



Planning Commission

AGENDA ITEM # B

Staff Report

August 25, 2021

PREPARED BY:
APPROVED BY:

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

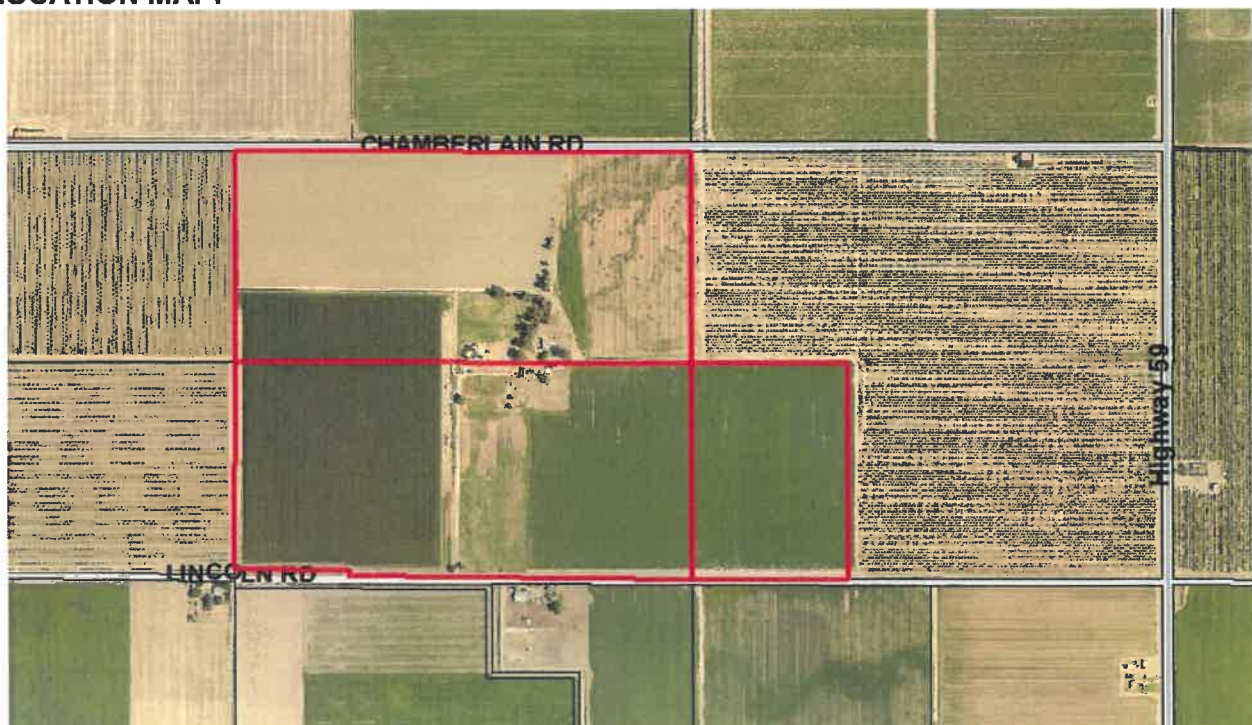
MINOR SUBDIVISION No. MS21-010 – MARGARET TUFT - A request to divide a 184.35 acre parcel into 3 parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres, and Parcel 3 = 89.89 acres. The project site is located on the north side of W. Lincoln Road, approximately 1,800 feet west of Highway 59 in the El Nido area, identified as Assessor's Parcel Numbers (APNs) 074-110-045, 074-110-046 and 074-110-047. The property is designated Agricultural land use and zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission determine that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **PN**

SUPERVISORIAL DISTRICT: 1 – Rodrigo Espinosa

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 Guidelines Section 15162 Findings and Analysis; and,
- 3) Approve Minor Subdivision Application No. MS21-010 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 north side of Lincoln Road, approximately 1,800 feet west of Highway 59 in the El Nido area, identified as Assessor's Parcel Numbers (APNs) 074-110-045, 074-110-046 and 074-110-047. This property has been assigned three parcel numbers, though it is one legal parcel. The project site and properties in the vicinity are designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). The property and surrounding area is substantially flat, characterized by agricultural land uses and the occasional single-family residence.

