



PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

STAFF REPORT

Robert A. Lewis
Director

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

DATE: JULY 9, 2008

TO: PLANNING COMMISSION

PROJECT PLANNER: ROBERT KING, SENIOR PLANNER *RK*

PROJECT NO.: EXTENSION No. EXT08-009 to MAJOR SUBDIVISION No. MAS05-017 –
"SAN LUIS CREEK"

PROPERTY OWNER: FORTUNE FARMS

APPLICANT: SAME AS PROPERTY OWNER

REPRESENTATIVE: N/A

REQUEST: TO EXTEND THE APPROVAL OF THE TENTATIVE MAP, ONE YEAR TO
MARCH 22, 2009.

LOCATION/SITUS: SOUTH OF MCCABE ROAD APPROXIMATELY 1/4 MILE EAST OF
STATE HIGHWAY 33 IN THE SANTA NELLA AREA.

APN: 070-230-044, 045

SUPERVISORIAL DISTRICT: 5

MUNICIPAL ADVISORY COUNCIL: SANTA NELLA

The following table indicates the General Plan, Zoning and Current Land Use designations of the parcel on-site and the adjacent parcels generally to the north, east, south and west of the application request:

	GENERAL PLAN	ZONING	CURRENT LAND USE
ON-SITE:	Low Density Residential	R-1-5000	Agriculture
NORTH:	General Agricultural	A-1	Agriculture
EAST:	General Agricultural	A-1	Agriculture
SOUTH:	Industrial	P-D	Agriculture
WEST:	Industrial	P-D	Highway Commercial

I. PROJECT DESCRIPTION:

This project is a one year extension of Major Subdivision MAS05-017 known as "San Luis Creek" that is a 629 lot residential development on 180 acres, with overall density of approximately 3.5 dwelling units per acre (du/ac). In addition to the single family homes, the project will also consist of a 10 acre elementary school site with an adjacent 10 acre park/stormwater detention basin site, a three acre local park/detention basin, and various open space/trail features to accommodate migration of San Joaquin Kit Fox, and wetland protection measures.

II. SUMMARY OF RECOMMENDATION:

Staff recommends that the Commission find that EXT08-009 is consistent with Section 15183, *Projects Consistent with a Community Plan or Zoning*, of the CEQA Guidelines and that no new environmental document is necessary based on a determination that there have been no changes in the environmental conditions of the project site and surrounding area. Staff recommends that the Planning Commission approve Extension No. EXT08-009 to Major Subdivision No. MAS05-017, based on the 12 findings and subject to the 27 conditions of approval.

III. ANALYSIS:

A. Background

On March 22, 2006, Major Subdivision No. MAS05-017 was approved by the Planning Commission with 9 findings and 23 conditions of approval.

On March 21, 2008, the applicant submitted a letter requesting the first one year extension to record the Final Map for Major Subdivision No. MAS05-017. Approval of Extension No. EXT08-009 would extend the date for recordation of the Final Map from March 22, 2008 to March 22, 2009.

B. General Plan Consistency

The project remains consistent with the General Plan with regards to density standards and consistent with the SUDP designation of the surrounding area.

C. Zoning Code Consistency

The project remains consistent with the R-1-5000 (Single-Family Residential) zoning district as to density, setbacks, parking standards, lot sizes, etc. There have been no changes to the project or the surrounding area.

D. Subdivision Map Act Provisions

Pursuant to Section 66452.6 of the Subdivision Map Act, an approved or conditionally approved tentative map shall expire 24 months after its approval. After the 24-month period, an approved tentative map may be extended by a legislative body for a period or periods not to exceed a total of five years. Since this is the first one-year extension for MAS05-017, the application is consistent with the Subdivision Map Act.

IV. PUBLIC AGENCY REVIEW:

The application was referred to the following County Departments and public agencies: the Department of Public Works Road Division, the Department of Health Environmental Health Division, the Department of Public Works Building and Safety Division Merced County Fire Department, Caltrans, San Luis Water District, Santa Nella County Water District, Gustine Unified School District, and the San Joaquin Valley Air Pollution Control District.

Public Works submitted a memorandum dated April 30, 2008 requesting an additional four conditions of approval to be added as recommended conditions of approval. These new conditions satisfy new development impact fees adopted by the Board of Supervisors subsequent to the project's original approval as shown below.

- 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.

- 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.
- 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.
- 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.

The San Joaquin Air Pollution Control District submitted a letter dated May 1, 2008 stating that they had previously commented on the project, and noted the applicants have submitted an ISR AIA Residential Application (C20060107), along with listing applicable district rules that may apply to the project.

V. PUBLIC COMMENT:

Notice of the application was published in the newspaper on June 28, 2008 and mailed to property owners within 300 feet of the project site on June 27, 2008. No comments or concerns have been submitted to date.

VI. ENVIRONMENTAL REVIEW

On March 22, 2006, the Planning Commission determined that MAS05-017 was exempt from CEQA as per Section 15183, *Projects Consistent with a Community Plan or Zoning*.

