



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 8, 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. 06002 - Joseph Marchini - To divide 128.13 acres into three parcels resulting in parcel sizes of: Parcel 1 = 45.02, Parcel 2 = 45.02, and Parcel 3 = 38.09. The project site is located on the north side of Buchanan Hollow Road, 2,640 feet east of Minturn Road in the Le Grand area designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**
Project Planner Dave Gilbert

B. REVOCATION OF ADMINISTRATIVE APPLICATION No. 05010 – Andrew & Amanda Harrington - To expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses. The project site is located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road and designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Dave Gilbert

- C. **CONDITIONAL USE PERMIT APPLICATION NO. 05031 – Merced County Housing Authority** – To construct a new farm workers housing center containing 127 living units (74 seasonal, 50 year-round and 3 for site managers), a day care center and recreational facilities on a 21 acre parcel. The project site is located on the west side of Plainsburg Road approximately one quarter mile north of the Planada SUDP Boundary, is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

- A. **Fox Hills Community Specific Plan Expansion Workshop** – To conduct a workshop for the Planning Commission on the Fox Hills Community Specific Plan update and related Zone Change and tentative subdivision map applications. The project involves 1, 250 acres of land located adjacent to Interstate 5 at the south end of Volta Road approximately 5 miles southwest of the City of Los Banos. A Draft Environmental Impact Report is currently out for public and agency review and this workshop is intended to introduce the Planning Commission to the project and related environmental issues. **No action is required.**

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.

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MINUTES FOR MEETING OF MARCH 8, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of March 8, 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 9:06 a.m., on March 8, 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 Lynn Tanner
 Commissioner Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: William Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman

III. APPROVAL OF MINUTES

M/S BETTENCOURT - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 8, 2006 AND FEBRUARY 22, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. 06002 - Joseph Marchini - To divide 128.13 acres into three parcels resulting in parcel sizes of: Parcel 1 = 45.02, Parcel 2 = 45.02, and Parcel 3 = 38.09. The project site is located on the north side of Buchanan Hollow Road, 2,640 feet east of Minturn Road in the Le Grand area designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

At the request of the representative and applicant, this item has been continued to the March 22, 2006 meeting.

B. REVOCATION OF ADMINISTRATIVE APPLICATION No. 05010 – Andrew & Amanda Harrington - To expand an existing horse boarding and training facility with a maximum of 80 horses (approved for 40 horses) and to construct a barn to house the additional 40 horses. The project site is located on the north side of Dickinson Ferry Road, 2,050 feet west of Gurr Road and designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

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At the request of the applicants, this item has been continued to the April 12, 2006 meeting.

Terry Souza, the neighbor that appealed the approval for this application, stated that she is upset that the applicants have requested this item be continued again.

- C. CONDITIONAL USE PERMIT APPLICATION NO. 05031 – Merced County Housing Authority** – To construct a new farm workers housing center containing 127 living units (74 seasonal, 50 year-round and 3 for site managers), a day care center and recreational facilities on a 21 acre parcel. The project site is located on the west side of Plainsburg Road approximately one quarter mile north of the Planada SUDP Boundary, is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

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

Commissioner Buendia excused himself from the Commission for the entire hearing and review process for this application since he is on the Housing Authority Commission.

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

David Corser, Planada Community Association, handed out a letter to the Commissioners stating his opposition regarding this application. He requested the Commission deny the application.

Bryant Owens, Planada resident, asked that this application be denied or continued. He submitted comments to each Commissioner stating his opposition.

Nicholas Benjamin, Housing Authority, rebutted Mr. Owens comments in a letter that was handed out to each Commissioner as well. He asked the Commission to support this project and recommended approval.

The public hearing closed at 9:45 a.m.

