



Hearing Officer
Staff Report
August 9, 2021

PREPARED BY:
APPROVED BY:

MARK MARSHALL, PROJECT PLANNER
MARK HENDRICKSON, DIRECTOR

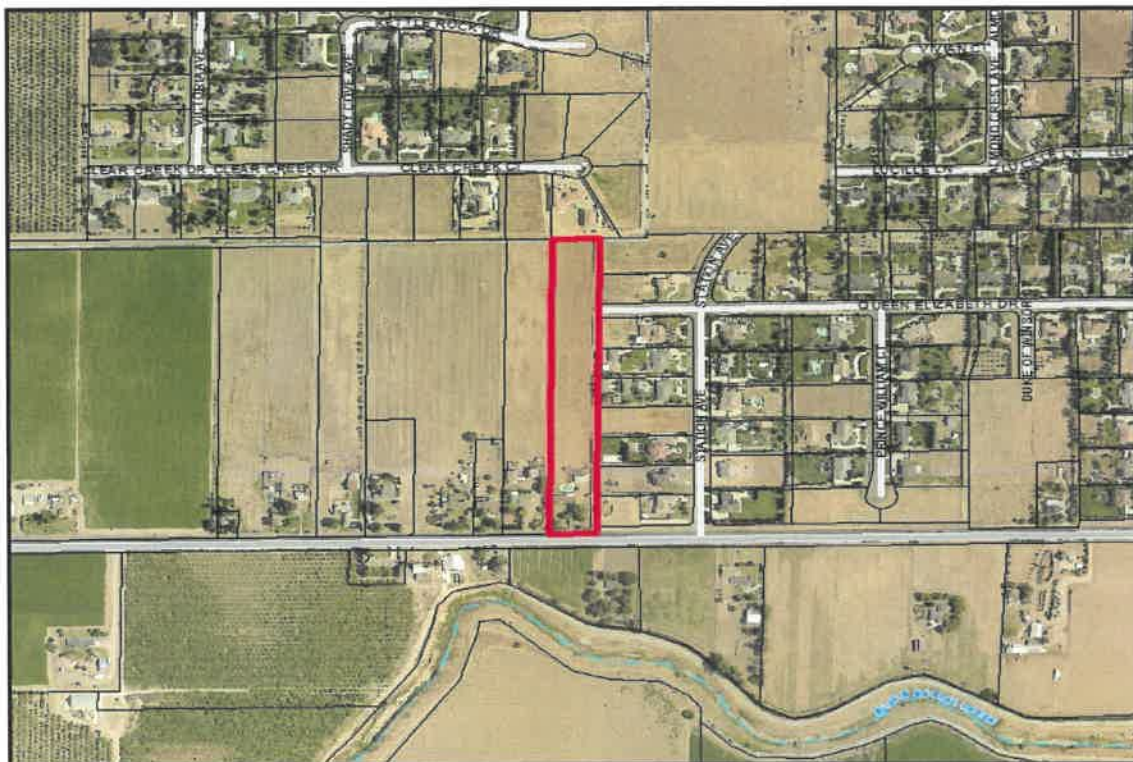
MINOR SUBDIVISION APPLICATION NO. MS21-007 – RICHARD HAVEL - A request to subdivide a 4.88 acre parcel into four parcels, resulting in proposed net parcel sizes of: Parcel 1 = 1.15 acres, Parcel 2 = 1.03 acres, Parcel 3 = 1.02 acres, and Parcel 4 = 1.29 acres. The project site is located on the north side of W. Highway 140, a quarter mile east of N. Quinley Avenue, identified as Assessor’s Parcel Number (APN) 215-010-016. The property is designated Atwater Rural Residential Center - Agricultural-Residential land use and zoned R-R (Rural Residential). CEQA: Staff recommends that the Hearing Officer find that the project is exempt from environmental review pursuant to Section 15315 - “Minor Land Divisions” of the CEQA Guidelines.
MM

