



Mark J. Hendrickson
Hearing Officer

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.countyofmerced.com

Equal Opportunity Employer

AGENDA HEARING OFFICER

Meeting of Monday, April 24, 2023 – 9:00 A.M.

Merced County Administration Building
Atwater Conference Room, Basement
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

The Hearing Officer 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 Hearing Officer on any item on the agenda, please fill it out with your name, street address, phone number, email address and the application number on the sign-in sheet. Each speaker will be limited to three (3) minutes.

AGENDAS and MINUTES: Hearing Officer agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Wednesday preceding each meeting and may be viewed at www.countyofmerced.com/408/Hearing-Officer. All proposed agenda items with supportive documents are available for viewing at the Merced County Community and Economic Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Hearing Officer will review and discuss at the 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 Hearing Officer 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 Community and Economic Development Department.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Hearing Officer meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Community and Economic Development Department 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.

APPEAL NOTICE: Any person aggrieved by the decision of the Hearing Officer may appeal the decision within ten (10) calendar days after the day the action is made. The deadline for appeals of Hearing Officer actions is 5:00 p.m. on two Thursdays following the Hearing Officer meeting. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Hearing Officer actions may be filed with the Community and Economic Development Department. 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 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.

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Hearing Officer meeting.



Mark J. Hendrickson
Hearing Officer

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.countyofmerced.com

Equal Opportunity Employer

AGENDA

HEARING OFFICER

Meeting of Monday, April 24, 2023 - 9:00 a.m.

Merced County Administration Building
Atwater Conference Room, Basement
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

I. CALL TO ORDER

II. CITIZEN COMMUNICATIONS

Public opportunity to address the Hearing Officer on any item of interest over which the Hearing Officer has jurisdiction that is not on the agenda.

III. PUBLIC HEARING(S)

A. MINOR SUBDIVISION APPLICATION No. MS22-015 – MARTIN SOUZA - A request to divide a 237.5-acre parcel into one parcel and a remainder parcel, resulting in the proposed parcel sizes: Parcel 1 = 20 acres and a Remainder Parcel = 217.5 acres. The project site is located at the northwest corner of South Vineyard Way and West Roosevelt Road in the El Nido area, identified as Assessor's Parcel Number (APN) 074-110-004. The project site is designated Agricultural land use in the General Plan 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. **VR**

RECOMMENDATION(S):

- 1) Open/close the Public Hearing;
- 2) Determine 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) Approve Minor Subdivision Application No. MS22-015 based on the findings included in the staff report and subject to the recommended conditions of approval.

IV. ADJOURNMENT

PREPARED BY:
APPROVED BY:

