



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

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

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF APRIL 13, 2005, 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. 04056 - Balbir Samra and Rajvinder Khakh -**  
To divide a 40 acre parcel into two parcels; Parcel No. 1 = 20 acres and Parcel No. 2 = 20 acres. The property is located on the north side of Bradbury Road and 665 feet east of Sycamore Street in the Delhi area on land designated Agricultural Land use in the General Plan and is zoned A-1 (General Agriculture). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the March 23, 2005 meeting. Project Planner Jeff Wilson**
- B. MINOR SUBDIVISION APPLICATION No. 05001 – Jose Vega -** To divide 86.1 acres into four parcels resulting in parcel sizes of: Parcel No. 1 = 26.1 acres, Parcel No. 2 = 20.0 acres, Parcel No. 3 = 20.0 acres, and Parcel No. 4 = 20.0 acres. The project is located on the west side of Ingomar Grade, 2,800 feet north of Henry Miller Road in the Los Banos area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

- C. **MINOR SUBDIVISION APPLICATION No. 05004 – Gregory Pearl** - To divide 105.22 acres of agricultural land into five parcels for estate planning purposes. This will result in parcel sizes of: Parcel 1 = 25.22 acres; Parcel 2 = 20 acres; Parcel 3 = 20 acres, Parcel 4 = 20 acres and Parcel 5 = 20 acres. The project is located at the northeast corner of San Juan Road and Highway 152 in the Dos Palos area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**
  
- D. **EXTENSION NO. 04014 1<sup>st</sup> EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052 – Alan Sagouspe** – To divide a 318 acre parcel into 15 parcels, ranging from 20 acres to 23.39 acres each. The property is located on the east side of Moraga Avenue, ½ mile north of Hwy 152 in the Los Banos area designated Agricultural land use in the General Plan and zoned A-1 (General- Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- E. **EXTENSION No. 04015, 2<sup>nd</sup> EXTENSION TO MAJOR SUBDIVISION No. 99012-Bradford Point Estates** – To extend for two years an approved tentative map for 21 residential lots on property located at the southwest corner of Bellevue and Lake Road in the Merced area which is designated as Merced RRC No. 1 – Rural Residential land use in the General Plan and zoned A-R (Agricultural Residential) (30 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- F. **EXTENSION No. 05003, 1<sup>st</sup> EXTENSION to MAJOR SUBDIVISION APPLICATION No. 04007 “SANTA NELLA VILLAGES PHASE IV” – Arnaudo Brothers** – To extend for one year and subdivide 237 acres into 166 lots on land located northwest of the intersection of Vera Cruz Drive and Luis Avenue and designated as Neighborhood Commercial, Low and Medium Density Residential in the Santa Nella Community Specific Plan and zoned C-1 (Neighborhood Commercial) R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5000 sf minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- G. **EXTENSION No. 04012 1<sup>st</sup> EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02013 – SERENITY PLACE – Sahota** – To extend for one year and divide 18-acres into 15 one acre lots located north of Gertrude Avenue, west of Epps Drive in the Winton area on land designated as Residential land use in the General Plan, and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
  
- H. **MODIFICATION No. 05005, 1<sup>st</sup> MODIFICATION TO MAJOR SUBDIVISION APPLICATION No. 03010 – River West Investments** - To modify the conditions of approval by rescinding Conditions 2 and 3, (respectively a Development Agreement and a Consistency Checklist), that are no longer necessary for a 232 residential lot subdivision on 312 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 APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**William Nicholson**  
*Director*

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

VI. CORRESPONDENCE

VI. GENERAL BUSINESS

VII. DIRECTOR'S REPORT

VII. 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 APRIL 13, 2005**

---

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 13, 2005, 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 9:08 a.m., on April 13, 2005, 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 Gloria Bettencourt

Staff Present:                      Keith Woodcock, Assistant Director  
   Kim Lewallen, Recording Secretary  
   Jeff Wilson, Planner I  
   Dave Gilbert, Planner III  
   Robert King, Planner III

Legal Staff:                         Ruben Castillo, County Counsel

Commissioners Absent:         Commissioner Lynn Tanner, excused absence  
   Commissioner Rudy Buendia, excused absence

**III. APPROVAL OF MINUTES**

**M/S BETTENCOURT - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MARCH 23, 2005.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      MINOR SUBDIVISION APPLICATION No. 04056 - Balbir Samra and Rajvinder Khakh -**  
To divide a 40 acre parcel into two parcels; Parcel No. 1 = 20 acres and Parcel No. 2 = 20 acres. The property is located on the north side of Bradbury Road and 665 feet east of Sycamore Street in the Delhi area on land designated Agricultural Land use in the General Plan and is zoned A-1 (General Agriculture). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the March 23, 2005 meeting. Project Planner Jeff Wilson**

Planner Jeff Wilson presented the Staff Report and Recommendation dated April 13, 2005. Planner Wilson stated that the Roads Division was requesting that Condition #3 related to dedication along Bradbury be deleted.

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

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – April 13, 2005**

**Page 2**

Mike Smith, of CCPS, asked that Condition #3 be removed. He also stated that the purpose of this subdivision is for estate planning purposes only and he asked for approval of this application.

The public hearing closed at 9:17 a.m.

