



Planning Commission

AGENDA ITEM # B

Staff Report

January 27, 2021

PREPARED BY:
APPROVED BY:

BRODY PATTERSON, PROJECT PLANNER
MARK HENDRICKSON, DIRECTOR

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10th EXTENSION APPLICATION No. EXT20-014 TO MAJOR SUBDIVISION No. MAS05-006 - "RED ROCK INDUSTRIAL PARK" – CENTRAL VALLEY AG GROUP - A request to extend the expiration date of the tentative map for MAS05-006 by 1 year, FROM: December 21, 2020 TO: Dec. 21, 2021. The project site is located on the west side of N. Arboleda Drive, 400 feet south of E. Highway 140 in the Merced area, identified as Assessor's Parcel Number (APN) 061-033-007. The property is designated Tuttle Rural Center - Industrial land use and zoned M-1 (Light Manufacturing). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **BP**

SUPERVISORIAL DISTRICT: 1 – Rodrigo Espinoza

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT20-014 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Major Subdivision Application No. MAS05-006, also known as “Red Rock Industrial Park”, was approved by the Planning Commission on December 21, 2005, with 18 conditions of approval. MAS05-006 approved the subdivision of a 20.8 acre parcel into 17 lots of 1.2+/- acres each. The project site is located on the west side of North Arboleda Drive, 400 feet south of East Highway 140, and is designated Tuttle Rural Center – Industrial land use in the General Plan and zoned M-1 (Light Manufacturing). The project site is in the Agricultural Preserve but is not under a Williamson Act contract.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Industrial	M-1	Row Crops
North:	Industrial	M-1	Warehouse
South:	Industrial	M-1	Agricultural Equipment Storage
East:	Agricultural	A-1	Truck Repair/Storage
West:	Agricultural	A-1	Orchard

Prior Actions/Entitlements

The approved tentative map for MAS05-006 has been subject to several extensions.

On January 9, 2008, the Planning Commission approved EXT07-026 to extend the tentative map by one year to December 21, 2008. On December 17, 2008, the Planning Commission approved EXT08-031, a two-year extension which extended the tentative map to December 21, 2010. EXT08-031 included a one year discretionary extension and a one year automatic extension granted by the State of California via Senate Bill SB-1185.

Subsequently, the State of California granted four automatic extensions to MAS05-006:

- In 2009, Assembly Bill AB-333 automatically extended the expiration date by two years to December 21, 2012 (EXT09-020).
- In 2011, Assembly Bill AB-208 automatically extended the expiration date by two years to December 21, 2014 (EXT11-015).
- In 2013, Assembly Bill AB-116 automatically extended the expiration date by two years to December 21, 2016 (EXT13-015).
- In 2015, Assembly Bill AB-1303 automatically extended the expiration date by two years to December 21, 2018 (EXT15-015).

Since 2018, the Planning Commission has approved two additional one-year discretionary extensions. EXT18-043, approved by the Planning Commission on January 23, 2019, extended the expiration date of the tentative map by one year to December 21, 2019. EXT19-012, approved by the Planning Commission on January 8, 2020, extended the expiration date of the tentative map by one year to December 21, 2020.

As of December 21, 2020, a total of four years of discretionary extensions have been approved by the Planning Commission. In a letter dated December 10, 2020, Paul Konzen of Central Valley Ag Group submitted a timely request to extend the expiration date of the tentative map by one year to

December 21, 2021. This would be the fifth year of discretionary extensions to the tentative map for MAS05-006.

ANALYSIS:

Project Description

The application is a request to extend the expiration date of the tentative map for Major Subdivision No. MAS05-006 by one year, FROM: December 21, 2020 TO: December 21, 2021. If the final map is not recorded by December 21, 2021, the tentative map will expire unless another extension is applied for and approved.

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.

There have been no changes to the project, project site, or surrounding area since the subdivision was approved by the Planning Commission on December 21, 2005. The project remains consistent with the General Plan with regards to density standards and consistent with the character of the surrounding area.

