



3 – Land Use

3.1 Introduction

This chapter reviews the present context for land use planning in Merced County. The following is a summary description of how land in the unincorporated areas of the county is currently (2011) used, and assesses the potential for additional development that is either implied or explicitly authorized by existing planning policies. The discussion of existing land uses and land use policies and regulations is based upon both a detailed land use inventory (using information furnished by the Merced County Association of Governments Geographic Information System and the Merced County Assessor's database), and a review of current planning documents, including the present 1990 Merced County General Plan and 2006 Zoning Ordinance, the general plans of each of the incorporated cities in the county, and the plans of other agencies active in Merced County, such as State, Federal, and regional agencies.

This chapter is divided into the following sections:

- Introduction (Section 3.1)
- Existing Land Use (Section 3.2)
- Merced County General Plan (1990) (Section 3.3)
- Merced County Zoning Ordinance (2000) (Section 3.4)
- Sphere of Influence (Section 3.5)
- City General Plans (Section 3.6)
- University of California, Merced, Long Range Development Plan (Section 3.7)
- Surrounding County/City General Plans (Section 3.8)
- Regional Plans and Policies (Section 3.9)
- San Joaquin Valley Blueprint Process (Section 3.10)
- Federal and State Policies (Section 3.11)
- Major Findings (Section 3.12)

3.2 Existing Land Use

Introduction

This section describes where existing land uses are located and how they are distributed throughout the unincorporated county. The Merced County Planning and Community Development Department, the Merced County Geographic Information System, and the Merced County Assessor's Database are the sources for the information in this section.

Key Terms

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, public safety and health hazards and natural resource areas.

Development. A human-created change to improve unimproved land, including: subdividing land; construction and alteration of buildings, structures, and roads; utilities; mining; dredging; filing; grading; paving; excavating; and drilling.

Land Use Classification. A system for classifying and designating the use of properties.

Regulatory Setting

See Regulatory Setting under Section 3.3.

Existing Conditions

Existing land use for all parcels within the county is summarized below in Table 3-1 and shown in Figure 3-1. Unincorporated land within the county accounts for a little over 1.2 million acres or 98.1 percent of all land in the county, while incorporated cities account for 24,138 acres or 1.9 percent. Agriculture is the predominate use in the county, totaling just over 1 million acres or 81.2 percent of the unincorporated county. Public/Quasi Public land is the next largest use with 131,582 acres or 10.6 percent of the unincorporated county.

Residential Land

This Background Report analyzed three residential land use categories: (1) single-family residential; (2) multi-family residential (which includes duplexes; apartments; structures containing two or more housing units either individually owned or rented; planned unit developments; and condominiums); and (3) mobile homes. Residential uses in unincorporated Merced County total approximately 16,070 parcels covering 11,635 acres. Residential development in the county is concentrated along State Route 99 (SR 99) adjacent to existing cities and in unincorporated communities.

Commercial, Industrial, Mining Land

Commercial uses include office, retail, and outdoor storage/sales uses such as car sales, lumber yards, and plant nurseries. Industrial uses include light industrial establishments such as warehouses and mini-storage businesses, and heavy industrial uses involved in the manufacturing of large items and/or the use of large manufacturing equipment. As shown in Table 3-1, commercial uses represent 3,025 acres (0.2 percent), industrial uses represent 2,488 acres (0.2 percent), and mining represents 3,375 acres (0.3 percent) of the entire county.

Public/Quasi Public

Public/Quasi Public uses include railroads, airports, cemeteries, hospitals, landfills, schools, public service facilities, and public utilities. Public/Quasi Public uses in this summary also include the San Luis and Merced wildlife refuges. As shown in Table 3-1, 131,582 acres (10.8 percent) of the unincorporated county is used for public or quasi public purposes. These lands are located predominantly in the central part of the county and along major highways, railroads, and rivers.

Agricultural Land

Agricultural uses include row crops, orchards, grazing, poultry, and dairies. All agriculture uses combined account for a little over 1 million acres in the county. Agricultural lands are located generally in the central and northern parts of the county.

As shown in Table 3-1, General Agriculture is the predominate use in the county accounting for 549,310 acres (45.2 percent of unincorporated land). Grazing, located mostly in the western and eastern portions of the county, is the second largest use in the county with 420,663 acres (34.6 percent of unincorporated land).

**TABLE 3-1
Merced County Existing Land Use**

Land Use	Parcels	Acres	Percent of Unincorporated County	Percent of All County Lands
Single-Family Residential	14,995	10,556	0.9%	0.9%
Multi-Family Residential	725	837	0.1%	0.1%
Mobile Homes	350	242	0.0%	0.0%
Residential Subtotal	16,070	11,635	1.0%	1.0%
Commercial	613	3,025	0.2%	0.2%
Industrial	133	2,488	0.2%	0.2%
Mining	32	3,375	0.3%	0.3%
Commercial, Industrial, and Mining Subtotal	778	8,888	0.7%	0.7%
Public/Quasi Public	2,002	131,582	10.8%	10.6%
Public/Quasi Public Subtotal	2,002	131,582	10.8%	10.6%
General Agriculture	11,321	549,310	45.2%	44.3%
Grazing	2,285	420,633	34.6%	34.0%
Dairy	405	30,766	2.5%	2.5%
Poultry	54	4,717	0.4%	0.4%
Agriculture Subtotal	14,065	1,005,426	82.7%	81.2%
Open Space	233	40,826	3.4%	3.3%
Vacant	1,795	5,691	0.5%	0.5%
Other (i.e., right-of-ways, rivers, canals, etc.)	1,360	10,788	0.9%	0.9%
Open Space, Vacant, and Other Subtotal	3,388	57,305	4.8%	4.7%
Unincorporated County Total	36,303	1,214,836	100.0%	98.1%
Non-Vacant Incorporated Cities	42,501	19,929	N/A	1.6%
Vacant Incorporated Cities	2,987	4,209	N/A	0.3%
Incorporated Cities Total	45,588	24,138	N/A	1.9%
County Total	81,791	1,238,974	100.0%	100.0%

Source: Merced County Geographic Information System, 2006.

Open Space, Vacant, and Other Land

Open Space uses include greenbelts and other dedicated open space. As shown in Table 3-1, 57,305 acres, or 4.8 percent, of the unincorporated county is used for open space purposes. Large areas of open space exist around the Great Valley Grasslands State Park.

3.3 Merced County General Plan (1990)

Introduction

This section provides an overview of the various official Merced County planning documents and the policies that affect land use in the unincorporated parts of the county. The section includes summary reviews and evaluations of three different levels of plans: elements of the present 1990 General Plan that address county-wide growth and development policies; community specific plans; and specific plans that have been adopted as part of the Merced County General Plan. The purpose of this section is to provide a summary of existing County land use plans and policies and to determine the implications of each plan on growth and development in the unincorporated areas. Later sections of this chapter evaluate the implications of the general plans of each of the incorporated cities, general plans of surrounding counties and cities, and the policies of regional, State, and Federal governmental agencies that may affect growth in Merced County.

Key Terms

Build-out. Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations (see "Carrying Capacity").

Carrying Capacity. Used in determining the potential of an area to absorb development. Carrying capacity considers: (1) the level of land use, human activity, or development for a specific area that can be accommodated permanently without an irreversible change in the quality of air, water, land, or plant and animal habitats; (2) the upper limits of development beyond which the quality of human life, health, welfare, safety, or community character within an area will be impaired; and (3) the maximum level of development allowable under current zoning.

City. An incorporated municipality with local administrative and regulatory authority, usually governed by a mayor and council. When spelled with a capital "C," refers to a government agency or administration body. When spelled with a lower case "c," refers to the geographical area or a generic city.

Density (Residential). The number of permanent residential dwelling units per acre of land. Densities specified in the General Plan may be expressed in units per gross acre or per net developable acre.

Dwelling Unit. A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

General Plan. A compendium of a city's or a county's goals, objectives, policies, and implementation programs regarding its long-term development, in the form of maps and accompanying text. The general plan is a legal document required of each local agency by the State of California Government Code Section 65301 and adopted by the City Council or Board of Supervisors. The General Plan has seven mandatory elements (circulation, conservation, housing, land use, noise, open space, safety and seismic safety) and may include

any number of optional elements (such as air quality, economic development, hazardous waste, and parks and recreation).

Goal. A general, overall, and ultimate purpose to which an endeavor of a local jurisdiction (city or county) is directed.

Land Use Regulation. A term encompassing the regulation of land in general and often used to mean those regulations incorporated in the general plan, as distinct from zoning regulations (which are more specific).

Planning Area. The physical area directly addressed in the general plan. Planning areas for cities typically encompass all areas in the city limits and additional potentially annexable land. Planning areas for counties typically encompass all areas in the county boundary (i.e., county line).

Policy. A specific statement of principle or action that guides the management of public affairs. Policies are adopted by a legislative body (such as a city council or county board of supervisors) in order to meet specified goals and objectives before undertaking an action program.

Specific Plan. A tool authorized by Government Code §65450, et seq. for the systematic implementation of the general plan for a defined portion of a community's planning area. A specific plan must specify in detail the land uses, public and private facilities needed to support the land uses, phasing of development, standards for the conservation, development, and use of natural resources, and a program of implementation measures, including financing measures.

Regulatory Setting

General Plan Law (California Government Code §65300). California Government Code §65300 regulates the substantive and topical requirements of general plans. State law requires each city and county to adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning." The California Supreme Court has called the general plan the "constitution for future development." The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private.

Since the general plan affects the welfare of current and future generations, State law requires that the plan take a long-term perspective (typically 15-25 years). The general plan projects conditions and needs into the future as a basis for determining objectives. It also establishes long-term policy for day-to-day decision-making based upon those objectives.

Policies of the general plan are intended to underlie most land use decisions. Pursuant to State law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted general plan. In counties and general law cities, zoning and specific plans are also required to conform to the general plan. In addition, preparing, adopting, implementing, and maintaining the general plan serves to identify the community's land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development; provide a basis for local government decision-making, including decisions on development approvals and exactions; provide citizens with opportunities to participate in the planning and decision-making processes of their communities; and inform citizens, developers, decision-makers, and other cities and counties of the ground rules that guide development within a particular community.

State law requires that general plans must address seven mandatory elements (topics), which include: land use, circulation, housing, conservation, open space, noise, and safety. Jurisdictions may also adopt additional elements that cover topics outside of the seven mandated elements (such as economic, historic, etc.) In addition to mandatory elements, a general plan must be internally consistent. As described by State law, internal consistency holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate general plan. Different policies must be balanced and reconciled within the plan. The internal consistency requirement has five dimensions:

- **Equal Status among Elements.** All elements of the general plan have equal legal status.
- **Consistency between Elements.** All elements of a general plan, whether mandatory or optional, must be consistent with one another
- **Consistency within Elements.** Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another.
- **Area Plan Consistency.** All principles, goals, objectives, policies, and plan proposals set forth in an area or community plan must be consistent with the overall general plan.
- **Text and Diagram Consistency.** The general plan's text and its accompanying diagrams are integral parts of the plan. They must be in agreement.

Housing Element Law (California Government Code Article 10.6). The State has established detailed legal requirements for the general plan housing element, above and beyond §65300. State law requires each city and county to prepare and maintain a current housing element as part of the community's general plan in order to attain a statewide goal of providing "decent housing and a suitable living environment for every California family." Under State law, housing elements must be updated every five years and reviewed by the State Department of Housing and Community Development.

Safety Element Law (Government Code, Title 7, Sections 65302 (f) and 65302.1). Similar to housing elements, the State has adopted detailed requirements for the safety element. Applicable State laws related to content of the safety element include:

- **Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code §2621, et seq.).** Restricts development on the surface traces of known active faults. The State Geologist has produced maps that identify faults throughout the state and makes copies available to planning agencies.
- **Seismic Hazards Mapping Act (Public Resources Code §2690, et seq.).** Directs the State Geologist to map potential ground shaking, liquefaction, earthquake-triggered landslides, and other identifiable earthquake-related hazards in California.
- **Unreinforced Masonry Law (Government Code §8875, et seq.).** Requires cities and counties within Seismic Zone 4 to identify hazardous unreinforced masonry buildings and consider local regulations to abate potentially dangerous buildings through retrofitting or demolition.

