



PLANNING COMMISSION MEMBERS

Fernando Aguilera District 1
Robert Acheson District 2
Jack Mobley District 3 (Chairperson)
Kurt Spycher District 4 (Vice Chairperson)
Mark Erreca District 5

Mark Hendrickson, Secretary
www.co.merced.ca.us

AGENDA PLANNING COMMISSION

Regular Meeting of Wednesday, March 25, 2020 - 9:00 a.m.

IMPORTANT NOTICE: DUE TO THE ONGOING COVID-19 CRISIS, AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER N-29-20, COMMISSIONERS OF THE COUNTY OF MERCED PLANNING COMMISSION WILL PARTICIPATE IN THIS MEETING OFFSITE VIA CONFERENCE CALL. PUBLIC ACCESS TO A MEETING LOCATION WILL BE UNAVAILABLE. FOR THE SAFETY OF COUNTY STAFF AND THE PUBLIC, MEMBERS OF THE PUBLIC WHO WISH TO PARTICIPATE ELECTRONICALLY AND/OR OBSERVE A LIVE BROADCAST OF THE MEETING ARE ENCOURAGED TO REVIEW THE GUIDANCE DOCUMENT INCLUDED WITH THIS AGENDA. IF YOU HAVE ANY ISSUES VIEWING OR PARTICIPATING IN THIS MEETING OR REQUIRE REASONABLE ACCOMMODATION FOR YOUR PARTICIPATION, PLEASE CONTACT PLANNING STAFF AT (209)385-7654.

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

The Planning Commission welcomes you and encourages your participation.

CITIZEN COMMUNICATIONS: If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to three (3) minutes.

PUBLIC COMMENT: If you would like to address the Planning Commission on any item on the agenda, please pick up a speaker card in the foyer; fill it out with your name, street address, phone number, email address and the item number you wish to speak on. Please hand the speaker card to the staff member to the left of the podium once the Commission Chairman opens the public hearing for the agenda item. Each speaker will be limited to three (3) minutes.

AGENDAS and MINUTES: Planning Commission agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Friday, but generally on the Wednesday, preceding each Commission meeting and may be viewed at www.co.merced.ca.us/planning/plancomarchive.html. All proposed agenda items with supportive documents are available for viewing at the Merced County Planning and Community Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Planning Commissioners will review and discuss at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

PUBLIC RECORDS: As required by Government Code Section 54957.5, any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning and Community Development Department.

AUDIO/VIDEO BROADCAST: All Planning Commission meetings are normally broadcast live and replayed on local cable television. In addition, a live audio/video broadcast of this meeting may be heard/viewed at: www.co.merced.ca.us/planning/index.html, via live audio or live video. All meetings are archived for audio/video replay following the meeting.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Planning Commission meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

COMMISSION QUORUM AND ACTION: A Quorum of the Planning Commission shall consist of three (3) members. Actions by the Commission shall require a majority vote (three votes or more) of the total membership of the Commission. When an action by the Planning Commission results in a tie vote the action shall be deemed denied. In the case of a tie vote, the applicant may request that the application be reconsidered at another meeting of the Commission.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within five (5) calendar days after the day the action is made. [Within ten (10) calendar days after the day the action is made on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting, and for subdivisions, the deadline is the following Monday at 5:00 pm. Please note that appeals may not be submitted on days that the County is officially closed. Appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted to the Board Clerk with the written appeal.

Members of the public are advised that a 2-hour time limit for customer parking in designated areas is strictly enforced by the City of Merced. You can request a one-day parking pass from County Administration prior to the Commission meeting, which must be displayed on the dashboard of your vehicle.

Please turn off all pagers, cellular telephones and any other communication devices.



PLANNING COMMISSION MEMBERS

- Fernando Aguilera** District 1
Robert Acheson District 2
Jack Mobley District 3 (Chairperson)
Kurt Spycher District 4 (Vice Chairperson)
Mark Erreca District 5

Mark Hendrickson, Secretary
www.co.merced.ca.us

**AGENDA
PLANNING COMMISSION**

**Regular Meeting
Wednesday, March 25, 2020 - 9:00 a.m.**

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

- I. **CALL TO ORDER**
- II. **ROLL CALL OF COMMISSIONERS**
- III. **APPROVAL OF MINUTES**
- IV. **CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda.

