

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF DECEMBER 18, 2019**

---

**DRAFT**

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of December 18, 2019, are available online at [www.co.merced.ca.us/planning/plancomarchive.html](http://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 December 18, 2019, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL OF COMMISSIONERS**

Commissioners Present:      Commissioner Jack Mobley – Chairman  
   Commissioner Mark Erreca  
   Commissioner Robert Acheson  
   Commissioner Kurt Spycher  
   Commissioner Fernando Aguilera

Staff Present:                      Mark Hendrickson, Director  
   Kim Zinke, Recording Secretary  
   Kristin McHaney, Recording Secretary  
   Brody Patterson, Planner I

Legal Staff:                        Jeff Grant, Deputy County Counsel

Commissioners Absent:        None

**IV. APPROVAL OF MINUTES**

**MOTION: M/S SPYCHER – ACHESON, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF NOVEMBER 20, 2019.**

**V. CITIZEN COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

**A. CONDITIONAL USE PERMIT No. CUP19-015 – Juan Miguel Navarro** - A request to open a tire shop in an existing 4,000 square feet commercial building. The project site is located on the west side of North Winton Way, 475 feet north of West Gertrude Avenue in the Winton area, identified as Assessor's Parcel Number (APN) 147-180-012. The property is designated Winton Urban Community - General Commercial land use in the General Plan and is zoned C-2 (General Commercial). CEQA: Staff recommends that the Planning Commission find the project exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines – "Existing Facilities." **JO**

**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15301 – "Existing Facilities" of the CEQA Guidelines; and,

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 20, 2019**

**Page 2**

- 3) Approve Conditional Use Permit No. CUP19-015 based on the findings included in the Staff Report and subject to the proposed conditions of approval.

Project Planner Jimena Olaguez presented the Staff Report and recommendations of approval dated December 18, 2019.

The public hearing opened at 9:04 a.m.

No one spoke in favor or opposition of this project.

The public hearing closed at 9:05 a.m.

**MOTION: M/S SPYCHER – ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15301 – “EXISTING FACILITIES” OF THE CEQA GUIDELINES FOR CONDITIONAL USE PERMIT NO. CUP19-015.**

**MOTION: M/S SPYCHER – ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED DECEMBER 18, 2019, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT NO. CUP19-015 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

Community and Economic Development

1. Conditional Use Permit No. CUP19-015 is granted to allow a tire shop at an existing 4,000 square foot building. The tire shop shall be operated consistently with the approved plot plan and operational statement. Minor Modifications of this approval may be reviewed and approved by the Director.
2. Applicant/property owner shall comply with all Federal, State, and Local agencies regulations.
3. For the purpose of condition monitoring, an inspection fee in the amount of \$243 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.
4. All parts, accessories, etc., shall be stored within a fully enclosed structure.
5. All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way.
6. All on-site signage shall comply with the provisions of Chapter 18.44 (Sign Regulations). In particular, note that these sign types are prohibited, per Chapter 18.44.080 Prohibited signs: A-frame signs; Banners; pennants; statuary; streamers; and whirligigs. See Chapter 18.44.80 for additional prohibited signs.

## MERCED COUNTY PLANNING COMMISSION

Minutes – November 20, 2019

Page 3

7. The project is subject to the provisions of Planning Commission Resolution No. 97-1, attached.
8. The project shall provide a trash/recycling area (including trash and garbage containers) on the side, or the rear of the existing building or screened from public streets. Trash/recycling areas shall be maintained in a neat and orderly manner at all times.

### Merced County Fire Department Prevention Bureau

9. All gates and access ways shall have a Knox padlock if secured access is required as per CFC 506.
10. Provide premise identification at street and building identification and utility identification on all utility rooms and breaker panels as per CFC 509.
11. Provide site map with all buildings and features, emergency shut offs, utility shut offs, emergency vehicle access, fire alarm panels, sprinkler systems/ riser rooms, hazardous materials areas submitted with the emergency preparedness plan listing all facility contacts and all non-ambulatory rooms CFC chapter 4.
12. Install manual fire alarm system as per CFC Chapter 9 after January 1<sup>st</sup>, 2020.
13. Shall have fire extinguishers rated at A:40BC within 50 ft of each other.
14. All tire storage shall be stored on tread no longer than 25 ft. long if against the wall and 50 ft. long stored on tread if not against wall.
15. Shall have 2 hour fire wall on north outside of building and in-between office space and garage.
16. Shall have material safety data sheets for all chemicals, gases, flammable liquids etc.
17. All hazardous materials area access doors shall have a NFPA 704 placard identifying highest hazard per category and listed on the site map.
18. Shall maintain all fire, life and safety equipment on an annual or semi-annual cycle per CFC Chapter 9.
19. All flammable or combustible liquids shall be kept in a flammable and combustible storage cabinets.

### Merced County Building Division

20. Applicant shall hire an architect or engineer licensed in the state of California to evaluate the building for the proposed use. The person must provide one (1) of the following:
  - a. A letter with their stamp and signature stating that they have evaluated the structure for the proposed use and it is in compliance with all buildings codes for that use and compliant with disabled access.
  - b. Provide any necessary drawings and calculations to bring the structure into conformance with the building codes and disabled access.

### Merced County Environmental Health

21. The applicant shall maintain an accurate hazardous material business plan (HMBP) with Merced County Division of Environmental Health and maintain

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – November 20, 2019**

**Page 4**

compliance with all applicable hazardous material regulations. Any changes to materials stored on-site that are above the threshold quantities must be updated in the facility's HMBP on the California Environmental Reporting System (CERS) within 30 days of commencement. Annual certifications are due on CERS by March 1 each year.

- 22. The applicant shall obtain a Tire Program Identification Number (TPID #), use a State registered tire hauler to transport more than nine tires, and comply with all applicable regulations related to handling, storage, transport, and disposal of waste of tires.

County Counsel

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

JUAN NAVARRO has the contracted duty (hereinafter "the duty") to defend, indemnify and hold harmless the County of Merced, its Board of Supervisors, commissions, officers, employees, agents, and assigns (hereinafter "COUNTY") from any claim, action, or proceeding arising out of, or in connection with the COUNTY's approval of the project including, but not limited to, COUNTY's actions regarding related environmental determinations. This obligation shall extend to any such claim, action, or proceeding against COUNTY to attack, set aside, void, or annul, an approval by COUNTY. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

**VII. COMMISSION ACTION ITEM (S)**

None

**VIII. DIRECTOR'S REPORT**

Wished all a Merry Christmas and expressed appreciation for Commissioners and Staff's hard work throughout the year.

**IX. COMMISSIONERS COMMENTS**

Commissioner Spycher expressed appreciation for Staff's work throughout the year and wished all a Merry Christmas.

**X. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:07 a.m.