Specific Plan Law (California Government Code §65451). California Government Code §65451 regulates the substantive and topical requirements of specific plans. A specific plan is a tool for the systematic implementation of the general plan, and establishes a link between implementing policies of the general plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location, and intensity of uses to the design and capacity of infrastructure.

Existing Conditions

The General Plan is organized into a hierarchy of increasingly detailed plans for subareas of the county, as shown in Figure 3-2 below:

**Figure 3-2
General Plan Organization**



Growth and Development Policies

The current Merced County General Plan (1990) consists of countywide topical elements that each include goals, policies, and programs that apply generally throughout the county. These seven topical elements include land use, circulation, housing, noise, safety, open space/conservation, and agricultural.

Land Use Element

The purpose of the Land Use Element is to identify appropriate land uses for all unincorporated areas of the county, recognizing a balance between human needs and natural and environmental limitations. The element designates and describes the general category of use for all lands and includes recommended standards of population density and building intensity. The Land Use Policy diagram and the individual urban center maps designate the specific land use classifications for all property.

Goals of the Land Use Element include:

- **Goal 1.** A land use pattern which enhances the integrity of both urban and rural areas.
- **Goal 2.** A high quality living environment within unincorporated communities.
- **Goal 3.** Coordinated, orderly development in City Fringe Areas.
- **Goal 4.** Efficient, environmentally sound development within identified Rural Residential Centers (RRCs).
- **Goal 5.** Sufficient opportunity exists to accommodate the specialized needs of the traveling public balanced with circulation and other county needs.
- **Goal 6.** The daily commercial and service needs of rural populations are served by Agricultural Services Centers (ASC).

- **Goal 7.** Conservation of productive agricultural and other valuable open space lands.
- **Goal 8:** A rural environment which achieves a balance between its agricultural and other open space resource values.
- **Goal 9:** Accommodation of public land uses and private facilities which satisfy specific County needs.
- **Goal 10.** County services and facilities provided at adequate levels for existing and future residents.
- **Goal 11.** Accommodate the tenth University of California Campus and orderly development of adjacent land uses through a comprehensive planning process.
- **Goal 12.** Long term economic and social benefits, such as employment, are maximized through the reuse of the former Castle Air Force Base.

Land Use Designations

The General Plan Land Use Policy Diagram (Figure 3-3) identifies two rural land use designations:

- **Foothill Pasture.** Generally applied to lands located in the Sierra Nevada Foothills and the Diablo Range areas of the county. Foothill Pasture areas are used for non-cultivated agricultural practices which typically require larger areas of land due to soil quality, limited water availability, and steeper slopes. Allowable land use activities include livestock facilities, wastewater lagoons, and agricultural commercial facilities. Certain non-agricultural uses may be allowed, including mineral resource extraction and processing, institutional facilities, and outdoor public and private recreational facilities. Housing is considered an accessory use to the primary activity of a site and may be in the form of manufactured or conventional single-family dwelling units, or group quarters for farm laborers.
- **Agricultural.** Generally applied to lands in the valley floor between the Sierra Nevada Foothills and the Diablo Range. Agricultural areas generally include slopes less than or equal to 4 percent, elevations less than 200 feet, very slow to moderate water runoff potential, very limited to moderate erosion potential, moderate to excellent water availability, and, deeper and more fertile topsoils. Allowable land use activities include cultivated agricultural practices, which rely on good soil quality and water availability, and minimal slopes. Other land use activities which may be appropriate include livestock facilities, wastewater lagoons, and agricultural commercial facilities. Certain nonagricultural uses may also be found including mineral resource extraction and processing, and outdoor public and private recreational facilities. Housing is considered an accessory use to the primary activity of a site and may be in the form of manufactured or conventional single-family dwelling units, or group quarters for farm laborers.

The General Plan Land Use Diagram (Figure 3-3) also identifies ten different urban designations, which are used within urban centers. They involve three general categories: residential, commercial, and industrial. The following are descriptors of the urban land use designations:

- **Agricultural Residential.** Generally applied to areas considered appropriate for construction of single-family dwelling units on large lots in a semi-rural environment, with less than a full range of public services. These areas may be used as a buffer between urban and rural land use activities. Buildings may be two stories high and homes may be constructed up to a maximum density of one unit per acre.

- **Very Low and Low Density Residential.** Generally applied to areas considered appropriate for the construction of single-family dwelling units within a Specific Urban Development Plan (SUDP) as described in the next section, Urban Centered Concept. This designation is normally used in areas, which may lack public water or sewer systems. Buildings may be two stories high and homes may be constructed up to a density of 3.5 units per acre (Very Low Density Residential) or 8.0 units per acre (Low Density Residential).
- **Medium and High Density Residential.** Generally applied to areas considered appropriate for the construction of multiple-family housing units within a SUDP. Some Community Specific Plans use the Medium Density Residential land use designation for accommodating single-family dwelling units on smaller lots (approximately 5,000 square feet). These land use designations are typically located closer to the center of a community. Multiple-family dwelling units in the form of duplexes, triplexes, fourplexes, townhouses, etc., are the primary land use activities in these areas. Buildings may be two stories high with dwellings constructed up to a density of 15 units per acre in the Medium Density Residential areas, and buildings may be three stories high with dwellings constructed at a density of up to 33 units per acre in the High Density Residential areas.
- **Commercial Transition.** Generally applied to recognize selected locations within a SUDP, along the fringe of downtown commercial areas, which are experiencing a trend towards, or away from, commercial activities. These areas may serve as a buffer between the downtown commercial areas and abutting residential neighborhoods. Land use activities generally considered appropriate in these areas are similar in scale and intensity with those uses listed in the Neighborhood Commercial areas where the trend is from residential to commercial activities, and land uses similar in scale and intensity to those uses listed in the Medium Density Residential designation are considered appropriate in those areas experiencing a trend from commercial to residential activities.
- **Neighborhood Commercial.** Generally applied to areas within a SUDP, which are determined appropriate for commercial uses, which serve the daily needs of the local community or neighborhood. These areas are typically located within, or in the vicinity of, residential neighborhoods. Smaller unincorporated communities use this designation as their main commercial area. Typical uses, which may locate in the Neighborhood Commercial areas, include convenience and commercial activities for serving the daily needs of the neighborhood. Institutional and recreational uses may also locate in these areas. Uses in these areas are normally smaller in scale and intensity when compared to the General Commercial designated areas because they serve a much smaller market area.
- **General Commercial.** Generally applied to areas within a SUDP considered appropriate for general retail commercial activities. These areas are typically located near the center of a community to encourage grouping of commercial activities in a central business district or core, possibly with other nonresidential uses. Typical uses, which may locate in the General Commercial areas, include retail commercial activities, personal and professional services. Recreational and institutional uses may also be considered appropriate in these areas.

- **Industrial.** Generally applied to areas within a SUDP considered appropriate and necessary for manufacturing and wholesale activities. Industrial activities typically locate along major transportation routes and/or towards the fringe area of the community. Typical uses which may locate in these areas are involved in the research, processing, distribution, storage, or the wholesale trade of various materials and products. Transportation facilities, such as air, rail, or motor freight transfer services or maintenance facilities, and recreational or institutional activities may also be considered appropriate in these areas.
- **Reserve.** Generally applied to areas within a SUDP, which are considered appropriate for intensive urban land use activities at some future date, depending upon community growth needs and availability of urban services, utilities, and facilities. Usually these areas are outside of a local water and/or sewer district, but typically are within the districts ultimate service area boundary (Sphere of Influence). Land may be designated "Urban Reserve," denoting some general type of future urban activity to be determined when the property is redesignated, or it may be classified for a specific use such as "Residential Reserve." Reserve areas are intended to remain rural in their character, until they are redesignated, and they normally contain agricultural and other open space land uses.

Urban Centered Concept

A central policy of the Land Use Element is to direct urban development to designated urban centers in order to avoid the urbanization/intensification of rural areas. This concept resulted in the creation of several types of urban boundary designations, formally known as the "Urban Centered Concept." This concept has been the basic principle of land use policy in the county since the 1980s. The urban centered concept is directed at using cities and unincorporated communities or centers to accommodate anticipated urban expansion in an orderly manner, based on the capacity of these communities to furnish public services along with land needs based on population demands and in balance with employment-generating land uses.

Urban land uses, as described above, include residential, commercial, industrial, and related institutional uses. Residential sites of one acre or larger found in Rural Residential Centers are also considered urban. These urban uses are generally more intensive in character than rural land uses. The urban centered concept is expressed through four urban boundary designations on the General Plan Diagram:

- **Specific Urban Development Plan (SUDP).** The Specific Urban Development Plan (SUDP) area is the broadest General Plan area designation intended to accommodate all classifications of urban land use. A SUDP has a boundary line, which is recognized as the ultimate growth boundary of the community over the life of the plan. All land within SUDP is planned for eventual development in a mixture of urban and urban-related uses, as designated on the SUDP diagram for each community. Whenever land is added to a SUDP, the decision is made that it will ultimately be converted to an urban use.
- **Rural Residential Center (RRC).** In contrast to SUDP, the Rural Residential Center (RRC) designation provides for urban or suburban residential development at lower densities and generally without the full urban services provided in a SUDP. Land use activities include accessory agricultural uses such as livestock pasturing, horse stables, hobby farming (noncommercial farming, permitted on parcels of one acre or greater), and recreational and institutional facilities.

- **Highway Interchange Center (HIC).** HICs are distinct from SUDPs as they do not provide for a full range of urban land uses. Rather than serving as a center for housing and industry, they are located to satisfy commercial service needs of highway travelers. HICs may be considered at improved interchanges of state and interstate highways. General Plan criteria for HIC designation includes the agricultural productivity of a site, safety of access, roadway capacity, location relative to other intensive-use designated areas, and effect on public services and the environment. HICs are not located where it is determined that a conflict or competition with an SUDP can occur.
- **Agricultural Services Centers (ASC).** ASCs are distinct from SUDPs as they lack urban services, have a stable or declining population, have an isolated location, and have an agricultural orientation of existing land uses. ASCs were established to provide a location for agricultural services, farm support operations, and convenience commercial services for the rural population. A limited amount of housing supporting these services is allowed, not to exceed a density of one dwelling unit per acre.

Circulation Element

The purpose of the Circulation Element is to provide a plan for an infrastructure system designed to accommodate the anticipated land use activities throughout the county. The element identifies important issues related to automobile transportation including: designating roads into categories based on their traffic characteristics for proper right-of-way acquisition and design; road construction and maintenance problems; and individual property access considerations. Additional transportation topics include public transportation systems and alternative modes of travel including air, rail, and bicycle and pedestrian routes. In addition, other infrastructure systems are identified including power transmission and distribution systems, irrigation water distribution and urban water, sewer, and drainage systems. The Countywide Circulation Diagram (Figure 6-1), together with individual urban boundary maps, contain the classification for all major thoroughfares.

Circulation Element policies that relate to land use include:

- **Goal 1, Objective A, Policy 1.** Establish a roadway system consisting of local roads, collector roads, arterial roads, and freeways, adequate to serve existing and future land uses.
- **Goal 1, Objective B, Policy 7.** Right-of-way dedication and roadway improvements shall be required with the approval of land use entitlements to offset circulation impacts resulting from the typical occupancy of such entitlement.
- **Goal 1, Objective B, Policy 10.** Existing and future right-of-way shall be protected from encroachment of incompatible structures.
- **Goal 1, Objective B, Policy 11.** Road right-of-ways and improvements shall be coordinated with incorporated cities and with adjacent counties to ensure compatibility.
- **Goal 1, Objective C, Policy 14.** Consideration of subdivision and parcel map applications in Rural Residential Centers shall require preparation by the applicant of a local street pattern for the one-quarter section within which the proposed division is located.
- **Goal 2, Objective A, Policy 1.** Support and protect the operation of public use airports.

