



Staff Report

January 13, 2021

PREPARED BY:  
APPROVED BY:

DIANA LOWRANCE, PROJECT PLANNER  
MARK HENDRICKSON, DIRECTOR

**MINOR SUBDIVISION APPLICATION No. MS20-019 - GRISSOM FAMILY LAND & CATTLE -**

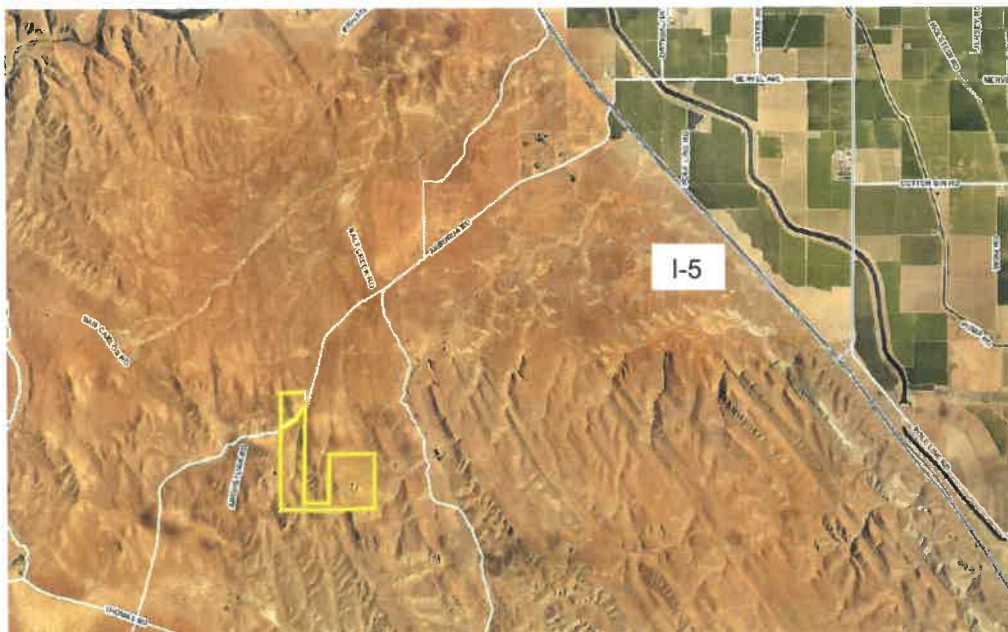
A request to divide an approximate 371 acre parcel into 2 parcels, resulting in parcel sizes of: Parcel 1 = 193 acres and a Remainder Parcel of 178 acres, on property generally located southeast of the intersection of Arburua Road and Angustura Road in the Los Banos area, identified as Assessor's Parcel Number (APN) 090-020-013. The property is designated Foothill Pasture land use in the General Plan and is zoned A-2 (Exclusive Agricultural). CEQA: Staff recommends that the Planning Commission find that the project meets the requirements of CEQA guidelines Section 15183 – "Projects Consistent with a Community Plan or Zoning," and 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. DL

**SUPERVISORIAL DISTRICT:** 5 – Scott Silveira

**RECOMMENDATION(S):**

- 1) Open/close public hearing;
- 2) Find that the project is exempt from further environmental review pursuant to CEQA guidelines Section 15183 – "Projects Consistent with a Community Plan or Zoning";
- 3) Determine no further environmental review is required pursuant to Section 15162 – "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines; and,
- 4) Approve Minor Subdivision Application No. MS20-019 based on the findings included in the staff report and subject to the recommended conditions of approval.

**LOCATION MAP:**



## BACKGROUND:

### Site Description

The project site is located on the west side of the County (west of Interstate 5) in an area characterized by steep terrain. The property is generally located southeast of the intersection of Arburua Road and Angustura Road in the Los Banos area, identified as Assessor's Parcel Number (APN) 090-020-013. No homes or structures exist on the site, and no new homes or structures are proposed as part of this application. Currently, the parcel is used for grazing and will continue to be used for grazing after the subdivision.

The proposed parcel 1 and the remainder parcel are zoned A-2 (Exclusive Agricultural) and are consistent in size and use with properties in the project vicinity, which are primarily characterized by steep terrain and few, if any structures.

