

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF APRIL 24, 2013

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 24, 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 9:00 a.m., on April 24, 2013, 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 Jack Mobley - Vice Chairman
 Commissioner Mark Erreca
 Commissioner Rich Ford
 Commissioner Greg Thompson

Staff Present: Mark Hendrickson, Interim Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary

Legal Staff: Marianne Greene, Deputy County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

MOTION: Mobley - Erreca, and carried by a vote of 5 - 0, the Commission approves the Minutes from the March 27, 2013 and April 10, 2013.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. **MAJOR MODIFICATION No. MM13-005 TO CONDITIONAL USE PERMIT No. CUP08-011 - Hilmar Cheese - To modify the Mitigation Monitoring Program based on deletion of Mitigation Measure AQ-2 to enter a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution District and modification of Mitigation Measure PS-1 to develop a mutual rather than an automatic aid agreement between the Merced County Fire Department and the Turlock Fire Department for the Hilmar Cheese expansion project. The project is located at the Northwest and Southwest corners of Lander Avenue and August Road in the Hilmar area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **DG****

Recommendation: The actions requested are to:

- 1) Adopt the Addendum to the Mitigated Negative Declaration, and
- 2) Approve Major Modification No. MM13-005 based on the project findings, and approve the modifications to the Mitigation Monitoring Program.

Planner David Gilbert presented the Staff Report and recommendations of approval dated April 24, 2013.

Commissioner Thompson asked if the Air Board was contacted even though the Addendum to Negative Declaration doesn't require recirculation.

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Planner David Gilbert said they were in contact with the Air Board and a copy of the Addendum went to the Air Board and the Fire Department.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:12 a.m.

MOTION: M/S MOBLEY - ERRECA, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION ADOPTS THE ADDENDUM TO THE NEGATIVE DECLARATION PREPARED FOR MAJOR MODIFICATION No. MM13-005 TO CONDITIONAL USE PERMIT No. CUP08-011.

MOTION: M/S MOBLEY – ERRECA, AND CARRIED BY A VOTE OF 5 - 0 , THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 24, 2013, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES THE MODIFICATIONS TO THE MITIGATION MONITORING PROGRAM AND APPROVES MAJOR MODIFICATION No. MM13-005 TO CONDITIONAL USE PERMIT No. CUP08-011 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Department Conditions:

1. Major Modification No. MM13-005 to Conditional Use Permit No. CUP08-011 is granted to delete Mitigation Measure AQ-2 and modify Mitigation Measure PS-1.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. All conditions of approval under CUP08-011 and MM11-014 shall continue to apply to this Major Modification application.
4. All mitigation measures identified in the Initial Study and Mitigation Monitoring and Reporting Program are adopted and incorporated by reference as project conditions.

County Counsel

5. INDEMNITY AND HOLD HARMLESS AGREEMENT:

HCC Properties Corporation 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 HCC Properties Corporation.

HCC Properties Corporation 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 HCC Properties Corporation, 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. HCC Properties Corporation 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 Major Modification No. MM13-005 approval, modification, or denial.

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

6. Mitigated Negative Declaration Mitigation Measures

The following is a comprehensive list of CEQA Mitigation Measures that are contained in both the IS/MND, in the Mitigation Monitoring and Reporting Program (MMRP) and incorporated by reference in the CEQA Findings herein, that are applicable to the project. The applicant shall be responsible to comply with all Mitigation Measures contained in the foregoing mentioned documents as modified in the Addendum to the Mitigated Negative Declaration:

Air Quality

AQ-1: Implement a Dust Control Plan During Construction, MMRP, page 3

Biology

BIO-1: Worker Awareness Program, MMRP, page 5

BIO-2: Nest Avoidance and Habitat Mitigation to Protect Swainson's hawk, MMRP, page 5-8

