



**PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 28, 2003, 9:00 A.M.
2222 "M" STREET, BOARD ROOM, THIRD FLOOR,
MERCED, CALIFORNIA**

I. CALL MEETING TO ORDER

II. ROLL CALL OF COMMISSIONERS

Larry Whitney; Kimberly Clauss; Steve Sloan, Chairman; Lynn Tanner; David Wager.

III. APPROVAL OF MINUTES

IV. CITIZEN COMMUNICATIONS

Public opportunity to address the Planning Commission on items of interest over which the Planning Commission has jurisdiction.

SPEAKERS

If you would like to address the Planning Commission on any item on the agenda, please pick up a 3" x 5" card in the foyer, fill it out with your name, address, and item you wish to speak on, and give it to someone at the staff table (to the left of the podium) prior to speaking.

V. PUBLIC HEARING

- A. MODIFICATION NO. 02019, 3rd MODIFICATION TO CONDITIONAL USE PERMIT NO. 3589 –Gemperle Enterprises' August Ranch – To consider the addition of five new hen houses, housing approximately 710,000 hens, to an existing egg production and packing facility that currently has five hen houses with 360,000 hens located on the north side of August Road 1000 ft west of Griffith Avenue in the Hilmar Area which is designated as Agricultural land use in the General Plan and Zoned A1 (General Agricultural) (148 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION.** Project Planner Robert King**

VI. **CORRESPONDENCE**

None

VII. **GENERAL BUSINESS**

Follow-up presentation by MCAG staff on the PIP process and setting goals for spending transportation dollars over the next 20 years.

Interpretation and direction of the Sign regulations as to murals and supergraphics.

VIII. **DIRECTOR'S REPORT**

None

IX. **ADJOURNMENT**

APPEALS

Any person may appeal any action of the Planning Director or Planning Commission within five (5) calendar days after the day the action is made. [Within ten (10) calendar days of action on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Planning Director's actions may be filed with the Planning Department and appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF MAY 28, 2003

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of May 28, 2003, are available in the Merced County Planning and Community Development Department, 2222 "M" Street, Second Floor, Merced, California.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:18 a.m., on May 28, 2003, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Larry Whitney
 Commissioner Steve Sloan-Chairman
 Commissioner Lynn Tanner

Staff Present: William R. Nicholson, Planning and Community Development
 Director
 Kim Lewallen, Recording Secretary
 Robert King, Planner III

Legal Staff: Fernanda Saude, Senior Deputy County Counsel

Commissioners Absent: Commissioner Wager, absent, excused
 Commissioner Clauss, absent, excused

III. APPROVAL OF MINUTES

M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF MAY 14, 2003.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MODIFICATION NO. 02019, 3rd MODIFICATION TO CONDITIONAL USE PERMIT NO. 3589 –Gemperle Enterprises’ August Ranch – To consider the addition of five new hen houses, housing approximately 710,000 hens, to an existing egg production and packing facility that currently has five hen houses with 360,000 hens located on the north side of August Road 1000 ft west of Griffith Avenue in the Hilmar Area which is designated as Agricultural land use in the General Plan and Zoned A-1 (General Agricultural) (148 acres). **TO APPROVE THE NEGATIVE DECLARATION AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner Robert King**

Planner Robert King presented the Staff Report and Recommendation dated May 28, 2003.

The public hearing opened at 9:28 a.m.

MERCED COUNTY PLANNING COMMISSION

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David Nervino, neighbor, indicated that he is opposed to this application. He opposed the initial Conditional Use Permit ten years ago. He stated that there has been an impact on the traffic in the area.

Steven Gemperle, applicant, indicated that he doesn't smell any odors from the property. He indicated that Planner King told him that the zoning would continue to be A-1, General Agricultural.

Chairman Sloan asked how far the new pens are from the Gemperle property line? Planner King responded about 250 ft.

Commissioner Whitney asked what the size of the house is? Mr. Gemperle responded 54,200 sq. ft.

Hilton Markum, neighbor to the north of the project, indicated that the odor is bad when the wind blows from the south. He has lived there about 5 years and knew of the egg production facility before he moved there.

Mr. Nervino showed the 2 mile radius map of all the facilities in the area by the Gemperle project.

The public hearing closed at 9:51 a.m.

Commissioner Tanner asked how the existing facility is affected. Mr. Nicholson indicated that there is no regulation saying how many miles to be apart.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVES THE NEGATIVE DECLARATION PREPARED FOR MODIFICATION NO. 02019, 3rd MODIFICATION TO CONDITIONAL USE PERMIT NO. 3589.

MOTION: M/S TANNER - WHITNEY, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MAY 28, 2003, AND MAKES THE 10 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 10 FINDINGS, APPROVES MODIFICATION NO. 02019, 3rd MODIFICATION TO CONDITIONAL USE PERMIT NO. 3589 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

1. The 2nd Modification No. 02007 to Conditional Use Permit No. 3347 is granted to add a 17,850 square foot egg storage building to an existing egg packing plant.
2. The applicant shall comply with all applicable regulations administered by the County. These regulations shall include, but not limited to standards administered by the County Fire, Public Works, Environmental Health and Planning and Community Development Department.
3. The project shall comply with all the standard conditions in Planning Commission Resolution No. 97-1 (Attached to applicant's staff report).
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$62.00** shall be required. This fee shall be paid prior to issuance of any building permits.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:55 a.m.