

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF APRIL 25, 2018**

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The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 25, 2018, are available online at [www.co.merced.ca.us/planning/plancomarchive.html](http://www.co.merced.ca.us/planning/plancomarchive.html).

**I. CALL MEETING TO ORDER**

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:00 a.m., on April 25, 2018, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL OF COMMISSIONERS**

Commissioners Present:           Commissioner Rich Ford - Chairman  
  Commissioner Jack Mobley - Vice Chairman  
  Commissioner Fernando Aguilera  
  Commissioner Robert Acheson

Staff Present:                     Mark Hendrickson, Director  
  Steve Maxey, Deputy Director  
  Kim Zinke, Recording Secretary  
  Brian Guerrero, Planner III  
  Tiffany Ho, Planner I

Legal Staff:                       Jeff Grant, Deputy County Counsel

Commissioners Absent:           Commissioner Mark Erreca

**IV. APPROVAL OF MINUTES**

**MOTION: M/S ACHESON – MOBLEY, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVED THE MINUTES FROM THE APRIL 11, 2018 HEARING.**

**V. CITIZEN COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

**A. 9<sup>th</sup> EXTENSION APPLICATION NO. EXT18-001, TO MAJOR SUBDIVISION APPLICATION NO. MAS03-013 – Soernsen Estates** - A request to extend the expiration date of the tentative map for Major Subdivision No. MAS03-013 by 1 year FROM: March 24, 2018 TO: March 24, 2019. The project site is located at the northwest corner of North Golf Road & East Farmland Avenue, one mile east of the City of Merced, and identified as Assessor's Parcel Number (APN) 052-352-004. The property is designated Merced Rural Residential Center and zoned A-R (Agricultural-Residential). CEQA: Project can be found exempt from further environmental review under CEQA Section 15162 – “Subsequent EIRS and Negative Declarations”. **TH**

**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Determine the application can be found exempt from further environmental review under CEQA Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-001 based on the findings included in the staff report and subject to the recommended conditions of approval.

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Planner Tiffany Ho presented the Staff Report and recommendations of approval dated April 25, 2018.

The public hearing opened at 9:06 a.m.

Walter Soernsen, applicant, said his last name was spelled wrong on the Presentation.

The public hearing closed at 9:07 a.m.

Commissioner Mobley asked what the maximum number of extensions there are for this project.

Planner Tiffany Ho said they are allowed six extensions.

Commissioner Mobley confirmed that the State allowed some of the extensions as well.

**MOTION: M/S MOBLEY – AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 9<sup>th</sup> EXTENSION APPLICATION NO. EXT18-001, TO MAJOR SUBDIVISION APPLICATION NO. MAS03-013 FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA SECTION 15162 – “SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS” OF THE CEQA GUIDELINES.**

**MOTION: M/S MOBLEY - AGUILERA, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2018, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES 9<sup>th</sup> EXTENSION APPLICATION NO. EXT18-001, TO MAJOR SUBDIVISION APPLICATION NO. MAS03-013 SUBJECT TO THE 26 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Merced County Community and Economic Development Department

1. The applicant shall take no action in violation of the California Endangered Species Act, Fish and Game Code Sections 2081 and 1600, or any other provision of state or federal law pertaining to the protection and/or endangered species. Compliance with said laws shall be the sole and exclusive responsibility of the applicant, and the County of Merced shall be held harmless from and against any claims, whether by regulatory agency (s) or third party(s) in that regard.
2. The Final Map shall be recorded within one years of the Planning Commission approval.
3. Prior to recording the final map, the developer shall submit a landscaping plan to the Merced County Planning Department that provides for the installation of a fence and landscaping screen around the proposed storm water detention basin.
4. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

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5. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$300.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

### Merced County Division of Environmental Health

6. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.
7. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.
8. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
9. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.
10. The subdivision shall be subject to new sewage disposal system requirements, effective November 18, 2005 which require special design onsite sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen. Such systems shall be operated and maintained by the property owner, and a Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new onsite treatment systems.

### Merced County Roads Division

11. 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.
12. 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.
13. 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.
14. 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.

