

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COMMISSIONERS
4. APPROVAL OF MINUTES
  - 4.I. Merced Planning Commission Meeting Minutes 7/12/2023

Documents:

[2023-07-12 PLANNING COMMISSION MINUTES ROUGH DRAFT.PDF](#)

5. CITIZEN COMMUNICATIONS
6. PUBLIC HEARING(S)
7. COMMISSION ACTION ITEM(S)
8. DIRECTOR'S REPORT
9. COMMISSIONER'S COMMENT
10. ADJOURNMENT
11. PRINTABLE (PDF) AGENDA
  - 11.I. Merced Planning Commission Meeting Agenda 8/9/2023

Documents:

[PLANNING COMMISSION AGENDA 2023-AUGUST-9-TSH.PDF](#)

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF JULY 12, 2023**

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The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of July 12, 2023 are available online at <https://www.countyofmerced.com/411/Planning-Commission>.

**I. CALL MEETING TO ORDER**

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:00 a.m., on July 12, 2023, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. PLEDE OF ALLEGIANCE**

**III. ROLL CALL OF COMMISSIONERS**

Commissioners Present: Commissioner Mark Erreca (Chairperson)  
Commissioner Jack Mobley (Vice Chairperson)  
Commissioner Fernando Aguilera

Staff Present: Steve Maxey, Director  
Tiffany Ho, Deputy Director  
Valeria Renteria, Planner I  
Danielle Bettencourt, Recording Secretary

Legal Staff: Jenna Anderson, Chief County Counsel  
Michael Profant, Deputy County Counsel

Commissioners Absent: Commissioner Kurt Spycher

**IV. APPROVAL OF MINUTES**

Approval of minutes from the June 28, 2023 meeting.

**MOTION: M/S MOBLEY / AGUILERA AND CARRIED BY A VOTE OF 3-0, THE PLANNING COMMISSION APPROVE MINUTES FROM THE JUNE 28, 2023 MEETING.**

**V. CITIZENS COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

- A. EXTENSION APPLICATION No. EXT23-002 to MAJOR SUBDIVISION No. MAS13-002 – BHUPINDER SAHOTA “FLEMING HILLS” – 4th EXTENSION** – A request to extend the expiration date of the tentative map for Major Subdivision No. MAS13-002 by two (2) years, from April 24, 2023 to April 25, 2025, pursuant to Merced County Code (MCC) Sections 17.08.030 and 18.130.080. MAS13-002 (“Fleming Hills”) is a 24-lot residential subdivision, each lot being at least 1 acre in size. The project site is located at the

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southwest corner of West Fleming Road and North Herrod Avenue in the Atwater area, identified as Assessor Parcel Number (APN) 207-081-009. The project site is designated Atwater Rural Residential Center land use in the General Plan and zoned R-R (Rural Residential). CEQA: Staff recommends the Planning Commission find that no further environmental review is required pursuant to Section 15162 (“Subsequent EIRs and Negative Declarations”) of the CEQA Guidelines. **VR**

**RECOMMENDATION(S):**

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 (“Subsequent EIRs and Negative Declarations”) of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT23-002 based on the findings included in the staff report.

Planner I, Valeria Renteria, presented the staff report and recommendations for approval with conditions.

The public hearing opened at 9:06 a.m.

Representative on behalf of the applicant, with Fremming, Parson & Pecchenino came forward for public comment and noted he was available for any questions.

The public hearing closed at 9:07 a.m.

**MOTION: M/S MOBLEY - AGUILERA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DETERMINE THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 (“SUBSEQUENT EIRs AND NEGATIVE DECLARATIONS”) OF THE CEQA GUIDELINES.**

**MOTION: M/S MOBLEY - AGUILERA AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES EXTENSION APPLICATION No. EXT23-002 BASED ON THE FINDINGS INCLUDED IN THE STAFF REPORT AND SUBJECT TO THE RECOMMENDED CONDITIONS OF APPROVAL.**

- B. GENERAL PLAN AMENDMENT No. GPA21-002 / ZONE CHANGE No. ZC21-003 / PLANNED DEVELOPMENT No. PD21-001 – University Community Plan Amendment & “Virginia Smith Trust Specific Plan” – Virginia Smith Trust – A request to amend the University Community Plan (UCP) to (1) modify the plan boundary removing 468.7-acres owned by the University of California, Merced (UCM) and add 176.76-acres to encompass the full Virginia Smith Trust (VST) Specific Plan, (2) revise the policy plan to reflect current conditions, regulations, and best practices; and (3) amend the land use and circulation diagram to reflect the land uses proposed within the VST Specific Plan and establish the alignment of Campus Parkway through the plan area to its ultimate connection to Bellevue Road to complete the eastern side of the Merced-Atwater perimeter expressway. Additionally, the project would result in an update to the Circulation Element of the General Plan to include the revised alignment of Campus Parkway, both within and outside of the UCP. The amendment would reduce the buildout of the UCP and reduce the number of dwelling units from 11,616 to 9,680 and the square footage of non-residential development from 2,022,900 square feet to 1,246,150 square feet. The project site is located in unincorporated Merced County, northeast of the City of Merced, south of UC Merced, and within the City of Merced’s sphere of influence. The**

