

Lee, Jessie

From: Ginger Bandoni <gingerbandoni@gmail.com>
Sent: Wednesday, August 3, 2022 12:45 PM
To: planningweb
Subject: Appeal the Site Plan Review Committee's approval of a one-year extension for VTSM # 1291 for Bright Development - Comments from Bandoni Family
Attachments: Bandoni Drain Exhibit #1.pdf; January 2018 City Planning Letter Reference Historic Drainpipe.pdf; MID Letter 2004.pdf; City Planning Letter Drainage Pecchenino October 2020 with Exhibits.pdf; Aerial Map of Cardella G Street Merrill.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission,

We are the owners of the property directly adjacent to the south of the VTSM #1291. In regards to File Number 22-545, Appeal the Site Plan Review Committee's approval of the one-year extension for the Vesting Subdivision Map (VTSM) #1291 for Bright Development, we have concerns regarding some omissions from the Initial Study used for this project. The original VTSM #1291 was approved on January 16, 2007, over 15 years ago, and many things have changed in Merced since that original approval.

1. No mention of the 36-inch private drainage pipe and Weir box along the easement of the future Merrill Place and how this will be addressed by road construction to maintain its functionality. The drainage pipe is part of a system that connects to the G Street Drain (Six-Mile Drain) that is operated and maintained by the Merced Irrigation District (MID). The proposed development has the obligation to take into account the impact this project will have on any existing drainage facilities so no to impact those lands that benefit from the drainage facility. As the G Street Drain was installed to relieve flooding issues from up slope lands east of G Street and those lands have been receiving this benefit through the 36-inch pipeline, Merrill Place needs to maintain or re-route that benefit to those lands to prevent any damage to those lands or adjacent lands should the benefit be removed under the principles of California Drainage Law as defined by the California State Water Resources Control Board in "Drainage Criteria Manual (V.1) Drainage Law", dated 06/2001.
2. No mention of the OPEN Weir Box at the dead end of the future Merrill Place, and how this will be addressed for safety concerns of future residents.
3. Because the **Initial Study was done prior to 2007**, it does NOT mention the 75-acre almond orchard directly adjacent to the project, **which was planted in February of 2016**. The lifespan of an almond orchard is approximately 25 years, so this orchard at a minimum may be in operation until the year 2041.
4. Due to the omission of the almond orchard in this Initial Study, it does not mention the need to agricultural zone signage for dwellings within 1000 feet of the orchard to address mitigation measures shown in conditions.
5. Due to the omission of the almond orchard in this Initial Study, it does not mention mitigation measures, such as fencing and signage, to prevent trespassing, along the full length of the orchard.
6. Due to the omission of the almond orchard

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d in this Initial Study, it does

not mention the need for fencing/protective safety measures around the irrigation equipment and pumps located at the turnaround at the end of the future Merrill Place.

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not mention the need for fencing/protective safety measures around the irrigation equipment and pumps located at the turnaround at the end of the future Merrill Place.

7. Due to the omission of the almond orchard in this Initial Study, it does not mention how mitigation measures such as allowing for tractor turnarounds (minimum 30 feet), and reimbursement for removal and lost production of almond trees that would need to be taken out of production in order to allow for this neighboring project to move forward.

8. Because the Initial Study was done prior to 2007, it is out of date in regards to current sewage requirements and upgrades needed to the pipeline along G Street.

We would ask the Planning Commission to consider whether the Initial Study done over 15 years ago for this project is outdated, and would require an update in order to address the omissions that may have a huge impact on drainage, active agricultural practices, future resident safety, and sewer capacity.

Thank you for your time,
The Bandoni Family

Attachments:

1. Technical Memo dated October 26, 2020 in regards to CUP #1200, but pertaining to the same Merrill Place roadway that will be used in VTSM #1291 and the corresponding drainage pipeline.
2. MID Letter dated 2004 regarding the drainage pipeline.
3. Drain notice dated January 2018 from the Bandoni's regarding the pipeline
4. Map of the location of the drainage pipeline
5. Aerial photograph of the almond orchard planted in 2016 and its relation of the Bright project.

