



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JUNE 11, 2003, 9:00 A.M.
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,
MERCED, CALIFORNIA**

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Larry Whitney; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

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. MODIFICATION NO. 03006, (1st MODIFICATION) TO MAJOR SUBDIVISION NO. 97006, MODIFICATION NO. 03005, (1st MODIFICATION) TO CONDITIONAL USE PERMIT NO. 3324, AND PROPERTY LINE ADJUSTMENT NO. 03011- Dry Creek Land Company (Fox Hills) - To modify phasing of an approved subdivision in relation to other improvements; To revise the layout of an approved 18-hole golf course and to adjust parcel lines to accommodate design changes in the golf course on property located at the southerly terminus of Volta Road at the I-5 Freeway in the Los Banos area, which is designated as Fox Hills Specific Urban Development Plan Low Density Residential and Recreation land use in the General plan. The zone is R-1, R-1-5000, and A-1. (388 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

VI. **CORRESPONDENCE**

None

VII. **GENERAL BUSINESS**

Follow-up presentation by MCAG staff on the PIP process and setting goals for spending transportation dollars over the next 20 years.

VIII. **DIRECTOR'S REPORT**

None

IX. **ADJOURNMENT**

APPEALS

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

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MINUTES FOR MEETING OF JUNE 11, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of June 11, 2003, 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 June 11, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Larry Whitney
 Commissioner Kimberly Clauss
 Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner
 Commissioner David Wager

Staff Present: William R. Nicholson, Planning and Community Development
 Director
 Desmond Johnston, Deputy Director
 James Holland, Planner III
 Kim Lewallen, Recording Secretary

Legal Staff: James Tarhalla, Deputy County Counsel
 Fernanda Saude, Senior County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 28, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MODIFICATION NO. 03006, (1st MODIFICATION) TO MAJOR SUBDIVISION NO. 97006, MODIFICATION NO. 03005, (1st MODIFICATION) TO CONDITIONAL USE PERMIT NO. 3324, AND PROPERTY LINE ADJUSTMENT NO. 03011- Dry Creek Land Company (Fox Hills) - To modify phasing of an approved subdivision in relation to other improvements; To revise the layout of an approved 18-hole golf course and to adjust parcel lines to accommodate design changes in the golf course on property located at the southerly terminus of Volta Road at the I-5 Freeway in the Los Banos area, which is designated as Fox Hills Specific Urban Development Plan Low Density Residential and Recreation land use in the General Plan. The zone is R-1, R-1-5000, and A-1. (388 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

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Planner James Holland presented the Staff Report and Recommendation dated June 11, 2003.

The public hearing opened at 9:27 a.m.

The following person(s) spoke in favor of the project:

Dick Price, 1176 Copperverde Lane in Modesto, representing the owner, stated that he has been working on this project for three years. He is requesting a relocation of the park. There are 8 phases in the process and a year from now the project will be ready to open for business.

Commissioner Wager asked how many acres the residential portion of the project is? Mr. Price responded 109 acres approximately.

Commissioner Wager asked if the Fire Department and Public Works are ok with this project. Mr. Price responded yes.

Steve Hamilton, Public Works/Road Division, indicated that Volta Road is the main access and they are working with Mr. Price and his staff on the improvements on Volta and replacing the bridge on Delta-Mendota and are coming to an agreement with the phasing on the building permits.

Commissioner Tanner was concerned with the farm equipment that has to be brought through the road to farm the land and whether 30 ft. easement is wide enough. Mr. Hamilton indicated that 40 ft. is full width.

Mr. Price indicated that they are replacing a portion of the 30 ft. easement with a 40 ft. road paved. There not destroying the existing access in any way. Mr. Hamilton indicated that the dirt road will have to be dedicated to the County. Chairman Steve Sloan asked why the dirt road isn't a 52 ft. right of way like the paved portion?

Tom Platz, Triad/Holmes Associates, indicated that presently there isn't a right-of-way or an easement for Volta Road. By providing a 30 ft. easement, the right-of-way will be 60 ft. in width with a 40 ft. pavement section. The southerly access is going to be 30 feet wide. It will not change the accessibility for the farmers. Chairman Sloan indicated that it would be better to be consistent, and why not have the same right-of-way for the dirt road, that way in the future if it is paved they have the right-of-ways and easements in place.

Mr. Platz indicated that in the specific plan it was only required to be a 30 ft. easement. There not requesting modification of that at all. Chairman Sloan indicated that the Commission can impose any conditions they choose to. Mr. Price stated that he has no problem granting the 60 ft. easement.

Commissioner Wager asked if the public utility easement is running across Phases I, II and III. Mr. Price responded yes. Commissioner Wager asked if the new Agricultural easement is going to be done or completed after Phase III is completed? Mr. Price indicated that they are in the process of grading the pavement now. They are going to finish the 60 ft. width and are going to extend it to the end of the property.

Commissioner Clauss asked if the applicant is ok with the phasing. Mr. Price responded yes, it's a good compromise and they are happy with staff's recommendations. No one spoke in opposition to the project.

The public hearing closed at 9:52 a.m.

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Planner James Holland stated that the applicant is willing to find additional park space. There is no conflict with the Community Specific Plan regarding the site access. Chairman Sloan asked if staff has proposed any language for the condition? Planner Holland indicated that they will entertain a proposal.

