



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF NOVEMBER 15, 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 No. MS06-049 - Ranjit Kaler** - To divide a 136 acre parcel into 3 parcels; Parcel 1 = 52.26 acres, Parcel 2 = 42.26 acres, and Parcel 3 = 42.26 acres located west of Gravel Pit Road ½ mile south of Highway 140 in the Gustine area designated Highway Interchange Center in the General Plan and zoned Highway Interchange Commercial (H-I-C). APN: 069-110-067, CEQA: Exempt, Owner\Applclicant: Grewal\Kaler (KT)
- B. GENERAL PLAN TEXT AMENDMENT No. GPTA06-001 – Merced County** - To amend Chapter 2 - Circulation Chapter of the Merced County General Plan by establishing an expressway standard and designate an expressway alignment, known as "Campus Parkway", east of the City of Merced from Highway 99 north to Yosemite Avenue, approximately 4.5 miles in length. CEQA : EIR (DG)
- C. ZONE VARIANCE No. ZV06-007 AND MINOR SUBDIVISON No. MS06-051 - George Yemetz** - To vary from the 20 acre minimum to divide a 29.95 acre parcel into a 3.6 acre parcel with a 24.1 remainder located northeast of White Crane Rd & Robin Ave in the Livingston area designated Agricultural in the General Plan and zoned General Agricultural (A-1). APN: 049-070-074 CEQA: Exempt Owner\Applclicant: Yemetz\Yemetz (DG)

# Planning Commission Agenda

November 15, 2006

Page 2

- D. **1st EXTENSION No. EXT06-016 TO MAJOR SUBDIVISION No. MAS04-004 - Tam Doan -**  
To extend for one year the expiration date of the tentative map to November 16, 2007, located north of Hwy 140, approximately ½ mile east of McKee Road in the Merced area designated Merced RRC #1 in the General Plan and zoned (Agricultural-Residential (A-R). Size: 10.7 acres, APN: 061-320-026, CEQA: Mitigated Negative Declaration, Owner\Applicant: Doan\Doan (DG)
- E. **GENERAL PLAN AMENDMENT No. GPA06-005 AND ZONE CHANGE No. ZC06-006 AND MAJOR SUBDIVISION No. MAS06-010 “Chuck Colston” - Charles Colston -** To amend the General Plan from: Winton SUDP General Commercial to Winton SUDP Low Density Residential, with a concurrent rezoning from General Commercial (C-2) to Single Family Residential (R-1) on the northern portion of the parcel, and create 6 residential lots on the northern and one commercial lot on the southern portion, located on the north of Santa Fe Drive, 400 feet north of Walnut Avenue in the Winton area. Size: 1.9 acres, APN: 146-070-013, CEQA: Exempt, Owner\Applicant: Colston\Colston (GB)
- F. **GENERAL PLAN AMENDMENT No. GPA06-006 AND ZONE CHANGE No. ZC06-007 - Protestant Episcopal Bishop of San Joaquin -** To amend the General Plan from Los Banos SUDP Agricultural to Los Banos SUDP Commercial with a concurrent rezoning General Agricultural (A-1) to Commercial-Professional (C-P) located east side of Badger Flat Rd approximately 3/5 of a mile north of Highway 152 in the Los Banos area. Size: 6.0 acres, APN: 081-130-006, CEQA: Exempt, Owner\Applicant: Episcopal Bishop\Stobey (GB)
- G. **1st EXTENSION No. EXT06-013 TO MINOR SUBDIVISION No. MS04-006 - Terry & Delores Rolfe -** To extend for one year a tentative map located on the southwest corner of Fleming Road and Herrod Avenue, designated as Atwater RRC Agricultural Residential in the General Plan and zoned Agricultural Residential (A-R). Size: 28 acres, APN: 005-041-008, CEQA: Mitigated Negative Declaration, Owner\Applicant: Rolfe\Rolfe (KT)
- H. **ADMINISTRATIVE APPLICATION No. AA04-003 – REVOCATION OF ADMINISTRATIVE APPLICATION No. AA02-089 Deaks Tow Service –** For failure to comply with the conditions of permit approval and Zoning Code violations located south of Childs Avenue approximately ¼ mile west of Highway 99, designated Merced SUDP Highway Commercial in the General Plan and zoned General Manufacturing, (M-2). Size: 1.0 acre, CEQA: Exempt, Owner Applicant: Deaks\Merced County (JH)

