

Mark J. Hendrickson
Hearing Officer
2222 "M" Street
Merced, CA 95340
(209) 385-7654
(209) 726-1710
Fax www.co.merced.ca.us

HEARING OFFICER AGENDA

Regular Meeting

Monday, November 1, 2021 - 9:00 a.m

Merced County Administration Building
Development Resource Center, Second Floor 2222 M Street
Merced, California 95340

Phone: 209.385.7654 Fax: 209.726.1710

1. CALL TO ORDER

2. CITIZEN COMMUNICATIONS

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

3. PUBLIC HEARING(S)

3.I. AGENDA ITEM A. MINOR SUBDIVISION APPLICATION No. MS21-018

VYFHUIZEN - A request to subdivide a approximately 320 acre parcel into two parcels, resulting in proposed net parcel sizes of: Parcel 1 = 235.29 acres and Parcel 2 = 84.76. The project site is located south of Sandy Mush Road, approximately 0.5 miles west of S. Combs Road, identified as Assessor's Parcel Number (APN) 074-080-020. The property is designated Agricultural Land Use in the General Plan and zoned A-1 (General Agricultural) CEQA: Staff recommends that the Hearing Officer find that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines. **SM**

RECOMMENDATION(S):

1) Open/close the public hearing;
2) Determine that the project can be found exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines; and,
3) Approve Minor Subdivision Application No. MS21-018 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Documents:

[AGENDA ITEM A. MS21-018 - VYFHUIZEN.PDF](#)

4. HEARING OFFICER AGENDA

4.I. Hearing Officer Agenda 11-1-21

Documents:



Hearing Officer

Staff Report

November 1, 2021

PREPARED BY:

STEVE MAXEY, DEPUTY DIRECTOR

APPROVED BY:

MARK HENDRICKSON, DIRECTOR

MINOR SUBDIVISION APPLICATION No. MS21-018– VYFHUIZEN - A request to subdivide a approximately 320 acre parcel into two parcels, resulting in proposed net parcel sizes of: Parcel 1 = 235.29 acres and Parcel 2 = 84.76 acres. The project site is located south of Sandy Mush Road, approximately 0.5 miles west of S. Combs Road, identified as Assessor's Parcel Number (APN) 074-080-020. The property is designated Agricultural Land Use in the General Plan and zoned A-1 (General Agricultural) CEQA: Staff recommends that the Hearing Officer find that the project is exempt from environmental review pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA guidelines.

RECOMMENDATION(S):

1. Open/close the public hearing;
2. Determine that the project is exempt from environmental review pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines; and,
3. Approve Minor Subdivision Application No. MS21-018 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

BACKGROUND:

Site Description

The project site consists of one parcel, identified as Assessor's Parcel Number (APN) 074-080-020, totaling 320 acres. The site is generally located south of Sandy Mush Road, approximately 0.5 miles west of S. Combs Road, and has access through adjacent parcels via dirt farm roads that share similar access conditions.

The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). The project site is within the Agricultural Preserve but is not under a Williamson Act Contract. No structures exist on the site, and the entire existing parcel is graded to allow for furrow and flood irrigation in support of crops.

The surrounding area is also designated Agricultural land use and zoned A-1 (General Agricultural) and characterized almost exclusively by agricultural and dairy operations. The nearest residential structure is located over 2,000 feet from the northeastern corner of the subject parcel.

Surrounding Uses

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

Prior Actions/Entitlements

No previous actions.

ANALYSIS:

Project Description

The project involves a request to subdivide the subject 320 acre parcel into two parcels, resulting in proposed net parcel sizes of: Parcel 1 = 235.29 acres and Parcel 2 = 84.76. The subdivision is proposed primarily to support groundwater management activities, namely to facilitate groundwater recharge efforts of Lone Tree Mutual Water Company.

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 prohibited 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 is designated Agricultural land use and the property is developed with row crops. No additional residences or structures are proposed. Therefore, the viability of agricultural production will not change. In the event the property is fallowed and used primarily for groundwater recharge activities, that use would be in conformance with the Merced County General Plan, as recharge activities would ultimately support the long-term sustainability of the groundwater system and thereby the County's agricultural sector.

