

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JULY 10, 2019

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of July 10, 2019, are available online at www.co.merced.ca.us/planning/plancomarchive.html.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:00 a.m., on July 10, 2019, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Mark Erreca – Chairman
 Commissioner Jack Mobley
 Commissioner Robert Acheson
 Commissioner Kurt Spycher
 Commissioner Fernando Aguilera

Staff Present: Mark Hendrickson, Director
 Steve Maxey, Deputy Director
 Kim Zinke, Recording Secretary
 Kristin McHaney, Recording Secretary
 Diana Lowrance, Planner III
 Tiffany Ho, Planner II
 Brody Patterson, Planner I

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: None

IV. APPROVAL OF MINUTES

MOTION: M/S ACHESON – SPYCHER, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF JUNE 26, 2019.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. 9th EXTENSION APPLICATION NO. EXT19-005 TO MAJOR SUBDIVISION APPLICATION NO. MAS03-015 - PARKWAY II - A request to extend the expiration date of the tentative map for 1 year from: July 13, 2019 to: July 13, 2020. The project site is located on the east side of South Highway 33, North and South of West Parkway Boulevard in the Santa Nella area, identified as Assessor's Parcel Number (APN) 078-380-003, -004, -005, -009, -010, -023, -016, -025, -026, -027, -028, and -029. The property is designated Santa Nella Urban Community - Low Density Residential land use and is zoned R-1-5000 (Single Family Residential). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15182 of the CEQA Guidelines – “Residential Projects Pursuant to a Specific Plan”. **TH**

RECOMMENDATION(S):

- 1) Open/close Public Hearing;
- 2) Determine no further environmental review is required pursuant to Section 15182 – “Residential Projects Pursuant to a Specific Plan” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT19-005 based on the findings and subject to the recommended conditions of approval.

Planner Tiffany Ho presented the Staff Report and recommendations of approval dated July 10, 2019.

The public hearing opened at 9:05 a.m.

Paul Leones, AKT Development Construction Manager, requested staff’s approval of project.

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

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15182 – “RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN” OF THE CEQA GUIDELINES.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 10, 2019, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES 9TH EXTENSION No. EXT19-005 to MAJOR SUBDIVISION No. MAS03-015 SUBJECT TO THE 24 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Community and Economic Development Department

1. The Final Map shall be recorded within one year of the Planning Commission approval.
2. Prior to the issuance of building permits the applicant shall provide the Planning and Community Development Department evidence that school development fees have been resolved to the satisfaction of the Gustine Unified School District.
3. No grading shall be undertaken until the developer provides to the Merced County Planning and Community Development Department evidence of approval from the United States Fish and Wildlife Service.
4. Prior to the Recordation of the Final Map the applicant shall provide the Planning and Community Development Department with an unconditional “Can and Will Serve Letter” from the Santa Nella County Water District, and San Luis Water District should the project still be within their jurisdiction at the time of recordation.

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5. A noise study shall be prepared prior to recordation of the final map to determine whether projected noise levels will exceed 65 dBA Ldn. If sound exceed 65 dBA, measures to reduce noise levels (screening or increased setbacks) shall be identified and implemented as part of the project, and identified on the subdivision improvement plans. Sound alteration measures along Highway 33 shall incorporate landscaping improvements consistent with the guidelines in the Santa Nella CSP.
6. Bike Routes shall be constructed consistent with the Santa Nella CSP.
7. A condition monitoring fee of **\$250.00** shall be required prior to the recordation of the Final Map.
8. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

Merced County Division of Environmental Health

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

Merced County Roads Division

14. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code.
15. Release and relinquish all abutters' rights of access to and from the frontage as directed by the Public Works Roads Division.

