

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF MARCH 27, 2013

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of March 27, 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 March 27, 2012, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Acting Chairman Jack Mobley
 Commissioner Mark Erreca
 Commissioner Greg Thompson

Staff Present: Mark Hendrickson, Interim Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 Jeff Fugelsang, Planner III
 James Holland, Planner III

Legal Staff: Marianne Greene, Deputy County Counsel

Commissioners Absent: Chairman Tanner
 Commissioner Ford

III. APPROVAL OF MINUTES

MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 3 – 0, THE COMMISSION APPROVED THE MINUTES FROM THE MARCH 13, 2013 HEARING.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. GENERAL PLAN AMENDMENT No. GPA11-001, ZONE CHANGE No. ZC11-001 and CONDITIONAL USE PERMIT No. CUP11-011 – Ibrahim Alwareeth -To change the General Plan land use designation from Agricultural to Highway-Interchange-Center, to change the zoning from A-1 (General Agricultural) to H-I-C (Highway Interchange Center) Commercial, and to bring into conformance an existing truck stop which includes a mini-mart, gas station, restaurant, overnight parking and to construct a building to establish a 5,000 square foot tire repair shop. The project site is located on the southeast corner of Harvey Pettit Road and Highway 99 in the Chowchilla area of Merced County. JF

Recommendation: The requested actions are to:

- 1) Recommend the Board of Supervisors adopt the CEQA Initial Study and Mitigated Negative Declaration prepared for the project; and,
- 2) Recommend the Board of Supervisors approve General Plan Amendment No. GPA11-001, Zone Change No. ZC11-001 and Conditional Use Permit No. CUP11-011 based upon 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 March 27, 2013.

The public hearing opened at 9:10 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:11 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS TO ADOPT THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION PREPARED FOR GENERAL PLAN AMENDMENT No. GPA11-001, ZONE CHANGE No. ZC11-001 and CONDITIONAL USE PERMIT No. CUP11-011.

MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE GENERAL PLAN AMENDMENT No. GPA11-001, ZONE CHANGE No. ZC11-001 and CONDITIONAL USE PERMIT No. CUP11-011, AND APPROVE THE 8 FINDINGS AND 16 CONDITIONS LISTED IN THE STAFF REPORT AS FOLLOWS:

Planning and Community Development Department

1. Conditional Use Permit No. CUP11-011 is granted to bring into conformance an existing truck stop which includes a mini-mart, gas station, restaurant, overnight parking and to construct a building to establish a 5,000 square foot tire repair shop, in accordance with the approved Plot Plan and Operational Statement.
2. The facilities shall be located, developed and operated in a manner described on the approved Plot Plan, Project Description, CEQA Mitigation Measures, Mitigation Monitoring and Reporting Program, and Conditions of Approval of this permit.
3. All CEQA Mitigation Measures identified in the Initial Study/Mitigated Negative Declaration are adopted and incorporated by reference as Project Conditions of Approval.
4. The project shall comply with all applicable public health, safety, and welfare regulations administered by the County of Merced, and in particular the County Fire Department, the Health Department/ Environmental Health Division, the Planning & Community Development Department, and Public Works Department/ Road and Building and Safety Divisions.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$324.00** 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/property owner 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.
6. Prior to issuance of a building permit, the project applicant must obtain all necessary permits and written authorizations and must demonstrate compliance with all applicable regulations administered by Federal and State agencies. The text of all CEQA Mitigation Measures required for this permit shall be placed on the cover page of all construction plans.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

IBRAHIM ALWAREETH 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 IBRAHIM ALWAREETH.

IBRAHIM ALWAREETH 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 IBRAHIM ALWAREETH, 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. IBRAHIM ALWAREETH 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.

Public Works Department/ Roads Division

8. Restrict access onto Harvey Pettit Road to a maximum of two, Type 3 commercial driveways, having maximum widths of 35 feet, onto Harvey Pettit Road, constructed in accordance to the DPW Improvement Standards and Specifications; and constructing curb and gutter along the remaining Harvey Pettit Road and future County frontage road (relinquished SR99) frontage. However, the applicant may enter into a Deferment of Construction Agreement with DPW for the future construction of the curb and gutter.
9. Applicant shall construct two 250 watt streetlights along the frontage of Harvey Pettit Road, in accordance to DPW Improvement Standards and Specifications.

