



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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*Director*

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JANUARY 25, 2006, 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. ZONE VARIANCE No. 04011 AND MINOR SUBDIVISION APPLICATION No. 04061 - "Bob Warnke Golf Range" Eileen Warnke - To vary from the 20 acre minimum parcel size and divide a 13 acre parcel into two parcels: Parcel 1 = 10 acres; Parcel 2 = 3 acres. The property is located on the east side of State Highway 165 approximately 700 feet north of Bradbury Road in the Turlock area designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the December 21, 2005 meeting. Project Planner Robert King****
- B. APPEAL OF ADMINISTRATIVE APPLICATION No. 05034 – Anabel Torres – To operate a nut packing business in an existing (formerly Bee Storage) building located on a 0.5 acre parcel. The property is located on a private road easement, 400 feet north of Cardoza Road and 400 feet south of the Los Banos city limit. The project site is designated Los Banos SUDP, Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE OR DENY THE APPEAL. Project Planner James Holland****
- C. MINOR SUBDIVISION No. 05077 - Espinoza Bros. - To divide 53.06 acres into two 26.53 acre parcels. The project is located on the north side of South Avenue, 1,800 feet east of Pepper Street in the Ballico area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

- D. **CONDITIONAL USE PERMIT APPLICATION No. 05028 - Frank Machado "Elegant Bull Restaurant"** - To bring into conformance an existing restaurant \ bar to current zoning regulations and allow a 600 square foot addition. The property is located on the east side of Stephens St. at the intersection with Johnson Street and designated as Delhi SUDP General Commercial in the General Plan and zoned C-2 (General Commercial) (1.0 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- E. **MAJOR SUBDIVISION APPLICATION No. 05010 - "Mancebo Estates"** - To divide a 7.6 acres into 6 one acre lots, and a 1.6 acre lot, on property located on the east side of Gurr Road, and 200 feet north of Bronco Lane in the Merced area and designated as Agricultural-Residential in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- F. **EXTENSION No. 05011 - 1st EXTENSION TO MAJOR SUBDIVISION No. 03010 - The Parkway Phase I - River West Investments** - To extend for one year an approved tentative map for a 232 lot subdivision located east of State Highway 33 between the Delta Mendota Canal and the California Aqueduct designated as Santa Nella SUDP Low Density Residential in the General Plan and zoned R-1-5000 (Single Family Residential) (312 acres) **TO APPROVE, DISAPPROVE THE EXTENSION. Project Planner Robert King**
  
- G. **EXTENSION NO. 05013 - 2nd EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052 - Alan Sagouspe** - To extend an approved tentative map for a proposal to divide a 318 acre parcel into 15 parcels, ranging from 20 acres to 23.39 acres each. The property is located on the east side of Moraga Avenue, ½ mile north of Hwy 152 in the Los Banos area designated Agricultural land use in the General Plan and zoned A-1 (General-Agricultural). **TO APPROVE OR DISAPPROVE THE EXTENSION. Project Planner Robert King**
  
- H. **MINOR SUBDIVISION APPLICATION No. 05074 – Rik Strombotne** - To divide a 78 acre parcel into two 39 acre parcels. The project site is located on the southeast corner of Sandy Mush Road and Lone Tree Road in the Merced Area. The property is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera**

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**

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## **MINUTES FOR MEETING OF JANUARY 25, 2006**

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 25, 2006, 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 January 25, 2006, 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 Gloria Bettencourt  
   Commissioner Rudy Buendia

Staff Present:                      Robert Lewis, Development Services Director  
   Kim Lewallen, Recording Secretary  
   Robert King, Planner III  
   James Holland, Planner III  
   Gene Barrera, Planner I

Legal Staff:                        Fernanda Saude, Assistant County Counsel

Commissioners Absent:        None

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

**M/S MOBLEY – BETTENCOURT, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF DECEMBER 21, 2005 AND JANUARY 11, 2006.**

### **IV. CITIZEN COMMUNICATIONS**

Tom Graves, 3425 Sueno Ct. Merced, had questions on the Riverside Motorsports project. He asked how the Commission is going to handle the public hearings regarding this project. He asked if the Commissioners are going to read each letter submitted by the public. Mr. Grave has read each letter regarding this application and noted many of the comments are from outside Merced County.

