



Planning Commission

Staff Report

April 25, 2018

PREPARED BY:
APPROVED BY:

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

EXTENSION APPLICATION NO. EXT18-001, 9TH EXTENSION TO MAJOR SUBDIVISION APPLICATION NO. MAS03-013: SOERNSEN ESTATES. A request to extend the expiration date of the tentative map for Major Subdivision No. MAS03-013 for a period of 1 year FROM: March 24, 2018 TO: March 24, 2019. The project site is located at the northwest corner of North Golf Road & East Farmland Avenue, one mile east of the City of Merced, and identified as Assessor's Parcel Number (APN) 052-352-004. The property is designated Merced Rural Residential Center and zoned A-R (Agricultural-Residential). CEQA: Project can be found exempt from further environmental review under CEQA Section 15162 – “Subsequent EIRS and Negative Declarations”.

SUPERVISORIAL DISTRICT: 4 – Lloyd Pareira

RECOMMENDATION(S):

1. Open/close public hearing;
2. Determine the application can be found exempt from further environmental review under CEQA Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines; and,
3. Approve Extension Application No. EXT18-001 based on the findings included in the staff report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Major Subdivision No. MAS03-013, also known as the “Soernsen Estates”, was approved to subdivide 9.6 acre parcel into eight (8) one acre residential lots by the Planning Commission on March 24, 2004 with 19 conditions of approval.

The project site previously operated as a chicken ranch, and an existing loading ramp and garage remain on-site from the operation. The site is also currently improved with an existing single-family home with a residential driveway approach located on Golf Road.

The project site is located at the northwest corner of North Golf Road and East Farmland Avenue within the Merced Rural Residential Center, one mile east of the City of Merced. The site has a gentle 3.2 percent slope, running north to south, and is mostly surrounded by residential uses. .

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Merced Rural Residential Center	A-R	Single-Family Residences
North:	Merced Rural Residential Center	A-R	Single-Family Residences
East:	Merced Rural Residential Center	A-R	Single-Family Residences & Vacant
South:	Merced Rural Residential Center	A-R	Single-Family Residences
West:	Merced Rural Residential Center	A-R	Single-Family Residences

Prior Actions/Entitlements

This tentative map has been subject to several extensions. The first three one year extensions were discretionary extensions approved by the Planning Commission and the five extensions prior to this application were statutory extensions granted by the State of California.

First Extension Application No. EXT06-006 to MAS03-013 was approved by the Planning Commission on June 14, 2006, to extend the approval to March 24, 2007, subject to 20 conditions of approval. One condition was added to the previous approval to address new sewage disposal system requirements effective November 18, 2005.

Second Extension Application No. EXT06-006 was approved by the Planning Commission on May 23, 2007, to extend the approval to March 24, 2008, subject to 25 conditions of approval. Five new conditions were added to address impacts fees for law enforcement, fire facilities, regional transportation and formation of a road maintenance zone of benefit for extended services. The third Extension Application No. EXT08-008 and most recent discretionary extension was approved by the Planning Commission on May 28, 2008.

Thereafter, the State of California has granted five automatic extensions to MAS03-013:

- In 2008, Senate Bill SB-1185 automatically extended the expiration date by 12 months to March 24, 2010 (EXT08-044)
- In 2009, Assembly Bill AB-333 automatically extended the expiration date by two years to March 24, 2012 (EXT09-012)
- In 2011, Assembly Bill AB-208 automatically extended the expiration date by two years to March 24, 2014 (EXT11-007).

- In 2013, Assembly Bill AB-116, automatically extended the expiration date by two years to March 24, 2016 (EXT13-007).
- In 2015, Assembly Bill AB-1303 automatically extended the expiration date by two years to March 24, 2018 (EXT15-007).

ANALYSIS

Project Description

The application is a request for a 9th extension to record the tentative map to divide a 9.6 acres into 8 one acre residential lots. If the final map is not recorded by March 24, 2018 and the extension is not approved, the tentative map will expire.

In a letter dated February 25, 2018, the property owners submitted a timely request for a one year extension. No new improvements are proposed.

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.

The project site is designated Merced Rural Residential Center in the General Plan. There have been no significant changes to the project, project site, or surrounding area since the subdivision was approved by the Planning Commission on March 24, 2004. The project remains consistent with the General Plan with regards to density standards and residential character of the surrounding area.

2. Zoning Code

The project site is zoned A-R (Agricultural-Residential) per the Merced County Zoning map. The purpose of the agricultural-residential zone is to provide areas for rural residential development and hobby farming and limited animal raising operations with less than a full range of urban services. It is intended that this zone typically serve as a transitional area between more dense urban communities and agricultural uses with the option of allowing either one unit or three units per acre.

There have been no significant changes to the project, project site, or surrounding area. The project remains consistent with the A-R (Agricultural-Residential) zone in terms of density, setbacks, parking standards, lot sizes, etc.

