



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF SEPTEMBER 10, 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. 1ST MODIFICATION NO. 03017 TO MAJOR SUBDIVISION NO. 99009 MODIFICATION - Sahota Brother Clinton - To remove condition of approval No. 16 requiring a signature block for Merced Irrigation District on the Final Map. The project site is a 26 one-acre lot subdivision located on the east side of Franklin Road and one quarter mile north of Dan Ward Road, designated as Franklin-Beachwood Rural Residential Center Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Continued from the August 27, 2003 meeting. Project Planner Dan Skidmore**

**STRIVING FOR EXCELLENCE**

- B. ADMINISTRATIVE PERMIT APPLICATION NO. 03013 – Harold Alexander –** To consider raising chickens (" 150 roosters and hens) on property located on the north side of Carmellia Avenue approximately 1/10 mile east of Center Avenue in the Dos Palos area which is designated as Agricultural land use in the General Plan. The zone is A-1 (General Agricultural) (.59 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 27, 2003 meeting. Project Planner Robert King**
- C. MINOR SUBDIVISION APPLICATION NO. 03049 - L & N Farms -** To divide a 72.4 acre parcel into 3 parcels: Parcel 1 = 30.32 Acres, Parcel 2 = 20.00 Acres, and Parcel 3 = 20.00 Acres. The property is located on the south side of Roosevelt Road, 370 feet west of State Highway 59. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- D. MINOR SUBDIVISION APPLICATION NO. 03042 - Schlies Family Trust -** To divide one 153.4 acre parcel into seven parcels: Parcels 1-6 = 20 acres and Parcel 7 = 33.4 acres. The subject properties are located on the north side of Childs Avenue and ½ mile west of Plainsburg Road in the Merced area. The subject property is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Referred from the Hearing Officer meeting of August 11, 2003. Project Planner Mark Hamilton**
- E. MAJOR SUBDIVISION APPLICATION NO. 03010 – River West Investments -** To divide 312 acres, into 232 residential lots of approximately 6,200 to 7,800 square feet each on 60 acres, with a remainder of approximately 252 acres, on land designated as Low Density Residential land use in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential 5,000 square foot minimum) on property located east of State Highway 33 between the Delta Mendota Canal and the California Aqueduct. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- F. GENERAL PLAN AMENDMENT APPLICATION No. 03011, ZONE CHANGE APPLICATION NO. 03001, and MAJOR SUBDIVISION APPLICATION NO. 03006, "Casa Paloma" – Rucker Construction –** To redesignate and rezone a 9.2-acre area from Winton SUDP Medium and High Density Residential and R-1 (Single Family), R-3, and R-4 (Multiple Family), to Medium Density and R-1-5000 (Single Family), respectively, and subdivide this and an additional 4.6 acres (total 13.8-acre subdivision) into 72 single family residential lots (5,000 s.f. each) and a neighborhood park, all on property located at the northeast corner of Gertrude and Cypress Avenues in the Winton Community Specific Plan area. **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Desmond Johnston**
- G. GENERAL PLAN TEXT AMENDMENT NO. 03004 - Revision of the Merced County General Plan Housing Chapter to be effective from 2003-2008.** The revision will include the following: 1) an overview of the progress in implementing the goals, objectives, and policies from the 1992 Housing Chapter; 2) a community profile of the unincorporated area of Merced County that includes population, households, special needs, employment, infrastructure development, and available residential land; 3) Existing and projected housing needs and housing constraints; 4) Housing goals, objectives, policies, and implementation programs as a guide in addressing the future housing needs. **TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner John LeVan**



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**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

Presentation by MCAG on Regional Transportation Plan issues and solutions through the PIP (Partnership For Integrated Planning).

**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.

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF SEPTEMBER 10, 2003**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of September 10, 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 9:18 a.m., on September 10, 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  
                                  Kim Lewallen, Recording Secretary  
                                  John LeVan, Senior Planner  
                                  Robert King, Planner III  
                                  James Holland, Planner III  
                                  Dan Skidmore, Planner II  
                                  Mark Hamilton, Planner I

Legal Staff:                 James Tarhalla, Deputy 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 AUGUST 27, 2003.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

There was a brief presentation by MCAG on Regional Transportation Plan issues and solutions through the PIP (Partnership For Integrated Planning).

