

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF JUNE 13, 2007**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of June 13, 2007, 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 9:09 a.m., on June 13, 2007, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:     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  
  Kim Anderson, Recording Secretary  
  Oksana Newmen, Planner II  
  James Holland, Senior Planner

Legal Staff:                     Walter Wall, Deputy County Counsel

Commissioners Absent:        Commissioner Jack Mobley

**III. APPROVAL OF MINUTES**

**M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 9, 2007.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.     ADMINISTRATIVE APPLICATION No. AA07-013 AND MINOR SUBDIVISION APPLICATION No. MS07-006 - Sultana Hulling & Shelling, LLC - To establish an Almond Hulling and Shelling Facility on property located north of Hwy 140, and west of Sultana Drive in the Atwater 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. ON****

**This item has been continued to the July 11, 2007 Planning Commission meeting at the request of the applicant.**

**B.     1<sup>ST</sup> EXTENSION No. EXT07-006 to MAJOR SUBDIVISION APPLICATION No. MAS04-013 - "Almond View Estates" - North Bend LLC - To extend the expiration date of the tentative map for Major Subdivision MAS04-013 for one year to May 25, 2008, on property located on the north side of Le Grand Road and west of Jefferson Street 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). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. ON****

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Planner Oksana Newmen presented the Staff Report and Recommendation dated June 13, 2007.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:15 a.m.

Chairman Sloan asked Planner Oksana Newmen if she had discussed the 6 added Merced Irrigation District conditions with the applicant. Ms. Newmen answered that the applicant was notified by mail of the added conditions and they had no comment.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1<sup>ST</sup> EXTENSION No. EXT07-006 to MAJOR SUBDIVISION APPLICATION No. MAS04-013.**

**MOTION: M/S TANNER – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 13, 2007, AND MAKES THE ORIGINAL FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE FINDINGS, APPROVES 1<sup>ST</sup> EXTENSION No. EXT07-006 to MAJOR SUBDIVISION APPLICATION No. MAS04-013 TO MAY 25, 2008 WITH THE APPROVAL OF THE ORIGINAL CONDITIONS WITH 6 ADDED MID CONDITIONS LISTED AS FOLLOWS:**

**Conditions:**

Planning and Community Development

1. The Final Map, or all map phases, shall be recorded by May 25, 2008.
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.
3. The design and landscaping of the subdivision wall fronting Le Grand Road shall be approved by the Planning Department prior to recording the Final Map. Plants selected for this landscaping should consist of fast growing vines and/or shrubs in order to deter vandalism.
4. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1

**New Condition Added to EXT07-007**

5. The applicants shall provide a bond for \$10,000 for site maintenance and trash removal to be kept until the final map has been approved and signed.

Le Grand Community Services District

6. 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.

Fire Department

7. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
8. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.

Public Works – Roads Division

9. 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.
10. The applicant shall release and relinquish all abutters rights of access to and from the entire Le Grand Road frontage of Lots 1, 20, 21, 22, 23 and 24
11. Kimberly Court is a duplication of an existing County road name and shall be changed to the satisfaction of the Department of Public Works and the Fire Department.
12. Sharon Street shall be designated 'Avenue', extended north and stubbed at the MID canal.
13. An additional 10 feet of right-of-way, or 40 feet from centerline, shall be dedicated along the Le Grand Road frontage of the subdivision.

**Condition Changed: Fee Revised for EXT07-007**

14. The developer shall pay \$500 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study for the Le Grand SUDP until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand.
15. The storm drain basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes beginning 10 feet inside the fence line. An 8:1 sloped ramp shall be constructed to allow access from the gate on Kimberly Court to the bottom of the basin.
16. Any required fencing along the Le Grand Road frontage of the subdivision shall be constructed of masonry and maintained through a zone of benefit administered by the County. The developer shall provide all documentation and shall pay all fees associated with the formation of a landscaping maintenance zone of benefit in County Service Area No. 1 for the maintenance of any required landscaping along the Le Grand Road frontage of the subdivision or along the Kimberly Court frontage of the storm drain basin.
17. Prior to recording the final map, the developer shall provide the County with a letter from MID accepting storm drainage water from this proposed development into their facilities.
18. 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 developer

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shall enter into an agreement with Public Works that no occupancy shall occur until such time as all improvements are completed.

19. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets
20. The Developer/Applicant is advised that he/she will be required to comply with the requirements of National Pollution Discharge Elimination System (NPDES) General Permit No.CAS000002 for Discharges of Stormwater Associated with Construction Activity. 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](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

**New Condition Added to EXT07-007**

21. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.

**New Condition Added to EXT07-007**

22. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.

**New Condition Added to EXT07-007**

23. The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code and established by Ordinance No. 1749 in place at the time of building permit issuance.

**New Condition Added to EXT07-007**

24. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.

Merced Irrigation District

**Condition Revised for EXT07-007**

25. The developer shall consult with MID on the possible undergrounding of Booster No. 6 Lateral through the project area. Any undergrounding of this lateral shall be performed to MID standards.

**Condition Revised for EXT07-007**

26. The developer shall consult with MID to determine appropriate measure for securing the MID Booster No. 6 fee parcel from unauthorized access.
27. The developer shall enter into a Construction Agreement with MID for work associated with MID facilities.
28. The Developer shall obtain a "Non-exclusive License Agreement" for all crossings over or under any MID facilities, including utilities and pipelines.
29. The fences installed at the rear of Lots 8, 9, and 10 should be located outside of the MID fee property to allow access for repair and maintenance.

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30. The proponent shall place an MID signature block on the subdivision Improvement Plans and Final Map.