According to Section 15183(a):

"CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies."

The Planning Commission may determine that no new environmental document is necessary for this tentative map extension if the Commission can make a finding of one of the following conditions under Section 15183 which states:

- (d) This section shall apply only to projects which meet the following conditions:
- (1) The project is consistent with:
 - (A) A community plan adopted as part of a general plan,
 - (B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
 - (C) A general plan of a local agency and,
 - (2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Staff has reviewed the application for extension of the tentative map and concluded that since approval of Major Subdivision No. MAS05-017 by Planning Commission, there has been no changes to the environmental character of the project site or to the surrounding area. Therefore, the Commission can determine that EXT08-009 is consistent with Section 15183 of the CEQA

Guidelines and there is no need for any further environmental documentation for approval of this extension.

VII. CONCLUSION

No significant changes have occurred within the project area since MAS05-017 was approved by the Planning Commission. The subdivision is still in compliance with County's Zoning and Subdivision Codes, and consistent with the Merced County General Plan. Staff recommends approval of the first one-year extension, EXT08-009, to Major Subdivision MAS05-017.

VIII. REQUIRED ACTION

A. CEQA Determination

Staff recommends that the Planning Commission make the determination that EXT08-009 is consistent with Section 15183 of the CEQA Guidelines, and that no further environmental documentation is necessary by passing the following motion:

MOTION: The Planning Commission determines that Extension Application No. EXT08-009 to Major Subdivision Application No. MAS05-017 is consistent with the provisions of Section 15183 (Projects Consistent with a Community Plan or Zoning) and that no new environmental documents are necessary based upon the following findings:

CEQA Findings

1. The Santa Nella Community Specific Plan was adopted consistent to Section 65450 et seq., Section 65500 et seq., and Section 65550 et seq. of the California Government Code.
2. The Program Environmental Impact Report prepared, circulated and adopted for the Delhi Community Specific Plan accurately reflects the current environmental conditions of the project area and may be used for this project as per the requirements of the California Environmental Quality Act (CEQA).
3. The only change resulting from Extension No. EXT08-007 is to extend the time of recordation for the Final Map for Major Subdivision No. MAS05-013.
4. The project remains consistent with the General Plan with regards to density standards and consistent with the Santa Nella Community Specific Plan.
5. The project remains consistent with the R-1-5000 (Single-Family Residential) zoning district as to density, setbacks, parking standards, lot sizes, etc. There have been no changes to the project or the surrounding area.

B. Project Determination

If the Planning Commission can make the determination that EXT08-009 is consistent with Section 15183 of the CEQA Guidelines, then staff recommends that the Planning Commission make the following motion:

MOTION: The Planning Commission approves Extension No. EXT08-009 based on the following 12 findings and subject to the recommended 27 conditions of approval, including the four additional conditions requested by the Public Works Department.

Project Findings

1. The proposed project is to divide 180 acres into 629 residential lots, and various other lots for a school, parks and open space.
2. The property is located south of McCabe Road extended approximately 1/4 mile east of State Highway 33 in the Santa Nella area.
3. The project area is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single-Family Residential 5,000 square foot minimum lot size).
4. The subdivision application conforms with the Merced County Zoning Code, Section 18.040.060 for the design of new lots and is compatible with the purposes and intent of the Santa Nella Community Design Guidelines.
5. The subdivision application conforms with the Merced County Subdivision Code, Section 17.08 (Major Subdivisions) and Section 17.04.050 (Design Requirements).
6. The project, as conditioned, is consistent with the Merced County General Plan.
7. The project has been reviewed by the following County Departments and public agencies: the Department of Public Works Road Division, the Department of Health Environmental Health Division, the Department of Public Works Building and Safety Division Merced County Fire Department, Caltrans, San Luis Water District, Santa Nella County Water District, Gustine Unified School District, and the San Joaquin Valley Air Pollution Control District.
8. The proposed Major Subdivision has the potential to meet all applicable Merced County development requirements, subject to the recommended conditions of approval.
9. The proposed division, as conditioned, is compatible with adjacent uses, properties and neighborhoods.
10. The subdivision, if carried out in compliance with all conditions and requirements, will not be a nuisance or detrimental to the public health, safety or general welfare.
11. The proposed subdivision does not meet the findings for denial listed in Section 66474 of the Subdivision Map Act as the design is consistent with the County General Plan and with the implementation of the proposed mitigation measures, the site is: physically suitable for the size and density for this type of development; it will not cause substantial environmental harm; it will not create serious health problems; and it does not conflict with existing public easements.
12. The public hearing has been adequately noticed and advertised.

C. Conditions of Approval

Planning & Community Development Department

1. The recordation of the Final Map is extended one year from March 22, 2008 to March 22, 2009.
2. Prior to the issuance of building permits the applicant shall pay the school impact fees legally adopted by the Gustine Unified School District, or any fees reached through agreement with the developer.

