



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 1, 2004, 9:00 A.M.
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,
MERCED, CALIFORNIA**

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Jack Mobley; 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. MINOR SUBDIVISION APPLICATION No. 04062 – John & Olivia Prader - To subdivide 41.0 acres of agricultural land into two parcels; Parcel 1 = 20.0 acres and Parcel 2 = 21 acres located on the south side of Roosevelt Road, east of Highway 59 in the El Nido area. The project site is designated as Agricultural in the General Plan and is zoned General Agricultural (A-1). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

B. EXTENSION No. 04009 – FIRST EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02012 ‘Miles Creek Estates Phase II’ – Maxwell Construction – To extend for one year the deadline for recording the final subdivision map. The subdivision will create 28 residential lots on a 5 acre parcel located on the south side of Childs Avenue and 200 feet east of Cortez Avenue. The property is located in the Planada SUDP, designated Low Density Residential in the General Plan and zoned R-1-5000 (Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

- C. **GENERAL PLAN AMENDMENT UNIVERSITY COMMUNITY PLAN.** To amend the text and maps of the Merced County General Plan to adopt the University Community Plan. This community plan provides a policy framework for development within the modified University Community SUDP. The plan also contains area plan policies to guide land uses outside of this modified SUDP. The existing 10,300 acre University Community SUDP is to be modified to a 3,010 acre SUDP. The land use designations within the modified SUDP are proposed to be "UC Merced" and "Multiple Use Urban Development". This General Plan Amendment also identifies various technical changes throughout the County General Plan reflecting approval of the University Community Plan. A Final Environmental Impact Report will also be considered by the Planning Commission. The project site is located North of Yosemite Avenue, Southeast of the Lake Yosemite Regional Park, East of Lake Road. This area is presently designate Agricultural by the County General Plan. **TO RECOMMEND THE BOARD OF SUPERVISORS CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPT STATEMENTS OF OVERRIDING CONSIDERATION AND RECOMMEND THE BOARD APPROVE, DISAPPROVE OR MODIFY THE GENERAL PLAN AMENDMENT.** Continued from the November 10, 2004 meeting.

VI. **CORRESPONDENCE**

VI. **GENERAL BUSINESS**

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 DECEMBER 1, 2004

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of December 1, 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 9:14 a.m., on December 1, 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 Rudy Buendia

Staff Present: William Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary
 David Gilbert, Planner III
 James Holland, Planner III

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Gloria Bettencourt

III. APPROVAL OF MINUTES

M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF NOVEMBER 3, 2004.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. 04062 – John & Olivia Prader - To subdivide 41.0 acres of agricultural land into two parcels; Parcel 1 = 20.0 acres and Parcel 2 = 21 acres located on the south side of Roosevelt Road, east of Highway 59 in the El Nido area. The project site is designated as Agricultural in the General Plan and is zoned General Agricultural (A-1). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

Planner David Gilbert presented the Staff Report and Recommendation dated December 1, 2004.

The public hearing opened at 9:20 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:20 a.m.

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MOTION: M/S TANNER- BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04062, FROM CEQA.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED DECEMBER 1, 2004, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04062 SUBJECT TO THE 2 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. 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.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation.

- B. EXTENSION No. 04009 – FIRST EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02012 ‘Miles Creek Estates Phase II’ – Maxwell Construction – To extend for one year the deadline for recording the final subdivision map. The subdivision will create 28 residential lots on a 5 acre parcel located on the south side of Childs Avenue and 200 feet east of Cortez Avenue. The property is located in the Planada SUDP, designated Low Density Residential in the General Plan and zoned R-1-5000 (Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated December 1, 2004.

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

Duane Andrews of Golden Valley Engineering asked for approval of this application.

The public hearing closed at 9:30 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE MITIGATED NEGATIVE DECLARATION PREPARED FOR EXTENSION No. 04009 – FIRST EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02012 WITH 7 MITIGATION MEASURES.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED 2004, AND MAKES THE 5 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 5 FINDINGS, APPROVES EXTENSION No. 04009 – FIRST EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02012 SUBJECT TO THE 26 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

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1. A final map shall be recorded within two (2) years of the Planning Commission approval date.
2. The project shall comply with the standard conditions of approval listed in the Planning Commission Resolution No. 97-1 for major subdivisions.
3. 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.
4. The developer shall provide a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
5. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.
6. The developer shall include the design of improvements along the Childs Avenue frontage of Parcel 1 as shown on the Parcel Map for Blunt & Riachy, recorded in Volume 58 of Parcel Maps at Pages 40-42, Merced County Records (Assessor's Parcel Number 037-250-018). Construction of improvements along the frontage of said parcel are specified in Deferment of Construction Agreement recorded in Volume 2598 of Official Records at Page 658, Merced County Records.
7. Easements of record shall not be obstructed or enclosed within fenced backyard of Lots 50 through 60, inclusive. Privacy fencing constructed at the building permit state shall be located at the northerly/westerly easement(s) line of said lots.
8. 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.
9. All lot and street grading shall be completed 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.
10. Release and relinquish Abutter's Rights of access to and from the entire Childs Avenue frontage of Lots 38, 39, 47, and 48.
11. A Right-To-Farm Certificate shall be placed on the face of the Final Map.
12. The developer shall use low flow, water saving showerheads, water closets, etc. in the construction of new dwellings, as well as drought tolerant landscaping. The type of low flow devices used in the construction of the home shall be coordinated with the Planada Community Services District.
13. A bicycle/pedestrian easement shall be maintained for access purposes to and along Miles Creek, as a continuation of the easement created with "Miles Creek Phase I". Said easement is to be located on the Final Map subject to the approval of the Departments of Public Works and Planning.

