



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 11, 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. MINOR SUBDIVISION APPLICATION No. 05062 - Robert and Randy Bailey -**
To divide a 38.96 acre parcel into two parcels; Parcel No. 1 = 23.13 acres and Parcel No. 2 = 15.83 acres. The property is located on the south side of Westside Boulevard; 1,350 feet west of Weir Avenue in the Livingston area on land designated as Agriculture in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Dave Gilbert
- B. MAJOR SUBDIVISION APPLICATION No. 05001 - Cypress Estates No. 3 -** To subdivide a 4 acre parcel into 17 single Family residential lots located on the north side of Walnut Avenue and 300 feet east of Barbera Avenue. The property is designated Low Density Residential in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Jeff Wilson

- 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 JANUARY 11, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 11, 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 9:10 a.m., on January 11, 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 Lynn Tanner – acting Chairman
 Commissioner Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 Kim Lewallen, Recording Secretary
 Dave Gilbert, Planner III
 Jeff Wilson, Planner II

Legal Staff: James Fincher, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman

III. APPROVAL OF MINUTES

M/S MOBLEY - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF DECEMBER 7, 2005.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. 05062 - Robert and Randy Bailey - To divide a 38.96 acre parcel into two parcels; Parcel No. 1 = 23.13 acres and Parcel No. 2 = 15.83 acres. The property is located on the south side of Westside Boulevard; 1,350 feet west of Weir Avenue in the Livingston area on land designated as Agriculture 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 January 11, 2005.

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

Duane Andrews, Golden Valley Engineering, stated that staff did well on the presentation and he asked for approval of this application.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. 05062 FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 11, 2006, AND MAKES THE 15 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 15 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. 05062 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. 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.
3. The property owner shall dedicate to the County of Merced, annotated on the parcel map an additional 10-foot width of right-of-way along the entire frontage of Westside Boulevard to complete the property owner's half of an 80-foot ultimate right-of-way width.
4. Irrigation water delivery shall be ensured to all new parcels and an irrigation easement be provided from the existing irrigation delivery gate serving the whole property if there is not an irrigation delivery gate within each new parcel.
5. The property owner shall not discharge any agricultural drainage water from the property into MID facilities.

- B. MAJOR SUBDIVISION APPLICATION No. 05001 - Cypress Estates No. 3 - To subdivide a 4 acre parcel into 17 single Family residential lots located on the north side of Walnut Avenue and 300 feet east of Barbera Avenue. The property is designated Low Density Residential in the General Plan and zoned R-1 (Single Family Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Jeff Wilson****

Planner Jeff Wilson presented the Staff Report and Recommendation dated January 11, 2005.

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

John McCullough, of BCA, stated that he agrees with the staff report and he asked for approval of this application.

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The public hearing closed at 9:33 a.m.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 05001.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JANUARY 11, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 05001 SUBJECT TO THE 21 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The Final Map, or all map phases, shall be recorded within two years of the Planning Commission approval date.
2. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Winton Water and Sanitary District prior to recordation of the Final Map, or a first phase Final Map.
3. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Winton Water and Sanitary District.
4. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.
5. The temporary cul-de-sac easement at the south end of Chablis Lane shown in Detail "B" on the map of Vintage Estates filed in Volume 28 of Official Plats at Pages 17 and 18, Merced County Records, is no longer needed for temporary turnaround purposes and shall be abandoned with the recording of the final map of Cypress Estates No. 3, Subdivision No. 05001.
6. The developer 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 developer shall construct permanent roadway improvements in place of the temporary turnaround on Chablis Lane.
8. Provide a letter from MID accepting storm drainage from this proposed development into their facilities prior to recording the final map.
9. The detention basin shall be constructed with 4:1 (horizontal: vertical) or flatter slopes beginning 10 feet from the fence or property line and with a 8:1 or flatter sloped ramp from the bottom of the basin to the access point from a County maintained road.
10. Prior to recordation of the final map, the owner shall pay all costs and

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provide all documents necessary to from a street lighting and storm drainage maintenance zone of benefit in County Service Area No. 1. If landscaping is required along the Chablis Lane frontage of the storm drainage detention basin, the zone of benefit shall include landscape maintenance.

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 developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.
13. Due to the unpredictable performance of storm drainage percolation basins, the Developer shall ensure function to minimum County standards within two years of acceptance of the subdivision improvements (recording date of the Notice of Completion) by one of the following methods prior to recordation of the final map:
 - a. Reserve one abutting residential lot by entering into a construction agreement with the County, provide security and plan check and inspection fees, for expansion of the basin into the reserved lot; or:
 - b. Locate the basin adjacent to a Merced Irrigation District facility with confirmation to accept storm water runoff from the subdivision by entering into construction agreements with the County and MID, provide security and plan check and inspection fees, for installation of a storm water pump station; or:
 - c. If recommended by the geotechnical engineer, enter into a construction agreement with the County, provide security and plan check and inspection fees, to significantly over –excavate the basin and backfill with select highly permeable import material.
 - d. The developer shall be responsible for all costs associated with the design, plan check, construction, and inspection for storm drainage basin modifications if the percolation basin does not function to minimum County standards.
14. The acceptance of storm water from the project site into MID facilities must be met by the developer including, but not limited to, the following:
 - a. Extend the irrigation box as needed
 - b. Installation of a combination gate at the inlet to the pipeline
 - c. Other improvements as needed.
15. The 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, and 124). For information and direction, contact the State Water Resources

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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.

17. The developer shall pay the local parkland dedication and improvement fees as required by County Ordinance No. 1090 prior to recording the final map.
18. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.
19. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1
20. At the same time that Improvements Plans are submitted, the developer shall provide the Merced County Planning Department with a set of landscaping plans that shall provide for the installation of a fence and a landscaping screen around the proposed storm water detention basin that also includes landscaping along the frontage of the basin along Chablis Lane.
21. For the purpose of condition monitoring, a fee in the amount of **\$288** shall be required. The fee shall be paid prior to recordation of the Final Map.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

The request for applications being submitted on the General Plan update has a deadline date for January 20, 2006.

The Board of Supervisors continued the appeal for Minor Subdivision No. 05029 – Medeiros to 30 days.

The Board of Supervisors unanimously approved the yellow alignment for the Campus Parkway project EIR.

VIII. DIRECTOR'S REPORT

General Plan Steering meeting will be held on January 25, 2006 following the regular Planning Commission meeting.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 a.m.