

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF APRIL 25, 2012

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 25, 2012, 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 April 25, 2012, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Lynn Tanner - Chairman
Commissioner Mark Erreca
Commissioner Greg Thompson

Staff Present: Mark Hendrickson, Interim Development Services Director
William Nicholson, Assistant Development Services Director
Kim Anderson, Recording Secretary
David Gilbert, Senior Planner
Jeff Fugelsang, Planner III
James Holland, Senior Planner
Oksana Newmen, Planner III
Silvia Jaramillo, Planning Technician II (translator)

Legal Staff: Marianne Greene, Deputy County Counsel

Commissioners Absent: Commissioner Jack Mobley - Vice Chairman
Commissioner Rich Ford

III. APPROVAL OF MINUTES

MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 3 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MARCH 28, 2012 MEETING.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR MODIFICATION No. MM11-022 to CONDITIONAL USE PERMIT No. CUP01-008 - Joseph Foster - To bring into compliance an existing truck parking facility and to allow an existing flea market to operate on a second day, Wednesday. Currently, the flea market operates on a Monday. The 13.3 acre project site is located on the north and south sides of Clover Avenue, 900 feet east of Buhach Road in the Atwater area. The project site is designated Agricultural land use and zoned A-1 (General Agricultural). **DG**

Recommendations: The requested actions are to:

- 1) Determine that the application is categorically exempt from CEQA review under Section 15301 of the CEQA Guidelines, and;
- 2) Approve Major Modification No. MM11-022 based on the findings and subject to the conditions of approval recommended in the Staff Report.

Planner David Gilbert presented the Staff Report and recommendations of approval dated April 25, 2012.

The public hearing opened at 9:09 a.m.

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Joe Foster, applicant, addressed some of the conditions in the staff report. He said that some trucks do provide agricultural support use, so not all trucks are non-ag. He does not want to be charged the roadway impact fees, he can't police them. He does not want to lose the 45 truck capacity by 20 trucks, most trucks come in after hours. He doesn't have many trucks on Monday-Wednesday, 45 trucks is the maximum on the weekends. The trucks have not been involved in any accidents on Clover Avenue. Many trucks are long haul and gone for weeks at a time. He received a letter from Steve Rough with the DPW/Roads Division, and he said it would be difficult to ascertain which 20 trucks be eliminated, so Mr. Foster asked that the condition be removed. He asked that Condition #15 be removed regarding the maintenance and repair of trucks. He doesn't allow truck washing or maintenance on trucks, so that is not a problem. He asked that if a truck were have a flat tire or need some repair, that they can call emergency help to fix that situation. He said that he is a good neighbor. He posted a 10 mile an hour speed limit on his property. He tries to keep the reefers (refrigerator trucks) about 500 ft from the nearest neighbor. He is asking that this application be approved and asking that the Roadway Impact agreement be waived. He asked that there be no restriction time on the reefers. He would like the hours of operation to be 6am to 4pm.

Helen Amarant, neighbor of Mr. Fosters for over 50 years, said he is an excellent neighbor. There is no problem with him having this flea market.

Joe Amarant, neighbor, has no complaints.

The public hearing was closed at 9:21 a.m.

Commissioner Thompson said that mitigation measures can be used to satisfy any concerns with the reefers that are running. He asked if there are any other areas that can be used to place the reefers to limit the noise.

Mr. Foster said there are areas on the 13 acre parcel that he can move the reefers further away from nearby homes.

Commissioner Thompson asked if the structural concerns from the Building Division have been taken care of.

Planner David Gilbert said that the Building Division can do another inspection of the site.

Commissioner Thompson said he would like some discussion on the number of trucks (25) that are allowed in the RRC.

Planner David Gilbert said he came up with 25 trucks, but the Commissioners can change that number. Mr. Foster said that the trucks come empty and leave empty. Parking lot D would alleviate the problems of the reefers going 24/7. It's a larger area for truck parking.

Mr. Foster said Parking lot D is hard panned ground and would be difficult to get trucks there. He is using Parking lot C now. There is a better sound barrier on Parking Lot A.

Commissioner Thompson asked if Mr. Foster internalizes the truck traffic, does this help give him some flexibility on the number of trucks that are going to be allowable on site?

Chairman Tanner asked why the number is 25?

Planner David Gilbert said he talked to Steve Rough with Public Works and there is not a controlled intersection on Buhach Road yet, but the County will be installing one in the future. That was the number to limit the number of trucks temporarily. He talked to Mr. Armstrong at the feed store and said there are accidents on Ashby and areas near there.