January 16, 2018

Scott Mc Bride
Director of Development Service
City of Merced
678 West 18th St.
Merced, CA 95340

RE: Modification of CUP#1200

Dear Mr. McBride:

We are writing in regards to the property that adjoins our ranch on two side. We want to be sure that you are aware that there is a poured in place drain which runs underneath what will be Merrill Place. This drain delivers any runoff from our property to the east of the lower field into the "G St. drain which runs along the east side of G St., in front of our ranch and along the Bright property. This pipeline is a dual-purpose pipeline, carrying storm water during the winter and irrigation water for the lower field from the Merced Irrigation District canal during the summer. It is imperative that the apartment builders address this pipeline in plans for building Merrill Place.

It is also important to note that this project which will be built to house students is located in a vacant field surrounded by farm land and an almond orchard. More units mean more cars, more people, more noise. The only access to the University will be along Merrill Place to G St. and on to the University via Bellevue Road. G St. and Bellevue are very busy traffic roads and the bike paths are limited and dangerous. Because the apartments will house a large number of students in a rural setting, we are concerned that the dirt farm roads running behind the purposed apartment complex will become an unauthorized access for student wishing to "take a shortcut" to the University. Any access will be considered trespassing and should be addressed by the apartment owners/builders. Building Merrill Place to the full size is necessary to provide a buffer between our Almond orchard and the apartment building in addition to carrying the full load of traffic created by a large number of students living in the apartments.

We also understand that additional land to the south may be required to build the access from G St. to Merrill Place to the full size which was origionally required when the project was approved. Is this true?

We have owned and farmed this land for over 40 years. We make every effort to be a good neighbor. We must protect our "rights to farm" our land.

Regards,

Pete and Vicki Bandoni
1550 E. Cardella Rd.
Merced, CA 95340
209 722-0123

June 17, 2004

Christine Grider, Associate Planner
City of Merced, Planning Dept.
678 West 18th Street
Merced, CA 95340

Subject: Annexation and Pre-zoning Applications No. 03-02; Environmental Review No. 03-23 – Pete Bandoni

Dear Ms. Grider:

The Merced Irrigation District (MID) has reviewed the above referenced applications and offers the following comments:

1. MID operates and maintains the Six Mile Drain located within a 40-foot wide fee strip by canal reservation and exception as recorded in Volume 533, Official Records, Page 454, Merced County Records. This fee strip parallels the entire west boundary of the subject property south to Cardella Road.
2. MID also has title to a 40-foot wide fee strip, containing no current facilities, by canal reservation and exception as recorded in Volume 533, Official Records, Page 454, Merced County Records. This fee strip parallels the entire south boundary of the subject property north of the section line from "G" Street east to the east property line. This 40-foot wide fee strip is in the same footprint as the City of Merced's 40-foot wide right of way north of the section line thus giving MID the underlying fee of said street.

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

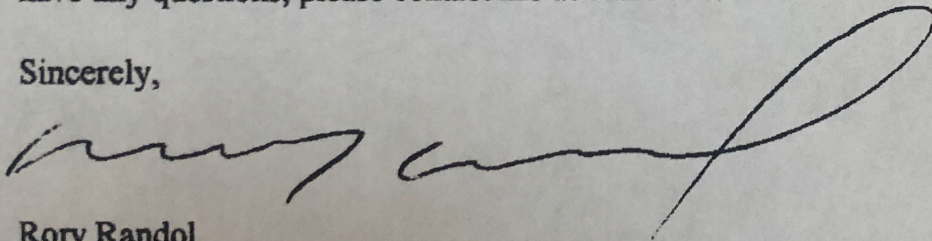
1. There is a crossing over the Six Mile Drain at the northwest corner of the subject property with no existing agreement. To mitigate this situation, the applicant must obtain an "Ingress/Egress Easement" from MID including a "Driveway License Agreement" to hold MID harmless of any liability associated with the existing crossing and designating that the property owner will be solely responsible for all maintenance, repair and or replacement of said crossing. Any future crossings over or under MID facilities will also require the aforementioned easements and/or agreements.

2. When development occurs, owner must enter into a "Storm Drainage Agreement" with Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1), paying all applicable fees, in order to utilize Six Mile Drain for storm drainage.
3. Maintain existing irrigation deliveries (if property should sell) by providing easements through applicant's remaining property.
4. MID is willing to negotiate with the City of Merced for the transfer of ownership of the 40-foot wide fee strip paralleling the east side of "G" Street from MID to the City for the future widening of said street. MID is also amenable to relinquishing the underlying fee in Cardella Road to the City. A City representative should contact Hicham ElTal of MID at the phone number listed below.