VALERIA RENTERIA, PLANNER I
MARK HENDRICKSON, DIRECTOR

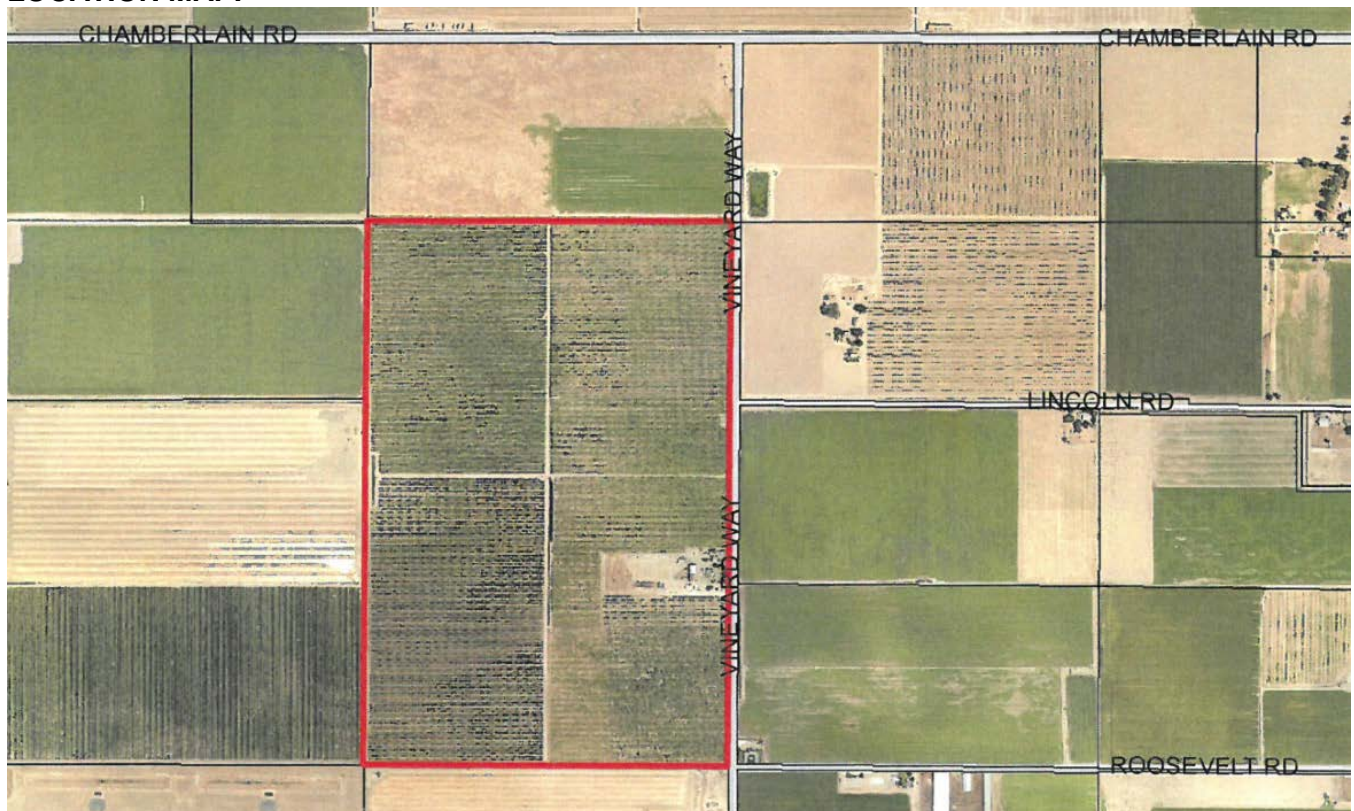
MINOR SUBDIVISION APPLICATION No. MS22-015 – SOUZA - A request to divide a 237.5-acre parcel into one parcel and a remainder parcel, resulting in the proposed parcel sizes: Parcel 1 = 20 acres and a Remainder Parcel = 217.5 acres. The project site is located at the northwest corner of South Vineyard Way and West Roosevelt Road in the El Nido area, identified as Assessor's Parcel Number (APN) 074-110-004. The project site is designated Agricultural land use in the General Plan 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. **VR**

SUPERVISORIAL DISTRICT: 1 - Rodrigo Espinosa

RECOMMENDATION(S):

- 1) Open/close the Public Hearing;
- 2) Determine 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) Approve Minor Subdivision Application No. MS22-015 based on the findings in the staff report and subject to the recommended conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The project site currently consists of one parcel, identified as Assessor’s Parcel Number (APN) 074-110-004, totaling approximately 237.5 acres. The project site is located at the northwest corner of South Vineyard Way and West Roosevelt Road in the El Nido area.

The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural) and surrounded by similarly designated and zoned lands. The project site and vicinity consist of substantially flat topography and are characterized by agricultural land uses and scattered rural residences.

The project site is improved with orchards, a single-family residence, two mobile homes, an agricultural accessory structure (barn), and three storage buildings. The existing residence is served by a private well and an on-site septic system. Existing parcel has road frontage from Vineyard Way, and the three existing residences all have dedicated driveways.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Agricultural	A-1	Orchard/row crops
North:	Agricultural	A-1	Orchard/Row Crops
South:	Agricultural	A-1	Row Crops
East:	Agricultural	A-1	Orchard
West:	Agricultural	A-1	Orchard/Row Crops

Permit History:

- AP-143 was approved by the Director April 24, 1989 to legalize a Grade “B” Dairy
- CIP-27 was approved by the Board of Supervisors on January 30, 1990 to vacate a portion of Roosevelt Road from Vineyard Way.
- ADOMP-2409 was issued August 25, 1992 to allow the placement of a mobile home for a family member.
- ADOMP-2522 was issued July 23, 1993 to allow the placement of a mobile home for an ag employee.

