

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF APRIL 25, 2007, 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; Cindy Lashbrook; Lynn Tanner; Rudy Buendia; Steve Sloan, Chairman

**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. ADMINISTRATIVE APPLICATION No. AA07-011 - Sheilla Shamblin - To establish a retail convenience store and packaged beer and wine sales in an existing shopping center (Winton Supermarket). The project is located at the northeast corner of Bridget Court and Winton Way. The project site is designated Winton SUDP - General Commercial in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 11, 2007 meeting. DG****
- B. ADMINISTRATIVE APPLICATION No. AA06-132 - PetroGulf Corporation - To drill an exploratory natural gas well using a mobile drilling rig on property located on the north and south sides of Collier Road extended and 1.5 miles east of Hwy 99 in the Delhi area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Moved from the March 26, 2007 Hearing Officer meeting. GB****
- C. MINOR SUBDIVISION APPLICATION No. MS07-008 - Iyer Farms - To divide a 63 acre parcel into 3 equal parcels of 21 acres each in size, on property located at the southwest corner of Butts Road and Whitworth Road in the Gustine area. The project site is designated Agricultural and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BG****
- D. MINOR SUBDIVISION APPLICATION No. MS07-009 - Meena Farms/Iyer Pattabiraman - To divide an 84 acre parcel into 4 parcels:**

Parcels #1, #2 and #3 equaling 21.28 acres each and Parcel #4 equaling 20.40 acres on property located on the southwest corner of Jorgensen Road and Whitworth Road in the Gustine area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BG**

- E. **2<sup>ND</sup> EXTENSION No. EXT07-002 TO MAJOR SUBDIVISION APPLICATION No. MAS03-001 - Ranchwood Contractors** - To extend for one year the expiration date of the tentative map known as "McPherson Subdivision" for Major Subdivision No. MAS03-001. The property is located on the south side of Savanna Road and west of Santa Fe Avenue 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). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK**

- VI. **CORRESPONDENCE**
- VII. **GENERAL BUSINESS**
- VIII. **DIRECTOR'S REPORT**
- IX. **ADJOURNMENT**

#### **APPEALS**

Any person may appeal any action of the Development Services 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 Development Services Director's actions may be filed with the Planning and Community Development 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.

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**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF APRIL 25, 2007**

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**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 April 25, 2007, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of April 25, 2007, are available in the Merced County Planning and Community Development Department, 2222 "M" Street, Second Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Jack Mobley  
   Commissioner Steve Sloan-Chairman  
   Commissioner Lynn Tanner  
   Commissioner Cindy Lashbrook  
   Commissioner Rudy Buendia

Staff Present:                 Robert Lewis, Development Services Director  
   William Nicholson, Assistant Development Services Director  
   Celeste Aguirre, Recording Secretary  
   Robert King, Senior Planner  
   Gene Barrera, Planner II  
   Brian Guerrero, Planner I

Legal Staff:                     Walter Wall, Deputy County Counsel

Commissioners Absent:      None

**III. APPROVAL OF MINUTES**

**M/S MOBLEY/BUENDIA, AND CARRIED BY A VOTE OF 4-0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MARCH 28, 2007.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A. ADMINISTRATIVE APPLICATION No. AA07-011 - Sheilla Shamblin -**  
To establish a retail convenience store and packaged beer and wine sales in an existing shopping center (Winton Supermarket). The project is located at the northeast corner of Bridget Court and Winton Way. The project site is designated Winton SUDP - General Commercial in the General Plan and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Continued from the April 11, 2007 meeting. DG**

Planner Gene Barrera presented the Staff Report and Recommendation dated April 25, 2007.

Commissioner Lashbrook joined the meeting at 9:12 a.m.

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

No one spoke in favor or opposition to this application.

