

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF JUNE 27, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of June 27, 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 27, 2007, 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 Cindy Lashbrook
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary

Legal Staff: Fernanda Saude, Assistant County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 23, 2007 AND JUNE 13, 2007.

IV. CITIZEN COMMUNICATIONS

Maureen McCrory, questioned Item H regarding Bear Creek Ranch being continued.

David Corser discussed the history of the Village of Geneva project. A traffic light is needed at Plainsburg & Hwy 140 due to the new labor camp. \$13million was awarded for the Housing Authority project - but even though Planning Commission approved the Conditional Use permit, it is not built yet. The Joint Powers of Authority did a joint purchase agreement. He gave a copy of the Joint Purchase Agreement and the Grand Jury Report to the Commission.

Bryant Owens, commented on the use of the General Rule exemption – can not use it for project that is part of previous partnership and lands that are part of a bigger project and to urbanize this area.

Maureen McCrory added to the Commissioners that they be conservative in use of general rule exemption down the road. People have options on land for future urban development and to consider CEQA on this before they are split.

Robert Lewis added that the Planada MAC lacked a quorum so Item H-Bear Creek Ranch was recommended to be continued to allow the MAC to hear this project and provide a recommendation so the Planning Commission continued this item to the next available meeting in August.

V. **PUBLIC HEARINGS**

- A. **MAJOR SUBDIVISION APPLICATION No. MAS06-015 - "August Ave. Subdivision" - Ronnie Givargis** - To create a 24 lot residential subdivision on property located on the north side of August Road, approximately 1000 feet east of Hinton Ave in the Delhi area. The subject property is designated Delhi 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. Continued from the May 23, 2007 meeting. BK**

This application has been continued to the July 25, 2007 meeting.

- B. **MAJOR SUBDIVISION APPLICATION No. MAS06-018 - "Dan Ward Meadows" - Greg Jones** - To create a 15 lot single-family residential subdivision on 8.2 acres, consisting of five (5) 1 acre lots and ten (10) 6,000 sq. ft. to 7,000 sq. ft. lots on property located on the north side of Dan Ward Road and east of Franklin Road in the Merced area. The project site is designated as Franklin-Beachwood RRC and Medium Density Residential in the General Plan and zoned A-R (Agricultural-Residential) and R-1 (Single-Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner David Gilbert presented the Staff Report and Recommendation dated June 27, 2007.

The public hearing opened at 9:27 a.m.

Duane Andrews, Golden Valley Engineering, stated that the lots are served by public water and the applicant will wait for water on the smaller lots. There is no sewer so the lots in the R-1 area will not be subdivided for a while. He is in agreement with the conditions and asked for support of this application.

Commissioner Lashbrook stated that the sidewalks stop and start in the old area and what about the new area. Mr. Andrews responded they will build a sidewalk connecting to the west and to the east property line.

Bryant Owens, Le Grand resident, would like to see an aerial photo and feels the lots are not needed now – Hunt Farms is not building fast now, only 10 of the 25 lots were sold.

George Elliott, neighbor to the project, indicated that he was in the area around 1992 when the zoning was R-1-6000 and it changed to R-1-5000 in 1993. He states that the map is dead after 2 years without an extension, but they get 5 extensions. 5 homes are for sale, 10 are empty and 5 homes are up for rent. The prices started at \$800,000 and now they are \$400-500,000. Ranchwood homes stopped with the 50 lots phase and was left with a shortage of sewer in the Franklin-Beachwood area.

Vic Loftton, B&B court, states that there is a parking problem on Dan Ward Rd. already and asked if there will be a No parking sign posted. It's a traffic hazard. Too much traffic and too many homes being built.

Maureen McCrory asked again for a conservative approach to the subdivision.

The public hearing closed at 9:41 a.m.

Cindy Lashbrook asked why there is not a Right to Farm certificate. Planner Dave Gilbert indicated that the area is all zoned residential.

