

Mark J. Hendrickson
Hearing Officer
2222 "M" Street
Merced, CA 95340
(209) 385-7654
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HEARING OFFICER AGENDA

Regular Meeting of Monday, August 5, 2019, 8:30 A.M.

Merced County Administration Building

Room 301, Third Floor

2222 M Street

Merced, California 95340

Phone: 209.385.7654 Fax: 209.726.1710

1. CALL TO ORDER

2. CITIZEN COMMUNICATIONS

Public opportunity to address the Hearing Officer on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda

3. PUBLIC HEARING(S)

3.I. MINOR SUBDIVISION No. MS19-008

CENCAL PACIFIC - "SIERRA VIEW MEADOWS" - A request to subdivide a 17-acre legal parcel into two legal parcels, resulting in parcel sizes of: Parcel 1: 11.95 acres and Parcel 2: 5.42 acres. The project site is located on the east and west sides of North Cowden Avenue, 125 feet south of West Dan Ward Road, identified as Assessor's Parcel Number (APN) 057-530-001 and 057-530-002. The property is designated Franklin-Beachwood Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Hearing Officer find that the project is exempt from environmental review pursuant to Section 15315 of the CEQA Guidelines - "Minor Land Divisions".

RECOMMENDATION(S):

- 1) Open/close Public Hearing;
- 2) Determine the project can be found exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision No. MS19-008 based on the findings included in the staff report and subject to the recommended conditions of approval.

Documents:

[ITEM A. MS19-008-CENCAL PACIFIC-SIERRA VIEW MEADOWS.PDF](#)

4. HEARING OFFICER AGENDA

4.1. Hearing Officer Agenda 8-5-19

Documents:

[080519.PDF](#)



Hearing Officer
Staff Report
August 5, 2019

PREPARED BY:
APPROVED BY:

TIFFANY HO, PROJECT PLANNER *TH*
MARK HENDRICKSON, DIRECTOR

MINOR SUBDIVISION No. MS19-008 – CENCAL PACIFIC – “SIERRA VIEW MEADOWS” - A request to subdivide a 17-acre legal parcel into two legal parcels, resulting in parcel sizes of: Parcel 1: 11.95 acres and Parcel 2: 5.42 acres. The project site is located on the east and west sides of North Cowden Avenue, 125 feet south of West Dan Ward Road, identified as Assessor's Parcel Number (APN) 057-530-001 and 057-530-002. The property is designated Franklin-Beachwood Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Hearing Officer find that the project is exempt from environmental review pursuant to Section 15315 of the CEQA Guidelines - “Minor Land Divisions”.

SUPERVISORIAL DISTRICT: 2 – DARON MCDANIEL

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LOCATION MAP:



BACKGROUND:

Site Description

The project site is located on the east and west sides of North Cowden Avenue, 125 feet south of West Dan Ward Road within the unincorporated urban community of Franklin-Beachwood, identified as Assessor's Parcel Number (APN) 057-530-001 and 057-530-002.

The project site is a 17-acre legal parcel, consisting of two assessment parcels, currently vacant and undeveloped. The property is designated Franklin-Beachwood Low Density and zoned R-1 (Single-Family Residential). The surrounding area is characterized by low density residential uses and some public facilities.

Surrounding Uses

| | General Plan | Zoning | Current Land Use |
|-----------------|------------------------------|---------------|---------------------------|
| On-Site: | Low Density Residential | R-1 | Vacant/Fallow |
| North: | Low Density Residential | R-1 | Single Family Residential |
| East: | Low Density Residential | R-1 | Single Family Residential |
| South: | Very Low Density Residential | R-1 | Single Family Residential |
| West: | Rural Residential | A-R | Elementary School |

Prior Actions/Entitlements

MAS99-008 was approved by the Planning Commission on June 14, 2000 to allow for a 90 residential lot subdivision known as "Sierra View Meadows North". The tentative map expiration date was subsequently extended five times (EXT02-006, EXT03-004, EXT04-006, EXT05-007, and EXT06-007) before the map expired on June 14, 2007. MAS15-002 was approved by the Planning Commission on April 26, 2017 to allow for an 86 residential lots subdivision which maintained the same subdivision name. The tentative map expired on April 26, 2019, and the Applicant has concurrently filed a Major Subdivision Application with an equivalent density of 86 residential lots to be processed with this Minor Subdivision Application and presented before the Planning Commission following Hearing Officer action on this application.

