

**CITY OF MERCED**  
**Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, August 8, 2018

Chairperson DYLINA called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Mary Camper, Scott G. Drexel, Michael Harris, Jeremy Martinez, Peter Padilla, Sam Rashe, and Chairperson Robert Dylina

Commissioners Absent: None

Staff Present: Director of Development Services McBride, Planning Manager Espinosa, Principal Planner Hren, Associate Planner Nelson, Interim Deputy City Attorney Kaufman, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

M/S PADILLA-MARTINEZ, and carried by unanimous voice vote, to approve the Agenda as submitted.

2. **MINUTES**

M/S PADILLA-MARTINEZ, and carried by unanimous voice vote, to approve the Minutes of July 5, 2018, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.1 General Plan Amendment #18-01, Site Utilization Plan Revision #13 to Planned Development #42, and Vesting Tentative Subdivision Map #1307, initiated by Benchmark Engineering, on behalf of Baxter Ranches, LLC, property owner. The application is a request to change the General Plan designation for approximately 5.58 acres of land at the southwest corner of M Street and Arrow Wood Drive from Open Space/Park (OS) to Low-Medium Density Residential (LMD) to allow the construction of 43 single-family lots and to change the General Plan designation for approximately 5 acres of land located west of M Street and north of Arrow Wood Drive from Low-Medium Density Residential (LMD) to Open Space/Park (OS). The Site Utilization Plan Revision would change the land use designation for the 5.58 acres at M Street and Arrow Wood Drive from “Park” to “Single-Family Residential” and change the designation for the approximately 5.0 acres west of M Street and north of Arrow Wood Drive from “Single-Family Residential” to “Park.” Vesting Tentative Subdivision Map #1307 would allow the subdivision of the 5.58 acres located at the southwest corner of M Street and Arrow Wood Drive into 43 single-family lots.

Commissioner CAMPER recused herself from the hearing due to a professional conflict associated with the applicant.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #18-16.

Secretary’s Note: Staff received an email prior to the meeting from KEN TESTA, of the Merced City School District, in support of the project. Ms. NELSON noted this in her presentation and provided copies to the Commission.

Public testimony was opened at 7:15 p.m.

Speaker from the Audience in Favor:

RICK MUMMERT, Benchmark Engineering, Representative of the Applicant, Escalon

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:18 p.m.

M/S PADILLA-DYLINA, to find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)] remains sufficient and no further documentation is required (subsequent EIR/ND 15162 Findings), and recommend to City Council approval of General Plan Amendment #18-01 and Site Utilization Plan Revision #13 to Planned Development #42, subject to the Findings and ten (10) Conditions set forth in Staff Report #18-16 (RESOLUTION #3098):

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: Commissioner Camper

M/S PADILLA-RASHE, to find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)] remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1307, subject to the Findings and thirty (30) Conditions set forth in Staff Report #18-16 (RESOLUTION #3099):

AYES: Commissioners Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: Commissioner Camper

Commissioner CAMPER returned to the dais.

- 4.2 Commercial Cannabis Business Permit #18-04, initiated by S & S Company, LLC on property owned by Rose and Greg Opinski, Trustees. This application is a request to permit the Manufacturing of cannabis-based products on a 1.06 acre parcel located at 145 Riggs Avenue, Suite B in a Light Industrial zone.

Commissioner DREXEL recused himself from the hearing due to a professional conflict associated with an aspect of the project.

Principal Planner HREN reviewed the report on this item. He noted a memo from staff adding Condition #15, which was provided to the Commission prior to the meeting. For further information, refer to Staff Report #18-18.

Public testimony was opened at 7:37 p.m.

Speakers from the Audience in Favor:

GRANITE STANLEY, S & S Company, Applicant, Sonora  
GREG OPINSKI, property owner, Merced

The Commission asked questions of the applicant regarding their years of experience in the industry and their chosen method of screening for new employees.

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 7:50 p.m.

M/S PADILLA-CAMPER, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #18-17, and approve Commercial Cannabis Business Permit #18-04, subject to the Findings and fourteen (14) Conditions set forth in Staff Report #18-18, with the addition of Condition #15 as follows (RESOLUTION #4000):

(Note: ~~Strikethrough~~ and deleted language, underline added language.)

