

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF JUNE 25, 2008

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of June 25, 2008, 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 9:13 a.m., on June 25, 2008, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Lynn Tanner, Vice-Chairman
Commissioner Cindy Lashbrook
Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
William Nicholson, Assistant Development Services Director
Kim Anderson, Recording Secretary
Oksana Newmen, Planner II
James Holland, Senior Planner
David Gilbert, Senior Planner

Legal Staff: Fernanda Saude, Deputy County Counsel

Commissioners Absent: Commissioner Jack Mobley
Commissioner Steve Sloan-Chairman

III. APPROVAL OF MINUTES

M/S BUENDIA - LASHBROOK, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 28, 2008.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR SUBDIVISION APPLICATION No. MAS06-014 - "Weskamp Estates"- Richard Weskamp - To create a 12 lot single family residential subdivision being approximately one acre in size on a 14.2 acre parcel serviced by private wells and private septic systems. The project is located on the north side of Landram Avenue, and 240 feet east of Buhach Road in the Atwater area. The site is designated Atwater Rural Residential Center #1 land use in the General Plan and zoned A-R (Agricultural-Residential). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. ON**

Planner Oksana Newmen presented the Staff Report and recommendations of approval dated June 25, 2008.

Commissioner Lashbrook questioned one small parcel out in the area is zoned A-R and the rest is A-1. She asked what the history of that area is.

Bill Nicholson, Assistant Development Services Director, stated that there is a map from 1964 that shows when the zoning was changed in the McSwain Rural Residential Center which is from Buhach to the west, so there is an exception there. There was talk several years ago by several neighbors trying to get the Rural Residential Center expanded, but there wasn't enough support from all the landowners and the idea just dissolved.

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The public hearing opened at 9:20 a.m.

Garth Pecchenino, Fremming, Parsons & Pecchenino, stated that he has met all the conditions in the staff report and he asked for approval of this application.

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

Commissioner Lashbrook said by 2010 there will be a new landscape ordinance. When will the build up date be for this project?

Mr. Pecchenino said there are no plans or timeline to start building yet. Commissioner Lashbrook asked if they will be individual lots. Mr. Pecchenino said yes, they will be custom homes.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION PREPARED FOR MAJOR SUBDIVISION APPLICATION No. MAS06-014.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 25, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MAJOR SUBDIVISION APPLICATION No. MAS06-014 SUBJECT TO THE 31 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. A Final Map shall be recorded within two years of the Planning Commission approval date as required by the Merced County Subdivision Code.
2. This project shall comply with the applicable Standard Conditions in Planning Commission Resolution No. 97-1.
3. For the purpose of conditions monitoring, an inspection fee in the amount of \$228 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.
4. Pre-construction biological surveys, as outlined in the Mitigated Negative Declaration, shall be completed per California Department of Fish and Game requirements, and results of the surveys shall be forwarded to the County.
5. Applicant/property owner shall comply with all Federal, State, and Local agency regulations.
6. Due to the existence of an orchard and the potential conflict between adjacent agricultural uses and the urban development of the site, and the likely associated spraying of this longer term agricultural crop, a minimum six foot tall fence shall be built along the eastern property line of Lot 5, and the setback of the proposed residence on Lot 5 shall be set back at least 50 feet from the eastern property boundary.

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Public Works/Road Division

7. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and to install underground or relocate utilities and irrigation facilities.
8. Street names shall be approved by the Fire Department and the Department of Public Works with designations as required by Section 17.04.050.B of the Merced County Code.
9. Provide a letter from MID accepting storm drainage water from this proposed development into their facilities prior to recording the final map. The developer shall provide sufficient improvement security for alternative storm drainage discharge in case percolation fails to function to minimum County standards within two (2) years of project completion and acceptance.
10. Reconstruct existing vertical-faced radiuses at the new east-west road intersection with Buhach Road to conform to curb ramp details shown in Caltrans Standard Plan A88A.
11. Provide a Type II slurry seal on the existing Buhach Road pavement widening, along the east side of Buhach Road, from Landram Avenue to the north line of Lot 3 as shown on the map of Skyline Estates recorded in Volume 17 of Official Plats at Page 22, Merced County Records.
12. Provide all documentation and pay all fees associated with annexing the property into the Ranch Estates Lighting and Drainage Maintenance Zone of Benefit No. 237 prior to recordation of the final map.
13. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.
14. Provide centerline striping for those new roads which intersect the existing peripheral streets.
15. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
16. The project will be subject to Atwater RRC#1 Bridge and Major Thoroughfare Area of Benefit fees as adopted by the Board of Supervisors payable at building permit issuance.
17. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: stormwater@swrcb.ca.gov, or visit their website at www.swrcb.ca.gov.

