



Planning Commission
Staff Report
April 14, 2021

AGENDA ITEM # B

PREPARED BY:
APPROVED BY:

PAM NAVARES, PROJECT PLANNER *PN*
 MARK HENDRICKSON, DIRECTOR

MINOR SUBDIVISION APPLICATION No. MS21-004 – BHUPINDER SAHOTA - A request to create a 5-acre homesite parcel from a 39.4-acre parcel, and combine the remaining acreage with an abutting 39-acre parcel, creating a 73.4-acre parcel. The project is located at the southwest corner of N. Monte Cristo Avenue and W. Mercedes Avenue in the Livingston area, identified as Assessor's Parcel Numbers (APNs): 140-190-016 and 140-190-020. The property is designated Agricultural land use in the General Plan and is 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. **PN**

SUPERVISORIAL DISTRICT: 4- Lloyd Pareira

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 based on the analysis in the 2030 Merced County General Plan Program Environmental Impact Report and the attached CEQA Section 15162 Findings and Analysis; and,
- 3) Approve Minor Subdivision Application No. MS21-004 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

LOCATION MAP:



BACKGROUND:

Site Description

The project site is located on the southwest corner of Mercedes Avenue and Monte Cristo Avenue in the Livingston area, identified as Assessor's Parcel Numbers (APNs): 140-190-016 and 140-190-020. The project site and properties in the vicinity are designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). The project site and surrounding area is substantially flat and characterized by commercial agricultural land uses and dispersed single-family residences. Natural waterways and small elevation changes are also present in the project area.

The applicant is requesting to create a homesite parcel by conveying a 5.0-acre portion from a 39.4-acre parcel and combining the remaining acreage with an abutting 39.0-acre parcel to create a 73.4-acre parcel. The proposed homesite parcel contains one residence, which is served by a private domestic well and septic system. There are no existing homes on the proposed remainder parcel. Both of the proposed parcels will have road frontage along Monte Cristo Avenue. Agricultural operations will continue on the remainder parcel, with no changes in land use proposed. No new structures are proposed as part of this project.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Agricultural	A-1	Row Crops/Orchard/Residence
North:	Agricultural	A-1	Orchard
South:	Agricultural	A-1	Rural Residential
East:	Agricultural	A-1	Orchard/Nut Processing Facility
West:	Agricultural	A-1	Row Crops/Orchard

Prior Actions/Entitlements

There are no previous entitlements.

ANALYSIS:

Project Description

The request is to create a 5.0-acre homesite parcel from a 39.4-acre parcel and combine the remaining acreage with an abutting 39.0-acre parcel to create a 73.4-acre parcel. The project site is designated Agricultural land use and zoned A-1 (General Agricultural).

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.

The proposed project is consistent with Policy LU-2.3 of the General Plan. The newly created 73.4-acre parcel will continue to be used as an orchard and for row crops.

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.

The proposed merged parcel is 73.4 acres, which is consistent with the minimum permitted parcel size in areas designated Agricultural. The proposed homesite parcel may be reduced to less than 20 acres pursuant to Section 18.10.030, subdivision (F)(5) of the Merced County Zoning Code.

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.

The proposed Minor Subdivision is consistent with the development standards in the Zoning Code. The proposed remainder parcel will be 73.4 acres, exceeding the minimum 20-acre parcel size in the A-1 zone. The proposed 5.0-acre homesite parcel (Parcel 1) is exempt from the minimum A-1 zone parcel size requirement because the project meets the following conditions pursuant to Section 18.10.030, subdivision (F)(5) of the Merced County Zoning Code, which reads:

When the parcel owner desires to retain a dwelling, which has existed on the parcel for at least 10 years, the parcel owner may divide off the parcel containing the dwelling when all the following conditions are met:

1. The portion of the parcel which does not contain the dwelling is combined with an abutting parcel.
2. The parcel containing the dwelling shall not be less than one net acre and not more than five net acres in size and has a minimum 150 feet of frontage on a public road; and,
3. The dwelling which is to be retained must have been lived in by the parcel owner for at least 10 years.