- **Goal 2, Objective A, Policy 2.** Support the continued operation of existing rail lines and terminals.
- **Goal 2, Objective A, Policy 3.** Encourage coordination of air and rail passenger services with other public transportation.
- **Goal 2, Objective A, Policy 4.** Encourage land uses which transport large quantities of goods or materials to locate in areas served by rail or air transportation facilities.
- **Goal 2, Objective A, Policy 5.** Encourage alternatives to at-grade rail crossings at existing and future roads.
- **Goal 2, Objective B, Policy 6.** Encourage the construction of Class I, II, or III bike routes as designated in the overall Merced County Bikeway Plan and in Community Specific Plans.
- **Goal 2, Objective B, Policy 7.** The location and construction of bikeways shall be coordinated with incorporated cities and adjacent counties.
- **Goal 3, Objective A, Policy 1.** Electrical, gas, crude oil, and communication transmission and distribution lines should parallel major roads or rail systems.
- **Goal 3, Objective A, Policy 3.** Electrical interference to adjacent land uses shall be considered in the placement of electrical and other transmission facilities.
- **Goal 4, Objective A, Policy 2.** Effects on the capacity and distribution systems of water, sewer, and storm drainage facilities shall be considered in reviews of discretionary and nondiscretionary permits.

Housing Element

The Housing Element provides a guide to the development of decent, suitable, and affordable housing for the citizens of Merced County. It represents the responsibility of the County in a cooperative effort with the public and private sector, to expand housing opportunities, facilitate housing improvements and development, and accommodate the housing needs of Merced County. The content of the element includes an assessment of existing housing needs among various segments of the population, a determination of prospective housing needs, an identification of "quantified objectives" for the supply of housing over the five-year time frame of the element and an "Action Plan," promoting measures to achieve the affordable housing objectives.

Housing Element policies that relate to land use include:

- **Goal 1, Objective A, Policy 6:** When revising Community Specific Plans, work with the Municipal Advisory Councils to increase the multiple-family housing project opportunities.
- **Goal 1, Objective A, Policy 7:** Support in-fill residential development within unincorporated communities.
- **Goal 1, Objective A, Policy 8:** Low- and moderate-income housing should be distributed evenly throughout unincorporated communities to avoid concentrations of particular income groups.

- **Goal 1, Objective B, Policy 1:** Conversion of agricultural and other rural land, including antiquated subdivisions into housing uses, shall only be allowed where a clear and immediate need is demonstrated based on anticipated growth, availability of public services and facilities, and taking into account available vacant land within the community.
- **Goal 1, Objective B, Policy 2:** Direct housing to less valuable farmland when agricultural land conversion is justified.
- **Goal 3, Objective A, Policy 1:** The County shall review and update each unincorporated community plan to ensure that adequate residential land is designated to accommodate population and growth projections of the General Plan.
- **Goal 3, Objective A, Policy 3:** Encourage the usage of mixed-use residential/office/retail developments in each community's core downtown to support affordable housing.
- **Goal 5, Objective A, Policy 3:** Preserve mobile home parks, and encourage mobile home park development as an important part of housing opportunities in the community.

Noise Element

The purpose of the Noise Element is to provide mechanisms to reduce and/or eliminate existing conflicts between land use and noise and also to minimize the creation of such conflicts in future land use decisions. As the component of the General Plan most closely associated with noise issues, this element is oriented to provide policy direction for the County to recognize noise conflicts when making land use decisions.

Noise Element policies that relate to land use include:

- **Goal 1, Objective A, Policy 1:** New residential land use designations shall not be approved in locations where it is determined that existing or projected exterior noise levels will exceed 65 dBA.
- **Goal 1, Objective C, Policy 6:** Proposed new land use designations for the development of hospitals and schools shall not be approved in locations where it is determined that existing or projected exterior noise levels exceed 70 dBA.
- **Goal 2, Objective A, Policy 1:** New noise sensitive land uses and land use designations should not be approved where existing and projected noise levels from Commercial or Industrial designated areas will result in those noise sensitive uses being "noise impacted."
- **Goal 2, Objective C, Policy 3:** New noise sensitive land uses should not be approved where it is determined that the noise generated by operations of an existing public use airport will result in an incompatibility that would substantially impair the operations of said airport.

Safety Element

The purpose of the Safety Element is to identify the various hazards impacting the county, and to provide policies for the protection of county residents and properties from unreasonable risks associated with these hazards. The Safety Element of Merced County's General Plan combines and updates information and policies contained in the earlier safety and seismic safety elements which were adopted by the County in 1974. The most significant hazards identified in the element include seismic activity and related impacts;

slope instability; geologic hazards such as subsidence; flooding; and fires. Emergency evacuation routes are also identified in relation to these various hazards. This section summarizes policies in the Safety Element that relate to land use issues in the county. For more detailed information on specific safety hazards in the county, please see Chapter 10 – Safety.

Safety Element policies that relate to land use include:

- **Goal 1, Objective A, Policy 1.** All habitable structures shall be located and designed in compliance with the Alquist/Priolo Special Studies Zone Act of 1972.
- **Goal 1, Objective A, Policy 2.** Special precautions to ensure earthquake resistant design should be considered for proposed critical structures such as hospitals, fire stations, emergency communication centers, private schools, high occupancy buildings, bridges and freeway overpasses, and dams.
- **Goal 1, Objective A, Policy 4.** If significant earthquake damage should occur anywhere in the county, rebuilding the structure at a geologically safer location shall be considered before rebuilding the damaged building at its previous location.
- **Goal 1, Objective B, Policy 1.** The County should initiate a program to identify earthquake hazards to existing structures, such as unreinforced masonry buildings, and determine the appropriate method for correction.
- **Goal 1, Objective B, Policy 6.** Existing critical structures, as identified in Policy 2, which were constructed after 1948 should be evaluated for their structural integrity.
- **Goal 2, Objective A, Policy 1.** Encourage educational programs to inform the public of identified dam inundation areas and evacuation plans.
- **Goal 2, Objective A, Policy 3.** The location of new dams within the county should be evaluated to determine the effects of inundation on existing and projected populated areas.
- **Goal 3, Objective A, Policy 1.** Habitable structures shall not be located in areas subject to landslides unless designed and constructed to minimize hazards to occupants.
- **Goal 3, Objective A, Policy 2.** Chapter 70, Volume I of the Uniform Building Code, 1970 Edition, known as the "Model Grading Code," shall be used as a guide for projects subject to hazards from slope instability.
- **Goal 3, Objective A, Policy 3.** All proposed structures, utilities, or public facilities within recognized near-surface subsidence or liquefaction areas should be located and constructed in a manner to minimize or eliminate damage.
- **Goal 4, Objective A, Policy 1.** Information provided by the Federal Emergency Management Agency shall be used to identify areas subject to 100-year frequency floods.
- **Goal 4, Objective A, Policy 2.** All habitable and most accessory structures constructed within areas subject to 100-year frequency floods, or in other identified flood hazard areas, shall include appropriate flood proofing measures and/or elevation above the base flood level.

- **Goal 4, Objective A, Policy 3.** Within areas subject to 100-year frequency floods, all development shall be done in a manner that will not cause floodwaters to be diverted onto adjacent property or increase flood hazards to property located elsewhere.
- **Goal 4, Objective A, Policy 4.** Within areas subject to 100-year frequency floods, all public utilities and facilities, such as roads, sewage disposal, gas, electrical and water systems, should be located and constructed to minimize or eliminate flood damage to the facilities.
- **Goal 4, Objective A, Policy 5.** Open space uses should be encouraged in all flood-hazard areas.
- **Goal 5, Objective A, Policy 2.** In urban areas where a public water system does not exist, ensure adequate water supplies are available for fire suppression prior to occupancy of any structure.
- **Goal 5, Objective B, Policy 6.** In areas designated as having a very high fire hazard severity, the establishment and maintenance of "clear zones" around new and existing residential structures shall be encouraged.

Open Space/Conservation Element

The purpose of the Open Space/Conservation Element is to provide a plan to carefully manage open space resources in order to support the county's anticipated population growth while preserving nonrenewable assets for future generations. The element provides an inventory of the open space resources of the county and details issues and policies related to their conservation and preservation.

Open Space/Conservation Element policies that relate to land use include:

- **Goal 1, Objective A, Policy 2:** Continue to regulate the location, density, and design of development to minimize adverse impacts and encourage enhancement of rare and endangered species habitats.
- **Goal 1, Objective A, Policy 3:** The redesignation of land from a rural to an urban designation should occur in careful consideration of the potential impact on significant habitats and conformance with the Open Space Action Plan.
- **Goal 1, Objective A, Policy 4:** Urban designated areas should not include identified threatened species habitat areas unless specific provisions are made for their protection.
- **Goal 1, Objective A, Policy 5:** Urban uses which could result in significant loss of sensitive habitat should be directed to less sensitive wetland, wildlife, and vegetation habitat areas if possible.
- **Goal 1, Objective B, Policy 11:** The division of parcels which is determined to result in nonagricultural uses should be avoided adjacent to Federal and State designated wildlife refuge areas.

Agricultural Element

The Agricultural Element is an effort by the County to analyze the status of agriculture and to enact policies that will improve the viability of agricultural operations and promote the conservation of agricultural land. The agricultural resources of the county are discussed through a variety of topic areas including the economics of agriculture and its benefit to the County economy; the soil resources of the County; conversion of agricultural land; analysis of land parcelization; agricultural related support and processing services; and the importance of water issues including irrigation, flooding, and drainage problems.

Agricultural Element policies that relate to land use include:

- **Goal 2, Objective A, Policy 1:** Conversion of agricultural land into urban uses shall be allowed only where a clear and immediate need can be demonstrated, based on population projections and lack of land availability for nonagricultural uses.
- **Goal 2, Objective A, Policy 2:** Direct development to less valuable farmland when conversion is justified.
- **Goal 2, Objective A, Policy 3:** Infilling of development in urban areas shall be encouraged.
- **Goal 2, Objective B, Policy 4:** Investigate methods and incentives for increasing the minimum parcel sizes for agriculturally zoned land where appropriate using existing parcel sizes, soil quality, and other relevant factors as may be determined.
- **Goal 2, Objective B, Policy 5:** Merge or revert to acreage those antiquated subdivisions which would negatively impact agriculture through conflicts between rural residential homesites and adjacent farming operations and which could cause various environmental impacts related to development in agricultural and open space areas including traffic generation, groundwater contamination, stormwater drainage disposal, and air quality deterioration.
- **Goal 2, Objective B, Policy 6:** Encourage owners of antiquated subdivisions to use the County's Voluntary Merger process to protect the agricultural and open space values of their property.
- **Goal 3, Objective A, Policy 1:** Provide land use transitions and buffers between urban and agricultural areas which reduce interference and protect agricultural land from conversion to nonagricultural uses.

Community Specific Plans

Introduction

The Merced County General Plan establishes a broad policy framework that guides land use decisions in the unincorporated areas of the county. Because of the diverse geography and land uses within the county (ranging from agricultural to urban areas), nine community plans (referred to as Community Specific Plans) have been adopted within the framework of the overall county general plan to address the unique issues and concerns in the unincorporated communities. The community plans supplement the countywide general plan, and address land use, circulation, housing, public services, and other issues in much the same way that the general plan of an incorporated city addresses such issues, although not to the same level of detail. The plans also contain specific goals, policies, and programs that apply to each particular community.

