

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JANUARY 8, 2020

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of January 8, 2020, 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 8, 2020, 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 – 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
 Brian Guerrero, Development Services Coordinator
 Brody Patterson, 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 MEETING OF DECEMBER 18, 2019.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. 9th EXTENSION No. EXT19-012 to MAJOR SUBDIVISION APPLICATION NO. MAS05-006 - "Red Rock Industrial Park" - A request to extend the expiration date of the approved tentative map for Major Subdivision Application No. MAS05-006 for 1 year, FROM: December 21, 2019 TO: December 21, 2020. The project site is located on the west side of North Arboleda Drive, 400 feet south of East Highway 140, identified as Assessor's Parcel Number (APN) 061-033-007. The property is designated Tuttle Rural Center – Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). CEQA: No further environmental review is required pursuant to Section 15162 of the CEQA Guidelines - "Subsequent EIRs and Negative Declarations." **BG**

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. EXT19-012 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

Brian Guerrero presented the Staff Report and recommendations of approval dated January 8, 2020.

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

No one spoke in favor or opposition to this application.

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

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

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 5 – 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 8, 2020, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 9TH EXTENSION NO. EXT19-012 TO MAJOR SUBDIVISION APPLICATION NO. MAS05-006 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, 2020, unless an extension request is applied for.
2. The current Extension Application No. EXT19-012 shall comply with all conditions of approval as required by the previously approved Minor Subdivision No. MS05-006 and any previously approved discretionary extensions (EXT07-026, EXT08-031 and EXT18-043).
3. The Applicant shall continue to work with the Merced County Division of Environmental Health (MCDEH) to reconfigure the parcel lines on the Final Map to come into compliance with current setback requirements for the wells and septic systems.

County Counsel

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

TUTTLE CROSS DOCK, 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

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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. ZONE VARIANCE APPLICATION No. ZV19-001 – Janice Sotelo** - A request to vary from the minimum R-1 parcel area (from 6,000 square feet to approximately 5,130 square feet) and parcel width (from 60 feet to approximately 35 feet), facilitating a future Property Line Adjustment and construction of a single-family home. The project site is located on the north side of W. Lobo Avenue, 70 feet east of N. Beachwood Drive, identified as Assessor's Parcel Number (APN) 057-261-029. The property is designated Franklin-Beachwood Urban Community - Low Density Residential land use and zoned R-1 (Single-Family Residential). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15305 - “Minor Alterations in Land Use Limitations” of the CEQA Guidelines. **BP**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15305 - “Minor Alterations in Land Use Limitations” of the CEQA Guidelines; and,
- 3) Approve Zone Variance No. ZV19-001 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 8, 2020.

A letter from Constance Farris, a neighbor, was handed out to the Commissioners stating her opposition to this application.

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

Janice Sotelo, applicant, wants to put a home on the property. She pays all the sewer fees annually. She requested approval of this application.

The public hearing closed at 9:15 a.m.

MOTION: M/S ERRECA – SPYCHER, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15305 – “MINOR ALTERATIONS IN LAND USE LIMITATION” OF THE CEQA GUIDELINES.

MOTION: M/S ERRECA - SPYCHER, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 8, 2020, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES

**ZONE VARIANCE NO. ZV19-001 SUBJECT TO THE 6 CONDITIONS SET FORTH
IN THE STAFF REPORT AS FOLLOWS:**

Conditions:

Merced County Community and Economic Development Department

1. Zone Variance No. ZV19-001 shall only grant a variance from the minimum R-1 parcel area (from 6,000 square feet to approximately 5,130 square feet) and parcel width (from 60 feet to approximately 35 feet) on the property identified as Assessor's Parcel Number (APN) 057-261-029.
2. Any future projects located on the parcel for which this Variance is being granted (APN 057-261-029) shall comply with all other applicable Development Standards, unless a separate Variance or Minor Deviation is granted.
3. The Variance shall be exercised within two (2) years of the approval date, as required by Section 18.126.100 of the Merced County Zoning Code.
4. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.
5. The applicant shall comply with all applicable Local, State and Federal regulations.

