



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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Equal Opportunity Employer

**PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 27, 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. 1st MODIFICATION No. MM07-025 TO CONDITIONAL USE PERMIT No. CUP05-025 - Merced County Housing Authority - To revise the approved site development plan for the Felix Torres Housing Center by allowing construction of the previously approved child care facility on the southeast corner of the site. The property is located on the west side of Plainsburg Road, approximately one quarter mile north of the Planada SUDP Boundary. It is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE MODIFICATION. JH****

- B. **2ND EXTENSION No. EXT08-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003 "River Reach Estates"** - To extend the expiration date of the approved residential lot tentative map for one year until March 9, 2009, for property located on the south side of Palm Avenue and 800 feet east of Santa Fe Drive in the Cressey area. The project site is designated Cressey 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 EXTENSION. DG**
- C. **3RD EXTENSION No. EXT08-002 TO MAJOR SUBDIVISION APPLICATION No. MAS03-001 - Ranchwood Contractors** - To extend for one year the expiration date of the tentative map for Major Subdivision 03001 - "McPherson Subdivision". The property is located on the south side of Savanna Road and 600 feet west of Santa Fe Avenue in the Le Grand area. The project site is designated Le Grand SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. DG**

VI. **CORRESPONDENCE**

VII. **GENERAL BUSINESS**

VIII. **DIRECTOR'S REPORT**

IX. **SCHEDULED ITEMS**

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Commission to meet in closed session concerning existing litigation pursuant to Government Code Section 54956.9 (a): SJRRC v. County of Merced (Black Diamond).

- X. **ADJOURNMENT** – Adjourn the meeting to a special Joint Board of Supervisors/Planning Study Session on March 11, 2008, at 1:30 PM in the Board Chambers.

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 27, 2008

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of February 27, 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 February 27, 2008, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

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

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 James Holland, Senior Planner
 Jeff Fugelsang, Planner I

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: Commissioner Jack Mobley

III. APPROVAL OF MINUTES

M/S TANNER - LASHBROOK, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF FEBRUARY 13, 2008.

IV. CITIZEN COMMUNICATIONS

Maureen McCorry, Valley Land Alliance, feels that the public can't comment on projects since notification of the agenda items are not posted on the County website until the Wednesday before the Planning Commission meetings. This is not enough time to submit any comments the public may have.

V. PUBLIC HEARINGS

A. 1st MODIFICATION No. MM07-025 TO CONDITIONAL USE PERMIT No. CUP05-025 - Merced County Housing Authority - To revise the approved site development plan for the Felix Torres Housing Center by allowing construction of the previously approved child care facility on the southeast corner of the site. The property is located on the west side of Plainsburg Road, approximately one quarter mile north of the Planada SUDP Boundary. It is designated Agricultural in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE MODIFICATION. JH**

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Planner James Holland presented the Staff Report and recommendations dated February 27, 2008. He recommended the Planning Commission to continue this item to the March 26th meeting to allow the building permit issue to be resolved (the applicants need to obtain building permits for construction already underway); site inspections still need to be done on the property; a building setback resolution is needed; clarification as to the number of required parking spaces; and the scheduling of the construction is required.

Commissioner Lashbrook stated that additional parking spaces are needed for this project. Mr. Holland noted that 302 parking are identified and approved for this project. Some of those parking spaces are for the proposed soccer fields. Ms. Lashbrook asked where the almonds are planted. Mr. Holland stated that they are south of the child care center. Ms. Lashbrook is concerned with the crop treatment timings and the drift going to the child care center regarding the almonds. Mr. Holland states that a chain link fence will be put up and the distance is approximately 25 feet between the center and the almond field.

Chairman Sloan noted for the record that Bryant Owens, Plainsburg Rd. resident, submitted a letter for the record. The letter contains a petition for a Writ of Mandate and it is his intention to continue this item for 30 days to allow sufficient time to look over the letter from Mr. Owens. He will open the public hearing to allow testimony.

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

Maureen McCorry, Valley Land Alliance, submitted several letters in for the record from several other individuals and organizations. She referenced a letter from Don Borgwardt stating the applicants broke ground on the day care center November 20th in violation. Ms. McCorry is in agreement with the application, but feels it is critical for the public to review records regarding the Housing Center. She is not receiving any responses from any agencies and was directed to Stanislaus Office of Education and was told that the Housing Authority is the lead agency. Mr. Borgwardt letter also states they are in full compliance with County rules and Ms. McCorry feels this is not true. She asked how much this day care facility costs. She is receiving different answers. She feels this is a leap frog growth pattern. Pacific Holt is getting big deal profits off the land sale and she is not in agreement with that. The Housing Authority is selling at a loss on land at the corner of Hwy 140 and Plainsburg Rd. The traffic and ag chemical sprays are hazards to this project as well. She asked the Commissioners to read the letters submitted and question the Housing Authority staff.

