



Staff Report

February 26, 2020

PREPARED BY:
APPROVED BY:

TIFFANY HO, PROJECT PLANNER *lh*
MARK J. HENDRICKSON, DIRECTOR

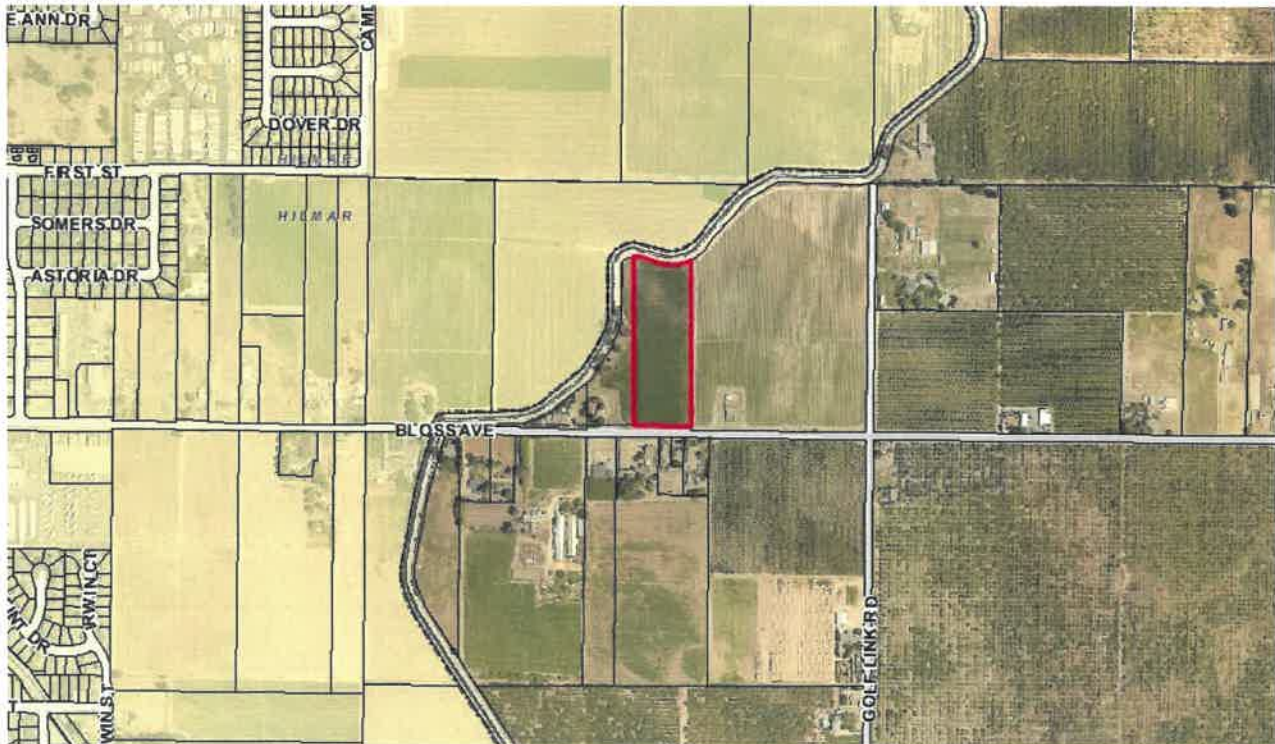
CONDITIONAL USE PERMIT No. CUP19-017 and ZONE VARIANCE No. ZV19-002 - AVELINO DESILVA - A request to vary from the minimum 200 feet agricultural buffer and construct a conventional home on a six acre parcel created after December 10, 2013. The project site is located on the north side of West Bloss Avenue, 940 feet west of North Golf Link Road, 0.2 miles west of Hilmar, and identified as Assessor's Parcel Number (APN) 045-160-098. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15162 of the CEQA Guidelines – "Subsequent EIRs and Negative Declarations." **TSH**

SUPERVISORIAL DISTRICT: 4 - Pareira

RECOMMENDATION(S):