3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service, and State Department of Fish & Game.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with "Can and Will Serve Letters" from the Santa Nella County Water District.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. Prior to recording the Final Map, the applicant shall acquire a conservation easement on one acre of productive agricultural land of equal or greater quality for each acre converted by this subdivision through fee title, easement or other measure. As an alternative, funding in an equivalent amount may be provided to an appropriate third party non-profit conservation trust or organization for their use in obtaining an equivalent easement.
7. The project shall comply with Planning Commission Resolution No. 97-1.

Public Works Department

8. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
9. Release and relinquish all abutters' rights of access to and from the entire McCabe Road and the proposed Plaza Drive extension frontage of all lots.
10. The Developer shall form, annex to, or include into a Landscape, a Street Lighting, and a Storm Drainage Maintenance Zone of Benefit.
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 along the extensions of McCabe Road and Plaza Drive, along the internal through streets, and along the final 200' of those roads which intersect McCabe Road.
13. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.
14. Design all streets to intersect at perpendicular angles.

15. Street cul-de-sac's and knuckles are to be re-designed to conform to County Improvement Standards.
16. Re-align and/or incorporate traffic calming improvements to the north-south internal streets exceeding ¼ mile in length, to discourage speeds in excess of 35 MPH.
17. Terminate McCabe Road, and all underground infrastructures, at the most easterly subdivision road intersection.
18. Developer shall, "Pay such Bridge and Thoroughfare Fees as approved by the Board of Supervisors in effect at such time that Building Permits are issued."
19. Re-design the easterly extension of Plaza Drive as required by the Roads Division, along with design the internal major east-west through roadway to intersect with Plaza Drive at a "T" intersection.
20. Modify the street sections consistent with the specifications of recommendation no. 11 in their letter to the Planning Department dated November 8, 2005. (attached).
21. Street "F" and Street "G", east of Street "I" should be designed using the 52' street sections.
22. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
23. Bike Routes shall be constructed consistent with the Santa Nella CSP.

Public Works Department Additional Conditions

24. *The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148 adjusted for inflation, in place at the time of building permit issuance.*
25. *The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149 adjusted for inflation, in place at the time of building permit issuance.*
26. *The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code and established by Ordinance No. 1749, in place at the time of building permit issuance.*
27. *Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.*

IX. ATTACHMENTS

1. Applicant's Extension Request Letter
2. Vesting Tentative Map
3. Public Agency Comments
4. MAS 05-017 Staff Report



March 21, 2008

Merced County Planning Department
2222 M Street
Merced, CA 95340

APN 070-230-044, 045

RE: Major Subdivision Application No. 05017 "San Luis Creek"

We hereby request a one year extension of the approved tentative map. Please let me know if you need additional information or filing fee for this action.