Both parcels involved in this Convey and Combine Minor Subdivision are currently above 20 acres. The parcel from which a homesite is being created will divide off approximately 5.0 acres from Assessor's Parcel Number 140-190-016, and the remaining acreage will be combined with Assessor's Parcel Number 140-190-020 to create a 73.4-acre parcel. The 5.0-acre homesite parcel (Parcel 1) will have approximately 450 feet of frontage on Monte Cristo Avenue, and the property owner has provided proof that they have lived in the existing dwelling on the proposed homesite parcel for at least 10 years.

This project is also subject to the Agricultural Setback Requirement for Created Parcels pursuant to Sections 18.10.030, subdivision (E) and 18.10.040, subdivision (M.1) of the Zoning Code. These provisions of the Zoning Code require a 200-foot physical separation (buffer) between any existing habitable structure and any abutting parcels used for agricultural production. Because this subdivision is proposed in an agriculturally-zoned area, the project was reviewed for compliance with the Agricultural Setback Requirement for Created Parcels.

The existing residence on proposed Parcel 1 is currently located less than 200 feet from the existing property lines to the north and east. Should this Minor Subdivision be approved, the proposed parcel lines will meet the 200-foot agricultural buffer on the west and south sides of the project site. Therefore, based on the tentative map submitted for this application, the Agricultural Setback Requirement has been satisfied for the existing residence on proposed Parcel 1, and no further action or analysis is required.

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 requires the placement of a note on the face of the recorded map that would make the construction of residences on the resulting parcels subject to the approval of a conditional use permit.

Agricultural Preserve and Williamson Act

Neither of the existing parcels is under a Williamson Act Contract, however, both of the parcels are located in the Agricultural Preserve. The proposed 5.0-acre homesite parcel does not meet the minimum size requirement of 10 acres to remain in the Agricultural Preserve. One of the conditions of approval will be to request the Board of Supervisors to remove the homesite parcel from the Agricultural Preserve prior to recording the Parcel Map. Once the homesite parcel is removed from the Agricultural Preserve, the proposal will be consistent with the provisions of the Agricultural Preserve and the County's Williamson Act Rules and Procedures.

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 **Exhibit B** 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. MS21-004, 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 would require processing of a discretionary conditional use application, which would be subject to further environmental review.

Community Engagement

The project application was routed to applicable County departments for comment. The Department of Public Works/Roads Division provided general comments with regard to dedicating five feet for the 60-foot ultimate right-of-way along Monte Cristo Avenue.

Notice of the Planning Commission's public hearing was mailed to all owners of property located within 300 feet of the project site on **April 2, 2021** and published in the Merced Sun-Star on **April 2, 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 Subdivision Map Act. 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. MS21-004 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. MS21-004 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Project Findings:

1. Minor Subdivision Application No. MS21-004 proposes to create a 5.0-acre homesite parcel from a portion of a 39.4-acre parcel and combine the remaining acreage with an abutting 39-acre parcel, creating a 73.4-acre parcel.
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.
6. The proposal is consistent with the Agricultural Preserve and the Williamson Act Rules and Procedures after the 5.0-acre homesite parcel is removed from the Agricultural Preserve.
7. 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.
8. The project is subject to all applicable Local, State and Federal regulations.
9. 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. Recommended Conditions of Approval
- B. CEQA Guidelines Section 15162 Findings and Analysis
- C. Tentative Parcel Map
- D. Agency Comments
- E. Resolution No. 20-001

cc: Applicant/Property Owner – Bhupinder Sahota
Engineer – Golden Valley Engineering/Duane Andrews



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

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Merced, CA 95340
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(209) 726-1710 Fax
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Equal Opportunity Employer

MS21-004 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 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, attached hereto and incorporated herein by reference.
4. 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.
5. The 5.0-acre homesite parcel shall be removed from the Agricultural Preserve prior to recording the Parcel Map.