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18. Developer/Applicant is advised that he/she may be obligated to comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District. Regulation VIII Record Keeping Forms and District Rules and Regulations may be obtained at www.valleyair.org or by calling (209) 557-6400.

Merced County Fire Department

19. Roads shall be a minimum twenty feet wide, and cul-de-sac bulbs are required to have a minimum forty-foot radius (see attached schematics).

Merced Irrigation District (MID)

20. If storm drainage is either directly or indirectly discharged into any MID facility, the owner must enter into a "Storm Drainage Agreement" or a "Deferred Fee Storm Drainage Agreement" with the Merced Irrigation District Drainage Improvement District No. I (MIDDID No. 1), paying all applicable fees.

Department of Toxic Substances Control (DTSC)

21. The site should be evaluated to determine whether pesticides were used on the site. The site should be evaluated to determine if and where storage, mixing, rinsing and disposal of pesticides may have occurred and whether contamination exists. If pesticides have historically been used on the property, the applicant shall test the site for environmentally persistent pesticides such as organic pesticides and metals prior to development. The results of any testing should be evaluated to determine if concentrations present in soils will be protective of residents and workers. Contact Tim Miles at DTSC at (916) 255-3710 for further information.

Mitigation Measures

22. **AR-1.** To compensate for the loss of 14.2 acres of Prime Farmland, the Project Applicant shall pay into a "farmland trust" fund that will acquire agricultural conservation easements to compensate for the land conversion. This will be completed prior to the recording of the final map. The farmland subject to the easements shall be of the same acreage and the same category of farmland (Prime Farmland), as identified by the latest FMMP report. (MM)
23. **BR-1:** If proposed project construction occurs during the nesting season for Swainson's hawk (March 1 - September 15), pre-construction surveys for active nests shall be conducted with 1/2 mile of the project site. If an active nest is located, CDFG shall be consulted to determine if project construction may proceed during the nesting season. Applicants must submit proof of CDFG consultation, in addition to survey results, to the Planning Department prior to the pre-job conference. (MM)

The nearest known occupied nest site is approximately three (3) miles northeast of the project site. Prior to project initiation, CDFG shall be consulted to determine whether there are active nests closer to the project site. If so, then mitigation for loss of foraging habitat shall occur in accordance with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994). Mitigation guidelines in this report are based upon project distance to the active nest tree.

If no additional active nests are identified, mitigation for loss of foraging habitat shall occur for the active nest located three miles northeast of the project site. For each acre of foraging habitat impacted, 0.75 acre of suitable foraging habitat shall be protected through fee title acquisition or through purchase of credits at an approved habitat mitigation bank. (MM)