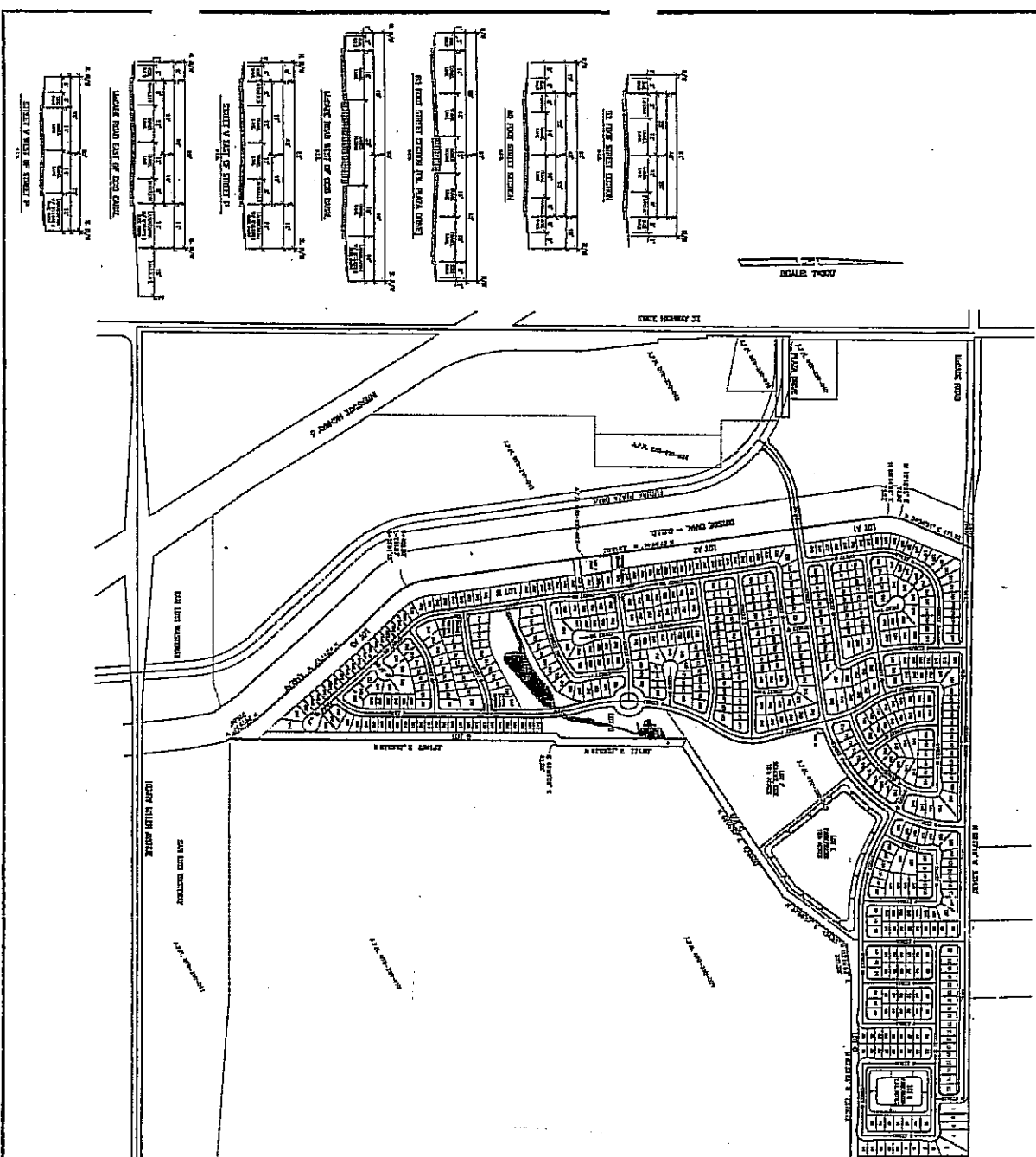
Very truly yours,

Randall O'Dell, P.E.

Cc: Jeff Fortune
Dennis Soares

1st EXT. TO MAS 05017 - EXT # 08009

1ST EXT. TO WAS 05017- EXT. # 08009



LEGEND

1. CORNER BOUNDARY
2. DRAINAGE, CHANNELS & UTILITY TRENCHES
3. DRAINAGE, CHANNELS & UTILITY TRENCHES
4. DRAINAGE, CHANNELS & UTILITY TRENCHES
5. DRAINAGE, CHANNELS & UTILITY TRENCHES
6. DRAINAGE, CHANNELS & UTILITY TRENCHES
7. DRAINAGE, CHANNELS & UTILITY TRENCHES
8. DRAINAGE, CHANNELS & UTILITY TRENCHES
9. DRAINAGE, CHANNELS & UTILITY TRENCHES
10. DRAINAGE, CHANNELS & UTILITY TRENCHES
11. DRAINAGE, CHANNELS & UTILITY TRENCHES
12. DRAINAGE, CHANNELS & UTILITY TRENCHES
13. DRAINAGE, CHANNELS & UTILITY TRENCHES
14. DRAINAGE, CHANNELS & UTILITY TRENCHES
15. DRAINAGE, CHANNELS & UTILITY TRENCHES
16. DRAINAGE, CHANNELS & UTILITY TRENCHES
17. DRAINAGE, CHANNELS & UTILITY TRENCHES
18. DRAINAGE, CHANNELS & UTILITY TRENCHES
19. DRAINAGE, CHANNELS & UTILITY TRENCHES
20. DRAINAGE, CHANNELS & UTILITY TRENCHES
21. DRAINAGE, CHANNELS & UTILITY TRENCHES
22. DRAINAGE, CHANNELS & UTILITY TRENCHES
23. DRAINAGE, CHANNELS & UTILITY TRENCHES
24. DRAINAGE, CHANNELS & UTILITY TRENCHES
25. DRAINAGE, CHANNELS & UTILITY TRENCHES
26. DRAINAGE, CHANNELS & UTILITY TRENCHES
27. DRAINAGE, CHANNELS & UTILITY TRENCHES
28. DRAINAGE, CHANNELS & UTILITY TRENCHES
29. DRAINAGE, CHANNELS & UTILITY TRENCHES
30. DRAINAGE, CHANNELS & UTILITY TRENCHES
31. DRAINAGE, CHANNELS & UTILITY TRENCHES
32. DRAINAGE, CHANNELS & UTILITY TRENCHES
33. DRAINAGE, CHANNELS & UTILITY TRENCHES
34. DRAINAGE, CHANNELS & UTILITY TRENCHES
35. DRAINAGE, CHANNELS & UTILITY TRENCHES
36. DRAINAGE, CHANNELS & UTILITY TRENCHES
37. DRAINAGE, CHANNELS & UTILITY TRENCHES
38. DRAINAGE, CHANNELS & UTILITY TRENCHES
39. DRAINAGE, CHANNELS & UTILITY TRENCHES
40. DRAINAGE, CHANNELS & UTILITY TRENCHES
41. DRAINAGE, CHANNELS & UTILITY TRENCHES
42. DRAINAGE, CHANNELS & UTILITY TRENCHES
43. DRAINAGE, CHANNELS & UTILITY TRENCHES
44. DRAINAGE, CHANNELS & UTILITY TRENCHES
45. DRAINAGE, CHANNELS & UTILITY TRENCHES
46. DRAINAGE, CHANNELS & UTILITY TRENCHES
47. DRAINAGE, CHANNELS & UTILITY TRENCHES
48. DRAINAGE, CHANNELS & UTILITY TRENCHES
49. DRAINAGE, CHANNELS & UTILITY TRENCHES
50. DRAINAGE, CHANNELS & UTILITY TRENCHES

