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

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

AGENDA
PLANNING COMMISSION

Regular Meeting of Wednesday, September 9, 2020 - 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.
AGENDA
PLANNING COMMISSION

Regular Meeting
Wednesday, September 9, 2020 - 9:00a.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. ROLL CALL OF COMMISSIONERS

III. APPROVAL OF MINUTES

IV. 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.

V. PUBLIC HEARING(S)

A. CONDITIONAL USE PERMIT No. CUP20-008 - CLAY BERLIER - A request to establish an indoor equipment storage facility (for a concrete finishing business). Six construction trucks will be stored on-site inside a 6,250 sq. ft. shop building with an attached 1,250 sq. ft. office. The project will occupy the north-west corner of the property located on the west side of North Giannini Road, approximately 120 feet north of West Atwater-Jordan Road in the Atwater area. The property is identified as Assessor’s Parcel Number (APN) 056-330-014. 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 15303 (c) of the CEQA Guidelines – “New Construction or Conversion of Small Structures”. DL

RECOMMENDATIONS(S):
1) Open/close the public hearing;
2) Determine the project can be found exempt from environmental review pursuant to Section 15303 (c) - “New Construction or Conversion of Small Structures” of the CEQA Guidelines; and,
3) Approve CUP20-008 based on the findings and subject to the recommended conditions of approval.
B. MINOR SUBDIVISION APPLICATION No. MS20-006 – AMANDA BALLINGER / MIKE BETTENCOURT - A request to create a 2.48 acre homesite parcel from a 20 acre parcel and combine the remaining 17.52 acres with an abutting 20 acre parcel, creating a 37.52 acre parcel. The project site is located 0.25 miles east of N. Shaffer Road and 0.5 miles north of W. Princeton Road in the Winton area, identified as Assessor’s Parcel Numbers (APNs) 042-260-026 and 042-260-027. The property is designated Agricultural land use and 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. 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 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. MS20-006 based on the findings identified in the Staff Report and subject to the recommended conditions of approval.

VI. COMMISSION ACTION ITEM(s)

VIII. DIRECTOR’S REPORT

IX. COMMISSIONER’S COMMENT

X. ADJOURNMENT
The agenda, original minutes, video, and all supporting documentation (for reference purposes only) of the Merced County Planning Commission meeting of August 12, 2020, 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 August 12, 2020, 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 Jack Mobley – Chairman
Commissioner Mark Erreca
Commissioner Kurt Spycher
Commissioner Fernando Aguilera

Staff Present: Mark Hendrickson, Director
Kim Zinke, Recording Secretary
Brian Guerrero, Development Services Coordinator
Diana Lowrance, Planner III
Brody Patterson, Planner I

Legal Staff: Jeff Grant, Deputy County Counsel

Commissioners Absent: Commissioner Bob Acheson

IV. APPROVAL OF MINUTES


V. CITIZEN COMMUNICATIONS

None

VI. PUBLIC HEARINGS

A. CONDITIONAL USE PERMIT No. CUP19-001 – TOSTE DAIRY - A request to expand an existing dairy facility, with an increase in herd size from 4,650 animals (1,950 mature cows and 2,700 support stock) to 5,950 animals (3,000 mature cows and 2,950 support stock). Approximately 375,500 square feet of new structures are proposed, including two freestall barns, two shade barns, and an addition to an existing milking parlor. A new wastewater retention pond, feed storage area, manure storage area, mechanical separator, and manure separator pad are also proposed. Approximately 42,440 square feet of existing structures will be removed. The project site is located at the southwest corner of N. Santa Fe Grade and W. Brazo Road in the Newman area, identified as Assessor's Parcel Number (APN) 054-090-001. The property is designated Agricultural land use and zoned A-1 (General Agricultural). CEQA: An Initial Study and Mitigated Negative Declaration has been prepared for the project. BP

RECOMMENDATION(S):
1) Open/close public hearing;
2) Determine the project will not have a significant effect on the environment and adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project pursuant to Section 15070 - "Decision to Prepare a Negative or Mitigated Negative Declaration" of the CEQA Guidelines; and,
3) Approve Conditional Use Permit No. CUP19-001 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 August 12, 2020.

The public hearing opened at 9:10 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:11 a.m.

MOTION: M/S SPYCHER - AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND ADOPT THE PROPOSED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT PURSUANT TO SECTION 15070 - “DECISION TO PREPARE A NEGATIVE OR MITIGATED NEGATIVE DECLARATION” OF THE CEQA GUIDELINES

MOTION: M/S SPYCHER - AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED AUGUST 12, 2020, AND MAKES THE PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES CONDITIONAL USE PERMIT No. CUP19-001 SUBJECT TO THE 14 CONDITIONS SET FORTH IN THE STAFF REPORT AS FOLLOWS:

Conditions:

Community and Economic Development Department

1. Conditional Use Permit No. CUP19-001 is granted to allow expansion of an existing dairy facility, with an increase in herd size from 4,650 animals (1,950 mature cows and 2,700 support stock) to 5,950 animals (3,000 mature cows and 2,950 support stock). Approximately 375,500 square feet of new structures will be constructed, including two freestall barns, two shade barns, and an addition to an existing milking parlor. A new wastewater retention pond, feed storage area, manure storage area, mechanical separator, and manure separator pad will also be implemented. Approximately 42,440 square feet of existing structures will be removed.

2. The Toste Dairy Expansion Project shall be located, developed and operated in a manner described on the approved site plan, Nutrient Management Plan, Waste Management Plan, mitigation measures, Mitigation Monitoring and Reporting Program, and Conditions of Approval of this permit. Any changes or proposed modifications to the approved project would be based on a written request of the applicant to the Planning Director.

3. All mitigation measures identified in the Mitigation Monitoring and Reporting Program for the Toste Dairy Expansion Project are adopted and incorporated by reference as project conditions.

4. The project shall comply with all applicable regulations administered by the County Fire Department, Department of Public Health/Environmental Health Division, Department of Public Works/Building and Safety Division, Department of Public Works/Roads Division, and the Community and Economic Development Department.

5. For the purpose of conditions monitoring, an inspection fee in the amount of $648 shall be required. This fee shall be paid within 30 days of the approval date. Should additional inspections be required, inspection time shall be billed to the applicant / property owner at the established hourly rate at the time of the inspection. This permit will not be considered valid until the conditions monitoring fee has been paid.

6. The applicant shall obtain all necessary permits, and comply with all applicable regulations administered by Local, State, and Federal agencies.
County Counsel

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

JOHN TOSTE / JOHN TOSTE DAIRY 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.

**Department of Public Works/Building and Safety Division**

8. The applicant shall hire an architect or engineer licensed by the State of California to draw the plans and provide any structural calculations for the proposed structures. Each structure must have its own permit and construction documents (plans, calculations, etc.) specific to that structure. The plans shall be submitted to the Buildings and Safety Division for approval. No construction shall begin until a permit is issued.

9. The applicant shall submit a soils/geotechnical report completed by a licensed geotechnical engineer. The report shall be reviewed by the design engineer to incorporate any mitigating measures into the design drawings.

**Department of Public Works/Roads Division**

10. To mitigate potential negative impacts and satisfy off-site improvement requirements, the applicant shall pay a one-time in-lieu fee of $10,000, the approximate cost to resurface a single lane of roadway immediately fronting the dairy operation. The fee must be paid in full before any building permits are issued.

**Merced County Fire Department**

11. The applicant shall comply with all applicable requirements of the California Fire Code (CFC) and the NFPA, including but not limited to the regulations referenced in the Fire Department’s comment letter dated February 19, 2019.

