



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Director*

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF SEPTEMBER 13, 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. MINOR SUBDIVISION APPLICATION No. MS06-033 - Kenneth Beard - To divide a 40 acre parcel into two 20 acre parcels for family planning purposes on property located on the east side of Palm Street and 2200 feet north of Bloss Ave in the Delhi area. The project site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****
- B. MINOR SUBDIVISION APPLICATION No. MS05-060 - Nelson Black - To divide a 40.16 acre parcel into two 20.08 acre parcels. The project is located at the southwest corner of Plainsburg Road and Buchanan Hollow Road in the Le Grand area. The project site is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

- C. **1st EXTENSION No. EXT06-011 TO MAJOR SUBDIVISION APPLICATION No. MAS04-009 - "Savanna" - Ranchwood** - To extend the expiration date of the approved tentative subdivision map for one year. The subdivision will create 44 residential lots on property located at the southwest corner of Savanna Rd and Santa Fe Ave in the Le Grand area. The project site is designated Le Grand SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential Zone). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. KT**
  
- D. **3<sup>RD</sup> EXTENSION No. EXT06-010 TO MAJOR SUBDIVISION APPLICATION No. MAS02-012 "Miles Creek Estates Phase II" - Maxwell Construction** - To extend for one year the expiration date of the tentative subdivision map. The subdivision will create 28 residential lots on a 5 acre parcel located on the south side of Childs Avenue and 200 feet east of Cortez Avenue. The project site is designated Planada SUDP Low Density Residential land use in the General Plan and zoned R-1-5000 (Single Family Residential Zone). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. KT**

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 SEPTEMBER 13, 2006**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of September 13, 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 9:07 a.m., on September 13, 2006, 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 Lynn Tanner  
                                    Commissioner Gloria Bettencourt  
                                    Commissioner Rudy Buendia

Staff Present:                 Robert A. Lewis, Development Services Director  
                                    William Nicholson, Assistant Development Services Director  
                                    Kim Lewallen, Recording Secretary  
                                    David Gilbert, Senior Planner  
                                    Kristinae Toomians, Planner I

Legal Staff:                 Walter Wall, Deputy County Counsel

Commissioners Absent:     None

**III. APPROVAL OF MINUTES**

**M/S BETTENCOURT - TANNER, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF AUGUST 23, 2006.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.     MINOR SUBDIVISION APPLICATION No. MS06-033 - Kenneth Beard - To divide a 40 acre parcel into two 20 acre parcels for family planning purposes on property located on the east side of Palm Street and 2200 feet north of Bloss Ave in the Delhi area. The project site is designated as Agricultural in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

Senior Planner David Gilbert presented the Staff Report and Recommendation dated September 13, 2006.

The public hearing opened at 9:13 a.m.

No one spoke in favor or opposition to this application.

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

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Commissioner Tanner asked where the water is coming from to irrigate the property. Planner Dave Gilbert explained that the water is coming from the canal. Ken Beard, the applicant, indicated that the property has its own well.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS06-033 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 13, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS06-033 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### **Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject 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.
3. An irrigation easement shall be required and shown on the parcel map so that all parcels will have irrigation.

### Public Works/Road Division

4. To complete the property owner's half of a 60-foot wide right-of-way the property owner shall dedicate to the County of Merced, annotated on the parcel map, an additional 10 feet of road right-of-way along the entire frontage of Palm Avenue.

### Turlock Irrigation District

5. An irrigation pipeline belonging to the Improvement District 52630, the Delhi State Land Settlement, runs in a southwesterly direction across the southern portion of the property. A 25-foot wide irrigation easement, centered on the pipeline shall be dedicated for the benefit of the improvement district.
6. District maps indicate a private pipeline branching off of the above referenced improvement district facility that provides irrigation water to proposed Parcel 1. In order to maintain access to irrigation water a 25-foot wide irrigation easement, centered on the pipeline, across proposed Parcel 2 shall be dedicated for the benefit of proposed Parcel 1.
7. The District shall review and approve all maps and plans of the project. In order for the District to accept the necessary easements, this statement shall appear on the acceptance documents:

Certificate of Acceptance

This is to certify that the interest in real property conveyed by this map to the Turlock Irrigation District, a government agency, and to the named improvement districts of the District (if any) are hereby accepted by the undersigned officer on behalf of the Board of Directors of the Turlock Irrigation District pursuant to authority conferred by Turlock Irrigation Rule RL 0340.001 adopted on January 2, 1990 and revised December 18, 2001.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Wilton B. Fryer, P.E.  
Civil Engineering Department Manager

- B. MINOR SUBDIVISION APPLICATION No. MS05-060 - Nelson Black -** To divide a 40.16 acre parcel into two 20.08 acre parcels. The project is located at the southwest corner of Plainsburg Road and Buchanan Hollow Road in the Le Grand area. The project site is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Senior Planner David Gilbert presented the Staff Report and Recommendation dated September 13, 2006.