“ 15) The room labeled as ‘Bid Room’ on the submitted floor plan is intended for use as a typical conference room and is not to be utilized for public demonstrations of cannabis or cannabis-based products, retail sales to the general public, distribution of cannabis or cannabis-based products, or any other activity that would otherwise require a Commercial Cannabis Business Permit other than one for Manufacturing; furthermore, all uses for this room must be in compliance with all other conditions of Commercial Cannabis Business Permit #18-04. ”

AYES: Commissioners Camper, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: Commissioner Drexel

Commissioner DREXEL returned to the dais.

4.3 Commercial Cannabis Business Permits #18-01, #18-02, #18-03, initiated by Organic Trichome, Inc. on property owned by James G. Moulton and Lynda S. Moulton. These applications are requests to permit the Cultivation of up to 10,000 square feet of cannabis; the Distribution of cannabis and cannabis-based products; and the Manufacturing of cannabis-based products using both volatile and non-volatile methods on a 1.97 acre parcel at 115 Heron Way within a Light Industrial (I-L) zone.

Principal Planner HREN reviewed the report on this item. For further information, refer to Staff Report #18-17.

Public testimony was opened at 8:07 p.m.

Speakers from the Audience in Favor:

SEAN GALLINGER, Organic Trichome, Applicant, Sacramento

DR. PAUL WHITCOMB, co-owner, Granite Bay

TOM CLENDENIN, Clendenin Bros. Construction, Merced

The Commission asked questions of the applicant regarding their years of experience in the industry and their chosen method of screening for new employees.

There were no speakers from the audience in opposition to the project.

Public testimony was completed at 8:18 p.m.

M/S PADILLA-MARTINEZ, and carried by the following vote, to adopt a Categorical Exemption regarding Environmental Review #18-16, and approve Commercial Cannabis Business Permits #18-01, #18-02, and #18-03, subject to the Findings and fourteen (14) Conditions set forth in Staff Report #18-17 (RESOLUTION #4001):

AYES: Commissioners Camper, Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: None

#### 4.4 Election of Planning Commission Chairperson and Vice-Chairperson

Commissioner PADILLA nominated Chairperson DYLINEA to continue to be Chairperson and Commissioner CAMPER as Vice-Chairperson. Both Chairperson DYLINEA and Commissioner CAMPER accepted the nominations. There were no other nominations for Chairperson or Vice-Chairperson.

M/S PADILLA-HARRIS, and carried by the following vote, to elect Chairperson DYLINEA to continue as Chairperson and to elect Commissioner CAMPER as Vice-Chairperson:

AYES: Commissioners Camper, Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: None

August 8, 2018

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

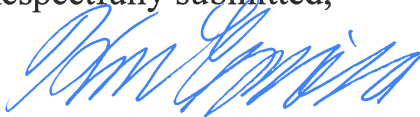
Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

Chairperson Dylina announced to the Commission that he may not be present on the meeting of September 18, 2018, due to a prior conflict.

6. **ADJOURNMENT**

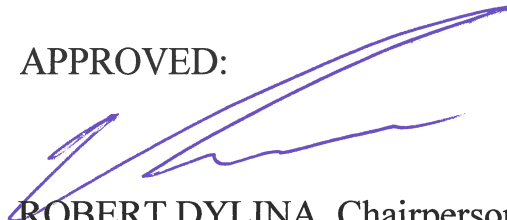
There being no further business, Chairperson DYLINEA adjourned the meeting at 8:24 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