SUPERVISORIAL DISTRICT: Daron McDaniel

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine that the project can be found categorically exempt from environmental review pursuant to Section 15315 - “Minor Land Divisions” of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision Application No. MS21-007 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

LOCATION MAP:



BACKGROUND:

Site Description

The applicant is requesting to divide a 4.88 acre parcel into four parcels, resulting in proposed net parcel sizes of: Parcel 1 = 1.15 acres, Parcel 2 = 1.03 acres, Parcel 3 = 1.02 acres, and Parcel 4 = 1.29 acres. The parcel is designated Atwater Rural Residential Center – Agricultural-Residential land use and zoned R-R (Rural Residential). The parcel currently consists of a single-family residence (with associated well and septic system) and one accessory structure, while the remaining area of the property is farmed in row crops. The existing single-family residence and accessory structure are located on proposed Parcel 4, while the area of proposed Parcels 1, 2, and 3 are currently farmed in row crops. An extension to Queen Elizabeth Drive is proposed and will be located between proposed Parcel 1 and proposed Parcel 2. The West Buhach Lateral is located north of the site, bordering proposed Parcel 1, and Highway 140 is located south of the site, bordering proposed Parcel 4. The project site and surrounding area are substantially flat, being characterized by intensive modification through agricultural and residential land uses.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Agricultural-Residential	R-R	Single-Family Residence / Accessory Structure / Row Crops
North:	Agricultural-Residential	R-R	Canal / Single-Family Residence
South:	Agricultural	A-1	Row Crops / Single-Family Residence
East:	Agricultural-Residential	R-R	Single-Family Residences
West:	Agricultural-Residential	R-R	Row Crops / Single-Family Residence

Prior Actions/Entitlements

PD2985 (PM 46-8)

ANALYSIS:

Project Description

A request to divide a 4.88 acre parcel into four parcels and a remainder parcel, resulting in proposed net parcel sizes of: Parcel 1 = 1.15 acres, Parcel 2 = 1.03 acres, Parcel 3 = 1.02 acres, and Parcel 4 = 1.29 acres.

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. 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-1

Create a countywide land use pattern that enhances the integrity of both urban and rural areas by focusing urban growth towards existing or suitably located new communities.

Policy LU-1.3: Rural Residential Centers (RDR)

Limit the amount of new growth within existing Rural Centers by allowing only residential uses, limiting public services, and prohibiting commercial uses.

Goal LU-3

Provide limited areas for suburban residential land uses in a manner that minimizes conflicts with surrounding agricultural and open space uses.

Policy LU-3.3: Residential Densities (RDR)

Maintain a minimum lot size commensurate with sanitation requirements by allowing one-acre minimum lots when Environmental Health Division approved on-site septic systems are installed, or a one-third-acre minimum when the lot has connection to a public sewer and water system.

The project site is located within the Atwater Rural Residential Center, an established residential area. The proposed minor subdivision does not conflict with agricultural uses and open space areas, and the surrounding area is characterized by intensive modification by both residential and agricultural land uses. All of the parcels proposed are greater than one net acre in size and have been reviewed and approved by the Merced County Division of Environmental Health.

With the above noted, the proposed project is consistent with the Land Use Element of the General Plan.

2. Merced County Zoning Code (MCZC)

The project site is zoned R-R (Rural Residential) on the Merced County Zoning Map. The purpose of the R-R (Rural Residential) Zone is to provide areas for rural residential development, hobby farming, and limited animal raising operations with less than a full range of urban services. It is intended that this zone typically serve as a transitional area between denser urban communities and agricultural uses, allowing one to three dwelling units per acre. This zone implements the Agricultural Residential (AR) and Very Low Density Residential (VLDR) land use designations in the General Plan.

The proposed subdivision is consistent with the development standards and allowable uses of the R-R Zone as provided in Chapter 18.12 of the Merced County Code. While the area to the south of the project site is currently farmed in row crops, it is not located within 200 feet of any new property line or potential residence. Therefore, the subdivision complies with the Agricultural Setback Requirement for Created Parcels as set forth in the Zoning Code.

