



Planning Commission AGENDA ITEM # E

Staff Report

January 9, 2019

PREPARED BY:
APPROVED BY:

PAM NAVARES, PROJECT PLANNER *PN*
MARK HENDRICKSON, DIRECTOR

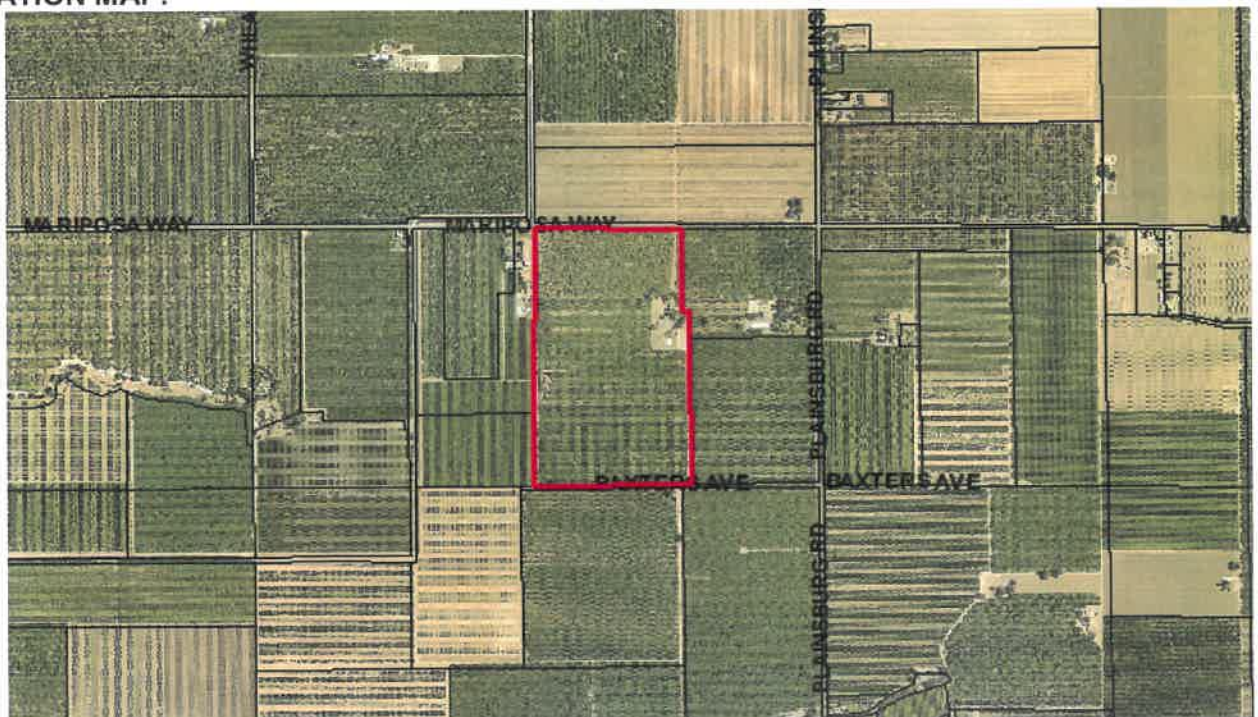
MINOR SUBDIVISION APPLICATION No. MS18-020 – Jon Kahl - A request to subdivide an 84 acre parcel into four parcels: Parcel 1 = 21.76 acres, Parcel 2 = 21.13 acres, Parcel 3 = 20.60 acres and Parcel 4 = 20.51 acres. The project site is located on the south side of Mariposa Way, 0.25 miles west of Plainsburg Road in the Merced area, identified as Assessor's Parcel Number (APN) 067-050-007. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15162 of the CEQA Guidelines - "Subsequent EIRs and Negative Declarations." **PN**

SUPERVISORIAL DISTRICT: 1 – Rodrigo Espinoza

RECOMMENDATION(S):

1. Open/Close the public hearing;
2. Determine that no further environmental review is required pursuant to Section 15162- "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines; and,
3. Approve Minor Subdivision Application No. MS18-020 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The applicant is proposing to subdivide an 84 acre parcel into four parcels resulting in parcel sizes of: Parcel 1 = 21.76 acres, Parcel 2 = 21.13 acres, Parcel 3 = 20.60 acres and Parcel 4 = 20.51 acres for estate planning purposes. Parcel 2 has an existing home, being served by a domestic well and two agricultural accessory buildings. There are no other existing homes on the project site. The parcel is currently farmed in orchards, with no anticipated change after the subdivision is approved.

