



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 26, 2006, 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. MAJOR SUBDIVISION APPLICATION No. 05014 - Charles Fennessy/Nancy Ferrel - To divide 19.5 acres into 16 one acre residential lots. The project site is located on the west side of Buhach Road, 500 feet south of Elliott Avenue in the Atwater area. The project site is designation Atwater RRC Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner David Gilbert****
- B. ZONE CODE TEXT AMENDMENT NO. 05001 AND 05003 – Kenneth Giesbrecht and Kewal Singh Pannu and Harbhatan Kaur Pannu – To amend the Merced County Zoning Code to allow the location of churches and related religious facilities on specific parcels of agriculturally zoned land. The provisions of this text amendment would apply county-wide if approved. **TO FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED AMENDMENT. Project Planner James Holland****

- C. **DELHI COMMUNITY PLAN - Merced County** To recommend Certification of the Final Environmental Impact Report (FEIR); adoption of the Delhi Community Plan, an amendment of the Merced County General Plan; related re-zonings; and withdrawal of land from the Merced Agricultural Preserve, in an area generally bounded by Bradbury Rd. to the north, Merced Ave. to the west, August Rd.\Second Ave. to the south, to the east an irregular line commencing east of Second Ave and Petaluma Ave. northwestward to Vincent Rd. and Bradbury Rd. encompassing an area of approximately 2000 acres. **TO FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED AMENDMENT. Project Planner Robert King**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

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 APRIL 26, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 26, 2006, 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 April 26, 2006, 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: William Nicholson, Assistant Development Services Director
 Kim Lewallen, Recording Secretary
 David Gilbert, Planner III
 James Holland, Planner III
 Robert King, Planner III

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner Rudy Buendia
 Commissioner Lynn Tanner

III. APPROVAL OF MINUTES

M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF APRIL 12, 2006.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR SUBDIVISION APPLICATION No. 05014 - Charles Fennessy/Nancy Ferrel - To divide 19.5 acres into 16 one acre residential lots. The project site is located on the west side of Buhach Road, 500 feet south of Elliott Avenue in the Atwater area. The project site is designation Atwater RRC Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner David Gilbert**

Planner David Gilbert presented the Staff Report and Recommendation dated April 26, 2006.

The public hearing opened at 9:22 a.m.

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Duane Andrews, Golden Valley Engineering, stated that he has no issues with the staff report and asked for approval of this application.

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

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. 05014 FROM CEQA.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 26, 2006, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05014 SUBJECT TO THE 21 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. Special design on-site sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen, shall be required. Such systems shall be operated and maintained by the property owner.
4. A Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new on-site sewage treatment systems.
5. All abandoned wells and septic tanks must be properly destroyed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health.
6. The property owner/applicant shall 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.
7. The property owner/applicant shall release and relinquish all abutters' rights of access to and from the entire Buhach Road frontage of Lots 1 and 16.
8. Pursuant to the terms of a Deferment of Construction Agreement recorded in Volume 2591 of Official Records at Page 540, Merced County Records, affecting the north half of the subdivision along with Parcels 1 and 2 as shown on the Parcel Map for Smith and Fennessy (Volume 58 of Parcel Maps at Pages 7 and 8, Merced County Records) (Assessor's Parcel Numbers 005-260-043 and 005-260-047), roadway, street lighting, and storm drainage improvements shall be designed and constructed to include the Elliot Avenue and Buhach Road frontages of the above described parcels of land. Existing utility or irrigation facilities that may interfere with proposed improvements or are within the Clear Zone shall be relocated or replaced with underground facilities at developer's expense.

