



## Planning Commission

### Staff Report

June 14, 2023

**PREPARED BY:** BRIAN GUERRERO PROJECT PLANNER  
**APPROVED BY:** MARK HENDRICKSON, DIRECTOR

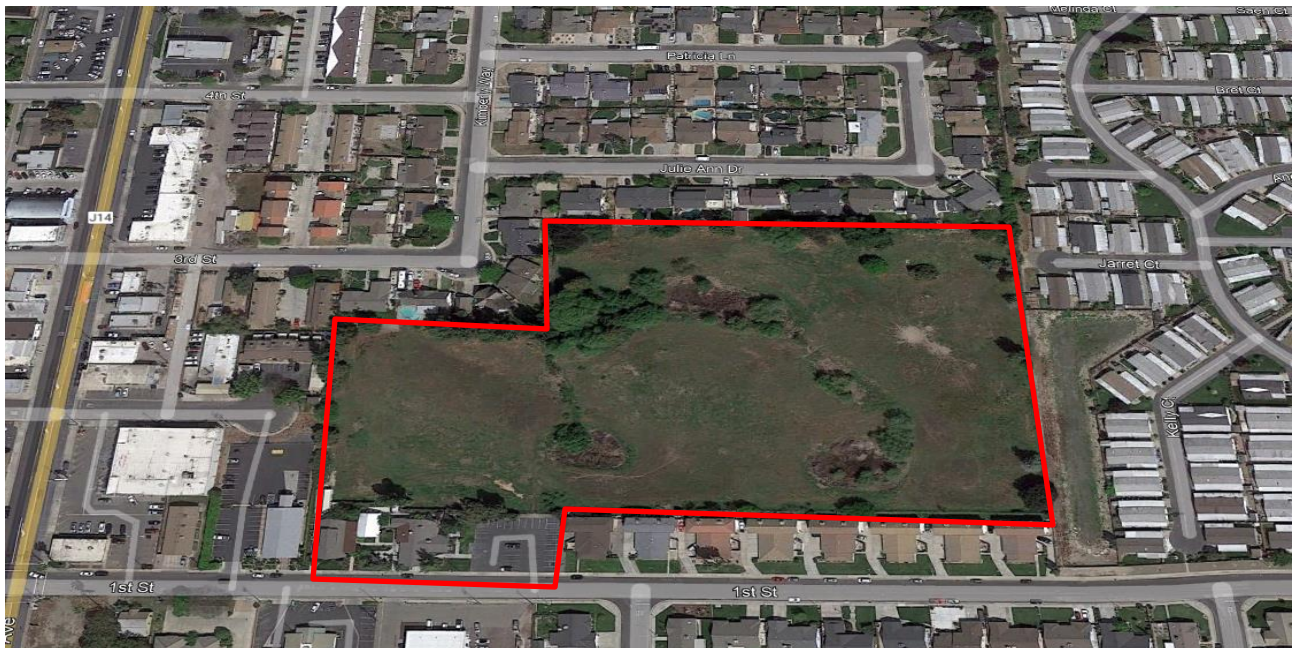
**MINOR SUBDIVISION APPLICATION No. MS23-001 - J R DEVELOPMENT ENTERPRISES** - A request to subdivide two (2) parcels totaling 11.3 acres into three (3) parcels, resulting in parcel sizes of Parcel 1 = 9.75 acres, Parcel 2 = 0.97 acres and Parcel 3 = 0.58 acres. The project site is located on the north side of West First Street, 345 feet east of North Lander Avenue, identified as Assessor's Parcel Numbers (APN)s 015-150-023 and 015-150-024. The project site is mostly designated Mixed Use land use in the General Plan and Hilmar Community Plan and mostly zoned C-2 (General Commercial). CEQA: Staff recommends that the Planning Commission find the project categorically exempt from environmental review pursuant to Section 15315 ("Minor Land Divisions") of the CEQA Guidelines. **BG**

**SUPERVISORIAL DISTRICT:** 4- Lloyd Pareira

#### **RECOMMENDATION(S):**

- 1) Open/close the public hearing;
- 2) Find the project categorically exempt from environmental review pursuant to Section 15315 ("Minor Land Divisions") of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision No. MS23-001 based on the findings and subject to the recommended conditions of approval.