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14. All construction contracts shall include provisions for frequent watering of exposed earth surfaces during clearing, grading, earth-moving and other site preparation work. This mitigation measure will be implemented by the applicant prior to construction and monitored by the applicant's project manager and the Merced County Planning and Public Works Departments. (MM)
15. All construction contracts shall include provisions, which require daily cleanup of mud and dirt carried out from the construction site onto adjacent streets. This mitigation measure will be implemented by the applicant prior to construction and monitored by the applicant's project manager or the Merced County Planning and Public Works Departments. (MM)
16. Construction contracts shall include provisions for the use of soil binders or repeated soaking to maintain a crusty surface upon completion of the site preparation activities. This mitigation measure will be implemented by the applicant prior to construction and monitored by the applicant's project manager and the Merced County Planning and Public Works Departments. (MM)
17. The applicant shall be required to inform potential homebuyers of the odor problem. New homeowners shall be required to sign an affidavit acknowledging the potential odor problems resulting from the cannery operations. This Mitigation Measure will be implemented by the applicant prior to occupancy of the new homes and will be monitored by the State Department of Real Estate. (MM)
18. An equal balance of soil used for cut and fill purposes on-site shall be developed by the applicant's engineer; no import of fill material shall occur, except the sand required as a base for the building slabs and foundations. This will be implemented by the applicant and will be monitored by the project manager and the Merced County Department of Public Works. The applicant's engineer shall include a statement on the Improvement Plans to this effect. (MM)
19. Construction hours shall be limited from 7:00a.m. to 6:00p.m. and all construction equipment shall be properly muffled, according to state vehicle code requirements. This will be implemented and monitored by the applicant and the Merced County Planning and Public Works Departments. (MM)
20. Modify the design of the subdivision to create an open-end cul-de-sac with pedestrian access for Castillo Court. Install an attractive, high quality, solid masonry block wall, (six feet high), along the proper setback line facing Childs Avenue up to the side of the houses to create a solid barrier for all backyard areas. The materials and design of the fence shall be reviewed by the Planning Department prior to approval of the Improvement Plans and the recording of the Final Map. (MM)
21. Provide a landscaped area along the frontage of Childs Avenue, in between the sidewalk and solid wall and homes (with an automatic irrigation system) to the satisfaction of the Planning Department. Individual homeowners shall be responsible for the ongoing maintenance of the wall and landscaping. The mitigation measure will be implemented prior to occupancy of the new

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homes. The designs of the landscaping and solid barriers shall be submitted to the Planning Department for approval prior to recording the Final Map. (MM)

22. If any unanticipated significant cultural materials are exposed during demolition, excavation, grading or other construction, operation shall cease within 10 feet of the find and a qualified archaeologist shall be contacted for further recommendations. If any native human remains are discovered, work shall stop immediately and the County Coroner shall be contacted. All contractors or subcontractors shall be informed in writing of this possibility. In the event of discoveries of culturally significant resources, the prime contractor or project officials shall consult the Institute for Archaeological Research, Turlock; the State Office of Historic Preservation, Sacramento; or the Native American Heritage Commission, Sacramento, for recommended procedures. This will be implemented by the applicant. The applicant shall inform the Planning Department (in writing) of the discovery or non-discovery of any significant cultural find(s) prior to issuance of any building permits. (MM)
23. The developer is advised that he/she may be obligated to comply with Federal regulations for storm water run-off issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Part 122,123, and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
24. For the purpose of condition monitoring, a fee in the amount of **\$79.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
25. Provide a signature block on the subdivision improvement plans for the Merced Irrigation District for their facilities on this property, if required.
26. The applicant shall submit a current 'Can and Will Serve' letter issued by the Planada Community Services District for Major Subdivision No. 02012, prior to recordation of the final subdivision map.