The applicant is requesting to divide one parcel totaling 184.35 acres into three parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres and Parcel 3 = 89.89 acres. Proposed Parcels 2 and 3 will have road frontage on Lincoln Road and Proposed Parcel 1 will have an access easement from Lincoln Road. All three parcels will also have road frontage on Chamberlain Road. There is currently one conventional home and two mobile homes located on what will become Parcel 1 that are served by one domestic well and their individual septic systems. Proposed Parcels 2 and 3 are currently being farmed in row crops and they both have their own irrigation well. Proposed Parcels 2 and 3 are also being served with surface water from MID. An irrigation easement will be required to be shown on the Parcel Map for Proposed Parcel 1. No changes to existing agricultural operations are proposed, and no new homes or structures are proposed with this project.

Surrounding Uses

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

Prior Actions/Entitlements

ADOMP 0520, AA98-028, ADOMP 3321

ANALYSIS:

Project Description

The applicant is requesting to divide one parcel totaling 184.35 acres into 3 parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres and Parcel 3 = 89.89 acres. 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 project site is currently farmed in row crops, with three existing single-family residences located on Proposed Parcel 1. No changes to existing agricultural operations are proposed with this application.

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 parcels are all 20 acres or greater in size, meeting the minimum permitted parcel size in areas designated Agricultural.

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. All proposed parcels, including Parcel 1 (33.03 acres), Parcel 2 (61.44 acres), and Parcel 3 (89.89 acres), equal or exceed the 20-acre minimum parcel size in the A-1 zone.

Because the project site and properties in the project vicinity are Agriculturally zoned, the Agricultural Setback Requirement for Created Parcels pursuant to Section 18.10.030 (E) of the Zoning Code applies. This provision of the Zoning Code requires a 200-foot physical separation (buffer) between any existing habitable structure and any abutting parcels used for agricultural production. The existing residences on Proposed Parcel 1 are located 200 feet from the proposed parcel lines.

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 homes or new land uses are proposed on the project site. Additionally, 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.

Williamson Act and Agricultural Preserve

The parcel involved in the proposed subdivision is located within the Agricultural Preserve. All proposed parcels are greater than 10 acres in size, meeting the minimum required parcel size for parcels in the Agricultural Preserve.

The existing parcel is not under a Williamson Act Contract.

The proposal is consistent with applicable provisions of the Williamson Act and Agricultural Preserve.

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 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. MS21-010, 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 Planning Commission public hearing was mailed to all owners of property located within 300 feet of the project site on **August 13, 2021** and published in the Merced Sun-Star on **August 13, 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, Subdivision Map Act and Williamson 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. MS21-010 based on the findings identified below and subject to the recommended Conditions of Approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: The Planning Commission determines 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: The Planning Commission approves Minor Subdivision Application No. MS21-010 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Project Findings:

1. Minor Subdivision Application No. MS21-010 proposes to divide one parcel totaling 184.35 acres into three parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres, and Parcel 3 = 89.89 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 Planning Commission public 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. Tentative Parcel Map
- C. CEQA Guidelines Section 15162 Findings and Analysis
- D. Agency Comments

cc:

Property Owner – Margaret Tuft, Trustee
Engineer – California Construction Surveying Inc.



**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
www.co.merced.ca.us

Equal Opportunity Employer

MS21-010 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. 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.
3. The applicant shall comply with all applicable Local, State and Federal regulations.
4. An irrigation easement for surface water and well water shall be required to be shown on the Parcel Map for the benefit of Parcel 1.

Department of Public Works/Roads Division

5. Right of way dedication is required to fulfill the 60' ultimate right-of-way for Lincoln Road and Chamberlain Road fronting the property. Lincoln Road and Chamberlain Road have an existing 40' right-of-way. The owners shall dedicate an additional 10' of right of way along the Lincoln Road and Chamberlain Road frontage of the parcels.

