



**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 FEBRUARY 13, 2008, 9:00 A.M.
2222 "M" ST., THIRD FLOOR, BOARD CHAMBERS, MERCED, CA 95340**

This Agenda and all supporting documentation for each hearing item is available online at www.co.merced.ca.us/planning/plancomarchive.html

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Board Chambers.

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. CONDITIONAL USE PERMIT APPLICATION No. CUP07-030 - Casper Noz -
To establish a privately owned outdoor recreational facility consisting of an existing two story pavilion with a barbeque pit and seating areas for private parties. The project site is located on the south side of Keyes Road and 1 ¾ miles east of Bledsoe Road. The project site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BG**

B. CONDITIONAL USE PERMIT APPLICATION No. CUP 07-016 - Pedro Lopez -
To establish a used car sales lot, including minor vehicle repair on property located at the northeast corner of Broadway & Manchester Ave in the Atwater area. The project site is designated Atwater SUDP - Highway Interchange Center and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

- C. **APPEAL No. APEA08-001 TO CONVEY & COMBINE MINOR SUBDIVISION APPLICATION No. MS07-053 - Frank Baba** - To create a 5 acre homesite parcel from a 20.30 acre parcel, and to convey and combine the remaining 15.30 acres to an adjacent 20 acre property under the same ownership, creating a new 35.30 acre parcel for agricultural production on property located at the southwest corner of Pepper St & Linwood Rd in the Turlock 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. DG**
- D. **3RD EXTENSION No. EXT07-027 TO MAJOR SUBDIVISION APPLICATION No. 01-009 - Maxwell Construction** - To extend for one year the expiration date of the tentative map to December 17, 2008. The property is located on the south side of Olive Avenue, 550 feet east of Jones Road in the Winton area. The subject property is designated Winton SUDP - 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**

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 FEBRUARY 13, 2008

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of February 13, 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 9:15 a.m., on February 13, 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

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 David Gilbert, Senior Planner
 Brian Guerrero, Planner I

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: Commissioner Steve Sloan-Chairman
 Commissioner Rudy Buendia

III. APPROVAL OF MINUTES

M/S MOBLEY - LASHBROOK, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JANUARY 23, 2008.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT APPLICATION No. CUP07-030 - Casper Noz - To establish a privately owned outdoor recreational facility consisting of an existing two story pavilion with a barbeque pit and seating areas for private parties. The project site is located on the south side of Keyes Road and 1 ¾ miles east of Bledsoe Road. The project site is designated Agricultural land use in the General Plan and zoned A-2 (Exclusive Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.
BG**

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated February 13, 2008.

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

No one spoke in favor or opposition to this application.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 2

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

Commissioner Lashbrook questioned the number of events per year at the property site. She asked that a condition be modified to state 6 (six) “commercial” events per year.

Casper Noz, applicant, states that he only rents the property out for 6 times a year.

MOTION: M/S MOBLEY – LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP07-030 FROM CEQA.

MOTION: M/S MOBLEY - LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 13, 2008, AND MAKES THE 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP07-030 SUBJECT TO THE 13 CONDITIONS WITH CONDITION #7 BEING MODIFIED AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions:

1. Conditional Use Permit Application No. CUP07-030 is approved to establish a private outdoor recreational facility consisting of an existing two story pavilion, and to allow a maximum of 6 events such as weddings, receptions and family re-unions etc. from mid-March through mid-November, with a maximum of 200 occupants per event, and one annual field trip for students.
2. The applicant shall comply with all standard conditions of approval listed in the Planning Commission Resolution No. 97-1.
3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$300** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant/ property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
4. As part of conditions monitoring the applicant shall notify the Planning Department prior to each of the events.
5. The applicant shall comply with all applicable County, State and Federal regulations.
6. The outdoor recreational facility shall only be open for operation for events during the months of mid-March to mid-November.
7. The outdoor recreational facility shall only hold 6 (six) “commercial” events per year with a maximum of 200 people per event.
8. The applicant/property owner shall maintain the landscaping, buildings and parking area at all times.

