



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 24, 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. CONDITIONAL USE PERMIT No. 05019 - Freitas Properties - To establish a mini-storage facility for agricultural related equipment at a site that was previously used as a chicken ranch. The project is located at the southwest corner of Highway 33 and Netherton Road in the Gustine area. The project site is designated Agriculture land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****
- B. CONDITIONAL USE PERMIT NO. 06003 – Ray Ottman - To bring into conformance an existing dairy construction business and add a commercial coach for an office on a 19.7 acre parcel. The project site is located on the north side of August Road west of Tegner Road in the Hilmar area on land designated as 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. 2ND EXTENSION No. 06002 TO MAJOR SUBDIVISION APPLICATION No. 02003 - Arnaudo Brothers – To extend for one year the expiration date of the tentative map for "Luis Estates" residential subdivision. The project site is located west of Luis Avenue north of Centinella Drive in Santa Nella and designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

- D. **1ST EXTENSION NO. 06004 TO MAJOR SUBDIVISION APPLICATION No. 04001 - KB Homes** - To extend for one year the expiration date of the tentative map for "Lexington Park" residential subdivision. The project site is located on the east side of Lexington Avenue and 665 Feet north of Christian Avenue on land designated as Dos Palos SUDP Residential in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- E. **MINOR SUBDIVISION APPLICATION NO. 06015 - Richard Uhrhammer** - To subdivide a 50.5 acre parcel into two parcels, resulting in parcel sizes of: Parcel 1 = 20 acres, Parcel 2 = 30.5 acres. The project site is located at the corner of El Capitan Way and Santa Fe Drive in the Ballico area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- F. **1ST EXTENSION No. 06005 TO MINOR SUBDIVISION APPLICATION No. 04074 – David Parreira** - To extend for one year the expiration date of the tentative map for approved Minor Subdivision Application No. 04074. The project site is located on the east side of Ortigalita Road and .25 miles south of Charleston Road in the Los Banos area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera**
- G. **1ST EXTENSION No. 06006 TO MAJOR SUBDIVISION APPLICATION No. 03013 - Walter Soernsen** - To extend for one year the expiration date for the tentative map for the "Soernsen Estates" residential subdivision. The project site is located at the northwest corner of Golf Road and Farmland Ave in the Merced area on land designated as Merced Rural Residential Center # 1 land use in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera**
- H. **GENERAL PLAN AMENDMENT No. 05005, ZONE CHANGE APPLICATION No. 05006, MAJOR SUBDIVISION APPLICATION Nos. 06002, 06003 and 06004, and ADMINISTRATIVE PERMIT APPLICATION No. 06040** – To update the Fox Hills Community Specific Plan and expand the Fox Hills Community Specific Plan boundary by 850 acres, resulting in a plan area of approximately 1,250 acres. The applications involve rezoning of land for a variety of residential and commercial land uses, tentative subdivision maps which subdivide 824 acres of the community into 2,600 lots, and an Administrative Permit Application for a 9 acre commercial center. The majority of the project is located east of Interstate 5, with a small portion located on the west side of the freeway. The San Luis Canal forms the eastern boundary of the project site and Pioneer Road the northern boundary. The proposed SUDP expansion area is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural) and A-2 (Exclusive Agricultural). **TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED PLAN UPDATE AND RELATED APPLICATIONS. Project Planner James Holland**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

IX. **ADJOURNMENT**



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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 MAY 24, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of May 24, 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 May 24, 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, Assistant Development Services Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III
 Robert King, Planner III
 David Gilbert, Planner III
 Gene Barrera, Planner I

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman

III. APPROVAL OF MINUTES

M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF APRIL 26, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT No. 05019 - Freitas Properties - To establish a mini-storage facility for agricultural related equipment at a site that was previously used as a chicken ranch. The project is located at the southwest corner of Highway 33 and Nethernton Road in the Gustine area. The project site is designated Agriculture land use 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 May 24, 2006.

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

Mike Smith, CCPS, accepts the conditions in the staff report and asked for approval of this application.

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The public hearing closed at 9:16 a.m.

MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. 05019, 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 MAY 24, 2006, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. 05019 SUBJECT TO THE 20 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions

1. Conditional Use Permit Application No. 05019 is approved to utilize an existing 38,000 square foot indoor storage and the open area west of the building for outdoor storage. This approval also includes an agricultural equipment repair use. This use shall be located, developed and operated in a manner as described on the approved plot plan. Only agricultural related equipment shall be stored on-site. Only agricultural equipment shall be repaired on site. Minor modifications may be approved by the Planning Director.
2. The agricultural storage and agricultural equipment repair facility shall be limited to three employees.
3. The property owner shall construct a parking area with at least 5 spaces next to the outdoor storage area and of an all weather surface.
4. The project shall be subject to any all development impact fees adopted by the County according to law. Said fees shall be collected at the Building Permit Stage.
5. The property owner shall install trees and shrubs around the outdoor storage area for screening purposes. Three copies of the landscape and irrigation plans shall be submitted to the Planning Division for review and approval.
6. All landscaping and parking areas shall be maintained throughout the life of this permit. The outdoor storage area shall be maintained in a neat and orderly manner at all times, free of rubbish.
7. Security lighting shall be provided around the existing storage building. The lighting shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area. This shall be monitored by the County Public Works Department and Planning Departments. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
8. For the purpose of condition monitoring, an inspection fee in the amount of **\$480** shall be required. This fee shall be paid within 14 days of the approval date. This fee allows site inspections of the property and buildings at any time during business hours by the County's Code Compliance Department. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
9. The property owner shall obtain a business license within 45 days from Planning Commission approval. This business shall be renewed annually.

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Caltrans Conditions

10. The applicant shall obtain an encroachment permit from Caltrans for the construction of a commercial driveway into the facility from Highway 33. All other driveways along Highway 33 shall be closed off so that there is only one access point into the facility from Highway 33.
11. The applicant/property owner shall provide to Caltrans, the projected trip generation volumes per the Institute Transportation Engineers manual (7th Edition), to determine the peak hour trips that will be generated from this project.

Fire Department Conditions

12. On-site water storage for fire protection shall be provided, the amount to be determined, based upon NFPA Standard 1142. An automatic fire extinguishing system may be required, depending upon the construction and modification to the 38,000 square foot building, per UBC and UFC code requirements. Water for fire-fighting may be required to be distributed, depending on the type of open storage.
13. Access gates, if any, shall be provided with a Merced County coded 'Knox' key switch or a 'Knox' padlock, whichever is most appropriate (UFC 902.4).
14. 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).
15. Building exiting shall comply with UBC Chapter 10. Exit lighting and illumination shall comply with UBC Sections 1003.2.8 and 1003.2.9.
16. Additional comments may be made upon review of the building plans.

Building & Safety Division Conditions

17. The property owners shall have building plans drawn by a licensed engineer or architect addressing all aspects of the proposed agricultural equipment repair shop and the stability of the existing building to support that repair shop. Four sets of plan and three sets of engineering calculations for the agricultural equipment repair shop building shall be submitted to the Building & Safety Division. If the property owner claims that the existing building is adequate as is for the repair shop use he/she shall schedule a special inspection from the Building & Safety Division

Public Works/Roads Division

18. The property owner shall dedicate to the County of Merced an additional 10 feet of right-of-way along the entire frontage of Canal School Road. The legal description(s) and exhibit(s) needed for the grant deed shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Fully executed grant deed(s) with accompanying legal description(s) and exhibit drawing(s) shall be submitted for review and approval within 6 months from the issuance of this conditional use permit. Closure calculations shall be submitted for metes and bounds type legal descriptions.
19. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct an agricultural type driveway approach at each of the two existing driveways accessing onto Canal School Road. All work shall be per the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished within 6 months from the issuance of this conditional use permit.

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20. All storm drainage run-off from the site shall be directed away from any public maintained roadways.

- B. CONDITIONAL USE PERMIT NO. 06003 – Ray Ottman -** To bring into conformance an existing dairy construction business and add a commercial coach for an office on a 19.7 acre parcel. The project site is located on the north side of August Road west of Tegner Road in the Hilmar area on land designated as Agricultural land use 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 May 24, 2006.

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

Mike Smith, CCPS, accepts the conditions and asked for approval of this application.

The public hearing closed at 9:21 a.m.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT NO. 06003 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 MAY 24, 2006, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT NO. 06003 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions

1. Conditional Use Permit No. 06003 is to allow a dairy construction business, which shall be located, developed and operated in a manner as described on the approved plot plan and submitted application, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Development Services Director.
2. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health, Building and Public Works Departments.
3. For the purpose of condition monitoring, an inspection fee in the amount of **\$384.00** shall be required. This fee shall be paid within 14 days of the approval date. This fee allows site inspections of the property and buildings at any time during business hours by the County's Code Compliance Department. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
4. The property owner shall obtain a business license within 45 days from Planning Commission approval. This business license shall be renewed annually.
5. The property shall be maintained in a neat and orderly manner at all times.