The project site, size, and uses are consistent with properties in the project vicinity, which is primarily characterized by row crops, orchards, agricultural structures, and the occasional single-family residence.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Agricultural	A-1	Orchards
North:	Agricultural	A-1	Orchards
South:	Agricultural	A-1	Orchards
East:	Agricultural	A-1	Orchards
West:	Agricultural	A-1	Orchards

Prior Actions/Entitlements

Williamson Act Contract No. 2000-0505/0334.

ANALYSIS

Project Description

To subdivide an 84 acre parcel into four parcels resulting in parcel sizes of: Parcel 1 = 21.76 acres, Parcel 2 = 21.13 acres, Parcel 3 = 20.60 acres and Parcel 4 = 20.51 acres for estate planning purposes.

Consistency with Adopted Plans and Policies

1. General Plan

The 2030 General Plan provides a set of guiding principles, goals, and policies that communicate the adopted philosophy of the County regarding growth, development and sustainability. These statements, together with adopted diagrams, standards and analysis, provide the context under which specific land use proposals are reviewed. The 2030 General Plan is therefore considered the local "constitution" for planning and development and serves to direct the physical growth and development of the County for the long term.

Land Use Element

The Land Use Element of the 2030 General Plan provides the policy context for Merced County to achieve its vision for both rural and urban land use. The Agricultural land use designation is applied to much of the land within the County. It acknowledges the importance of agriculture and seeks to protect productive agricultural land, promote

agricultural processing and support operations, and recognize and preserve valuable open space resources.

The following land use goals and policies are applicable to the present application:

Goal LU-2

Preserve, promote, and expand the agricultural industry in Merced County

Policy LU-2.1: Agricultural Designation

Apply the Agricultural land use designation as the primary designation in the County to support productive agricultural lands and promote the agricultural industry.

The project is consistent with this Goal LU-2/Policy LU-2.1 of the general plan in that the agricultural land use designation is being preserved and the parcels will continue to be used for agricultural crop production.

Policy LU-2.3: Land Use Activity Limitations

Limit allowed land use within Agricultural and Foothill Pasture areas to agricultural crop production, farm support operations, and grazing and open space uses.

Policy LU-2.4: Secondary Uses in Agricultural Areas

Except as otherwise provided by law, limit ancillary uses in Agricultural areas to include secondary single-family residences, farm worker housing, agricultural tourism related uses, and agricultural support services, provided that such uses do not interfere with historic agricultural practices, result in adverse health risks, or conflict with sensitive habitats or other biological resources.

The project site's principal land use is for orchards and accessory structures ancillary to the farming use. Farming practices are expected to continue, therefore, the project can be found consistent with Goal LU-2/ Policy LU-2.3 and Policy LU-2.4.

Agricultural Element

The Agricultural Element provides the policy context for Merced County to achieve its vision for the protection, preservation, and expansion of productive agriculture. Agriculture is the prominent economic segment in the County and accounts for more than 90 percent of all land area. Merced County is ranked fifth among all counties in California and sixth in the nation in the annual market value of farm products. Rich soils, accessible irrigation water, favorable climate, a large labor force, and reliable access to local, national, and global markets make Merced County a thriving agricultural community.

Goal AG-2

Ensure the long-term preservation and conservation of land used for productive agriculture, potentially-productive agricultural land, and agricultural-support facilities.

Policy AG-2.13: Minimum Agricultural Parcel Size Requirement

Require a 20 acre minimum permitted parcel size in areas designated Agricultural to discourage land divisions for rural residential purposes and maintain parcels large enough for efficient commercial agricultural production. Require 160 acre minimum permitted parcel size in areas designated Foothill Pasture and in grassland areas.

Policy AG-2.17: Continued Access to Surface Water for Subdivided Parcels

Where requested by the water purveyor, when agricultural parcels are subdivided and the original parcel (prior to subdivision) has access to surface water (such as from an irrigation or water district facility), require that an easement be provided over the parcel(s) that has/have access to the surface water source to the remaining parcel(s) that will not be adjacent to or near the surface water source. The easement should specify the purpose of the easement and whose responsibility it is to maintain private water conveyance facilities within said easement.

The Project site has two existing irrigation wells located on Proposed Parcel 1 and proposed Parcel 3. The project site also has access to surface water from MID. As a condition of approval, a “Shared Well” agreement will be required at the time of sale for Parcel 2 and Parcel 4 or an easement shall be provided for access to MID surface water.

Policy AG-3.12: Subdivision and Residential Uses in Agricultural Areas

Revise the Merced County Zoning Code, Section 18.02.02, Table 4, to allow for two classes of minor subdivisions within the A-1, A-1-140, A-2 zones: one that would conditionally waive the right to construct residences on resulting parcels by placement of a note on the face of the recorded-map; and one that would permit the construction of residences on the resulting parcels is subject to a conditional use permit.