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24. **BR-2:** P Pre-construction surveys for burrowing owl shall be conducted by a qualified biologist no more than 30 days prior to grading of the project site. In accordance with the CDFG Staff Report on Burrowing Owl Mitigation (Staff Report) (CDFG 1995), the surveys shall be conducted within the project site, and in areas within 500 feet of the project impact zone. If no suitable burrows are detected, no additional mitigation is required. If suitable burrows are detected, additional surveys shall be conducted after sunset and before sunrise to determine whether the burrows are occupied by burrowing owls. If burrowing owls are not detected, then no additional mitigation is necessary.
- If active burrows are detected, impacts may be avoided by restricting project activities to at least 160 feet from occupied burrows during the nonbreeding season (September 1 through January 31), or within 250 feet during the breeding season (February 1 through August 31). In addition, according to the California Burrowing Owl Consortium's (CBOC) and Mitigation Guidelines a minimum of 6.5 acres of foraging habitat shall be permanently preserved contiguous with occupied burrow sites for each pair of breeding owls or single unpaired resident birds.
- If avoidance is not possible, then owls shall be passively relocated from the project site outside of the breeding season (September 1 through January 31). Mitigation for loss of burrow habitat shall be implemented in accordance with the Staff Report, or with the CBOC's Burrowing Owl Survey Protocol and Mitigation Guidelines (CBOC 1993). The applicant shall submit copies of the biological surveys to the Planning Department prior to the pre-job conference, however if burrowing owls are not determined to be utilizing the site, then no further mitigation measures are required. (MM)
25. **BR-3:** Pursuant to the MBTA and CDFG Code, removal of any trees, shrubs or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions. If suitable nesting habitat must be removed during the nesting season, a qualified biologist will conduct a nesting bird survey to identify any potential nesting activity. If active nests are observed, construction activity must be prohibited within a 500-foot buffer around the nest until the nestlings have fledged. All construction activity within the vicinity of active nests must be conducted in the presence of a qualified biological monitor. Construction activity may encroach into the buffer area at the discretion of the biological monitor. (MM)
26. **BR-4:** A qualified biologist shall conduct an early evaluation in accordance with USFWS San Joaquin Kit Fox Survey Protocol for the Northern Range (Sacramento Fish and Wildlife Office [SFWO] 1999). The evaluation shall be submitted to SFWO and they will evaluate the information and determine whether the project site represents kit fox habitat, the quality of the habitat, and the value of that habitat to the recovery of kit fox. If it is determined that the project will not result in take, the project applicant may proceed with the project (pending receipt of all other applicable permits and/or mitigation requirements). Should SFWO determine that take will occur, then consultation shall be initiated with the applicant (Section 10 consultation) or with a federal permitting agency (Section 7 consultation). Mitigation requirements will be determined by results of the consultation, and shall be implemented prior to project initiation. The applicant will be required to submit results of the survey(s) to the County prior to the pre-job conference. (MM)
27. **Cultural-1.** A certified Archaeologist must conduct a pedestrian survey of the proposed Project Area, prior to groundbreaking, using transect intervals of 15 meters (50 feet), where feasible. During the survey, information concerning extant prehistoric and historic resources will be assessed and the general topography, geology, vegetation density, and other pertinent information will be noted. The pedestrian survey will serve to determine the presence/absence of archaeological resources within the proposed Project boundaries. The applicant will be required to

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provide copies of the survey to the Planning Department prior to the pre-job conference.

If potentially significant archaeological resources are discovered during ground-disturbing activities associated with construction of the proposed project, all work within 100 feet of the find shall stop until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate mitigation measures in consultation with Merced County and other appropriate agencies and individuals. If significant resources are discovered, a formal evaluation using CEQA criteria will be conducted to determine if further study, test excavations, or data recovery procedures are necessary. (MM)

28. **Noise-1.** The Applicant shall implement the following measures during project-related construction:

Construction activities shall be limited to between 7 a.m. and 6 p.m. Monday through Saturday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on Sundays and holidays.

Construction equipment noise shall be minimized by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer's specifications) and by shrouding or shielding impact tools.

Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby residences. (MM)

29. **Traffic-1.** The applicant shall provide a cul-de-sac bulb instead of temporary turnaround at dead-end street. (MM)
30. **Traffic-2.** Prior to completion of construction, the developer shall reconstruct existing vertical-faced radiuses at the new east-west road intersection with Buhach Road to conform to curb ramp details shown in Caltrans Standard Plan A88A. (MM)
31. **Traffic-3.** The applicant shall provide a Type II Slurry seal on the existing Buhach Road pavement widening, along the east side of Buhach Road, from Landram Avenue to the north line of Lot 3 as shown on the map of Skyline Estates recorded in Volume 17 of Official Plats at Page 22, Merced County Records. (MM)

- B. 2ND MODIFICATION No. MM08-007 TO CONDITIONAL USE PERMIT No. CUP05-022 - Leroy Inman** - To establish a farm equipment storage, sales and repair yard on property located at the southeast corner of Vassar Avenue and Highway 59 in the Merced area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. JH**

Planner James Holland presented the Staff Report and recommendations of approval dated June 25, 2008.