County Counsel

6. INDEMNITY AND HOLD HARMLESS AGREEMENT:

JANICE SOTELO 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.

- C. MINOR SUBDIVISION APPLICATION No. MS19-014 – Parminder Sidhu - A** request to divide an 8.6-acre parcel into four parcels and a remainder parcel, resulting in net parcel sizes of: Parcel 1 = 1.18 acres, Parcel 2 = 1.07 acres, Parcel 3 = 1.08 acres, Parcel 4 = 1.08 acres, and a 2.69-acre Remainder Parcel. The project site is located on the west side of N. Lake Road, 650 feet south of E. Dunn Road, identified as Assessor's Parcel Number (APN) 060-600-040. The property is designated Merced Rural Residential Center - Agricultural-Residential land use and zoned R-R (Rural 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. **BP**

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RECOMMENDATION(S):

- 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 No. MS19-014 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 8, 2020.

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 SPYCHER – ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15315 “MINOR LAND DIVISIONS” OF THE CEQA GUIDELINES.

MOTION: M/S SPYCHER - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 8, 2020, AND MAKES THE 11 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION NO. MS19-014 WITH THE ADDITION OF CONDITION #4 FOR A TOTAL OF 14 CONDITIONS AS 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 project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.
3. The applicant shall comply with all applicable Local, State and Federal regulations.
4. A Site Plan and Design Review application shall be submitted and approved by the Community and Economic Development Department prior to the issuance of a Building Permit for any new residences in the subdivision.

Merced County Department of Public Health, Division of Environmental Health

5. Depending on nitrate loading requirements in place at the time a building permit application is submitted for development, the nitrate load per parcel may be limited. Also, sewage dispersal area on Parcels 1, 2, 3, and 4 is limited by setbacks. Either of these situations may affect what can be approved to be built on the parcel, including the number of bedrooms and certain plumbing fixtures such as multiple laundry rooms and oversized tubs.

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This condition shall be placed on a recorded document for the benefit of future property owners.

6. Nitrogen-reducing advanced treatment septic systems are required on Parcels 1, 2, 3, and 4. This condition shall be placed on a recorded document for the benefit of future property owners.
7. Sewage dispersal (original and replacement) shall be accomplished only by vertical leach lines and only in the exact locations indicated on the map included with the minor subdivision application submitted for the December 5, 2019 Preliminary Application Review (PAR) meeting. This condition shall be placed on a recorded document for the benefit of future property owners.
8. The domestic wells shall be placed only in the locations indicated on the map included with the minor subdivision application submitted for the December 5, 2019 Preliminary Application Review (PAR) meeting. This condition shall be placed on a recorded document for the benefit of future property owners.
9. The 30-foot wide access road and utility easement to and on Parcels 1, 2, 3, and 4, and the turn-around area at the terminal end of the access road on Parcels 1 and 2 shall in no way interfere with the domestic well and leach field locations. This condition shall be placed on a recorded document for the benefit of future property owners.

Merced County Fire Department

10. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders. [California Code of Regulations, Title 19, Division 1, §3.05(a)1 Fire Department Access and Egress. (Roads)].

Merced County Department of Public Works, Roads Division

11. The proposed project is subject to installation of Level 2 Improvements along Lake Road frontage (County Code Ch. 16.08.040). Level 2 Improvements include:
 - a. Dedication of an additional 10 ft. of right-of-way on Lake Road.
 - b. Vegetation cleared on Lake Road between edge of pavement and property line and aggregate base constructed along the roadway shoulder.
12. Applicant shall install a Joint Driveway in accordance to Merced County Standards and Specifications, Chapter 7.06. The minimum pavement width shall be 16' with all storm water runoff maintained on-site.
13. Applicant shall install a paved residential driveway approach at the proposed private access to prevent the deterioration of the pavement along Lake Road. An Encroachment Permit shall be obtained and paid for prior to commencement of any work along the County's right-of-way.

County Counsel

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

PARMINDER SIDHU 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

None

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:22 a.m.