3. Other Adopted Plans and Policies

Subdivision Map Act

Pursuant to Section 66452.6 of the Subdivision Map Act, an approved or conditionally approved tentative map shall expire 24 months after its approval. After the 24-month period, an approved tentative map may be extended by a legislative body for a period or periods not to exceed a total of six years. Although this is considered the 7th extension to the major subdivision tentative map, five of the seven extensions were automatic extensions granted

by the State of California. EXT18-001 would be the fourth discretionary extension considered by the Planning Commission and not automatically granted by the State of California.

California Environmental Quality Act (CEQA)

On March 24, 2004, the Planning Commission adopted the Negative Declaration for Major Subdivision Application No. MAS03-013. Staff has determined that pursuant Section 15162 – “Subsequent EIRs and Negative Declarations”, the extension is exempt from further environmental review since there have been no changes to the environmental character of the site or the surrounding area.

Community Engagement

The project application was routed to applicable County departments. County Counsel has recommended an additional condition of approval to include the County’s indemnity agreement. No additional agency comments have been received by staff.

Notice of the public hearing was mailed to all property owners located within 300 feet of the project on **April 13, 2018** and published in the Merced Sun-Star on **April 14, 2018**. 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 project continues to be consistent with applicable provisions of the General Plan and Zoning Code. Furthermore, the project can be found exempt from further CEQA review under Section 15162 – “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Extension Application No. EXT18-001 based upon the findings and subject to the proposed conditions of approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine that the project can be found exempt from further CEQA Review under 15162 – “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines based on the findings listed in the Staff Report.

CEQA Findings:

1. The Merced County Planning Commission adopted the Negative Declaration for Major Subdivision No. MAS03-013 on March 24, 2004.
2. The only change to the project resulting from Extension Application No. EXT18-001 is to extend the time for recordation of the final map for Major Subdivision Application No. MAS03-013 for a period of one year.
3. The extension in time for recording the Final Map does not constitute substantial changes to the project, and therefore does not warrant preparation of a subsequent environmental document and no new information has been identified that would require revisions to the Negative Declaration in accordance with Section 15162 of the CEQA Guidelines.

4. There have been no changes to the environmental character of the project site or surrounding area since Major Subdivision No. MAS03-013 was approved.
5. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

MOTION: Approve Extension Application No. EXT18-001 based on the findings included in the staff report and subject to the proposed conditions of approval.

Project Findings:

1. The approved tentative map is to subdivide 9.6 acres into 8 one acre residential lots.
2. The project site is located at the northwest corner of North Golf Road and East Farmland Avenue within the Merced Rural Residential Center.
3. The project area is designated as Merced Rural Residential Center and zoned A-R (Agricultural-Residential).
4. The subdivision application conforms with the Merced County Zoning Code, Section 18.08.030 for the design and size of new lots and is compatible with the purposes.
5. The subdivision application conforms with the Merced County Subdivision Code, Section 17.08 (Major Subdivisions) and Section 17.04.050 (Design Requirements).
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, and the Fire Department.
7. The project, as conditioned, is consistent with the Merced County General Plan, compatible with surrounding area and uses, and has the potential to meet all applicable development requirements.
8. The proposed subdivision does not meet the findings for denial listed in Section 66474 of the Subdivision Map Act as the design is consistent with the County General Plan and with the implementation of the proposed mitigation measures, the site is: physically suitable for the size and density for this type of development; it will not cause substantial environmental harm; it will not create serious health problems; and, it does not conflict with existing public easements.
9. The project, as conditioned, will not have an adverse impact on public health, safety, or general welfare.
10. The public hearing has been adequately noticed and advertised.

ATTACHMENTS/EXHIBITS

- A. Proposed Conditions of Approval
- B. Map
- C. Applicant's Request for Extension
- D. Public Agency Comments

cc.
Property Owner – Walter Jr. & Kathleen Soernsen



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

EXHIBIT A

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

EXT18-001 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

1. The applicant shall take no action in violation of the California Endangered Species Act, Fish and Game Code Sections 2081 and 1600, or any other provision of state or federal law pertaining to the protection and/or endangered species. Compliance with said laws shall be the sole and exclusive responsibility of the applicant, and the County of Merced shall be held harmless from and against any claims, whether by regulatory agency (s) or third party(s) in that regard.
2. The Final Map shall be recorded within one years of the Planning Commission approval.
3. Prior to recording the final map, the developer shall submit a landscaping plan to the Merced County Planning Department that provides for the installation of a fence and landscaping screen around the proposed storm water detention basin.
4. The project shall comply with all standard conditions contained in Planning Commission Resolution No. 97-1.
5. For the purpose of mitigation and/or condition monitoring, a fee in the amount of **\$300.00** shall be required. The fee shall be paid prior to recordation of the Final Map.