Chairman Sloan stated that he has read each letter in support and opposition to this project.

William Nicholson, Assistant Director of the Planning Department, stated that the Commissioners have all received copies of the EIR for this project and all its attachments. The Commission will be recommending either approval or denial of this project. The Commission doesn't comment on the EIR themselves. The Commissioners will get a final response in the form of the final Environmental Impact Report with responses to the comments. The Commission will need to make a recommendation to the Board of Supervisors as well. A dual Board of Supervisors/Planning Commission review meeting on the project will be held prior to any formal public hearings.

V. PUBLIC HEARINGS

- A. **ZONE VARIANCE No. 04011 AND MINOR SUBDIVISION APPLICATION No. 04061 -"Bob Warnke Golf Range" Eileen Warnke** - To vary from the 20 acre minimum parcel size and divide a 13 acre parcel into two parcels: Parcel 1 = 10 acres; Parcel 2 = 3 acres. The property is located on the east side of State Highway 165 approximately 700 feet north of Bradbury Road in the Turlock area designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the December 21, 2005 meeting. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated January 25, 2006.

The public hearing opened at 9:29 a.m.

Mike Smith, CCPS, stated that there are facts in staff report that are true and he agrees with them. He would have liked this project at the Planning Staff level and not be brought before the Commission. He stated that the property was surveyed in 1993. He invited the Commission to look at the parcels and indicated that the applicant wants to protect her homesite. He stated that the 13 acres is not farmable. He stated that the surrounding area around is mainly non-agricultural businesses, so this application will not affect those properties.

Chairman Sloan asked Mr. Smith to go through the staff report with the Commissioners and explain what he feels are inaccuracies. Mr. Smith stated that on Page 2 regarding physical change, there was no change to this property. On page 3, Stanislaus County property was considered into for the average parcel sizes in the area. He stated that no where in the criteria does it say that you can't count another parcel in another County. It's specific to the half mile radius, which is what was done. On page 5, regarding the site plan drawing, they found the markers for the property lines because the property was surveyed. He indicated that at the Preliminary Application Review meeting the Road Department stated that any concerns with driveways and paveouts should not be in the staff report. The road department took care of those problems for the applicant.

Commissioner Bettencourt asked Mr. Smith if the applicant would like to keep the golf range going. Mr. Smith indicated that the applicant will continue the golf course, but that is not her major concern.

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

Commissioner Moblely asked how to address the property lines. Mr. Nicholson replied that a surveyor needs to go out to the property to survey the exterior boundaries. A property line adjustment may be needed depending on what the surveyor finds.

Chairman Sloan asked Mr. Smith, if this application is approved, would the applicant have a problem with modifying the Conditional Use Permit. Mr. Smith replied there would be no problem.

Chairman Sloan indicated the property lines are not a major concern to him at this point. He stated that everything within a ½ mile radius of the property should be included regardless if the property is in a different County.

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Mr. Nicholson stated that the Commission looks at the ½ mile radius on parcel splits in the ag zones. This project, however, is different. This project is a zone variance and the criteria for a half mile radius are in the zoning code for agricultural parcel splits, not for variances.

**MOTION: M/S BETTENCOURT - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE No. 04011 AND MINOR SUBDIVISION APPLICATION No. 04061, FROM CEQA.**

**MOTION: M/S BETTENCOURT - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES ZONE VARIANCE No. 04011 AND MINOR SUBDIVISION APPLICATION No. 04061 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Approval of Minor Subdivision Application No. 04061 shall be contingent upon the approval of Zone Variance No. 04011.
2. A Parcel Map 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.
3. Prior to recordation of the Parcel Map, the property owner shall either close the existing golf driving range known as the Bob Warnke Golf Driving Range, or submit and receive approval of a modification to Conditional Use Permit No. 3653.
4. The property owner shall obtain encroachment permits and satisfy improvements as required by the Caltrans.
5. With the concurrence of adjacent property owners, the property lines of the Final Map shall conform to the observed property lines, if differing from the recorded legal descriptions.
6. Prior to recordation of the Parcel Map or 60 days after approval of the tentative map, whichever occurs first, the property owner shall submit applications for the two additional dwelling units on the existing parcel.
7. 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.
8. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
9. The applicant shall comply with all County, State and Federal regulations.

