

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JUNE 11, 2008

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of June 11, 2008, are available online at www.co.merced.ca.us/planning/plancomarchive.html.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:12 a.m., on June 11, 2008, 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
 Robert King, Senior Planner
 Lona Franklin, Planner I
 Jeff Fugelsang, Planner I
 David Gilbert, Senior Planner
 James Holland, Senior Planner

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: Commissioner Lynn Tanner

III. APPROVAL OF MINUTES

M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 14, 2008 WITH MINOR WORDING CHANGES BEING MADE TO PAGE 2.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. VILLAGES OF LAGUNA SAN LUIS COMMUNITY PLAN - CP07-002 – Villages of Laguna San Luis Consortium - To recommend Certification of the Final Environmental Impact Report (FEIR); Adoption of the Villages of Laguna San Luis Community Plan; Amendment of the Merced County General Plan; Related Re-zonings; and withdrawal of lands from the Merced County Agricultural Preserve, in an area generally located east of the San Luis Recreation Area, West of Interstate 5 and extending approximately two miles south and one mile north of State Highway 152. **TO RECOMMEND THE BOARD OF SUPERVISORS CERTIFY THE ENVIRONMENTAL IMPACT REPORT AND APPROVE, MODIFY OR REJECT THE PROPOSED COMMUNITY PLAN AND ACTIONS. Continued from the May 14, 2008 meeting. BK**

Chairman Sloan indicated that he no longer serves on the board for the San Luis Water District, so he can listen to and vote on testimony to be heard today. He also reviewed the documents and watched live video from the May 28, 2008 meeting.

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Planner Robert King presented the Staff Report update and recommendations of approval dated June 11, 2008.

William Miller, representing the Villages of Laguna San Luis, handed out to each Planning Commissioner, a letter with Response to Comments raised during the May 14, 2008 Planning Commission meeting and he went over each issue.

Ellen Barryman, biologist with the Villages of Laguna San Luis, also went over the letter with response to comments concerning the San Joaquin Kit Fox raised during the May 14, 2008 meeting, and in correspondence.

Eric Robinson, lawyer speaking on behalf of the applicants, went over the water supply portion of the Response to Comments letter handed out to the Planning Commissioners.

The public hearing opened at 9:55 a.m.

Maureen McCorry, et al, and on behalf of Valley Land Alliance, submitted her comments for the record along with CDs showing the Coalition statement, Department of Fish & Game action plan and the American Farmland Trust "Paving Paradise", 3 significant maps from Wildlands and the Williamson Act from Merced County, the California Rangeland Conservation Coalition Resolution, the Nature Conservancy Vernal Pool target, the San Joaquin Kit Fox area recovery map and 3 items from the United States Fish & Wildlife Recovery Plan. She understands the applicants have put years of time and effort into this project, but the question is do we need this project? She feels the applicant explained that the Kit Fox are already in danger so it is ok and they don't have to be held accountable for the fact that they are already going extinct. There are farmers out there that are losing their livelihood and they don't have access to water, so now they want to create a residential compound that leaps out of Los Banos.

Peter Koch, president of Merced County Farm Bureau, stated that Governor Arnold Schwarzenegger proclaimed a state wide drought. The Farm Bureau supports his effort to upgrade our water system by improving the conveying system and developing additional storage to offset the climate change impacts to reduce higher flood flows. These actions are related directly to the San Luis project. They rely on the San Luis Water District for water. The San Luis Water District does not have guaranteed water rights. Those in the district are now struggling to choose which crops to keep alive. They request the County to suspend proceeding forward with the Villages of Laguna San Luis and all new town projects until a clear and concise water plan for California and the County is developed. He asked the Commissioners to reject this project.

Gordon Gravel, project proponent, stated that he purchased his property many years ago and has been on this project for over 20 years. They have taken a look at all the issues and they have answered the questions and progressed to where they are today and the project has taken in all the issues and analyzed them.

Marilyn Wright, resident on Billy Wright Rd., stated that she went to a San Luis Water District meeting and was told that the water that comes to the farmers and the water that goes to the project have nothing to do with each other. She feels that her 40 acres of property will not have water and the proposed project next to her has a contract that promises water and is guaranteed. What is the purpose of the application? She feels that the light manufacturing zoning will only bring in minimum wages jobs. She asked if the County landfill is within this area, and if it is, why?

Planner Robert King stated that the County landfill is within this area and they included the entire section and they wanted it set up in that area to include the relationship with the County landfill and adjacent residential area so there would be no conflicts. They can control the issues better that way.