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-3.3: Agricultural Buffer Standards

Require a minimum 200-foot buffer between new residential development within designated urban areas and existing agricultural operations, and establish design/maintain guidelines for developers and property owners.

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.

Because of the large parcel size(s), the lack of nearby residential uses, and the lack of any existing onsite structures, the new property lines of the proposed homesite parcels inherently incorporate the 200-foot agricultural buffer to minimize conflict between rural residential uses and agricultural operations in compliance with Policy AG-3.3.

No new residences are proposed with this project and remaining acreage 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 General Agricultural Zone (A-1) is to provide for areas for intensive farming operations dependent on higher quality soils, water availability, relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas. Parcels smaller than 40 acres down to a minimum of 20 acres may be approved where consistent with surrounding parcel sizes. This zone implements the Agriculture (A), Agriculture Residential (AR), and Urban Reserve (UR) land use designations in the General Plan.

a. Section 18.10.030, Agricultural Zone Development Standards

The proposed project involves the creation of two parcels with total acreage and dimension that exceed the minimum development standards in the A-1 zone.

b. Section 18.10.040, Other Applicable Agricultural Zone Regulations

No residential structures are proposed as part of this project, and the resulting parcels 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. No new residences or new land uses are proposed on the project site. Policy AG-3.12 of the Agricultural Element of the General Plan waives the right to construct residences on resulting parcels by placement of a note on the face of the recorded-map that would permit the construction of residences on the resulting parcels subject to the approval of a conditional use permit.

Agricultural Preserve and Williamson Act

The project site is not subject to a Williamson Act Contract but is located within the Agricultural Preserve. The agricultural preserve will not require amendment with approval or denial of this application.

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 Hearing Officer determine that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. See **Exhibit C** 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 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. MS21-018, 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 decision 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 comments were received.

Notice of the public hearing was published in the Merced Sun-Star and mailed to all owners of property located within 300 feet of the project site on **October 21, 2021**. 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, and the Subdivision Map Act, and is not in conflict with the Agricultural Preserve. 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. MS21-018 based on the findings identified below and subject to the recommended Conditions of Approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine no further environmental review is required 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. MS21-018 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Project Findings:

1. Minor Subdivision Application No. MS21-018 is a request to subdivide an approximately 320 acre parcel into two parcels, resulting in proposed net parcel sizes of: Parcel 1 = 235.29 acres and Parcel 2 = 84.76 acres.
2. The property is designated Agricultural in the General Plan and zoned A-1 (General Agricultural).
3. The proposal is consistent with applicable provisions of the 2030 Merced County General Plan requiring the preservation of commercial agricultural land and maintaining the commercial viability of agricultural parcels.

4. The proposal is consistent with applicable provisions of the Merced County Zoning Code that have not been superseded through adoption of the 2030 General Plan.
5. The proposal is consistent with the Subdivision Map Act, the Agricultural Preserve, and the Merced County Rules of Procedure to Implement the California Land Conservation Act of 1965 (Williamson Act).
6. The proposed minor subdivision is compatible with adjacent uses and properties and will not be a nuisance nor be detrimental to the public health, safety or general welfare.
7. The project is subject to all applicable Local, State and Federal regulations.
8. Notice of the application and the Planning Commission hearing was published in the Merced Sun-Star and mailed to property owners within 300 feet of the project site.

EXHIBITS:

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

EXHIBIT A



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

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MS21-018 CONDITIONS OF APPROVAL

County 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 Local, State and Federal regulations.
3. A note shall be placed on the face of the parcel map stating that the right to seek additional housing on the newly created parcels has been waived and 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.