ROBERT DYLINEA, Chairperson  
Merced City Planning Commission

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3098**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 8, 2018, held a public hearing and considered **General Plan Amendment #18-01 and Site Utilization Plan Revision #13 to Planned Development (P-D) #42**, initiated by Benchmark Engineering, on behalf of Baxter Ranches, LLC, property owner. The application is a request to change the General Plan designation for approximately 5.58 acres of land at the southwest corner of M Street and Arrow Wood Drive from Open Space/Park (OS) to Low-Medium Density Residential (LMD) to allow the construction of 43 single-family lots and to change the General Plan designation for approximately 5 acres of land located west of M Street and north of Arrow Wood Drive from Low-Medium Density Residential (LMD) to Open Space/Park (OS). The Site Utilization Plan Revision would change the land use designation for the 5.58 acres at M Street and Arrow Wood Drive from “Park” to “Single-Family Residential” and change the designation for the approximately 5.0 acres west of M Street and north of Arrow Wood Drive from “Single-Family Residential” to “Park.” Vesting Tentative Subdivision Map #1307 would allow the subdivision of the 5.58 acres located at the southwest corner of M Street and Arrow Wood Drive into 43 single-family lots; also known as Assessor’s Parcel No. 224-030-018; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through L of Staff Report #18-16; and,

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH#9212055)] remains sufficient and no further documentation is required (subsequent EIR/ND 15162 Findings), and recommend to City Council approval of General Plan Amendment #18-01 and Site Utilization Plan Revision #13 to Planned Development #42, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.



PLANNING COMMISSION RESOLUTION # 3098

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August 8, 2018

Upon motion by Commissioner PADILLA, seconded by  
Commissioner DYLINA, and carried by the following vote:

AYES: Commissioner(s) Drexel, Harris, Martinez, Padilla, Rashe, and  
Chairperson Dylina

NOES: Commissioner(s) None

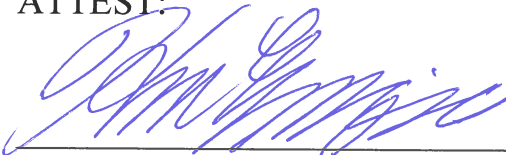
ABSENT: Commissioner(s) None

ABSTAIN: Commissioner(s) Camper

Adopted this 8<sup>th</sup> day of August 2018

  
\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution #3098**  
**General Plan Amendment #18-01 and Site Utilization Plan #13 to**  
**Planned Development (PD) #42**

1. The General Plan designation shall be changed from Open Space/Park (OS) to Low-Medium Density Residential (LMD) for Lot A and changed from Low-Medium Density Residential (LMD) to Open Space/Park for 5 acres located at the southeast corner of the future Catherine A Hostetler Boulevard and Freemark Avenue (extended) as shown on Exhibit A. The Site Utilization Plan for Planned Development (P-D) #42 shall be modified to change the designation from Park to Single-Family Residential for Lot A and from Single-Family Residential to Park for the 5 acres located at the southeast corner of the future Catherine A Hostetler Boulevard and Freemark Avenue (extended), also shown on Exhibits 1 and 2 - Attachments B and C of Staff Report #18-16.
2. All previously adopted conditions, mitigation measures, and guiding principles contained in Appendices D, E, and F of the Bellevue Ranch Master Development Plan (BRMDP) adopted by the Merced City Council on May 15, 1995, which are applicable to this project, shall apply to this tentative map and all subsequent final maps, improvement plans, building permits, and discretionary approvals.
3. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
4. Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such

fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The new park site shall be dedicated by separate deed for "Park Purposes."

8. The dedication of Lot A as a park shall be vacated by the City. The applicant shall submit an application to the Planning Department to initiate this process.
9. The new park site at the southeast corner of Freemark Avenue and Catherine A Hostetler Blvd. shall be dedicated for park use by a separate document. This shall occur either prior to or simultaneously with the recordation of the City's vacation of Lot A.
10. Street frontage improvements, including curb, gutter, sidewalks, and park strips for the new park site at the southeast corner of Catherine A Hostetler Boulevard and Freemark Avenue shall be installed with the construction of Lot 17-C (consistent with the approval of Tentative Map #1308 for Bellevue Ranch West).

