

AGENDA

PLANNING COMMISSION

Regular Meeting

Wednesday, February 10, 2021 - 9:00 a.m

Merced County Administration Building

Board Room, Third Floor 2222 M Street

Merced, California 95340

Phone: 209.385.7654 Fax: 209.726.1710

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COMMISSIONERS
4. APPROVAL OF MINUTES

4.I. DRAFT MINUTES 01-27-2021

Documents:

[DRAFT MINUTES 012721.PDF](#)

5. CITIZEN COMMUNICATIONS
6. PUBLIC HEARING(S)

6.I. MINOR SUBDIVISION APPLICATION No. MS20-023

BIVENS & COMPANY, LLC - A request to subdivide a 4.86 acre parcel into two parcels, resulting in parcel sizes of Parcel 1 = 2.44 acres and Parcel 2 = 2.42 acres. The project site is located on the northside of W. Bloss Avenue, approximately 1,800 feet east of N. Lander Avenue, in the Hilmar area, identified as Assessor's Parcel Number (APN) 015-100-006. The property is designated Hilmar Urban Community – Low Density Residential in the General Plan and is zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Planning Commission determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines. **PN**

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision No. MS20-023 based on the findings and subject to the recommended conditions of approval.

Documents:

[ITEM A. MS20-023 - BIVENS COMPANY LLC.PDF](#)

- 6.II. EXTENSION APPLICATION NO. EXT20-015, 9TH EXTENSION TO MAJOR SUBDIVISION APPLICATION NO. MAS05-00
CHRIS MADSON - ITEM PULLED FROM AGENDA

7. COMMISSION ACTION ITEM(S)
8. DIRECTOR'S REPORT
9. COMMISSIONER'S COMMENT
10. ADJOURNMENT
11. PRINTABLE (PDF) AGENDA
- 11.I. PLANNING COMMISSION AGENDA 02-10-2021

Documents:

[PLANNING COMMISSION AGENDA 021021.PDF](#)

MERCED COUNTY PLANNING COMMISSION
MINUTES FOR MEETING OF JANUARY 27, 2021

The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of January 27, 2021, are available online at www.co.merced.ca.us/planning/plancomarchive.html.

I. CALL MEETING TO ORDER

The regularly scheduled meeting of the Merced County Planning Commission was called to order at 9:00 a.m., on January 27, 2021, in the Board Chambers located at 2222 "M" Street, Third Floor, Merced, California.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL OF COMMISSIONERS

Commissioners Present: Commissioner Kurt Spycher – Chairman
 Commissioner Mark Erreca
 Commissioner Robert Acheson
 Commissioner Jack Mobley
 Commissioner Fernando Aguilera

Staff Present: Steve Maxey, Deputy Director
 Kristin McHaney, Recording Secretary
 Brody Patterson, Planner I
 Pam Navares, Planner II
 Diana Lowrance, Planner III

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: None

IV. APPROVAL OF MINUTES

MOTION: M/S MOBLEY - ACHESON AND CARRIED BY A VOTE OF 5 – 0, THE COMMISSION APPROVES THE MINUTES FROM THE JANUARY 13, 2021 MEETING.

V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. MINOR SUBDIVISION APPLICATION No. MS20-022 - AUTOZONE PARTS - A request to divide an approximate 15.57 acre parcel (with split-zoning) into 2 parcels resulting in parcel sizes of: Parcel 1 = 1.00 acre and Parcel 2 = 14.57 acres, on property located on the east side of North Winton Way between Almond and Doris Avenues, identified as Assessor's Parcel Number (APN) 147-200-001. The property is designated Winton Urban Community - General Commercial and Medium Density Residential land use in the General Plan and is zoned C-2 (General Commercial) and R-2 (Two-family Residential). CEQA: Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15315 – "Minor Land Divisions" of the CEQA Guidelines. **DL**

RECOMMENDATIONS:

- 1) Open/close the 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. MS20-022 based on the findings in the staff report and subject to the recommended conditions of approval.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated January 27, 2021.

The public hearing opened at 9:04 a.m.

No one spoke in favor of or opposition to proposed project.

The public hearing closed at 9:05 a.m.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THE PROJECT CAN BE FOUND EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15315 – “MINOR LAND DIVISIONS” OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 27, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS20-022 SUBJECT TO THE 12 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

MINOR SUBDIVISION NO. MS20-022 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. 20-001.

