



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 28, 2007, 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; Cindy Lashbrook; Lynn Tanner; Rudy Buendia; Steve Sloan, Chairman

- 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. **ADMINISTRATIVE APPLICATION No. AA06-136 - Luis Rivera** - To build a produce market on property located at the southwest corner of White Crane Rd & Applegate Rd in the Atwater area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**
- B. **1st EXTENSION No. EXT 07-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003 "River Reach Estates" - Bhupinder Sahota** - To extend the expiration date of the approved tentative map for one year until March 9, 2008, for property located on the south side of Palm Avenue, approximately 800 feet east of Santa Fe Dr in the Cressey area. The project site is designated Cressey SUDP-Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**
- C. **MINOR SUBDIVISION APPLICATION No. MS06-075 - Alice Bertao / Jonathan Castle** - To validate two parcels split by deed after adoption of the subdivision map act, resulting in a 24.1 acre parcel and a remainder parcel of 55.1 acres on property located on the south side of Dairy Lane, approximately 1950 feet west of Hwy 33 in the Dos Palos "Y" area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**

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 Development Services 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 FEBRUARY 28, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of February 28, 2007, 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 February 28, 2007, 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 Cindy Lashbrook
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 Gene Barrera, Planner II

Legal Staff: Fernanda Saude, Assistant County Counsel

Commissioners Absent: Commissioner Lynn Tanner

III. APPROVAL OF MINUTES

None

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. ADMINISTRATIVE APPLICATION No. AA06-136 - Luis Rivera - To build a produce market on property located at the southwest corner of White Crane Rd & Applegate Rd in the Atwater area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner Gene Barrera presented the Staff Report and Recommendations dated February 28, 2007.

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

Luis Rivera, applicant, stated that there is an issue with the 5 feet of right-of-way off of Applegate and Whitegate roads. He is requesting an extension of 6 months to allow more time to comply.

Chairman Sloan asked if he needs the 6 additional months to prepare the necessary surveying and documentation. Mr. Rivera replied that he wants to be sure he has the money to build the market to comply.

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Alfred Alvarez, Public Works/Road Division, stated that when dedications are required on projects, they don't ask the property owners to move anything at that time. They wait until they have the project in hand that would ask for any structures that interferes with the proposed improvements. He feels 6 months is plenty of time. Chairman Sloan stated that he is unclear with the building needing to be moved or is it just the cost of the surveying and engineers report. Mr. Alvarez stated that if 12 months is needed, then that would be fine. The street light is also a safety issue and the driveway needs to be put in place.

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

Commissioner Lashbrook indicated that she would like to see the business hours open later than 5pm. Mr. Rivera stated that the hours were only a suggestion, but he had no issues with staying open later than 5pm.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. AA06-136 FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 28, 2007, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. AA06-136 SUBJECT TO THE 24 CONDITIONS, INCLUDING 7 ADDITIONAL PUBLIC WORKS CONDITIONS, WITH CONDITIONS #18 AND #19 BEING MODIFIED IN THE STAFF REPORT TO READ AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. Administrative Application No. AA06-136 to construct a 1,296 square foot produce market and parking area shall be located in a manner as described on the approved plot plan, submitted application and operational statement. Minor modifications may be approved by the Development Services Director.
2. At least one-half (1/2) of the produce sold shall be grown on-site. Items prohibited from being sold in the produce market shall include, but not be limited to petroleum products, alcoholic beverages, tobacco, cut flowers, clothing, and magazines.
3. The hours of operation shall be 9:00 a.m. to 5:00 p.m. on weekdays, Saturday 9:00 a.m. to 6:00 p.m., and Sunday 9:00 a.m. to 12:00 noon.
4. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning, and Public Works Departments.
5. If the Administrative Permit is not implemented within one year, it shall expire and become void. The Planning Commission may extend the Permit if a request is filed by the applicant prior to its expiration.

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6. For the purpose of condition monitoring, an inspection fee in the amount of **\$392** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
7. A trash/recycling facility shall be shown on the building plans and constructed prior to occupancy.
8. One on-building sign, 32 square feet in area shall be allowed. Plans for the sign shall be reviewed and approved by the Planning & Community Development Department and Public Works/Building & Safety Division.