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15. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and under grounding or relocation of utilities and irrigation facilities
16. The applicant shall release and relinquish all abutter's rights of access to and from the entire Golf Road frontage of Lots 6, 7 and 8.
17. 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.
18. The developer shall provide centerline striping for those new roads which intersect existing peripheral streets.
19. The proposal shall provide for side and back yard drainage ditches, as applicable, on the lots in order to convey off site storm water runoff through the lot to a public roadside transmission facility and to prevent runoff onto an abutting lot.
20. The Golf Road roadside ditch, located within the right-of-way, shall have a maximum foreslope of 4:1 (horizontal:vertical) and backslope of 3:1. Additional right-of-way may be required to meet the minimum grading requirement.
21. 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.
22. 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.

### Merced Irrigation District

23. Prior to recording the final map, the developer shall enter into a 'Subdivision Drainage Agreement' with the Merced Irrigation District and provide the County with a letter from the District stating that they will accept storm drainage water from this subdivision and that all applicable fees have been paid.
24. The developer shall enter into a "Construction Agreement" with the Merced Irrigation District for work associated with storm drainage discharge into the 'Tower Lateral'.

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25. A signature block shall be provided for the Merced Irrigation District on all improvement plans associated with storm drainage discharge to MID facilities.

County Counsel

**26. INDEMNITY AND HOLD HARMLESS AGREEMENT:**

WALTER JR. & KATHLEEN SOERENSEN, has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- B. 8<sup>th</sup> EXTENSION APPLICATION NO. EXT18-003 TO MAJOR SUBDIVISION APPLICATION NO. MAS03-015 - Parkway II** - A request to extend the expiration date of the tentative map for Major Subdivision No. MAS03-015 by 1 year, FROM: July 13, 2018 TO: July 13, 2019. The project site is located on the north and south sides of West Parkway Boulevard, east of South Highway 33 in the Santa Nella area, identified as Assessor's Parcel Number (APN) 078-380-003, 004, 009, 010, 023, 016, 025, 026, 027, 028, and 029. The property is designated Santa Nella Urban Community - Low Density Residential land use and zoned R-1-5000 (Single Family Residence). CEQA: Project can be found exempt from further environmental review under CEQA Section 15182 – "Residential Projects Pursuant to a Specific Plan". **TH**

**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Determine the application can be found exempt from further environmental review under CEQA Section 15182 – "Residential Projects Pursuant to a Specific Plan" of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-003 based on the findings included in the staff report and subject to the recommended conditions of approval.

Planner Tiffany Ho presented the Staff Report and recommendations of approval dated April 25, 2018.

The public hearing opened at 9:11 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:12 a.m.

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS 8<sup>th</sup> EXTENSION APPLICATION NO. EXT18-003 TO MAJOR SUBDIVISION APPLICATION NO. MAS03-015 FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA SECTION 15182 – "RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN" OF THE CEQA GUIDELINES.**

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**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2018 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 8<sup>th</sup> EXTENSION APPLICATION NO. EXT18-003 TO MAJOR SUBDIVISION APPLICATION NO. MAS03-015 SUBJECT TO THE 24 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Merced County Community and Economic Development Department

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

Merced County Division of Environmental Health

9. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.

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10. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.
11. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
12. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.
13. The subdivision shall be subject to new sewage disposal system requirements, effective November 18, 2005 which require special design onsite sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen. Such systems shall be operated and maintained by the property owner, and a Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new onsite treatment systems.

### Merced County Roads Division

14. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
15. Release and relinquish all abutters' rights of access to and from the frontage as directed by the Public Works Roads Division.
16. Notwithstanding Condition No. 3, all lot and street grading shall be completed prior to issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
17. The developer shall provide for striping of roads to the satisfaction of the Public Works Roads Division.
18. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
19. Design and Construction of roads including but not limited to Parkway Boulevard and Hilldale Avenue shall be to the satisfaction of the Merced County Public Works /Road Division.
20. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.
21. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella

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CSP to be payable at the time of issuance of building permits within “The Parkway Phase II” subdivision.

22. USFWS easements previously established by the developer for San Joaquin Kit Fox corridors shall be extinguished where they overlay the proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works prior to the approval of the subdivision improvement plans.
23. In the event that Condition No. 17 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works

County Counsel

**24. INDEMNITY AND HOLD HARMLESS AGREEMENT:**

PARKWAY II, has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- C. 8th EXTENSION No. EXT18-002 to MAJOR SUBDIVISION APPLICATION NO. MAS04-003- "RIVER REACH ESTATES"-** To extend the expiration date of the tentative map by 1 year From: March 9, 2018 To: March 9, 2019, on property located on the south side of West. Palm Avenue, 750 feet east of North Santa Fe Drive, identified as Assessor's Parcel Number (APN) 140-170-068. The property is designated Cressey Agricultural-Residential land use in the General Plan and zoned A-R (Agricultural-Residential).CEQA: No further environmental review is required in compliance with CEQA Guidelines Section 15162 – “Subsequent EIRs and Negative Declarations”. **BG**

**RECOMMENDATION(S):**

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required in compliance with CEQA Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-002 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated April 25, 2018.