No new residential structures are proposed with this project. Staff recommends placing a note on the map to require a Conditional Use Permit for any residences as a condition of approval in compliance with Policy AG-3.12. With the proposed conditions of approval, the project will be consistent with the General Plan.

2. Zoning Code

The site is zoned A-1 General Agricultural per the Merced County Zoning map. The purpose of the general agricultural zone is to provide for areas for more intensive farming operations dependent on higher quality soils, water availability and relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas. Parcels smaller than forty (40) acres, down to a minimum of twenty (20) acres, can be considered where agricultural productivity of the property will not be reduced.

The proposed parcels comply with the minimum size standards provided in the 2030 Merced County General Plan and the requirements in Chapter 18.02 of the Merced County Zone Code, specifically, Table 18-5 (Agricultural Zones Development Standards), in that the proposed minimum parcel size is 20 acres. The existing land uses also comply with Table 18-4 Agricultural Zones/Land Use Permits Guide of the Zoning Code. Additionally, no new structures have been proposed as part of this application.

3. Other Adopted Plans and Policies

The proposed subdivision may be found consistent with the subdivision map act and Title 17 of the Merced County Code. No new homes or new land use projects are being proposed on site that would require a land use permit. Currently, Policy AG-3.12 of the General Plan waives the right to construct residences on resulting parcels by placement of a note on the face of the recorded-map; and one that would permit the construction of residences on the resulting parcels subject to a conditional use permit. Placement of this note on the face of the recorded map will be one of the conditions of approval for this

project.

The project site is under a Williamson Act Contract. The proposed subdivision may be found consistent with the Agricultural Preserve and Williamson Act.

California Environmental Quality Act (CEQA)

Staff conducted an assessment of the proposed minor subdivision project in relation to the Program Environmental Impact Report (EIR) prepared for the 2030 Merced County General Plan Update, and determined that no additional environmental review is required in compliance with Section 15162 "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines.

The 2030 Merced County General Plan Program EIR contained an extensive analysis of the potential impacts from subdivisions located in agricultural and open space areas of the County (specifically Chapter 6 in the Recirculated Draft Program EIR dated July 26, 2013). The Draft and Final Program EIR concluded that the impact from agricultural subdivisions was less than significant when no new residences are proposed. Additionally, Mitigation Measure AG-5e was adopted to require a conditional use permit be processed for any new housing proposed on a newly created lot.

However, because new residences were permitted on existing agricultural parcels, the EIR concluded the overall impact of the General Plan would be significant and unavoidable. In the current application, MS18-020, no additional residences are proposed and a note is required to be placed on the face of the Parcel Map indicating that the right to seek additional housing on the parcels has been waived. Should the landowner change their decision in the future, Mitigation Measure AG-5g would require processing of a discretionary conditional use application which would be subject to further environmental review.

Attachment C to this Staff Report contains the CEQA Section 15162 findings and analysis which supports the conclusion that no additional environmental review is required for this project.

Community Engagement

The project application was routed to applicable County departments as well as outside agencies for comment. Comments were received from the Merced County Division of Environmental Health. Comments from these agencies regarding the project have been incorporated as conditions of approval.

Notice of the public hearing was published in the Merced Sun-Star on December 29, 2018 and mailed to all owners of property located within 300 feet of the project site on December 28, 2018. No written or verbal comments were received by staff prior to the completion of this staff report.

CONCLUSION:

The analysis provided in this staff report finds the proposed minor subdivision to be consistent with applicable provisions of the General Plan, Zoning Code, and Subdivision Map Act. Additionally, the minor subdivision is not in conflict with the Agricultural Preserve. Further the project can be found exempt from CEQA review under Section 15162 "Subsequent EIRs and Negative Declarations".

Staff recommends the Planning Commission approve Minor Subdivision Application No. MS18-020 based upon these findings and subject to the recommended conditions of approval provided in the following section of this report.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines.

CEQA Findings:

The Planning Commission finds that no further environmental review is required based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report, and the CEQA Section 15162 Findings and Analysis prepared as an attachment to the Staff Report.

B. Project Determination

MOTION: Approve Minor Subdivision Application No. MS18-020 based on the findings included in the staff report and subject to the proposed conditions of approval.