MID is a local provider of electrical services and was granted such rights as an irrigation district through the California Water Code since 1919. As of today, MID-Electric Services has over 3000 meters including 2000 residential customers with a system load over 80 MW's. As the developer, should you choose MID electric services and install energy efficient appliances, windows, air conditioners, etc., you may qualify for MID-Electric Services Energy-Rebate Programs to offset your costs and deliver to your clients an energy efficient product resulting in a win-win situation. For more information, please contact Isaias Franco at 722-5761.

Thank you for the opportunity to comment on the above referenced applications. If you have any questions, please contact me at 722-5761.

Sincerely,



Rory Randol
Facilities Specialist

cc: Garith Krause, General Manager
Ted Selb, Deputy General Manager
Robert Acker, Director of Facilities and Streams
Hicham ElTal, Manager of Engineering - Water Resources
Ron Price, Associate Engineer - Water Resources
Greg Thompson, MIDDID No. 1
Charlie Crandall, Account Representative - Electric Services
Pete Bandoni, Applicant



Technical MEMO

Date: October 26, 2020
To: City of Merced, Planning Department
From: Garth A. Pecchenino, PE, PLS
Subject: Drainage Pipeline in future Merrill Place
cc: Pete & Vicki Bandoni

Project No.: P200843 /

The property developer of APN 060-030-039 or CUP #1200 has proposed to construct out Merrill Place by building the south half of the roadway along the north line of APN 060-030-042 and complete the full roadway along that portion that is between APN's 060-030-039 & 045. Located in the southern portion the 37-foot road dedication on the Parcel Map for the Bandoni's exists a 36-inch drainage pipeline that was in existence prior to the roadway dedication.

The drainage pipe is part of a system that connects to the G Street Drain (Six-mile Drain) that is operated and maintained by the Merced Irrigation District (MID). There are several other similar ditches or pipelines that connect up slope lands to the east of G Street with the drainage facility that runs along the eastside of G Street. The MID has been contacted for their response to this existing facility that they operate. The attached USGS Quad Map and APN map show approximately the watershed area that is benefited by this drainage pipe within the future road right-of-way for Merrill Place.

As with any land use change the impacts of the project to that specific parcel and the surrounding parcels is most important when dealing with drainage and the potential to interfere with existing drainage facilities, paths, or routes. The proposed development in CUP #1200 has the obligation to take into account the impact this project will have on existing drainage facilities so not to impact those lands that benefit from the drainage facility. As the G Street Drain was installed to relieve flooding issues from up slope lands east of G Street and those lands have been receiving this benefit through the existing 36 inch pipeline that is located within the proposed road right-of-way for Merrill Place needs to be maintain or re-routed to maintain that benefit to those lands to prevent any damage to those lands or adjacent lands should the benefit be removed under the principles of California Drainage Law as defined by the California State Water Resources Control Board in "Drainage Criteria Manual (V.1) Drainage Law", dated 06/2001.

Also, it is typical for the developer during a tentative map or Condition Use Permit for a property during the review process prior to approval, to review the utilities for the development and off-site improvements be identified, can you please provide the material provided for the approval of CUP #1200 as they relate to drainage for the development and for the interference of the natural drainage pattern that the 36-inch pipeline currently and has historically supported as an outfall to the G Street Drain (Six-mile Drain).

Respectfully;

Garth A. Pecchenino, PE, PLS

GAP

—NOTE—
 This map is for Assessment purposes only.
 It is not to be construed as portraying
 legal ownership or division of land for
 purposes of zoning or subdivision law.

T 7S, R 14E, M.D.B. & M.