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10. For the purpose of condition monitoring, an inspection fee in the amount of **\$98.00** shall be required. This fee shall be paid within 60 days of approval of the tentative map.

- B. APPEAL OF ADMINISTRATIVE APPLICATION No. 05034 – Anabel Torres** – To operate a nut packing business in an existing (formerly Bee Storage) building located on a 0.5 acre parcel. The property is located on a private road easement, 400 feet north of Cardoza Road and 400 feet south of the Los Banos city limit. The project site is designated Los Banos SUDP, Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE OR DENY THE APPEAL. Project Planner James Holland**

**This item has been continued to the March 22, 2006 meeting.**

- C. MINOR SUBDIVISION APPLICATION No. 05077 - Espinoza Bros.** - To divide 53.06 acres into two 26.53 acre parcels. The project is located on the north side of South Avenue, 1,800 feet east of Pepper Street in the Ballico area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated January 25, 2006.

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

Larry Bowers, BCA, stated the different sizes of parcels in the vicinity and he also stated that he available to answer any questions the Commission may have.

Commissioner Tanner asked if there are wells on each parcel. Mr. Bowers answered no, only on one parcel. He stated that the parcels are good orchards and this subdivision is for the family interest only.

The public hearing closed at 10:12 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05077, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05077 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. The property owner shall dedicate to the County of Merced, annotated on the parcel map, an additional 10-foot width of right-of-way along the entire frontage of South Avenue to complete their half of a 60-foot ultimate right-of-way width.

**D. CONDITIONAL USE PERMIT APPLICATION No. 05028 - Frank Machado "Elegant Bull Restaurant" - To bring into conformance an existing restaurant \ bar to current zoning regulations and allow a 600 square foot addition. The property is located on the east side of Stephens St. at the intersection with Johnson Street and designated as Delhi SUDP General Commercial in the General Plan and zoned C-2 (General Commercial) (1.0 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

Planner Robert King presented the Staff Report and Recommendation dated January 25, 2006.

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

Steve Britten, Pastor at the church adjacent from this application site, stated that he is in favor of this application and hopes the Commission will approve it.

Frank Machado, owner, asked for approval of this application.

The public hearing closed at 10:32 a.m.

**MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05028, FROM CEQA.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05028 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Conditional Use Permit No. 05028 is granted to allow a restaurant and bar with a liquor license as per the submitted site plan.
2. The facility shall be maintained and operated in accordance with the conditions of the permit and the approved plot plan. The Development Services 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 establishment shall operate consistent with the regulations of the State Alcohol Beverage Control.

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5. No additional advertising signs shall be allowed except as approved by the Development Services Director.
6. 14 parking spaces shall be provided on site as per the requirements of the Merced County Zone Code.
7. At the building permit stage, the property owner shall satisfy “mandatory” Improvement Level 2 requirements of Chapter 16.08 Improvement Requirements of the Merced county Code along the Stephens Street frontage of the property. The improvements shall consist of constructing commercial driveway approaches and sidewalk along the entire road frontage which shall be completed prior to the issuance of the Certificate of Occupancy.
8. The refuse bin shall be located onsite, and off of the road right of way consistent with the Merced County Zoning code and such that the refuse truck’s maneuvering will not be within the right of way.
9. A landscaping plan shall be submitted within 30 days of approval, consistent with Section 18.36 et al of the Landscaping Standards of the Zoning Code. Required landscaping shall be installed prior to the issuance of the Certificate of Occupancy and to include a “Level A” screening between it and the adjacent residential dwelling.
10. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$196.00** shall be required.

**E. MAJOR SUBDIVISION APPLICATION No. 05010 - "Mancebo Estates" - To divide a 7.6 acres into 6 one acre lots, and a 1.6 acre lot, on property located on the east side of Gurr Road, and 200 feet north of Bronco Lane in the Merced area and designated as Agricultural-Residential in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

Planner Robert King presented the Staff Report and Recommendation dated January 25, 2006.

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

John McCullough, BCA, stated that he is in agreement with the modification to Condition #11 in regards to the storm basin. He agrees with the staff report and asked for approval of this application.