Merced County Public Works Department/Roads Division

6. Right of Way dedication is required to fulfill the 60-foot ultimate right-of-way for Monte Cristo Avenue fronting the property. Monte Cristo Avenue has an existing 50-foot right-of-way; the owners shall dedicate an additional 5 feet of right-of-way along Monte Cristo Avenue.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

BHUPINDER SAHOTA shall 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.

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

Application: Minor Subdivision No. MS21-004

Assessor Parcel Number or Location: Assessor’s Parcel Number(s) (APNs) 140-190-016 and 140-190-020.

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

- 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? Yes No X

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

- 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? Yes No X

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).

- 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) Yes No X

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. | <table border="0"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> | Yes | No | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Yes | No | | | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | | | | |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. | <table border="0"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> | Yes | No | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Yes | No | | | | |
| <input type="checkbox"/> | <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. | <table border="0"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> | Yes | No | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Yes | No | | | | |
| <input type="checkbox"/> | <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. | <table border="0"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table> | Yes | No | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Yes | No | | | | |
| <input type="checkbox"/> | <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 1, 2021
 Prepared By:

Pam Navares

Pam Navares
 Project Planner

CEQA Guidelines Section 15162 Findings: Supporting Analysis

I. Introduction

Minor Subdivision No. MS21-004 is a request to create a 5.0-acre homesite parcel from a portion of a 39.4-acre parcel and combine the remaining acreage with an abutting 39.0-acre parcel to create a 73.4-acre parcel. The project site is located at the southwest corner of N. Monte Cristo Avenue and W. Mercedes Avenue in the Livingston area, identified as Assessor's Parcel Numbers (APNs) 140-190-016 and 140-190-020. The property is designated Agricultural land use and zoned A-1 (General Agricultural). No new residences are proposed.

II. Analysis

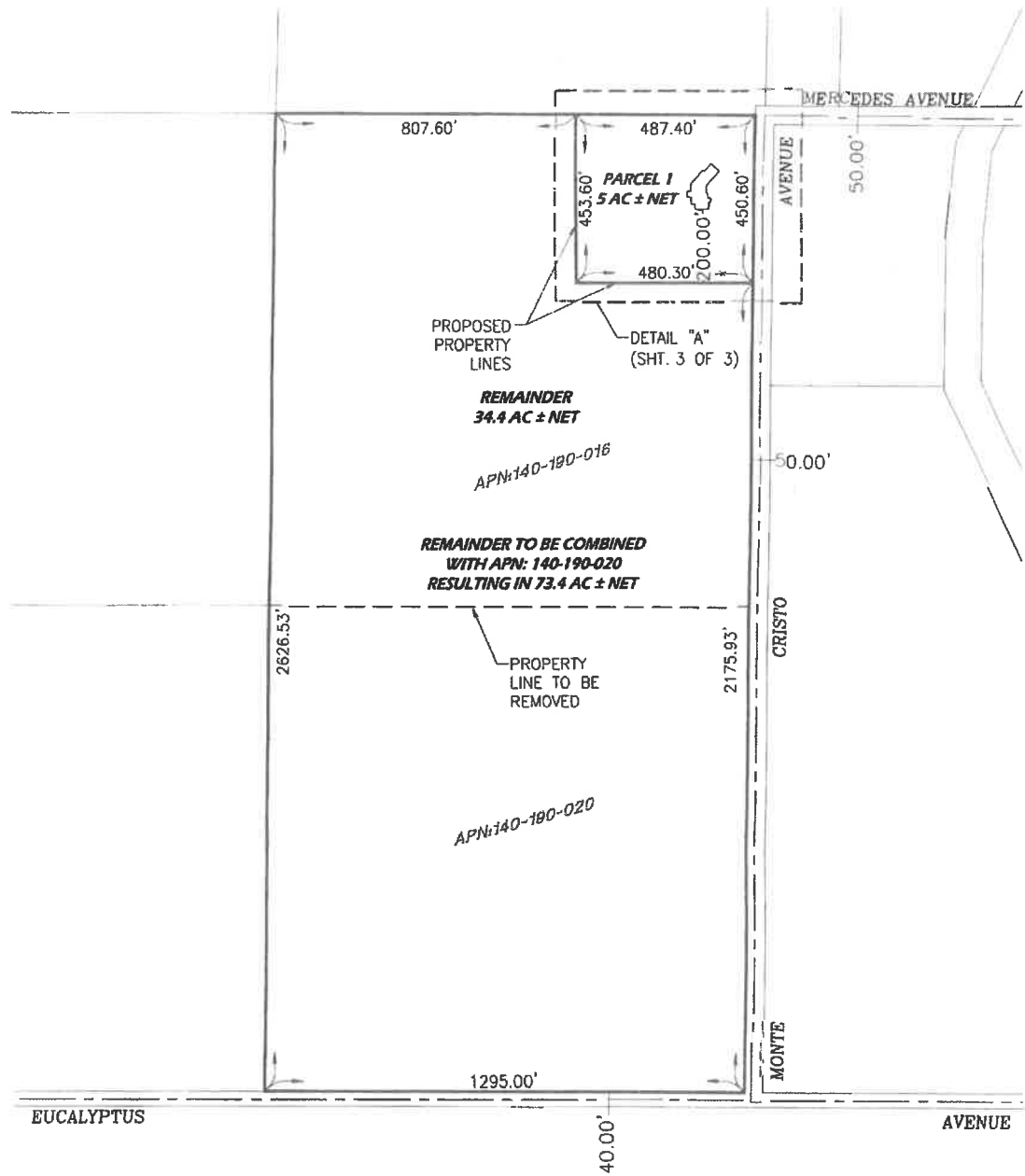
The extensive analysis in the 2030 Merced County General Plan Program EIR concluded that the impact from agricultural subdivisions was less than significant when no new residences are proposed. However, because new residences were permitted on existing agricultural parcels, the EIR concluded the overall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