**Department of Public Health/Division of Environmental Health**

12. The dairy operation shall comply with the Merced County Animal Confinement Ordinance (Merced County Code, Title 18, Chapter 18.64 – Animal Confinement Facilities) or subsequent revisions.

13. The applicant shall maintain an accurate hazardous material business plan (HMBP) with the Merced County Division of Environmental Health and maintain compliance with all applicable hazardous material regulations.

**Mitigation Measures**

14. The following is a comprehensive list of CEQA Mitigation Measures that are contained in both the Initial Study and Mitigation Monitoring Reporting Program (MMRP) for the Toste Dairy Expansion Project. The applicant shall be responsible to comply with all Mitigation Measures contained in the aforementioned documents and listed below:

**Air Quality**
- AQ-1: Dust Control Plan (MMRP, page 4)
- AQ-2: Implement Mitigation Measure AQ-1 (MMRP, page 4)
- AQ-3a: Odor Control Plan (MMRP, pages 4-5)
- AQ-3b: Implement Nuisance Control Measures set forth in Mitigation Measures HAZ-1, (MMRP, page 5)

Biological Resources
- BIO-1: Pre-Construction and Construction Protocols (MMRP, page 6)
- BIO-2: Pre-construction Surveys for Tricolored Blackbird (MMRP, page 6)
- BIO-3: Protocol Surveys for Birds (MMRP, pages 6-8)
- BIO-4: Lighting Plan (MMRP, page 8)

Cultural Resources
- CUL-1: Discovery of Cultural/Paleontological Resources (MMRP, pages 8-9)

Nuisance Conditions from Insects
- HAZ-1: Vector Control Plan (MMRP, pages 9-10)

Hydrology and Water Quality
- HYD-1: Submit Permit Registration Documents (MMRP, page 10)
- HYD-2b: Comply with Requirements of the NMP/WMP (MMRP, page 11)
- HYD-2c: Nutrient Samples (MMRP, page 11)
- HYD-2d: Salinity Report (MMRP, page 11)
- HYD-2e: Shallow Groundwater Monitoring (MMRP, page 11)
- HYD-2f: On-Site Domestic Groundwater Monitoring (MMRP, page 11)
- HYD-2g: Groundwater Monitoring and Report of Waste Discharge (MMRP, page 12)
- HYD-2h: Final Inspection (MMRP, page 12)
- HYD-3: Written Agreements from Recipients of Manure Exported Off-Site (MMRP page 12)
- HYD-4: Flood Protection (MMRP, pages 12-13)

Land Use Compatibility
- LU-1a: Implement Odor Control Measures Set Forth in Mitigation Measure AQ-2a (MMRP page 13)
- LU-1b: Implement Nuisance Control Measures Set Forth in Mitigation Measures HAZ-1 (MMRP, page 13)

B. MINOR MODIFICATION NO. MM20-013 TO CONDITIONAL USE PERMIT NO. CUP98-003, INTERIM MANAGEMENT PLAN - CENTRAL VALLEY RESOURCES - Request to extend the previously approved Interim Management Plan expiration date to January 25, 2022 to allow for the management of an idle aggregate mine. The project site is located on the south side of Paul Negra Road and 1,600 feet west of I-5 in the Los Banos area. The property is designated Agricultural and Foothill Pasture and zoned A-2 (Exclusive Agricultural) and HIC (Highway Interchange Center). CEQA: Staff recommends that the Planning Commission determine the review and approval of the IMP is not considered a project for the purposes of CEQA in accordance with Public Resources Code Section 2770(h)(1) and therefore no environmental review is required. **BG**

RECOMMENDATION(S):
1) Open/close the public hearing;
2) Determine the review and approval of the IMP is not considered a project for the purposes of CEQA in accordance with Public Resources Code Section 2770(h)(1) and therefore no environmental review is required; and,
3) Approve Minor Modification No. MM20-013 to Conditional Use Permit No. CUP 98- 003 based on the findings identified in the Staff Report.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated August 12, 2020.

The public hearing opened at 9:15 a.m.

No one spoke in favor or opposition to this application.
The public hearing closed at 9:16 a.m.

MOTION: M/S ERRECA - AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINES THE REVIEW AND APPROVAL OF THE IMP IS NOT CONSIDERED A PROJECT FOR THE PURPOSES OF CEQA IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 2770(H)(1) AND THEREFORE NO ENVIRONMENTAL REVIEW IS REQUIRED.


C. MINOR MODIFICATION NO. MM20-014 TO CONDITIONAL USE PERMIT NO. CUP 3509, INTERIM MANAGEMENT PLAN - F.S. ROD - A Request to extend a previously approved Interim Management Plan to June 27, 2022 to allow for the management of an idle aggregate mine. The project site is located 0.6 miles west of South Canyon Road, 0.25 miles north of West Alvarado Trail Road in the Los Banos area, identified as APN 088-070-081. 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 the review and approval of the IMP is not considered a project for the purposes of CEQA in accordance with Public Resources Code Section 2770(h)(1) and therefore no environmental review is required. BG

RECOMMENDATION(S):
1) Open/close the public hearing;
2) Determine the review and approval of the IMP is not considered a project for the purposes of CEQA in accordance with Public Resources Code Section 2770(h)(1) and therefore no environmental review is required; and,
3) Approve Minor Modification No. MM20-014 to Conditional Use Permit No. CUP 3509 based on the findings identified in the Staff Report.

Planner Brian Guerrero presented the Staff Report and recommendations of approval dated August 12, 2020.

The public hearing opened at 9:19 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:20 a.m.

MOTION: M/S ERRECA - AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION DETERMINE THE REVIEW AND APPROVAL OF THE IMP IS NOT CONSIDERED A PROJECT FOR THE PURPOSES OF CEQA IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION 2770(H)(1) AND THEREFORE NO ENVIRONMENTAL REVIEW IS REQUIRED.

MOTION: M/S ERRECA – AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION CONCURS WITH THE STAFF REPORT AND RECOMMENDATIONS DATED AUGUST 12, 2020, AND MAKES THE PROJECT FINDINGS SET FORTH IN THE STAFF REPORT AND APPROVES MINOR MODIFICATION NO. MM20-014 TO CONDITIONAL USE PERMIT NO. CUP 3509, INTERIM MANAGEMENT PLAN.

D. ZONE CODE TEXT AMENDMENT No. ZCTA20-002 - MERCE COUNTY - A request to amend Chapter 18.10 (Agricultural Zones) of Title 18 (Zoning) of the Merced County Code. The purpose of the amendment is to implement Merced County General Plan Agricultural Element Policy, AG-3.5 (Home Site Clustering) which requires the clustering of homes on agricultural parcels to minimize interference with agricultural operations; and to address issues with regard to the implementation of the agricultural buffer requirement. The provisions of this Zone Code Text Amendment would be effective in all unincorporated areas of the County. CEQA: The proposed amendments are consistent with those analyzed in the adopted 2019 addendum to the Final Program Environmental Impact Report for the 2030 Merced County General Plan and may therefore be found exempt from environmental review under section 15162 of the CEQA guidelines. DL
RECOMMENDATION(S):
1) Open/Close the public hearing; and
2) Recommend the Board of Supervisors find the proposed amendments to Title 18 (Zoning) regarding: Chapter 18.10 (Agricultural Zones) are exempt from further environmental review under Section 15162 – “Subsequent EIRS and Negative Declarations” of the CEQA Guidelines based on findings included in the staff report for the proposed amendments, together with the analysis in the 2019 Addendum to the Certified Final Program Environmental Impact Report (FPEIR) prepared for the 2030 Merced County General Plan Update (together with the FPEIR), evidence in the record before the Planning Commission, the Board’s findings in certifying the FPEIR, and the adopted Mitigation Monitoring and Reporting Plan; and,
3) Adopt a resolution recommending the Board of Supervisors adopt the proposed ordinance amending portions of Title 18 (Zoning) of the Merced County Code.

