



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

William Nicholson
Director

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 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. CONDITIONAL USE PERMIT APPLICATION No. 05014 – Bible Christian Church - To construct a 14,000 square foot community church facility on a 1.6 acre vacant parcel located at the southwest corner of Cook Street and Brice Street. The project site is located within the Le Grand SUDP on land designated as Medium Density Residential in the General Plan and zoned R-3 (Multiple-Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert****
- B. MINOR SUBDIVISION APPLICATION No. 05031 – Iyer Pattabiraman - To divide 52 acres of agricultural land into two parcels of 26 acres each. The project is located on the south side of Romero Road, and the east side of Interstate 5 in the Gustine 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****

- C. **EXTENSION No. 05002, 1st EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02003 - Arnaudo Brothers** - To subdivide 4.3 acres into 15 residential lots ranging in size from 8,000 to 12,000 square feet on property located west of Luis Avenue north of Centinella Drive in the community of Santa Nella and designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential). **TO MAKE AN ENVIRONMENTAL FINDING AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**
- D. **MAJOR SUBDIVISION APPLICATION No. 03015 – “The Parkway Phase II” - River West Investments** - To divide 312 acres into 1164 residential lots, 2 parks, several trails and a two acre commercial site. The land is designated as Low Density Residential and Neighborhood Commercial in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential 5,000 square foot minimum) and C-1 (Neighborhood Commercial). The project is 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**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

IDENTIFICATION OF TRANSPORTATION PROJECTS FOR PROPOSED TRANSPORTATION MEASURE - Marjie Kirn, Deputy Executive Director, MCAG

VIII. **DIRECTOR’S REPORT**

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 JULY 13, 2005

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of July 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 9:10 a.m., on July 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 Rudy Buendia

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

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Lynn Tanner
 Commissioner Gloria Bettencourt

III. APPROVAL OF MINUTES

M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JUNE 22, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT APPLICATION No. 05014 – Bible Christian Church - To construct a 14,000 square foot community church facility on a 1.6 acre vacant parcel located at the southwest corner of Cook Street and Brice Street. The project site is located within the Le Grand SUDP on land designated as Medium Density Residential in the General Plan and zoned R-3 (Multiple-Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Dave Gilbert**

Planner Dave Gilbert presented the Staff Report and Recommendation dated July 13, 2005.

The public hearing opened at 9:18 a.m.

David Heinrichs, Tolloday, Fremming and Pechennino, asked for approval of this application.

The public hearing closed at 9:19 a.m.

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MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. 05014, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 13, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 05014 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. Conditional Use Permit Application No. 05014 is for a 13,500 square foot church with seating capacity for 270 people. All uses under this Conditional Use Permit shall be located, developed, and operated in a manner as described on the Plot Plan, operational statement, and elevations. Minor modifications may be approved by the Planning & Community Development Director.
2. All development on the project site shall be constructed and thereafter maintained and operated in accordance with the conditions of this permit. The parking area, driveways, sidewalks, landscaped areas, irrigations materials, and church building shall be maintained at all times. Dead or dying landscaping materials shall be replaced in a timely manner.
3. The applicant/developer shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Environmental Health, Planning, and Public Works Departments.
4. If Conditional Use Permit 05014 is not implemented within one year from the date of approval, it shall expire. The Planning & Community Development Director may extend this permit if a request is filed by the applicant prior to its expiration.
5. If the use authorized by Conditional Use Permit is abandoned or discontinued for more than one year, the Planning & Community Development Department may initiate revocation proceedings at a public hearing before the Planning Commission.
6. A trash/recycling enclosure shall be provide on-site as designated on the Plot Plan and Building Plans. Trash/recycling containers shall be enclosed by a solid wall at least six (6) feet in height on three sides and with a solid gate a minimum of five (5) feet in height, subject to approval by the Planning & Community Development Department.
7. Prior to building permit submittal, the applicant shall submit three (3) copies of landscaping and irrigation plans to the Planning and Community Development Department that meets the requirements of Section 18.38 of the Merced County Zoning Code and includes the following specific provisions:
 - A. A masonry wall six (6) feet in height shall be constructed along the south property boundary, where the proposed use abuts residentially zoned property. The wall shall be partially screened with trees and shrubs, consistent with subsection 18.38.04(F)(3)(a) of the Merced County Zoning Code.