In the current Minor Subdivision Application No. MS21-004, no additional residences are proposed and, consistent with Program EIR Mitigation Measure AG-5g, a note will be placed on the face of the Parcel Map indicating that any construction of additional housing on the parcels would require processing of a discretionary conditional use permit application, 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" (Recirculated Draft Program EIR Page 6-71 et seq.). This conclusion was reached based on the fact that the General Plan contained Policy AG-2.13a "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 of less than 40 acres but at least 20 acres in size would have a less than significant impact on the environment as long as applicants are required to demonstrate the agricultural viability of such parcels in connection with a minor subdivision request.

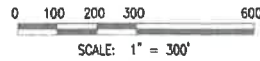
This proposed minor subdivision is a request to create a 5.0-acre homesite parcel from a portion of a 39.4-acre parcel and combining the remaining acreage with an abutting 39.0-acre parcel to create a 73.4-acre parcel. The proposal is consistent with the Merced County Zoning Code. Farming practices and other existing land uses for the newly created 73.4-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.

Exhibit C



LEGEND

- PROPERTY LINE
- NEIGHBORING PROPERTY LINE
- ROAD CENTER LINE



JOB NO.: 21031

SHEET 2 OF 3

NOTE: PLEASE USE BLACK INK
OR DARK PENCIL

PLAN FOR

SCALE: 1" = 300'

APPLICATION TYPE	NUMBER	A.P.N.	DATE
MINOR SUBDIVISION (CONVEY & COMBINE)	ms 21-004	140-190-016&020	3/2/2021
PROPERTY OWNER(S): BHUPINDER SAHOTA	PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.		
ADDRESS: 4899 MONTE CRISTO AVE., LIVINGSTON, CA 95334	ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340		
TELEPHONE: (209) 648-8195	TELEPHONE: (209) 722-3200		
MERCED COUNTY			



**DEPARTMENT OF PUBLIC WORKS
Road Division**

Dana S. Hertfelder
Director

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(209) 722-7690
www.co.merced.ca.us

