

MERCED COUNTY PLANNING COMMISSION

MINUTES FOR MEETING OF JULY 11, 2007

A recording on tape and original minutes (for reference purposes only) of the Merced County Planning Commission meeting of July 11, 2007, 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 9:05 a.m., on July 11, 2007, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Jack Mobley
 Commissioner Lynn Tanner
 Commissioner Rudy Buendia

Staff Present: Robert Lewis, Development Services Director
 William Nicholson, Assistant Development Services Director
 Kim Anderson, Recording Secretary
 Oksana Newmen, Planner II
 James Holland, Senior Planner

Legal Staff: Fernanda Saude, Assistant County Counsel

Commissioners Absent: Commissioner Cindy Lashbrook
 Chairman Steve Sloan

III. APPROVAL OF MINUTES

NONE

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. ADMINISTRATIVE APPLICATION No. AA07-013 - Sultana Hulling & Shelling, LLC - To establish an Almond Hulling and Shelling Facility on property located north of Hwy 140, and west of Sultana Drive in the Atwater area. The project site 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. ON

Planner Oksana Newmen presented the Staff Report and Recommendation dated July 11, 2007. A letter was handed out to the Commissioners requesting Condition #16 be removed and a revision to Condition #21 regarding the chain link fence being placed at the east line of the project area.

The public hearing opened at 9:16 a.m.

Grant West, owner, stated that he has resolved any problems they had with the staff report and asked for approval of this project.

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

MERCED COUNTY PLANNING COMMISSION

Minutes – July 11, 2007

Page 2

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION ADOPTS THE MITIGATED NEGATIVE DECLARATION PREPARED FOR ADMINISTRATIVE APPLICATION No. AA07-013.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATION DATED JULY 11, 2007, AND MAKES THE 12 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 12 FINDINGS, APPROVES ADMINISTRATIVE APPLICATION No. AA07-013 SUBJECT TO THE 24 CONDITIONS SET FORTH IN THE STAFF REPORT INCLUDING DELETION AND REVISION TO THE CONDITIONS AS FOLLOWS:

Conditions:

Planning and Community Development Department

1. Administrative Application No. AA07-013 proposes to build and operate an almond hulling and shelling facility.
2. If the Administrative Permit is not implemented within one year, it shall expire and become void. The Development Services Director may extend the Permit if a request is filed by the applicant prior to its expiration.
3. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$300** 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.

Fire Department

5. The applicant shall Post the facility address at the road access point.
6. The applicant shall submit high pile storage details for proposed buildings. On-site water storage for fire protection shall be provided. 65,000 gallons are required for this project, based upon NFPA Standard 1142, Water supply connections, hydrants or risers shall be located not less than 25 feet or more than 250 feet from any point of a significant building, measured from the outside, parallel to and 18" - 30" above grade measured from the center of the connection, accessible at all times (NFPA 24 & 1141). Water Storage tanks shall be clearly marked "Water" or "H2O", with any Fire Department connection marked "Fire Dept.", have a water level indicator visible from the nearest outlet, filled automatically, and shall be adequately vented for drafting. Two copies of the plan with water storage indicated shall be provided to the Fire Department for approval.
7. Any water distribution shall be via a minimum 8" water line, which in turn shall connect to 4" minimum standard weight steel pipe risers or fire hydrants. A 6" line may be used for a single hydrant for a maximum 60 feet pipe run. Hydrants, risers and tanks shall have a 4 Y, " male outlet with National Standard Threads, be clearly marked "Fire Dept." and shall be accessible at all times, Water supply connections on gravity systems shall also be marked "Draft".

MERCED COUNTY PLANNING COMMISSION

Minutes – July 11, 2007

Page 3

8. Access roads are to be a minimum 20 feet in width, with a vertical clearance of at least 13 feet 6 inches, extending to within 150 feet of all portions of buildings. An all-weather driving surface is required for developed properties, capable of supporting a highway loads (UFC 901 and 902).
9. Access gates, if any, must be provided with a Merced County coded 'Knox' key switch or a 'Knox' padlock, whichever is most appropriate (UFC 902.4).
10. Fuel storage and dispensing, liquid propane gas or similar require separate building permits.