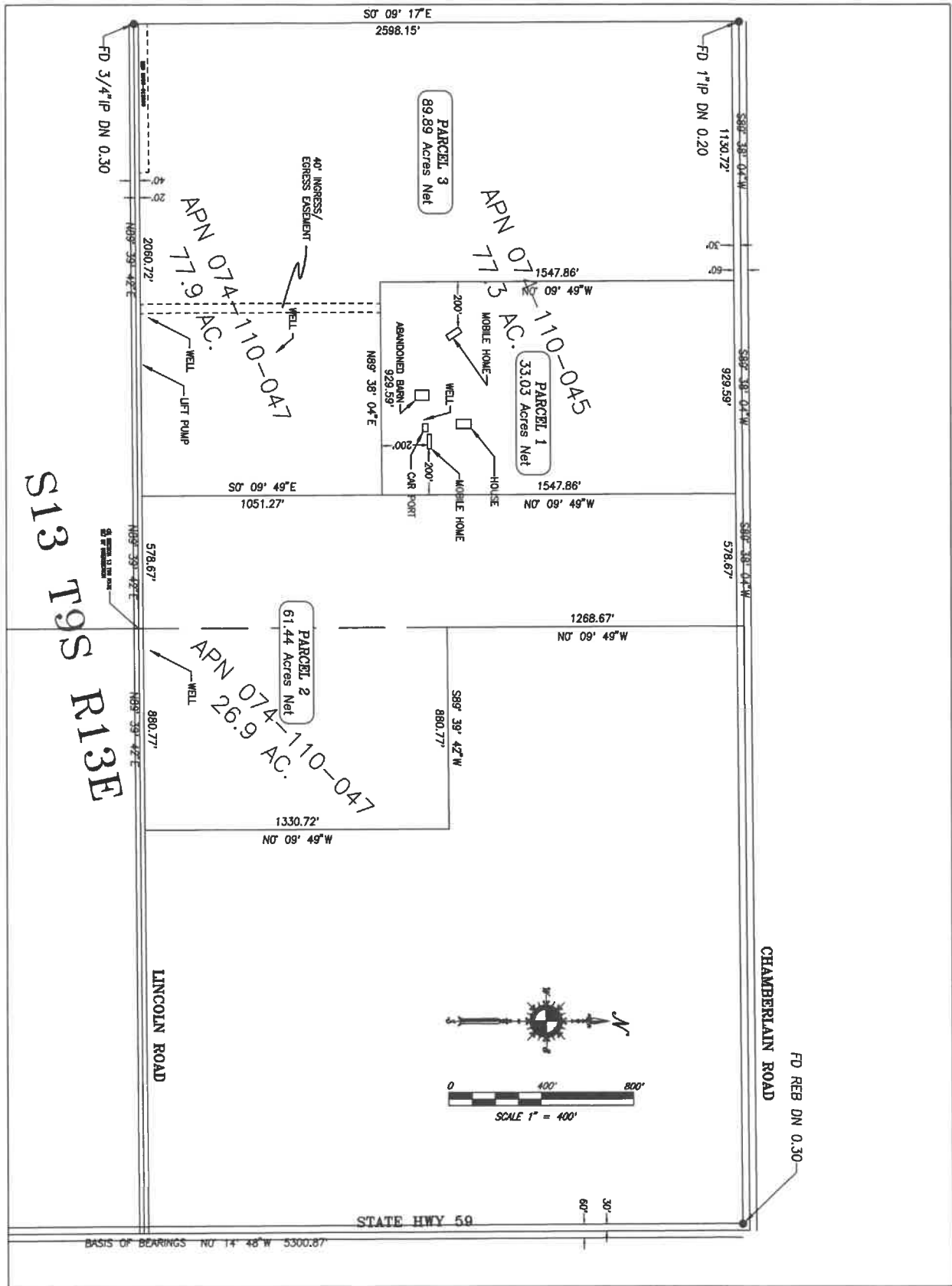
Merced Irrigation District

6. An Encroachment Agreement with MID will be required for any work associated with MID facilities and for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities or rights of way.
7. No structures, trees or fences will be allowed within the MID right of way.
8. Septic system leach fields shall be a minimum of 50 feet from any open MID facility or 20 feet from a piped facility to protect from contamination and to protect the septic systems from leakage from MID facilities.
9. The applicant shall provide private irrigation easements from the existing irrigation access point, lying within proposed parcel 3 on the North side of Lincoln Road, to the portions of the proposed parcels that will be within MID. Alternate water access points would be considered subject to approval of the MID Engineer

County Counsel

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

MARGARET TUFT, TRUSTEE under the Margaret Tuft Trust Agreement dated May 4, 2006, 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 the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.



