



**AGENDA ITEM # D**

**Planning Commission**  
**Staff Report**  
**January 9, 2019**

**PREPARED BY:**  
**APPROVED BY:**

PAM NAVARES, PROJECT PLANNER  
 MARK HENDRICKSON, DIRECTOR

PN

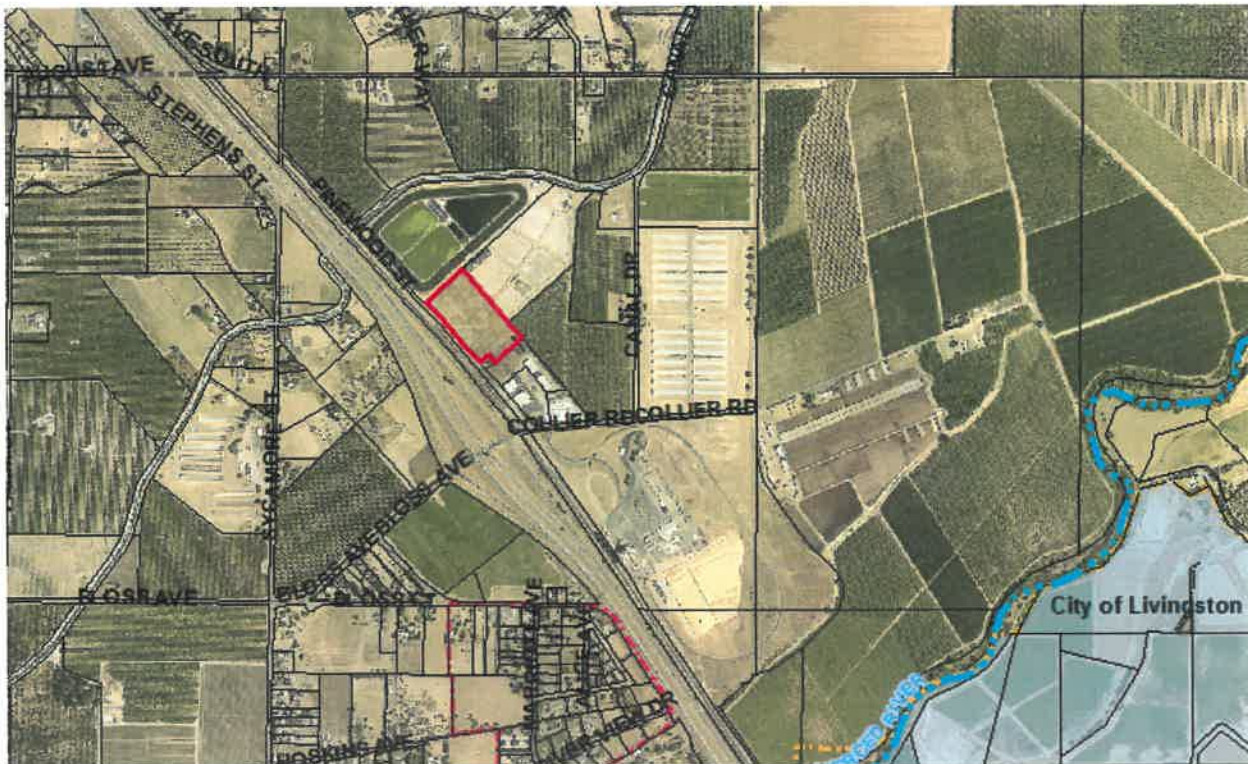
**MINOR SUBDIVISION APPLICATION MS18-018: MICHAEL SOLOMAN:** A request to subdivide a 10.06 acre parcel into two 5.03 acre parcels. The project site is located on the northeast side of N. Pinewood Street, approximately 800 feet north of W. Collier Road in the Delhi area, identified as Assessor’s Parcel Number (APN) 046-220-035. The property is designated Highway Interchange Center in the General Plan and zoned H-I-C (Highway Interchange Center). CEQA: Staff recommends that the Planning Commission find the project exempt from environmental review pursuant to Section 15315 of the CEQA Guidelines – “Minor Land Divisions.” **PN**

**SUPERVISORIAL DISTRICT:** 4 – Lloyd Pareira

**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 application No. MS18-018 based on the findings identified in the Staff Report and subject to the proposed conditions of approval.

