



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 17, 2003, 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; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

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. 01009 (Saddle Brook) – Maxwell Construction - To subdivide a 7.4-acre parcel into 21 single-family lots on property located on the south side of Olive Avenue, 530 feet east of Jones Road which is designated as Winton Specific Urban Development Plan Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 22, 2003 meeting. Project Planner Robert Borchard**

B. MAJOR SUBDIVISION APPLICATION No. 03012 – Wathan/Castanos – To divide 237 acres into 346 residential lots of approximately 6,200 to 7,800 square feet each on 97 acres with a remainder of approximately 140 acres, on land designated as Low Density Residential Land use in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5,000 square foot minimum) on property located east of State Highway 33, north of the Delta Mendota Canal and approximately ½ mile south of Henry Miller Road. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the November 19, 2003 commission meeting. Project Planner James Holland**

- C. **ADMINISTRATIVE APPLICATION No. 03101 – Nathan Lewis** – To approve a waiver from the Animal Confinement regulations that all new residences be built at least 1,000 feet from off site dairy facilities. The property is located on the northeast corner of Roosevelt Road and Vineyard Way in the El Nido area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (78 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
- D. **MINOR SUBDIVISION APPLICATION No. 03066 – Alice Peterson** – To divide one 76.4-acre parcel into two parcels: Parcel 1 = 20 acres and Parcel 2 = 56.4 acres. The subject property is located on the northwest corner of Faith Home Road and Swenson Road in the Hilmar area. The subject property is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**
- E. **MINOR SUBDIVISION APPLICATION No. 03057 - Stonecreek Properties** - To divide a 120 acre parcel of land into 4 parcels: Parcel A = 20 acres; Parcel B = 39.6 acres; Parcel C = 40.4 acres; and Parcel D = 20 acres. The subject property is located north of Highway 152, approximately 4000 feet west of Badger Flat Road in the Los Banos area and is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). (120 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**
- F. **ZONE CHANGE NO. 03012 AND MAJOR SUBDIVISION APPLICATION No. 03011 - Self-Help Enterprises (Joe & Mary Terra-Boa)** - To rezone and subdivide a 3.2 acre parcel from R-1 to R-1-5000 and create 19 lots of approximately 5,000 square feet each. The subject property is located on the east side of Hinton Avenue and approximately 400 feet north of Harmony Ranch Drive in the Delhi area. The property is designated as Delhi SUDP Low Density Residential land use in the General Plan and zoned R-1 (Single-Family Residential) (3.2 acres). **TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

VI. **CORRESPONDENCE**

None

VII. **GENERAL BUSINESS**

None

VIII. **DIRECTOR'S REPORT**

None

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 DECEMBER 17, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of December 17, 2003, 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 December 17, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Larry Whitney
 Commissioner Kimberly Clauss
 Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner

Staff Present: William Nicholson, Planning and Community Development
 Director
 Desmond Johnston, Deputy Director
 Kim Lewallen, Recording Secretary
 Bob Borchard, Planning Consultant
 James Holland, Planner III
 Mark Hamilton, Planner I

Legal Staff: Ruben Castillo, County Counsel

Commissioners Absent: Commissioner David Wager

III. APPROVAL OF MINUTES

M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF NOVEMBER 19, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR SUBDIVISION APPLICATION NO. 01009 (Saddle Brook) – Maxwell Construction - To subdivide a 7.4-acre parcel into 21 single-family lots on property located on the south side of Olive Avenue, 530 feet east of Jones Road which is designated as Winton Specific Urban Development Plan Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the October 22, 2003 meeting. Project Planner Robert Borchard**

Deputy Director Desmond Johnston presented the Staff Report and Recommendation dated December 17, 2003.

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

Duane Andrews, Golden Valley Engineering, had no issues with the Conditions, but questioned Condition #16 regarding the landscaping. Bill Nicholson, Planning Director, stated that the project is in the Winton SUDP and all residential subdivisions have street trees in the front yard.

Mr. Nicholson indicated that Planning received a letter from Nellie Madson, a neighbor, who is concerned with the subdivision not having an all-access onto Olive Avenue. Mr. Nicholson also stated that with this application, there will be no issues with traffic.

