

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF MAY 11, 2016**

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The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of May 11, 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 May 11, 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 Jack Mobley  
  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:         None

**III. APPROVAL OF MINUTES**

None

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

- A.     **MINOR SUBDIVISION No. MS16-001 – Frank Ford** - To divide a 4.9 acre parcel into 2 parcels: Parcel 1 = 1.66 acres and Parcel 2 = 3.16 acres. The property is located on the north side of Bloss Avenue, 1800 feet east of Lander Avenue. The property is designated Hilmar Urban Community - Low Density Residential and zoned R-1 (Single Family Residential). **Continued from the April 13, 2016 hearing. JB****

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

- 1) Find the project exempt from CEQA review under section 15315, "Minor Land Divisions," of the CEQA Guidelines and;
- 2) Approve Minor Subdivision Application No. MS16-001 based on the project findings and subject to the conditions of approval presented in the Staff Report.

Planner Jennifer Borobia presented the Staff Report and recommendations of approval dated May 11, 2016.

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

No one spoke in favor or opposition to the application.

The public hearing closed at 9:06 a.m.

**MOTION: M/S THOMPSON - FORD, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION No. MS16-001 FROM CEQA.**

**MOTION: M/S THOMPSON - FORD, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED MAY 11, 2016, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES MINOR SUBDIVISION No. MS16-001 SUBJECT TO THE 11 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Community and Economic Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

Public Works Road Division

4. Right-of-Way dedication is required to fulfill the property owner's half of an 84 foot ultimate right-of-way on Bloss Avenue (per the Hilmar Community Plan):
  - a. Bloss Avenue has an existing 40 foot right-of-way, with 20 feet lying on the owner's side of the road centerline. The owners will need to dedicate an additional 22 foot right-of-way along the Bloss Avenue frontage of the property. However at this time, the dedication of only 10 feet right-of-way is required.
5. The Project site is subject to frontage improvements in accordance to the Merced County Improvement Standards and Specifications (curb and gutter, sidewalks) along Bloss Avenue. The applicant will need to enter into a Deferment of Construction Agreement to install the improvements at a later date:
  - a. The agreement will also include dedication of the remaining 12 foot right-of-way and a 10 foot public utility easement.

Fire Department

6. If a home or structure is located on the properties, the applicant shall install Reflective Building Identification that meets Fire Department Design Specifications.

Turlock Irrigation District

7. There is an irrigation pipeline belonging to Improvement District (ID) 79, the Ekstrom Ditch, located along the northern boundary of the subject property. A 15-foot wide irrigation easement (or PUE) adjoining the First Street right of way shall be dedicated for this pipeline.
8. A 25 foot wide irrigation easement shall be dedicated along the east line of the Proposed Parcel 2 for the benefit of Parcel 1. This easement could have a reversion clause that is triggered in the event that Parcel 1 abandons its right to utilize ID 790 in the future.
9. In order for the District to accept the necessary easement(s), the "Certificate of Acceptance" should appear on the acceptance documents as outlined in the comment letter submitted by the Turlock Irrigation District.

Hilmar County Water District

10. Any Hilmar Water District facilities or easements would need to remain intact or attached to each of the newly created parcels.

County Counsel

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

FRANK P. FORD 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 P. FORD.

FRANK P. FORD 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 FRANK P. FORD, 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 P. FORD 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.

- B. ADMINISTRATIVE PERMIT No. AA16-014 – Sikh Temple – Educational Center** - To convert a portion of an existing residence into a church. The project site is located on the north side of South Avenue, 250 feet west of Palm Street. The property is designated Delhi Urban Community - Low Density Residential land use and zoned R-1 (Single Family Residence). **JB**

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

- 1) Find the project exempt from CEQA review under Section 15303 (a) "New Construction or Conversion of Small Structures". And;
- 2) Approve Administrative Permit No. AA16-014 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 May 11, 2016.

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

Phyllis Warren, Delhi resident, said she has a traffic concern. She would like to keep the subject area as residential.

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Ramon Prado, Delhi MAC member, says he is in support of this project. Educating people on different religions is always a good thing. The issues brought up have solutions. This is a worship center, not an event center.

Randy Beard, Delhi resident, said he is in favor of this application. The different cultures are good and it teaches people to be good citizens.

Jeff West, neighbor near this project, says the applicant is already working on the converting of a portion of the church without approval. The traffic is bad in the area. The current permit allows for 25 cars only, but he has seen 50 cars on the property. He feels the property value will decrease. The lighting on the property is too bright at night and the landscaping is bad.

Commissioner Robert Acheson asked Mr. West if he has tried to meet with the property owners at all. Mr. West said yes, but over the fence only and no solutions have been made to the problems.