#### **PROJECT LOCATION**



**BACKGROUND:**

**Site Description**

The project site is located on 1<sup>st</sup> Street, approximately 350 feet east of Lander Avenue in the urban community of Hilmar, identified as Assessor Parcel Numbers (APNs) 015-150-023 and 015-150-024. APN 015-150-023 consists of an old golf course that is no longer in operation. The site is currently vacant and is approximately 10.7 acres. This parcel is currently split-zoned; a majority of the site is zoned R-1 (Single Family Residential) and C-2 (General Commercial). APN 015-150-024, zoned C-2 (General Commercial), is approximately 0.6 acres and consists of a restaurant and event venue. The two parcels combined total approximately 11.3 acres.

The applicant is requesting to subdivide both parcels to create a total of 3 new parcels: Parcel 1 = 9.75 acres, Parcel 2 = 0.97 acres and Parcel 3 = 0.58 acres.

**Surrounding Uses**

	<b>General Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>On-Site:</b>		R-1/C-2	Open Space/Venue
<b>North:</b>	Low Density Residential	R-1	Single-Family Residences
<b>South:</b>	Medium Density Residential	R-1-5000	Single-Family Residences
<b>East:</b>	Medium Density Residential	R-3	Mobile Home Park
<b>West:</b>	Mixed Use	C-2	Commercial Businesses

**Prior Actions/Entitlements**

- CU3489 – Legalize caretaker dwelling and establish a restaurant
- CU1390 – Establish a 9-hole golf course
- AA00-078 – To re-open the golf course and accessory structures for a shop and restaurant
- CU2740 – To use a portion of the existing restaurant/clubhouse as a card room
- MS09-003 – To divide 11 acres into two parcels
- SPR21-011/ZCLR21-033 – To build an outdoor pavilion for events.

**ANALYSIS:**

**Project Description**

The request is to subdivide the project site into three (3) parcels that align better with the existing structures on the site. One of the resulting parcels would contain the existing restaurant and pavilion.

**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. The site is generally designated Mixed-Use land use designation in the General Plan. The Mixed-Use designation provides for higher density residential development to be located on the same parcel or block as either commercial or office uses in order to provide denser, pedestrian and transit oriented development in urban areas. The mix of uses can be either horizontal or vertical. This designation is typically applied in central areas of Urban Communities.

The following land use goals and policies are applicable to the present application:

### **Goal LU-1**

*Create a countywide land use pattern that enhances the integrity of both urban and rural areas by focusing growth towards existing or suitable located new communities.*

### **Policy LU-1.4: Urban Communities**

*Continue to support compact Urban Communities through the efficient use of land to reduce conflicts with agricultural and open space areas, and minimize public service costs.*

The proposed project is located within the urban community of Hilmar. By subdividing the current parcel into three new parcels to match the locations of existing buildings on the property, the use of land will be more orderly and will promote compact development in Hilmar.

### **Goal LU-5.D**

*Maintain economic vitality and promote the development of commercial uses within Urban Communities that are compatible with surrounding land uses and meet the present and future needs of County residents, workers and visitors*

### **Policy LU-5.D.4**

*Support the development of mixed-use projects within existing Urban Communities that reduces travel distances and locates residences near compatible jobs and services.*

Currently the parcel is designated Mixed-Use land use in the General Plan. The current uses consist of a restaurant and an outdoor pavilion that provides both jobs and services to residents of the Hilmar Community. The project proposes to separate the existing structures by creating new property lines to better efficiently manage the site. Therefore, the proposed project can be found consistent with the Land Use Element of the General Plan.

## 2. Zoning Code

The project site is split zoned mostly C-2 (General Commercial) and the balance as R-1 (Single Family Residential). The purpose of the C-2 General Commercial Zone is to provide areas for a wide variety of retail stores, entertainment establishments, offices, and service businesses that serve unincorporated urban communities or regional markets. This zone is typically located in the central business districts or along major transportation routes (i.e., arterial and major collector roads).

Additionally, the purpose of the R-1 Single-Family Residential Zone is to provide a full range of urban services and reserve appropriately located areas for single-family living with low population densities consistent with sound standards of public health, welfare, and safety. It is

the intent of this zone to protect the residential characteristics of an area and to promote a suitable environment for family life.

The proposed Minor Subdivision is consistent with the development standards in the Zoning Code for both zones, including meeting or being exempt from meeting the minimum parcel size for each proposed parcel.