Environmental Health Division:

9. Any expansion of the septic system must be conducted under permit from this Division.
10. This project may be subject to public water system requirements. (Consult with Brent Cronk at (209) 381-1085).
11. Water supplied for hand washing:

-Should undergo quarterly testing for bacteria -Stored water should be maintained with a chlorine residual of no less than 25 ppm. A routine testing and record maintenance program will be needed.

Department of Public Works Building and Safety Division:

12. To use any portion of this building for commercial purposes the owner must do the following:
 1. Modify the existing plans and permit at the Building Department to change the occupancy of the building.
 2. Update the building to comply with all current codes for a commercial building.
 3. Make all areas of the building that will be open to the public handicap accessible
 4. Complete all required work and obtain a certificate of occupancy from the Building Department.

Merced County Fire Department

13. The main driveway off Keyes Road and the second driveway will need to be brought into conformance with California Fire Code Sections 902 and 903 due to potholes and lack of road base.
14. If water storage is added for any reason at this location the Fire Department will require a 4 ½" make fitting and valve with cap with NST threads for Fire Department use.

- B. CONDITIONAL USE PERMIT APPLICATION No. CUP07-016 - Pedro Lopez - To establish a used car sales lot, including minor vehicle repair on property located at the northeast corner of Broadway & Manchester Avenue in the Atwater area. The project site is designated Atwater SUDP - Highway Interchange Center and zoned C-2 (General Commercial). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.****
DG

Planner David Gilbert presented the Staff Report and recommendations of approval dated February 13, 2008.

The public hearing opened at 9:40 a.m.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 4

Mike Smith, CCPS, stated that he had no issues with the staff report and the applicant agrees with all the conditions listed.

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

MOTION: M/S MOBLEY – LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT APPLICATION No. CUP07-016 FROM CEQA.

MOTION: M/S MOBLEY - LASHBROOK, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 13, 2008, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. CUP07-016 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. Conditional Use Permit Application No. CUP07-016 proposes to establish a used car sales lot with on-site storage and repair of vehicle for sale on a .45 acre parcel and shall be developed and operated consistent with the approved plot plan, elevations, floor plans, and operational statement.
2. Applicant/property owner shall comply with all Conditional Use Permit conditions as contained in the Planning Commission Resolution No. 97-1.
3. Applicant/property owner shall comply with all Federal, State, and Local agency regulations
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$380** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.

Merced County Fire Department

5. The applicant shall meet all applicable requirements of the Merced County Fire Department for compliance with the Uniform Fire Code.

Public Works/Building & Safety Division

6. All building shall conform to handicap accessibility regulations. A California licensed engineer or architect shall review the property and draw any plans that may need to ensure compliance. Those plans shall be submitted to the Building & Safety Division for our review and a building permit shall be issued prior to the start of any work on the site. The following items are a partial list of what should be considered for accessibility:
 - Any buildings, existing or new, used to conduct business.
 - Accessible pathways to all entrances and from all exits.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 5

- Width and threshold height for all entrance and exit doors.
- Any restrooms that may be used by employees or customers.

- All parking should be shown on the site plan and handicap accessible parking will be required. Accessible parking must be located as close as possible to the accessible entrance.
- Storage buildings must comply with building codes setbacks.

Public Works/Road Division

7. The property owner/applicant shall enter into a Deferment of Construction Agreement to satisfy Improvement Level 1 requirements of Chapter 16.08.040 of the Merced County Code for required dedications and street improvements along the Broadway and Manchester Avenue frontages of the project site. This shall include, but is not limited to street lighting, a circulation plan for traffic entering and exiting the site, necessary frontage improvements (curbs and gutters) and an on-site storm drainage facility necessary for collection of storm water run-off generated from the frontage improvements as well as on-site paving. If it is necessary to contain said improvements, additional right-of-way dedication shall be required. Improvements shall be designed by a California licensed Civil Engineer and designed to City of Atwater standards. Right-of-way dedication shall be prepared by a California licensed land surveyor or Civil Engineer to perform land surveying.
8. Building permits for structures that exceed 500 square feet or multiple structures where the total area exceeds 500 square feet will initiate requirements per Chapter 16.08.040 of the Merced County Code, if in the opinion of the Department of Public Works, the expansion warrants such improvements.