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- B. A masonry wall three (3) feet in height shall be constructed along the west property boundary. Small trees planted 30 feet on center shall be constructed along the west property boundary.
 - C. There shall be one (1) tree for every six (6) parking spaces plus a tree at each end of the parking rows per Section 18.38.04(G)(3)(2) of the Zoning Code.
8. Landscaping and irrigation in compliance with the approved plans shall be installed prior to Final inspection or issuance of a Certificate of Occupancy by the County Building Division.
 9. One (1) monument sign not to exceed ten (10) feet in height and 32 square feet in sign area shall be allowed within the landscaped area at the corner of Cook Street and Brice Street.
 10. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the project site and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project site. A minimum of one (1) foot candle of light shall be maintained throughout the parking area. Lighting standards shall be in scale with the height and use of the building.
 11. A mitigation-monitoring fee of **\$384.00** shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.
 12. The applicant shall enter into a “Subdivision Drainage Agreement” or a “Deferred Fee Subdivision Agreement” with the Merced Irrigation District (MID), paying all applicable fees, if project’s storm drainage water is discharged into any MID facilities now, or in the future.
 13. The property owner shall satisfy Improvement Level 2 requirements of Chapter 16.08, **IMPROVEMENT REQUIREMENTS**, of the Merced County Code along the Cook Street and Brice Street frontages of the property. Improvement Level 2 requirements in general terms, include: a) Dedication of rights-of-way and easements, including Public Utility Easements (PUE), necessary to contain the improvements; b) Constructing proposed roadways with asphalt concrete structural section, curb, gutters, sidewalks, driveway approaches and wheelchair ramps, except that in RRC designated areas and Industrial/Manufacturing zoned areas, sidewalks are not required; c) Widening the abutting half of all existing roadways, which include construction of curb, gutters, sidewalks, driveway approaches and wheelchair ramps in SUDP areas and curb, gutters, driveway approaches in RRC designated areas and Industrial/Manufacturing zoned area; d) Modifying, relocating, or removing existing irrigation facilities. All work to be done in accordance with Merced County/DPW Improvement Standards & Specifications and will require preparation of improvement plans by a state licensed Civil Engineer. Said Improvement Level 2 shall be fully provided prior to issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.
 14. The property owner shall include in the required improvements, street lighting, and a storm drainage collection/disposal system. These improvements shall be designed and constructed in accordance with Merced County/DPW Improvement Standards & Specifications.
 15. The property owner shall submit engineered improvement plans for review and approval to the Department of Public Works/Road Division, pay plan check and inspection fees and secure an encroachment permit for construction of required road

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improvements.

16. The property owner shall dedicate to the County of Merced, additional road right-of-way and a 10-foot wide Public Utility Easement at the southwest corner of Cook Street and Brice Street; as necessary for the construction of an intersection (handicap) ramp as per Standard Drawing MS-09. The legal description and exhibit map needed for the grant deed shall be prepared by a licensed land surveyor or by a civil engineer authorized to perform land surveying. Fully executed grant deed with accompanying legal description and exhibit map shall be submitted for review and approval, and shall be recorded prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings. Closure calculation for metes and bounds type legal description shall also be submitted.
17. The property owner shall form, annex to, or include into a lighting and drainage maintenance zone of benefits and pay the required process fees. This is to be accomplished through the Department of Public Works, Public Services Division prior to the issuance of the Certificate of Occupancy by the Department of Public Works/Building & Safety Division (Building Permit Office) for any new buildings.

B. MINOR SUBDIVISION APPLICATION No. 05031 – Iyer Pattabiraman - To divide 52 acres of agricultural land into two parcels of 26 acres each. The project is located on the south side of Romero Road, and the east side of Interstate 5 in the Gustine 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

Planner Dave Gilbert presented the Staff Report and Recommendation dated July 13, 2005.

The public hearing opened at 9:23 a.m.

Larry Bowers, BCA, asked that Condition #3 be taken out regarding the Non Exclusive License Agreement because he feels it doesn't apply to this application. Chairman Steve Sloan agreed and struck the condition from the staff report.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05031, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 13, 2005, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05031 SUBJECT TO THE 3 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

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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.

3. The property owner shall dedicate to the County of Merced, annotated on the parcel map an additional 10-foot width of road right-of-way along the entire frontage on Romero Road to complete their half of an 60-foot ultimate right-of-way width.

C. EXTENSION No. 05002, 1st EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02003 - Arnaudo Brothers - To subdivide 4.3 acres into 15 residential lots ranging in size from 8,000 to 12,000 square feet on property located west of Luis Avenue north of Centinella Drive in the community of Santa Nella and designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential). **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 July 13, 2005. He also passed out a letter from Virginia LaMoureaux stating her concerns regarding the zoning in the area, the traffic problem and street maintenance.

