



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Robert A. Lewis**  
*Development Services Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us

Equal Opportunity Employer

**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF JANUARY 9, 2008, 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. 1<sup>ST</sup> EXTENSION No. EXT07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-006 – VOJE Inc.** - To extend for one year the expiration date for the Tentative subdivision map for the project called 'Red Rock Industrial Park'. The project is located on the west side of Arboleda Drive, 450 feet south of Highway 140 in the Merced area. The property is designated within the Tuttle SUDP as Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

**B. ADMINISTRATIVE APPLICATION No. AA07-096 – Akom Amparom** - To bring into conformance an existing non-profit Thai Buddhist Temple for religious services, meditation, worship and on-site residence for six adults. The project site is located on the north side of Dunn Road, 1100 feet east of Garner Road in the Merced area. The property is designated Merced Rural Residential Center land use in the General plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

**C. 1<sup>ST</sup> MODIFICATION No. MM07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-010 – Chris Madson Construction Inc.** - To relocate the previously approved subdivision storm drainage basin for the project called "Mancebo Estates". The project is located on the east side of Gurr Rd, 200 feet north of Bronco Lane in the Atwater area. The property is designated Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

- D. **1<sup>ST</sup> EXTENSION No. EXT07-029 TO MAJOR SUBDIVISION APPLICATION No. 05001 - Madson Construction** - To extend for one year the expiration date of the Tentative map for the project called "Cypress Estates No. 3". The project is located on the north side of Walnut Ave, 280 feet east of Barbera Ave in the Winton area. The property is designated within the Winton SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residence). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

IX. **ADJOURNMENT**

**APPEALS**

Any person may appeal any action of the 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, and for subdivisions, the deadline is the following Monday at 5:00 pm. 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.

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF JANUARY 9, 2008**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of January 9, 2008, 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 9:10 a.m., on January 9, 2008, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:     Commissioner Jack Mobley  
                                      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  
                                      James Holland, Senior Planner  
                                      David Gilbert, Senior Planner  
                                      Brian Guerrero, Planner I

Legal Staff:                 Bob Gabriele, Deputy County Counsel

Commissioners Absent:     Commissioner Steve Sloan-Chairman

**III. APPROVAL OF MINUTES**

**M/S MOBLEY – BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF DECEMBER 19, 2007.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

- A.     1<sup>ST</sup> EXTENSION No. EXT07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-006 – VOJE Inc. - To extend for one year the expiration date for the tentative subdivision map for the project called 'Red Rock Industrial Park'. The project is located on the west side of Arboleda Drive, 450 feet south of Highway 140 in the Merced area. The property is designated within the Tuttle SUDP as Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH****

Planner James Holland presented the Staff Report and recommendations of approval dated January 9, 2008.

The public hearing opened at 9:16 a.m.

Duane Andrews, Golden Valley Engineering, asked for support of this application.

The public hearing closed at 9:17 a.m.

**MOTION: M/S LASHBROOK - MOBLEY, CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 1<sup>ST</sup> EXTENSION No. EXT07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-006 FROM CEQA.**

**MOTION: M/S LASHBROOK - MOBLEY, CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 9, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES/DENIES 1<sup>ST</sup> EXTENSION No. EXT07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-006 SUBJECT TO THE 22 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning & Community Development Department

1. The Final Map shall be recorded within two years of the Planning Commission approval date.
2. Prior to recordation of the Final Map the project sponsors shall convey to the County, or its designated agent as defined in Condition No. 3, a conservation easement , or equivalent in-lieu fees, that would permanently protect agricultural land of similar or better quality as that farmed on the project site. These mitigation lands may be located adjacent to the current Tuttle SUDP or within the Tuttle area of interest or in a location mutually agreed upon by the applicant and the County Planning and Community Development Director.
3. For the purposes of implementing the CEQA Mitigation Measure (Condition #2) a “designated agent” is defined as a 501 3(k) non-profit corporation whose mission is the preservation of active agricultural farmland, and who comply with the Guidelines of the Land Trust Alliance with actual experience with organizations such as the California Department of Conservation and/or the American Farmland Trust.
4. For the purposes of implementing the CEQA Mitigation Measure (Condition #2) the evaluation of the impacted land and the proposed easements shall be consistent with Public Resource Code Sections; 10251 Agricultural Conservation Easement Eligibility, 10252 Agricultural Conservation Easement Criteria, and Section 10260 Agricultural Conservation Easement Valuation.

Department of Public Works Roads Division

5. 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. Curb and gutter shall be constructed along the Arboleda Drive frontage of the subdivision.