**A.     1ST MODIFICATION NO. 03017 TO MAJOR SUBDIVISION NO. 99009 MODIFICATION - Sahota Brother Clinton - To remove condition of approval No. 16 requiring a signature block for Merced Irrigation District on the Final Map. The project site is a 26 one-acre lot subdivision located on the east side of Franklin Road and one quarter mile north of Dan Ward Road, designated as Franklin-Beachwood Rural Residential Center Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 27, 2003 meeting. Project Planner Dan Skidmore****

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Planner Dan Skidmore indicated to the Commission that the applicant has requested that this item be continued to the October 8, 2003 Planning Commission meeting; request for continuance was granted by Chairman Sloan.

- B. ADMINISTRATIVE PERMIT APPLICATION NO. 03013 – Harold Alexander** – To consider raising chickens (" 150 roosters and hens) on property located on the north side of Carmellia Avenue approximately 1/10 mile east of Center Avenue in the Dos Palos area which is designated as Agricultural land use in the General Plan. The zone is A-1 (General Agricultural) (.59 acres). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the August 27, 2003 meeting. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated September 10, 2003.

Commissioner Wager asked why only 2 roosters are allowed per parcel. Bill Nicholson, Planning Director, stated that if they want more than 2 roosters on the property, the owner will need to apply for an Administrative Permit.

Commissioner Tanner questioned that a farmer can only have 2 roosters? Mr. Nicholson responded yes, the Sheriff's Department has a lot of incident with cock fighting.

The public hearing opened at 9:29 a.m.

Michael Smith, CCPS, stated that he accepts the conditions in the staff report, but the applicant is not present today and he would like to get his opinion, so Mr. Smith asked for continuance of this application to the October 8, 2003 Planning Commission Meeting.

**Chairman Sloan and fellow Commissioners agreed to have this item continued to the October 8, 2003 meeting.**

- C. MINOR SUBDIVISION APPLICATION NO. 03049 - L & N Farms** - To divide a 72.4 acre parcel into 3 parcels: Parcel 1 = 30.32 Acres, Parcel 2 = 20.00 Acres, and Parcel 3 = 20.00 Acres. The property is located on the south side of Roosevelt Road, 370 feet west of State Highway 59. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated September 10, 2003.

The public hearing opened at 9:40 a.m.

Duane Andrews of Golden Valley Engineering and representing the applicant, asked for approval of this project. He can make the findings and conditions as listed in the staff report.

Chairman Sloan asked if different owners own the surrounding parcels? Mr. Andrews indicated that he is not certain of that answer.

Commissioner Wager asked if L & N Farms is a limited liability corporation? Mr. Andrews indicated that he is not sure. Commissioner Wager asked if the lateral runs

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through the south side of Parcel 1, 2 & 3? Mr. Andrews responded that the parcels split right in the middle.

Commissioner Clauss asked if there were any comments from the surrounding neighbors, and if the parcels to the west and north-west are dairy-owned. Planner James Holland responded no, and unknown, respectively.

Joe Rodriguez, owner to the west of the property, asked what is going to be built on the property, he doesn't want complaints in the future about flies. Mr. Andrews indicated that they do not plan to interrupt the present irrigation setup. These are real farmers, so the flies will not be an issue.

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

Commissioner Wager stated that the ground is variable, hardpan in places and he wouldn't consider it prime farmland. He could only support the split of 3, 20 acres each, or splits into 20 net acres instead of 20 gross acres.

Commissioner Tanner stated that he is comfortable with 2 parcel split instead of 3. Commissioner Clauss agrees with Commissioner Tanner. Commissioner Whitney also concurs. Mr. Andrews stated that the applicant will appeal either of these two modifications.

**MOTION: M/S WAGER - TANNER, AND UNANIMOUSLY CARRIED/CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION NO. 03049 FROM CEQA.**

**MOTION: WAGER MOVES TO APPROVE A SPLIT INTO PARCELS NO SMALLER THAN 20 GROSS ACRES – DIED FOR A LACK OF SECOND.**

**MOTION: M/S TANNER – CLAUSS, AND CARRIED BY A VOTE OF 3 –2, NAY BY CHAIRMAN SLOAN AND COMMISSIONER WAGER, THE PLANNING COMMISSION DENIES MINOR SUBDIVISION APPLICATION NO. 03049.**

- D. MINOR SUBDIVISION APPLICATION NO. 03042 - Schlies Family Trust - To divide one 153.4 acre parcel into seven parcels: Parcels 1-6 = 20 acres and Parcel 7 = 33.4 acres. The subject properties are located on the north side of Childs Avenue and ½ mile west of Plainsburg Road in the Merced area. The subject property is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Referred from the Hearing Officer meeting of August 11, 2003. Project Planner Mark Hamilton****

Planner Mark Hamilton presented the Staff Report and Recommendation dated September 10, 2003 and recommended denial of this application.

