

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF SEPTEMBER 28, 2011

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of September 28, 2011, 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 9:02 a.m., on September 28, 2011, 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 Mark Erreca
Commissioner Rich Ford
Commissioner Greg Thompson

Staff Present: Paul A. Fillebrown, Interim Development Services Director
William Nicholson, Assistant Development Services Director
Kim Anderson, Recording Secretary
Jeff Fugelsang, Planner III
Bob King, Senior Planner
Oksana Newmen, Planner III

Legal Staff: Marianne Greene, Deputy County Counsel

Commissioners Absent: Commissioner Jack Mobley

III. APPROVAL OF MINUTES

MOTION: ERRECA – THOMPSON, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE AUGUST 24, 2011 AND SEPTEMBER 14, 2011 MEETINGS.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT No. CUP11-006 – Ryan Cunha - To bring into conformance an agricultural contractor business within an existing facility on a 4.8 acre parcel for the purpose of servicing farm equipment. The property is located at 19705 W. August Road, one-quarter mile east of Lander Avenue (Highway 165) in the Hilmar area. The project site is designated Agricultural land use and zoned A-1 (General Agricultural). **Originally scheduled on the September 14, 2011 Planning Commission meeting. JF**

Recommendation: The actions requested are to:

- 1) Determine that the project is categorically exempt from CEQA review under Section 15301 of the CEQA Guidelines, and;
- 2) Approve Conditional Use Permit No. CUP11-006 based on the project findings, and subject to the conditions of approval presented in the Staff Report.

Planner Jeff Fugelsang presented the Staff Report and recommendations of approval dated September 28, 2011. He handed out a letter from the Law Office of Randy Thomas, stating they represent the applicants neighbor, Jerry Morrison.

Commissioner Greg Thompson asked if there was any resolution to the litigation that was brought to attention at the September 14th hearing.

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Marianne Greene, Deputy County Counsel, said the County Counsel's office did some research and the lawsuit was dismissed. It is a non-issue as far as deliberations go for the Planning Commissioners.

Commissioner Ford said the fax that was handed out states that this project is a construction manufacturing facility. He understood this is a repair facility.

Planner Jeff Fugelsang said staff reviewed the application and operation. There is pipe fitting taking place on site, but it is ag related and is not for urban land uses. The applicant does work for Hilmar Cheese, but it is all agricultural related.

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

Michael Smith, CCPS, accepts the conditions listed in the staff report and the owner is in attendance and available for any questions the Commission may have.

Jessie Hutto, Attorney at the Law office of Randy Thomas, said the applicant's employee said they are fabricating materials for the Hilmar Cheese plant. There is no fire sprinkler prevention in that building. Surrounding neighbors provided signatures asking to deny this application. There are multiple trucks coming in and out of the property and the street is narrow and creates a danger to the neighbors in the area.

Planner Jeff Fugelsang said this project was referred to the Fire Marshall. There is a condition that requires a 15,000 gallon on site water tank. The applicant and employees are parking along the street since there is not circulation on site. The plot plan shows the office building being relocated to allow for more parking. The inside of the facility has pipes but they are for agricultural purposes. The project was referred to Environmental Health and they submitted three conditions. San Joaquin Valley Unified Air Pollution Control District was also notified of this project but did not submit any comments.

Mr. Smith asked if the petition is the same one from the September 14th meeting. Some changes were made to the site plan that included moving the office to a different location.

Commissioner Ford asked Mr. Smith if he is in agreement with the three conditions that were added to the staff report. Mr. Smith said he read and agrees with the added conditions.

Jerry Morrison, neighbor, said the trucks are still being parked on the road. He hasn't seen any agricultural repairs going on in that building. He asked the Commission to deny this application.

The public hearing closed at 9:16 a.m.

Commissioner Thompson said the issues have been addressed and it seems the applicant is willing to remedy the parking situations.

Chairman Tanner asked when the mobile home office will be moved.

Planner Jeff Fugelsang said if this application is approved, the mobile home office will be moved within a few weeks.

Commissioner Thompson asked if the applicant has submitted a parking diagram.

Planner Jeff Fugelsang said yes, the parking will be along the building on the interior of the fence against the building, parallel parked and enough room for 10 vehicles. If more spaces are needed, there is room on the 5 acre site to increase parking.