NOTE: PLEASE USE BLACK INK OR DARK PENCIL

PLOT PLAN

SCALE: 1" = 400 FEET

FOR

APPLICATION TYPE	NUMBER	A.P.N.	DATE
MINOR SUBDIVISION	MS21-010	074-110-45,46,47	APR 2001
PROPERTY OWNER(S): Margaret Tuft, Trustee	PREPARED BY: CALIFORNIA CONSTRUCTION SURVEYING, INC		
ADDRESS: C/O Michael J. Anderson PLS 7027	ADDRESS: PO box 91 El Nido CA 95317		
TELEPHONE: (209) 761-1027	TELEPHONE: (209) 761-1027		
MERCED COUNTY PLANNING DEPARTMENT	POR. SEC. 13, T.9S., R.13E., M.D.B. & M.		

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

Application: Minor Subdivision No. MS21-010 (Margaret Tuft, Trustee)

Assessor Parcel Number or Location: Assessor’s Parcel Number(s) (APNs) 074-110-045, 074-110-046 and 074-110-047.

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 |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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?

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

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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?

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 |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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)

Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the 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="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Yes</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; height: 20px;"> </td> <td style="text-align: center; height: 20px;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |
| B) Significant effects previously examined will be substantially more severe than shown in the previous EIR. | <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Yes</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; height: 20px;"> </td> <td style="text-align: center; height: 20px;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |
| 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="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Yes</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; height: 20px;"> </td> <td style="text-align: center; height: 20px;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |
| 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="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Yes</td> <td style="padding: 2px;">No</td> </tr> <tr> <td style="text-align: center; height: 20px;"> </td> <td style="text-align: center; height: 20px;">X</td> </tr> </table> | Yes | No | | X |
| Yes | No | | | | |
| | X | | | | |

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: August 3, 2021
 Prepared By:

Pam Navares

Pam Navares
 Project Planner

CEQA Section 15162 Findings: Supporting Analysis

I. Introduction

Minor Subdivision No. MS21-010 is a request to divide one parcel totaling 184.35 acres into 3 parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres and Parcel 3 = 89.89 acres. The project site is located on the north side of W. Lincoln Road, approximately 1,800 feet west of Highway 59 in the El Nido area, identified as Assessor's Parcel Numbers (APNs) 074-110-045, 074-110-046 and 074-110-047. 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. MS21-010, no additional residences are proposed and a note will be placed on the face of the Parcel Map indicating that the right to seek additional housing on the parcels has been waived. Should the landowner change their mind in the future, Mitigation Measure AG-5g would require processing of a discretionary conditional use permit application which would be subject to further environmental review.

The 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 minor subdivision is a request to divide one parcel totaling 184.35 acres into 3 parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres, and Parcel 3 = 89.89 acres. The proposal is consistent with the Merced County Zoning Code. Farming practices at the project site will not change from existing operations. 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.



Rebecca Nanyonjo-Kemp, DrPH
Director

Salvador Sandoval, MD, MPH
Health Officer

Memorandum

DATE: August 4, 2021

TO: Pam Navares, Planner II

FROM: Brent Cronk, EHS III
(209) 385-7654 xt4568; Brent.Cronk@countyofmerced.com

SUBJECT: **MINOR SUBDIVISION No. MS21-010 - MARGARET TUFT -TRUST** - A request to divide a 184.35-acre lot (consisting of 3 tax parcels, APN's 074-110-045, -046, and -047) into 3 different parcels, resulting in parcel sizes of: Parcel 1 = 33.03 acres, Parcel 2 = 61.44 acres, and Parcel 3 = 89.89 acres. The project is located on the north side of W. Lincoln Road, 1,800 feet west of S. Highway 59 in the El Nido area, identified as APN's: 074-110-045, 046 and 047. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural).

SITUS: 690 W. Lincoln Rd., El Nido (also 692 and 704)

Observations and Comments – Merced County Division of Environmental Health (MCDEH):

The septic system for the west MH is east of the MH. The septic system for the main house (north) is east of the house, the septic system for the south MH is south of the MH. Therefore, none of the new property lines will violate any setback to existing septic systems. The new property lines will not violate any setback to existing irrigation wells and domestic well.

MCDEH has no objections to the subdivision.