ANALYSIS

Project Description

The Applicant is requesting to subdivide a 17-acre legal parcel to create an approximately 11.95-acre parcel and an approximately 5.42-acre parcel. The purpose of proposed subdivision is to facilitate a financial transaction to enable and finance the construction of a tentative map for 86 residential lots.

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 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-1

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

Policy LU-1.1: Countywide Development

Direct urban development to areas within adopted urban boundaries of cities, Urban Communities, and Highway Interchange Centers in order to preserve productive agriculture, limit urban sprawl, and protect natural resources.

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.

Goal LU-5.A.2: Public Sewer and Water Requirement

Require all development within Urban Communities to be connected to public sewer and water systems where such systems exist.

Housing Element

The Housing Element of the 2030 General Plan provides Merced County's goals, policies, quantified objectives, and housing programs for the maintenance, improvement, and development of housing. The Housing Element law recognizes that in developing housing policy and programs, identified housing needs may exceed available resources and the community's ability to satisfy these needs. Therefore, the objectives of the Housing Element need not be identical to the identified housing need but should establish the maximum number of housing units that can be constructed, rehabilitated, and conserved, or households assisted over an eight-year time frame.

Goal HE-1

To provide for a broad range of housing types and densities to meet the needs of all residents of the unincorporated area.

Policy 1.2

The County shall ensure that there are adequate sites available to meet its regional housing needs allocation of 4,456 units (542 extremely low, 543 very low, 775 low, 711 moderate, and 1,885 above moderate).

Policy 1.4

The County shall support infill residential development and other mid- to large-sized residential projects in unincorporated urban communities that have the infrastructure necessary to support such development.

Policy 1.6

The County shall promote the use of cluster housing, mixed-use, and planned development concepts where existing community services are available.

The project proposes to subdivide a 17-acre parcel to create a 11.95-acre parcel and a 5.42-acre parcel within the unincorporated urban community of Franklin-Beachwood. The project is considered urban infill, because the project site is within an urban boundary. As such, the project will have little to no significant impact to productive agricultural land, open spaces, and natural resources.

The purpose of the subdivision is to assist with financing a construction loan to develop an 86-lot residential subdivision on the project site. On April 26, 2017, the Planning Commission approved Major Subdivision Application No. MAS15-002 which entitled the project site to be subdivided into 86 residential lots. The tentative map has since expired; however, the Applicant has submitted Major Subdivision Application No. MAS19-001 concurrent to this project to reinstate the map with the equivalent density of 86 residential lots. With approval of Minor Subdivision No. MS19-008, the Applicant can finance the future Major Subdivision by securing a construction loan with the resulting parcels. Consequently, the proposed project will support the County in meeting its Regional Housing Needs Allocation (RHNA) and there would be “no net loss” of housing.

Additionally, the California American Water Company and the Franklin County Water District have provided conditional commitments to provide water and sewer services, respectively, for the forthcoming residential subdivision.

Zoning Code

The site is zoned R-1 (Single-Family Residential) per the Merced County Zoning map. The purpose of the R-1 Zone is to provide a full range of urban services and reserve appropriately located areas for family living at a range of low population densities consistent with sound standards of public health, welfare, and safety.

A. Lot Development Standards, Section 18.08.030

In addition to conforming with the required minimum density standards as identified in the General Plan, the subdivision is required to meet the minimum development standards as identified in the Zoning Code and as referenced here:

Development Standard for R-1 Zone (Single-Family Residential)

| | |
|--|--------------|
| Minimum parcel size (interior lot) | 6,000 sq. ft |
| Minimum parcel size (corner lot) | 6,400 sq. ft |
| Minimum lot width at front lot line (interior) | 60 feet |
| Minimum lot width at front lot line (corner) | 65 feet |
| Minimum lot width at front lot line (cul-de-sac or bulb) | 45 feet |
| Minimum lot depth | 100 feet |

The proposed parcel sizes of 11.95 acres and 5.42 acres meets the minimum size standards as required by Section 18.08.030. Although no new structures are being proposed with this application, the project associated with a concurrently filed Major Subdivision Application (MAS19-001) will need to be reviewed to conformance to the minimum size standards.