Commissioner Ford said the location is better for processing equipment for the Cheese processing plant. He commended staff and feels the staff report addressed all issues.

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MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP11-006 FROM CEQA.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 28, 2011, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP11-006 SUBJECT TO THE 19 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit No. CUP11-006 is granted to bring into conformance an agricultural contractor business on a 25,200 square foot portion of a 4.8 acre parcel for the purpose of servicing farm equipment, in accordance with the approved Plot Plan and Operational Statement.
2. Only the servicing of agricultural equipment is permitted. The servicing of vehicles is prohibited.
3. The facility shall operate between the hours of 6:00 am and 5:00 pm, daily.
4. The applicant shall provide a minimum of nine (9) parking spaces.
5. Minor Modifications may be approved by the Planning Director upon submittal of an acceptable application.
6. The applicant shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
7. 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.
8. 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.

County Counsel

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

Applicant 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 Applicant.

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Applicant'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. Applicant 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.

Commerce Aviation and Economic Development Department

10. The business owner shall obtain a Business License from the Commerce Aviation 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.

Department of Public Health/ Division of Environmental Health

11. Any hazardous material *stored* on-site over threshold quantities (55 gallons, 200 cu. ft. or 500 pounds) requires that a hazardous material 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. An annual fee is charged for storing and for generating hazardous material. The fee is based on amount and type of hazardous material.
12. The existing facility's septic tank and leach line area 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.
13. The water to the fixtures in the restrooms may not be potable. A water test for nitrate should be done. If a test is not done or if the nitrate level still exceeds the MCL, the sinks in the restrooms should be labeled to identify the water as unsafe to drink. An alternate source of drinking water should be provided, such as commercially bottled drinking water.

Department of Public Works/ Roads Division

14. Applicant shall construct a rural agricultural driveway approach at its access onto August Road, in accordance with Chapter 7, Driveways, of the Merced County DPW Improvement Standards & Specifications. Said construction shall require an Encroachment Permit from DPW.

Turlock Irrigation District

15. An irrigation pipeline belonging to Improvement District 154B, the Palmquist, runs from east to west along the south side of August Road. At the northwest corner of the project site it runs south and runs along the full length of the west property line. The cost to repair any damage to the pipeline caused by the proposed use of the parcel will be the responsibility of the business owner.

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16. Electricity utility maps show existing overhead 115K V transmission and 12K W distribution lines along the south side of August Road. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

Fire Department

17. CALIFORNIA FIRE CODE FIRE-FLOW REQUIREMENTS FOR BUILDINGS: If a fire hydrant is not within 1000 feet from your structure, supplied by municipal water company is not available or if there is no existing approved on-site water storage. You will have to provide on-site water storage for fire protection. The minimum tank storage is 15,000 gallons for this project.

The gallons of water storage as per California Fire Code fire flow requirements have been reduced by using the standards based from NFPA 1142 "Water supplies for suburban and rural fire fighting".

TANK SPECIFICATIONS: All Water supply connections, hydrants, or risers shall be located not more than 250 feet from any point of the building. Water storage tanks shall be clearly marked "Water" or "H₂O", with any Fire Department Connection marked "Fire Department" and shall be accessible at all times. Water storage tanks shall have a water level indicator visible from the nearest outlet, filled automatically, and shall be adequately vented for drafting.

Tanks shall have a 4 ½" male outlet with "National Standard Threads", is clearly marked "Fire Dept." and shall be accessible at all times. Water supply connections on gravity systems shall also be marked "DRAFT". Hydrants, risers and tanks shall be a minimum of 25 feet from all significant buildings. Water supply connections shall be parallel to grade and 18-30" above grade measured from the center of the connection.

For more specifications and verification of your water supply and or water storage tank installation, please contact our office prior to construction.

18. ACCESS: All driveways accessing the parcel shall be surfaced with an approved all weather driving surfacing material. Shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (CFC Sec. 503)

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. (CFC 503.2.1)

If Security gates are installed they shall be approved by this office. As required, including the installation of a Merced County coded "Knox" key switch or "Knox" padlock, whichever is most appropriate in relation to your needs. (CFC Sec. 506)

Address numbers shall be displayed on the building in such a manner to be visible from the street or road on which the building or land fronts. In addition, Where the building is located more than 50 feet from the main roadway, the number shall be displayed at the entrance of the driveway and be readable from both directions. The minimum size of letters, numbers, or symbols for addresses shall be four-inches high with a minimum stroke width of ½". With contrasting background color of the sign or structure on which it is displayed. All numbers or signs shall be maintained in a neat and orderly manner so as to remain readable. (CFC Sec. 505)

19. ABOVE GROUND FUEL TANKS: Any existing or new above ground fuel tanks on site shall be permitted with this office. Including the Merced County Buildings & Safety Division & Merced County Environmental Health Department. If there are no current building permits for existing fuel storage tanks you will be required to apply for the proper permits regarding tank construction and location.

