

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF APRIL 23, 2008

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 23, 2008, are available online at www.co.merced.ca.us/planning/plancomarchive.html.

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 April 23, 2008, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Acting Chairman - Commissioner Lynn Tanner
 Commissioner Cindy Lashbrook
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman
 Commissioner Jack Mobley

II. APPROVAL OF MINUTES

M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MARCH 26, 2008.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. 1ST EXTENSION No. EXT08-006 TO MAJOR SUBDIVISION APPLICATION No. MAS02-018 - "Vista del Lago" - To extend the expiration date of the tentative subdivision map to February 8, 2009. The project is located on the east side of Golf Road approximately one-half mile north of Bellevue Road in the Merced area. The property is designated Merced Rural Residential Center # 1 land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. LF****

Planner Lona Franklin presented the Staff Report and recommendations of approval dated April 23, 2008.

Commissioner Lashbrook asked if the School Districts concerns have been met.

Bill Nicholson, Assistant Development Services Director, stated that there was a time that School Districts were asking for more than the State authorized fee on Prop 50 requiring building permits. Requiring school fees as authorized by the State

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is adequate mitigation and doesn't require further mitigation. It's not a significant impact if you meet that threshold.

The District was trying to leverage an opposition on the project appeal, but there were no grounds for it. The land to the north across from Lake Road is part of a new plan effort called Yosemite Lake Estates and that is not a permanent easement.

The public hearing opened at 9:23 a.m.

Garth Pecchenino, with Fremming, Parsons & Pecchenino, stated that the applicant is in agreement with all the conditions in the staff report and he asked for approval of this application.

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

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CERTIFIES THAT THE PREVIOUS FINAL ENVIRONMENTAL IMPACT REPORT IS STILL VALID FOR 1ST EXTENSION No. EXT08-006 TO MAJOR SUBDIVISION APPLICATION No. MAS02-018.

MOTION: M/S LASHBROOK - BUENIDA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS OF APPROVAL DATED APRIL 23, 2008, AND MAKES THE ORIGINAL 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE ORIGINAL 12 FINDINGS, APPROVES 1ST EXTENSION No. EXT08-006 TO MAJOR SUBDIVISION APPLICATION No. MAS02-018 SUBJECT TO THE 27 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced Irrigation District

1. The existing barbed wire fence along the eastern property boundary (abutting Yosemite Dam) shall be replaced, with a chain link fence or block wall of at least six feet in height, for health and safety purposes.
2. No subdivision roads shall be constructed within Merced Irrigation District (MID) fee strips, except perpendicular crossings over canals, under license agreements with the MID.
3. Any crossings over or under MID facilities will require the applicable agreements or easements between MID and the property owner.
4. A signature block for MID shall be placed on the development's Improvement Plans.
5. The developer shall meet and confer with representatives of the MID regarding MID easements that impact the subject property and methods of mitigating their impact on the project.

Division of Environmental Health

6. The developer shall perform soils analysis and percolation tests for each proposed lot. The tests shall be conducted at each proposed septic system

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location and the results submitted to the Division of Environmental Health prior to recording the final map.

7. The use of specially designed onsite sewage treatment systems, which the property owner must operate/maintain, is required. These systems shall release an effluent concentration of less than 10 mg/l of total nitrogen.
8. A Zone of Benefit shall be formed to monitor the operation and maintenance of the new onsite sewage treatment systems.

San Joaquin Valley Air Pollution Control District

9. Prior to the commencement of construction, the applicant shall submit a Dust Control Plan to the San Joaquin Valley Air Pollution Control District. Information on this requirement, together with information on any other rules or regulations that may apply to this proposal, can be obtained from the District's Small Business Assistance Office at (209) 557-6446.

Department of Public Works/Roads Division

10. The project 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.
11. Developer/Applicant shall provide a letter from MID accepting storm drainage water from this proposed development into the 'Tower Lateral' prior to recording the final map.
12. 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.
13. Developer/Applicant shall provide centerline striping for those new roads which intersect the existing peripheral streets. This striping shall extend for a minimum of 200 feet from the intersection, or continue to the next intersection, as deemed appropriate.
14. Developer/Applicant shall acquire, and shall dedicate to the County, additional right-of-way at the intersection of each proposed access onto Golf Road and Old Lake Road, sufficient to provide a 35 foot fillet radius for each turn.
15. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but

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is not limited to, street sweeping.

16. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
17. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.
18. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.
19. The project shall pay its fair share of roadway impact fees that may be adopted for the region at the building permit stage of project development. If a roadway impact fee has not been adopted at the time of building permit issuance, the developer shall pay \$500.00 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study of the Merced Rural Residential Center No. 1 area until such time as a roadway impact fee is adopted.
20. 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, or visit their website at www.swrcb.ca.gov.

Department of Public Works/Parks & Recreation

21. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map.

Planning and Community Development Department

22. Approval of this extension shall extend the period of time for recording the final map for one year to expire on February 8, 2009. This condition replaces Condition #1 in the February 8, 2006 report.
23. The project shall comply with all applicable local, state and federal regulations, including but not limited to County Fire, Health, Planning and Public Works Departments.
24. The applicant shall comply with all of the applicable standard conditions of approval listed in Planning Commission Resolution 97-1.
25. All mitigation measures identified in the Environmental Impact Report are adopted and incorporated by reference as project conditions.
26. The applicant shall make all other site improvements and comply with the lot development standards provided in the Merced County Zoning Code.