Humel Singh, former High School Administrator, clarified that the traffic is only Monday through Thursday. The members of the church contribute to Delhi. The most on the property at one time is 65 people. This is not an event center. Every member of the church is related by blood or marriage.

Commissioner Thompson asked the applicant if they have once a year open houses for the public to come and see what the church is all about.

Mr. Singh said they will hold once a year open house for the public to see what the church is all about. They live in peace, alcohol is not allowed and no partying. Traffic is not an issue.

Commissioner Ford said the traffic can be monitored better and there is a solution for the bright lights.

Somean Singh, son of Humel Singh, said the congregation is small. They hope to produce productive citizens. An open house would be good for the Community. A small bad group does not represent everyone.

Commissioner Greg Thompson added that the water and sewer capacity is not a Planning issue.

Commissioner Mobley said the traffic and light, number of vehicles is a Code Enforcement issue and can be monitored.

The public hearing closed at 9:40 a.m.

**MOTION: M/S THOMPSON - MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS ADMINISTRATIVE PERMIT No. AA16-014 FROM CEQA.**

**MOTION: M/S THOMPSON – MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED MAY 11, 2016 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES ADMINISTRATIVE PERMIT No. AA16-014 SUBJECT TO THE 16 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### **Conditions:**

#### Community and Economic Development Department

1. Administrative Permit No. AA16-014 proposes to convert a 1,075 square foot section of an existing 1,926 square foot residence into a church, and conversion of the existing garage into a kitchen in accordance with the approved Plot Plan and

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operational statement. Minor Modifications may be approved by the Director upon submittal of an acceptable application.

2. The applicant shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
3. For the purpose of conditions monitoring, an inspection fee in the amount of **\$243.00** shall be required. This fee shall be paid within 30 days of 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.
4. 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, Community and Economic Development, and Public Works Departments.
5. The applicant shall work with County staff to install adequate screening that meets Zoning Code standards.
6. The proposed church is limited to a maximum occupancy load of 100 people. The applicant must provide 25 and one ADA compliant parking space onsite parking spaces and one ADA compliant parking space to meet zoning code parking requirements.

### Turlock Irrigation District

7. Applicant shall submit plans detailing the existing irrigation facilities, relative to the proposed site improvements, in order for the District to determine specific impacts and requirements.
8. Any improvements to this property which impact irrigation facilities shall be subject to the District's approval and meet all District standards and specifications.
9. Developed property adjoining irrigated ground must be graded so that finished grading elevations are at least 6 inches higher than irrigated ground. A protective berm must be installed to prevent irrigation water from reaching non-irrigated properties.

### Public Works Department - Roads Division

10. Applicant shall provide free and sufficient parking on-site. No parking shall be allowed on South Avenue.
11. Any and all storm-water shall be maintained on-site.

### County Counsel

12. INDEMNITY AND HOLD HARMLESS AGREEMENT:

GURMEL SINGH 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 GURMEL SINGH.

GURMEL SINGH 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 GURMEL SINGH, 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. GURMEL SINGH 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 ADMINISTRATIVE PERMIT NO. AA16-014 approval, modification or denial.

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

Fire Department

13. The applicant shall comply with the following conditions of approval:
  - a. PDF of the site and floor plan are requested for Pre-Planning purposes. Pre-Planning improves Fire Department response in case of an emergency. These drawings shall include the following:
    - Location of all fire water systems, sources and devices
    - Location of all utilities
    - Location of fire extinguishers
    - Location and width of aisles
    - Location of exits
    - Exit access doors
    - Exit signs
    - Height/location of storage
    - Locations of hazardous materials
  - b. An evacuation plan for public accessible areas shall be submitted at the time of permit application if applicable.
  - c. An application for an Annual high Pile Storage Permit shall be submitted at the time of permit application (First year fee is included in review).
  - d. The applicant shall install reflective building identification that meets Fire Department Design Specifications. Contact the Fire Prevention Bureau for additional information.

Department of Public Works – Building and Safety Division

14. You must hire an architect or engineer licensed in the state of California to evaluate the building for the proposed use. Some of the items to be evaluated will be:
  - Size of the building based on the proposed use
  - Type of construction for the proposed use
  - setbacks from property lines and other structures for the proposed use and type of construction
  - Compliance with the California and Federal regulation regarding access for disabled use. That will include the parking, path of travel, entrances

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and exits, restrooms, any service counters, doorways, etc. This building will have to be in total compliance.

15. The submitted plans will be required to show the following:
  - Exiting Plan
  - Occupant Load with calculations
  - location and detail of any required fire separation between the occupancies
  - plumbing calculations for the required number of restroom fixtures.
  
16. The architect or engineer will need to provide any drawings and, if necessary, calculations for any work that is required to bring this building into conformance with the proposed use. Any work will require a building permit and plans are to be submitted in an electronic format on a CD/disk or flash/thumb drive.

**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 9:44 a.m.