



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JULY 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. MAS06-006 - "Santa Nella Village 1 & 2 - West" - D.R. Horton INC - To build an 881 residential lot subdivision for single family residences in 8 phases, on 350 acres located 300 feet west of Highway 33 and south of Luis Ave in the Santa Nella area. The project site is designated Santa Nella CSP - Low Density Residential land use in the General Plan and zoned R-1 and R-1-5000 (Single Family Residence). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK/kl****

**B. ZONE VARIANCE APPLICATION No. ZV06-002 - Iraj Safapour / Signtech - To vary from the maximum allowable sign height of 20 feet, to permit an illuminated 60 foot freeway sign at an existing service station on a 2.2 acre parcel located at the corner of August Road and Stephens Street on land designated as Delhi SUDP - General Commercial land use in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK/kl****

- C. **MAJOR SUBDIVISION APPLICATION No. MAS04-016 – ‘Braga Ranch’** – To divide three parcels totaling 19.7 acres into 14 residential building lots of between 1 acre and 2.5 acres in size. The properties are located at the northeast corner of the intersection of Station Avenue and Elliott Avenue in the Atwater RRC #1, designated Atwater RRC in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**  
JH/ki

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 JULY 26, 2006**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of July 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 9:10 a.m., on July 26, 2006, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Steve Sloan-Chairman  
                                         Commissioner Lynn Tanner  
                                         Commissioner Gloria Bettencourt  
                                         Commissioner Rudy Buendia

Staff Present:                      Robert Lewis, Development Services Director  
                                         William Nicholson, Assistant Development Services Director  
                                         Kim Lewallen, Recording Secretary  
                                         Robert King, Planner III  
                                         James Holland, Planner III

Legal Staff:                        Robert O'Rourke, Deputy County Counsel

Commissioners Absent:        Commissioner Jack Mobley

**III. APPROVAL OF MINUTES**

**M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JUNE 28, 2006 AND JULY 12, 2006 WITH A MODIFICATION BEING MADE TO THE JUNE 28<sup>TH</sup> MINUTES ON ITEM A, CONDITION #8.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      MAJOR SUBDIVISION APPLICATION No. MAS06-006 - "Santa Nella Village 1 & 2 - West" - D.R. Horton INC - To build an 881 residential lot subdivision for single family residences in 8 phases, on 350 acres located 300 feet west of Highway 33 and south of Luis Ave in the Santa Nella area. The project site is designated Santa Nella CSP - Low Density Residential land use in the General Plan and zoned R-1 and R-1-5000 (Single Family Residence). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK/KI****

Planner Robert King presented the Staff Report and Recommendation dated July 26, 2006.

The public hearing opened at 9:21 a.m.

Bob Azmen, Gustine resident, asked for the final approval.

## MERCED COUNTY PLANNING COMMISSION

Minutes – July 26, 2006

Page 2

Regina Chavez, Santa Nella resident, stated that they are excited about the growth in Santa Nella. She does have concerns with the size of the Fire Department, Sheriff Department and asked will these concerns be met before approving this project. There is a problem with no parks for the residences as well. She would like to see this as a positive growth for the residents there currently.

Greg Arnaudo, applicant, asked for support of this application. The parks are being scheduled. They do need more grocery stores and they intend to develop as the homes come in.

Commissioner Tanner asked if they are in negotiations with the school district. Mr. Arnaudo, stated that they are still working out the details and are still meeting with the school district.

Planner Bob King stated that Condition #2 does require the applicant to pay school impact fees or any fees reached by agreement with the developer.

Chairman Steve Sloan asked when they will build the parks for the subdivision. Planner King stated they are required to start building when they get their final map. The map is approved for a 2 year period. Chairman Sloan asked if this is prior or after the building permit.

Bill Nicholson, Assistant Development Services Director, stated that there is no specific requirement for the timing for when the park goes in, but the parks are in dual usage with the drainage basins. They can't do grading until they get the mitigation approvals. The kit fox resolution and the sewer plant are needed for the grading to start. They need a letter from the Fish & Wildlife first stating that they have met the requirements. A condition could be added stating that.

John Andreotti, stated that he is working with the applicant and the parks are being built currently for Phase IV. He states that they have US Fish & Wildlife Service approval for that phase. The residents will have a temporary park. They are in the process now building Phase 4.

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

Mr. Nicholson stated that Condition #11 discussing the park basins can be modified to have a timing mechanism for the permit phase.

Chairman Sloan concern is that the parks are completed in a timely manner and not at the end of the build out. Staff needs to work on those concerns with the Commission. Mr. Nicholson would like to coordinate with the Public Works/Road Division on those concerns.

Curt Royer, Public Works/Road Division, stated that they can add in the requirement in their agreement with the developer. They can add in the agreement that the park be done with the storm drain basin.