### **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.

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

Based on the information provided by the applicant, Staff has determined the proposed subdivision to be exempt from CEQA under Section 15315 (Class 15, “Minor Land Divisions”) of the CEQA Guidelines. Class 15 consists of the division of properties in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years and the parcel does not have an average slope greater than 20 percent.

The proposed subdivision would result in less than four parcels, is in conformance with the County’s General Plan and zoning for a mix of commercial and residential uses, does not require a variance or exception, and has access to all services. Additionally, the parcel was not subject to any division in the past two years nor has a slope greater than 20 percent. Therefore, the project can be found exempt from CEQA under Class 15.

#### **Community Engagement**

The project application was routed to the Merced County agencies such as the Public Works Roads Division, Division of Environmental Health, and the Buildings and Safety Division. No comments were received.

Notice of the Planning Commission’s public hearing was mailed to all owners of property located within 300 feet of the project site on and published in The Merced County Times on **June 2, 2023**. 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 and can be exempted from further CEQA review under Section 15315 (Class 15, “Minor Land Divisions”) of the CEQA Guidelines.

Staff recommends that the Planning Commission approve Minor Subdivision Application No. MS23-001 based on the findings identified below and subject to the recommended Conditions of Approval.

#### **RECOMMENDED PLANNING COMMISSION ACTION:**

**A. CEQA Determination**

**MOTION:** Find the project categorically exempt from environmental review pursuant to Section 15315 (“Minor Land Divisions”) of the CEQA Guidelines based on the findings below.

**CEQA Findings:**

1. The project sites are zoned for residential or commercial uses.
2. The proposed subdivision will create four or fewer parcels.
3. All services and access to the proposed parcels are provided.
4. The subject properties have not been part of a subdivision within the last two years.
5. The project sites do not have an average slope greater than 20 percent.

**B. Project Determination**

**MOTION:** Approve Minor Subdivision Application No. MS23-001 based on the findings identified and subject to the recommended conditions of approval.

**Project Findings:**

1. Minor Subdivision Application No. MS23-001 proposes to divide two parcels into three, Parcel 1 = 9.75 acres, Parcel 2 = 0.97 acres and Parcel 3 = 0.58 acres.
2. The property is designated Mixed Use land use in the General Plan and Hilmar Community Plan and split zoned C-2 (General Commercial) and R-1 (Single Family Residential).

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.

3. None of the findings listed in Section 66474 of the Government Code that would require the County to deny the approval of the tentative parcel map are applicable to this project:
  - a. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

The project site is primarily designated Mixed-Use land use designation. The proposed project would be consistent with land uses and density allowed by the General Plan and would be consistent with other applicable General Plan goals and policies and applicable provisions of the Zoning Code.

- b. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The project design and improvements would be consistent with the goals and policies of the General Plan.

- c. *That the site is not physically suitable for the type of development.*

The proposed subdivision does not consist of new development.

- d. *That the site is not physically suitable for the proposed density of development.*

The proposed subdivision does not consist of new development.

- e. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project does not involve any improvements; therefore, the proposed subdivision would not likely cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The proposed project would not likely cause serious public health problems because it is a subdivision which does not propose any new development.

- g. *That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

The design of the subdivision would not conflict with any easements and the project would not involve any improvements which would conflict with any easement.

4. The project is subject to all applicable local, state, and federal regulations, including but not limited to those enforced by the Merced County Divisions of Environmental Health, Roads, and Buildings & Safety.
5. 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.

6. The public hearing for the project has been adequately noticed and advertised.

**ATTACHMENTS:**

- A. Recommended Conditions of Approval
- B. Tentative Parcel Map
- C. Agency Comments

cc: Applicants/Property Owners – Matt Rodgers, Benchmark Engineering



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**

**Mark J. Hendrickson**  
*Director*

**Steve Maxey**  
*Deputy Director*

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(209) 726-1710 Fax  
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Equal Opportunity Employer

**MS23-001 CONDITIONS OF APPROVAL**

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 (Attachment A) and incorporated herein by reference.