Building and Safety Division

6. A building permit shall be required for the proposed 480 square foot office building.
7. The applicant shall contact the Building and Safety Division to schedule an inspection. Any structural items that do not meet Building Code requirements shall be corrected.

Department of Public Works/Road Division

8. The property owners shall dedicate to the County of Merced an additional 10-foot width of right-of-way along the entire frontage of August Road. The legal description and exhibit 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 issuance of the Certificate of Occupancy by the Department of Public Works/Building and Safety Division (Building Permit Office) for any new buildings. Closure calculations shall be submitted for metes and bounds type legal descriptions.
9. 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 each of the two existing access points onto August Road and pave a four foot wide shoulder between said driveway approaches. The new approaches shall be a rural "agricultural" type driveway approach conforming to the Merced County Public Works Improvement Standards and Specifications. The minimum width of the approach shall be 18 feet while the maximum width shall be 35 feet. All work shall be accomplished prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
10. All storm drainage run-off from the site shall be directed away from August Road.

Division of Environmental Health

11. If any hazardous materials will be stored/handled or used in amounts greater than 55 gallons, 500 pounds, or 200 cubic feet of gas at standard temperature and pressure or any amount of hazardous waste, a hazardous materials business plan shall be submitted to Environmental Health for their review and approval.

- C. 2ND EXTENSION No. 06002 TO MAJOR SUBDIVISION APPLICATION No. 02003 - Arnaudo Brothers** – To extend for one year the expiration date of the tentative map for "Luis Estates" residential subdivision. The project site is located west of Luis Avenue north of Centinella Drive in Santa Nella and designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated May 24, 2006.

The public hearing opened at 9:24 a.m.

David Agiam, applicant, asked for approval of the extension for this application.

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

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MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES TO EXTEND TO MARCH 25, 2007, 2ND EXTENSION No. 06002 TO MAJOR SUBDIVISION APPLICATION No. 02003 SUBJECT TO THE ORIGINAL CONDITIONS SET FORTH IN THE STAFF REPORT.

- D. 1ST EXTENSION NO. 06004 TO MAJOR SUBDIVISION APPLICATION No. 04001 - KB Homes** - To extend for one year the expiration date of the tentative map for "Lexington Park" residential subdivision. The project site is located on the east side of Lexington Avenue and 665 Feet north of Christian Avenue on land designated as Dos Palos SUDP Residential in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated May 24, 2006. A letter was handed out to the Commissioners from the Public Works/Road Division, requesting that a condition be added that the applicant pay the County Law Enforcement Facility Fee and the Fire Protection Facility Fee. Both of these fees were adopted by the Board of Supervisors since the original Tentative Map for Lexington Park was approved.

The public hearing opened at 9:28 a.m.

Tolly Robison, KB Homes, asked for approval of this extension.

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

Commissioner Gloria Bettencourt asked if this has happened before with conditions being put on a new map.

Curt Royer, Public Works/Road Division, stated that the fees were adopted in 2004. They have the option of not having to pay the impact fees until the building permit stage. Ms. Robison stated that she would like to have this project extended and they can pay the fees at the time the building permit is issued.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES 1ST EXTENSION No. 06004 TO MAJOR SUBDIVISION No. 04001 TO MAY 26, 2007, SUBJECT TO THE ORIGINAL CONDITIONS OF APPROVAL.

- E. MINOR SUBDIVISION APPLICATION NO. 06015 - Richard Uhrhammer** - To subdivide a 50.5 acre parcel into two parcels, resulting in parcel sizes of: Parcel 1 = 20 acres, Parcel 2 = 30.5 acres. The project site is located at the corner of El Capitan Way and Santa Fe Drive in the Ballico area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated May 24, 2006. He also handed out a letter to each Commissioner requesting a change in the language for Condition #5.

The public hearing opened at 9:42 a.m.

Larry Bowers, BCA, stated that he has no concerns regarding this application.

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Diana Westmoreland-Pedrozo, Merced County Farm Bureau, handed out a letter to the Commissioners asking for denial of this project. The Merced County Farm Bureau would like to see the General Plan updated before any more Subdivisions are approved.

The public hearing closed at 9:46 a.m.

MOTION: M/S BUENDIA - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 1, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION NO. 06015 DUE TO THE INABILITY TO MAKE FINDINGS #8 AND #13 IN THE STAFF REPORT.

- F. 1st EXTENSION No. 06005 TO MINOR SUBDIVISION APPLICATION No. 04074 – David Parreira - To extend for one year the expiration date of the tentative map for approved Minor Subdivision Application No. 04074. The project site is located on the east side of Ortigalita Road and .25 miles south of Charleston Road in the Los Banos area on land designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera****

This item has been pulled from the agenda since the applicant requested an extension one year earlier than the required two year approval date.