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9. A geotechnical engineer shall provide specific mitigation measures for over excavation and backfill of the storm drainage percolation basin. The geotechnical engineer shall be retained by the developer to verify compliance with the mitigation measures and to submit a letter to the Department of Public Works certifying compliance prior to the recording of a Notice of Completion for the subdivision improvements.
10. The storm drainage percolation basin shall be constructed with a 4:1 (horizontal:vertical) or flatter side slopes and an 8:1 ramp from the road access point to the bottom of the basin. Side slopes shall begin no less than 10 feet from the property of fence line.
11. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, 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.
12. The property owner/applicant shall provide centerline striping for those new roads which intersect the existing peripheral streets.
13. Developer/applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water issued by the U. S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123, and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.
14. The applicant shall identify any wells on adjacent properties that may conflict with setback requirements for proposed sewage disposal systems.
15. The setback for the basin from any sewage disposal system or replacement area shall be at least 4 feet for every foot of basin depth.
16. Sewage disposal systems in this area are considered to have moderate percolation/break thru hardpan, unless percolation tests and soils analysis reveal more satisfactory percolation is likely.
17. If the subject property storm water runoff discharges into any MID facility, now or in the future, the property owner shall be required to enter into an "Subdivision Drainage Agreement" or a "Deferred Fee Subdivision Drainage Agreement" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1), paying all applicable fees.
18. Construction equipment used at the site shall be equipped with catalysts/particulate traps to reduce particulate and NOx emissions unless demonstrated to be infeasible by project contractors.
19. The streets shall be named and designated to the satisfaction of the Fire Department and the Merced County Department of Public Works.
20. In-lieu park fees as required by County Ordinance No. 1090 shall be paid by the applicant prior to final map recordation.
21. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$288.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

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- B. ZONE CODE TEXT AMENDMENT NO. 05001 AND 05003 – Kenneth Giesbrecht and Kewal Singh Pannu and Harbhatan Kaur Pannu – To amend the Merced County Zoning Code to allow the location of churches and related religious facilities on specific parcels of agriculturally zoned land. The provisions of this text amendment would apply county-wide if approved. **TO FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED AMENDMENT. Project Planner James Holland****

Planner James Holland presented the Staff Report and Recommendation dated April 26, 2006.

The public hearing opened at 9:34 a.m.

Duane Andrews, Golden Valley Engineering, asked the Planning Commissioners recommend approval to the Board of Supervisors.

Jaswinder Singh the applicant, thanked Planner James Holland and the County. He asked for approval of this application.

Chester Posey, Calvery Assembly Church, states that they are attempting to build a church on Mission Street. They would like to petition for a Zone Variance and Minor Subdivision for 6 acres.

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

Chairman Steve Sloan indicated that he has a problem with including A-2 zoning in this application and is reluctant to locate a church or school in a remote location from urban areas. He suggests leaving A-1 zoning there and encourages the use of some small A-1 parcels closer to urban areas.

Planner James Holland agrees with Chairman Sloan. The relevance of a church in A-2 zone is low. Chairman Sloan would like to see the deletion of A-2 zoned areas.

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 26, 2006, AND RECOMMENDS THAT THE BOARD OF SUPERVISORS APPROVE ZONE CODE TEXT AMENDMENT NO. 05001 AND 05003 WITH THE DELETION OF A-2 AG LAND ZONING.

- C. DELHI COMMUNITY PLAN - Merced County** To recommend Certification of the Final Environmental Impact Report (FEIR); adoption of the Delhi Community Plan, an amendment of the Merced County General Plan; related re-zonings; and withdrawal of land from the Merced Agricultural Preserve, in an area generally bounded by Bradbury Rd. to the north, Merced Ave. to the west, August Rd. Second Ave. to the south, to the east an irregular line commencing east of Second Ave and Petaluma Ave. northwestward to Vincent Rd. and Bradbury Rd. encompassing an area of approximately 2000 acres. **TO FORMULATE A RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE, MODIFY OR REJECT THE PROPOSED AMENDMENT. Project Planner Robert King**

Planner Robert King and Consultant Gary Conte presented the Staff Report and Recommendation dated April 26, 2006.

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The public hearing opened at 10:47 a.m.