### Surrounding Uses

	General Plan	Zoning	Current Land Use
<b>On-Site:</b>	Foothill Pasture	A-2	Undeveloped/Grazing
<b>North:</b>	Foothill Pasture	A-2	Undeveloped/Grazing
<b>South:</b>	Foothill Pasture	A-2	Undeveloped/Grazing
<b>East:</b>	Foothill Pasture	A-2	Undeveloped/Grazing
<b>West:</b>	Foothill Pasture	A-2	Undeveloped/Grazing

### Prior Actions/Entitlements

None.

## ANALYSIS

### Project Description

A request to subdivide an approximately 371 acre parcel into 2 parcels, resulting in parcel sizes of: Parcel 1 = 193 acres and a Remainder Parcel of 178 acres.

### 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 serving to direct the physical growth of the County for the long term.

#### Land Use Element

The Land Use Element of the 2030 Merced County General Plan provides the policy context for county to achieve its vision for both rural and urban land uses. The Agricultural and/or Foothill Pasture land use designations are applied to much of the land within the County outside of cities, Rural Centers and Urban Communities. These land use designations acknowledge the importance of agriculture in the County.

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.*

The project can be found consistent with Goal LU-2 and Policy LU-2.3 of the General Plan because the Foothill Pasture land use designation is being preserved and the parcels will continue to be used for grazing.

**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.

**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 160-acre minimum permitted parcel size in areas designated Foothill Pasture and in grassland areas.*

The project can be found consistent with this Goal and Policy of the Agricultural Element because the created parcels either meet or exceed the 160-acre minimum parcel size required in areas designated Foothill Pasture.

**2. Zoning Code**

The project site is zoned A-2 Exclusive Agricultural per the Merced County Zoning map. The purpose of the exclusive agricultural zone is to provide areas for expanded agricultural enterprises as the minimum 160-acre parcel size facilitates farming and ranching operations and a variety of open space functions that are typically less dependent on soil quality.

The proposed parcels comply with the minimum size standards required for parcels in the A-2 Exclusive Agricultural Zone. Additionally, the use of the land (i.e., grazing) also complies with Table 2-1 Agricultural Zones/Land Use Permits Guide of the Zoning Code. Additionally, no new structures have been proposed as part of this application.

**3. Other Adopted Plans and Policies**

The proposed minor subdivision may be found consistent with the Subdivision Map Act and Title 17 of the Merced County Code. No new homes or new land use projects are being proposed on site that would require a land use permit. Additionally, consistent with Policy AG-3.12 of the General Plan and Section 18.10.040 (Other Applicable

Agricultural Zone Regulations, N. (Single-Family Homes), 1. (New Single-Family Homes) of the Zoning Code, the review and approval of a Conditional Use Permit will be required to construct a new single-family home on any parcel created after December 10, 2013. Placement of a note on the face of the recorded map (stating that the right to construct residences on resulting parcels will be subject to the review and approval of a conditional use permit) will be one of the conditions of approval for this project.

### **California Environmental Quality Act (CEQA)**

As the proposed parcels (at 193 acres and 178 acres, respectively) are consistent with the minimum 160-acre parcel size required in the A-2 (Exclusive Agricultural) zone and the property is intended to be used for grazing, the project may be found consistent with the zoning designation of the property. Additionally, as there are no structures on the project site and none are proposed, the planning commission may find that there are:

1. No additional significant environmental effects that are peculiar to the project;
2. No significant environmental effects that were not previously analyzed in Program Environmental Impact Report (EIR) prepared for the 2030 Merced County General Plan Update;
3. No potentially significant off-site impacts; and,
4. No previously identified significant effects which, as a result of substantial new information (not known at the time the EIR was certified), that are determined to have a more severe adverse impact than discussed in the prior EIR.

Therefore, Staff recommends that the Planning Commission find that the project meets the requirements of CEQA guidelines Section 15183 – “Projects Consistent with a Community Plan or Zoning,” and 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.