2. Other Adopted Plans and Policies

Franklin-Beachwood Community Plan

The Franklin-Beachwood Community Plan, adopted on August 22, 1983, is the official policy statement of the community that acts as a coordinating tool for County departments, government districts, agencies, and the Local Agency Formation Commission (LAFCo) regarding the development of Franklin-Beachwood. The community plan consists of land use plans, regulations, conditions, programs, and legislation which applies to a specific part of the County in order to implement the General Plan.

The proposed subdivision may be found consistent with the Franklin-Beachwood Community Plan goals and objectives. More specifically, the project can be found consistent with the following:

Land Use Goals:

- B. Develop lands within the Franklin-Beachwood SUDP and RRC prior to developing lands outside the community.*
- D. Preserve agricultural land outside the SUDP and RRC boundaries for agricultural-related uses.*

Land Use Objectives:

- 1. Encourage "in-filling" development of existing vacant parcels within urbanized portion of the community prior to development of fringe areas.*

Housing Goals

- A. Provide sufficient supply of adequate housing for all present residents and to accommodate the historic population growth.*
- E. Maintain and enhance the community's low density atmosphere.*

Minor Subdivision Application No. MS19-008 proposes to divide an 17-acre parcel into two parcels resulting in parcel sizes of: Parcel 1 = 11.95 acres and Parcel 2 = 5.42 acres. The proposed project enhances growth within the Franklin-Beachwood Urban Community and complies with density standards provided in the 2030 Merced County General Plan.

No new structures are being proposed, and the Applicant is proposing a concurrent major subdivision which has secured conditional commitments from the California American Water Company and Franklin County Water District for water and sewer services, respectively. Therefore, the proposed project is consistent with the Franklin-Beachwood Community Plan.

Subdivision Map Act and Title 17

The proposed subdivision may be found consistent with the Subdivision Map Act and Title 17 of the Merced County Code. The minor subdivision consists of the division of property into four parcels or less, in which no division contains less than five acres. The parcel map is designed in conformance with all applicable provision of the General Plan and Zoning Code. Furthermore, no new homes are being proposed on site that would require a land use permit.

California Environmental Quality Act (CEQA)

Staff has determined that this project can be found exempt from environmental review pursuant to

Section 15315 – “Minor Land Divisions” of the CEQA Guidelines, which states:

Class 15 consists of the division of property 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 2 years, and the parcel does not have an average slope greater than 20 percent.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21084, Public Resources Code.

The property is located within the unincorporated urban community of Franklin-Beachwood. The project site is designated Franklin-Beachwood Low Density Residential and zoned R-1 (Single-Family Residential). The proposed subdivision will not create more than four new parcels. The site has not been part of a larger subdivision within the previous two years. All services are available to the site and no variances are required to subdivide the property. Finally, the parcel does not have an average slope greater than 20 percent. Therefore, the project can be found exempt from environmental review under this Categorical Exemption.

Community Engagement

Notice of the public hearing was mailed to all owners of property located within 300 feet of the project site on **July 26, 2019**. No written or verbal comments were received by staff prior to the completion of this staff report.

CONCLUSION:

The analysis provided in this staff report finds the proposed minor subdivision to be consistent with applicable provisions of the General Plan, Zoning Code, the Franklin-Beachwood Community Plan, and the Subdivision Map Act. Furthermore, the project can be found exempt from environmental review pursuant to Section 15315 – “Minor Land Divisions” of the CEQA Guidelines.

Staff recommends the Hearing Officer approve Minor Subdivision Application No. MS19-008 based upon the findings and subject to the recommended conditions of approval provided in the following section of this report.

RECOMMENDED HEARING OFFICER ACTION:

A. CEQA Determination

MOTION: Determine that the project can be found exempt from environmental review pursuant to Section 15315 – “Minor Land Divisions” of the CEQA Guidelines.

CEQA Findings:

The proposed subdivision to subdivide a 17-acre parcel into 11.95-acre and 5.42-acre parcels can be found exempt from environmental review under Section 15315 – “Minor Land Divisions” of the CEQA Guidelines based on the following findings:

1. The project site is located within the urban community of Franklin-Beachwood.
2. The subdivision will not create more than four new parcels.

3. No variances or exceptions are required to accomplish the proposed subdivision.
4. All services and access to the proposed parcels to local standards are available.
5. The subject parcel was not involved in a division of a larger parcel within the last two years.
6. The parcel does not have an average slope greater than 20 percent.
7. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

F. Project Determination

MOTION: Approve Minor Subdivision No. MS19-008 based on the findings included in the staff report and subject to the recommended conditions of approval.