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

Duane Andrews, Golden Valley Engineering, stated that some people have concerns of homes being built on the 20-acre parcels. He stated that he believes A-1 20's do remain in agricultural. He has not seen any deterioration in farming. He feels that this application would be a boost to agriculture.

Chairman Sloan questioned whether this application is 154 acres or 153? Mr. Andrews stated that whatever the difference is, it would all go into Parcel 7.

Jim Happ, stated that there are 157 gross acres and 154 net acres. The Schlies Family would like to grow almonds on this parcel. They have a tentative agreement with Horizon Farms to plant the property in almonds in exchange for giving him a 20 acre parcel. They have no problems with a deed restriction where development can be restricted. They are trying to make it a better agricultural property. He feels the only way to improve the land is to subdivide it and trade the one parcel off for almond development.

Commissioner Wager stated that he can see why it would be an asset and to alleviate the costs. He has a problem with the 6 20's, there will be easements coming through Parcels 4, 5 & 6. Childs Avenue will be required to have at least a 10 foot dedication. These will be much shorter parcels after that. This land is more prime land. He could support the application if their split is larger than 20's.

Jim Happ indicated that there are parcels across the street with smaller than 20 acres each. They are not asking for something that's hasn't already been done. They only want to improve the property.

Al Fresco, owner to the south of the property, stated that he has walnuts on his property. He stated that new houses are going up frequently in the area. He would like to see it split up to 40 acre parcels. Chairman Sloan stated that Mr. Fresco sounds like he is dedicated to the farming business and Mr. Fresco agreed. Chairman Sloan stated that another farmer would be just as dedicated as he is on the proposed 20-acre parcel.

Daniel Vera, neighbor to the south, stated that they have an irrigated pasture with cattle on it. His concern on the 153-acre parcel is that between Plainsburg and Arboleda, that is the best farmland in the area. He feels that today to make it in farming you need big pieces of land to have a successful farming business. He is also concerned with the new homesites coming in and feels that land should be dedicated to farming only. Chairman Sloan asked Mr. Vera if he has a home on his parcel? Mr. Vera replied yes. Chairman Sloan asked Mr. Vera if he realizes that 20 acres of cattle is not the most extensive use of the land. Mr. Vera indicated that he does realize that. He feels that most of the land is being taken out of production. Chairman Sloan indicated that you couldn't make a living of having cattle on 20 acres of land.

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

Commissioner Wager stated that it's close to the Planada SUDP; urbanization is coming; the 153 acre parcel to the west will want to be split next; he has a problem with net 20's instead of gross 20's, because net 20's are substandard, so he cannot support this application.

Commissioner Tanner stated that he doesn't want to see the 153 acres split up. Commissioner Clauss indicated that she would like to split into 40 acre parcels.

**MOTION: M/S WAGER - CLAUSS, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION NO. 03042, FROM CEQA.**

**MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 4 - 1, NAY BY CHAIRMAN SLOAN, THE PLANNING COMMISSION DENIES MINOR**

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**SUBDIVISION APPLICATION NO. 03042 DUE TO THE INABILITY TO MAKE THE FINDINGS AS SET FORTH IN THE STAFF REPORT.**

**BREAK**

- E. MAJOR SUBDIVISION APPLICATION NO. 03010 – River West Investments -** To divide 312 acres, into 232 residential lots of approximately 6,200 to 7,800 square feet each on 60 acres, with a remainder of approximately 252 acres, on land designated as Low Density Residential land use in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential 5,000 square foot minimum) on property located east of State Highway 33 between the Delta Mendota Canal and the California Aqueduct. **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated September 10, 2003.

The public hearing opened at 10:50 a.m.

Bryan Vale, River West Investments, stated that he concurs with the conditions of approval.

Bill Nicholson, Planning Director, indicated that the western 160 acres of this property is in the Santa Nella County Water District. He stated that there is a Condition on the Staff Report that states that prior to recording of the final map, the applicant is to obtain a can and will serve letter from both the Santa Nella Water District and the San Luis Water District. They need adequate water supply. He stated that Condition #5 needs to be modified regarding the property being developed and only using San Luis Water District services and be detached from the Santa Nella Water District prior to recording the map.

Bryan Vale, applicant, stated that it was his understanding that this property was not in the Santa Nella Water District. He indicated that the language proposed by Mr. Nicholson is acceptable to him.