BIO-3: Avoidance Measures to Protect Other Birds, MMRP, page 9

Cultural Resources

CR-1: Stop Work for Buried Cultural Deposits, MMRP, page 9-10

CR-2: Stop Work for Human Remains, MMRP, page 10

Geology and Soils

GEO-1: Preparation of a Design Level Geotechnical Report, MMRP, page 11

Hazardous Materials

HM-1: Soil Testing for Spilled Hazardous Materials, MMRP, page 11

Water Quality

HYD-1: Storm Drainage System Compliance, MMRP, page 11

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Noise

NOI-1: Implementation of a Noise Control Plan, MMRP, page 12

Public Services

PS-1: Mutual Aid Agreement with Merced & Turlock Fire Departments, MMRP, page 12

Transportation/Traffic

TR-1: Construction Management Plan, MMRP, page 13

TR-2: Pay Traffic Impact Fees, MMRP, page 13

TR-3: Pedestrian Safety Measures, MMRP, page 13-14

TR-4: Emergency Vehicle Access, MMRP, page 14

TR-5: Provide Bicycle Parking, MMRP, page 14

Chairman Tanner recused himself from Item B & Item C Dairy projects due to conflict, and Commissioner Mobley took over as Chairman.

- B. CONDITIONAL USE PERMIT No. CUP11-010 - Antonio Brasil Dairy** - To increase the number of cows from 2,485 to 6,385 and construct three freestall barns, shade barn, and corrals all confined on 85 acres of dairy facilities on four parcels totaling 439 acres. The project site is located at the southeast corner of Flanagan Road and Highway 152 in the Dos Palos area. The property is designated Agricultural land use and zoned A-1 (General Agricultural). **DG**

Recommendation: The requested actions are to:

- 1) Certify the Environmental Impact Report and adopt the Environmental Findings of Fact; and
- 2) Approve Conditional Use Permit No. CUP11-010 based on the project findings and subject to the conditions of approval and mitigation measures presented in the Staff Report, adopt the CEQA Findings of Fact, and approve the Mitigation Monitoring & Reporting Program.

Planner David Gilbert presented the Staff Report and recommendations of approval dated April 24, 2013.

Commissioner Thompson asked if Merced County and Madera County coordinated over the review and approval since part of this property is in Madera County.

Planner David Gilbert replied that farmland use is located in Madera County and the dairy buildings are in Merced County, so Merced County is the lead agency. Commissioner Thompson asked if Madera County will get a courtesy review of structures requiring building permits. Planner David Gilbert said yes.

The public hearing opened at 9:21 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:22 a.m.

MOTION: M/S ERRECA - FORD, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CERTIFIES THE ENVIRONMENTAL IMPACT REPORT AND ADOPTS THE ENVIRONMENTAL FINDINGS OF FACT PREPARED FOR CONDITIONAL USE PERMIT No. CUP11-010.

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MOTION: M/S ERRECA – FORD, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 24, 2013, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES CONDITIONAL USE PERMIT No. CUP11-010 SUBJECT TO THE 16 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Conditions:

1. Conditional Use Permit No. CUP11-010 is granted to expand the existing Antonio Brasil dairy from 2,485 cows (1,200 milk cows & 1,285 support stock) to 6,385 cows (2,800 milk cows and 3,585 support stock) and construct three new freestall barns, a shade structure, and 20 corrals on 32 acres for a total of 85 acres of dairy facilities, on 4 parcels totaling 439 acres.
2. The Antonio Brasil Dairy Expansion project shall be located, developed and operated in a manner described on the approved plot plan, Nutrient Management Plan, Waste Management Plan, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project would be based on a written request of the applicant to the Planning Director.
3. All mitigation measures identified in the Environmental Impact Report are adopted and incorporated by reference as project conditions.
4. The project shall comply with all applicable regulations administered by the County Fire Department, Environmental Health Division, Planning & Community Development, and Public Works Departments.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$648** 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 obtain all necessary permits, and comply with all applicable regulations administered by Federal and State agencies.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Antonio Brasil 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

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including, but not limited to employees, agents, commissions, boards, and officers of Antonio Brasil.