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27. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$490** shall be required. This fee shall be paid prior to recordation of the Final Map.

B. HILMAR COMMUNITY PLAN UPDATE – CP07-004 - Merced County - To recommend Certification of the Final Environmental Impact Report (FEIR); adoption of the Hilmar Community Plan update, an amendment of the Merced County General Plan; related rezonings; and withdrawal of land from the Merced Agricultural Preserve, in an area generally located east of Scholar Way, west of TID Lateral 7, and extending 1/4 north of American Avenue and 1/4 mile south of Geer Avenue. **TO RECOMMEND THE BOARD OF SUPERVISORS CERTIFY THE EIR AND APPROVE, MODIFY OR REJECT THE PROPOSED COMMUNITY PLAN AND ACTIONS. BK**

Planner Robert King presented the Staff Report and recommendations of approval dated April 23, 2008. Alfredo Castillo, Project Manager for the Hilmar Community Plan update also gave a brief presentation of elements of the Plan.

The public hearing opened at 10:05 a.m.

Bernie Hine, Ripon, CA, had a concern with the Hilmar County Water District and the County's desire to assess additional fees for developers to pay for infrastructure. There is no value in Hilmar and won't be for some time. Developers are suffering through the downside of the housing market and it will take some time to recover. Contributing factors are the extreme amount of foreclosed homes and bank owned properties. The public builders are continuing to build homes despite the fact that they're reducing prices to sell below actual costs. Camden Road extends beyond the plan area up to August Road and takes development beyond the boundary of the developed area, so that allows a public street beyond the planned area to August Avenue. He asked how that will get funded. He said he is available to answer questions the Commission may have for him.

Jerry Morrison, Hilmar resident for 28 years, stated that he has been involved with this project since the beginning and has given the Planning Department a petition signed by residents and business owners that ask for land included above the Hilmar plan. He owns property just above the Hilmar plan and says his land is divided and they want to bring the line through his property and wants to have that changed. There is one gas station in town and it is more expensive than nearby Stanislaus County. They are being forced to drive to Stanislaus County to spend money on groceries that are cheaper. He wants to spend his money in Merced County, not Stanislaus County.

Senior Planner Bob King stated that variations of land to the north have alternatives as land was developed and that is what was followed for the last 2 years. To expand the plan at this point would mean to make changes to the Plan all over again. A new Environmental Impact Report would need to be created to look at the impacts to address the additional traffic issues. As for Camden Avenue, that does not mean it will get built right away. It shows where the future alignment will be, and only gives notice for the road to be built in the future. He noted that at the Hilmar MAC meeting, Mr. Morrison had asked that the line be moved and the Hilmar MAC members did not support the motion to make the change.

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Commissioner Lashbrook asked if this plan addresses the opportunity to possibly have a shopping center built. Mr. King said there is commercial development at Bradbury and Hwy 99 and that will allow keeping tax dollars in Merced County.

Mr. Morrison said that there is confusion. He is speaking of the canal which is about 8 acres and shouldn't require environmental review. He wants three parcels east of Camden Road to go through, which is only part of his land.

Adrienne Graham, EIR preparer, stated that the Environmental Impact Report did not cover the land outside the boundary. Additional work to determine how any revisions to the boundaries would change the environmental analysis would have to be looked at. A number of significant impacts have been identified such as impacts on traffic, loss of ag land, any expansions of the boundaries and air quality. All the land to the north of the proposed boundary is considered important farmland, so it will increase the severity of the impact that is the loss of farmland in the area.

The public hearing closed at 10:24 a.m.

Commissioner Lashbrook asked if the Mixed Use zoning would delay the Plan since the General Update Plan is in process.

Bill Nicholson, Assistant Development Services Director, said there would be no delay in the use by using existing Commercial/Industrial and Residential zoning.

Commissioner Buendia asked if Mr. Morrison's issues have been raised repeatedly or are they new issues. Planner Bob King said that he has brought up issues repeatedly since 2004.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES TO UPDATE AND CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR HILMAR COMMUNITY PLAN - CP07-004.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS OF APPROVAL DATED APRIL 23, 2008, AND RECOMMENDS THE BOARD OF SUPERVISORS ADOPT THE HILMAR COMMUNITY PLAN - CP07-004.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

Marjorie Kirn, Deputy Director, with Merced County Association of Governments, gave a presentation on the eight San Joaquin Valley Councils of Government, working with the Great Valley Center, prepared a Regional Blueprint Plan that addresses transportation, land use, housing, economic development, environmental and other local and regional issues, important to the Valley and gave an update of the Blueprint Process, identified opportunities and challenges that exist, and what can be done to support positive changes in the Valley.

Bill Nicholson, Assistant Development Services Director said there will be a Joint Study Session between the Board of Supervisors and Planning Commissioners on May 13, 2008 at 1:30pm regarding the General Plan Update policies. There will also be another Joint Study Session on July 1,

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2008 at 1:30 p.m. which both sessions will be open for public comments. There will be a press release and the proper notices will be mailed and advertised. The next series of focus group meetings will take place in late August 2008.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:40 a.m.