- 1) Open/close the Public Hearing;
- 2) Determine the project can be found exempt from environmental review pursuant CEQA Guidelines Section 15162 – "Subsequent EIRs and Negative Declarations"; and,
- 3) Approve Conditional Use Permit No. CUP19-017 and Zone Variance No. ZV19-002 based on the findings included in the staff report and subject to the recommended conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The project site is a 5.68 acre parcel located on the north side of West Bloss Avenue, 940 feet west of North Golf Link Road, and within 0.2 miles west of the Hilmar Urban Community boundary. The project site is currently undeveloped and fallow, and there are no existing wells or septic systems on-site. The project site is substandard for the zoning classification (A-1 General Agricultural) which requires a minimum of 20 acres to accommodate viable agricultural production. The parcel dimensions are approximately 295 feet wide and 890 feet deep.

The project site shares its northern boundary with a lined canal and an irrigation gate maintained by the Turlock Irrigation District (TID). TID also manages a well site located approximately 175 feet west of the project site. Per Chapter 9.28 (Wells) of the Merced County Code, as regulated by the County Division of Environmental Health, new wells are required to be located 300 feet away from the TID well site. There are no setback requirements for new wells to lined canals.

Per Chapter 9.54 (Regulation of On-Site Wastewater Treatment Systems) of the Merced County Code, as regulated by the County Division of Environmental Health, there are no setback requirements between the TID well site and the proposed septic system. However, the proposed domestic well is required to be located at least 50 feet from the proposed septic tank and leech lines and 100 feet from the proposed leach field.

The surrounding area is characterized by flat terrain, rural residences, and agricultural land uses. Although a majority of the vicinity is currently developed with existing agricultural operations, lands north and west of the TID canal are within the Hilmar Urban Community boundary and planned for residential development. The project site is located within a cluster of substandard parcels adjacent to the urban community boundary that are designated Agricultural land use and developed with rural residences. The adjacent land uses are described in Table 1 (Surrounding Uses), below.

Table 1. Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Agricultural	A-1 (General Agriculture)	Fallow Land
North:	Agricultural / Open Space	R-1 (Single-Family Residential)	TID Canal & Fallow Land
East:	Agricultural	A-1 (General Agriculture)	Orchards & Rural Residence
South:	Agricultural	A-1 (General Agriculture)	Rural Residences
West:	Agricultural	A-1 (General Agriculture)	Rural Residence

Prior Actions/Entitlements

Minor Subdivision No. MS19-018 (PM117-26) was approved by the Planning Commission on September 12, 2018 to subdivide one substandard parcel into two parcels and one remainder, resulting in the parcel sizes: Parcel 1 = 1.16 acres, Parcel 2 = 6.1 acres, and Remainder Parcel = 26 acres. Zone Variance No. ZV18-002 was concurrently processed with MS19-018 and also approved by the Planning Commission on September 12, 2018.

The Zone Variance permitted a variance from the minimum parcel requirements and allowed the Minor Subdivision. The variance was granted because a canal physically separated the property and

made a portion of the property substandard and irregular, and not viable for agricultural production. Additionally, the property was split-zoned; the portion of the property north of the canal was located within the Hilmar Urban Community Plan boundary and classified R-1 (Single-Family Residential) zone and the southern portion was located outside the boundary and classified A-1 (General Agricultural) zone. The subdivision conformed with the boundaries of these two portions thereby eliminating the split-zoning.

ANALYSIS

Project Description

The project proposes to construct a single-family home on a parcel that was created after the adoption of the 2030 Merced County General Plan (December 10, 2013) and vary from the 200 feet buffer requirements from agriculture. To support the new residence, the project also proposes to construct and install a new domestic well and on-site septic system.