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

**MOTION: M/S TANNER-MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION NO. AA07-011 FROM CEQA.**

**MOTION: M/S TANNER-MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 25, 2007, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION NO. AA07-011 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. Administrative Application No. AA07-011 to establish a convenience store/snack shop within a 1,100 square foot space within an existing building and shall be located in a manner as described on the approved plot plan, submitted application and operational statement. The operational statement indicates the sale of beer and wine. Minor modifications may be approved by the Development Services Director.
2. The hours of operation shall be 6:00 a.m. to 8:00 p.m. everyday.
3. The application shall comply with all applicable Federal, State, and Local regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning, Public Works, and Commerce, Aviation and Economic Development Departments.
4. If the Administrative Permit is not implemented within one year, it shall expire and become null and void. The Planning Commission may extend the Permit if a request is filed by the applicant prior to its expiration.
5. For the purpose of condition monitoring, an inspection fee in the amount of **\$200** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
6. Any proposed signage for the proposed use shall comply with Section 18.42 of the Merced County Zoning Code. In addition, construction of the sign shall not occur without the issuance of a Building Permit from the Public Works/Building & Safety Division.

Environmental Health Division

7. Applicant/property owner shall submit for review and approval by the Division of Environmental Health complete plans, specifications, and fees for the proposed retail food facility. These plans shall be submitted prior to issuance of a building permit. Contact the Food Program Specialist Mary Coakley at (209) 826-0166.
8. If any hazardous materials will be stored/handled or used in amounts greater than 55 gallons, 500 pounds, or 200 cubic feet of gas at standard temperature and pressure, or welding, or any amount of hazardous waste, a hazardous materials business plan shall be submitted to the Division of Environmental Health. Contact Vickie Hayer at (209) 381-1083.

Merced County Fire Department

9. Applicant/property owner shall post addressing for the tenant space and post an occupancy sign above the main entrance door.

Commerce, Aviation and Economic Development

10. Applicant shall obtain a business license from the Commerce, Aviation, and Economic Development Department prior to issuance of a building permit and/or certificate of occupancy.

Department of Alcoholic Beverage and Control

11. Applicant shall obtain the applicable license for the sale of packaged beer and wine.

- B. ADMINISTRATIVE APPLICATION No. AA06-132 - PetroGulf Corporation - To drill an exploratory natural gas well using a mobile drilling rig on property located on the north and south sides of Collier Road extended and 1.5 miles east of Hwy 99 in the Delhi area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Moved from the March 26, 2007 Hearing Officer meeting. GB****

Commissioner Tanner excused himself from this item at 9:15 a.m. and left the Board Room.

Planner Gene Barrera presented the Staff Report and Recommendation dated April 25, 2007.

Planner Gene Barrera went over comment letters; F& G Birds, Kit Fox.

The public hearing opened at 9:28 a.m.

Neil Ormand, Petrogulf, stated in 2006 there were 2690 wells were drilled and in 2005 there were 2641 wells were drilled in California – nothing newsworthy about them. There are 184 wells drilled in Merced County and last year 3 wells were drilled. All 3 wells were drilled by Petrogulf – No Complaints and all sites returned to Agricultural. Mr. Ormand showed drill sties in region (N. of Merced River) and probably 10-15 sites they have lease in the region. Mr. Ormand showed photos of site, vineyard servey site is 0.86 of an acre, 250X150 is disturbed and the well is 8" in diameter and 5,000 feet deep. Mr. Ormand pointed to other sites in the area that also produce dust, noise, pollution, and glare. There are 7 wells a day that are completed in California, Staff found it agreeable.

Mary Ann Cardoza, neighbor south of the river, stated her property is within 300' of the project site. She states the applicant must prove they don't have and impact on the area. Mrs. Cardoza feels they have evidence to show it will impact the area such as nuisance and potentially severe impact to environment.

Tim Borgman, District Deputy of Division of Oil and Gas (Kern County, North of Distric), stated that they do all the permitting for state. They do all the casing and operations under their permit. If well is unsuccessful they will do what is called plug and abandoned the well. They witness and monitor close down and clean up.