Delhi Community Specific Plan (2006)

Merced County adopted the Delhi Community Specific Plan in 1982. The plan was updated and adopted in June 2006 (Merced County 2006a). Delhi is located on SR 99 north of the Merced River and south of the Stanislaus-Merced county line in northwestern Merced County. The community is approximately 21 miles north of the city of Merced and five miles south of the city of Turlock. The plan is part of the Merced County General Plan Land Use Element and revises the community's existing Specific Urban Development Plan (SUDP). The goals and policies of the plan prescribe guidelines for land use, circulation and transportation, community infrastructure, housing, and economic growth.

Figure 3-4, along with Table 3-2, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, the predominate designation in Delhi is Low-Density Residential, accounting for 860 acres or 43.17 percent of the entire community area. Land designated Agriculture accounts for 204 acres or 10.24 percent of the community, while 180 acres or 9.04 percent of the community is designated for Institutional/Public Facility use. Land designated General Commercial accounts for 112 acres or 5.62 percent of the community. The community also has 26 acres of land designated for Industrial uses.

TABLE 3-2 Delhi Community Specific Plan Planning Area				
Land Use	Total Acres ¹	% of Total Acres ¹	Vacant Acres ²	% of Total Acres ²
Residential				
Low-Density Residential	860	43.17%	9.1	1.3%
Medium-Density Residential	46	2.31%	5.5	6.3%
High-Density Residential	24	1.20%	0.0	0.0%
Mixed Use	88	4.42%	--	--
Non-Residential				
Neighborhood Commercial	14	0.70%	0.3	5.6%
General Commercial	112	5.62%	1.7	2.4%
Business Park	87	4.37%	--	--
Industrial	26	1.31%	19.8	40.1%
Institutional/Public Facilities	180	9.04%	0.0	0.0%
Other				
Recreation	65	3.26%	--	--
Agriculture	204	10.24%	--	--
Reserve				
Urban Reserve	286	14.36%	--	--
Total	1992	100.00%	36	2.6%

¹ Delhi Community Plan, 2006 ² Data from Merced County GIS Database.

Source: Delhi Community Plan, 2006

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Fox Hills Community Specific Plan (1998)

Merced County adopted the Fox Hills Community Specific Plan in 1998, which was updated in 2006 (Merced County 2006b). The plan guides development of a new golf course and residential community in western Merced County. The original plan area encompassed 387 acres, but was amended in 2006 to a total of approximately 1,250 acres. The amended plan area included the existing residential development and golf course plus an additional 3,058 low density residential development units, additional recreation amenities, and conservation area. The community is located on I-5 approximately five miles west of Los Banos, at the terminus of Volta Road, along the eastern border is the San Luis Canal (also known as the California Aqueduct). The goals and policies of the plan prescribe guidelines for land use, housing, open space, public services and facilities, and circulation. The plan also provides detailed information on implementation, fiscal analysis, and conditions of approval.

Figure 3-5, along with Table 3-4, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, Fox Hills is designated for 713 acres of Low-Density and Medium-Density Residential Uses, or 57% of the total uses, 29 acres of Commercial Mixed-Use and General Commercial Uses, or 3% of the total uses, and 508 acres of Recreation, Open Space, and Parks and Trail uses, which encompass the remaining 40% of the total uses.

TABLE 3-4 Fox Hills Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres ¹	% Vacant of Total Acres
Residential				
Low-Density Residential	686	55%	NA	0.0%
Medium-Density Residential	27	2%	NA	
Non-Residential				
Commercial Mixed-Use	9	1%	NA	
General Commercial	20	2%	NA	
Recreation	315	25%	NA	
Open Space	135	10%	NA	
Parks and Trails	58	5%	NA	
Total	1,250	100.0%	107.5	0.0%

¹undeveloped land

Source: Merced County, May 24, 2006, Planning Commission Staff Report. Merced County Geographic Information System, 2006.

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Franklin/Beachwood Community Specific Plan (1983)

Merced County adopted the Franklin/Beachwood Community Specific Plan in 1983 (Merced County 1983a). The Franklin/Beachwood community is located adjacent to the city of Merced, between the Santa Fe railroad parallel to Santa Fe Drive, and the Union Pacific railroad parallel to State Route 99. It is two and a half miles from Castle Airport and five miles south of Atwater. The goals and policies of the plan prescribe guidelines for land use, housing, transportation and circulation, public facilities and services, and economic development.

Figure 3-6, along with Table 3-5, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, 309 acres or 27.8 percent of the community is designated for Industrial uses. Roughly 31 acres or 10 percent of all industrially designated land is vacant. Approximately 282 acres or 25.4 percent of the community is designated for Agricultural Residential. About 20 acres or 6.9 percent of land designated Agricultural Residential is vacant. Low-density Residential accounts for 265 acres or 23.8 percent of the community, 7.4 acres or 2.8 percent of which is vacant.

TABLE 3-5 Franklin/Beachwood Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres	% Vacant of Total Acres
Residential				
Agricultural Residential	282.0	25.4%	19.5	6.9%
Very Low-Density Residential	39.0	3.5%	0.0	0.0%
Low-Density Residential	264.9	23.8%	7.4	2.8%
Medium-Density Residential	139.1	12.5%	17.4	12.5%
Non-Residential				
Neighborhood Commercial	13.8	1.2%	1.5	11.3%
General Commercial	43.6	3.9%	15.0	34.4%
Industrial	309.2	27.8%	30.8	10.0%
Institutional/Public Facility	10.0	0.9%	3.7	36.7%
Other				
Recreation	7.3	0.7%	--	--
Reserve				
Residential Reserve	3.2	0.3%	--	--
Total	1112.1	100.0%	95.3	8.6%

Source: Merced County Geographic Information System, 2006.

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Hilmar Community Specific Plan (1982)

Merced County adopted the Hilmar Community Specific Plan in 1982 (Merced County 2008). Hilmar is located approximately 18 miles northwest of the city of Merced. The plan is part of the Merced County General Plan Land Use Element and revises the community’s existing Specific Urban Development Plan (SUDP). The goals and policies of the plan prescribe guidelines for land use, circulation and transportation, infrastructure, housing, economic growth, and implementation measures.

Figure 3-7, along with Table 3-6, show the land use designations that guide development in the plan area along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, Low-Density Residential is the predominate designation with 309 acres or 48.4 percent of the Hilmar Community, 9.3 acres. Approximately 91 acres, or 14.3 percent of the community, is designated for Medium Density Residential. Ten acres or 3.6 percent of land designated for Residential is vacant. About 29 acres are designated for Industrial uses, of which 26.1 percent is vacant. General Commercial accounts for 46 acres or 7.1 percent of all designated land and is 12.2 percent vacant.

TABLE 3-6 Hilmar Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres	% Vacant of Total Acres
Residential				
Agricultural Residential	24.2	3.8%	0.0	0.0%
Low-Density Residential	309.4	48.4%	9.3	3.0%
Medium-Density Residential	91.1	14.3%	0.6	0.6%
Non-Residential				
Neighborhood Commercial	0.5	0.1%	0.0	0.0%
General Commercial	45.5	7.1%	5.6	12.2%
Commercial Transition	6.2	1.0%	0.5	7.9%
Industrial	29.5	4.6%	7.7	26.1%
Institutional/Public Facility	37.5	5.9%	0.0	0.0%
Other				
Agriculture	28.2	4.4%	0.0	0.0%
Recreation	49.0	7.7%	0.0	0.0%
Reserve				
Residential Reserve	17.8	2.8%	0.0	0.0%
Total	638.9	100.0%	23.6	3.7%

Source: Merced County Geographic Information System, 2006.

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Le Grand Community Specific Plan (1983)

Merced County adopted the Le Grand Community Specific Plan in 1983 (Merced County 1983b). The plan guides development of the 458-acre community. Le Grand is located roughly 15 miles southeast of the city of Merced along the Union Pacific railroad tracks. The Le Grand Community Specific Plan is part of the Merced County General Plan Land Use Element, the 1983 plan revises an earlier plan and the community's existing Specific Urban Development Plan (SUDP). The goals and policies of the plan prescribe guidelines for land use, housing, transportation and circulation, public facilities and services, and economic development.

Figure 3-8, along with Table 3-7, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, Low-Density Residential accounts for the largest amount of land with 223 acres or 48.8 percent of the community. Vacant parcels, however, account for 26 acres or 11.8 percent of designated Low Density Residential lands. Agricultural Residential and Medium Density Residential also have high vacancy rates at 16.5 and 9.2 percent respectively. Residentially designated land (Low and Medium Density) accounts for 64.1 percent of all land in the community; however, roughly 37 percent of residentially designated land is vacant.

TABLE 3-7				
Le Grand Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres	% Vacant of Total Acres
Residential				
Agricultural Residential	31.4	6.9%	5.2	16.5%
Low-Density Residential	223.4	48.8%	26.3	11.8%
Medium-Density Residential	38.6	8.4%	3.5	9.2%
Non-Residential				
General Commercial	10.7	2.3%	0.3	2.7%
Commercial Transition	6.0	1.3%	0.3	5.8%
Industrial	49.3	10.8%	3.5	7.2%
Institutional/Public Facility	56.9	12.4%	0.0	0.0%
Other				
Recreation	1.9	0.4%	0.0	--
Reserve				
Residential Reserve	39.9	8.7%	0.9	--
Total	458.2	100.0%	40.1	53.1%

Source: Merced County Geographic Information System, 2006.

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Planada Community Specific Plan (2003)

The Planada Community Specific Plan, adopted in 2003 by Merced County, guides development of the 880-acre community (Merced County 2003). Planada is located roughly 10 miles east of the city of Merced along SR 140. The Planada Community Specific Plan is part of the Merced County General Plan Land Use Element. The goals and policies of the plan prescribe guidelines for land use, community character and design guidelines, circulation, noise, public services, and safety.

Figure 3-9, along with Table 3-8, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, 358 acres or 40.6 percent of the entire community is designated for Low-Density Residential. Approximately 288 acres or 32.7 percent of the total acreage in the community is designated Agriculture. Industrially designated land accounts for 60 acres or 6.8 percent of the study area. Roughly 14 acres or 23.1 percent of industrial land is vacant.

TABLE 3-8 Planada Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres	% Vacant of Total Acres
Residential				
Low-Density Residential	357.6	40.6%	32.6	9.1%
Medium-Density Residential	37.0	4.2%	1.0	2.7%
Neighborhood Commercial	13.4	1.5%	1.6	11.9%
Non-Residential				
General Commercial	19.7	2.2%	1.2	5.9%
Commercial Transition	9.5	1.1%	0.4	4.5%
Industrial	59.7	6.8%	13.8	23.1%
Institutional/Public Facility	27.8	3.2%	0.0	0.0%
Other				
Recreation	28.4	3.2%	0.0	0.0%
Agriculture	287.9	32.7%	13.7	4.8%
Reserve				
Residential Reserve	22.7	2.6%	0.0	0.0%
Urban Reserve	16.3	1.9%	0.0	0.0%
Total	879.9	100.0%	64.3	62.0%

Source: Merced County Geographic Information System, 2006.

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Santa Nella Community Specific Plan (2001)

Merced County adopted the Santa Nella Community Specific Plan in 2001 (Merced County 2001). The community of Santa Nella is located along Interstate 5 and SR33. The Santa Nella Community Specific Plan is part of the Merced County General Plan Land Use Element. The goals and policies of the plan prescribe guidelines for land use, circulation, open space, housing, noise, public safety, agriculture, infrastructure, and economic development.

Figure 3-10, along with Table 3-9, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, Low-Density Residential accounts for 1,419 acres or 51.9 percent of the entire community, 468 acres or 33 percent of which is vacant. Roughly 303 acres or 11.1 percent of the community is designated for General Commercial, 83 acres or 27.5 percent of the 303 acres are vacant. Approximately 202 acres or 7.4 percent of the community is designated for Light Industrial, 189 acres or 93.4 percent of which is currently (2006) vacant. In total 830 acres of land or 30.4 percent of Santa Nella is currently (2006) vacant.