Danny Neville, Santa Nella County Water District, stated that the property to the south is owned by Santa Nella Water District and their treatment plan is located on that. Chairman Sloan asked if there is an easement in place. Mr. Neville responded yes, there is an easement already. Mr. Neville stated that they don't want to be an island in the middle of the San Luis Water district.

David Coxey, San Luis Water District manager, indicated to the Commissioners that he is available to answer any questions they may have.

The public hearing closed at 10:56 a.m.

**MOTION: M/S TANNER - WAGER, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION NO. 03010, FROM CEQA.**

**MOTION: M/S TANNER – WHITNEY, AND CARRIED BY A VOTE OF 4 – 1, NAY BY CHAIRMAN SLOAN, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 10, 2003, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION**



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**NO. 03010 SUBJECT TO THE 19 CONDITIONS WITH MODIFICATIONS TO  
CONDITION #5 AND CONDITION #12 AS SET FORTH IN THE STAFF REPORT  
AS FOLLOWS:**

**Conditions:**

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. A Development Agreement shall be entered into between the proponents of this project and the County of Merced pursuant to Section 65864 of the California Government Code and Merced County Ordinance No. 1361 to provide for facilities and maintenance as per the Implementation Plan Section of the Santa Nella Community Specific Plan prior to recording a Final Map to provide necessary infrastructure.
3. Prior to recordation of the Final Map and as part of the Development Agreement a Consistency Checklist shall be prepared to document the projects conformance to the requirements of the Santa Nella Community Specific Plan and mitigation required within the Santa Nella Community Specific Plan Program EIR.
4. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence that approval for such activities has been granted from the California State Department of Fish and Game, The Army Corp of Engineers, and the United States Fish and Wildlife Service.
5. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with “Can and Will Serve Letters” from both the San Luis Water District and the Santa Nella County Water District.
6. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceeds 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
7. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
8. Release and relinquish all abutters’ rights of access to and from the entire Parkway Boulevard frontage of Lots 67 – 123.
9. Notwithstanding Condition no. 4, all lot and street grading shall be completed prior to 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.
10. The developer shall provide for the centerline striping of Parkway Blvd at its intersection with State Highway 33.

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11. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
12. Temporary turnarounds shall be constructed at the northern ends of Streets C & F.
13. Parkway Blvd construction shall extend to State Highway 33 with the portion extending west of E Street being a minimum of 92 feet wide to accommodate additional channelization at the intersection with State Highway 33.
14. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
15. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella CSP to be payable at the time of issuance of building permits within "The Parkways" subdivision. (This may be combined with Condition No. 2).
16. Two points of access are required for emergency vehicle access (UFC 902.2.1). Access roads are to be a minimum of 20 feet in width, with a vertical clearance of at least 16 feet, 6 inches with an all weather driving surface capable of supporting highway loads (UFC901, 902)
17. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
18. Class I and II Bike Routes shall be constructed consistent with the Santa Nella CSP, including a Class II Lane on Parkway Boulevard and A Class I on Highway 33.
19. A condition monitoring fee of **\$230.00** shall be required prior to the recordation of the Final Map.

**F. GENERAL PLAN AMENDMENT APPLICATION No. 03011, ZONE CHANGE APPLICATION NO. 03001, and MAJOR SUBDIVISION APPLICATION NO. 03006, "Casa Paloma" – Rucker Construction – To redesignate and rezone a 9.2-acre area from Winton SUDP Medium and High Density Residential and R-1 (Single Family), R-3, and R-4 (Multiple Family), to Medium Density and R-1-5000 (Single Family), respectively, and subdivide this and an additional 4.6 acres (total 13.8-acre subdivision) into 72 single family residential lots (5,000 s.f. each) and a neighborhood park, all on property located at the northeast corner of Gertrude and Cypress Avenues in the Winton Community Specific Plan area. **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Bob Borchard****

Planning Consultant Bob Borchard presented the Staff Report and Recommendation dated September 10, 2003.

The public hearing opened at 11:15 a.m.

Duane Andrews, Golden Valley Engineering, stated that a few conditions bother him. The first one is Condition #5, regarding the speed bumps, and he objects to them because they are short streets. Will all subdivisions have speed bumps? On Condition #11 regarding the additional 50% fee. He stated that MID owns the right of way and asked for that Condition to be modified. He will pay the fee if he has to. Regarding Condition #12, MID signature block is placed on the improvement plans. He would like to have a letter from MID indicating their conditions have been satisfied. He asked for consideration regarding his issues.