### **Community Engagement**

Notice of the public hearing was published in the Merced Sun-Star on January 1, 2021 and mailed to all owners of property located within 300 feet of the project site on December 31, 2020. 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 the proposed minor subdivision to be consistent with applicable provisions of the General Plan, Zoning Code, and Subdivision Map Act. Additionally, the minor subdivision is not in conflict with the Agricultural Preserve. Further the project can be found to meet the requirements of CEQA guidelines Section 15183 – “Projects Consistent with a Community Plan or Zoning,” and that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA guidelines.

Staff recommends the Planning Commission approve Minor Subdivision Application No. MS20-019 based upon these findings and subject to the recommended conditions of approval provided in the following section of this report.

**RECOMMENDED PLANNING COMMISSION ACTION:**

**A. CEQA Determination**

**MOTION:** Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" and Section 15183 - "Projects Consistent with a Community Plan or Zoning" of the CEQA Guidelines.

**CEQA Findings:**

The Planning Commission finds that the project meets the requirements of CEQA guidelines Section 15183 - "Projects Consistent with a Community Plan or Zoning," and that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA guidelines.

**B. Project Determination**

**MOTION:** Approve Minor Subdivision Application No. MS20-019 based on the findings included in the staff report and subject to the proposed conditions of approval.

**Project Findings:**

1. Minor Subdivision No. MS20-019 proposes to divide an approximate 371 acre parcel into 2 parcels, resulting in parcel sizes of: Parcel 1 = 193 acres and a Remainder Parcel of 178 acres, on property generally located southeast of the intersection of Arburua Road and Angustura Road in the Los Banos area, identified as Assessor's Parcel Number (APN) 090-020-013.
2. The property is designated Foothill Pasture in the General Plan and zoned A-2 (Exclusive 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.
6. The proposed minor subdivision is compatible with adjacent uses, and properties, and will not be a nuisance or detrimental to the public health, safety or general welfare.
7. The project is subject to all applicable Federal, State and Local regulations.
8. Notice of the application and 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. Plot Plan

cc.  
Property Owner(s) – Grissom Family Land & Cattle  
Representative – Duane Andrews-Golden Valley Engineering

# EXHIBIT A



## COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Mark J. Hendrickson  
*Director*

Steve Maxey  
*Deputy Director*

2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
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Equal Opportunity Employer

### MS20-019 CONDITIONS OF APPROVAL

#### Merced 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 the Merced County Subdivision Code.
2. The applicant shall comply with all applicable Local, State and Federal regulations.
3. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 20-001.
4. A note shall be placed on the face of the parcel map stating that any new residences will be subject to the review and approval of a Conditional Use Permit from the County, as per General Plan Policy AG-3.12 and Merced County Zoning Code Section 18.10.040 N, or as otherwise permitted by the County subject to the current policies in place at the time of the request.
5. Prior to parcel map recording, the applicant is to provide the Community & Economic Development Department with a recorded access ("Access") agreement between the owners of the two properties. The access agreement is intended to provide access to Parcel 1 from Arburua Road, via the Remainder parcel. If Parcel 1 and the Remainder parcel will be owned by the same party at the time of map recording, a note shall be placed on the parcel map indicating that an access agreement, providing access to Parcel 1 from Arburua Road, via the Remainder parcel, will be required at the time of sale of either parcel. The access easement shall be indicated on the map.

#### County Counsel

#### 6. **INDEMNITY AND HOLD HARMLESS AGREEMENT:**

GRISSOM FAMILY LAND & CATTLE, LP 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 the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.

PROPERTY OWNER(S): BILLY GROSSOM		PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.	
ADDRESS: P.O. BOX 951, HILMAR, CA 95348		ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340	
TELEPHONE: (209) 273-1600		TELEPHONE: (209) 722-3200	
APPLICATION TYPE: MINOR SUBDIVISION		NUMBER: 20019	DATE: 11/17/2020
FOR		A.P.N.: 090-020-013	DATE: 11/17/2020