V. **PUBLIC HEARING(S)**

- A. **CONDITIONAL USE PERMIT No. CUP20-001 - NEW CINGULAR WIRELESS -**
A request to erect a new 150' lattice communication tower with equipment cabinet and standby generator on property. The project site is located on the north side of east Merced Falls Road, approximately 3 miles east of north LaGrange Road in the Snelling area, identified as Assessor's Parcel Number (APNs) 043-150-018. The property is designated Agricultural land use in the General Plan and is zoned A-2 (Exclusive Agricultural). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15303(c) – “New Construction of Conversion of Small Structures”. **ST**

RECOMMENDATIONS:

- 1) Open/close the Public Hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15303(c) – “New Construction of Conversion of Small Structures” of the CEQA Guidelines; and,
- 3) Approve CUP20-001 based on the findings and subject to the recommended conditions of approval.

- B. 1st EXTENSION APPLICATION No. EXT20-002 TO MAJOR SUBDIVISION No. MAS17-002 – “Rancho Prosperidad” – Coy Stark** – A request to extend the expiration date of the tentative map for Major Subdivision No. MAS17-002 by one year FROM: April 11, 2020 TO: April 11, 2021. The project site is located at the southeast corner of North Merced Avenue and West Letteau Ave, identified as Assessor’s Parcel Number (APN) 009-310-001. The property is designated Delhi Urban Community - Low Density Residential land use in the General Plan and is zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15162 of the CEQA Guidelines – “Subsequent EIRs and Negative Declarations.” **ST**

RECOMMENDATIONS:

- 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. EXT20-002 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

- C. ZONE CODE TEXT AMENDMENT No. ZCTA20-001 - MERCED COUNTY** - A request to amend Chapters: 18.10 (Agricultural Zones); 18.12 (Residential Zones); 18.14 (Commercial Zones); 18.18 (Castle Commerce Center and Airport Special Planning Zone); 18.22 (Fox Hills Community Specific Plan Zone); 18.36 (Landscaping); 18.44 (Sign Regulations); 18.60 (Standards for Specific Land Uses); 18.62 (Accessory Dwelling Units); 18.112 (Application Processing Procedures); 18.114 (Administrative Permits); and 18.122 (Site Plan and Design Review) of Title 18 (Zoning) of the Merced County Code. The purpose of the amendment is to make the code consistent with recent State statutes regarding second units in single-family and multifamily residential zones and statutes regarding a streamlined ministerial approval process for multifamily developments; to improve clarity; and to correct minor errors found by staff since Title 18 (Zoning) was updated in 2019. The provisions of this Zone Code Text Amendment would be effective in all unincorporated areas of the County. CEQA: The proposed amendments are consistent with those analyzed in the adopted 2019 addendum to the Final Program Environmental Impact Report for the 2030 Merced County General Plan and may therefore be found exempt from environmental review under section 15162 of the CEQA guidelines. In addition, the specific amendments regarding second units in single-family and multifamily residential zones can be found statutorily exempt from environmental review pursuant to Public Resources Code Section 21080.17. **DL**

RECOMMENDATION(S):

- 1) Open/Close the public hearing; and
- 2) Recommend the Board of Supervisors find the proposed amendments to the Zone Code regarding: Chapters: 18.10 (Agricultural Zones); 18.12 (Residential Zones); 18.14 (Commercial Zones); 18.18 (Castle Commerce Center and Airport Special Planning Zone); 18.22 (Fox Hills Community Specific Plan Zone); 18.36 (Landscaping); 18.44 (Sign Regulations); 18.60 (Standards for Specific Land Uses); 18.62 (Accessory Dwelling Units); 18.112 (Application Processing Procedures); 18.114 (Administrative Permits); and 18.122 (Site Plan and Design Review) are exempt from further environmental review under Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines based on findings included in the staff report for the proposed amendments, together with the analysis in the 2019 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 Board of Supervisors findings in certifying the FPEIR, and the adopted Mitigation Monitoring and Reporting Plan; and

- 3) Recommend the Board of Supervisors determine that the amendments to Chapter 18.62 (Accessory Dwelling Units) to bring the Title 18 (Zoning) of the Merced County Code in-line with recent State statues regarding second units in single-family and multifamily residential zones can be found statutorily exempt from environmental review pursuant to Public Resources Code section 21080.17; and,
- 4) Adopt a resolution recommending the Board of Supervisors adopt the proposed ordinance amending portions of Title 18 (Zoning) of the Merced County Code.

VI. COMMISSION ACTION ITEM(s)

General Plan Annual Progress Report Guidance – as required by Government Code Section 65400, the County must present an annual report on the status of the General Plan and progress in its implementation. The Community and Economic Development Department has prepared the required annual report. The action requested is to review and approve the General Plan Annual Progress Report, and instruct staff to present the report to the BOS to seek direction for forwarding the report to the Governor’s Office of Planning and Research and Housing and Community Development as required by Government Code Section 65400.

VIII. DIRECTOR’S REPORT

IX. COMMISSIONER’S COMMENT

X. ADJOURNMENT