

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF NOVEMBER 4, 2020**

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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 November 4, 2020, 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 November 4, 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 Kurt Spycher – Chairman  
   Commissioner Mark Erreca  
   Commissioner Robert Acheson  
   Commissioner Jack Mobley  
   Commissioner Fernando Aguilera

Staff Present:                      Mark Hendrickson, Director  
   Kristin McHaney, Recording Secretary  
   Brody Patterson, Planner I

Legal Staff:                        Jeff Grant, Deputy County Counsel

Commissioners Absent:        None

**IV. APPROVAL OF MINUTES**

**MOTION: M/S ACHESON - MOBLEY AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE OCTOBER 14, 2020 MEETING.**

**V. CITIZEN COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

**A.      MINOR SUBDIVISION No. MS20-015 – DUANE & MARY MARSON / FOREBAY FARMS, LLC - A request to create a 4.0 acre homesite parcel from an 18.3 acre parcel and combine the remaining 14.1 acres with an abutting parcel, creating a 30.1 acre Remainder parcel. The project site located at the southeast corner of N. Griffith Avenue and W. August Road in the Delhi area, identified as Assessor's Parcel Numbers (APNs) 046-190-042 and 046-190-044. The property is designated Agricultural land use and 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. **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

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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. MS20-015 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 November 4, 2020.

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

No one spoke in favor of or opposition to this application.

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

**MOTION: M/S MOBLEY - 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 MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED ONOVEMBER 4, 2020, AND MAKES THE PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS20-015 SUBJECT TO THE 3 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. 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.
4. The 4.0 acre homesite parcel shall be removed from the Agricultural Preserve prior to recordation of the Parcel Map.

Merced County Department of Public Works, Roads Division

5. Right-of-Way dedication is required to fulfill the 60' ultimate right-of-way for Griffith Avenue fronting the property. Griffith Avenue has an existing 40' right-of-way, the owners shall dedicate an additional 10' of right-of-way along the Griffith Avenue frontage of the property.

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6. Right-of-Way dedication is required to fulfill the 80' ultimate right-of-way for August Road fronting the property. August Road has an existing 40' right-of-way, the owners shall dedicate an additional 20' of right-of-way along the August Road frontage of the property.

County Counsel

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

DUANE & MARY MARSON / FOREBAY FARMS, LLC 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 9:06 a.m.