Garth Pecchenino, engineer with Fremming, Parsons & Pecchenino, stated that the parking stalls are state mandated and are based on a staff to child ratio. Overall, the project will provide screening with slats on the fencing. He checked with the Building Department regarding the building permit issue and they determined that the permits were on hold until the process is completed. The building plans were approved by the Fire Department and an encroachment permit was obtained from the Public Works Department. The onsite inspection is being inspected by the Department of Public Works along with the State Inspector through the Office of Education.

Don Borgwardt, Director of the Merced County Housing Authority, stated that this is a 20 acre site with 52 units year round and the funds for the project are provided through the State. The back part of the project is being developed by the Office of

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Migrant Services who is developing a migrant center with 72 seasonal units for farm workers.

The original plan was developed with the included day care center and would sit in the center of the year round portion of the project. One problem was construction cost, so this portion was set aside until additional funding was sought. The Stanislaus Office of Education, who is the provider of the services, for the daycare facility, secured funding on their own and asked to lease the 1 acre portion of land next to the facility. They are the lessor of the facility and Housing Authority is the lessee. It is not a part of the Housing Authority funding. He can provide a 20 year lease signed by Stanislaus Office of Education. Currently, they are out to bid on the main project and have been delayed from PG & E. This project today is a modification to the original Conditional Use Permit and he feels that Ms. McCorry's comments are in relation to the original Conditional Use Permit.

Ms. McCorry added that she had contacted the Stanislaus County Office of Education and was told by the Assistant Superintendent of the arrangement with the Housing Authority. She spoke with Mr. Borgwardt and asked if he was responsible for overseeing the project and was told no. She asked the Planning Commission to create a transparent, cooperative process for the public to understand what is going on with this project.

Bryant Owens, S. Plainsburg Road, is at a loss to who this project will be serving. The Day care center is being set up and having adjacent construction of the labor camp is dangerous. Housing Authority received money to build a day care center and chose this site due to the Conditional Use Permit and ownership, but didn't consider CEQA. The Head Start program was at the Gerard Avenue labor camp and they still own the center site and why not put the center back at Gerard Avenue. The sewer connections were inappropriately approved for connection to a sewer line which was installed on an emergency basis and was never intended to serve more capacity than for what it was originally intended. The Planada Community Services District has no capacity to serve this segment of the Felix Torres project and it's unfair to place a burden on existing customers of the district who's rates for service have doubled one other recently proposed projects in Planada. He asked the Commission to deny this modification.

Charles Gragnani, Le Grand resident, clarified Housing Authority first proposed moving the Felix Torres facility to Gerard Avenue which was a 30 acre site. Some neighbors discussed the flood plain and the lack of sewer and water. The Housing Authority plans for Gerard Avenue were transferred to this site on Plainsburg. The Housing Authority picked this site to be near Planada.

This item has been continued to the March 26, 2008 meeting.

- B. 2ND EXTENSION No. EXT08-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003 "River Reach Estates" - To extend the expiration date of the approved residential lot tentative map for one year until March 9, 2009, for property located on the south side of Palm Avenue and 800 feet east of Santa Fe Drive in the Cressey area. The project site is designated Cressey 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 EXTENSION. DG****

Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated February 27, 2008.

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The public hearing opened at 10:14 a.m.

Maureen McCorry, Valley Land Alliance, states that the project was approved in 2005 and asked the Commission to look at this application. There is no building of new homes going on. She asked if this is a substantial change. She also asked if the Cressey community is undergoing a Community Plan. Bill Nicholson, Assistant Development Services Director, replied that a Community Plan for Cressey hasn't been done since the late 1970's. Ms. McCorry felt it was time to update Cressey's Community Plan.

The public hearing closed at 10:17 a.m.

Commissioner Lashbrook asked how many more extensions the applicant can request. Mr. Nicholson said 2 more extensions are allowed.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION PREPARED FOR 2ND EXTENSION No. EXT08-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 27, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES 2ND EXTENSION No. EXT08-001 TO MAJOR SUBDIVISION APPLICATION No. MAS04-003 TO FEBRUARY 23, 2009 SUBJECT TO THE 10 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 for one year to expire on February 23, 2009. This condition replaces Condition #1 in the February 23, 2005 report.
2. The Project shall comply with the mitigation measures contained in the Mitigated Negative Declaration and Initial Study related to Air Quality, Geology/Hydrology, Noise, and Traffic/Circulation.
3. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
4. A condition monitoring fee of \$450 shall be required prior to the recordation of the Final Map.