The application proposes to construct an extension to Queen Elizabeth Drive, which will provide access for proposed Parcel 1 and proposed Parcel 2. Proposed Parcel 3 will utilize

a proposed 20-foot wide access easement to access the extension to Queen Elizabeth Drive. Proposed Parcel 4 will access Highway 140, consistent with Merced County Code 17.12.100.

A building permit will be required for each new single-family residence, and permits for all future wells and septic systems are required by the Merced County Division of Environmental Health.

Subdivision Map Act and Title 17

Consistent with the Subdivision Map Act, all land divisions approved by the planning director, commission and/or the board after March 4, 1972, and recorded by the county recorder consistent with conditions of approval and ordinances in effect at the time of approval shall be considered legal.

Consistent with Section 17.12.040 of the County of Merced Subdivision Code, this tentative map application has provided adequate and legible information regarding the proposed subdivision and its dimensions, existing structures, and utility services to the parcel(s).

In addition, as stated previously, subject to the Subdivision Map Act (Government Code Section 66411.1), the project will be conditioned to create road access agreed upon between the County of Merced, the City of Dos Palos, and the applicant.

California Environmental Quality Act (CEQA)

Staff has determined that this project can be found exempt from CEQA review under Section 15315 - "Minor Land Divisions", which states:

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The property is located within the Atwater Rural Residential Center, an established urbanized area that is primarily characterized by single-family residences. The proposed subdivision is consistent with the zoning and General Plan designation for the site as it is located in an area that is designated Agricultural-Residential and zoned R-R (Rural Residential). The proposed subdivision will not create more than four new parcels, the site has not been part of a larger subdivision within the previous two years, and all necessary services and access will be available to the site with installation of on-site wells and septic systems. Plans for these systems have been reviewed by the Merced County Environmental Health Division, and all of their requirements must be met prior to the issuance of building permits. No variances are required to subdivide the property. Finally, the parcel does not have an average slope greater than 20 percent. Therefore, the project can be found categorically exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines.

Community Engagement

The project application was routed to applicable County departments as well as Merced Irrigation District for comment. See **Exhibit C** for agency comments and requirements.

Notice of the public hearing was mailed to all owners of property located within 300 feet of the project site on **July 30, 2021** and published in the Merced Sun-Star on **July 30, 2021**. 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. The project can be found categorically exempt from CEQA review under Section 15315 - "Minor Land Divisions" of the CEQA Guidelines.

Staff recommends that the Hearing Officer approve Minor Subdivision No. MS21-007 based upon the findings in this Staff Report and subject to the recommended Conditions of Approval provided in **Exhibit A**.

RECOMMENDED HEARING OFFICER ACTION:

A. CEQA Determination

MOTION: Determine that the project can be found categorically exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines.

CEQA Findings:

1. The project site is located within the Atwater Rural Residential Center, an established urbanized area that is zoned and designated for residential uses.
2. The proposed subdivision will not create more than four new parcels.
3. No variances or exceptions are required in order to accomplish the proposed subdivision.
4. All services are available with the installation of on-site wells and septic systems. Plans for these services have been approved by the Merced County Division of Environmental Health.
5. The project parcel was not involved in a division of a larger parcel within the last two years.
6. The parcel does not have an average slope greater than 20 percent.
7. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

MOTION: Approve Minor Subdivision Application No. MS21-007 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Project Findings:

1. Minor Subdivision No. MS21-007 proposes to divide a 4.88 acre parcel into four parcels and a remainder parcel, resulting in proposed net parcel sizes of: Parcel 1 = 1.15 acres, Parcel 2 = 1.03 acres, Parcel 3 = 1.02 acres, and Parcel 4 =

1.29 acres. The project site is located on the north side of W. Highway 140, 0.4 miles east of N. Quinley Avenue, identified as Assessor's Parcel Number (APN) 215-010-016.

