



PLANNING COMMISSION MEMBERS

Fernando Aguilera District 1
Robert Acheson District 2 (Chairperson)
Jack Mobley District 3
Kurt Spycher District 4
Mark Erreca District 5 (Vice Chairperson)

Mark Hendrickson, Secretary
www.countyofmerced.com

AGENDA PLANNING COMMISSION

Regular Meeting of Wednesday, September 14, 2022- 9:00 a.m.

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

The Planning Commission welcomes you and encourages your participation.

CITIZEN COMMUNICATIONS: If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to three (3) minutes.

PUBLIC COMMENT: If you would like to address the Planning Commission on any item on the agenda, please pick up a speaker card in the foyer; fill it out with your name, street address, phone number, email address and the item number you wish to speak on. Please hand the speaker card to the staff member to the left of the podium once the Commission Chairman opens the public hearing for the agenda item. Each speaker will be limited to three (3) minutes.

AGENDAS and MINUTES: Planning Commission agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Friday, but generally on the Wednesday, preceding each Commission meeting and may be viewed at www.co.merced.ca.us/planning/plancomarchive.html. All proposed agenda items with supportive documents are available for viewing at the Merced County Planning and Community Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Planning Commissioners will review and discuss at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

PUBLIC RECORDS: As required by Government Code Section 54957.5, any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning and Community Development Department.

AUDIO/VIDEO BROADCAST: All Planning Commission meetings are normally broadcast live and replayed on local cable television. In addition, a live audio/video broadcast of this meeting may be heard/viewed at: www.co.merced.ca.us/planning/index.html, via live audio or live video. All meetings are archived for audio/video replay following the meeting.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Planning Commission meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

COMMISSION QUORUM AND ACTION: A Quorum of the Planning Commission shall consist of three (3) members. Actions by the Commission shall require a majority vote (three votes or more) of the total membership of the Commission. When an action by the Planning Commission results in a tie vote the action shall be deemed denied. In the case of a tie vote, the applicant may request that the application be reconsidered at another meeting of the Commission.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within five (5) calendar days after the day the action is made. [Within ten (10) calendar days after the day the action is made on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting, and for subdivisions, the deadline is the following Monday at 5:00 pm. Please note that appeals may not be submitted on days that the County is officially closed. Appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted to the Board Clerk with the written appeal.

Members of the public are advised that a 2-hour time limit for customer parking in designated areas is strictly enforced by the City of Merced. You can request a one-day parking pass from County Administration prior to the Commission meeting, which must be displayed on the dashboard of your vehicle.

Please turn off all pagers, cellular telephones and any other communication devices.



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I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COMMISSIONERS

IV. APPROVAL OF MINUTES

A. Approval of minutes from the August 24, 2022 meeting.

V. CITIZEN COMMUNICATIONS

A. Public opportunity to address the Planning Commission on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda.

VI. PUBLIC HEARING(S)

A. ADMINISTRATIVE APPLICATION No. AA22-040 – AEMETIS BIOGAS DAIRY DIGESTER– proposes to construct a new, partially above-ground, earthen, Tier 1, double-lined covered lagoon digester and a 50 ft. by 75 ft. equipment pad on a site with an existing dairy operation. The purpose of the digester is manure processing and biogas collection, as such the digester is an Accessory Use to the existing permitted dairy, and will not change the character of the use. The project site is located at 19104 Crane Avenue, Hilmar, CA 95324, on the north side of West Crane Ave, 900 ft. east of North Larson Ave on a parcel identified as Assessor’s Parcel Number (APN) 045-220-012. The project site is designated Agricultural in the 2030 General Plan and is zoned A-1 (General Agricultural). **CC**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Find the project exempt pursuant to Sections 15301 (“Existing Facilities”) and 15311

- (“Accessory Structures”) of the CEQA Guidelines, and;
- 3) Approve Administrative Application No. AA22-040 based on the findings included in the staff report and subject to the recommended conditions of approval.

- B. MINOR SUBDIVISION APPLICATION No. MS22-009 – JOELL ERLANDSON** - A request to create a 5-acre parcel containing a home in which the property owner has lived for more than 10 years from a 20-acre parcel, and convey and combine the remaining 15 acres with an adjacent parcel, creating a 35-acre parcel. The property is located on the northwest side of Washington Road at the corner with American Avenue in the Hilmar area, identified as Assessor’s Parcel Numbers (APNs) 045-180-056 & 045-180-057. The land is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission find the project exempt from environmental review pursuant to Section 15162 of the CEQA Guidelines - "Subsequent EIRs and Negative Declarations". **CC**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine that the project is exempt from environmental review pursuant to Section 15162 of the CEQA Guidelines - "Subsequent EIRs and Negative Declarations"; and,
- 3) Approve Minor Subdivision Application No. MS22-009 based on the findings and subject to the recommended Conditions of Approval.

- C. ZONING VARIANCE APPLICATION No. ZV22-002/ CONVEY & COMBINE MINOR SUBDIVISION APPLICATION No. MS22-003 – BUTTREY/ PELLISSIER** – A request to vary from the 200-foot agricultural buffer standard to create a 5-acre homesite parcel from a 19.93-acre parcel and combine the remaining 14.93 acres with an adjacent parcel to create a 54.94- acre parcel. The project site is located on the north side of West Olive Avenue, approximately 580 feet west of North Arboleda Drive in the Merced area, identified as Assessor’s Parcel Numbers (APN's) 238-030-034 and 238-030-037. The land 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 the project is categorically exempt pursuant to Section 15305 (“Minor Alterations in Land Use Limitations”) based on the findings in the staff report and that no further environmental review is required for the project 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 Guidelines Section 15162 Findings and Analysis. **TSH**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine that the project is categorically exempt pursuant to Section 15305 (“Minor Alterations in Land Use Limitations”) based on the findings in the staff report and that no further environmental review is required for the project 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 Guidelines Section 15162 Findings and Analysis; and,
- 3) Consider Zone Variance Application No. ZV22-002 and Minor Subdivision Application No. MS22-003, as well as the findings and proposed conditions of approval attached to the staff report.

VII. COMMISSION ACTION ITEM(s)

- VIII. DIRECTOR'S REPORT
- IX. COMMISSIONER'S COMMENT
- X. ADJOURNMENT