

**MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF AUGUST 25, 2021**

DRAFT

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of August 25, 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 August 25, 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: Mark Hendrickson, Director
 Tiffany Ho, Planner III
 Mark Marshall, Planner I
 Desiree Dobbs, Recording Secretary

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 JULY 28, 2021 MEETING.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. MS20-017 AND MINOR DEVIATION No. MD20-003 – GOULARTE - A request to divide a 70.5 acre parcel into 3 parcels resulting in parcel sizes of: Parcel 1 = 21.52 acres, Parcel 2 = 20.95 acres and Parcel 3 = 30.00 acres; and a request for a Minor Deviation to allow the house on created Parcel No. 1 to have a 13.7 foot side yard setback in lieu of the required 15 foot side yard setback, and to allow an exception to the Agricultural Setback requirement for created parcels per Zoning Code Section 18.10.040 M. 1 (a) (2). The project site is located at the southwest corner of West Gun Club Road and South Hunt Road in the Gustine area, identified as Assessor's Parcel Number (APN) 063-190-026. 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 find that no further environmental review is required pursuant to

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Section 15162 of the CEQA Guidelines – “Subsequent EIRs and Negative Declarations.” DL

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,
- 3) Approve Minor Subdivision Application No. MS20-017 and Minor Deviation No. MD20-003 based on the findings included in the staff report and subject to the proposed conditions of approval.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated August 25, 2021.

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

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

The public hearing closed at 9:07 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 BASED ON THE ANALYSIS IN THE 2030 MERCED COUNTY GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT AND THE ATTACHED CEQA SECTION 15162 FINDINGS AND ANALYSIS.

MOTION: M/S MOBLEY- ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THE MINOR DEVIATION NO. MD20-003 CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15305– “MINOR ALTERATIONS IN LAND USE LIMITATIONS” 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 RECOMMENDATION DATED AUGUST 25, 2021 AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION APPLICATION No. MS20-017 AND MINOR DEVIATION No. MD20-003 SUBJECT TO THE 9 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.

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3. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 20-001, attached.
4. A note shall be placed on the face of the parcel map stating that any new residences will be subject to the review and approval of a Conditional Use Permit from the County, as per General Plan Policy AG-3.12 and Zoning Code Section 18.10.040 (N) or as otherwise permitted by the County subject to the current policies in place at the time of the request.
5. A note shall be placed on the parcel map indicating that a shared well agreement will be required at the time of sale of either parcel. An easement for well access shall be indicated on the map.
 - a. A shared well agreement shall not be required if a domestic well permit is obtained and a well is installed on proposed Parcel 1, prior to parcel map recordation.

Merced County Fire Department Prevention Bureau

6. Maintain address identification. Each individual dwelling address shall be posted at the corresponding driveway entrance and on each dwelling. Address identification shall be a minimum four (4) inch letters/numbers on a contrasting background.
7. Road access. Driveways shall provide for all weather access and be a minimum twenty (20) feet in width with an approved location to allow for fire equipment to turnaround. Turnaround is only required if access to the dwelling is greater than one-hundred-fifty (150) feet from the main roadway.

Merced County Department of Public Works Road Division

8. Right-of-Way dedication is required to fulfill the sixty (60) foot ultimate right-of-way for Gun Club Road and Hunt Road fronting the property. Gun Club Road and Hunt Road have an existing forty-eight (48) foot and forty (40) foot right-of-way respectively.
 - a. The applicant/owners shall dedicate an additional two (2) feet of right-of-way along the Gun Club Road frontage and an additional ten (10) feet of right-of-way along the Hunt Road frontage of the property.

County Counsel

9. INDEMNITY AND HOLD HARMLESS AGREEMENT:

JANE GOULARTE AS TRUSTEE OF THE JANE GOULARTE 1996 REVOCABLE LIVING TRUST 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. MINOR SUBDIVISION No. MS21-010 – MARGARET TUFT** - A request to divide a 184.35 acre parcel into 3 parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres, and Parcel 3 = 89.89 acres. The project site is located on the north side of W. Lincoln Road, approximately 1,800 feet west of Highway 59 in the El Nido area, identified as Assessor's Parcel Numbers (APNs) 074-110-045, 074-110-046 and 074-110-047. 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. **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. MS21-010 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 August 25, 2021.

The public hearing opened at 9:13 a.m.

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

The public hearing closed at 9:13 a.m.

MOTION: M/S ERRECA- 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 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.

MOTION: M/S ERRECA- ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED AUGUST 25, 2021 AND MAKES THE 8 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS 20-010 SUBJECT TO THE 10 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

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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. 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.
3. The applicant shall comply with all applicable Local, State and Federal regulations.
4. An irrigation easement for surface water and well water shall be required to be shown on the Parcel Map for the benefit of Parcel 1.

Department of Public Works/Roads Division

5. Right of way dedication is required to fulfill the 60' ultimate right-of-way for Lincoln Road and Chamberlain Road fronting the property. Lincoln Road and Chamberlain Road have an existing 40' right-of-way. The owners shall dedicate an additional 10' of right of way along the Lincoln Road and Chamberlain Road frontage of the parcels.

Merced Irrigation District

6. An Encroachment Agreement with MID will be required for any work associated with MID facilities and for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities or rights of way.
7. No structures, trees or fences will be allowed within the MID right of way.
8. Septic system leach fields shall be a minimum of 50 feet from any open MID facility or 20 feet from a piped facility to protect from contamination and to protect the septic systems from leakage from MID facilities.
9. The applicant shall provide private irrigation easements from the existing irrigation access point, lying within proposed parcel 3 on the North side of Lincoln Road, to the portions of the proposed parcels that will be within MID. Alternate water access points would be considered subject to approval of the MID Engineer

County Counsel

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

MARGARET TUFT, TRUSTEE under the Margaret Tuft Trust Agreement dated May 4, 2006, 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

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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 9:14 a.m.