- C. GENERAL PLAN AMENDMENT UNIVERSITY COMMUNITY PLAN.** To amend the text and maps of the Merced County General Plan to adopt the University Community Plan. This community plan provides a policy framework for development within the modified University Community SUDP. The plan also contains area plan policies to guide land uses outside of this modified SUDP. The existing 10,300 acre University Community SUDP is to be modified to a 3,010 acre SUDP. The land use designations within the modified SUDP are proposed to be "UC Merced" and "Multiple Use Urban Development". This General Plan Amendment also identifies various technical changes throughout the County General Plan reflecting approval of the University Community Plan. A Final Environmental Impact Report will also be considered by the Planning Commission. The project site is located North of Yosemite Avenue, Southeast of the Lake Yosemite Regional Park, East of Lake Road. This area is presently designated Agricultural by the County General Plan. **TO RECOMMEND THE BOARD OF SUPERVISORS CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPT STATEMENTS OF OVERRIDING CONSIDERATION AND RECOMMEND THE BOARD APPROVE, DISAPPROVE OR MODIFY THE GENERAL PLAN AMENDMENT. Continued from the November 10, 2004 meeting.**

Bob Smith, Woody Tescher and Brian Boxer all gave a brief presentation for the General Plan Amendment and University Community Plan.

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

Betty George, Chairperson of the Virginia Smith Trust, stated that she supports this General Plan Amendment and asked the Commission to recommend approval to the Board of Supervisors.

Lee Bosey, 2472 Dunn Road Merced, supports approval of this plan. He stated that this university will provide access for a research unit for the entire Valley. The university will provide high quality housing for all income levels. This plan will encourage bicycles and walking to save on the air quality.

Karen Bandoni, represents California Women for agriculture, stated that she encourages mitigation of farmland. She maintains that they will not support development of the UC Merced Campus east of the proposed campus parkway. They support the “no loss of farmland” alternative directing growth west down Bellevue Road. There is a big need for water in the Valley. She feels that the City of Merced, County of Merced and University of California still need to negotiate on issues before the documents in question can be adequately addressed and certified. They urged that further action not be taken on this General Plan Amendment until the issues raised are answered.

Marshall Krupp, representative for Merced Union High and Merced City School Districts, states that the Commission has been asked to consider 3 new policies addressing concern being raised since 2000. He states the General Plan has not been updated in 4 years and he feels the County is avoiding issues of schools. He feels this General Plan Amendment shouldn't be approved until issues are addressed.

Bob Fore, Superintendent for the Merced High School District, reiterated Mr. Krupp's concerns with the University Community. He hopes that the Commission and Board of Supervisors will reconsider before approving this General Plan Amendment.

Alan Rasmussen, Merced City School Superintendent, supports the University Community and feels this General Plan amendment is a benefit to the Community.

Steven Becker, Superintendent at Weaver School, asked that the Planning Commission incorporate the suggested policies with the document and forward it to the Supervisors with recommendation for approval.

Don Larson, representative for Lennar Communities, recommends and encourages adoption of the General Plan Amendment for the University. SB50 was developed in order to fund schools. They are concerned with the adequacy of SB50 and the ability to address the needs of local school districts. It is a statewide issue however. He asked that this project be advanced for Board approval.

Les McCabe of Merced County Farm Bureau passed out a letter to the Commissioners. In it, he states he is concerned with agricultural land preservation. He asked that the Commission delay in making a recommendation to the board of supervisors.

Diana Westmoreland-Pedrozo, executive director for Merced County Farm Bureau, stated that she has commented at the previous meeting and still has not seen the Final EIR. She has a concern with the water supply. They plans have not proved

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that there is adequate water supply. She feels this General Plan Amendment is not ready for approval.

Bryant Owens, 2683 Plainsburg Road in Merced, presented his letter to the Commissioners in opposition to this application. He asked that this application be denied to change the General Plan in favor of this project and reject as incomplete the FEIR.

The Planning Commission took a short break prior to concluding the public hearing.

Lydia Miller of San Joaquin Raptor Rescue Center, states that she just received the staff report and feels that they need more time to read the report to be able to respond in writing. She feels that this General Plan Amendment should not move forward.

Dan Holmes of O'Dell Engineering, feels that all concerns were addressed. He complimented staff for their job preparing this Plan.

Sharon Hunt-Dicker, Hunt Farms, stated that years of planning are ready for harvest. She feels this UC is ready and many people are in support of this University Community going forward.

Lee Anderson, Merced County Schools Superintendent, stated that he is in support of this General Plan Amendment. These policy recommendations for quality of education in students should be done for future development in Merced County. He states that he supports the UC Campus.

The public hearing closed at 12:37 p.m.

MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS CERTIFY THE ENVIRONMENTAL IMPACT REPORT, AND ADOPT THE FINDINGS OF FACT AND OVERRIDING CONSIDERATIONS AND THE MITIGATION MONITORING PLAN AND RECOMMENDS APPROVING THE UNIVERSITY COMMUNITY PLAN RECOMMENDING THE BOARD OF SUPERVISORS ADOPT THE GENERAL PLAN AMENDMENT.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

The Planning Commissioners will tour the west side of Merced County following the December 15th Planning Commission meeting.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 12:46 p.m.