Chairman Tanner asked if the extra 20 trucks will be there everyday?

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Commissioner Thompson agrees that the Buhach intersection is not safe and needs some improvements. There is not a lot of support for the 25 trucks limit.

Commissioner Erreca asked if there are an estimated number of trips that can be made per week.

Planner David Gilbert said he is not aware of a traffic study done there.

Commissioner Erreca asked how this would hold up in trips against what the prior use of the property as far as hauling livestock in and out.

Mr. Foster said sales are on Wednesday and Friday and it is less now than what it was then. There wasn't any complaints at that time. None of accidents that Mr. Armstrong spoke of was involved with Mr. Foster's trucks. The intersection reconstruction project is not going to start until after High School students are out of school for the summer.

County Counsel Marianne Greene, advised the Commissioners that if they change the conditions, please define them in the motion.

Bill Nicholson, Assistant Development Services Director, said the plan for the intersection improvement was generated a long time ago. This project does not have to pay for that. The road impact fee is a common fee that Roads puts on mining and dairy projects. It is to help repave the road periodically. Doing a traffic study would be outdated because they have a full designed intersection so we know what the current solution is. The heavier truck usage is on the weekends.

Chairman Tanner said that he does not want to waive the fees.

Commissioner Thompson feels that we should know what the schedule is for improvements to that intersection.

Planner David Gilbert said the bidding process for the improvements is almost complete and the project should start in August.

County Counsel Marianne Greene suggested continuing discussion to the end of the public hearings until a Road Division representative could discuss the improvements.

Planner David Gilbert said the number of trucks being increased to 45 is a suggestion and would Condition #6 be deleted? There was also an issue with Condition #15 as far as servicing and repairing. That condition can be modified.

The Commission continued the public hearing until later in the April 25th Commission meeting and asked Staff to have Public Works representative come to the meeting. At 10:45 a.m. the Commission re-opened the public hearing.

Dana Hertfelder, Deputy Director for the Public Works/Roads Division, spoke stating he understood the concern for limiting of trucks from 45 to 25. He doesn't see a big difference in that intersection from 45 to 25 truck trips. He is not sure of the need to limit it below 45.

Chairman Tanner asked Mr. Hertfelder if he would be ok with the deletion of the Condition #5. Mr. Hertfelder said he is fine with it.

Commissioner Thompson said the hours of operation from 6am to 4pm would work. If the applicant is willing to work on where he parks the reefers, Condition #6 can be modified.

Planner David Gilbert modified Condition #6 for the Commissioners. The hours of operation is not included in the conditions, it is in the operational statement.

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MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MAJOR MODIFICATION No. MM11-022 to CONDITIONAL USE PERMIT No. CUP01-008 FROM CEQA GUIDELINES.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2012, AND MAKES THE 7 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MAJOR MODIFICATION No. MM11-022 to CONDITIONAL USE PERMIT No. CUP01-008 WITH THE DELETION OF FORMER CONDITION #5 AND THE MODIFICATION TO FORMER CONDITION #6 AND THE MODIFICATION OF CONDITION #15 TO READ AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Major Modification No. MM11-022 to Conditional Use Permit No. CUP01-008 is granted to bring into conformance an existing truck parking facility for a maximum of 45 trucks, once improvements are completed to Clover Avenue, as noted in Condition No. 5 and to allow an existing flea market to operate on Wednesdays in addition to Mondays as originally authorized. All Conditions of Approval from CUP01-008 are still applicable to this project.
2. The project shall operate in a manner that is consistent with the approved Plot Plan and the applicant's Operational Statement. Minor Modifications may be approved by the Development Services Director upon submittal of an acceptable application.
3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$486.00** shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.
4. The project is subject to all applicable Local, State and Federal regulations.
5. The parking area for trucks with running motors and refrigeration units shall be relocated to Parking Lot A or similar location so they do not adversely affect the neighboring residences along Clover Avenue.

County Counsel

6. INDEMNITY AND HOLD HARMLESS AGREEMENT:

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

Joseph Foster dba Atwater Livestock Auction Company's liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of the Joseph Foster dba Atwater Livestock Auction Company, its agents, subcontractors, employees, boards, and commissions.

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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. Joseph Foster dba Atwater Livestock Auction Company will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause 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.

Public Works/Road Division

7. Parking along Clover Avenue shall be prohibited for vendors and patrons associated with the flea market.
8. The applicant shall enter into a Roadway Impact Agreement for the number of loaded trucks parked on the project site. These funds will be applied to the Atwater RRC Bridge and Major Thoroughfare Account.