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16. Notwithstanding Condition No. 3, all lot and street grading shall be completed prior to issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
17. The developer shall provide for striping of roads to the satisfaction of the Public Works Roads Division.
18. The developer is obligated to comply with Federal Regulations for storm water runoff issued by the United States Environmental Protection Agency (CFR 122 – 124).
19. Design and Construction of roads including but not limited to Parkway Boulevard and Hilldale Avenue shall be to the satisfaction of the Merced County Public Works /Road Division.
20. Satisfy Caltrans requirements for improvements to State Highway 33 as may be required.
21. The developer shall enter into a Development Agreement with the County of Merced (in conformance with Article 2.5 of Chapter 4 of Division 1 of the California Government Code) prior to the recordation of the Final Map, agreeing to pay for this development's proportionate share of the cost for circulation improvements required to mitigate the impact of this development on various public roads as noted in the EIR and required by the Santa Nella CSP to be payable at the time of issuance of building permits within "The Parkway Phase II" subdivision.
22. USFWS easements previously established by the developer for San Joaquin Kit Fox corridors shall be extinguished where they overlay the proposed storm drainage basins. A management plan for the operation and maintenance of the basins shall be prepared by the developer that allows access by kit fox through the basin fences for safe refuge from natural predators, but which in no way impedes the ability of the Department of Public Works to insure proper operation as storm drainage percolation basins in perpetuity. This management plan shall meet the satisfaction of the Director of Public Works prior to the approval of the subdivision improvement plans.
23. In the event that Condition No. 17 is not achieved, a modification to the Tentative Map shall be required for approval by the Planning Commission. The modification would address revisions to the storm drainage basins and related improvements as recommended by the Director of Public Works

County Counsel

24. INDEMNITY AND HOLD HARMLESS AGREEMENT:

RCI-SN PARKWAY 348 LLC, has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against

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COUNTY to attack, set aside, void, or annul, an approval by COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- B. 9th EXTENSION APPLICATION NO. EXT19-006 TO MAJOR SUBDIVISION APPLICATION NO. MAS03-012 – San Luis Ranch – Phase I** - A request to extend the expiration date of the tentative map for 1 year from: June 22, 2019 to: June 22, 2020. The project site is located on the east side of South Highway 33, 0.5 mile south of West Henry Miller Road in the Santa Nella area, identified as Assessor's Parcel Number (APN) 078-130-041. The property is designated Santa Nella Urban Community - Low Density Residential and mostly zoned R-1-5000 (Single Family Residential). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15182 of the CEQA Guidelines – “Residential Projects Pursuant to a Specific Plan”. **TH**

RECOMMENDATION(S):

- 1) Open/close Public Hearing;
- 2) Determine no further environmental review is required pursuant to Section 15182 – “Residential Projects Pursuant to a Specific Plan” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT19-006 based on the findings and subject to the recommended conditions of approval.

Planner Tiffany Ho presented the Staff Report and recommendations of approval dated July 10, 2019.

The public hearing opened at 9:05 a.m.

Paul Leones, AKT Development Construction Manager, requested staff's approval of project.

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

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15182 “RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN” OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY – ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 10, 2019, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES 9TH EXTENSION No. EXT19-006 to MAJOR SUBDIVISION No. MAS03-012 SUBJECT TO THE 3 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Community and Economic Development Department

1. The Final Map shall be recorded within one year of the Planning Commission approval.

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2. The extension application shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS03-012 and discretionary extensions (EXT07-009, EXT08-014, and EXT18-010).

County Counsel

3. INDEMNITY AND HOLD HARMLESS AGREEMENT:

SANTA NELLA RANCH 297 LLC, has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- C. ADMINISTRATIVE APPLICATION No. AA19-015 – Raul Vazquez -** A request to operate a Semi-mobile Food Vendor (taco truck) with outside table seating, on a property developed with a car wash. The project site is located at the northeast corner of North Stephens Street and West King Street in the Delhi area, identified as Assessor's Parcel Number (APN) 009-122-026. The property is designated Delhi Urban Community - Mixed Use land use in the General Plan and is zoned C-2 (General Commercial). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15311(c) of the CEQA Guidelines – "Accessory Structures". **DL**

RECOMMENDATION(S):

- 1) Open/close the Public Hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15311 (c) - "Accessory Structures" of the CEQA Guidelines; and,
- 3) Approve AA19-015 based on the findings and subject to the recommended conditions of approval.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated July 10, 2019.