The public hearing opened at 9:30 a.m.

David Heinrichs, Fremming, Parsons & Pechennino, stated that there is an existing well on the property and he asked for approval of this application.

The public hearing closed at 9:31 a.m.

**MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS05-060 FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 13, 2006, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS05-060 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the Planning Commission approval date as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the subject 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.

3. An irrigation easement shall be required and shown on the parcel map so that all parcels will have irrigation.

Public Works/Road Division

4. The property owner shall dedicate to the County of Merced, annotated on the parcel map, an additional 15-foot width of road right-of-way along the entire frontage of Plainsburg Road with a 50-foot radius fillet (curve) at the southwest corner of Plainsburg Road and Buchanan Hollow Road.

- C. 1st EXTENSION No. EXT06-011 TO MAJOR SUBDIVISION APPLICATION No. MAS04-009 - "Savanna" - Ranchwood - To extend the expiration date of the approved tentative subdivision map for one year. The subdivision will create 44 residential lots on property located at the southwest corner of Savanna Rd and Santa Fe Ave in the Le Grand area. The project site is designated Le Grand SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential Zone). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. KT****

Planner Kristinae Toomians presented the Staff Report and Recommendation dated September 13, 2006.

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

Duane Andrews, Golden Valley Engineering, stated that there is a lack of water on the property, but the applicant is working on that. He asked for approval of this application.

The public hearing closed at 9:36 a.m.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1st EXTENSION No. EXT06-011 TO MAJOR SUBDIVISION APPLICATION No. MAS04-009.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 13, 2006, AND MAKES THE ORIGINAL 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES 1st EXTENSION No. EXT06-011 TO MAJOR SUBDIVISION APPLICATION No. MAS04-009 TO SEPTEMBER 22, 2007 SUBJECT TO THE ORIGINAL 29 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The Final Map, or all map phases, shall be recorded within two years of the Planning Commission approval date.
2. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District prior to recordation of the Final Map, or a first phase Final Map.

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3. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Le Grand Community Services District.
4. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
5. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.
6. All abandoned wells and septic tanks must be properly destroyed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health.
7. The project proponents 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, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
8. All lot and street 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 project proponent shall enter into an agreement with public works that no occupancy shall occur until such time as all improvements are completed.
9. The project proponent shall release and relinquish all abutter's rights of access to and from the entire Santa Fe Avenue frontage of the subdivision.
10. The applicant shall install landscaping with automatic irrigation systems along the noise wall and rear yard wall along Savanna Road to the satisfaction of the Planning Director in consultation with the Parks & Recreation Division. Walls adjacent to these landscaped areas shall be masonry.
11. The project proponent shall pay all costs and provide all documents necessary to form or annex into the landscaping and park maintenance zone of benefit for McPherson Subdivision No. 03001 prior to recording of the Final Map. The areas to be covered by the zone of benefit are landscaping along all perimeter walls and participation in the park maintenance in the adjacent McPherson subdivision.
12. The project proponent shall be financially responsible for all cost associated with upgrading the existing storm drain pump station located within the American Heritage Homes No. 1 Major Subdivision No. 898 with the inclusion of stormwater runoff from the Savanna Subdivision. The project proponent shall be financially responsible for all costs associated with expanding the American Heritage Homes No. 1 storm drain retention basin within McPherson Subdivision No. 03001. Should it be demonstrated that the upgraded stormwater drainage basin is inadequately sized to serve as both a drainage basin and park, the project proponent shall dedicate land within the Savanna subdivision for park use.