TABLE 3-9 Santa Nella Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres	% Vacant of Total Acres
Residential				
Low-Density Residential	1,418.6	51.9%	467.9	33.0%
Medium-Density Residential	136.9	5.0%	67.8	49.5%
High-Density Residential	26.6	1.0%		0.0%
Non-Residential				
Neighborhood Commercial	10.7	0.4%	6.7	62.6%
General Commercial	302.5	11.1%	83.3	27.5%
Office Commercial	24.7	0.9%	15.5	62.5%
Light Industrial	201.9	7.4%	188.6	93.4%
Institutional/Public Facility	206.7	7.6%	0.0	0.0%
Other				
Recreation	192.2	7.0%	0.2	0.1%
Agriculture	211.1	7.7%		0.0%
Total	2,732	100.0%	830	30.4%

Source: Merced County Geographic Information System, 2006.

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University Community Plan (2004)

The University Community Plan guides the development of land, infrastructure, and services and the sustenance of agricultural and environmental resources to support the growth induced by the proposed development of the University of California, Merced (Merced County 2004). The plan establishes policy to manage an increment of growth that is not forecast to occur without the university’s presence.

The plan defines comprehensive policies and programs for land within the University Community Planning Area, designated by the General Plan as “Specific Urban Development Area.” The plan also defines strategies that can be implemented by the County to address the appropriate relationship of the community’s development on lands, infrastructure, and services outside of the Planning Area and in the greater Merced area (referred to as the “Area Plan”). The plan is consistent with the County of Merced General Plan, and maintains the goals, objectives, and policies contained in the adopted plan. The University Community Plan supplements the General Plan with detailed policies and programs that uniquely pertain to the development of the university community.

Figure 3-11, along with Table 3-10, show the land use designations that guide the plan along with the acreage and percent of total acreage. As the table shows, Single Family Residential accounts for 968 acres or 45.4 percent of the entire community. About 164 acres, or 7.7 percent of the community, is designated for Multi-Family Residential. Schools make up 110 acres, or 5.2 percent, of the entire community.

TABLE 3-10 University Community Plan Planning Area		
Land Use	Total Acres	% of Total Acres
Residential		
Single Family Residential	968	45.4%
Multi-Family Residential	164	7.7%
Mixed Use	20	1.0%
Non-Residential		
Retail	25	1.2%
Office	29	1.4%
Research and Development	22	1.0%
Schools	110	5.2%
Other		
Parks and Open Space	256	12%
Right-of-Way	539	25.3%
Total	2,133	100%

Source: Merced County Geographic Information System, 2006.

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Winton Community Specific Plan (1981)

Merced County adopted the Winton Community Specific Plan in December 1981 (Merced County 1981). The community of Winton is located just north of and nearly adjacent to the City of Atwater. The community is one of many which developed along the Union Pacific Railroad line, which roughly bisects the San Joaquin Valley and runs parallel to SR 99. The Winton Community Specific Plan was adopted to guide future development in the 1,275-acre community. The goals and policies of the plan prescribe guidelines for land use, traffic and circulation, public services, housing, economic and commercial, safety, recreation, and public transportation.

Figure 3-12, along with Table 3-11, show the land use designations that guide the plan along with the acreage, vacant acreage, and percent vacant for each category. As the table shows, 564 acres or 44.3 percent of the Winton community is designated for Low-Density Residential, vacant land accounts for 89 acres or 15.7 percent of Low-Density Residential. Medium Density Residential accounts for 203 acres or 15.9 percent of the community. An additional 128 acres or 10 percent of the community is designated for Agricultural Residential. In all 981 acres or 77 percent of the total acreage in the community is designated for residential purposes, 12.7 percent of which is vacant.

TABLE 3-11 Winton Community Specific Plan Planning Area				
Land Use	Total Acres	% of Total Acres	Vacant Acres	% Vacant of Total Acres
Residential				
Agricultural Residential	128.0	10.0%	1.9	1.5%
Low-Density Residential	564.5	44.3%	88.9	15.7%
Medium-Density Residential	202.6	15.9%	3.4	1.7%
Residential	85.5	6.7%	31.2	36.5%
Non-Residential				
Commercial Transition	14.7	1.2%	0.0	0.1%
General Commercial	66.4	5.2%	3.7	5.5%
Industrial	21.5	1.7%	4.2	19.4%
Institutional/Public Facility	36.1	2.8%	0.0	0.0%
Other				
Recreation	22.4	1.8%	0.0	0.0%
Agriculture	49.3	3.9%	4.6	9.4%
Reserve				
Residential Reserve	84.0	6.6%	1.5	1.7%
Total	1,275.1	100.0%	139.3	10.9%

Source: Merced County Geographic Information System, 2006.

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3.4 Merced County Zoning Code

Introduction

This section summarizes the Merced County Zoning Code, which is the primary tool used by Merced County to implement the General Plan.

Key Terms

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Code. A law or regulation set forth and codified into a municipal or county code.

Zoning. The division of a local municipality (city or county) into districts and the application of different regulations in each district. Zoning regulations are generally divided into two classes: (1) those that regulate the height or bulk of physical structures within certain designated districts; and (2) those that prescribe the use to which buildings within certain designated districts may be put.

Zoning District. An individual zoning division of a local municipality (city or county) that identifies the location of applicable zoning.

Regulatory Setting

California Government Code § 65860. In counties, general law cities, and charter cities with a population of more than two million, zoning provisions must be consistent with the general plan. Charter cities with a population of under two million are exempt from the zoning consistency requirement unless their charters provide otherwise.

Existing Conditions

Zoning is the primary tool used by Merced County to implement the General Plan. In contrast to the long-term outlook of the general plan, zoning classifies the specific, immediate uses of land. The current Merced County Zoning Code (Title 18 of the Merced County Code) includes updates through December 2011. A major difference between the general plan and the zoning ordinance is that the general plan provides guidance on the location, type, density, and timing of new growth and development over the long-term, while the zoning ordinance designates detailed development and use standards. In order to do this, the zoning ordinance regulates land use through the division of the county into districts or “zones” and specifying the uses that are to be permitted, conditionally permitted, and prohibited within each zone. The text of the ordinance, as well as the Zoning Map, describe the distribution and intensity of land uses in each of the zones.

Both the land use designations of the general plan and the zoning classifications and development standards of the zoning ordinance have the effect of determining the carrying capacity and buildout potential of the county. Carrying capacity and buildout potential are measures of the ultimate population size and extent of development that could be allowed by the County based on current policies and regulations. Table 3-12 shows a matrix of which zone corresponds to each land use designation.

Zoning Designations

The Merced County Zoning Code establishes three agricultural zones, seven residential zones, five commercial zones, two industrial zones, and two other special zones (Table 3-13). The purpose of the zones is to translate the broad land use categories established by the Merced County General Plan into detailed land use classifications that are applied to property with much greater precision than the General Plan. The zoning classifications follow specific property lines and road alignments that correspond to the applicable General Plan categories.

Working with the zoning classifications, the text of the Zoning Code provides detailed regulations for the development and use of land. Table 3-13 lists each of the zoning classifications, together with the purpose of each district, typical permitted uses, minimum parcel size, and acres currently (2012) zoned. The minimum lot area requirements are expressed in acreage or square footage, and represent the smallest lot size that could be approved in a new subdivision in the applicable zone.

TABLE 3-12
County General Plan/Zoning Designations Consistency Matrix

General Plan Designation	Maximum Density Dwellings/Gross Acre	Consistent Zones
AG (agricultural)	No specific limit	A-1, A-1-40, A-2
Foothill Pasture	No specific limit	A-2
RRC (rural residential center)	1/Acre	A-R, A-1
AR (agricultural residential)	1/Acre	A-R, A-1, A-1-40, A-2
VLD (very low-density residential)	0-3.5/Acre	A-R, R-1, PD, A-1
LD (low-density residential)	3.5-8/Acre	R-1, R-1-5000, PD, A-1
*MD (medium-density residential)	8-15/Acre	R-2, R-3, PD, A-1
HD (high-density residential)	15-33/Acre	R-4, PD, A-1
NC (neighborhood commercial)	N/A	C-P, C-1, PD, A-1
GC (general commercial)	N/A	C-2, C-3, PD, A-1
IND (industrial)	N/A	M-1, M-2, PD, A-1
RR, UR, IND-R, (residential reserve, urban reserve, industrial reserve)	N/A	A-1, A-1-40, A-2, PD
INST (institutional)	N/A	A-1, A-R, R-1, R-1-5000, R-2, R-3, R-4, PD, C-P, C-1, C-2, M-1
REC (recreational)	N/A	A-1, A-1-40, A-2, A-R, R-1, R-1-5000, R-2, R-3, R-4, PD, C-P, H-I-C, M-1
HIC (highway interchange center)	N/A	H-I-C, A-1, A-2

* This medium-density criteria of 8 to 15 dwellings per acre is adopted in the community specific plans for Delhi, Le Grand, Planada, and Santa Nella. The community specific plans for Franklin/Beachwood, Hilmar, and Winton consider medium density residential as 4.5 to 15 dwellings per acre, which includes R-1-5000 zoning.

Source: Merced County Zoning Ordinance, 2011a.

TABLE 3-13 Zoning Classifications, Minimum Parcel Size, and Acres Zoned						
#	Zone District	Map Code	Purpose of District	Typical Uses Permitted in District	Min. Parcel Size	Acres Zoned
Agriculture Zones						
1	General Agriculture	A-1	Provide for intensive farming operations	Agriculture	20 acre	298
2	General Agriculture	A-1-40	Provide for more intensive farming operations	Agriculture	40 acre	548,014
3	Exclusive Agriculture	A-2	Provide for considerably expanded agricultural enterprises	Large-scale agriculture	160 acre	662,875
Residential Zones						
4	Agricultural-Residential	AR	Provide for rural residential development and limited agriculture	Homes, accessory farm buildings, animal keeping/raising, crop/orchard/vineyard greenhouse, parks and playgrounds, schools, and child care facility (up to six children).	1 acre	9,041
5	Single-Family Residential	R-1	Provide for single-family residential homes at low population densities	Homes, parks and playgrounds, schools, and child care facility (up to six children).	6,000 sf	5,210
6	Single-Family Residential	R-1-5000	Provide for single-family residential homes at slightly higher densities than R-1 zone	Homes, parks and playgrounds, schools, and child care facility (up to six children).	5,000 sf	1,591
7	Two-Family Residential	R-2	Provide for two residential dwellings per lot	Homes, two detached homes, duplexes, and townhouses, parks and playgrounds, schools, and child care facility (up to six children).	6,000 sf	853
8	Multiple-Family Residential	R-3	Provide for multiple-family residences, typically up to fifteen dwelling units per gross.	Homes, two detached homes, duplexes, townhouses, multiple-family homes, parks and playgrounds, schools, and child care facility (up to six children).	6,000 sf	281
9	Multiple-Family Residential	R-4	Provide for multiple-family residences, typically up to thirty-three dwelling units per gross acre.	Homes, two detached homes, duplexes, townhouses, multiple-family homes, parks and playgrounds,	6,000 sf	21