Public Works – Roads Division

11. The applicant shall retain an engineer to investigate the existing road conditions. Said engineer's duties shall include, but are not limited to, investigating the existing road sections; projecting the impact the facility and associated traffic would have upon the existing County roads, and recommend attenuating measures to account for the negative impact such operations would have on County maintained roads. If the attenuating measures proposed by the applicant's engineer are acceptable to Public Works/Road Division, said measures would be implemented prior to operation of the facility. Such attenuating measures may be entering into a Roadway Impact Agreement for the payment of fees associate with road repair, or by the applicant improving the affected roads to acceptable standards determined by the Road Division.
12. The applicant shall obtain an Encroachment Permit from the Department of Public Works/Road Division, pay the required plan check and inspection fees, and construct an agricultural-type driveway approach to County standards at the access from the proposed private access onto Sultana Drive. A street light shall be installed at the driveway approach and oriented towards Sultana Drive. This shall be done prior to the operation of the facility.
13. The applicant shall improve the private access road between Sultana Drive and the facility to Merced County Fire Department requirements.
14. The applicant shall provide dust control on the traveled path leading from Sultana Drive to the proposed facility.
15. All drainage and storm water runoff generated by the site' and associated improvements shall be directed away from County roads and right-of-ways.

Environmental Health

16. If any hazardous materials will be stored/handled or used in amounts greater than 55 gals, 500 pounds, or 200 cubic feet of gas as standard temperature and pressure, or welding, or any amount of hazardous waste, a hazardous materials business plan will have to be submitted to the Division of Environmental Health. Contact Vickie Hayer at (209) 381-1083.

Merced Irrigation District

17. If the project's storm drainage is to be accepted by the Merced Irrigation District Drainage Improvement District No.1 (MIDDID No.1), the property owner must enter into a "Storm Drainage Contract" with the MIDDID No.1, paying all applicable fees.
18. No buildings, permanent structures, fences or walls to be constructed or placed on MID's fee strip or easement without approval of the MID.

MERCED COUNTY PLANNING COMMISSION

Minutes – July 11, 2007

Page 4

19. Septic systems and leach fields must maintain a 50-foot setback from the edge of the Lower Dallas Lateral.
20. A minimum 6-foot high chain link fence to be placed at the east line of the project area outside of the MID easement to prevent access to the Lower Dallas Lateral.
21. Owner must enter into an appropriate crossing agreement with MID to allow ingress and egress over MID's easement. The physical crossing must be approved by MID before any work commences and must be engineered for the expected traffic loads.

San Joaquin Valley Air Pollution Control District

22. The applicant shall comply with all applicable District rules.

Mitigation Measures

23. In order to mitigate increased noise levels, the facility shall be constructed in a location surrounded by existing almond orchards. In addition, all processing activities shall be located inside proposed buildings in order to reduce noise from traveling off-site (MM).

- B. 1ST MODIFICATION No. MM07-007 TO CONDITIONAL USE PERMIT No. CUP05-022 - Modern Dairy, Inc - To establish a dairy equipment storage and repair business within an existing building located at the southeast corner of Highway 59 and Vassar Avenue in the Merced area. The project site 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. JH****

Planner James Holland presented the Staff Report and Recommendation dated July 11, 2007.

The public hearing opened at 9:30 a.m.

No one spoke in favor or opposition to this application.

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

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION EXEMPTS 1ST MODIFICATION No. MM07-007 TO CONDITIONAL USE PERMIT No. CUP05-022, FROM CEQA.

MOTION: M/S MOBLEY - BUENDIA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JULY 11, 2007, AND MAKES THE 9 FINDINGS SET FORTH IN THE STAFF REPORT AND, BASED ON THOSE 9 FINDINGS, APPROVES 1ST MODIFICATION No. MM07-007 TO CONDITIONAL USE PERMIT No. CUP05-022 SUBJECT TO THE 13 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Planning & Community Development Department

1. Minor Modification No. MM07-007 to Conditional Use Permit No. CUP05-022 proposes the establishment and operation of a dairy equipment storage and repair

MERCED COUNTY PLANNING COMMISSION

Minutes – July 11, 2007

Page 5

business in an existing 23,000 sq ft building previously approved for an agricultural pump company.

2. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1 (attached).
3. The applicant shall comply with applicable regulations administered by the County. These regulations include, but are not limited to standards administered by the County Fire, Environmental Health and Public Works Departments.
4. For the purpose of condition monitoring, an inspection fee in the amount of **\$150** shall be required. This fee shall be paid within 14 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.