VESTING TENTATIVE SUBDIVISION MAP
MS 05017

SAN LUIS CREEK

SANTA HELA, CALIFORNIA

MAJOR SUB. 05017

PREPARED BY:
 1011 Lincoln Blvd., Suite 400
 San Francisco, CA 94111
 (415) 774-1111

ENGINEER:
OPREIN
 ENGINEERING

CITY OF SANTA HELA
 OFFICIAL RECORD

1



DEPARTMENT OF PUBLIC WORKS
Road Division


Paul A. Fillebrown
Director

345 West 7th Street
Merced, CA 95340
Phone (209) 385-7601
FAX (209) 722-7690
www.co.merced.ca.us

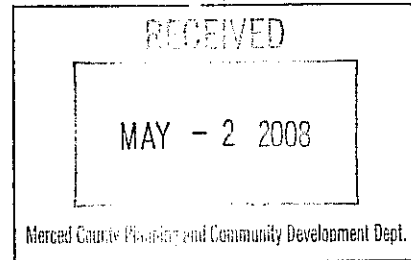
Equal Opportunity Employer

DATE: April 30, 2008

TO: Robert Lewis, Director
Planning and Community Development Department
Attn: Bob King, Planner III

FROM: Stephen Lyon 
Senior Engineering Associate

SUBJECT: Major Subdivision 05017, San Luis Creek
EXT08-009, First Extension



MEMORANDUM

Since Major Subdivision No. 05017 for San Luis Creek was initially approved on March 22, 2006, additional development impact fees have been adopted by the Board of Supervisors, which are required to be made payable at the building permit stage. The Department of Public Works therefore requests that the following additional conditions of approval be imposed upon this project's extension:

1. 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.
2. 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.
3. The project shall be subject to the current Regional Transportation Impact Fee (RTIF), established by Ordinance No. 1749, and now pursuant to Chapter 5.60 of the Merced County Code, adjusted for inflation, in place at the time of building permit issuance.
4. 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.

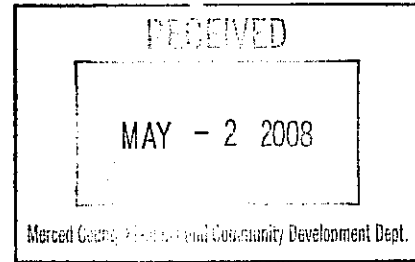
SEL:krm



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

May 1, 2008



Robert King
County of Merced
Planning & Community Development Dept
2222 "M" Street
Merced, CA 95340

Agency Project: 1st Extension to Major Subdivision No. 05017 – Extension No. EXT08-009, "San Luis Creek"; Fortune Farms (APN: 070-230-044 and 070-230-045)

District Reference No: 20080250

Dear Mr. King:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and finds:

1. The District previously commented on this project.
2. The project would be subject to District Rule 9510 (Indirect Source Review). The applicant has submitted an ISR AIA Residential Application (C20060107). Compliance with District Rule 9510 would reduce the project's emissions of NOx and PM10, but may not mitigate the project's emissions below the District's thresholds of significance for those pollutants.
3. The proposed project may be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations), and Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

Sayed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
www.valleyair.org

Southern Region
2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Georgia Stewart, at (559) 230-5937.

Sincerely,

Dave Warner
Director of Permits Services



for
Arnaud Marjollet
Permit Services Manager

DW: gs

**MERCED COUNTY PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT
STAFF REPORT AND RECOMMENDATION**

DATE: MARCH 22, 2006

TO: PLANNING COMMISSION

FROM: WILLIAM NICHOLSON, ASSISTANT DEVELOPMENT SERVICES
DIRECTOR

PREPARED BY: ROBERT KING, PLANNER III

APPLICATION: MAJOR SUBDIVISION APPLICATION NO. 05017 "San Luis Creek"

APPLICANT: FORTUNE FARMS

I. PROPOSAL

To subdivide 180 acres into 629 residential lots, approximately 5,000 square feet each, located south of McCabe Road extended and approximately 1/4 mile east of State Highway 33 in the Santa Nella area.

	<u>LAND USE</u>	<u>GENERAL PLAN</u>	<u>ZONING</u>
ONSITE:	Agriculture, dairy	Low Density Residential*	R-1-5000*
NORTH:	Agriculture, orchards	Agriculture	A-1
EAST:	Agriculture, row crops	Agriculture	A-1
SOUTH:	Agriculture, row crops	Light Industrial*	P-D*
WEST:	Highway Commercial	Light Industrial*	P-D*

*** Within the Santa Nella Community Specific Plan**

SUPERVISORIAL DISTRICT NO. 5

II. SUMMARY OF RECOMMENDATION

Staff recommends that the Planning Commission make the finding that the project is consistent with the provisions of Section 15182 (Residential Projects Pursuant to a Specific Plan) of the California Environmental Quality Act (CEQA) Guidelines and approve Major Subdivision No. 05017 "San Luis Creek" based on the findings and subject to the conditions of approval.

