



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF OCTOBER 27, 2004, 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; Steve Sloan, Chairman; Lynn Tanner; Gloria Bettencourt; Rudy Buendia

**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. GENERAL PLAN TEXT AMENDMENT NO. 03003 AND GENERAL PLAN MAP AMENDMENT NO. 03003 - To amend the Merced County General Plan text to allow expansion of isolated urban areas, and to expand Isolated Urban Area No. 5 by 15.6 acres, and to amend the Merced County General Plan land use diagram by redesignating it from Agricultural to Agricultural-Residential on land located southeast of the intersection of Gurr Road and SP Avenue zoned A-R (Agricultural Residential). **TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King**

- B. ZONE VARIANCE NO. 04008 AND MINOR SUBDIVISION APPLICATION No. 04054 – Esther Ratzlaff** – To vary from the minimum parcel size (160 acres) in the A-2 (Exclusive Agricultural) zone to create a 12.1 acre parcel located north of Youd Rd. approximately one mile west of State Highway 59 in the Winton area designated as Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- C. GENERAL PLAN AMENDMENT APPLICATION No. 04005, ZONE CHANGE APPLICATION No. 04005, MAJOR SUBDIVISION APPLICATION No. 03019, PLANNED DEVELOPMENT No. 03001 - Waterson Enterprises** - To change the General Plan designation from Hilmar SUDP Low Density Residential to Hilmar SUDP Planned Development and zoning from R-1 (Single-Family Residential) to PD (Planned Development) and subdivide a 1.8 acre site into an 18-lot senior's community designed as a Planned Development. The site is located on the south side of Bloss Avenue and 120 feet west of Pearl Street in Hilmar. **TO RECOMMEND APPROVAL OF THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION TO THE BOARD OF SUPERVISORS. Project Planner John LeVan**

**VI. CORRESPONDENCE**

**VI. GENERAL BUSINESS**

**Study Session on the University Community Plan**

**VII. DIRECTOR'S REPORT**

**VIII. 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 OCTOBER 27, 2004**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of October 27, 2004, 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 9:07 a.m., on October 27, 2004, 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 Lynn Tanner  
   Commissioner Gloria Bettencourt

Staff Present:                      William Nicholson, Planning and Community Development  
   Director  
   Robert King, Planner III  
   Kim Lewallen, Recording Secretary

Legal Staff:                        Ruben Castillo, County Counsel

Commissioners Absent:        Commissioner Rudy Buendia, absent

**III. APPROVAL OF MINUTES**

**M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF SEPTEMBER 22, 2004.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A. GENERAL PLAN TEXT AMENDMENT NO. 03003 AND GENERAL PLAN MAP AMENDMENT NO. 03003 - To amend the Merced County General Plan text to allow expansion of isolated urban areas, and to expand Isolated Urban Area No. 5 by 15.6 acres, and to amend the Merced County General Plan land use diagram by redesignating it from Agricultural to Agricultural-Residential on land located southeast of the intersection of Gurr Road and SP Avenue zoned A-R (Agricultural Residential). **TO RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated October 27, 2004.

The public hearing opened at 9:16 a.m.

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Larry Bowers, of BCA, indicated to the Commission that he is available to answer any questions.

William Nicholson, Planning Director, asked if there were any changes as a result of the Initial Study, that lessened significant impacts.

Planner King replied that the changes to the Isolated Urban Areas were revised so the policy is only going to affect Isolated Urban Area No. 5. The impacts of noise will be less significant.

Mr. Nicholson responded that the policy which could have a large growth inducing effect has been muted by the text as written.

Mary Alfonso, neighbor behind the proposed property on Bronco Lane, has a concern with the water supply. She is worried that she will not get water with 7 more houses being built there. She stated that the area isn't policed out there very much and 7 new houses would greatly affect the area.

Planner King stated this proposal is not to subdivide this property at this time. There will be no changes to the irrigation rights. When the subdivision does come up there will be a right-to-farm certificate. Ms. Alfonso replied that the Mancebo's told her that they will propose the subdivision immediately.

Chairman Steve Sloan stated that this is the first step in heading for a subdivision. The concerns will be addressed when the property is subdivided. This is only a preliminary mechanism to get to that step. Ms. Alfonso indicated she understood.

The public hearing closed at 9:24 a.m.

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR GENERAL PLAN TEXT AMENDMENT NO. 03003 AND GENERAL PLAN MAP AMENDMENT NO. 03003.**

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED OCTOBER 27, 2004, AND RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN TEXT AMENDMENT NO. 03003 AND GENERAL PLAN MAP AMENDMENT NO. 03003.**

- B. ZONE VARIANCE NO. 04008 AND MINOR SUBDIVISION APPLICATION No. 04054 – Esther Ratzlaff – To vary from the minimum parcel size (160 acres) in the A-2 (Exclusive Agricultural) zone to create a 12.1 acre parcel located north of Youd Rd. approximately one mile west of State Highway 59 in the Winton area designated as Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King****

Planner Robert King presented the Staff Report and Recommendation dated October 27, 2004.