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10. Applicant shall construct an on-site storm drainage system adequate to contain and dispose of all storm water runoff occurring onsite and its roadside frontage, in accordance with DPW Improvement Standards and Specifications.
11. Applicant shall dedicate a 10 foot wide public utility easement along the frontage of Harvey Pettit Road, adjacent to the existing road right-of-way.

Health Department/ Division of Environmental Health

12. Applicant shall obtain a public water system permit.
13. Applicant shall demonstrate that the septic system is adequate to accommodate any proposed changes that could affect the septic system.
14. Applicant shall designate 300% replacement area for each of the two septic systems on the parcel.

Public Works Department/ Building and Safety Division

15. Applicant shall submit to the County four (4) sets of complete engineered plans and electrical plans.

Caltrans

16. Applicant will be required to submit an STAA truck access application to Caltrans District 10, for approval to qualify for STAA terminal truck access from Harvey Pettit Road. For any work that would need to be performed in the Caltrans right-of-way, an encroachment permit will be required.

CEQA Mitigation Measures

The following is a comprehensive list of CEQA Mitigation Measures applicable to the project and are contained in the Mitigation Monitoring and Reporting Program (MMRP). These measures are incorporated by reference into the Conditions of Approval. The applicant shall be responsible to comply with all Mitigation Measures as referenced herein:

Cultural Resources

- CUL-1 -Discovery of subsurface cultural resources during project construction.
- CUL-2 - Potential disturbance of human remains.

Geology & Soils

- GEO-1 – Evaluate and modify existing septic system.

Greenhouse Gas Emissions

- GHG-1 – Implement at least two measures to reduce GHG emissions.

Hazards & Hazardous Materials

- HAZ-1 - Tire shop shall submit a Tire Program Identification Number.

Hydrology

- HYD-1 – Evaluate and modify existing storm water retention basin.

Utilities

UTL-1 – Submit for a Public Water System.

UTL-2 – Tire shop shall participate in Cal Recycle's Waste Tire Manifest Program.

- B. CONDITIONAL USE PERMIT No. CUP13-002 – Shayne Heine** - To bring into conformance a hide skinning business in an existing 6,000 square foot agricultural processing building and construct a related 2,500 square foot building. The property is located on the north side of Clausen Road, 1,500 feet east of Griffith Avenue in the Delhi area. The project site is designated Agricultural land use and zoned A-1 (General Agricultural). **JF**

Recommendation: The requested actions are to:

- 1) Determine Conditional Use Permit No. CUP13-002 is exempt from CEQA review under Sections 15301, *Existing Facilities*, and 15303(c), *New Construction or Conversion of Small Structures*, of the CEQA Guidelines; and,
- 2) Approve Conditional Use Permit Application No. CUP13-002 based upon 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 March 27, 2013.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:18 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP13-002 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 MARCH 27, 2013, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP13-002 SUBJECT TO THE 15 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit No. CUP13-002 is granted to establish a hide skinning business in an existing 6,000 square foot agricultural processing building and construct a related 2,500 square foot building on a 3.6 acre parcel, in accordance with the approved Plot Plan.
2. Initially, the 6,000 square foot building will house an office, accessory retail outlet, and the receiving and skinning operations. Once the 2,500 square foot building is constructed, the receiving and skinning operations will be moved into it and the old space will be used for storage of equipment.
3. The project shall operate in a manner that is consistent with the approved Plot Plan and the Operational Statement. Minor Modifications may be approved by the Planning Director upon submittal of an acceptable application.

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4. The operator shall implement best management practices for waste and waste water disposal.
5. The project shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
6. For the purpose of conditions monitoring, an inspection fee in the amount of **\$324.00** shall be required. This fee shall be paid within 30 days of project approval. Should additional inspections be required, inspection time shall be billed to the applicant / property owner 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.
7. 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, Commerce, Aviation, and Economic Development, and Public Works Departments.