The public hearing opened at 9:14 a.m.

Angelina Torro, neighbor within 300 ft. of this project, asked if the addresses for this Subdivision will be in Cressey?

Planner Brian Guerrero said the post office assigns those addresses and they have not been assigned yet.

Ms. Torro had asked why she was denied a Cressey address when she lives so close by.

Deputy Steve Maxey and Planner Brian Guerrero agreed to meet with Ms. Torro after the meeting is over to discuss the address.

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

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH CEQA SECTION 15162 – “SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS” OF THE CEQA GUIDELINES FOR 8th EXTENSION No. EXT18-002 to MAJOR SUBDIVISION APPLICATION NO. MAS04-003.**

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2018, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 8th EXTENSION No. EXT18-002 to MAJOR SUBDIVISION APPLICATION NO. MAS04-003 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Merced County Community and Economic Development Department

1. Approval of this extension shall extend the period of time for recording the final map to March 9, 2019.
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. 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.

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- 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.

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- 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](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
- 4. This project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
  - 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.
  - 6. The project shall be subject to the current Regional Transportation Impact Fee, established by Ordinance No. 1749, at the time of building permit issuance.
  - 7. 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.
  - 8. 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.
  - 9. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance service which includes, but is not limited to, street sweeping.

County Counsel

**10. INDEMNITY AND HOLD HARMLESS AGREEMENT:**

Bhupinder Sahota has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval

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by COUNTY. This duty shall arise at the first claim, action, or proceeding against COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- D. 8<sup>th</sup> EXTENSION No. EXT18-004 to MAJOR SUBDIVISION 04005 - "LAS CASAS de SANTA FE"** - To extend the expiration date of the tentative map for one year From: April 27, 2018 To: April 27, 2019, on property located at the northwest corner of East Washington Street & South Jackson Street, identified as Assessor's Parcel Number (APN) 318-010-008 & 318-010-009. The property is designated Le Grand Urban Community - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residence). CEQA: No further environmental review is required in compliance with CEQA Guidelines Section 15162 – "Subsequent EIRs and Negative Declarations". **BG**

**RECOMMENDATION(S):**

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required in compliance with CEQA Section 15162 – "Subsequent EIRS and Negative Declarations" of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-004 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated April 25, 2018.

The public hearing opened at 9:20 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:21 a.m.

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH CEQA SECTION 15162 – "SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS" OF THE CEQA GUIDELINES FOR 8<sup>th</sup> EXTENSION No. EXT18-004 to MAJOR SUBDIVISION 04005 - "LAS CASAS de SANTA FE.**

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2018 AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 8<sup>th</sup> EXTENSION No. EXT18-004 to MAJOR SUBDIVISION 04005 - "LAS CASAS de SANTA FE" SUBJECT TO THE 30 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Merced County Community and Economic Development Department

1. The project proponents shall submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District to the County prior to recordation of the Final Map.
2. A sound wall shall be constructed to reduce exterior noise exposure in outdoor activity areas and the level of noise affecting exterior building facades in accordance with the noise standards contained in the General Plan. The wall shall be constructed in accordance with the conclusions and recommendations of the *Acoustical Analysis, Las Casas de Santa Fe Subdivision, Merced County California, August 18, 2004*, prepared by Brown-Buntin Associates, Inc. The sound wall shall be constructed in accordance with Chapter 18.37.07 of the Merced County Zoning Code. The sound wall shall be constructed prior to the issuance of a certificate of occupancy for any lot which is affected by railroad noise as identified in the above Acoustical Analyses.
3. Acoustic baffles shall be installed on the interior side of attic vents on the residences that face, or are perpendicular to, the Santa Fe railway on Lots 1-7, 24-26 & 16-17. Certificates of occupancy shall not be issued for the residences on these parcels if acoustical baffles are not installed on the residences on these parcels.
4. If two-story homes are proposed, an acoustical analysis of interior noise levels shall be provided to ensure acceptable interior noise environment, and mitigation, if necessary, implemented prior to the issuance of a certificate of occupancy for the affected residences.
5. A Right-To-Farm statement shall be placed on the face of the Final Map or any phased Final Maps consistent with County Ordinance No. 1213.
6. 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.
7. 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.
8. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
9. The applicants shall provide a bond for \$10,000 for site maintenance and trash removal to be kept until the final map has been approved and signed.