Equal Opportunity Employer

Date: March 19, 2021

To: Pam Navares, Planner II
Planning and Community Development Department

From: Gerardo Elias, Engineering Associate
Department of Public Works

Subject: Minor Subdivision MS21-004
Bhupinder Sahota

MEMORANDUM

We have reviewed this MINOR SUBDIVISION No. MS21-004 - BHUPINDER SAHOTA - A request to create 5 acre homesite parcel from a 39.4 acre parcel, and combine the remaining acreage with an abutting 39 acre parcel, creating a 73.4 acre parcel. The project is located at the southwest corner of N. Monte Cristo Avenue and W. Mercedes Avenue in the Livingston area, identified as Assessor's Parcel Number s (APN's): 140-190-016 and 140-190-020. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural)

1. Right-of-Way dedication is required to fulfill the 60' ultimate right-of-way for Monte Cristo Road fronting the property. Monte Cristo Road has an existing 50' right-of-way, the owners shall dedicate an additional 5' of right-of-way along the Monte Cristo Road.

**PLANNING COMMISSION
MERCED COUNTY**

In the matter of

RESOLUTION NO. 20-001

*ADOPTING REVISED STANDARD
CONDITIONS OF APPROVAL FOR MAJOR
SUBDIVISIONS, ADMINISTRATIVE PERMITS,
AND CONDITIONAL USE PERMITS*

WHEREAS, the Planning Commission and Planning and Community Development Department have been designated as the Planning Agency for the County by the Board of Supervisors; and

WHEREAS, the Planning Commission may hold public hearings and approve, conditionally approve, or deny applications for Major Subdivisions, Administrative Permits, and Conditional Use Permits; and

WHEREAS, the Planning Director as Hearing Officer may also hold public hearings to approve, conditionally approve, or deny applications for Administrative Permits; and

WHEREAS, the local building industry, applicants, the Planning Commission, County Staff, and the general public have benefited from the adoption of Standard Conditions of Approval applied to all Major Subdivisions, Administrative Permits, and Conditional Use Permits in Planning Commission Resolution No. 97-1; and

WHEREAS, these Standard Conditions of Approval have also provided for more expedited processing of development applications by eliminating the need for individually specified measures to mitigate potential environmental impacts; and

WHEREAS, the Board of Supervisors adopted a new completely revised Zoning Code on October 22, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby adopts the attached revised list of Standard Conditions of Approval to replace Planning Commission Resolution No. 97-1 at a regular meeting held on January 22, 2020, by the following vote:

AYES: Chairman Mobley, Commissioner Aguilera, Commissioner Acheson, Commissioner Spycher, Commissioner Erreca

NOES: None

ABSENT: None

By _____
Mark Hendrickson
Planning and Community Development Director
Secretary of the Planning Commission

MERCED COUNTY PLANNING COMMISSION
STANDARD CONDITIONS OF APPROVAL

A. Major Subdivisions:

1. The Final map, meeting all Zone Code and Public improvements requirements, shall be recorded within two (2) years of the Planning Commission approval date as required by the Merced County Subdivision Code, unless a Development Agreement between the County and the Developer is executed prior to expiration of the tentative map, in which case the tentative map may be extended for a period of time provided for in the Agreement but not beyond the duration of the Agreement.
2. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 – Improvement Requirements of the Merced County Code which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.
3. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
4. The developer shall comply with Title 17 Subdivisions, Chapter 17.44 – Local Recreational Park Land Space and/or Fee Obligation. Payment of all cash fees shall be prior to, or concurrently with, the recording of the Final Map.
5. Any existing irrigation well shall be abandoned according to County standards.

B. Administrative Permits and Conditional Use Permits

1. The uses under this Permit shall be located, developed, and operated in a manner as described on the approved plot plan, sections, and elevations. The Planning Director may approve minor modifications.
2. All development on the project property shall be constructed and thereafter maintained and operated in accordance with the conditions of the permit.
3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
4. If the Administrative or Conditional Use Permit is not implemented within one year, it shall expire and become void. The Planning Director may extend the Permit if a request is filed by the applicant prior to its expiration (Zoning Code Section 18.130.080 – Time Extensions).
5. If the use authorized by the Administrative or Conditional Use Permit is abandoned or discontinued for over one year, the Planning Department may initiate revocation proceedings at a public hearing before the body that originally approved the permit (Zoning Code Sections 18.152.030 – Revocations; 18.152.040 – Findings to Modify or

Revoke; and 18.152.050 – Hearing and Notice Required).