The 2030 Merced County General Plan (General Plan) policies state that new parcels created from subdivisions of agricultural land waive the right to construct residences on resulting parcels, and any proposal for a new residence on a newly subdivided parcel would be subject to a Conditional Use Permit. These policies were to allow for review of proposed homes which may impact adjacent agricultural uses. Additionally, the General Plan requires an agricultural buffer to be applied to rural residences adjacent to agricultural land. The intent of the agricultural buffer is to minimize impacts of the rural residences on typical agricultural practices such as cropping and pesticide application.

The adjacent land uses to the north, south, and west are rural residences and the proposed use would not need to buffer from these land uses, beyond the required setbacks for the zone. The property to the east is developed with orchards and an existing home, and the proposed single-family home should buffer from the orchards; however, the proposed home is located 120 feet from the orchards and 160 feet from the existing home to the east. The existing home to the east indicates the fringe of a cluster of rural residences; therefore, the proposed home would not further impact agricultural operations in the surrounding area.

The property owner has stated the proposed location of the new single-family home accommodates the agricultural buffer to the maximum extent feasible and accounting for project site constraints such as the adjacent canal and parcel width.

Consistency with Adopted Plans and Policies

A. General Plan

The General Plan contains the principle statement concerning the County's goals and desires concerning land use and is designed to serve as the basis for development decision making. The plan is considered the local "constitution" for physical development and, as a long-range planning document, and serves to direct the physical growth and development of the County.

Agricultural Element

The General Plan understands that Agriculture plays a key role in shaping the economy and unique character of Merced County, and seeks to protect the existing agricultural economy, and to also find ways to expand the agricultural economy in the future. The Agricultural Element contains policies in this section address the protection, expansion, and diversification of the local agricultural economy and its support industries.

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.

Goal AG-3

Minimize conflicts between productive agricultural areas and urban land uses, and discourage the parcelization and conversion of large agricultural holdings into rural residential parcels or urban uses.

Policy AG-3.1: Right-to-Farm Ordinance

Continue to implement the Right-to-Farm Ordinance to define and limit instances where agricultural operations may be considered a nuisance to surrounding rural residential, residential, or urban development.

Policy AG-3.2: Agricultural Buffer

In consultation with the MCAC, require buffers between proposed non-agricultural uses and adjacent productive agricultural operations to protect farms, dairies, and agricultural-related production facilities from conflicts with non-agricultural uses, specifically rural residences and urban area residential development.

Policy AG-3.3: Agricultural Buffer Standards

In consultation with the MCAC, establish agricultural buffer standards based on the type of agricultural operation, and historic cropping and pesticide application patterns, to be applied to rural residences and urban area residential development proposals adjacent to productive agricultural land and agricultural-related facilities.

Policy AG-3.6: Home Site Clustering

Require clustering of homes on agricultural parcels to minimize interference with agricultural operations.

Policy AG-3.12: Subdivision and Residential Uses in Agricultural Areas

Revise the Merced County Zoning Code, Section 18.02.02, Table 4, to allow for two classes of minor subdivisions within the A-1, A-1-40, and A-2 zones; One that would conditionally waive the right to construct residences on resulting parcels by placement of a note on the face of the recorded-map; and one that would permit the construction of residences on the resulting parcels subject to a conditional use permit.

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.

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.

Goal LU-2

Preserve, promote, and expand the agricultural industry in Merced County.

Policy LU-2.4: Secondary Uses in Agricultural Areas

Except as otherwise provided by law, limit ancillary uses in Agricultural and Foothill Pasture areas to include secondary single-family residences, farm worker housing, agricultural tourism related

uses, and agricultural support services, provided that such do not interfere with historic agricultural practices, result in adverse health risks, or conflict with sensitive habitats or other biological resources.

The General Plan requires that proposals for new residential uses on newly created parcels be subject to a Conditional Use Permit. This policy, in addition to the agricultural buffer requirement, are in place to assess and minimize any impacts to agricultural operations from the creation of new rural residential, residential, and urban uses. After consultation with the Merced County Agricultural Commissioner, an agricultural buffer of 200 feet was deemed appropriate to minimize impacts to agricultural operations.

