MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JUNE 10, 2009

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of June 10 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 9:08 a.m., on June 10, 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 Mark Erreca Commissioner Cindy Lashbrook
Staff Present:	Robert Lewis, Development Services Director Crystal Guerrero, Recording Secretary Dave Gilbert, Senior Planner
Legal Staff:	Bob Gabriele, Deputy County Counsel
Commissioners Absent:	Commissioner Jack Mobley - Vice Chairman Commissioner Rudy Buendia

III. APPROVAL OF MINUTES

None

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. Conditional Use Permit Application No. CUP07-029 - Joe Lourenco - To expand an existing dairy facility from 800 cows to 2,500 cows on a 13 acre portion of six parcels totaling 279 acres. The project is located on the south side of Atwater Jordan Road, 1,100 feet east of Cressey Way in the Atwater area. The property is designated Agricultural land use in the General Plan and is zoned General Agricultural (A-1). **THE ACTION REQUESTED IS TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. DG**

Planner Dave Gilbert presented the Staff Report and recommendations of approval dated June 10, 2009.

The public hearing opened at 9:17 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:18 a.m.

Commissioner Lashbrook questioned where the environmental comments could be found.

Dave Gilbert, Project Planner informed Commissioner Lashbrook that the comments could be found with the animal confinement statements located in the staff report.

MOTION: M/S ERRECA/LASHBROOK, AND CARRIED BY A VOTE OF 3-0, THE PLANNING COMMISSION CERTIFIES THE ENVIRONMENTAL IMPACT REPORT ON CONDITIONAL USER PERMIT NO. CUP07-029, ADOPTS THE FINDING OF FACTS AND THE STATEMENT OF OVERRDING CONSIDERATIONS AND MITIGATION MONITORING PROGRAM.

MOTION: M/S ERRECA/LASHBROOK, AND CARRIED BY A VOTE OF 3-0, THE PLANNING COMMISSION APPROVES CONDITIONAL USE PERMIT NO. CUP07-029 BASED ON THE 9 FINDINGS AND SUBJECT TO 41 CONDITIONS OF APPROVAL.

Conditions:

Planning and Community Development Conditions:

1. Conditional Use Permit No. CUP07-029 is granted for the expansion of the Joe Lourenco Dairy #2 with a total of 2,500 cows (1,200 milk cows & 1,300 support stock) and the construction of two freestall barns and associated corrals, a silage slab, and a hay barn. The number of employees shall be limited to nine.

2. The Joe Lourenco #2 Dairy expansion project shall be located, developed and operated in a manner described on the approved plot plan, Nutrient Management Plan, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project would be based on a written request of the applicant to the Planning Director.

3. All mitigation measures identified in the Environmental Impact Report are adopted and incorporated by reference as project conditions.

4. The project shall comply with all applicable regulations administered by the County Fire Department, Environmental Health Division, Planning & Community Development, and Public Works Departments.

5. For the purpose of conditions monitoring, an inspection fee in the amount of **$546** 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.

6. The applicant shall obtain all necessary permits, and comply with all applicable regulations administered by Federal and State agencies.

Department of Public Works/Road Division

7. The applicant shall provide a roadway impact evaluation, prepared by a registered Geotechnical Engineer or Civil Engineer, to assess the potential impact that the project may have on Merced County roadways. This evaluation shall include both an analysis of the traffic characteristics of the roadways most impacted by the project, and a geotechnical analysis of the existing structural section of those roadways. The traffic analysis will require classification counts to determine the existing and projected Traffic indices of said roadways; and, the geotechnical analysis will require corings of said roadways to determine their structural integrity. Based upon said evaluation, the applicant shall pay to the Merced County Road Fund an amount equivalent to improving said roadways sufficient to sustain the truck load impacts for the future 20 years; or In lieu of performing said roadway impact evaluation, the applicant may opt to enter into a Roadway Impact Agreement with Merced County Department of Public Works, Road Division. The Roadway Impact Agreement will stipulate that the applicant shall pay to the Merced County Road Fund a Road Impact Fee to compensate the County for the increased cost of maintaining the County roadways impacted by the project.