Antonio Brasil'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 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. Antonio Brasil 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/Roads Division

9. The applicant shall agree to amend the existing Roadway Impact Agreement (DPW Contract No. 850-042) with DPW to establish a revised payment schedule, and for DPW to commit to using the funds to improve Flanagan Road. The applicant shall pay a fee of \$200.00 for the processing of the contract amendment.

Public Works/Building and Safety Division

10. The applicant's licensed engineer or architect shall submit 4 sets of construction plans, a soils report, and 2 sets of supplemental plans for the construction of any structure.

Merced County Division of Environmental Health

12. The applicant shall update the Hazardous Materials Business Plan. That plan can be submitted electronically at <http://cupa.merced.ca.us>.
13. The applicant shall comply with the Merced County Animal Confinement Ordinance under Title 18, Chapter 18.48, specifically
 - Salt and other mineral feed supplement shall be limited to that required to maintain animal health and optimum production according to the National Research Council standards.
 - Comprehensive Nutrient Management Plan.
 - Feed management/diet optimization plan.
14. Provide a site plan that shows compliance with the 1,000 foot setback between the active dairy facility and any off-site residences or a setback waiver signed by the dairy owner and property owner of the off-site residence that is within the 1,000 foot setback area.

15. Provide a vector (fly and mosquito) and odor control program to aid in evaluating manure storage practices.

Final Environmental Impact Report Mitigation Measures

16. The following is a comprehensive list of CEQA Mitigation Measures that are contained in both the CEQA Findings of Fact and Statement of Overriding Considerations (SOC) and Mitigation Monitoring Reporting Program (MMRP) that are applicable to the Antonio Brasil Dairy expansion project. The applicant shall be responsible to comply with all Mitigation Measures contained in the foregoing mentioned documents:

Air Quality

- AQ-3: Ozone precursor emissions from daily operations, farm equipment, and increased traffic, MMRP, page 2-1.
- AQ-6a: Adverse odor from project operations, MMRP, pages 2-1 to 2-3.
- AQ-6b: Implement the nuisance control measures set forth in Mitigation Measures HAZ-1a and HAZ-1b, MMRP, page 2-3.

Biological Resources

- BIO-1a: Loss of foraging habitat for Swainson's hawk and other bird species, MMRP, pages 2-3 to 2-4.
- BIO-2a: Implement Mitigation Measure BIO-1, MMRP, page 2-4.
- BIO-2b: Pre-construction survey for burrowing owls, MMRP, page 2-5.
- BIO-2c: Avoidance measures for burrowing owl, MMRP, page 2-6.
- BIO-2d: Reduce impacts to active bird nests and reduce construction activities to interrupt breeding and rearing behaviors of birds, MMRP, pages 2-5 to 2-6.
- BIO-4: Loss of habitat for the San Joaquin kit fox and/or American badger, MMRP, pages 2-6 to 2-7.
- BIO-5: Interference with night-active wildlife, MMRP, page 2-7.
- BIO-8a: Implement Mitigation Measure BIO-1, page 2-7.
- BIO-8b: Implement Mitigation Measure BIO-2b, page 2-8.
- BIO-8c: Implement Mitigation Measure BIO-2c, page 2-8.
- BIO-8d: Implement Mitigation Measure BIO-2d, page 2-8.

Cultural Resources

- CUL-2a: Discovery of unanticipated buried cultural or paleontological resources, MMRP, page 2-8.
- CUL-2b: Discovery of human remains, MMRP, pages 2-8 to 2-9.

Greenhouse Gases and Energy

- GHG-2: Full Facility Audit to Determine Energy Inefficiency in Dairy Facility Operations, MMRP, pages 2-9.
- GHG-3: Implement Mitigation Measure GHG-2, MMRP, page 2-9

Hazards, Health Risks, and Vectors

- HAZ-1a: Preparation of a Vector Control Plan, MMRP, page 2-9.
- HAZ-1b: Implement Best Management Practices to address fly problems, MMRP, pages 2-9 to 2-10.
- HAZ-3: Contamination from manure pathogens at off-site locations as a result of project operations, MMRP, pages 2-10 – 2-11.