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

IX. **ADJOURNMENT**

### APPEALS

Any person may appeal any action of the Development Services 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 and Community Development 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 NOVEMBER 15, 2006**

---

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of November 15, 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 9:15 a.m., on November 15, 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 Rudy Buendia

Staff Present:                      Robert Lewis, Development Services Director  
   William Nicholson, Assistant Development Services Director  
   Kim Lewallen, Recording Secretary  
   David Gilbert, Senior Planner  
   Kristinae Toomians, Planner I  
   James Holland, Senior Planner  
   Gene Barrera, Planner II

Legal Staff:                        Walter Wall, Deputy County Counsel

Commissioners Absent:        Commissioner Gloria Bettencourt

**III. APPROVAL OF MINUTES**

**NONE**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      MINOR SUBDIVISION No. MS06-049 - Ranjit Kaler - To divide a 136 acre parcel into 3 parcels; Parcel 1 = 52.26 acres, Parcel 2 = 42.26 acres, and Parcel 3 = 42.26 acres located west of Gravel Pit Road ½ mile south of Highway 140 in the Gustine area designated Highway Interchange Center in the General Plan and zoned Highway Interchange Commercial (H-I-C). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.****

Senior Planner David Gilbert presented the Staff Report and Recommendation dated November 15, 2006.

The public hearing opened at 9:22 a.m.

Mike Quantanoli, representing the landowner, questioned condition #5. He indicated that an easement will be provided to the south of the parcel and it is not landlocked. He asked that Condition #5 be removed.

Chairman Sloan indicated that there is no need to provide access to the south.

The public hearing closed at 9:26 a.m.

Commissioner Tanner stated that there is access already and the applicant would be allowed two more accesses.

Commissioner Mobley agreed that it is not necessary for the property owner to the south for access.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION No. MS06-049, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 15, 2006, AND MAKES THE 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES MINOR SUBDIVISION No. MS06-049 SUBJECT TO THE 4 CONDITIONS WITH CONDITION #5 BEING DELETED 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. The applicant shall comply with all applicable County, State and Federal regulations.
3. 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.
4. An irrigation easement shall be required and shown on the parcel map so that all parcels will have irrigation.

- B. GENERAL PLAN TEXT AMENDMENT No. GPTA06-001 – Merced County - To amend Chapter 2 - Circulation Chapter of the Merced County General Plan by establishing an expressway standard and designate an expressway alignment, known as "Campus Parkway", east of the City of Merced from Highway 99 north to Yosemite Avenue, approximately 4.5 miles in length. TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (DG)**

Planner David Gilbert presented the Staff Report and Recommendation dated November 15, 2006. A letter was handed out from Gregory Meyers, a neighbor, in opposition to this application.

The public hearing opened at 9:35 a.m.

Monty Tomlinson, Merced resident, stated that he has no objections to the Campus Parkway plan, but there is a problem with traffic going onto Highway 140. He asked if more acceleration and turning lanes will be put in. The traffic is dangerous already

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 15, 2006**

**Page 3**

in that area and the two lanes currently there is not good enough to handle the increase of traffic.

Steve Rough, Public Works, stated that the intersections at Highway 140 will have full signals and turning lanes. They are also taking safety into consideration. The roads will comply with CalTrans standards.

Louis Webb, Merced resident, also asked if stop lights will be installed on Highway 140. The intersection at Childs and Gerard Avenue also need the warning signs and traffic lights.

Edward Michaelson, Merced resident, asked how traffic will be able to get across Highway 140. Mr. Rough responded that all intersections at Childs Ave., Yosemite Avenue and Gerard will be signalized.

The public hearing closed at 9:49 a.m.

Commissioner Tanner asked if Gerard Avenue will have turn signals. Mr. Rough responded that Gerard will have major signalization and will be developed in phases. The 1<sup>st</sup> phase will be from Coffee to Childs, which is already 99% designed, and will have dual left turn pockets.

Commissioner Mobley asked if everything has been complied with CalTrans. Mr. Rough responded that all plans will be done in conformance with CalTrans.