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

Lori Delgado, adjacent business owner, expressed concern of location of food truck and effect it may have on her business.

Melba (Last name not stated), Real Estate Agent for adjacent property, expressed clients concern of location of food truck and effect it may have on business.

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

Staff and Commissioners had discussion regarding requirements that must be met by applicant in regards to location of mobile food truck and customer parking. If requirements are not met by applicant then it would become a Code Enforcement issue.

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MOTION: M/S MOBLEY - SPYCHER, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THAT THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15311 (c) – “ACCESSORY STRUCTURES” OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY - SPYCHER, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 10, 2019, AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES ADMINISTRATIVE APPLICATION NO. AA19-015 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Community and Economic Development Department

1. Administrative Permit No. AA19-015 is granted to operate a semi-mobile food vendor on property developed with an existing self-service car wash in accordance with the approved Plot Plan and Operational Statement. Minor Modifications may be approved by the Director upon submittal of an acceptable application.
2. For the purpose of conditions monitoring an inspection in the amount of **\$162** shall be required. This fee shall be paid with 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 inspection.
3. The semi-mobile food vendor shall be removed from the property and stored off-site during all hours outside of approved operating hours.
4. There shall be adequate trash receptacles adjacent to the semi-mobile food vendor.
5. The site shall be kept clean and free of litter at all times. Trash and garbage shall be removed from the site at the end of each day.
6. The vehicle shall be self-contained for potable water, wastewater, and power. Electrical connections to adjacent businesses may be permitted if approved by the county building division.
7. Waste water generated by this use shall not be released on-site or into any storm drainage or irrigation system.
8. Grease shall be disposed per the requirements of the Division of Environmental Health.
9. No additional advertising signage is permitted, except a sign attached to the semi-mobile food vendor.
10. A copy of the administrative permit shall be kept with the operator at all times and shall not be transferable to another operator.
11. The applicant shall comply with all applicable County, State and Federal regulations. These regulations shall include, but not be limited to standards administered by the County Fire, Health, and Public Works Departments.

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12. The operator of Rey de Reyes Taco Truck shall obtain and maintain a Merced County Business License, prior to operation.

Department of Public Works, Building and Safety Division

13. Any extension cords used for power to the truck shall be rated for outdoor use, protected from damage if in a vehicle route of travel, and be one continuous run from the power source to the truck.

Merced County Fire Department Prevention Bureau

14. Fire extinguishers with a minimum size 2A:10BC shall be available.
15. The semi-mobile food truck, when operating, shall maintain a minimum distance of 18 feet from the car wash structure (including the overhang).

Merced County Division of Environmental Health

16. The semi-mobile food operator shall maintain a current stationary mobile food facility permit issued by MCDEH.
17. The semi-mobile food vehicle shall be located within 200 feet travel distance of an MCDEH-approved toilet and permanent hand washing station. The food vehicle staff shall have access to this restroom at all times the vehicle is parked on-site.
18. A letter from the property owner stating that the applicant/operator to the semi-mobile food vendor has access to the approved toilet and permanent hand washing station during the proposed hours of operation (Monday through Sunday from 10:00 a.m. to 9:00 p.m.) shall be provided to the Division of Environmental Health prior to operation.
19. The mobile food facility operator shall keep on the mobile food facility a current, valid document from the restroom owner indicating the days and times the restrooms are available and granting permission for the mobile food vendor staff to use the restrooms.
20. The mobile food facility shall not obtain any water from the premises, nor shall any wastewater from the food facility be drained to any on-site septic system, on-site community sewer connection, or to the ground surface. No solid waste (trash, etc.) from the mobile food facility shall be disposed on the parcel.
21. The mobile food facility shall immediately cease operating if the water supply to the restrooms fails, there is no soap, paper towels, or toilet paper, the sewer connection fails, or the restrooms become unavailable.
22. The mobile food facility must report to its approved commissary at least once every day for cleaning, discharge of waste water, re-stocking water and food, and all other required functions.