**LOCATION MAP:**



**BACKGROUND:**

**Site Description**

The applicant is proposing subdivision of a 10.06 acre parcel into two separate parcels for future commercial development. Currently, the site is undeveloped. The applicant has not proposed any development on the site.

The site is located near the corner of Highway 99 and Collier Road. The Delhi Water treatment is located on the adjacent parcel to the north. A cell tower and a sweet potato packing company are located to the south of the project site. Urban services are not available for this parcel at this time. They will need to be provided on site at the time of development.

**Surrounding Uses**

	<b>General Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>On-Site:</b>	Highway Interchange Center	H-I-C	Vacant
<b>North:</b>	Agricultural	A-1	Water Treatment Plant
<b>East:</b>	Agricultural	A-1	Water Treatment/Orchard
<b>South:</b>	Agricultural	A-1	Vacant/Sweet Potato Packing
<b>West:</b>	Agricultural	A-1	Residences

**Prior Actions/Entitlements**

GPA 05-006/ ZC 05-007 to change from Agricultural to H-I-C for both General Plan and Zoning, MS 06-054.

**ANALYSIS**

**Project Description**

Request to divide a 10.06 acre parcel into two parcels resulting in two parcels, 5.03 acres each.

**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**

Commercial land use designation as an area considered appropriate for general retail commercial uses, personal and professional services, and institutional uses, and is generally applied to areas in Urban Communities and Highway Interchange Centers. The following land use goals and policies are applicable to the present application:

**Goal LU-6**

*Provide dedicated commercial areas that serve the needs of the traveling public while balancing countywide circulation and other County needs.*

**Policy LU-6.1: Highway Interchange Center Locations;**

Consider establishing Highway Interchange Centers at existing and programmed interchanges along State highways, which are not adjacent to Urban Community areas, in order to serve the traveling public.

The subdivision can be found consistent with the General Plan. The project site is located near an exit from a State Highway where future development could serve the traveling public.

**2. Zoning Code**

The purposes of the Zoning Code are to: (a) help implement the goals, objectives and policies of the County General Plan; (b) assure compatibility between land uses; and (c) encourage development that protects and promotes the public health, safety and general welfare of the unincorporated areas of the county.

The project site is zoned HIC (Highway Interchange Center). This zone is intended to support commercial uses adjacent to highway interchanges oriented almost exclusively to serve the needs of travelers. Typical uses in this zone include restaurants, hotels and motels, service stations, and trucks stops.

The proposed parcels would comply with the minimum size standards provided in the 2030 Merced County General Plan and Table 18-9, Chapter 18.18 of the Zoning Code.

**3. Other Adopted Plans and Policies**

**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. No new homes or new land use projects 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 CEQA review under Section 15315 – “Minor Land Divisions”, 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 project site is located in an area that is zoned Highway Interchange Center and 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 further CEQA review under this Categorical Exemption.

### **Community Engagement**

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

Notice of the public hearing was published in the Merced Sun-Star on December 29, 2018 and mailed to all owners of property located within 300 feet of the project site on December 28, 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 the proposed minor subdivision to be consistent with applicable provisions of the General Plan, Zoning Code and Subdivision Map Act. Further the project can be found exempt from CEQA review under Section 15315 – “Minor Land Divisions” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Minor Subdivision Application No. MS18-018 based upon the findings and subject to the proposed conditions of approval.

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

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

1. **MOTION:** Determine the project can be found exempt from environmental review pursuant to Section 15315 “Minor Land Divisions” of the CEQA Guidelines based on the findings listed in the Staff Report.

#### **CEQA Findings:**

1. The project site is located in a Highway Interchange Center near an exit to a State Highway.
2. The subdivision will not create more than four new parcels.
3. No variances or exceptions are required in order 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.

