



PREPARED BY:
APPROVED BY:

DIANA LOWRANCE, PROJECT PLANNER
MARK HENDRICKSON, DIRECTOR

MINOR SUBDIVISION APPLICATION MS17-014: Kenneth & Loretta Rose: Request to divide an 80 acre parcel into three parcels resulting in parcel sizes of: Parcel 1 = 40 acres, Parcel 2 = 20 acres, Parcel 3 = 20 acres. The project site is located approximately 1300 feet northwest of the intersection of Hunt Road and Pfitzer Road, near the Gustine area identified by Assessor Parcel Number (APN) 063-024-015. The property is designated Agricultural in the General Plan and zoned A-1 General Agricultural. CEQA: No further environmental review is required pursuant to CEQA Section 15162 – “Subsequent EIRs and Negative Declarations”.

SUPERVISORIAL DISTRICT: 4 – Lloyd Pareira

RECOMMENDATION(S):

1. Open/Close the public hearing;
2. Determine that no subsequent environmental review is required in compliance with Section 15162 “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report, and the CEQA Section 15162 Findings and Analysis prepared as an attachment to the Staff Report, and;
3. Approve minor subdivision application no. MS17-014 based on the findings included in the staff report and subject to the conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The applicant is proposing the subdivision of the property to create three parcels with the ultimate goal to offer the 40 acre parcel for sale. The proposed, two, 20 acres parcels contain a single-family house, and a single-family house and barn, respectively. The proposed 40 acre parcel is currently being farmed.

The project site size and uses are consistent with properties in the project vicinity, which is primarily characterized by row crops and the occasional single-family residence.

Surrounding Uses

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

Prior Actions/Entitlements

Previous permits that have been approved by Merced County at this site consist of a CUP (CUP 3265) for a Second Residence; and Williamson Act Contract No. 2000-0577.

ANALYSIS

Project Description

To divide an 80 acre parcel into three parcels, resulting in parcel sizes of: Parcel 1 = 40 acres, Parcel 2 = 20 acres, and Parcel 3 = 20 acres.

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-2

Preserve, promote, and expand the agricultural industry in Merced County

Policy LU-2.1: Agricultural Designation

Apply the Agricultural land use designation as the primary designation in the County to support productive agricultural lands and promote the agricultural industry.

The project is consistent with this Goal LU-2/Policy LU-2.1 of the general plan in that the agricultural land use designation is being preserved and the parcels will continue to be used for agricultural crop production.

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.

Policy LU-2.4: Secondary Uses in Agricultural Areas

Except as otherwise provided by law, limit ancillary uses in Agricultural areas to include secondary single-family residences, farm worker housing, agricultural tourism related uses, and agricultural support services, provided that such uses do not interfere with historic agricultural practices, result in adverse health risks, or conflict with sensitive habitats or other biological resources.

The project site's principal land use is for row crops, single family residences, and accessory structures ancillary to the farming use. Farming practices are expected to continue, therefore, the project can be found consistent with Goal LU-2/Policy LU-2.4.

2. Zoning Code

The site is zoned A-1 General Agricultural per the Merced County Zoning map. The purpose of the general agricultural zone is to provide for areas for more intensive farming operations dependent on higher quality soils, water availability and relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas. Parcels smaller than forty (40) acres down to a minimum of twenty (20) acres can be considered where agricultural productivity of the property will not be reduced.

The proposed parcels comply with the minimum size standards provided in the 2030 Merced County General Plan and the requirements in Chapter 18.02 of the Merced County Zone Code, specifically, Table 18-5 (Agricultural Zones Development Standards), in that the proposed minimum parcel size is 20 acres. The existing land uses also comply with Table 18-4 Agricultural Zones/Land Use Permits Guide of the Zoning Code. Additionally, no new structures have been proposed as part of this application.

3. Other Adopted Plans and Policies

The proposed subdivision may be found consistent with the subdivision map act and Title 17 of the Merced County Code. No new homes or new land use projects are being proposed on site that would require a land use permit. Currently, Policy AG-3.12 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; and one that would permit the construction of

residences on the resulting parcels subject to a conditional use permit. Placement of this note on the face of the recorded map will be one of the conditions of approval for this project.

California Environmental Quality Act (CEQA)

Staff conducted an assessment of the proposed minor subdivision project in relation to the Program Environmental Impact Report (EIR) prepared for the 2030 Merced County General Plan Update, and determined that no additional environmental review is required in compliance with Section 15162 "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines.

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-5e was adopted to require a conditional use permit be processed for any new housing proposed on a newly created lot.

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, MS17-014, 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 application which would be subject to further environmental review.

Attachment 4 to this Staff Report contains the CEQA Section 15162 findings and analysis which supports the conclusion that no additional environmental review is required for this project.

Community Engagement

The project application was routed to applicable County departments as well as outside agencies for comment. Comments were received from the Merced County Division of Environmental Health, Merced County Fire Department, and Merced County Department of Public Works Roads Division.

Notice of the public hearing was published in the Merced Sun-Star on September 30, 2017 and mailed to all owners of property located within 300 feet of the project site on September 29, 2017. 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, and Subdivision Map Act. Additionally, the minor subdivision is not in conflict with the Agricultural Preserve. Further the project can be found exempt from CEQA review under Section 15162 "Subsequent EIRs and Negative Declarations".

Staff recommends the Planning Commission approve Minor Subdivision Application No. MS17-014 based upon these findings and subject to the recommended conditions of approval provided in the following section of this report.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine that no additional environmental review is required in compliance with Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based upon the analysis in the 2030 Merced County General Plan Program Environmental Impact Report, and the CEQA Section 15162 Findings and Analysis prepared as an attachment to the Staff Report.

B. Project Determination

MOTION: Approve Minor Subdivision Application No. MS17-014 based on the findings included in the staff report and subject to the proposed conditions of approval.

Project Findings:

1. Minor Subdivision Application No. MS17-014 proposes to subdivide an 80 acre parcel into three parcels resulting in parcel sizes of: Parcel 1 = 40 acres, Parcel 2 = 20 acres, Parcel 3 = 20 acres. The project site is located approximately 1300 feet northwest of the intersection of Hunt Road and Pfitzer Road, near the Gustine area.
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 project has been reviewed by the Department of Public Works Road Division, Department of Public Health Environmental Health Division, Department of Public Works Building and Safety Division, the Fire Department, and the Central California Irrigation District.
7. 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.
8. The project is subject to all applicable Federal, State and Local regulations.
9. Notice of the application and Hearing Officer hearing was published in the Merced Sun Star and mailed to property owners within 300 feet of the project site.

ATTACHMENTS

- A. Conditions of Approval
- B. Plot Plan
- C. CEQA Section 15162 Analysis

cc.
Property Owner(s) - Kenneth & Loretta Rose