Mr. Holland also indicated that another major proposed modification is regarding the modifications of phasing of the golf course developments. A table was put up on the overhead showing the adopted plan of 25 building permits issued to the applicant only prior to the completion of the entire golf course development. He asked the Commission to approve the revised golf course design and details of A, B & C of PLA 03011 and detail D of PLA 03011 to add park space, also the deletion of off-site access requirement to allow on-site secondary access and the modification of the project phasing. Chairman Sloan indicated that the 25 is not on the original conditions of approval, no building permit is to be issued until complete.

Mr. Hamilton asked on Condition #6 regarding the modification of the residential phasing, he wants to make sure the access road and the agreement between the applicant is consistent with the approval of the residential building permits. The access to Volta Road has to be improved along with the residential approval. There is a prior condition already existing for 50 homes prior to building a bridge and improvements on Volta Road. Chairman Sloan asked if an agreement isn't needed on the bridge. Mr. Hamilton stated yes the applicant will because the existing conditions read the he has to have the bridge completed prior to the 51 building permits in the existing conditions.

Mr. Nicholson stated that the condition regarding the 51 units for the bridge is part of a development agreement between the Public Works department and the applicant. The Commission has the full listed conditions in the staff report. Mr. Nicholson indicated that a Condition #10 could be added discussing the agreement.

Planner Holland indicated that Condition #15 talks of the development agreement. Chairman Sloan asked the Commission if they had any questions. Commissioner Tanner is still concerned about the golf course being built in a timely manner. Commissioner Clauss was also concerned about the phasing. Commissioner Whitney concurs with Commissioner Clauss.

Commissioner Wager asked if Condition # 18 is ok with the applicant that at a minimum construction of the golf course must be included in the first phase? Chairman Sloan indicated that they are trying to change it.

Chairman Sloan stated that he is reluctant to change the phasing whatsoever. He's been involved with this project since 1987. He is ok with the other conditions though. He doesn't have a problem with the change of the design of the golf course or the Property Line Adjustment. He asked for an additional condition for the terminus on Volta Road to have a 60 ft. right of way consistent with the paved road.

Planner Holland asked the Planning Commission to make the finding that no further environmental review of this proposal is required.

MOTION: M/S WAGER – TANNER, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION FINDS MODIFICATION NO. 03006, (1st MODIFICATION) TO MAJOR SUBDIVISION NO. 97006, MODIFICATION NO. 03005, (1st MODIFICATION) TO CONDITIONAL USE PERMIT NO. 3324, AND PROPERTY LINE ADJUSTMENT NO. 03011, CONSISTENT WITH THE PREVIOUSLY APPROVED ENVIRONMENTAL DOCUMENTS.

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MOTION: M/S TANNER - WAGER, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 11, 2003, AND MAKES THE 12 _____ FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 _____ FINDINGS, APPROVES MODIFICATION NO. 03006, (1st MODIFICATION) TO MAJOR SUBDIVISION NO. 97006, MODIFICATION NO. 03005, (1st MODIFICATION) TO CONDITIONAL USE PERMIT NO. 3324, AND PROPERTY LINE ADJUSTMENT NO. 03011 SUBJECT TO THE 10 CONDITIONS WITH THE DELETION OF CONDITION #6 AND THE ADDITION OF CONDITION #10 TO INDICATE A 60 FT. RIGHT OF WAY FROM THE END OF VOLTA ROAD TO THE PROPERTY LINE, IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Approve Modification No. 03005, the 1st Modification to Conditional Use Permit No. 3324, redesigning the Fox Hills golf course.
2. Approve Details A, B and C of Property Line Adjustment No. 03011 allowing for the revised golf course design and Jacobsen Drive curb designs
3. Approve that part of Modification No. 03006 (1st Modification to Major Subdivision No. 97006) deleting the requirement for an off-site secondary access from Major Subdivision No. 97006 Condition of Approval 16 and allowing the applicant to construct an on-site secondary access. Such access must be shown on the final map and be compatible with the park design.
4. Approve that part of Modification No. 03006 (1st Modification to Major Subdivision No, 97006) requesting that the park area identified as Lot B on the original tentative map be eliminated and replaced with proposed Lot D, subject to the requirement that the applicant identify and dedicate sufficient additional park space to comply with Fox Hills Community Specific Plan requirements prior to the Property Line Adjustment No. 03011 being recorded by the County
5. Approve that part of Property Line Adjustment No. 03011 (Detail D) proposing adjustment of the boundary of Assessors Parcel 078-200-087 to establish Park Area Lot D, subject to the requirement that the applicant identify and dedicate sufficient additional park space to comply with Fox Hills Community Specific Plan requirements prior to the property line adjustment being recorded by the County.
6. All conditions of approval previously adopted by the County of Merced through earlier reviews of the Fox Hills project shall remain in effect unless explicitly modified by the approvals granted to Modification No. 03005 and Modification No. 03006.
7. In keeping with the requirements of Major Subdivision Application No. 97006 Approval Condition No. 15, the applicant and Merced County shall enter into the Development Agreement prior to recordation of the Final Fox Hills Subdivision Map.
8. The applicant 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.

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9. The applicant shall amend the design of Major Subdivision No. 97006 to provide a 60 feet wide access easement running from the proposed terminus of Volta Road to the southern boundary of the Fox Hills development. The 60 feet access easement shall follow the same alignment as the previously proposed 30' easement and comply with all previous requirements for dedication and use.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

MCAG staff presented a follow-up presentation by MCAG staff on the PIP process and setting goals for spending transportation dollars over the next 20 years. They will return in August for another follow-up from today's meeting.

VIII. DIRECTOR'S REPORT

A General Plan Steering Committee Meeting will be held on June 25th at 1:30 pm.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned to the Bettencourt Mining site for Commissioners to tour.