

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF FEBRUARY 13, 2019

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of February 13, 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 February 13, 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 Fernando Aguilera
 Commissioner Jack Mobley
 Commissioner Kurt Spycher

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

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: None

IV. APPROVAL OF MINUTES

MOTION: M/S ACHESON-MOBLEY, AND CARRIED BY A VOTE OF 5-0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF JANURAY 9, 2019 AND JANUARY 23, 2019.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. MAJOR MODIFICATION No. MM18-007 to CONDITIONAL USE PERMIT NO. CUP3101- LIVINGSTON FARMERS ASSOCIATION: A request to construct a new 31,690 square foot sweet potato processing facility with an office, two new sweet potato storage buildings 14,400 square feet each, and a new 53,040 square foot almond hulling and processing building. The project site is located on the southwest corner of W. Eucalyptus Avenue and N. Sultana Drive, in the Livingston area, identified by Assessor Parcel Number(s) 143-020-017 and 143-020-020. The property is designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural). CEQA: A mitigated negative declaration is proposed.
PN

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 pursuant to Section 15070- “Decision to Prepare a Negative or Mitigated Negative Declaration” of the CEQA Guidelines; and,
- 3) Approve Major Modification No. MM18-007 to Conditional Use Permit CUP 3101 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

Planner Pam Navares presented the Staff Report and recommendations of approval dated February 13, 2019.

The public hearing opened at 9:04 a.m.

Adam Reed, VVH Consulting Engineers, stated he was available for questions and requested approval of project.

Jim Snyder, Livingston Farmers Association, stated he was available for questions and requested approval of project.

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

MOTION: M/S SPYCHER – MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION PURSUANT TO SECTION 15070- “DECISION TO PREPARE A NEGATIVE OR MITIGATED NEGATIVE DECLARATION” OF THE CEQA GUIDELINES.

MOTION: M/S SPYCHER - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 13, 2019 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MAJOR MODIFICATION NO. MM18-007 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Planning and Community Development Department

1. Major Modification No. MM18-007 to Conditional Use Permit No. 3101 is granted for the construction of a new 31,690 square foot sweet potato processing facility with an office, two new sweet potato storage buildings 14,400 square feet each, and a new 53,040 square foot almond hulling and processing building at an existing sweet potato storage and almond hulling facility. The project site is located on a property located on the southwest corner of Eucalyptus Avenue and Sultana Drive in the Livingston area. The property is designated Agricultural land use and zoned A-1 (General Agricultural).
2. The project shall be located, developed and operated in a manner described on the approved Plot Plan, Project Description, and Conditions of Approval of this permit.

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3. The project shall comply with the Mitigation Measures listed in the IS/MND.
4. The project shall comply with all applicable public health, safety, and welfare regulations administered by the County of Merced, and in particular the County Fire Department, the Health Department/ Environmental Health Division, the Community and Economic Development Department, and Public Works Department/ Road and Building and Safety Divisions.
5. For the purpose of conditions monitoring, an inspection fee in the amount of **\$324.00** shall be required. This fee shall be paid within 30 days of approval of the project. Should additional inspections be required, inspection time shall be billed to the applicant/property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.
6. Prior to issuance of a building permit, the project applicant must obtain all necessary permits and written authorizations and must demonstrate compliance with all applicable regulations administered by Federal and State agencies.
7. The applicant shall comply with all applicable standard conditions of approval listed in the Planning Commission Resolution No. 97-1.

Environmental Health

8. The facility shall immediately initiate, and diligently pursue, the process to obtain a permit to operate a public water system. The facility shall then maintain compliance with that permit as long as 25 or more persons work at the facility on 60 or more days of the year.
9. 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. The HMBP must be filed electronically no later than 30 days of the commencement of operations. Visit <http://cers.calepa.ca.gov/> to submit a new or revised HMBP.
10. Prior to any increase in the number of persons working at the facility, any septic system involved shall be evaluated by a qualified person to determine if system capacity is adequate. The system shall be enlarged as needed to handle the load. Alternatively, a new system can be installed and the old septic tank destroyed. Septic system permits from MCDEH are required prior to any work on a system.

California Water Resource Control Board

11. The applicant may be subject to the Construction General Permit Order No. 2009-009-DWQ for Storm Water Discharge and Waste Discharge Requirements (WDR's) under Central Valley Water Board Order R5-2015-0005. The applicant shall consult with Central Valley Regional Water Quality Control Board to determine if further permitting requirements are needed.

County Counsel

12. INDEMNITY AND HOLD HARMLESS AGREEMENT:

LIVINGSTON FARMERS ASSOCIATION, 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. 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.

VII. COMMISSION ACTION ITEM (S)

- A.** Information Item only – Zoning Code Update Joint Study Session with the Board and Planning Commission set for 1:30 p.m. on February 26, 2019, in the Board Chambers following the regularly scheduled Board meeting that same day.

Mark Hendrickson, Director, informed Commission of joint Board of Supervisors/Planning Commission workshop on the Zoning Code Update scheduled for February 26, 2019 at 1:30pm in the Board Room.

- B.** Adopt resolution modifying public comment time limit on Planning Commission items from 5 minute time limit to a 3 minute time limit.

MOTION: M/S MOBLEY- ACHESON, AND CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION ADOPTS THE RESOLUTION MODIFYING PUBLIC COMMENT TIME FOR PLANNING COMMISSION FROM 5 MINUTE TO 3 MINUTE TIME LIMIT.

VIII. DIRECTOR'S REPORT

None

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 a.m.