County Counsel

4. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**

LONE TREE MUTUAL WATER COMPANY ("Applicant") has 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 Applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

**CENTRAL MERCER
FLOOD PLAIN
FLOOD ZONE A**



LEGEND

- FOUND MONUMENT AS NOTED.
- CALCULATED POSITION - NOTHING FOUND OR SET
- DIRT ROAD
- EXISTING PROPERTY LINE
- EXISTING WATER EASEMENT
- PROPOSED PROPERTY LINE
- SECTION LINE

**TENTATIVE PARCEL
MAP NO. 21013**

SHEET ONE OF ONE SHEET
NORTHEAST QUARTER SECTION 9
AND NORTHWEST QUARTER OF SECTION 9,
T. 9 S., R. 15 E., M.D. 38A

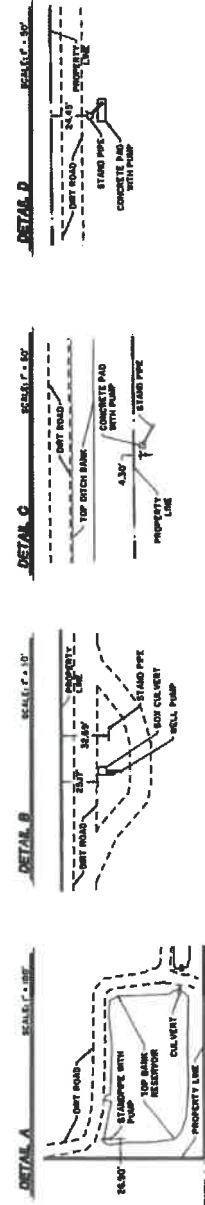
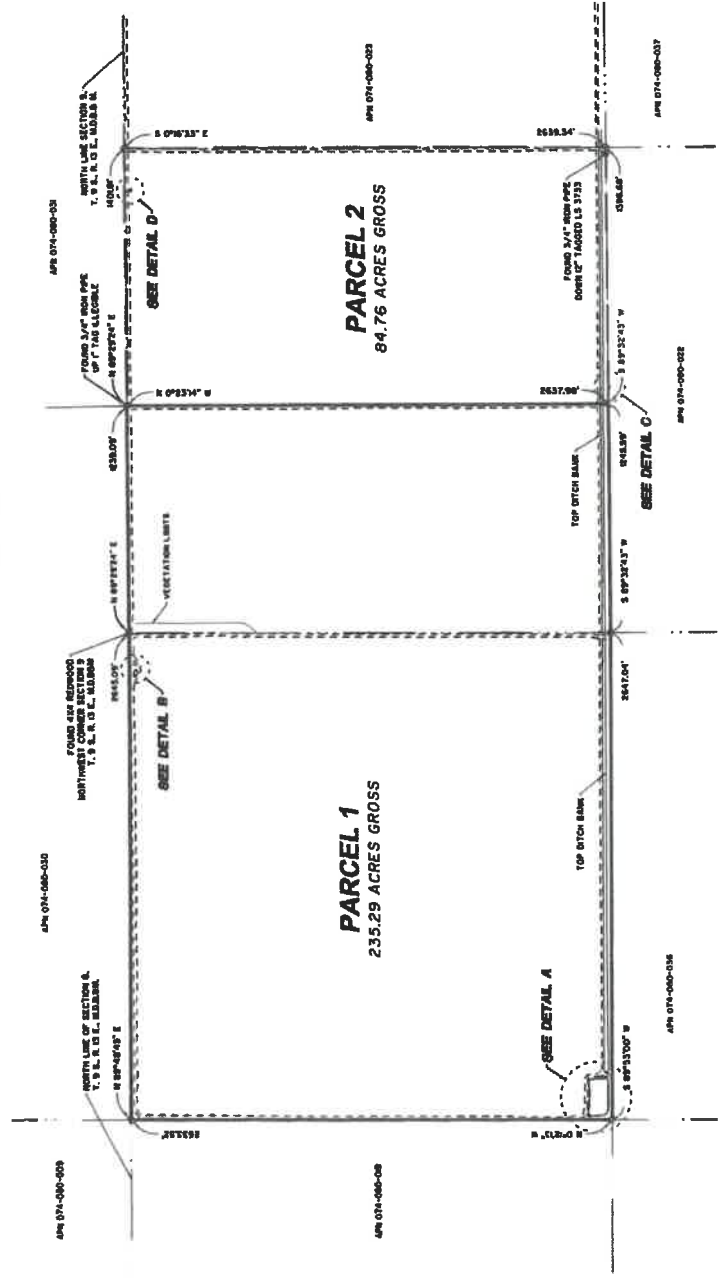
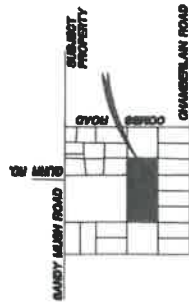
MERCED, CALIFORNIA