Merced County Fire Department

Fire Department Access:

4. All driveways accessing the parcel shall be surfaced with an approved all weather driving surfacing material. Shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. (CFC Sec. 503)

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5. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 13 feet 6 inches. (CFC 503.2.1)
6. If Security gates are installed they shall be approved by this office. As required, including the installation of a Merced County coded “Knox” key switch or “Knox” padlock, whichever is most appropriate in relation to your needs. (CFC Sec. 506)

Fire Flow Requirements:

7. All projects shall meet the fire flow requirements as per California Fire Code. In addition, all options shall be approved by this office.

Required water supply:

8. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (CFC 507.1)

Merced County Department of Public Works

9. Applicant shall maintain all storm water runoff on-site. Calculations for proposed basin or Low-Impact Development design systems, compliant to the Merced County Storm Drainage Design Manual and Merced County Code Chapter 9.53, shall be submitted to the Road Division for review.
10. Level 1 improvements will be required which include, but are not limited to curb, gutter, sidewalk, street lights, utility relocation, right of way & PUE dedication. Site plan will need to show these improvements.
11. Traffic Signal and lights will need to be relocated on the northwest corner of the property as part of the improvements.

County Counsel

12. INDEMNITY AND HOLD HARMLESS AGREEMENT:

AUTOZONE PARTS, INC., 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.

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- B. 10th EXTENSION APPLICATION No. EXT20-014 TO MAJOR SUBDIVISION No. MAS05-006 - "RED ROCK INDUSTRIAL PARK" – CENTRAL VALLEY AG GROUP -** A request to extend the expiration date of the tentative map for MAS05-006 by 1 year, FROM: December 21, 2020 TO: Dec. 21, 2021. The project site is located on the west side of N. Arboleda Drive, 400 feet south of E. Highway 140 in the Merced area, identified as Assessor's Parcel Number (APN) 061-033-007. The property is designated Tuttle Rural Center - Industrial land use and zoned M-1 (Light Manufacturing). CEQA: Staff recommends that the Planning Commission find that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **BP**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines; and,
- 3) Approve Extension Application No. EXT20-014 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

Planner Brody Patterson presented the Staff Report and recommendations of approval dated January 27, 2021.

The public hearing opened at 9:08 a.m.

Edward Halsey spoke of his concerns regarding the feasibility of the proposed project.

The public hearing closed at 9:12 a.m.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 "SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS" OF THE CEQA GUIDELINES.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 27, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES 10th EXTENSION APPLICATION No. EXT20-014 SUBJECT TO THE 4 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Merced County Community and Economic Development Department

1. The Tentative Map for Major Subdivision Application No. MAS05-006 shall expire on December 21, 2021, unless an extension request is applied for and approved.
2. The current Extension Application No. EXT20-014 shall comply with all conditions of approval as required by the previously approved Major Subdivision No. MAS05-006 and all previously approved discretionary extensions (EXT07-026, EXT08-031, EXT18-043, and EXT19-012).
3. The Applicant shall continue to work with the Merced County Division of Environmental Health (MCDEH) to reconfigure the parcel lines on the Final

Map to come into compliance with current setback requirements for wells and septic systems.

County Counsel

4. INDEMNITY AND HOLD HARMLESS AGREEMENT:

TUTTLE LAND HOLDINGS LLC / CENTRAL VALLEY AG GROUP have 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.

- C. MINOR SUBDIVISION APPLICATION No. MS20-021 – DWIGHT KAJIOKA** - A request to create a 3.62 acre homesite parcel from a 20.04 acre parcel, and combine the remaining 16.42 acres with an abutting 20.03 acre parcel, creating a 36.44 acre parcel. The project is located at the west side of N. Pepper Street, 1370 feet south of W. South Avenue in the Ballico area, identified as Assessor's Parcel Numbers (APN's) 046-160-012 and 046-160-013. 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 determine that no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines. **PN**

RECOMMENDATION(S):

- 1) Open/close the public hearing;
- 2) Determine no further environmental review is required pursuant to Section 15162 - "Subsequent EIRs and Negative Declarations" of the CEQA Guidelines based on the analysis in the 2030 Merced County General Plan Program Environmental Impact Report and the attached CEQA Section 15162 Findings and Analysis; and,
- 3) Approve Minor Subdivision Application No. MS20-021 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Planner Pam Navares presented the Staff Report and recommendations of approval dated January 27, 2021.

The public hearing opened at 9:18 a.m.

No one spoke in favor of or opposition to proposed project.

The public hearing closed at 9:18 a.m.

MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION DETERMINED THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO SECTION 15162 – "SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS" OF THE CEQA GUIDELINES.