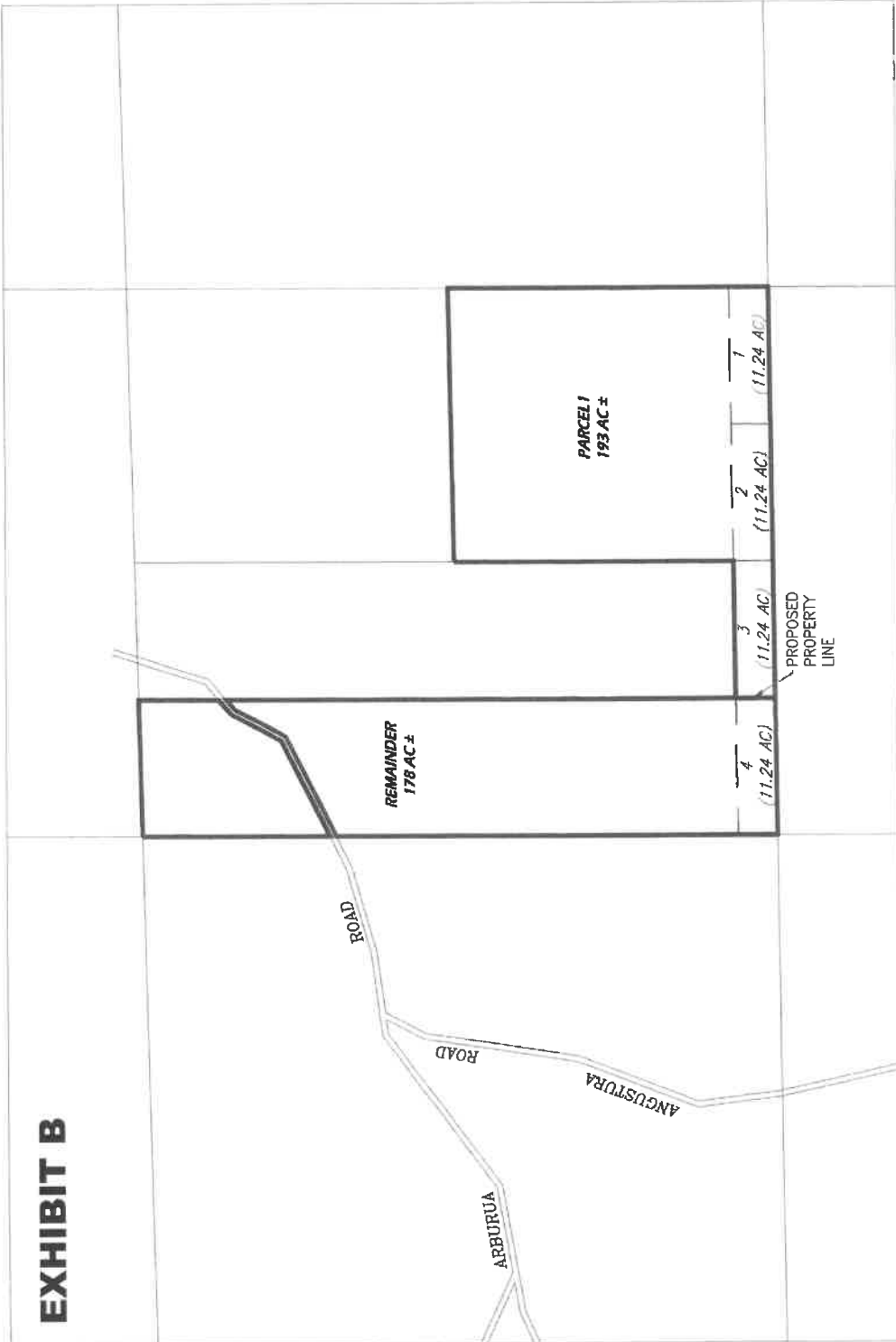
SCALE: 1" = 1000'

# PLAN

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SHEET 2 OF 2

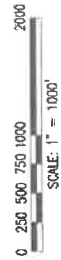
JOB NO.: 20178



**EXHIBIT B**

## LEGEND

-  PROPERTY LINE
-  NEIGHBORING PROPERTY LINE





PROPERTY OWNERS: BILLY GROSSOM		PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.	
ADDRESS: P.O. BOX 951, HILMAR, CA 95348		ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340	
TELEPHONE: (209) 273-1600		TELEPHONE: (209) 722-3200	
MERCED COUNTY			
APPLICATION TYPE	MINOR SUBDIVISION	NUMBER	20019
A.P.N.	090-020-013	DATE	11/17/2020

SCALE: 1" = 1000'