TABLE 3-13
Zoning Classifications, Minimum Parcel Size, and Acres Zoned

#	Zone District	Map Code	Purpose of District	Typical Uses Permitted in District	Min. Parcel Size	Acres Zoned
				schools, and child care facility (up to six children).		
10	Single-Family Mobile-Home Residential	M-H	Provide for single-family mobile home residences.	Homes, and parks and playgrounds.	4,000 sf	36
Commercial Zones						
11	Commercial-Professional Office	C-P	Provide for professional and administrative offices and personal services rather than retail trade.	Offices, art gallery, gyms, libraries, museums, photo studio, and bed and breakfast inn.	6,000 sf	24
12	Neighborhood Commercial	C-1	Provide for small-scale, day-to-day convenience shopping and services for residents of the immediate neighborhood.	Libraries, gyms, auto parts, bakery, clothing store, convenience store, delicatessens, department stores, drug stores, grocery store, hardware store, produce market, banks, offices, and restaurants.	None	82
13	General Commercial	C-2	Provide for a wide variety of retail stores, entertainment establishments, offices, and service businesses that serve unincorporated urban communities or regional markets.	Libraries, gyms, auto parts, bakery, clothing store, convenience store, delicatessens, department stores, drug stores, grocery store, hardware store, office equipment, mechanical car wash, produce market, banks, offices, and restaurants.	None	933
14	Heavy Commercial	C-3	Provide for the development of intensive wholesale businesses and service commercial uses which may require large outdoor storage or activity areas.	Libraries, gyms, auto parts, bakery, clothing store, convenience store, delicatessens, department stores, drug stores, grocery store, auto service stations, hardware store, office equipment, mechanical car wash, produce market, banks, offices, and	10,000 sf	9

TABLE 3-13 Zoning Classifications, Minimum Parcel Size, and Acres Zoned						
#	Zone District	Map Code	Purpose of District	Typical Uses Permitted in District	Min. Parcel Size	Acres Zoned
				restaurants.		
15	Highway Interchange Center	H-I-C	Provide for commercial uses adjacent to highway interchanges oriented to serve the needs of travelers.	Hotel, gas, fast food, and other similar commercial uses with a conditional use permit.	None	5,270
Industrial Zones						
16	Light Manufacturing	M-1	Provide for warehousing, assembling, manufacturing, wholesaling, research and development facilities, commercial offices, and limited accessory retail sales.	Printing and publishing, sign and banner shops, mini-storage, warehousing, and communication towers.	10,000 sf	1,907
17	General Manufacturing	M-2	Provide for all types of manufacturing, distribution, and storage uses.	Printing and publishing, sign and banner shops, mini-storage, vehicle storage, and dismantling.	10,000 sf	890
Other Zones						
18	Planned Development	PD	Provide flexible zoning to help achieve a higher standard or quality of development than typically found in conventional zoning districts.	Located within areas designated as urban centers on the general plan.	Various	67
19	Special Planning Zone	SPZ	Provide protection for unique land uses and resources beyond the scope of typical zoning regulations.	Airports, historic areas, and wetlands or other environmentally sensitive habitat.	Various	2,560

Source: Merced County Zoning Ordinance, 2006.

3.5 Sphere of Influence

Introduction

This section discusses the Spheres of Influence for the cities and other special districts in Merced County. A "Sphere of Influence" is a boundary surrounding cities and special districts that is intended to represent the ultimate area into which the city or district may expand and extend public services. Adoption of Spheres of Influence and changes to sphere boundaries must be approved by the Merced County Local Agency Formation Commission (LAFCO). The LAFCO is a State-mandated regulatory body that oversees changes in jurisdictional boundaries that may include annexations, detachments, formations, dissolutions, consolidations, mergers, incorporations and dis-incorporations.

LAFCOs are defined in State law (Cortese-Knox-Hertzberg Local Government Reorganization Act, described under Regulatory Setting below) as "subdivisions of the State," however, they do not have authority to dictate the land use policies of cities and counties and have no direct land use control. However, CKH Act assigned LAFCOs an increased role in planning issues by charging them to consider a wide range of land use and growth factors when acting on matters under their jurisdiction. A LAFCO has broad statutory responsibility to facilitate planned, orderly, efficient patterns of urban development; preserve agricultural lands while discouraging urban sprawl. LAFCO decisions must balance the competing needs for affordable housing, economic opportunities, and the preservation of natural resources (OPR, 2003).

Key Terms

Annex (verb). The process by which land is incorporated into an existing district or municipality, with a resulting change in the boundaries of the annexing jurisdiction.

Local Agency Formation Commission (LAFCO). A commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered to approve, disapprove, or conditionally approve such proposals.

Municipal Service Review. A Municipal Service Review (MSR) is a study conducted for a city, county, or special district, examining all public service needs for the area and recommending actions to promote the efficient provision of public services. The MSR is a prerequisite to a Sphere of Influence determination or change and may also lead a LAFCO to take other actions under its authority. In adopting the required MSR for each agency's Sphere of Influence (SOI), LAFCO must include a written statement of its determinations with respect to each of the following topics: infrastructure needs or deficiencies; growth and population projections for the affected area; financing constraints and opportunities; cost avoidance opportunities; opportunities for rate restructuring; opportunities for shared facilities; government structure options, including advantages and disadvantages of consolidation or reorganization of service provision; evaluation of management efficiencies; and local accountability and governance.

Sphere of Influence (SOI). The boundary surrounding cities and special service districts that is intended to represent the ultimate area into which the city or district may expand and extend public services.

Regulatory Setting

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act). The Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act) is the most significant reform to local government reorganization law since the 1963 statute that created a LAFCO in each county. The law established procedures for local government changes of organization, including a city incorporation, annexation to a city or special district, and consolidation of cities or special districts (§56000, et seq.). The law also states that in order to update a Sphere of Influence (SOI), LAFCO's are required to first conduct a review of the municipal services (MSR) provided in the county.

The Local Agency Formation Commission (LAFCO) of each county is the agency with the authority and responsibility to regulate these activities. LAFCOs have numerous powers under the CKH Act, but those of prime concern are the power to act on local agency boundary changes and to adopt spheres of influence (SOIs) for local agencies. Incorporation is the formation, creation, and establishment of a city with corporate powers (§56043). Incorporation must be initiated by voter petition, followed by a study and approval process supervised by the LAFCO.

While LAFCO does not have any direct land use authority, the CKH Act assigns LAFCO's a significant role in planning issues by requiring them to consider a wide range of land use and growth factors when they consider proposals. California Government Code §56001 specifically states that “the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently extending government services.”

The CKH Act also requires LAFCO's to update SOIs for every city and special district every five years. The original deadline was January 2006, five years following the CKH Act becoming State law. That deadline has been extended two years to January 2008. Every SOI update must be accompanied by an update of the MSR.

Existing Conditions

The policies of LAFCO require a plan for the extension of services to be submitted with every application for a boundary change for a city or special urban district. LAFCO policies require a development plan to be submitted with an application for annexation. Other policies discourage the annexation of prime agricultural land when significant areas of non-prime agricultural land is already available, and encourage the development of vacant areas within cities before the annexation and development of fringe areas. Policies also encourage city annexations that reflect a planned, logical, and orderly progression of urban expansion and promote efficient delivery of urban services.

Merced County Local Agency Formation Commission (Merced County LAFCO)

The CKH Act requires Merced County to establish written policies and procedures that incorporate the Act's intent to encourage and provide for planned, well-ordered, efficient urban development patterns while discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for person and families of all incomes, and addressing the efficient extension of governmental services. To this end, the Merced County LAFCO has adopted the following policies:

Agricultural Policies

- **Policy 1.** In determining whether a city or special district annexation would affect prime agricultural land, the commission shall apply the definition of “prime agricultural land” established under §56064 of the Cortese/Knox/Hertzberg Reorganization Act of 2000.
- **Policy 2.** At the time of adoption of a sphere of influence for a city or urban service district, efforts to direct growth away from large concentrations of prime agricultural land shall be demonstrated, recognizing that some conversion of prime lands may be inevitable.

Sphere of Influence Revision Policies

- **Policy 1.** A city’s sphere of influence boundary should be large enough to accommodate approximately 20 years of projected growth as well as territory that represents special communities of interest for the city.
- **Policy 2.** LAFCO will recognize areas outside the sphere of influence boundary that reflect unique coordinated planning areas agreed to between the city, county and/or urban service district which are designated “area of interest,” “joint planning area,” or similar designation as identified in the city and county general plans.
- **Policy 3.** Cities should adopt phasing policies in their general plans that identify priorities for growth and annexation which meet the joint objectives of extending urban services in an economic and efficient manner and avoiding the premature conversion of prime agricultural lands or other valuable open space resources.
- **Policy 4.** Where the city and county have reached agreement on proposed sphere of influence boundaries and development standards, the Commission will accept the sphere unless the Commission identifies an inconsistency with the requirements of the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000.
- **Policy 5.** The following criteria will be applied to cities requesting a sphere of influence amendment which is included in their General Plans and Policies that address both the Cortese/Knox/Hertzberg Act and Merced County LAFCO policies:
 - Does the General Plan identify the City’s desired sphere of influence boundary and all planned land uses in the expanded sphere?
 - Does the City’s General Plan contain policy regarding the phasing of future annexations which is consistent with the policies of Merced County LAFCO and the Cortese/Knox/Hertzberg Act?
 - Are there local policies regarding the timing of conversion of agricultural and other open space lands and the avoidance of conversion of prime soils?
 - Does the City’s General Plan demonstrate the present and probable need for public facilities and community services (including the sequence, timing and probable cost of providing such services) within the proposed sphere of influence boundary?

- Does the City's General Plan identify the existence of any social or economic communities of interest within the planning area, such as the relationship between any adjacent or nearby cities or special districts which provide urban services, which may affect the boundaries or the proposed sphere of influence?
- **Policy 6.** An urban service district's sphere of influence boundary should be large enough to accommodate approximately 20 years of projected growth as well as territory that represents special communities of interest for the district.
- **Policy 7.** LAFCO will recognize areas outside the sphere of influence boundary that reflect unique coordinated planning areas agreed to between the urban service district, City, and/or County which are designated "area of interest," "joint planning area," or similar designation as identified in the City and/or County General Plans.
- **Policy 8.** The County should adopt phasing policies in the General Plan or Community Plan which identify priority areas for growth and future district annexation and meet the joint objectives of extending urban services in an economic and efficient manner while avoiding premature conversion of prime agricultural lands or other valuable open space resources.
- **Policy 9.** The following criteria will be applied to an urban service district requesting a sphere of influence amendment when policies in the County General Plan and/or a Community Plan are found consistent with both the Cortese/Knox/Hertzberg Act and Merced County LAFCO policies:
 - Does the County General Plan and/or Community Plan identify the urban service district's desired sphere of influence boundary and all planned land uses in the expanded sphere as identified as the Specific Urban Development Plan (SUDP) boundary?
 - Does the County General Plan and/or Community Plan contain policy regarding the phasing of urban expansion that is consistent with the policies of Merced County LAFCO and the Cortese/Knox/Hertzberg Act?
 - Are there local policies regarding the timing of conversion of agricultural and other open space lands and the avoidance of conversion of prime soils?
 - Does the County General Plan and/or Community Plan demonstrate the present and probable provision of public facilities and community services (including the sequence, timing and probable cost of providing such services) within the proposed sphere of influence boundary?
 - Does the County General Plan and/or Community Plan identify the existence of any social or economic communities of interest within the planning area, such as the relationship between any adjacent or nearby cities or special districts which provide urban services, which may affect the boundaries of the proposed sphere of influence?
- **Policy 10.** Ensure that urban service districts have adequately planned for the efficient delivery of services by requiring the following information be provided with sphere of influence applications:

- Identify the function, type, and class of services provided by the district and available to future annexation areas; and
- Identify the nature, location, and extent of any functions or classes of service provided by the district.
- **Policy 11.** Unless authorized by the Cortese/Knox/Hertzberg Act, no new or different function or class of service shall be provided by an urban service district beyond that identified in the sphere of influence report adopted by the Commission.
- **Policy 12.** The following criteria will be applied to rural service districts requesting a sphere of influence amendment in conformance with Section 56425 of the Cortese/Knox/Hertzberg Act:
 - The present and planned land uses in the area, including agricultural and open-space lands.
 - The present and probable need for district facilities and services in the area.
 - The present capacity of district facilities and adequacy of public services that the agency provides or is authorized to provide.
 - The existence of any social or economic communities of interest in the area that the Commission determines are relevant to the agency.
- **Policy 13.** Ensure that independent special districts have adequately planned for the efficient delivery of services through requiring the following information be provided with sphere of influence applications:
 - Identify the function, type, and class of services provided by the district and available to future annexation areas; and
 - Identify the nature, location, and extent of any functions or classes of service provided by the district.
- **Policy 14.** Unless authorized by the Cortese/Knox/Hertzberg Act, no new or different function or class of service shall be provided by a special independent district than that identified in the sphere of influence report adopted by the Commission.

