MERCED COUNTY PLANNING COMMISSION MINUTES FOR MEETING OF MAY 27, 2009

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of May 27, 2009, 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 9:05 a.m., on May 27, 2009, 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 - Vice Chairman

Commissioner Mark Erreca

Commissioner Cindy Lashbrook - Arrived at 9:11 a.m.

Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director

William Nicholson, Assistant Development Services Director

Crystal Guerrero, Recording Secretary

Dave Gilbert, Senior Planner

Legal Staff: Bob Gabriele, Deputy County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

M/S MOBLEY/ERRECA, AND CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION APPROVED THE MINUTES OF JANUARY 14, 2009 AND JANUARY 28, 2009.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. General Plan Amendment No. GPA08-003, Zone Change No. ZC08-004 and Conditional Use Application No. CUP08-016 - Hmong Christian Missionary Alliance Church of Merced - To change the General Plan land use designation from Agricultural to Winton SUDP Low Density Residential, to change the Zoning from A-1 (General Agricultural) to R-1 (Single-Family Residential) and to grant a Conditional Use Permit to allow the use and construction of a 9,900 square foot church facility with an additional 7,680 square feet of associated portable classrooms, office space and restrooms. The project is located on the west side of Cypress Avenue, and the south side of Lindsey Drive in the Winton area. THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG

Planner Dave Gilbert presented the Staff Report and recommendations of approval dated May 27, 2009.

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

Steve Morgan, Project Manager, addresses the Commission and thanks staff for all the work that they have done on this project. He states that he as well as members from the church are available to answer any questions.

The public hearing closed at 9:14 a.m.

Commissioner Lashbrook states that she thinks this project will be a good part of the community.

There being no further discussion a motion is entertained.

MOTION: M/S MOBLEY-ERRECA, AND UNANIMOUSLY CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION RECOMMEDS TO THE BOARD OF SUPERVISORS ADOPTION OF THE MITIGATED NEGATIVE DECLARATION WITH 3 MITIGATION MEASURES.

MOTION: M/S MOBLEY-ERRECA, AND UNANIMOUSLY CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION RECOMMENDS TO THE BOARD OF SUPERVISORS APPROVAL OF GPA 08-003, ZC08-004 AND CUP08-016 BASED ON THE 12 FINDINGS AND SUBJECT TO THE 21 CONDITIONS OF APPROVAL.

Conditions:

Planning & Community Development Department

- Conditional Use Permit No. CUP08-016 grants the construction of a 9,900 square foot church facility and permit the installation of 7,680 square feet of classrooms, office space, and restrooms in a manner that is consistent with the plot plan, elevations, and floor plan and the operational statement. Minor modifications to the approved conditional use permit may be reviewed and approved by the Development Services Director.
- 2. The applicant shall comply with all applicable standard conditions of approval listed in the Planning Commission Resolution No. 97-1. The resolution includes the constant maintenance of the property, providing a trash enclosure, sign regulations, providing landscaping and irrigation plans, and lighting requirements.
- 3. For the purpose of conditions monitoring, an inspection fee in the amount of \$468 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. The applicant shall comply with all applicable County, State and Federal regulations.

Public Works/Road Division

5. The applicant shall retain a licensed civil engineer for the construction of a storm drainage basin, drainage plan, and construction of sidewalk to County standards along the Lindsey Court frontage of the property. The plan shall detail which portion of the property (if any) shall remain undeveloped. Developed portions of the property including areas intended for recreation shall have sidewalk constructed along the frontage. An encroachment permit shall be obtained from the Department of Public Works/Road Division for construction of sidewalk and modification of existing curb for driveway. The applicant shall pay necessary plan check and inspection fees.

Fire Department

6. The minimum required fire flow for the proposed project is 1,500 gpm at 20 psi available for a minimum of 2 hours. Fire flow is determined by the square footage and construction type of the largest building on-site. The proposal does not specify building construction type. This minimum required fire flow is an estimate only. Fire flow shall be available from a County standard hydrant within 400 feet from all portions of all buildings as measured by drivable access (CFC Section 508).