ANALYSIS:

Project Description

The project proposes to divide the existing parcel into a 20-acre homesite (Parcel 1) and a 217.5-acre Remainder Parcel. This would allow the existing area occupied by homes to be a separate homesite while keeping the remainder exclusively dedicated to agriculture.

Consistency with Adopted Plans and Policies

1. General Plan

The 2030 General Plan provides a set of guiding principles, goals, and policies that communicate the adopted philosophy of the County regarding growth, development and sustainability. These statements, together with adopted diagrams, standards and analysis, provide the context under which specific land use proposals are reviewed. The 2030 General Plan is therefore considered the local "constitution" for planning and development and serves to direct the physical growth and development of the County for the long term.

Land Use Element

The Land Use Element of the 2030 General Plan provides the policy context for Merced County to achieve its vision for both rural and urban land use. Agricultural land use designation is applied to much of the land within the County. It acknowledges the importance of agriculture to the economy and culture of the County, and seeks to protect productive agricultural land, promote agricultural processing and support operations, and recognize and preserve valuable open space resources.

The following land use goals and policies are applicable to the present application:

Goal LU-2

Preserve, promote, and expand the agricultural industry in Merced County.

Policy LU-2.3: Land Use Activity Limitations

Limit allowed land use within Agricultural and Foothill Pasture areas to agricultural crop production, farm support operations, and grazing and open space uses.

Policy LU-2.4: Secondary Uses in Agricultural Areas

Except as otherwise provided by law, limit ancillary uses in Agricultural and Foothill Pasture areas to include secondary single-family residences, farm worker housing, agricultural tourism related uses, and agricultural support services, provided that such uses do not interfere with historic agricultural practices, result in adverse health risks, or conflict with sensitive habitats or other biological resources.

The project site consists of a rural residence and orchards, both of which are land uses allowed on Agricultural designated land. The project proposes to create a 20-acre homesite which would contain the existing rural residence and an approximately 217.5-acre remainder parcel, which would primarily consist of existing orchards that would remain in agricultural production. No new residences or structures are proposed with this subdivision.

Agricultural Element

The Agricultural Element provides the policy context for Merced County to achieve its vision for the protection, preservation, and expansion of productive agriculture. Agriculture is the prominent economic segment in the County and accounts for more than 90 percent of all land area. Merced County is ranked fifth among all counties in California and sixth in the nation in the annual market value of farm products. Rich soils, accessible irrigation water, favorable climate, a large labor force, and reliable access to local, national, and global markets make Merced County a thriving agricultural community.

The following agricultural goals and policies are applicable to the present application:

Goal AG-2

Ensure the long-term preservation and conservation of land used for productive agriculture, potentially-productive agricultural land, and agricultural-support facilities.

Policy AG-2.13 Minimum Agricultural Parcel Size Requirement

Require a 20-acre minimum permitted parcel size in areas designated Agricultural to discourage land divisions for rural residential purposes and maintain parcels large enough for efficient commercial agriculture production. Require 160-acre minimum permitted parcel size in areas designated Foothill Pasture and in grassland areas.

Goal AG-3

Minimize conflicts between productive agricultural areas and urban land uses, and discourage parcelization and conversion of large agricultural holdings into rural residential parcels or urban uses.

Policy AG-3.12: Subdivision and Residential Uses in Agricultural Areas

Revise the Merced County Zoning Code, Section 18.02.02, Table 4, to allow for two classes of minor subdivisions within the A-1, A-1-140, A-2 zones: one that would conditionally waive the right to construct residences on resulting parcels by placement of a note on the face of the recorded-map; and one that would permit the construction of residences on the resulting parcels is subject to a conditional use permit.

The proposed project involves the creation of one homesite parcel (Parcel 1 = 20 acres) and one remainder parcel (217.5 acres). The homesite and remainder parcels are consistent with the minimum parcel size requirement for the Agricultural land use designation (20 acres).