The location of the proposed single-family residence accommodates the agricultural buffer to the maximum extent feasible and is constrained by an adjacent canal and the parcel width. Additionally, the project site is within a cluster of existing rural residences along Bloss Avenue on the fringe of the Hilmar Urban Community Boundary. The existing home on the parcel east of the project site is the peripheral of the rural residential cluster.

Due to proximity to the Hilmar Urban Community Boundary and location within a residential cluster, the project site is unique situated to ensure a new single-family home would have minimal impacts to existing agricultural operations. Moreover, any residence within the agricultural zone is subject to the right-to-farm ordinance which requires property owners to acknowledge that there are certain inconveniences and nuisances typical to agricultural operations and the priority of the County to protect and preserve agriculture.

B. Zoning Code

The project site is zoned A-1 (General Agricultural). The purpose of the zone is to provide for areas for more intensive farming operations dependent on higher quality soils, water availability and relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas. Parcels smaller than forty (40) acres down to a minimum of twenty (20) acres can be considered where agricultural productivity of the property will not be reduced.

a) Section 18.10.030 – Agricultural Zone Development Standards

The proposed single-family home will meet the lot development standards which require structures meet the setbacks from the property lines (20 feet for the front setback, 15 feet for the side setbacks, and 25 feet for the rear setbacks).

b) Section 18.10.040 – Other Applicable Agricultural Zone Regulations

Per Subparagraph N, new single-family homes may be permitted on a parcel created after December 10, 2013 with a Conditional Use Permit. Additionally, Subparagraph M states that new residences shall meet 200 foot separation from parcels used for agricultural production.

The project proposes to vary from Subparagraph M and provide 160 feet of separation from the parcel to the east.

c) Section 18.126.050 – [Variance] Findings and Decision

The Zoning Code requires that the Planning Commission only approve a variance when the following findings can be made:

- 1. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical*

features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

2. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;*
3. *Approving the Variance or Minor Deviation would not constitute a granting of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and,*

Due to the special circumstances of the project site,

4. *The requested Variance or Minor Deviation would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.*

The project site was created with the approval of Minor Subdivision No. MS18-012 and Zone Variance No. ZV18-002. The subdivision was approved to allow for the division of land where a TID canal physically separated a portion of land not viable for agricultural production due to its size and irregular shape. The project site was created from this portion of land.

The size of the project site and proximity to the canal continues to be a special circumstance that does not generally apply to other properties in the vicinity under identical zoning classification. As a result, strict compliance with the Zoning Code would prevent development of the project site as allowed and enjoyed by other property in the vicinity and under identical zoning classification. Furthermore, approval of the variance would not constitute a granting of special privilege not enjoyed by other properties within the vicinity and zone. Rather, the variance would grant construction of a rural residence which is a use allowed within the zone.

California Environmental Quality Act (CEQA)

Staff has determined the project can be found exempt from environmental review pursuant to Section 15162 of the CEQA Guidelines – “Subsequent EIRs and Negative Declarations.”

The 2030 Merced County General Plan Program Environmental Impact Report (EIR) contained an extensive analysis of the potential impacts of subdivisions located in agricultural and open space areas of the County, the conflict between residential land uses and agricultural operations in urban fringe areas, and the creation of scattered rural residences and rural ranchettes.

Since single-family residences are permitted with the existing agricultural parcels, the Program EIR concluded that the overall impact of the General Plan would be significant and unavoidable. However, the implementation of Mitigation Measures AG-5a through AG-5h would minimize farmland conversion to non-agricultural uses, reduce potential interference with continued agricultural operations, and reduce health risks to future residents within productive areas. These Mitigation Measures are implemented through the goals and policies described in this staff report analysis.

The proposed project falls within the scope analyzed by the Program EIR for the General Plan, does not involve any special circumstances that would introduce new significant environment effects, or

involve a substantial increase in the severity of a previously identified significant impact; therefore, the project is statutorily exempt from environmental review.

