



Planning Commission
Staff Report
August 9, 2017

AGENDA ITEM #

PREPARED BY:
APPROVED BY:

BRIAN GUERRERO, PROJECT PLANNER
MARK HENDRICKSON, DIRECTOR

(Signature)

CONDITIONAL USE PERMIT No. CUP17-008 - UNIVERSAL REAL ESTATE DEVELOPMENT -

A request to demolish an existing 2,000 square foot mini-mart and car wash and construct a new 2,942 square foot mini-mart and rebrand the gas station as a Chevron Extra-Mile. The property is located at the northeast corner of Winton Way and Santa Fe Drive in the Winton area and is identified by Assessor's Parcel Number (APN) 146-171-011. The property is designated Winton Urban Community - General Commercial land use in the General Plan and zoned C-2 (General Commercial). CEQA: Exempt under Section 15302(b) – “Replacement or Reconstruction” and 15303(c) – “New Construction or Conversion of Small Structures”.

SUPERVISORIAL DISTRICT: 4 – LLOYD PAREIRA

RECOMMENDATION(S):

1. Determine the project is exempt from CEQA review under Section 15302(b) - “Replacement or Reconstruction” and 15303(c) – “New Construction or Conversion of Small Structures”, and;
2. Approve Conditional Use Permit CUP17-008 based on the findings included in the staff report and subject to the below conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The project site is located at the southeast corner of Winton Way and Santa Fe Drive in the community of Winton. The site has access from both Winton Way and Santa Fe Drive. Existing uses on the site include a Valero Gas station and mini mart and a car wash.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Winton Urban Community General Commercial	C-2	Gas Station
North:	Winton Urban Community General Commercial	C-2	Parking Lot
East:	Winton Urban Community General Commercial	R-2	Residential
South:	Winton Urban Community General Commercial	C-2	Tire Shop
West:	Medium Density Residential	C-2	Vacant

Prior Actions/Entitlements

There are no previous land use permits for this site.

ANALYSIS

Project Description

The applicant is requesting a permit to allow demolition of the existing mini-mart and car wash and construct a new convenience store and rebrand the facility from Valero to Chevron Extra-Mile. Within the new Extra-Mile store will be a Little Cesar's Pizza store as well. The new construction would be a total of 2,942 square feet, replacing the existing 2,000 square foot building. According to the operational statement, the store will continue to be open 24 hours a day, consistent with existing operations. There will be no changes to the existing fuel pumps.

Consistency with Adopted Plans and Policies

1. General Plan

The General Plan contains the principle statement concerning the County's goals and desires concerning land use and is designed to serve as the basis for development decision making. The plan is considered the local "constitution" for physical development and, as a long-range planning document, and serves to direct the physical growth and development of the County.

The site is designated Winton Urban Community General Commercial. This designation provides for general retail commercial uses, personal and professional services, and institutional uses in Urban Communities and Highway Interchange Centers. This designation is typically applied to areas near the center of a community to encourage grouping of commercial activities in a central business district or core, possibly with other nonresidential uses.

The proposal can be found consistent with the following Goals and Policies of the General Plan:

Goal LU-5.D

Maintain economic vitality and promote the development of commercial uses within Urban Communities that are compatible with surrounding land uses and meet the present and future needs of County residents, workers, and visitors.

Policy LU-5.D.1 Commercial Development (RDR)

Require new commercial development be designed to minimize the visual impact of parking areas on public roadways and maintain compatibility with surrounding land uses.

Policy LU-5.D.6 Sewer and Water Services Requirements (RDR):

Require sewer and water services for new commercial development in accordance with the local urban service district standards and the Building Code.

Conditional Use Permit No. CUP17-008 will serve the needs of existing and future residents in the Winton community. The proposed business is located on the main thoroughfare within the Winton commercial downtown core. Landscaping requirements will ensure any visual impacts of the development will be minimized, and the site is adequately served by the Winton Community Services District. Therefore, Conditional Use Permit No. CUP17-008 can be found consistent with the General Plan.

