

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF FEBRUARY 24, 2016**

---

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of February 24, 2016, are available online at [www.co.merced.ca.us/planning/plancomarchive.html](http://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 February 24, 2016, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

Commissioners Present:           Commissioner Mark Erreca - Chairman  
  Commissioner Greg Thompson - Vice Chairman  
  Commissioner Rich Ford  
  Commissioner Robert Acheson

Staff Present:                       Mark Hendrickson, Director  
  Oksana Newmen, Deputy Director Planning  
  Kim Lewallen, Recording Secretary

Legal Staff:                        Michael Linden, Deputy County Counsel

Commissioners Absent:           Commissioner Jack Mobley

**III. APPROVAL OF MINUTES**

**MOTION: M/S THOMPSON – FORD, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSIONERS APPROVE THE MINUTES FOR JULY 8, 2015; JULY 22, 2015; AUGUST 12, 2015 AND AUGUST 26, 2015.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.     CONDITIONAL USE PERMIT No. CUP15-020 - Frank Silva** - To bring into conformance an agricultural supplies and truck parking business for up to thirteen (13) trucks. The project site is located on the north side of West Williams Avenue, 1,600 feet east of North Faith Home Road in the Hilmar area. The parcel is designated Agricultural land use and zoned A-1 (General Agricultural). **JB**

**Recommendations: The actions requested are to:**

- 1) Find the project exempt from CEQA review under section 15061(b)(3) – “General Rule” of the CEQA guidelines. And;
- 2) Approve Conditional Use Permit No. CUP15-020 based on the project findings and subject to the recommended conditions of approval presented in the staff report.

Planner Jennifer Borobia presented the Staff Report and recommendations of approval dated February 24, 2016.

The public hearing opened at 9:04 a.m.

Mike Smith with Central California Permit Services, said the applicant Mr. Silva is available for any questions. He agrees with the 28 conditions in the staff report and asked for approval of this application.

**MERCED COUNTY PLANNING COMMISSION**  
**Minutes – February 24, 2016**  
**Page 2**

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

**MOTION: M/S THOMPSON - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP15-020, FROM CEQA.**

**MOTION: M/S THOMPSON – ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 24, 2016, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP15-020 SUBJECT TO THE 28 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Community and Economic Development Department

1. Conditional Use Permit No. CUP15-020 proposes establish an agricultural transportation business for up to thirteen (13) trucks to provide trucking and agricultural hauling services to nearby agricultural businesses, in accordance with the approved Plot Plan and Operational Statement.
2. The applicant shall provide thirteen (13) agricultural transportation spaces. These spaces shall be installed in accordance with the approved Plot Plan within one year of project approval.
3. This proposal does not include the construction of a sign. However, if the owner chooses to construct one he must comply with sign regulations under chapter 18.42 of the Merced County code.
4. Exterior lighting installed on the property shall comply with section 18.41.060 of the Merced County code. Lighting shall be designed in and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and shall be hooded and directed downward and away from adjoining properties and public rights-of-way.
5. The applicant 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** 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.
8. The applicant/owner shall obtain a Business License from the Community 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.
9. The applicant shall submit building permits to the Department of Public Works – Building Division to bring all unpermitted structures into conformance within 45 days from the issuance of this Conditional Use Permit.

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – February 24, 2016**

**Page 3**

County Counsel

10. INDEMNITY AND HOLD HARMLESS AGREEMENT:

FRANK SILVA 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 FRANK SILVA.

FRANK SILVA'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 FRANK SILVA, 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. FRANK SILVA 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.

Department of Public Health/ Division of Environmental Health

11. The applicant shall maintain an accurate hazardous material business plan with Merced County Division of Environmental Health and maintain compliance with all applicable material regulations. The applicant is required to file the HMBP within 30 days of CUP approval.
12. A permanent barrier shall surround each septic system. The barrier shall protect each septic tank and leach line area from vehicle traffic, parking, and any other soil-compacting activity.
13. The barrier for the house septic system shall be installed within 30 days of issuance of this CUP.
14. The barrier for the shop septic system shall be installed within 30 days of final approval by MCDEH of that septic system.
15. No recreational vehicle shall be occupied while on site.
16. Manure and other compostable materials shall not be stored on the site unless the appropriate permit is obtained from Merced County Division of Environmental Health.
17. The leach field replacement areas shall remain unpaved, contain no structure and not be under a permanent drive or parking area. Non-residential systems require a 300% leach field replacement area. Residential systems require 100% leach field replacement area.
18. The applicant shall obtain a permit from Merced County Department of Environmental Health for the septic system serving a restroom in the existing shop within 30 days of issuance of the Conditional Use Permit.

**MERCED COUNTY PLANNING COMMISSION**  
**Minutes – February 24, 2016**  
**Page 4**

19. The applicant shall submit a document to the Merced County Department of Environmental Health and a revised site plan indicating specific the location of septic tank(s) and all the leach lines for the house/business by licensed septic professional within 30 days of issuance of Conditional Use Permit.

Department of Public Works/ Roads Division

20. The applicant shall construct a paved agricultural driveway approach on Sixth Avenue to access the agricultural transportation area.
21. Applicant shall obtain an Encroachment Permit for the driveway before any construction begins.
22. Applicant shall maintain any and all storm water on-site.

Fire Department

23. Security gates shall be approved by the Fire Department
24. Applicant shall install and maintain a Merced County Coded “Knox” key switch or “Knox” padlock on security gate.
25. The applicant shall install Reflective Building Identification signs that meet Fire Department design specifications.
26. A bulk fuel storage tank replacement plan is required.

Department of Public Works/ Roads Division

27. All areas must be in compliance with regulations for disabled access. Including, parking, path of travel, any hallways, restrooms, and service counters, etc. This must be detailed on drawings and submitted for permit.
28. Existing restroom will need engineer or architect drawings to show it is in compliance for disabled access. Drawings must include the engineer or architect stamp and signature.

**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 9:07 a.m.