Environmental Health Division

9. Complete plans and specifications for all proposed retail food facilities shall be submitted for review and approval by the Division of Environmental Health prior to issuance of a building permit. Requirements for complete plans can be obtained from the Food Program Specialist, Mary Coakley.
10. The sewage disposal system and the required 100% replacement area, and the water well shall be a minimum of 100 feet from the unlined canal. A revised plot plan shall be submitted to the Division of Environmental Health for review and approval prior to issuance of building permits.
11. As a commercial facility, the applicant shall be required to install an approved, properly designed and properly sized nitrogen reducing sewage disposal system. This shall consist of a septic tank and nitrogen-reducing leach lines.

Public Works/Building & Safety Division

12. Engineered plans shall be submitted by a licensed engineer or architect showing all buildings and/or structures. These plans shall show ADA compliance.

Merced Irrigation District (MID)

13. Although not addressed on the application, if the project's storm drainage is to be accepted by the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1) into the Atwater Drain or other facility, the property owner must enter into a "Storm Drainage Contract" with the MIDDID No. 1, paying only an annual maintenance fee. The connection fees are being waived because the entire project is within Drainage District No. 2. The annual maintenance fee will be assessed and collect on the Merced County tax rolls.
14. The developers shall contact the MID Water Resources Engineering Department to address the issues regarding the non-existent facilities and the rights-of-way thereon. MID would be amenable to quit claiming the Vincent Lateral easement.
15. No buildings, permanent structures, fences, or walls shall be constructed or placed on the MID easement without approval of the MID.
16. Septic systems and leach fields shall maintain a 50-foot setback from the edge of the Atwater Drain.
17. A minimum 6-foot high chain link fence shall be placed around the building and parking area outside of the MID and City easements to prevent access to Atwater Drain.

Additional Public Works/Road Division Condition

18. To complete the property owner's half of a 60 foot ultimate right-of-way for White Crane Road, the property owner shall dedicate to the County of Merced an additional 10 feet of right-of-way along the entire frontage of White Crane Road. The necessary deed(s) and exhibit(s) shall be prepared by a California Licensed Land Surveyor or Civil Engineer authorized to perform land surveying. Dedication of right-of-way shall occur within 12 months of administrative permit approval.
19. To complete the property owner's half of a 60 foot ultimate right-of-way width for Applegate Road, the property owner shall dedicate to the County of Merced an additional 5 feet of right-of-way along the entire frontage of Applegate Road. The necessary deed(s) and exhibit(s) shall be prepared by a California Licensed Land Surveyor or Civil Engineer authorized to perform land surveying. Dedication of right-of-way shall occur within 12 months of administrative permit approval.
20. The property owner shall erect a street light at the entrance off of White Crane Road. The street light can be mounted on a wooden pole and shall be maintained by the applicant/property owner. Installation shall be completed prior to implementation of the administrative permit use.
21. The proposed structure shall conform to Section 18.02.030 of the Merced County Code regarding setbacks in relation to the ultimate right-of-way for White Crane Road and Applegate Road.
22. All customers parking and maneuvering shall be contained on-site and out of County right-of-way.
23. Storm water run-off shall be directed away from Merced County road right-of-way.
24. An agricultural type rural driveway approach shall be installed at the entrance off of White Crane Road. This shall be done under an encroachment permit obtained from the Merced County Department of Public Works/Road Division and constructed prior to implementation of administrative use.

- B. 1st EXTENSION No. EXT 07-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003 "River Reach Estates" - Bhupinder Sahota - To extend the expiration date of the approved tentative map for one year until March 9, 2008, for property located on the south side of Palm Avenue, approximately 800 feet east of Santa Fe Dr in the Cressey area. The project site is designated Cressey SUDP-Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

Planner Gene Barrera presented the Staff Report and Recommendations dated February 28, 2007.

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

No one spoke in favor or opposition to this application.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1st EXTENSION No. EXT07-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 28, 2007, AND MAKES THE ORIGINAL 9 FINDINGS SET FORTH IN THE STAFF REPORT AND BASED ON THOSE 9 FINDINGS, APPROVES 1st EXTENSION No. EXT07-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003 SUBJECT TO THE 10 CONDITIONS, WITH CONDITION #1 BEING MODIFIED IN THE STAFF REPORT TO READ AS FOLLOWS:

Conditions:

1. Approval of this extension shall extend the period of time for recording the final map to March 9, 2008.
2. The Project shall comply with the mitigation measures contained in the Mitigated Negative Declaration and Initial Study related to Air Quality, Geology/Hydrology, Noise, and Traffic/Circulation.
3. The Project shall comply with the requirements of the Public Works Department as follows (as further described in Memo dated April 6, 2004):
 - a. Safety Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage systems and underground or relocate utilities and irrigation facilities.
 - b. Prior to final map recordation, the owner shall perfect quiet title pursuant to Section 760.010, et seq., of the California Code of Civil Procedures, of the fee interest canal reserved by S.F.B. Morse in the deed from Morse to MacLeod recorded in Volume 119, Deeds, Page 409, Merced County Records, and as delineated on the Parcel Map for Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records.
 - c. The developers shall comply with the terms of the Deferment of Construction Agreement recorded in Volume 3615 of Official Records at Page 697, Merced County Records, as required by Minor Subdivision No. 96035, for Parcels 1,2,3,4 and Remainder as shown in Parcel Map for Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records. Santa Fe Drive right of way width shall be 100 feet pursuant to Section 4.01.C of the Merced County Department of Public Works Improvement Standards and Specifications. Existing Santa Fe Drive shall be widened with a 4-foot wide paved shoulder and 4-foot wide gravel shoulder. Palm Avenue, a minor rural collector roadway, right of way width shall be 30 feet from centerline if vertical curb and gutter is installed or 40 feet from centerline if roadside ditch is constructed. A 50-foot radius shall be dedicated at the northwest boundary of Parcel 4 at the Palm Avenue and Santa Fe Drive intersection. A 10-foot wide public utility easement shall be dedicated along the Palm Avenue and Santa Fe Drive frontages of the aforementioned parcels. Parcels 1, 2, 3, and 4 shall be included in the subdivision street lighting and storm drainage maintenance zone of benefit in County Service Area Number One.

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- d. Interior subdivision roadways shall be constructed pursuant to Drawing ST-06B of the Merced County Department of Public Works Improvement Standards and Specifications which was approved by Resolution 2004-43 by the Merced County Board of Supervisors.
 - e. The designation of street names shall conform to Section 17.04.050.B, Naming of Streets, of the Merced County Code.
 - f. The west Campus Court cul-de-sac shall be relocated to the east approximately 60 feet.
 - g. Lot 19 shall be reserved for storm drainage purposes on the final map. If Lot A Storm Drain Pond does not function to minimum County of Merced standards within two years from the recording date of the subdivision improvement agreement Notice of Completion, the percolation basin shall be expanded, at developer's expense, into Lot 19. The developer shall provide adequate security for design and construction of the basin expansion prior to recordation of the final map. If Lot A functions within County standards after the two year period, the County will vacate the reservation on Lot 19.
 - h. Release and relinquish all abutters rights of access to and from the entire Santa Fe Drive frontage of Lot 8 and Parcel 4 as shown on the Parcel Map of Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records.
 - i. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new building permits. The developer shall take place until such time as all improvements are completed.
 - j. Provide centerline striping for those new roads which intersect the existing peripheral streets.
 - k. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for stormwater 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 Stormwater Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.
4. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
 5. The project shall comply with the requirements of the Environmental Health Division. Soils analyses and percolation tests for each lot shall be submitted to the Division of Environmental Health prior to construction. The location of the tests shall be where the proposed septic systems would be installed.
 6. A condition monitoring fee of \$450 shall be required prior to the recordation of the Final Map.
 7. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
 8. 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.
 9. 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.

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10. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance service which includes, but is not limited to, street sweeping.

C. MINOR SUBDIVISION APPLICATION No. MS06-075 - Alice Bertao / Jonathan Castle - To validate two parcels split by deed after adoption of the subdivision map act, resulting in a 24.1 acre parcel and a remainder parcel of 55.1 acres on property located on the south side of Dairy Lane, approximately 1950 feet west of Hwy 33 in the Dos Palos "Y" area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB**

Planner Gene Barrera presented the Staff Report and Recommendations dated February 28, 2007.

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

Duane Andrews, Golden Valley Engineering, stated that Castle purchased this property in 2004 and has been owned by two separate parties since 1972. The applicant would like to legalize their parcels and get appropriate permits. He asked for the Commissions support of this application.

The public hearing closed at 9:47 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-075, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 28, 2007, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-075 SUBJECT TO THE 4 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 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 applicable County, State and Federal regulations.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Bill Nicholson, Assistant Development Services Director, discussed the Villages of San Luis project in the Los Banos/Santa Nella area that went before the Board of Supervisors. This project is currently in process and there will be study sessions to discuss this project and a 45 day review for this application will take place in approximately 6-8 weeks.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 a.m.