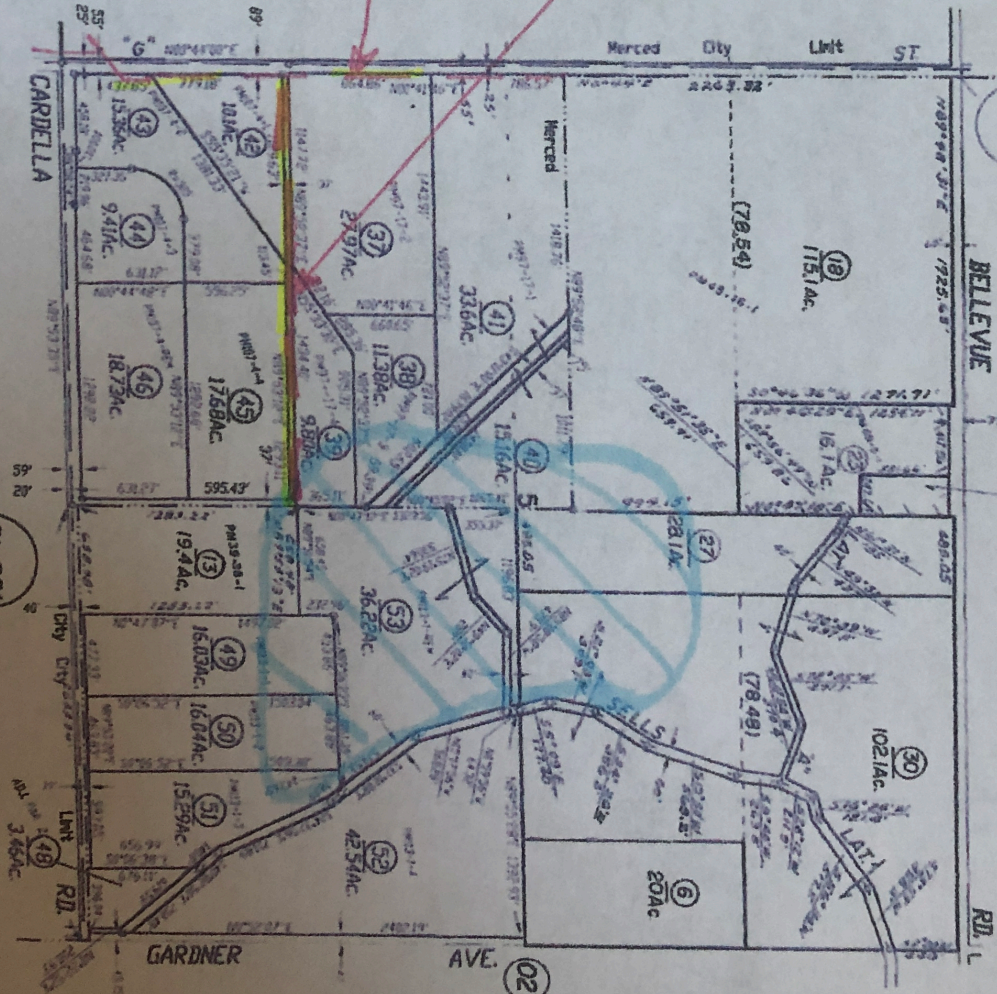
Tax Rate Area
 005-184
 005-185
 083-028

60-0:

Upland Drain

*G St. Drain
 (6 mile Drain)*

Drainage Area



NOTE—Assessor's Block Numbers shown in Ellipses
 Assessor's Parcel Numbers shown in Circles

Assessor's Map Bk. 60 -Pg. 03
 County of Merced, Calif.
 1959

1859 8-67 11-15-13
 10-16
 2-42
 11-43
 14-58



Six-Mile Drain on "G" Street ==>

Bright Project

Bandoni Almond Orchard

Telegan Project

Future City Park

Proposed drainage basin
(on Bandoni property ==>)

MULTI-FAMILY HOUSING PROJECT

Unamexed farmland

Proposed fire road on future Paulson Rd ==>

Historic drain on Bandoni Property starts here and runs to "G" Street (inlet seen on aerial) ==>

20' ACCESS EASEMENT OF ACCESS EASEMENT BEING SEPERATE INSTRUMENT

20' ACCESS EASEMENT OF ACCESS EASEMENT BEING SEPERATE INSTRUMENT

20' ACCESS EASEMENT OF ACCESS EASEMENT BEING SEPERATE INSTRUMENT

19' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

37' ROAD DEDICATION BY THIS MAP

CARDELLA ROAD

MERRILL PLACE

"G" STREET

25'

1324.07'

1284.03'

437.85'

779.78'

15' L.E.

Parcel 1
10.10 ac. d.c.

80' POWER ROW EASEMENT DEED 1398 O.R. 274

1129.03'

30' ROAD DEDICATION BY THIS MAP

496.18'

100.00'

219.96'

2635.98'

327.36'

R=5000.00'

Parcel 3
9.41 ac. d.c.

404.88'

637.12'

596.25'

113.45'

2637.44'

19' ROAD DEDICATION BY THIS MAP

1292.22'

12' P.F.E.

400' (FIELD) O.R. 110)

637.27'

Parcel 4
17.68 ac. d.c.

10' P.F.E.

37' ROAD DEDICATION BY THIS MAP

595.43'

1322.69'

20'