Commissioner Lashbrook stated there is no project next to river on the map. Will there be impact? How many wells are successful?

Tim Borgman, replied to Commissioner Lashbrook, that most wells are dry wells and only 1 in 20 are successful. RWQCB wants a contained tank. The chemicals are Benite Day soil. In his opinion, he has seen thousands of wells drilled and he doesn't see an impact in river. The impact is localized and cannot imagine any impact in the river. The soil is very soft in the San Joaquin Valley and unconsolidated there are no hard rock. They have to case through with cement all with aquifers, they don't extract any groundwater.

Chairman Sloan, stated that he has seen many wells and when they are they wont be able to tell they were ever there.

Mr. Borgmean, regards to the Azevedo, it was plugged and abandoned cut of 6' below ground and there is only soil discoloration.

Dennis Cardoza, neighbor south of river, stated the application was not detailed enough because it did not identify State Park and Boy Scout Camp. There are many homes in ½ mile. Line 32 on staff report – No change in Scenic Vista, he showed slides that site is visible from his home. Line 40 on staff report – No noise/vibration, he states ag is intermittent and very quiet now. He argued Foster Farms and HWY 99 are far enough away that they do not hear noises. Line 41 on staff report – No lights and glare, he states in Planning Commission Resolution 97-1 (b-10 and 11), all lighting will be hooded and directed to him. Line 37 in staff report – No impact on air quality, he stared the traffic and dust raise will impact the air quality. Line 44 of staff report – Maybe toxic substances and heavy mentals are possibly brought up, he showed slide of well with bubbles around it. Line 47 in staff report – Maybe series of larger wells, he states there may be more impacts not studied. Line 50 in staff report – No wildlife or fish impact, he states letters state otherwise. Mr. Cardoza's summary states that even a week of nuisance is bad and the neighbors ask for disapproval.

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Fran Carlton, State Parks Biologist (she wrote letter), states the lights, noise will affect campers and wildlife such as the Swansons Hawk a state endangered bird. She feels the project should be considered as a whole with one Environmental Review, not as a test well done separately.

Commissioner Lashbrook asks if there is any time most sensitive for birds.

Fran Carlton replies to Commissioner Lashbrook, that she feels the spring time is most sensitive for the birds. She also feels a biological survey is needed because they will be more thorough.

The public hearing closed at 10:00 a.m.

Commissioner Lashbrook has issues with the way CEQA has been used and agencies have complaints about it.

Commissioner Mobley asks if there has been any noise studies 1000' out from drill site.

Neal Ormand replied to Commissioner Mobley, EPA has found noise 88 DBA out 50'. Generator is incased in 1" thick steel housing that runs on diesel fuel. He quoted EPA study but had no reading for 1000'.

Commissioner Mobley asks what the final well site is like.

Neal Ormand replied to Commissioner Mobley that it looks like an irrigation well with round tube. Area will be 750' X 250', gages and production is 50' X 70'. The rest of the site would be returned.

Commissioner Lashbrook asked how long would well be used if gas is found.

Neal Ormand replied to commissioner Lashbrook that it would be approximately 10 years.

Would it be difficult to make the time of year of drilling so that is not impacting the endangered species as much, around fall or early winter. Is there any chance that the project could be set back further away from the river?

Neal Ormand replied to Commissioner Lashbrook that he would be able to accommodate for the endangered species. He also answered that at the start the well was going to be 100' from river but he worried about flood plain so they moved the well up to the vineyard and they would not be able to move project site.

Commissioner Mobley commented that the substance coming out of the hole is like wet cat litter. He also asked how long the drilling process would be.

Neal Ormand replied to Commissioner Mobley that it takes 3 days to set up and drill so the approximate time from beginning to end is 1 week.

Commissioner Lashbrook asked if a lease is offered to all the landowners.