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Ms. Wright asked if the water district maintenance office area is a part of the district as well? Chairman Sloan said that the San Luis Water District's maintenance shop is south on I-5. The district does not have any offices out there at all.

Don Larson, Director of Fiscal Services for the Los Banos Unified School District, stated that he is in support of this project.

Jean Okuye, Livingston resident, stated that she attended a meeting for the Los Banos General Plan Update and there was no mention of this project. She asked when the Cities and Counties are going to get together to talk about the limited supply of water. Housing costs are too high and there are too many homes and are not bringing in the money for the infrastructure. The Valley needs to be saved.

Rick Garza, property owner adjacent to this application, feels that the water concerns have not been answered yet. He is paying over \$200 a month for his water and has no idea how the water would be incorporated to this project.

Tom Grave, Merced County resident, asked if this town will have its own school district. Planner Robert King indicated that this is within the Los Banos Unified School District and they have worked to create a plan to provide the necessary schools. Mr. Grave stated that there is a water concern and there have been droughts lasting for 100 years in the past. We don't need this project and the County shouldn't urbanize.

The public hearing closed at 10:20 a.m.

Commissioner Lashbrook doesn't feel comfortable not having read the Response to Comments letter from the applicant. More and more farmland is going to be abandoned. We are going into a heavy duty overdraft of water for many reasons and we shouldn't be heading that way. Most of the neighbors involved are concerned. The need for this project is a long ways out.

Chairman Sloan stated that no one has farmed this foothill property in the San Luis Water District for over 20 years. The production is not good and it is best suited for sheep grazing. It has always been the policy of the San Luis Water District that any development that takes place will not jeopardize agricultural production. The #1 priority of the San Luis Water District is to protect agriculture. This project today doesn't convey any entitlements. This is not a tentative map. If the developer is short of water, that developer is going to have to go out and find outside sources of water and that is State Law. No landowner has more or less than others. All contractors south of the Delta are on a rationing program for the next 90 days because of pumping restrictions. Every landowner is going to get 5/10th of a foot per acre per month. It has always been the concern of the San Luis Water District that while they recognize that development would occur on non-prime ag lands in the District, it was the wish that agriculture not be penalized by any development occurring within the San Luis Water District.

Commissioner Lashbrook said this does not create new water, it just moves it around.

Chairman Sloan said if the developer does not satisfy, the San Luis Water District that they can find water, then they will not get the entitlement. There is no additional water for this project as pointed out by members of the audience, so it is up to the developer to buy, if available, whatever water resource they can and it could cost millions of dollars and that is up to the developer to go forward.

Commissioner Lashbrook feels that without a County-wide water plan, there is not enough information to be adding this many homes with so many empty homes out there already.

Commissioner Mobley said this project could take 30 years and would rather have people buying homes that are on less productive farmland. There is more focus being developed on getting more water. He feels that saying water isn't available works.

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Chairman Sloan stated that the County coming up with a Comprehensive Water Plan is near impossible.

Commissioner Lashbrook feels that we still need to have a complete County General Plan. Water is really scarce and we would be in trouble if we were not producing our own food.

Chairman Sloan stated that the General Plan was revised to allow for these new town developments years ago and the purpose was to try and move development off of prime farmland and up to non-prime farmland in the foothills.

Commissioner Lashbrook feels that the timing is poor for this project. She has trouble with the Kit Fox issue as well as they are not making conditions better, just no making bad conditions any worse.

The Planning Commissioners took a 10 minute break.

1st MOTION: M/S LASHBROOK - BUENDIA, THE VILLAGES OF LAGUNA SAN LUIS COMMUNITY PLAN- CP07-002 HEARING BE CONTINUED (NAY BY COMMISSIONER MOBLEY AND CHAIRMAN SLOAN), THE VOTE DIED FOR A LACK OF THE REQUIRED 3 VOTES TO PASS.

2ND MOTION: M/S MOBLEY – SLOAN, TO RECOMMEND THE VILLAGES COMMUNITY PLAN FEIR BE CERTIFIED BY THE BOARD OF SUPERVISORS FOR THE APPROVAL OF THE VILLAGES COMMUNITY PLAN, AN AMENDMENT OF THE MERCED COUNTY GENERAL PLAN; RELATED RE-ZONINGS; AND WITHDRAWAL OF LAND FROM THE MERCED COUNTY AGRICULTURAL PRESERVE. (NAY BY COMMISSIONER LASHBROOK AND COMMISSIONER BUENDIA), THE VOTE DIED FOR A LACK OF THE REQUIRED 3 VOTES TO PASS.