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

MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION NO. 01009, FROM CEQA.

MOTION: M/S WHITNEY - CLAUSS, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED DECEMBER 17, 2003, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION NO. 01009 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. A final map shall be recorded within two (2) years of the Planning Commission approval date as required by the County Subdivision Code and the State Subdivision Map Act.
2. 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 systems and underground or relocate utilities and irrigation facilities. Improvement Level 1 requirements also apply to Parcel 1 as shown on the Parcel Map No. 3755 for Y.M.G Company, Inc., recorded in Volume 78 of Parcel Maps at Pages 11 and 12, Merced County Records.
3. Release and relinquish all abutters' rights of access to and from the entire Olive Avenue frontage of Lots 1 and 21.
4. Construct a County Standard residential, or offset, cul-de-sac bulb with curb, gutter, sidewalk, and street light at the end of McConnell Avenue to provide direct access to the County park and proposed drainage basin. The County will participate in the construction of the improvements.
5. Replace all irrigation pipelines located within proposed roadbed areas, which do not conform to Merced County Improvement Standards and Specifications.

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6. 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.
7. Provide centerline striping for these new roads, which intersect the existing peripheral streets.
8. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123, 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
9. The Applicant/Owner, upon development of the storm drainage basin and Lots 12, 13 and 14, is required to construct a fence along the MID Frontage outside the MID fee strip.
10. A Storm Drainage Agreement must be executed between the property owner and MID before MID will accept any drainage water from the project. Improvements to MID facilities may also be required for the acceptance of storm water.
11. The proposed storm-water drainage percolation basin shall be constructed to Merced County standard.
12. 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.
13. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
14. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No.1213.
15. The developer shall comply with all the standard condition of approval listed in the Planning Commission Resolution No. 97-1 (a copy was mailed to the developer with the staff report).
16. Prior to recording of the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The location of the street trees shall be shown on the improvement plans.
17. The developer may be required to enter into an Improvement Agreement with Merced County (in conformance with Article 2.5 of Chapter 4 of Division 1 of the Government Code) prior to recording a Final Map to provide necessary infrastructure to the satisfaction of the Merced County Department of Public Works.

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- B. MAJOR SUBDIVISION APPLICATION No. 03012 – Wathan/Castanos** – To divide 237 acres into 346 residential lots of approximately 6,200 to 7,800 square feet each on 97 acres with a remainder of approximately 140 acres, on land designated as Low Density Residential Land use in the Santa Nella Community Specific Plan and zoned R-1 (Single Family Residential) and R-1-5000 (Single Family Residential 5,000 square foot minimum) on property located east of State Highway 33, north of the Delta Mendota Canal and approximately ½ mile south of Henry Miller Road. **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the November 19, 2003 commission meeting. Project Planner James Holland**

This application has been referred back to staff due to water issues and continued to an unknown date.

- C. ADMINISTRATIVE APPLICATION No. 03101 – Nathan Lewis** – To approve a waiver from the Animal Confinement regulations that all new residences be built at least 1,000 feet from off site dairy facilities. The property is located on the northeast corner of Roosevelt Road and Vineyard Way in the El Nido area. The site is designated as Agricultural in the Merced County General Plan and zoned A-1 (General Agricultural) (78 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

This item has been continued to the February 11, 2004 Planning Commission meeting.

- D. MINOR SUBDIVISION APPLICATION No. 03066 – Alice Peterson** – To divide one 76.4-acre parcel into two parcels: Parcels 1 = 20 acres and Parcel 2 = 56.4 acres. The subject property is located on the northwest corner of Faith Home Road and Swenson Road in the Hilmar area. The subject property is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Mark Hamilton**

Planner Mark Hamilton presented the Staff Report and Recommendation dated December 17, 2003.

The public hearing opened at 9:43 a.m.

Larry Bowers, B.C.A, stated that the purpose of the division is to sell to the applicant's grandson and the family has made an agreement not to build any homes on the parcels.

Commissioner Clauss asked if the purpose of this application is for family business? Mr. Bowers replied yes.

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

MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03066, FROM CEQA.