2. Zoning Code

According to the Merced County Zoning Maps, the project site is zoned C-2 (General Commercial). The purpose of the general commercial zone is to provide for areas for a wide variety of retail stores, entertainment establishments offices and service businesses that serve unincorporated urban communities. The C-2 districts are mainly located in the central business districts or along major transportation routes, such as arterial and major collector roads.

Convenience Stores are allowed under Zoning Code Chapter 18.18 Commercial Zones. Staff determined another convenience store is located within 1,000 feet from this project site, therefore a Conditional Use Permit is required for approval. The project is consistent with the C-2 zoning, and the request to sell liquor for off-sit consumption conforms to expected uses in this zone.

Additionally, the Staff has determined the proposal to be consistent with the following sections of the Zoning Code:

1. Lot Development Standards, Section 18.26.030

According to the proposed Plot Plan, the facility would comply with the following setback requirements: fifteen (15) feet from the front, zero (0) feet from the side and twelve (12) feet from the rear. Additionally, the site would comply with the maximum building coverage of 80%.

2. Parking Requirements, Section 18.40

There are 11 existing parking spaces currently on site. Parking requirements for commercial uses of this type and area require 5 parking spaces based on the formula in Section 18.40.020. Therefore, the proposed project is consistent with the requirements of this section.

3. Landscaping Requirements, Section 18.38

Type B Semi-Opaque landscaping standards consistent with the County's adopted model landscape ordinance shall be required for screening and aesthetic purposes, consistent with Section 18.38.

4. Other Adopted Plans and Policies

Winton Community Plan

The project site is located within the Winton Urban Community boundary and is designated as Winton Urban Community General Commercial. This designation provides for an assortment of retail and wholesale outlets for commercial goods and professional services, and encompasses professional office uses.

The proposal can be found consistent with the following Goals and Objectives of the current Community Plan:

Goal A:

Preserve and enhance the long-term vitality of the central commercial district.

Objective 2:

Renovate existing deteriorating buildings in the central district

Objective 3:

Prohibit the development of any substantial commercial uses away from the central commercial district.

The project proposes to demolish the existing aging mini-mart and car wash and replace with a new convenience store being rebranded as a Chevron Extra-Mile. The site is located within the central commercial district and the applicant is proposing to completely remove the existing old buildings and construct a new, modern building. Therefore, the project is consistent with the Winton Community Plan.

California Environmental Quality Act (CEQA)

Based upon review of this application, the Merced County Community and Economic Development Department has found this project to be exempt from CEQA review under Section 15302(b) - "Replacement or Reconstruction", of the CEQA Guidelines which states:

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

(b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

The supporting findings for this CEQA exemption are as follows:

1. The project can be found exempt from CEQA review under Section 15302(b), "Replacement or Reconstruction", of the CEQA Guidelines based on the following:
 - The project will replace an existing commercial mini-mart and car wash that is approximately 2,000 square feet total with a new 2,900 square foot mini-mart.

The project can also be found exempt from CEQA review under Section 15303(c) – “New Construction or Conversion of Small Structures” which states:

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The supporting findings for this CEQA exemption are as follows:

1. The project site is located in an urbanized area within an adopted urban boundary.
2. The proposed mini-mart is 2,900 square feet, significantly less than the 10,000 square feet in floor area.
3. The mini-mart does not involve the use of significant amounts of hazardous waste. No changes to the existing gas pumps are proposed as part of the project.
4. All necessary public services and facilities are provided by the Winton Community Services District.
5. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

Community Engagement

The project application and environmental document were routed to applicable County departments as well as outside agencies for comment. Comments were received from Environmental Health, Fire, and Public Works departments.

Comment letters are attached as “Exhibit B.”

The proposed project was publicly noticed to property owners within 300 feet and published in the Merced Sunstar. No public comments were received prior to publication of this staff report.