Commissioner Mobley asked if Code Enforcement gets involved with the number of cars parked in the street.

Mr. Lewis stated that there is a 2 vehicle space minimum per parcel required for each residential lot and if there is a violation on the street, then they need to contact the Sheriff's Department.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. MAS06-018.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 27, 2007, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. MAS06-018 SUBJECT TO THE 35 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. This project shall comply with the applicable Standard Conditions in Planning Commission Resolution No. 97-1.
3. Prior to the recordation of the Final Map, the applicant shall provide the Planning and Community Development Department with updated "can and will serve letters" from both the Franklin County Water District (sewer) and the Meadowbrook Water Company (water).

Public Works/Road Division

4. 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 to install underground or relocate utilities and irrigation facilities.
5. Release and relinquish all abutters' rights of access to and from the entire Dan Ward Road frontage of Lots 2 and 3.
6. Street names shall be approved by the Department of Public Works and Fire Department while designations shall conform to Section 17.04.050(B) of the Merced County Code. Separate street names shall be provided for each cul-de-sac.
7. Pursuant to the terms of a Deferment of Construction Agreement recorded in Volume 2522 of Official Records at Page 373, Merced County Records, roadway improvements shall be designed to include the Dan Ward Road frontage of Parcels 1, 2, and 3 as shown on the Parcel Map for Ernie F. Boesch recorded in Volume 55

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of Parcel Maps at Page 21 and 22, Merced County Records (also known as Assessor's Parcel Number 057-500-045, 057-500-032, and 057-500-033, respectively). Existing utility or irrigation facilities that may interfere with proposed improvements or are within the Clear Zone shall be relocated or replaced with undergrounded facilities. The

"Dan Ward Meadows" developer shall be responsible for design of all improvements; however, existing property owners are responsible for installation and construction per the terms of the aforementioned Agreement.

8. Prior to recordation of the final map, the property owner shall provide all documentation and pay all fees associated with annexing the project into the Tumbleweed Estates Lighting and Drainage Maintenance Zone of Benefit No. 236 in County Service Area Number One.
9. 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.
10. The project shall be designed to drain storm water run-off into the Tumbleweed Estates Subdivision No. 931 percolation basin thereby eliminating the proposed basin.
11. Provide centerline striping for those new roads which intersect the existing peripheral streets.
12. 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 as all improvements are completed.
13. 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.
14. Developer/Applicant is advised that he/she may be obligated to comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District. Regulation VIII Record Keeping Forms and District Rules and Regulations may be obtained at www.valleyair.org or by calling (209) 557-6400.

Merced County Fire Department

15. The applicant/property owner shall comply with all applicable requirements contained in the attached Residential Subdivision Review Check List and Standard Requirements.

Environmental Health Division

16. Percolation tests and soils profile analyses shall be submitted to the Division of Environmental Health for review and approval, and for determining sewage disposal system specifications. If any lot does not meet the 180 minutes per inch minimum standard, the lot will need to be deep ripped and a second percolation test shall be required prior to setting disposal system specifications.

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17. All one acre residential lots shall be required to install approved nitrogen reducing sewage disposal systems and the subdivision will be required to be in a Zone of Benefit fro operation and maintenance of these systems.

Merced Irrigation District (MID)

18. The East Ashe Lateral Pipeline must be realigned in a new pipeline assembly meeting MID approval. MID will quitclaim the existing easement in exchange for a new appropriate width easement.
19. That the property owner obtain a “Non-exclusive Driveway License Agreement” for all new and existing crossing over or under MID facility, including driveways, utilities and pipelines.
20. A signature block shall be provided for MID on all Improvement Plans associated with MID facilities.
21. No structures or trees shall be allowed within the MID easement.
22. If storm drainage is to be directed to any MID facility now or in the future, the property owner/applicant shall enter into a “Subdivision Drainage Agreement” or a “Deferred Fee Subdivision Drainage Agreement” with the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1) paying all applicable fees.
23. The property owner shall enter into a “Construction Agreement” with MID for any work associated with MID facilities and pay all applicable fees.
24. All septic system leach fields shall be a minimum of 20 feet from the under grounded MID pipeline to protect the lateral from contamination and to protect the septic systems from incidental seepage from the MID lateral.
25. Any dedicated streets that cross MID facilities shall require a “Joint Use Agreement” between MID and the County of Merced.

