



**AGENDA ITEM # G**

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

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

BRIAN GUERRERO, PROJECT PLANNER   
MARK HENDRICKSON, DIRECTOR

**MINOR SUBDIVISION No. MS18-019: EQUITY TRUST Co.:** A request to subdivide a 2.2 acre parcel resulting in parcel sizes of: Parcel 1= 1.21 acres and Parcel 2 = 1.0 acres. The property is located on the north side of Dunn Road, approximately 225 feet west of Lake Road, identified as Assessor’s Parcel Number (APN) 060-670-012 and designated Merced Rural Residential Center land use and zoned A-R (Agricultural Residential). CEQA: Staff recommends the Planning Commission find the project exempt from environmental review pursuant to Section 15315 of the CEQA Guidelines - "Minor Land Divisions".

**SUPERVISORIAL DISTRICT:** 2 – Lee Lor

**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. MS18-019 based on the findings included in the staff report and subject to the recommended conditions of approval.

**LOCATION MAP:**



**BACKGROUND:**

**Site Description**

The applicant is requesting to divide a 2.2 acre parcel into a 1.21 acre parcel and a 1.0 parcel. The parcel is designated Merced Rural Residential Center in the General Plan and Zoned A-R (Agricultural Residential). The parcel currently consists of a single family dwelling, accessory structures and fallow land. Property to north, west and east consist of residences and orchards to the south.

The project site and surrounding area are substantially flat, being characterized by intensive modification through commercial agricultural and residential land uses.

**Surrounding Uses**

	<b>General Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
<b>On-Site:</b>	Rural Residential	A-R	Single-Family Residence
<b>North:</b>	Rural Residential	A-R	Single-Family Residence
<b>East:</b>	Rural Residential	A-R	Single-Family Residence
<b>South:</b>	Rural Residential	A-R	Orchards
<b>West:</b>	Rural Residential	A-R	Single-Family Residence

**Prior Actions/Entitlements**

PD2011 – Subdivide 8 acres into four parcels of two acres each.

**ANALYSIS**

**Project Description**

Request to subdivide a 2.2 acre parcel into a 1.21 acre parcel and a one acre parcel.

**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.*

The project site is located within the Merced Rural Residential Center and is focused on growth within urban area. The proposed project does not conflict with agricultural uses and open space areas, and the surrounding area is characterized by intensive modification by both residential and agricultural land uses. Therefore, the proposed project is consistent with the Land Use Element of the General Plan.

**2. Zoning Code**

The project site is zoned A-R (Agricultural Residential) on 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.

The proposed subdivision is consistent with the development standards and allowable uses as provide in MCZC Chapter 18.08. The project meets the minimum size standards, and a ministerial permit will be required for each new single-family home per MCZC 18.08.020.

**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.

**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 property is located within the Merced urban area. The project site is located in an area that is

zoned A-R (Agricultural Residential) 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 for comment. Comments were received from the Division of Environmental Health, Fire Department, and the Roads Division. See Exhibit C for agency comments.

Environmental Health commented stating that due to septic and well setbacks deficiencies, the new lot would not be developable, and that any new development on the property would only be allowed if city water and sewer services become available. Staff has noted this and made the engineer aware of this. However, Environmental Health's observations do not prevent the parcel from being subdivided per the Subdivision Map Act.

Notice of the public hearing was mailed to all owners of property located within 300 feet of the project site on **December 28, 2018** and published in the Merced Sun-Star on **December 29, 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 the Subdivision Map Act. Furthermore, 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. MS18-019 based upon the 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 the project can be found exempt from CEQA Review under 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 the Merced urban area.
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. MS18-019 based on the findings included in the staff report and subject to the proposed conditions of approval.

**Project Findings:**

1. Minor Subdivision Application No. MS18-019 proposes to divide a 2.2 acre parcel into a 1.21 acre parcel and a one acre parcel. The property is located on the north side of Dunn Road, 225 feet west of Lake Road, identified as APN No. 060-670-012.
2. The property is designated Merced Rural Residential Center land use in the General Plan.
3. The property is zoned A-R (Agricultural Residential).
4. The proposal is consistent with applicable provisions of the 2030 Merced County General Plan.
5. 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.
6. The proposal is consistent with the Subdivision Map Act.
7. The project has been reviewed by the Department of Public Works Road Division, Department of Public Health Division of Environmental Health, Department of Public Works Building and Safety Division, and the Fire Department.
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 the Planning Commission hearing was published in the Merced Sun-Star and mailed to property owners within 300 feet of the project site.

## EXHIBITS

- A. Conditions of Approval
- B. Tentative Parcel Map
- C. Agency Comments

cc.

Property Owner- Hai Ding/ Ping Zhou - Equity Trust Company  
Engineer – Duane Andrews, Golden Valley Engineering



**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

**MS18-019 CONDITIONS OF APPROVAL**

Merced County Community and Economic Development Department

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:**

EQUITY TRUST, CO. 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.

