



## Planning Commission

### Staff Report

April 25, 2018

AGENDA ITEM # E

PREPARED BY:  
APPROVED BY:

BRIAN GUERRERO, PROJECT PLANNER  
MARK HENDRICKSON, DIRECTOR

**EXTENSION APPLICATION NO. EXT18-005, 8TH EXTENSION TO MAJOR SUBDIVISION APPLICATION NO. MAS04-013: ALMOND VIEW ESTATES.** A request to extend the expiration date of the Tentative Map for Almond View Estates for one year From: May 25, 2018 To: May 25, 2019, on property located on the north side of East Le Grand Road, 1,600 feet east of Minturn Road, identified as Assessor's Parcel Numbers (APN) 318-090-003 & 318-090-019. The property is designated Le Grand Urban Community - Low Density Residential land use in the General Plan and zoned R-1 (Single Family Residence). CEQA: No further environmental review is required in compliance with CEQA Guidelines Section 15162 – "Subsequent EIRs and Negative Declarations".

**SUPERVISORIAL DISTRICT:** 1 – Rodrigo Espinoza

**RECOMMENDATION(S):**

1. Open/close public hearing;
2. Determine no further environmental review is required in compliance with CEQA Section 15162 – "Subsequent EIRS and Negative Declarations" of the CEQA Guidelines; and,
3. Approve Extension Application No. EXT18-005 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. MAS04-013, also known as the “Almond View Estates”, was approved to subdivide two parcels totaling 5.3 acres into 24 single family residential lots by the Planning Commission on May 25, 2005 with 28 conditions of approval.

The project site is primarily used for row crops and a single family residence and the use hasn't changed since approval of the major subdivision. Le Grand Road bounds the property to the south, while single family residences exist to the east and north. A public facility hall is located to the west.

The project site is located on the north side of Le Grand Road, approximately 1,600 feet east of Minturn Road in the Le Grand area and is designated Le Grand Urban Community - Residential in the General Plan and zoned R-1 (Single Family Residential).

### Surrounding Uses

	General Plan	Zoning	Current Land Use
<b>On-Site:</b>	Low Density Residential	R-1	Row Crops
<b>North:</b>	Low Density Residential	R-1	Single-Family Residence
<b>East:</b>	Low Density Residential	R-1	Single-Family Residences
<b>South:</b>	Low Density Residential	R-1	Single-Family Residences
<b>West:</b>	Institutional	R-1	Public Facility

### Prior Actions/Entitlements

This tentative map has been subject to several extensions. The first two 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. EXT07-006 to MAS04-013 was approved by the Planning Commission on June 13, 2007, to extend the approval to May 25, 2008, subject to 27 conditions of approval, 6 new conditions and 3 revised conditions.

Second Extension Application No. EXT08-013 was approved by the Planning Commission on November 19, 2008, to extend the approval to May 25, 2009, subject to 33 conditions of approval.

Thereafter, the State of California has granted five automatic extensions to MAS04-013:

- In 2008, Senate Bill SB-1185 automatically extended the expiration date by 12 months to May 25, 2010 (EXT08-056)
- In 2009, Assembly Bill AB-333 automatically extended the expiration date by two years to May 25, 2012 (EXT09-017)
- In 2011, Assembly Bill AB-208 automatically extended the expiration date by two years to May 25, 2014 (EXT11-012).
- In 2013, Assembly Bill AB-116, automatically extended the expiration date by two years to May 25, 2016 (EXT13-012).
- In 2015, Assembly Bill AB-1303 automatically extended the expiration date by two year to May 25, 2018 (EXT15-011).

## **ANALYSIS**

### **Project Description**

The application is a request for an 8<sup>th</sup> extension to record the tentative map to divide two parcels totaling 5.1 acres into 24 single family residential lots. If the final map is not recorded by May 25, 2018, the tentative map will expire.