- B. PARCEL MAP WAIVER MINOR SUBDIVISION APPLICATION No. MS08-008 - Four S Land & Cattle Co** - To divide 1,664.1 acres into three parcels and a remainder parcel of: Parcel 1 = 160 acres, Parcel 2 = 216 acres, Parcel 3 = 369.6 acres with a Remainder Parcel of 918.5 acres. The property is located on the north and south sides of Greenhouse Road, 2 miles west of Dan McNamara Road in the Livingston area. The project site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the May 14, 2008 meeting. DG**

Planner David Gilbert indicated that the agent, Duane Andrews with Golden Valley Engineering is requesting that this application be continued since Condition #5 was added and the applicant needs time to resolve the issue of the easement.

- D. ADMINISTRATIVE APPLICATION No. AA08-029 - Jose Nava** - To operate a semi-mobile food vendor in the parking lot of an existing grocery store on property located at the northwest corner of Stephens Street & Schendel Avenue in the Delhi area. The project site is designated in the Delhi SUDP as General Commercial land use and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JF**

Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated June 11, 2008.

The public hearing opened at 11:05 a.m.

Juan DeLaFuente, speaking on behalf of the applicant Mr. Nava, thanked the Planning Department for working on his application. He stated that Mr. Nava has kept the area clean and doesn't understand why the tables can't be in the area proposed.

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Planner Jeff Fugelsang explained that the Planning Department felt that if the tables are associated with the supermarket that it should be a part of the project that had to do with the supermarket. That should be a modification to that permit if not directly associated with the taco trucks.

Bob Gabriele, County Counsel, asked if that was a part of the analysis as a safety hazard and that is why the tables can't be connected to the taco truck.

Planner Jeff Fugelsang stated that the area is very busy and is a main shopping area in Delhi and Planning Department felt that having customers wander through the parking lot to the tables that aren't related to the project should not be recommended.

The public hearing closed at 11:10 a.m.

Commissioner Lashbrook asked if it is against the rules to put the tables with the project.

Bill Nicholson, Assistant Development Services Director, explained that the provisions for a semi-mobile food vendor does not prohibit having tables near the truck but the issue here is that the location of the truck is already taking up parking spaces, so if tables are put up they would be blocking the driveway or they will take up more spaces for this use and the parking is used by the supermarket, the barbershop and the salon. There would be too many conflicts.

Planner Jeff Fugelsang added that the taco truck takes up two parking spaces and if the orientation were changed to north/south it would restrict vehicular movement on the property site.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. AA08-029, 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 JUNE 11, 2008, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. AA08-029 SUBJECT TO THE 11 CONDITIONS WITH 2 PUBLIC WORKS/ROAD DIVISION CONDITIONS BEING ADDED AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Administrative Application No. AA08-029 is permitted to place a semi-mobile food vendor as shown in the Plot Plan. This permit does not allow for the originally proposed barbeque pit or picnic tables on the project site.
2. The vendor truck shall be maintained and operated in accordance with the conditions of the permit and the approved Plot Plan.
3. 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.
4. The applicant shall comply with the Merced County Zoning Code Development Standards required for Semi-Mobile Food Vendors (§18.47.79.D) including, but not limited to the following:
 - a. The operating hours shall be limited to be between 9:00 a.m. to 10:00 p.m., seven days a week.

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- b. There shall be adequate trash receptacles adjacent to the vehicle.
 - c. The site shall be kept clean and free of litter at all times. Trash and garbage shall be removed from the site at the end of each day (§18.47.79.D.9.).
 - d. Wastewater generated by this use shall not be released on-site or into any storm drainage or irrigation system (§18.47.79.D8.).
 - e. Grease shall be disposed per requirements of the Division of Environmental Health.
5. No additional advertising sign except a sign attached to the vehicle and approved by the Planning and Community Development Director is allowed.
 6. Twenty-nine (29) parking spaces shall be provided on site as per the requirements of the Merced County Zone Code.
 7. Administrative Application No. AA08-029 is not transferable to a new owner/operator.
 8. If the Administrative Permit is not implemented within one year, it shall expire and become null and void. The Planning Commission may extend the Permit if a request is filed by the applicant prior to its expiration.
 9. For the purpose of conditions monitoring, an inspection fee in the amount of **\$304.00** 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.