Fire Department

10. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.

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11. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.

### Environmental Health

12. 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 – Roads Division

13. All lot and street 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 project proponent shall enter into an agreement with public works that no occupancy shall occur until such time as all improvements are completed.
14. The project proponent shall release and relinquish all abutter's rights of access to and from the entire Santa Fe Avenue frontage of all corner lots in the subdivision.
15. The project proponent 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 Las Casas de Santa Fe Subdivision. The project proponent shall be financially responsible for all costs associated with expanding the American Heritage Homes No. 1 storm drain retention basin within McPherson Subdivision No. 03001. The project proponent shall be financially responsible for all costs associated with replacing the existing storm drainage transmission facilities to increase capacity to accommodate the additional runoff from the Las Casas de Santa Fe subdivision to the American Heritage Homes No. 1 storm drain retention basin, if necessary.
16. No stormwater runoff from the subdivision shall be allowed to surface flow offsite without offsite improvements being designed and constructed by the project proponent with subdivision improvements.
17. The project proponent shall provide centerline striping for those new roads which intersect the existing peripheral streets.
18. Streets shall be named and designated to the satisfaction of the Fire Department and the Merced County Department of Public Works.
19. The project proponent shall provide a letter from MID accepting storm drainage water from the project into MID facilities prior to recording the Final Map.
20. The project proponent 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, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.

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21. The project proponent shall pay all costs and provide all documents necessary to form or annex into a landscaping and/or park maintenance zone of benefit prior to recording the Final Map. Walls adjacent to landscaped areas shall be masonry.
22. The project proponent may be required to comply with Federal Regulations for stormwater runoff issued by the Environmental Protection Agency on November 16, 1990 (40 Code of Federal Regulations Part 122, 123, and 124). 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 proponent shall contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 657-1146 to determine if the project is subject to applicable stormwater runoff permits. If subject to this permitting the project proponent will be required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project. If the project is subject to this permitting process, the project proponent shall obtain all required permitting and submit a copy of the approved plans to the Merced County Planning and Community Development Department prior to the issuance of grading permits for the project. If not subject to this permitting process, the project proponent shall submit verification to that effect to the Planning and Community Development Department.
23. 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.
24. 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.
25. 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.
26. 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.
27. The developer shall pay \$500 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study for the Le Grand SUDP until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand.

Merced Irrigation District

28. The project proponent shall enter into a “Subdivision Drainage Agreement” with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1) for stormwater discharge into the Fancher Lateral, paying all applicable fees, prior to the recordation of the Final Map. Owner/developer should contact Robert Lindsey of MIDDID No. 1 to initiate the agreement.

San Joaquin Valley Air Pollution Control District

29. 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.

County Counsel

30. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**

Timothy Razzari has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter “COUNTY”) from any claim, action, or proceeding arising out of, or in connection with the COUNTY’s approval of the project including, but not limited to, COUNTY’s actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. This duty shall arise at the first claim, action, or proceeding against COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- E. 8TH EXTENSION No. EXT18-005 to MAJOR SUBDIVISION No. MAS04-013 - To extend the expiration date of the Tentative Map for Almond View Estates for one year From: May 25, 2018 To: May 25, 2019, on property located on the north side of East Le Grand Road, 1,800 feet west of South McKee Road, identified as Assessor's Parcel Numbers (APN) 318-090-003 & 318-090-019. The property is designated Legrand Urban Community - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residence). CEQA: No further environmental review is required in compliance with CEQA Guidelines Section 15162 – “Subsequent EIRs and Negative Declarations”. **BG****

**RECOMMENDATION(S):**

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required in compliance with CEQA Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-005 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated April 25, 2018.



The public hearing opened at 9:22 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:23 a.m.

