



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 9, 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. Continued from the July 26, 2006 meeting. BK/kl**

B. ZONE VARIANCE APPLICATION No. ZV06-005 - Bob Ayers - To allow reduced side yard and rear yard setbacks of 10 feet each, allowing a 5 foot side yard setback and a 15 foot rear yard setback to build a Caretaker's Unit on property located on the east side of Country Club Place and 600 feet north of Old Lake Road in the Merced area. The project site is designated Merced Rural Residential Center # 1 land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/kl**

- C. **MINOR SUBDIVISION APPLICATION No. MS06-025 - Suzanne Solvin** - To create four 20 acre parcels from 2 parcels totaling 80 acres for financial planning purposes. The project site is located on the west side of Griffith Avenue and one quarter mile south of Westside Boulevard in the Livingston area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB/ki**

- D. **CONDITIONAL USE PERMIT No. CUP05-027 – Cingular Wireless** - To install a 150' tall 'Windmill' style wireless telecommunication tower on a 564 acre parcel located east of Snelling that overlooks the Merced River and Merced Falls Road. The property is designated Agricultural in the General Plan and zoned A-2 (Exclusive Agricultural) (564 acres). **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 AUGUST 9, 2006

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of August 9, 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 9:06 a.m., on August 9, 2006, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Lynn Tanner
 Commissioner Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 Bill Nicholson, Assistant Development Services Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III
 David Gilbert, Planner III
 Gene Barrera, Planner II

Legal Staff: Walter Wall, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman
 Commissioner Jack Mobley

III. APPROVAL OF MINUTES

M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JULY 26, 2006.

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. Continued from the July 26, 2006 meeting. BK/kl**

Planner James Holland presented the Staff Report and Recommendation dated August 9, 2006.

The public hearing opened at 9:14 a.m.

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Tony Marshall, MCR Engineering, stated that he has resolved issues and agrees with the added Condition #20 regarding the parks being built in the area. He states that the quality of this subdivision is important to the applicant.

Bob Acustis, Gustine Unified School, stated that he is in agreement with this application.

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

Commissioner Bettencourt asked who is responsible for the maintenance and upkeep of the parks.

Curt Royer, Public Works/Road Division, explained that there will be an assessment to the homeowners and that will be paid to the County Parks & Recreation, so the County will take care of the park maintenance.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR SUBDIVISION APPLICATION No. MAS06-006 FROM CEQA.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 9, 2005, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. MAS06-006 SUBJECT TO THE 20 CONDITIONS WITH THE ADDITION OF CONDITION #20 BEING ADDED AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall pay the school impact fees legally adopted by the Gustine Unified School District, or any fees reached through agreement with the developer.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service, and State Department of Fish & Game.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with "Can and Will Serve Letters" from the Santa Nella County Water District.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. A condition monitoring fee of **\$490.00** shall be required prior to the recordation of the Final Map.

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Public Works\Roads Division Requirements

7. 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.
8. Release and relinquish all abutters' rights of access to and from the entire Centinella Drive and Bay View Road frontage of all adjacent lots.
9. Street names shall be approved by the Department of Public Works and the Fire Department with designated pattern pursuant to Section 17.04.050.B of the Merced County Code.
10. Provide all documentation and pay all fees associated with annexing the property into the Santa Nella Street Lighting Zone of Benefit No. 400 and Santa Nella Village Storm Drainage Zone of Benefit No. 407 in County Service Area No. 1. The developer shall provide all documentation and pay all fees associated with forming a landscaping maintenance zone of benefit and a road maintenance zone of benefit in County Service Area No. 1.
11. Dual-use park/basins shall have side slopes varying from 5:1 (horizontal:vertical) or flatter with an 8:1 or flatter ramp to the bottom of the basin. Picnic areas, playground equipment or tot lot areas, and drinking fountain shall be placed above, or outside of, inundation from the 10-year 24-hour storm event. Park plans shall be prepared by a licensed landscape architect also responsible for certifying the installation as complying with the U.S. Consumer Product Safety Commission "Handbook for Public Playground Safety."
12. If percolation is proposed as the method of storm water disposal, the developer shall provide adequate two (2) year warranty security from recordation of Notice of Completion for an alternate disposal method which could include reserving adjacent residential lots for facility expansion.
13. Prior to the recordation of any final map within 300 feet of the "Gas & Petroleum Line Easement," the developer shall retain a qualified State of California registered engineer or geologist to perform an investigation to assess the presence of petroleum hydrocarbon impacted soil and/or groundwater within said area.
14. The design of the Centinella Drive Bridge over the San Luis Wasteway shall be completed, and all affected agency permits obtained, prior to the recordation of Phase 4 and/or Phase 5 final maps to ensure adequate right of way is provided to contain the bridge and embankment slopes. The bridge design shall be completed prior to the construction of the intersection of Bay View Road and Vera Cruz Drive. Centinella Drive Bridge construction must be completed prior to the issuance of any building permit for a single family dwelling within Phase 7 with the concurrence of the Fire Department.
15. Prior to the issuance of any building permit for a single family dwelling within Village 2, Bay View Road shall be reconstructed and extended from State Highway 33 to Centinella Drive. The actual cost of reconstructing Bay View Road east of Vera Cruz Drive shall be credited towards the Santa Nella Community Specific Plan Bridge and Major Thoroughfare Fee obligation.
16. 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.