Public Works/Road Division

10. Any structure, temporary structures, food carts or personnel shall not occupy the property beyond the southwesterly wall of the grocery store. This wall (the wall parallel with Schendel Avenue) is at the right-of-way line for Schendel Avenue. Any objects or personnel located beyond this line will be encroaching within public right-of-way.
11. The applicant shall position the semi-mobile food vendor truck in an acceptable location that is not within county right-of-way, does not conflict with vehicular movement, and does not obstruct sight visibility for the motorist.

- C. 3RD MODIFICATION No. MM08-005 TO ADMINISTRATIVE APPLICATION No. AA02-148-Earl Tagge** - To construct 15 indoor RV storage units and a second residence for a groundskeeper, on property located west of Stephens Street, approximately 1/4 mile south of South Avenue. The property is located in the Delhi SUDP, designated as Industrial land use and zoned M-1 (Light Manufacturing). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

Planner James Holland presented the Staff Report and recommendations of approval dated June 11, 2008.

Commissioner Lashbrook asked if the applicant could put in vinyl strips on the fence. Planner James Holland indicated that the Zoning Code does say landscaping, block wall or something equivalent. The landscaping strip isn't wide and there is a certain width and they wouldn't want to make the applicant tear up the driveway so we would be willing to work with the applicant to come up with some sort of screening.

The public hearing opened at 11:29 a.m.

Earl Tagge, applicant, stated that he did not want to go with the solid fence and thought he got approved in February to have the African vine to go up the cyclone fence instead of needing a block wall. He has a sprinkler and drip system in the area. He thought he was approved for the African vine. He asked if the condition is being changed.

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Chairman Sloan indicated that Commissioner Lashbrook only made a suggestion and if she wishes to change the condition, she can make a motion.

Brian Nessler, owns a truck parking facility near the applicants property, said that nothing is being said about the second residence being proposed today. His understanding is that one home for security purposes per land is allowed. Is this correct?

Planner James Holland said there is a provision in the Zoning Code that allows a second residence to be provided at the discretion of the decision making body. A second residence may be approved explicitly but not by right.

Mr. Nessler said he tried to get a second home on his property and was denied by the Planning Department. Chairman Sloan asked if Mr. Nessler had an application come through the Planning Commission. Mr. Nessler said he was denied by a staff member at the Planning Department and his application never was filled out. Chairman Sloan suggested to Mr. Nessler to go to the Planning Department and speak with a Planner regarding his options. Mr. Nessler agreed.

The public hearing closed at 11:35 a.m.

MOTION: M/S MOBLEY – LASHBROOK, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 3RD MODIFICATION No. MM08-005 TO ADMINISTRATIVE APPLICATION No. AA02-148 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 JUNE 11, 2008, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES 3RD MODIFICATION No. MM08-005 TO ADMINISTRATIVE APPLICATION No. AA02-148 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. Minor Modification No. MM08-005 to Administrative Permit No. AA02-148 is to allow the on-site construction and operation of 15 RV storage units and a second caretaker residence for use by a Groundskeeper.
2. The applicant shall either: Modify the site plan to provide for a 20' side yard setback between the proposed RV Storage Units and the western property boundary, or, submit a complete Minor Deviation application proposing reduction of this setback to 14' (under Section 18.50.03.C.3 of the Zoning Code).
3. Prior to the issuance of any building permit for construction of the second residence or RV Storage units, the applicant shall install the Type "A" landscape screening along the eastern property boundary as required by MM07-017.
4. The applicant shall provide a minimum of two parking spaces for the second on-site residence. These parking spaces must be located in reasonable proximity to the residence with the location to be approved by the Planning and Community Development Department.
5. All previous conditions of approval previously required for this property shall remain in effect unless modified or replaced by these conditions.

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6. The second caretaker residence shall be subject to the permitting and review requirements provided in subsections C, D and E of Section 18.47.34 of the Zoning Code.

7. For the purpose of conditions monitoring, an inspection fee in the amount of **\$380.00** 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/property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.

Department of Public Works Building and Safety Division

8. The applicant must submit plans to the Building Department for a permit prior to the start of any work. Building plans must be completed by a licensed engineer or architect and four sets of plans and three sets of calculations provided for each building. Additionally, a soils report must be prepared by a licensed soils engineer for all new construction. The issue of liquefaction must be addressed in any submitted report. No plans will be accepted and no permit started without this soils report.