Environmental Health Division

9. Any hazardous materials stored on-site over threshold quantities (55 gallons, 200 cubic feet, or 500 pounds) shall require that a hazardous business plan (HMBP) be filed with this division. Likewise, any quantity of hazardous waster generated on-site shall also trigger the requirement that a HMBP be filed. Contact Vickie Hayer at (209) 381-1083 to obtain information.

City of Atwater

10. Property owner/applicant shall be required to connect to the City of Atwater sewer collection and treatment facilities.
11. Property owner/applicant shall be required to connect to the City of Atwater water distribution system.
12. Property owner/applicant shall construct a storm drainage catch basin implementing Best Management Practices and comply with all requirements of the Merced Irrigation District.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 6

13. Property owner/applicant shall comply with the following General Development Standards:
 - a. A minimum of ten percent (10%) landscaping shall be provided on-site.
 - b. Landscaping shall comply with City landscape standards.
 - c. Street trees shall be planted in compliance with adopted City standards.
 - d. Parking to be in compliance with requirements of Chapter 17.63.110.
 - e. Loading zones required in addition to alleys shall be not less than ten (10) feet wide, twenty (20) feet deep, with a clearance height of not less than fourteen (14) feet, and shall provide space for vehicles loading and unloading while at the same time not in any way blocking the alley to moving traffic.
 - f. A six (6) foot high solid fence or wall shall be required on the property line abutting any residential zone or land designated for future residential use in the General Plan. Fences in exterior yards to comply with residential requirements.
 - g. Trash receptacles shall be screened from view. A trash enclosure shall be required and shall include a concrete slab at the entrance of all refuse containers. The enclosure shall be constructed of concrete block and include concrete foundation and bottom, including a bumper block to protect the block wall from damage by the refuse containers. The enclosure shall have locking gates and shall be constructed of chain link with slats or other approved solid materials. The enclosure shall be accessible to refuse trucks.
 - h. All utilities shall be installed underground.
 - i. Refer to Section 17.03.110 for requirements for collection and loading recyclable materials in development projects.

- C. APPEAL No. APEA08-001 TO CONVEY & COMBINE MINOR SUBDIVISION APPLICATION No. MS07-053 - Frank Baba - To create a 5 acre homesite parcel from a 20.30 acre parcel, and to convey and combine the remaining 15.30 acres to an adjacent 20 acre property under the same ownership, creating a new 35.30 acre parcel for agricultural production on property located at the southwest corner of Pepper St & Linwood Rd in the Turlock 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. DG****

Planner David Gilbert presented the Staff Report and recommendations of approval dated February 13, 2008.

The public hearing opened at 9:50 a.m.

Robby Avila, Stevinson resident, read her letter in for the record. She states that project would not be beneficial to agriculture by converting 2 twenty acre parcels of land into one five acre parcel and another 35 acre parcel. She felt the original intent of the Convey and Combine and the 20 acre minimum was not for retirement

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 7

benefits or estate planning and was for saving farmers during bad years so that they may be able to keep the bulk of their property instead of losing it to pay off debt. Valley Land Alliance feels that ag land conversion needs to stop and asked for approval of this appeal.

Maureen McCorry, Valley Land Alliance, submitted a letter for the record. She states that the presentation at the Planning Commission was presented as not a typical 20 acre split but as a convey and combine. This is a loophole in the Code where the intent was to combine the existing parcels. Valley Land Alliance is not questioning the intent of Mr. Baba, but the lot can be sold in combination with other 20 acre splits. The County is being irresponsible with what can happen. She saw no records of General Plan Steering Committee review discussion on allowing the change to the zoning code where property can be combined with land under the same ownership to qualify as a convey and combine. "Planner logic" to the text change was given as the reason for the CEQA exemption at the January 25, 2005 Board Hearing.

