue and Centinella Drive on land designated as Santa Nella SUDP Medium Density Residential in the Santa Nella and zoned R-3 (Multiple Family Residential). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King

This item has been continued to an unknown date due to a number of unresolved items that still need to be addressed by the applicant and staff.

C. CONDITIONAL USE PERMIT No. 05013 - Gemperle Egg Packing - To add two brooder houses and a grow barn to an existing poultry facility on property located south of Bradbury Road approximately ¼ mile west of Lander Avenue in the Turlock area designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). (52.1 acres) TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King

Planner Robert King presented the Staff Report and Recommendation dated September 14, 2005.

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 4

The public hearing opened at 10:06 a.m.

Steven Gemperle, owner, stated that he redesigned the project. He asked for approval of this application.

The public hearing closed at 10:07 a.m.

County Counsel Ruben Castillo asked if there were any written objections regarding this application. Planner Robert King replied no.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE NEGATIVE DECLARATION PREPARED FOR CONDITIONAL USE PERMIT No. 05013, WITH 3 MITIGATION MEASURES.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 14, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05013 SUBJECT TO THE 18 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit No. 05013 is granted to add two brooder houses and a grow barn to an existing poultry facility as shown on the attached site plan.
2. The project applicant shall implement SJVAPCD's Regulation VIII, Rule 8021 - Construction, Demolition, Excavation, Extraction, And Other Earthmoving Activities (Adopted November 15, 2001; Amended August 19, 2004). This rule applies to any construction, demolition, excavation, extraction, and other earthmoving activities, including, but not limited to, land clearing, grubbing, scraping, travel on site, and travel on access roads to and from the site. Prior to the initiation of construction, the applicant shall prepare a dust control plan consistent with the standards of Rule 8021, and implement the requirements of the plan during construction. A copy of the approved plan shall be submitted to the Merced County Building Division prior to the issuance of any building or demolition permit for the facility. The project applicant shall obtain an Authority to Construct permit prior to initiating construction on the expanded facility as required by the SJVAPCD. (MM-1)
3. Comply with SJVAPCD regulations implementing SB 700 through preparation of a Conservation Management Practices program and any applicable requirements. (This requirement may be satisfied by modifying an existing CMP for the site to reflect the proposed changes in operations

and facilities.) Any equipment subject to SJVAPCD Permit to Operate Requirements must obtain an Authority to Construct (ATC) from the District. Construction of equipment that requires an ATC or construction of any intimately related facility, such as foundations and utility hookups for equipment, cannot begin until an ATC is obtained. (MM-2)

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 5

4. Gemperle Egg Packing Inc. shall apply for a permit from SJVAPCD for all backup diesel generators to comply with District regulations, ARB's Diesel ATCM regulations and State Health and Safety codes. As part of the permit process completed by the SJVAPCD, the District will include public noticing, preparation of agreements on restrictions of operations of the emergency diesel generator, and preparation of a Health Risk Assessment in accordance with Cal EPA's "The Air Toxics Hot Spots Program Guidance Manual for Preparation of health Risk Assessments." (MM-3)
5. Diesel generators shall be powered by a compliant Tier 2 engine. (MM-3)
6. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce potential impacts to water quality during construction of the project.
7. The applicant shall comply with all applicable regulations of the California Regional Water Quality Control Board (CRWQCB) and the Merced County Environmental Health Division as to use, operation and manure handling practices including but not limited to the Merced County Poultry Ordinance as written now and amended in the future.
8. The applicant shall enter into a Roadway Impact Agreement with the Merced County Department of Public Works Road Division, as may be necessary. As part of the Agreement, a Roadway Impact Assessment will be prepared. Should the assessment indicate any adverse effects, the applicant shall pay for the cost of asphalt concrete material to overlay Bradbury Road. The applicant may pay the impact fee in five (5) equal annual installments. The fee, or first installment, shall be paid within 12 months of Conditional Use Permit approval. (MM-4)
9. On-site water storage for fire protection shall be provided per NFPA Standard 1142 and local requirements with water supply connections, hydrants, or risers located not more than 300 feet from any point of a significant building, measured from the outside (NFPA 24 & 1141).
10. Water storage tanks, water distribution lines, hydrants, risers, and other associated fire safety equipment shall be installed and constructed as per the requirements of the Merced County Fire Department, including but not limited to their letter dated April 16, 2003 attached and incorporated by reference.
11. Access roads within developed areas shall be a minimum of 20 feet in width with a vertical clearance of at least 13 feet 6 inches, extending to within 150 feet of all portions of the buildings with all weather surfaces capable of supporting fire department vehicles.