Community Engagement

The project was routed to applicable County departments and outside agencies for comment. See Exhibit C for agency comments received.

Notice of the public hearing was mailed to property owners within 300 feet of the project site and published in the Merced Sun-Star on **February 14, 2020**. 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 Conditional Use Permit is consistent with applicable provisions of the General Plan and Zoning Code. Furthermore, staff determined the problem is exempt from environmental review pursuant to Section 15162 of the CEQA Guidelines – “Subsequent EIRs and Negative Declarations.”

Staff recommends the Planning Commission approve Conditional Use Permit No. CUP19-017 and Zone Variance No. ZV19-002 based upon the findings listed below and subject to the recommended conditions of approval.

RECOMMENDED COMMISSION ACTION:

A. CEQA DETERMINATION

MOTION: Determine the project can be found exempt from environmental review pursuant to Section 15162 of the CEQA Guidelines – “Subsequent EIRs and Negative Declarations.”

CEQA FINDINGS

1. The proposed project requests to vary from the minimum 200 feet agricultural buffer and construct a new single-family conventional home on a newly created six acre lot designated Agricultural land use and zoned A-1 (General Agricultural) and a vary from the agricultural buffer requirements by 80 feet.
2. The proposed variance is the result of constraints due to parcel width and the presence of a canal adjacent to the subject property.
3. The proposed project falls within the scope of the 2030 Merced County General Plan and the associated Program Environmental Impact Report (EIR) as well as the FPEIR Addendum prepared for the 2019 Zoning Code Update project, specifically in consideration of required buffering space between residential and agricultural uses.
4. Cumulative effects of this project, specifically residential uses within agricultural zones, were also considered in the 2030 Merced County General Plan EIR and the FPEIR Addendum prepared for the 2019 Zoning Code Update project.
5. The proposed project does not involve any special circumstances that would introduce new significant environment effects or involve a substantial increase in the severity of a

previously identified significant impact which would require a Subsequent EIR pursuant to Section 15162(a).

6. The determination that the application is exempt from CEQA review reflects the independent judgement of the County.

B. PROJECT DETERMINATION

MOTION: Approve Conditional Use Permit No. CUP19-017 and Zone Variance No. ZV19-002 based on the findings included in the staff report and subject to the recommended conditions of approval.

PROJECT FINDINGS

1. Conditional Use Permit No. CUP19-017 and Zone Variance No. ZV19-0017 is a request to vary from the minimum 200 feet agricultural buffer and construct a conventional home on a six acre parcel created after December 10, 2013. The project site is located on the north side of West Bloss Avenue, 940 feet west of North Golf Link Road, 0.2 miles west of Hilmar, and identified as Assessor's Parcel Number (APN) 045-160-098.
2. The project site is designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural).
3. The proposed project is consistent with the applicable provisions of the 2030 Merced County General Plan and the Merced County Zoning Code.
4. The proposed project meets the findings listed in Section 18.126.050 for a variance.
5. The proposed project has been reviewed by the Department of Public Works, Road Division, Division of Environmental Health, Building and Safety Division, and the Fire Department.
6. Notice of the public hearing was published in the Merced Sun-Star and mailed to property owners within 300 feet of the project site.
7. The project is subject to all applicable Federal, State, and local regulations.

EXHIBITS:

- A. Conditions of Approval
 - B. Site Plan
 - C. Agency Comments
- cc. Applicant/Property Owner – Avelino DeSilva
Engineer – Pelton Wylie



**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

CUP19-013 CONDITIONS OF APPROVAL

Community and Economic Development Department – Planning Division

Equal Opportunity Employer

1. Conditional Use Permit No. CUP19-017 and Zone Variance No. ZV19-002 is granted to vary from the minimum 200 feet agricultural buffer by 80 feet and construct a conventional home on a six acre parcel created after December 10, 2013. Minor Modifications may be approved by the Community and Economic Director upon submittal of an acceptable application.
2. For the purpose of conditions monitoring an inspection in the amount of **\$162.00** shall be required. This fee shall be paid with 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant at the established hourly rate at the time of inspection.
3. Prior to issuance of a building period, the applicant shall sign and record a right-to-farm certificate. This declaration and acknowledgements contained shall be disclosed to prospective transferees of any interest in the subject property, including but not limited to, a leasehold interest, prior to any transfer.
4. The applicant shall comply with all applicable Federal, State, and local regulations. These regulations shall include, but not be limited to standards administered by the County Fire, Health, and Public Works Departments.