The public hearing closed at 10:37 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 05010.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05010 SUBJECT TO THE 14 CONDITIONS WITH A MODIFICATION BEING MADE TO CONDITION #11 AS 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. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and undergrounding or relocation of utilities and irrigation facilities.
3. The applicant shall release and relinquish all abutter's rights of access to and from the entire Gurr Road frontage of Lot 1.
4. Should drainage be directed into facilities of the Merced Irrigation District the developer shall enter into a 'Subdivision Drainage Agreement' with the Merced Irrigation District prior to the recordation of the final map.
5. 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.
6. Streets shall be named and designated pursuant to Section 17.04.050.B of the Merced County Code.
7. Ten feet (10') of Gurr Road right of way along the frontage of Parcel 1 as shown on the Parcel Map for Willard Hoyt, et ux., recorded in volume 38 of Parcel Maps at Page 45, Merced County Records is in excess of right of way required for road purposes and shall be abandoned with the recordation of the final map.
8. The storm detention drainage basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes beginning 10 feet inside of the fence or property line along with an 8:1 sloped ramp to allow access for maintenance vehicles to the bottom of the basin. The storm drain basin shall have direct access to a publicly maintained road; minimum width of access shall be 20 feet, with a 12-foot width, 4-inch thick, Class 2 aggregate base road compacted to 95% relative compaction.
9. Provide centerline striping for those new roads which intersect the existing peripheral streets.
10. The developer shall provide all documentation and pay all fees necessary to annex the property into the B & B Rancheros Lighting and Maintenance Zone of Benefit NO. 217 in County Service Area Number One prior to recordation of the final map.
11. Prior to recording the final map, the developer shall provide landscaping adjacent to the water drainage basin prior to issuance of building permits on

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lots 3 and 4.

12. 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 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.
13. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
14. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$276.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

- F. EXTENSION No. 05011 - 1st EXTENSION TO MAJOR SUBDIVISION No. 03010 - The Parkway Phase I - River West Investments - To extend for one year an approved tentative map for a 232 lot subdivision located east of State Highway 33 between the Delta Mendota Canal and the California Aqueduct designated as Santa Nella SUDP Low Density Residential in the General Plan and zoned R-1-5000 (Single Family Residential) (312 acres) TO APPROVE, DISAPPROVE THE EXTENSION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated January 25, 2006.

The public hearing opened at 10:41 a.m.

Bob Asmus, Superintendent, stated that he would like the Commission to not approve anymore subdivisions until the school district and River West have reached any agreements.

The public hearing closed at 10:42 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR EXTENSION No. 05011 - 1st EXTENSION TO MAJOR SUBDIVISION No. 03010.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE ORIGINAL 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES TO EXTEND EXTENSION No. 05011 - 1st EXTENSION TO MAJOR SUBDIVISION No. 03010 TO SEPTEMBER 10, 2007 SUBJECT TO THE 19 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.

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2. A Development Agreement shall be entered into between the proponents of this project and the County of Merced pursuant to Section 65864 of the California Government Code and Merced County Ordinance No. 1361 to provide for facilities and maintenance as per the Implementation Plan Section of the Santa Nella Community Specific Plan prior to recording a Final Map to provide necessary infrastructure.
3. Prior to recordation of the Final Map and as part of the Development Agreement a Consistency Checklist shall be prepared to document the projects conformance to the requirements of the Santa Nella Community Specific Plan and mitigation required within the Santa Nella Community Specific Plan Program EIR.
4. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence that approval for such activities has been granted from the California State Department of Fish and Game, The Army Corp of Engineers, and the United States Fish and Wildlife Service.
5. 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.
6. 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.
7. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
8. Release and relinquish all abutters’ rights of access to and from the entire Parkway Boulevard frontage of Lots 67 – 123.
9. Notwithstanding Condition no. 4, 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.
10. The developer shall provide for the centerline striping of Parkway Blvd at its intersection with State Highway 33.
11. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
12. Temporary turnarounds shall be constructed at the northern ends of Streets E, F, and G and the southern ends of Streets E, K and L.

