

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JUNE 26, 2019

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of June 26, 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 June 26, 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 Jack Mobley – Acting Chairman
 Commissioner Mark Erreca
 Commissioner Robert Acheson
 Commissioner Kurt Spycher

Staff Present: Mark Hendrickson, Director
 Steve Maxey, Deputy Director
 Kim Zinke, Recording Secretary
 Kristin McHaney, Recording Secretary
 Diana Lowrance, Planner III
 Pam Navares, Planner II

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: Commissioner Fernando Aguilera

IV. APPROVAL OF MINUTES

MOTION: M/S ACHESON – MOBLEY, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF JUNE 12, 2019.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. 1st EXTENSION No. EXT19-007 to MAJOR SUBDIVISION No. MAS16-001 – Woods Investment LLC "Bloss Woods" - A request to extend the expiration date of the tentative map for one year FROM: June 28, 2019 TO: June 28, 2020. The property is located on the south side of W. Bloss Avenue approximately 950 feet east of N. Lander Avenue, identified as Assessor's Parcel Number (APN) 017-110-050. The property is designated Hilmar Urban Community - Low Density Residential land use in the General Plan and zoned R-1 and R-1-5,000 (Single Family Residential). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15183 of the CEQA Guidelines - "Projects Consistent with a Community Plan or Zoning". **PN**

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RECOMMENDATION(S):

- 1) Open/close the Public Hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15183- "Projects Consistent with a Community Plan or Zoning" of the CEQA Guidelines; and,
- 3) Approve Extension EXT19-007 to Major Subdivision No. MAS16-001 based on the findings and subject to the recommended conditions of approval.

Planner Pam Navares presented the Staff Report and recommendations of approval dated June 26, 2019.

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

Sid Haltron, Benchmark Engineering, said they are in the process of looking for a new well site and this is the reason for this extension.

The public hearing closed at 9:07 a.m.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15183 – “PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING” OF THE CEQA GUIDELINES.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 26, 2019, AND MAKES THE 11 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES 1st EXTENSION No. EXT19-007 to MAJOR SUBDIVISION No. MAS16-001 SUBJECT TO THE 3 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Community and Economic Development Department

1. The Tentative Map for Major Subdivision Application No. MAS16-001 shall expire on June 28, 2020, unless an extension request is applied for.
2. The current Extension Application No. EXT19-007 shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS16-001.

County Counsel

3. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Woods Investment LLC 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

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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. ZONE CODE TEXT AMENDMENT No. ZCTA16-002 – Merced County** - A request to repeal and replace Title 18 (Zoning) of the Merced County Code. The purpose of the amendment is: 1) To implement the 2030 Merced County General Plan's goals and polices; 2) To make the zone code user friendly by way of logical organization, clear language, and easy to understand tables and graphics; 3) To clarify, correct, and fix longstanding issues pointed out by staff; 4) To address policy issues recommended by the Board of Supervisors; and, 5) To bring the code in-line with recent State statues. The provisions of this Zone Code Text Amendment would be effective in all unincorporated areas of the County. CEQA: An Addendum to the Final Program Environmental Impact Report for the 2030 Merced County General Plan Update has been prepared. **DL**

RECOMMENDATION(S):

- 1) Open/Close the public hearing;
- 2) Consider the addendum to the Certified Final Program Environmental Impact Report (FPEIR) prepared for the 2030 Merced County General Plan Update together with the FPEIR, evidence in the record before the Planning Commission, the findings in certifying the FPEIR, and the adopted Mitigation Monitoring and Reporting Plan; and,
- 3) Recommend the Board of Supervisors adopt the ordinance amending Title 18 (Zoning) of the Merced County Code.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated June 26, 2019.

Deputy Director Steve Maxey briefly went over the Response to letter from Leadership Counsel for Justice and Accountability regarding comments on the Draft Zoning Ordinance Update & Addendum to the Final Program Environmental Impact Report.

The public hearing opened at 9:32 a.m.

No one spoke in favor or opposition to this project.

The public hearing closed at 9:33 a.m.

MOTION: M/S MOBLEY - SPYCHER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DETERMINE THAT THE PROJECT (ZONE CODE TEXT AMENDMENT NO. ZCTA16-002) IS WITHIN THE SCOPE OF THE PREVIOUSLY CERTIFIED FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FPEIR) PREPARED FOR THE MERCED COUNTY 2030 GENERAL PLAN (CERTIFIED AND ADOPTED ON DECEMBER 10, 2013) BASED ON THE ANALYSIS IN THE ADDENDUM (ATTACHED AS EXHIBIT B).

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MOTION: M/S MOBLEY – SPYCHER, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS DETERMINE THAT NONE OF THE CONDITIONS DESCRIBED IN CEQA SECTION 15162, SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS, (A)(1), (A)(2), AND (A)(3), THAT CALL FOR THE PREPARATION OF A SUBSEQUENT EIR, HAVE OCCURRED.

MOTION: M/S MOBLEY – SPYCHER, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS APPROVE ZONE CODE TEXT AMENDMENT NO. ZCTA 16-002 REPEALING AND REPLACING TITLE 18 (ZONING) OF THE MERCED COUNTY CODE, INCLUDING STAFF’S RECOMMENDED AMENDMENTS.

VII. COMMISSION ACTION ITEM (S)

None

VIII. DIRECTOR'S REPORT

None

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT

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