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MOTION: M/S CLAUSS - WHITNEY, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED DECEMBER 17, 2003, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03066 SUBJECT TO THE 4 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 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 owner shall dedicate to the County of Merced, annotated on the parcel map, a 30-foot width (owner's half of a 60-foot road width) of right-of-way for road purpose, on the southerly boundary of Parcel 1 with a 50-foot inside radius at the northwest corner intersection of what are known as Swenson Road and Faith Home Road.
4. The applicant shall provide for the delivery of irrigation water to each proposed parcel by providing easements that allow for the effective service of each parcel from the existing irrigation delivery gate that serves the whole property. In Addition, Turlock Irrigation District standards require the dedication of a 50-foot square easement, centered on the pump, for the maintenance and operation purposes. In addition, a 20-foot access easement from a public road to the pump is required.

E. MINOR SUBDIVISION APPLICATION No. 03057 - Stonecreek Properties - To divide a 120 acre parcel of land into 4 parcels: Parcel A = 20 acres; Parcel B = 39.6 acres; Parcel C = 40.4 acres; and Parcel D = 20 acres. The subject property is located north of Highway 152, approximately 4000 feet west of Badger Flat Road in the Los Banos area and is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). (120 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated December 17, 2003.

The public hearing opened at 9:56 a.m.

The public hearing closed at 9:56 a.m.

Chairman Sloan asked Planner Holland if there was any discussion on splitting the three 40 acres parcels. Planner Holland explained that the submitted design was

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preferred by the applicant and may support agriculture over the long term. William Nicholson, Planning Director explained that all of the land will get developed at some point, but the phases could occur in smaller increments.

Eric Popish, representative for the applicant, indicated that the 4 parcels will be donated to the Merced College in phasing increments.

Commissioner Tanner asked if there is going to be a college built there or will it be only agricultural purposes? Mr. Popish replied that the Merced College is going to build a west side college campus.

Commissioner Clauss asked if the applicant would be in favor of splitting the property into three 40 acre parcels each? Mr. Popish stated that it was set up this way for a longer period of time and for tax purposes.

Mr. Nicholson indicated the property is zoned A-1. This is not an urban designation. The City of Los Banos is working with the developers, Stonecreek Properties, to develop the land to the east of Los Banos Creek and that is the current edge of their sphere of influence. If the property is under the City zoning then the County rules don't apply inside the City limits.

Anne Newans, Dean of the off campus centers for Merced College and Administrator of the current Los Banos campus, stated that plans for construction will be over a 40 year period. The first area will be adjacent to Hwy 152. The back area will be farmed as long as possible.

Mr. Nicholson indicated to Commissioner Tanner that the Los Banos College is not subject to County rules in the permitting process. The County General Plan doesn't allow schools in ag zones.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 03057, FROM CEQA.

MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED DECEMBER 17, 2003, AND MAKES THE 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 03057 SUBJECT TO THE 5 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. The applicant shall comply with all applicable County, State and Federal regulations.
3. The applicants shall submit copies of the site plans for any subsequent development of the land to CalTrans for review and comment.

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4. A Right-To-Farm statement shall be placed on the face of the Parcel Map consistent with Ordinance No. 1213.
5. The 100 foot wide access easement shall be shown on Parcel A to provide access from State Highway 152 to Parcels B through D.

F. ZONE CHANGE NO. 03012 AND MAJOR SUBDIVISION APPLICATION No. 03011 - Self-Help Enterprises (Joe & Mary Terra-Boa) - To rezone and subdivide a 3.2 acre parcel from R-1 to R-1-5000 and create 19 lots of approximately 5,000 square feet each. The subject property is located on the east side of Hinton Avenue and approximately 400 feet north of Harmony Ranch Drive in the Delhi area. The property is designated as Delhi SUDP Low Density Residential land use in the General Plan and zoned R-1 (Single-Family Residential) (3.2 acres). **TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

This item has been continued to the January 28, 2004 Planning Commission meeting due to issues with the roads and cross section design.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

General Plan Steering meeting at 1:30 pm on December 17, 2003 in Room 301.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:14 a.m.