Hydrology and Water Quality

- HYD-1: Submit Permit Registration Document (PRD) for the Construction General Permit Order 2009-0009-DWQ, MMRP, page 2-11.
- HYD-3a: Comply with requirements of the NMP/WMP, MMRP, page 2-11.
- HYD-3b: Agronomic Rates for Best Management Farming Practices, MMRP, page 2-11.
- HYD-3c: Best Practical Treatment or Control Evaluation, MMRP, pages 2-11 to 2-12.
- HYD-3d: Salinity Report, MMRP, page 2-12.
- HYD-3e: Shallow groundwater monitoring system, MMRP, page 2-12.
- HYD-3f: Well Monitoring Schedule, MMRP, page 2-12.
- HYD-3g: Concentration in groundwater of constituents of concern, MMRP, pages 2-12.
- HYD-3h: Planning & Community Development Inspection, MMRP, page 2-13.
- HYD-7: Compliance With Merced County Well Ordinance, MMRP, page 2-13.

Land Use Compatibility

- LU-2a: Implement odor control measures in Mitigation Measure AQ-6a, MMRP, page 2-13.
- LU-2b: Implement Mitigation Measures HAZ-1a and HAZ-1b, MMRP, page 2-13.

- C. CONDITIONAL USE PERMIT No. CUP11-012 - Tony Meirinho** - To increase the number of cows from 6,920 animals to 11,102 and construct a new milk barn, two freestall barns, a commodity barn, and a number of other structures all confined on 136 acres of dairy facilities on eight parcels totaling 971 acres. The project site is located on the east side of Healy Road, .25 miles south of B.V.D. Avenue in the El Nido area. The property is designated Agricultural land use and is zoned A-1 (General Agricultural). **ON**

Recommendation: The requested actions are to:

- 1) Certify the Environmental Impact Report and adopt the Environmental Findings of Fact; and
- 2) Approve Conditional Use Permit No. CUP11-012 based on the project findings and subject to the conditions of approval and mitigation measures presented in the Staff Report, adopt the CEQA Findings of Fact, and approve the Mitigation Monitoring & Reporting Program.

Planner Oksana Newmen presented the Staff Report and recommendations of approval dated April 24, 2013.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:31 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CERTIFIES THE ENVIRONMENTAL IMPACT REPORT AND ADOPTS THE FINDINGS OF FACT PREPARED FOR CONDITIONAL USE PERMIT No. CUP11-012.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 24, 2013, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES CONDITIONAL USE PERMIT No. CUP11-012 SUBJECT TO THE 21 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Conditions:

1. Conditional Use Permit No. CUP11-012 is granted to consolidate and expand an existing heifer facility and an existing dairy facility from 6,920 cows (510 milk cows and 6,410 support stock) to 11,102 cows (4,800 milk cows and 6,302 support stock); construct 36 open lot corrals, a special needs barn, a commodity barn, four hay barns, a milk barn, a new wastewater storage pond, a silage slab, a concrete processing pit, and a concrete manure stacking pad with mechanical separator all confined on 136 acres of dairy facilities, on 8 parcels totaling 971 acres.
2. The Meirinho Dairy Expansion project shall be located, developed and operated in a manner described on the approved plot plan, Nutrient Management Plan, Waste Management Plan, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project would be based on a written request of the applicant to the Planning Director.
3. All mitigation measures identified in the Environmental Impact Report are adopted and incorporated by reference as project conditions.
4. The project shall comply with all applicable regulations administered by the County Fire Department, Environmental Health Division, Planning & Community Development, and Public Works Departments.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$648** 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 obtain all necessary permits, and comply with all applicable regulations administered by Federal and State agencies.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Tony Meirinho 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 Tony Meirinho.

Tony Meirinho'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 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. Tony Meirinho 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/Roads Division

8. The applicant shall improve the existing access to the dairy facility from Healy Road, in accordance with either County Standard Drawing DW-04 or DW-04A. Applicant shall be required to obtain an Encroachment Permit from the County to perform said driveway improvements.