Planner Diana Lowrance presented the Staff Report and recommendations of approval dated August 12, 2020.

The public hearing opened at 9:27 a.m.

No one spoke in favor or opposition to this application.

The public hearing closed at 9:28 a.m.


MOTION: M/S SPYCHER – AGUILERA, AND CARRIED BY A VOTE OF 4 - 0, THE PLANNING COMMISSION ADOPTS A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ORDINANCE AMENDING PORTIONS OF TITLE 18 (ZONING) OF THE MERCED COUNTY CODE.

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 9:28 a.m.
Planning Commission
Staff Report
September 9, 2020

PREPARED BY: DIANA LOWRANCE, PROJECT PLANNER
APPROVED BY: MARK HENDRICKSON, DIRECTOR

CONDITIONAL USE PERMIT No. CUP20-008 – CLAY BERLIER - A request to establish an indoor equipment storage facility (for a concrete finishing business). Six construction trucks will be stored on-site inside a 6,250 sq. ft. shop building with an attached 1,250 sq. ft. office. The project will occupy the north-west corner of the property located on the west side of North Giannini Road, approximately 120 feet north of West Atwater-Jordan Road in the Atwater area. The property is identified as Assessor’s Parcel Number (APN) 056-330-014. 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 15303 (c) of the CEQA Guidelines – “New Construction or Conversion of Small Structures” and Section 15183 – “Projects Consistent with a Community Plan or Zoning” of the CEQA Guidelines.

SUPERVISORIAL DISTRICT: 3– DARON MCDANIEL

RECOMMENDATION(S):
1) Open/close the public hearing;
2) Determine the project can be found exempt from environmental review pursuant to Section 15303 (c) - “New Construction or Conversion of Small Structures” and Section 15183 – “Projects Consistent with a Community Plan or Zoning” of the CEQA Guidelines; and,
3) Approve CUP20-008 based on the findings and subject to the recommended conditions of approval.

LOCATION MAP:
BACKGROUND:

Site Description

The project site, also known as Assessor's Parcel Number (APN) 053-290-010, is located on the southwest corner of the intersection of Aviator Drive and Giannini Road, just south of the city of Atwater. The site is currently undeveloped; however, a well, septic tank and leach lines that serve a Single Family home on Atwater Jordan Road are located on the property.

While zoned A-1 (General Agricultural), the project site is designated "Semi-agricultural and Rural Commercial Land" on the California Department of Conservation Important Farmland Finder Map, and at just over four acres the project site has little value as agricultural land. Additionally, the project site is located within the Atwater Sphere of Influence. The Sphere of Influence designates the city's future service area and boundaries. As such, the applicant intends to work with the city of Atwater to apply for LAFCO approval for water service from the city via an, Out of Boundary Service request.

Surrounding Uses

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<tr>
<th>General Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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Prior Actions/Entitlements
None.

ANALYSIS

Project Description

The proposed project is an indoor equipment storage facility for a concrete finishing operation. Six construction trucks will be stored on-site inside a 6,250 sq. ft. shop building with an attached 1,250 sq. ft. office. The project will occupy the north-west corner of the property (with the rest of the property remaining undeveloped). Additionally, the project includes a new septic system (including a 1,000-gallon septic tank and leach field); a new storm drain basin; and a parking lot for approximately 12 cars.

The business will employ approximately, twenty-one people at this location. However, only eight employees are on-site all day. All other employees report for work at this location and work primarily off-site. Proposed business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday.
Consistency with Adopted Plans and Policies

1. General Plan
   The General Plan contains the principle statements concerning the County's goals and desires concerning land use and serves as the basis for development decision making. The General Plan is local "constitution" for development serving to direct the physical growth of the County.

   The project site is designated Agricultural in the General Plan and is zoned A-1 (General Agricultural). The project site is also located within the Atwater Sphere of Influence, which designates the city's future service area and boundaries.

   The project is consistent with the following Goals and Policies of the Agricultural Element of the General Plan:

   Agricultural Element

   Goal AG-1
   Maintain the financial viability of the agricultural sector by encouraging expansion of commercial agriculture, attracting new agricultural support and value added industries, and promoting locally-grown commodity sales.

   Policy AG-1.1 Merced County Farmers Competitive Edge
   Promote local agricultural operations and businesses that provide a competitive edge to Merced County farmers and ranchers.

   Goal AG-2
   Ensure the long-term preservation and conservation of land used for productive agriculture, potentially-productive agricultural land, and agricultural-support facilities.

   Policy AG-2.1 Agricultural Land Preservation
   Protect agriculturally-designated areas and direct urban growth away from productive agricultural lands into cities, Urban Communities, and New Towns.

   The proposed project is consistent with Goal AG-1 and Policy AG-1.1 of the Agricultural Element as the proposed project is a business that will directly support Merced County farmers and ranchers by providing a necessary service.

   Although the project site is designated Agricultural and zoned A-1 (General Agricultural), the proposed project is consistent with Goal AG-2 and Policy AG-2.1, which concern the preservation and conservation of land used for productive agriculture. The location of the project site protects productive agricultural lands because the project site is immediately adjacent to the city of Atwater (an urbanized area) and within the city's sphere of influence, which marks the city's future service areas and boundaries. In addition, the project site is designated "Semi-agricultural and Rural Commercial Land" on the California Department of Conservation Important Farmland Finder Map, which indicates that the project site is not located on agricultural land most appropriate for production of an agricultural commodity. Finally, the project site is just over 4 acres in size; well below the minimum of 20 acres required by the A-1 (General Agricultural) zone and thus unable to support significant commercial farming operations.
2. Zoning Code

The project site is zoned A-1 (General Agricultural). The purpose of the general agricultural zone is to provide 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.

The project, an Equipment Storage facility, has been determined to be allowed within the A-1 (General Agricultural) zone with the approval of a Conditional Use Permit. Under Section 18.10.020 (Agricultural Zone Land Uses and Permit Requirements), F. (Uses not Listed), Agricultural uses not listed in Table 2-1 (Agricultural Zone Allowed Uses and Permit Requirements) may be reviewed by the Director to determine if they are similar to those listed and appropriate in a particular zone. If determined to be similar and appropriate in a particular zone, the Director then determines the type of permit required, in compliance with Section 18.04.040 (Uses Not Classified). Staff found this use to be sufficiently consistent with the listed “Land Leveling Equipment Storage” use, due to the necessary services it provides to the agricultural community and the use of indoor storage for their construction trucks. As a result, the proposed use may be allowed with the Planning Commission’s approval of a Conditional Use Permit.

