



**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION AGENDA  
REGULAR MEETING OF MAY 12, 2004, 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; Steve Sloan, Chairman; Lynn Tanner

**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. CONDITIONAL USE PERMIT No. 2794 (tracking number CUP 03013) – Joseph Amarant** – To consider revocation of propane service and distribution facility due to failure to comply with previous conditions of approval. The property is located on the north side of Clover Avenue approximately 600 feet east of Buhach Rd. and designated Atwater SUDP – Agricultural and zoned M-1 (Light Manufacturing). **TO REVOKE, MODIFY OR RETAIN THE EXISTING PERMIT. Continued from the April 28, 2004 meeting. Project Planner Robert King**

**B. CONDITIONAL USE PERMIT APPLICATION No. 03014 – J.S. West Milling Company** – To renovate and expand an existing egg laying facility by constructing six new hen houses and ancillary buildings to accommodate 786,000 laying hens over the next five years. The subject property is located northwest of Bell Drive and Dwight Way in the Livingston area and is designated as Agricultural land use in the Merced County General Plan and zoned A-1 (General Agricultural) (46 Acres). **TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

**STRIVING FOR EXCELLENCE**

VI. **NON – HEARING ITEMS**

- A. **STUDY SESSION FOR CONDITIONAL USE PERMIT APPLICATION NO. 99009 - Jaxon Mine Expansion** - The Draft Environmental Impact Report has been published for public and agency review. Staff and the EIR preparer will present the proposal and EIR findings to the Commission as an informational item prior to bringing the item back to the Commission for action after completion of the Final EIR. This is not a public hearing; no action or direction is requested of the Commission at this time.

VII. **CORRESPONDENCE**

None

VIII. **GENERAL BUSINESS**

Presentation by Merced County Association of Governments on the Partnership in Planning (PIP) program with a list of all the community's participation in the PIP workshops and announcing the final workshop dates.

IX. **DIRECTOR'S REPORT**

Update on Planning Commission vacancies.

X. **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 12, 2004**

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A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of May 12, 2004, 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 9:12 a.m., on May 12, 2004, 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  
   Commissioner Gloria Bettencourt – sworn in by Deidre Kelsey

Staff Present:                      William Nicholson, Planning and Community Development Director  
   Desmond Johnston, Deputy Director  
   Kim Lewallen, Recording Secretary  
   Robert King, Planner III  
   James Holland, Planner III

Legal Staff:                        Ruben Castillo, County Counsel

Commissioners Absent:        None

**III. APPROVAL OF MINUTES**

**M/S WHITNEY – TANNER, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION APPROVED THE MINUTES OF APRIL 28, 2004.**

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARINGS**

**A.      CONDITIONAL USE PERMIT No. 2794 (tracking number CUP 03013) – Joseph Amarant – To consider revocation of propane service and distribution facility due to failure to comply with previous conditions of approval. The property is located on the north side of Clover Avenue approximately 600 feet east of Buhach Rd. and designated Atwater SUDP – Agricultural and zoned M-1 (Light Manufacturing). **TO REVOKE, MODIFY OR RETAIN THE EXISTING PERMIT. Continued from the April 28, 2004 meeting. Project Planner Robert King****

Planner Robert King presented the Staff Report and Recommendation dated May 12, 2004. Jeff Palsgaard, Environmental Health, also showed slides to the Commissioners on the condition of the Amarant property.

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Chairman Steve Sloan asked the applicant if anything has been done to clean up this property in the last year since the application was approved. Mr. Palsgaard replied yes.

The public hearing opened at 9:27 a.m.

Helen Amarant, applicant, indicated that several of the cars have been removed and the water heaters are going to be taken off the property. The tanks on the property are not junk. They re-use them. She asked for patience from the County. They have no time to do the extra work, but does want to work with the County to get the property cleaned up.

Chairman Sloan stated that he dislikes revoking Conditional Use Permits, but the condition of the property has been on going for a year. He needed reassurance from the applicant that this property will be cleaned up.

Mrs. Amarant agreed that the property is a mess and she will have workers come in over the summer to clean up the project.

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

Commissioner Tanner would like to see a 30 day period to get this property cleaned up.

Mr. Palsgaard indicated if the tanks are essential to the business, then those are ok to be on the property.

Chairman Sloan would like to see a 60 day period to have this property cleaned up and then bring back to the Commission in July for review. Commissioner Tanner and Commissioner Whitney both concur.

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION AGREES TO HAVE THIS APPLICATION COME BACK BEFORE THE COMMISSION IN 60 DAYS, JULY 14, 2004, TO SEE IF THE CONDITIONS ARE MET TO THE SATISFACTION OF ENVIRONMENTAL HEALTH AND THE PLANNING COMMISSIONERS.**

- B. CONDITIONAL USE PERMIT APPLICATION No. 03014 – J.S. West Milling Company** – To renovate and expand an existing egg laying facility by constructing six new hen houses and ancillary buildings to accommodate 786,000 laying hens over the next five years. The subject property is located northwest of Bell Drive and Dwight Way in the Livingston area and is designated as Agricultural land use in the Merced County General Plan and zoned A-1 (General Agricultural) (46 Acres). **TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. Project Planner James Holland**

Planner James Holland presented the Staff Report and Recommendation dated May 12, 2004. Bob Klousner, Planning Partners, also made a brief presentation to the Commissioners.

The public hearing opened at 9:56 a.m.

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John Bedell, production manager for J.S. West Milling, indicated that this project employs 66 people. The gross sales of this project are \$18 million annually. This project will provide agricultural employment in long term for Merced County. The buildings are designed using the latest technology and provide a clean and safe employee environment.