In a letter dated March 23, 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 Le Grand Urban Community - Low Density Residential 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 May 25, 2005. 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 R-1 (Single Family Residential) per the Merced County Zoning map. The purpose of the Single-Family Residential 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. It is the intent of this zone to protect the residential characteristics of an area and to promote a suitable environment for family life.

There have been no significant changes to the project, project site, or surrounding area. The project remains consistent with the R-1 (Single-Family Residential) zoning 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 8<sup>th</sup> extension to the major subdivision tentative map, five of the seven extensions were automatic extensions granted by the State of California. EXT18-005 would be the third discretionary extension considered by the Planning Commission and not automatically granted by the State of California.

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

On May 25, 2005 the Planning Commission adopted the Negative Declaration for Major Subdivision

Application No. MAS04-013. Staff has determined that pursuant Section 15162 – “Subsequent EIRs and Negative Declarations”, the extension requires no further environmental review since adoption of the Negative Declaration and 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, who had no additional comments.

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 extension requires no additional CEQA review under Section 15162 – “Subsequent EIRs and Negative Declarations” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Extension Application No. EXT18-005 based upon the findings and subject to the proposed conditions of approval.

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

#### **A. CEQA Determination**

**MOTION:** Determine no further environmental review is required in compliance with CEQA Section 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. MAS04-013 on May 25, 2005.
2. The only change to the project resulting from Extension Application No. EXT18-005 is to extend the time for recordation of the tentative map for Major Subdivision Application No. MAS04-013.
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. MAS04-013 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. EXT18-005 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 two parcels totaling 5.1 acres into 24 residential lots.
2. The project site is located on the north side of Le Grand Road, approximately 1,600 feet east of Minturn Road in the Le Grand area.
3. The project area is designated as Le Grand Urban Community – Low Density Residential and zoned R-1 (Single-Family Residential)
4. The subdivision application conforms to the Merced County Zoning Code, Section 18.008.030 for the design and size of new lots and is compatible with the purposes.
5. The subdivision application conforms to 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

cc.

Property Owner – North Bend LLC

Representative – Duane Andrews, Golden Valley Engineering



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**

**EXHIBIT A**

**Mark J. Hendrickson**  
*Director*

**Steve Maxey**  
*Deputy Director*

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**EXT18-005 CONDITIONS OF APPROVAL**

Merced County Community and Economic Development Department

Equal Opportunity Employer

1. The Final Map, or all map phases, shall be recorded by May 25, 2008.
2. The project proponents shall obtain and submit an Unconditional Water and Sewer Commitment Notice from the Le Grand Community Services District prior to recordation of the Final Map, or a first phase Final Map.
3. The design and landscaping of the subdivision wall fronting Le Grand Road shall be approved by the Planning Department prior to recording the Final Map. Plants selected for this landscaping should consist of fast growing vines and/or shrubs in order to deter vandalism.
4. The project shall comply with the Standard Conditions in Planning Commission Resolution No. 97-1.

**New Condition Added to EXT07-007**

5. The applicants shall provide a bond for \$10,000 for site maintenance and trash removal to be kept until the final map has been approved and signed.

Le Grand Community Services District

6. Water and sewer improvements shall be constructed and applicable user fees paid as per the specifications and requirements of the Le Grand Community Services District.

Fire Department

7. Any phasing of the proposed subdivision shall be subject to review by the Merced County Fire Department.
8. The minimum fire hydrant flow of 1,000 gallons per minute for residential areas shall be required by the Merced County Fire Department.

Public Works – Roads Division

9. The project proponents shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 of the Merced County Code, which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.

## EXHIBIT A

10. The applicant shall release and relinquish all abutters rights of access to and from the entire Le Grand Road frontage of Lots 1, 20, 21, 22, 23 and 24
11. Kimberly Court is a duplication of an existing County road name and shall be changed to the satisfaction of the Department of Public Works and the Fire Department.
12. Sharon Street shall be designated 'Avenue', extended north and stubbed at the MID canal.
13. An additional 10 feet of right-of-way, or 40 feet from centerline, shall be dedicated along the Le Grand Road frontage of the subdivision.