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

Greg Arnaudo, applicant, asked for approval of this extension.

The public hearing closed at 9:31 a.m.

MOTION: M/S BUENDIA - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS EXTENSION No. 05002, 1st EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02003, FROM CEQA.

MOTION: M/S BUENDIA - MOBLEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 13, 2005, AND MAKES THE ORIGINAL FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE ORIGINAL FINDINGS, APPROVES EXTENSION No. 05002, 1st EXTENSION TO MAJOR SUBDIVISION APPLICATION No. 02003 SUBJECT TO THE ORIGINAL CONDITIONS SET FORTH IN THE STAFF REPORT.

D. MAJOR SUBDIVISION APPLICATION No. 03015 – “The Parkway Phase II” - River West Investments - To divide 312 acres into 1164 residential lots, 2 parks, several trails and a two acre commercial site. The land is designated as Low Density Residential and Neighborhood Commercial in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential 5,000 square foot minimum) and C-1 (Neighborhood Commercial). The project is 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 July 13, 2005.

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

Brian Vail, of River West Investments, stated that there is no longer a school site on the map. They located that school site on the other side of the Delta Mendota Canal.

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The specific plan is for approximately 4500 units. He is ok with the 2 amended conditions in the staff report and asked for support of this project.

Chairman Steve Sloan asked if the anticipated school site is in the Santa Nella SUDP. Mr. Vail replied yes.

Bill Nicholson, Planning Director, stated that one of the issues was the trail access and off road for children. Condition #17 states that bike routes shall be constructed consistent with Santa Nella Community Plan. The children could get over the Delta Mendota canal on the proposed bridge to get to the school.

Commissioner Rudy Buendia asked if a fence would be built around the bridge for the childrens safety. Mr. Vail stated that they would build one if requested to do so by CalTrans.

Ruben Castillo, County Counsel, asked if there is a need for a development agreement. Mr. Nicholson replied that the development agreement issue grew out of early conditions on maps that were approved years ago. The plan called for development agreements until there were impact fees in place. The development agreement was intended to put all the fees put in place and now a development agreement isn't needed to implement that anymore. Condition #17 should state that both bike routes and trails are necessary.

Mr. Vail indicated that he would have a trail, but not in the Kit Fox Corridor.

The public hearing closed at 9:51 a.m.

Commissioner Buendia asked if a fence will be put over the bridge for safety for the children. Mr. Vail stated any bridge would have to meet CalTrans standards.

MOTION: M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. 03015, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 13, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 03015 SUBJECT TO THE 18 CONDITIONS WITH MODIFICATIONS BEING MADE TO CONDITION #2, #13 & #17 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. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the appropriate school district.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service.

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4. 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.
5. 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 exceed 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.
6. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
7. Release and relinquish all abutters’ rights of access to and from the frontage as directed by the Public Works Roads Division.
8. Notwithstanding Condition No. 3, 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.
9. The developer shall provide for striping of roads to the satisfaction of the Public Works Roads Division.
10. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
11. Design and Construction of roads including but not limited to Parkway Boulevard and Hilldale Avenue shall be to the satisfaction of the Merced County Public Works /Road Division.
12. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.
13. Pay such Bridge and Thoroughfare Fees as approved by the Board of Supervisors in effect at such time that Building Permits are issued.
14. USFWS easements previously established by the developer for San Joaquin Kit Fox corridors shall be extinguished where they overlay the proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works prior to the approval of the subdivision improvement plans.
15. In the event that Condition No. 14 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works.
16. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
17. Bike Routes and Trails shall be constructed consistent with the Santa Nella CSP and Caltrans standards.

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18. A condition monitoring fee of **\$480.00** shall be required prior to the recordation of the Final Map.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

IDENTIFICATION OF TRANSPORTATION PROJECTS FOR PROPOSED TRANSPORTATION MEASURE – Candice Speelman, MCAG

Candice Speelman of MCAG passed out the Transportation Measure and Regional Project Suggestions tallies from all Round 2 workshops for the County of Merced.

Mr. Nicholson indicated that there will be a joint Planning Commission/Board of Supervisors meeting possibly July 27, 2005 or August 24, 2005.

County Counsel Ruben Castillo introduced a new County Counsel staff Norman Morrison.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 a.m.