



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**SPECIAL PLANNING COMMISSION AGENDA  
REGULAR MEETING OF NOVEMBER 10, 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. 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.**

**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

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## MINUTES FOR MEETING OF NOVEMBER 10, 2004

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

Staff Present:                 William Nicholson, Planning and Community Development  
                                      Director  
                                      Kim Lewallen, Recording Secretary

Legal Staff:                 Ruben Castillo, County Counsel

Commissioners Absent:     None

### III. **APPROVAL OF MINUTES**

None

### IV. **CITIZEN COMMUNICATIONS**

None

### V. **PUBLIC HEARINGS**

**A. 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.**

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UC Planning Director Robert Smith, Brian Boxer and Woody Tescher of EIP each presented to the Commission the General Plan Amendment on the University Community Plan, and an overview on the Environmental Impact Report.

The public hearing opened at 10:00 a.m.

Lesa Rasmussen, representative for Barbara Matthews, read a letter from Assembly Member Barbara Matthews into the record stating that she expresses her continuing support for UC Merced and urges the approval of the University Community project and the General Plan Amendment.

Ed Hardy, Chairman of the University Community Land Co., stated that he is in favor of this General Plan Amendment. He encouraged the adoption of this UC Plan.

Stacie Dabbs, of Congressman Dennis Cardoza's office, read a letter into the record on Mr. Cardoza's behalf. It states that he is a strong advocate for the development of UC Merced. He feels that UC Merced is first rate education, high quality housing for the students and it provides important revenues for the Virginia Smith Trust. He urged adoption of the UC project.

Bert Crane, 5500 S. Bear Creek in Merced, stated that he is in favor of the General Plan Amendment UC Plan. He handed out a soil map to the Commissioners. He urged approval of the UC Plan.

Lindsay Des Rochers, UC Merced and UC Land Co. Chancellor, stated that the UC is on track to open in Fall of 2005. 7,000 applications have already come in for first 1,000 students. She feels this University is good for the Community of Merced and there is a good planning relationship established already. She is in favor of the General Plan Amendment UC Plan. The Virginia Smith Trust is 50% land owner in the UC land company and will benefit.

Alan Rasmussen, Superintendent for the Merced City School District, stated that this UC is beneficial for the Community. Merced City is a strong supporter of the UC and the UC Community. He is concerned however, that the Draft EIR supplement needs to be revised and updated from 2001. He is also concerned with the unsubstantiated "Less than Significant Impact" Conclusion. He feels the DEIR concludes that the project will have a less than significant impact on the District is not substantiated by the outdated data and analysis contained in the DEIR. Also he is concerned that the Mitigation Measures are not identified. He feels that these operational and administrative measures and their direct and indirect consequences should be evaluated and fully disclosed in a DEIR on the Community Plan. He states that the District believes it is the responsibility of the County to require disclosure of impacts and mitigation measures to the community through the decision making process and the review of environmental documentation. He submitted a letter with his comments.

### 15 MINUTE BREAK

Tim O'Neil, 5980 Sugar Plum Drive in Merced, stated that he is in strong support of the UC Plan. He feels the first phase of development of the University Community will greatly enrich the scholarship fund of the Virginia Smith trust. He commended the County, the Commissioners and the Board of Supervisors for having the vision

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to set a flexible blue print for development. He urged the adoption of the University Community Plan.

Scott Galbraith, of Merced County Economic Development Corporation, is in support of the General Plan Amendment for the University Community Plan. He feels the UC project is well planned.

Robert Fore, Superintendent of the Merced Union High School District, is in favor of the General Plan Amendment University Community Plan, but has the same concerns as the Merced City School District. Full impacts on the schools have not been addressed and he supports the same three measures raised by Merced City Schools. He also submitted a letter.

Don Bergman of the Greater Merced Chamber of Commerce recommended the Board of Supervisors approve this plan. He stated that he is impressed with the careful planning of this University Community Plan.

Terry Bates a representative for the Virginia Smith Trust, stated that the Virginia Smith Trust supports the UC Plan. Expanding scholarships to all students in Merced County has long been a plan and desire of the Trustees. They encourage the Planning Commission to act quickly to approve the plan now under consideration so that detailed specific planning may be in earnest.

Jessica Coleman, of the Building Industry Association of Central California, stated that the development of the UC is one of the single largest and most important stimulus to area economic development since the opening of Castle Air Force Base. They feel that it's clear that the benefits of this project seriously outweigh other considerations and urged the adoption of the amendment to the Merced County General Plan and adopt the UC Plan. She submitted a letter on behalf of the BIA.

Sharon Dicker of Hunt Farms, thanked all that have put together the UC project. She is in support of this University Community Plan and submitted signatures of area landowners in support of this project.

Diana Westmoreland-Pedrozo of the Merced County Farm Bureau read a letter into the record. She asked that the Commission not to make a decision at this time. She feels that Environmental issues were not addressed according to the existing laws of the State of California and Federal Government costing millions of dollars of our General Fund. The Farm Bureau has supported the development of the UC Campus with reassurances that it would have no impact on productive farmland. There are 1,000 acres open for development west of the Campus Parkway and feels the County has not been consistent in their positions. Alternatives have not been discussed realistically and with no 404 permit, the Plan could change. The Farm Bureau objects to the removal of the "phased" development and agricultural mitigation language and intent in the Proposed Revisions to the draft plan, July 2004. She also elaborated on problems with the water supply analysis and conclusions.

Don Larson, Lennar Communities, stated that he recognizes the work that went into the community. He feels that a developer's perspective was missing from the UC Plan. He asked that the UC Plan be endorsed and asked for adoption of the General Plan Amendment University Community Plan.

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Steve Burke of Protect Our Water stated that he will have further comments when he gets a chance to look through all of the documents and the staff report. He said this project was not treading lightly on the land, and the ground water recharge needed to maintain the aquifer has not been completed. He objected to the procedure where no Final EIR is available and the Staff Report was not available until today; and the General Plan Text changes were not available. He asked what the status of the Federal permitting and review process and the 404 process.

Bob Smith of the UC Planning Department explained that the University Community site contains wetlands which are subject to the jurisdiction of the Army Corps of Engineers that require a consultation process with the US Fish & Wildlife Service. The University has submitted a 404 application for the 910 acre campus footprint and concurrently the County has submitted a 404 application for wetland fill for the road serving the University site. The County and the UC have been working together with Army Corps of Engineers and US Fish & Wildlife Service to develop the necessary mitigation program and compensation program to ensure that there would be adequate protection of protected species. The 404 application is under consideration by the Corps.

**Chairman Steve Sloan indicated that the public hearing for the General Plan Amendment on the University Community Plan project and EIR will be continued to the December 1, 2004 meeting.**

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:45 a.m.