n:\shared\planning\PC Resolutions\GPA#18-01/SUP Rev#13 to PD #42 Exhibit A

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3099**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 8, 2018, held a public hearing and considered **Tentative Subdivision Map #1307**, initiated by Benchmark Engineering, on behalf of Baxter Ranches, LLC, property owner. The application is a request to change the General Plan designation for approximately 5.58 acres of land at the southwest corner of M Street and Arrow Wood Drive from Open Space/Park (OS) to Low-Medium Density Residential (LMD) to allow the construction of 43 single-family lots and to change the General Plan designation for approximately 5 acres of land located west of M Street and north of Arrow Wood Drive from Low-Medium Density Residential (LMD) to Open Space/Park (OS). The Site Utilization Plan Revision would change the land use designation for the 5.58 acres at M Street and Arrow Wood Drive from “Park” to “Single-Family Residential” and change the designation for the approximately 5.0 acres west of M Street and north of Arrow Wood Drive from “Single-Family Residential” to “Park.” Vesting Tentative Subdivision Map #1307 would allow the subdivision of the 5.58 acres located at the southwest corner of M Street and Arrow Wood Drive into 43 single-family lots; also known as Assessor’s Parcel No. 224-030-018; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through L of Staff Report #18-16; and,

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH#9212055)] remains sufficient and no further documentation is required (CEQA Section 15162 Findings), and approve Vesting Tentative Subdivision Map #1307, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

PLANNING COMMISSION RESOLUTION # 3099

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August 8, 2018

Upon motion by Commissioner PADILLA, seconded by  
Commissioner RASHE, and carried by the following vote:

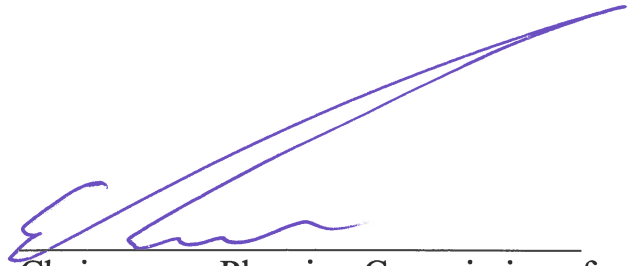
AYES: Commissioner(s) Drexel, Harris, Martinez, Padilla, Rashe, and  
Chairperson Dylina

NOES: Commissioner(s) None

ABSENT: Commissioner(s) None

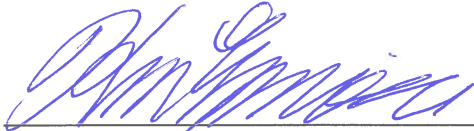
ABSTAIN: Commissioner(s) Camper

Adopted this 8<sup>th</sup> day of August 2018



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution # 3099**  
**Vesting Tentative Subdivision Map # 1307**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (VTSM #1307), - Attachment D of Staff Report #18-16, except as modified by the conditions.
2. The approval of the VTSM #1307 is subject to City Council approval of General Plan Amendment #18-01 and Site Utilization Plan Revision #13 to P-D #42 and will not become effective until the date of the City Council approval.
3. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
4. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
5. All previously adopted conditions, mitigation measures, and guiding principles contained in Appendices D, E, and F of the Bellevue Ranch Master Development Plan (BRMDP) adopted by the Merced City Council on May 15, 1995, which are applicable to this project, shall apply to this tentative map and all subsequent final maps, improvement plans, building permits, and discretionary approvals.
6. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
7. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any

governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

8. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
9. Should any conflicts arise between the tentative map conditions contained herein and those conditions, mitigation measures, and guiding principles contained in the BRMDP, Appendices D, E, and F, or any other pertinent Sections/Appendices of the BRMDP, said conditions, mitigation measures, guiding principles, and sections/appendices shall take precedence.
10. All public improvements shall be provided along all new roadways and any damaged or missing improvements along M Street within the project area's frontage shall be repaired/replaced.
11. Developer shall construct full public improvements (including, but not limited to, curb and gutter, pavement, sidewalk and one drive approach per lot, street lights, landscaping, and utilities) on all new streets.
12. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
13. Unless another funding mechanism is put into place, a fee of \$861 per dwelling unit shall be collected at time of building permit issuance to fund the future construction of the bridge at Fahrens Creek and Bellevue Road. This fee is in addition to all other permit and impact fees.