12. The applicant shall comply with all applicable regulations administered by the County. These regulations shall include, but not limited to standards administered by the County Fire, Public Works, Environmental Health and Planning and Community Development Department.
13. The project shall comply with all the standard conditions in Planning Commission Resolution No. 97-1 (Attached to applicant's staff report).
14. For the purpose of condition monitoring, an inspection fee in the amount of **\$96.00** shall be required. This fee shall be paid prior to issuance of any building permits.
15. The property owner(s) shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of Bradbury 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 deeds with accompanying legal description and exhibit drawing shall be submitted for recordation prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division for any new building. Closure calculations shall be submitted for metes and bounds type legal descriptions.
16. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct paved driveway approaches at the existing access points onto Bradbury Road. The new approaches shall be rural "agricultural" type driveway approaches conforming to the Merced County Public Works Improvement Standards and Specifications. The arrangement of the driveway approaches shall be received and approved by DPW/Road Division. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. Roadside ditches shall be provided with the paved driveway approaches to collect runoff from the roadway. 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 building.
17. Other than passenger type automobiles and unladen pick-ups, all traffic from the site shall access Bradbury Road only via the new paved driveway approaches.
18. All storm drainage runoff from the site shall be directed away from Bradbury Road.

D. MINOR MODIFICATION No. 05012 (1st Modification to Conditional Use Permit No. 03001) – Michael & Veronica Brasil - To add 3 additional residences for a total of eight homes to be occupied by employees of an existing dairy operation. The property is located on the northwest corner of First Avenue and Griffith Avenue in the Stevinson area and is designated Agricultural in the General Plan and zoned A-1 (General Agricultural)(129.5 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**

Planner Jeff Wilson presented the Staff Report and Recommendation dated September 14, 2005.

The public hearing opened at 10:22 a.m.

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 7

Mike Smith, CCPS, asked that in the future could the dairy workers not be required to allow copies of their W-2's to be made public for privacy reasons. He asked for approval of this application.

Commissioner Bettencourt suggested that any private information on the W-2 forms could be blacked out. Mr. Smith agreed to that. Planner Robert King suggested that the dairy workers could bring in the W-2 and have the form turned back to them once the Planner checks to ensure the person is a dairy worker. Counsel Ruben Castillo agreed to that.

The public hearing closed at 10:25 a.m.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR MODIFICATION No. 05012 (1st MODIFICATION TO CONDITIONAL USE PERMIT No. 03001), FROM CEQA.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 14, 2005, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MINOR MODIFICATION No. 05012 (1st MODIFICATION TO CONDITIONAL USE PERMIT No. 03001) SUBJECT TO THE 15 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Minor Modification No. 05012 (1st modification of Conditional Use Permit Application No. 03001) is to allow the addition of three additional residences for dairy employees to be placed on the property, for a total of eight residences on-site (one by right and seven additional dwellings).
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. In order to avoid becoming a small public water system, the facility must have at least two domestic water wells, and it must be determined and shown on the plot plan exactly which dwellings are connected to which well.
5. A Right-to-Farm Certificate shall be recorded prior to the issuance of building permits to notify subsequent occupants of the inconveniences of farming operations.
6. The additional permitted residences shall be subject to a yearly occupancy monitoring permit with the regulations administered by the Planning Department.
7. The property owner shall sign an affidavit provided by the Planning Department attesting to the qualifications of the occupant which shall be recorded prior to the issuance of the building permit.

