



AGENDA ITEM # H

Planning Commission
Staff Report
January 9, 2019

PREPARED BY:
APPROVED BY:

BRIAN GUERRERO, PROJECT PLANNER 
 MARK HENDRICKSON, DIRECTOR

1st EXTENSION APPLICATION No. EXT18-042 TO MINOR SUBDIVISION APPLICATION No. MS16-010: Karen Montano: A request to extend the expiration date of the tentative map for Minor Subdivision No. MS16-010 for one year FROM: October 17, 2018 TO: October 17, 2019. The project site is located on the south side of Stretch Road, 125 feet west of Piedmont Drive, in the Merced area, identified as Assessor’s Parcel Number (APN) 061-320-014. The property is designated Merced Rural Residential land use in the General Plan and zoned A-R (Agricultural Residential). CEQA: Staff recommends the Planning Commission determine the project is 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 the public hearing;
2. Determine the application is exempt from environmental review pursuant to Section 15315 “Minor Land Divisions” of the CEQA Guidelines; and,
3. Approve Extension Application No. EXT18-042 based on the findings included in the staff report and subject to the proposed conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

Minor Subdivision No. MS16-010 was to divide a 4.9 acre parcel into two parcels: Parcel 1 = 1.66 acres and Parcel 2 = 3.16 acres. The property is located on the north side of Bloss Avenue, 1,800 feet east of Lander Avenue. Minor Subdivision No. MS16-010 was approved by the Planning Commission on May 11, 2016 with 11 conditions of approval including additional requirements from the Department of Public Works. The applicant submitted a letter requesting an extension of the tentative map on October 15, 2018 requesting to extend the expiration date of the tentative map for Minor Subdivision No. MS16-010 for one year FROM: October 17, 2018 TO: October 17, 2019, which was to divide a 4.9 acre parcel into 2 parcels: Parcel 1 = 1.66 acres and Parcel 2 = 3.16 acres.

The project site is primarily used for one-acre lot residential homes, and the use hasn't changed since approval of the major subdivision in 2006. Residential homes exist to the north, south, and east, while light manufacturing exists to the west.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Rural Residential	A-R	Residential
North:	Rural Residential	A-R	Residential
East:	Rural Residential	A-R	Residential
South:	Rural Residential	A-R	Residential
West:	Residential Reserve	A-R	Row Crops

Prior Actions/Entitlements

The project was subject to one prior permit, MS16-010, which was a request to divide a 3.3 acre parcel into 2 parcels: Parcel 1 = 1.06 acres and Parcel 2 = 2.07 acres. The property is located on the south side of Stretch Road 125 feet west of Piedmont Drive in the Merced area. The property is designated Merced Rural Residential Center and zoned A-R (Agricultural Residential).

ANALYSIS

Project Description

The application is a request to extend the expiration date of the tentative map for Major Subdivision No. MS16-010 for one year FROM: October 17, 2018 TO: October 17, 2019, which was to divide a 4.9 acre parcel into 2 parcels: Parcel 1 = 1.06 acres and Parcel 2 = 2.07 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.

The project site is designated Merced Rural Residential Center land use 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 Hearing Officer on October 17, 2016. 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) 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. EXT18-042 would be the first discretionary extension considered by the Planning Commission and not automatically granted by the State of California.

While the expiration date for the approved tentative map has passed, the application for an extension was filed prior to expiration of the approved tentative map. As a result, the commission may still extend the expiration of the approved tentative map for the requested one year.

California Environmental Quality Act (CEQA)

Staff has determined that pursuant to Section 15315 of the CEQA Guidelines "Minor Land Divisions", the extension requires no further environmental review since adoption of the Program Environmental Impact Report and 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 **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 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 15315 – “Minor Land Divisions” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Extension Application No. EXT18-042 based upon the findings and subject to the proposed conditions of approval.

RECOMMENDED COMMISSION ACTION:

A. CEQA Determination

MOTION: Determine no further environmental review is required pursuant to CEQA Section 15315 of the CEQA Guidelines “Minor Land Divisions” of the CEQA Guidelines based on the findings listed in the Staff Report.

CEQA Findings:

1. The Merced County Hearing Officer determined MS16-010 was exempt from CEQA under Section 15315 – “Minor Land Divisions”.
2. The only change to the project resulting from Extension Application No. EXT18-042 is to extend the time for recordation of the tentative map for Minor Subdivision Application No. MS16-010
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 Program Environmental Impact Report in accordance with Section 15315 of the CEQA Guidelines.
4. There have been no changes to the environmental character of the project site or surrounding area since Minor Subdivision No. MS16-010 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. EXT18-042 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 divide a 3.3 acre parcel into 2 parcels: Parcel 1 = 1.06 acres and Parcel 2 = 2.07 acres.

2. The project site is located south side of Stretch Road, 125 feet west of Piedmont Drive in the Merced area.
3. The project area is designated Merced Rural Residential Center land use and zoned A-R (Agricultural 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.

EXHIBITS

- A. Proposed Conditions of Approval
 - B. Tentative Map
 - C. Applicant's Request for Extension
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- cc. Property Owner – Jose/Karen Montano
Representative – Duane Andrews, Golden Valley Engineering



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

EXHIBIT A

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EXT18-042 CONDITIONS OF APPROVAL

Merced County Community and Economic Development Department

1. The Final Map shall be recorded within two years of the Planning Commission approval.
2. The extension application shall comply with all conditions of approval as required by the previously approved Minor Subdivision No. MS16-010 and any previously approved discretionary extensions