### **Condition Changed: Fee Revised for EXT07-007**

14. The developer shall pay \$500 per lot at the building permit stage as a proportionate share of the cost to finance a comprehensive traffic and circulation study for the Le Grand SUDP until such time as the Board of Supervisors adopts Bridge and Major Thoroughfare fees for Le Grand.
15. The storm drain basin shall be constructed with 4:1 (horizontal: vertical) or flatter side slopes beginning 10 feet inside the fence line. An 8:1 sloped ramp shall be constructed to allow access from the gate on Kimberly Court to the bottom of the basin.
16. Any required fencing along the Le Grand Road frontage of the subdivision shall be constructed of masonry and maintained through a zone of benefit administered by the County. The developer shall provide all documentation and shall pay all fees associated with the formation of a landscaping maintenance zone of benefit in County Service Area No. 1 for the maintenance of any required landscaping along the Le Grand Road frontage of the subdivision or along the Kimberly Court frontage of the storm drain basin.
17. Prior to recording the final map, the developer shall provide the County with a letter from MID accepting storm drainage water from this proposed development into their facilities.
18. All lot and street 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 occur until such time as all improvements are completed.
19. The developer shall provide centerline striping for those new roads which intersect the existing peripheral streets
20. The Developer/Applicant is advised that he/she will be required to comply with the requirements of National Pollution Discharge Elimination System (NPDES) General Permit No.CAS000002 for Discharges of Stormwater Associated with Construction Activity. For information and direction, contact the State Water Resources Control Board's Construction Activity Storm Water Hotline at (916) 341-5537, e-mail: [stormwater@swrcb.ca.gov](mailto:stormwater@swrcb.ca.gov), or visit their website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).

**New Condition Added to EXT07-007**

21. 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.

**New Condition Added to EXT07-007**

22. 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.

**New Condition Added to EXT07-007**

23. 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.

**New Condition Added to EXT07-007**

24. 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.

Merced Irrigation District

**Condition Revised for EXT07-007**

25. The developer shall consult with MID on the possible undergrounding of Booster No. 6 Lateral through the project area. Any undergrounding of this lateral shall be performed to MID standards.

**Condition Revised for EXT07-007**

26. The developer shall consult with MID to determine appropriate measure for securing the MID Booster No. 6 fee parcel from unauthorized access.
27. The developer shall enter into a Construction Agreement with MID for work associated with MID facilities.
28. The Developer shall obtain a "Non-exclusive License Agreement" for all crossings over or under any MID facilities, including utilities and pipelines.
29. The fences installed at the rear of Lots 8, 9, and 10 should be located outside of the MID fee property to allow access for repair and maintenance.
30. The proponent shall place an MID signature block on the subdivision Improvement Plans and Final Map.

**New Condition Added to EXT07-007**

31. The subject property intends to discharge storm water to the MID, therefore, the property owner shall enter into a "Subdivision Drainage Agreement" with the Merced Irrigation District Drainage Improvement District (MIDDID No. 1), paying all applicable fees.

Parks and Recreation

32. The developer shall pay the local parkland dedication and improvement fees as required by County Ordinance No. 1090 prior to recording the final map.
33. 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.

County Counsel

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

North Bend LLC 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.





MARK HENDRICKSON  
Community Development Director  
2222 "M" Street  
Merced, CA 95340

March 23, 2018

RE: Major Subd. 04013, request for map extension- Almond View Estates, Le Grand,  
CA.

APN 318-090-003, 019

Dear Mark,

On behalf of the property owner, this is our formal request for a one year extension for  
MSA 04013. The fee for a map extension is attached. Your cooperation is appreciated.

Sincerely,  
Golden Valley Engineering &  
Surveying, Inc.

  
Duane J Andrews, PLS 4052

8<sup>th</sup> EXT TO MAJOR SUB-04013  
EXT # 18005