Commissioner Buendia asked if all intersections for Campus Parkway will have lights. Mr. Rough replied yes, but the County would like to add roundabouts, which require traffic to yield and this will cause less accidents.

**MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 15, 2006, AND RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN TEXT AMENDMENT No. GPTA06-001.**

**BREAK**

- C. ZONE VARIANCE No. ZV06-007 AND MINOR SUBDIVISION No. MS06-051 - George Yemetz - To vary from the 20 acre minimum to divide a 29.95 acre parcel into a 3.6 acre parcel with a 24.1 remainder located northeast of White Crane Rd & Robin Ave in the Livingston area designated Agricultural in the General Plan and zoned General Agricultural (A-1). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (DG)**

Planner David Gilbert presented the Staff Report and Recommendation dated November 15, 2006.

The public hearing opened at 10:16 a.m.

Larry Bowers, BCA, stated that the average parcel size in the area is 62.7 acres in size. 56% of those parcels are 20 acres or smaller in size. He stated that the Livingston drain is deep with a significant barrier. He indicated that the parcel will not be developed in agricultural by the applicant.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 15, 2006**

**Page 4**

George Yemetz, applicant, stated that he will have to sink a well in order to irrigate and that is not feasible for such a small property. There is a canal on the east side of the property and he purchased a 20 ft. roadway to get access to that canal.

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

Chairman Sloan indicated that there is no reason to deny the applicants application. Drainage and canals are not an issue.

Commissioner Tanner asked if there are currently homesites on the property. Planner Gilbert replied yes.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE No. ZV06-007 AND MINOR SUBDIVISION No. MS06-051, FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 15, 2006, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES ZONE VARIANCE No. ZV06-007 AND MINOR SUBDIVISION No. MS06-051 SUBJECT TO THE 8 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. Zone Variance Application No. ZV06-007 shall be valid as long as Minor Subdivision Application No. MS06-051 is valid.
3. The applicant shall comply with all applicable County, State and Federal regulations.
4. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits for homes to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

Public Works/Road Division

5. The property owner shall dedicate, annotated on the Parcel Map the 20 feet of unaccepted road right-of-way that lies on the property owner's frontage of Robin Road and White Crane Road.
6. The property owner shall dedicate, annotated on the Parcel Map an additional 10 feet of road right-of-way along the entire frontage of White Crane Road and Robin Road, satisfying the property owner's half of the ultimate right-of-way of 60 feet.

Merced Irrigation District

7. The property owner shall obtain a "Non-exclusive License Agreement" for all crossings over or under any MID facilities, including streets, utilities, and pipelines.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 15, 2006**

**Page 5**

8. That MID irrigation water delivery shall be ensured to all new parcels and an irrigation easement be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each parcel.

- D. 1st EXTENSION No. EXT06-016 TO MAJOR SUBDIVISION No. MAS04-004 - Tam Doan -**  
To extend for one year the expiration date of the tentative map to November 16, 2007, located north of Hwy 140, approximately ½ mile east of McKee Road in the Merced area designated Merced RRC #1 in the General Plan and zoned (Agricultural-Residential (A-R)).  
**TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (DG)**

Planner David Gilbert presented the Staff Report and Recommendation dated November 15, 2006.

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

John Harrell, Environmental Health, stated that the parcel size should read as 10.7 acres.

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

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1st EXTENSION No. EXT06-016 TO MAJOR SUBDIVISION No. MAS04-004.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 15, 2006, AND MAKES THE ORIGINAL FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE ORIGINAL FINDINGS, APPROVES 1st EXTENSION No. EXT06-016 TO MAJOR SUBDIVISION No. MAS04-004 SUBJECT TO THE 31 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Approval of this extension shall extend the period of time for recording the final map to November 17, 2007. This condition replaces Condition #1 in the November 17, 2004 report.
2. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
3. The applicant shall release and relinquish all abutters' rights of access to and from the entire State Highway 140 frontage of Lots 1 and 9.
4. "A" Court shall be named to the satisfaction of the Department of Public Works and Fire Department. "A" Court shall be constructed to interior roadway requirements of Merced County Drawing ST-06B for right of way and improvements.

