

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF JULY 27, 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 July 27, 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 July 27, 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  
  Kim Lewallen, Recording Secretary  
  Brian Guerrero, Planner III  
  Steven Maxey, Planner III

Legal Staff:                     Roger Matzkind, Chief Civil Litigation

Commissioners Absent:         None

**III. APPROVAL OF MINUTES**

None

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.     CONDITIONAL USE PERMIT No. CUP16-006 – Joel Gomez – To bring into conformance an existing dairy equipment repair business, and allow a 375 square foot office building. The project site is located on the north side of W Liberty Avenue, 500 feet east of Arena Way, in the Livingston area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **PN****

**Recommendations: The actions requested are to:**1) Find the project exempt from CEQA under Section 15303(c) "New Construction or Conversion of Small Structures" of the CEQA Guidelines, and  
2) Approve Conditional Use Permit No. CUP16-006 based on the project findings and subject to the Conditions of Approval found in the Staff Report.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated July 27, 2016.

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

No one spoke in favor or opposition to the application.

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

**MOTION: M/S THOMPSON - FORD, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT NO. CUP16-006 FROM CEQA.**

**MOTION: M/S THOMPSON - FORD, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 27, 2016, AND MAKES THE PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES SUBJECT TO THE CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Community and Economic Development Department

1. Conditional Use Permit No. CUP16-006 is granted to bring into conformance an agricultural contractor facility for the purpose of repairing dairy equipment and to allow the construction of a 375 square foot office building on a 1.29 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. The applicant shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
4. 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.
5. 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.
6. 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.

County Counsel

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

Joel Gomez 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

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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 Joel Gomez.

Joel Gomez 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 Joel Gomez, 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. Joel Gomez will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause 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. CUP16-006 approval, modification, or denial.

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

### Department of Public Works/ Road Division

8. The Applicant is subject to Regional Transportation Impact Fees.

### Fire Department

9. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their back-ground. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of four inches high with a minimum stroke width of 0.5 inches. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

### Department of Public Health/ Environmental Health Division

10. The applicant shall obtain an accurate hazardous material business plan with Merced County Division of Environmental Health and maintain compliance with all applicable hazardous material regulations.
11. The facility and its drivers shall not transport hazardous waste material unless all required licenses and registrations have been obtained.

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12. The facility and its drivers shall not transport any hazardous material above threshold levels unless all required licenses and registrations have been obtained.

Department of Public Works/Building and Safety Division

13. You must hire an architect or engineer licensed by the State of California to draw the plans and provide any structural calculations for all proposed structures. The plans must be submitted to the Building Division for approval and a permit before any construction can begin. We require submittals to consist of: One set of all plans and calculations/reports in an electronic format. A flier is also included with this letter to detail the formatting of the electronic documents for submittal.
14. Obtain a soils report completed by a licensed geotechnical engineer.

Merced Irrigation District

15. The owner will not discharge any drainage water from the property into MID facilities

- B. MINOR SUBDIVISION APPLICATION No. MS16-007 - Matthew Kahl** - To subdivide a 74.34 acre parcel into two parcels, resulting in parcel sizes of: Parcel 1 = 34.04 acres and Parcel 2 = 43.30 acres, with no new homes proposed. The project site is located at the southwest corner of Plainsburg Road and Mariposa Way in the Merced area. The property 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 (CEQA) under Section 15315 “Minor Land Divisions” of the CEQA Guidelines, and
- 2) Approve Minor Subdivision Application No. MS16-007 based on the project findings and subject to the conditions of approval found in this Staff Report.

Planner Steven Maxey asked the Commission to continue this application to the August 10, 2016 meeting, due to an incorrect public notice being advertised.

The public hearing opened at 9:07 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:08 a.m.

**MOTION: M/S MOBLEY – THOMPSON, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONTINUED THIS APPLICATION TO THE AUGUST 10, 2016 PLANNING COMMISSION MEETING AND WILL READVERTISE THE PROJECT.**

**VI. COMMISSION ACTION ITEM (S)**

None

**VII. DIRECTOR'S REPORT**

None

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**VIII. COMMISSIONERS COMMENTS**

None

**IX. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:10 a.m.