Fire Department

9. A site plan identifying fire department access roads, parking lots and water supply shall be submitted to the Merced County Fire Department for review and approval.
10. Fire apparatus access roads shall be provided, constructed and maintained as follows: The roads shall be provided within 150 feet of all portions of the exterior walls of the proposed building as measured by an approved route around the exterior of the building.

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The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Signs shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both. Red striping on the exterior boundaries of fire access roads shall be used to identify areas of roads and prohibit vehicle obstruction. The configuration of the fire apparatus access roads shall be indicated on the site plan and shall be approved by the Fire Department. Fire apparatus access roads shall not be blocked in any manner, including parking of vehicles. (CFC, Sections 503; and CV Section 22500.1)

11. For dead-end fire apparatus access roads in excess of 150 feet in length, and area for turning fire apparatus around shall be provided as approved by the Merced County Fire Department. Parking lots shall be provided with twenty-foot wide roads (CFC, Section 902.2.2.4, 503.2.5)
12. At the time of application for a Building Permit, a more in-depth plan review of the new supporting buildings' compliance with all current fire and life safety codes will be conducted by the Merced County Fire Department. (CFC, Section 105.2)
13. Additional water storage may be required for new construction.

Merced County Division of Environmental Health

14. The existing septic tanks and leach lines are to be unpaved, contain no structures, and be protected from compaction (vehicular traffic, etc.). Leach lines are not to be located in areas subject to flood irrigation. The leach line replacement area (100% of required existing leach field) is to be unpaved and contain no structures.
15. Provide to MCDEH with a plot plan showing all existing and proposed wells and existing and proposed septic systems, including 100% leach line replacement area for residences and 300% replacement area for the milk barn and any other non-residential septic system. Indicate which residences are served by which wells and the number of occupants of each residence.
16. Any hazardous material stored on-site over threshold quantities (55 gallons, 200 cu. ft., or 500 pounds) shall require that a Hazardous Materials Business Plan (HMBP) be filed with the Division of Environmental Health. Any quantity of hazardous waste generated on-site also requires that a HMBP be filed. The HMBP shall be submitted electronically.
17. The dairy operation shall comply with the Merced County Animal Confinement Ordinance as follows:
 - Salt and other mineral feed supplements shall be limited to that required to maintain animal health and optimum production according to the National Research Council standards.
 - Feed management/diet optimization plan.

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- The applicant shall provide a site plan demonstrating that all off-site residences are at least 1,000 feet from the active dairy facility.
- The applicant shall provide a vector (fly and mosquito) and odor control program to the Division to aid in evaluating manure storage practices.
- The California Regional Water Quality Control Board requires submittal of a Nutrient Management Plan (NMP) and a separate Waste Management Plan (WMP) for all dairies. CRWQCB requires submittal of a nutrient management report by July 1 of each year.
- An updated CNMP shall be submitted to Merced County whenever a dairy expansion occurs
- Updated waste management plans and nutrient management plans must be submitted to CRWQCB whenever a dairy expansion occurs or is proposed (15% or greater increase in the count of dry and milk cows combined in operating under General Order No. R5-2007-0035 or any increase in operating under a specific WDR). An updated nutrient management plan must be submitted when there is a reduction in land available for waste application. The Regional Board will required documentation that a 1.4 nitrogen ratio or lower) is obtainable for land application of total nitrogen.
- The applicant shall submit a signed copy of the most recent NMP and the most recent WMP reflecting the increase in facility footprint and number of cows.

Native American Heritage Commission

18. The applicant shall comply with all requirements contained in the letter dated July 14, 2009 (attached).

California Regional Water Quality Control Board

19. The applicant shall comply with all requirements and obtain any permits contained in the correspondence dated January 13, 2012 and February 20, 2013 (attached).

San Joaquin Valley Air Pollution Control Board

20. The applicant shall comply with all requirements and obtain any permits contained in the letters dated December 8, 2011 and March 21, 2013 (attached).