2. Zoning Code

The project site is zoned M-1 (Light Manufacturing) per the Merced County Zoning map. The purpose of the Light Manufacturing zone is to provide for warehousing, assembling, manufacturing, wholesaling, research and development facilities, commercial offices and limited accessory retail sales. Uses within this zone typically involve assembly of previously manufactured materials and have low nuisance characteristics, such as noise, heat, glare, odor and vibration and are compatible with each other and surrounding uses.

There have been no changes to the project, project site, or surrounding area. The project remains consistent with the M-1 (Light Manufacturing) zoning in terms of density, setbacks, parking standards, lot sizes, etc.

3. Other Adopted Plans and Policies

Subdivision Map Act

Pursuant to Section 66452.6 of the Subdivision Map Act, an approved or conditionally approved tentative map shall expire 24 months after its approval. After the 24-month period, an approved tentative map may be extended by a legislative body for a period or periods not to exceed a total of six years. Although this is considered the 10th extension to the major subdivision tentative map, five of the nine previous extensions were automatic extensions granted by the State of California. EXT20-014 would be the fifth discretionary one-year extension considered by the Planning Commission and not automatically granted by the State of California.

While the expiration date for the approved tentative map has passed, the application for an extension was filed prior to expiration of the approved tentative map. As a result, the Planning Commission may still extend the expiration of the approved tentative map by the requested one year to December 21, 2021.

California Environmental Quality Act (CEQA)

On February 23, 1999, the Merced County Board of Supervisors approved a General Plan Amendment (GPA98-006) amending the project site from Agricultural to Industrial, with a concurrent Zone Change (ZC98-007) from A-1 (General Agricultural) to M-1 (Light Manufacturing) and an expansion of the Tuttle Specific Urban Development Plan (now Tuttle Rural Center) boundary to include the project site. On the same date, the Board of Supervisors adopted a Mitigated Negative Declaration for the project site. On December 21, 2005, the Planning Commission determined that the adopted Mitigated Negative Declaration for the project site was still applicable for Major Subdivision Application No. MAS05-006.

There have been no changes to the environmental character of the project site or the surrounding areas since Major Subdivision No. MAS05-006 was approved that would require revision of the adopted Mitigated Negative Declaration. Staff has determined that pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines, Extension Application No. EXT20-014 requires no further environmental review.

Community Engagement

The tentative map was routed to applicable County departments for comment in 2018. Comments were received from the Division of Environmental Health regarding access to potable water and changes in setback requirements from the proposed drainage basin to wells and septic systems. Current setback requirements make the two parcels adjacent to the proposed drainage basin undevelopable due to having less than one net acre of useable land.

Notice of the public hearing was mailed to all property owners located within 300 feet of the project site on **January 15, 2021** and published in the Merced Sun-Star on **January 15, 2021**. No comments were received by staff prior to the completion of this staff report.

CONCLUSION:

The analysis provided in this staff report finds that the project continues to be consistent with applicable provisions of the General Plan and Zoning Code. Furthermore, the project can be found exempt from further CEQA review under Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines.

Staff recommends that the Planning Commission approve Extension Application No. EXT20-014 based on the findings 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.

CEQA Findings:

1. The Merced County Board of Supervisors adopted a Mitigated Negative Declaration for the project site on February 23, 1999. On December 21,

2005, the Planning Commission determined that the Mitigated Negative Declaration was still valid for Major Subdivision Application No. MAS05-006.

2. Extension Application No. EXT20-014 proposes only to extend the expiration date of the tentative map for Major Subdivision Application No. MAS05-006 by one year.
3. The extension in time for recording the Final Map does not constitute substantial changes to the project, and therefore does not warrant preparation of a subsequent environmental document. No new information has been identified that would require revisions to the Mitigated Negative Declaration in accordance with Section 15162 of the CEQA Guidelines.
4. There have been no changes to the environmental character of the project site or surrounding area since Major Subdivision No. MAS05-006 was approved on December 21, 2005.
5. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

MOTION: Approve Extension Application No. EXT20-014 based on the findings identified in the staff report and subject to the recommended conditions of approval.