Meadowbrook Water Company

26. Developer/property owner shall engineer, install, and pay for, subject to Meadowbrook Water Company approvals at planning, permit, building, and completion stages, an 8 foot water main between the south end of Bhupinder Sahota Court and the existing main on Dan Ward Road.
27. Meadowbrook Water Company shall be granted an unobstructed 10 foot wide easement allowing access to the above noted water main.

Mitigation Measures

28. Prior to any ground disturbing activities on the subject site, a qualified biologist shall conduct a focused burrowing owl survey to determine the presence/absence of this species on-site. The survey should be conducted according to the standard protocol established by CDFG and the Burrowing Owl Consortium (BOC). If burrowing owls are determined to be present on the site, mitigation for potential impacts to owls should follow the guidelines outlined by the BOC, including passive relocation (MM).
29. Prior to removal of any trees, shrubs, barns or other potential nesting habitat during the nesting season, the developer shall retain a qualified biologist to conduct a

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nesting bird survey. Pursuant to the MBTA and CDFG Code, removal of any trees, shrubs, barns or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. If suitable nesting habitat must be removed during the nesting season, a qualified biologist should conduct a nesting bird survey to identify any nesting activity. If active nests are observed, construction activity must be prohibited within a 500-foot buffer around the nest until the nestlings have fledged. All construction activity within the vicinity of active nests must be conducted in the presence of a qualified biological monitor. Construction activity may encroach into the buffer area at the discretion of the biological monitor (MM).

30. Percolation test and soil analysis must be performed by the applicant, and submitted to the Merced County Environmental Health Division prior to the issuance of a grading or building permits. All lots must pass percolation rates of 180 minutes per inch minimum standard, or failed lots must be deep ripped and a second percolation test must be performed. Septic system leach fields must be located a minimum of 20 feet from all underground potable water pipelines to protect the potable water pipelines from contamination. Approved nitrogen reducing sewage disposal systems must be installed, and the subdivision will be required to be in a zone of benefit for operation and maintenance of these systems (MM).
31. Prior to recordation of the final subdivision map, the developer shall revise the project's drainage system design to drain storm water run-off into the Tumbleweed Estates Subdivision No. 391 percolation basin per the requirements of Merced County Department of Public Works. Percolation basin expansion, if required to accommodate storm water run-off from Dan Ward Meadows, shall be horizontal and shall not increase the exiting 10 year – 24 hour design water depth or the basin side slope gradient (MM).
32. Prior to issuance of any construction permits for Phase II, the developer shall provide Merced County with a letter from Franklin County Water District indicating the RWQCB approval has been obtained and wastewater capacity is available to serve all lots shown on the final map (MM).
33. The property owner is responsible for the cost of new service connections including infrastructure improvements and the completion of a loop (tie-in) with an eight-inch (8") main between the water main on Dan Ward Road and the south end of Bhupinder Sahota Court where the main is currently stubbed into the storm water collection access road (MM).
34. Prior to recordation of any final map, as an off-site requirement, Meadowbrook Water Company shall be granted an easement for water line purpose from the owner of Lot 21 as shown on the Amended Final Map of Sahota Brother Clinton recorded in Volume 62 of Official Plats at Pages 8-11, Merced County Records, and also know as Assessor's Parcel No. 057-560-023 (MM).
35. Prior to recordation of any final map, as an off-site requirement, Meadowbrook Water Company and the County of Merced shall enter into a joint use agreement for Meadowbrook Water Company to utilize, for water line purposes, a portion of Lot 'A' Drainage Basin as shown on the Amended Final Map of Sahota Brother Clinton recorded in Volume 62 of Official Plats at Pages 8-11, Merced County Records, and also know as Assessor's Parcel No. 057-560-023. The developer shall be responsible for the preparation of a legal description and exhibit map of the area subject to joint use and shall also be responsible for the construction of any off-site modifications to Lot 'A' Drainage Basin to comply with Title 22, Chapter 16, California Waterworks Standards, of the California Code of Regulations, for separation of water mains and non-potable facilities (MM).