2. Access to the proposed parcels adherent to local standards will be available with construction of the proposed extension to Queen Elizabeth Drive and implementation of a 20-foot wide access easement benefiting proposed Parcel 3.
3. The property is designated Atwater Rural Residential Center – Agricultural-Residential land use.
4. The property is zoned R-R (Rural Residential).
5. The proposal is consistent with applicable provisions of the 2030 Merced County General Plan.
6. 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.
7. The proposal is consistent with the Subdivision Map Act and Title 17.
8. The application has been reviewed by the Merced County Department of Public Health Division of Environmental Health, Department of Public Works Roads Division, Department of Public Works Building and Safety Division, Fire Department. The application has also been referred to Merced Irrigation District.
9. The proposed minor subdivision is compatible with adjacent uses, properties, and neighborhoods, and will not be a nuisance or detrimental to the public health, safety or general welfare.
10. The project is subject to all applicable Local, State, and Federal regulations.
11. Notice of the application and Planning Hearing was published in the Merced Sun-Star and mailed to property owners within 300 feet of the project site.

EXHIBITS:

- A. Recommended Conditions of Approval
- B. Tentative Parcel Map
- C. Agency Comments

cc:

Property Owner – Richard Havel

Additional Agent – Rhyolite Development (Adam Reed)



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

EXHIBIT A

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

MS21-007 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 Local, State and Federal regulations.
3. Consistent with Chapter 18.122 of the Merced County Zoning Code, a Site Plan and Design Review application shall be submitted and approved by the Community and Economic Development Department prior to the issuance of a Building Permit for each new residence in the subdivision.

Merced County Department of Public Works

4. The applicant shall fulfill the 60' ultimate right-of-way for the proposed Queen Elizabeth Drive extension located between proposed Parcel 1 and proposed Parcel 2.
5. The applicant shall install a temporary timber barricade at the end of the proposed Queen Elizabeth Drive extension, per Drawing MS-02 of the Merced County Improvement Standards and Specifications.
6. The applicant shall comply with the County's MS4 Storm Water Permit, Order No. 2013-0001-DWQ. Applicant is constructing more than 5,000 square feet of new impervious surface and must implement site design, source control, runoff reduction and storm water treatment as described in the permit. If there are existing storm water facilities, the Applicant shall provide a calculation indicating the facilities have sufficient volume to compensate for the increased impervious surface.

Merced County Division of Environmental Health

7. A soil evaluation for the minor subdivision was completed. On the 2nd revised tentative map the well locations on proposed Parcels 1, 2, and 3 are acceptable (the 100-foot radius circle around the well sites overlaps the parcels to the east by only 5 feet). The sizes of the proposed leach areas are consistent with the soil evaluations (Parcel 1 = 10,000 sq. ft., Parcel 2 = 6,000 sq. ft., Parcel 3 = 18,000 sq. ft.). The size of Parcel 4 is 1.00 acre, with adequate leach line replacement area. On Parcel 1 the 50-foot leach area setback to the nearby drainage basin is met. The 50-foot setback between the proposed west property line and the leach areas on Parcels 1, 2, and 3 is shown and met.

EXHIBIT A

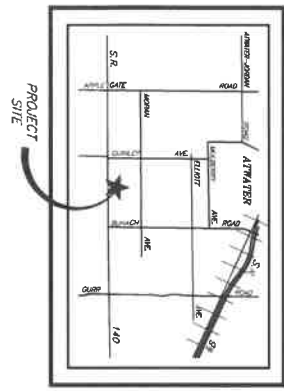
Merced Irrigation District

8. If storm water runoff is to be discharged from the site into any MID facility through a new or existing drainage system, the property owner shall enter into a subdivision drainage agreement with the MID, paying all applicable fees.
9. All septic systems and leach fields shall maintain a minimum setback of 20-feet to protect the integrity of the facilities of the MID and to prevent seepage from the MID into the facilities of the property owner.
10. No swimming pools, buildings, trees, fences or permanent structures may be placed within the MID 10-foot wide prescriptive easement along the north side of proposed Parcel 1 to allow for continued MID access for maintenance and operations of the West Buhach Lateral pipeline. This should be listed in any applicable CC&R's and also on the Parcel Map.