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH CEQA SECTION 15162 – “SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS” OF THE CEQA GUIDELINES FOR 8TH EXTENSION No. EXT18-005 to MAJOR SUBDIVISION No. MAS04-013.**

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2018, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 8TH EXTENSION No. EXT18-005 to MAJOR SUBDIVISION No. MAS04-013 SUBJECT TO THE 34 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Merced County Community and Economic Development Department

1. The Final Map, or all map phases, shall be recorded by May 25, 2008.
2. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District prior to recordation of the Final Map, or a first phase Final Map.
3. The design and landscaping of the subdivision wall fronting Le Grand Road shall be approved by the Planning Department prior to recording the Final Map. Plants selected for this landscaping should consist of fast growing vines and/or shrubs in order to deter vandalism.
4. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.

**New Condition Added to EXT07-007**

5. The applicants shall provide a bond for \$10,000 for site maintenance and trash removal to be kept until the final map has been approved and signed.

Le Grand Community Services District

6. 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.

Fire Department

7. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.

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8. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.

Public Works – Roads Division

9. 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 and underground or relocate utilities and irrigation facilities.
10. The applicant shall release and relinquish all abutters rights of access to and from the entire Le Grand Road frontage of Lots 1, 20, 21, 22, 23 and 24
11. Kimberly Court is a duplication of an existing County road name and shall be changed to the satisfaction of the Department of Public Works and the Fire Department.
12. Sharon Street shall be designated 'Avenue', extended north and stubbed at the MID canal.
13. An additional 10 feet of right-of-way, or 40 feet from centerline, shall be dedicated along the Le Grand Road frontage of the subdivision.

**Condition Changed: Fee Revised for EXT07-007**

14. The developer shall pay \$500 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study for the Le Grand SUDP until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand.
15. The storm drain basin shall be constructed with 4:1 (horizontal: vertical) or flatter side slopes beginning 10 feet inside the fence line. An 8:1 sloped ramp shall be constructed to allow access from the gate on Kimberly Court to the bottom of the basin.
16. Any required fencing along the Le Grand Road frontage of the subdivision shall be constructed of masonry and maintained through a zone of benefit administered by the County. The developer shall provide all documentation and shall pay all fees associated with the formation of a landscaping maintenance zone of benefit in County Service Area No. 1 for the maintenance of any required landscaping along the Le Grand Road frontage of the subdivision or along the Kimberly Court frontage of the storm drain basin.
17. Prior to recording the final map, the developer shall provide the County with a letter from MID accepting storm drainage water from this proposed development into their facilities.
18. All lot and street 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 occur until such time as all improvements are completed.

19. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets
20. The Developer/Applicant is advised that he/she will be required to comply with the requirements of National Pollution Discharge Elimination System (NPDES) General Permit No.CAS000002 for Discharges of Stormwater Associated with Construction Activity. For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).
21. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148, adjusted for inflation, in place at the time of building permit issuance.
22. 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.
23. 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.
24. 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

25. The developer shall consult with MID on the possible undergrounding of Booster No. 6 Lateral through the project area. Any undergrounding of this lateral shall be performed to MID standards.
26. The developer shall consult with MID to determine appropriate measure for securing the MID Booster No. 6 fee parcel from unauthorized access.
27. The developer shall enter into a Construction Agreement with MID for work associated with MID facilities.
28. The Developer shall obtain a "Non-exclusive License Agreement" for all crossings over or under any MID facilities, including utilities and pipelines.
29. The fences installed at the rear of Lots 8, 9, and 10 should be located outside of the MID fee property to allow access for repair and maintenance.
30. The proponent shall place an MID signature block on the subdivision Improvement Plans and Final Map.
31. The subject property intends to discharge storm water to the MID, therefore, the property owner shall enter into a "Subdivision Drainage Agreement" with

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the Merced Irrigation District Drainage Improvement District (MIDDID No. 1), paying all applicable fees.

Parks and Recreation

- 32. The developer shall pay the local parkland dedication and improvement fees as required by County Ordinance No. 1090 prior to recording the final map.
- 33. 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.

County Counsel

**34. INDEMNITY AND HOLD HARMLESS AGREEMENT:**

North Bend LLC has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. This duty shall arise at the first claim, action, or proceeding against COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

**VII. COMMISSION ACTION ITEM (S)**

None

**VIII. DIRECTOR'S REPORT**

None

**IX. COMMISSIONERS COMMENTS**

None

**X. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:24 a.m.