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- C. 2nd EXTENSION No. EXT07-012 TO MAJOR SUBDIVISION APPLICATION No. MAS03-010 - The Parkway Phase I - River West Investments** - To extend the expiration of the tentative map to September 10, 2008, for a 232 lot subdivision located east of State Highway 33 between the Delta Mendota Canal and the California Aqueduct in the Santa Nella area. The project is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. RK**

Planner Gene Barrera presented the Staff Report and Recommendation dated June 27, 2007.

The public hearing opened at 9:48 a.m.

David Downs, RiverWest Investments, stated that he would be available to answer any questions.

The public hearing closed at 9:49 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS 2nd EXTENSION No. EXT07-012 TO MAJOR SUBDIVISION APPLICATION No. MAS03-010.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 27, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES 2nd EXTENSION No. EXT07-012 TO MAJOR SUBDIVISION APPLICATION No. MAS03-010 TO SEPTEMBER 10, 2008 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. A Final Map shall be recorded by September 10, 2008 as required by the Merced County Subdivision Code.
2. The applicant\property owners shall pay all applicable development impact fees as are now adopted, or modified, by the Board of Supervisors.
3. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional “Can and Will Serve Letter” from the Santa Nella County Water District and the San Luis Water District if still within its jurisdiction at the time of recordation.
4. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence that approval for such activities has been granted from the California State Department of Fish and Game, The Army Corp of Engineers, and the United States Fish and Wildlife Service.
5. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.

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6. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.

Public Works Department

7. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
8. Release and relinquish all abutters' rights of access to and from the entire Parkway Boulevard frontage of Lots 67 – 123.
9. Notwithstanding Condition no. 4, all lot and street grading shall be completed prior to 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.
10. The developer shall provide for the centerline striping of Parkway Blvd at its intersection with State Highway 33.
11. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
12. Temporary turnarounds shall be constructed at the northern ends of Streets E, F, and G and the southern ends of Streets E, K and L.
13. Parkway Blvd construction shall extend to State Highway 33 with the portion extending west of E Street being a minimum of 92 feet wide to accommodate additional channelization at the intersection with State Highway 33.
14. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
15. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella CSP to be payable at the time of issuance of building permits within "The Parkways" subdivision. (This may be combined with Condition No. 2).
16. Two points of access are required for emergency vehicle access (UFC 902.2.1). Access roads are to be a minimum of 20 feet in width, with a vertical clearance of at least 16 feet, 6 inches with an all weather driving surface capable of supporting highway loads (UFC901, 902)

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17. Class I and II Bike Routes shall be constructed consistent with the Santa Nella CSP, including a Class II Lane on Parkway Boulevard and A Class I on Highway 33.

- D. 1st EXTENSION No. EXT07-013 TO MAJOR SUBDIVISION APPLICATION No. MAS03-015 - The Parkway Phase II, River West Investments - To extend the expiration of the tentative map to July 13, 2008, for a 1,164 lot subdivision located east of State Highway 33 between the Delta Mendota Canal and the California Aqueduct in the Santa Nella area. The project site is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. RK****

Planner Gene Barrera presented the Staff Report and Recommendation dated June 27, 2007.