Public Works Road Division

4. Dedicated right-of-way or easements, including but not limited to public utility easements, necessary to contain the improvements that are to be constructed or relocated and are proposed to be maintained by either the county or another entity.
5. Existing overhead electric, telephone or cable television facilities located along existing peripheral roadways that may either interfere with the proposed improvements or obstruct traffic visibility requirements or are within the clear zone shall be either relocated or replaced with underground facilities at the developer's option.
6. An encroachment permit from the Merced County Department of Public Works will need to be acquired for any work or improvements within the County's right-of-way.
7. If future houses are to be constructed, the construction may be subject to a Bridge Major Thoroughfare (BMT) fee.

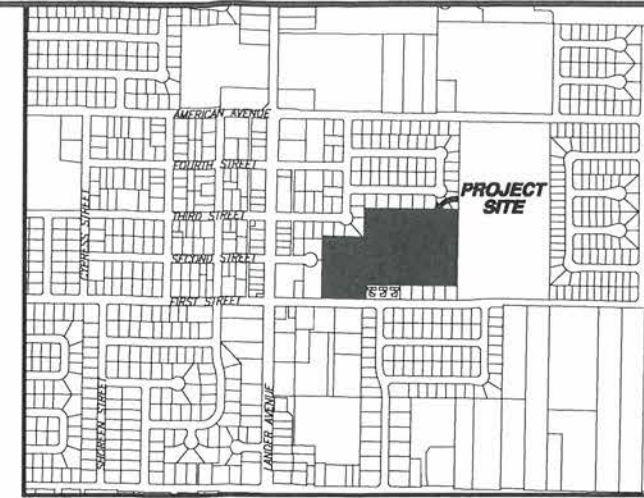
County Counsel

8. JR Development Enterprises Inc. ("Indemnitor") 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. In the event that a claim, action, or proceeding is brought, COUNTY shall promptly notify Indemnitor and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law.



# VESTING TENTATIVE MAP POQUITO LAKES PM HILMAR, CALIFORNIA

BEING ALL OF PARCEL A AND PARCEL B AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD ON AUGUST 10, 2010 IN BOOK 111 OF PARCEL MAPS AT PAGES 41-42, MERCED COUNTY RECORDS, LYING IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 SOUTH, RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF HILMAR, MERCED COUNTY, STATE OF CALIFORNIA



VICINITY MAP

**OWNER**  
JR DEVELOPMENT ENTERPRISES INC  
E & A HOLDINGS LLC  
PO BOX 2998  
TURLOCK, CA 95381

**SUBDIVIDER**  
JR DEVELOPMENT ENTERPRISES INC  
PO BOX 2998  
TURLOCK, CA 95381  
(209) 632-2647  
CONTACT: JAMES BRENDA