14. Prior to recordation of a final map, the dedication of Lot A as a park shall be vacated by the City. The applicant shall submit an application to the Planning Department to initiate this process.
15. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).
16. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
17. Prior to the recording of a final map, proper documentation shall be provided to the satisfaction of the City Engineer, showing how storm water will be managed on the site and directed to the City's storm water system. Storm water shall be collected on-site and metered into the City's system. The developer shall provide calculations to confirm there is capacity in the existing storm water system to serve the proposed project. If there is not sufficient capacity, the developer shall provide an alternative to using the existing lines and drainage basin.
18. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
19. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).
20. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.

21. Install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
22. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
23. Per the BRMDP, all exterior building materials shall consist of stucco, masonry, or architectural grade wood siding, and roofing materials shall consist of tile, wood shake (with acceptable fire rating), and architectural composition shingles.
24. The building facades shall be of high quality design providing varied elevations and color schemes. All designs shall be consistent with the requirements of the BRMDP and Planned Development (P-D) #42.
25. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
26. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
27. All garages shall have a minimum setback of 20 feet measured from the property line or back of sidewalk, whichever is closest to the front of the garage. Per the BRMDP, the setback for the living area portion of the house may be reduced to 15 feet and shall also be measured from the property line or back of sidewalk, whichever is closest to the living area portion of the house. Lot coverage shall not exceed 45% for all lots 6,000 square feet or larger and 55% for lots less than 6,000 square feet.
28. All mechanical equipment shall be screened from public view.
29. No residential driveways shall front any arterial or collector street.
30. A 6-foot-tall masonry wall and a minimum 10-foot-wide landscape strip shall be installed along M Street and Arrow Wood Drive consistent with the requirements of the Bellevue Ranch Master Development Plan.

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4000**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 8, 2018, held a public hearing and considered **Commercial Cannabis Business Permit #18-04**, initiated by S & S Company, LLC, on property owned by Rose and Greg Opinski, Trustees. This application is a request to permit the Manufacturing of cannabis-based products on a 1.06 acre parcel located at 145 Riggs Avenue, Suite B in a Light Industrial zone; also known as Assessor's Parcel Number 059-420-058.

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through J of Staff Report #18-18; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #18-17, and approve Commercial Cannabis Business Permit #18-04, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner PADILLA, seconded by Commissioner CAMPER, and carried by the following vote:

AYES: Commissioners Camper, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: Commissioner Drexel

PLANNING COMMISSION RESOLUTION # 4000

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August 8, 2018

Adopted this 8<sup>th</sup> day of August, 2018

  
\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution # 4000**  
**Commercial Cannabis Business Permit #18-04**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (existing building photos) -- Attachments B and D of Staff Report #18-18, except as modified by the conditions.
2. All conditions and requirements contained in Ordinance #2480 (Attachment G) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, and in compliance with all applicable ordinances, statutes, and/or regulations.

7. The proposed project shall comply with all applicable regulations of the State of California, including but not limited to, those found in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).
8. The proposed project shall provide that all manufacturing activities occur indoors within a fully enclosed and secure structure, and ensure that the property on which the structure sits is secure and appropriately screened. The details of the property's fencing, security and screening are to meet the approval of the Director of Development Services and Chief of Police prior to the issuance of a Certificate of Occupancy.
9. The applicants shall meet the standards of the City of Merced's "Commercial Building Permit Application Submittal Requirements" (Attachment G) at the time of submittal for building permits for tenant improvement.
10. The applicants shall keep on the premises of the proposed project site a physical copy of the approved plans, to be annotated and updated accordingly with any notes, changes, or requirements determined to be necessary by representatives of the City of Merced or any contractors that the City of Merced may employ for the purpose of site inspections. These plans shall be made available to the City's representatives, employees, agents, inspectors, or contractors upon request.
11. The facility operated by the applicants shall be secured from intentional or accidental access by any person not employed, contracted or otherwise authorized on the premises, including any tenants of other buildings on the same property.
12. Fire sprinklers shall be modified to accommodate the building configuration and process configuration prior to occupancy.
13. Regulatory Fees as per Resolution #2017-67 are to be paid prior to the issuance of a Certificate of Occupancy and annually thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs. The amount of the fees shall be adjusted annually (starting on January 1, 2019) to account for inflation by using the Consumer Price Index (CPI). In no event, shall the fees in any year be less than the preceding year.
14. Future modifications to the scale, scope, activities, implementation, processes, materials, design, layout or other factors pertaining to the

operation of the project that are consistent with permits to perform activities related to the manufacturing of cannabis and cannabis-based products may be authorized with the approval of the City's Chief Building Official, Fire Chief, and Director of Development Services.

