

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF APRIL 10, 2019

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 10, 2019, are available online at 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 April 10, 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 Mark Erreca – Chairman
 Commissioner Robert Acheson
 Commissioner Jack Mobley

Staff Present: Mark Hendrickson, Director
 Kim Zinke, Recording Secretary
 Kristin McHaney, Recording Secretary
 Brian Guerrero, Planner III

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: Commissioner Kurt Spycher
 Commissioner Fernando Aguilera

IV. APPROVAL OF MINUTES

MOTION: M/S MOBLEY-ACHESON, AND CARRIED BY A VOTE OF 3-0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF MARCH 27, 2019.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. **MINOR SUBDIVISION APPLICATION No. MS19-002 - Norbert Souza - To divide an approximate 101.7 acre parcel into 2 parcels, with no homes proposed, resulting in parcel sizes of: Parcel 1 = 22.03 acres and a Remainder Parcel of 79.75 acres, on property located on the north side of West Taglio Road, approximately 1,300 feet west of South Azevedo Road in the Gustine area, identified as APN 063-200-008. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: No further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations." **BG****

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 – "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision Application No. MS19-002 based on the findings included in the staff report and subject to the recommended conditions of approval.

MERCED COUNTY PLANNING COMMISSION

Minutes – April 10, 2019

Page 2

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated April 10, 2019.

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

Duane Andrews, Golden Valley Engineering, stated he was available for any questions and requested the approval of the project.

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

MOTION: M/S MOBLEY-ACHESON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 – “SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS” OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY-ACHESON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 10, 2019 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS19-002 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Community and Economic Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. The applicant shall comply with all applicable County, State and Federal regulations.
3. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.
4. A note shall be placed on the face of the parcel map stating that any new residences will be subject to review and approval of a Conditional Use Permit from the County, as per General Plan Policy AG-3.12, or as otherwise permitted by the County subject to the current policies in place at the time of the request.
5. Prior to parcel map recording, the applicant is to provide a recorded well access ("Shared Well") agreement between the owners of the properties. If the parcels will be owned by the same party at the time of map recording, a note shall be placed on the parcel map indicating that a Shared Well agreement will be required at the time of sale of the parcels. An easement for well access or surface water access shall be indicated on the map.

Merced County Department of Public Works/Roads Division

6. Right-of-Way Dedication is required to fulfill the property owner's half of a 60' ultimate right-of-way for county roads. The owners shall dedicate an additional 10' of right-of-way along Taglio Road fronting the property.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Norbert Souza 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. This duty shall arise at the first claim, action, or proceeding against 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.

- B. CONDITIONAL USE PERMIT No. CUP18-006 – Hilmar Cheese - 3 year Expansion Plan** - To construct a 200,000 square feet of new cheese processing and support buildings in two phases on property located at the northwest corner of North Lander Avenue & West August Road in the Hilmar area, identified as Assessor's Parcel Numbers (APNs) 045-140-086, 045-140-087 and 045-140-088. The property is designated Agricultural land use and zoned A-1 (General Agricultural). CEQA: An Initial Study/Mitigated Negative Declaration was prepared for the project. **BG**

RECOMMENDATION(S):

- 1) Open/Close the Public Hearing;
- 2) Determine the proposed project will not have a significant effect on the environment and adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Section 15070 – "Decision to Prepare a Negative or Mitigated Negative Declaration" of the CEQA Guidelines; and,
- 3) Approve CUP18-006 based on the project findings and subject to the recommended conditions of approval.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated April 10, 2019.

It was noted that a letter was received from San Joaquin Air Pollution Control Board and their request was added to the conditional of approval.

The public hearing opened at 9:12 a.m.

Troy Rouse, Hilmar Cheese Representative, stated he was available for any questions and requested the Commission approval of the project.

The public hearing closed at 9:12 a.m.

MOTION: M/S MOBLEY-ACHESON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DETERMINED THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND ADOPT A NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO SECTION 15070 – "DECISIONS TO PREPARE A NEGATIVE OR MITIGATED NEGATIVE DECLARATION" OF THE CEQA GUIDELINES.