County Counsel

23. INDEMNITY AND HOLD HARMLESS AGREEMENT:

RAUL VAZQUEZ 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,

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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 RAUL VAZQUEZ.

RAUL VAZQUEZ 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 RAUL VAZQUEZ, 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. RAUL VAZQUEZ 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

- D. ADMINISTRATIVE APPLICATION No. AA18-036 – Todd May** - A request to construct and operate a squab farm facility, which includes three 9,600 square foot barns that will house 3,000 pigeons each and an additional 1,000 square foot break and storage room. The project site is located on the north side of West Merced Avenue, 0.25 miles east of North Sultana Drive in the Livingston area, identified as Assessor's Parcel Number (APN) 140-190-032. 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 the project will not have a significant impact on the environment, and that a Negative Declaration be adopted pursuant to Section 15070 - "Decision to Prepare a Negative or Mitigated Negative Declaration" of the CEQA Guidelines. **BP**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine the project will not have a significant impact on the environment and adopt a Negative Declaration pursuant to Section 15070 - "Decision to Prepare a Negative or Mitigated Negative Declaration" of the CEQA Guidelines; and,
- 3) Approve Administrative Application No. AA18-036 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

Planner Brody Patterson presented the Staff Report and recommendations of approval dated July 10, 2019.

The public hearing opened at 9:30 a.m.

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Lisa Thomas, adjacent property owner, expressed concern for possible noise, ground water contamination, increased bugs/flies, smell and future expansion of project. Concern for further road damage due to truck use also expressed.

Brian Thomas, adjacent property owner, concerned with project distance to home and noise generated by project.

Bob Reinsted, adjacent property owner, expressed concern for smell of project and possible future expansion of project.

Carol Baranski, adjacent property owner, expressed concern of possible effects of project such as smell, noise, future expansion.

Todd May, applicant, acknowledges adjacent property owner concerns. Ensured there is marginal smell and noise from project. Stated a domestic well would be used and deceased pigeons are removed from grounds daily.

The public hearing closed at 9:43 a.m.

Planner Brody Patterson discussed personal experience from visiting applicants other squab farm.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT AND ADOPT A NEGATIVE DECLARATION PURSUANT TO SECTION 15070- “DECISION TO PREPARE A NEGATIVE OR MITIGATED NEGATIVE DECLARATION” OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 10, 2019, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES ADMINISTRATIVE APPLICATION NO. AA18-036 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Community and Economic Development Department

1. Administrative Application No. AA18-036 is granted to construct and operate a squab farm facility, which includes three 9,600 square foot barns that will house 3,000 pigeons each and an additional 1,000 square foot break and storage room.
2. The project shall be located, developed and operated in a manner described in the approved Site Plan, Operational Statement, and Conditions of Approval of this permit.
3. The project shall comply with all applicable public health, safety, and welfare regulations administered by the County of Merced; in particular the Community and Economic Development Department, Fire Department, Department of Public Health/Environmental Health Division, Department of Public Works/Building and Safety Divisions, and Department of Public Works/Roads Division.

4. For the purpose of conditions monitoring, an inspection fee in the amount of **\$243.00** shall be required. This fee shall be paid within 30 days of approval of the project. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
5. Prior to issuance of a building permit, the project applicant shall obtain all necessary permits and written authorizations and must demonstrate compliance with all applicable Local, State, and Federal Regulations.
6. The project shall comply with all standard conditions listed in Planning Commission Resolution No. 97-1.

Merced County Department of Public Works/Building and Safety Division

7. The applicant shall hire an architect or engineer licensed in the state of California to draw the plans and provide any structural calculations for the proposed structure. The plans shall be submitted to the Building Division for approval and a permit before any construction can begin. The following are required with Building Division submittals:
 - A. One set of all plans and calculations/reports in an electric format (either on CD/Disk or flash drive).
8. The applicant shall obtain a soils/geotechnical report completed by a licensed geotechnical engineer prior to the issuance of a building permit.
9. The break room and restroom shall comply with regulations for disabled access.