III. BACKGROUND

This project, "San Luis Creek", is a residential development in Santa Nella and the fifth major subdivision east of State Highway 33 since the adoption of the Santa Nella Community Specific Plan (CSP) in 2001. The subdivision involves the creation of 629 lots for single family homes, a 10 acre elementary school site with an adjacent 10 acre park/stormwater detention basin site, a three acre local park/detention basin, and various open space/trail features to accommodate migration of San Joaquin Kit Fox, and wetland protection measures.

IV. DISCUSSION

Approval of projects within the Santa Nella Community are required to be consistent with the concept plans of the Santa Nella Community Specific Plan, conform to zoning and subdivision regulations, be subject to a Development Agreement and the Implementation Plan, and consistent with the Design Guidelines. Approval of the proposed subdivision will require the Planning Commission to make findings that the project is consistent with the provisions of the Santa Nella CSP and the adopted mitigation measures as stated in the Environmental Impact Report (EIR) for the Santa Nella CSP.

A. Consistency with the Santa Nella Community Specific Plan

Overall, the proposed project is consistent with the provisions of the Santa Nella CSP. Where there are some ambiguities or issues of concern, a discussion has been provided to address these items, and as necessary, conditions of approval are included to ensure the project's consistency with the Santa Nella CSP.

1. Land Use Concept

The proposed subdivision is consistent with the goals and policies of the Land Use Concept. The proposed project has an overall density of approximately 3.5 dwelling units per acre (du/ac) which is consistent with the Plan's low density range of 0.0 to 5.5 du/ac. (Table 4-3) Residential and commercial development is required to follow the standards of Section 6.0 Design Guidelines so as " to create a unified development theme and foster a sense of community."

2. Circulation Concept

Approximately 5,975 average daily trips (ADT's) would be generated by this development (ITE, Trip Generation, 1997). Plaza Drive is proposed to be a Major Collector linking State Highway 33 to McCabe Road called for in Section 4.3.3 of the Circulation Concept Statement and to Henry Miller Road to the south. Traffic impact fees and improvements identified in the Community Specific Plan will be imposed as conditions of approval.

3. Open Space, Conservation, and Recreation Concept

Endangered Species Act

A number of issues have been identified as to biological impacts and the effect of the project on species subject to the provisions of the Endangered Species Act (ESA) which have been addressed in the EIR prepared for the Santa Nella CSP. Of special concern are impacts to potential wetlands and kit fox habitat.

The project applicants have indicated they will be working with the United States Fish and Wildlife Service (USFWS) for approval as a Section 7 Consultation. These measures include but are not limited to delineation and avoidance of wetlands, provisions of kit fox migration corridors and off-site habitat, and protection of other species subject to the ESA. In order to

reduce potential impacts to listed species, no grading or disturbance of the land is permitted without the prior approval of the California State Department of Fish and Game and the United States Fish and Wildlife Service.

If the applicant is able to obtain the necessary permits for this project they would still be obligated and subject to the environmental measures of the Santa Nella CSP and other agencies, for the remainder of the land. A fee may be collected to achieve this mitigation, consistent with the Implementation Plan of the Santa Nella CSP/EIR, or off-site mitigation may be required.

Parks and Recreation

Through adoption of the Santa Nella CSP, a variety of park and open space features have been planned for the Santa Nella Community. In addition to traditional neighborhood parks, which are to be located adjacent to schools whenever feasible, there are other park and open space systems such as the San Luis Creek that traverses the center of the project site.

The dedication and improvement of active parkland under the Merced County Parkland Dedication Ordinance is required as per Policy 2 of Goal 3 in the Open Space, Conservation and Recreation Concept. Currently the County parkland fee and dedication ordinance requires 3.0 acres per 1,000 residents for parks and the Community Plan calls for another 2.5 acres for community open space and trails.

Lots E and F will be the location of a park and an elementary school as required as part of the Santa Nella CSP for "San Luis Creek." An additional park\drainage basin will be provided on Lot G, with passive open space provided on Lots D and H. Lots A1, A2, A3 serve as Kit Fox Corridors. These and other facilities required as a part of the Santa Nella CSP will be required for development of the remainder portion of the land.

Agricultural Resources and Land Use

There were several mitigation measures from the Santa Nella CSP EIR that apply to this site since it contains productive agricultural soils and is adjacent to agricultural land on these sites. Mitigation Measure 4.1-2 requires additional regulation or setbacks between urban and agricultural land uses. This tentative maps contains "Lots B & C" which contain a 50' setback buffer from residential lots and agricultural lands to the south and east, and the extension of McCabe Road to the north. Since the land contains productive farmland, Mitigation Measure 4.8-1 requires the applicant to obtain a conservation easement on similar or better quality agricultural land as that farmed on the project site.

