

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF MARCH 11, 2015

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of March 11, 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 11, 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 Robert Acheson
 Commissioner Mark Erreca
 Commissioner Rich Ford
 Commissioner Greg Thompson

Staff Present: Mark Hendrickson, Director
 Oksana Newmen, Deputy Director-Planning
 Ana Muniz-Laguna, Recording Secretary
 Brian Guerrero, Planner III

Legal Staff: Thomas Ebersole, County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

MOTION: M/S ERRECA - THOMPSON, AND CARRIED BY A VOTE OF 4 – 0, THE COMMISSION APPROVE THE MINUTES FROM THE AUGUST 27, 2014, SEPTEMBER 10, 2014 AND THE SEPTEMBER 24, 2014 HEARINGS.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. MINOR SUBDIVISION No. MS14-010 - GEORGE KAPOR - Request to subdivide a 4.1 acre parcel into a 1.25 acre parcel and a remainder parcel of 2.86 acres. The property is located on the north side of West Bloss Avenue, approximately 250 feet east of North Ellington Avenue. The property is designated Hilmar Urban Community - Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). **BG**

Recommendations: The actions requested are to:

- 1) Find the project exempt from CEQA review under Section 15315 – “Minor Land Divisions” of the CEQA Guidelines; and,
- 2) Approve Minor Subdivision No. MS14-010 based on the project findings and subject to the conditions of approval in the staff report.

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Brian Guerrero, Planner III gave a PowerPoint presentation and summarized the Staff Report.

Commissioner Thompson asked what kind of storm drainage was on site and Mr. Guerrero stated that there was a small detention basin on the north corner and invited Mr. Sean Harp, from TDI Engineering, to further address the question. Mr. Harper confirmed that the owners have installed storm drains, catch basins and storm drain lines that run into the Hilmar Water District and any easements for the parcels will be addressed on the map.

The public hearing opened at 9:05 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:06 a.m.

MOTION: M/S ERRECA-FORD, AND CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION FIND THE PROJECT EXEMPT FROM CEQA REVIEW UNDER SECTION 15315-“MINOR LAND DIVISIONS’ OF THE CEQA GUIDELINES; AND

MOTION: M/S ERRECA-FORD, AND CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION APPROVE MINOR SUBDIVISION No. MS14-010 BASED ON THE 9 PROJECT FINDINGS, AND THE 9 CONDITIONS OF APPROVAL PRESENTED IN THE STAFF REPORT.

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. 97-1.

Public Works Road Division

4. Applicant shall install frontage improvements in accordance to the Merced County Improvement Standards and Specifications (curb and gutter, sidewalks) on their property along Bloss Avenue. The applicant may choose to submit a request to enter into a Deferment of Construction Agreement. If the request is approved, then the Applicant will enter into the agreement to install the improvements at a later date.

County Counsel

4. INDEMNITY AND HOLD HARMLESS AGREEMENT:

GEORGE AND PATRICIA KAPOR 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

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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 GEORGE AND PATRICIA KAPOR.

GEORGE AND PATRICIA KAPOR'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 GEORGE AND PATRICIA KAPOR 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. GEORGE AND PATRICIA KAPOR 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.

Environmental Health

5. The concrete removed above the leach line shall be replaced, sealing above the leach line to prevent sewer gases from entering the storage building.
6. The top of the septic tank shall be sealed by replacing concrete and installing a gas-tight lid at least 24 inches in diameter above each compartment of the tank. The resulting surface shall prevent sewer gases from entering the storage building and be adequate to support any load imposed on it.
7. No more than four (4) persons shall have access per day to fixtures connected to the septic system.
8. The existing septic system (leach lines and/or tank) does not fail.
9. All wastewater facilities on the parcel will connect to community sewer when that service becomes available at the parcel.

- B. MINOR SUBDIVISION No. MS15-001 - NORMAN MONTAGUE - To divide a 162.01 Acre parcel into 2 parcels: Parcel 1 = 40 Acres, Parcel 2 = 122.01 Acres. The property is located on the south side of West Chamberlain Road, 0.5 miles west of South Vineyard Way in the El Nido area. The project site is designated Agricultural land use in the General Plan 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. MS15-001 based on the project findings and subject to the conditions of approval in the staff report.

Mr. Mark Hendrickson asked that this item be continued to a later date so that staff can work out some issues with the applicant.

MOTION: M/S THOMPSON- ERRECA, AND CARRIED BY A VOTE OF 5-0, THE PLANNING COMMISSION VOTE TO CONTINUE THIS ITEM TO A FUTURE DATE DETERMINED BY STAFF

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

Mark Hendrickson, Director, advised the Commission that Counsel and Staff are in conversations regarding the positions of permanent Chair and Vice-Chair for the Planning Commission and more information and options will be shared with the Commission as they become available.

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:11 a.m.