Project Findings:

1. Minor Subdivision Application No. MS19-008 proposes to subdivide a 17-acre legal parcel into two legal parcels, resulting in parcel sizes of: Parcel 1=11.95 acres and Parcel 2=5.42 acres, located on the east and west sides of North Cowden Avenue, 125 feet south of West Dan Ward Road in the community of Franklin-Beachwood.
2. The purpose of Minor Subdivision Application No. MS19-008 is to provide a financial instrument for securing construction loan(s) to facilitate the development of an 86 residential lot subdivision proposed through Major Subdivision Application No. MAS19-001.
3. Major Subdivision Application No. MAS19-001 which proposes to subdivide two parcels, totaling 17 acres, into 86 residential lots, has been filed concurrently with this Minor Subdivision Application.
4. The property is designated Franklin Beachwood Low Density Residential land use and zoned R-1 (Single-Family Residential).
5. The proposed project is consistent with applicable provisions of the 2030 Merced County General Plan.
6. 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.
7. The proposal is consistent with the Subdivision Map Act, Title 17, and the Franklin-Beachwood Community Plan.
8. The proposed minor subdivision is compatible with adjacent uses, properties, and neighborhoods, and will not be a nuisance or detrimental to the public health, safety or general welfare.
9. The project is subject to all applicable Federal, State and Local regulations.

10. Notice of the application and Hearing Officer hearing was mailed to property owners within 300 feet of the project site.

EXHIBITS

- A. Conditions of Approval
- B. Tentative Parcel Map

cc.

Property Owners- Bernie Heyne, CenCal Pacific
Engineer – Tony De Melo, Northstar Engineering Group, Inc.



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

EXHIBIT A

Mark J. Hendrickson
Director

Steve Maxey
Deputy Director

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MS19-008 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

Equal Opportunity Employer

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 County, State and Federal regulations.
3. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.