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MOTION: M/S MOBLEY - ACHESON, AND CARRIED BY A VOTE OF 5 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED JANUARY 27, 2020 AND MAKES THE 9 PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR SUBDIVISION No. MS20-021 SUBJECT TO THE 6 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

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 Local, State and Federal regulations.
3. The project shall comply with all standard conditions contained in the Planning Commission Resolution No. 20-001.
4. A note shall be placed on the face of the parcel map stating that any new residences will be subject to review and approval of a Conditional Use Permit from the County, as per General Plan Policy AG-3.12, or as otherwise permitted by the County subject to the current policies in place at the time of the request.
5. The 3.62 acre homesite parcel shall be removed from the Agricultural Preserve prior to recording the Parcel Map.

County Counsel

6. INDEMNITY AND HOLD HARMLESS AGREEMENT:

DWIGHT KAJIOKA have 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.

VII. COMMISSION ACTION ITEM (S)

None

VIII. DIRECTOR'S REPORT

None

IX. COMMISSIONERS COMMENTS

None

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 a.m.



AGENDA ITEM # A

Planning Commission
Staff Report
February 10, 2021

PREPARED BY:
APPROVED BY:

PAM NAVARES, PROJECT PLANNER *PN*
 MARK HENDRICKSON, DIRECTOR

MINOR SUBDIVISION APPLICATION No. MS20-023 – BIVENS & COMPANY, LLC - A request to subdivide a 4.86 acre parcel into two parcels, resulting in parcel sizes of Parcel 1 = 2.44 acres and Parcel 2 = 2.42 acres. The project site is located on the north side of W. Bloss Avenue, approximately 1,800 feet east of N. Lander Avenue, in the Hilmar area, identified as Assessor's Parcel Number (APN) 015-100-006. The property is designated Hilmar Urban Community – Low Density Residential in the General Plan and is zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Planning Commission determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines. **PN**

SUPERVISORIAL DISTRICT: 4 – Lloyd Pareira

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision No. MS20-023 based on the findings and subject to the recommended conditions of approval.

LOCATION MAP:



BACKGROUND:

Site Description

The project site is an approximately 4.86 acre parcel located on the north side of Bloss Avenue, approximately 1,800 feet east of Lander Avenue in the Hilmar area identified as Assessor’s Parcel Number (APN) 015-100-006. The property is associated with the address 19646 Bloss Avenue, Hilmar, CA 95324.

The project site is designated Hilmar Urban Community Plan – Low Density Residential land use in the General Plan and zoned R-1 (Rural Residential). The property is improved with one single family residence, which is served by a domestic well and on-site septic system. The remainder of the property is undeveloped. The property fronts onto both Bloss Avenue and First Street.

The surrounding area is within the Hilmar Urban Community Plan. The property on the west is designated Business Park land use in the General Plan and property on the north, east and south is designated Low Density and Medium Density Residential in the General Plan. The surrounding area is characterized by small agricultural parcels, a mobile home park, and light industrial operations. Properties further east of the project site are currently farmed and zoned A-1 (General Agricultural). The subject property is designated Hilmar Urban Community Plan - Low Density Residential, meaning urban development is planned for these areas.

Surrounding Uses

	General Plan	Zoning	Current Land Use
On-Site:	Low Density Residential	R-1	Single-Family Home
North:	Medium Density Residential	R-3	Mobile Home Park
East:	Low Density Residential	R-1	Single Family Home/Row Crop
South:	Low Density Residential	R-1	Vacant land
West:	Business Park/Low Density Residential	M-1/R-1	Light Industrial/Residential

Prior Actions/Entitlements

Minor Subdivision No. MS16-001, EXT 18-007 and EXT 19-004. MS16-001 expired on May 11, 2020.

The Department of Public Works - Roads Division is requesting 42 feet of Right-of-Way from the center line along Bloss Avenue for future road improvements, per the Hilmar Community Plan. The existing well on Proposed Parcel 2 will be inside the Right of Way. Currently, there is no infrastructure available along Bloss Avenue to provide services to the existing home site. The parcel is within the Hilmar County Water District's Sphere of Influence, but is not within the district boundary. Prior to the approval of Minor Subdivision MS16-001, an Out of Boundary Service Agreement (Application No. 16-01) was approved by the Local Agency Formation Commission (LAFCO) on April 20, 2016 to ensure that both proposed parcels have access to Hilmar County Water District services. The agreement is still in effect, and will allow for Proposed Parcel 1 to access existing infrastructure services along First Street for any future construction and it will allow for Proposed Parcel 2 to connect to District services when the infrastructure becomes available in this area.

ANALYSIS

Project Description

The applicant is proposing to subdivide a 4.86 acre parcel into two parcels: Parcel 1 = 2.44 acres and Parcel 2 = 2.42 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.

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.

Policy LU-1.10: Orderly Community Growth

Require the orderly, well planned, and balanced growth of the unincorporated communities consistent with the limits imposed by local infrastructure, services, public facilities, and their ability to assimilate growth.

