

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF MARCH 14, 2018

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of March 14, 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 March 14, 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
 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

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: Commissioner Rich Ford - Chairman

IV. APPROVAL OF MINUTES

MOTION: M/S ACHESON – ERRECA, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE MEETING OF JANUARY 10, 2018.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION MS18-001 - Scott Wickstrom and Duane Wickstrom - A request to create a homesite parcel by removing a 4.3 acre portion of a 40.11 acre parcel and combine the remaining 35.8 acres with an abutting parcel, creating a 70.9 acre remainder parcel. The project site is located on the east and west sides of North Hultberg Road, 0.75 miles south of West Turner Avenue in the Hilmar area, and identified as Assessor's Parcel Numbers (APNs) 045-252-040, 045-252-039, and 045-252-042. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). CEQA: No further environmental review is required in compliance with CEQA Guidelines Section 15162 – "Subsequent EIRs and Negative Declarations". **MT**

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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) Ratify the Hearing Officer’s approval of Minor Subdivision Application No. MS18-001 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 March 14, 2018.

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

Duane Andrews, Golden Valley Engineering, said he was available to answer any questions and 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 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 MARCH 14, 2018, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION MS18-001 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:

SCOTT WICKSTROM AND DUANE WICKSTROM, have the contracted duty (hereinafter "the duty") to indemnify, defend and hold harmless, County, its Board of Supervisors, officers, employees, agents and assigns from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the performance of this Agreement, whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers..

SCOTT AND DUANE WICKSTROM's liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of SCOTT AND DUANE WICKSTROM, their agents, subcontractors, employees, boards, and commissions. The duty shall extend to any allegation, claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first claim, petition, or allegation of liability against County. SCOTT AND DUANE WICKSTROM will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause and shall not be limited to any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, that may arise during the term of this Agreement but shall also apply to all such claims and the like after the term of this contract, for example, arising from land use and environmental law actions, or meeting notice law actions, brought against the County following project approval, modification, or denial.

This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- B. MINOR SUBDIVISION APPLICATION MS18-004 - Steven Kashiwase -** To re-subdivide a 75.5 Acre parcel, that currently straddles a road, resulting in parcel sizes of: Parcel 1 = 38 Acres and Parcel 2 = 37.5 Acres on property that is located at the northwest and northeast corners of North Shaffer Road and West Walnut Avenue in the Winton area, designated Agricultural land use and zoned A-1 (General Agricultural). CEQA: No further environmental review is required pursuant to CEQA Section 15162 – "Subsequent EIRs and Negative Declarations". **MT**

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. MS18-004 based on the findings included in the staff report and subject to the conditions of approval.

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Planner Maya Tjahjadi presented the Staff Report and recommendations of approval dated March 14, 2018.

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

Garth Pecchenino, Quad Knopf, said he agrees with the conditions in the staff report and asked for approval of this application.

The public hearing closed at 9:15 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 MARCH 14, 2018, AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION NO. MS18-004 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:

STEVE KASHIWASE, has the contracted duty (hereinafter "the duty") to indemnify, defend and hold harmless, County, its Board of Supervisors, officers, employees, agents and assigns from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the performance of this Agreement, whether in tort,

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contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers..

STEVE KASHIWASE's liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of STEVE KASHIWASE, their agents, subcontractors, employees, boards, and commissions. The duty shall extend to any allegation, claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first claim, petition, or allegation of liability against County. STEVE KASHIWASE will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause and shall not be limited to any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, that may arise during the term of this Agreement but shall also apply to all such claims and the like after the term of this contract, for example, arising from land use and environmental law actions, or meeting notice law actions, brought against the County following project approval, modification, or denial.

This clause for indemnification shall be interpreted to the broadest extent permitted by law.

- C. MINOR SUBDIVISION APPLICATION No. MS18-005 – Edward Ellington** - A request to divide a 39 acre parcel into 3 parcels and a remainder parcel, to provide homesite parcels for multiple family members. The resulting parcel sizes will be: Parcel 1 = 1 acre, Parcel 2 = 1.66 acre, Parcel 3 = 1 acre and a 35.9 acre Remainder Parcel. The project site is located on the south side of West American Avenue, .25 mile west of North Golf Link Road, identified as Assessor's Parcel Number (APN) 045-160-060. The property is designated both Hilmar Urban Community - Low Density Residential and Neighborhood Commercial land use, and split-zoned R-1 (Single Family Residence) and C-1 (Neighborhood Commercial). CEQA: Project can be found exempt from CEQA under Section 15315 – “Minor Land Divisions”. **TH**

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine the application can be found exempt from CEQA under Section 15315 – “Minor Land Divisions” of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision Application No. 18-005 based on the findings included in the staff report and subject to the proposed conditions of approval.

The public hearing opened at 9:16 a.m.

No one spoke in favor or opposition to this application.

The public hearing will remain open until the April 11, 2018 hearing.

MOTION: M/S ERRECA – ACHESON, AND CARRIED BY A VOTE OF 4 -0, THE COMMISSION CONTINUED THIS PUBLIC HEARING TO APRIL 11, 2018, TO ALLOW THE APPLICANT TIME TO CONSIDER REQUIREMENTS FOR DEPARTMENT OF PUBLIC WORKS RIGHT-OF-WAY DEDICATIONS.

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 9:18 a.m.