3. California Environmental Quality Act (CEQA)

Based upon review of this application, the Merced County Community and Economic Development Department (Department) has found this project to be exempt from CEQA review under Section 15303 - "New Construction or Conversion of Small Structures", Class 3 (c), of the CEQA Guidelines which states:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The project can be found exempt from CEQA review under Section 15303 - "New Construction or Conversion of Small Structures," Class 3 (c), of the CEQA Guidelines based on the following:

The project can be found exempt from CEQA for the following reasons: 1) The project involves the construction of one building that totals 7,500 square feet (consisting of a 6,250 square foot shop and storage area, and a 1,250 square foot office); 2) The project is located on a site that is adjacent to the City of Atwater’s limits (an urbanized area), in addition to being located within Atwater’s Sphere of Influence (which will allow the city to apply to LAFCO to provide services); 3) The proposed use does not involve the use of significant amounts of hazardous substances, and is only intended for storage, preparation, and minor maintenance of construction equipment; and, 4) The land is not environmentally sensitive as it is designated "Semi-agricultural and Rural Commercial Land" on the California Department of Conservation Important Farmland Finder Map.
In addition, the project may be found exempt from CEQA review under Section 15183 – “Projects Consistent with a Community Plan or Zoning” of the CEQA Guidelines, which states:

CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

The project can be found exempt from CEQA review under Section 15183 – “Projects Consistent with a Community Plan or Zoning” of the CEQA Guidelines based on the following:

The project is consistent with the A-1 (General Agricultural) zone because staff has determined the use to be allowed within the zone with the approval of a Conditional Use Permit. Additionally, the project is consistent with the Agricultural designation of the General Plan because the project is consistent with Goals AG-1 and AG-2, and Policies AG-1.1 and AG-2.1 of the Agricultural Element as the project is a business that will directly support Merced County farmers and ranchers by providing a necessary service.

Additionally, the use of this site would not affect productive agricultural lands because the site is immediately adjacent to the city of Atwater (an urbanized area) and is located within the city’s sphere of influence, which marks the city’s future service areas and boundaries. Further, the project site is designated “Semi-agricultural and Rural Commercial Land” on the California Department of Conservation Important Farmland Finder Map, which indicates that the project site is not located on agricultural land most appropriate for production of an agricultural commodity. Finally, the project site is just over 4 acres in size. Much smaller than the minimum of 20 acres required by the A-1 (General Agricultural) zone and thus unable to support significant commercial farming operations.

The determination that the project can be found exempt from CEQA reflects the independent judgment of the County.

4. **Community Engagement**

   A. **Preliminary Application Review Meeting**

   The project application was routed to the City of Atwater and applicable County departments for comment. Comments and conditions were received from the Department of Public Health Division of Environmental Health, the Department of Public Works Roads Division, the Department of Public Works Building and Safety Division, and the Fire Department. Their conditions were included in the Conditions of Approval (Exhibit B).

   B. **Municipal Advisory Council (MAC)**

   The project is not located within the jurisdiction of a Municipal Advisory Council (MAC).

   C. **Public Notice**

   The proposed project was publicly noticed to property owners (within 300 feet), and published in the Merced Sun-star on August 28, 2020. No public comments were received
CONCLUSION:

Conditional Use Permit No. CUP20-008 is a request to establish an indoor equipment storage facility for a concrete finishing business on a portion of a 4.1-acre parcel, identified as Assessor's Parcel Number (APN) 056-330-014. The project will occupy the north-west corner of the property located on the west side of North Giannini Road, approximately 120 feet north of West Atwater-Jordan Road in the Atwater area. The remainder of the property will remain undeveloped, at this time. Staff has determined this proposal is consistent with the A-1 (General Agricultural) zone and the Agricultural Element of the 2030 Merced County General Plan. Finally, Staff recommends that the Planning Commission find that the project is exempt from environmental review pursuant to Section 15303 (c) of the CEQA Guidelines - "New Construction or Conversion of Small Structures" and Section 15183 - "Projects Consistent with a Community Plan or Zoning" of the CEQA Guidelines.

RECOMMENDED COMMISSION ACTION:

Staff recommends that the Planning Commission approve Conditional Use Permit No. CUP20-008, based on the findings in the staff report and the recommended conditions of approval, by making the following motions:

A. **CEQA Determination**

**MOTION:** The Planning Commission determines that the project is exempt from CEQA review under Section 15303 - "New Construction or Conversion of Small Structures", Class 3 (c) and Section 15183 – "Projects Consistent with a Community Plan or Zoning" of the CEQA Guidelines, based on the CEQA findings in the staff report.

B. **Project Determination**

**MOTION:** The Planning Commission approves Conditional Use Permit No. CUP20-008 based on the Project Findings in the staff report, and subject to the proposed Conditions of Approval.

**PROJECT FINDINGS:**

1. Conditional Use Permit No. CUP20-008 is a request to establish an indoor equipment storage facility (for a concrete finishing business) on a portion of a 4.1-acre parcel, identified as Assessor's Parcel Number (APN) 056-330-014.

2. The proposal is consistent with the Agricultural designation of the General Plan.

3. The project is consistent with the A-1 (General Agricultural) zone.

4. The project is consistent with the Agriculture Element of the General plan

5. The proposed use, as conditioned, will be compatible with adjacent uses and properties.
6. The application was referred to the City of Atwater and applicable County departments for comment. Comments were received from the Department of Public Health Division of Environmental Health, the Department of Public Works Roads Division, the Department of Public Works Building and Safety Division, and the Fire Department Prevention Bureau. Their conditions were included in the Conditions of Approval (Exhibit B).

7. The project, if operated in compliance with the approved Site Plan, the applicant's Operational Statement, and recommended conditions of approval, will not be a nuisance or detrimental to public health, safety and general welfare.

8. Notice of the application was sent to properties within 300 feet of the project site and published in the newspaper. No comments were received.

9. The project is subject to all applicable County, State and Federal regulations.

EXHIBITS

A. Site Plan
B. Conditions of Approval
C. Elevations
D. Operational Statement
E. Resolution No. 20-001

cc. Owner: Clay Berlier
Conditions of Approval: CUP20-008 – Clay Berlier

Community and Economic Development Department

1. Conditional Use Permit No. CUP20-008 is granted to allow the establishment of an indoor equipment storage facility for a concrete finishing business. Six construction trucks will be stored on-site inside a 6,250 sq. ft. shop building with an attached 1,250 sq. ft. office. The project will occupy the north-west corner of the property (with the rest of the property remaining undeveloped) located on the west side of North Giannini Road, approximately 120 feet north of West Atwater-Jordan Road in the Atwater area. The property is identified as Assessor’s Parcel Number (APN) 056-330-014.

2. Applicant/property owner shall comply with all Federal, State, and Local agencies regulations.

3. For the purpose of condition monitoring, an inspection fee in the amount of $243 shall be required. This fee shall be paid within 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 the inspection.

4. All on-site lighting shall be stationary, directed away from adjoining properties and public rights-of-way, and physically shielded by an opaque material to prevent direct view of the light source from neighboring properties and Aviator Drive.

5. The business owner shall obtain a business license for the business located at the project site or update an existing business license to reflect the new business address (if applicable).

6. All fences, Walls, and Hedges shall comply with Chapter 18.34 of the Zoning Code, Table 3-2 (Agricultural, Commercial, Mixed-Use, and Industrial Zone Fence, Wall, and Hedge Standards) and Sight triangle requirements of MC Code Chapter 13.24 (Sight Distance at Public Intersections and Private Driveways).

7. Any maintenance of the business’ trucks and equipment shall occur completely inside the shop building. Maintenance and or repair of unrelated trucks, equipment, etc. is prohibited.

8. The project is subject to the provisions of Planning Commission Resolution No. 20-001, attached.

9. A Site Plan and Design Review application shall be submitted and approved by the Community and Economic Development Department prior to the issuance of a Building Permit for the shop building/office in compliance with Chapter 18.122 (Site Plan and Design Review).

Merced County Fire Department Prevention Bureau

10. [California Code of Regulations. Title 19, Division 1, §3.05(a)1 Fire Department Access and Egress (Roads)] (a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) Right-of-way not less than 20 feet in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.
11. **(CFC 506.1) KNOX Key Box/Padlock.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location.