**MOTION: M/S MOBLEY – BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 04056, FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 13, 2005, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 04056 SUBJECT TO THE 2 CONDITIONS SET FORTH IN THE STAFF REPORT WITH CONDITION #3 BEING DELETED 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. MINOR SUBDIVISION APPLICATION No. 05001 – Jose Vega - To divide 86.1 acres into four parcels resulting in parcel sizes of: Parcel No. 1 = 26.1 acres, Parcel No. 2 = 20.0 acres, Parcel No. 3 = 20.0 acres, and Parcel No. 4 = 20.0 acres. The project is located on the west side of Ingomar Grade, 2,800 feet north of Henry Miller Road in the Los Banos area. The project site is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

**At the request of the applicant, this application has been continued to the April 27, 2005 meeting.**

- C. MINOR SUBDIVISION APPLICATION No. 05004 – Gregory Pearl - To divide 105.22 acres of agricultural land into five parcels for estate planning purposes. This will result in parcel sizes of: Parcel 1 = 25.22 acres; Parcel 2 = 20 acres; Parcel 3 = 20 acres, Parcel 4 = 20 acres and Parcel 5 = 20 acres. The project is located at the northeast corner of San Juan Road and Highway 152 in the Dos Palos area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****

**At the request of the applicant, this application has been continued to the April 27, 2005 meeting.**

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – April 13, 2005**

**Page 3**

- D. EXTENSION NO. 04014 1<sup>st</sup> EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052 – Alan Sagouspe** – To divide a 318 acre parcel into 15 parcels, ranging from 20 acres to 23.39 acres each. The property is located on the east side of Moraga Avenue, ½ mile north of Hwy 152 in the Los Banos area designated Agricultural land use in the General Plan and zoned A-1 (General- Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated April 13, 2005.

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

Duane Andrews, Golden Valley Engineering, stated that the map is ready to be recorded and he asked for approval of this extension.

The public hearing closed at 9:25 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS EXTENSION NO. 04014 1<sup>st</sup> EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052, FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES EXTENSION NO. 04014 1<sup>st</sup> EXTENSION TO MINOR SUBDIVISION APPLICATION No. 02052 TO NOVEMBER 20, 2005 AND SUBJECT TO THE ORIGINAL CONDITIONS.**

- E. EXTENSION No. 04015, 2nd EXTENSION TO MAJOR SUBDIVISION No. 99012- Bradford Point Estates** – To extend for two years an approved tentative map for 21 residential lots on property located at the southwest corner of Bellevue and Lake Road in the Merced area which is designated as Merced RRC No. 1 – Rural Residential land use in the General Plan and zoned A-R (Agricultural Residential) (30 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

**Only two Commissioners could vote on the matter and due to a potential conflicts of interest this item has been continued to the April 27, 2005 meeting.**

- F. EXTENSION No. 05003, 1<sup>st</sup> EXTENSION to MAJOR SUBDIVISION APPLICATION No. 04007 “SANTA NELLA VILLAGES PHASE IV” – Arnaudo Brothers** – To extend for one year and subdivide 237 acres into 166 lots on land located northwest of the intersection of Vera Cruz Drive and Luis Avenue and designated as Neighborhood Commercial, Low and Medium Density Residential in the Santa Nella Community Specific Plan and zoned C-1 (Neighborhood Commercial) R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5000 sf minimum). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated April 13, 2005.

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

No one spoke in favor or opposition to this application.

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

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS EXTENSION No. 05003, 1<sup>st</sup> EXTENSION to MAJOR SUBDIVISION APPLICATION No. 04007 FROM CEQA.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES EXTENSION No. 05003, 1<sup>st</sup> EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 04007 TO MARCH 24, 2007 AND SUBJECT TO THE ORIGINAL CONDITIONS.**

- G. EXTENSION No. 04012 1<sup>st</sup> EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02013 – SERENITY PLACE – Sahota – To extend for one year and divide 18-acres into 15 one acre lots located north of Gertrude Avenue, west of Epps Drive in the Winton area on land designated as Residential land use in the General Plan, and zoned A-R (Agricultural-Residential). TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated April 13, 2005.

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

Cathy Pearson, neighbor on Epps Court, asked when they will be doing any plowing since the property there is a fire hazard. Planner Robert King replied that the conditions of approval require the applicant to keep the property in a safe manner.

The public hearing closed at 9:35 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR EXTENSION No. 04012 1<sup>st</sup> EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02013.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES EXTENSION No. 04012 1<sup>st</sup> EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02013 SUBJECT TO THE ORIGINAL CONDITIONS OF APPROVAL.**

- H. MODIFICATION No. 05005, 1<sup>st</sup> MODIFICATION TO MAJOR SUBDIVISION APPLICATION No. 03010 – River West Investments - To modify the conditions of approval by rescinding Conditions 2 and 3, (respectively a Development Agreement and a Consistency Checklist), that are no longer necessary for a 232 residential lot subdivision on 312 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 APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated April 13, 2005. In addition to the deletion of Conditions #2, #3, Planner King stated that upon further review, condition No. 15 was also redundant and requested that it be deleted as well.

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

Brian Vail, of River West Investments, stated that Condition #15 states that a development agreement needs to be done. He asked for Condition #15 to be deleted as it was redundant with Conditions #2 and #3.

The public hearing closed at 9:41 a.m.

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR MODIFICATION No. 05005, 1<sup>st</sup> MODIFICATION TO MAJOR SUBDIVISION APPLICATION No. 03010.**

**MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES MODIFICATION No. 05005, 1<sup>st</sup> MODIFICATION TO MAJOR SUBDIVISION APPLICATION No. 03010 SUBJECT TO THE ORIGINAL CONDITIONS SET FORTH IN THE STAFF REPORT, DELETING CONDITIONS #2, #3 AND #15.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

The Assistant Director reported that the Board of Supervisors upheld the appeal for the Ronald Richards subdivision but denied the appeal on the Kirsten Reinking subdivision.

The Assistant Director also stated that the appeal of the Tagge Conditional Use Permit was scheduled to be heard by the Board of Supervisors on April 26.

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:45 a.m.