Merced County Department of Public Health/Division of Environmental Health

10. The proposed squab farm facility shall be operated in compliance with the Merced County Poultry Ordinance (Merced County Code, Chapter 7.08).

Merced County Fire Department

11. The applicant shall have all weather emergency vehicle access of 20 ft wide and no overhangs below 13' 6" and consist of at least 6 inch packed road base with approved turnarounds. CFC 503.1-503.6.
12. The applicant shall have fire water storage of at least 25,000 gallons with 4 ½ inch national hose thread draft connection fitting on site within 400 feet of all sides of structures. CFC 507.1/ NFPA 1142.
13. The applicant shall have Knox lock and/or Knox box (3200 series) with facility keys for Fire Department access. CFC 506.1.
14. The applicant shall have address and building identification as per CFC 505.1.
15. The applicant shall have Fire extinguishers with at least a 2A-10BC rating located at each end of the barns and 1 located at break / storage room with

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approved mounting and shall be serviced annually and checked monthly. All industrial powered vehicles (forklifts, tractors) shall have an approved 1A-10BC mounted fire extinguisher and serviced annually and checked monthly. CFC 906.1-906.10.

Merced County Department of Public Works/Roads Division

16. The applicant shall construct a rural driveway approach (Improvement Level 3). An Encroachment Permit shall be obtained for the road improvements and driveway approach installation prior to the start of any construction.
17. The applicant shall comply with the County's MS4 Storm Water Permit, Order No. 2013-0001-DWQ. The 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 E.12 of the permit.

Central Valley Regional Water Quality Control Board

18. The applicant shall enroll in the Poultry General Order upon completion of CEQA requirements. This can be done by submitting a NOTICE OF INTENT to the Central Valley Regional Water Quality Control Board.
19. The applicant shall obtain a General Construction Activity Stormwater Permit from the California State Water Resources Control Board for stormwater discharges associated with construction activities, as determined by the Water Board. Applicable permits shall be obtained prior to the issuance of a building permit.

San Joaquin Valley Air Pollution Control District

20. The applicant shall contact the Air District's Small Business Assistance Office to determine if an Authority to Construct is required. This shall be completed prior to the issuance of a building permit.
21. The applicant shall contact the Air District's Small Business Assistance Office to identify applicable SJVAPCD Rules and Regulations. This shall be completed prior to the issuance of a building permit.
22. The applicant shall comply with applicable SJVAPCD Rules and Regulations, as determined by the Air District.

County Counsel

23. INDEMNITY AND HOLD HARMLESS AGREEMENT:

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

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

- E. CONDITIONAL USE PERMIT No. CUP19-009 – Jim Hernandez** - A request to re-establish a seasonal farm labor housing facility and house 24 agricultural workers during the peak harvest season. The project site is located at the southeast corner of West Mervel Road and South Center Avenue in the Los Banos area, identified as Assessor's Parcel Number (APN) 088-105-005. 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 the project is exempt from environmental review pursuant to Section 15301 - "Existing Facilities" of the CEQA Guidelines. **BP**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15301 - "Existing Facilities" of the CEQA Guidelines; and,
- 3) Approve Conditional Use Permit No. CUP19-009 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

Due to Code Compliance issues, this application has been continued to the August 14, 2019 Planning Commission hearing, to allow the applicant time to get into compliance.

MOTION: M/S MOBLEY – SPYCHER AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION CONTINUED CONDITIONAL USE PERMIT APPLICATION NO. CUP19-009 TO THE AUGUST 14, 2019 HEARING.

VII. COMMISSION ACTION ITEM (S)

None

VIII. DIRECTOR'S REPORT

None

IX. COMMISSIONERS COMMENTS

Commissioner Aguilera acknowledged a Merced County resident who has become a professional soccer player as well as a local girls soccer team earning their way to an international tournament.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:47 a.m.