12. **(CFC 509.1.1) Utility Identification.** Gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it serves.

13. **(CFC 505.1) Address Identification.** New and existing buildings shall be provided with approved address identification.

14. **(CFC 503.1.1) The Fire apparatus access** shall comply with the requirements of this section and shall extend to within 150 feet (45720 mm) of all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building.

**Merced County Department of Public Health – Division of Environmental Health**

15. Maintain permanent barriers around all active leach lines (and leach pits) to prevent parking over the lines. Show these barriers on the site plan for the project.

16. A 300-percent leach line replacement area is required for commercial operations. The site plan needs to show the 300-percent leach line replacement area at least 50-feet from the proposed drainage basin.

17. A minimum 50-foot setback is required from leach lines to a drainage basin.

18. Upon connection of the parcel to City of Atwater service, destroy the onsite well under permit from Merced County Division of Environmental Health unless an exception is granted by the Merced County Health Officer, and the City of Atwater concurs.

**Merced County Department of Public Works – Building and Safety Division**

19. You must hire an architect or engineer licensed in the state of California to draw the plans and provide any structural calculations for the proposed structures. The plans shall be submitted to the Building Division for approval and a permit before and construction can begin. We require submittal to consist of:

   a) 1 set of all plans and calculations/reports in an electronic format (either on CD/Disk or flash drive).

20. California requires that all proposed non-residential structures must first obtain a soils/geotechnical report completed by a licensed geotechnical engineer. That report must be reviewed by the design engineer to incorporate any mitigating measures into the drawings/calculation.
21. Right-of-way dedication is required to fulfill the property owner’s half of 60-feet ultimate right-of-way for Giannini Road fronting the property.

a) Giannini Road has an existing 50-foot right-of-way, with 20-feet lying on the owner’s side of the road centerline. Consequently, the owners shall dedicate and additional 10-feet of right-of-way along Giannini Road frontage of the property.

22. Applicant shall maintain all storm water runoff on-site. Calculations for proposed basin or Low-impact Development design systems, compliant to Merced County Storm Drainage Design Manual and Merced County Code Chapter 9.53, shall be submitted to the Road Division for review.

23. All improvements along the north side of the property fronting Aviator Drive will need to be approved by the City of Atwater.

County Counsel

24. INDEMNITY AND HOLD HARMLESS AGREEMENT:

CLAY BERLIER 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 CLAY BERLIER.

CLAY BERLIER 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 CLAY BERLIER, its 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. CLAY BERLIER will on request and at its expense, defend any action or suit or proceeding arising hereunder. This clause 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 Project approval, modification, or denial.

This clause for indemnification shall be interpreted to the broadest extent permitted by law.
5/8/2020

Dear Sir or Madam,

Triple C INC., is a family owned construction entity specializing in the design and placement of structural and architectural concrete. We have been in business since 2004 and are in Atwater, California. Our hours of operations are 8:00 am to 4:30 pm, Monday thru Friday. We currently employ 21 diverse individuals with varying experience and skill levels, and we pride ourselves on being able to provide excellent craftsmanship while maintaining the highest amounts of integrity.

The owner, Clay Berlier, has been placing and finishing concrete for over 30 years. He has lived in Atwater most of his life; he raised a family here and now he farms and harvests Walnuts here alongside his construction business. His hands-on-approach work ethic has him fully vested in all his endeavors. He is a man of the old ways; an insane work ethic that comes with a handshake and a man’s word that it will be right, or he will make it right. Clay gives back to his community too by providing services to Atwater and Winton school districts Agriculture and Sports sectors when possible.

Triple C INC.'s operations vary across a large platform of industries, but we have a heavy presence in the agricultural industry. We have provided our services to Simplot, Atwater Packaging, Atwater Irrigation, Mid Valley Ag, Flory Industries, Gallo, Hilmar Cheese, Valley Milk, as well as many private growers and dairies around our valley. We understand Ag brings us the basic needs of life and we work hard with all of our customers to give them the support they need to keep their businesses local and thriving by providing them with quality service, competitive pricing, and exquisite craftsmanship.

Thank you,

Erica Berlier
Operations Manager

CONDITIONAL USE PERMIT 20008
PLANNING COMMISSION
MERCED COUNTY

In the matter of

RESOLUTION NO. 20-001

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

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

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

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

WHEREAS, the local building industry, applicants, the Planning Commission, County Staff, and the general public have benefited from the adoption of Standard Conditions of Approval applied to all Major Subdivisions, Administrative Permits, and Conditional Use Permits in Planning Commission Resolution No. 97-1; and

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

WHEREAS, the Board of Supervisors adopted a new completely revised Zoning Code on October 22, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby adopts the attached revised list of Standard Conditions of Approval to replace Planning Commission Resolution No. 97-1 at a regular meeting held on January 22, 2020, by the following vote:

AYES: Chairman Mobley, Commissioner Aguilera, Commissioner Acheson, Commissioner Spycher, Commissioner Erreca

NOES: None

ABSENT: None

By

Mark Hendrickson
Planning and Community Development Director
Secretary of the Planning Commission
MERCEDE COUNTY PLANNING COMMISSION
STANDARD CONDITIONS OF APPROVAL

A. Major Subdivisions:

1. The Final map, meeting all Zone Code and Public improvements requirements, shall be recorded within two (2) years of the Planning Commission approval date as required by the Merced County Subdivision Code, unless a Development Agreement between the County and the Developer is executed prior to expiration of the tentative map, in which case the tentative map may be extended for a period of time provided for in the Agreement but not beyond the duration of the Agreement.

2. The applicant shall satisfy Improvement Level 1 requirements as set forth in Chapter 16.08 – Improvement Requirements of the Merced County Code which generally includes dedication of right-of-way and public utilities easements, roadway construction and installation of matching pavement along existing roadways, street lighting, storm drainage system and underground or relocate utilities and irrigation facilities.

3. All lot and street grading shall be completed prior to the issuance of any building permits. The developer shall enter into an agreement with Public Works that no occupancy shall take place until such time as all improvements are completed.

4. The developer shall comply with Title 17 Subdivisions, Chapter 17.44 – Local Recreational Park Land Space and/or Fee Obligation. Payment of all cash fees shall be prior to, or concurrently with, the recording of the Final Map.

5. Any existing irrigation well shall be abandoned according to County standards.

B. Administrative Permits and Conditional Use Permits

1. The uses under this Permit shall be located, developed, and operated in a manner as described on the approved plot plan, sections, and elevations. The Planning Director may approve minor modifications.

2. All development on the project property shall be constructed and thereafter maintained and operated in accordance with the conditions of the permit.

3. The application shall comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to standards administered by the County Fire, Health, Planning and Public Works Departments.

4. If the Administrative or Conditional Use Permit is not implemented within one year, it shall expire and become void. The Planning Director may extend the Permit if a request is filed by the applicant prior to its expiration (Zoning Code Section 18.130.080 – Time Extensions).

5. If the use authorized by the Administrative or Conditional Use Permit is abandoned or discontinued for over one year, the Planning Department may initiate revocation proceedings at a public hearing before the body that originally approved the permit (Zoning Code Sections 18.152.030 – Revocations; 18.152.040 – Findings to Modify or
6. A solid waste/recycling storage enclosure shall be provided and designated on the plot plan, for development, in all Urban Community areas. Solid waste/recycling storage areas shall conform to the standards in Zoning Code Chapter 18.46 – Solid Waste and Recycling Materials Storage, subject to approval of the Planning Department.