The Road Impact Fee shall be paid annually, and shall be an amount equal to $2.50 for every additional heavy truck trip entering of leaving the project site during the previous 12 months. The applicant shall also be responsible for a fee of $200.00 for processing said Roadway Impact Agreement.

8. Current right-of-way deeded to the County for road purposes on Atwater Jordan Road is 40 feet. The minimum right-of-way for a County road in rural agricultural areas is 60 feet. To complete the property owner's half of this requirement; 10 feet of right-of-way shall be dedicated to Merced County along the entire Atwater Jordan Road frontage of the property. This shall be done by a California Licensed Land Surveyor.

9. The applicant shall install county standard streetlights and driveway approaches at the primary entrances and exits to the dairy facility. The streetlights may be mounted on wooden poles. Installation of streetlights and driveway approaches shall be done under encroachment permits obtained from the Road Division and subject to inspection prior to issuance of occupancy for any building permit or operation of the dairy expansion, whichever occurs first. The applicant shall pay all necessary permit and inspection fees.

Merced County Fire Department

10. The applicant shall meet the requirements in Sections 902 and 903 Fire Department Access and Fire Flow Water Supply, of the Uniform Fire Code for this project. A fire flow requirement for commercial construction is a minimum of 1,500 GPM sustained for 2 hours. Access is all weather roads capable of supporting fire apparatus. These

Department of Public Works/Building & Safety Division

11. Prior to any construction activity, building plans shall be submitted drawn by a California licensed engineer or architect. A soils report shall be prepared by a California licensed soils engineer along with the building plans.

Native American Heritage Commission

12. The applicant shall comply with all requirements contained in the letter dated August 18, 2008 (attached).

California Regional Water Quality Control Board

13. The applicant shall comply with all requirements and obtain any permits contained in the letter dated April 10, 2007 (attached).

Final Environmental Impact Report Mitigation Measures

14. Mitigation Measure LU-2a: To reduce the land use incompatibility between the active dairy facilities and nearby off-site residences, the applicant shall plant a triple row of large-leaf, fast growing trees along the eastern and western boundaries of the project site adjacent to existing neighbors. If a deciduous tree species are chosen, it will be important to ensure leaf coverage of the tree during the fly seasons. Until the planted trees have grown to a height of 12 feet, the on-site fields adjacent to the off-site residences shall be planted in corn during the summer growing season to provide a vertical resting surface to intercept flies generated by the dairy.

15. Mitigation Measure LU-2b: Implement the odor control measures set forth in Mitigation Measure AQ-7.

16. Mitigation Measure LU-2c: Implement the nuisance measures set forth in Mitigation Measures HAZ-1 and HAZ-2.

17. Mitigation Measure AQ-3: To reduce ozone precursor emissions (ROG and NOX) from dairy operations, farm equipment and increased traffic ROG to below SJVAPCD permit thresholds, prior to the initiation of operations on the Joe Lourenco Dairy #2 Expansion, the applicant shall implement all air quality requirements of the ACO, including Chapter 18.45.50 U and OO; comply with all applicable SJVAPCD Rules including but not limited to; Rule 2010 – apply for an Authority to Construct Permit to Operate; Rule 2201 – New Source Review, and; implement Best Available Control Technology (BACT) appropriate for this dairy operation. Applicable BACT will be determined during permit review in cooperation with SJVAPCD staff, and will include but not limited to all required measures in Table 6-8 of the DEIR (a, b, c, d, e, g, i, k, n, o, p, q, r, s, t, u, v, w, and x); Rule 4570 – Confined Animal Facilities; and Rules 4701 and 4702 – Internal Combustion Engines.

18. Mitigation Measure AQ-4: The applicant shall comply with the requirements of the SJVAPCD during the air permit process, which may include implementing all feasible PM (fugitive dust) controls to meet the Localized Significance Threshold.

19. Mitigation Measure AQ-5a: The head count in the western shaded corral shall not be increased above the pre-project level of 300 heifers.

20. Mitigation Measure AQ-5b: The applicant shall construct upwind and downwind shelter breaks to reduce the project's PM_{10} emissions.