Goal LU-5.A

Preserve and enhance the character of Merced County by focusing future unincorporated development towards Urban Communities.

Policy LU-5.A.2: Public Sewer and Water

Require all development within Urban Communities to be connected to public sewer and water systems where such systems exist.

The project site is located within the Urban Community of Hilmar and is designated Single-Family Residential land use. The surrounding area is primarily characterized by industrial and residential development, and undeveloped land designated for residential land use.

The property is developed with one existing home served by a well and septic system. Public infrastructure for the provision of water and sewer services does not currently exist for this parcel. Additionally, the Hilmar Water District does not indicate any plans for building the infrastructure in the near future. Therefore, connections to public sewer and water systems are not required at this time.

2. Merced County Zoning Code (MCZC)

The project site is zoned R-1 (Single-Family Residential) in the Merced County Zoning Map. The purpose of this 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.

a. Section 18.12.030, Residential Zone Development Standards

The proposed parcels meet the minimum lot development standards as required by Section 18.12.030.

Lot Development Standards for R-1 (Single-Family Residential) Zone

	Interior Lot
Minimum Parcel Size	6,000 square feet
Minimum Lot Width at Front Lot Line	60 feet
Minimum Lot Depth	100 feet

3. Other Adopted Plans and Policies

Hilmar Community Plan

The proposed subdivision may be found consistent with the Hilmar Community Plan goals and policies. More specifically, the project can be found consistent with the following:

Goal: *Create a pedestrian oriented community, that accommodates residential, business and economic growth, while maintaining a small town atmosphere.*

Objective LU 1.0: *Provide for the housing needs of a broad range of socio-economic groups..*

Implementation Measure LU1.1a: *Residential housing designs shall be consistent with guidelines and standards set forth in the Community Character and Design Guidelines (Chapter 4).*

Implementation Measure LU1.1e: *Residential development shall be consistent with the density standards identified in Table 3.2, Residential Density Standards.*

Goal: *Provide a safe and efficient network for vehicles, bicycle, pedestrians and transit within the Community that are inviting to pedestrians rather than auto-oriented.*

Objective CI1.0: *Establish a hierarchical circulation system to serve the Community and regional traffic needs.*

Implementation Measure CI1.1.a: *Designate a hierarchical circulation system consistent with the Hilmar Community Circulation Diagram and Pedestrian and Bicycle facilities map (refer to Figures 5.1 and 5.9).*

The project site is located within the Urban Community of Hilmar and is designated Single-Family Residential land use, and the proposed project directs growth within an urban boundary. The surrounding area is characterized by residential and industrial uses, and small-scale farming operations. The parcels are of adequate size to meet Zoning Code standards, for wells and septic systems and accommodate additional housing to meet density standards.

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 the project can be found exempt from environmental review pursuant to Section 15315 – “Minor Land Divisions” of the CEQA Guidelines. The section 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.

The following findings can be made to support this determination:

1. The parcel is located within the Urban Community of Hilmar.
2. The parcel is designated Low Density Residential land use and zoned R-1 (Single-Family Residential).
3. The proposed project involves the division of property into four or fewer parcels.
4. The proposed project is consistent with the General Plan, the Hilmar Community Plan, and Zoning Code.
5. No variances or exceptions are required to implement the proposed project.
6. All services and access to the proposed parcels are available.
7. The parcel has not been involved in a division of a larger parcel within the previous two (2) years.
8. The parcel does not have an average slope greater than 20 percent.

Community Engagement

The project application was routed to applicable County departments for comment. Comments were received from the Division of Environmental Health, Buildings & Safety Division, Fire Department, and the Roads Division. See **Exhibit C** for agency comments.

Notice of the public hearing was mailed to all owners of property located within 300 feet of the project site and published in the Merced Sun-Star on **January 29, 2021**. 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, Hilmar Community Plan, Zoning Code, Title 17 of the Merced County Code, and the Subdivision Map Act. Furthermore, the project can be found exempt from environmental review pursuant to Section 15315 – “Minor Land Divisions” of the CEQA Guidelines.

Staff recommends the Planning Commission approve Minor Subdivision Application No. MS20-023 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 is exempt from environmental review pursuant to Section 15315 - “Minor Land Divisions” of the CEQA Guidelines.

CEQA Findings:

1. The parcel is located within the Urban Community of Hilmar.
2. The parcel is designated Low Density Residential land use and zoned R-1 (Single – Family Residential).
3. The proposed project involves the division of property into four or fewer parcels.
4. The proposed project is consistent with the General Plan, the Hilmar Community Plan, and Zoning Code.
5. No variances or exceptions are required to implement the proposed project.
6. All services and access to the proposed parcels are available.
7. The parcel has not been involved in a division of a larger parcel within the previous two (2) years.
8. The parcel does not have an average slope greater than 20 percent.