## **B. Project Determination**

**MOTION:** Approve Minor Subdivision Application No. MS18-018 based on the findings included in the staff report and subject to the proposed conditions of approval.

### **Project Findings:**

1. Minor Subdivision Application No. MS18-018 proposes to subdivide a 10.06 acre parcel, resulting in two parcels, sizes 5.03 acres each, located on the northeast side of N. Pinewood Street, 800 feet north of W. Collier Road in the Delhi area.
2. The property is designated Highway Interchange Commercial land use in the General Plan and zoned Highway Interchange Center.
3. The proposal is consistent with applicable provisions of the 2030 Merced County General Plan.
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 and the Delhi Community Plan.
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 City of Merced
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 Planning Commission hearing was published in the Merced Sun Star and mailed to property owners within 300 feet of the project site.

## **ATTACHMENTS**

1. Conditions of Approval
2. Tentative Parcel Map
3. Agency Comments
4. Resolution 97-1

cc.

Property Owner- Michael Solomon  
Engineer –Golden Valley Engineering



**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**

**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](http://www.co.merced.ca.us)

**MS18-018 CONDITIONS OF APPROVAL**

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. In conjunction with submittal of the final map for review, the applicant shall apply for and obtain any necessary permits for which a land use permit is required.
3. The applicant shall comply with all applicable County, State and Federal regulations.

Department of Public Works/Roads

4. The applicant shall dedicate a 10 foot public utility easement along the property frontage for future improvements.
5. This site is subject to Level 1 Improvements (County Code Ch. 16.08.040). These improvements shall include extending and undergrounding utility services, constructing storm water low impact development (LID) measures, installing street lights, and reconstructing Pinewood Street. The applicant may defer the construction of these improvements.