William Nicholson, Assistant Planning Director, responded to the issues raised by Mr. Owens. Mr. Nicholson stated that the concerns expressed are in reference to other projects. This application meets CEQA laws and the National Environmental Policy Act (NEPA) and the Housing Authority has completed Environmental Review the process. This project is consistent with the General Plan and the Zoning Code.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION ADOPTS THE NEGATIVE DECLARATION PREPARED FOR CONDITIONAL USE PERMIT APPLICATION NO. 05031.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MARCH 8, 2006, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION NO. 05031 SUBJECT TO THE 15 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

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1. Conditional Use Permit Application No. 05031 is to allow the construction of a 127 unit farm worker housing center, together with a daycare facility, laundry rooms, shop buildings and recreational areas on 21 acres of agriculturally designated and zoned land.
2. The applicants shall comply with all applicable federal state and local regulations in implementation of this project. 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 a detailed plan providing for landscaping of the project site for review by the Planning and Public Works Departments within 60 days of project approval.
4. The applicant shall dimension, paint and sign at least six of the car parking stalls shown on the submitted site plan as handicapped parking stalls consistent with the requirements of subsection 18.40.03E of the Zoning Code.
5. All parking and maneuvering areas and driveways shall be surfaced with materials identified as suitable by the Department of Public Works.
6. The property owners shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and improve the full width of Plainsburg Road fronting along their property. Said improvements shall include widening both sides of Plainsburg Road to 32-foot total width, constructing 4-foot wide shoulders on both sides of Plainsburg Road, overlaying or reconstructing existing pavement area, constructing paved rural "agricultural" type driveway approaches, constructing road side ditches on both sides of Plainsburg Road, installing standard streetlights near each entrance to the property and relocating any utilities in conflict with the proposed improvements. In lieu of road side ditches, the property owner may construct vertical curb and gutter. All work shall be per the Merced County Public Works Improvement Standards and Specifications. Improvement Plans prepared by a licensed civil engineer shall be required. 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 structure.
7. The property owner shall form, annex to, or include into a lighting maintenance zone of benefits and pay the required process fees, if any. This is to be accomplished through the Department of Public Works, Public Services Division 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. Otherwise, the cost for operating and maintaining the street lights shall be paid by the property owner, not the County.
8. A storm drainage design and grading plan shall be submitted to DPW/Road Division for review and approval. The design shall direct storm runoff away from any public maintained roadway and shall be per Merced County Public Works Drainage Manual and Merced County Public Works Improvement Standards and Specifications. The drainage plan and calculations shall be prepared by a licensed civil engineer. The property owner shall pay a review fee of \$750.00 to the DPW/Road Division. The construction of the approved drainage system, including basin and acceptable disposable method, shall be completed prior to the issuance of the Certificate of Occupancy/Final by the DPW/Building and Safety Division (Building Permit & Inspection) for the any new buildings
9. Disposable of storm drainage water shall meet County's approval. If disposal is into a Merced Irrigation District (MID) facility, the property owner shall provide a letter from MID accepting storm drainage water from this proposed development prior to

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issuance of any building permits. MID approval shall be required on improvement plans.

10. All required vehicular parking shall be provided onsite. Parking within the road right-of-way shall be prohibited. The property owner shall be required to monitor and enforce this requirement.
11. On site lighting shall be designed and installed so as to be directed away from adjacent properties and public rights-of-way.
12. The applicant shall obtain a 'Non-Exclusive Driveway License Agreement' for all crossings over or under any MID facility, including utilities, bridges and pipelines.
13. If stormwater is to be discharged to any MID facility, the applicant and Merced Irrigation District shall modify their existing Agency Agreement to reflect the additional storm drainage benefit provided by the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No.1) and pay all applicable fees.
14. A 'Construction Agreement' between the Merced County Housing Authority and MID shall be executed for any work associated with MID facilities.
15. A conditions monitoring fee of \$343 shall be paid prior to the approval of any building plans. Should additional staff time be required for condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Fox Hills Community Specific Plan Expansion Workshop – To conduct a workshop for the Planning Commission on the Fox Hills Community Specific Plan update and related Zone Change and tentative subdivision map applications. The project involves 1, 250 acres of land located adjacent to Interstate 5 at the south end of Volta Road approximately 5 miles southwest of the City of Los Banos. A Draft Environmental Impact Report is currently out for public and agency review and this workshop is intended to introduce the Planning Commission to the project and related environmental issues. **No action is required.**

Ron Sissom, Fox Hills, gave a presentation to the Commissioners on the Fox Hills Community Specific Plan update and he handed out a binder with information to each Commissioner.

Manuel Viera, neighbor adjacent to the Fox Hills on Volta Road, explained that access to his property is getting more difficult. The roadways have changed drastically and he hopes that something can be done about that. He is in favor of this project.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:51 a.m.