No new residences are proposed with this project and the remainder parcel will remain in agricultural use. Staff recommends a condition of approval requiring a note be placed on the recorded map which states that an approved conditional use permit shall be required for any new residences, in compliance with Policy AG-3.12 and in support of Goal AG-3. With the proposed conditions of approval, the project will be consistent with the General Plan.

2. Zoning Code

The project site is zoned A-1 (General Agricultural) on the Merced County Zoning Map. The purpose of the A-1 (General Agricultural) zone is to provide areas for more intensive farming operations that are dependent on higher quality soils, water availability, relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or locations in sparsely populated low traffic areas. In the A-1 zone, parcels smaller than 40 acres down to a minimum of 20 acres can be considered where the agricultural productivity of the property will not be reduced.

a. Section 18.10.030, Agricultural Zone Development Standards

The proposed project involves the creation of a homesite parcel (Parcel 1 = 20 acres) and one remainder parcel (217.5 acres). Both parcels are consistent with the minimum parcel size required in the A-1 zone (20 acres).

b. Section 18.10.040, Other Applicable Agricultural Zone Regulations

The proposed project will create a new homesite parcel developed with existing homes. The homesite parcel incorporates a 200-foot agricultural buffer for all new property lines to adjacent agricultural parcels in compliance with Section 18.10.040(M)(1).

No additional residential structures are proposed, and the remaining acreage will remain in agricultural use. In compliance with Section 18.10.040 (N)(1), a conditional use permit is required for the construction of any new residences on any new resulting parcel. As a condition of approval, a note will be placed on the recorded map that informs future property owners of this requirement.

3. Other Adopted Plans and Policies

Subdivision Map Act and Title 17

The proposed subdivision can be found consistent with the Subdivision Map Act and Title 17 of the Merced County Code.

Agricultural Preserve and Williamson Act

The project site is located under Williamson Act Contract #WA00-431. The Rules state that parcels consisting of prime farmland must be 40 acres; however, exceptions can be made for contiguous parcels farmed as one farming operation. The applicant has stated that the parcels will be maintained as one farming operation. The exclusion of Parcel 1 from contiguous farming with Parcel 2 may warrant need for Williamson Act Contract amendment or cancellation. The Rules of Procedure to Implement the California Land Conservation Act of 1965 require any lands within the Agricultural Preserve be a minimum of 10 acres and any lands less than 10 acres are required to be removed from the Agricultural Preserve through an Agricultural Preserve Amendment approved by the Board of Supervisors. Parcel 1 will be 20 acres, an amendment of the Agricultural Preserve is not necessary.

California Environmental Quality Act (CEQA)

Staff has assessed the proposed Minor Subdivision project in relation to the Program Environmental Impact Report (PEIR) prepared for the 2030 Merced County General Plan Update and is recommending 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. See **Attachment A** for the findings and analysis which support this conclusion.

The 2030 Merced County General Plan Program EIR contained an extensive analysis of the potential impacts from subdivisions located in agricultural and open space areas of the County (specifically Chapter 6 in the Recirculated Draft Program EIR dated July 26, 2013). The Draft and Final Program EIR concluded that the impact from agricultural subdivisions was less than significant when no new residences are proposed. Additionally, Mitigation Measure AG-5g was adopted to require a conditional use permit to be processed for any new housing proposed on a newly created parcel in the agricultural zones.

However, because new residences were permitted on existing agricultural parcels, the EIR concluded the overall impact of the General Plan would be significant and unavoidable. In the current application, Minor Subdivision No. MS22-015, no additional residences are proposed, and, if the application is approved, a note would be placed on the face of the Parcel Map indicating

that the right to seek additional housing on the parcels has been waived. Should the landowner seek to build an additional residence in the future, Mitigation Measure AG-5g would require processing of a discretionary conditional use permit application, which would be subject to further environmental review.

Community Engagement

The project application was routed to applicable County departments for comment. No written or verbal comments were received from these departments.

Notice of the public hearing was published in the Merced County Times on April 13, 2023 and mailed to all owners of property within 300 feet of the project site on April 14, 2023.

No written or verbal comments were received by staff prior to the completion of this staff report.