CONCLUSION:

Conditional Use Permit No. CUP17-008 proposes to demolish an existing mini-mart and car wash that is approximately 2,500 square feet and replace these structures with a new 2,900 square foot mini-mart. As part of the replacement, the store will be rebranded as a Chevron Extra-Mile. The project site is located within the central commercial district of Winton, at the southeast corner of Winton Way and Santa Fe Drive. Staff has determined this proposal is consistent with the Winton Urban Community General Commercial land use designation in the General Plan and Winton Community Plan and the ‘C-2’ (General Commercial) zone. Finally, Staff has found this project to

be exempt from CEQA review under Section 15302(b) – “Replacement or Reconstruction” and Section 15303(c) – “New Construction or Conversion of Small Structures”, of the CEQA Guidelines and recommends approval of this Conditional Use Permit.

RECOMMENDED COMMISSION ACTION:

A. CEQA Determination

MOTION: The Planning Commission determines that the project is exempt from California Environmental Quality Act (CEQA) review under Section 15302(b) – “Replacement or Reconstruction” and Section 15303(c) – “New Construction or Conversion of Small Structures” of the CEQA Guidelines based on the CEQA findings below:

CEQA Findings

1. The proposed project is exempt from CEQA review under Section 15302(b) – “Replacement or Reconstruction” based on the following:
 - The project will replace an existing commercial mini-mart and car wash that is approximately 2,000 square feet total with a new 2,900 square foot mini-mart.
2. The proposed project is exempt from CEQA review under Section 15302(b) – “Replacement or Reconstruction” based on the following:
 - The project site is located in an urbanized area within an adopted urban boundary.
 - The proposed mini-mart is 2,900 square feet, significantly less than 10,000 square feet in floor area.
 - The mini-mart does not involve the use of significant amounts of hazardous waste. No changes to the existing gas pumps are proposed as part of the project.
 - All necessary public services and facilities are provided by the Winton Community Services District.
 - The determination that the application is exempt from CEQA review reflects the independent judgment of the County.
3. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

Staff recommends that the Planning Commission approve Conditional Use Permit No. CUP17-008 based on the following findings and recommended conditions of approval by making the following motion.

MOTION: The Planning Commission approves Conditional Use Permit No. CUP17-008 based on the Project Findings and subject to the proposed Conditions of Approval.

FINDINGS:

1. Conditional Use Permit No. CUP17-008 proposes to demolish an existing 2,000 square foot mini-mart and car wash at an existing gas station, rebuild a new 2,900 square foot mini-mart and rebrand it as Chevron Extra-mile.
2. The project site is located on the northeast corner of Winton Way and Santa Fe Drive in the Winton area.
3. The project site is designated and consistent with the Winton Urban Community General Commercial land use designation in the Winton Community Plan and the Merced County General Plan.
4. The project site is zoned and consistent with the C-2 (General Commercial) zone.
5. The proposed use, as conditioned, will be compatible with adjacent uses, properties, and neighborhoods.
6. The application was referred to the following County agencies for review: Department of Public Works Building and Safety, and Roads Divisions, the Merced County Fire Department and the Merced County Division of Environmental Health.
7. The project, if operated in compliance with the approved Site Plan, the applicant's Operational Statement, and recommended conditions of approval, will not be a nuisance or detrimental to public health, safety and general welfare.
8. Notice of the application was sent to properties within 300 feet of the project site and published in the newspaper. No comments were received.
9. The project is subject to all applicable County, State and Federal regulations.