6. A solid waste/recycling storage enclosure shall be provided and designated on the plot plan, for development, in all Urban Community areas. Solid waste/recycling storage areas shall conform to the standards in Zoning Code Chapter 18.46 – Solid Waste and Recycling Materials Storage, subject to approval of the Planning Department.
7. The project site shall be maintained in a neat and orderly manner at all times.
8. All signs shall be subject to the standards in Chapter 18.44 – Sign Regulations of the Zoning Code.
9. A Sign Permit application shall be submitted to the Department in compliance with Chapter 18.44.060 – Application and Review of Sign Permits prior to the installation of any sign.
10. No use shall be permitted which creates dust, dirt, mud, fumes, odors, vibrations, heat, glare or electrical disturbances beyond the boundaries of the project site (Zoning Code Chapter 18.40 – Performance Standards).
11. Project site emissions shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards.
12. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the subject parcel. Exterior lighting shall be hooded and directed downward and away from adjoining properties and public rights-of-way. (Zoning Code Section 18.40.070 – Outdoor Lighting).
13. Three copies of landscape and irrigation plans for landscaping shown on the plot plan or required as conditions of approval shall be submitted for review and approval of the Planning Director in accordance with the standards in Chapter 18.36 - Landscaping of the Zoning Code prior to the issuance of building permits.
14. Landscaping and irrigation in compliance with the approved plans shall be installed prior to Final inspection or issuance of a Certificate of Occupancy by the County Building Division.

C. All Discretionary Permits and Subdivision Maps

1. The applicant shall inform in writing all contractors and subcontractors for the project of the potential discovery of significant archaeological and historical resources below the ground surface in the project area. If any cultural resources are found or disturbed during project activities, all work must be halted within the area and the Merced County Planning Department and a qualified archaeologist must be contacted to evaluate the find.
2. If the construction site has been disturbed (cleared, graded or excavated) and is to remain inactive for a period of three or more months, it shall be seeded with an annual grass and watered until growth is evident. If after disturbing, the site is inactive for three or more months during the dry period (June-October), as an alternative to seeding, a soil-binding dust palliative, such as Hemicellulose extract (wood molasses) solution, may be applied.

If seeded, grass shall be mowed (not disced under) to a maximum height of four inches for fire control. Grasses do not need to be maintained in a green/growing condition. Mowing should occur before the grass dries out to avoid fires that may result from blades striking rocks (Zoning Code Section 18.40.030 B).

3. During clearing, grading, earth-moving and other site preparation activities and all construction:
 - a. Exposed earth surfaces shall be watered as needed, whenever needed, in order to prevent dust from leaving the project site on that phase of the project presently under development.
 - b. Mud and dirt carried from the development onto adjacent roadways shall be cleaned-up daily.
 - c. Litter and debris shall be cleaned-up daily to prevent it from leaving the project site and littering adjacent properties. (Zoning Code Section 18.40.030 B)
4. The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. (Zoning Code Section 18.40.050 E).
5. Drainage. Parking areas shall be designed to dispose of accumulated rain water the project site. Runoff shall be disposed of subject to approval of the County Department of Public Works in one of the following ways:
 - a. Uniform on-site percolation over widespread area.
 - b. Use of on-site detention or retention basin.
 - c. Off-site drainage to community drainage system. (Zoning Code Section 18.38.140 C)
6. The Planning Director, or his/her authorized designee(s) may enter at all reasonable times any building, structure, or premise for the purpose of carrying out any activity required or authorized by the provisions of Title 17 (Subdivisions) or 18 (Zoning) of the County Code. Upon request, the Planning Director or his/her authorized designee(s), shall provide adequate identification (Zoning Code Section 18.154.040 - Inspections).
7. The project shall be developed in accordance with the Conditions of Approval including any conditions related to Site Plan and Design Review (Zoning Code Section 18.122.060).