B. Project Determination

MOTION: Approve Minor Subdivision No. MS20-023 based on the findings and subject to the recommended conditions of approval.

Project Findings:

1. Minor Subdivision Application No. MS20-023 proposes to subdivide a 4.86 acre parcel into two parcels; Parcel 1= 2.44 acres and Parcel 2 = 2.42 acres. The project site is located on the north side of Bloss Avenue, 1,800 feet east of Lander Avenue in the Hilmar area, identified as Assessor's Parcel Number (APN) 015-100-006.
2. The property is designated Hilmar Urban Community Plan – Low Density Residential land use in the General Plan and is zoned R-1 (Single-Family Residential).
3. The proposed project is consistent with applicable provisions of the 2030 Merced County General Plan and the Hilmar Community Plan.
4. The proposed project is consistent with applicable provisions of the Merced County Zoning Code that have not been superseded through adoption of the 2030 General Plan and the Hilmar Community Plan.
5. The proposal is consistent with the Subdivision Map Act and Title 17 of the Merced County Code.
6. The project has been reviewed by the County Roads Division, Environmental Health Division, Building and Safety Division, and the Fire Department.
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 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 Owners- Bivens and Company LLC
Engineer – Kevin Bronson



**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

MS20-023 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. 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. 20-001.

Environmental Health

4. Prior to recording the Parcel map, the domestic well located on Parcel 2 shall be destroyed.

Turlock Irrigation District

5. If Parcel 2 will continue to irrigate, an irrigation easement shall be provided across Parcel 1 for the benefit of Parcel 2, so that a separate pipe or ditch can be constructed to serve Parcel 2. Alternatively, District Standards require that properties that will no longer irrigate or have access to water must apply for abandonment for the parcels from the improvement district.

Department of Public Works-Roads

6. Right-of-Way dedication is required to fulfill the property owner's half of an 84 foot ultimate right-of-way on Bloss Avenue (per the Hilmar Community Plan):

Bloss Avenue has an existing 40 foot right-of-way, with 20 feet lying on the owner's side of the road centerline. The owners will need to dedicate an additional 22 foot right-of-way along the Bloss Avenue frontage of the property. However at this time, the dedication of only 10 feet right-of-way is required.

The Project site is subject to frontage improvements in accordance to the Merced County Improvement Standards and Specifications (curb and gutter, sidewalks) along Bloss Avenue. The applicant will need to enter into a Deferment of Construction Agreement to install the improvements at a later date:

The agreement will also include dedication of the remaining 12 foot right-of-way and a 10 foot public utility easement.

County Counsel

7. INDEMNITY AND HOLD HARMLESS AGREEMENT:

PAT BIVENS/BIVENS AND COMPANY LLC, have 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.

EXHIBIT B_N

SITE AREA:

AREA TO BE SUBDIVIDED:
5.00 ACRES PRE DEDICATION
4.83 ACRES POST DEDICATION

SITE ADDRESS:

19646 BLOSS AVE.
HILMAR, CA 95324
APN 015-100-006

GENERAL NOTES:

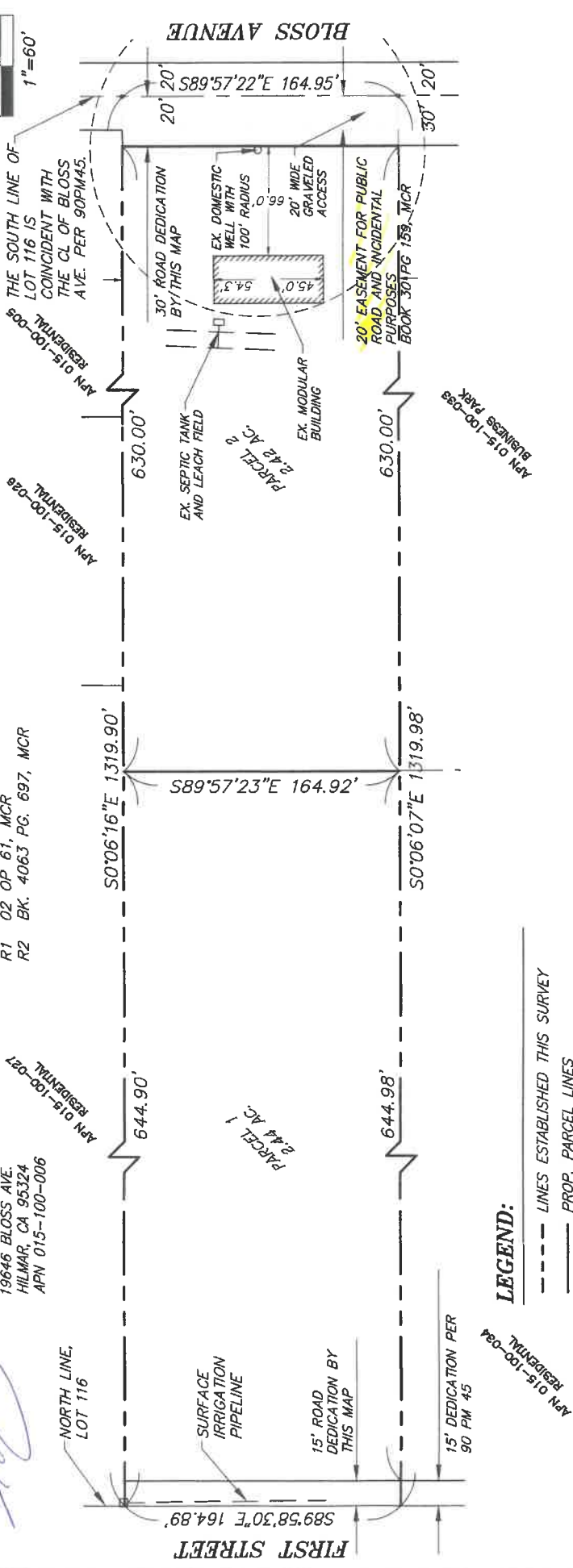
THE SITE IS ZONED LD-R, AS ARE THE PROPERTIES ON THE NW, E, AND S. LAND TO THE NORTH IS ZONED MD-R, AND LAND TO THE SW IS ZONED BF.

REFERENCES:

- R1 02 OP 61, MCR
- R2 BK. 4063 PG. 697, MCR

BASIS OF BEARINGS:

THE BEARING OF N89°57'22"W BETWEEN FD MONUMENTS ON THE SOUTH LINE OF LOT 116, AS SHOWN ON 90 PM 44&45 IS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.



LEGEND:

- LINES ESTABLISHED THIS SURVEY
- PROP. PARCEL LINES

Date 12/15/20

Scale 1"=60'

Prepared by: *Kevin*

PROPERTY OWNER & DEVELOPER:

TENTATIVE PARCEL MAP FOR
BIVENS & COMPANY, LLC
19672 BLOSS AVE.
HILMAR, CA 95324
(209) 417-7518
pat@bivensandcompany.com

MINOR SUBDIVISION 20023

THE BRONSON COMPANY
6206 EPPS DRIVE
WINTON, CA 95388
(209) 606-7340 kevin@thebronsonco.com



**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

EXHIBIT C

Date: February 3, 2021

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

From: Gerardo Elias, Engineering Associate
Department of Public Works

Subject: Minor Subdivision MS20-023
Biven & Company, LLC

MEMORANDUM

We have reviewed this Minor Subdivision MS20-023, subdivided the existing parcel into two, with the south parcel with an existing single family residence accessing from Bloss Avenue, and the north vacant land parcel accessing from First Street. The property is single-family residential zone in the general plan and zoned R-1.

1. Right-of-Way dedication is required to fulfill the property owner's half of an 84 foot ultimate right-of-way on Bloss Avenue (per the Hilmar Community Plan):
 - a. Bloss Avenue has an existing 40 foot right-of-way, with 20 feet lying on the owner's side of the road centerline. The owners will need to dedicate an additional 22 foot right-of-way along the Bloss Avenue frontage of the property. However at this time, the dedication of only 10 feet right-of-way is required.
2. The Project site is subject to frontage improvements in accordance to the Merced County Improvement Standards and Specifications (curb and gutter, sidewalks) along Bloss Avenue. The applicant will need to enter into a Deferment of Construction Agreement to install the improvements at a later date:
 - a. The agreement will also include dedication of the remaining 12 foot right-of-way and a 10 foot public utility easement.

Exhibit C



February 2, 2021

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

RE: Minor Subdivision No. MS20-023 – Bivens & Company

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.

A private irrigation pipeline, connected to Improvement District (ID) 790, runs from east to west at the north end of the property. The subject property is a member of ID 790. After the parcel split, proposed Parcel 2 will not have direct access to water. District rules prohibit irrigating across one parcel to supply water to a second separately owned parcel.

Therefore, if Parcel 2 will continue to irrigate, an irrigation easement shall be provided across Parcel 1 for the benefit of Parcel 2, so that a separate pipe or ditch can be constructed to serve Parcel 2 directly. Alternatively, District Standards require that properties that will no longer irrigate *or have direct access to water* must apply for abandonment of the parcel(s) from the improvement district(s).