- 7. An Automatic Engineered Fire Sprinkler System meeting the minimum standards of NFPA 13 may be required depending on the layout of the proposed structure. A licensed C-16 contractor shall do all work associated with the underground and overhead piping systems supplying water to the required fire sprinkler system. Plans and specifications shall be submitted to and approved by the Merced County Fire Department prior to the installation of any portion of the system. Plan review fees shall be assessed upon completion of the review (CFC Section 903).
- 8. A Supervised Automatic Fire Alarm System shall be required to protect the proposed buildings. Plans and specifications shall be submitted to and approved by the Merced

Public Works/Building & Safety Division

- 9. The applicant/property owner shall submit 4 sets of plans and 3 sets of all calculations for each building to the Building & Safety Division prior to the start of any construction. The plans shall be prepared by a licensed engineer or architect.
- 10. All buildings, walkways, restrooms, classrooms, offices, and all other facilities shall be handicap accessible. Handicap accessibility shall be detailed on any plans that are submitted for building permit approval. Handicap parking spaces shall also be required.
- With the adoption of the new 2007 California Building Code on January 1, 2008, a soils report shall be prepared by a licensed engineer for all new construction. The soils engineer shall make sure that liquefaction be addressed in the report. It would benefit the applicant to have one soils report done that references all proposed construction and examines the entire site. A soils report that examines the entire site would provide the documentation you need to use that report again in the future should further development of the site be proposed.

San Joaquin Valley Air Pollution Control District

- 12. The applicant shall be required to comply with Rule 9510 (Indirect Source Review). District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. The applicant shall be required to submit an Air Impact Assessment application to the District and pay any applicable off-site mitigation fees before issuance of the first building permit.
- 13. The project may be subject to Regulation VIII (Fugitive PM10 Prohibitions), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

Merced Irrigation District

- 14. The property owner and MID shall place the Middle Lateral "B" in an appropriately sized pipeline assembly or some other means meeting MID standards to protect the congregation from the lateral.
- 15. The applicant shall enter into an appropriate crossing agreement with MID for any crossings over or under MID facilities including, but not limited to driveways, utilities or conduits.
- 16. If storm water is to be discharged to any MID facility, the property owner shall enter into a "Stormwater Drainage Agreement" with the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1) paying all applicable fees.

- A signature block shall be provided for MID on all Improvement Plans associated with MID facilities.
- 18. A "Construction Agreement" between the property owner and MID shall be executed for any work associated with MID facilities

Mitigation Measures

- 19. <u>Mitigation Measure Aesthics-1:</u> To compensate for the change in the existing visual character, the applicant is required to provide architectural materials including roofing materials that are non-reflective and of muted earth tone colors subject to approval by the Planning Department.
- 20. <u>Mitigation Measure Air Quality-1:</u> The measures, required by the SJVAPCD in the GAMAQI for mitigating emissions from construction equipment and site grading, shall be implemented by the construction contractor during off- and on-site construction activities. A plan implementing these measures shall be prepared by the County in a form and manner consistent with the SJVAPCD prior to issuance of a building permit.
 - The project developer shall limit traffic speed on unpaved roads to 15 miles per hour.
 - The project developer shall install sandbags or other control measures to prevent silt runoff to public roadways from areas with a slope greater than 1%.
 - The project developer shall install wheel washers for all existing trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
 - The project developer shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust.
 - The project developer shall suspend excavation and grading activity when winds exceed 20 miles per hour.
 - The project developer shall limit the area subject to excavation, grading, and other construction activity at any one time.
 - The project developer shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions).
 - If feasible, the project developer shall use alternative-fueled construction equipment or diesel construction equipment that uses Nitrous Oxide (NOX) reduction catalysts verified by CARB or US EPA.
 - The project developer shall minimize idling time (e.g., 10-minute maximum).
 - The project developer shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use.
 - The project developer shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).

- The project developer shall curtail construction during periods of high ambient pollutant concentrations, including suspension of construction activity during the peak-hour of vehicular traffic on adjacent roadways.
- The project developer shall implement activity management (e.g., reschedule activities to reduce short-term impacts).
- 21. <u>Mitigation Measure CULT-1:</u> If archeological materials or paleontological materials are identified, work on that portion of the project shall cease until a resources protection plan conforming to CEQA Section 15064.5 is prepared by a qualified archeologist and/or paleontologist and approved by the County of Merced Community Development Director or authorized representative. Project work may resume in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State Law carried out.

VI. <u>CORRESPONDENCE</u>

None

VII. GENERAL BUSINESS

VIII. DIRECTOR'S REPORT

Mr. Lewis informs the Commissioners about the Smart Growth Training that he attended.

Mr. Nicholson informs the Commissioners that Mintier will be taking a revised scope of work to the Board of Supervisors meeting in July. He also states that the Housing Element deadline with the State is August 31, 2009.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:23 a.m.