Public Works – Roads Division

5. The property owner shall dedicate to the County of Merced an additional 10 feet of right-of-way along the entire frontage of Vassar Avenue. This dedication shall be made prior to the issuance of a Certificate of Occupancy by the Department of Public Works Building and Safety Division (Building Permit Office) for any new or modified structure.
6. The property owner shall obtain an encroachment permit from the Department of Public Works Road Division, pay the required permit fees, and improve Vassar Avenue fronting along their property. Said improvements shall include widening Vassar, overlaying existing pavement, constructing a paved driveway approach, installing a standard streetlight near the entrance to the property and relocating any utilities in conflict with proposed improvements. All work shall be per the Merced County Public Works Improvement Standards and Specifications. This work shall be completed prior to the issuance of a Certificate of Occupancy by the Department of Public Works Building and Safety Division (Building Permit Office) for any new or modified structure.
7. The property owner shall provide a drainage plan, prepared by a licensed Civil Engineer per Merced County Drainage Manual and submit to Merced County DPW/Road Division for review and approval prior to the issuance of permits allowing occupancy or use of the property. The applicant shall pay a fee of \$500 to the DPW/Road Division for review. The design shall direct stormwater runoff away from any publicly maintained roadway.

Environmental Health Division

8. The applicant shall contact Vickie Hayer of the Environmental Health Division (209 381-1083) to discuss the possible use or handling of hazardous materials and/or hazardous wastes related to their permitted activities

Building and Safety Division

9. The applicant shall hire an architect or engineer licensed in the State of California to determine if any modifications will be required to the existing building for the proposed use. This requirement includes any modifications that may be necessary to make the building handicapped accessible. Any needed modifications shall be shown on engineered plans to be submitted to the Building and Safety Division for review and permitting.

Other Agencies Merced Irrigation District

10. If an off-site outlet for stormwater discharges is required under Approval Condition No. 7, the applicant will enter into an 'Agreement of Inclusion' with the Merced

MERCED COUNTY PLANNING COMMISSION

Minutes – July 11, 2007

Page 6

Irrigation District Drainage Improvement District No. 1, and pay all applicable fees, to allow discharge of stormwater flows into their Paden Drain facility.

11. The applicant shall not discharge any agricultural drainage water from the property into Merced Irrigation District Facilities.

Regional Water Quality Control Board

12. The applicant shall submit to the Regional Water Quality Control Board (Fresno Office) a Notice of Intent (NOI) to comply with requirements of National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, a site map, appropriate fees and a Storm Water Pollution Prevention Plan (SWPP) that complies with permit requirements.

13. The applicant shall submit a Report of Waste Discharge to the Regional Water Quality Control Board (Fresno Office). This submittal will allow the Board to determine whether they need to prescribe specific waste discharge requirements (WDRs) for the project, or issue a waiver.

- C. GENERAL PLAN AMENDMENT No. GPA03-012, ZONE CHANGE No. ZC03-014, AND MAJOR SUBDIVISION APPLICATION No. MAS03-014 "Cinnabar Meadows" - DeSilva Group** - To amend the Santa Nella Specific Urban Development Plan (SUDP) by changing the land use designation of approximately 10 acres of High Density Residential and 31 acres of Commercial to 41 acres of Medium Density Residential land use designation. This amendment includes the accompanying zone change from R-3 and R-4 (Multiple Family Residential) to R-1-5000 (Single Family Residential 5,000 square foot minimum); and the Major Subdivision to divide 77 acres into 271 single family residential lots with a 10 acre Remainder parcel. The project site is located southeast of the intersection of State Highway 33 and Fahey Road. **THE ACTION REQUESTED IS TO RECOMMEND THE BOARD OF SUPERVISORS MAKE AN ENVIRONMENTAL DETERMINATION TO APPROVE, DISAPPROVE OR MODIFY THE APPLICATION. BK**

This item has been continued to an unknown Planning Commission date and will be readvertised.

County Staff has learned that a “can and will serve” letter from the Santa Nella Water District has not been obtained for this project to move forward with the Major Subdivision Application No. MAS03-014.

VI. CORRESPONDENCE

None

VII. GENERAL BUSINESS

None

VIII. DIRECTOR'S REPORT

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:35 a.m.