PREPARED SEPTEMBER 7, 2021

FOR
GEORGE PARK
BY:



VICINITY MAP



NOTES

THERE IS NO EVIDENCE OF ANY BUILDINGS ON THE PROPERTY

CONTACT INFORMATION

OWNER:
CONNELLS VYFHAZEN AND MELINDA VYFHAZEN, TRUSTEES OF THE
VYFHAZEN BOGS LIVING TRUST DATED AUGUST 5, 2008
200 S. YALE AVENUE, SUITE 25
MERCED, CA 95341

REPRESENTATIVE:
CHARLES E. MILLER
1000 S. YALE AVENUE, SUITE 25
FRESNO, CA 93796
559-645-4849
CHASE@BEDROCKENG.COM

APPLICANT:
LONE TREE MUTUAL WATER COMPANY
GEORGE PARK
1000 S. YALE AVENUE, SUITE 25
MERCED, CA 95341
509-722-3987

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

Application: Minor Subdivision No. MS21-018

Assessor Parcel Number or Location: Assessor's Parcel Number(s) (APNs) 074-080-020

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).

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:

- 1. It is found that subsequent negative declaration will need to be prepared.
- 2. It is found that an addendum Negative Declaration will need to be prepared.
- 3. That a subsequent EIR will need to be prepared.
- 4. No further documentation is required.

Date: October 27, 2021

Prepared By:



 Steve Maxey
 Project Planner

CEQA Guidelines Section 15162 Findings: Supporting Analysis

I. Introduction

Minor Subdivision No. MS21-006 is a request to subdivide a approximately 320 acre parcel into two parcels, resulting in proposed net parcel sizes of: Parcel 1 = 235.29 acres and Parcel 2 = 84.76. The project site is located south of Sandy Mush Road, approximately 0.5 miles west of S. Combs Road, identified as Assessor's Parcel Number (APN) 074-080-020. The property is designated Agricultural Land Use in the General Plan and zoned A-1 (General Agricultural) The property is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). No new residences are proposed.

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. MS21-018, no additional residences are proposed and a note will be placed on the face of the Parcel Map indicating that approval of a conditional use permit is required to construct additional housing on any of the created parcels, which would be subject to further environmental review.

The General Plan EIR also concluded that the impact from the subdivision of agricultural parcels 40 acres or less in size would typically not result in a significant impact on the environment in the analysis under Impact AG-7: "Involve other land use changes that would result in conversion of farmland to non-agricultural uses due to inadequate parcel sizes." (Starting on Page 6-71 of the Recirculated Draft Program EIR). This conclusion was reached based on the fact that the General Plan contained Policy AG-2.13 "Minimum Agricultural Parcel Size Requirement" along with Policy AG-2.14 "Viability of Smaller Parcels." 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 project would result in parcel sizes well in excess of the minimum standard parcel size identified in the PEIR. The proposal is consistent with the Merced County Zoning Code. Farming practices and other existing land uses for the newly created homesite parcels and remainder parcel will not change. The project does not propose any 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.



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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 five (5) 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 five (5) 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.co.merced.ca.us/planning/hearingoffcomarchive.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 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 Planning and Community 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 Planning and Community 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 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 Hearing Officer actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Hearing Officer meeting, and for subdivisions, the deadline is the following Thursday at 5:00 pm. 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 Planning and Community 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 all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Hearing Officer meeting.



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RECOMMENDATION(S):

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IV. ADJOURNMENT