Above ground tanks shall be located and protected in accordance with the requirements for outdoor storage of that particular material involved. (CFC 2703.2.4.2) Any flammable and combustible liquids stored or dispensed on site shall conform to the California Fire Code Section 3401 and its entirety.

- B. CONDITIONAL USE PERMIT No. CUP11-007 - AAA Truck Wash - Tarlochan Sohal - To establish a truck wash and light maintenance facility on a 1.9 acre parcel located on the south side of Plaza Drive, 600 feet west of Hwy 33 in the Santa Nella area. The property is designated Santa Nella SUDP Commercial and zoned C-2 (General Commercial). **Originally scheduled on the September 14, 2011 Planning Commission meeting. BK****

Recommendation:

- 1) Determine the project is exempt from CEQA under Section 15183, Projects Consistent with a Community Plan or Zoning, of the CEQA Guidelines, and;
- 2) Approve Conditional Use Permit No. CUP11-007 based on the project findings and subject to the recommended conditions of approval of the Staff Report.

Planner Bob King presented the Staff Report and recommendations of approval dated September 28, 2011.

The public hearing opened at 9:26 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:27 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT No. CUP11-007 FROM CEQA.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 28, 2011 AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP11-007 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Conditional Use Permit No. CUP11-007 is granted to construct and operate a truck wash along with an ancillary tire and lube shop, excepting the future coffee shop, in accordance with the approved Operational Statement and Plot Plan (Attachments 2 and 3). Minor Modifications may be approved by the Planning Director upon submittal of an acceptable application.
2. 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 at the hourly rate at the time of the inspection.
3. The applicant shall comply with all of the applicable standard conditions of approval listed in the Planning Commission Resolution No 97-1.
4. The project is subject to all applicable Local, State and Federal regulations.

County Counsel

5. INDEMNITY AND HOLD HARMLESS AGREEMENT:

AAA TRUCK WASH, LLC has the contracted duty (hereinafter "the duty") to indemnify, defend and hold harmless, County, its Board of Supervisors, commissions, officers, employees, agents and assigns (hereinafter "COUNTY") from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, expert witness and consultant fees and other costs 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 AAA TRUCK WASH, LLC. AAA TRUCK WASH, LLC 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 AAA TRUCK WASH, LLC its employees, subcontractors, agents, and officers. The duty shall extend to any allegation or 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 notice of filing a lawsuit, claim, petition, or allegation of liability against COUNTY. Applicant will on request and at its expense, defend any action suit or proceeding arising hereunder. This clause and shall not be limited to any claim, petition, demand, liability, judgment, award, interest, attorney's fees, expert or consultant witness fees, legal research fees, staff and administrative costs, administrative record costs, materials, and costs 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, including but not limited to actions arising from public interest, land use and environmental legal actions, brought against the COUNTY following CONDITIONAL USE PERMIT NO. CUP11-007 approval, modification, denial, or the exercise or exhaustion of administrative appeals. Attorney's fees shall include any and all attorneys fees but not be limited to attorneys fees and staff time incurred by the offices of COUNTY counsel. COUNTY shall have full discretion to select legal counsel of its own choosing to represent COUNTY, at a cost not exceeding the prevailing and reasonable rates for counsel practicing environmental and land use law in the State of California, or practicing any other area of law that the COUNTY determines the Claim may reasonably require. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

Department of Public Health/ Environmental Health Division

6. Any hazardous material stored on-site over threshold quantities (55 gallons, 200 cu. Ft. or 500 pounds) requires that a hazardous material business plan (HMBP) be filed with the Division of Environmental Health.
7. Any quantity of hazardous waste generated on site also requires that an HMBP be filed.
8. New and updated HMBPs must be submitted electronically to MCDEH.
<http://cupa.co.merced.ca.us>
9. TIRES (USED/WASTE), WASTE TIRE HAULERS: Facilities generating, hauling or engaged in end-use activities related to used/waste tires must comply with the California used tire/waste tire manifest program.
 - Obtain a Letter of Exemption to haul tires yourself to an approved waste tire disposal facility OR