Department of Public Works Road Division

9. The applicant shall install a streetlight at the access point off Stephens Street. This shall be done under an encroachment permit obtained from the Road Division and subject to inspection and approval prior to issuance of any additional building permit or operation of the expanded portion of the facility.
10. The applicant shall improve the access road from the new access point off of Stephens Street to the satisfaction of the Merced County Fire Department.
11. The applicant shall retain a California Licensed Civil Engineer to review the proposed expansion of the facility and verify that the existing drainage plan of the facility will accommodate additional runoff generated by the expansion, or prepare an additional drainage plan as necessary to prevent run-off onto county maintained roads/facilities. The applicant's engineer shall provide the Merced County Planning Department with a stamped copy of the drainage plan.

- E. CONDITIONAL USE PERMIT No. CUP08-005 - Fabian Alvarez - To establish a used car sales lot on property located at the southeast corner of Hwy 140 and Gwinn Street in the Planada area. The subject property is designated in the Planada SUDP as Neighborhood Commercial land use and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

Planner David Gilbert presented the Staff Report and recommendations of approval dated June 11, 2008.

The public hearing opened at 11:45 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 11:46 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP08-005 FROM CEQA.

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MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 11, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. CUP08-005 SUBJECT TO THE 13 CONDITIONS WITH CONDITION #13 BEING ADDED BY THE PUBLIC WORKS/ROAD DIVISION AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. Conditional Use Permit Application No. CUP08-005 is granted for a used car sales lot with repair of vehicle for sale on a 0.16 acre parcel and shall be developed in a manner consistent with the submitted operational statement and approved plot plan. Minor modifications to this Conditional Use Permit may be approved by the Development Services Director.
2. Applicant/property owner shall comply with all Conditional Use Permit conditions as contained in the Planning Commission Resolution No. 97-1.
3. Applicant/property owner shall comply with all Federal, State, and Local agency regulations
4. Within 30 days after Planning Commission approval, three sets of landscape and irrigation plans shall be submitted showing landscaping and irrigation along the eastern boundary and along portions of the southern boundary of the project site.
5. Within 30 days after Planning Commission approval, three sets of plans shall be submitted for a masonry block wall six feet in height located along the southern property line of the project site per Section 18.18.03 of the Zoning Code.
6. Five parking spaces shown on the plot plan along the eastern boundary of the project site shall be devoted to customer parking. One of those spaces shall be used as a handicap parking space.
7. All areas shown on the plot plan for vehicle display or vehicle parking shall be paved using asphalt or concrete.
8. Pursuant to Section 18.47.13(C) of the Merced County Zoning Code outside storage of junked or wrecked cars shall not be allowed. Pursuant to Section 16.47.13(D) areas used for the outside storage of vehicles awaiting repair shall be completely screened from public view.
9. The hours of operation for the sale of used cars shall be from 6:00 a.m. to 10:00 p.m. everyday. The hours of operation for the repair of vehicles shall be limited to 7:00 a.m. to 7:00 p.m. everyday.
10. For the purpose of condition monitoring, an inspection fee in the amount of **\$456** 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.

Public Works/Building & Safety Division

11. All building shall conform to handicap accessibility regulations. A California licensed engineer or architect shall review the property and draw any plans that may need to ensure compliance. As an alternative, you may schedule a Special Inspection from the Building Department to conduct the review. Should you have the Building Department conduct the inspection you will still be required to have a licensed

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engineer or architect draw any plans that may be needed.

Environmental Health Division

12. Any hazardous material stored on-site over threshold quantities shall require a hazardous materials business plan be filed with the Environmental Health Division. Threshold quantities – 55 gallons of liquid, 200 cubic feet of compressed gas, or 500 pounds of solid.) Contact Vickie Hayer at (209) 381-1083.
13. The applicant shall complete installation of sidewalk and at the Gwinn Street frontage of the property, this shall include a concrete driveway approach at the existing depressed curb. This shall be done under encroachment permit obtained from the Department of Public Works/Road Division and subject to inspection and approval by a Road Division inspector. This shall be accompanied prior to issuance of any building permit.

- F. 1st EXTENSION No. EXT08-010 TO MAJOR SUBDIVISION APPLICATION No. MAS05-014 - Failte Meadows** - To extend the expiration date of the tentative map for one year to April 26, 2009, on property located on the west side of Buhach Rd, 410 feet south of Elliott Ave in the Atwater area. The subject property is designated Atwater Rural Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. LF**

Planner Lona Franklin presented the Staff Report and recommendations of approval dated June 11, 2008.