Chairman Sloan is concerned about 200 homes being built without a park. He would like this item to being continued to the next Planning Commission meeting to allow discussion on the park plans.

**This item was continued to the August 9, 2006 meeting.**

- B. ZONE VARIANCE APPLICATION No. ZV06-002 - Iraj Safapour / Signtech - To vary from the maximum allowable sign height of 20 feet, to permit an illuminated 60 foot freeway sign at an existing service station on a 2.2 acre parcel located at the corner of August Road and Stephens Street on land designated as Delhi SUDP - General Commercial land use in the General Plan and zoned C-2 (General Commercial). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.**  
**BK/kl****

Planner Robert King presented the Staff Report and Recommendation dated July 26, 2006.

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

Iraj Safapour, applicant, stated his business helps generate income for the County. He asked for approval of this application.

The public hearing closed at 10:01 a.m.

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE APPLICATION No. ZV06-002 FROM CEQA.**

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 26, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES ZONE VARIANCE APPLICATION No. ZV06-002 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The variance allows installation of a 60 foot high and 340 square foot sign as indicated on the approved plot plans and elevation plans.
2. Additional signs, including directional and identification within the property, shall be consistent with Chapter 18.42 "Sign Regulations" of the Merced County Zoning Code.
3. For the purpose of conditions monitoring, an inspection fee in the amount of \$196 shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant/ property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
4. The applicant shall conform to the standard requirements of Planning Commission Resolution 97-1.

**Public Works Department\Roads Division Recommendations:**

5. All existing or future signs and overhangs shall not be located with Merced county road right-of-ways and/or Public Utility Easements (PUE). A California licensed Land surveyor or Civil engineer should verify proper placements of the signs.

**C. MAJOR SUBDIVISION APPLICATION No. MAS04-016 – ‘Braga Ranch’ – To divide three parcels totaling 19.7 acres into 15 residential building lots of between 1 acre and 2.5 acres in size. The properties are located at the northeast corner of the intersection of Station Avenue and Elliott Avenue in the Atwater RRC #1, designated Atwater RRC in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH/ki****

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

The public hearing opened at 10:25 a.m.

Curt Royer, Public Works/Road Division, asked that a modification be made to Condition #8 in the staff report so that it reads “storm runoff from Phase II”.

Garth Pechennino, Fremming, Parsons & Pechennino, concurs with the modification to Condition #8.

The public hearing closed at 10:27 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. MAS04-016.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 26, 2005, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. MAS04-016 SUBJECT TO THE 14 CONDITIONS WITH MODIFICATION BEING MADE TO CONDITION #8 IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. The developer shall submit a Dust Control Plan to the SJVUAPCD in order to comply with Regulation VIII Rule 8021 for earth moving operations for residential projects greater than 10 acres in size. This plan should provide for the maintenance of daily records. The applicant should refer to the April 2004 U.S. Environmental Protection Agency Region 9 finalized approval of the San Joaquin Valley 2003 PM-10 Plan as meeting the Clean Air Act requirements for serious PM-10 nonattainment areas.

## MERCED COUNTY PLANNING COMMISSION

Minutes – July 26, 2006

Page 5

3. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map.
4. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$490.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

### Public Works

5. The 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, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
6. Lindsay and Nathan Courts are duplications of existing Merced County road names and shall be changed to the satisfaction of the Department of Public Works and the Fire Department.
7. The developer shall pay the adopted or revised Atwater RRC #1 Bridge and Major Thoroughfare Area of Benefit fee in effect at the time of building permit issuance.
8. The developer shall relocate the storm drainage basin to the northeast corner of the property for future expansion with development of the Remainder as shown on the Parcel Map for Francis and Helen Thompson, Minor Subdivision Application No. MS03-052, recorded in Volume 96 of Parcel maps at Pages 15 and 16, Merced County Records. Stormwater runoff from Phase II from the subdivision shall not be discharged into the Buhach Road or Orchard park percolation basins. To accommodate relocation of the onsite storm drainage basin, and to prevent a decrease in the final number of lots, the street configuration may be adjusted by shortening the length of the cul-de-sacs and placing 300-foot centerline radius horizontal curves in the roadways.
9. The private irrigation ditch alongside the northern and eastern boundaries of the property shall be pipelined with subdivision improvements and located within an easement for benefit of all downstream irrigators specifically identified by legal property description. The developer's engineer shall identify all downstream irrigators legally entitled to water rights through research of Merced irrigation District records and field investigation.
10. 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.
11. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.

12. 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 Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

Environmental Health

13. Special design onsite 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.
14. The Applicant/Developer shall join or form a Zone of Benefit for the subdivision project for the purpose of monitoring the operation and maintenance of the new onsite sewage treatment systems.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

A General Plan Update meeting was held in Hilmar to take comments from the public regarding the update. The next General Plan update meeting will be held with the McSwain MAC on July 27<sup>th</sup>.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 10:39 a.m.