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17. Provide centerline striping for those new roads which intersect the existing peripheral streets.
18. Developer/owner is advised that he/she shall 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, or visit their website at www.swrcb.ca.gov.
19. Developer/owner is advised that he/she shall comply with the requirements of the San Joaquin Valley Air Pollution Control District's Regulation VIII – Fugitive PM10 Prohibitions for construction, demolition, excavation, extraction, and other earthmoving activities. For information and direction, visit the District's website at www.valleyair.org or call (209) 557-6400.
20. The project shall be developed according to the revised phasing plan. Phase 1 of Village I shall be constructed first, with no certificates of occupancy being issued within Phase I until the park is constructed to the satisfaction of the Parks and Recreation Department. Building permits for subsequent phases of Village I shall not be issued until at least 75% of the building permits for the previous phase have been issued. Village II shall be only be developed when at least 50 % of the building permits for Village I have been issued. Within Village II, Phase 7 shall be constructed first and no certificates of occupancy shall be issued within Phase 7 until the park is constructed to the satisfaction of the Parks and Recreation Department. Building permits for subsequent phases of Village II shall not be issued until at least 75% of the building permits for the previous phase have been issued.

- B. ZONE VARIANCE APPLICATION No. ZV06-005 - Bob Ayers - To allow reduced side yard and rear yard setbacks of 10 feet each, allowing a 5 foot side yard setback and a 15 foot rear yard setback to build a Caretaker's Unit on property located on the east side of Country Club Place and 600 feet north of Old Lake Road in the Merced area. The project site is designated Merced Rural Residential Center # 1 land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG/kl****

Planner David Gilbert presented the Staff Report and Recommendation dated August 9, 2006.

The public hearing opened at 9:24 a.m.

No one spoke in favor or opposition to this application.

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

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE APPLICATION No. ZV06-005 FROM CEQA.

MOTION: M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 3 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED AUGUST 9, 2006, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES ZONE VARIANCE APPLICATION No. ZV06-005

SUBJECT TO THE 2 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. This variance allows the reduction to the side yard setback from 15 feet to 5 feet and rear yard setback from 25 feet to 15 feet as shown on the plot plan.

Merced Irrigation District (MID)

2. The property owner shall obtain a “Non-exclusive Driveway License Agreement” for all new and existing crossings over or under any MID facility, including driveways, utilities, and pipelines.

- C. MINOR SUBDIVISION APPLICATION No. MS06-025 - Suzanne Solvin - To create four 20 acre parcels from 2 parcels totaling 80 acres for financial planning purposes. The project site is located on the west side of Griffith Avenue and one quarter mile south of Westside Boulevard in the Livingston area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. GB/ki****

Planner Gene Barrera presented the Staff Report and Recommendation dated August 9, 2006.

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

Garth Pechennino, Fremming, Parsons & Pechennino, asked for approval of this application. He is requesting the subdivision for financial planning and he states that an onsite pipeline is there currently to service the proposed 4 parcels. He also stated that the property to the west was approved last year as a subdivision.

The public hearing closed at 9:35 a.m.

Commissioner Bettencourt stated that she has a problem with splitting this parcel into four 20 acre parcels. The Commissioner agreed to continue this application to allow a full quorum vote for this project.

This application has been continued to the August 23, 2006 meeting to allow a full quorum vote.

- D. CONDITIONAL USE PERMIT No. CUP05-027 – Cingular Wireless - To install a 150’ tall ‘Windmill’ style wireless telecommunication tower on a 564 acre parcel located east of Snelling that overlooks the Merced River and Merced Falls Road. The property is designated Agricultural in the General Plan and zoned A-2 (Exclusive Agricultural) (564 acres). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH/ki****

At the request of the applicant, this application has been continued to the October 11, 2006 meeting.

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None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

The General Plan update meetings will be held in Snelling on Wednesday the 9th of August and in Delhi on Thursday the 10th of August. A list of the workshop days and times are available on the County website.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:43 a.m.