**GENERAL NOTES**

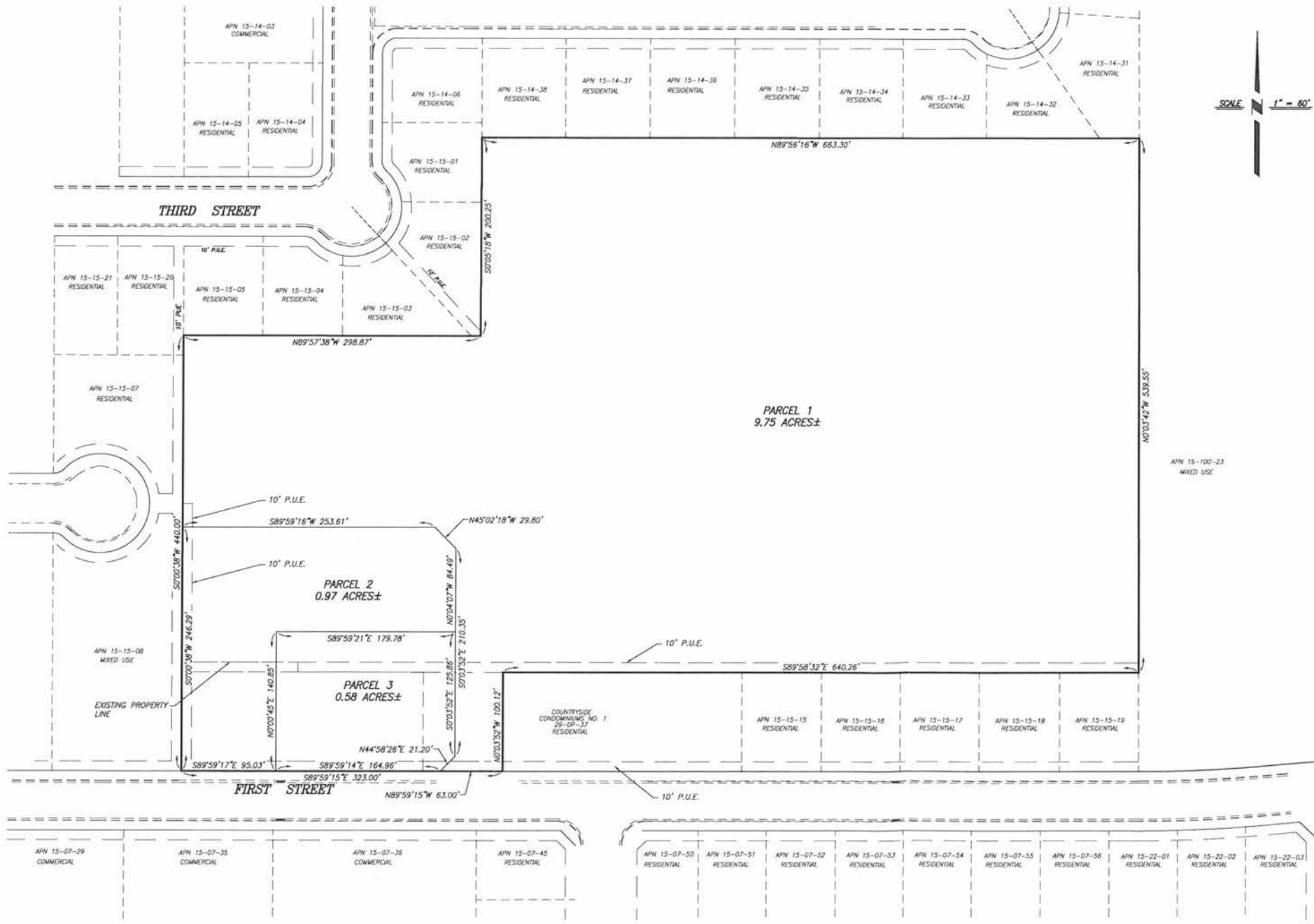
- 1) SITE ADDRESS: 19920 W. FIRST STREET HILMAR, CA 95324
- 2) ASSESSOR'S PARCEL NO. 015-150-024, 015-150-023
- 3) EXISTING GENERAL PLAN: MIXED USE, QUASI PUBLIC FACILITIES
- 4) EXISTING ZONING: C-2: GENERAL COMMERCIAL, R-1: SINGLE-FAMILY RESIDENTIAL
- 5) EROSION CONTROL PER MERCED COUNTY STANDARDS.
- 6) WATER SUPPLY: BY CITY OF HILMAR AS SHOWN ON THIS MAP.
- 7) SEWAGE DISPOSAL: BY CITY OF HILMAR AS SHOWN ON THIS MAP.
- 8) STORM DRAINAGE: BY CITY OF HILMAR AS SHOWN ON THIS MAP.
- 9) RESTRICTIVE COVENANTS, IF ANY, TO BE SUBMITTED AT THE TIME OF FINAL PARCEL MAP.
- 10) TREE TYPE AND LOCATION SHALL BE DETERMINED BY THE LANDSCAPE ARCHITECT.
- 11) OWNER RESERVES THE RIGHT TO SELL PARCELS ONLY.
- 12) ELEVATIONS SHOWN ARE BASED ON AN AERIAL SURVEY PERFORMED ON 1/23/2007.
- 13) NO AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE STORM.
- 14) TOTAL AREA OF THE PARCEL IS 11.29± CONTAINING 3 PARCELS.

**LEGEND**

EXISTING	
WATER VALVE	
FIRE HYDRANT	
ELECTROLIER	
STANDARD MANHOLE	
STORM INLET	
WATER LINE	
SANITARY SEWER	
STORM DRAIN	
CURB, GUTTER AND SIDEWALK	