Cindy Lashbrook asked what relation Item B and Item C have on this Planning Commission agenda. Planner James Holland indicated that they share the same common boundary. Commissioner Lashbrook asked if a landscape condition could be considered for this application. Planner James Holland stated that it might be appropriate.

The public hearing opened at 9:38 a.m.

Mike Smith, CCPS, had a concern with Conditions #9 and #15, and does not want to make changes to them, but wanted to note that they will work with Public Works and the Fire Department on some possible minor modifications on how to handle those two conditions. He has no objection to a landscape condition if the Commission chooses to add a condition.

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Robert Lewis, Development Services Director, stated that there are landscape standards in the Zoning Code under Section 18.38. He asked Mr. Smith if he is proposing something in addition to what is in the Zoning Code. Mr. Smith said he is not proposing anything different. Mr. Lewis added that if the Commission wishes to add additional landscape standards, they could impose that on the applicants.

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

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS 2ND MODIFICATION No. MM08-007 TO CONDITIONAL USE PERMIT No. CUP05-022 FROM CEQA.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 25, 2008, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES 2ND MODIFICATION No. MM08-007 TO CONDITIONAL USE PERMIT No. CUP05-022 SUBJECT TO THE 16 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Minor Modification No. MM08-007 to Conditional Use Permit No. CUP05-022 is granted to establish an agricultural equipment sales yard, repair of agricultural equipment and farm equipment storage within a 23,000 sq ft building thereby replacing the previously approved agricultural pump company and dairy equipment storage and repair business.
2. The project shall be located in the manner as described in the submitted operational statement, the approved plot plan, submitted application and shall be subject to applicable conditions as previously approved for Minor Modification No. MM07-007 and Conditional Use Permit No. CUP05-022.
3. The hours of business operations shall be from 6:00 a.m. to 6:00 p.m., Monday thru Friday and having a maximum of six (6) employees.
4. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (attached).
5. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
6. The applicant shall stripe and sign the handicapped parking space shown on the site plan prior to issuance of a certificate of occupancy for the building.
7. Consistent with the requirements of the Merced County Airport Land Use Compatibility Plan, the property owner shall record a 'Right to Aviate' notice on the title of the property.
8. For the purpose of condition monitoring, an inspection fee in the amount of **\$228.00** shall be required. This fee shall be paid within 14 days of the approval date. Should additional inspections be necessary, inspection time shall be billed to the applicant at the established hourly rate at the time of the inspection.

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Public Works – Roads Division

9. The applicant shall construct a storm drainage basin and roadside ditches on the property. A driveway approach and 150 Watt streetlight shall be constructed at the access off Vassar Avenue. The driveway approach shall include widening of existing pavement at the frontage at the driveway access point. All improvements shall be constructed to the existing approved plans on file with Department of Public Works. It is recommended that the applicant consult Golden Valley Engineering for construction of the site. If modifications are made to the approved design or a new design is used, they shall be reviewed by the Department of Public Works for a fee of \$500. Encroachment permits are required for construction of improvements within Merced County right-of-way including installation of the driveway and streetlight. The applicant shall pay the necessary permit fees. All improvements shall be subject to review and approval by the Road Division prior to issuance of any building permit or occupancy of the existing building.
10. The applicant is advised that an access easement exists at the easterly boundary of the property. Developments on the property to the south will be required to construct a driveway approach and streetlight at the access point of the easement onto Vassar Avenue. This easement will be required to be improved to Merced County Fire Department standards. Developments on the subject property are required to coordinate development and onsite improvements with adjacent developments.