Richard Jantz, Delhi MAC, stated that a study needs to be prepared to evaluate the fiscal and financial implications of development within the overall Delhi Community Plan. He states that Delhi's retail tax base has not grown along with the addition of housing units. Development should bring value to the community and the general public. He believes these community plan update is a good thing if done right. Mr. Jantz handed out his letter to each Commissioner.

Dennis Cote, Engineer, stated that the fiscal study prepared only allocates 20% of this need to the new developing area. The developing areas would constitute approximately 60% of the future population and should fund 60% of the need. He feels that many roads in the area need to be evaluated for improvements and inclusion in the Delhi fee with the regional traffic share being funded through a countywide fee. He also handed out a letter to each of the Commissioners with his comments.

Kenneth Myers, Delhi resident, thanked the Commissioners and Planner Robert King. He states that the Community Plan will make Delhi a better community. He is in favor of this plan.

Susan Mead, Delhi resident, states that she is in support of this Community Plan. She asked the Commissioners to recommend approval to the Board of Supervisors.

Tim Miller, Miller Planning & Design Group, thanked Planning staff. He asked that the Commissioners recommend the Board of Supervisors to approve the Delhi Community Plan.

Chris Hawke, representative for the Delhi Developer Group, stated that he is in support of the Delhi Community Plan. He did question however, that staff is requesting to set aside 25% of the medium density within the Bradbury Master Plan area for multi family or apartment housing. He asked the Commission to not adopt the restriction of medium density.

Tracy Meyers, Delhi resident, states that she wants to stay within the Community of Delhi and asked to not allow more delays in this process.

The public hearing closed at 11:51 a.m.

Commissioner Bettencourt asked where the Fire Department is located in town. Planner Robert King responded that the existing location of the Fire Department is approximately in the center of town, but future stations are recommended by them to be on the periphery.

Chairman Sloan stated that the low density zoning near Letteau Avenue would be more appropriate. He doesn't want to see apartments mixed within single family residential.

Planner King answered these could be changed to a medium density.

Chairman Sloan would like to see those two areas low density residential and zoned R-1. Mr. Jantz was asked for his opinion on behalf of the Delhi MAC, who agrees with Chairman Sloan.

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Chairman Sloan explained that he doesn't want to see Item No. 21 of the Delhi Community Plan proposed amendments to read the required percentage to go to a certain type of housing. Commissioner Mobley agreed with Chairman Sloan regarding the percentage of housing restrictions.

Chairman Sloan thanked everyone involved in the Delhi Community Plan update.

MOTION: M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THE CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT ALONG WITH THE FINDINGS OF FACT AND OVERRIDING CONSIDERATIONS. THE PLANNING COMMISSION RECOMMENDS THE ADOPTION OF THE DELHI COMMUNITY PLAN SUBJECT TO THE CHANGES WITHIN THE DELHI COMMUNITY PLAN PROPOSED AMENDMENTS (DCPPA) WITH ITEM 21 READING TO DELETE L.U. MEASURE 3.6.i AND CHANGING THE HIGH DENSITY RESIDENTIAL SOUTH OF LETTEAU AVENUE TO LOW DENSITY RESIDENTIAL. THE PLANNING COMMISSION RECOMMENDS THE PROPOSED REZONING AS PER THE REZONE EXHIBIT MAP BUT WITH THOSE AREAS SHOWN SOUTH OF LETTEAU AVENUE AS R-4 (MULTIPLE FAMILY RESIDENTIAL) BEING REZONED TO R-1 (SINGLE FAMILY RESIDENTIAL). THE PLANNING COMMISSION RECOMMENDS THE AGRICULTURAL PRESERVE AMENDMENT TO WITHDRAW THOSE LANDS AS SHOWN PER THE AGRICULTURAL PRESERVE AMENDMENT MAP.

VI. CORRESPONDENCE

The Fox Hills presentation will be at the May 24, 2006 Planning Commission meeting.

There will be no Planning Commission meeting on May 10, 2006.

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:56 a.m.