21. Mitigation Measure AQ-6: To reduce methane and CO_2 emissions from the proposed dairy expansion, the applicant shall implement the requirements of Chapter 18.48.050 U and OO of the Merced County Animal Confinement Ordinance, BACT appropriate for this dairy operation to be developed during permit review in cooperation with SJVAPCD staff including but not limited to all required measures in Table 6-8 of the EIR (a, b, c, d, e, g, i, k, n, o, p, q, r, s, t, u, v, w, and x) and any future regulations promulgated by the Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

22. Mitigation Measure AQ-7a: To minimize potential for odor nuisance, prior to initiating operations at the new facilities, the applicant shall prepare an Odor Control Plan for submission and approval by the Merced County Environmental Health Division. Following approval, the applicant shall implement the approved plan. The following odor control measures shall be required in the plan.

- Liquid manure utilized for irrigation purposes shall be managed so that it does not stand in the application field for more than 24 hours.
- Implement any odor control measures as contained in the NMP, which may include the following:

    1. Ration/diet manipulation

    This approach involves the alteration of feed in order to reduce the volume of substrate available for anaerobic activity. The approach includes reducing the nitrogen content of food, phase feeding, repartitioning agents, improved animal genetics, and various feed additives.

    2. Manure management

    Utilize best management practices for manure management, including minimizing the time between excretion and application, and aeration of retention basins.

Additionally, implement the following additional best management practices:

Manure Collection Areas

- Clean out manure generated at the freestall barns and corrals at a frequency that would minimize odors.
- Keep cattle as dry and clean as possible at all times.
- Scrape manure from the corrals and bedding from the freestall barns and corrals at a frequency that would reduce or minimize odors.

Manure Treatment and Application

- Minimize moisture content of stockpiled manure/retained solids to a level that would reduce the potential for release of odorous compounds during storage.
- Minimally agitate stockpiled manure during loading for off-site transport.
- Mix process water with irrigation water prior to irrigation (dilution rate shall be adequate to minimize odor levels and maintain appropriate nutrient content in effluent).
- Clean up manure spills upon occurrence.
- Maintain and operate settling ponds and retention ponds to minimize odor levels.

General

- Implement dust suppression measures to prevent the release of odorous compound-carrying fugitive dust.
- During project operations, the dairy operator/owner shall respond to neighbors who are adversely affected by odors generated at the project site and take prompt corrective action.

If necessary and feasible, the animal confinement operation must implement the following additional measures:

1. Manure Treatment

   Manure treatment methods include maintaining aerobic conditions during storage, aerobic treatment using aerated lagoons or composting, anaerobic digestion, and biochemical treatment.

2. Capture and Treatment of Emitted Gases

   This approach includes the use of covered storage pits or lagoons, soil incorporation of applied liquid or solid manure, and dry scrubbers for building exhaust gases including soil absorption beds, bio-filters fields, or packed beds.

3. Enhanced Air Dispersion

   Odor and other air contaminants are diluted to below threshold levels by atmospheric turbulence that increases with wind velocity, solar radiation, and roughness elements such as buildings, trees, or barriers. Sound site selection with adequate separation distance and elevated sources or mechanical turbulence can aid in dispersing odorous compounds and avoiding nuisance conditions.

4. Enhanced Land Spreading Procedures

   Procedures may be modified to minimize impacts by avoiding spreading when the wind is blowing towards populated areas, employing technologies to incorporate manure into soil during or directly after application (i.e. injection, plowing, disking), or spreading manure in thin layers during warm weather.

23. Mitigation Measure AQ-7b: The applicant shall implement the land use control measures set forth in Mitigation Measure LU-2a (Plant a triple row of trees).

24. Mitigation Measure AQ-7c: The applicant shall implement the nuisance control measures set forth in Mitigation Measures HAZ-1 (fly control) and HAZ-2 (mosquito control).

25. Mitigation Measure HYD-3a: As set forth in the NMP, proposed application rates of liquid and solid manure shall not exceed agronomic rates. Nutrient samples shall be collected prior to and during application periods to confirm agronomic rates within all portions of cropped area receiving manure, and to protect water supplies. Soil testing frequency for nitrogen, potassium, phosphorus and salts are described in the Joe Lourenco Dairy #2 Expansion NMPR, and sampling shall occur at these intervals unless modified by the SWRCB. After the field risk assessment is completed, modifications to the field configurations and tailwater return facilities will be necessary to maximize the use of the tailwater return system and assure distribution of manure nutrients at agronomic rates to all cropped areas identified in the facility Nutrient Management Plan. Modifications to the NMP shall be required as outlined in the individual WDR for the proposed Joe Lourenco Dairy #2 Expansion to be issued by the RWQCB.