ATTACHMENTS

1. Conditions of Approval
 2. Site Plan
 3. Agency Comments
 4. Resolution No. 97-1
- cc. Property Owner –Universal Real Estate Development
Engineer – Golden Valley Engineering



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Mark J. Hendrickson
Director

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

Equal Opportunity Employer

Conditions of Approval: CUP17-008 – Universal Real Estate Development

Community and Economic Development Department

1. Conditional Use Permit No. CUP17-008 is granted to allow the demolition of an existing 2,000 square foot mini-mart and car wash and construct a new 2,942 square foot mini-mart and rebrand the gas station as a Chevron Extra-Mile. The facility shall be developed and operated in a manner consistent with the submitted operational statement and site plan. Minor Modifications to this approval may be reviewed and approved by the Director.
2. Applicant/property owner shall comply with all Federal, State, and Local agencies regulations.
3. The applicant shall maintain the site consistent with adopted Planning Resolution 97-1 (attached).
4. The applicant shall install Type B Semi-Opaque landscaping consistent with the State's most current Model Water Efficiency Landscape Ordinance (MWELO). Landscape plans shall be submitted and reviewed by CED Staff for approval prior to finaling of building permits.
5. For the purpose of condition monitoring, an inspection fee in the amount of **\$243** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required; inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
6. The applicant shall obtain or bring the existing business license current with CED.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

UNIVERSAL REAL ESTATE DEVELOPMENT has the contracted duty (hereinafter "the duty") to indemnify, defend and hold harmless, County, its Board of Supervisors, officers, employees, agents and assigns from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the performance of this Agreement, whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of UNIVERSAL REAL ESTATE DEVELOPMENT.

UNIVERSAL REAL ESTATE DEVELOPMENT'S liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of UNIVERSAL REAL ESTATE DEVELOPMENT, its agents, subcontractors, employees, boards, and commissions. The duty shall extend to any allegation, claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first claim, petition, or allegation of liability against County. UNIVERSAL REAL ESTATE DEVELOPMENT will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause and shall not be limited to any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and

expenses of whatsoever kind or nature, that may arise during the term of this Agreement but shall also apply to all such claims and the like after the term of this contract, for example, arising from land use and environmental law actions, or meeting notice law actions, brought against the County following Project approval, modification, or denial.

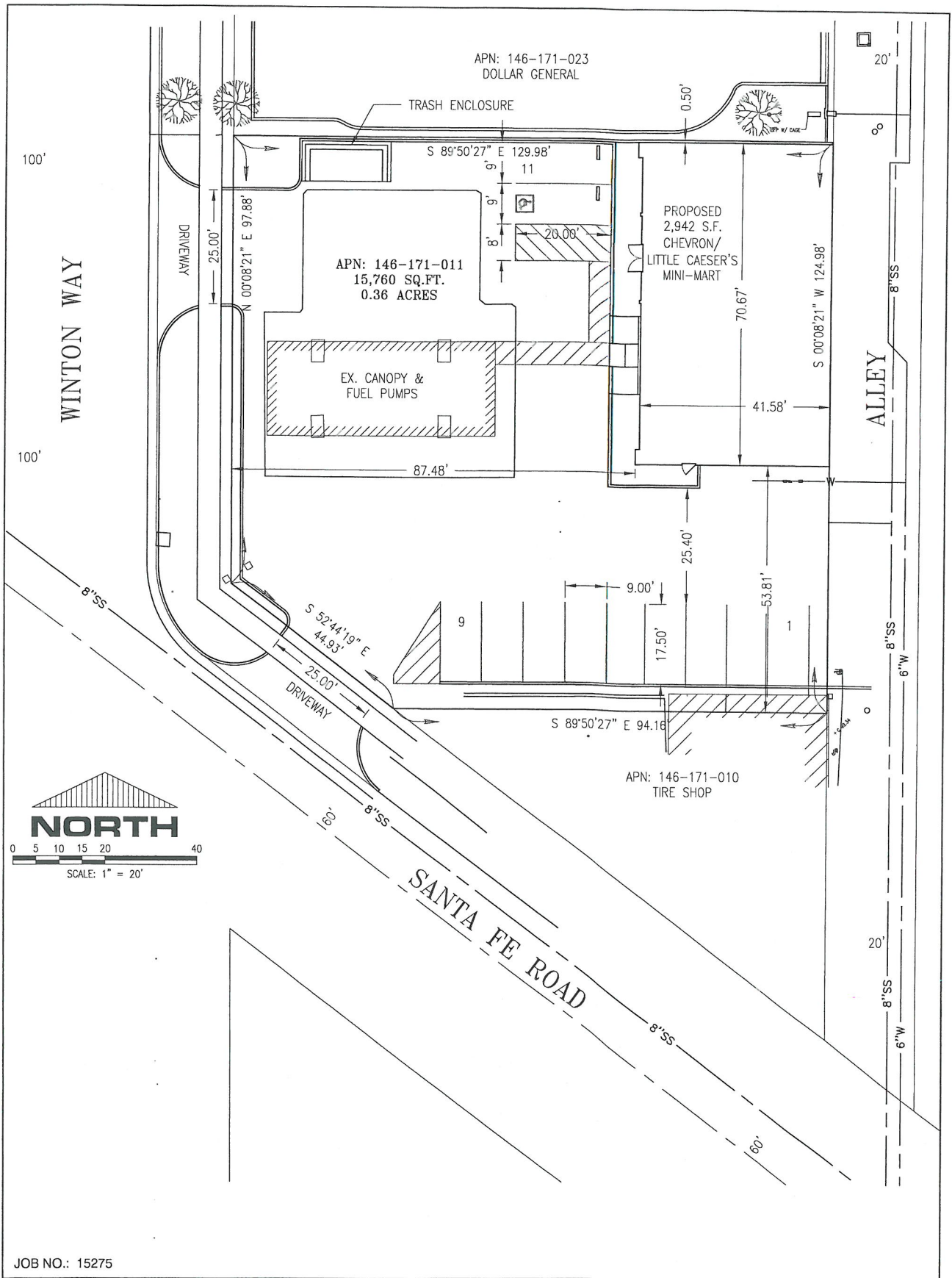
This clause for indemnification shall be interpreted to the broadest extent permitted by law.