Project Findings:

1. The approved tentative map for MAS05-006 is to subdivide a 20.8 acre parcel into 17 lots of 1.2+/- acres each.
2. The project site is located on the west side of North Arboleda Drive, 400 feet south of East Highway 140.
3. The project area is designated Tuttle Rural Center – Industrial land use in the General Plan and zoned M-1 (Light Manufacturing).
4. The subdivision application conforms to the Merced County Subdivision Code.
5. The project has been reviewed by the Department of Public Works Roads Division, Department of Public Health Environmental Health Division, Department of Public Works Building and Safety Division, and the Fire Department.
6. The project, as conditioned, is consistent with the Merced County General Plan, compatible with surrounding area and uses, and has the potential to meet all applicable development requirements.
7. The proposed subdivision does not meet the findings for denial listed in Section 66474 of the Subdivision Map Act as the design is consistent with the County General Plan and with implementation of the proposed mitigation measures, the site is: Physically suitable for the size and density for this type

of development; it will not cause substantial environmental harm; it will not create serious health problems; and it does not conflict with existing public easements.

8. The proposed subdivision, as conditioned, will not have an adverse impact on public health, safety, or general welfare.
9. The public hearing has been adequately noticed and advertised.

EXHIBITS:

- A. Conditions of Approval
- B. Request for Extension
- C. Tentative Map

cc:

Property Owner – Tuttle Land Holdings LLC
Applicant – Paul Konzen, Central Valley Ag Group



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

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Merced, CA 95340
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Equal Opportunity Employer

EXT20-014 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

1. The Tentative Map for Major Subdivision Application No. MAS05-006 shall expire on December 21, 2021, unless an extension request is applied for and approved.
2. The current Extension Application No. EXT20-014 shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS05-006 and all previously approved discretionary extensions (EXT07-026, EXT08-031, EXT18-043, and EXT19-012).
3. The Applicant shall continue to work with the Merced County Division of Environmental Health (MCDEH) to reconfigure the parcel lines on the Final Map to come into compliance with current setback requirements for wells and septic systems.

County Counsel

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

TUTTLE LAND HOLDINGS LLC / CENTRAL VALLEY AG GROUP 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.



CENTRAL VALLEY AG GROUP

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Oakdale, Ca 95361
209.524.2675 / Office
209.544.9276 / Fax
pkonzen@cvaggrinding.com

Red Rock Industrial Park
Application Extension Request

To: Brian Guerrero

I respectfully request to file an extension to the Subdivision Application # 05006
For the Redrock Industrial Park (APN # 061-033-007).

If you have any questions or concerns, I can be reached at my mobile # 209-652-5222

Thank You

Signed. Paul Konzen (V.P. / Co-Owner)