26. Mitigation Measure HYD-3b: A best practicable treatment or control (BPTC) evaluation shall be completed for the proposed dairy expansion operation for the existing ponds prior to issuance of any building permit and submitted to RWQCB. The BPTC shall set forth a schedule (as short as practicable) for a systematic and comprehensive technical evaluation of the two wastewater lagoons and two settling ponds to determine if the existing construction is protective of groundwater. The primary protocol used in the evaluation shall consist of the completion of 8 ground water sampling events on a quarterly basis (2 years of seasonal data) and an intra-well statistical assessment. The statistical assessment will be used to assess the degradation of ground water quality of the dairy facility. Should the BPTC determine that more nutrients are leaking underneath the ponds than previously assumed in the WMPR, alterations to the WMPR shall be completed to account for the difference in nutrient loading and avoid potential violations. Increased pond sizing or additional ponds to increase treatment surface area may by necessary. Prior to the enlargement of any of the existing storage lagoons or settling ponds, construction, operation, and/or maintenance of the lagoons and/or ponds is not protective of water quality, the project application shall submit a design to the RWQCB and Merced County for review and approval. The design shall conform to either of the options described below:

    Tier 1: A pond designed to consist of a double liner constructed with 60-milimeters high density polyethylene or material of equivalent durability with a leachate collection and removal system (constructed in accordance with Section 20340 of Title 27) between the two liners would be considered to be consistent with Resolution 68-16.

    Tier 2: A pond designed in accordance with California Natural Resource Conservation Service (NRCS) Conservation Practice Standard 313 or equivalent. It must demonstrate through submittal of technical reports that the alternative design is protective of groundwater quality as required in the WDR specifications.

    Any necessary measures shall be incorporated into the WDR issued for the facility.

27. Mitigation Measure HYD-3c: A salinity report shall be submitted to the RWQCB for review and approval prior to issuance of any building permit that identifies sources of salt in waste generated at the dairy, evaluates measures that can be taken to minimize salt in the dairy waste, and includes a commitment to implement measures identified to minimize salt in the dairy waste to meet Basin Plan requirements. Any

necessary measures shall be incorporated into the WDR issued for the facility.

28. Mitigation Measure HYD-3d: Prior to the issuance of any building permit, additional monitoring wells within the shallow perched groundwater and the regional groundwater system will be installed to assess water table gradients and water quality variation over time. A monitoring well installation work plan will be submitted to the RWQCB for review and approval. The work plan will provide the rationale for the completion of a minimum of two additional monitoring wells within the shallow and regional groundwater system. Monitoring well requirements and a monitoring schedule shall be incorporated into the WDR issued for the facility.

29. Mitigation Measure HYD-3e: At a minimum, annual groundwater monitoring of on-site monitoring wells and soil monitoring on the project site shall be completed. A monitoring plan shall be prepared by the project applicant and approved by the RWQCB, which will detail the sampling elements. A well monitoring schedule shall be incorporated in the WDR issued for the facility.

30. Mitigation Measure HYD-3f: After project implementation and subsequent groundwater monitoring, a reduction in herd may be necessary, or additional crop acres may be required to accommodate the proposed herd size. Based on the monitoring results, a new Report of Waste Discharge (ROWD) shall be prepared. The ROWD shall clearly demonstrate that the herd size will not constitute a threat to water quality. If necessary, the RWQCB shall revise the WDR issued to the facility.

31. Mitigation Measure HYD-3g: The Department of Planning Community Development shall make a final inspection of the facility prior to the commencement of operation to confirm the diary meets all local and state requirements.

32. Mitigation Measure HYD-3h: The applicant shall comply with requirements of the NMP/WMP, and implement all applicable RWQCB requirements as required by the individual WDR for the proposed Joe Lourenco Dairy #2 Expansion, and with all Merced County Animal Confinement Ordinance requirements not superseded the conditions of the individual WDR.

