



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 22, 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. MINOR SUBDIVISION APPLICATION No. 05082 - Elmer Schuh - To divide a 220.4 Acre parcel into one 20 acre parcel and a 200 acre remainder parcel for estate planning purposes. The project site is located on the west side of Vista Avenue and one mile south of Cross Road in the Chowchilla 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**

B. ADMINISTRATIVE APPLICATION No. 05129 - Jose and Salvadore Walle - To establish an assembly hall/auditorium in an existing building. The property is located on the northeast corner of Bridget Court and Winton Way on land designated Winton SUDP General Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

- C. ADMINISTRATIVE PERMIT APPLICATION NO. 04008 – Double Diamond Dairy (Mike Vander Dussen) – To expand an existing dairy located on a 640 acre site by constructing four freestall barns and roofing a portion of an existing barn, allowing an increase in herd size of 2,240 Animal Units (to a total of 10,724 Animal Units). The project site is located south of Washington Road, east of State Route (SR) 59 and approximately one mile southeast of the El Nido SUDP. It is Designated Agricultural in the General Plan and Zoned A-1 General Agricultural. **TO ADOPT THE ENVIRONMENTAL IMPACT REPORT AND APPROVE, DISAPPROVE OR MOIDIFY THE APPLICATION. Project Planner James Holland****

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 FEBRUARY 22, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of February 22, 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 9:11 a.m., on February 22, 2006, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

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

Staff Present: William Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III
 Jeff Wilson, Planner II
 Gene Barrera, Planner I

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: Commissioner Jack Mobley
 Commissioner Gloria Bettencourt

III. APPROVAL OF MINUTES

NONE

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. MINOR SUBDIVISION APPLICATION No. 05082 - Elmer Schuh - To divide a 220.4 Acre parcel into one 20 acre parcel and a 200 acre remainder parcel for estate planning purposes. The project site is located on the west side of Vista Avenue and one mile south of Cross Road in the Chowchilla 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 February 22, 2006.

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


David Heinrichs, of Fremming, Parsons & Pecchenino, stated that irrigation is in place on the property and there are 220 acres with sprinklers. He asked for approval of this application.

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

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05082 FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 22, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05082 SUBJECT TO THE 11 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 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. Irrigation water delivery shall be ensured to all new parcels, and an irrigation easement shall be provided from the existing irrigation delivery gate currently offering service to the whole property if there is not an irrigation delivery located within Proposed Parcel 1.
6. Addresses for all buildings shall be clearly visible and permanently marked at the access to the right-of-way.
7. All improved lots with significant buildings or structures shall have all weather access to within 150 feet of all portions of such improvements. All weather access is an easement, or equivalent, and shall consist of a minimum 20 feet width of unobstructed access, with a minimum of 13 feet 6 inches vertical clearance. Parking is not allowed on the access easement. All-weather surface shall be not less than 6" of Class 2 aggregate unless soils reports specifically indicate other designs, and in any case capable of supporting highway loads. The Fire Department reserves the right to require an engineering analysis of the required all-weather surface specific to particular soil load bearing limitations.
8. For one or two dwelling units total, the 20 feet width of access shall have all-weather surface of not less than 16 feet in width, for any length, capable of supporting highway loads.
9. For three or more dwelling units and all commercial/industrial uses, including

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agribusiness (excluding crop production), the entire 20 feet shall have an all-weather surface for all-weather access not exceeding 600 feet total length, All-weather access that exceeds 600 feet in total length shall be paved as a road, not less than 20 feet in width, with structural sections designed as per Merced County Standards. This design shall apply to the access starting from the intersection of the access easement and the road up to a point where the continuing all-weather access is less than 600 feet in length. An all-weather turnout of not less than 12 feet in width and 50 feet in length shall be provided for every 600 feet of access length. Road designs shall be prepared and approved by a professional engineer.

10. Approved turnarounds shall be provided at the end of all required access.
11. Property owners shall maintain all-weather access to the Fire Department's satisfaction, and maintenance agreements shall be required via CCRs.

- B. ADMINISTRATIVE APPLICATION No. 05129 - Jose and Salvadore Walle -** To establish an assembly hall/auditorium in an existing building. The property is located on the northeast corner of Bridget Court and Winton Way on land designated Winton SUDP General Commercial in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated February 22, 2006.

The public hearing opened at 9:30 a.m.

Dennis Marion, Alta Vista designer, stated that the owners agree to the conditions and he feels this will be a good addition for the area and he asked for approval of this application.

The public hearing closed at 9:31 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. 05129 FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 22, 2006, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. 05129 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit No. 05129 is to allow the establishment of an assembly hall/auditorium as tenant improvements in an existing shell building, which shall be developed and operated in a manner described on the approved plot plan and submitted application, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Planning Director.
2. The applicant shall comply with all applicable regulations administered by the County, State and Federal Governments. These regulations include, but

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are not limited to standards administered by the County Fire, Environmental Health, Building and Public Works Departments and the Sheriff's Department and including regulations administered by the State's Alcohol Beverage Control Agency (ABC).