The public hearing opened at 9:57 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:58 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS 1st EXTENSION No. EXT07-013 TO MAJOR SUBDIVISION APPLICATION No. MAS03-015.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 27, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES 1st EXTENSION No. EXT07-013 TO MAJOR SUBDIVISION APPLICATION No. MAS03-015 TO JULY 13, 2008, SUBJECT TO THE 18 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional "Can and Will Serve Letter" from the Santa Nella County Water District, and San Luis Water District should the project still be within their jurisdiction at the time of recordation.

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5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
7. Bike Routes shall be constructed consistent with the Santa Nella CSP.
8. A condition monitoring fee of **\$500.00** shall be required prior to the recordation of the Final Map.

Public Works Department

9. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
10. Release and relinquish all abutters' rights of access to and from the frontage as directed by the Public Works Roads Division.
11. Notwithstanding Condition No. 3, all lot and street grading shall be completed prior to 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.
12. The developer shall provide for striping of roads to the satisfaction of the Public Works Roads Division.
13. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
14. Design and Construction of roads including but not limited to Parkway Boulevard and Hilldale Avenue shall be to the satisfaction of the Merced County Public Works /Road Division.
15. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.
16. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella CSP to be payable at the time of issuance of building permits within "The Parkway Phase II" subdivision.
17. USFWS easements previously established by the developer for San Joaquin

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Kit Fox corridors shall be extinguished where they overlay the proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works prior to the approval of the subdivision improvement plans.

18. In the event that Condition No. 17 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works.

- E. 1ST EXTENSION No. EXT07-014 TO MAJOR SUBDIVISION APPLICATION No. MAS05-012 - The Parkway Phase III - River West Investments** - To extend the expiration of the tentative map to November 16, 2008, for a 442 lot subdivision located east of State Highway 33 and north of the Delta Mendota Canal in the Santa Nella area. The project site is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. RK**

Planner Gene Barrera presented the Staff Report and Recommendation dated June 27, 2007.

The public hearing opened at 10:01 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 10:02 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS 1ST EXTENSION No. EXT07-014 TO MAJOR SUBDIVISION APPLICATION No. MAS05-012.

MOTION: M/S TANNER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JUNE 27, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES 1ST EXTENSION No. EXT07-014 TO MAJOR SUBDIVISION APPLICATION No. MAS05-012 TO NOVEMBER 16, 2008 SUBJECT TO THE 22 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

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1. A Final Map shall be recorded by November 16, 2008 as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional "Can and Will Serve Letter" from the Santa Nella County Water District, and San Luis Water District should the project still be within their jurisdiction at the time of recordation.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
7. Bike Routes shall be constructed consistent with the Santa Nella CSP.
8. A condition monitoring fee of **\$250.00** shall be required prior to the recordation of the Final Map.

Public Works Department

9. 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.
10. Release and relinquish all abutters' rights of access to and from the entire SR 33, Vera Cruz Drive and Hilldale Avenue frontage of all lots.
11. The Developer shall form, annex to, or include into a Landscape, a Street Lighting, and a Storm Drainage Maintenance Zone of Benefit.
12. All lot grading shall be completed, all underground improvements shall be

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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 as all improvements are completed.

13. Provide centerline striping for those new roads which intersect existing peripheral streets.
14. 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.
15. Reserve Lots 17-43 for future development by including as part of the Remainder.
16. Revise the street design to eliminate that portion of Street D west of Street 1.
17. This subdivision will require the reconstruction and realignment of Hilldale avenue north of, and over, including a new bridge over the Delta Mendota Canal.
18. Prior to approval of the Final Map:
 - Specify which streets are to utilize the "Alternate Residential" street design.
 - Clearly delineate the full-width of the Kit Fox corridor required along the north side of the Delta Mendota Canal.
 - Clearly indicate the intention of the unlabeled triangular parcel located at the southwest corner of Vera Cruz Drive and Hilldale Avenue, and the intent of Lots A-F.
 - Clearly indicate the boundary of the proposed storm drain basin, and whether it will be designed to percolate or to discharge into the Delta Mendota Canal.
19. Developer shall, "Pay such Bridge and Thoroughfare Fees as approved by the Board of Supervisors in effect at such time that Building Permits are issued."
20. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.
21. USFWS easements previously established by the developer for San Joaquin Kit Fox corridors shall be extinguished where they overlay proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works

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prior to the approval of the subdivision improvement plans.