- G. 1ST EXTENSION No. 06006 TO MAJOR SUBDIVISION APPLICATION No. 03013 - Walter Soernsen - To extend for one year the expiration date for the tentative map for the “Soernsen Estates” residential subdivision. The project site is located at the northwest corner of Golf Road and Farmland Ave in the Merced area on land designated as Merced Rural Residential Center # 1 land use in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Gene Barrera****

This item has been continued to the Planning Commission meeting of June 14, 2006.

- H. GENERAL PLAN AMENDMENT No. 05005, ZONE CHANGE APPLICATION No. 05006, MAJOR SUBDIVISION APPLICATION Nos. 06002, 06003 and 06004, and ADMINISTRATIVE PERMIT APPLICATION No. 06040 – To update the Fox Hills Community Specific Plan and expand the Fox Hills Community Specific Plan boundary by 850 acres, resulting in a plan area of approximately 1,250 acres. The applications involve rezoning of land for a variety of residential and commercial land uses, tentative subdivision maps which subdivide 824 acres of the community into 2,600 lots, and an Administrative Permit Application for a 9 acre commercial center. The majority of the project is located east of Interstate 5, with a small portion located on the west side of the freeway. The San Luis Canal forms the eastern boundary of the project site and Pioneer Road the northern boundary. The proposed SUDP expansion area is designated Agricultural in the General Plan and Zoned A-1 (General Agricultural) and A-2 (Exclusive Agricultural). **TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED PLAN UPDATE AND RELATED APPLICATIONS. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated May 24, 2006.

The public hearing opened at 10:31 a.m.

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Michael Groves, EMC Planning Group, stated that he would like to see this project continue on instead of postponing. He feels they have provided enough information for the County to take action today.

Ron Sissem, EMC Planning Group, also stated that he does not want to continue this project to the next Planning Commission meeting. He states that they only received 4 comment letters from other agencies in response to the Draft Environmental Impact Report. The Plan consists of unique roadways for vehicles and bicycles. This project will be a benefit to the County. He states that the Williamson Act problems can be answered.

Paul Aldrede, Superintendent for the Los Banos School District, supports this project. He stated that the County should consider this project. He asked that this project move forward.

Geno Akui, a farmer in Livingston, stated that she is concerned about the quality of growth in Merced County. The jobs in the area need to match with the housing growth. She asked that this project be postponed.

Greg Bock, Fox Hills representative, explained the benefits of this project. He states that they have worked closely with County Public Works and Fish & Wildlife. They want to create a self sufficient community. They created a green space for the recycling of waste water and also a golf course.

Michael Groves, Fox Hills, stated that the land is upland farmland. The alternative site for this project was flat land in Los Banos. He feels the tentative maps submitted to the Public Works department are adequate and they will work with Public Works on the conditions. He asked that the Commission recommend approval to the Board of Supervisors and thanked County Staff.

Diana Westmoreland-Pedrozo, Merced County Farm Bureau, handed out a letter to the Commissioners stating the Farm Bureau's position regarding this application. There is a concern by the Farm Bureau that it could adversely affect the near-term enforceability of restriction upon other Williamson Act properties in the County. The Farm Bureau does not want to jeopardize the ability of Merced County farmers and ranchers to continue to participate in the Williamson Act in the future.

Curt Royer, Public Works/Road Division, indicated that the Public Works Department did not receive the tentative map until the day before this meeting.

The public hearing closed at 11:19 a.m.

Walter Wall, Deputy County Counsel, stated to the Commissioners that there are three options for this application. They are to approve, deny or continue this application. Two issues are the Williamson Act Contract and the Public Works tentative map. A letter from the Department of Conservation does state that findings can't be made as required under the Williamson Act. A continuance shouldn't affect any resolution of the Williamson Act issue. An option could be to approve everything but the tentative map and a condition could be added for the Board of Supervisors consideration.

William Nicholson, Assistant Development Services Director, indicated that this application will be heard before the Board of Supervisors on June 27, 2006.

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Commissioner Mobley, Bettencourt, Tanner and Buendia agreed to continue this item to June 14, 2006.

This item has been continued to the June 14, 2006 meeting.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

Development Services Director Robert Lewis indicated to the Commissioners that he will be taking over Bill Nicholson's duty with Planning Commission. Bill Nicholson will be focusing mainly on the General Plan update.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:50 a.m.