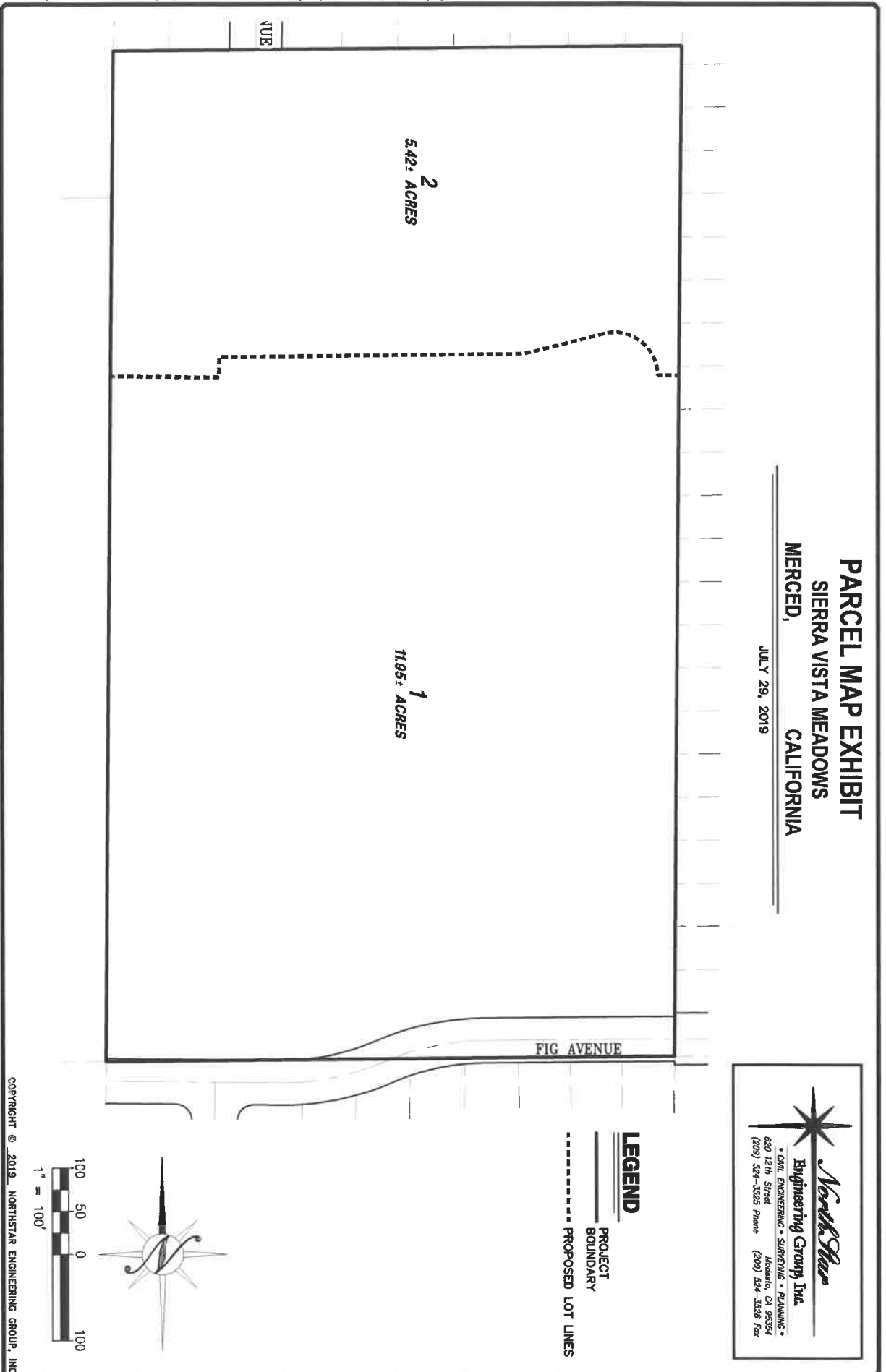
County Counsel

4. INDEMNITY AND HOLD HARMLESS AGREEMENT:

CENCAL PACIFIC, 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 the applicant and cooperate fully in the defense. This clause for indemnification shall be interpreted to the broadest extent permitted by law

EXHIBIT B

PLOTTED: 7/29/2019 11:34 AM PLOTTED BY: Tdemelo
DWGNAME: F:\17-1973 Sierra Vista Meadows\Civil\LFM - PM\2019_07-29 Preliminary PM_1973 Prim-PM (2019_07-29).dwg





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The Hearing Officer welcomes you and encourages your participation.

CITIZEN COMMUNICATIONS: If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to five (5) minutes.

PUBLIC COMMENT: If you would like to address the Hearing Officer on any item on the agenda, please fill it out with your name, street address, phone number, email address and the application number on the sign-in sheet. Each speaker will be limited to five (5) minutes.

AGENDAS and MINUTES: Hearing Officer agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Wednesday, but generally on the Monday, preceding each Commission meeting and may be viewed at www.co.merced.ca.us/planning/hearingoffcomarchive.html. All proposed agenda items with supportive documents are available for viewing at the Merced County Planning and Community Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Hearing Officer will review and discuss at the meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

PUBLIC RECORDS: As required by Government Code Section 54957.5, any public record distributed to the Hearing Officer less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning and Community Development Department.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Hearing Officer meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning and Community Development Department at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

APPEAL NOTICE: Any person aggrieved by the decision of the Hearing Officer may appeal the decision within five (5) calendar days after the day the action is made. [Within ten (10) calendar days after the day the action is made on subdivisions]. The deadline for appeals of Hearing Officer actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Hearing Officer meeting, and for subdivisions, the deadline is the following Thursday at 5:00 pm. Please note that appeals may not be submitted on days that the County is officially closed.

Appeals of Hearing Officer actions may be filed with the Planning and Community Development Department. Appeals must state appellant's name, action appealed and reasons for the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted with the written appeal.

Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the Hearing Officer meeting.



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Hearing Officer

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III. PUBLIC HEARING(S)

- A. MINOR SUBDIVISION No. MS19-008 - Cencal Pacific - "Sierra View Meadows"**
- A request to subdivide a 17 acre legal parcel into two legal parcels, resulting in parcel sizes of: Parcel 1: 11.6 acres and Parcel 2: 5.77 acres. The project site is located on the east and west sides of North Cowden Avenue, 125 feet south of West Dan Ward Road, identified as Assessor's Parcel Number (APN) 057-530-001 and 057-530-002. The property is designated Franklin-Beachwood Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Hearing Officer find that the project is exempt from environmental review pursuant to Section 15315 of the CEQA Guidelines - "Minor Land Divisions".

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