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6. Release and relinquish all abutters' rights of access to and from the entire Arboleda Drive frontage of Lots 1 and 17.
7. Provide a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
8. The detention basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes beginning 10 feet from the fence or property line and with a 8:1 or flatter sloped ramp from bottom of the basin to the access point from a County maintained road. The storm drain easement along the back of Lots 16 and 17 shall be 15 feet in width.
9. The proposed storm water pump station at the northeast corner of the intersection of Arboleda Drive and Childs Avenue shall be located within a storm drainage easement outside of the ultimate road right-of-way and public utility easement width. The ultimate right-of-way width of Childs Avenue is 80 feet.
10. Pursuant to Improvement Level 1 requirements, prior to recordation of the final map, the owner shall pay all costs and provide all documents necessary to form a street lighting and storm drainage maintenance zone of benefit in County Service Area No. one. If landscaping is required along the storm basin perimeter fence, the zone of benefit shall include landscape maintenance. An independent water source shall be provided for any landscaping to be maintained by the County.
11. 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.
12. Provide centerline striping for those new roads which intersect the existing peripheral streets.
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).
14. 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.
15. Sewage disposal system areas and 100% replacement areas shall not be paved or used for such purposes as traffic areas, parking of vehicles, or storage of equipment. Structures and impervious surfaces shall be sized to allow for future septic replacement area with a notation of this restriction placed on the subdivision map.
16. Hazardous materials stored and/or handled in excess of 55 gals, 500 pounds, or 200 cubic feet of gas at standard temperature and pressure, or

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any hazardous waste, shall provide a hazardous materials business plan to the Division of Environmental Health.

17. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

- B. ADMINISTRATIVE APPLICATION No. AA07-096 - Akom Amparom - To bring into conformance an existing non-profit Thai Buddhist Temple for religious services, meditation, worship and on-site residence for six adults. The project site is located on the north side of Dunn Road, 1100 feet east of Garner Road in the Merced area. The property is designated Merced Rural Residential Center land use in the General plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH****

Planner James Holland presented the Staff Report and recommendations dated January 9, 2008.

Charles Mendenhall, Merced County Building Division, stated that in February of 2007, an stop order was issued to the applicant after a site visit. There was a carport built in the patio area being built without a building permit. Another site visit was done on December 14, 2007 and spoke with the owner to advise him to obtain a permit before the Administrative Application could be supported. The applicant to this day has not gotten a building permit. His recommendation is this application should not be approved until a building permit is obtained.

Jeff Wilson, Code Compliance Manager, stated that he was notified by formal complaints received at the Planning Department. The residence was being used as a place of worship and the Code Compliance Department responded to the complaints. The stop order was issued in regards to building code violations. The applicant did comply with the land use aspects as far ceasing existing all uses of the property. The applicant is aware that he needed to acquire and obtain a land use permit prior to approval. Code Compliance staff monitored the site from February 07

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to November 07 and found that the residence was being used by Buddhist Monks to live there as a residence, and in November a possible violation occurred and a site check was done again and several items were removed until the building permit and land use permit were obtained.

### **A 15 Minute Break was taken to review new correspondence received.**

Bob Gabriele, County Counsel, stated that correspondence received regarding this application is relevant for the Commissions consideration. In review of the staff report, staff presented that the proposed Buddhist Temple is exempt from CEQA based upon a categorical exemption. A letter was received from Mr. Tiscornia, a neighbor, regarding the formal notice sent to neighbors. He felt that that project description is not informative of what is actually being presented at todays hearing. These concerns were communicated to the applicant after the letters were received to allow a response from the applicant. Mr. Gnass, a neighbor, presented a letter with a petition including 22 neighbors expressing their disapproval with this project.

Bill Nicholson, Assistant Development Services Director, stated that the County approved an application on Los Oliveros Rd. for a Minor Subdivision of a 3 acre lot into 3 one area lots that are allowed in the A-R zoning. Neighbors brought in CC&R's which restricted all lots to 3 acres in size. However, since the application complied with zoning code, the Hearing officer approved it and so did the Planning Commission on appeal. Afterwards, property owners in the area had submitted other Minor Subdivisions and we have not been sued as Merced County and were not aware that neighbors sued each other to enforce the CC& R's.

Chairman Tanner instructed Planner James Holland to proceed with the Staff presentation prior to opening the hearing.

The public hearing opened at 10:20 a.m.

