

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF NOVEMBER 18, 2015

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of November 18, 2015, 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 November 18, 2015, 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

Director Mark Hendrickson introduced new Planner III Steven Maxey.

III. APPROVAL OF MINUTES

MOTION: M/S THOMPSON – MOBLEY, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FOR JANUARY 14, 2015; JANUARY 21, 2015; JANUARY 28, 2015; FEBRUARY 25, 2015; MARCH 11, 2015; MARCH 25, 2015; APRIL 8, 2015; APRIL 22, 2015.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

**A. CONDITIONAL USE PERMIT No. CUP07-006 - Church of God In Christ Mennonite - To construct an 11,000 square foot worship hall and 12,000 square foot school multipurpose building at an existing parochial school. The property is located on the east side of Central Avenue and 800 feet north of Walnut Avenue in the Winton area. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural).
ON**

Recommendations: The actions requested are to:

- 1) Recommend the Board of Supervisors adopt the Initial Study/Mitigated Negative Declaration based upon the CEQA findings listed in the Staff Report, and;
- 2) Recommend the Board of Supervisors approve Conditional Use Permit No. CUP07-006, including cancellation of the Williamson Act contract, based on the findings and subject to the conditions of approval listed in the Staff Report.

Deputy Director of Planning Oksana Newmen presented the Staff Report and recommendations of approval dated November 18, 2015.

Commissioner Thompson noticed that the building constructed on this property previously was subdivided by a lot line adjustment.

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Ms. Newmen said there was a series of lot line adjustments. The attempt was to try and work with the Williamson Act Contract and unfortunately there was a misinterpretation of how we thought we could help and it didn't affect anything. The department has been working back and forth with the Department of Conservation and there is a evaluation being completed by the Assessors office and forwarded to the Dept. of Conservation for review and comment and communication has been on-going.

Mr. Thompson asked if a right-to-farm statement was included in any of the recording material? Ms. Newmen said it is not a standard condition for a PLA.

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

Duane Andrews with Golden Valley Engineering and representing the applicant, said Mr. Koehn, one of the applicants is in attendance and he thanked Oksana Newmen for her work on this project and he asked for support of the application.

The public hearing closed at 9:13 a.m.

MOTION: M/S THOMPSON - FORD, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS CONDITIONAL USE PERMIT NO. CUP07-006 FROM CEQA.

MOTION: M/S THOMPSON – FORD, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 18, 2015, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES CONDITIONAL USE PERMIT NO. CUP07-006 SUBJECT TO THE 27 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Community and Economic Development Department

1. Conditional Use Permit No. CUP07-006 is approved to construct an 11,000 square foot church and an approximately 12,000 square foot multi-purpose room at the existing school facility located on a 6.33acre parcel..
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 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 at the established hourly rate at the time of the inspection.
5. The project is subject to all applicable Local, State and Federal regulations.

Fire Department

6. CAD files of the site and floor plans are requested for Pre-Planning purposes. Pre-Planning improves Fire Department response in case of an emergency. These drawings shall include the following:
 - a. Location of all fire water systems, sources and devices
 - b. Location of fire extinguishers
 - c. Location and width of aisles
 - d. Location of exits
 - e. Exit access doors
 - f. Exit signs
 - g. Height of storage
 - h. Locations of hazardous materials
7. In order to make a more thorough determination of your Fire Suppression/Protection requirements, plans must be submitted for plan review.
 - a. Submit all Fire Suppression/Protection Plans to the Building Division service counter.
8. An exit/evacuation plan for public accessible areas shall be submitted at the time of permit application.
9. An application for an Annual Assembly Occupancy Permit shall be submitted at the time of permit application. (First year fee is included in review)
10. The applicant shall install Reflective Building Identification that meets Fire Department Design Specifications. Contact the Prevention Bureau for additional information.
11. If security gates are installed they shall be approved by the Fire Department.
 - a. As required, the applicant shall install and maintain a Merced County Coded “Knox” key switch or “Knox” padlock, whichever is most appropriate in relation to your needs.

Building Department

12. You must hire an architect or engineer licensed in the state of California to draw the plans and provide any structural calculations for the proposed shop. 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:
 1. 2 sets of plans and 2 sets of calculations/reports on paper
 2. 1 set of all plans and calculations/reports in an electronic format (either on CD/Disk, flash drive, or e-mail).
13. California requires that all proposed non-residential structures must first obtain a soils report completed by a licensed geotechnical engineer. That report must be reviewed by the design engineer to incorporate any mitigating measures into the design drawings.

