



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Robert A. Lewis
Development Services Director

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

Equal Opportunity Employer

MEMORANDUM

DATE: October 28, 2009

TO: Planning Commission

FROM: David Gilbert, Senior Planner *DM*

SUBJECT: Minor Subdivision Application No. MS09-014 - Pacheco LLC

Background/Analysis

On October 7, 2009, after this application was placed on the October 28, 2009 Planning Commission agenda, the County received comments from Paula Fitzgerald, AICP Planning Director from the City of Los Banos stating that the project site is designated "Park" in their newly adopted City General Plan and the City is requesting that the applicant pursue annexation of the property prior to any discretionary action by Merced County.

According to Merced County's General Plan, the project site is designated Industrial land use and zoned M-1 (Light Manufacturing). Pursuant to the County's Property Tax Sharing Agreement with the City of Los Banos, adopted by the Board of Supervisors in April 1997, all discretionary approvals by the County are subject to a mutual land use determination which is not in conflict with the City's adopted General Plan. Based on information received from the City, Minor Subdivision Application No. MS09-014 is therefore in conflict with the City of Los Banos General Plan.

Staff Recommendation

Staff recommends that the Planning Commission refer the application back to staff so that the County, City of Los Banos, and the applicant can discuss the annexation process into the City or other possible scenarios.