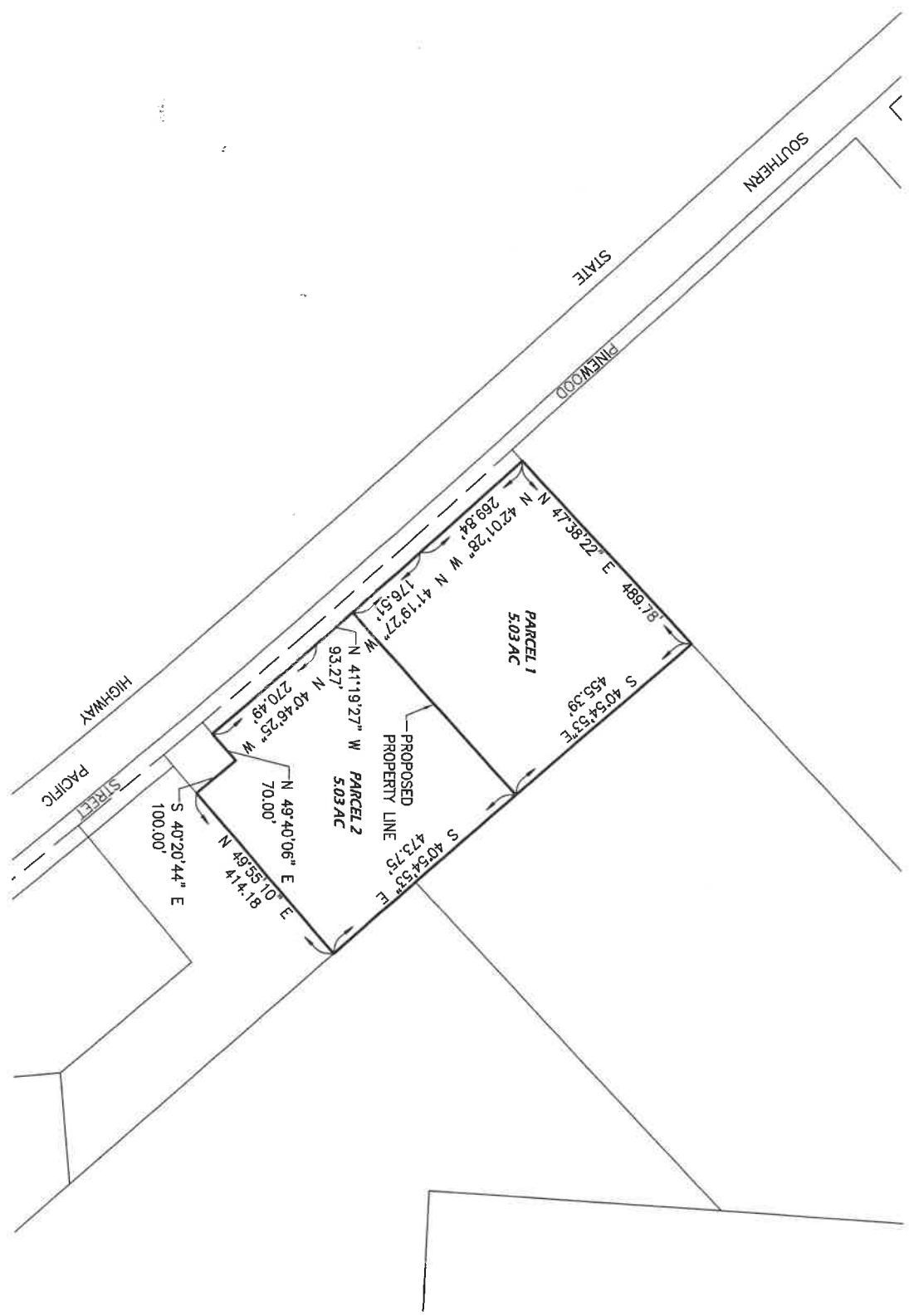
County Counsel

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

Michael Solomon 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.

**LEGEND**

- PROPERTY LINE
- NEIGHBORING PROPERTY LINE
- ROAD CENTER LINE



JOB NO.: 18227

SHEET 2 OF 2

NOTE: PLEASE USE BLACK INK OR DARK PENCIL

**PLAN**  
FOR

SCALE: 1" = 200'

APPLICATION TYPE	NUMBER	A.P.N.	DATE
PARCEL MAP <i>MINOR SUBDIVISION</i>	18018	046-220-035	10/11/2018

PROPERTY OWNER(S): MICHAEL SOLOMON  
 ADDRESS: P.O. BOX 210237, SAN FRANCISCO, CA 94121  
 TELEPHONE: (415) 658-1475  
 MERCED COUNTY

PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.  
 ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340  
 TELEPHONE: (209) 722-3200





November 26, 2018

County of Merced  
Community & Economic Development  
Attn: Pam Navares  
2222 M Street  
Merced, CA 95340

RE: Minor Subdivision No. MS18-018 – Michael Solomon

Dear Ms. Navares:

The Turlock Irrigation District (District) acknowledges the opportunity to review and comment on the referenced project. District standards require development occurring within the District's boundary that impacts irrigation and electric facilities, to meet the District's requirements.

The District has no comments concerning irrigation and electric facilities on the above referenced project.

If you have any questions concerning irrigation system requirements, please contact me at (209) 883-8367. Questions regarding electric utility requirements should be directed to David Porath at (209) 883-8659.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Troglin', written in a cursive style.

Todd Troglin  
Supervising Engineering Technician, Civil  
CF: 2018055





## DEPARTMENT OF PUBLIC HEALTH

Rebecca Nanyonjo-Kemp, DrPH

*Director*

Vicki Jones, MPA, REHS

*Interim Director of Environmental Health*

### Memorandum

DATE: November 15, 2018

TO: Pam Navares, Planner II

FROM: Brent Cronk, EHS III  
(209) 381-1095; [bcronk@co.merced.ca.us](mailto:bcronk@co.merced.ca.us)

SUBJECT: **MINOR SUBDIVISION No. MS18-018 - MICHAEL SOLOMON** - To divide a 10.06 acre parcel into 2 parcels, resulting in parcel sizes of: Parcel 1 = 5.03 acres, Parcel 2 = 5.03 acres. The project site is located on the northeast side of north Pinewood Street, approximately 800 feet north of west Collier Road in the Delhi area, identified as Assessor's Parcel Number (APN) 046-220-035. The property is designated Commercial in the General Plan and zoned Highway Interchange Center (H-I-C).