Dr. Lee Boese, neighbor, stated his opposition to this application. He felt the project description as mailed in the 600 ft. notice area was not a complete description. The project notification should have been mailed within 1,000 ft of the project. There is no landscaping, parking and the notice needs to be rewritten. There are impacts on all the citizens nearby the proposed location of the Buddhist Church. Mr. Boese did a lot split in the past and he did an outreach to his neighbor and talked about their concerns. He felt that Mr. Amporam should have done the same, but the neighbors have not met him. There have been several accidents on Hatch and Dunn Roads. A four way stop sign is needed if this project were to be approved. He has a problem with the current location and suggested to the applicant to move his church to another location. He asked the applicant to withdraw his application.

Irene Barber, neighbor, urged the Commission to consider the country way of life on Hatch and Dunn Roads. She feels the applicant will have functions all the time on the property.

Elizabeth Phonesavanh, neighbor, states that she is married to a Thai man and is not opposed to the Buddhists. The problem is children riding bikes in the area on a narrow street could accidents and too much traffic if 200 people were attending the church. She disagrees that services are being held and has complained that they are being held.

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Bill Gnass, neighbor since 1981, stated that most other churches have other neighboring homes which access on other smaller side streets. Yosemite is only through road in the area besides Dunn Rd. until Bellevue Rd. Cardella Rd. will become the next main road but this road will never be a collector road. There are no sidewalks or pave outs. People use it for walking and biking and horses. The road narrows to only 22 feet in the vicinity. The project is wrong and in the wrong place. 22 people are in attendance that is also opposed to the project. An Initial Study is needed and a traffic study. He feels CEQA exempt is for commercial uses and this is institutional. Septic system will be designed for a few homes not for 200 people. Under Sindstrom vs. Mandicino, the extent of sewer/septic problems and solutions must be identified prior to project approval. He argued the CC&R's issue and Bill Nicholsons comment over size of the lots. If inconsistent use goes in it is different than lot size and they will have to litigate.

Joe Sapien, neighbor, stated that Cottonwood Creek is to the south and north of his property. He argued many people built bridges that block the creek. It will create flooding of this site, and with 200 people there will be problems with the septic system. He wants it located somewhere else. 3 acre lot splits will add to the problem.

Sharon Bias, neighbor, stated that she had a Granny house built and they have to comply with the CC&R's and get the neighbors to sign-off. They don't know why this use didn't need a sign-off. They had to abide by the CC&R's and the Planning Department told them to do so.

Mr. Gabriele added that the desire may be to continue this application and let staff respond to the points presented in an updated report. He asked the Planning Department to consider a broader notice (1,000 ft. or more) and change the wording of the project description. There needs to be a more extensive analysis of the CEQA determination and in light of testimony presented today, to see what direction staff feels should be taken on CEQA.

Moe Amporam, applicant and property owner, plans to donate the site to the temple. They are quiet people far from the City. He also wants a quiet street/road. He will work with the County on any restrictions the Planning Commission wants. They don't want to change the zoning. Motorcycles and ATV's are the main noise. They offer to food to the monks and on the weekends there may be 10-15 cars and they are required to park on the property. He agreed to take care of the Building Permit that is required for him to obtain. 200 people is a long term goal and they won't use restroom facilities all at once. Currently the monks go the Los Angeles or San Francisco for service for Cultural days, Birthdays and regular services. He asked that anyone with concerns come to him. On New Years his church invited neighbors to a pot luck but no one came. They want to keep Dunn Rd. as it is. Neighbors put "No Parking" sign off.

Robert Lewis, Development Services Director, added that the public hearing notice was mailed out to property owners within 600 ft. of the project and not the usual 300 ft. He is not comfortable with making an exemption from CEQA. A CEQA study may need to be done and the notice was based on the application originally submitted. A CEQA study could take 6-9 months. An Environmental Impact Report could take longer.

Mr. Gnass asked if the notice could include Dunn, Hatch and Gardner Roads and all the neighbors that signed the petition be included in the public notice.



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Commissioner Mobley suggested selling the property and buying another site that works for the application. It may be logical to avoid disagreement, maybe the religion supports working with the community and having agreement – not conflict.

Mr. Amporam added that one weekend added only 10 cars to the property. Once a month or once a quarter there may be 50 people with 30 cars. 100 people would be in a rental hall or fairgrounds. Hours would be from 9am to 10pm. Hmong pray after lunch and offer food then they start prayer again from 7pm to 7:30pm. The reason to be open longer is for people to talk to the Monks. No nightly activity – just by special request. On Sunday they pray and then offer food for monks then members have pot luck. That is all taking place on the property now. The property is not being used as a homeless shelter or a place for food to give to the community.

Mr. Lewis wants to continue this application for 45 days to let staff work with the applicants and review testimony and discuss CEQA.