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13. Parkway Blvd construction shall extend to State Highway 33 with the portion extending west of E Street being a minimum of 92 feet wide to accommodate additional channelization at the intersection with State Highway 33.
14. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
15. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella CSP to be payable at the time of issuance of building permits within "The Parkways" subdivision. (This may be combined with Condition No. 2).
16. 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)
17. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
18. Class I and II Bike Routes shall be constructed consistent with the Santa Nella CSP, including a Class II Lane on Parkway Boulevard and A Class I on Highway 33.
19. A condition monitoring fee of **\$230.00** shall be required prior to the recordation of the Final Map.

**G. EXTENSION NO. 05013 - 2nd EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052 - Alan Sagogue - To extend an approved tentative map for a proposal to divide a 318 acre parcel into 15 parcels, ranging from 20 acres to 23.39 acres each. The property is located on the east side of Moraga Avenue, ½ mile north of Hwy 152 in the Los Banos area designated Agricultural land use in the General Plan and zoned A-1 (General- Agricultural). TO APPROVE OR DISAPPROVE THE EXTENSION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated January 25, 2006.

The public hearing opened at 10:45 a.m.

Duane Andrews, Golden Valley Engineering, asked for approval of this extension.

The public hearing closed at 10:46 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 1, NAY BY CHAIRMAN SLOAN, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR EXTENSION NO. 05013 - 2nd EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 1, NAY BY CHAIRMAN SLOAN, THE PLANNING COMMISSION CONCURS WITH THE**

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**STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE ORIGINAL 7 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 7 FINDINGS, APPROVES EXTENSION NO. 05013 - 2nd EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052 SUBJECT TO THE ORIGINAL 10 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 Hearing Officer approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all County, State, and Federal regulations.
3. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
4. 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.
5. The 20-foot road easement shall be designated a private road easement or a nonexclusive road easement on the parcel map.
6. The owner shall record conditions, covenants, and restrictions concurrently with the parcel map specifically addressing responsibility for construction and maintenance of the 20-foot road easement, and restrictions for placement of fences and gates within the easement.
7. The owner shall relinquish, on the parcel map, abutter's rights of access to and from the entire State Highway 152 frontage of the property.
8. The owner shall obtain an encroachment permit from the Department of Public Works Road Division, pay plan check and inspection fees, and construct one rural agricultural driveway approach on Moraga Avenue to serve the road easement access for the thirteen proposed interior parcels of the subdivision. The applicant shall obtain the encroachment permit and construct the driveway approach prior to recordation of the parcel map; or, the applicant shall post a \$2,000.00 faithful performance security prior to parcel map recordation with driveway construction to be completed within two years of map recordation or prior to the issuance of any building permit for the interior parcels, whichever occurs first.
9. All new parcels shall be ensured access to irrigation facilities through irrigation easements, and any public or private irrigation easements shall be annotated on the parcel map.
10. The use of California State Highways for other than normal transportation purposes may require written authorization from Caltrans in the form of an Encroachment Permit. The application must include the environmental document prepared for the project that addresses Caltrans right-of-way. At a minimum, documentation of cultural, biological, and hazardous waste

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studies within Caltrans right-of-way is required (Cal-Trans).

- H. MINOR SUBDIVISION APPLICATION No. 05074 – Rik Strombotne** - To divide a 78 acre parcel into two 39 acre parcels. The project site is located on the southeast corner of Sandy Mush Road and Lone Tree Road in the Merced Area. The property is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera**

Planner Gene Barrera presented the Staff Report and Recommendation dated January 25, 2006.

The public hearing opened at 10:55 a.m.

Duane Andrews, Golden Valley Engineering, agrees with conditions in the staff report. He asked for approval of this application.

Commissioner Bettencourt asked whether or not this property is located in the Williamson Act. Planner Barrera indicated that this property is not in the Williamson Act and he noted for the record that it was stated incorrectly in the staff report.

The public hearing closed at 10:59 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5- 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05074, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 25, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05074 SUBJECT TO THE 5 CONDITIONS AS 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. The project shall comply with the standard conditions of approval as adopted in Planning Commission Resolution No. 97-1.
4. The applicant shall comply with all County, State and Federal regulations.
5. The property owners shall dedicate to the County of Merced, annotated on the parcel map, additional 10-foot width of right-of-way along the entire frontage of Sandy Mush Road with a 50-foot radius fillet (curve) at the

southeast corner of Sandy Mush and Lone Tree Road.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

There will be a General Plan Steering Committee at 1:30pm today.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:06 a.m.