SITUS: No situs; APN 046-220-035

---

#### Observations & Comments – Merced County Division of Environmental Health (MCDEH):

The application indicates an estimated two phases to this project.

The 2030 General Plan, URBAN COMMUNITIES (p. LU-16; pg. 40) indicates that Urban Communities have five main purposes which are main components of the Urban Centered Concept. The fifth main purpose is:

To ensure future urban development occurs where adequate public infrastructure and services are available.

A Highway Interchange Center is generally considered a location for urban development. Per the 2030 General Plan, community water and sewer services will need to be available for urban development to be considered.

Non-urban development within an H-I-C might be considered by MCDEH if the size of the parcel were large enough to accommodate the proposed sewage load at build-out *and* if the build-out number of people on the parcel would not meet the threshold requiring a public water system permit.

The SE parcel line cuts across two drainage basins used by the neighboring facility on that side. Setbacks from the treatment ponds and drainage basins would reduce the area available for wells and septic systems.

Page 1 of 2

O:\Programs\Land Use\Comments for Planning & Specific App Packets\Minor Subdivision - MS\MS18018 - Solomon 1 to 2 111518 blc.docx

260 E. 15<sup>th</sup> Street, Merced, CA 95341-6216 (209) 381-1100 (209) 384-1593 (FAX) [www.co.merced.ca.us/environmentalhealth](http://www.co.merced.ca.us/environmentalhealth)

Equal Opportunity Employer

STRIVING FOR EXCELLENCE

Given the lack of community services at this H-I-C, MCDEH cautions the applicant about the possibility of creating parcels too small to allow an approved use.

**Additional Information Needed Prior to Recommending Additional Permit Conditions:**

What is the purpose of the proposed subdivision?

What are the two phases of the project?



**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: November 21, 2018

To: Pam Navares, Planner II  
Planning and Community Development Department

From: Matt Hesperheide, Supervising Engineer  
Department of Public Works

Subject: Minor Subdivision No. MS18-018  
Michael Solomon

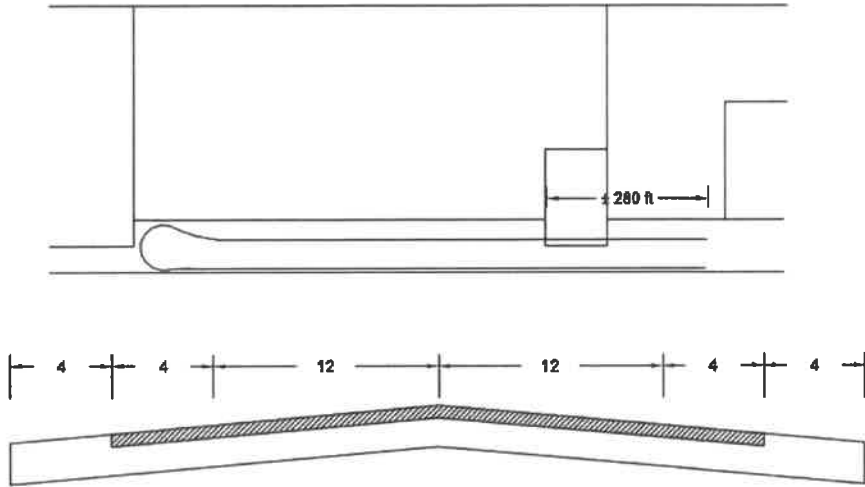
**MEMORANDUM**

---

We have reviewed this minor subdivision that intends to divide a 10.06-acre commercial parcel into 2 parcels, resulting in parcel sizes of: Parcel 1 = 5.03 acres and Parcel 2 = 5.03 acres. The project site is located on the northeast side of Pinewood Street, 800 feet north of Collier Road in the Delhi area, identified as APN 046-220-035. The property is designated Commercial and zoned HIC (Highway Interchange Center).