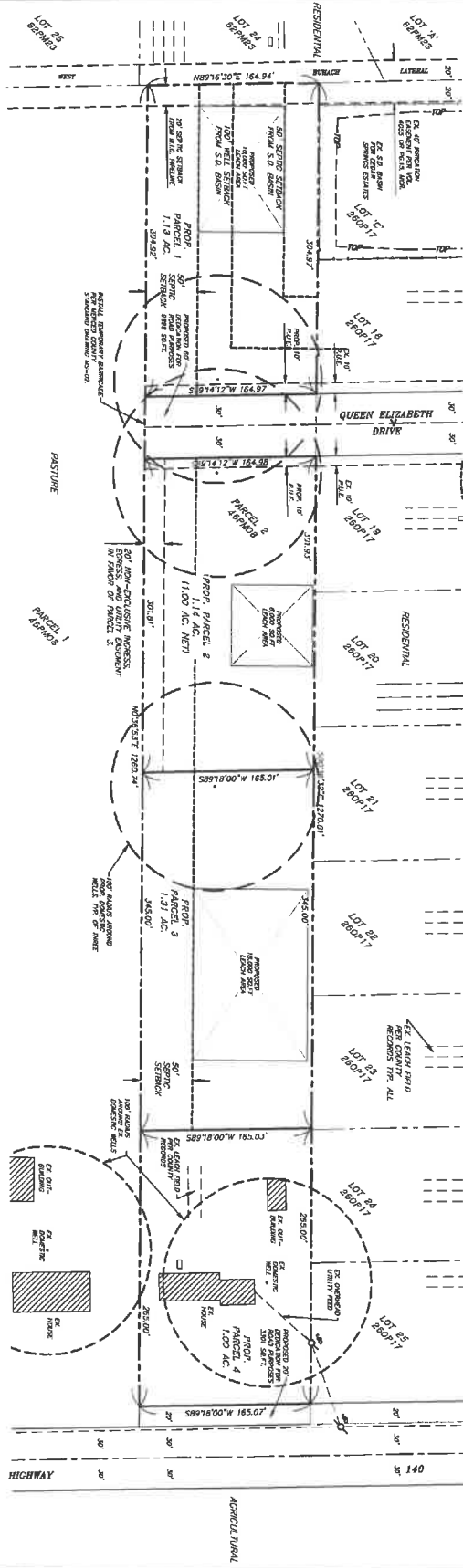
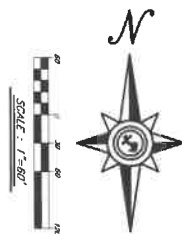
County Counsel

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

RICHARD HAVEL 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.



TENTATIVE PARCEL MAP
 5550 HIGHWAY 140
 ATWATER, CA 95301
 APN 215-010-016



SITE AREA:
 AREA TO BE SUBMITTED:
 4.80 ACRES PER PARCEL 1
 4.80 ACRES PER PARCEL 2
 4.80 ACRES PER PARCEL 3
 4.80 ACRES PER PARCEL 4

SITE ADDRESS:
 5550 HIGHWAY 140
 ATWATER, CA 95301
 APN-215-010-016

GENERAL NOTES:
 1. THE SITE IS ZONED R-C, AS SHOWN ON THE MAPS AND RECORDS. THE APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA.
 2. THE APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES AND AGENCIES OF THE STATE OF CALIFORNIA.
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REFERENCES:
 R1 46 PM 08 ACZ
 R2 56 09 17 ACZ

PROPERTY OWNER & DEVELOPER:
 RHYOLITE DEVELOPMENT
 2150 HIGHWAY 140
 ATWATER, CA 95301
 (209) 806-7340

DATE	4/11/2021	BY	KEVIN BRONSON
APP. NO.	4407	DATE	4/11/2021
PROJECT NAME	5550 HIGHWAY 140	DATE	4/11/2021
OWNER	THE BRONSON COMPANY	DATE	4/11/2021
PREPARED BY	KEVIN BRONSON	DATE	4/11/2021
CHECKED BY	KEVIN BRONSON	DATE	4/11/2021
DATE	4/11/2021	BY	KEVIN BRONSON
SCALE	1" = 80'	DATE	4/11/2021
SHEET	S1 OF 1	DATE	4/11/2021