Nicole Alvernaz, Valley Land Alliance, stated that the transcripts from the Board of Supervisors meeting states that Deidre Kelsey said that the MACs or Merced County Farm Bureau did not comment on the text amendment. UC Cooperative Extension was the only group that commented. New exemptions to CEQA are not being created, only clarifying existing ones. Ms. Alvernaz read a quote from Maxwell Norton with UC Cooperative Extension from November 12, 2004. The letter states that according to the Zone Code Text Amendment No. 04001, this would allow new homesites in rural areas. The State would require a 30 to 100 meter buffer zone around all residences which restricts the use of some common soil pesticides such as methyl bromide. Because of these new restrictions, having homes adjacent to fields can significantly impair a farmer's ability to use soil fumigants to control important pests. Some homes in farming areas are making it difficult for aerial applicators to work because of their desire to stay away from homes. Aerial applicators are reporting that there are many parcels that they can no longer treat because of the proximity of new homes. Ms. Alvernaz also quoted a letter in the Merced Sun-Star from David Chircop. The article states that Supervisors said the rule changes are small, technical tweaks to the law, some farming interests expressed concerns about impacts on agriculture. The letter refers also to Maxwell Norton saying "he is finishing a study that examines how the proliferation of new homes in rural areas often clashes with existing agricultural practices". "When nonfarmers move into agricultural areas, they tend to be intolerant of noisy, smelly and dirty operations. As a result, more farms are being forced to change age-old practices".

Duane Andrews, Golden Valley Engineering, feels that Convey & Combine applications are the least controversial. Convey and combine was to allow people to retire and sell the farm. The Baba farm has been there since 1911 and the home on the property is 30 years old. 35 acres is being sold to the neighboring landowner. He has represented many convey and combine applicants who typically have been on their ranch for 30 years.

Jean Okuye, Livingston resident, states that she is not questioning the intent of the landowners, but the conversion of ag land is a real threat. She handed out photos

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 8

and parcel pages showing land for sale in the area. She stated that the land is in Williamson Act Preserve and requires a higher level of scrutiny.

The public hearing closed at 10:16 a.m.

Acting Chairman Tanner requested a 15 minute break to review all correspondence, photos and maps submitted.

Bob Gabriele, County Counsel, stated that all material submitted and testimony given is part of the record. The Planning Commission has reviewed submitted documents. There are different opinions at the public hearing. Mr. Gabriele went over the legal standard of CEQA. "Fair argument" is standard where reasonable people can argue a contradictory point. Opinions, people arguing different facts does not cause CEQA to be undertaken if there is a complete refutation of the arguable points for a fair argument.

This is the standard – written material submitted can responded to by staff. He added that the Planning Commission approval of Minor Subdivision MS07-041 was legally completed, not appealed or challenged then. This is different than other splits on maps submitted at the hearing. This is a convey and combine with 2 existing parcels of 20 acres each and not a split of 40 acres each, the property was already split. 35 acres is larger than the average and 5 acres is much smaller.

Commissioner Lashbrook doesn't want to see the Baba project used as a test case. She feels the project should have been looked at more carefully early on. Five acres can be productive. She would like to allow the Baba's to stay in their home. The General Plan update will be a good opportunity to look at the issue again. There will be a public meeting on the General Plan on March 11 and that would be a good time to discuss issues.

MOTION: M/S MOBLEY - LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS APPEAL No. APEA08-001 TO CONVEY & COMBINE MINOR SUBDIVISION APPLICATION No. MS07-053 FROM CEQA.

MOTION: M/S MOBLEY - LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DENIES APPEAL No. APEA08-001 TO CONVEY & COMBINE MINOR SUBDIVISION APPLICATION No. MS07-053.

- D. 3RD EXTENSION No. EXT07-027 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009 - Maxwell Construction -** To extend for one year the expiration date of the tentative map to December 17, 2008. The property is located on the south side of Olive Avenue, 550 feet east of Jones Road in the Winton area. The subject property is designated Winton SUDP - 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 February 13, 2008. The Public Works Department requested an added condition #24 to the staff report.