Project Findings:

1. Minor Subdivision No. MS18-020 proposes to divide an 84 acre parcel into 4 parcels, resulting in parcel sizes of: Parcel 1 = 21.76 acres, Parcel 2 = 21.13 acres, Parcel 3 = 20.60 acres and Parcel 4 = 20.51 acres, on property located on the south side of Mariposa Way, 0.25 miles west of S. Plainsburg Road, in the Merced area.
2. The property is designated Agricultural in the General Plan and zoned A-1 (General Agricultural).
3. The proposal is consistent with applicable provisions of the 2030 Merced County General Plan requiring the preservation of commercial agricultural land and maintaining the commercial viability of agricultural parcels.
4. The proposal is consistent with applicable provisions of the Merced County Zoning Code that have not been superseded through adoption of the 2030 General Plan.
5. The proposal is consistent with the Subdivision Map Act.
6. The project has been reviewed by the Department of Public Works Road Division, Department of Public Health Environmental Health Division, Department of Public Works Building and Safety Division, the Fire Department, and the Merced Irrigation District.
7. The proposed minor subdivision is compatible with adjacent uses, and properties, and will not be a nuisance or detrimental to the public health, safety or general welfare.

8. The project is subject to all applicable Federal, State and Local regulations.
9. Notice of the application and hearing was published in the Merced Sun-Star and mailed to property owners within 300 feet of the project site.

ATTACHMENTS

- A. Conditions of Approval
- B. Plot Plan
- C. Agency Comments
- D. CEQA Section 15162 Analysis
- E. Resolution 97-1

cc.
Property Owner(s) – Jon Kahl
Representative – Duane Andrews-Golden Valley Engineering



COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

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

Equal Opportunity Employer

MS18-020 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

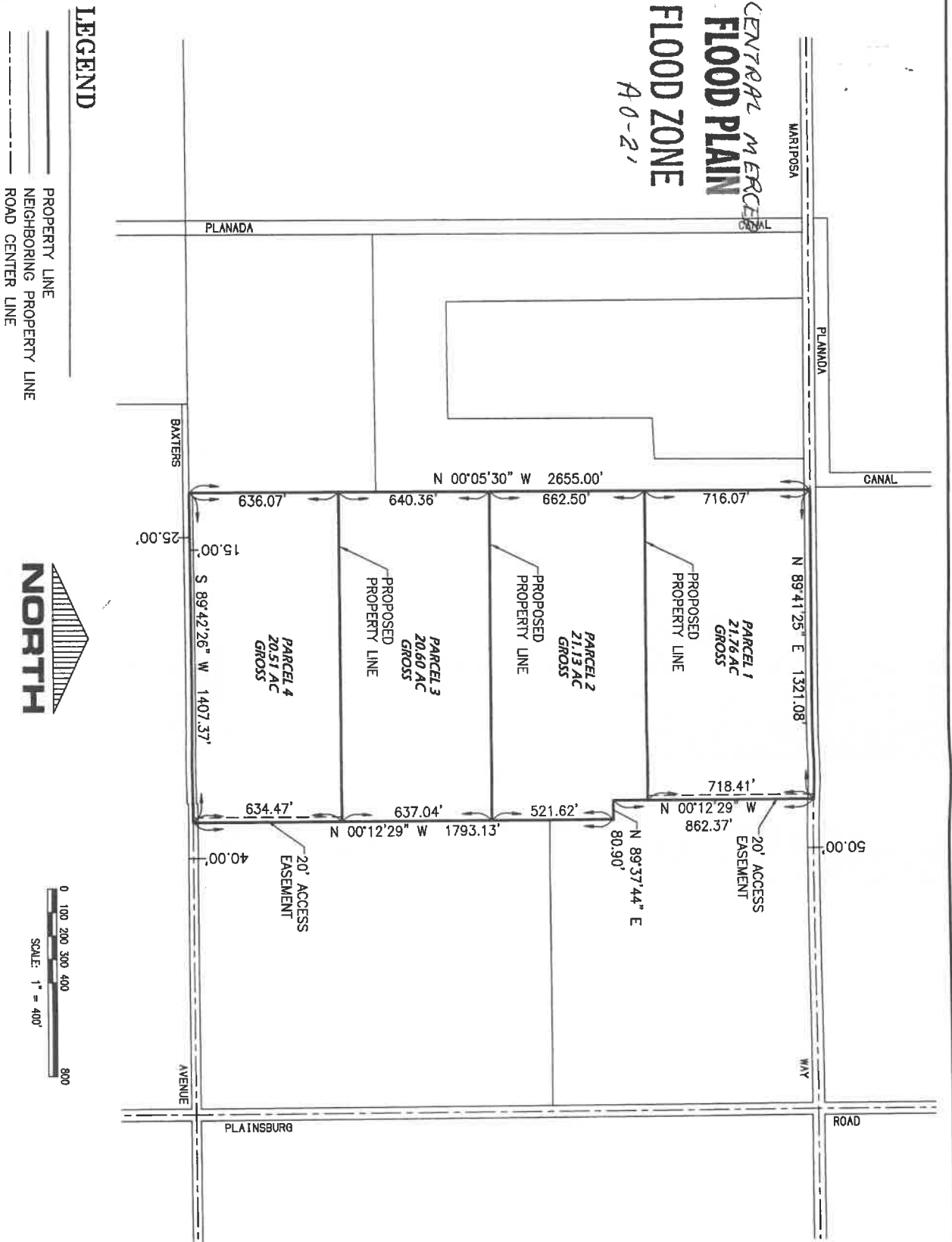
1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.
4. A note shall be placed on the face of the parcel map stating that any new residences will be subject to review and approval of a Conditional Use Permit from the County, as per General Plan Policy AG-3.12, or as otherwise permitted by the County subject to the current policies in place at the time of the request.
5. Prior to parcel map recording, the applicant is to provide a recorded well access ("Shared Well") agreement between the owners of the properties. If the parcels will be owned by the same party at the time of map recording, a note shall be placed on the parcel map indicating that a Shared Well agreement will be required at the time of sale of the parcels. An easement for well access or surface water access shall be indicated on the map.