Commissioner Wager asked Mr. Nicholson wouldn't Condition #12 regarding the MID signature block to be placed on any and all improvement plans, wouldn't that eliminate Condition #11? Mr. Nicholson responded that yes, he would be correct if we had a requirement for a signature block or a separate letter from MID stating that developers met all their requirements. That would cover Condition #11. Commissioner Wager asked Mr. Andrews if that would be satisfactory. Mr. Andrews replied yes. Mr. Andrews indicated that Conditions #8 and #9 are duplicates on the staff report. The conditions need to be renumbered.

Steve Hamilton, County Public Works/Road Division, stated that speed bumps are required due to the speeding complaints. Commissioner Wager asked how many speed bumps are put in. Mr. Hamilton indicated that there will be one on each street. Mr. Hamilton stated that he would like the improvement plans signed by MID.

Commissioner Tanner asked if Condition #5 is pretty standard County requirement. Mr. Hamilton responded that in the last year, most subdivisions have had speed bumps installed by request.

The public hearing closed at 11:23 a.m.

Commissioner Tanner needed further clarification on what Mr. Andrews is asking for on Condition #11. Chairman Sloan indicated that we are going to delete Condition #11. Mr. Andrews stated that the first part of Condition #11 is fine, but the part of paying for half of the lateral he doesn't want. He stated that the signature block on the improvement plans would probably ensure it happens anyways. James Tarhalla, County Counsel, stated that Condition #11 is worded that way requiring this board to impose those conditions because it may be not be an improper delegation if they let MID and the developer work it out. Desmond Johnston, Deputy Director, indicated that Merced Irrigation District is ok with the signature blocks.

Chairman Sloan said that the first part of Condition #11 will be kept as the condition with the 50% of fees sentence taken out and Condition #12 will remain.

**MOTION: M/S WAGER - WHITNEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE THE NEGATIVE DECLARATION PREPARED FOR GENERAL PLAN AMENDMENT APPLICATION No. 03011, ZONE CHANGE APPLICATION NO. 03001, AND MAJOR SUBDIVISION APPLICATION NO. 03006.**

**MOTION: M/S WAGER - WHITNEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 10, 2003, AND RECOMMENDS THE BOARD OF SUPERVISORS MAKES THE 21 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 21 FINDINGS, RECOMMENDS**

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**APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION No. 03011, ZONE CHANGE APPLICATION NO. 03001, AND MAJOR SUBDIVISION APPLICATION NO. 03006 SUBJECT TO THE 25 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS; WITH CHANGES TO CONDITION NO. 11 DELETING THE 50% SHARE IN COST OF UNDERGROUNDING THE LATERAL, AND DELETING ORIGINAL CONDITION NO. 9 WHICH IS IDENTICAL TO CONDITION NO. 8.**

**Conditions:**

1. A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
2. 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 systems and underground or relocate utilities and irrigation facilities. Sufficient right-of-way dedication shall be made to achieve 30' of half width along the frontages of both Cypress Avenue and Gertrude Avenue, to provide for 22' of pavement plus curbs, gutters, and sidewalk.
3. Release and relinquish all abutters' rights of access to and from the entire Gertrude Avenue frontage of Lot 71; and release and relinquish all abutters' rights of access to and from the entire Cypress Avenue frontage of Lots 1, 14, 15, 30, 31, 47, and 48. Dedicate a non-access strip across the north boundary of the subdivision at the Future Extension dead-end street located between Lots 52 and 53.
4. No Building Permits will be issued until all lots (including Building Pads) have been graded, all underground improvements have been installed, and aggregate base material on all new streets within the subdivision has been rough graded and compacted. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
5. Provide 200' of centerline striping along Reece Avenue prior to its intersection with Cypress Avenue; and along Carlen Avenue prior to its intersection with Gertrude Avenue. Also, both Reece Avenue and Carlen Avenue must be constructed with pavement undulations.
6. 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, 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
7. Reece Avenue/Court is a duplication of an existing road named Reese Road. Reece Avenue/Court shall be changed to the satisfaction of the Department of Public Works and Fire Department and Reece Avenue shall be designated a Street or Drive.
8. Designate a road name for the north-south dead-end street on the north side

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of Reece Avenue to the satisfaction of the Department of Public Works and Fire Department. Designate this road as an Avenue.