Merced County Fire Department Prevention Bureau

8. The applicant shall install Reflective Building Identification that meets Fire Department Design Specifications. Contact the Prevention Bureau for additional information.
9. An application for an Annual Fueling Station Permit shall be submitted at time of permit application.

Merced County Division of Environmental Health

10. The applicant shall maintain an accurate Hazardous Material Business Plan with the Merced County Division of Environmental Health and maintain compliance with all applicable hazardous material regulations.
11. Prior to beginning operation, the applicant shall obtain a food facility permit from MCDEH and thereafter operate within the parameters of the permit and the application sections for the California Retail Food Code (California Health & Safety Code, Division 104, Part 7).



JOB NO.: 15275

NOTE: PLEASE USE BLACK INK
OR DARK PENCIL

PLOT PLAN

SCALE: 1" = 20'

APPLICATION TYPE	NUMBER	A.P.N.	DATE
CONDITIONAL USE PERMIT	17008	146-171-011	5/15/17
PROPERTY OWNER(S): UNIVERSAL REAL ESTATE DEVELOPMENT	PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.		
ADDRESS: 207 WATERFRONT CT., ATWATER, CA 95301	ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340		
TELEPHONE: (209) 819-9560	TELEPHONE: (209) 722-3200		
MERCED COUNTY PLANNING DEPARTMENT			



DEPARTMENT OF PUBLIC WORKS
Building and Safety Division

Dana Hertfelder
Director

Lydia Clary, C.B.O.
Deputy Building Official

2222 "M" Street, 2nd Floor
Merced, CA 95340
(209) 385-7477
(209) 385-7302 Fax
www.co.merced.ca.us

Equal Opportunity Employer

DATE: June 1, 2017

TO: Universal Real Estate Development

FROM: Charles Mendenhall
Supervising Building Inspector/Floodplain Manager

SUBJECT: CUP17-008

You must hire an architect or engineer licensed in the state of California to draw the plans and provide any structural calculations for the proposed facility. The plans must be submitted to the Building Division for approval and a permit before any construction can begin. We require submittals to consist of:

1. 1 set of all plans and calculations/reports in an electronic format (either on CD/Disk or flash drive). A flier is also included with this letter to detail the formatting of the electronic documents for submittal.