Merced County Division of Environmental Health

6. A soils analysis and percolation test must be performed on each lot and submitted to the Division of Environmental Health for approval prior to recording of the final map. All lots must meet Merced County minimum standards for sewage disposal systems.
7. The final subdivision map shall be redrawn, as necessary, to eliminate conflicts with the proposed location of on-site sewage disposal systems and site topography.
8. With the exception of the existing residence on proposed Lot #6, the existing structures, (including an underground vault), must be removed prior to recording the final map.
9. Prior to recording the final map, the applicant shall prepare and submit to the County Division of Environmental Health for review and approval a hydrological Study (including test results), that assesses groundwater quality and quantity on the project site and the impacts of the proposal on groundwater supplies.
10. The subdivision shall be subject to new sewage disposal system requirements, effective November 18, 2005 which require special design onsite sewage treatment systems, which release an effluent concentration of less than 10 mg/l of total nitrogen. Such systems shall

EXHIBIT A

be operated and maintained by the property owner, and a Zone of Benefit shall be formed for the subdivision project to monitor the operation and maintenance of the new onsite treatment systems.

Merced County Roads Division

11. The project shall be subject to the current Law Enforcement Facilities Impact Fee established by Resolution No. 2004-148 adjusted for inflation, in place at the time of building permit issuance.
12. The project shall be subject to the current Fire Facilities Impact Fee established by Resolution No. 2004-149 adjusted for inflation, in place at the time of building permit issuance.
13. The project shall be subject to the current Regional Transportation Impact Fee (RTIF) pursuant to Chapter 5.60 of the Merced County Code and established by Ordinance No. 1749, in place at the time of building permit issuance.
14. Prior to recordation of the final map creating new County roads, the owner shall provide all documentation and pay all fees associated with forming a road maintenance zone of benefit in County Service Area Number One for extended road maintenance services which includes, but is not limited to, street sweeping.
15. The developer shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code. Such improvements generally include dedication of right-of-way and public utility easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and under grounding or relocation of utilities and irrigation facilities
16. The applicant shall release and relinquish all abutter's rights of access to and from the entire Golf Road frontage of Lots 6, 7 and 8.
17. All lot grading shall be completed, all underground improvements shall be installed and aggregate base material on all new streets shall have been rough graded and compacted, prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.
18. The developer shall provide centerline striping for those new roads which intersect existing peripheral streets.
19. The proposal shall provide for side and back yard drainage ditches, as applicable, on the lots in order to convey off site storm water runoff through the lot to a public roadside transmission facility and to prevent runoff onto an abutting lot.
20. The Golf Road roadside ditch, located within the right-of-way, shall have a maximum foreslope of 4:1 (horizontal:vertical) and backslope of 3:1. Additional right-of-way may be required to meet the minimum grading requirement.
21. Construction activities disturbing five or more acres are required by the State Water Resources Control Board (SWRCB) to obtain a General Construction Activity Stormwater

EXHIBIT A

Permit and a National Discharge Elimination System (NPDES) permit. Prior to the initiation of grading, the project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to water quality during construction of the project.

22. Street trees shall be provided in the front yard of each lot. The tree species shall be accepted by the County Department of Public Works Parks and Recreation Division and Planning Department as part of the improvement plan approval process.

Merced Irrigation District

23. Prior to recording the final map, the developer shall enter into a 'Subdivision Drainage Agreement' with the Merced Irrigation District and provide the County with a letter from the District stating that they will accept storm drainage water from this subdivision and that all applicable fees have been paid.
24. The developer shall enter into a "Construction Agreement" with the Merced Irrigation District for work associated with storm drainage discharge into the 'Tower Lateral'.
25. A signature block shall be provided for the Merced Irrigation District on all improvement plans associated with storm drainage discharge to MID facilities.