County Counsel

8. INDEMNITY AND HOLD HARMLESS AGREEMENT:

SHAYNE HEINE 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 SHAYNE HEINE.

SHAYNE HEINE'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 SHAYNE HEINE, 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. SHAYNE HEINE 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 CONDITIONAL USE PERMIT NO. CUP13-002 approval, modification, or denial.

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

Commerce Aviation and Economic Development Department

9. The applicant/owner shall obtain a Business License 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.

Fire Department

10. All driveways accessing the parcel shall be surfaced with an approved all weather driving surfacing material and 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.
11. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches.
12. The applicant shall meet the fire flow requirements as per California Fire Code. In addition, all options shall be approved by this office. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

Department of Public Health/ Environmental Health Division (MCDEH)

13. Protect existing septic system and wells. Provide MCDEH with a plot plan of existing wastewater features, septic tanks, leach fields, replacement areas, and wells, and demonstrate that the existing septic system is adequate for the expected number of persons using the septic system, including both employees and customers anticipated in Phase 1 and 2.
14. Ensure that holding tanks containing blood and wastewater from the skinning operation are pumped frequently to prevent overflow. Tanks should be designed for above-ground use. Tank openings should be secured to prevent unauthorized access. If on-site disposal of wastewater from operations is proposed, it will be under the jurisdiction of the Regional Water Quality Control Board. (Contact Number 559.445.3291)
15. By limiting to fewer than 25 people onsite for less than 60 days, the proposed facility is exempt from public water system requirements. If not exempt then the facility is required to apply for and obtain a Public Water System permit from MCDEH prior to operating. The applicant shall provide MCDEH estimated employment for Phase 2 and estimated number of daily retail customers in both Phase 1 and 2 and use of restrooms and source of tap water that will be made available.

- C. CONDITIONAL USE PERMIT No. CUP13-003 - Merced County Mosquito Abatement District** – To demolish a number of existing structures totaling 12,210 square feet and construct a new 5,200 square foot administrative office and chemical storage building on a 4.1 acre parcel. The project is located at the southeast corner of Beachwood Drive and Belcher Avenue in the Franklin-Beachwood SUDP. The property is designated Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). **DG**

Recommendation: The requested actions are to:

- 1) Make the determination that the project is categorically exempt from CEQA review under Section 15302, Replacement or Reconstruction, of the CEQA Guidelines; and,
- 2) Approve the project based on the project findings and subject to the conditions of approval presented in the Staff Report.

Planner David Gilbert presented the Staff Report and recommendations of approval dated March 27, 2012.

The public hearing opened at 9:25 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:26 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP13-003, 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 MARCH 27, 2013, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP13-003 SUBJECT TO THE 18 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit Application No. CUP138-003 is granted for the demolition of a number of structures totaling 12,210 square feet and the construction of a new 5,200 square foot administrative office and chemical storage building, which shall be located, developed, and operated in a manner as described on the approved plot plan, submitted application, and operational statement, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Planning Director.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. The applicant shall record an Overflight Notification form with the County of Merced Recorder's Office.
4. The site shall be maintained in a neat and orderly manner at all times.
5. All signs shall be subject to the standards in Chapter 18.42 of the Merced County Zoning Code.

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6. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the project site, and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

The Merced County Mosquito Abatement District 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 the Mosquito Abatement District.

The Merced County Mosquito Abatement District'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 Merced County Mosquito Abatement District, their 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. Merced County Mosquito Abatement District 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 Conditional Use Permit No. CUP13-003 approval, modification, or denial.

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

Environmental Health Division

8. The applicant shall file a new or updated Hazardous Materials Business Plan.
9. The On-site septic systems shall conform to Environmental Health Division's minimum design standards.
10. The applicant shall provide a plot plan showing any wells, the storm drainage basin, and sewage disposal system location.

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11. The applicant shall provide a 300% leach line replacement area.