3. The use of the facility for small events during regular working hours 8:00 A.M. to 5:00P.M., Monday thru Friday, shall be limited to the meeting rooms and the use of the main assembly area not to exceed 100 persons.
4. The use of the facility for large events such as weddings, wedding receptions, dances, fundraisers, etc shall be limited to the hours of 5:00 P.M. to Midnight, Monday thru Friday, and 10:00 A.M. to Midnight on weekends and not to exceed 300 persons.
5. The use of the facility shall be for social events (weddings, wedding receptions, dinners, and other social gatherings, etc), meetings, seminars fundraisers, and for classes such as karate classes, etc. The facility is not permitted to hold regular weekly religious worship services.
6. Prior to any construction of signs for the proposed tenant improvement of the assembly hall/auditorium, a plot plan shall be submitted to the Planning Department for review.
7. Within two weeks of approval the applicant shall submit a parking plan showing handicap spaces to the Building Department for review and approval. Prior to occupancy the handicap spaces for the shopping center shall be stripped and marked according to regulation standards. The remaining parking spaces shall be stripped and marked prior to occupancy.
8. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area (Zoning Code Section 18.41.06).
9. The site shall be maintained in a neat and orderly manner at all times.
10. For the purpose of mitigation and/or condition monitoring, an inspection fee in the amount of **\$294.00** shall be required. This fee shall be paid prior to final approval of the Building Permit.

- C. ADMINISTRATIVE PERMIT APPLICATION NO. 04008 – Double Diamond Dairy (Mike Vander Dussen) – To expand an existing dairy located on a 640 acre site by constructing four freestall barns and roofing a portion of an existing barn, allowing an increase in herd size of 2,240 Animal Units (to a total of 10,724 Animal Units). The project site is located south of Washington Road, east of State Route (SR) 59 and approximately one mile southeast of the El Nido SUDP and designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO ADOPT THE ENVIRONMENTAL IMPACT REPORT AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated February 22, 2006. Bob Klousner of Planning Partners also gave a brief presentation on this project.

The public hearing opened at 10:01 a.m.

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Tom Terpstra, Attorney for the Double Diamond Dairy, stated that he is in support of this project. The applicant is working to get the fly issue under control. They are cooperating with the neighbors to get fly and dust problems resolved.

Mike Vander Dussen, applicant, handed out a binder on the project and outlined the issues covered in this folder to the Commission.

Commissioner Rudy Buendia asked if the applicants are spraying the neighbor's properties that are complaining about the flies. Mr. Vander Dussen replied that they are spraying the properties to help reduce the fly problem.

Paul Martin, Director of Western United Dairyman, stated that he has reviewed the report and found it to be complete and accurate. The property is zoned as agricultural so they are allowed to have a dairy there. They are willing to work on being a good neighbor. The project is compatible with surrounding land uses.

Colleen Trieweller, resident on Rahilly Road in El Nido, stated that El Nido already has a water issue and she is against the dairy expansion. She feels this application will cause more serious health issues.

Vivian McGee, neighbor, stated her opposition to the expansion of this dairy. She feels that the fly and dust problems are a major concern and expanding the dairy will only cause more dust and flies. She feels the dairy has already devalued her land and the other neighbors around them. She asked the Commission to deny the expansion for this application.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, spoke in support of this application. The Animal Confinement Ordinance is good to follow and is very strict on the regulation of dairies. She recommended approval of this expansion project.

Tom Terpstra, attorney for the Vander Dussen's Dairy, stated that the applicant has done everything possible to mitigate the issue with flies. He asked the Commission to approve the project and certify the Environmental Impact Report.

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

Chairman Steve Sloan commended Planner James Holland and Bob Klousner for their work in preparing the staff report and the Environmental Impact Report. He feels that this dairy is a good example.

Commissioner Tanner asked if the expansion of this dairy will mean fewer problems with neighbors.

Mr. Klousner replied that there are significant but unavoidable impacts.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CERTIFIES THE ENVIRONMENTAL IMPACT REPORT, ADOPTS THE FINDINGS OF FACT, ADOPTS THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTS THE MITIGATION MONITORING PLAN PREPARED FOR ADMINISTRATIVE PERMIT APPLICATION NO. 04008.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED FEBRUARY 22, 2006 AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES ADMINISTRATIVE PERMIT APPLICATION NO. 04008 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Administrative Permit Application No. 04008 is granted for the expansion and operation of a 10,698 animal unit milk cow dairy on 640 acres of land.
2. The Double Diamond Dairy Expansion project shall be located, developed and operated in a manner described on the approved plot plan, Comprehensive Nutrient Management Plan, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project would be based on a written request of the applicant to the Planning Director.
3. All mitigation measures identified in the Environmental Impact Report are adopted and incorporated by reference as project conditions.
4. The project shall comply with all applicable regulations administered by the County Fire, Health, Planning and Public Works Departments.
5. The proposed community water system shall meet the requirements of State law and the Merced County Environmental Division, including completion of a Technical, Managerial, and Financial Capacity (TMF) document.
6. For the purpose of condition and mitigation monitoring, an annual conditions monitoring fee in the amount of **\$588.00** shall be paid prior to utilizing the administrative permit.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 a.m.