Mr. Gnass asked if the applicant is allowed to operate the home as a temple in the meantime. Mr. Lewis states that A-R zoning allows such operations as this time.

The public remained open to allow more comments at the unknown future Planning Commission date.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION AGREES TO REFER ADMINISTRATIVE APPLICATION No. AA07-096 BACK TO STAFF TO POSSIBLY HAVE PREPARED AN INITIAL STUDY AND RE-NOTICE NEIGHBORS, COME UP WITH A NEW PROJECT DESCRIPTION.**

- C. 1<sup>st</sup> MODIFICATION No. MM07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-010 – Chris Madson Construction Inc. - To relocate the previously approved subdivision storm drainage basin for the project called “Mancebo Estates”. The project is located on the east side of Gurr Rd, 200 feet north of Bronco Lane in the Atwater area. The property is designated Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG****

Planner David Gilbert presented the Staff Report and recommendations of approval dated January 9, 2008.

The public hearing opened at 11:40 a.m.

Commissioner Lashbrook asked if the drainage is open to the public or closed off. Planner David Gilbert said that the drainage will be closed off for safety reasons.

Garth Pecchenino, Fremming, Parsons & Pecchenino, stated that he is available to answer any questions.

MariHelen Afonso, neighbor, is concerned with the irrigation water. She currently has Merced Irrigation District services and she was unaware of the applicant putting in a basin up against her property. Acting Chairman Tanner assured Ms. Afonso that she would still be receiving MID water. Mr. Pecchenino added that there will be a 15 foot easement and the applicant has a private irrigation line. Ms. Afonso would also like to see privacy fence put up. Planner Dave Gilbert stated that the property line will be secured off for safety reasons.

The public hearing closed at 11:45 a.m.

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 1<sup>ST</sup> MODIFICATION No. MM07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-010.**

**MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS OF APPROVAL DATED JANUARY 9, 2008, AND MAKES THE 13 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 13 FINDINGS, APPROVES 1<sup>ST</sup> MODIFICATION No. MM07-026 TO MAJOR SUBDIVISION APPLICATION No. MAS05-010 SUBJECT TO THE 18 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning & Community Development Department

1. The Final Map shall be recorded within two years of the Planning Commission approval date. It should be noted that the major subdivision approval will expire on January 25, 2008, unless extended.
2. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
3. 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.
4. Prior to recording the final map, the developer shall submit a landscaping plan to the Merced County Planning Department that provides for the installation of a fence and landscaping screen around the proposed storm water detention basin.
5. Streets shall be named and designated pursuant to Section 17.04.050.B of the Merced County Code.

Merced Irrigation District (MID)

6. The developer shall enter into a 'Subdivision Drainage Agreement' with the Merced Irrigation District prior to the recordation of the final map.

Public Works Department/Road Division

7. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and undergrounding or relocation of utilities and irrigation facilities. Rolled curb and gutter shall include the radiuses at the intersection of Mancebo Court and Gurr Road.

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8. The applicant shall release and relinquish all abutter's rights of access to and from the entire Gurr Road frontage of Lot 1.
9. 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.
10. Ten feet (10') of Gurr Road right of way along the frontage of Parcel 1 as shown on the Parcel Map for Willard Hoyt, et ux., recorded in volume 38 of Parcel Maps at Page 45, Merced County Records is in excess of right of way required for road purposes and shall be abandoned with the recordation of the final map.
11. The storm detention drainage basin shall be constructed with 4:1 (horizontal:vertical) or flatter side slopes beginning 10 feet inside of the fence or property line along with an 8:1 sloped ramp to allow access for maintenance vehicles to the bottom of the basin. The storm drain basin shall have direct access to a publicly maintained road; minimum width of access shall be 20 feet, with a 12-foot width, 4-inch thick, Class 2 aggregate base road compacted to 95% relative compaction.
12. Provide centerline striping for those new roads which intersect the existing peripheral streets.
13. The developer shall provide all documentation and pay all fees necessary to annex the property into the B & B Rancheros Lighting and Maintenance Zone of Benefit NO. 217 in County Service Area Number One prior to recordation of the final map.
14. 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.
15. 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.
16. 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.

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17. 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.
18. 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.

- D. 1<sup>ST</sup> EXTENSION No. EXT07-029 TO MAJOR SUBDIVISION APPLICATION No. 05001 - Madson Construction** - To extend for one year the expiration date of the tentative map for the project called "Cypress Estates No. 3". The project is located on the north side of Walnut Ave, 280 feet east of Barbera Ave in the Winton area. The property is designated within the Winton SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residence). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner David Gilbert presented the Staff Report and recommendations of approval dated January 9, 2008.