TPM OF PARCEL 2
 46 PM 08
 UNINCORPORATED
 COUNTY OF MERCED,
 STATE OF CALIFORNIA

THE BRONSON COMPANY
 SURVEYING SERVICES
 6206 EPPS DRIVE
 WINTON, CA 95388
 (209) 806-7340 kevin@thebronsonco.com

TPM PREPARED FOR
 RHYOLITE
 DEVELOPMENT
 MAY 05, 2021

Fire Inspector Preliminary Plan Review

06/02/2021

ITEM: MS21-007 PAR PACKET

PROJECT: Minor subdivision of parcel (APN 215-010-016)

After reviewing the above-mentioned application, I offer the following conditions to consider:

1. Site will require an all-weather easement and FD turnaround when proposing a building on parcel #3.

CALIFORNIA FIRE CODE (2019): The Code Sections cited below are not intended to be all-inclusive.

[California Code of Regulations, Title 19, Division 1, §3.05(a)1 Fire Department Access and Egress. (Roads)] (a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

503.1.1 The fire apparatus access shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

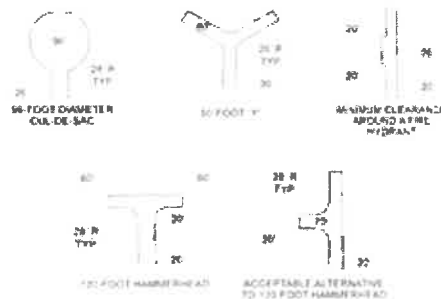


FIGURE D103.1

1.11.2.4 Request for alternate means of protection. Requests for approval to use an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment or means of protection shall be made in writing to the enforcing agency by the owner or the owner's authorized representative and shall be accompanied by a full statement of the conditions. Sufficient evidence or proof shall be submitted to substantiate any claim that may be made regarding its conformance. The enforcing agency may require tests and the submission of a test report from an approved testing organization as set forth in California Code of Regulations, Title 19, to substantiate the equivalency of the proposed alternative means of protection.

When a request for alternate means of protection involves hazardous materials, the authority having jurisdiction may consider implementation of the findings and recommendations identified in a Risk Management Plan (RMP) developed in accordance with Title 19, Division 2, Chapter 4.5, Article 3.

Approval of a request for use of an alternative material, assembly of materials, equipment, method of construction, method of installation of equipment or means of protection made pursuant to these provisions shall be limited to the particular case covered by request and shall not be construed as establishing any precedent for any future request.



May 28, 2021

Brody Patterson
Planner, Merced County
2222 "M" Street
Merced, CA 95340

Re: **MS21-007**

Mr. Patterson,

The Merced Irrigation District (MID) has reviewed the above referenced proposed Tentative Map and offers the following comment:

- 1 MID operates and maintains the West Buhach Lateral Pipeline within a 30-foot wide right-of-way. Being 20-foot wide north of and contiguous to the north line of proposed Parcel 1, as recorded September 14, 2000 in Volume 4055, at Page 15, Merced County Records, and a 10-foot wide right-of-way by prescriptive easement within and contiguous to the north line of proposed Parcel 1, for a total width of 30-feet.

MID requests that the County require, as conditions of approval, the following:

1. If storm water runoff is to be discharged from the site into any MID facility through a new or existing drainage system the property owner would be required to enter into a subdivision drainage agreement with the MID, paying all applicable fees.
2. That all septic systems and leach fields maintain a minimum setback of 20-feet to protect the integrity of the facilities of the MID and to prevent seepage from the MID into the facilities of the property owner. The normal setback is 50 feet from open laterals, but since this lateral is piped, a 20-foot setback affords mutual protection.
3. No swimming pools, buildings, trees, fences or permanent structures may be placed within the MID 10-foot wide prescriptive easement along the north side of proposed Parcel 1 to allow for continued MID access for maintenance and operations of the West Buhach Lateral pipeline. This should be listed in the CC&R's and also on the Parcel Map.
4. That MID irrigation water delivery be ensured to all new parcels by requiring private irrigation easements be provided from the existing irrigation delivery gate currently serving the whole property to the parcels not contiguous with the existing delivery gate.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at 354-2882.