California requires that all proposed non-residential structures must first obtain a soils report completed by a licensed geotechnical engineer. That report must be reviewed by the design engineer to incorporate any mitigating measures into the design drawings.

The Building & Safety Division is now using an appointment system for submissions of this type. Scheduling an appointment to submit your application will allow us to fully review the application with you, ensure all necessary documents are included, and answer any questions you may have. Appointments will be scheduled on Wednesday of each week. Please contact the following person to schedule your appointment:

Sandy Tawana

Phone: 209-385-7477

Thank you,

Charles Mendenhall
Merced County Public Works: Building Division
2222 M St. 2nd Floor
Merced, CA 95340



FIRE DEPARTMENT PREVENTION BUREAU

2222 "M" STREET
MERCED, CA 95340
OFFICE (209) 385-7347
FAX (209) 725-0174

NANCY B. KOERPERICH
Fire Chief
(209) 966-3622

MARK LAWSON
Division Chief
(209) 385-7450

6/1/2017

To: UNIVERSAL REAL ESTAT,
6756 N WINTON WAY
WINTON, CA 95388

From: John Morgan
Fire Marshal MCFD
2222 M Street
Merced, CA 95340
(209)385-7347 Opt 3

Re: CUP17-008 - UNIVERSAL REAL ESTATE DEVELOPMENT - To rebuild and rebrand an gas station and convenience store, with a new 2,942 square foot store, with sales of packaged alcoholic beverages, and eliminate the existing car wash. The property is located at the northeast corner of North Winton Way & North Santa Fe Drive. The property is designated Winton Urban Community - General Commercial land use in the General Plan and zoned C-2

Location: 6756 N WINTON WAY, WINTON, CA
APN: 146-171-011

Observations, Conditions & Comments – Merced County Fire Prevention Bureau

The Following are Recommended Conditions of Approval

1. An application for an Annual Fueling Station Permit shall be submitted at the time of permit application. (First year fee is included in review)
2. The applicant shall install Reflective Building Identification that meets Fire Department Design Specifications. Contact the Prevention Bureau for additional information.

Please Note: when submitting your plans...

1. Dedicate a page in the plans for your fire suppression details, access, building identification, exit plan, and related notes.



2. PDF files of the site and floor plans are requested for Pre-Planning purposes. These drawings shall include the following:
 - a. Location of all fire water systems, sources and devices
 - b. Location of all utilities
 - c. Location of fire extinguishers
 - d. Location and width of aisles
 - e. Location of exits
 - f. Exit access doors
 - g. Exit signs
 - h. Height of storage
 - i. Locations of hazardous materials
3. Deferred submittals for Fire Suppression/Protection Systems must be submitted for plan review.
 - a. Submit all Fire Suppression/Protection Plans to the Building Division service counter.
4. An evacuation plan for public accessible areas shall be submitted at the time of permit application if applicable.
5. If security gates/doors are installed they shall be approved by the Fire Department.
 - a. As required, the applicant shall install and maintain a Merced County Coded "Knox" key switch or "Knox" padlock, whichever is most appropriate in relation to your needs.

**Please contact the Fire Prevention Bureau with any questions/inquiries or to schedule a Pre-Submittal Meeting with Fire and Buildings.
(209)385-7347**

Memorandum

DATE: June 1, 2017

TO: Brian Guerrero, Planner III

FROM: Brent Cronk, EHS III
(209) 381-1095; bcronk@co.merced.ca.us

SUBJECT: **CONDITIONAL USE PERMIT No. CUP17-008 - UNIVERSAL REAL ESTATE DEVELOPMENT** - To rebuild and rebrand a gas station and convenience store, with a new 2,942 square foot store, with sales of packaged alcoholic beverages, and eliminate the existing car wash. The property is located at the northeast corner of North Winton Way and North Santa Fe Drive. The property is designated Winton Urban Community - General Commercial land use in the General Plan and zoned C-2 (General Commercial).