County Counsel

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

Jon Kahl 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.

CENTRAL MERCED
FLOOD PLAN
FLOOD ZONE
 A0-21



JOB NO.: 18226

SHEET 2 OF 3

NOTE: PLEASE USE BLACK INK
 OR DARK PENCIL

PLAN
 FOR

SCALE: 1" = 400'

APPLICATION TYPE	NUMBER	A.P.N.	DATE
PARCEL MAP	18020	067-050-007	10/12/2018

PROPERTY OWNER(S): JON KAHL
 ADDRESS: 8729 MARIPOSA WAY, MERCED, CA 95341
 TELEPHONE: (209) 201-3037
 MERCED COUNTY

PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.
 ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340
 TELEPHONE: (209) 722-3200



DEPARTMENT OF PUBLIC HEALTH

Rebecca Nanyonjo-Kemp, DrPH

Director

Vicki Jones, MPA, REHS

Interim Director of Environmental Health

Memorandum

DATE: November 15, 2018

TO: Pam Navares, Planner II

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

SUBJECT: **MINOR SUBDIVISION No MS18-020 - JON KAHL** - To divide an 84 acre parcel into 4 parcels, for estate planning, resulting in parcel sizes of: Parcel 1 = 21.76 acres, Parcel 2 = 21.13 acres, Parcel 3 = 20.60 acres, and Parcel 4 = 20.51 acres. The project site is located on the south side of E. Mariposa Way, approximately 1,300 feet west of S. Plainsburg Road in the Merced area, identified as Assessor's Parcel Number (APN) 067-050-007. The property is designated Agricultural land use and zoned A-1 (General Agricultural).

SITUS: 8729 E. Mariposa Way, Merced; APN 067-050-007

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

One dwelling exists on the originating parcel, and will be on proposed Parcel 2. The nearest proposed new parcel line will be approximately 140 feet north of the dwelling, therefore no impact on the septic system is expected.

The domestic well will be on the same parcel as the dwelling.

MCDEH has no concerns with the subdivision.

**The California Environmental Quality Act
(CEQA) Section 15162 Findings:**

Application: Minor Subdivision No. MS18-020 – Jon Kahl.

Assessor Parcel Number or Location: Assessor’s Parcel Number (APN’S) 067-050-007

Previous Initial Study/EIR Reference: The subdivision of “Agriculturally” designated land was previously comprehensively reviewed through the Program Environmental Impact Report (EIR) for the 2030 Merced County General Plan Update (SCH #2011041067)

Original Project Date: The Program Environmental Impact Report was certified on December 10, 2013, by the Merced County Board of Supervisors.

Section A - Previous Studies

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: The proposed project is consistent with the previous environmental review. No substantive changes are proposed. (See Page 5 for supporting analysis.)

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects. (See Page 5 for supporting analysis.)

- | | Yes | No |
|---|--------------------------|-------------------------------------|
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If “Yes” is checked, go to Section “B” below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted. (See Page 5 for supporting analysis.)

Section B - New Information

- | | | |
|---|---------------------------------|---|
| A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |

Comment/Finding: All previously identified mitigation measures were adopted as General Plan policies and implementation measures as part of the Agricultural Element. Approval of this subdivision project will be dependent upon finding the project is consistent with the General Plan and all applicable policies. Therefore, the potential impacts resulting from the subdivision are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date: January 9, 2019

Prepared By:



Pam Navares
Planner II

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).