22. In the event that Condition No. 21 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works.

- F. 1st EXTENSION No. EXT07-008 TO MAJOR SUBDIVISION APPLICATION No. MAS05-008 – San Luis Ranch Phase II – Wathen-Castanos - To extend the expiration date of the tentative map to August 24, 2008, for a 544 lot subdivision located at the southeast corner of Highway 33 and Centinella Avenue in the Santa Nella area. The project site is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. RK**

Planner Gene Barrera presented the Staff Report and Recommendation dated June 27, 2007.

The public hearing opened at 10:06 a.m.

Richard Strong, applicant, stated that he will be available to answer any questions.

The public hearing closed at 10:07 a.m.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS 1st EXTENSION No. EXT07-008 TO MAJOR SUBDIVISION APPLICATION No. MAS05-008.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 27, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES 1st EXTENSION No. EXT07-008 TO MAJOR SUBDIVISION APPLICATION No. MAS05-008 TO AUGUST 24, 2008 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. A Final Map shall be recorded by August 24, 2008 of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken for the subdivision until completion of the following steps which partially implement the EIR on the Santa Nella Community Specific Plan:

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- a. The Habitat Conservation Plan (HCP) for the site has been approved by the U.S. Fish & Wildlife Service;
 - b. On-site Kit Fox corridor easements have been granted and funding has been deposited to ensure the proper management and maintenance of these corridors as outlined in the HCP;
 - c. The applicant demonstrate a good faith effort to enter into a Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service, State Department of Fish & Game, and various State and Federal agencies to ensure the long-term management of the Kit Fox corridors. This MOU is anticipated to be completed in approximately 12 months.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional "Can and Will Serve Letter" from the Santa Nella County Water District, and San Luis Water District should the project still be within their jurisdiction at the time of recordation.
 5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
 6. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
 7. A condition monitoring fee of **\$250.00** shall be required prior to the recordation of the Final Map.

Public Works Department

8. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
9. Release and relinquish all abutters' rights of access to and from the entire State Route 33, Vera Cruz Drive, and the Remainder Parcel, of those lots adjacent to said facilities and parcel.
10. Notwithstanding Condition No. 3, all lot grading shall be completed, all underground improvements shall be installed, and aggregate base material be placed, rough graded, and compacted on all new streets, prior to issuance of any building permits. The developer shall enter into an agreement with the Department of Public Works agreeing that no occupancy shall take place until such time as all improvements are completed.

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11. Clearly delineate and label the proposed off-site drainage basin.
12. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
13. Provide temporary turnarounds at the ends of Street 1 and Street 12.
14. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
15. Two points of access are required for emergency vehicle access (UFC 902.2.1). Access roads are to be a minimum of 20 feet in width, with a vertical clearance of at least 16 feet, 6 inches with an all weather driving surface capable of supporting highway loads (UFC901, 902)
16. Class I and II Bike Routes to be constructed consistent with the Santa Nella CSP.
17. The developer shall form, annex to, or include Zones of Benefit for Landscape Maintenance, Street Lighting, and Storm Drainage.

- G. 1ST EXTENSION No. EXT07-009 TO MAJOR SUBDIVISION APPLICATION No. MAS03-012 – San Luis Ranch Phase I – Wathen-Castanos - To extend the expiration date of the tentative map to June 22, 2008, for a 229 lot subdivision located at the southeast corner of Highway 33 and Centinella Avenue in the Santa Nella area. The project site is designated Low-Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. RK****

Planner Gene Barrera presented the Staff Report and Recommendation dated June 27, 2007. He requested a condition change to #13 to change the street width to 84 feet.

