

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF MAY 9, 2018**

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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 May 9, 2018, are available online at [www.co.merced.ca.us/planning/plancomarchive.html](http://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 May 9, 2018, 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 -Vice Chairman (Acting Chairman)  
   Commissioner Fernando Aguilera  
   Commissioner Mark Erreca  
   Commissioner Robert Acheson

Staff Present:                      Mark Hendrickson, Director  
   Steve Maxey, Deputy Director  
   Kim Zinke, Recording Secretary  
   Kristin McHaney, Recording Secretary  
   Maya Tjahjadi, Planner I  
   Diana Lowrance, Planner III

Legal Staff:                        Jeff Grant, Deputy County Counsel

Commissioners Absent:        Commissioner Rich Ford - Chairman

**IV. APPROVAL OF MINUTES**

**MOTION: M/S ERRECA – ACHESON, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF APRIL 25, 2018.**

**V. CITIZEN COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

**A.      MINOR SUBDIVISION APPLICATION MS18-006 - John Gallagher - To Re-subdivide 2 parcels totaling 13.8 Acres, into 3 parcels, offering one lot for sale, resulting in parcel sizes of: Parcel 1 = 1.17 Acres, Parcel 2 = 1 Acre and a remainder parcel of 11.52 Acres, on property located on the north side of West Moran Avenue, 1,225 feet west of North Buhach Road, designated Atwater Rural Residential Center land use and zoned A-R (Agricultural Residential). CEQA: No further environmental review is required pursuant to CEQA Section 15315 – “Subsequent EIRs and Negative Declarations”. **MT****

**MERCED COUNTY PLANNING COMMISSION**

**Minutes – May 9, 2018**

**Page 2**

**RECOMMENDATION(S):**

- 1) Open/Close the public hearing;
- 2) Determine that no subsequent environmental review is required in compliance with Section 15315 “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 CEQA Section 15162 Findings and Analysis prepared as an attachment to the Staff Report; and,
- 3) Approve Minor Subdivision Application No. MS18-006 based on the findings included in the staff report and subject to the conditions of approval.

Planner Maya Tjahjadi presented the Staff Report and recommendations of approval dated May 9, 2018.

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

Duane Andrews, Golden Valley Engineering, said he was available to answer any questions.

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

**MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINED THAT NO SUBSEQUENT ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH 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 CEQA SECTION 15315 FINDINGS AND ANALYSIS.**

**MOTION: M/S ERRECA – ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED MAY 9, 2018, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION MS18-006 SUBJECT TO THE 5 CONDITIONS SET FORTH IN THE STAFF REPORT, WITH THE REMOVAL OF CONDITION #4 REGARDING GENERAL PLAN POLCY AG-3.12 AND REPLACED WITH CONDITION #4 LISTED AS BELOW:**

**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.

## MERCED COUNTY PLANNING COMMISSION

Minutes – May 9, 2018

Page 3

4. Applicant shall install Level 1 Improvements on the frontage of the property along Moran Avenue and 'Future Road'. Per Merced County Code Ch. 16.08.040 "Mandatory Improvements", Level 1 Improvements include, but are not limited to:
  - Dedicating right-of-way or easements
  - Widening the abutting half of all existing roadways to conform to Merced County Standards & Specifications
  - Installing street lights (forming or annexing into a lighting maintenance zone of benefit)
  - Designing and installing a storm drainage system

Applicant shall enter into a Deferment of Construction agreement with DPW to defer construction of required improvements to a later time (either upon issuance of a Building Permit or when the Director of Public Works deems it necessary).

### County Counsel

#### 5. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**

JOHN GALLAGHER 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.

- B. MINOR SUBDIVISION APPLICATION MS18-007 - Pryor Farms/Gurzat Chahal - A** request to create a homesite parcel by removing a 1.84 acre (Parcel 1) portion of an existing 19.2 acre parcel and combining the remaining 17.36 acres with an adjacent parcel, creating a 50.32 acre parcel (Parcel 2). The project site is located on the south side of Almond Avenue approximately 2,644 feet east of North Central Avenue in the Winton area, identified as Assessor's Parcel Numbers (APNs) 143-180-012 and 143-180-038. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). CEQA: No further environmental review is required pursuant to CEQA Guidelines Section 15162 – "Subsequent EIRs and Negative Declarations".

**RECOMMENDATION(S):**

- 1) Open/close the public hearing;
- 2) Determine that no subsequent environmental review is required in compliance with 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 CEQA Section 15162 Findings and Analysis prepared as an attachment to the Staff Report; and,
- 3) Approve Minor Subdivision Application No. MS18-007 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated May 9, 2018.

The public hearing opened at 9:10 a.m.

David Pelton, Quad Knopf, expressed appreciation for Planning staff and Commission.

The public hearing closed at 9:10 a.m.

**MOTION: M/S ERRECA- ACHESON, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINED THAT NO SUBSEQUENT ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH 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 CEQA SECTION 15162 FINDINGS AND ANALYSIS.**

**MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 4 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED MAY 9, 2018, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION NO. MS18-007 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.

Merced County Department of Public Health

5. The domestic water well serving the proposed homesite parcel (Parcel 1) must be on the same parcel as the residence, unless the Merced County Division of Buildings and Safety has approved an alternative, legal arrangement.

County Counsel

6. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**

GURZAT CHAHAL 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.

**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 9:12 a.m.