The public hearing opened at 9:32 a.m.

Larry Bowers, of B.C.A and representing the applicant, stated that the owner processed several Property Line Adjustments already to put it into a position to sell

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off some of the property. He stated that there is an existing mobile home on this property. He has no problems with the listed conditions in the staff report.

The public hearing closed at 9:33 a.m.

Commissioner Tanner has a problem with opening up an A-2 zone to a small parcel size where it's already a below standard parcel.

**MOTION: M/S TANNER – BETTENCOURT, TO DENY THE APPLICATIONS BASED ON THE INABILITY TO MAKE THE REQUIRED FINDINGS. THE MOTION DIED BY A 2 – 2 VOTE (COMMISSIONERS MOBLEY AND SLOAN VOTE NAY.)**

William Nicholson, Planning Director, explained that the property is not a legal division. The boundary of the illegal division is the northern boundary. The only solutions are either a Zone Variance or they sell the property to the adjacent neighbor or maybe a Property Line Adjustment and move it over to make 12 acres. The northern and eastern boundary is along a bluff and the adjacent land is under different ownership.

**MOTION: M/S SLOAN - TANNER, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE NO. 04008 AND MINOR SUBDIVISION APPLICATION No. 04054 FROM CEQA.**

**MOTION: M/S SLOAN - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED OCTOBER 27, 2004, AND MAKES THE FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE FINDINGS, APPROVES ZONE VARIANCE NO. 04008 AND MINOR SUBDIVISION APPLICATION No. 04054 SUBJECT TO THE 9 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The Zone Variance No. 04008 shall be valid as long as Minor Subdivision Application No. 04054 is valid.
2. A Parcel Map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
3. A Right-to-Farm Certificate shall be placed on the Parcel Map informing the future residents of the resulting parcels of the inconveniences that they may encounter from living adjacent to active farming operations.
4. Drainage water from the project site shall not discharge into MID Facilities.
5. If irrigation delivery is not located within the proposed parcel, the applicant shall provide irrigation easements from the existing irrigation delivery gate to the satisfaction of MID prior to recordation of the Parcel Map.
6. The applicant shall obtain an "Ingress\Egress Easement" along with a "Crossing Agreement to the satisfaction of the Merced Irrigation District prior to the recordation of the Parcel Map.

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7. A 20-foot wide egress and ingress private access easement for the benefit of the parcel, or a nonexclusive road easement shall be designated on the Parcel Map.
8. Road conditions, covenants and restrictions shall be recorded concurrently with the parcel map specifically addressing responsibility for construction and maintenance of the 20 foot wide road easement, and for restriction concerning placement of fences, gates and other barriers within the road easement.
9. The applicant shall pay a one time condition monitoring fee if **\$82.00** within 90 days of approval or prior to recordation of the parcel map.

- C. GENERAL PLAN AMENDMENT APPLICATION No. 04005, ZONE CHANGE APPLICATION No. 04005, MAJOR SUBDIVISION APPLICATION No. 03019, PLANNED DEVELOPMENT No. 03001 - Waterson Enterprises - To change the General Plan designation from Hilmar SUDP Low Density Residential to Hilmar SUDP Planned Development and zoning from R-1 (Single-Family Residential) to PD (Planned Development) and subdivide a 1.8 acre site into an 18-lot senior's community designed as a Planned Development. The site is located on the south side of Bloss Avenue and 120 feet west of Pearl Street in Hilmar. **TO RECOMMEND APPROVAL OF THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION TO THE BOARD OF SUPERVISORS. Project Planner John LeVan****

**This item has been continued to the November 3, 2004 meeting.**

### **VI. CORRESPONDENCE**

November 11 & 12<sup>th</sup> will be the New Planning Commissioners Conference.

### **VII. GENERAL BUSINESS**

**Bob Smith and Woody Tescher of EIP gave a presentation for the Study Session on the University Community Plan.**

The public hearing was opened at 10:40 a.m.

Lindsay Desrochers, University OF California, Merced thanked Bob Smith and Woody Tescher for their presentation. She asked for approval of this UC Plan and stated that her goal is to ensure long term affordability.

Ed Hardy, Chairman of the UC Land Communities Board, stated that the University is a high-tech University; and there will be great opportunities to support the UC in the new community.

Don Larson, Lennar Communities representative, who is working on a partnership with the UC and Trust stated that he has been involved in the planning process. He understands the Community Plan and been working with staff and the community in helping the plan to become something to endorse. He is in favor of this plan.

Sharon Dicker, Hunt Family Farms, thanked Bob Smith and Woody Tescher for their presentation. She asked that this plan to approved and asked the Commission to recommend approval of this UC plan.

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Chairman Sloan thanked the audience and Bob Smith and Woody Tescher and indicated that this project will be coming back on the November 10, 2004 Planning Commission meeting. The public hearing was left open.

**VIII. DIRECTOR'S REPORT**

There will be four Planning Commission meetings in a four week period. Mr. Nicholson also introduced the Commission to four new Planners who had been recently hired by the department.

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:10 a.m.