SITUS: 6756 Winton Way, Winton; APN 146-171-011

Observations & Comments – Merced County Division of Environmental Health (MCDEH):

Plans and specifications for all proposed changes related to the underground storage tanks (including controls and monitoring) must be submitted for review and approval by MCDEH prior to the issuance of a building permit. Contact: Jon Schmidt at (209) 381-1094

For the retail food facility changes, submit all of the following:

- A plan review application form
 - available online at: <http://ca-mercedcounty.civicplus.com/index.aspx?NID=1877>
- The plan review fee payment. The fee is determined from the MCDEH fee schedule in effect at the time of submittal (currently \$851, until July 1).

Submit the above to MCDEH when plans are submitted for a building permit. MCDEH will review the building permit plans. Contact: Shannon Warkentin at (209) 381-1082

Recommended Permit Conditions:

The applicant shall maintain an accurate hazardous material business plan with Merced County Division of Environmental Health and maintain compliance with all applicable hazardous material regulations.

Prior to beginning operation, the applicant shall obtain a food facility permit from MCDEH and thereafter operate within the parameters of the permit and the applicable sections of the *California Retail Food Code* (California Health & Safety Code, Division 104, Part 7).

*PLANNING COMMISSION
MERCED COUNTY*

In the matter of

RESOLUTION NO.97-1

*ADOPTING REVISED STANDARD
CONDITIONS OF APPROVAL FOR MAJOR
SUBDIVISIONS, ADMINISTRATIVE PERMITS,
AND CONDITIONAL USE PERMITS*

WHEREAS, the Planning Commission and Planning and Community Development Department have been designated as the Planning Agency for the County by the Board of Supervisors; and

WHEREAS, the Planning Commission may hold public hearings and approve, conditionally approve, or deny applications for Major Subdivisions, Administrative Permits, and Conditional Use Permits; and

WHEREAS, the Planning Director as Hearing Officer may also hold public hearings to approve, conditionally approve, or deny applications for Administrative Permits; and

WHEREAS, the local building industry, applicants, the Planning Commission, County Staff, and the general public have benefited from the adoption of Standard Conditions of Approval applied to all Major Subdivisions, Administrative Permits, and Conditional Use Permits in Planning Commission Resolution No. 94-1; and

WHEREAS, these Standard Conditions of Approval have also provided for more expedited processing of development applications by eliminating the need for individually specified measures to mitigate potential environmental impacts; and

WHEREAS, the Board of Supervisors adopted a new completely revised Zoning Code on June 17, 1997, which incorporates many of these Standard Conditions into the Code;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby adopts the attached revised list of Standard Conditions of Approval to replace Planning Commission Resolution No. 94-1 at a regular meeting held on August 13, 1997, by the following vote:

AYES: John Adame, Robert King, Paul Moyer, Lynn Tanner

NOES: None

ABSENT: Steve Sloan

By



Robert E. Smith
Planning and Community Development Director
Secretary of the Planning Commission

MERCED COUNTY PLANNING COMMISSION
STANDARD CONDITIONS OF APPROVAL

A. Major Subdivisions:

1. The Final map, meeting all Zone Code and Public improvements requirements, shall be recorded within two (2) years of the Planning Commission approval date as required by the Merced County Subdivision Code, unless a Development Agreement between the County and the Developer is executed prior to expiration of the tentative map, in which case the tentative map may be extended for a period of time provided for in the Agreement but not beyond the duration of the Agreement.
2. The applicant 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.
3. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
4. The developer shall comply with County Parkland Dedication and/or Fee Ordinance No. 1090. Said fee shall be paid prior to, or concurrently with, the recording of the Final Map.
5. Any existing irrigation well shall be abandoned according to County standards.

