



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF NOVEMBER 17, 2004, 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. 04004 – Ward Hansen - To subdivide a one 10.7 acre parcel into nine one-acre lots, with approximately 1.7 acres being used for public improvements. The proposed residential subdivision would be known as the 'Hansen Property' and located on the north side of State Highway 140, approximately one half mile east of McKee Road. The property is designated Merced Rural Residential Center#1 in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Continued from the November 3, 2004 meeting. Project Planner James Holland.**

VI. CORRESPONDENCE

VI. GENERAL BUSINESS

VII. DIRECTOR'S REPORT

VIII. 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 NOVEMBER 17, 2004

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of November 17, 2004, 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 9:05 a.m., on November 17, 2004, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Jack Mobley
 Commissioner Steve Sloan-Chairman
 Commissioner Gloria Bettencourt
 Commissioner Rudy Buendia

Staff Present: William Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary
 James Holland, Planner III

Legal Staff: None

Commissioners Absent: Commissioner Lynn Tanner, absent-excused

III. APPROVAL OF MINUTES

M/S BETTENCOURT - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF OCTOBER 27, 2004.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR SUBDIVISION APPLICATION No. 04004 – Ward Hansen - To subdivide a one 10.7 acre parcel into nine one-acre lots, with approximately 1.7 acres being used for public improvements. The proposed residential subdivision would be known as the 'Hansen Property' and located on the north side of State Highway 140, approximately one half mile east of McKee Road. The property is designated Merced Rural Residential Center#1 in the General Plan and zoned A-R (Agricultural-Residential). **TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the November 3, 2004 meeting. Project Planner James Holland.**

Planner James Holland presented the Staff Report and Recommendation dated November 17, 2004.

The public hearing opened at 9:29 a.m.

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Bud Gantney, a neighbor, had concerns with the additional wells in the area and also the road condition on Hwy 140 is bad.

Judy Smith, the neighbor to the west of the project, stated that if that area is open to development that it is open for development to them as well. She is concerned with the wells and septic tanks. The road is bad trying to turn into their properties.

Lol Warner, Stretch Road resident, is also concerned with the traffic on Hwy 140. He was aware that CalTrans is opposed to additional access for subdivision of 140.

Adam Reed of Sierra del Pacifico stated that the wells will have testing done on them. A corner section road will also be put in to ease the stress on Highway 140. He spoke with CalTrans regarding the alignment for the Bradley Overpass and they are saying that it's not going to affect this property.

Commissioner Rudy Buendia asked how close the block wall is to the road. Mr. Reed stated that it's about 30 ft.

Commissioner Gloria Bettencourt asked if turn lanes have been addressed at all. Mr. Reed replied no and a traffic study needs to be done to determine that.

Commissioner Jack Mobley asked if the future of Highway 140 and Bradley Overpass is known.

Steve Hamilton of County Public Works/Road Division stated that one of the conditions for the applicant is that an encroachment permit has to be obtained from CalTrans and they'll address every one of the questions about Highway 140. They will look over the plans for the Bradley Overpass. It's been partially designed and the route has been sketched out. He doesn't see any problems with this project.

The public hearing closed at 9:45 a.m.

William Nicholson, Planning Director added that they will not serve any property with water unless it requires an annexation agreement. Other property would have to be annexed into the City. He also stated that you have to be contiguous to be annexed into the City. A condition will be added stating that anyone looking to buy there in the future will be made aware of any nuisances such as odors and flies. Commissioner Mobley asked if the water demands are going to have an impact on farming. Mr. Nicholson replied that typically the new residential wells go deeper than an existing well. Environmental Health has to certify all new wells and septic systems. The Environmental Health Department will monitor the subdivision wells.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVES THE MITIGATED NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. 04004 WITH THE 3 MITIGATION MEASURES.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED NOVEMBER 17, 2004, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. 04004 SUBJECT TO THE 27 CONDITIONS WITH AN ADDED CONDITION TO THE STAFF REPORT AS SET FORTH AS FOLLOWS:

Conditions:

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which 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.
3. The applicant shall release and relinquish all abutters' rights of access to and from the entire State Highway 140 frontage of Lots 1 and 9.
4. "A" Court shall be named to the satisfaction of the Department of Public Works and Fire Department. "A" Court shall be constructed to interior roadway requirements of Merced County Drawing ST-06B for right of way and improvements.
5. Direct access to the storm drainage detention basin shall be provided from a publicly maintained road. The basin shall be a separate lot or parcel and may be flag shaped with a minimum 15-foot wide access to "A" Court. The basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes with an 8:1 ramp to the bottom of the basin. A Type 2 commercial driveway approach shall be constructed at the access point to "A" Court. Six inched (6") of Class 2 aggregate base shall be placed from the back of the driveway approach to the pump station and shall include the area around the pump station for maintenance vehicle maneuverability.
6. The developer shall obtain an Encroachment Permit from CalTrans prior to recordation of the final map.
7. The developer shall provide all documentation and pay all fees associated with the formation of a new landscaping maintenance zone of benefit. The developer shall construct a water well to provide landscape irrigation water.
8. The Merced Irrigation District (MID) canal easement shall not jointly use the storm drain detention basement lot.
9. The developer shall provide the County with a letter from MID accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
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 that all improvements are completed.
11. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.

