

**MERCED COUNTY PLANNING COMMISSION**  
**MINUTES FOR MEETING OF FEBRUARY 10, 2021**

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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 February 10, 2021, 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 February 10, 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

Staff Present:                      Mark Hendrickson, Director  
   Kristin McHaney, Recording Secretary  
   Pam Navares, Planner II

Legal Staff:                        Jeff Grant, Deputy County Counsel

Commissioners Absent:        Commissioner Fernando Aguilera

**IV. APPROVAL OF MINUTES**

**MOTION: M/S ACHESON - MOBLEY AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE JANUARY 27, 2021 MEETING.**

**V. CITIZEN COMMUNICATIONS**

None

**VI. PUBLIC HEARINGS**

**A. MINOR SUBDIVISION APPLICATION No. MS20-023 – BIVENS & COMPANY, LLC - A request to subdivide a 4.86 acre parcel into two parcels, resulting in parcel sizes of Parcel 1 = 2.44 acres and Parcel 2 = 2.42 acres. The project site is located on the north side of W. Bloss Avenue, approximately 1,800 feet east of N. Lander Avenue, in the Hilmar area, identified as Assessor's Parcel Number (APN) 015-100-006. The property is designated Hilmar Urban Community – Low Density Residential in the General Plan and is zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Planning Commission determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines. **PN****

**RECOMMENDATION(S):**

1)      Open/close public hearing;

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- 2) Determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines; and,
  
- 3) Approve Minor Subdivision No. MS20-023 based on the findings and subject to the recommended conditions of approval.

Planner Pam Navares presented the Staff Report and recommendations of approval dated February 10, 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 9:04 a.m.

**MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 4 - 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 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED FEBRUARY 10, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS20-023 SUBJECT TO THE 7 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:**

**Conditions:**

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.

Environmental Health

4. Prior to recording the Parcel map, the domestic well located on Parcel 2 shall be destroyed.

Turlock Irrigation District

5. If Parcel 2 will continue to irrigate, an irrigation easement shall be provided across Parcel 1 for the benefit of Parcel 2, so that a separate pipe or ditch can be constructed to serve Parcel 2. Alternatively, District Standards require that properties that will no longer irrigate or have access to water must apply for abandonment for the parcels from the improvement district.

Department of Public Works-Roads

6. Right-of-Way dedication is required to fulfill the property owner's half of an 84 foot ultimate right-of-way on Bloss Avenue (per the Hilmar Community Plan):

Bloss Avenue has an existing 40 foot right-of-way, with 20 feet lying on the owner's side of the road centerline. The owners will need to dedicate an additional 22 foot right-of-way along the Bloss Avenue frontage of the property. However at this time, the dedication of only 10 feet right-of-way is required.

The Project site is subject to frontage improvements in accordance to the Merced County Improvement Standards and Specifications (curb and gutter, sidewalks) along Bloss Avenue. The applicant will need to enter into a Deferment of Construction Agreement to install the improvements at a later date:

The agreement will also include dedication of the remaining 12 foot right-of-way and a 10 foot public utility easement.

County Counsel

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

PAT BIVENS/BIVENS AND COMPANY 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 9:20 a.m.