MERCED COUNTY PLANNING COMMISSION

Minutes – April 10, 2019

Page 4

MOTION: M/S MOBLEY-ACHESON, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED APRIL 10, 2019 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP18-006 SUBJECT TO THE 23 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Community and Economic Development Department

1. Conditional Use Permit No. CUP18-006 is granted to allow the expansion of the existing Hilmar Cheese plant by constructing approximately 202,000 square feet of improvements including cold storage, accessory structures and paved areas for additional parking.
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 on-site lighting shall be stationary, directed away from adjoining properties and public rights-of-way, and physically shielded by an opaque material to prevent direct view of the light source from neighboring properties and Burchell Avenue.
5. A minimum of one tree for every six parking spaces and one tree at the end of each row shall be required for any new parking area.
6. The project is subject to the provisions of Planning Commission Resolution No. 97-1, attached.
7. The project shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.

Merced County Fire Department Prevention Bureau

8. **ADDRESS IDENTIFICATION.**
New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (CFC 505.1)
9. **FIRE DEPARTMENT ACCESS.**
Fire Access shall be maintained in accordance with CFC Sec. 503.(503.1.2) A knoxbox keyed entry system is required. Approved locks shall be installed on gates or similar barriers where required by the fire code official (CFC 506.1.1)
10. **FIRE FLOW REQUIREMENTS:**
All projects shall meet the fire flow requirements as per California Fire Code. All options shall be approved by this office. (507.1)

MERCED COUNTY PLANNING COMMISSION

Minutes – April 10, 2019

Page 5

11. HAZARDOUS MATERIAL STORAGE. Maximum allowable hazardous Material storage per control area. Hazardous materials storage shall comply with (CBC Tbl. 307.1)
12. FIRE EXTINGUISHERS. Minimum 2A:10BC required. CFC 906.
13. UTILITIES SHALL BE IDENTIFIED IN ACCORDANCE WITH CFC 509.1.1
Specification sheets for all equipment shall be provided with plan submittal.
14. INFORMATION ON CONSTRUCTION DOCUMENTS.
Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted where approved by the fire code official Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official. (CFC 105.4.2)

Merced County Department of Public Health – Division of Environmental Health

15. A permanent barrier shall be placed and maintained around the leach field and septic tank which serve the dwelling.
16. The applicant shall maintain compliance with all applicable fuel storage tank regulations.
17. The applicant shall maintain an accurate hazardous material business (HMBP) plan with Merced County Division of Environmental Health and maintain compliance with all applicable hazardous material regulations.

Merced County Department of Public Works – Building and Safety Division

18. You must hire an architect or engineer licensed in the state of California to draw the plans and provide any structural calculations for the proposed structures. Each structure (proposed building & proposed fuel tank) must have its own permit. The plans shall be submitted to the Building Division for approval and a permit before and construction can begin. We require submittal to consist of: 1 set of all plans and calculations/reports in an electronic format (either on CD/Disk or flash drive). A flier is attached to detail formatting of the electronic documents for submittal.
19. California requires that all proposed non-residential structures must first obtain a soils/geotechnical report completed by a licensed geotechnical engineer. That report must be reviewed by the design engineer to incorporate any mitigating measures into the drawings/calculations.

Merced County Department of Public Works – Roads

20. Applicant shall install a paved agricultural driveway approaches to prevent deterioration of the edge of the pavement along Burchell Avenue. The improvements must accommodate entering/exiting trucks and shall conform to the Merced County Improvements Standards and Specifications Ch. 7 “Driveways”. An Encroachment Permit shall be obtained and paid for by Applicant or the Contractor prior to commencing any work along the County right-of-way.

County Counsel

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

HILMAR CHEESE CO. 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. This duty shall arise at the first claim, action, or proceeding against 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.

This clause for indemnification shall be interpreted to the broadest extent permitted by law.

Turlock Irrigation District (TID)

22. There is an existing irrigation pipeline belonging to improvement district No. 491A, which is located in a north-south alignment near the middle of APN 045140-087 and continuing between APNs 045-140-056 & 088. Given that the proposed improvements, at full buildout, will occupy nearly all of the remaining irrigable land within said parcels, this improvement district should be dissolved. The dissolution is prepared by TID with input from the developer and requires TID Board approval.

23. The Developer shall provide the District with the electrical requirements and locations for the new facilities.

VII. COMMISSION ACTION ITEM (S)

None

VIII. DIRECTOR'S REPORT

Mark Hendrickson, Informed Commissioners that there will be no Planning Commission meeting on April 24, 2019.

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:14 a.m.