CONCLUSION:

The analysis provided in this staff report finds that the proposed Minor Subdivision is consistent with applicable provisions of the General Plan, Zoning Code, Subdivision Map Act, and the Rules of Procedure to Implement the California Land Conservation Act of 1965. Furthermore, the project is consistent with the range of possible uses considered for the area in the General Plan Program Environmental Impact Report and can be exempted from further CEQA review based on this consistency.

Staff recommends that the Planning Commission approve Minor Subdivision Application No. MS22-015 based on the findings identified below and subject to the recommended Conditions of Approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine 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.

B. Project Determination

MOTION: Approve Minor Subdivision Application No. MS22-015 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Project Findings:

1. Minor Subdivision Application No. MS22-015 is a request to divide a 237.5-acre parcel into one parcel and a remainder parcel, resulting in the proposed parcel sizes: Parcel 1 = 20 acres and Remainder Parcel = 217.5 acres. The project site is located at the northwest corner of South Vineyard Way and West Roosevelt Road in the El Nido area, identified as Assessor’s Parcel Number (APN) 074-110-004. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural).

2. The project site is designated Agricultural in the General Plan and the proposed project is consistent with the goals, objectives, policies, and implementation measures of the 2030 Merced County General Plan.
3. The project site is zoned A-1 (Agricultural) and the proposed project is consistent with the applicable provisions of the Zoning Code.
4. The proposed project is consistent with Merced County Code Title 17 (Subdivision Code) and the Subdivision Map Act.
5. None of the findings listed in Section 66474 of the Government Code that would require the County to deny the approval of the tentative parcel map are applicable to this project:

- a. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

The project site is designated Agricultural land use and zoned A-1 (General Agricultural). The project proposes to subdivide a 237.5-acre parcel into two parcels: a 20-acre homesite parcel developed with an existing rural residence and an approximately 217.5-acre remainder parcel with existing orchards to remain in agricultural production. The proposed project would be consistent with land uses and density allowed by the General Plan and would be consistent with other applicable General Plan goals and policies and applicable provisions of the Zoning Code.

- b. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The project design and improvements would be consistent with the goals and policies of the General Plan.

- c. *That the site is not physically suitable for the type of development.*

The proposed subdivision does not consist of new development.

- d. *That the site is not physically suitable for the proposed density of development.*

The proposed subdivision does not consist of new development.

- e. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project does not involve any improvements; therefore, the proposed subdivision would not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed project would not likely cause serious public health problems because it is a subdivision which does not propose any new development.

- g. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The design of the subdivision would not conflict with any easements and the project would not involve any improvements which would conflict with any easement.

6. The project is subject to all applicable local, state, and federal regulations, including but not limited to those enforced by the Merced County Divisions of Environmental Health, Roads, and Buildings & Safety.
7. The public hearing for the project has been adequately noticed and advertised.

ATTACHMENTS:

- A. CEQA Section 15162 Findings and Analysis
- B. Recommended Conditions of Approval
- C. Tentative Parcel Map

cc:

Applicants/Property Owners – Ben, Marilyn, Martin, and Kathy Souza
Engineer – Golden Valley Engineering & Surveying, Inc.

ATTACHMENT A

The California Environmental Quality Act (CEQA) Guidelines Section 15162 Findings:

Application: Minor Subdivision Application No. MS22-015

Assessor Parcel Number or Location: Assessor's Parcel Number (APN) 074-110-004

Previous Initial Study/EIR Reference: The subdivision of "Agriculturally" designated land was previously comprehensively reviewed through the Program Environmental Impact Report (EIR) for the 2030 Merced County General Plan Update (SCH #2011041067).

Original Project Date: The Program Environmental Impact Report was certified on December 10, 2013, by the Merced County Board of Supervisors.

Section A - Previous Studies

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: The proposed project is consistent with the previous environmental review. No substantial changes are proposed. (See Page 3 for supporting analysis.)

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects. (See Page 3 for supporting analysis).

- | | Yes | No |
|---|--------------------------|-------------------------------------|
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted. (See Page 3 for supporting analysis).