Public Works/Building and Safety Division

12. Submit 4 sets of construction plans, 3 sets of a soils report, 3 sets of engineering calculations, and 3 sets of energy calculations all completed and stamped by a licensed engineer or architect.

Merced County Fire Department

13. All driveways accessing the parcel shall be surfaced with an approved all weather driving surfacing material.
14. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, except for approved security gates and an unobstructed vertical clearance of 13 feet 6 inches.
15. The applicant shall meet the fire flow requirements as per California Fire Code with all options approved by the Fire Department.
16. The applicant shall provide a water supply capable of supplying the required fire flow for fire protection

San Joaquin Valley Air Pollution Control District

17. The applicant shall obtain any applicable District permits.
18. The applicant may be subject to District Rules and Regulations which may include but not limited to the following: Regulation VIII, Rules 4002, 4102, 4601, and 4641.

- D. CONDITIONAL USE PERMIT No. CUP11-005 - Templo la Hermosa** -To construct and operate a 10,620 square foot church facility located on the north side of Highway 140, approximately one quarter mile west of Kibby Road within the Celeste SUDP. 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 and Mitigated Negative Declaration prepared for the project; and,
- 2) Approve Conditional Use Permit Application No. CUP11-005 based upon the project findings and subject to the conditions of approval recommended in the Staff Report.

Planner James Holland presented the Staff Report and recommendations of approval dated March 27, 2013.

Commissioner Thompson asked if an easement was detained by the applicant for access to Dell Street. Mr. Holland replied that a copy of the easement is in the project file.

The public hearing opened at 9:41 a.m.

Steve Morgan, Morgan Architects, thanked Planner James Holland for his presentation. Charlie Parish AND Steve Ramirez are adjacent landowners who have granted temporary easements until the new road is built. The property consists of old almond trees and the church is the best use of this site. He asked for approval of this application.

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Tom Terpstra, representing Lions Investment, supports this project. He initially had concerns with traffic, but concerns were satisfied once he read the environmental documents and mitigation measures which were well prepared. He asked for approval of this application, and said all issues have been addressed.

The public hearing closed at 9:44 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION, MITIGATION MEASURES AND MITIGATION MONITORING REPORTING PROGRAM PREPARED FOR CONDITIONAL USE PERMIT No. CUP11-005.

MOTION: M/S ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED MARCH 27, 2013, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES CONDITIONAL USE PERMIT No. CUP11-005 SUBJECT TO THE 20 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit No. CUP11-005 is granted for construction and operation of the Templo La Hermosa church facility, allowing the construction of a 10,620 square foot church building and associated site improvements on a 4.78 acre parcel.
2. The project shall be operated in a manner that is consistent with the approved Site Plan, the applicant's Operational Statement, and project description provided in the Revised CEQA Initial Study. Minor Modifications may be approved by the Planning Director or their designee upon submittal of an acceptable application.
3. For the purpose of condition monitoring, an inspection fee in the amount of **\$324.00** 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 site clearing, construction, and operation of the project shall be undertaken in accordance with applicable standards provided in Section 18.41 of the Zoning Code (Performance Standards).
5. Any proposals to add new signs, shall meet the sign standards for residential zones provided in Section 18.42 of the Zoning Code.
6. The text of all CEQA Mitigation Measures required for this permit shall be placed on the cover page of all construction plans.
7. The facility is subject to additional standard conditions of approval listed in the Planning Commission Resolution No 97-1.

8. 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, Commerce, Aviation, and Economic Development, and Public Works Departments.

Department of Public Works Building and Safety Division

9. Building permits must be completed by a licensed engineer or architect and permit applications submitted prior to the start of any work. Four sets of complete construction plans, should be provided for any permit submittal.

Department of Public Health, Division of Environmental Health

10. Use of any kitchen constructed as part of the church shall be limited to the incidental storage and warming of food only.