Public Works/Building & Safety Division

9. The applicant shall be responsible to contact the Building & Safety Division within 30 days of project approval for any inspections regarding any un-permitted structures on-site.
10. Prior to any approval from the Building Division, the property owner shall clear current building violations. Even a vacant structure which is not secured against unauthorized entry may be deemed unsafe and should be demolished.

Fire Department

11. The applicant shall be responsible to contact the Fire Department within 30 days of project approval for a special inspection.
12. Occupancy in any of the existing buildings shall be prohibited prior to Fire Department approval.
13. An approved water supply capable of supplying the required fire flow for fire protection shall be provided.

Division of Environmental Health

14. Servicing, repair, maintenance, and washing of trucks shall be prohibited. Prohibited services include oil and filter changes, radiator flushes and repairs, and transmission flushes and repairs. Minor repairs includes flat tire and battery changes.
15. Trucks shall not be occupied while parked on-site.

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- B. ZONE VARIANCE No. ZV12-001 - R. J. Lorenzi** - To vary from the required 15 foot sideyard setback of the General Agricultural (A-1) zone to allow for a 5 foot sideyard setback in order to rebuild a single family dwelling. The project site is located on the west side of Country Club Place and 500 feet north of Old Lake Road. The property is designated Merced Rural Residential Center land use in the General Plan. **JF**

Recommendations: The actions requested are to:

- 1) Determine that the project is categorically exempt from CEQA under Sections 15305 and 15302(b) of the CEQA Guidelines, and;
- 2) Approve Zone Variance No. ZV12-001 based on the project findings and subject to the conditions of approval recommended in the staff report.

Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated April 25, 2012.

The public hearing opened at 9:50 a.m.

Duane Andrews, Golden Valley Engineering, asked if Condition #2 can be deleted. He understood from Brent Cronk with Environmental Health that this condition was not intended for the Staff Report, and also in reference to Condition #5, he asked if an additional bedroom could be built.

Chairman Tanner said in regards to Condition #2, if they want to add more than two bedrooms, they can request to expand their septic system at that time.

The public hearing closed at 9:55 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ZONE VARIANCE No. ZV12-001 FROM CEQA.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2012, AND MAKES THE 15 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES ZONE VARIANCE No. ZV12-001 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT (WITH REMOVAL OF CONDITION #2) AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Zone Variance No. ZV12-001 is granted to allow a 10 foot reduction in the required 15 foot side yard setback in the A-1 (General Agricultural) zone for the purpose of reconstructing a residence on a 0.96 acre parcel that was destroyed in a fire, in accordance with the approved Plot Plan.
2. 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, Planning, and Public Works Departments.

County Counsel

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

ROBERT J. LORENZI has the contracted duty (hereinafter "the duty") to indemnify, defend and hold harmless, County, its Board of Supervisors, officers, employees, agents and assigns from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with

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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 ROBERT J. LORENZI.

ROBERT J. LORENZI's liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of ROBERT J. LORENZI, 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. ROBERT J. LORENZI 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 ZONE VARIANCE NO. ZV12-001 approval, modification, or denial.

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

Department of Public Health/ Environmental Health Division

4. The parcel is less than the current one acre minimum lot size required for onsite septic systems. However, since the residence previously existed, it is allowed to be rebuilt without expansion. Therefore, since the previous residence had two bedrooms, the new residence is limited to only two bedrooms.

- C. MINOR MODIFICATION No. MM12-003 TO ADMINISTRATIVE APPLICATION No. AA11-021 – Iraj Safapour** - To extend the compliance date for Administrative Permit No. 11-021 Conditions of Approval No. 6, 8, 9, 10, and 11 to July 31, 2012. The project site is located on the west side of Stephens Street and 400 feet north of August Road. The property is designated as Delhi Community Plan - Industrial land use and zoned M-1 (Light Manufacturing). **JF**

Recommendations: The actions requested are to:

- 1) Determine that the project is exempt from CEQA review under Section 15061(b)(3) of the CEQA Guidelines, and;
- 2) Approve Minor Modification No. MM12-003 to Administrative Permit No. AA11-021 based on the project findings, and subject to the conditions of approval recommended in the Staff Report.

Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated April 25, 2012.

Commissioner Thompson asked what happens after July 31st?

Planner Jeff Fugelsang said another check for Conditions Monitoring will be made and if the applicant is found in non-compliance he will go under enforcement or be required to apply again and come back to the Planning Commission to see if he will be granted another extension.