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12. 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.
13. The developer shall perform soils analysis and percolation tests for each proposed lot. The tests shall be conducted at each proposed septic system location and the results submitted to the Division of Environmental Health prior to recording the final map.
14. 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.
15. As required by San Joaquin Valley Air Pollution Control District (JVAPCD) and the National Emission Standards for Hazardous Air Pollutants (NESHAP), an asbestos inspection of the facility shall occur prior to demolition. If asbestos containing materials (ACM) are discovered that would be disturbed during demolition, they must be removed prior to demolition. An asbestos notification form shall be submitted to the District 10 working days before the activity begins. Pursuant to District Rule 3050, asbestos removal fees must be submitted to the District along with the notifications for all regulated demolitions.
16. Construction activities disturbing one or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. As required by regulations implementing the Construction Stormwater Permit, the SWPPP shall include:
 - i. Specific and detailed Best Management Practices (BMPs) to mitigate construction related pollutants, including sediments. These controls would include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricant, paints, solvents, and adhesives) with stormwater. The SWPPP would specify properly designed centralized storage areas that keep these materials out of the rain and/or protected from the wind.
 - ii. Dust control BMPs for the stabilization of exposed surfaces and to minimize activities that suspend or track dust particles. For heavily traveled and disturbed areas, wet suppression (watering), chemical dust suppression, gravel or asphalt surfacing, temporary gravel construction entrances, equipment wash-out areas, and haul truck covers can be employed as dust control applications. Permanent or temporary

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vegetation and mulching, and sand fences can be employed to prevent sediment-laden stormwater from reaching receiving waters, or to force stormwater to drop their sediment load onsite.

- iii. The SWPPP is required to specify a monitoring program to be implemented by the construction site supervisor. SWRCB personnel, who may make unannounced site inspections, are empowered to levy appropriate fines if it is determined that the SWPPP has not been properly prepared and implemented.

17. As a means of achieving the Merced County General Plan noise level criteria, the following requirements shall be included in the project design for this site.
 - a. An 8-foot tall property line barrier would be required to reduce BNSF Railroad noise levels and SR 140 traffic noise levels to 65 dB Ldn at the first row of residences adjacent to SR 140. The barrier would need to wrap to the north, as shown in Figure 3 (of the CEQA Initial Study), and may decrease incrementally to 6-feet in height at the terminus of the wrapped segment. Figure 3 shows the barrier location and recommended barrier wrap.
 - b. If single story residences are constructed at the first row of residences adjacent to SR 140, and an 8-foot tall property line barrier is constructed, the interior noise levels would comply with the Merced County 45 dB Ldn interior noise level criterion with standard construction practices. Air conditioning or mechanical ventilation systems would also need to be installed so that windows and doors may remain closed for acoustical isolation.
 - c. If two story residences are constructed at the first row of residences adjacent to SR 140, it is recommended that interior noise levels be evaluated when the building elevations, floor plans, and construction details are available. As an alternative, the following construction recommendations may be implemented into the project design.

Noise Level Reduction (NLR) of 30 dB

Normal construction practices per the latest edition of the Uniform Building Code are sufficient provided that:

1. Air conditioning or mechanical ventilation systems are installed so that windows and doors may remain closed.
2. Windows and sliding glass doors are mounted in low air infiltration rate frames (0.5 cfm or less, per ANSI specifications).
3. Exterior doors are solid core with perimeter weather-stripping and threshold seals.
4. Exterior walls consist of stucco or brick veneer.
5. Glass in both windows and doors should not exceed 20% of the floor area in a room.
6. Windows should have a Sound Transmission Classification (STC) rating of at least 35.
7. Roof or attic vents facing the noise source of concern should be boxed.

18. A statement shall be placed on the Final Map identifying Parcels 1 and 9 as being noise impacted and requiring that any development on these parcels demonstrate compliance with Condition 17 (above) prior to the issuance of any building permits.

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19. Prior to recording the Final Map, the developer shall submit plans for landscaping the Hansen Subdivision (including the required sound wall) to the Planning Department and Department of Public Works (Parks and Recreation Division) for review and approval.
20. The developer shall underground the Hartley lateral “B” in a pipeline assembly that meets MID standards.
21. The developer shall enter into a construction agreement with the MID for the work associated with MID facilities.
22. The property owner shall obtain a ‘Non-Exclusive License Agreement’ for all crossings over or under any MID facilities, including roadways, bridges, utilities and pipelines.
23. In recognition of the fact that MID owns a 30 foot wide strip of land immediately adjacent to SR 140, the applicant will enter into a Joint Use Agreement with MID and the County of Merced for the proposed street (“A” Court).
24. An MID signature block shall be placed on the improvement plans and final map.
25. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map.
26. The applicant shall make all other site improvements and comply with the lot development standards provided in the Merced County Zoning Code.
27. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$276** shall be required. The fee shall be paid prior to recordation of the Final Map.
28. A Right-to-Farm Notice shall be placed on the deeds of all parcels, notifying potential buyers of the parcel that the 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, consistent with Ordinance No. 1213.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

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There being no further business, the meeting adjourned at 9:52 a.m.