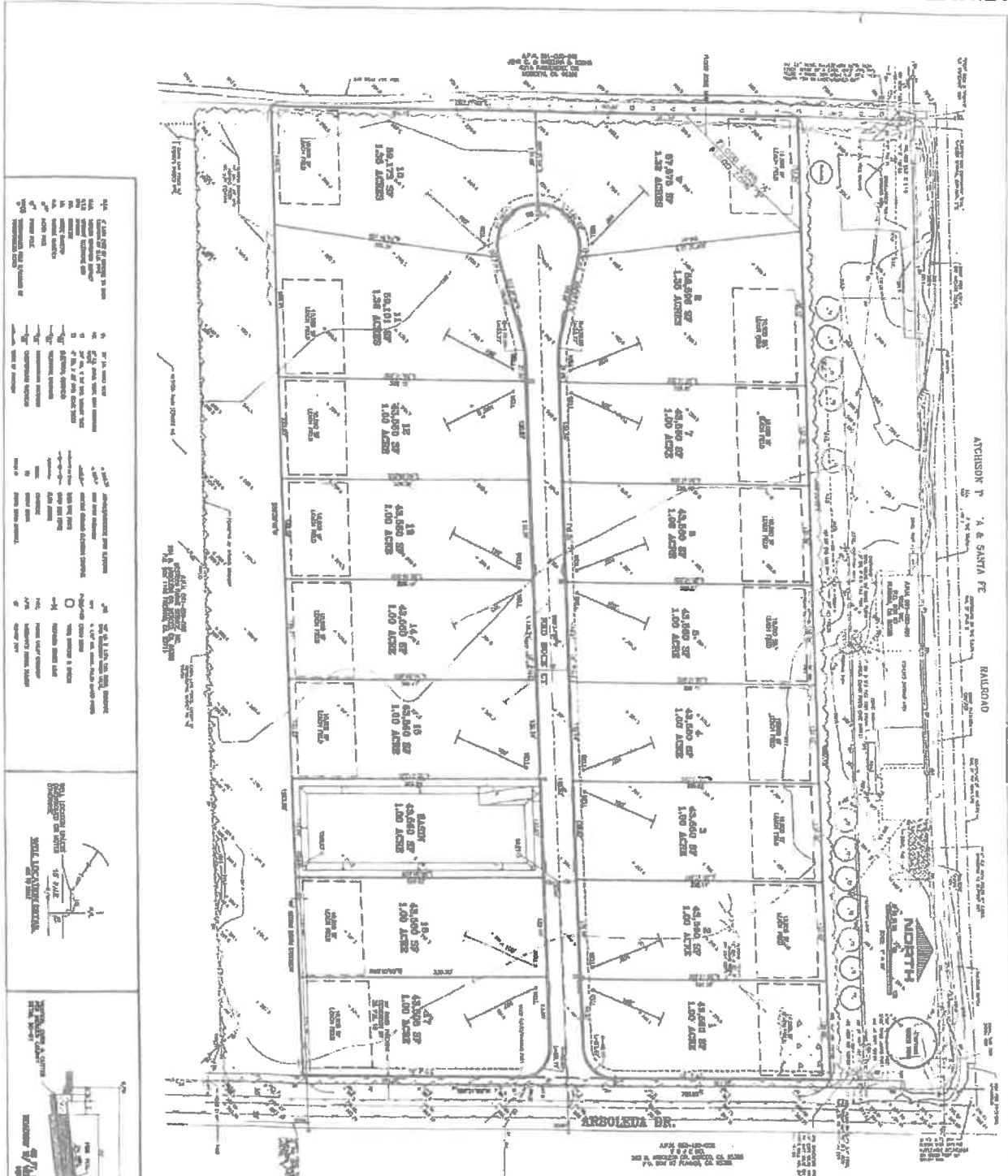
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Date 12/10/2020

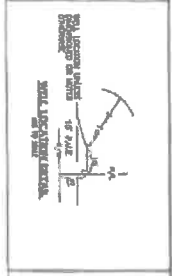
10th

EXT TO MAS 05006

EXT # 20014



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25	Lot Area	49,200



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TENTATIVE SUBDIVISION MAP OF RED ROCK INDUSTRIAL PARK

MAJOR S.U.B. 05006

GOLDEN VALLEY

494 W. Hill Street • P.O. Box 148 • Merced, Ca. 95341
Phone (209) 722-2200 • Fax (209) 725-1314

10th EXT. TO MAS 05006 - EXT # 20014

RED ROCK INDUSTRIAL PARK
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RED ROCK INDUSTRIAL PARK

VESTING TENTATIVE MAP FOR RED ROCK INDUSTRIAL PARK
RED ROCK INDUSTRIAL PARK
RED ROCK INDUSTRIAL PARK
RED ROCK INDUSTRIAL PARK

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