Environmental Health Division

5. The project shall comply with the requirements of the Environmental Health Division. Soils analyses and percolation tests for each lot shall be submitted

to the Division of Environmental Health prior to construction. The location of the tests shall be where the proposed septic systems would be installed.

Public Works/Road Division

6. The Project shall comply with the requirements of the Public Works Department as follows (as further described in Memo dated April 6, 2004):
 - A. Safety 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 utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage systems and underground or relocate utilities and irrigation facilities.
 - B. Prior to final map recordation, the owner shall perfect quiet title pursuant to Section 760.010, et seq., of the California Code of Civil Procedures, of the fee interest canal reserved by S.F.B. Morse in the deed from Morse to MacLeod recorded in Volume 119, Deeds, Page 409, Merced County Records, and as delineated on the Parcel Map for Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records.
 - C. The developers shall comply with the terms of the Deferment of Construction Agreement recorded in Volume 3615 of Official Records at Page 697, Merced County Records, as required by Minor Subdivision No. 96035, for Parcels 1,2,3,4 and Remainder as shown in Parcel Map for Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records. Santa Fe Drive right of way width shall be 100 feet pursuant to Section 4.01.C of the Merced County Department of Public Works Improvement Standards and Specifications. Existing Santa Fe Drive shall be widened with a 4-foot wide paved shoulder and 4-foot wide gravel shoulder. Palm Avenue, a minor rural collector roadway, right of way width shall be 30 feet from centerline if vertical curb and gutter is installed or 40 feet from centerline if roadside ditch is constructed. A 50-foot radius shall be dedicated at the northwest boundary of Parcel 4 at the Palm Avenue and Santa Fe Drive intersection. A 10-foot wide public utility easement shall be dedicated along the Palm Avenue and Santa Fe Drive frontages of the aforementioned parcels. Parcels 1, 2, 3, and 4 shall be included in the subdivision street lighting and storm drainage maintenance zone of benefit in County Service Area Number One.
 - D. Interior subdivision roadways shall be constructed pursuant to Drawing ST-06B of the Merced County Department of Public Works Improvement Standards and Specifications which was approved by Resolution 2004-43 by the Merced County Board of Supervisors.
 - E. The designation of street names shall conform to Section 17.04.050.B, Naming of Streets, of the Merced County Code.

- F. The west Campus Court cul-de-sac shall be relocated to the east approximately 60 feet.

- G. Lot 19 shall be reserved for storm drainage purposes on the final map. If Lot A Storm Drain Pond does not function to minimum County of Merced standards within two years from the recording date of the subdivision improvement agreement Notice of Completion, the percolation basin shall be expanded, at developer's expense, into Lot 19. The developer shall provide adequate security for design and construction of the basin expansion prior to recordation of the final map. If Lot A functions within County standards after the two year period, the County will vacate the reservation on Lot 19.

- H. Release and relinquish all abutters rights of access to and from the entire Santa Fe Drive frontage of Lot 8 and Parcel 4 as shown on the Parcel Map of Gilbert Tanji recorded in Volume 82 of Parcel Maps at Pages 42 and 43, Merced County Records.

- I. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new building permits. The developer shall take place until such time as all improvements are completed.

- J. Provide centerline striping for those new roads which intersect the existing peripheral streets.

- K. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for stormwater 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 Stormwater Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.

- 7. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.

- 8. 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.

- 9. 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.

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10. 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 service which includes, but is not limited to, street sweeping.

C. 3RD EXTENSION No. EXT08-002 TO MAJOR SUBDIVISION APPLICATION No. MAS03-001 - Ranchwood Contractors - To extend for one year the expiration date of the tentative map for Major Subdivision 03001 - "McPherson Subdivision". The property is located on the south side of Savanna Road and 600 feet west of Santa Fe Avenue in the Le Grand area. The project site is designated Le Grand SUDP - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE EXTENSION. DG**

Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated February 27, 2008. A letter from a neighbor has been received in opposition to the subdivision extension.

The public hearing opened at 10:40 a.m.

Pat Johnson, Ranchwood Contractors, asked for approval of this extension.

Maureen McCorry, Valley Land Alliance, asked if the final map approval is based on the Negative Declaration from 2003. Mr. Fugelsang answered yes. Ms. McCorry asked if Le Grand Community Services District has drilled a well for the site. Mr. Fugelsang said a drilled well has not been completed. Ms. McCorry stated that there are major water issues being faced. The nature of the approval has completely changed since 2003. She feels this extension should not be approved.