Public Works Department - Roads Division

5. The applicant shall construct a rural paved, residential driveway approach from Bloss Avenue to the proposed home. The designs shall conform to the Merced County Improvement Standards and Specifications (Ch. 7.04B).
6. The applicant shall obtain an encroachment permit prior to any construction.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

AVELINO DESILVA has the contracted duty (hereinafter "the duty") to indemnify, defend and hold harmless, County, its Board of Supervisors, officers, employees, agents and assigns from and against any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, at any time arising out of or in any way connected with the performance of this Agreement, whether in tort, contract, writ of mandamus, or otherwise. This duty shall include, but not be limited to, claims, petitions, or the like for bodily injury, property damage, personal injury, contractual damages, writ of mandamus, or otherwise alleged to be caused to any person or entity including, but not limited to employees, agents, commissions, boards, and officers of AVELINO DESILVA.

AVELINO DESILVA liability for indemnity under this Agreement shall apply, regardless of fault, to any acts or omissions, willful misconduct or negligent conduct of any kind, on the part of AVELINO DESILVA, his agents, subcontractors, employees, boards, and commissions. The duty shall extend to any allegation, claim of liability, or petition, except in circumstances found by a jury or judge to be the sole and legal result of the willful misconduct of County. This duty shall arise at the first claim, petition, or allegation of liability against County. AVELINO DESILVA will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause and shall not be limited to any and all claims, petitions, demands, liability, judgments, awards, interest, attorney's fees, costs, experts' fees and expenses of whatsoever kind or nature, that may arise during the term of this Agreement but shall also apply to all such claims and the like after the term of this contract, for example, arising from land use and environmental law actions, or meeting notice law actions, brought against the County following permit approval, modification, or denial.

This clause for indemnification shall be interpreted to the broadest extent permitted by law.

From: Mendenhall, Charles
Sent: Wednesday, January 29, 2020 3:22 PM
To: Ho, Tiffany
Subject: RE: Review & Comments - CUP19-017 / ZC19-002 - Avelino DeSilva

We have no comments for this.

Charlie Mendenhall
Merced County Building & Safety Division
2222 M St
Merced, CA 95340
209-385-7477

From: Ho, Tiffany
Sent: Thursday, January 16, 2020 4:43 PM
To: Cronk, Brent; Chan, Ashlee; Flores, Jose; Wenger, Chris; Bohn, Rich; Hespenheide, Matt; Mendenhall, Charles
Cc: Guerrero, Brian
Subject: Review & Comments - CUP19-017 / ZC19-002 - Avelino DeSilva

Hello All,

I would appreciate your review and comments on the following project by **January 30, 2020**:

CONDITIONAL USE PERMIT No. CUP19-017 and ZONE VARIANCE No. ZV19-002 - AVELINO DeSILVA - A request to vary from the minimum 200 feet agricultural buffer and construct a conventional home on a 6 acre parcel created after 2013. The project site is located on the north side of West Bloss Avenue, 940 feet west of North Golf Link Road in the Hilmar area, identified as Assessor's Parcel Number (APN) 045-160-098. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural).

This application will not go to PAR. The application package and site plan has been attached. Please let me know if you have any questions or need clarification on any project details.

