

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF MARCH 26, 2014

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of March 26, 2014 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 9:00 a.m., on March 26, 2014 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 Jack Mobley
 Commissioner Greg Thompson
 Commissioner Mark Erreca
 Commissioner Rich Ford

Staff Present: Mark Hendrickson, Director
 William Nicholson, Assistant Director
 Ana Muniz-Laguna, Recording Secretary
 Jeff Fugelsang, Planner III

Legal Staff: Trevor Finneman, County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

MOTION: M/S MOBLEY - ERRECA, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVE THE MINUTES FROM THE FEBRUARY 26, 2014 HEARING.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MAJOR MODIFICATION No. MM13-012 TO CONDITIONAL USE PERMIT No. CUP07-030 – Casper Noz -To increase the number of events from six to 48 per year and increase the capacity of each event from 200 to 250 occupants at an existing private recreational facility. The property is located one-quarter mile south of Keyes Road and two miles east of Bledsoe Road in the Snelling area. The project site is designated Agricultural land use and zoned A-2 (Exclusive Agricultural) **JF**

Recommendations: The actions requested are to:

- 1) Recommend to the Board of Supervisors adoption of the Mitigated Negative Declaration; and;
- 2) Recommend to the Board of Supervisors approval of Major Modification No. MM13-012 to Conditional Use Permit No. CUP07-030 based on the project findings, subject to the conditions of approval and mitigation measures and remove the project site from the Williamson Act Agricultural Preserve.

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Commissioner Ford recused himself from Staff's presentation and voting due to a possible conflict of interest and stepped out of the room.

Jeff Fugelsang, Planner III, gave a PowerPoint presentation and summarized the Staff Report.

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

Mr. Casper Noz, applicant, stated he was available to answer any questions from the Commission. He further expressed that he hopes the increase of events at the Castle will help fund the project and increase some revenue.

Commissioner Thompson asked what type of events would be held at the project site.

Mr. Noz replied that it will mostly be used for Weddings and possibly an Organic Dairy Luncheon once a year.

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

MOTION: M/S MOBLEY-ERRECA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE MITIGATED NEGATIVE DECLARATION; AND

MOTION: M/S MOBLEY-ERRECA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF MAJOR MODIFICATION No. MM13-012 TO CONDITIONAL USE PERMIT No. CUP07-030 BASED ON THE 11 PROJECT FINDINGS, SUBJECT TO THE 10 CONDITIONS OF APPROVAL AND MITIGATION MEASURES AND REMOVE THE PROJECT SITE FROM THE WILLIAMSON ACT AGRICULTURAL PRESERVE.

Community and Economic Development Department

1. Major Modification No. MM13-012 to Conditional Use Permit No. CUP07-030 is granted to increase the number of events from six (6) to 48 per year, with no seasonal restrictions, and increase the capacity of each event from 200 to 250 occupants at an existing private recreational facility, in accordance with the approved Plot Plan and Operational Statement.
2. Minor Modifications to this permit may be approved by the Community and Economic Development Department Director upon submittal of an acceptable application.
3. All conditions of approval for Conditional Use Permit No. CUP07-030, with the exceptions of the ones modified by this project, shall remain in effect.

County Counsel

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

Casper Noz 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,

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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 Casper Noz.

Casper Noz'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 Casper Noz, 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. Casper Noz 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.

Department of Public Health/ Environmental Health

5. Domestic Water
 - 25 or more persons shall not be at the facility on 60 or more days per year.
 - If any plumbing fixture providing water is available to attendees, the water must be demonstrated to be potable analyses by a qualified laboratory. Samples shall be collected by a qualified person. Samples shall be collected quarterly for bacteria, annually for nitrate, and every three years for nitrite. Reports of analyses shall be provided to the Planning Department as soon as available.
6. On-Site Septic Systems
 - On-site septic systems (tank and leach lines) are required for permanent restrooms.
 - Pit toilets or toilets with holding tanks are not allowed.
 - All septic tanks and sumps shall be protected from flooding and rated for truck traffic or protected from all traffic. All leach fields shall be unpaved, contain no structures, and be protected from flooding and compaction (vehicular traffic, parking, etc.). The leach line replacement area (non-residential: 300% of required leach field) is to be unpaved and contain no structures.

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7. Portable Restrooms
 - Portable restrooms, in adequate numbers, shall be available for sponsors and attendees to use during the entire event, including preparation and cleanup.
 - Portable restrooms shall not be on the property sooner than three days prior to the event and shall be removed from the property not later than three days after the event.
 - Portable restrooms shall have a self-closing door – tightly fitted to the door frame when closed. All other openings shall be screened to reduce fly access.
 - Portable restrooms shall be accompanied with an adequate number of handwashing stations, provided with clean, running water (pumped or gravity fed is allowed), hand soap, and paper towels. Handwashing wastewater shall drain to a sewer, on-site septic system or appropriate holding tank. If a separate handwashing wastewater tank is used, the waste water tank capacity should exceed the capacity of the freshwater tank.
 - Portable restrooms and any associated handwashing stations shall be lighted between sunset and sunrise if the portable restrooms are available for use during that time.
 - Fresh water in the handwashing station tank shall have a free-chlorine concentration of 1 to 10 ppm at the time of filling or refilling the tank. Adding 1 teaspoon of 5% household bleach to every 5 gallons of water will provide the required concentration.

8. Food Facilities
 - The applicant shall provide no food to event attendees, nor shall he perform any food preparation for attendees, without first obtaining the appropriate food facility permit(s) from MCDEH.

Department of Public Works/ Building and Safety

9. Restrooms shall be ADA accessible and two water fountains shall be provided.

CEQA Mitigation Measures

10. The following is a comprehensive list of CEQA Mitigation Measures applicable to the project and are contained in the Mitigation Monitoring and Reporting Program (MMRP). These measures are incorporated by reference into the Conditions of Approval. The applicant shall be responsible to comply with all Mitigation Measures as referenced herein:

Air Quality

AIR -1: Dust control measures during activities.

Transportation

TRANS-1: Provide adequate free parking and a paved driveway approach.

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

Mr. Hendrickson publicly acknowledged Mr. Bill Nicholson, Assistant Director, and thanked him for the 31 years of service to Merced County and announced that he will be retiring. Mr. Nicholson thanked the Commission and gave them all a copy of the printed General Plan Update.

VIII. COMMISSIONERS COMMENTS

Chairman Tanner congratulated Mr. Nicholson and appreciated him for his many years of service to the Planning Commission and for all of his work.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:14 a.m.