Merced County Fire Department/Fire Prevention Bureau

5. Address Identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. (CFC 505.1).
6. Fire Department Access: Fire Access shall be maintained in accordance with **CFC Sec. 503; 503.2.1; 503.2.3; & 503.2.5** May need turnouts depending on driveway length. **CFC Table D 103.4**

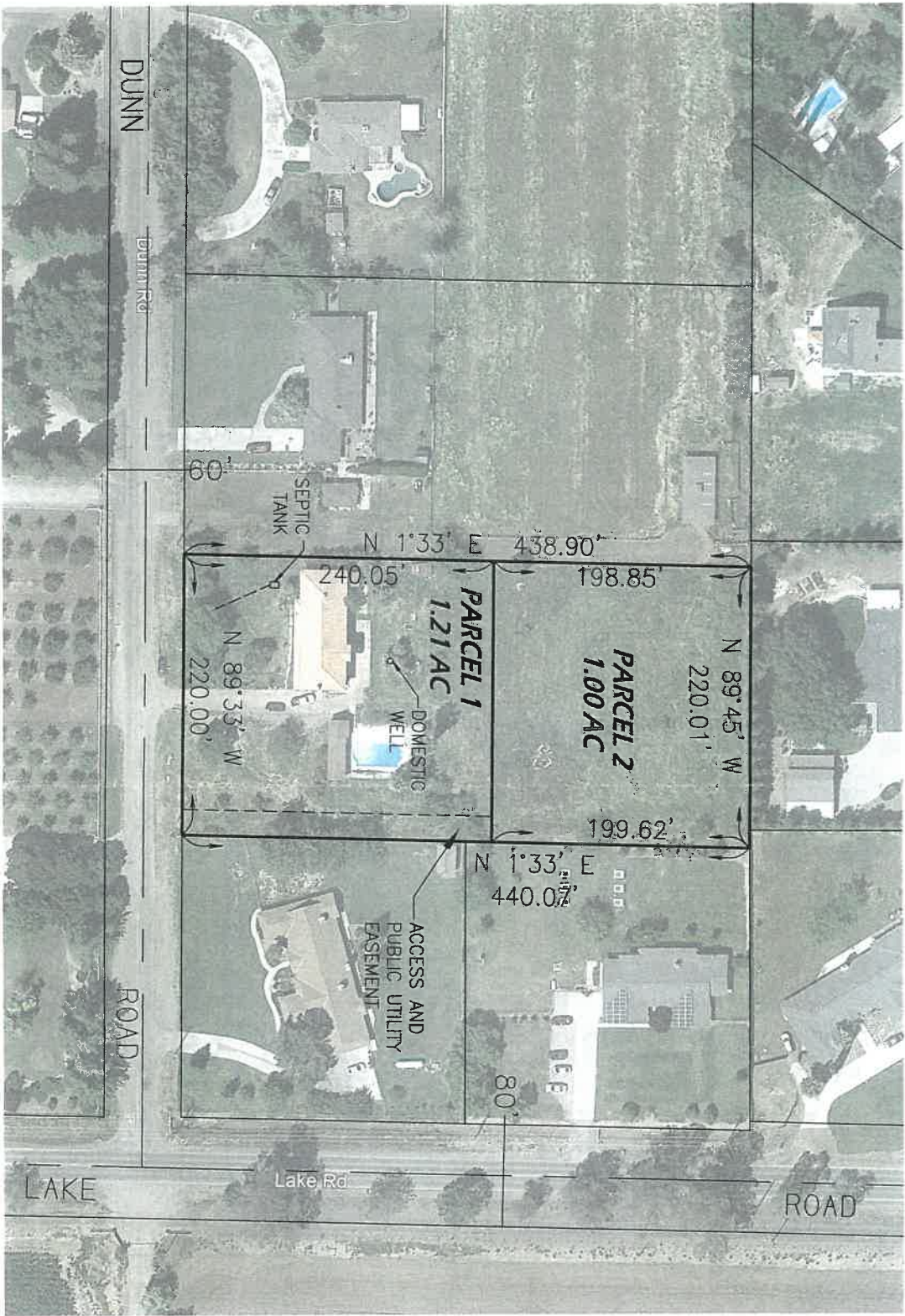
## EXHIBIT A

7. Must have an approved water supply.

### Merced County Public Works/Roads Division

8. Applicant shall dedicate a 10 foot Public Utility Easement along the frontage of Parcel 1
9. Applicant shall install a Rural Driveway Approach to provide access to Parcel 2 from Dunn Road. The easement for ingress/egress must be wide enough to accommodate a 14 foot wide driveway and the existing utility pole at the site. An Encroachment Permit shall be obtained prior to any construction done on County right-of-way.





JOB NO.: 18190

NOTE: PLEASE USE BLACK INK OR DARK PENCIL

**PLAN**  
FOR

SCALE: 1" = 80'

APPLICATION TYPE	NUMBER	A.P.N.	DATE
PARCEL MAP <i>MINOR SUBDIVISION</i>	18019	060-670-012	8/28/2018

PROPERTY OWNER(S): KEVIN DING

PREPARED BY: GOLDEN VALLEY ENGINEERING AND SURVEYING, INC.

