

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JANUARY 27, 2021

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of January 27, 2021, 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 January 27, 2021, 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 Kurt Spycher – Chairman
 Commissioner Mark Erreca
 Commissioner Robert Acheson
 Commissioner Jack Mobley
 Commissioner Fernando Aguilera

Staff Present: Steve Maxey, Deputy Director
 Kristin McHaney, Recording Secretary
 Brody Patterson, Planner I
 Pam Navares, Planner II
 Diana Lowrance, Planner III

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: None

IV. APPROVAL OF MINUTES

MOTION: M/S MOBLEY - ACHESON AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE JANUARY 13, 2021 MEETING.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. MS20-022 - AUTOZONE PARTS - A request to divide an approximate 15.57 acre parcel (with split-zoning) into 2 parcels resulting in parcel sizes of: Parcel 1 = 1.00 acre and Parcel 2 = 14.57 acres, on property located on the east side of North Winton Way between Almond and Doris Avenues, identified as Assessor's Parcel Number (APN) 147-200-001. The property is designated Winton Urban Community - General Commercial and Medium Density Residential land use in the General Plan and is zoned C-2 (General Commercial) and R-2 (Two-family Residential). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15315 – "Minor Land Divisions" of the CEQA Guidelines. **DL**

RECOMMENDATIONS:

- 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. MS20-022 based on the findings in the staff report and subject to the recommended conditions of approval.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated January 27, 2021.

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

No one spoke in favor of or opposition to proposed project.

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

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

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 27, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS20-022 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

MINOR SUBDIVISION NO. MS20-022 CONDITIONS OF APPROVAL

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. 20-001.

Merced County Fire Department

Fire Department Access:

4. All driveways accessing the parcel shall be surfaced with an approved all weather driving surfacing material. Shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (CFC Sec. 503)

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5. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. (CFC 503.2.1)
6. If Security gates are installed they shall be approved by this office. As required, including the installation of a Merced County coded “Knox” key switch or “Knox” padlock, whichever is most appropriate in relation to your needs. (CFC Sec. 506)

Fire Flow Requirements:
7. All projects shall meet the fire flow requirements as per California Fire Code. In addition, all options shall be approved by this office.

Required water supply:
8. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (CFC 507.1)

Merced County Department of Public Works

9. Applicant shall maintain all storm water runoff on-site. Calculations for proposed basin or Low-Impact Development design systems, compliant to the Merced County Storm Drainage Design Manual and Merced County Code Chapter 9.53, shall be submitted to the Road Division for review.
10. Level 1 improvements will be required which include, but are not limited to curb, gutter, sidewalk, street lights, utility relocation, right of way & PUE dedication. Site plan will need to show these improvements.
11. Traffic Signal and lights will need to be relocated on the northwest corner of the property as part of the improvements.

County Counsel

12. INDEMNITY AND HOLD HARMLESS AGREEMENT:

AUTOZONE PARTS, INC., 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.

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- B. 10th EXTENSION APPLICATION No. EXT20-014 TO MAJOR SUBDIVISION No. MAS05-006 - "RED ROCK INDUSTRIAL PARK" – CENTRAL VALLEY AG GROUP** - A request to extend the expiration date of the tentative map for MAS05-006 by 1 year, FROM: December 21, 2020 TO: Dec. 21, 2021. The project site is located on the west side of N. Arboleda Drive, 400 feet south of E. Highway 140 in the Merced area, identified as Assessor's Parcel Number (APN) 061-033-007. The property is designated Tuttle Rural Center - Industrial land use and zoned M-1 (Light Manufacturing). 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. EXT20-014 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

Planner Brody Patterson presented the Staff Report and recommendations of approval dated January 27, 2021.

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

Edward Halsey spoke of his concerns regarding the feasibility of the proposed project.

The public hearing closed at 9:12 a.m.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 "SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS" OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 27, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 10th EXTENSION APPLICATION No. EXT20-014 SUBJECT TO THE 4 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. MAS05-006 shall expire on December 21, 2021, unless an extension request is applied for and approved.
2. The current Extension Application No. EXT20-014 shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS05-006 and all previously approved discretionary extensions (EXT07-026, EXT08-031, EXT18-043, and EXT19-012).
3. The Applicant shall continue to work with the Merced County Division of Environmental Health (MCDEH) to reconfigure the parcel lines on the Final

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Map to come into compliance with current setback requirements for wells and septic systems.

County Counsel

4. INDEMNITY AND HOLD HARMLESS AGREEMENT:

TUTTLE LAND HOLDINGS LLC / CENTRAL VALLEY AG GROUP 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.

- C. MINOR SUBDIVISION APPLICATION No. MS20-021 – DWIGHT KAJIOKA** - A request to create a 3.62 acre homesite parcel from a 20.04 acre parcel, and combine the remaining 16.42 acres with an abutting 20.03 acre parcel, creating a 36.44 acre parcel. The project is located at the west side of N. Pepper Street, 1370 feet south of W. South Avenue in the Ballico area, identified as Assessor's Parcel Numbers (APN's) 046-160-012 and 046-160-013. 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 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **PN**

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 based on the analysis in the 2030 Merced County General Plan Program Environmental Impact Report and the attached CEQA Section 15162 Findings and Analysis; and,
- 3) Approve Minor Subdivision Application No. MS20-021 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Planner Pam Navares presented the Staff Report and recommendations of approval dated January 27, 2021.

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

No one spoke in favor of or opposition to proposed project.

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

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 – "SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS" OF THE CEQA GUIDELINES.

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MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 27, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS20-021 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 Local, State and Federal regulations.
3. The project shall comply with all standard conditions contained in the Planning Commission Resolution No. 20-001.
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. The 3.62 acre homesite parcel shall be removed from the Agricultural Preserve prior to recording the Parcel Map.

County Counsel

6. INDEMNITY AND HOLD HARMLESS AGREEMENT:

DWIGHT KAJIOKA 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 9:20 a.m.