

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF NOVEMBER 6, 2019

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The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of November 6, 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 November 6, 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 Mark Erreca
 Commissioner Robert Acheson
 Commissioner Kurt Spycher
 Commissioner Fernando Aguilera

Staff Present: Mark Hendrickson, Director
 Kim Zinke, Recording Secretary
 Kristin McHaney, Recording Secretary
 Tiffany Ho, Planner II
 Brody Patterson, Planner I
 Jimena Olaguez, Code Compliance Technician

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: None

IV. APPROVAL OF MINUTES

MOTION: M/S SPYCHER – ACHESON, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF OCTOBER 9, 2019.

MOTION: M/S ACHESON – ERRECA, AND CARRIED BY A VOTE OF 5 -0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF OCTOBER 23, 2019.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. MS19-011 – Lizandra Ramos - A request to divide a 42,142 square foot parcel into four parcels which will result in Parcel 1, 2 and 3 = 10,207 square feet each and Parcel 4= 9,658 square feet. The project site is located at the northeast corner of North Sixth Street and West Gaddy Street/Fourth Street in the Delhi area, identified as Assessor's Parcel Number (APN) 011-054-020. The property is designated Delhi Urban Community - Low Density Residential land use and zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Planning Commission find the project exempt from environmental review pursuant to Section 15315 of the CEQA Guidelines - "Minor Land Divisions." TSH

MERCED COUNTY PLANNING COMMISSION

Minutes – November 6, 2019

Page 2

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15315 – “Minor Land Divisions” of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision Application No. MS19-011 based on the findings included in the staff report and subject to the recommended conditions of approval.

Project Planner Tiffany Ho presented the Staff Report and recommendations of approval dated November 6, 2019.

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

Robert Braden, representing the applicant, said he is available to answer any questions.

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

MOTION: M/S SPYCHER – ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15315 – “MINOR LAND DIVISIONS” OF THE CEQA GUIDELINES.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 6, 2019, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION NO. MS19-011 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. Prior to issuance of a building permit for any new housing, the applicant shall submit floor plans, elevations, and colors and materials to the Community and Economic Development Department to review for consistency with the Delhi Community Plan, specifically Chapter 4 Community Character and Design Guidelines.
3. The applicant shall comply with all applicable County, State and Federal regulations.
4. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

County Counsel

5. INDEMNITY AND HOLD HARMLESS AGREEMENT:

LIZANDRA RAMOS, 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 defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- B. 1st EXTENSION APPLICATION No. EXT19-009 TO MAJOR SUBDIVISION No. MAS13-002 – "Fleming Hills" – Sohan Sahota - A request to extend the expiration date of the tentative map for Major Subdivision No. MAS13-002 by one year, FROM: Oct. 25, 2019 TO: Oct. 25, 2020. The project site is located at the southwest corner of W. Fleming Road and N. Herrod Avenue, identified as Assessor's Parcel Number (APN) 207-081-009. The property is designated Atwater Rural Residential Center - Agricultural-Residential land use in the General Plan and is zoned A-R (Agricultural Residential). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **BP****

RECOMMENDATION(S):

- 1) Open/close the 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 Extension Application No. EXT19-009 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

Project Planner Brody Patterson presented the Staff Report and recommendations of approval dated November 6, 2019. A letter from Mary Shay was handed out to the Commissioners expressing her concern that no environmental impact study was recommended to the support the extension of this tentative map. She feels that CalTrans needs to do a study of the traffic in the area. She is against this extension.

The public hearing opened at 9:11 a.m.

Michael Grubbit, an adjacent property owner, is concerned with the amount of weeds and the need for dust control. Could be a potential fire hazard.

Director Mark Hendrickson said that CalFire and Merced County's Code Enforcement Division can be notified.

The public hearing closed at 9:14 a.m.

MERCED COUNTY PLANNING COMMISSION

Minutes – November 6, 2019

Page 4

MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15162 “SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS” OF THE CEQA GUIDELINES.

MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 6, 2019, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 1st EXTENSION APPLICATION No. EXT19-009 TO MAJOR SUBDIVISION No. MAS13-002 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. MAS13-002 shall expire on October 25, 2020, unless the map is recorded or an extension request is applied for.
2. The current Extension Application No. EXT19-009 shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS13-002.

County Counsel

3. INDEMNITY AND HOLD HARMLESS AGREEMENT:

SOHAN SAHOTA 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.

- C. MINOR SUBDIVISION APPLICATION No. MS19-013 – W & B Spycher Properties**
– A request to subdivide a 40.26 acre parcel into two 20.13 acre parcels, and no new homes are proposed. The project site is located at the southwest corner of West Sunny Acres Avenue and North Sycamore Street in the Turlock area, identified as Assessor's Parcel Number (APN) 041-130-033. 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." **JO**

MERCED COUNTY PLANNING COMMISSION

Minutes – November 6, 2019

Page 5

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15315 – “Minor Land Divisions” of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision Application No. MS19-013 based on the findings included in the staff report and subject to the proposed conditions of approval.

Commissioner Spycher recused himself from hearing this item due to conflict of interest.

Project Planner Jimena Olaguez presented the Staff Report and recommendations of approval dated November 6, 2019.

The public hearing opened at 9:18 a.m.

No one spoke in favor of or opposition to this application.

The public hearing closed at 9:19 a.m.

MOTION: M/S ACHESON - AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15315 “MINOR LAND DIVISIONS” OF THE CEQA GUIDELINES.

MOTION: M/S ACHESON – AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED NOVEMBER 6, 2019, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION NO. MS19-013 SUBJECT TO THE 6 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 two 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 either parcel. An easement for well access shall be indicated on the map.

MERCED COUNTY PLANNING COMMISSION

Minutes – November 6, 2019

Page 6

County Counsel

6. INDEMNITY AND HOLD HARMLESS AGREEMENT:

W&B Spycher Properties 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.

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 9:20 a.m.