

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF AUGUST 8, 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 August 8, 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 August 8, 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 – Acting 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  
  Pam Navares, Planner II  
  Tiffany Ho, Planner II  
  Maya Tjahjadi, Planner I

Legal Staff:                       Jeff Grant, Deputy County Counsel

Commissioners Absent:           None

**IV. APPROVAL OF MINUTES**

**MOTION: M/S ACHESON – ERRECA, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE JUNE 27, 2018 HEARING.**

**V. CITIZEN COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

**A.     8<sup>th</sup> EXTENSION No. EXT18-010 to MAJOR SUBDIVISION No. MAS03-012 - SAN LUIS RANCH - PHASE I - A request to extend the expiration date of the tentative map for 1 year FROM: June 22, 2018 TO: June 22, 2019. The project site is located on the east side of South Highway 33, 0.5 mile south of West Henry Miller Road, identified as Assessor's Parcel Number (APN) 078-130-041. The property is designated Santa Nella Urban Community - Low Density Residential and mostly zoned R-1-5000 (Single Family Residential). CEQA: Project can be found exempt from further environmental review under CEQA Section 15182 – “Residential Projects Pursuant to a Specific Plan”. **TH****

**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Determine the application can be found exempt from further environmental review under CEQA Section 15182 – “Residential Projects Pursuant to a Specific Plan” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-010 based on the findings included in the staff report and subject to the proposed conditions of approval.

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Planner Tiffany Ho presented the Staff Report and recommendations of approval dated August 8, 2018.

The public hearing opened at 9:06 a.m.

No one spoke in favor or opposition to this application.

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

**MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THE APPLICATION CAN BE FOUND EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA SECTION 15182 – “RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN” 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 AUGUST 8, 2018, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 8<sup>th</sup> EXTENSION No. EXT18-010 to MAJOR SUBDIVISION No. MAS03-012 SUBJECT TO THE 3 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

Merced County Community and Economic Development Department

1. The Final Map shall be recorded within one year of the Planning Commission approval.
2. The extension application shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS03-012 and discretionary extensions (EXT07-009 and EXT08-014).

County Counsel

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

SANTA NELLA RANCH 29, 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. 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. 6<sup>TH</sup> EXTENSION No. EXT18-009 to MAJOR SUBDIVISION APPLICATION No. MAS06-008 - WINN RANCH - A request to extend the expiration date of the Tentative Map for Winn Ranch for one year. FROM: June 25, 2018 TO: June 25, 2019. The project site is located at the southeast corner of Winton Way and Doris Avenue, between Winton Way and Santa Fe Drive, identified as Assessor's Parcel Number's (APN) 147-200-002, 147-200-003, 147-200-005, 147-200-006, and 147-200-007. The property is designated Low Density Residential and General Commercial land use in the General Plan and zoned R-1 (Single-family Residential) and C-2 (General Commercial). CEQA: No further environmental review is required pursuant to CEQA Section 15162 – “Subsequent EIRS and Negative Declarations”.**

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**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Determine no further environmental review is required in compliance with CEQA Section 15162 - “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-009 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 August 8, 2018.

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

Norman Allinder, representative for the applicant, asked for approval of this application.

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

**MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION DETERMINES THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED IN COMPLIANCE WITH CEQA SECTION 15183 – “PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING” 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 AUGUST 8, 2018, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 6<sup>TH</sup> EXTENSION No. EXT18-009 to MAJOR SUBDIVISION APPLICATION No. MAS06-008 SUBJECT TO THE 38 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

Merced County Community and Economic Development Department

1. The Final Map shall be recorded within one year of the Planning Commission approval.
2. For the purpose of mitigation and/or condition monitoring, a fee in the amount of \$392.00 shall be required. The fee shall be paid prior to recordation of the Final Map.
3. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Winton Water and Sanitary District prior to recordation of the Final Map, or a first phase Final Map.
4. The applicant shall comply with all of the standard conditions of approval listed in the Planning Commission Resolution No. 97-1.
5. A “Right to Farm” certificate shall be recorded on the final map.
6. The project sponsors shall convey to the County or its designated agent a conservation easement or equivalent in-lieu fees that would permanently protect agricultural land of similar or better quality as that farmed on the project site. Such land will be placed under an Agricultural Conservation Easement at a ratio of 1 acre of Easement land for every 1 acre of land converted to nonagricultural uses and shall be paid or conveyed at the building permit stage. These mitigation lands may be located in the Winton vicinity, or in a location mutually agreed upon by the applicant and the County Community and Economic Development Director.
7. A one-time pre-construction survey within 0.25 miles of the project site shall be conducted by a qualified biological consultant to determine the presence of nesting Swainson’s hawks prior to the initiation of any ground breaking/construction activities occurring on the project site between March 1 and August 15, the nesting season for the species. Should a nest be discovered within 0.25 miles of the project site,

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temporary construction restrictions may be necessary to eliminate the potential for noise disturbance to the nesting hawks, which may cause nest abandonment or forced fledging. The consultant shall base the necessity for restriction on the location of the nest in relation to construction activities. A survey shall not be required to be conducted should initiation of ground breaking/construction activities occur outside of the March 1 – August 15<sup>th</sup> nesting season (EM).