## MERCED COUNTY PLANNING COMMISSION

Minutes – November 15, 2006

Page 6

5. Direct access to the storm drainage detention basin shall be provided from a publicly maintained road. The basin shall be a separate lot or parcel and may be flag shaped with a minimum 15-foot wide access to "A" Court. The basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes with an 8:1 ramp to the bottom of the basin. A Type 2 commercial driveway approach shall be constructed at the access point to "A" Court. Six inches (6") of Class 2 aggregate base shall be placed from the back of the driveway approach to the pump station and shall include the area around the pump station for maintenance vehicle maneuverability.
6. The developer shall obtain an Encroachment Permit from CalTrans for construction of the new public road intersection on State Highway 140 prior to recordation of the final map.
7. The developer shall provide all documentation and pay all fees associated with the formation of a new landscaping maintenance zone of benefit to include graffiti abatement of the masonry wall along the State Highway 140 frontage of the subdivision. The developer shall construct a water well to provide landscape irrigation water. Landscaping slopes maintained by the County shall be 4:1 (horizontal:vertical) or flatter. Landscaping, wall, water well and appurtenances shall be located within a landscape easement dedicated to the County of Merced.
8. The Merced Irrigation District (MID) canal easement shall not jointly use the storm drain detention basement lot.
9. The developer shall provide the County with a letter from MID accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
10. 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 that all improvements are completed.
11. The developer shall provide public road intersection striping per the Caltrans Traffic Manual and centerline striping for those new roads which intersect the existing peripheral streets.
12. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
13. The developer shall perform soils analysis and percolation tests for each proposed lot. The tests shall be conducted at each proposed septic system location and the results submitted to the Division of Environmental Health prior to recording the final map.
14. The developer shall submit a Dust Control Plan to the SJVUAPCD in order to comply with Regulation VIII Rule 8021 for earth moving operations for residential projects greater than 10 acres in size. This plan should provide for the maintenance of daily records. The applicant should refer to the April 2004 U.S. Environmental Protection Agency Region 9 finalized approval of the San Joaquin Valley 2003 PM-10 Plan as meeting the Clean Air Act requirements for serious PM-10 nonattainment areas.



## MERCED COUNTY PLANNING COMMISSION

Minutes – November 15, 2006

Page 7

15. As required by San Joaquin Valley Air Pollution Control District (JVAPCD) and the National Emission Standards for Hazardous Air Pollutants (NESHAP), an asbestos inspection of the facility shall occur prior to demolition. If asbestos containing materials (ACM) are discovered that would be disturbed during demolition, they must be removed prior to demolition. An asbestos notification form shall be submitted to the District 10 working days before the activity begins. Pursuant to District Rule 3050, asbestos removal fees must be submitted to the District along with the notifications for all regulated demolitions.
16. Construction activities disturbing one 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. As required by regulations implementing the Construction Stormwater Permit, the SWPPP shall include:
  - i. Specific and detailed Best Management Practices (BMPs) to mitigate construction related pollutants, including sediments. These controls would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricant, paints, solvents, and adhesives) with stormwater. The SWPPP would specify properly designed centralized storage areas that keep these materials out of the rain and/or protected from the wind.
  - ii. Dust control BMPs for the stabilization of exposed surfaces and to minimize activities that suspend or track dust particles. For heavily traveled and disturbed areas, wet suppression (watering), chemical dust suppression, gravel or asphalt surfacing, temporary gravel construction entrances, equipment wash-out areas, and haul truck covers can be employed as dust control applications. Permanent or temporary vegetation and mulching, and sand fences can be employed to prevent sediment-laden stormwater from reaching receiving waters, or to force stormwater to drop their sediment load onsite.
  - iii. The SWPPP is required to specify a monitoring program to be implemented by the construction site supervisor. SWRCB personnel, who may make unannounced site inspections, are empowered to levy appropriate fines if it is determined that the SWPPP has not been properly prepared and implemented.
17. As a means of achieving the Merced County General Plan noise level criteria, the following requirements shall be included in the project design for this site.
  - a. An 8-foot tall property line barrier would be required to reduce BNSF Railroad noise levels and SR 140 traffic noise levels to 65 dB Ldn at the first row of residences adjacent to SR 140. The barrier would need to wrap to the north, as shown in Figure 3 (of the CEQA Initial Study), and may decrease incrementally to 6-feet in height at the terminus of the wrapped segment. Figure 3 shows the barrier location and recommended barrier wrap.
  - b. If single story residences are constructed at the first row of residences adjacent to SR 140, and an 8-foot tall property line barrier is constructed, the interior noise levels would comply with the Merced County 45 dB Ldn interior noise level criterion with standard construction practices. Air conditioning or mechanical ventilation systems would also need to be installed so that windows and doors may remain closed for acoustical isolation.
  - c. If two story residences are constructed at the first row of residences adjacent to SR 140, it is recommended that interior noise levels be