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14. The proposed work at this site will require all structures to be fully accessible, including the site designated parking and path of travel to all areas on site and public transit (if available).
15. Each structure such as classrooms, spectator seating at the sports areas, offices, etc. must have their own submittal and building permit. We would prefer to have a meeting with representatives when the project is closer to the actual construction phase to ensure that everything is submitted properly. It is our hope that this will enable the process to move forward without avoidable delays.

County Counsel

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

Church of God in Christ Mennonite, 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 Church of God in Christ Mennonite.

Church of God in Christ Mennonite'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 Longview Mennonite School, their 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. Church of God in Christ Mennonite, will on request and at their 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 CONDITIONAL USE PERMIT NO. CUP07-006, approval, modification, or denial.

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

Division of Environmental Health

17. The kitchen shall be operated under a food facility permit issued by Merced County Division of Environmental Health (MCDEH).

18. All septic tanks shall be protected against flooding. All septic tanks, sumps, risers, and lids shall be rated for truck traffic unless protected from traffic. The leach field associated with this application shall be unpaved, contain no structures, and be protected from flooding and compaction (vehicular traffic, parking, etc.).
19. The leach field replacement areas (300% of required leach) shall remain unpaved, contain no structure, and not be under a permanent drive or parking area.
20. The progress in obtaining the necessary public water system permit amendments shall be deemed acceptable to State Water Resources Control Board, Division of Drinking Water prior to issuance of any related building permit and again prior to any building permit final inspection.

Public Works

21. The project site lies within an MS4 area and it shall comply with the “Regulation of Stormwater” ordinance. Due to the construction and/or replacement of more than 5,000 sq. ft. of impervious surfaces, this project is categorized as a Regulated Project and implementation of Low-Impact Development design is required (Section 9.53.030-A.3.b).
 - a. Engineer shall submit a Post-Construction Water Balance Calculator spreadsheet for this project. The spreadsheet can be found on the State Water Resources Control Board website under the Stormwater Program.
22. Applicant shall submit site grading plans which include an Erosion and Sediment Control Plan to the Department of Public Works for review.
23. An Encroachment Permit shall be applied and paid for with the Road Division for the construction of the proposed driveway approaches.

Merced Irrigation District (MID)

24. If storm drainage is to be directed to any MID facility, owner/applicant must enter into a “Storm Drainage Agreement” with the Merced Irrigation Drainage Improvement District No. 1 (MIDDID No. 1), paying all applicable fees. MID will not guarantee available drainage capacity within said laterals. Any facility upgrades needed to accommodate storm drainage from subject parcel will be at the owner’s expense.

San Joaquin Valley Air Pollution Control District

25. The proposed project may be subject to 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 Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District’s Small Business Assistance Office at (559) 230-5888. Current District Rules

can be found online at www.valleyair.org/rules/1ruleslist.htm.

26. The applicants are subject to District Rule 9510, and must submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Contact APCD staff at (559) 230-6000 for more information.

Mitigated Negative Declaration

27. All 11 mitigation measures as provided in the Mitigated Negative Declaration and associated Mitigation and Monitoring Report Program shall be complied with:

Aesthetics:

Aesthetics - 1 - Provision of architectural materials and roofing materials that are non-reflective and of muted earth tones

Aesthetics - 2 – Plant water conserving plants to soften view; landscaping plan required

Agriculture

Agricultural -1 – Plant landscape buffer between facility and adjacent farmland

Air Quality

Air Quality -1 – Measures for reducing construction emissions

Cultural Resources

Cultural Resources – 1 – Cease work and contact the County if archaeological or human remains are encountered

Geology

Geology and Soils -1 – soil balance information and erosion control

Greenhouse Gases

Greenhouse Gases – 1 – Provide bicycle facilities

Greenhouse Gases – 2 – Provide safe and adequate bicycle access

Greenhouse Gases – 3 – Buildings shall meet California Green Building Code Tier 1 standards

Noise

Noise -1 – Limit construction to between 7:00am and 6:00pm Monday through Friday, with limited weekend construction

Noise -2 – Reduce daytime noise by using noise control features as feasible, locating noise sources as far from sensitive receptors as feasible

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

Director Mark Hendrickson acknowledged Planning Technician Al Gray for his 25 years of service to Merced County.

There will not be a Planning Commission meeting on December 2, 2015.

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:17 a.m.