33. Mitigation Measure HYD-4: As required by Mitigation Measure HYD-3d and HYD-3e, at a minimum, annual groundwater monitoring on-site monitoring wells and on-site supply wells on the project site shall be completed, including measurement of water levels. Based on the results of the monitoring, the County and/or RWQCB shall assess groundwater level depletion. Should groundwater levels under the project site show overdraft conditions, to balance groundwater consumption and recharge, the project applicant shall implement any combination of water reduction measures, including but not limited to the following:

    - Implementation of water conservation measures in the dairy barn (e.g. recycling wash water).
    - Reduction in the milking herd or in use of the dairy barn.
    - Substitution of dairy barn groundwater use with MID surface water.

    If annual groundwater level monitoring reveals a continued groundwater deficiency following implementation of the above measures, groundwater level monitoring shall be increased to quarterly and shall account for seasonal fluctuations. A return to annual groundwater level monitoring shall occur once groundwater reaches balance specific to the hydrogeology of the area as determined by the County and/or the RWQCB.

34. Mitigation Measure HYD-7: Prior to issuance of any building permit, all existing water supply wells at the facility site and property shall be inspected by the Merced County Division of Environmental Health to ensure that each well is properly sealed at the surface to prevent infiltration of waterborne contaminants into the well casing or surrounding gravel pack. If any of the wells are found not to comply with the Merced

County Well Ordinance standards, the project applicant shall retain a qualified professional as described in the respective Ordinance to install the required seal or functional equivalent including setbacks distances of 100 feet from manured areas as required by the RWQCB General Order. Documentation of the inspections and seal installations, if any, shall be provided to the County Division of Environmental Health prior to commencement of dairy operations.

35. Mitigation Measure HYD-8: Implement Mitigation Measure HYD-3a through HYD-3f.

36. Mitigation Measure HAZ-1a: Prior to obtaining a building permit, the project sponsor shall prepare a vector control plan to meet the requirements of the Animal Confinement Ordinance (Chapter 18.43.055(C)(8)(c)). The vector control plan shall be submitted to the Merced County Division of Environmental Health for review and approval. The applicant shall implement all measures within the approved vector control plan throughout the active life of the dairy.

37. Mitigation Measure HAZ-1b: The following operational measures identified in the EIR for the Animal Confinement Ordinance shall be implemented.

    1. All confined animal facilities shall implement the following Best Management Practices to address potential fly problems:

        a. Daily inspection of manure flushing systems to ensure that manure is being effectively removed from flushed areas with particular attention paid to corners and isolated areas.

        b. Daily inspections of water supply and circulation systems to ensure that any leaks are promptly repaired. These inspections shall include all watering troughs to ensure that mechanisms for controlling water level are operating effectively and are protected from damage.

        c. Regular blading of feeding lanes in freestall barns and corrals to ensure that spilled feed is promptly removed and disposed.

        d. Daily removal of manure and spilled feed from stalls in freestall barns.

        e. Regular scraping of corrals to minimize the potential for development of fly population on manure.

        f. Weekly inspection of silage storage areas to ensure proper covering, drainage, and removal of any spoiled silage.

        g. Weekly inspection of fence lines of corrals and other “edge” areas and removal of any accumulated manure.

        h. Periodic monitoring of stable flies by direct observation and counting of the number of stable flies on the legs of a representative number, minimum of two percent, of the support stock herd.

        i. All exterior doors and windows in milk rooms shall have screens that are inspected monthly to determine if they are working properly and to identify rips in the screening. Ripped or otherwise damaged screens are repaired or replaced immediately.

        j. If necessary, flytraps are set throughout barns at strategic locations. The traps are inspected monthly or more frequently if necessary, and replaced when saturated with captured flies.

    2. In addition to fly management practices in the cattle housing and milking areas of dairy facilities, the following sanitation practices shall be implemented at

animal confinement facilities to control fly populations:

a. Dead animals are stored in a secured area at the dairy facility and off-site rendering plant operators are immediately notified for pickup of carcasses.

b. Residual feed shall be removed from infrequently used feeding areas.

c. All garbage shall be disposed of in closed dumpsters that are regularly emptied by a contracted waste management service for off-site disposal.

d. Grass and other landscape clippings shall be removed from the site for off-site disposal or reuse (as feed or soil amendment).