## MERCED COUNTY PLANNING COMMISSION

Minutes – November 15, 2006

Page 8

evaluated when the building elevations, floor plans, and construction details are available. As an alternative, the following construction recommendations may be implemented into the project design.

### Noise Level Reduction (NLR) of 30 dB

Normal construction practices per the latest edition of the Uniform Building Code are sufficient provided that:

1. Air conditioning or mechanical ventilation systems are installed so that windows and doors may remain closed.
  2. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
  3. Exterior doors are solid core with perimeter weather-stripping and threshold seals.
  4. Exterior walls consist of stucco or brick veneer.
  5. Glass in both windows and doors should not exceed 20% of the floor area in a room.
  6. Windows should have a Sound Transmission Classification (STC) rating of at least 35.
  7. Roof or attic vents facing the noise source of concern should be boxed.
18. A statement shall be placed on the Final Map identifying Parcels 1 and 9 as being noise impacted and requiring that any development on these parcels demonstrate compliance with Condition 17 (above) prior to the issuance of any building permits.
  19. Prior to recording the Final Map, the developer shall submit plans for landscaping the Hansen Subdivision (including the required sound wall) to the Planning Department and Department of Public Works (Parks and Recreation Division) for review and approval.
  20. The developer shall underground the Hartley lateral "B" in a pipeline assembly that meets MID standards.
  21. The developer shall enter into a construction agreement with the MID for the work associated with MID facilities.
  22. The property owner shall obtain a 'Non-Exclusive License Agreement' for all crossings over or under any MID facilities, including roadways, bridges, utilities and pipelines.
  23. In recognition of the fact that MID owns a 30 foot wide strip of land immediately adjacent to SR 140, the applicant will enter into a Joint Use Agreement with MID and the County of Merced for the proposed street ("A" Court).
  24. An MID signature block shall be placed on the improvement plans and final map.
  25. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map.
  26. The applicant shall make all other site improvements and comply with the lot development standards provided in the Merced County Zoning Code.
  27. For the purpose of mitigation and/or condition monitoring, a fee in the amount of

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 15, 2006**

**Page 9**

**\$245** shall be required. The fee shall be paid prior to recordation of the Final Map.

28. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
29. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.
30. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.
31. The developer shall provide all documentation and shall pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which include, but is not limited to, street sweeping.

- E. GENERAL PLAN AMENDMENT No. GPA06-005 AND ZONE CHANGE No. ZC06-006 AND MAJOR SUBDIVISION No. MAS06-010 “Chuck Colston” - Charles Colston - To amend the General Plan from: Winton SUDP General Commercial to Winton SUDP Low Density Residential, with a concurrent rezoning from General Commercial (C-2) to Single Family Residential (R-1) on the northern portion of the parcel, and create 6 residential lots on the northern and one commercial lot on the southern portion, located on the north of Santa Fe Drive, 400 feet north of Walnut Avenue in the Winton area. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** (GB)**

Planner Gene Barrera presented the Staff Report and Recommendation dated November 15, 2006.

The public hearing opened at 10:44 a.m.

Joe Ovatt, representative for the applicant, stated that the land is separated by a Merced Irrigation District creek. He asked for approval of this application.

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

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT No. GPA06-005 AND ZONE CHANGE No. ZC06-006 AND MAJOR SUBDIVISION No. MAS06-010 DUE TO THE ABILITY TO MAKE THE FINDINGS AND CONDITIONS IN THE STAFF REPORT.**

- F. GENERAL PLAN AMENDMENT No. GPA06-006 AND ZONE CHANGE No. ZC06-007 - Protestant Episcopal Bishop of San Joaquin - To amend the General Plan from Los Banos SUDP Agricultural to Los Banos SUDP Commercial with a concurrent rezoning General Agricultural (A-1) to Commercial-Professional (C-P) located east side of Badger Flat Rd approximately 3/5 of a mile north of Highway 152 in the Los Banos area. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** (GB)**

Planner James Holland presented the Staff Report and Recommendation dated November 15, 2006. He also handed out a letter from neighbors, Dale & Caryn Cox, stating their opposition to this application.

