
MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF MARCH 25, 2015

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of March 25, 2015, 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 25, 2015, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Jack Mobley - Acting Chairman
 Commissioner Mark Erreca
 Commissioner Rich Ford
 Commissioner Greg Thompson
 Commissioner Robert Acheson

Staff Present: Mark Hendrickson, Development Services Director
 Oksana Newmen, Deputy Director of Planning
 Kim Anderson, Recording Secretary

Legal Staff: Thomas Ebersole, Deputy County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

None

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. **MINOR SUBDIVISION No. MS14-006 - Jose Vega** - To divide an 86.1 acre parcel into three 24.335 acre parcels and a 20 acre remainder parcel, with no additional homes proposed. The project site is located on the west side of South Ingomar Grade, approximately one mile north of West Henry Miller Avenue in the Los Banos area. The property is designated Agricultural land use and zoned A-1 (General Agricultural). BG

Recommendations: The actions requested are to:

- 1) Find the project exempt from CEQA review under Section 15183 – “Projects Consistent with a Community Plan or Zoning” of the CEQA Guidelines; and,
- 2) Approve Minor Subdivision No. MS14-006 based on the project findings and subject to the conditions of approval in the staff report.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated March 25, 2015. Mr. Guerrero handed out a correction to the acreage for the proposed parcels 1-3 to 22 acres each instead of 24.335 acres and also noted the change of the parcel identified as a “Remainder” to proposed “Parcel 4”.

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

Mike Smith, CCPS, explained the parcel size change. He said originally he wanted a Convey and Combine application but was told a Minor Subdivision is needed.

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Commissioner Thompson asked if there will be an issue with the encroachment. Mr. Smith said no.

The public hearing closed at 9:12 a.m.

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION EXEMPTS MINOR SUBDIVISION No. MS14-006 FROM CEQA GUIDELINES.

MOTION: M/S ERRECA – ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED MARCH 25, 2015, AND MAKES THE 10 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND, APPROVES MINOR SUBDIVISION No. MS14-006 SUBJECT TO THE 4 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. A notice shall be placed on the face of the parcel map stating that there is no right to construct any new residences on the parcels created through Minor Subdivision No. MS14-006.
3. The applicant shall comply with all applicable County, State and Federal regulations.

County Counsel

INDEMNITY AND HOLD HARMLESS AGREEMENT:

4. JOSE VEGA 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, 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 of Jose Vega.

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JOSE VEGA'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 JOSE VEGA, its 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. JOSE VEGA 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.

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

General Plan Annual Progress Report Guidance – as required by Government Code Section 65400, the County must present an annual report on the status of the General Plan and progress in its implementation. The Community and Economic Development Department has prepared the required annual report. The action requested is to review and approve the General Plan Annual Progress Report, and instruct staff to forward the report to the Governor's Office of Planning and Research and Housing and Community Development as required by Government Code Section 65400.

Deputy Director Oksana Newmen gave a presentation on the General Plan Annual Progress Report Guidance.

MOTION: M/S THOMPSON - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION APPROVES THE ANNUAL PROGRESS REPORT FOR THE GENERAL PLAN.

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:18 a.m.