Neal Ormand replied to Commissioner Lashbrook that yes they are all contracted and offered a lease.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3-1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. AA06-132, FROM CEQA.**

**MOTION: M/S MOBILEY – BUENDIA, AND CARRIED BY A VOTE OF 3-1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 25, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. AA06-132 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning & Community Development Department Condition:/

1. Administrative Applications No. AA06-132 is approved to drill one (1) exploratory gas well, as per Section 18.47.64 et seq. of the Merced County Zoning Code requiring approval of exploratory gas wells, which shall be located on the site per the approved plot plan. Production wells are not authorized with this approval.
2. The project shall comply with all the standard conditions in Planning Commission Resolution No. 97-1.
3. The applicant shall comply with all applicable local, state and federal standards and regulations.
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$147.00** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
5. The exploratory gas well permit shall be effective for 60 days upon commencement of drilling. This permit shall remain active for one year from the date of approval. Should the well test productive, an administrative permit for the production of the well and permanent facilities shall be required.

The California Department of Fish and Game Condition:

6. In order to adequately assess any potential impacts to biological resources, a focused biological survey should be conducted by a qualified wildlife biologist / botanist during appropriate survey period(s) in order to determine whether or not any special status species may be present within the well construction project area.

Break 10:15 a.m. to 10:30 a.m.

Commissioner Tanner returned to the meeting at 10:30 a.m.

**C. MINOR SUBDIVISION APPLICATION No. MS07-008 - Iyer Farms - To divide a 63 acre**



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parcel into 3 equal parcels of 21 acres each in size, on property located at the southwest corner of Butts Road and Whitworth Road in the Gustine area. The project site is designated Agricultural and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BG**

Planner Brian Guerrero presented the Staff Report and Recommendations dated April 25, 2007.

The public hearing opened at 10:35 a.m.

Larry Bowers, BCA, stated the project is for farming financial purposes.

Commissioner Tanner asked if the well is on site and on one parcel and how will other parcels get irrigated.

Larry Bowers replied to Commissioner Tanner that yes the well is on site and on one parcel and easements will be made where appropriate.

The public hearing closed at 10:38 a.m.

Commissioner Lashbrook asked if divided is there is anything to stop additional homes from being built on parcels.

Brian replied yes there is nothing to stop from building additional homes if qualified.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4-1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION NO. MS07-008 FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4-1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 25 2007, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION NO. MS07-008 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning & Community Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

4. An irrigation easement shall be required to provide water to all proposed parcels.

**D. MINOR SUBDIVISION APPLICATION No. MS07-009 - Meena Farms/Iyer Pattabiraman** - To divide an 84 acre parcel into 4 parcels: Parcels #1, #2 and #3 equaling 21.28 acres each and Parcel #4 equaling 20.40 acres on property located on the southwest corner of Jorgensen Road and Whitworth Road in the Gustine area. The project site is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BG**

Planner Brian Guerrero presented the Staff Report and Recommendations dated April 27, 2007.

The public hearing opened at 10:45 a.m.

Larry Bowers, BCA, stated they farm 1,000 acres and have many divisions and to date have not sold one.

The public hearing closed at 10:46 a.m.

Commissioner Lashbrook states that based on her knowledge of farming shows that 20 acre farms are not as valuable. There are previous concerns from neighbors not supporting the project. They already have 80 acre properties she doesn't see the need for 20 acre properties. Feels this is a plan to maximize profits in buying and selling. The agricultural economy is bad and this is not time to sell. Staff concerns should be looked at and she feels there should be an Environmental Review looked at for this project. This is why she is voting no.

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4-1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION NO. MS07-009 FROM CEQA.**

**MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 4-1, NAY BY COMMISSIONER LASHBROOK, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 25, 2007, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MINOR SUBDIVISION NO. MS07-009 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning & Community Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.

3. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits to notify subsequent occupants of the inconveniences of farming operations and the priority to which Merced County places on such operations.