The public hearing opened at 10:54 a.m.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 15, 2006**

**Page 10**

Bob Hart, Stoddard & Associates, stated that this project will be developed in phases.

Father John Combs, pastor at Protestant Episcopal Bishop church, stated that they are following the rules and asked for approval of this application.

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

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT No. GPA06-006 AND ZONE CHANGE No. ZC06-007 DUE TO THE ABILITY TO MAKE THE FINDINGS AND CONDITIONS IN THE STAFF REPORT.**

- G. 1st EXTENSION No. EXT06-013 TO MINOR SUBDIVISION No. MS04-006 - Terry & Delores Rolfe - To extend for one year a tentative map located on the southwest corner of Fleming Road and Herrod Avenue designated as Atwater RRC Agricultural Residential in the General Plan and zoned Agricultural Residential (A-R). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (KT)**

**This item has been continued to the December 6, 2006 meeting to allow readvertising of the project. The project was advertised as a Minor Subdivision and should be a Major Subdivision.**

- H. ADMINISTRATIVE APPLICATION No. AA04-003 – REVOCATION OF ADMINISTRATIVE APPLICATION No. AA02-089 Deaks Tow Service – For failure to comply with the conditions of permit approval and Zoning Code violations located south of Childs Avenue approximately ¼ mile west of Highway 99, designated Merced SUDP Highway Commercial in the General Plan and zoned General Manufacturing, (M-2). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. (JH)**

Planner James Holland presented the Staff Report and Recommendation dated November 15, 2006. The Planning Department recommends revocation of this application due to the applicants violation of Conditions #1, 2, 7, 9, 10,12 & 14.

The public hearing opened at 11:25 a.m.

Deak Sherrell, applicant, stated that he has only 5 cars on the property currently that are registered in his name and the rest of the junk on the property is not his. He also states that he is not responsible for the solid waste on the property.

David Fuentes, Code Compliance Officer, stated that he has been assigned to check on Code Enforcement for Mr. Sherrells property for the last 4 years.

Chairman Sloan questioned the ownership of this property. It was confirmed that Mr. Sherrell's daughter currently has the title on the property, but Mr. Sherrell is co-owner.

Mr. Fuentes stated that Mr. Sherrell is renting out storage space on the property and vehicles are constantly being brought onto the property and he has gone over the conditions with Mr. Sherrell several times. He also runs a tree service and several other business on the property and he does not have a business permit for any of those businesses. Chairman Sloan asked if the Administrative Permit is under Deaks Towing Service or Deak Sherrell. Jeff Wilson, Code Compliance Manager, stated that the Administrative Permit was issued to Deaks Towing with Deak

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 15, 2006**

**Page 11**

Sherrell as the owner. The Planning Department followed property noticing on the permit. James Holland, Senior Planner, indicated that the permit was issued to Deak Sherrell and a notice was also sent to his daughter.

Mr. Sherrell indicated that his daughter stole his property and put it under her name.

John Harrell, Environmental Health, stated that Mr. Sherrell's property has been put under notice since 2004. Mr. Sherrell's daughter Malie Sherrell is the property owner currently. The property is unlivable with junk, oil and cars everywhere on the property.

Commissioner Tanner asked when the property was transferred to his daughter. Mr. Harrell replied in 2002. Mr. Holland indicated that a letter to notify of non-conformance with the conditions was sent to Mr. Sherrell and his daughter.

The public hearing closed at 11:40 a.m.

Walter Wall, County Counsel, stated that the plot plan is not being followed according to the Zoning Code and the inability to make the findings and the Commissioners can revoke the towing service. Revocation can be justified.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REVOKED ADMINISTRATIVE APPLICATION No. AA04-003 – REVOCATION OF ADMINISTRATIVE APPLICATION No. AA02-089 DUE TO THE INABILITY TO MAKE THE LISTED FINDING AND CONDITIONS IN THE STAFF REPORT.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

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