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Bill Nicholson, Assistant Development Services Director, added that another option would be the Revocation of the truck parking operation and shut it down completely and readvertise as a Revocation and then let him state why he should be allowed to continue to operate.

Commissioner Thompson said we are basically giving him more time to comply.

The public hearing opened at 10:10 a.m.

Brian Hensler, property owner to the north of this project, said the County blocked off the entrances to his own property, but the truck drivers continue to use his property to do turn arounds. He says Mr. Safapour has been running his business this way for 5 years already and asked why the Commission would give him more time to come into compliance. The truck drivers are tearing up his yard and it is not a safe place to turn around. Trucks have fallen in the ditches many times and block the roadways while they get help to pull out the trucks. The CHP and Sheriff Department haven't been able to help him. He also has put up signs that say "not a turn around" and it does not help much.

Chairman Tanner asked Mr. Hensler if he thinks the trucks are pulling in his property thinking they can get through to get to another street.

Mr. Hensler said that Stephens Road is the only roadway there. The northbound traffic turning into that area is finding they can't get into that area, so they go to the next big driveway, which is his driveway. He has private property signs posted.

The public hearing closed at 10:15 a.m.

Commissioner Thompson said encroachment permits were necessary in the original permit.

Planner Jeff Fugelsang said yes, and that if the applicant wanted to continue to use that driveway, he has to reconstruct it at a 90 degree angle so it is safer to turn around.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS MINOR MODIFICATION No. MM12-003 TO ADMINISTRATIVE APPLICATION No. AA11-021 FROM CEQA

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DENIES MINOR MODIFICATION No. MM12-003 TO ADMINISTRATIVE APPLICATION No. AA11-021 AND REFERS THIS APPLICATION BACK TO PLANNING STAFF.

- D. CONDITIONAL USE PERMIT No. CUP11-005 - Templo la Hermosa** - To construct and operate a 10,620 square foot religious facility (Church). The project site is located on the north side of Highway 140, approximately one quarter mile west of Kibby Road. The property is designated Celeste SUDP - Residential land use in the General Plan and zoned R-1 (Single Family Residential). **JH**

Recommendation: The requested actions are to:

- 1) Adopt the CEQA Initial Study/Mitigated Negative Declaration; and
- 2) Approve Conditional Use Permit Application No. CUP11-005 based upon the project findings, and subject to the conditions of approval and mitigation measures recommended in the Staff Report.

This application has been continued to the May 23, 2012 hearing at the request of the project agent, Stephen Morgan.

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- E. ADMINISTRATIVE APPLICATION No. AA12-011 - Sonia L. Aviles** - To establish a semi-mobile food vendor within the parking area of an existing store. The project site is located at the northeast corner of E. 21st Street and Keely Avenue. The property is designated Merced SUDP - Commercial Neighborhood and zoned C-2 (General Commercial). **ON**

Recommendation: The requested actions are to:

- 1) Determine that the project is exempt from CEQA review under Section 15061(b)(3) of the CEQA Guidelines, and;
- 2) Approve Administrative Application No. AA12-011 based on the project findings and subject to the conditions of approval recommended in the Staff Report.

Planner Oksana Newmen presented the Staff Report and recommendations of approval dated April 25, 2012.

Chairman Tanner said there is no mention of restroom use at the store nearby. Does the applicant need to get a letter from them stating they can use the restroom during hours of operation for the mobile food vendor.

Planner Oksana Newmen said it is required for mobile food vendor operators to have access during working hours. The store is open 7am to 11pm. So the store restrooms are available to the workers, just not required for the customers.

The public hearing opened at 10:30 a.m.

Cindy Broughton, the property owner nearby the proposed mobile food vendor, submitted photos of the property to the Commissioners. She said there are only a few parking spaces for the mobile food vendor customers. Caltrans did a re improvement project and took out part of their driveway. There is not a lot of room for cars to pull in. There needs to be more parking spaces. The position of the truck is right next to the handicapped parking. Some of the lot was repaved. The driveway and sidewalk are crumbling due to the increase of traffic in the area. There have been a lot of foot traffic and there is an alley way in the back and that is private property. She feels the spot for the mobile food vendor is not good and will create more problems. She asked for denial of this application.

Silvia Jaramillo, Planning staff, translated for Sonia Aviles the applicant. Ms. Aviles said she can move the taco truck around the store so she doesn't block the entrance. She said she can move it to the far side.