Environmental Health Division

11. Fuel storage and equipment repair related chemicals requires submittal and approval of a Hazardous Materials Business Plan. Contact Vickie Hayer of the Environmental Health Division (209 381-1094) for additional information.
12. The proposed operation will employ 6 people. Only 14 additional daily visitor vehicles are expected. A permit to operate a public water system will not be required unless the water system serves 25 or more people for a period of at least 60 days per year. Should this situation occur, apply to Merced County Division of Environmental Health for a permit.

Building and Safety Division

13. The building and parking lot are required to be fully handicapped accessible. You are required to hire a licensed engineer or architect to determine what changes, if any, are needed to comply. You also have the option to request a special inspection from the Building Department for the same purpose. Should you choose that option you will still be required to have an engineer or architect draw any plans needed. You must apply for a building permit before starting any construction.
14. The trash enclosure is required to be increased in size to accommodate recycling bins as well as the dumpster. You must be able to store recycling bins equal to 50% of the size of the dumpster that will be provided. This shall be shown and specified on the site plan.

Fire Department

15. The existing building shall be protected by an Automatic Engineered Fire Sprinkler System that shall meet current minimum NFPA 13 code standards. The automatic engineered fire sprinkler system shall be designed and installed by a licensed C-16 contractor. Submit plans, calculation and system component specifications to Merced County fire department for review and approval prior to the issuance of a building permit. The existing electrical system within the building shall be inspected by a licensed electrician prior to its use.

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16. The existing building shall be protected by an approved automatic electronic fire alarm system. The fire alarm system shall meet all the requirements of NFPA 72 for such systems and shall monitor water flow, main valve tamper, manual fire alarm boxes, strobes and horns. The fire alarm shall be monitored at an approved central station as specified in NFPA 72. Plans, specifications and listing numbers shall be submitted to the Merced County Fire Department for review and approval prior to installation of any portion of the fire alarm system. Plan check fees shall be assessed upon completion of review. (CFC, Section 907, CBC Standard 9-1).

C. CONDITIONAL USE PERMIT No. CUP08-004 - Laird Manufacturing - To allow the construction of a 22,400 square foot agricultural manufacturing building and related facilities on a 27.15 acre parcel. The project is located on the east side of Highway 59, 400 feet south of Vassar Ave in the Merced area. The subject property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner David Gilbert presented the Staff Report and recommendations of approval dated June 25, 2008.

Commissioner Tanner asked what will happen to the old facility. Planner David Gilbert said the applicant will not be renting out the facility.

The public hearing opened at 9:51 a.m.

Duane Andrews, Golden Valley Engineering, stated that they have outgrown the facility and are in need of more space. He felt that Condition #18, requested by Merced Irrigation District (MID), is not a fair condition. He says that they have the intention to dispose of the storm water on site, if they do dispose into the MID canal at a future date with more expansion, they would have to enter into an agreement with MID, and it would have to be pipelined. At this time they are not going to utilize it to dispose of the storm water. He would like to see that Condition say "pay half" the cost to pipeline the canal if they plan to utilize it. One party should not be responsible for 100% of pipelining the lateral.

Robert Lewis, Development Services Director, stated that the Condition has the and/or option which means do now or defer later. He suggested continuing this application so the applicant could meet with MID or if the applicant is comfortable with the condition wording today, then move forward.

Mr. Andrews indicated that he would like to move forward with this application if the Commission is not willing to change the condition.

Bill Nicholson, Asst. Development Services Director, stated that terminology has been added in the past to: "Meet the satisfaction of MID". He suggested modification to the condition from MID. Mr. Andrews said he is ok with that change.

Lee Kensler, applicant, stated that the current building has four owners and the building is not big enough. It would, in the future, be up for rent or for sale. At this point, they are not sure. The project is within the City of Merced limits.

The public hearing closed at 10:00 a.m.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP08-004 FROM CEQA.