7. The project site shall be maintained in a neat and orderly manner at all times.

8. All signs shall be subject to the standards in Chapter 18.44 – Sign Regulations of the Zoning Code.

9. A Sign Permit application shall be submitted to the Department in compliance with Chapter 18.44.060 – Application and Review of Sign Permits prior to the installation of any sign.

10. No use shall be permitted which creates dust, dirt, mud, fumes, odors, vibrations, heat, glare or electrical disturbances beyond the boundaries of the project site (Zoning Code Chapter 18.40 – Performance Standards).

11. Project site emissions shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards.

12. All exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the subject parcel. Exterior lighting shall be hooded and directed downward and away from adjoining properties and public rights-of-way. (Zoning Code Section 18.40.070 – Outdoor Lighting).

13. Three copies of landscape and irrigation plans for landscaping shown on the plot plan or required as conditions of approval shall be submitted for review and approval of the Planning Director in accordance with the standards in Chapter 18.36 - Landscaping of the Zoning Code prior to the issuance of building permits.

14. Landscaping and irrigation in compliance with the approved plans shall be installed prior to Final inspection or issuance of a Certificate of Occupancy by the County Building Division.

C. All Discretionary Permits and Subdivision Maps

1. The applicant shall inform in writing all contractors and subcontractors for the project of the potential discovery of significant archaeological and historical resources below the ground surface in the project area. If any cultural resources are found or disturbed during project activities, all work must be halted within the area and the Merced County Planning Department and a qualified archaeologist must be contacted to evaluate the find.

2. If the construction site has been disturbed (cleared, graded or excavated) and is to remain inactive for a period of three or more months, it shall be seeded with an annual grass and watered until growth is evident. If after disturbing, the site is inactive for three or more months during the dry period (June-October), as an alternative to seeding, a soil-binding dust palliative, such as Hemicellulose extract (wood molasses) solution, may be applied.
If seeded, grass shall be mowed (not disced under) to a maximum height of four inches for fire control. Grasses do not need to be maintained in a green/growing condition. Mowing should occur before the grass dries out to avoid fires that may result from blades striking rocks (Zoning Code Section 18.40.030 B).

3. During clearing, grading, earth-moving and other site preparation activities and all construction:
   a. Exposed earth surfaces shall be watered as needed, whenever needed, in order to prevent dust from leaving the project site on that phase of the project presently under development.
   b. Mud and dirt carried from the development onto adjacent roadways shall be cleaned-up daily.
   c. Litter and debris shall be cleaned-up daily to prevent it from leaving the project site and littering adjacent properties. (Zoning Code Section 18.40.030 B)

4. The applicant shall ensure that construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m., and all construction equipment shall be properly muffled and maintained. (Zoning Code Section 18.40.050 E).

5. Drainage. Parking areas shall be designed to dispose of accumulated rain water the project site. Runoff shall be disposed of subject to approval of the County Department of Public Works in one of the following ways:
   a. Uniform on-site percolation over widespread area.
   b. Use of on-site detention or retention basin.
   c. Off-site drainage to community drainage system. (Zoning Code Section 18.38.140 C)

6. The Planning Director, or his/her authorized designee(s) may enter at all reasonable times any building, structure, or premise for the purpose of carrying out any activity required or authorized by the provisions of Title 17 (Subdivisions) or 18 (Zoning) of the County Code. Upon request, the Planning Director or his/her authorized designee(s), shall provide adequate identification (Zoning Code Section 18.154.040 - Inspections).

7. The project shall be developed in accordance with the Conditions of Approval including any conditions related to Site Plan and Design Review (Zoning Code Section 18.122.060).
MINOR SUBDIVISION APPLICATION No. MS20-006 – AMANDA BALLENERG / MIKE BETTENCOURT - A request to create a 2.48 acre homesite parcel from a 20 acre parcel and combine the remaining 17.52 acres with an abutting 20 acre parcel, creating a 37.52 acre parcel. The project site is located 0.25 miles east of N. Shaffer Road and 0.5 miles north of W. Princeton Road in the Winton area, identified as Assessor's Parcel Numbers (APNs) 042-260-026 and 042-260-027. The property is designated Agricultural land use and 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.

SUPERVISORIAL DISTRICT: 4 – Lloyd Pareira

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. MS20-006 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.
BACKGROUND:

Site Description
The project site is located 0.25 miles east of N. Shaffer Road and 0.5 miles north of W. Princeton Road in the Winton area, identified as Assessor's Parcel Numbers (APNs): 042-260-026 and 042-260-027. The project site and properties in the vicinity are designated Agricultural land use in the General Plan and zoned A-1 (General Agricultural). The project site and surrounding area is substantially flat and characterized by commercial agricultural land uses and the occasional single-family residence. Natural waterways and small elevation changes are also present in the project area.

The applicant is requesting to create a homesite parcel by conveying a 2.48 acre portion of a 20 acre parcel and combining the remaining 17.52 acres with an abutting 20 acre parcel, creating a 37.52 acre parcel. The proposed homesite parcel (Parcel 1) contains one home and the proposed merged parcel (Parcel B) contains two homes, all served by private domestic wells and septic systems. Neither Parcel 1 nor Parcel B will not have road frontage, but an existing recorded access easement provides access to the parcels by means of an Unnamed County Road (PM 93-46) and ultimately Princeton Road. Agricultural operations and other existing land uses will continue on the merged parcel (Parcel B), with no changes in land use proposed. No new structures are proposed as part of this project.

Surrounding Uses

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Prior Actions/Entitlements
MS02-041 (PM 93-46); AA05-066, MM13-021, MM15-010; Additional Dwelling Permits.

ANALYSIS:

Project Description
The applicant is requesting to create a 2.48 acre homesite parcel from a 20 acre parcel and combine the remaining 17.52 acres with an abutting parcel, creating a 37.52 acre parcel. The project site is designated Agricultural land use and zoned A-1 (General Agricultural).

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 to the economy and culture of the County, 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-2
Preserve, promote, and expand the agricultural industry in Merced County.

Policy LU-2.3: Land Use Activity Limitations
Limit allowed land use within Agricultural and Foothill Pasture areas to agricultural crop production, farm support operations, and grazing and open space uses.

The proposed project is consistent with Policy LU-2.3 of the General Plan. The current land uses of the 17.52 acres of land being combined with the abutting property (Parcel B) will not change from current uses as row crops and a shooting range.

Agricultural Element
The Agricultural Element provides the policy context for Merced County to achieve its vision for the protection, preservation, and expansion of productive agriculture. Agriculture is the prominent economic segment in the County and accounts for more than 90 percent of all land area. Merced County is ranked fifth among all counties in California and sixth in the nation in the annual market value of farm products. Rich soils, accessible irrigation water, favorable climate, a large labor force, and reliable access to local, national, and global markets make Merced County a thriving agricultural community.

The following agricultural goals and policies are applicable to the present application:

Goal AG-2
Ensure the long-term preservation and conservation of land used for productive agriculture, potentially-productive agricultural land, and agricultural-support facilities.

Policy AG-2.13 Minimum Agricultural Parcel Size Requirement
Require a 20 acre minimum permitted parcel size in areas designated Agricultural to discourage land divisions for rural residential purposes and maintain parcels large enough for efficient commercial agriculture production. Require 160 acre minimum permitted parcel size in areas designated Foothill Pasture and in grassland areas.

The proposed merged parcel is 37.52 acres, which is consistent with the minimum permitted parcel size in areas designated Agricultural. The proposed homesite parcel may be reduced to less than 20 acres pursuant to Section 18.10.030, subdivision (F)(5) of the Merced County Zoning Code.