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proposed UCP Update area encompasses 1,841 acres and includes two properties: the Hunt and VST properties. The Hunt property, referred to as UCP South in the Adopted UCP, includes approximately 1,187 acres of land south of UC Merced. The Hunt property is generally bounded by Lake Road on the west, Cardella Road to the north, Fairfield Canal to the east, and Yosemite Avenue to the south. The VST property, which is the subject of the VST Specific Plan, encompasses the remaining 654 acres of the UCP area. The VST Specific Plan area is bounded generally by Lake Road on the west, UC Merced property (specifically the proposed UC Merced Campus Expansion Area) to the north, Cardella Road on the south, and the Orchard Drive alignment on the east.

**RECOMMENDATION(S):**

- 1) Open the Public Hearing and receive public comment on General Plan Amendment No. GPA21-002 / Zone Change No. ZC21-003 / Planned Development No. PD21-001 – University Community Plan Amendment & “Virginia Smith Trust Specific Plan”; and
- 2) Close the Public Hearing.

Deputy Director, Tiffany Ho, presented the staff report on the University Community Plan Update and the Virginia Smith Trust Specific Plan (VST).

The public hearing opened at 9:18 a.m.

Stephen Peck, the project’s representative, came forward for public comment and provided a brief overview of the Virginia Smith Trust project.

Jane Lawrence, retiree from UC Merced, 3368 Doncaster Court, Merced, came forward for public comment, provided a brief overview and history of UC Merced, and expressed support of the VST Project.

Ralph Calderon, Deputy Superintendent of Merced Union High School District, and Administrator staff came forward for public comment in support of the VST project.

Roger Wood, 1200 Fruitland Ave in Atwater, came forward for public comment and provided a brief history of how the Virginia Smith Trust was formed and expressed support of the VST project.

Steven Gomes, former Superintendent of Merced County School District, came forward for public comment to express his support of the VST Project and provided an overview on how the VSP project can support the students and benefit the community of Merced County.

Erick Serrato, Executive Director of Merced County Workforce Development Board, came forward for public comment and expressed his support for the VSP project.

Nancy Garcia Mino, a recipient of the Virginia Smith Trust Scholarship, came forward for public comment and expressed her gratitude for the Migrant Program and expressed how the Virginia Smith Trust Scholarship has impacted her life.

Paul Cook, 4787 Lake Road in Merced, came forward for public comment and requested clarification on the project site and if it included his property.

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Nancy Young-Bergman, President of the Merced County Education Foundation, came forward for public comment and expressed her support for the project.

Adam Gray, former California State Assemblyman, came forward for public comment, provided some history of the work for the VST project, and expressed support for the project.

Steve Tietjen, Merced County Superintendent, came forward for public comment and expressed his support for the VSP project.

Kenneth Robins, 2891 Forest Lane in Merced, came forward for public comment and provided an overview of the initial vision that the original Merced County Board Members had for this project back in the 80s.

The public hearing closed at 9:54 a.m.

**VII. COMMISSION ACTION ITEM(S)**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. COMMISSIONERS' COMMENTS**

None

**X. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:55 a.m.



**PLANNING COMMISSION MEMBER**

**Fernando Aguilera** District 1  
**Vacant** District 2  
**Jack Mobley** District 3 (Vice Chairperson)  
**Kurt Spycher** District 4  
**Mark Erreca** District 5 (Chairperson)

Mark Hendrickson, Secretary  
[www.countyofmerced.com](http://www.countyofmerced.com)

**AGENDA**  
**PLANNING COMMISSION**  
**Regular Meeting**  
**Wednesday, August 9, 2023 - 9:00 a.m.**

Merced County Administration Building  
Board Chambers, Third Floor  
2222 M Street  
Merced, California 95340  
Phone: 209.385.7654 Fax: 209.726.1710

***The Planning Commission welcomes you and encourages your participation.***

**CITIZEN COMMUNICATIONS:** If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to three (3) minutes.

**PUBLIC COMMENT:** If you would like to address the Planning Commission on any item on the agenda, please pick up a speaker card in the foyer; fill it out with your name, street address, phone number, email address and the item number you wish to speak on. Please hand the speaker card to the staff member to the left of the podium once the Commission Chairperson opens the public hearing for the agenda item. Each speaker will be limited to three (3) minutes.