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 8

8. Dairy water storage facilities of 3,000 gallons or more shall have a 4 1/2" male outlet with National Standard threads, with outlets parallel to grade and 18" to 30" above grade measured from the center of the connection. Water Storage tanks shall be clearly marked "Water" or "H2O", with any Fire Department connection marked "Fire Dept." and shall be accessible at all times. Static water storage shall be adequately vented for drafting.
9. 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).
10. Hay, straw and similar agricultural products shall not be stored adjacent to buildings or combustible material unless a cleared horizontal distance equal to the height of the pile is maintained between such storage and combustible material or building. Loose hay storage or other loose feed commodities shall be limited to stacks of 100 tons and a clear space of not less than 20 feet shall be maintained between stacks and property lines. (UFC 2806).
11. Storage of baled hay or similar material shall be a minimum of 10 feet from a property line and shall not exceed 20 feet in height. Baled hay shall be limited to 25,000 cubic feet in volume and a minimum of 20 feet separation between piles (UFC 2805.1).
12. Approved addressing or numbers shall be placed on premises in such a position as to be plainly visible and legible from the street fronting the property (UFC 901.4.4).
13. Businesses or property owners in violation of Uniform Fire Code requirements, such as exceeding storage pile sizes, are subject to Cost Recovery, where the costs associated with a fire are collected from the business or owner by the Merced County Fire Department.
14. For the purpose of Condition Monitoring, a fee in the amount of **\$96.00** shall be paid prior to the issuance of any building permit.
15. All of the original conditions of approval and mitigation measures on Conditional Use Permit No. 03001 are still applicable to this property.

- E. MINOR SUBDIVISION APPLICATION No. 05046 - Albert Catrina** - To divide a 52 acre parcel into two parcels of 26 acres in size. The project is located on the north side of Catrina Street and a half mile east of Indiana Road in the Dos Palos "Y" area on land 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 September 14, 2005.

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

Albert Catrina, applicant, spoke in favor of the project. He stated that the ultimate goal was to do a convey and combine in order to allow his daughter to have an existing residence. There will be no change in agricultural use, and no land will be taken out of agricultural production.

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 9

The Commission Staff concerning the future convey and combine application – Mr. Nicholson responded that once the property is split, they would qualify for this provision – it was not anticipated applicants would use the recent zone code amendments in this manner.

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

MOTION: M/S MOBLEY – BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05046, FROM CEQA.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 14, 2005, AND MAKES THE 14 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 14 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05046 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.

- F. ZONE VARIANCE APPLICATION No. 05001 - Ranchwood Homes - To vary 11 to 15 feet from the minimum lot width at the front lot line for four lots in the El Capitan Estates subdivision on property located on the east side of Drake Avenue, north of Fir Avenue. The project site is designated Franklin-Beachwood SUDP Medium Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

Planner Dave Gilbert presented the Staff Report and Recommendation dated September 14, 2005.

The public hearing opened at 10:56 a.m.

Duane Andrews, Golden Valley Engineering, asked for support regarding this application which was due to an oversight when the Tentative Map was processed.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE APPLICATION No. 05001, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 14, 2005, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11

MERCED COUNTY PLANNING COMMISSION

Minutes – September 14, 2005

Page 10

FINDINGS, APPROVES ZONE VARIANCE APPLICATION No. 05001 SUBJECT TO THE 2 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. This variance allows the reduction to the minimum lot width at the front lot line as shown on the plot plans for four lots.
2. Construction of the single-family residences on the four lots shall comply with all setback requirements pursuant to Section 18.08.03 of the Zoning Code.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

There will be a General Plan Steering Committee on September 28, 2005 at 1:30 pm.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:05 a.m.