Commissioner Lashbrook asked if the applicants get to the 5 year extension approval process and the County's procedures change, would this be grandfathered in or subject to new requirements.

Robert Lewis, Development Services Director, stated that every year the applicant will apply for an extension and fees or other changes may be added to the conditions.

The public hearing opened at 11:58 a.m.

Duane Andrews, Golden Valley Engineering, stated that the subdivision has been totally improved. There was a small issue with paving, but they will be requesting one more extension. The utilities, gutters and the streetlights have been installed. He asked the Commission to grant the extension.

The public hearing closed at 12:00 p.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 1st EXTENSION No. EXT08-010 TO MAJOR SUBDIVISION No. MAS05-014 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 JUNE 11, 2008, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES 1st EXTENSION No. EXT08-010 TO MAJOR SUBDIVISION No. MAS05-014 TO APRIL 26, 2009, SUBJECT TO THE 21 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development

1. Extension Application No. EXT08-010 (first extension) is granted for the processing and recording of the final map (MAS05-014) for one year from April 26, 2008 to April

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26, 2009. This condition does not replace any previously approved conditions for MAS05-014.

2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$288.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

Environmental Health

4. Construction equipment used at the site shall be equipped with catalysts/particulate traps to reduce particulate and NOx emissions unless demonstrated to be infeasible by project contractors.
5. Special design on-site sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen, shall be required. Such systems shall be operated and maintained by the property owner.
6. A Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new on-site sewage treatment systems.
7. All abandoned wells and septic tanks must be properly destroyed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health.
8. The applicant shall identify any wells on adjacent properties that may conflict with setback requirements for proposed sewage disposal systems.
9. The setback for the basin from any sewage disposal system or replacement area shall be at least 4 feet for every foot of basin depth.
10. Sewage disposal systems in this area are considered to have moderate percolation/break thru hardpan, unless percolation tests and soils analysis reveal more satisfactory percolation is likely.

Public Works/Roads

11. The property owner/applicant shall satisfy 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 utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
12. The property owner/applicant shall release and relinquish all abutters' rights of access to and from the entire Buhach Road frontage of Lots 1 and 16.
13. Pursuant to the terms of a Deferment of Construction Agreement recorded in Volume 2591 of Official Records at Page 540, Merced County Records, affecting the north half of the subdivision along with Parcels 1 and 2 as shown on the Parcel Map for Smith and Fennessy (Volume 58 of Parcel Maps at Pages 7 and 8, Merced County Records) (Assessor's Parcel Numbers 005-260-043 and 005-260-047), roadway, street lighting, and storm drainage improvements shall be designed and constructed to include the Elliot Avenue and Buhach Road frontages of the above described parcels of land. Existing utility or irrigation facilities that may interfere with proposed improvements or are within the Clear Zone shall be relocated or replaced with underground facilities at developer's expense.

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14. A geotechnical engineer shall provide specific mitigation measures for over excavation and backfill of the storm drainage percolation basin. The geotechnical engineer shall be retained by the developer to verify compliance with the mitigation measures and to submit a letter to the Department of Public Works certifying compliance prior to the recording of a Notice of Completion for the subdivision improvements.
15. The storm drainage percolation basin shall be constructed with a 4:1 (horizontal:vertical) or flatter side slopes and an 8:1 ramp from the road access point to the bottom of the basin. Side slopes shall begin no less than 10 feet from the property of fence line.
16. 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 as all improvements are completed.
17. The property owner/applicant shall provide centerline striping for those new roads which intersect the existing peripheral streets.
18. Developer/applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water 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, or visit their website at www.swrcb.ca.gov.
19. The streets shall be named and designated to the satisfaction of the Fire Department and the Merced County Department of Public Works.
20. In-lieu park fees as required by County Ordinance No. 1090 shall be paid by the applicant prior to final map recordation.

Merced Irrigation District

21. If the subject property storm water runoff discharges into any MID facility, now or in the future, the property owner shall be required to enter into an "Subdivision Drainage Agreement" or a "Deferred Fee Subdivision Drainage Agreement" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1), paying all applicable fees.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

Robert Lewis, Development Services Director, reminded the Planning Commissioners that there will be a 4th Joint Study Session with the Planning Commission/Board of Supervisors on the General Plan Update to be held on July 1, 2008 at 1:30 pm.

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IX. ADJOURNMENT

There being no further business, the meeting adjourned at 12:13 p.m.