

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF APRIL 10, 2013

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 10, 2013, 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 9:01 a.m., on April 10, 2013, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Acting Chairman Mark Erreca
 Commissioner Rich Ford
 Commissioner Greg Thompson

Staff Present: William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 Jeff Fugelsang, Planner III

Legal Staff: Marianne Greene, Deputy County Counsel

Commissioners Absent: Commissioner Lynn Tanner - Chairman
 Commissioner Jack Mobley - Vice Chairman

III. APPROVAL OF MINUTES

None

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

- A. CONDITIONAL USE PERMIT No. CUP13-004 – Randy Bertuccio** - To bring into conformance an agricultural contractor facility for the purpose of storing and repairing equipment related to hay hauling on a four acre portion of a 19.8 acre parcel. The property is located on the south side of Wardrobe Avenue, 0.8 miles west of Thornton Road in the Merced 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. CUP13-004 is exempt from CEQA review under Sections 15301, *Existing Facilities*, of the CEQA Guidelines; and,
- 2) Approve Conditional Use Permit Application No. CUP13-004 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 April 10, 2013.

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

No one spoke in favor or opposition to this application.

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

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MOTION: M/S THOMPSON - FORD, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP13-004 FROM CEQA.

MOTION: M/S THOMPSON – FORD, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 10, 2013, AND MAKES THE 12 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES CONDITIONAL USE PERMIT No. CUP13-004 SUBJECT TO THE 16 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit No. CUP13-004 is granted to bring into conformance an agricultural contractor facility for the purpose of storing and repairing equipment related to hay hauling on a four acre portion of a 19.8 acre parcel, in accordance with the approved Plot Plan.
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 Planning Director upon submittal of an acceptable application.
3. To ensure the facility does not have a detrimental effect on groundwater, all maintenance of equipment must be performed within the maintenance building or on paved surfaces. Additionally, drip pans should be utilized when equipment is stored for extended periods of time on open ground.
4. The applicant shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$162.00** 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. 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

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

RANDY & DENISE BERTUCCIO TRUSTEE 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,

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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 RANDY & DENISE BERTUCCIO TRUSTEE.

RANDY & DENISE BERTUCCIO TRUSTEE'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 RANDY & DENISE BERTUCCIO TRUSTEE, 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. RANDY & DENISE BERTUCCIO TRUSTEE 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.

Commerce Aviation and Economic Development Department

8. 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.

Department of Public Works/ Road Division

9. Applicant shall restore the existing paved driveway approach to Wardrobe Avenue by reconstructing the adjacent 6 feet. This work shall require the Applicant to obtain an Encroachment Permit from the Road Division.

Fire Department

10. The applicant shall install a 15,000 gallon water storage tank for fire fighting purposes. All water supply connections, hydrants, or risers shall be located not more than 250 feet from any building. The water storage tank shall be clearly marked "Water" or "H2O". All tanks shall have a 4 1/2 male outlet with "National Hose Thread" and clearly marked "Fire Dept." and shall be accessible at all times.

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11. All weather access roads shall be provided within 150 feet of all buildings. Roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. Roads shall be able to support the imposed loads of fire apparatus and have an all weather surface.
12. Address numbers shall be displayed to be visible from the roadway. Where the building is more than 50 feet from the main roadway, the number shall be displayed at the entrance of the driveway and be readable from both directions.
13. One Class 2-A rated fire extinguisher shall be provided for each 6,000 square feet of light hazard fuel load or one 2-A rated fire extinguisher for each 3,000 square feet of ordinary hazard fuel load. Fire extinguishers shall be installed in each building with a travel distant of not more than 75 feet from any point within each building. Locations of all fire extinguishers shall be approve by the Fire Department.
14. An annual operational permit is required to store, dispense, or handle combustible/flammable liquids in excess of exempt amounts.

Department of Public Works/ Environmental Health Division

15. All existing septic tanks shall be protected from vehicular and heavy equipment traffic and parking and protect from flooded. Leach lines area shall be unpaved, contain no structures, and be protected from flooding and compaction. The leach line replacement area shall be left unpaved and not contain any structures.
16. The following information shall be provided:
 - The plumbing fixtures in the shop.
 - The number of people potentially using the restrooms on the busiest day.
 - A plot plan showing the location of the existing septic system including the septic tank, leach field, distribution boxes, proposed 300% replacement area, distance from the well to the existing septic tank, to the nearest leach line and to the replacement leach field area.
 - Specification for the existing septic system.

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

Bill Nicholson, Assistant Development Services Director, said Mintier and Harnish, the consultants for the Merced County General Plan Update, are currently working on the response to comments and the next hearing to possibly recommend adopting the General Plan Update will be in June 2013.

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:12 a.m.