MOTION: M/S LASHBROOK - BUENDIA, AND CARRIED BY A VOTE OF 3 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 25, 2008, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT No. CUP08-004 SUBJECT TO THE 20 CONDITIONS WITH A MODIFICATION BEING MADE TO CONDITION #18 – MID AS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit Application No. CUP08-004 is granted for the construction of an agricultural equipment manufacturing facility, which shall be located, developed, and operated in a manner as described on the approved plot plan, submitted application, and operational statement, consistent with the specific conditions provided in this approval. Minor modifications may be approved by the Planning Director.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. A Right-to-Farm Certificate shall be placed on the parcel map notifying the potential buyers of the resulting parcels that the property is in the vicinity of active farming operations and residents may be subject to inconveniences or discomforts resulting from the pursuit of agricultural operation, consistent with Ordinance No. 1213.
4. Three copies of a landscaping & irrigation plan prepared by a licensed landscape architect or contractor shall be submitted for review and approval prior to issuance of a building permit. Landscaping and irrigation shall be installed per the approved plans prior to final inspection or issuance of a Certificate of Occupancy.
5. The site shall be maintained in a neat and orderly manner at all times.
6. All signs shall be subject to the standards in Chapter 18.42 of the Merced County Zoning Code. The proposed pole sign shall not exceed 10 feet in height.
7. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the project site, and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area.

Environmental Health Division

8. The applicant shall submit for approval a plot plan showing the proposed well and septic system location, and the required replacement area for a commercial facility of 300%.
9. Approved nitrogen reducing sewage disposal systems shall be installed, and the facility shall be required to be in a Zone of Benefit for operation and maintenance of these systems.

Department of Public Works/Road Division

10. The applicant shall improve the access point off of Vassar Avenue with an industrial type driveway approach. This shall be done under an encroachment permit obtained from the Department of Public Works/Road Division and subject to inspection and approval by a Road Division inspector.

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11. A 150 watt streetlight shall be placed on the north side of Vassar Avenue across from the access point to the property. The light shall be installed to Merced County Standards and mounted on a metal pole and oriented over Vassar Avenue. This shall be done under an encroachment permit obtained from the Department of Public Works/Road Division and subject to inspection and approval by a Road Division inspector.
12. A storm drainage plan shall be prepared by a California Licensed Civil Engineer. The plan shall be submitted for review by the Department of Public Works. The plan and storm drainage calculations shall be approved by the Department of Public Works prior to issuance of any building permits.

Public Works/Building and Safety Division

13. Property owner/applicant shall submit plans to the Building Department for a permit prior to the start of any work. The plans for the buildings shall be completed by a licensed engineer or architect. Four sets of building plans and three sets of all calculations shall be submitted.
14. All areas shall be required to be handicap accessible and shown on the plans. This shall include any necessary parking spaces.
15. With the adoption of the new 2007 California Building Code on January 1, 2008, a soils report shall be done by a licensed soils engineer for all new construction. The soils engineer shall make sure to address liquefaction in the report. No plans shall be accepted and no permit shall be started without this soils report.

Merced Irrigation District (MID)

16. Any crossing over or under MID facilities shall require the appropriate crossing agreements or easements between MID and the property owner.
17. If storm drainage from this project is proposed to discharge into the Hartley Lateral, it shall require a "Subdivision Drainage Agreement" between the owner and the MID Drainage Improvement District No. 1, including all applicable fees.
18. Place the Hartley Lateral in an underground pipeline or another means to the satisfaction of MID and meet MID standards now or enter into a "Deferment of Construction Agreement" with MID to defer it until further development takes place or the property is sold.
19. A "Construction Agreement" between the property owner and MID shall be executed for any work associated with MID facilities.

San Joaquin Valley Air Pollution Control District

20. Applicant/property owner shall obtain any applicable permit from the San Joaquin Valley Air Pollution Control District prior to issuance of a building permit.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

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VIII. DIRECTOR'S REPORT

Robert Lewis, Development Services Director, reminded the Planning Commissioners that the Joint Study Session with the Board of Supervisors is Tuesday, July 1st at 1:30 pm.

The Villages of Laguna San Luis project will be brought back to the Commissioners for recommendations on the July 9, 2008 meeting.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:03 a.m.