Exhibit D



**DEPARTMENT OF PUBLIC WORKS
Road Division**

Dana S. Hertfelder
Director

345 West 7th Street
Merced, CA 95340
(209) 385-7601
(209) 722-7690
www.co.merced.ca.us

Equal Opportunity Employer

Date: August 18, 2021

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

From: Gerardo Elias, Engineering Associate
Department of Public Works

Subject: Minor Subdivision MS21-010
Margaret Tuft- Trust

MEMORANDUM

We have reviewed this - MINOR SUBDIVISION No. MS21-010 - MARGARET TUFT - TRUST - A request to divide 3 parcels totaling 184.35 acres into 4 parcels, resulting in parcel sizes of: Parcel 1 = 25.98 Acres, Parcel 2 = 69.23 Acres, Parcel 3 = 52.63 Acres and Parcel 4 = 36.51 Acres. The project is located on the north side of W. Lincoln Road, 1,800 feet west of S. Highway 59 in the El Nido area, identified as APN's: 074-110-045, 046 and 047. 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 Lincoln Road and Chamberlain Road fronting the property. Lincoln Road and Chamberlain Road have an existing 40' right-of-way, the owners shall dedicate an additional 10' of right-of-way along the Lincoln Road frontage and an additional 10' of right-of-way along the Chamberlain Road frontage of the parcels.

Exhibit D



July 22, 2021

Pam Navares, Planner II
Merced County
2222 "M" Street
Merced, CA 95340

Sent By Email Only To: pam.navares@countyofmerced.com

Re: MS21-010

Dear Ms. Navares,

Merced Irrigation District (MID) has reviewed the above referenced Minor Subdivision application for APNs 074-110-045, 074-110-046, and 074-110-047 and offers the following comments:

1. MID operates and maintains the El Nido A3 Lateral, which lies near the southwest corner of the subject property, within a 40-foot wide right of way as described in Document Number 2005-027713 of Official Records, Merced County Records.
2. A portion of the subject property is within the MID district boundary and a portion of the subject property is out of the MID district boundary. The tentative map appears to show portions of both Parcel 1 and Parcel 2 on both sides of the MID district boundary.

MID requests that the County require, as conditions of approval, the following:

1. An Encroachment Agreement with MID will be required for any work associated with MID facilities and for any roadways, walkways, bike paths, utilities and pipelines crossing MID facilities or rights of way.
2. No structures, trees or fences will be allowed within the MID right of way.
3. Septic system leach fields shall be a minimum of 50 feet from any open MID facility or 20 feet from a piped facility to protect from contamination and to protect the septic systems from leakage from MID facilities.
4. That irrigation water access be ensured to all new in-District parcels by providing private irrigation easements from the existing irrigation access point, lying within proposed parcel 3 on the North side of Lincoln Road, to the portions of the proposed parcels that

will be within MID. Alternate water access points would be considered subject to the approval of the MID Engineer.

5. MID reserves the right for further comment as unforeseen circumstances may arise.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at 209-354-2849.

Sincerely,

Kevin Padway

Kevin Padway
Associate Engineer

CC: electricplanning@mercedid.org
waterplanning@mercedid.org

Exhibit D

Navares, Pam

From: Kevin Padway <kpadway@mercedid.org>
Sent: Tuesday, August 10, 2021 1:49 PM
To: Navares, Pam
Cc: Michael Morris
Subject: RE: MS21-010 (Tuft)

Hi Pam,

Parcel 3 already has an irrigation water delivery from MID. MID is concerned that the portions of Parcel 1 and 2, which lie within the MID District, would be isolated from irrigation access with the plans as proposed.

MID requests that the map shows private irrigation easements for the benefit of the Parcels 1 and 2. The private irrigation easements can be deeded by a separate document.

Kevin Padway
Associate Engineer
Merced Irrigation District
(209) 354-2849

From: Navares, Pam [mailto:Pam.Navares@countyofmerced.com]
Sent: Tuesday, August 10, 2021 11:23 AM
To: Kevin Padway
Subject: RE: MS21-010 (Tuft)

Hi Kevin, The map for this project has been revised. I asked them to show me how Parcel 3 will have access to irrigation water and have not heard back yet. We will be ok with an irrigation well easement. Do you need to revise your comments?

Pam Navares
Planner
Merced County

From: Kevin Padway <kpadway@mercedid.org>
Sent: Thursday, July 22, 2021 9:22 AM
To: Navares, Pam <Pam.Navares@countyofmerced.com>
Cc: WaterPlanning <WaterPlanning@mercedid.org>; ElectricPlanning <ElectricPlanning@mercedid.org>
Subject: MS21-010 (Tuft)

Good Morning,

Attached you will find a response letter to MS21-010. MID Electric may respond separately.

Kevin Padway
Associate Engineer
Merced Irrigation District