4. Infrastructure Concept

The continued provision and expansion of storm drainage, sewage disposal and drinking water presents an ongoing challenge throughout the Santa Nella CSP. The proponent will provide for storm water detention basins consistent

with the requirements of local, state and federal agencies. A storm drainage basin is proposed east of the project site on other land owned by the applicants. The proposed project will be served by new wastewater treatment facility to be operated by the Santa Nella County Water District (SNCWD) to be constructed east of Interstate 5. The SNCWD has circulated a Draft EIR and design plans for this facility. Of special concern is the provision of adequate potable water supplies to this project. Mitigation measures have been required as part of the adoption of the Santa Nella CSP and included herein as recommended conditions of approval to ensure adequate water supply to this project.

The Santa Nella CSP requires a "Can and Will Serve" letter from the SNCWD, which has been provided.

5. Noise Concept

Most of the concerns related to noise pertain to the areas along I-5 and State Highway 33. The Community Specific Plan EIR recognize noise levels in excess of 65dBA may be exceeded and thus requires a noise study prior to recordation of the Final Map. This may also require implementation of any identified noise measures to protect adjacent residences, which will be shown on the subdivision improvement plans and reviewed by County Staff.

B. Consistency with Zoning and Subdivision Codes

The lots as shown on the tentative map conform to the R-1-5000 (Single Family Residential 5,000 square foot minimum) development standards with most lots being approximately 5,000 to 6,200 square feet with some lots, usually at the end of cul-de-sacs being twice as large. The project is being processed as a Major Subdivision and conforms to the design requirements of the Subdivision Code (Section 17.04.050).

C. Implementation Plan

An Implementation Plan has been prepared as part of the Santa Nella Community Specific Plan and as such is a necessary component for the review of this project. Within it are the fiscal and financial analysis that includes projections of recurring revenues and costs to the Merced County General Fund, the Merced County Road Fund, the Merced County Fire Fund and the costs of extended services most likely funded through County Service Area (CSA) No. 1.

Capital Improvement Study

Stanley Hoffman and Associates in conjunction with the applicants and affected Merced County departments prepared an analysis of capital facilities for parks open-space and landscaping; fire protection facilities, and a regional library. Based on this analysis the study identified development fees and annual payments necessary for projects within the Santa Nella CSP. This fee program has been adopted by the Board of Supervisors and will be implemented through fees collected at the building permit stage of development. A similar fee has been adopted for circulation system improvements which will also be collected at the building permit stage.

D. Design Guidelines

Section 6.0 Design Guidelines is required implementation for all projects within the Santa Nella Community Specific Plan. The proponents improvement plans and final maps will need to demonstrate compliance with the Design Guidelines as to Roadways, Utility Easements, Greenbelts, Canals, Parking, Signs, Commercial and Residential Building Standards, and Landscaping prior to recordation of the Final Map. Along with the circulation and easement improvements the Design Guidelines require street trees on each residential lot in conformance with the street tree theme identified in Table 6.2.7 of the Design Guidelines.

V. CORRESPONDENCE

Letters were received from various public responsible and trustee agencies in response to the notifications sent during the early referral process. Comments received from the Merced County Fire Department and the Environmental Health Division were limited to compliance with existing regulations. The Merced County Public Works Department, Roads Division sent extensive comments which have been included as recommended conditions of approval. In their comments Caltrans recommended a Traffic Impact Study (TIS) to determine the project's near term and long-term impacts to state facilities.

The Central California Irrigation District (CCID) noting that district policy would require it to be detached from the district if urbanized. Additional comments from CCID addressed the need for protection and consultation with them regarding their facilities and has been added as conditions of approval. Correspondence was also received from the California Regional Water Quality Control Board which are addressed as conditions of approval. An extensive letter was received from the United States Fish and Wildlife Service (USFWS) as to endangered species protection. Conditions have been added that require the developer to show USFWS approval prior to any earth moving or development. Finally the Gustine Unified School District has indicated they are opposed to further project approval until an agreement has been reached between themselves and the developer in regard to school fees. The mitigation to impacts to school facilities is governed by SB50 adopted by the State. According to Section 6599 (h) of the Government Code, the States established impact fees, as implemented by local school districts, constitutes fill mitigation for impacts.

VI. ENVIRONMENTAL REVIEW

Section 15182 of the CEQA Guidelines *Residential Projects Pursuant to a Specific Plan* exempts residential projects, including subdivisions from CEQA, for projects consistent with an approved specific plan where an EIR has been adopted. A Program Environmental Impact Report was certified and adopted for the approval of the Santa Nella Community Specific Plan IN 2001. As this project is consistent with the Santa Nella CSP and no changes have occurred pursuant to Section 15162 of the CEQA Guidelines, it meets this criteria and is exempt from CEQA as per Section 65453 of the California Government Code. Compliance with all relevant mitigation measures for the Community Specific Plan EIR will be a requirement of the Final Map recordation and any development agreements.