The Road Division has the following conditions:

- 1) The Applicant shall dedicate a 10 ft. public utility easement (PUE) along the property frontage for future utility improvements.
- 2) This site is subject to Level 1 Improvements (County Code Ch. 16.08.040). These improvements shall include extending and undergrounding utility services, constructing storm water low impact development (LID) measures, installing street lights, and reconstructing Pinewood Street. Applicant may defer the construction of these improvements.



Regarding the roadway improvements, the Applicant is exempt from constructing curb, gutter and sidewalk. The existing road must be removed and reconstructed with two - 12 ft. travel lanes and 8 ft. shoulders and extended approximately 280 ft. south to join existing improvements at the packing facility. Additional easement will be required from Parcel 046-220-006. An offset cul-de-sac bulb shall be constructed at the northern limit of the project.

R:\WP\LETTERS\PLANNING REFERRALS\SMSMS18-018 Michael Solomon.docx

PLANNING COMMISSION  
MERCED COUNTY

In the matter of

RESOLUTION NO.97-1

ADOPTING REVISED STANDARD  
CONDITIONS OF APPROVAL FOR MAJOR  
SUBDIVISIONS, ADMINISTRATIVE PERMITS,  
AND CONDITIONAL USE PERMITS

WHEREAS, the Planning Commission and Planning and Community Development Department have been designated as the Planning Agency for the County by the Board of Supervisors; and

WHEREAS, the Planning Commission may hold public hearings and approve, conditionally approve, or deny applications for Major Subdivisions, Administrative Permits, and Conditional Use Permits; and

WHEREAS, the Planning Director as Hearing Officer may also hold public hearings to approve, conditionally approve, or deny applications for Administrative Permits; and

WHEREAS, the local building industry, applicants, the Planning Commission, County Staff, and the general public have benefited from the adoption of Standard Conditions of Approval applied to all Major Subdivisions, Administrative Permits, and Conditional Use Permits in Planning Commission Resolution No. 94-1; and

WHEREAS, these Standard Conditions of Approval have also provided for more expedited processing of development applications by eliminating the need for individually specified measures to mitigate potential environmental impacts; and

WHEREAS, the Board of Supervisors adopted a new completely revised Zoning Code on June 17, 1997, which incorporates many of these Standard Conditions into the Code;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby adopts the attached revised list of Standard Conditions of Approval to replace Planning Commission Resolution No. 94-1 at a regular meeting held on August 13, 1997, by the following vote:

AYES: John Adame, Robert King, Paul Moyer, Lynn Tanner

NOES: None

ABSENT: Steve Sloan

By



Robert E. Smith  
Planning and Community Development Director  
Secretary of the Planning Commission

MERCED COUNTY PLANNING COMMISSION  
STANDARD CONDITIONS OF APPROVAL

A. Major Subdivisions:

1. The Final map, meeting all Zone Code and Public improvements requirements, shall be recorded within two (2) years of the Planning Commission approval date as required by the Merced County Subdivision Code, unless a Development Agreement between the County and the Developer is executed prior to expiration of the tentative map, in which case the tentative map may be extended for a period of time provided for in the Agreement but not beyond the duration of the Agreement.
2. The applicant 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.
3. All lot and street grading shall be completed 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.
4. The developer shall comply with County Parkland Dedication and/or Fee Ordinance No. 1090. Said fee shall be paid prior to, or concurrently with, the recording of the Final Map.
5. Any existing irrigation well shall be abandoned according to County standards.