City Annexation Policies

- **Policy 1.** Annexation boundaries should form a logical and efficient urban development pattern.
- **Policy 2.** Annexation proposals should be consistent with and implement City General Plan and Sphere of Influence policies.
- **Policy 3.** All territory proposed for annexation shall be rezoned by the City, and no changes in General Plan designations or rezoning are permitted within two years following annexation, consistent with the Cortese-Knox-Hertzberg Act of 2000.

- **Policy 4.** Public services shall be available to all annexed land in an efficient and orderly manner.
- **Policy 5.** Promote a balance of housing for persons and families of all income levels.
- **Policy 6.** Analysis of agricultural or open space impacts from an annexation will be minimized when the Commission can make a finding that these resources were fully addressed during establishment of the City's Sphere of Influence and the annexation is consistent with any related sphere policy to protect these resources.
- **Policy 7.** Use considerations consistent with the Cortese-Knox-Hertzberg Act of 2000 when evaluating agricultural and open space impacts on an individual annexation level.
- **Policy 8.** In the case of large comprehensive development proposals, annexation should be phased whenever feasible. The Commission may approve annexation of all the subject territory if it finds the territory is likely to be developed within a reasonable period of time and if the City has adopted a phasing plan for the territory and policies for ensuring adequate facilities will be available once development occurs. Adoption of a specific plan for the territory by the City would be the most desirable means to ensure LAFCO policies are satisfied.

Urban Service District Annexation Policies

- **Policy 1.** Annexation boundaries should form a logical and efficient urban development pattern.
- **Policy 2.** Annexation proposals should be consistent with and implement the County General Plan and district Sphere of Influence policies.
- **Policy 3.** Public services shall be available to all annexed land in an efficient and orderly manner.
- **Policy 4.** Promote a balance of housing for persons and families of all income levels.
- **Policy 5.** Analysis of agricultural or open space impacts from an annexation will be minimized when the Commission can make a finding that these resources were fully addressed during establishment of the District's Sphere of Influence and the annexation is consistent with any related sphere policy to protect these resources.
- **Policy 6.** Use considerations consistent with the Cortese-Knox-Hertzberg Act of 2000 when evaluating agricultural and open space impacts on an individual annexation level.

Rural Service District Change of Organization Policies

- **Policy 1.** The following specific criteria will be applied in review of changes of organization to rural service districts in accordance with Section 56668 of the Cortese/Knox/Hertzberg Act:
 - The need for district services, cost and adequacy of services and future needs and effects of the annexation on service levels.
 - Conformity with the County and/or City General Plan and sphere of influence of the rural district.

- The definiteness and certainty of the boundaries, conformance of the proposal with lines of assessment and ownership, creation of islands or corridors as well as alternatives.
- The maintenance of the physical and economic integrity of agricultural or valuable open space lands.
- Identification of any social or economic interest affecting the proposal, such as the relationship between any adjacent or nearby special district.
- If the change of organization involves a detachment, demonstration that either the City or County has amended their General Plans to allow for development of the territory when a detachment is proposed due to anticipated urbanization of the area.

Independent Special District Formation Policies

- **Policy 1.** Formation proposals must support inhabitants, land uses, and/or development consistent with the General Plan of the affected land use authority.
- **Policy 2.** All formation proposals for districts providing municipal services shall include the State-mandated Master Service Element which will be used to establish an appropriate Sphere of Influence, if the formation is approved.
- **Policy 3.** Formation proposals for districts providing municipal services will not be approved when the Master Service Element of the proposed district conflicts with the Master Service Element of an existing agency, unless services can be provided more efficiently.
- **Policy 4.** Agency formations should only be supported where there is evidence for the fiscal success of the new agency.

City Incorporation Policies

The Merced County LAFCO is currently (2006) preparing policies specifically related to city incorporations.

Extension of Services by Contract (Outside City or District Boundaries)

- **Policy 1.** For requests within a jurisdiction's sphere of influence, consider whether annexation is a logical alternative to extending services beyond the jurisdictional boundaries of the local agency.
- **Policy 2.** Consider the public benefit of the proposal, including the resolution of an existing health and safety hazard.
- **Policy 3.** The following factors will be used to determine the local and regional impacts of an out-of-agency contract for services:
 - The growth inducing impacts of any proposal.
 - The proposal's consistency with the policies and general plans of all affected local agencies.

- The ability of the local agency to provide service to the proposal area without detracting from current service levels.
- Whether the proposal contributes to the premature conversion of agricultural land or other open space land.
- **Policy 4.** An administrative approval may be allowed for those projects that pose an urgent health or safety concern, without consideration by LAFCO. The administrative approval shall be made jointly by the LAFCO Chairperson and the Executive Officer. Both must agree that an administrative approval is appropriate, based upon the criteria outlined below:
 - The lack of service being requested constitutes an immediate health and safety concern.
 - The property is currently developed.
 - No future expansion of service will be permitted without approval from the Commission consistent with Policies 1, 2, and 3.
- **Policy 5.** The Commission will not support service extension outside a local agency's Sphere of Influence unless there is an existing or impending threat to public health or safety.

Sphere of Influence Boundaries and Acreages

There are six incorporated cities of Merced County. Table 3-14 provides a summary of the amount of land within each city sphere of influence (SOI). Overall, there are 34,249 acres within city SOIs.

Special Urban Districts

Merced County has several urban service districts that provide a number of services. Table 3-14 provides a summary of the amount of land within each incorporated city and urban service district's SUDP. In Merced County, the SUDPs cover approximately 43,794 acres.

TABLE 3-14 Urban Service District Areas Merced County		
Sphere of Influence	Parcels	Total Acres
Incorporated Cities		
Atwater	964	4,069
Dos Palos	484	831
Gustine	361	1,102
Livingston	480	1,422
Los Banos	1,481	9,792
Merced	3,742	17,033
Subtotal	7,512	34,249
Urban Service Districts		
Ballico CSD	70	183
Celeste	51	48
Cressey	99	225
Delhi	531	1,392
Dos Palos Y	75	163
El Nido	40	64
Fox Hills	9	387
Franklin County Water District	279	806
Hilmar County Water District	385	621
Le Grand CSD	241	458
Planada CSD	457	880
Santa Nella County Water District	267	2,543
Snelling County Water District	110	326
Stevinson	82	73
Tuttle	16	57
Volta	74	310
Winton	695	1,190
Subtotal	3,481	9,725
Total	10,993	43,974

Source: Merced County Geographic Information System, 2006.

3.6 City General Plans

Introduction

Each city has an adopted general plan that addresses land use and development goals, policies, and programs which guide land use decisions within its jurisdiction. This section summarizes the aspects of each city general plan that are of greatest relevance to Merced County's General Plan update. It describes the area covered by each city general plan, local constraints on future development, and the policies in each plan related to issues of citywide growth (physical size and population).

Key Terms

See Key Terms under Sections 3.2 and 3.3.

Regulatory Setting

See Regulatory Setting under Section 3.3.

Existing Conditions

The six incorporated cities in Merced County contain 166,626 residents, according to 2011 Department of Finance (DOF) figures. This represents 65 percent of the total county population. The following is a summary of each city's general plan.

City of Atwater General Plan (2000)

The city of Atwater is located approximately six miles northwest of the city of Merced on SR 99. Atwater is the third most populous city in Merced County, with a 2011 population of 27,377 (DOF 2011a). The City first adopted a general plan in 1958, and it was most recently updated in 2000. The current 2000 General Plan anticipates a 20-year planning horizon and identifies the city's holding capacity as approximately 44,000 acres with 64,000 residents.

In addition to areas within the City's proposed Sphere of Influence, the General Plan Land Use Diagram also identifies lands within the Planning Area that are of particular interest to the City. These lands are within the unincorporated portion of Merced County and have been designated as agricultural and/or open space lands in most instances. Long-term maintenance of these areas in agriculture is important to the City from the standpoint of protecting agricultural land outside of anticipated growth areas. Maintenance of agricultural and open space land uses in these areas also protects individual community identities by providing buffers or visual separation between Atwater and the City of Merced, as well as the communities of Winton, Franklin-Beachwood, and McSwain. Within the General Plan's Study Area Boundary are three unincorporated communities: McSwain, Franklin/Beachwood, and Winton.

The major policy direction of the plan is that growth and development are desirable, and that there needs to be guidance so that benefits are maximized and impacts are minimized. Policies in the plan encourage the execution of a formal agreement with Merced County to ensure the long-term maintenance of agricultural and open space within Atwater's Areas of Interest. The plan also calls for the maintenance of buffers between Atwater and Merced, and Atwater and Winton; designation of land uses in the Planning Area that do not encourage urbanization of the land areas between Atwater and Merced, and Atwater and Winton; and

consideration of existing County policies and plans related to the McSwain, Franklin-Beachwood, and Winton communities.

The General Plan identifies one area plan, the Southwest Area Plan (Applegate Business Park). This plan covers 204 acres and is located on the southwest edge of the city, adjacent to SR 99. The specific plan was completed in 1991 and designates 90 percent of the land as “Business Park.” The remaining land is designated either Commercial or Park.

The General Plan concentrates the expansion of the city to areas south and northeast of the present corporate boundaries. Much of the land within the city’s Planning Area, but outside the current (2000) city limits, is to the north and east. Policies in the General Plan foresee the creation of residential streetscapes and neighborhoods, the orderly expansion of the community, and the maintenance of a compact urban form. The plan also emphasizes coordination with the County in proposed growth areas.

City of Dos Palos (1991)

The City of Dos Palos is located in southwestern Merced County along SR 33. Dos Palos is the smallest city in Merced County, with a 2011 population of 4,973 (DOF). Its latest 2010 General Plan anticipated 19,667 residents by 2010.

City of Gustine (2002)

The City of Gustine is located in the western portion of Merced County near the cross section of State Route 33 and State Route 140. Gustine is the second to smallest city in Merced County, with a 2011 population of 5,546 (DOF 2011a). The City last updated its 2020 General Plan in 2002, which anticipated a buildout population of 8,000 residents.

City of Livingston (1999)

The City of Livingston is located in the northeastern portion of Merced County. Livingston is the fourth largest city in Merced County, with a 2011 population of 13,266 (DOF 2011a). The City of Livingston approved its 2025 General Plan in 2008, but the plan has been undergoing litigation. The 2025 General Plan considered a buildout population of 22,440. However, the 1999 General Plan is in force, and it predicted a buildout population of 23,000 by 2020.

City of Los Banos (2009)

Los Banos is the second most populous city in Merced County, with a 2011 population of 36,525 (DOF 2011a). The city is located approximately 30 miles southeast of the city of Merced on SR 152. The City is currently (2006) in the process of updating their general plan. The update began in Fall 2005 and was adopted in June 2009. At the time this Background Report was published, the City had completed a Draft Preferred Plan that will accommodate approximately 18,300 additional dwelling units and a population of 90,400 by 2030. The plan focuses most of the new growth to the northwest, west, and south of the existing city. Included in this growth is a planned business opportunity area west of the city. The plan also includes a bypass to SR 152, located directly north of the city. Initial land use goals of the plan include the fostering of a compact development pattern, creation of a SR 152 bypass, and the protection of adjacent agricultural lands.