2. Zoning Code

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

The proposed Minor Subdivision is consistent with the development standards in the Zoning Code. The proposed merged parcel (Parcel B) will be 37.52 acres, exceeding the minimum 20-acre parcel size in the A-1 zone. The proposed 2.48 acre homestite parcel (Parcel 1) is exempt from the minimum A-1 zone parcel size requirement because the project meets the following conditions pursuant to Section 18.10.030, subdivision (F)(5) of the Merced County Zoning Code, which reads:

When the parcel owner desires to retain a dwelling, which has existed on the parcel for at least 10 years, the parcel owner may divide off the parcel containing the dwelling when all the following conditions are met:

1. The portion of the parcel which does not contain the dwelling is combined with an abutting parcel.
2. The parcel containing the dwelling shall not be less than one net acre and not more than five net acres in size and has a minimum 150 feet of frontage on a public road; and,
3. The dwelling which is to be retained must have been lived in by the parcel owner for at least 10 years.

Both parcels involved in this Convey and Combine Minor Subdivision are currently 20 acres. The parcel on which a homestite is being created will divide off 2.48 net acres, and the remaining 17.52 acres will be combined with the abutting 20 acre parcel, creating a 37.52 acre parcel. Although the 2.48 acre homestite parcel (proposed Parcel 1) does not have 150 feet of frontage on a public road, meeting that requirement is not possible in this scenario due to the site configuration and topography. Proposed Parcel 1 will have access to a public road via a previously recorded access easement (APN 042-260-026). No change to access would result from this subdivision. Because the access is existing, and because the site configuration and topography prevent the applicant from achieving 150 feet of frontage on a public road, that requirement can be waived for this subdivision. The property owner has provided proof of ownership for at least 10 years, demonstrating compliance with the third condition for homestite parcels.

This project is also subject to the Agricultural Setback Requirement for Created Parcels pursuant to Sections 18.10.030, subdivision (E) and 18.10.040, subdivision (M.1) of the Zoning Code. This provision of the Zoning Code requires a 200-foot physical separation (buffer) between any existing habitable structure and any abutting parcels used for agricultural production. Because this subdivision is proposed in an agriculturally-zoned area, the project was reviewed for compliance with the Agricultural Setback Requirement for Created Parcels.

The existing residence on proposed Parcel 1 is currently located less than 200 feet from the shared property line to the east, and the existing residences on Parcel B are currently located less than 200 feet from the shared property line to the west. This Minor Subdivision does not propose to move that shared property line, and therefore, no further action is required as it relates to the agricultural setback in these directions. The 200-foot agricultural setback was implemented for the residence on the proposed homestite parcel (Parcel 1). No agricultural setback was necessary for the two homes on the proposed merged parcel (Parcel B) due to their distance from the proposed property lines. Based on the tentative map submitted for this
application, the Agricultural Setback Requirement has been satisfied for the existing residence on proposed Parcel 1, and no further action or analysis is required.

3. Other Adopted Plans and Policies

Subdivision Map Act and Title 17
The proposed subdivision can be found consistent with the Subdivision Map Act and Title 17 of the Merced County Code. No new homes or new land uses are proposed on the project site. Policy AG-3.12 of the Agricultural Element of the General Plan waives the right to construct residences on resulting parcels by placement of a note on the face of the recorded-map that would permit the construction of residences on the resulting parcels subject to the approval of a conditional use permit.

Agricultural Preserve and Williamson Act
Neither of the two parcels are currently located in the Agricultural Preserve. Therefore, the parcels are not eligible for a Williamson Act contract. As such, the proposal is consistent with applicable provisions of the Agricultural Preserve and Williamson Act.

California Environmental Quality Act (CEQA)
Staff has assessed the proposed Minor Subdivision project in relation to the Program Environmental Impact Report (PEIR) prepared for the 2030 Merced County General Plan Update, and is recommending 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. See Exhibit B for the findings and analysis which support this conclusion.

The 2030 Merced County General Plan Program EIR contained an extensive analysis of the potential impacts from subdivisions located in agricultural and open space areas of the County (specifically Chapter 6 in the Recirculated Draft Program EIR dated July 26, 2013). The Draft and Final Program EIR concluded that the impact from agricultural subdivisions was less than significant when no new residences are proposed. Additionally, Mitigation Measure AG-5g was adopted to require a conditional use permit be processed for any new housing proposed on a newly created parcel in the agricultural zones.

However, because new residences were permitted on existing agricultural parcels, the EIR concluded the overall impact of the General Plan would be significant and unavoidable. In the current application, Minor Subdivision No. MS20-006, no additional residences are proposed and a note will be placed on the face of the Parcel Map indicating that the right to seek additional housing on the parcels has been waived. Should the landowner change their decision in the future, Mitigation Measure AG-5g would require processing of a discretionary conditional use application which would be subject to further environmental review.

Community Engagement
The project application was routed to applicable County departments for comment. The Fire Department provided general comments with regard to maintaining address identification and site access. See Exhibit D.

Notice of the Planning Commission’s public hearing was mailed to all owners of property located within 300 feet of the project site on August 28, 2020 and published in the Merced Sun-Star on August 28, 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 that the proposed Minor Subdivision is consistent with applicable provisions of the General Plan, Zoning Code, and Subdivision Map Act. Furthermore, the project is consistent with the range of possible uses considered for the area in the General Plan Program Environmental Impact Report and can be exempted from further CEQA review based on this consistency.

Staff recommends that the Planning Commission approve Minor Subdivision Application No. MS20-006 based on the findings identified below and subject to the recommended Conditions of Approval.

RECOMMENDED PLANNING COMMISSION ACTION:

A. CEQA Determination

MOTION: 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.

B. Project Determination

MOTION: Approve Minor Subdivision Application No. MS20-006 based on the findings identified in the Staff Report and subject to the recommended Conditions of Approval.

Project Findings:

1. Minor Subdivision Application No. MS20-006 proposes to create a 2.48 acre homesite parcel from a 20 acre parcel and combine the remaining 17.52 acres with an abutting 20 acre parcel, creating a 37.52 acre parcel.

2. The property is designated Agricultural in the General Plan and zoned A-1 (General Agricultural).

3. The proposal is consistent with applicable provisions of the 2030 Merced County General Plan requiring the preservation of commercial agricultural land and maintaining the commercial viability of agricultural parcels.

4. The proposal is consistent with applicable provisions of the Merced County Zoning Code that have not been superseded through adoption of the 2030 General Plan.

5. The proposal is consistent with the Subdivision Map Act.

6. The proposal is consistent with the Agricultural Preserve and the Williamson Act.

7. The proposed Minor Subdivision is compatible with adjacent uses and properties, and will not be a nuisance nor be detrimental to the public health, safety or general welfare.

8. The project is subject to all applicable Local, State and Federal 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. Recommended Conditions of Approval
B. CEQA Section 15162 Findings and Analysis
C. Tentative Parcel Map
D. Agency Comments

cc:
Applicant/Property Owner – Amanda Ballenger / Mike Bettencourt
Engineer – Golden Valley Engineering
MS20-006 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 Local, State and Federal regulations.

3. 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.

County Counsel

4. INDEMNITY AND HOLD HARMLESS AGREEMENT:

AMANDA BALLENGER / MIKE BETTENCOURT 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.
The California Environmental Quality Act (CEQA) Section 15162 Findings:

Application: Minor Subdivision No. MS20-006 (Amanda Ballenger / Mike Bettencourt)

Assessor Parcel Number or Location: Assessor’s Parcel Number(s) (APN’s) 042-260-026 and 042-260-027.

