

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF APRIL 13, 2016

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of April 13, 2016, 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 April 13, 2016, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. ROLL CALL OF COMMISSIONERS

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

Staff Present: Mark Hendrickson, Director
 Oksana Newmen, Deputy Director Planning
 Kim Lewallen, Recording Secretary
 Steve Maxey, Planner III
 Jennifer Borobia, Planner I

Legal Staff: Michael Linden, Deputy County Counsel

Commissioners Absent: None

III. APPROVAL OF MINUTES

MOTION: M/S THOMPSON – MOBLEY, AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSIONER APPROVES THE MINUTES FROM OCTOBER 28, 2015, NOVEMBER 18, 2015 AND DECEMBER 16, 2015 MEETINGS.

IV. CITIZEN COMMUNICATIONS

None

V. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT No. CUP14-012 - Green Light Energy - To construct and operate a 3.0 MW solar photovoltaic energy generating facility on a 21 acre portion of a 25 acre parcel. The property is located at Ortigalita Road, 1,800 feet north of Charleston Road in the Los Banos area. The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). In accordance with CEQA, a Mitigated Negative Declaration has been prepared. **SM**

Recommendations: The actions requested are to:

- 1) Adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and
- 2) Approve Conditional Use Permit Application No. CUP14-012 based on the project findings and subject to the conditions of approval presented in the Staff Report.

This application has been continued to an unknown Planning Commission date. The public hearing was opened since the project was advertised in the Merced SunStar and adjacent property owner notification was sent out

The public hearing opened at 9:03 a.m.

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John Mevi, adjacent property owner, says he farms walnuts and almonds. He says there is a problem with the water supply. He feels the solar project is not ag related.

The public hearing remained opened until the unknown Planning Commission hearing date.

MOTION: M/S THOMPSON - MOBLEY, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONTINUES THIS APPLICATION TO AN UNKNOWN PLANNING COMMISSION DATE.

- B. ZONE CHANGE No. ZC15-001 – Tony Vandenberg/Merced County – To change the zoning of 11 parcels ranging from 0.3 acres to 79 acres from A-2 (Exclusive Agricultural) to A-1 (General Agricultural). The project site is located primarily on the west side of Britto Road, north of Arroyo Canal Reservation, and east of Pedro Canal in the Dos Palos area. **SS****

Recommendations: The actions requested are to:

- 1) To recommend the Board of Supervisors determine Zone Change No. ZC15-001 is exempt from further environmental review pursuant to Section 15183, "Projects Consistent with a Community Plan or Zoning" of the CEQA Guidelines; and
- 2) To recommend that the Board of Supervisors approve Zone Change No. ZC15-001 based on the findings presented in the staff report.

Deputy Planning Director Oksana Newmen presented the Staff Report and recommendations of approval dated April 13, 2016.

The public hearing opened at 9:15 a.m.

Duane Andrews, Golden Valley Engineering, said he will follow the recommendations set forth in the staff report and he asked for approval of this application.

Joanne Hoefler, neighbor, said she is opposed to this application and mailed information with her comments. This project will end up in court and she will lose her home. She was married to Mr. Vandenberg and said he doesn't want to fix the fence. She said there will no water access for her home or her pasture if this zone change takes place. The well is on his half of the property.

Mr. Andrews commented that he has been in contact with Mr. Vandenberg and he is working on a system for Ms. Hoefler to have water access. He wants to build a new fence. They had a court order that orders them to split the property.

Deputy Planning Director Oksana Newmen explained that this application is only for a zone change but to be clear this would provide for a property split to happen in the future.

Commissioner Thompson asked if the client understands that there will be multiple conditions of approval if there is a subdivision in the future.

Mr. Andrews said the applicant, Mr. Vandenberg does understand that and Ms. Hoefler will have access to the well water.

Ms. Hoefler added that within a reasonable amount of time, the split should take place. Its been 15 years and is unaffordable. They want their children to have the property in the future.

Michael Linden, County Counsel, said the divorce document is not relevant to this zone change application.

Tony Vandenberg, applicant, says Ms. Hoefler will have water access at all times. There is no problem there. He says he is obligated to irrigate her property. He has been spending money and saving money to initiate the split. He appreciates the County's help on this. He asked for support of this zone change.

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The public hearing closed at 9:25 a.m.

MOTION: M/S THOMPSON - MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS EXEMPT ZONE CHANGE No. ZC15-001 FROM CEQA.

MOTION: M/S THOMPSON – MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION RECOMMENDS THE BOARD OF SUPERVISORS TO APPROVE ZONE CHANGE NO. 15-001 SUBJECT TO THE 6 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT.

- C. MINOR SUBDIVISION No. MS16-001 – Frank Ford** - To divide a 4.9 acre parcel into 2 parcels: Parcel 1 = 1.66 acres and Parcel 2 = 3.16 acres. The property is located on the north side of Bloss Avenue, 1800 feet east of Lander Avenue. The property is designated Hilmar Urban Community - Low Density Residential and zoned R-1 (Single Family Residential). **JB**

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 Application No. MS16-001 based on the project findings and subject to the conditions of approval presented in the Staff Report.

Planner Jennifer Borobia requested that this application be continued to May 11, 2106.

The public hearing was opened at 9:27 a.m.

No one spoke in favor or opposition to this application.

The public hearing was closed at 9:28 a.m.

MOTION: M/S THOMPSON - MOBLEY, AND UNANIMOUSLY CARRIED, THE PLANNING COMMISSION CONTINUES THIS APPLICATION TO THE MAY 11, 2016 PLANNING COMMISSION MEETING.

VI. COMMISSION ACTION ITEM (S)

None

VII. DIRECTOR'S REPORT

Mark Hendrickson, Director of Community & Economic Development, said April 26, 2016 will be the Board hearing for the Ag Mitigation Ordinance.

VIII. COMMISSIONERS COMMENTS

None

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 a.m.