The District's electric utility has no comment concerning this 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,

Todd Troglin
Supervising Engineering Technician, Civil
CF: 2021005



Rebecca Nanyonjo-Kemp, DrPH
Director

Salvador Sandoval, MD, MPH
Health Officer

Exhibit C

Memorandum

DATE: January 29, 2021

TO: Pam Navares, Planner II

FROM: Brent Cronk, EHS III
(209) 385-7654 xt4568; Brent.Cronk@countyofmerced.com

SUBJECT: **MINOR SUBDIVISION No. MS20-023 - BIVENS & COMPANY** - A request to subdivide a 4.86 acre parcel into 2 parcels, resulting in parcel sizes of: Parcel 1 = 2.44 acres and Parcel 2 = 2.42 acres. The project site is located on the north side of W. Bloss Avenue approximately 1,800 feet east of N Lander Avenue, identified as APN 015-100-006. The property is designated Hilmar Urban Community - Low Density Residential land use in the General Plan and is zoned R-1 (Single Family Residential).

SITUS: 19646 Bloss Ave., Hilmar

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

MCDEH understands that Parcel 1 will be served by community water and sewer. In order to cover all eventualities, comments below assume this is not the case.

The proposed 42-foot road easement (84 feet total) along Parcel 2 (19646 Bloss Avenue) will violate the minimum 15-foot setback to the existing domestic well on Parcel 2 [(MCC Chapter 9.28, section 9.28.060(C)(2)]. With the concurrence of the Merced County Community and Economic Development Department, MCDEH will place a condition on the subdivision requiring destruction of the well prior to recording of the parcel map. Options for dealing with the loss of the domestic water supply might include demolishing the house, drilling a new well, connecting to the neighboring well to the west (same owner) via a legal document, or merging Parcel 2 and the neighboring parcel to the west.

A one net acre minimum is required where an onsite septic system is to be used [(MCC Chapter 9.54, section 9.54.080(I)(1)]. Setbacks referenced below can be found at MCC Chapter 9.54, section 9.54.080(K).

1. The proposed 42-foot road easement would reduce the gross acreage of Parcel 2.
2. The 50-foot setback from the Hilmar CWD drainage basin to the east cannot be included in the required minimum one net acre of Parcel 1 or Parcel 2.
3. The 50-foot setback to the property line of undeveloped parcel to the east (APN 015-100-027) cannot be included in the required minimum one net acre of Parcel 1 or Parcel 2.

4. APN 015-100-027, the parcel east of Parcel 1 (and portion of Parcel 2), has a higher elevation. Any septic system leach field would have a setback of 4 times the height of the elevation difference. This setback overlaps with the setback in item #3, above.
5. If Parcel 2 continues to use Turlock Irrigation District water to irrigate, an irrigation easement across Parcel 1 will be required. Unless the irrigation water is piped on the easement, there is a 50-foot setback from the edge of the irrigation ditch to leach lines on both parcels. The easement and the 50-foot setback cannot be included in the required minimum one net acre of Parcel 1 or Parcel 2.

Even with the reduction in gross acreage and all the setbacks applied, as in items #1-5 above, both parcels would still meet the required minimum one net acre.

Permit Condition:

Prior to recording the parcel map, the domestic well located on Parcel 2 shall be destroyed.



PLANNING COMMISSION MEMBERS

Fernando Aguilera District 1
Robert Acheson District 2 (Vice Chairperson)
Jack Mobley District 3
Kurt Spycher District 4 (Chairperson)
Mark Erreca District 5

Mark Hendrickson, Secretary
www.co.merced.ca.us

AGENDA PLANNING COMMISSION

Regular Meeting of Wednesday, February 10, 2021 - 9:00 a.m.

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

The Planning Commission welcomes you and encourages your participation.

CITIZEN COMMUNICATIONS: If you wish to speak on a matter that does NOT appear on the agenda, you may do so during the citizen communications period. Please state your name and address for the record. Each speaker will be limited to three (3) minutes.

PUBLIC COMMENT: If you would like to address the Planning Commission on any item on the agenda, please pick up a speaker card in the foyer; fill it out with your name, street address, phone number, email address and the item number you wish to speak on. Please hand the speaker card to the staff member to the left of the podium once the Commission Chairman opens the public hearing for the agenda item. Each speaker will be limited to three (3) minutes.