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- Obtain a Tire Program Identification Number (TPID #) and use a State registered waste tire hauler to dispose of the tires. Contact: California Department of Resources, Recycling and Recovery (formerly CIWMB) www.calrecycle.ca.gov/tires/haulers/ or toll-free tire hotline at (866) 896-0600 to obtain tire program information and a TPID # for your facility.
10. After proper disposal, disposal receipt(s) must be provided to MCDEH. Contact: MCDEH (Esperanza Clark) at (209) 381-1051

San Joaquin Air Pollution Control District (SJVAPCD)

11. Prior to issuance of Building Permits the applicant shall demonstrate compliance with District Rule 9510 (indirect Source Review) and payment of applicable fees to the SJVAPCD.
12. The applicant is required to comply with District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, slow Cure, and Emulsified Asphalt, Paving and Maintenance.)

- C. MAJOR MODIFICATION No. MM05-020 TO CONDITIONAL USE PERMIT No. CUP3554 - Calaveras Material Inc., Applicant** - To modify the existing Conditional Use Permit and amend the Reclamation Plan by modifying the vegetation plan to reflect existing oak woodlands and revegetation through natural recruitment and to reduce the number of acres reclaimed to farmland from 35 acres to 28.86 acres The project site is located on the south side of Highway 59 and one mile west of Snelling Road in the Snelling area. The property is designated as Agricultural in the General Plan and zoned A-2 (Exclusive Agricultural). **ON**

Recommendation: The actions requested are to:

- 1) Determine that the project is consistent with the previously approved Mitigated Negative Declaration prepared for Conditional Use Permit No. CUP3554 in accordance with Section 15074 of the CEQA Guidelines, and;
- 2) Approve Major Modification No. MM05-020 based on the project findings, and subject to the conditions of approval presented in the Staff Report.

Planner Oksana Newmen presented the Staff Report and recommendations of approval dated September 28, 2011.

Commissioner Thompson asked if this application was circulated to the Fish & Game Department.

Planner Oksana Newmen said it was not circulated to Fish & Game since this application is a minor modification and it wasn't deemed necessary.

The public hearing opened at 9:36 a.m.

Terry Marshall, Land Manager for Calaveras Material Inc., said the staff report is good and he is available to answer any questions the Commission may have.

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

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THE MITIGATED NEGATIVE DECLARATION FROM 1992 AS BEING VALID FOR MAJOR MODIFICATION No. MM05-020 TO CONDITIONAL USE PERMIT No. CUP3554.

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MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED SEPTEMBER 28, 2011 AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MAJOR MODIFICATION No. MM05-020 TO CONDITIONAL USE PERMIT No. CUP3554 SUBJECT TO THE 3 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning and Community Development Conditions:

1. Major Modification No. MM05-020 to Conditional Use Permit No. CUP3554 is granted to amend the Reclamation Plan to revise the vegetation plan to reflect existing oak woodlands and natural riparian vegetation recruitment in lieu of planting 1,415 oak trees along the benches of the ponds and to modify Condition of Approval No. 3 to change the acreage reclaimed to farmland from 35 acres to 28.86.
2. All conditions of approval and mitigation measures from Conditional Use Permit No. CUP3554 shall remain in effect and in force.

County Counsel

3. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Calaveras Materials Inc. 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 Calaveras Materials Inc..

Calaveras Materials Inc.'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 Calaveras Materials Inc., 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. Calaveras Materials Inc. 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.

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VI. GENERAL BUSINESS

A. Community Planning in Merced County – Progress, Process, and Opportunities JH

James Holland gave a brief update on the Community Plans for Winton and Le Grand.

Interim Director Paul Fillebrown thanked Bob King and James Holland and various staff members for hands on Planning and having an interest in the Community Planning.

Bill Nicholson, Asst. Development Services Director, said there is a Merced County General Plan EIR Scoping Meeting today from 2-4pm for Agencies and from 6-8pm for public comment.

VII. DIRECTOR'S REPORT

None

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:50 a.m.