8. The applicant shall prohibit direct truck traffic access to and from proposed Bridget Way through the installation of a traffic sign. The NO TRUCKS restriction (signs R5-2 and R5-2a) shall be provided by Board of Supervisors resolution. The applicant shall be required to install the signs and also prepare an exhibit map for the resolution showing the affected street(s) to be subject to the restriction and location of the sign.
9. The applicant shall comply with all applicable County, State and federal regulations.
10. The applicant shall comply with all noise mitigation requirements as noted in Impact No. XI, in Section 4 of the Mitigated Negative Declaration, and in Appendix C of the Mitigated Negative Declaration.

### Merced County Division of Environmental Health

11. An appropriate and effective sound mitigation method for Lot “D” shall be required to diminish the noise impact on the adjacent residential Lot 26.

### Department of Public Works Road Division:

12. Satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and to install underground or relocate utilities and irrigation facilities.
13. Dedicate on the final map a non-access strip across the dead-end of Costa Drive at the south boundary of the subdivision pursuant to Section 17.04.050.A.11 of the Merced County Code.
14. Costa Drive and Jared Drive shall be designated “Avenue” pursuant to Section 17.04.050.B of the Merced County Code. Bridget Court shall be designated “Street” or “Drive.” Jacob Drive shall be designated between Costa Drive and Jared Drive; Jacob Court shall be designated east of Jared Drive.
15. Release and relinquish all abutters' rights of access to and from the entire Winton Way frontage of Lots “C”, and “E”. Lot “F” will have its primary access through Lot E, but right in and right out access will be allowed on Winton Way.
16. Through Conditions, Covenants, and Restrictions recorded concurrent with the final map, access to and parking for Lot “F” shall be allowed through Lot “E”.
17. A second driveway approach to serve Lot “E” should be placed near the east boundary of the lot.
18. The developer shall construct traffic signals with raised medians at the intersection of Winton Way and Manor Avenue.
19. A six feet (6') high wood cedar fence between neighboring properties of different uses identified in Table 13 of the Zoning Code (the Mobile Home Park) shall be shown on the subdivision improvement plans and constructed with subdivision improvements.

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20. The developer shall be responsible for providing all documentation and paying all fees associated with forming a landscape maintenance zone of benefit which also includes graffiti abatement of the proposed masonry wall along the Burlington Northern Santa Fe Railway right of way.
21. The developer shall be responsible for all costs associated with obtaining necessary road right of way and public utility easements, relocating utilities, and constructing all improvements for Bridget Way from the owner of Parcel 'C' as shown on the Parcel Map for Ruben P. Webb, Jr., recorded in Volume 66 of Parcel Maps at Pages 34 and 35, Merced County Records.
22. Provide a letter from M.I.D. accepting storm drainage water from this proposed development into their facilities prior to recording the final map.
23. The dual use storm drainage basin and recreation facility shall be designed pursuant to the Preliminary Draft Revision to the Storm Drainage Design Manual, dated May 3, 2004, attached.
24. Subdivision improvements shall be constructed to the Department of Public Works Improvement Standards and Specifications and with the following attached revised standards: Drawing DW-01, Driveway Approach (Adjacent Sidewalk); Drawing EB-01, Trench Excavation & Backfill; Drawing MS-08, Sidewalk; Drawing MS-09, Intersection Ramp (Vertical Curb); Drawings SN-02 and SN-04, Stop Sign (R1) and Foundation Detail; and, Electrolier Mounted Street Name Sign. A ¾ inch galvanized rod shall be placed across the curb face opening of the catch basin shown in Drawing SD-04.
25. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits within the phase under construction. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
26. Provide centerline striping for those new roads which intersect the existing peripheral streets.
27. Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

### Merced Irrigation District:

28. The Developer of the proposed subdivision is required to underground the Gertrude Lateral in an adequately sized pipeline assembly through the entire project within an appropriate width easement. The pipeline will be constructed to MID standards. MID will sell and quit claim to the developer its 60-foot wide fee strip and acquire an appropriate sized easement for Well 155 and the new pipeline. Recorded access to the abovementioned facilities will also be required, if needed.
29. According to the Environmental Information Form , the developer proposes to use MID facilities to convey storm water, via a drainage basin into the MID's Gertrude Lateral; because of this connection, a "subdivision Drainage Agreement" must be executed with the Merced Irrigation District Drainage Improvement District No. 1, (MIDDID No 1), paying all applicable fees.
30. A suitable block wall with appropriate sized access gates meeting MID standards must be placed around MID's Well 155, for sound attenuation and security.