ADDRESS: 2918 DUNN ROAD, MERCED, CA 95340

ADDRESS: 405 W. 19TH STREET, MERCED, CA 95340

TELEPHONE: (408) 406-1417

TELEPHONE: (209) 722-3200

MERCED COUNTY



## DEPARTMENT OF PUBLIC HEALTH

Rebecca Nanyonjo-Kemp, DrPH

*Director*

Vicki Jones, MPA, REHS

*Interim Director of Environmental Health*

### Memorandum

DATE: November 28, 2018

TO: Brian Guerrero, Planner III

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

SUBJECT: **MINOR SUBDIVISION No. MS18-019 - EQUITY TRUST CO. - HAU DING / PING ZHOU**  
- A request to divide a 2.2 acre parcel into two parcels resulting in parcel sizes of: Parcel 1 = 1.21 acres and Parcel 2 = 1 acre. The property is located on the north side of East Dunn Road, 225 feet west of North Lake Road, identified as Assessor's Parcel Number (APN) 060-670-012. The property is designated Merced Rural Residential Center land use in the General Plan and is zoned A-R (Agricultural Residential).  
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."

SITUS: 2918 E. Dunn Rd., Merced; APN 060-670-012

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

Soils in this area usually have slow percolation rates which have proven unusable for shallow trench systems. Trench systems deeper than 10 feet (leach pit) may or may not have better absorption, but have a well setback of 150 feet. The 150-ft. setback applies to wells and sewage dispersal for new development in this area, and for repairs to existing development wherever possible.

The 150-ft. setback to existing wells surrounding the proposed parcel leaves approximately 3900 sq. ft. of useable sewage disposal area. The required minimum useable sewage disposal area for any new parcel with any percolation rate is 6,000 sq. ft. Soils with percolation rates slower than 180 mpi require a minimum parcel size of 5 acres. (See Merced County Code, Chapter 9.54.080 (I)).

The minimum setback is 75 feet for leach pits to property lines when individual wells are to be installed and the minimum distance between waste disposal and well cannot be assured. (See Merced County Code, Chapter 9.54.080 (I)). This setback eliminates all of the 3900 sq. ft. of sewage disposal area indicated in the previous paragraph.

A septic system permit cannot be issued for the proposed Parcel 2.

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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)

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STRIVING FOR EXCELLENCE

The proposed Parcel 2 access road across proposed Parcel 1 uses some of the only area available for replacement sewage disposal on Parcel 1.

MCDEH cannot approve this subdivision.



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 28, 2018

To: Brian Guerrero, Planner III  
Planning and Community Development Department

From: Matt Hespenheide, Supervising Engineer  
Department of Public Works

Subject: Minor Subdivision No. MS18-019  
Huan Ding and Ping Zhou

MEMORANDUM

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We have reviewed this minor subdivision that intends to divide a 2.21-acre parcel into two parcels, resulting in parcel sizes of: Parcel 1 = 1.21 acres, and Parcel 2 = 1.00 acres. The property is located at 2918 E Dunn Road. The property is zoned A-R (Agricultural-Residential).

1. Applicant shall dedicate a 10 ft. PUE along the frontage of Parcel 1.
2. Applicant shall install a Rural Driveway Approach to provide access to Parcel 2 from Dunn Road. The easement for ingress/egress must be wide enough to accommodate a 14 ft. wide driveway and the existing utility pole at the site. An Encroachment Permit shall be obtained prior to any construction done on County right-of-way.

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## FIRE DEPARTMENT PREVENTION BUREAU

2222 "M" STREET  
MERCED, CA 95340  
OFFICE (209) 385-7347  
FAX (209) 725-0174

NANCY B. KOERPERICH  
Fire Chief  
(209) 966-3622

MARK LAWSON  
Division Chief  
(209) 385-7450

RICH BOHN  
Fire Marshal  
(209) 385-7347

November 26, 2018

To: Brian Guerrero  
Planner III

From: Rich Bohn  
Fire Marshal

Re: MS18-019 Minor Subdivision Permit by Kevin Bing; A request for Minor subdivisions intended to divide a 2.2 acre parcel into two parcels. Parcel 1-1.2 acres and parcel 2-2.0 acres  
APN: 060-670-012  
Location: 2918 Dunn Rd. Merced, Ca. 95340

After reviewing the above-mentioned application, I offer the following conditions:

**1. ADDRESS IDENTIFICATION.**

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. **(CFC 505.1)**

**2. FIRE DEPARTMENT ACCESS:**

Fire Access shall be maintained in accordance with **CFC Sec. 503; 503.2.1; 503.2.3; & 503.2.5** May need turnouts depending on driveway length. **CFC Table D 103.4**

**3. WATER REQUIREMENTS:**

Must have an approved water supply. **CFC 507.1 & 507.2**

***All construction shall be completed in a professional manner and in compliance with all provisions of the current California Building Standards Codes and all referenced documents contained within. The Code Sections cited below are specific to your project and provided to assist you, however, they are not intended to be all-inclusive.***

**Please contact the Fire Prevention Bureau with any questions/inquiries or to schedule a Pre-Submittal Meeting with Fire and Buildings.  
(209)385-7347**