

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JUNE 13, 2018

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of June 13, 2018, 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 13, 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: Acting Chairperson Mark Erreca
 Commissioner Fernando Aguilera
 Commissioner Robert Acheson

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

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: Commissioner Jack Mobley

IV. APPROVAL OF MINUTES

MOTION: M/S ACHESON – AGUILERA, AND CARRIED BY A VOTE OF 3 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MAY 23, 2018 MEETING.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. ZONE CODE TEXT AMENDMENT No. ZCTA18-001 – To propose an amendment to Title 18 (Zoning) of the Merced County Code to amend Chapter 18.39 (Nonconformity Provisions) to provide for the continued use and expansion of certain nonconforming buildings and structures whose use will directly support emergency services within the County, subject to the approval of a Conditional Use Permit (CUP). The provisions of this text amendment would be effective in all unincorporated areas of the County. CEQA: Staff has determined that there is no substantial evidence that the project may have a significant effect on the environment and has prepared a Negative Declaration (ND). **DL**

RECOMMENDATION(S):

- 1) Open/Close the public hearing;
- 2) Recommend the Board of Supervisors find that there is no substantial evidence that the project may have a significant effect on the environment and adopt a Negative Declaration (ND) pursuant to CEQA Section 15070 – “Decision to

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Prepare a Negative or Mitigated Negative Declaration"; and Recommend the Board of Supervisors adopt the ordinance.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated June 13, 2018.

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

No one spoke in favor or opposition to this application.

The public hearing closed at 9:09 a.m.

MOTION: M/S ACHESON - AGUILERA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS FIND THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND ADOPTS THE NEGATIVE DECLARATION (ND) PURSUANT TO CEQA SECTION 15070 – “DECISION TO PREPARE A NEGATIVE OR MITIGATED NEGATIVE DECLARATION”; AND RECOMMENDS THE BOARD OF SUPERVISORS ADOPT THE ORDINANCE.

- B. MINOR SUBDIVISION APPLICATION MS18-008 - Anthony and Rose Carlucci - A request to divide a 177.71 acre parcel into 2 parcels resulting in parcel sizes of: Parcel 1 = 118.47 Acres and Parcel 2 = 59.24 Acres, on property located on the east side of South Carlucci Road, .85 miles north of West Henry Miller Road, in the Dos Palos area. The project site is designated Agricultural land use and zoned A-1 (General Agricultural). CEQA: No further environmental review is required pursuant to CEQA Section 15183 – “Projects Consistent with a Community Plan or Zoning”. **MT****

RECOMMENDATION(S):

- 1) Open/Close the public hearing;
- 2) Determine that no subsequent environmental review is required in compliance with Section 15183 “Projects Consistent with a Community Plan” of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report, and the CEQA Section 15183 Findings and Analysis prepared as an attachment to the Staff Report; and,
- 3) Approve Minor Subdivision Application No. MS18-008 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Maya Tjahjadi presented the Staff Report and recommendations of approval dated June 13, 2018.

The public hearing opened at 9:13 a.m.

No one spoke in favor or opposition to this application.

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

MOTION: M/S ACHESON - AGUILERA, AND CARRIED BY A VOTE OF 3 - 0, THE PLANNING COMMISSION DETERMINES THAT NO SUBSEQUENT ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH SECTION 15183 “PROJECTS CONSISTENT WITH A COMMUNITY PLAN” OF THE CEQA GUIDELINES BASED UPON THE ANALYSIS IN THE 2030 MERCED COUNTY GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT, AND THE CEQA SECTION 15183 FINDINGS AND ANALYSIS PREPARED AS AN

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ATTACHMENT TO THE STAFF REPORT FOR MINOR SUBDIVISION APPLICATION NO. MS18-008.

MOTION: M/S ACHESON - AGUILERA, AND CARRIED BY A VOTE OF 3 - 0 , THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JUNE 13, 2018 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES 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 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:

ANTHONY AND ROSE CARLUCCI 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

Director Mark Hendrickson introduced Mark Mimms the new Deputy Director of Economic Development.

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:15 a.m.