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31. No buildings, permanent structures, fences or walls to be constructed or placed on the new MID easement without approval of the MID.
32. If access to the MID easement is blocked by MID approved curbs, fences, walls or landscaping, the MID will require the developer to provide an ingress and egress easement through their property to the MID well and pipeline easement.
33. An MID signature block be provided on the Improvement Plans.
34. The developer must enter into a “Construction Agreement” with MID for any work associated with MID facilities and pay all applicable fees.
35. The property owner must obtain a “Non-exclusive Driveway License Agreement” for all crossings over or under any MID facilities, including utilities, bridges, driveways and pipelines. If any dedicated facilities overlap with MID easements, a Joint Use Agreement with the County shall be executed.

### The Amah Mutsun Tribal Band:

36. Where there is construction to be completed within 300 feet of a natural waterway that a monitor be hired to observe construction within the area.

### Public Works

37. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.

### County Counsel

38. INDEMNITY AND HOLD HARMLESS AGREEMENT:

WINN RANCH, 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. 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. 7<sup>TH</sup> EXTENSION No. EXT18-008 to MAJOR SUBDIVISION APPLICATION NO. MAS04-016 - BRAGA RANCH** - To extend the expiration date of the tentative map for Major Subdivision 04016 – Braga Ranch – for one year FROM: July 26, 2018 TO: July 26, 2019. The project site is located at the northeast corner of West Elliot Avenue and North Cambridge Drive, identified as Assessor's Parcel Number's (APN) 207-130-030, 207-130-031, and 207-120-058. The property is designated Atwater Rural Residential Center land use in the General Plan and zoned A-R (Agricultural-Residential). CEQA: No further environmental review is required pursuant to CEQA Section 15162 – “Subsequent EIRS and Negative Declarations”.
- MT**

### RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine the application can be found exempt from further environmental review under CEQA Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines; and,

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- 3) Approve Extension Application No. EXT18-008 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 August 8, 2018.

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 5 - 0, THE PLANNING COMMISSION DETERMINE THE APPLICATION CAN BE FOUND EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA 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 AUGUST 8, 2018, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 7<sup>TH</sup> EXTENSION No. EXT18-008 to MAJOR SUBDIVISION APPLICATION NO. MAS04-016 SUBJECT TO THE 17 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

### Merced County Community and Economic Development Department

1. Approval of this extension shall extend the period of time for recording the final map to July 26, 2019.
2. The Project shall comply with the mitigation measures contained in the Mitigated Negative Declaration and Initial Study related to Air Quality, Geology/Hydrology, Noise, and Traffic/Circulation.
3. The developer shall submit a Dust Control Plan to the SJVUAPCD in order to comply with Regulation VIII Rule 8021 for earth moving operations for residential projects greater than 10 acres in size. This plan should provide for the maintenance of daily records. The applicant should refer to the April 2004 U.S. Environmental Protection Agency Region 9 finalized approval of the San Joaquin Valley 2003 PM-10 Plan as meeting the Clean Air Act requirements for serious PM-10 nonattainment areas.
4. The applicant shall pay the Parkland Dedication and/or Improvement fees consistent with Ordinance No. 1090 prior to recording the Final Map
5. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$490.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

### Public Works

6. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, streetlighting, storm drainage system and underground or relocate utilities and irrigation facilities.
7. Lindsay and Nathan Courts are duplications of existing Merced County road names and shall be changed to the satisfaction of the Department of Public Works and the Fire Department.
8. The developer shall pay the adopted or revised Atwater RRC #1 Bridge and Major Thoroughfare Area of Benefit fee in effect at the time of building permit issuance.