AGENDAS and MINUTES: Planning Commission agendas, minutes, and copies of items to be considered are published on the County's Website no later than the Friday, but generally on the Wednesday, preceding each Commission meeting and may be viewed at www.co.merced.ca.us/planning/plancomarchive.html. All proposed agenda items with supportive documents are available for viewing at the Merced County Planning and Community Development Department between the hours of 8:30am and 4:30pm, Monday - Friday (except holidays). This is the same packet that the Planning Commissioners will review and discuss at the Commission meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Department and copies will be provided for the direct cost of duplication or emailed at no cost.

PUBLIC RECORDS: As required by Government Code Section 54957.5, any public record distributed to the Planning Commission less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the Merced County Administration Building, 2222 M Street, Merced, CA 95340. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the Planning and Community Development Department.

AUDIO/VIDEO BROADCAST: All Planning Commission meetings are normally broadcast live and replayed on local cable television. In addition, a live audio/video broadcast of this meeting may be heard/viewed at: www.co.merced.ca.us/planning/index.html, via live audio or live video. All meetings are archived for audio/video replay following the meeting.

REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act (ADA), the Merced County Planning Commission meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at (209) 385-7654. Notification 48 hours prior to the scheduled meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting.

COMMISSION QUORUM AND ACTION: A Quorum of the Planning Commission shall consist of three (3) members. Actions by the Commission shall require a majority vote (three votes or more) of the total membership of the Commission. When an action by the Planning Commission results in a tie vote the action shall be deemed denied. In the case of a tie vote, the applicant may request that the application be reconsidered at another meeting of the Commission.

APPEAL NOTICE: Any person aggrieved by the decision of the Planning Commission may appeal the decision within five (5) calendar days after the day the action is made. [Within ten (10) calendar days after the day the action is made on subdivisions]. The deadline for appeals of Planning Commission actions, excluding subdivisions, is 5:00 p.m. on the Monday following the Planning Commission meeting, and for subdivisions, the deadline is the following Monday at 5:00 pm. Please note that appeals may not be submitted on days that the County is officially closed. Appeals of Planning Commission actions may be filed with the Clerk of the Board of Supervisors. Appeals must state appellant's name, action appealed and reasons for the appeal. A filing fee set by Resolution of the Board of Supervisors must be submitted to the Board Clerk with the written appeal.

Members of the public are advised that a 2-hour time limit for customer parking in designated areas is strictly enforced by the City of Merced. You can request a one-day parking pass from County Administration prior to the Commission meeting, which must be displayed on the dashboard of your vehicle.

Please turn off all pagers, cellular telephones and any other communication devices.



PLANNING COMMISSION MEMBERS

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Robert Acheson District 2 (Vice Chairperson)
Jack Mobley District 3
Kurt Spycher District 4 (Chairperson)
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Mark Hendrickson, Secretary
www.co.merced.ca.us

AGENDA
PLANNING COMMISSION

Regular Meeting
Wednesday, February 10, 2021 - 9:00 a.m.

Merced County Administration Building
Board Chambers, Third Floor
2222 M Street
Merced, California 95340
Phone: 209.385.7654 Fax: 209.726.1710

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL OF COMMISSIONERS**
- IV. **APPROVAL OF MINUTES**
- V. **CITIZEN COMMUNICATIONS**

Public opportunity to address the Planning Commission on any item of interest over which the Planning Commission has jurisdiction that is not on the agenda.

VI. **PUBLIC HEARING(S)**

- A. **MINOR SUBDIVISION APPLICATION No. MS20-023 – BIVENS & COMPANY, LLC** - A request to subdivide a 4.86 acre parcel into two parcels, resulting in parcel sizes of Parcel 1 = 2.44 acres and Parcel 2 = 2.42 acres. The project site is located on the north side of W. Bloss Avenue, approximately 1,800 feet east of N. Lander Avenue, in the Hilmar area, identified as Assessor's Parcel Number (APN) 015-100-006. The property is designated Hilmar Urban Community – Low Density Residential in the General Plan and is zoned R-1 (Single Family Residential). CEQA: Staff recommends that the Planning Commission determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines. **PN**

RECOMMENDATION(S):

- 1) Open/close public hearing;
- 2) Determine that the project is exempt from environmental review pursuant to Section 15315 - "Minor Land Divisions" of the CEQA Guidelines; and,
- 3) Approve Minor Subdivision No. MS20-023 based on the findings and subject to the recommended conditions of approval.

**B. EXTENSION APPLICATION NO. EXT20-015, 9TH EXTENSION TO MAJOR
SUBDIVISION APPLICATION NO. MAS05-001 - CHRIS MADSON - ITEM
PULLED FROM AGENDA**

VII. COMMISSION ACTION ITEM(s)

VIII. DIRECTOR'S REPORT

IX. COMMISSIONER'S COMMENT

X. ADJOURNMENT