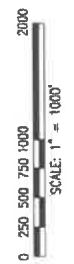
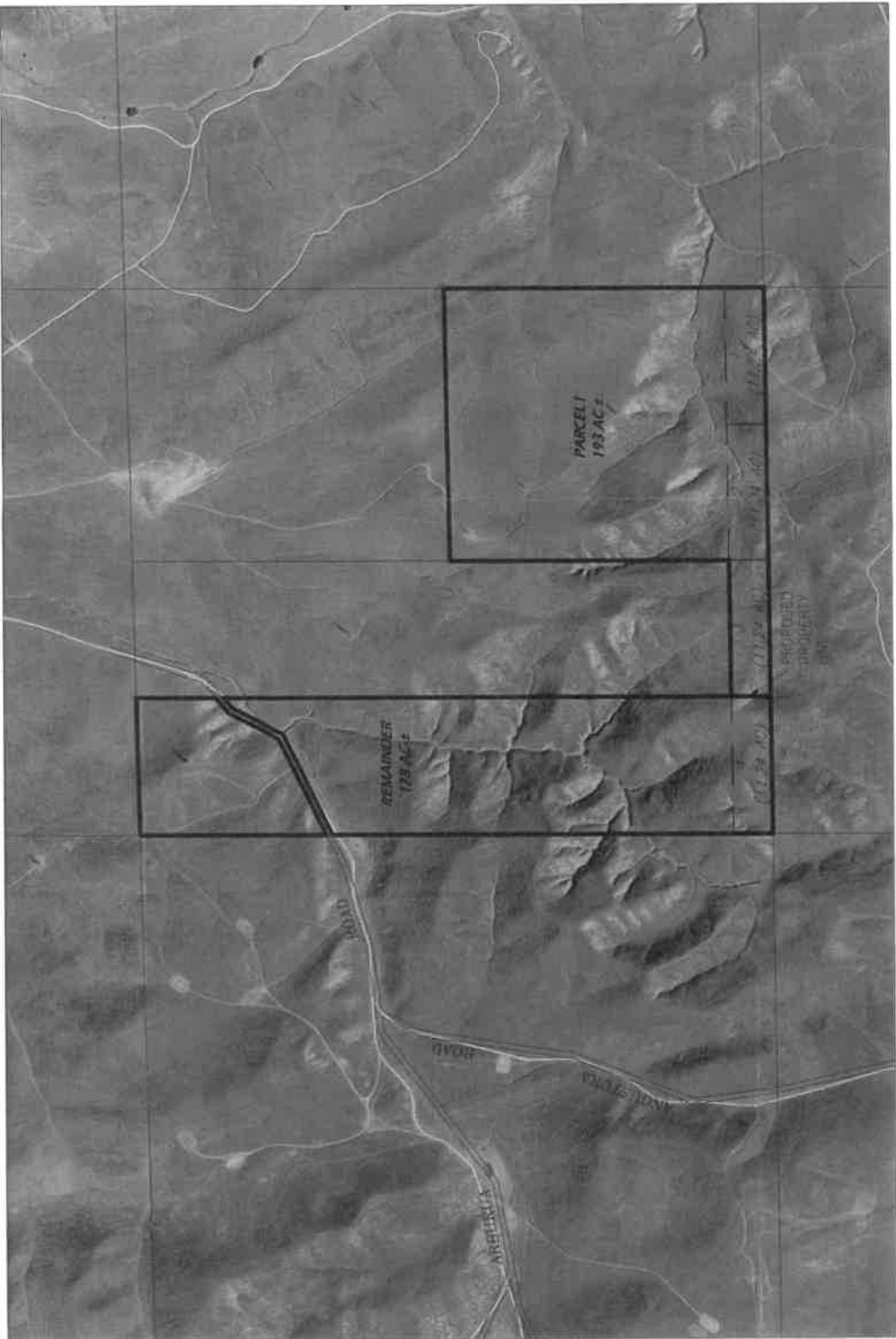
# PLAN

FOR

NOTE: PLEASE USE BLACK INK OR DARK PENCIL

SHEET 1 OF 2

JOB NO.: 20178



**LEGEND**

-  PROPERTY LINE
-  NEIGHBORING PROPERTY LINE