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9. The developer shall relocate the storm drainage basin to the northeast corner of the property for future expansion with development of the Remainder as shown on the Parcel Map for Francis and Helen Thompson, Minor Subdivision Application No. MS03-052, recorded in Volume 96 of Parcel maps at Pages 15 and 16, Merced County Records. Stormwater runoff from the subdivision shall not be discharged into the Buhach Road or Orchard park percolation basins. To accommodate relocation of the onsite storm drainage basin, and to prevent a decrease in the final number of lots, the street configuration may be adjusted by shortening the length of the cul-de-sacs and placing 300-foot centerline radius horizontal curves in the roadways.
10. The private irrigation ditch alongside the northern and eastern boundaries of the property shall be pipelined with subdivision improvements and located within an easement for benefit of all downstream irrigators specifically identified by legal property description. The developer's engineer shall identify all downstream irrigators legally entitled to water rights through research of Merced irrigation District records and field investigation.
11. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
12. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets.
13. The Developer/Applicant is advised that he/she may be obligated to comply with Federal Regulations for storm water runoff issued by the U.S. EPA on November 16, 1990 (40 Code of Federal Regulations Parts 122, 123 and 124). For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

### Environmental Health

14. The well locations on the Tentative Subdivision Map for Lots 5, 6, and 9 do not meet the 100-foot setback from the high water line on the drainage basin across Cambridge Drive. The wells could be placed up to 15 feet from the P.U.E. (25 feet from the front property line). Placing the wells any further back on the parcel might impact the need to start the leach lines close to the house, which is necessary to keep the leach lines shallow.  
  
The indicated leach line areas on the Map for all lots are much too far away from the expected house locations to allow compliance with current shallow leach line trench requirements. MCDEH is not asking that the leach line areas be moved on the Map, as it will not be clear until building permits are being reviewed where the owner will want the leach field, but their current location cannot be used as allowance for moving the well locations any further back than indicated above.
15. Each lot needs to be able to have a replacement well drilled no closer than 30 feet from the original well. Lot #14 lacks this ability. Because of soil characteristics in this area, the designated 10,000 square-foot septic system area could be reduced to as low as 8,000 square feet.
16. Nitrogen-reducing advanced treatment units will be required for septic systems on Lots #1 - 14.



County Counsel

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

Jeffrey Braga 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.

- D. EXTENSION APPLICATION NO. EXT18-011, FIRST EXTENSION TO MINOR SUBDIVISION APPLICATION NO. MS16-005 - LEOPOLDO MENDOZA -** A request to extend the expiration date of the approved tentative map for Minor Subdivision Application No. MS16-005 by 1 year from July 13, 2018 to July 13, 2019. The project site is located on the west side of Feather Way, 500 feet south of South Avenue in the Delhi area, identified as Assessor's Parcel Number (APN) 046-271-007. The property is designated Delhi Urban Community - Agricultural Residential land use in the General Plan and zoned A-R (Agricultural Residential). CEQA: The project requires no further review under CEQA Section 15315 – "Minor Land Divisions" of the CEQA Guidelines. **PN**

**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Determine the application requires no further review under CEQA Section 15315 – "MINOR LAND DIVISIONS" of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT18-011 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Pam Navares presented the Staff Report and recommendations of approval dated August 8, 2018.

The public hearing opened at 9:20 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:21 a.m.

**MOTION: M/S ERRECA - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THE APPLICATION REQUIRES NO FURTHER REVIEW UNDER CEQA SECTION 15315 – "MINOR LAND DIVISIONS" 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 AUGUST 8, 2018 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES EXTENSION APPLICATION NO. EXT18-011, FIRST EXTENSION TO MINOR SUBDIVISION APPLICATION NO. MS16-005 SUBJECT TO THE 7 CONDITIONS WITH A MODIFICATION TO CONDITION #7 TO READ AS FOLLOWS:**

**Conditions:**

Community and Economic Development Department

1. A parcel map, including all parcels involved, shall be recorded by July 13, 2019, 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. Prior to the recordation of the parcel map, the property owner shall satisfy local recreational park land space/or fee obligation (Chapter 17.44).

Department of Public Health

5. Prior to recording the parcel map, the owner shall record a permanent water easement approved by Merced County Division of Building & Safety which guarantees Parcel 1 full access to the domestic well on parcel 2, or install a new domestic well on proposed Parcel 1.

Public Works Road Division

6. The project site is subject to Level 2 Improvements that require items such as dedicating required right-of-way easements, and other improvements (County Code Ch. 16-08-040). Applicant shall enter into a Deferment of Construction Agreement to install the improvements at a later date.
  - a. Right-of-Way dedication is required to fulfill the property owner's half of a 60' ultimate right-of-way on Feather Way. As a result, the owners shall dedicate 10' right-of-way along the property frontage plus an additional 10' public utility easement (PUE).

County Counsel

7. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**  
“LEOPOLDO MENDOZA, 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. 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**

Planning Director Mark Hendrickson announced Tiffany Ho, Planner II, will be leaving the Planning Department and also welcomed the newest Planning Commissioner Kurt Spycher.

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**IX. COMMISSIONERS COMMENTS**

None

**X. ADJOURNMENT**

There being no further business, the meeting adjourned at 9:23 a.m.