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13. Pay the local parkland dedication and improvement fees as required by County Ordinance No. 1090 prior to recording the final map.
14. The project proponent shall enter into a “Subdivision Drainage Agreement” with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1), paying all applicable fees, prior to the recordation of the Final Map, or first phase Final Map.
15. The project proponent shall complete a property line adjustment with the property to the west prior to the recordation of the Final Map or first phase Final Map to eliminate substandard Remainder parcels A, B, C, and D as identified on the tentative map or shall convey and combine the Remainder parcels prior to recording a Notice of Completion or prior to occupancy of any homes with Savanna, whichever occurs first.
16. The project proponent shall construct temporary turnarounds at the Santa Maria Drive and/or McPherson Drive dead-end streets if the Savanna Final Map, or any phase of the Final Map which encompasses the dead-end street areas, records prior to the McPherson Subdivision No. 03001 Final Map.
17. The project proponent shall reconstruct Savanna Road from its centerline. The project proponent shall share in the cost to reconstruct the north half of Savanna Road. The project proponent shall realign Savanna Road to intersect Santa Fe Avenue as nearly as possible at a right angle and reconstruct the intersection.
18. The project proponent shall construct speed humps with subdivision improvements if McPherson Drive and Santa Maria Drive go through to Taylor Avenue with McPherson Subdivision No. 03001.
19. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.
20. The terms of a Deferment of Construction Agreement recorded in Volume 3372 at Page 261, Merced County Records, shall be implemented by the project proponent.
21. The owner of Parcel 1 as shown on the Parcel Map for Toby Rolfe & Terry Rolfe recorded in Volume 84 of Parcel Maps at Pages 5 and 6, Merced County Records, shall quitclaim all right, title, and interest in the temporary leach/septic easement shown on said map prior to recordation of the Final Map for the Savanna Subdivision, or any phase Final Map encompassing the affected area.
22. A sound wall shall be constructed to reduce exterior noise exposure in outdoor activity areas and the level of noise affecting exterior building facades. The wall shall be constructed in accordance with Table II of the *Acoustical Analysis, Savanna Subdivision, Merced County California, July 23, 2004, Revised August 1, 2004*, prepared by Brown-Buntin Associates, Inc. The sound wall shall be continuous without gaps or openings and should be constructed of a dense material such as masonry blocks or stucco on both sides of a wood/steel frame. The sound wall shall be constructed in accordance with Chapter 18.37.07 of the Merced County Zoning Code, Title



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18. The sound wall shall be constructed prior to the issuance of a certificate of occupancy for any lot which is affected by railroad noise as identified in the Acoustical Analysis.
  
  23. Acoustic baffles shall be installed on the interior side of attic vents on the residences that face, or are perpendicular to, the Santa Fe railway on Lots 1, 3, 4, and 44. Certificates of occupancy shall not be issued for the residences on these parcels if acoustical baffles are not installed on the residences on these parcels.
  
  24. A Right-To-Farm statement shall be placed on the face of the Final Map or any phased Final Maps consistent with County Ordinance No. 1213.
  
  25. Construction equipment used at the site shall be equipped with catalysts/particulate traps to reduce particulate and NOx emissions unless demonstrated to be infeasible by project contractors.
  
  26. The project proponent may be required to comply with Federal Regulations for stormwater runoff issued by the Environmental Protection Agency on November 16, 1990 (40 Code of Federal Regulations Part 122, 123, and 124). Construction activities disturbing five 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 proponent shall contact the State Water Resource Control Board's Construction Activity Storm Water Hotline at (916) 657-1146 to determine if the project is subject to applicable stormwater runoff permits. If subject to this permitting the project proponent will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. If the project is subject to this permitting process, the project proponent shall obtain all required permitting and submit a copy of the approved plans to the Merced County Planning and Community Development Department prior to the issuance of grading permits for the project. If not subject to this permitting process, the project proponent shall submit verification to that effect to the Planning and Community Development Department.
  
  27. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.
  
  28. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1
  
  29. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$276.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
- D. 3<sup>RD</sup> EXTENSION No. EXT06-010 TO MAJOR SUBDIVISION APPLICATION No. MAS02-012 "Miles Creek Estates Phase II" - Maxwell Construction** - To extend for one year the expiration date of the tentative subdivision map. The subdivision will create 28 residential lots on a 5 acre parcel located on the south side of Childs Avenue and 200 feet east of Cortez Avenue. The project site is designated Planada SUDP Low Density Residential land use in

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the General Plan and zoned R-1-5000 (Single Family Residential Zone). **TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. KT**

Commissioner Mobley and Commissioner Buendia requested to be excused from voting on this project due to a conflict of interest. Both Commissioners left the room while the public hearing occurred.