The public hearing opened at 11:50 a.m.

John McCullough, BCA, had no comments but was available for any questions.

The public hearing closed at 11:51 a.m.

**MOTION: M/S MOBLEY - LASHBROOK, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 1<sup>ST</sup> EXTENSION No. EXT07-029 TO MAJOR SUBDIVISION APPLICATION No. 05001, FROM CEQA.**

**MOTION: M/S MOBLEY - LASHBROOK, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 9, 2008, AND MAKES THE 11 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 11 FINDINGS, APPROVES 1<sup>ST</sup> EXTENSION No. EXT07-029 TO MAJOR SUBDIVISION APPLICATION No. 05001 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Planning & Community Development Department

1. The approval of Major Subdivision Application No. MAS05-001 shall expire on January 11, 2009, unless an extension request is applied for.
2. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Winton Water and Sanitary District prior to recordation of the Final Map, or a first phase Final Map.
3. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Winton Water and Sanitary District.
4. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.
5. The developer shall pay the local parkland dedication and improvement fees as

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required by County Ordinance No. 1090 prior to recording the final map.

6. 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.
7. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1
8. At the same time that Improvements Plans are submitted, the developer shall provide the Merced County Planning Department with a set of landscaping plans that shall provide for the installation of a fence and a landscaping screen around the proposed storm water detention basin that also includes landscaping along the frontage of the basin along Chablis Lane.
9. For the purpose of condition monitoring, a fee in the amount of **\$288** shall be required. The fee shall be paid prior to recordation of the Final Map.

### Department of Public Works/Road Division

10. The temporary cul-de-sac easement at the south end of Chablis Lane shown in Detail "B" on the map of Vintage Estates filed in Volume 28 of Official Plats at Pages 17 and 18, Merced County Records, is no longer needed for temporary turnaround purposes and shall be abandoned with the recording of the final map of Cypress Estates No. 3, Subdivision No. 05001.
11. The developer 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.
12. The developer shall construct permanent roadway improvements in place of the temporary turnaround on Chablis Lane.
13. Provide a letter from MID accepting storm drainage from this proposed development into their facilities prior to recording the final map.
14. The detention basin shall be constructed with 4:1 (horizontal: vertical) or flatter slopes beginning 10 feet from the fence or property line and with a 8:1 or flatter sloped ramp from the bottom of the basin to the access point from a County maintained road.
15. Prior to recordation of the final map, the owner shall pay all costs and provide all documents necessary to from a street lighting and storm drainage maintenance zone of benefit in County Service Area No. 1. If landscaping is required along the Chablis Lane frontage of the storm drainage detention basin, the zone of benefit shall include landscape maintenance.
16. 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.
17. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.
18. Due to the unpredictable performance of storm drainage percolation basins, the Developer shall ensure function to minimum County standards within two years of

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acceptance of the subdivision improvements (recording date of the Notice of Completion) by one of the following methods prior to recordation of the final map:

- a. Reserve one abutting residential lot by entering into a construction agreement with the County, provide security and plan check and inspection fees, for expansion of the basin into the reserved lot; or:
- b. Locate the basin adjacent to a Merced Irrigation District facility with confirmation to accept storm water runoff from the subdivision by entering into construction agreements with the County and MID, provide security and plan check and inspection fees, for installation of a storm water pump station; or:
- c. If recommended by the geotechnical engineer, enter into a construction agreement with the County, provide security and plan check and inspection fees, to significantly over –excavate the basin and backfill with select highly permeable import material.

The developer shall be responsible for all costs associated with the design, plan check, construction, and inspection for storm drainage basin modifications if the percolation basin does not function to minimum County standards.

19. The acceptance of storm water from the project site into MID facilities must be met by the developer including, but not limited to, the following:
  - a. Extend the irrigation box as needed
  - b. Installation of a combination gate at the inlet to the pipeline
  - c. Other improvements as needed.
20. 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) 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).
21. The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code established by Ordinance No. 17.49 in place at the time of building permit issuance.
22. 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.
23. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149, adjusted for inflation, in place at time of building permit issuance.

### VI. CORRESPONDENCE

None

### VII. GENERAL BUSINESS

Development Services Director Robert Lewis said the Planning Commission packets will be available on the Planning website.

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Assistant Development Services Director William Nicholson would like to hold a joint Planning Commission/Board of Supervisors meeting regarding the General Plan Update on February 19, 2008 at 1:30pm.

**VIII. DIRECTOR'S REPORT**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 12:05 p.m.