Department of Public Works Roads Division

4. The applicant shall dedicate an additional 10 foot right-of-way along the entire Jorgensen Road frontage of the property. This shall include a 50 foot radius curve (fillet) at the southwest corner of Jorgensen Road and Whitworth Road.

- E. 2<sup>ND</sup> EXTENSION No. EXT07-002 TO MAJOR SUBDIVISION APPLICATION No. MAS03-001 - Ranchwood Contractors - To extend for one year the expiration date of the tentative map known as "McPherson Subdivision" for Major Subdivision No. MAS03-001. The property is located on the south side of Savanna Road and west of Santa Fe Avenue 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). THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK**

Planner Robert King presented the Staff Report and Recommendations dated April 25, 2007.

The public hearing opened at 10:51 a.m.

Duane Andrews, Golden Valley Engineering, stated it is not time to build homes and they are searching for water.

The public hearing closed at 10:52 a.m.

**MOTION: M/S TANNER - BUENDIA, AND UNANIMOUSLY CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION EXEMPTS 2<sup>ND</sup> EXTENSION No. EXT07-002 TO MAJOR SUBDIVISION No. MAS03-001 FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND UNANIMOUSLY CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED APRIL 25, 2007, AND MAKES THE \_\_\_\_\_ ORIGINAL FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE ORIGINAL FINDINGS, APPROVES 2<sup>ND</sup> EXTENSION NO. EXT07-002 TO MAJOR SUBDIVISION NO. MAS03-001 SUBJECT TO THE 26 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. 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.

3. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
4. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department for final acceptance of the subdivision.
5. The project proponents shall submit a current “can and will” serve letter from the Le Grand Community Services District prior to recordation of the final map.
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. The developer shall be financially responsible for all costs 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 McPherson Subdivision.
9. The project proponents shall obtain a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
10. The owner shall convey and combine the substandard Remainder parcel with the property to the east prior to the recordation of the final map for McPherson Subdivision No. 03001, or shall complete a property line adjustment prior to final map recordation to effect elimination of a substandard Remainder parcel.
11. The owner shall dedicate a 1-foot non-access strip across the Santa Maria Drive dead-end street.
12. The developer shall reconstruct Savanna Road from centerline. The developer shall share in the cost to reconstruct the north half of Savanna Road. The developer shall reconstruct the Savanna Road and Sante Fe Avenue intersection.
13. 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.
14. The developer shall provide centerline striping for those new roads, which intersect the existing peripheral streets.

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15. The 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) 657-1146.
16. A Right-To-Farm statement shall be placed on the face of the Final Map consistent with County Ordinance No. 1213
17. The developer shall design the proposed stormwater drainage detention basin (Lot A) to maximize the amount of land available for seasonal and permanent recreational use.
18. The developer shall provide the portion of Lot A that is identified as suitable for permanent recreational use (not subject to inundation), with park equipment (benches, playground equipment and the like) suitable for the use and enjoyment of residents of the McPherson Subdivision.
19. The cost of the land in Lot A made available for seasonal and permanent recreation, together with the cost of the equipment required under Condition 18, shall be deducted from the Parks and Recreation fees ordinarily charged under Ordinance No. 1080.
20. The owner shall form a landscaping and park maintenance zone of benefit prior to recordation of the final map of the McPherson Subdivision to include the park space created in response to Approval Conditions 17 and 18.
21. In order to preserve and enhance the aesthetic quality of the area, the developer shall, to the maximum extent feasible, vary building setback and design features for the homes to be constructed on Lots 5 – 22 and Lot 96 of the McPherson Subdivision.
22. 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.
23. 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 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.

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24. 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.
25. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
26. 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.

**VI. CORRESPONDENCE**

Walter Wall, Legal Counsel, gave an update on the Riverside Motorsports Park project.

Bill Nicholson, Assistant Development Services Director, gave an update on the General Plan Focus Group meeting.

**VII. GENERAL BUSINESS**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 11:05 a.m.