**New Condition Added to EXT07-007**

31. The subject property intends to discharge storm water to the MID, therefore, the property owner shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1), paying all applicable fees.

Parks and Recreation

32. The developer shall pay the local parkland dedication and improvement fees as required by County Ordinance No. 1090 prior to recording the final map.
33. 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.

- C. 1<sup>ST</sup> EXTENSION No. EXT07-007 to MAJOR SUBDIVISION APPLICATION No. MAS04-005 - "La Casa de Santa Fe" - North Bend LLC - To extend the expiration date for Major Subdivision MAS04-005 for one year to April 27, 2008, on property located near the southwest corner of Santa Fe Avenue and Jackson Street 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). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. ON****

Planner Oksana Newmen presented the Staff Report and Recommendation dated June 13, 2007.

The public hearing opened at 9:20 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:21 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1<sup>ST</sup> EXTENSION No. EXT07-007 to MAJOR SUBDIVISION APPLICATION No. MAS04-005.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 13, 2007, AND MAKES THE ORIGINAL FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE ORIGINAL FINDINGS, APPROVES 1<sup>ST</sup> EXTENSION No. EXT07-007 to MAJOR SUBDIVISION APPLICATION No. MAS04-005 SUBJECT TO THE CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning and Community Development

1. The project proponents shall submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District to the County prior to recordation of the Final Map.

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2. A sound wall shall be constructed to reduce exterior noise exposure in outdoor activity areas and the level of noise affecting exterior building facades in accordance with the noise standards contained in the General Plan. The wall shall be constructed in accordance with the conclusions and recommendations of the *Acoustical Analysis, Las Casas de Santa Fe Subdivision, Merced County California, August 18, 2004*, prepared by Brown-Buntin Associates, Inc. The sound wall shall be constructed in accordance with Chapter 18.37.07 of the Merced County Zoning Code. 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 above Acoustical Analyses.
3. 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 1-7, 24-26 & 16-17. 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.
4. If two-story homes are proposed, an acoustical analysis of interior noise levels shall be provided to ensure acceptable interior noise environment, and mitigation, if necessary, implemented prior to the issuance of a certificate of occupancy for the affected residences.
5. 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.
6. 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.
7. 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.
8. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
9. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$340.00** shall be required. This fee shall be paid prior to recordation of the Final Map.
10. The applicants shall provide a bond for \$10,000 for site maintenance and trash removal to be kept until the final map has been approved and signed.

### Fire Department

11. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
12. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.

### Environmental Health

13. 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.

Public Works – Roads Division

14. 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.
15. The project proponent shall release and relinquish all abutter's rights of access to and from the entire Santa Fe Avenue frontage of all corner lots in the subdivision.
16. The project proponent 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 Las Casas de Santa Fe 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. The project proponent shall be financially responsible for all costs associated with replacing the existing storm drainage transmission facilities to increase capacity to accommodate the additional runoff from the Las Casas de Santa Fe subdivision to the American Heritage Homes No. 1 storm drain retention basin, if necessary.
17. No stormwater runoff from the subdivision shall be allowed to surface flow offsite without offsite improvements being designed and constructed by the project proponent with subdivision improvements.
18. The project proponent shall provide centerline striping for those new roads which intersect the existing peripheral streets.
19. Streets shall be named and designated to the satisfaction of the Fire Department and the Merced County Department of Public Works.
20. The project proponent shall provide a letter from MID accepting storm drainage water from the project into MID facilities prior to recording the Final Map.
21. The project proponent shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
22. The project proponent shall pay all costs and provide all documents necessary to form or annex into a landscaping and/or park maintenance zone of benefit prior to recording the Final Map. Walls adjacent to landscaped areas shall be masonry.
23. 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

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initiation of grading, the project proponent shall contact the State Water Resources 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.

**New Condition Added to EXT07-007**

24. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.

**New Condition Added to EXT07-007**

25. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.

**New Condition Added to EXT07-007**

26. The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code and established by Ordinance No. 1749 in place at the time of building permit issuance.

**New Condition Added to EXT07-007**

27. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.

**New Condition Added to EXT07-007**

28. The developer shall pay \$500 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study for the Le Grand SUDP until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand.

Merced Irrigation District

29. The project proponent shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1) for stormwater discharge into the Fancher Lateral, paying all applicable fees, prior to the recordation of the Final Map. Owner/developer should contact Robert Lindsey of MIDDID No. 1 to initiate the agreement.

San Joaquin Valley Air Pollution Control District

30. 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.



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- D. MINOR SUBDIVISION APPLICATION No. MS07-012 - Martin Enriquez - To divide a 40 acre parcel into two 20 acre parcels on property located south of Atwater-Jordan Road and west of Central Avenue in the Atwater 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. ON**

Planner James Holland presented the Staff Report and Recommendation dated June 13, 2007.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:32 a.m.

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 1, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION APPLICATION No. MS07-012, FROM CEQA.**

**MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 3 - 1, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 13, 2007, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MINOR SUBDIVISION APPLICATION No. MS07-012 SUBJECT TO THE 3 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.

**VI. CORRESPONDENCE**

None

**VII. GENERAL BUSINESS**

Minor Subdivisions for Iyer Farms were appealed by the applicant and will be heard at the Board of Supervisors on June 26, 2007.

There will be a joint PC/Board of Supervisors meeting at 1:30pm, June 26<sup>th</sup> to discuss the General Plan update. Mintier and Associates will give the presentation.

**VIII. DIRECTOR'S REPORT**

None

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**IX. ADJOURNMENT**

There being no further business, the meeting was continued to 1:30pm, June 26, 2007.