

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF OCTOBER 9, 2019

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of October 9, 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 October 9, 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 – Chairman
 Commissioner Kurt Spycher
 Commissioner Mark Erreca
 Commissioner Robert Acheson

Staff Present: Steve Maxey, Deputy Director
 Kim Zinke, Recording Secretary
 Kristin McHaney, Recording Secretary
 Tiffany Ho, Planner II

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: Commissioner Fernando Aguilera

IV. APPROVAL OF MINUTES

None

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. GENERAL PLAN AMENDMENT No. GPA19-003 / ZONE CHANGE No. ZC19-004 - MERCED COUNTY - A request to assign General Plan land use and Zoning designations to a presently undesignated 4.74 Acre parcel, to be designated as Agricultural General Plan land use and zoned A-1 (General Agricultural). The subject parcel is located at the southwest corner of East Mission Avenue and South Alfalfa Road in the Merced area, identified as Assessor's Parcel Number (APN) 066-034-001. CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15183 of the CEQA Guidelines – "Projects Consistent with Community Plan or Zoning." **TSH**

RECOMMENDATION(S):

- 1) Open/close the Public Hearing;
- 2) Determine no further environmental review is required pursuant to Section 15183 – "Projects Consistent with Community Plan or Zoning" of the CEQA Guidelines;

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- 3) Recommend the Board of Supervisors approve General Plan Amendment No. GPA19-003 to change the General Plan Land Use designation of the project site from Undesignated to Agricultural; and,
- 4) Recommend the Board of Supervisors approve Zone Change No. ZC19- 004 to change the zoning of the project site from Undesignated to A-1 (General Agricultural).

Project Planner Tiffany Ho presented the Staff Report and recommendations of approval dated October 9, 2019.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:08 a.m.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15183 – “PROJECTS CONSISTENT WITH COMMUNITY PLAN OR ZONING”.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 4 - 0 , THE PLANNING COMMISSION ADOPTS THE RESOLUTION AND RECOMMENDS THE BOARD OF SUPERVISORS CHANGE THE GENERAL PLAN LAND USE DESIGNATION OF THE PROJECT SITE FROM UNDESIGNATED TO AGRICULTURAL FOR GENERAL PLAN AMENDMENT No. GPA19-003 / ZONE CHANGE No. ZC19-004.

- B. MINOR SUBDIVISION No. MS19-012 - CARMEN GONCALVES** - A request to subdivide a 1.44 acres of a 149.34 acre parcel and convey the remaining 147.9 acres to an adjacent parcel under the same ownership, creating a 202.02 Acre parcel. The project is located on the east side of South Arroya Avenue, 700 feet north of Highway 152 in the Dos Palos area, identified as Assessor’s Parcel Numbers (APNs) 085-170-038 and 085-170-004. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission determine that no further environmental review is required pursuant to section 15162 of CEQA guidelines- “Subsequent EIRs and Negative Declarations.” **KM**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine that no further environmental review is required pursuant to Section 15162 – “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report and the attached CEQA Section 15162 Findings and Analysis (Exhibit C); and,
- 3) Approve Minor Subdivision Application No. MS19-012 based on the findings included in the staff report and subject to the proposed conditions of approval.

Project Planner Kristin McHaney presented the Staff Report and recommendations of approval dated October 9, 2019.

The public hearing opened at 9:15 a.m.

No one spoke in favor or opposition to this application.

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

MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 – “SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS” OF THE CEQA GUIDELINES BASED UPON THE ANALYSIS IN THE 2030 MERCED COUNTY GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT AND THE ATTACHED CEQA SECTION 15162 FINDINGS AND ANALYSIS (EXHIBIT C)

MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED OCTOBER 9, 2019, AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES MINOR SUBDIVISION APPLICATION NO. MS19-012 SUBJECT TO THE 5 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 the 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.

County Counsel

5. INDEMNITY AND HOLD HARMLESS AGREEMENT:

CARMEN GONCALVES have 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

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defense.

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

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 9:16 a.m.