**ABBREVIATIONS**

AB	AGGREGATE BASE	MH	MANHOLE
AC	ASPHALT CONCRETE	MIN	MINIMUM
AP	ANGLE POINT	(N)	NORTH
BC	BEGINNING OF CURVE	NTS	NOT TO SCALE
BRA	BUILDING SETBACK LINE	OFF	OFFSET
BSBL	BUILDING SETBACK LINE	OG	ORIGINAL GROUND / GRADE
BSW	BACK OF SIDEWALK	P	PAVEMENT
C/G	CURB AND GUTTER	PP	POWER POLE
CIP	CAST IRON PIPE	PL	PROPERTY LINE
CL	CENTERLINE	PRC	POINT OF REVERSE CURVATURE
CO	CLEAN OUT	PT	POINT
CB	CATCH BASIN	PUE	PUBLIC UTILITY EASEMENT
CONC	CONCRETE	PVC	POLYVINYL CHLORIDE PIPE
DET	DETAIL	RCPC	REINFORCED CONCRETE PIPE
DI	DRAIN INLET	RET	RETURN
DI	DRAIN INLET	R	RADIUS
DI	DRAIN INLET	R.D.	RELATIVE DENSITY
DIP	DUCTILE IRON PIPE	R/W	RIGHT OF WAY
DO	DRIVEWAY	RV	RESISTANCE VALUE
SD	STORM DRAIN	SD	STORM DRAIN
EC	END OF CURVE	SHT	SHEET
EL	ELECTROLIER	SNS	STREET NAME SIGN
EP	EDGE OF PAVEMENT	STA	STATION
ELEV	ELEVATION	STD	STANDARD
ESMT	EASEMENT	SW	SIDEWALK
EX OR EXIST	EXISTING	SS	SEWER SERVICE
FC	FINISHED CONCRETE	S	SEWER
FH	FIRE HYDRANT	TC	TOP OF CURB
FL	FLOW LINE	TEL	TELEPHONE LINE
G	GRATE	TEMP	TEMPORARY
GB	GRADE BREAK	THRU	THROUGH
HP	HIGH POINT	TI	TRAFFIC INDEX
HDPE	HIGH DENSITY POLYETHYLENE PIPE	TW	TOP OF WALL
INV	INVERT	TYP	TYPICAL
IRR	IRRIGATION	UN	UNLESS OTHERWISE NOTED
JT	JOINT TRENCH	VERT	VERTICAL
L	LIP (OF PAVEMENT)	VCP	VITRIFIED CLAY PIPE
LF	LINEAL FEET OR LINEAR FEET	WS	WALLEY CUTTER
LP	LOW POINT	WS	WATER SERVICE
MAX	MAXIMUM	W	WATER
		±	PLUS OR MINUS (NOT EXACT)



SCALE 1" = 80'

NO	DESCRIPTIONS	DATE	APPROVED

**BENCHMARK ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
915 17TH STREET • MODESTO, CALIFORNIA • 95354  
(209) 548-8300



PARCEL DIMENSIONS  
VESTING TENTATIVE PARCEL MAP  
POQUITO LAKES  
HILMAR, CALIFORNIA

MINOR SUB-23001

JOB NO.	153102
DATE	2/2/2023
DR BY	PC
CK BY	MR
SCALE	AS SHOWN
SHEET NUMBER	1
OF	2 SHEETS



**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: March 31, 2023

To: Brian Guerrero, Development Services Coordinator  
Community and Economic Development Department

From: Nannette Suico, Engineering Associate III  
Department of Public Works – Roads Division

Subject: Minor Subdivision No. MS23-001  
JR Development Enterprises Inc, E&A Holdings LLC

**MEMORANDUM**

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We have reviewed this MINOR SUBDIVISION NO. MS23-001 – JR DEVELOPMENT ENTERPRISES - A request to subdivide an existing 2 parcels into 3 parcels, resulting in parcel sizes of: Parcel 1 = 9.75 acres, Parcel 2 = 0.97 acre, and Parcel 3 = 0.58 acre. The property is located at 19920 W. First Street in the Hilmar area, also identified as Assessor's Parcel Nos. APN 015-150-023 and 015-150-024.

The Department of Public Works has the following comments.

1. Dedicated right-of-way or easements, including but not limited to public utility easements, necessary to contain the Improvements that are to be constructed or relocated and are proposed to be maintained by either the county or another entity.
2. Existing overhead electric, telephone or cable television facilities located along existing peripheral roadways that may either interfere with proposed improvements or obstruct traffic visibility requirements or are within the clear zone shall be either relocated or replaced with underground facilities at the developer's option.
3. An encroachment permit from the Merced County Department of Public Works will need to be acquire for any work or improvements within the County's right-of-way.
4. If future houses are to be constructed, the construction may be subject to a Bridge and Major Thoroughfare (BMT) fee.