Final Environmental Impact Report Mitigation Measures

21. The following is a comprehensive list of CEQA Mitigation Measures that are contained in both the CEQA Findings of Fact and Statement of Overriding Considerations (SOC) and Mitigation Monitoring Reporting Program (MMRP) that are applicable to the Meirinho Dairy expansion project. The applicant shall be responsible to comply with all Mitigation Measures contained in the foregoing mentioned documents:

Air Quality

- AQ-3: Ozone precursor emissions from daily operations, farm equipment, and increased traffic, MMRP, page 2-1.

Biological Resources

- BIO-1a: Loss of foraging habitat for Swainson's hawk, MMRP, page 2-1 to 2-3.
- BIO-2: Loss of foraging and nesting habitat for sensitive bird species and migratory birds, including burrowing owl, MMRP, page 2-3.
- BIO-2a: Implement BIO-1, MMRP, page 2-3.
- BIO-2b: Pre-construction survey for burrowing owls, MMRP, page 2-3.
- BIO-2c: Avoidance measures for burrowing owl, MMRP, page 2-3 to 2-4.
- BIO-2d: Reduce impacts to active bird nests and reduce construction activities to interrupt breeding and rearing behaviors of birds, MMRP, page 2-4.
- BIO-4: Loss of habitat for the San Joaquin kit fox and/or American badger, MMRP, pages 2-4 to 2-6.
- BIO-5: Interference with night-active wildlife, MMRP, page 2-6.

Greenhouse Gases and Energy

- GHG-1a: Methane and CO₂ reduction, MMRP, page 2-7.
- GHG-1b: Machinery operation, MMRP, page 2-7.
- GHG-1c: Ruminant feed requirements, MMRP page 2-7.
- GHG-1d: Manure removal, MMRP page 2-7.
- GHG-1e: Manure incorporation into soil, MMRP page 2-7.
- GHG-1f: Completion of full energy audit, MMRP page 2-8.
- GHG-2: Implement GHG-1a through GHG-1f for wasteful and inefficient energy use, MMRP page 2-8.
- GHG-3: Implement GHG-1a through GHG-1f for increase in GHG emissions that would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, MMRP, page 2-8.

Cultural Resources

- CUL-2a: Discovery of unanticipated buried cultural or paleontological resources, MMRP, page 2-6.
- CUL-2b: Discovery of human remains, MMRP, page 2-6 to 2-7.

Hazards, Health Risks, and Vectors

- HAZ-2a: Preparation of a Vector Control Plan, MMRP, page 2-8.
- HAZ-2b: Contents of Vector Control Plan, MMRP, page 2-8.
- HAZ-2c: Payment for additional treatment required by Mosquito Abatement related to oversized wastewater holding pond and settling basin, MMRP page 2-8.
- HAZ-3: Contamination from manure pathogens at off-site locations as a result of project operations, MMRP, page 2-8 to 2-9.

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Hydrology and Water Quality

- HYD-1: Degradation of water quality due to stormwater runoff during project construction, MMRP, page 2-9.
- HYD-3a: Groundwater contamination from dairy expansion operations, MMRP, page 2-9.
- HYD-3b: Agronomic Rates for Best Management Farming Practices, MMRP, page 2-9.
- HYD-3c: Best Practical Treatment or Control Evaluation, MMRP, pages 2-10
- HYD-3d: Salinity Report, MMRP, page 2-10.
- HYD-3e: Shallow Groundwater Monitoring Wells, MMRP, page 2-10.
- HYD-3f: Well Monitoring Schedule, MMRP, page 2-10.
- HYD-3g: Groundwater Quality, MMRP, pages 2-11.
- HYD-3h: Planning & Community Development Inspection, MMRP, page 2-11.
- HYD-3i: Closures of lagoons or treatment ponds, MMRP, page 2-11
- HYD-7: Compliance With Merced County Well Ordinance, MMRP, page 2-11.

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 9:35 a.m.