9. Developer plans to utilize a percolation basin for storm water disposal therefore, the Merced Irrigation District (MID) will not accept any storm drainage unless a “Deferred Fee Subdivision Drainage Agreement” is executed between the Developer and MID.
10. A solid fence with provision to capture incidental runoff from the embankment, meeting MID approval, shall be constructed along the entire interface of the Middle Lateral. It should be placed outside of the 70-foot wide MID fee strip and should be at least 6-feet in height. Access gates that could allow pedestrian, vehicular or animal traffic onto MID property are prohibited.
11. An MID signature block is to be placed on the improvement plans.
12. The Middle Lateral “B” 20-foot wide irrigation easement should be kept clear for MID access. If there are to be fences installed across MID’s right-of-way, permission must be acquired from MID and either removable fence section or access gates constructed to MID standards.
13. No buildings or permanent structures are to be constructed or placed on MID right-of-way.
14. No trees are to be planted on MID right-of-way.
15. Crossing Agreements” must be in place for any crossing-over or under of MID facilities including, but not limited to, bridges, utilities, pipelines or roadways.
16. Existing water well and septic tank, lot 31/32 are to be properly destroyed under permit and inspection from the Division of Environmental Health (DEH) prior to obtaining a building permit.
17. The proposed storm-water drainage percolation basin shall be constructed to Merced County standard.
18. Drainage and storm basins shall be designed to the satisfaction of the Merced County Department of Public. Design shall include screening and/or landscaping as required by the County Engineer.
19. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map, and credit will be provided for the parkland dedicated and improved within the subdivision.
20. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
21. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No.1213.
22. The developer shall comply with all the standard condition of approval listed

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in the Planning Commission Resolution No. 97-1 (a copy was mailed to the developer with the staff report).

23. Prior to recording of the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The location of the street trees shall be shown on the improvement plans.
24. The developer may be required to enter into an Improvement Agreement with Merced County (in conformance with Article 2.5 of Chapter 4 of Division 1 of the Government Code) prior to recording a Final Map to provide necessary infrastructure to the satisfaction of the Merced County Department of Public Works.
25. For the purpose of condition monitoring, a fee in the amount of \$250.00 shall be required. The fee shall be paid prior to recordation of the Final Map.

- G. GENERAL PLAN TEXT AMENDMENT NO. 03004 - Revision of the Merced County General Plan Housing Chapter to be effective from 2003-2008.** The revision will include the following: 1) an overview of the progress in implementing the goals, objectives, and policies from the 1992 Housing Chapter; 2) a community profile of the unincorporated area of Merced County that includes population, households, special needs, employment, infrastructure development, and available residential land; 3) Existing and projected housing needs and housing constraints; 4) Housing goals, objectives, policies, and implementation programs as a guide in addressing the future housing needs. **TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner John LeVan

Planner John LeVan presented the Staff Report and Recommendation dated September 10, 2003.

The public hearing opened at 11:55 a.m.

Nick Benjamin, Executive Director of the Housing Authority of Merced, was happy to participate with John LeVan going over this Housing Element. He stated that the Housing Authority has a keen interest in the preservation and development of low income housing. He is in support of the Housing Element as set forth. He commended John LeVan and staff on the great job for this project.

Brenda Callahan-Johnson, Deputy Director of Community Action Agency, stated that she participated in the Advisory Committee for the Housing Element and is in support of the adoption of the Housing Element. Their main influence on this plan is the information on the homeless in Merced County. They are a non-profit agency that oversees the homeless programs in Merced County. They have seen a 28% increase in the last year in the amount of homeless people in the County that are requesting services. The Community Action Agency concurs with the update to the Housing Element.

The public hearing closed at 12:01 a.m.

Chairman Sloan commended John LeVan for doing a good job with the Housing Element.

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**MOTION: M/S WAGER - CLAUSS, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION RECOMMENDS TO THE BOARD OF SUPERVISORS APPROVE THE NEGATIVE DECLARATION PREPARED FOR GENERAL PLAN TEXT AMENDMENT NO. 03004.**

**MOTION: M/S WAGER - CLAUSS, UNANIMOUSLY CARRIED, THE PLANNING COMMISSION RECOMMENDS TO THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN TEXT AMENDMENT NO. 03004.**

**VI. CORRESPONDENCE**

A flier to attend the California County Planning Directors Association Conference on November 6-9<sup>th</sup> in Napa was handed out to the Commissioners.

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

The Planada Community Plan will be discussed at a special Planning Commission Meeting on October 29, 2003.

A General Plan Steering Committee meeting will be held on September 24, 2003 at 1:30 following the regularly scheduled Planning Commission Meeting.

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 12:06 p.m.