VII. FINDINGS

A. Environmental:

PLANNING COMMISSION STAFF REPORT AND RECOMMENDATION

Major Subdivision Application No. 05017 – Fortune Farms

Page 6

1. The Santa Nella Community Plan was adopted consistent to Section 65450 et seq., Section 65500 et seq., and Section 65550 et seq. of the California Government Code.
2. The Program Environmental Impact Report prepared, circulated and adopted for the Santa Nella Community Specific Plan accurately reflects the current environmental conditions of the project area and may be used for this project as per the requirements of the California Environmental Quality Act (CEQA).
3. Major Subdivision No. 05017 is consistent with the approved Santa Nella Community Specific Plan and no changes have occurred so as to require a Subsequent EIR pursuant Section 15162 of the CEQA Guidelines.
4. Major Subdivision No. 05017 meets the qualifications to be exempt from the requirements of the California Environmental Quality Act as per Section 15182 of the CEQA Guidelines Residential Projects Pursuant to a Specific Plan.
5. All applicable mitigation measures of the Santa Nella CSP EIR shall be complied with prior to Final Map recordation, site grading or building permit issuance consistent with the mitigation monitoring program.

B. Major Subdivision Application No. 05017 :

1. The proposed project is to divide 180 acres into 629 residential lots, and various other lots for a school, parks and open space.
2. The property is located south of McCabe Road extended approximately 1/4 mile east of State Highway 33 in the Santa Nella area.
3. The project area is designated as Low Density Residential in the Santa Nella Community Specific Plan and zoned R-1-5000 (Single-Family Residential 5,000 square foot minimum lot size).
4. The subdivision application conforms with the Merced County Zoning Code, Section 18.040.060 for the design of new lots and is compatible with the purposes and intent of the Santa Nella Community Design Guidelines.
5. The subdivision application conforms with the Merced County Subdivision Code, Section 17.08 (Major Subdivisions) and Section 17.04.050 (Design Requirements).
6. The project, as conditioned, is consistent with the Santa Nella Community Specific Plan including but not limited to the Land Use Concept, Noise Concept, Circulation Concept, Open Space, Conservation and Recreation Concept, and the Infrastructure Concept.
7. The proposed subdivision does not meet the findings for denial listed in Section 66474 of the Subdivision Map Act as the design is consistent with the County General Plan and with the implementation of the proposed mitigation measures, the site is: physically suitable for the size and density for this type of development; it will not cause substantial environmental harm; it will not create serious health problems; and it does not conflict with existing public

easements.

8. The proposed subdivision will not have an adverse impact on public health, safety, or general welfare.
9. The public hearing has been adequately noticed and advertised.

VII. CONDITIONS OF APPROVAL

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. Prior to the issuance of building permits the applicant shall pay the school impact fees legally adopted by the Gustine Unified School District, or any fees reached through agreement with the developer.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service, and State Department of Fish & Game.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with "Can and Will Serve Letters" from the Santa Nella County Water District.
5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
7. Release and relinquish all abutters' rights of access to and from the entire McCabe Road and the proposed Plaza Drive extension frontage of all lots.
8. The Developer shall form, annex to, or include into a Landscape, a Street Lighting, and a Storm Drainage Maintenance Zone of Benefit.
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. Provide centerline striping along the extensions of McCabe Road and Plaza Drive, along the internal through streets, and along the final 200' of those roads which intersect McCabe Road.
11. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.
12. Design all streets to intersect at perpendicular angles.
13. Street cul-de-sac's and knuckles are to be re-designed to conform to County Improvement Standards.
14. Re-align and/or incorporate traffic calming improvements to the north-south internal streets exceeding ¼ mile in length, to discourage speeds in excess of 35 MPH.
15. Terminate McCabe Road, and all underground infrastructures, at the most easterly subdivision road intersection.
16. Developer shall, "Pay such Bridge and Thoroughfare Fees as approved by the Board of Supervisors in effect at such time that Building Permits are issued."
17. Re-design the easterly extension of Plaza Drive as required by the Roads Division, along with design the internal major east-west through roadway to intersect with Plaza Drive at a "T" intersection.
18. Modify the street sections consistent with the specifications of recommendation no. 11 in their letter to the Planning Department dated November 8, 2005. (attached).
19. Street "F" and Street "G", east of Street "I" should be designed using the 52' street sections.
20. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
21. Bike Routes shall be constructed consistent with the Santa Nella CSP.
22. Prior to recording the Final Map, the applicant shall acquire a conservation easement on one acre of productive agricultural land of equal or greater quality for each acre converted by this subdivision through fee title, easement or other measure. As an alternative, funding in an equivalent amount may be provided to an appropriate third party non-profit conservation trust or organization for their use in obtaining an equivalent easement.

23. A condition monitoring fee of \$480.00 shall be required prior to the recordation of the Final Map.

VIII. ATTACHMENTS

- A. Maps
- B. Correspondence