B. Administrative Permits and Conditional Use Permits

1. The uses under this Permit shall be located, developed, and operated in a manner as described on the approved plot plan, sections, and elevations. Minor modifications may be approved by the Planning Director.
2. All development on the project property shall be constructed and thereafter maintained and operated in accordance with the conditions of the permit.
3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
4. If the Administrative or Conditional Use Permit is not implemented within one year, it shall expire and become void. The Planning Director may extend the Permit if a request is filed by the applicant prior to its expiration (Zoning Code Section 18.50.09).
5. If the use authorized by the Administrative or Conditional Use Permit is abandoned or discontinued for over one year, the Planning Department may initiate revocation proceedings at a public hearing before the body that originally approved the permit (Zoning Code Sections 18.50.09C and 18.53.02G).

6. A trash enclosure shall be provided and designated on the plot plan for all urban development. The enclosure shall be designed to accommodate all trash receptacles. It shall be enclosed by a solid wood fence or a wall of a minimum six feet in height on three sides with a solid gate, a minimum of five feet in height, subject to approval of the Planning Department (Zoning Code Sections 18.38.04 and 18.44.03).
7. The site shall be maintained in a neat and orderly manner at all times.
8. All signs shall be subject to the standards in Chapter 18.42 of the Zoning Code.
9. All sign plans shall be submitted to the Planning Director for approval prior to the installation of any sign.
10. No use shall be permitted which creates dust, fumes, odors, vibrations, heat, glare or electrical disturbances beyond the boundaries of the site (Zoning Code Chapter 18.41).
11. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area (Zoning Code Section 18.41.06).
12. Three copies of landscape and irrigation plans for landscaping shown on the plot plan or required as conditions of approval shall be submitted for review and approval of the Planning Director in accordance with the standards in Chapter 18.38 of the Zoning Code prior to the issuance of building permits.
13. Landscaping and irrigation in compliance with the approved plans shall be installed prior to Final inspection or issuance of a Certificate of Occupancy by the County Building Division (Zoning Code Section 18.38.04).

C. All Discretionary Permits and Subdivision Maps

1. The applicant shall inform in writing all contractors and subcontractors for the project of the potential discovery of significant archaeological and historical resources below the ground surface in the project area. If any cultural resources are found or disturbed during project activities, all work must be halted within the area and the Merced County Planning Department and a qualified archaeologist must be contacted to evaluate the find.
2. If the construction site has been disturbed (cleared, graded or excavated) and is to remain inactive for a period of three or more months, it shall be seeded with an annual grass and watered until growth is evident. If after disturbing, the site is inactive for three or more months during the dry period (June-October), as an alternative to seeding, a soil-binding dust palliative, such as Hemicellulose extract (wood molasses) solution, may be applied.

If seeded, grass shall be mowed (not disced under) to a maximum height of four inches for fire control. Grasses do not need to be maintained in a green/growing condition. Mowing should occur before the grass dries out to avoid fires that may result from blades striking rocks (Zoning Code Section 18.41.03).

3. During clearing, grading, earth-moving and other site preparation activities and all construction:
 - a. Exposed earth surfaces shall be watered as needed, whenever needed, in order to prevent dust from leaving the project site on that phase of the project presently under development.
 - b. Mud and dirt carried from the development onto adjacent roadways shall be cleaned-up daily.
 - c. Litter and debris shall be cleaned-up daily to prevent it from leaving the project site and littering adjacent properties. (Zoning Code Section 18.41.03)
4. The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. (Zoning Code Section 18.41.07).
5. All storm water runoff from the site shall be disposed of subject to approval of the County Department of Public Works in one of the following ways:
 - a. Uniform on-site percolation over widespread area.
 - b. Use of on-site detention or retention basin.
 - c. Off-site drainage to community drainage system. (Zoning Code Section 18.40.04)
6. The Planning Director, or his/her authorized designee(s) may enter at all reasonable times any building, structure, or premise for the purpose of carrying out any activity required or authorized by the provisions of Title 17 (Subdivisions) or 18 (Zoning) of the County Code. Upon request, the Planning Director or his/her authorized designee(s), shall provide adequate identification (Zoning Code Section 18.53.02).