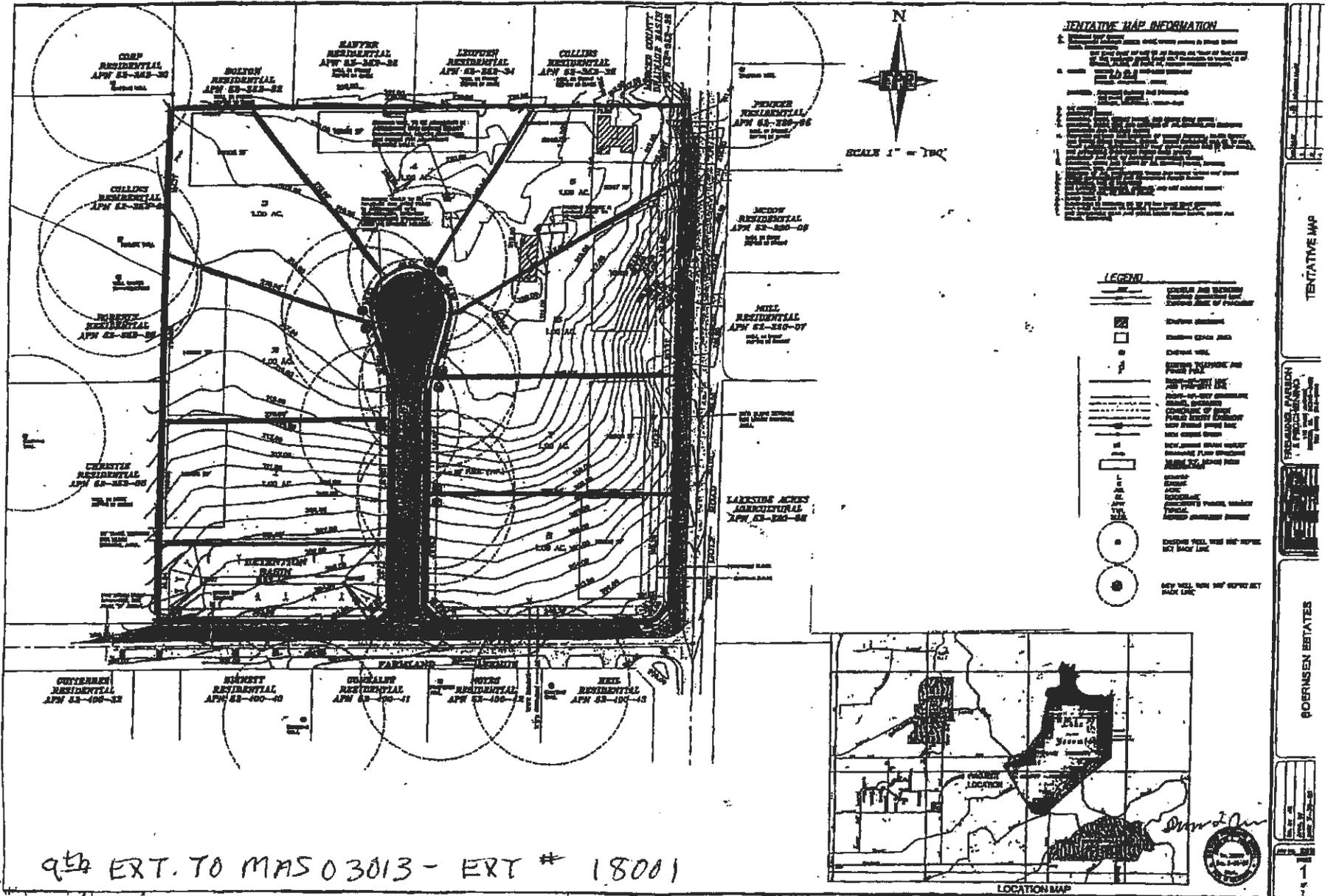
County Counsel

****NEW****

26. INDEMNITY AND HOLD HARMLESS AGREEMENT:

WALTER JR. & KATHLEEN SOERENSEN, 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



MAJOR SUBDIVISION APPLICATION NO. 03013 - Walter A. Soernsen Jr.
Revised Subdivision Design, Submitted March 12, 2004

Walter Soernsen Jr.
2275 E.N. Bear Creek Dr.
Merced, CA 95340

EXHIBIT C

2-25-18

To: Merced County Planning & Community
Development Dept.

From: Walter Jr. and Kathleen Soernsen

Re: 1 year extension for major subdivision
03013, Soernsen Estates,
APN 052-352-004
5613 Golf Rd. Merced, CA.

We would like to apply for
a 1 year extension on this
subdivision

The current expiration date
on this subdivision is March 24, 2018.

Thank you.
Walter Soernsen Jr.

Walter Soernsen Jr.

(209) 722-4293

We have done all engineering
and planning and hope with time
that the market will improve.

9th EXT TO MAS 03013
EXT # 18001

Ho, Tiffany

From: Bohn, Rich
Sent: Monday, March 12, 2018 12:46 PM
To: Hymiller, Ashley; Ho, Tiffany
Subject: RE: Project Referrals

Fire has no comments/concerns for this extension.

Rich Bohn

Fire Marshal

Merced County Fire Dept.

(209) 385-7347 office option 3 Ext.4680

(209) 761-1970 cell

(209) 725-0174 fax

Striving for excellence in Fire & Life Safety

From: Hymiller, Ashley
Sent: Friday, March 09, 2018 1:35 PM
To: Soto, Sara; Bohn, Rich; Mendenhall, Charles; Rowe, Ron
Subject: Project Referrals

For your records, attached are the copies of the project packets for the following: EXT18-001 & EXT18-003. Please forward any questions and comments to project Planner, Tiffany Ho.