Department of Public Works Road Division

11. Based on the location of the project within the Celeste SUDP, Level 1 Improvements are required at the time of building permit application. Given the future construction of the Campus Parkway, the County will accept a deferment of sidewalk construction upon receipt of a formal application by the property owner.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

12. The project is required to comply with District Rule 9510 and shall submit an Air Impact Assessment prior to any building permit being issued. The project may also be subject to additional District Rules and Regulations. The applicant should contact the SJVAPCD Small Business Assistance Office to confirm these requirements.

Merced Irrigation District (MID)

13. The proposed project stormwater system must meet MID design standards and system plans should be approved and stamped by the MID Engineer.
14. The project stormwater system will eventually be connected with the Campus Parkway system, which would drain into the MID Hartley lateral. Based on this relationship, the applicant should enter into a Storm Drainage Agreement with MID and pay all associated fees.

County Counsel

15. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**
Templo La Hermosa 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

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mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of Templo La Hermosa.

Templo La Hermosa 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 Templo La Hermosa, 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. Templo La Hermosa, 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.

Mitigation Measures

16. **Mitigation Measure CUL-1: Implement plan to address discovery of unanticipated buried cultural or paleontological resources.**

If buried cultural resources such as chipped or ground stone, midden deposits, historic debris, building foundations, human bone, or paleontological resources are inadvertently discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified archaeologist or paleontologist can assess the significance of the find and, if necessary, develop responsible treatment measures in consultation with Merced County and other appropriate agencies.

17. **Mitigation Measure CUL-2: Implement plan to address discovery of human remains.**

If remains of Native American origin are discovered during proposed project construction, it shall be necessary to comply with state laws concerning the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The County coroner has been informed and has determined that no investigation of the cause of death is required; and
 - If the remains are of Native American origin:
- ✓ The most likely descendants of the deceased Native Americans has made a recommendation to the landowner or person responsible for the excavation work for means of treating or disposing of, with

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appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98; or

- ✓ The NAHC has been unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

18. Mitigation Measure GHG-I:

The project applicant shall implement a minimum of two of the following measures in order to reduce GHG emissions:

1. Provide permanent bicycle parking facilities to promote consideration of alternative modes of transportation to and from church services.
2. Provide safe and convenient bicycle/pedestrian connections and access to transit stop(s), and provide necessary transit improvements within the project area (e.g., benches, route information, lighting) as necessary.
3. Install Energy Star labeled roof materials.
4. Provide an on-site renewable energy system(s).
5. Exceed Title 24 requirements by at least 20 percent.
6. Orient 75 percent or more of the building to face north or south, and include roof overhangs sufficient to block the high summer sun but not the low winter sun.
7. Preserve existing on-site almond trees outside of the building and development envelopes, and plant replacement trees as needed to offset GHG emissions.
8. Restrict idling time for construction equipment, heavy-duty truck and delivery vehicles to five minutes or less according to California's Heavy Duty Vehicle Idling Rule
9. Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
10. Install photovoltaic roofing tiles for solar power.

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19. **Mitigation Measure HYD-I:**

The project applicant shall be required to submit permit registration documents for the Construction General Permit Order 20090009-DWQ to the SWRCB, and comply with all requirements of the permit. The annual fees are based on total disturbed area of the construction project in acres. A Legally Responsible Person (LRP) shall electronically submit Permit Registration Documents (PRDs) prior to building permit issuance in the Stormwater Multi-Application Report Tracking System. PRDs consist of the Notice of Intent, Risk Assessment, Post-Construction Calculations, a Site Map, the SWPPP, a signed certification statement by the LRP, and the first annual fee. All requirements of the site specific SWPPP shall be included in construction documents for the project.

20. **Mitigation Measure TRA-I:**

To avoid potential safety concerns regarding inbound and outbound traffic volumes at Dell Street and SR 140, the project applicant shall limit attendance at the proposed Templo la Hermosa church facility to no more than 240 persons at any one time during interim access conditions at Dell Street and until the Campus Parkway Phase II project is completed. This attendance limit shall be enforced by placing appropriate temporary fire capacity/occupancy restrictions on the church structure through the building permit review and inspection process.

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 9:49 a.m.