Planner Kristinae Toomians presented the Staff Report and Recommendations dated September 13, 2006. Merced Irrigation District requested an addition of condition #34.

The public hearing opened at 9:42 a.m.

Guy Maxwell, applicant, stated that the sewer capacity is the reason he asked for the extension.

Chairman Sloan asked Mr. Maxwell if he has any problems with the addition of Condition #34. Mr. Maxwell replied no.

The public hearing closed at 9:43 a.m.

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 3 - 0, WITH COMMISSIONER MOBLEY AND COMMISSIONER BUENDIA ABSTAINING FROM VOTING, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 3<sup>RD</sup> EXTENSION No. EXT06-010 TO MAJOR SUBDIVISION APPLICATION No. MAS02-012 "Miles Creek Estates Phase II".**

**MOTION: M/S TANNER - BETTENCOURT, AND CARRIED BY A VOTE OF 3 – 0, WITH COMMISSIONER MOBLEY AND COMMISSIONER BUENDIA ABSTAINING FROM VOTING, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 13, 2006, AND MAKES THE ORIGINAL 8 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 8 FINDINGS, APPROVES 3<sup>RD</sup> EXTENSION No. EXT06-010 TO MAJOR SUBDIVISION APPLICATION No. MAS02-012 TO AUGUST 14, 2007 SUBJECT TO THE 33 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. A final map shall be recorded within two (2) years of the Planning Commission approval date.
2. The project shall comply with the standard conditions of approval listed in the Planning Commission Resolution No. 97-1 for major subdivisions.
3. 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.
4. The developer shall enter into an improvement agreement with the Department of Public Works prior to recording the final map for the purpose of constructing a storm drain pump station if the percolation basin fails to

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function to Merced County standards within two years of recording a Notice of Completion for the subdivision improvements. Twenty-foot wide direct access to a county maintained road shall be provided to the storm drainage percolation basin.

5. The developer shall provide a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
6. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.
7. The developer shall include the design of improvements along the Childs Avenue frontage of Parcel 1 as shown on the Parcel Map for Blunt & Riachy, recorded in Volume 58 of Parcel Maps at Pages 40-42, Merced County Records (Assessor's Parcel Number 037-250-018). Construction of improvements along the frontage of said parcel are specified in Deferment of Construction Agreement recorded in Volume 2598 of Official Records at Page 658, Merced County Records.
8. Easements of record shall not be obstructed or enclosed within fenced backyard of Lots 50 through 60, inclusive. Privacy fencing constructed at the building permit state shall be located at the northerly/westerly easement(s) line of said lots.
9. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map.
10. All lot and street grading shall be completed 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. Release and relinquish Abutter's Rights of access to and from the entire Childs Avenue frontage of Lots 38, 39, 47, and 48.
12. All property lines at the returns shall be tangents to accommodate the required handicapped ramps.
13. Excess right-of-way and Childs Avenue may be vacated by this map.
14. All lots shall have a minimum of 10 foot P.U.E. along their respective road frontages.
15. A Right-To-Farm Certificate shall be placed on the face of the Final Map.
16. Adequate right-of-way, specified by MID, following their review of the plans shall be provided for maintenance of Miles Creek. If MID requires access to the Creek from the project site, an easement shall be established. Such easement may be through the proposed drainage area and may be in conjunction with the proposed bicycle and pedestrian easement through the drainage area. If a fence is required between the project and creek for safety or any other purposes, a gate shall be provided for allowing MID personnel

access to Miles Creek.