B. Administrative Permits and Conditional Use Permits

1. The uses under this Permit shall be located, developed, and operated in a manner as described on the approved plot plan, sections, and elevations. Minor modifications may be approved by the Planning Director.
2. All development on the project property shall be constructed and thereafter maintained and operated in accordance with the conditions of the permit.
3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.
4. If the Administrative or Conditional Use Permit is not implemented within one year, it shall expire and become void. The Planning Director may extend the Permit if a request is filed by the applicant prior to its expiration (Zoning Code Section 18.50.09).
5. If the use authorized by the Administrative or Conditional Use Permit is abandoned or discontinued for over one year, the Planning Department may initiate revocation proceedings at a public hearing before the body that originally approved the permit (Zoning Code Sections 18.50.09C and 18.53.02G).

6. A trash enclosure shall be provided and designated on the plot plan for all urban development. The enclosure shall be designed to accommodate all trash receptacles. It shall be enclosed by a solid wood fence or a wall of a minimum six feet in height on three sides with a solid gate, a minimum of five feet in height, subject to approval of the Planning Department (Zoning Code Sections 18.38.04 and 18.44 .03).
7. The site shall be maintained in a neat and orderly manner at all times.
8. All signs shall be subject to the standards in Chapter 18 .42 of the Zoning Code.
9. All sign plans shall be submitted to the Planning Director for approval prior to the installation of any sign.
10. No use shall be permitted which creates dust, fumes, odors, vibrations, heat, glare or electrical disturbances beyond the boundaries of the site (Zoning Code Chapter 18.41).
11. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and shall be hooded and directed downward and into the project site. No glare or direct light shall emanate from the project area (Zoning Code Section 18.41.06).
12. Three copies of landscape and irrigation plans for landscaping shown on the plot plan or required as conditions of approval shall be submitted for review and approval of the Planning Director in accordance with the standards in Chapter 18.38 of the Zoning Code prior to the issuance of building permits.
13. Landscaping and irrigation in compliance with the approved plans shall be installed prior to Final inspection or issuance of a Certificate of Occupancy by the County Building Division (Zoning Code Section 18.38.04).

C. All Discretionary Permits and Subdivision Maps

1. The applicant shall inform in writing all contractors and subcontractors for the project of the potential discovery of significant archaeological and historical resources below the ground surface in the project area. If any cultural resources are found or disturbed during project activities, all work must be halted within the area and the Merced County Planning Department and a qualified archaeologist must be contacted to evaluate the find.
2. If the construction site has been disturbed (cleared, graded or excavated) and is to remain inactive for a period of three or more months, it shall be seeded with an annual grass and watered until growth is evident. If after disturbing, the site is inactive for three or more months during the dry period (June-October), as an alternative to seeding, a soil-binding dust palliative, such as Hemicellulose extract (wood molasses) solution, may be applied.

If seeded, grass shall be mowed (not disced under) to a maximum height of four inches for fire control. Grasses do not need to be maintained in a green/growing condition. Mowing should occur before the grass dries out to avoid fires that may result from blades striking rocks (Zoning Code Section 18.41.03).



3. During clearing, grading, earth-moving and other site preparation activities and all construction:
  - a. Exposed earth surfaces shall be watered as needed, whenever needed, in order to prevent dust from leaving the project site on that phase of the project presently under development.
  - b. Mud and dirt carried from the development onto adjacent roadways shall be cleaned-up daily.
  - c. Litter and debris shall be cleaned-up daily to prevent it from leaving the project site and littering adjacent properties. (Zoning Code Section 18.41.03)
4. The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. (Zoning Code Section 18.41.07).
5. All storm water runoff from the site shall be disposed of subject to approval of the County Department of Public Works in one of the following ways:
  - a. Uniform on-site percolation over widespread area.
  - b. Use of on-site detention or retention basin.
  - c. Off-site drainage to community drainage system. (Zoning Code Section 18.40.04)
6. The Planning Director, or his/her authorized designee(s) may enter at all reasonable times any building, structure, or premise for the purpose of carrying out any activity required or authorized by the provisions of Title 17 (Subdivisions) or 18 (Zoning) of the County Code. Upon request, the Planning Director or his/her authorized designee(s), shall provide adequate identification (Zoning Code Section 18.53.02).