Sincerely,

Mike Morris

Mike Morris PLS
Survey Project Manager



DEPARTMENT OF PUBLIC WORKS
Road Division

EXHIBIT C

Dana S. Hertfelder
Director

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

Equal Opportunity Employer

Date: May 27, 2021

To: Patterson Brody, Planner I
Planning and Community Development Department

From: Gerardo Elias, Engineering Associate
Department of Public Works

Subject: Minor Subdivision MS21-007
Richard Havel

MEMORANDUM

We have reviewed this MINOR SUBDIVISION No. MS21-007 – Richard Havel - A request to subdivide a 4.88 acre parcel into four parcels. The resulting parcel sizes would be: Parcel 1 = 1.15 acres, Parcel 2 = 1.17 acres, Parcel 3 = 1.02, and a Remainder Parcel = 1.29 acre. The project site is located at the end of Queen Elizabeth Drive, identified as Assessor's Parcel Numbers (APNs) 215-010-016. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural).

1. Queen Elizabeth Road required to fulfill the 60' ultimate right-of-way for parcel 1 and 2. The the owners shall dedicate an additional 12' of right-of-way along Queen Elizabeth Road fronting Parcel 1 and 2 matching existing.
2. A temporary Timber Barricade will need to be place at the end of new propose road section per Drawing MS-02 of the Merced County Improvement Standards and Specifications.
3. Applicant shall comply with the County's MS4 Storm Water Permit, Order No. 2013-0001-DWQ. Applicant is constructing more than 5,000 square feet of new impervious surface and must implement site design, source control, runoff reduction and storm water treatment as described in the permit. If there are existing storm water facilities, Applicant shall provide a calculation indicating the facilities have sufficient volume to compensate for the increased impervious surface.



EXHIBIT C

Rebecca Nanyonjo-Kemp, DrPH
Director

Salvador Sandoval, MD, MPH
Health Officer

Revised Memorandum

DATE: July 30, 2021

TO: Mark Marshall, Planner I

FROM: Brent Cronk, EHS III
(209) 385-7654 xt4568; Brent.Cronk@countyofmerced.com

SUBJECT: **MINOR SUBDIVISION APPLICATION NO. MS21-007 - RICHARD HAVEL** - A request to subdivide a 4.88-acre parcel into four parcels, resulting in proposed parcel sizes of: Parcel 1 = 1.15 acres, Parcel 2 = 1.17 acres, Parcel 3 = 1.02 acres, and Parcel 4 = 1.29 acres. The project site is located on the north side of W. Highway 140, 0.4 miles east of N. Quinley Avenue, and is identified as Assessor's Parcel Number (APN) 215-010-016. The property is designated Atwater Rural Residential Center - Agricultural-Residential land use and zoned R-R (Rural Residential).

SITUS: 5550 W. Hwy 140, Atwater

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

A soil evaluation was done. On the 2nd revised tentative map the well locations on proposed Parcels 1, 2, and 3 are acceptable (the 100-foot radius circle around the well sites overlaps the parcels to the east by only 5 feet). The sizes of the proposed leach areas are consistent with the soil evaluations (Parcel 1 = 10,000 sq. ft., Parcel 2 = 6,000 sq. ft., Parcel 3 = 18,000 sq. ft.). The size of Parcel 4 is 1.00 acre, with adequate leach line replacement area. On Parcel 1 the 50-foot leach area setback to the nearby drainage basin is met. The 50-foot setback between the proposed west property line and the leach areas on Parcels 1, 2, and 3 is shown and met.

MCDEH accepts this version of the tentative map.