**AGENDAS and MINUTES:** Planning Commission agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Friday, but generally on the Wednesday, preceding each Commission meeting and may be viewed at [www.countyofmerced.com/411/Planning-Commission](http://www.countyofmerced.com/411/Planning-Commission). All proposed agenda items with supportive documents are available for viewing at the Merced County Community and Economic Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Planning Commissioners will review and discuss at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

**PUBLIC RECORDS:** As required by Government Code Section 54957.5, any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Community and Economic Development Department.

**AUDIO/VIDEO BROADCAST:** All Planning Commission meetings are normally broadcast live and replayed on local cable television. In addition, a live audio/video broadcast of this meeting may be heard/viewed at: [www.countyofmerced.com/2229/Planning-Commission-Meetings](http://www.countyofmerced.com/2229/Planning-Commission-Meetings), via live audio or live video. All meetings are archived for audio/video replay following the meeting.

**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act (ADA), the Merced County Planning Commission meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

**COMMISSION QUORUM AND ACTION:** A Quorum of the Planning Commission shall consist of three (3) members. Actions by the Commission shall require a majority vote (three votes or more) of the total membership of the Commission. When an action by the Planning Commission results in a tie vote the action shall be deemed denied. In the case of a tie vote, the applicant may request that the application be reconsidered at another meeting of the Commission.

**APPEAL NOTICE:** Any person aggrieved by the decision of the Planning Commission may appeal the decision within ten (10) calendar days after the day the action is made. The deadline for appeals of Planning Commission actions is 5:00 p.m. two Mondays following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed. 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 the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted to the Board Clerk with the written appeal.

***Members of the public are advised that a 2-hour time limit for customer parking in designated areas is strictly enforced by the City of Merced. You can request a one-day parking pass from County Administration prior to the Commission meeting, which must be displayed on the dashboard of your vehicle.***

***Please turn off all pagers, cellular telephones and any other communication devices.***



**PLANNING COMMISSION MEMBER**

- Fernando Aguilera** District 1
- Vacant** District 2
- Jack Mobley** District 3 (Vice Chairperson)
- Kurt Spycher** District 4
- Mark Erreca** District 5 (Chairperson)

Mark Hendrickson, Secretary  
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**Wednesday, August 9, 2023 - 9:00 a.m.**

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- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL OF COMMISSIONERS**
- IV. APPROVAL OF MINUTES**

Approval of minutes from the July 12, 2023 meeting.

**V. CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda.

**VI. PUBLIC HEARING(S)**

- A. GENERAL PLAN AMENDMENT No. GPA21-002 / ZONE CHANGE No. ZC21-003 / PLANNED DEVELOPMENT No. PD21-001 / Development Agreement No. DA21-001 – University Community Plan Amendment & “Virginia Smith Trust Specific Plan” – Virginia Smith Trust**  
- A request to amend the University Community Plan (UCP) to: (1) modify the plan boundary removing approximately 468.7-acres owned by the University of California, Merced (UCM) and adding approximately 176.76-acres to encompass the full Virginia Smith Trust (VST) Specific Plan and reflect existing UCP area boundaries established by regional land use planning documents, (2) revise the plan policies to reflect current conditions, regulations, and best practices; and (3) amend the land use and circulation diagrams to reflect the land uses proposed within the VST Specific Plan and establish the alignment of Campus Parkway through the plan area to its ultimate connection to Bellevue Road to complete the eastern side of the Merced-Atwater perimeter expressway. Additionally, the project proposes 1) an update to the Circulation Element of the Merced County General Plan to include the revised alignment of Campus Parkway; 2) zoning amendments to establish the Virginia Smith Trust Specific Plan within the UCP area; and 3) a Development Agreement to establish vested rights and performance obligations for a 20-year term.

(continued)

The properties are designated Multiple Use Urban Development in the Merced County General Plan and zoned A-1 (General Agricultural). The project site is located in unincorporated Merced County, northeast of the City of Merced, south of UC Merced, and within the City of Merced's sphere of influence. The proposed UCP Update area encompasses 1,841 and the VST property, which is the subject of the VST Specific Plan, encompasses the remaining 654 acres of the UCP area. The VST Specific Plan area is bounded generally by Lake Road to the west, UC Merced property (specifically the proposed UC Merced Campus Expansion Area) to the north, Cardella Road to the south, and the UCP area boundary to the east. **TSH**

**RECOMMENDATION(S):**

- 1) Continue the public hearing to the next regularly scheduled Planning Commission meeting on August 23, 2023.

VII. **COMMISSION ACTION ITEM(S)**

VIII. **DIRECTOR'S REPORT**

IX. **COMMISSIONER'S COMMENT**

X. **ADJOURNMENT**