The public hearing closed at 9:58 a.m.

**MOTION: M/S WHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS THE RESOLUTION CERTIFYING THE EIR AND ADOPTS THE CEQA FINDINGS AND MITIGATION MONITORING PROGRAM AND THE STATEMENT OF OVERRIDING CONSIDERATIONS PREPARED FOR CONDITIONAL USE PERMIT APPLICATION No. 03014.**

**MOTION: M/SWHITNEY - TANNER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED MAY 12, 2004, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES CONDITIONAL USE PERMIT APPLICATION No. 03014 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### **Conditions:**

1. Conditional Use Permit Application No. 03014 is to allow J.S. West Milling Company to construct and operate a complex of six egg layer barns and egg processing and packaging facilities housing 786,000 laying hens.
2. The J.S. West Milling Company project shall be located, developed and operated in a manner described on the approved plot plan, project description, mitigation measures, mitigation monitoring and reporting program, and conditions of this permit. Any changes or proposed modifications to the approved project shall be based on a written request of the applicant to the Planning Director.
3. The applicants shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments
4. All mitigation measures identified in the Initial Study and Environmental Impact Report prepared for this proposal are adopted and incorporated by reference as project conditions.
5. Prior to preliminary building permit submittal, the applicant shall submit a Wastewater Management Plan to the Merced County Environmental Health Division for review and approval.
6. The property owner shall dedicate to the County of Merced for road purposes, an additional 10-foot width along the entire frontage of Dwight Way, 30-foot width along the entire frontage of Bell Drive that is not adjacent to the MID irrigation canal, 20-foot width along the entire frontage of Bell Drive where adjacent to the MID irrigation canal, and a fillet (curve) with a radius of 50 feet at the northwest corner intersection of Bell Drive and Dwight Way. The legal description(s) and exhibit(s) needed for the easement deed shall be prepared by a licensed land surveyor or by a civil

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engineer authorized to perform land surveying. Approved grant deeds with accompanying legal description and exhibit shall be submitted for recordation prior to the issuance of any building permits or within three months from the date of approval of this use permit, which ever comes first.

7. The property owner shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required permit fees, and construct a rural “agricultural” typed paved driveway approach and install a street light at the main entrance to the facility. The minimum width of the approaches shall be 18 feet while the maximum width shall be 35 feet. The street light may be mounted on a wooden pole. All work shall be in accordance to the Merced County Public Works Improvement Standards and Specifications. This work shall be accomplished prior to the issuance of the Certificate of Occupancy by the DPW/Building & Safety Division (Building Permits & Inspections) for any of the new buildings.
8. The applicant shall participate in overlaying Bell Drive and Dwight Way fronting the site. This segment of Bell Drive and Dwight Way shall be overlaid with 1” thick “sheet” asphalt concrete (AC). The DPW/Road Division will perform all the construction work. The applicant will be obligated to pay the cost for materials. The cost has been estimated to be \$13,800.00. Payment by the applicant shall be made prior to the issuance of the Certificate of Occupancy by the DPW/Building & Safety Division (Building Permits & Inspections) for any of the new buildings.
9. Prior to preliminary building permit submittal, the applicant shall submit plans to the Public Works Road Division providing for the paving and striping of the project driveway and parking areas in accordance with subsections 18.40.03 and 18.40.4 of the Merced County Zoning Code.
10. Prior to preliminary building permit submittal, the applicant shall submit plans to the Public Works Road Division providing for the disposal of stormwater from parking areas in accordance with the standards provided in subsection 18.40.4.D of the Merced County Zoning Code.
11. License Agreements or easements must be obtained by the property owner for any exiting or future crossings over or under any Merced Irrigation District facilities including roadways, utilities and pipelines.
12. A mitigation-monitoring fee of **\$552.00** shall be paid prior to submittal of any building plans. Should additional staff time be required for review of the development plans or condition monitoring, the applicant shall reimburse the County for staff time at the established hourly rate at the time of plan review or inspection.

### 15 MINUTE BREAK

### NON – HEARING ITEMS

- C. **STUDY SESSION FOR CONDITIONAL USE PERMIT APPLICATION NO. 99009 - Jaxon Mine Expansion** - The Draft Environmental Impact Report has been published for public and agency review. Staff and the EIR preparer will present the proposal and EIR findings to the Commission as an informational item prior to bringing the item back to the Commission for action after completion of the Final

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EIR. This is not a public hearing; no action or direction is requested of the Commission at this time.

Desmond Johnston and Bruce Steubing presented to the Commissioners the proposal and EIR findings for Conditional Use Permit Application No. 99009. The Planning Commissioners didn't have any questions at this time on this application.

Travis Deam of Jaxon Mining, indicated that there has been no violations on this project. He stated that there was controversy for the night time operation, but a majority of the work has to be done at night time. He also invited the Commissioners to have a tour of the site. The Commissioners agreed and will schedule a day after a Planning Commission meeting to tour the project site.

## VI. CORRESPONDENCE

None

## VII. GENERAL BUSINESS

Merced County Association of Governments presented to the Commissioners with a list of all the community's participation in the PIP workshops and announcing the final workshop dates.

## VIII. DIRECTOR'S REPORT

Gloria Bettencourt has been appointed as the new Commissioner for District 4 by Deidre Kelsey.

Steve Sloan and Gloria Bettencourt will be attending the Planning Commissioners Workshop on June 4, 2004.

## IX. ADJOURNMENT

There being no further business, the meeting adjourned at 10:56 a.m.