The public hearing closed at 10:44 a.m.

Bob Gabriele, County Counsel, advised the Chair and Commissioners in regards to a letter submitted would not constitute evidence of any worth to decisions the Commission would make, when the letter merely contains a statement by a resident to where a person lives and approves or disapproves a project does not constitute evidence relevant to a decision.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION REAFFIRMS THE PREVIOUS NEGATIVE DECLARATION FOR 3RD EXTENSION No. EXT08-002 TO MAJOR SUBDIVISION APPLICATION No. MAS03-001.

MOTION: M/S TANNER - BUENDIA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 27, 2008 AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES 3RD EXTENSION No. EXT08-002 TO MAJOR

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SUBDIVISION APPLICATION No. MAS03-001 TO FEBRUARY 8, 2009, SUBJECT TO THE 33 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 February 3, 2009. This condition replaces Condition #1 in the November 19, 2003 report.
2. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Le Grand Community Services District.
3. The project proponents shall submit a current “can and will” serve letter from the Le Grand Community Services District prior to recordation of the final map.
4. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
5. 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.
6. The project proponents shall submit a final Water and Sewer Commitment Notice from the Le Grand Community Services District to the County prior to recordation of the Final Map.
7. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Le Grand Community Services District.

Merced County Fire Department

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

Environmental Health Division

10. All abandoned wells and septic tanks must be properly destroyed in accordance with Merced County standards and under permit and inspection from the Division of Environmental Health.

Public Works/Road Division

11. The project proponents shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system

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and underground or relocate utilities and irrigation facilities.

12. The developer shall be financially responsible for all costs associated with upgrading the existing storm drain pump station located within the American Heritage Homes No. 1 Major Subdivision No. 898 with the inclusion of stormwater runoff from the McPherson Subdivision.
13. The project proponents shall obtain a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
14. The owner shall convey and combine the substandard Remainder parcel with the property to the east prior to the recordation of the final map for McPherson Subdivision No. 03001, or shall complete a property line adjustment prior to final map recordation to effect elimination of a substandard Remainder parcel.
15. The owner shall dedicate a 1-foot non-access strip across the Santa Maria Drive dead-end street.
16. The developer shall reconstruct Savanna Road from centerline. The developer shall share in the cost to reconstruct the north half of Savanna Road. The developer shall reconstruct the Savanna Road and Santa Fe Avenue intersection.
17. 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.
18. The developer shall provide centerline striping for those new roads, which intersect the existing peripheral streets.
19. The Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146.
20. A Right-To-Farm statement shall be placed on the face of the Final Map consistent with County Ordinance No. 1213
21. The developer shall design the proposed stormwater drainage detention basin (Lot A) to maximize the amount of land available for seasonal and permanent recreational use.
22. The developer shall provide the portion of Lot A that is identified as suitable for permanent recreational use (not subject to inundation), with park equipment (benches, playground equipment and the like) suitable for the use and enjoyment of residents of the McPherson Subdivision.
23. The cost of the land in Lot A made available for seasonal and permanent recreation, together with the cost of the equipment required under Condition 18, shall be deducted from the Parks and Recreation fees ordinarily charged under Ordinance No. 1080.
24. The owner shall form a landscaping and park maintenance zone of benefit prior to recordation of the final map of the McPherson Subdivision to include the park space created in response to Approval Conditions 17 and 18.
25. In order to preserve and enhance the aesthetic quality of the area, the developer

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shall, to the maximum extent feasible, vary building setback and design features for the homes to be constructed on Lots 5 – 22 and Lot 96 of the McPherson Subdivision.

- 26. 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.
- 27. 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.
- 28. 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.
- 29. The Developer shall pay \$500.00 per lot at the building permit state as a proportionate share of the cost to finance a comprehensive traffic and circulation study of Le Grand, or to finance improvements, until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand. The Developer shall pay adopted Bridge and Major Thoroughfare fees at the building permit state.
- 30. The project shall be subject to the current Regional Transport Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
- 31. 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 the building permit issuance.
- 32. The project shall be subject to the current Fire Facilities Impact Fee established but Resolution No. 2004-149, adjusted for inflation, in place at the time of building permit issuance.
- 33. 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.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. SCHEDULED ITEMS

MERCED COUNTY PLANNING COMMISSION

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CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: It is the intention of the Commission to meet in closed session concerning existing litigation pursuant to Government Code Section 54956.9 (a): SJRRC v. County of Merced (Black Diamond).

- X. **ADJOURNMENT** - Adjourn the meeting to a special Joint Board of Supervisors/Planning Study Session on March 11, 2008, at 1:30 PM in the Board Chambers.