Planner Oksana Newmen said there is parking in the front and the side, so Ms. Aviles can park on the side of the store.

Commissioner Thompson asked if the conditions would change if Ms. Aviles were to move the mobile food vendor to the side?

Planner Oksana Newman said a site plan can be modified to note the change.

In response to a question by Commissioner Thompson, Ms. Aviles responded that the 25 customers was an estimate to start with and hopes for an increase over time.

The public hearing closed at 10:40 a.m.

MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE APPLICATION No. AA12-011, FROM CEQA.

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MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 25, 2012, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES THE RELOCATION OF THE MOBILE FOOD VENDOR TO THE WESTERN SIDE OF THE PROPERTY AND APPROVES ADMINISTRATIVE APPLICATION No. AA12-011 SUBJECT TO THE 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Administrative Permit No. AA12-011 is granted to allow Sonia L. Aviles (applicant) to operate a semi-mobile food vendor (taco truck) with no outside seating within the parking lot of an existing convenience store located at 1801 E. 21st Street in the Merced SUDP.
2. The project shall operate in a manner that is consistent with the approved Plot Plan and the applicant's Operational Statement, as modified to reflect placement of the vehicle on the Keely Avenue (western) side of the property. Minor Modifications may be approved by the Development Services Director upon submittal of an acceptable application.
3. If the Administrative Permit is not implemented within one year, it shall expire and become null and void. The Development Services Director may extend the Permit if a request is filed by the applicant prior to its expiration.
4. The applicant shall comply with the Merced County Zoning Code Development Standards required for semi-mobile food vendors (Section 18.47.280.D) including, but not limited to the following:
 - a. The operating hours shall be limited to 10:00 a.m. to 8:00 p.m., seven days per week.
 - b. There shall be two adequately sized and covered trash receptacles adjacent to the semi-mobile food vendor.
 - c. 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.
 - d. Waste water generated by this use shall not be released on-site or into any storm drainage or irrigation system.
 - e. Grease shall be disposed per requirement of the Division of Environmental Health.
 - f. No additional advertising sign except a sign attached to the semi-mobile food vendor shall be utilized and any sign shall be reviewed and approved by the Development Services Director.
 - g. A copy of the administrative permit shall be kept with the operator at all times and shall not be transferable to another operator.
5. 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 the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.

County Counsel

6. INDEMNITY AND HOLD HARMLESS AGREEMENT:

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

Sonia L. Aviles (applicant) and Japinderpal Singh (property owner) 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 the Applicant, 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. Applicant 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.

Department of Public Health/ Environmental Health Division

7. A stationary mobile food preparation unit (aka semi-mobile food vendor) must be operated within 200 feet travel distance of an approved, readily available, permanent toilet and hand washing facility for use by facility employees. If a permanent structure where food is stored, prepared, served or consumed is provided for customers at the site, then a permanent restroom must be available for customer use. In either case, written permission from the restroom owner should be provided (to Brent Cronk) indicating who has permission to use the restrooms and the days and times the restrooms are available. The food vehicle cannot operate unless the restrooms are available. The restrooms must be inspected and approved by MCDEH. Call Shannon Warkentin at 381-1082 to schedule a restroom inspection.
8. A mobile food facility shall have a permit from MCDEH to operate in Merced County. Call MCDEH at 381-1100 to get a vehicle inspection appointment. Bring a completed form to the inspection. Unless the vehicle also has an AA permit from the Planning Department for a semi-mobile food vendor business, the vehicle is not allowed to be stationary.

Commerce Aviation and Economic Development Department

9. If the applicant/owner does not currently have a Business License Permit, they shall obtain one from the Commerce Aviation and Economic Development Department. The property owner/applicant shall pay all required fees for the Business license. The property owner/applicant shall annually renew the Business License and pay all required fees.

City of Merced Planning Department

10. The property owner shall insure that a minimum of ten parking spaces are available for customer use at all times for the two businesses of this site.
11. If problems arise that may require excessive Police Department service calls on site or within the immediate area including, but not limited to, excessive harassment, malicious property damage, lewd and/or disorderly conduct, then this approval may be subject to review and revocation.
12. Vendor truck activities shall in no way interfere with the operation of existing business on the lot, or nearby businesses, including noise, litter, loitering, and traffic circulation.

Merced County Fire Department

13. Applicant shall contact the Fire Department at 385-7344 to schedule a fire inspection.
14. Applicant shall supply documentation for hood suppression system maintenance tag, and fire extinguisher.

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

None

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:50 a.m.