Sincerely,
Tiffany

Tiffany Ho
Planner II
Merced County Community and
Economic Development Department

phone 209 - 385 - 7654 x4407
email tiffany.ho@countyofmerced.com

2222 M Street, 2nd Floor
Merced, CA 95430

www.countyofmerced.com/planning
www.facebook.com/MercedCountyCED



Rebecca Nanyonjo-Kemp, DrPH
Director

Gordon Arakawa, MD, PhD
Health Officer

Memorandum

DATE: February 11, 2020
TO: Tiffany Ho, Planner II
FROM: Ashlee Chan, EHS II
(209) 385-7654 xt4568; Ashlee.Chan@countyofmerced.com

SUBJECT: CONDITIONAL USE PERMIT No. CUP19-017 and ZONE VARIANCE No. ZV19-002 - AVELINO DeSILVA - A request to vary from the minimum 200 feet agricultural buffer and construct a conventional home on a 6 acre parcel created after 2013. The project site is located on the north side of West Bloss Avenue, 940 feet west of North Golf Link Road in the Hilmar area, identified as Assessor's Parcel Number (APN) 045-160-098. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural).

SITUS: APN 045-160-098

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

A 6 acre parcel with adequate space for a well and septic system. Soils in the area indicate a potential for high groundwater and slow percolation rates. A soil evaluation may need to be conducted and a special designed septic system may have to be installed.

Vicki Jones, MPA, REHS
Environmental Health Division Director

Jessica Montoya-Juarez, MS
Assistant Public Health Director

Yadira Vazquez, MBA
Assistant Public Health Director

James Clark, MICP, MHOAC
EMS Administrator

Ho, Tiffany

From: Bohn, Rich
Sent: Tuesday, January 21, 2020 12:54 PM
To: Ho, Tiffany
Subject: RE: Review & Comments - CUP19-017 / ZC19-002 - Avelino DeSilva

Hi Tiffany, Fire has no comments for this CUP. There will be requirements when this project BP comes in for review.

Rich Bohn

Battalion Chief B20

Merced County Fire Marshal

Merced County Fire Department

(209) 385-7347 office Ext.4680

(209) 761-1970 cell

(209) 725-0174 fax

Striving for excellence in Fire & Life Safety

In cooperation with CAL FIRE

From: Ho, Tiffany
Sent: Thursday, January 16, 2020 4:43 PM
To: Cronk, Brent; Chan, Ashlee; Flores, Jose; Wenger, Chris; Bohn, Rich; Hespenheide, Matt; Mendenhall, Charles
Cc: Guerrero, Brian
Subject: Review & Comments - CUP19-017 / ZC19-002 - Avelino DeSilva

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This application will not go to PAR. The application package and site plan has been attached. Please let me know if you have any questions or need clarification on any project details.

Sincerely,
Tiffany

Tiffany Ho
Planner II

Merced County Community and
Economic Development Department

phone 209 - 385 - 7654 x4407
email tiffany.ho@countyofmerced.com

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Merced, CA 95430

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**DEPARTMENT OF PUBLIC WORKS
Road Division**

Dana S. Hertfelder
Director

345 West 7th Street
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(209) 385-7601
(209) 722-7690
www.co.merced.ca.us

Equal Opportunity Employer

Date: February 11, 2020

To: Tiffany Ho, Planner II
Community and Economic Development Department

From: Gerardo Elias, Engineering Associate
Department of Public Works

Subject: Conditional Use Permit No. CUP19-017
Avelino DeSilva

MEMORANDUM

We have reviewed this conditional use permit for a request to vary from the minimum 200 feet agricultural buffer and construct a conventional home on a 6 acre parcel created after 2013. The project site is located on the north side of West Bloss Avenue, 940 feet west of North Golf Link Road in the Hilmar area, identified as Assessor's Parcel Number (APN) 045-160-098. The property is designated Agricultural land use in the General Plan and is zoned A-1 (General Agricultural).

The Road Division has the following condition:

- 1) Applicant shall construct a rural paved driveway approach (residential) to access their site on Bloss Avenue. Design shall conform to the Merced County Improvement Standards and Specifications (Ch. 7.04.B). An Encroachment Permit shall be obtained prior to any construction.