17. The developer shall consult with the Sheriff's Department before the Final Map stage for appropriate measures to decrease opportunities for crime occurring within the project. This may include features such as dead bolt locks on all new homes, proper lighting on-site, and other such design features.
18. The developer shall use low flow, water saving showerheads, water closets, etc. in the construction of new dwellings, as well as drought tolerant landscaping. The type of low flow devices used in the construction of the home shall be coordinated with the Planada Community Services District.
19. A bicycle/pedestrian easement shall be maintained for access purposes to and along Miles Creek, as a continuation of the easement created with "Miles Creek Phase I". Said easement is to be located on the Final Map subject to the approval of the Departments of Public Works and Planning.
20. All construction contracts shall include provisions for frequent watering of exposed earth surfaces during clearing, grading, earth-moving and other site preparation work. This mitigation measure will be implemented by the applicant prior to construction and monitored by the applicant's project manager and the Merced County Planning and Public Works Departments. (MM)
21. All construction contracts shall include provisions, which require daily cleanup of mud and dirt carried out from the construction site onto adjacent streets. This mitigation measure will be implemented by the applicant prior to construction and monitored by the applicant's project manager or the Merced County Planning and Public Works Departments. (MM)
22. Construction contracts shall include provisions for the use of soil binders or repeated soaking to maintain a crusty surface upon completion of the site preparation activities. This mitigation measure will be implemented by the applicant prior to construction and monitored by the applicant's project manager and the Merced County Planning and Public Works Departments. (MM)
23. The applicant shall be required to inform potential homebuyers of the odor problem. New homeowners shall be required to sign an affidavit acknowledging the potential odor problems resulting from the cannery operations. This Mitigation Measure will be implemented by the applicant prior to occupancy of the new homes and will be monitored by the State Department of Real Estate. (MM)
24. An equal balance of soil used for cut and fill purposes on-site shall be developed by the applicant's engineer; no import of fill material shall occur, except the sand required as a base for the building slabs and foundations. This will be implemented by the applicant and will be monitored by the project manager and the Merced County Department of Public Works. The

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applicant's engineer shall include a statement on the Improvement Plans to this effect. (MM)

25. Construction hours shall be limited from 7:00a.m. to 6:00p.m. and all construction equipment shall be properly muffled, according to state vehicle code requirements. This will be implemented and monitored by the applicant and the Merced County Planning and Public Works Departments. (MM)
26. Modify the design of the subdivision to create an open-end cul-de-sac with pedestrian access for Castillo Court. Install an attractive, high quality, solid masonry block wall, (six feet high), along the proper setback line facing Childs Avenue up to the side of the houses to create a solid barrier for all backyard areas. The materials and design of the fence shall be reviewed by the Planning Department prior to approval of the Improvement Plans and the recording of the Final Map. (MM)
27. Provide a landscaped area along the frontage of Childs Avenue, in between the sidewalk and solid wall and homes (with an automatic irrigation system) to the satisfaction of the Planning Department. Individual homeowners shall be responsible for the ongoing maintenance of the wall and landscaping. The mitigation measure will be implemented prior to occupancy of the new homes. The designs of the landscaping and solid barriers shall be submitted to the Planning Department for approval prior to recording the Final Map. (MM)
28. If any unanticipated significant cultural materials are exposed during demolition, excavation, grading or other construction, operation shall cease within 10 feet of the find and a qualified archaeologist shall be contacted for further recommendations. If any native human remains are discovered, work shall stop immediately and the County Coroner shall be contacted. All contractors or subcontractors shall be informed in writing of this possibility. In the event of discoveries of culturally significant resources, the prime contractor or project officials shall consult the Institute for Archaeological Research, Turlock; the State Office of Historic Preservation, Sacramento; or the Native American Heritage Commission, Sacramento, for recommended procedures. This will be implemented by the applicant. The applicant shall inform the Planning Department (in writing) of the discovery or non-discovery of any significant cultural find(s) prior to issuance of any building permits. (MM)
29. The developer is advised that he/she may be obligated to comply with Federal regulations for storm water run-off issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Part 122,123, and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
30. A final map shall be recorded within two (2) years of the Planning Commission approval date, as required by the County Subdivision Code and the State Subdivision Map Act.

**MERCED COUNTY PLANNING COMMISSION**

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31. For the purpose of condition monitoring, a fee in the amount of **\$79.00** shall be required. The fee shall be paid prior to recordation of the Final Map.
32. Provide a signature block on the subdivision improvement plans for the Merced Irrigation District for their facilities on this property.
33. The applicant shall submit a current “Can and Will Serve” letter issued by the Planada Community Services District for Major Subdivision No. 02-012, prior to recordation of final subdivision map.
34. Prior to recordation of the final map, the owner shall enter into an agreement with the County of Merced consenting to payment of the Planada Bridge and Major Thoroughfare Area of Benefit fee, to address traffic impacts, in effect at the time of building permit issuance.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:50 a.m.