38. Mitigation Measure HAZ-1c: As required by mitigation measure LU-2a, plant a triple row of large-leaf, fast growing trees along the eastern and western boundaries of the project site adjacent to the existing neighbors. If a deciduous tree species is chosen, it will be important to ensure leaf coverage of the tree during the fly seasons. Until the planted trees have grown to a height of 12 feet, the on-site fields adjacent to the off-site residence shall be planted in corn during the summer growing season to provide a vertical resting surface to intercept flies generated by the dairy.

39. Mitigation Measure HAZ-2a: Implement Mitigation Measure HAZ-1a.

40. Mitigation Measure HAZ-2b: The vector control plan for mosquitoes required by the Merced County Animal Confinement Ordinance shall contain, but not limited to, the following operational measures to be implemented during project operations as identified by University of California Cooperative Extension (UCCE):

- Owners are responsible for weed and floatage control.
- Separator bypass drains must be equipped to prevent pond floatage.
- Solids floating on the surface of ponds and lagoons shall be removed no less frequently than weekly.
- Lagoon/Pond-to-field discharges shall not stand more than 4 days.

41. Mitigation Measure HAZ-2c: If requested, the project applicant will pay any excess treatment cost expended by the Mosquito Abatement District.

B. Extension Permit Application No. EXT09-005 to Conditional Use Permit Application No. CUP08-004 - Laird Manufacturing - To extend the expiration date for one year in order to construct a 22,400 square foot agricultural manufacturing building. The project is located on the east side of Highway 59, 400 feet south of Vassar Avenue in the Merced area. The 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 Dave Gilbert presented the Staff Report and recommendations of approval dated June 10, 2009.

Commissioner Lashbrook questions how different this application is compared to subdivision extensions.

Robert Lewis, Development Services Director explains that time limits on subdivisions are established by the State. Generally speaking when a CUP is granted, it has one year to be activated, but an applicant may request an additional year because of economic situations.

Dave Gilbert, Project Planner, states that it's looked over to see if an area has changed over time environmentally or otherwise. He states that there is no limit on extensions.

Commissioner Lashbrook questions if this project is within the city limits.

Bob Gabriele, Deputy County Counsel informs Commissioner Lashbrook that we wouldn't have control over of something within the city limits.

The public hearing opened at 9:31 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:32 a.m.

MOTION: M/S ERRECA-LASHBROOK, AND CARRIED BY A VOTE OF 3-0, THE PLANNING COMMISSION DETERMINES THAT SECTION 15061(B)(3) – "COMMON SENSE" EXEMPTION OF THE CEQA GUIDELINES REMAINS VALID AND STILL EFFECTIVE.

MOTION: M/S ERRECA-LASHBROOK, AND CARRIED BY A VOTE OF 3-0, THE PLANNING COMMISSION APPROVES EXTENSION NO. EXT09-005 TO CONDITIONAL USE PERMIT NO. CUP08-004 BASED ON THE 12 PROJECT FINDINGS AND SUBJECT TO THE 20 CONDITIONS OF APPROVAL.

Conditions:

Planning & Community Development Department

1. Approval of Extension No. EXT09-005 extends the expiration date of Conditional Use Permit No. CUP08-004 from June 25, 2009 to June 25, 2010. All conditions to CUP08-004 shall continue to apply and are listed below.

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.

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. Placing the Hartley Lateral in an underground pipeline or any other means to the satisfaction of MID and meeting MID standards now, or entering into a “Deferment of Construction Agreement” with MID to defer it until further development takes place or the property is sold shall be required.

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

None

VIII. DIRECTOR'S REPORT

Robert Lewis, Development Services Director informed the Commissioners that approval was given from the Board of Supervisors to the Neighborhood Stabilization Planning in the amount of 3.1 million dollars for NSP funding. He stated that a qualified family can apply to receive funding to buy a foreclosed home.

He informed the Commissioners that the next General Plan Steering Committee meeting would be June 24, 2009 at 1:30 p.m.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:39 a.m.