15. The room labeled as 'Bid Room' on the submitted floor plan is intended for use as a typical conference room and is not to be utilized for public demonstrations of cannabis or cannabis-based products, retail sales to the general public, distribution of cannabis or cannabis-based products, or any other activity that would otherwise require a Commercial Cannabis Business Permit other than one for Manufacturing; furthermore, all uses for this room must be in compliance with all other conditions of Commercial Cannabis Business Permit #18-04.

n:\shared\planning\PC Resolutions: CCBP 18-04 Exhibit A

**CITY OF MERCED**  
**Planning Commission**

**Resolution #4001**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 8, 2018, held a public hearing and considered **Commercial Cannabis Business Permits #18-01, #18-02, and #18-03**, initiated by Organic Trichome, Inc., on property owned by James G. Moulton and Lynda S. Moulton. These applications are requests to permit the Cultivation of up to 10,000 square feet of cannabis; the Distribution of cannabis and cannabis-based products; and the Manufacturing of cannabis-based products using both volatile and non-volatile methods on a 1.97 acre parcel at 115 Heron Way within a Light Industrial (I-L) zone; also known as Assessor's Parcel Number (APN) 059-430-033; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through J of Staff Report #18-17; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #18-16, and approve Commercial Cannabis Business Permits #18-01, #18-02, and #18-03, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner PADILLA, seconded by Commissioner MARTINEZ, and carried by the following vote:

AYES: Commissioners Camper, Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: None

ABSENT: None

ABSTAIN: None



PLANNING COMMISSION RESOLUTION # 4001

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August 8, 2018

Adopted this 8<sup>th</sup> day of August, 2018

  
\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution # 4001**  
**Commercial Cannabis Business Permits #18-01, #18-02, and #18-03**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (site plan) and Exhibit 2 (elevations) -- Attachments B and D of Staff Report #18-17, except as modified by the conditions.
2. All conditions and requirements contained in Ordinance #2480 (Attachment G) shall apply.
3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.

6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control. State Law shall prevail in regards to cannabis activities as permitted by State Law.
7. The proposed project shall comply with all applicable regulations of the State of California, including but not limited to, those found in the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).
8. The proposed project shall provide that all manufacturing activities occur indoors within a fully enclosed and secure structure, and ensure that the property on which the structure sits is secure and appropriately screened. The details of the property's fencing, security and screening are to meet the approval of the Director of Development Services and Chief of Police prior to the issuance of a Certificate of Occupancy.
9. The applicants shall meet the standards of the City of Merced's "Commercial Building Permit Application Submittal Requirements" (Attachment H) at the time of submittal for building permits for tenant improvement.
10. The applicants shall keep on the premises of the proposed project site a physical copy of the approved plans, to be annotated and updated accordingly with any notes, changes, or requirements determined to be necessary by representatives of the City of Merced or any contractors that the City of Merced may employ for the purpose of site inspections. These plans shall be made available to the City's representatives, employees, agents, inspectors, or contractors upon request.
11. The facility operated by the applicants shall be secured from intentional or accidental access by any person not employed, contracted or otherwise authorized on the premises, including any tenants of other buildings on the same property.
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before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs. The amount of the fees shall be adjusted annually (starting on January 1, 2019) to account for inflation by using the Consumer Price Index (CPI). In no event, shall the fees in any year be less than the preceding year.

14. Future modifications to the scale, scope, activities, implementation, processes, materials, design, layout or other factors pertaining to the operation of the project that are consistent with permits to perform activities related to the cultivation, distribution and manufacturing of cannabis and cannabis-based products may be authorized with the approval of the City's Chief Building Official, Fire Chief, and Director of Development Services.

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