ATTACHMENT A

Section B - New Information

- | | | |
|---|---------------------------------|---|
| A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |

Comment/Finding: All previously identified mitigation measures were adopted as General Plan policies and implementation measures as part of the Agricultural Element. Approval of this subdivision project will be dependent upon finding the project is consistent with the General Plan and all applicable policies. Therefore, the potential impacts resulting from the subdivision are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | 1. It is found that subsequent negative declaration will need to be prepared. |
| <input type="checkbox"/> | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/> | 3. That a subsequent EIR will need to be prepared. |
| <input checked="" type="checkbox"/> | 4. No further documentation is required. |

Date April 4, 2023

Prepared By:



Valeria Renteria
Project Planner

ATTACHMENT A

CEQA Guidelines Section 15162 Findings: Supporting Analysis

I. Introduction

Minor Subdivision Application No. MS22-015 for Marilyn, Martin, and Kathy Souza is a request to create a 20-acre homesite from a 237.5-acre parcel and leave the remaining 217.5 acres as existing agricultural. The project site is located on the northwest corner of South Vineyard Way and West Roosevelt Road in the El Nido area, identified as Assessor's Parcel Number (APN) 074-110-004. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural).

II. Analysis

The extensive analysis in the 2030 Merced County General Plan Program EIR concluded that the impact from agricultural subdivisions was less than significant when no new residences are proposed. However, because new residences were permitted on existing agricultural parcels, the EIR concluded the overall impact of the General Plan would be significant and unavoidable.

In the current Minor Subdivision Application No. MS22-015, no additional residences are proposed and a note will be placed on the face of the Parcel Map indicating that the right to seek additional housing on the parcels has been waived. Should the landowner change their mind in the future, Mitigation Measure AG-5g would require processing of a discretionary conditional use permit application which would be subject to further environmental review.

The conclusion in the Program EIR was that the subdivision of productive agricultural land into parcels over 20 acres in size that does not involve the construction of new housing units would have a less than significant impact on the environment.

This proposed minor subdivision is a request to create a 20-acre homesite from a 237.5-acre parcel and a 217.5-acre remainder parcel to remain as active agriculture. Farming practices and other existing land uses for the 217.5 acre parcel will not change. The project proposes no change in land use, intensification of farming, and/or increase in demand for irrigation water. Additionally, no new structures are proposed which would result in a significant impact not previously evaluated in the General Plan Program EIR.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning Division**

Mark J. Hendrickson
Director

Tiffany Ho
Deputy Director

**MINOR SUBDIVISION APPLICATION No. MS22-015
CONDITIONS OF APPROVAL**

2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710 Fax
www.countyofmerced.com

Merced County Community and Economic Development Department

1. Minor Subdivision Application No. MS22-015 is granted to divide a 237.5-acre parcel into one parcel and a remainder parcel, resulting in the proposed parcel sizes: Parcel 1 = 20 acres and Remainder Parcel = 217.5 acres. The project site is located at the northwest corner of South Vineyard Way and West Roosevelt Road in the El Nido area identified as Assessor's Parcel Number (APN) 074-110-004.
2. 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.
3. 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.
4. The applicant shall comply with all applicable Local, State and Federal regulations.

County Counsel

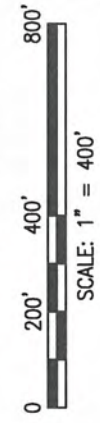
5. INDEMNITY AND HOLD HARMLESS AGREEMENT:

Ben Souza, Marilyn Souza, Martin Souza, and Kathy Souza ("INDEMNITORS") have 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 INDEMNITORS and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.



LEGEND

- PROPERTY LINE
- NEIGHBORING PROPERTY LINE
- - - ROAD CENTER LINE



JOB NO.: 22114

SHEET 1 OF 3

NOTE: PLEASE USE BLACK INK
OR DARK PENCIL

PLOT MAP

FOR

SCALE: 1" = 400'

APPLICATION TYPE	NUMBER	A.P.N.	DATE
PARCEL MAP	22015	074-110-004	09/15/22

PROPERTY OWNER(S): KATHY SOUZA

PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.

ADDRESS: 9759 S VINEYARD WAY, EL NIDO, CA 95317

ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340

TELEPHONE: (209) 201-2195

TELEPHONE: (209) 722-3200

MERCED COUNTY PLANNING DEPARTMENT