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 9

The public hearing opened at 10:58 a.m.

Duane Andrews, Golden Valley Engineering, stated that this extension is needed since there is no building of homes going on currently.

The public hearing closed at 10:59 a.m.

MOTION: M/S MOBLEY - LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION ADOPTS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 3RD EXTENSION No. EXT07-027 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009.

MOTION: M/S MOBLEY - LASHBROOK, CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 13, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES 3RD EXTENSION No. EXT07-027 TO MAJOR SUBDIVISION APPLICATION No. MAS01-009 TO DECEMBER 17, 2008 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Approval of this extension shall extend the period of time for recording the final map to December 17, 2009. This condition replaces Condition #1 in the December 17, 2003 report.
2. The proposed storm-water drainage percolation basin shall be constructed to Merced County standard.
3. Any relocation, removal or under grounding of PG&E facilities shall be done at developer's expense.
4. Right to Farm Certificate shall be placed on the Final Map in compliance with Ordinance No.1213.
5. The developer shall comply with all the standard condition of approval listed in the Planning Commission Resolution No. 97-1 (a copy was mailed to the developer with the staff report).
6. Prior to recording of the Final Map, a landscape plan for the street trees in conformance with the Landscaping Chapter of the County Zoning code shall be submitted to the Planning and Community Development Department for review and approval. Approved street trees shall be installed prior to occupancy of each house. The location of the street trees shall be shown on the improvement plans.

Department of Public Works/Road Division

7. 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

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 10

matching pavement along existing roadways, street-lighting, storm drainage systems and underground or relocate utilities and irrigation facilities. Improvement Level 1 requirements also apply to Parcel 1 as shown on the Parcel Map No. 3755 for Y.M.G Company, Inc., recorded in Volume 78 of Parcel Maps at Pages 11 and 12, Merced County Records.

8. Release and relinquish all abutters' rights of access to and from the entire Olive Avenue frontage of Lots 1 and 21.
9. Construct a County Standard residential, or offset, cul-de-sac bulb with curb, gutter, sidewalk, and street light at the end of McConnell Avenue to provide direct access to the County park and proposed drainage basin. The County will participate in the construction of the improvements.
10. Replace all irrigation pipelines located within proposed roadbed areas, which do not conform to Merced County Improvement Standards and Specifications.
11. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
12. Provide centerline striping for these 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, 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
14. The subdivider shall pay a recreational parkland space and improvement fee as required by Merced County Ordinance No. 1090. Said fee is payable prior to or concurrent with the recording of the Final Map.
15. The developer may be required to enter into an Improvement Agreement with Merced County (in conformance with Article 2.5 of Chapter 4 of Division 1 of the Government Code) prior to recording a Final Map to provide necessary infrastructure to the satisfaction of the Merced County Department of Public Works.
16. The applicant shall submit a current 'Sewer/Water Commitment Notice' issued by the Winton Water and Sanitary District for Major Subdivision No. 01009, prior to recordation of the final subdivision map.
17. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
18. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place

MERCED COUNTY PLANNING COMMISSION

Minutes – February 13, 2008

Page 11

at the time of building permit issuance.

19. 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.
20. The project shall be subject to the revised Winton Bridge and Major Thoroughfare Are of Benefit Fee, payable at building permit issuance, as adopted by the Board of Supervisors Resolution No. 2005-223.
21. 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 (MID)

22. The Applicant/Owner, upon development of the storm drainage basin and Lots 12, 13 and 14, is required to construct a fence along the MID Frontage outside the MID fee strip.
23. A Storm Drainage Agreement must be executed between the property owner and MID before MID will accept any drainage water from the project. Improvements to MID facilities may also be required for the acceptance of storm water.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

There will be a joint study session on March 11, 2008 at 1:30 p.m., with the Board of Supervisors and Planning Commission to discuss the General Plan Update Focus Group and Community input. It will be discussion only and no actions will be taken. There will be an opportunity for the public to speak at the end of the meeting.

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 11:09 a.m.