The public hearing opened at 10:11 a.m.

Richard Strong, applicant, agreed to the change to Condition #13.

The public hearing closed at 10:12 a.m.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS 1ST EXTENSION No. EXT07-009 TO MAJOR SUBDIVISION APPLICATION No. MAS03-012.

MOTION: M/S TANNER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 27, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES 1ST EXTENSION No. EXT07-009 TO MAJOR SUBDIVISION APPLICATION No. MAS03-012 TO JUNE 22, 2008 SUBJECT TO

THE 17 ORIGINAL CONDITIONS, AND THE MODIFICATION TO CONDITION #13 TO CHANGE THE STREET WIDTH TO 84 FEET AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. A Final Map shall be recorded by June 22, 2008 of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken for the subdivision until completion of the following steps which partially implement the EIR on the Santa Nella Community Specific Plan:
 - a. The Habitat Conservation Plan (HCP) for the site has been approved by the U.S. Fish & Wildlife Service;
 - b. On-site Kit Fox corridor easements have been granted and funding has been deposited to ensure the proper management and maintenance of these corridors as outlined in the HCP;
 - c. The applicant demonstrate a good faith effort to enter into a Memorandum of Understanding (MOU) with the U.S. Fish and Wildlife Service, State Department of Fish & Game, and various State and Federal agencies to ensure the long-term management of the Kit Fox corridors. This MOU is anticipated to be completed in approximately 12 months.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional "Can and Will Serve Letter" from the Santa Nella County Water District, and San Luis Water District should the project still be within their jurisdiction at the time of recordation.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
7. A condition monitoring fee of **\$250.00** shall be required prior to the recordation of the Final Map.

Public Works Department

8. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
9. Release and relinquish all abutters' rights of access to and from the entire State Route 33, Vera Cruz Drive, and the Remainder Parcel, of those lots adjacent to said facilities and parcel.
10. Notwithstanding Condition No. 3, all lot grading shall be completed, all underground improvements shall be installed, and aggregate base material be placed, rough graded, and compacted on all new streets, prior to issuance of any building permits. The developer shall enter into an agreement with the Department of Public Works agreeing that no occupancy shall take place until such time as all improvements are completed.
11. The developer shall provide for centerline striping of roads of Vera Cruz Drive at its approach to State Route 33, and for the streets approaching Vera Cruz Drive.
12. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
13. Vera Cruz Drive construction shall extend to State Highway 33 with the portion extending west of the connecting street between Street C and D being a minimum of 84 feet wide to accommodate additional channelization at the intersection with State Highway 33 or as otherwise approved by Public Works.
14. Satisfy Caltrans requirements for interim improvements to State Highway 33 as may be required.
15. Two points of access are required for emergency vehicle access (UFC 902.2.1). Access roads are to be a minimum of 20 feet in width, with a vertical clearance of at least 16 feet, 6 inches with an all weather driving surface capable of supporting highway loads (UFC901, 902)
16. Class I and II Bike Routes to be constructed consistent with the Santa Nella CSP.
17. The developer shall form, annex to, or include Zones of Benefit for Landscape Maintenance, Street Lighting, and Storm Drainage.

- H. MINOR SUBDIVISION APPLICATION No. MS07-022 - Bear Creek Ranch Partnership - To divide a 262.60 acre parcel into 5 parcels consisting of: Parcel 1 = 59.74 acres, Parcel 2 = 50.27 acres, Parcel 3 = 51.16 acres, Parcel 4 = 51.16 acres and Parcel 5 = 50.27 acres. The project is located on the west side of Plainsburg Road, north of the Planada SUDP and one half mile north of East Highway 140. 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. JH****

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This item has been continued to the next available Planning Commission date in August 2007.

VI. CORRESPONDENCE

Robert Lewis talked about the Joint Planning Commission/Board of Supervisors General Plan Update meeting held on June 26, 2007. The next public meetings will be around August 2007.

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 a.m.