Previous Initial Study/EIR Reference: The subdivision of “Agriculturally” designated land was previously comprehensively reviewed through the Program Environmental Impact Report (EIR) for the 2030 Merced County General Plan Update (SCH #2011041067).

Original Project Date: The Program Environmental Impact Report was certified on December 10, 2013, by the Merced County Board of Supervisors.

Section A - Previous Studies

1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

   Yes  No  
   
   Comment/Finding: The proposed project is consistent with the previous environmental review. No substantial changes are proposed. (See Page 3 for supporting analysis.)

2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects?

   Yes  No  
   
   Comment/Finding: There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects. (See Page 3 for supporting analysis.)

3. New information of substantial importance that was not known and could not have been know with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If “Yes” is checked, go to Section “B” below)

   Yes  No  
   
   Comment/Finding: There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted. (See Page 3 for supporting analysis).
Section B - New Information

A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.

D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Comment/Finding: All previously identified mitigation measures were adopted as General Plan policies and implementation measures as part of the Agricultural Element. Approval of this subdivision project will be dependent upon finding the project is consistent with the General Plan and all applicable policies. Therefore, the potential impacts resulting from the subdivision are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

1. It is found that subsequent negative declaration will need to be prepared.
2. It is found that an addendum Negative Declaration will need to be prepared.
3. That a subsequent EIR will need to be prepared.
   X 4. No further documentation is required.

Date:  September 2, 2020
Prepared By:

[Signature]
Brody Patterson
Project Planner
CEQA Section 15162 Findings: Supporting Analysis

I. Introduction

Minor Subdivision No. MS20-006 is a request to create a homesite parcel by removing a 2.48 acre portion of an existing 20 acre parcel and combining the remaining 17.52 acres with an abutting 20 acre parcel, creating a 37.52 acre parcel. The project site is located 0.25 miles east of N. Shaffer Road and 0.5 miles north of W. Princeton Road in the Winton area, identified as Assessor's Parcel Numbers (APNs) 042-260-026 and 042-260-027. The property is designated Agricultural land use and zoned A-1 (General Agricultural). No new residences are proposed.

II. Analysis

The extensive analysis in the 2030 Merced County General Plan Program EIR concluded that the impact from agricultural subdivisions was less than significant when no new residences are proposed. However, because new residences were permitted on existing agricultural parcels, the EIR concluded the overall impact of the General Plan would be significant and unavoidable.

In the current Minor Subdivision Application No. MS20-006, no additional residences are proposed and a note will be placed on the face of the Parcel Map indicating that the right to seek additional housing on the parcel has been waived. Should the landowner change their mind in the future, Mitigation Measure AG-5g would require processing of a discretionary conditional use permit application which would be subject to further environmental review.

The General Plan EIR also concluded that the impact from the subdivision of agricultural parcels 40 acres or less in size would typically not result in a significant impact on the environment in the analysis under Impact AG-7: “Involve other land use changes that would result in conversion of farmland to non-agricultural uses due to inadequate parcel sizes.” (Starting on Page 6-71 of the Recirculated Draft Program EIR). This conclusion was reached based on the fact that the General Plan contained Policy AG-2.13 “Minimum Agricultural Parcel Size Requirement” along with Policy AG-2.14 “Viability of Smaller Parcels.” The conclusion in the Program EIR was that the subdivision of productive agricultural land into parcels over 20 acres in size that does not involve the construction of new housing units would have a less than significant impact on the environment.

This proposed minor subdivision is a request to create a homesite parcel by removing a 2.48 acre portion of an existing 20.0 acre parcel and combining the remaining 17.52 acres with an abutting 20.0 acre parcel, creating a 37.52 acre parcel. The proposal is consistent with Title 17 of the Merced County Zoning Code. Farming practices and other existing land uses for the newly created 37.52 acre parcel will not change. The project proposes no change in land use, intensification of farming, and/or increase in demand for irrigation water. Additionally, no new structures are proposed which would result in a significant impact not previously evaluated in the General Plan Program EIR.
REMAINDER
83 P.M. 4B
APN: 042-260-025

PARCEL I
2.48 ACRE NET

REMAINDER OF
17.52 ACRES ±
TO BE COMBINED WITH
PARCEL B
93 P.M. 4B
APN: 042-250-027

RESULTING IN
37.52 ACRES ±

PARCEL A
83 P.M. 4B
APN: 042-260-026

CREEK

CREEK

LEGEND

PROPERTY LINE
NEIGHBORING PROPERTY LINE
ROAD CENTER LINE
WELLS
SEPTIC

JOB NO.: 18137

NOTE: PLEASE USE BLACK INK
OR DARK PENCIL

SHEET 5 OF 10

SCALE 1" = 200'

PLOT PLAN
FOR

APPLICATION TYPE
MINOR SUBDIVISION (CONVEY & COMBINED)

PROPERTY OWNER(S): BETTENCOURT
ADDRESS: 11572 SHAFER ROAD, WINTON, CA 95388
TELEPHONE: (209)358-9400

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

MERCEDE COUNTY PLANNING DEPARTMENT

SCALE: 1" = 200'
August 17, 2020

To: Mike Bettencourt  
c/o Brody Patterson

From: Richard Bohn  
Merced County Fire Department

Re: MS20-006

Based on the preliminary project information provided, the following conditions shall apply:

Maintain address identification and access.

Richard Bohn  
Fire Marshal  
Merced County Fire Department
Memorandum

DATE: August 20, 2020
TO: Brody Patterson, Planner I
FROM: Brent Cronk, EHS III
       (209) 385-7654 xt4568; Brent.Cronk@countyofmerced.com

SUBJECT: MINOR SUBDIVISION No. MS20-006 - BALLENGGER / BETTENCOURT - A request to divide a 20 acre parcel (APN 042-260-026; 11592 Shaffer Rd.) into a 2.48 acre parcel for the property owner and convey the remaining 17.52 acres to an adjacent parcel (APN 042-260-027; 11584 and 11586 Shaffer Rd.) under the same ownership, creating a 37.52 acre parcel. The project site is located 0.25 miles east of N. Shaffer Road and 0.5 miles north of W. Princeton Road in the Winton area, identified as Assessor’s Parcel Numbers (APNs): 042-260-026 and 042-260-027. The property is designated Agricultural land use and zoned A-1 (General Agricultural).

SITUS: 11592 (also 11584 and 11586) Shaffer Rd., Winton

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

The only new property lines will be south and west of 11592 Shaffer Rd., 200 feet from the house and from the septic tank. These new property lines are not expected to interfere with either the existing leach fields or the leach field replacement areas for 11584, 11586, or 11592 Shaffer Rd.

MCDEH has no objection to the subdivision.
Date: December 25, 2018

To: Brody Patterson, Planner I
Planning and Community Development Department

From: Gerardo Elias, Engineering Associate
Department of Public Works

Subject: Minor Subdivision No. MS20-006
Mike Bettencourt

MEMORANDUM

We have reviewed this minor subdivision that intends to divide a 20-acre parcel into 2 parcels, with no additional homes proposed. The division will result the following parcels: Parcel 1 = 2.48 acres, Parcel 2 = 17.52 acres combine into parcel (042-260-027) resulting in 37.52 Acres. The property is located east of Shaffer road. The property is designated Agricultural land use, and zoned A-1 (General Agricultural).

Applicants have stated that there are no other structures proposed with this minor subdivision. Therefore, the Road Division does not have any comments.