City of Merced General Plan (2012)

Merced is the most populous city in Merced County, with a 2011 population of 79,259 (DOF 2011a). The city is located approximately six miles south of the city of Atwater and 20 miles north of the city of Chowchilla, on SR 99. The City adopted the Merced Vision 2030 General Plan on January 3, 2012. The 2030 General Plan anticipates a population of over 155,000 people. The U.C. Merced (UCM) campus had an enrollment of approximately 2,700 full time students in 2008 with an expected population impact on the area of approximately 5,000 full time students by the year 2012. By the year 2035, the UC Merced campus is expected to contribute approximately 37,135 people to the urban growth of the City's urban area; the urban population of Merced is expected to approach 200,000 people by 2035.

3.7 University of California, Merced, Long Range Development Plan

Introduction

The University of California began construction on a tenth campus (UC Merced) in 2002, located northwest of the city of Merced in eastern Merced County. This section summarizes the UC Merced Long Range Development Plan, providing an overview of campus land use, goals, policies, and growth issues.

Key Terms

Long Range Development Plan (LRDP). A comprehensive plan that guides the physical development of University of California campuses in relation to the location of buildings, open space, circulation, and other land uses.

Regulatory Setting

California Constitution, Article IX, Section 9. The University of California is governed by a Board of Regents, which under Article IX, Section 9 of the California Constitution has "full powers of organization and governance" subject only to specific areas of legislative control. The President has been delegated authority by The Regents to set policy in numerous areas (Standing Order of the Regents 100.4). Presidential policy may be established as a result of Regents' Action or changes in Federal or State law, or may be based on new administrative initiatives within the University.

Long Range Development Plans (Standing Order 100.4(aa) - UCOP Facilities Manual, Chapter 3). A long-range development plan (LRDP) is a comprehensive plan that guides physical development such as the location of buildings, open space, circulation, and other land uses. An LRDP identifies the physical development needed to achieve academic goals and is an important reference document for the campus, University, and the general public.

Campuses prepare LRDPs based on their academic goals and the projected number of students for an established future date. Each LRDP indicates how a campus will accommodate the student population along with the faculty and staff required to support that student population. The Regents approve each LRDP and its accompanying Environmental Impact Report (EIR), which evaluates the impact of the proposed development.

The Regional authority for LRDPs comes from Standing Order 100.4(aa). This Standing Order states that the President can approve siting of individual buildings or projects, provided their locations are generally in accordance with a long-range development plan previously approved in principle by the Board of Regents. If

a campus does not have an LRDP, the Regents must approve every building site. In addition, an EIR must be prepared to evaluate the environmental impacts of a LRDP. Once certified, the environmental documentation process for subsequent projects covered by the LRDP EIR can be simpler. There are no University requirements for the content, organization, or longevity of a LRDP.

California Environmental Quality Act (CEQA). CEQA is a State law that requires the University of California to regulate activities with consideration for environmental protection. Because long-range development plans affect an area's physical environment, an evaluation of its impacts is required by the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) must be prepared on LRDPs, and environmental evaluations are normally managed by the planning office at each university. The Office of the President prepared the UC CEQA Handbook to guide preparation of these documents. Once the comprehensive evaluation of environmental impacts is completed and approved, subsequent projects may have simpler environmental documentation requirements if they were covered in the LRDP EIR.

Existing Conditions

The University of California, Merced, is governed by the Regents of the University of California as required by the Constitution of the State of California. Merced County does not have regulatory authority over campus development since university planning supersedes local planning authority (see Regulatory Context). The Regents adopted a Long Range Development Plan (LRDP) in January 2002 that guides future land use and development of the university campus. The LRDP identifies the physical development of the campus, including all facilities, housing, infrastructure, and other uses associated with the university. The plan identifies that upon buildout the campus will accommodate 25,000 students and 6,600 faculty/staff.

Campus Land Uses

The UC Merced campus is comprised of three primary land use components:

- **Main Campus.** Consists of 157 acres of land which will include all foreseeable elements needed for the new campus. The Main Campus includes an academic core, student support/services, student housing, faculty housing, campus support (corporation yard, physical plant, etc.), recreation and athletics, parking, on-campus research, and open space.
- **Campus Land Reserve.** Consists of 340 acres of land contiguous to the Main Campus Area that could accommodate additional future development of the university.
- **Campus Natural Reserve.** Consists of 750 acres of land maintained in predominately undeveloped state, used for scientific research and education.

Goals and Policies

The LRDP contains the following policies that relate to land use in Merced County:

Conservation and Development

- **CONS-3.** Set aside an area of 340 acres to accommodate unknown and unforeseeable future campus needs that are as yet undefined. This area will be maintained indefinitely as a natural area, generally undisturbed by activities or collateral development.

- **CONS-4.** Prepare and implement a management plan for those areas of the campus that will remain undeveloped in the long term, or that will remain in agricultural use (grazing) in the short or mid-term.
- **CONS-5.** Continue to work with Federal, State, regional and local governments in the development of regional conservation plans for the purpose of preserving special status species that would be affected by the potential cumulative impacts of regional development.
- **CONS-6.** Use campus open space areas as buffers and greenbelts to separate campus buildings and activity centers from adjacent public recreational, agricultural, and grazing operations in production.

Sustainable Planning, and Design Policies

- **SUST-1.** Recognize principles of sustainable development, and incorporate them into the overall plan form, layout, infrastructure, operations, and into the design and construction of facilities.
- **SUST-7.** Plan for water resource conservation, including provisions for future on-site or nearby wastewater treatment to be added in future phases.

Campus Land Use

- **CLU-1.** Provide adequate land area for instruction and research space for the projected campus population.
- **CLU-2.** Provide for adequate flexibility in plan and land allocation for unanticipated needs of a long-lived institution, including new research initiatives or academic endeavors.
- **CLU-5.** Integrate campus land use patterns, transportation and circulation systems, and open space systems with those of the adjoining community, particularly in the area of the Town Center.
- **CLU-6.** Locate uses that may attract community use, such as performance, arts and spectator sports facilities, near or adjacent to the Town Center to assure ease of access to the Merced community, and coordinate with the community in support of uses may be of joint use, such as conference centers.
- **CLU-7.** Develop the campus in a compact fashion to minimize impacts on the land, cost of infrastructure, and to ensure a pedestrian and bicycle-friendly environment.
- **CLU-11.** Phase development generally to the northwest and east from the initial phase, avoiding leapfrog patterns.
- **CLU-13.** Designate adequate areas for student housing for up to 50 percent of the student population.
- **CLU-17.** Provide adequate land to house 50 percent of all faculty on campus in a range of residential unit types.
- **CLU-21.** Integrate the Le Grand and Fairfield canals into the open space system of the campus, working with MID to ensure their ongoing viability for agricultural irrigation, while using landscaping and other elements to assure visual quality.

- **CLU-25.** Collaborate with the County of Merced Parks Department to develop a master plan for recreation facilities at the joint edge of park and campus for mutual benefit of the community and campus.

Agricultural Resources

- **AG-1.** Phase development of the campus incrementally, consistent with availability of services and infrastructure, retaining economically viable agricultural uses until development of campus uses is necessary.

Traffic, Circulation and Parking

- **CIRC-6.** Reserve adequate right-of-way to implement the designated circulation systems and designate access management restrictions for adjoining properties.
- **CIRC-17.** Provide high-frequency, safe, and convenient transit services that seamlessly connect major activity centers on campus and in the neighboring Community. Primary transit destinations would include the campus core, the Town Center, outlying commuter parking facilities, and key locations within campus and off-campus housing areas. Each building in the campus core should be within a 6-minute walk of a transit stop.
- **CIRC-18.** Work with local and regional transit providers to coordinate transit service, and establish convenient transfers between transit and other modes of travel. Integrate transit corridors with the City of Merced transit corridors.
- **CIRC-19.** Contribute to development of a transit hub at the interface between the Town Center and campus core, for timed transfers between local and regional transit connections.
- **CIRC-33.** Establish a joint City/County/University transportation clearinghouse and website that provide information on local transit services and alternative travel options, including rideshare matching.
- **CIRC-36.** Encourage establishment of a joint City/County/University transportation committee, to suggest and oversee transportation improvement and incentive programs of mutual benefit.
- **CIRC-38.** Work with local and regional transit providers to coordinate transit service, and establish convenient transfers between transit and other modes of travel.
- **CIRC-39.** Circulate transportation planning studies and reports to neighboring jurisdictions that may be affected by the proposed changes.

Growth Issues

Development of the campus will increase the demand for urban development on unincorporated land adjacent to the campus. The City of Merced is currently (2011) updating their general plan (discussed in Section 3.6) which is anticipating significant growth north towards the university. Merced County has adopted a University Community Plan (discussed in Section 3.3) to create an urban center adjacent to the university.

3.8 Surrounding County/City General Plans

Introduction

Merced County is surrounded by six counties: Fresno, Mariposa, Madera, San Benito, Santa Clara, and Stanislaus. In addition, three cities within these surrounding counties also have an effect on Merced County. These cities include: Chowchilla, Newman, and Turlock.

Key Terms

See Key Terms under Sections 3.2 and 3.3.

Regulatory Setting

See Regulatory Setting under Section 3.3.

Existing Conditions

Although land use decisions in other counties are beyond Merced County's direct control, close coordination of the general plan update process with the general plans of the surrounding counties and cities can help minimize potential conflicts with land use designations and policies in the Merced County General Plan.

Fresno County General Plan (2000)

Fresno County is located to the southwest of Merced County. Fresno County continues to be one of the leading agricultural producing counties in the nation. Fresno County is experiencing a large increase in population and development, especially in its 15 incorporated cities.

The Fresno County 2020 General Plan was last updated in October of 2000. The plan includes policies for the protection of agricultural land through the promotion of urban growth in existing incorporated cities. The plan promotes compact growth by directing most new urban development to incorporated cities and existing urban communities. The plan assumes over 93 percent of new population growth and new job growth will occur within incorporated city Spheres of Influence and seven percent would occur in unincorporated areas. Accordingly, the plan prohibits designation of new areas as Planned Rural Community and restricts the designation of new areas for rural residential development while allowing for the orderly development of existing rural residential areas.

Mariposa County General Plan (2007)

Mariposa County is located to the east of Merced County. Mariposa County consists of relatively isolated rural communities, with no incorporated cities. The western edge of the county consists of foothills on the edge of the San Joaquin Valley. The eastern edge of the county extends into the Sierra Nevada Mountains and Yosemite National Park.

The Mariposa County General Plan was adopted in December 2006. It planned to accommodate up to 28,000 additional residents by 2026. It is a broadly based policy document that consists of 16 elements with goals and policies designed to shape the future growth and development in Mariposa County. The public outreach portion of the general plan update identified over 500 distinct key issues and topics that the new general plan should address. The draft plan outlines policies to manage growth by facilitating new subdivision activities

close to available infrastructure. The draft plan, however, does not preclude more isolated development assuming the economic cost of providing infrastructure is justifiable.

Madera County General Plan (1995)

Madera County borders Merced County to the southeast. Madera County stretches from the center of the San Joaquin valley floor to the western slopes of the Sierra Nevada Mountains, with predominately agricultural lands in between. Madera County is less populous and more rural than Merced County, with just under 144,000 residents. The policies of the Madera County General Plan are designed to preserve the rural, agricultural character of the county while improving the county's economy.

Madera County adopted a comprehensive update of its General Plan in October 1995. The General Plan largely contains policies for continued agricultural preservation and development within existing urban areas. The general plan also contains policies for new growth areas; however, none of these areas are near the county line shared with Merced County. An issue in Madera County that affects Merced County is the growth of the city of Chowchilla (discussed later in this section).

San Benito County General Plan (1995)

San Benito County borders Merced County on the southwest along the coast ranges, which form the western boundary of the San Joaquin Valley. The area consists of range land and has little potential for other types of development. There are no cities or unincorporated communities in the area adjacent to Merced County.

The San Benito County General Plan was last updated in 1995 and includes policies for the preservation of productive agricultural and grazing land for the areas where Merced and San Benito Counties meet. The General Plan encourages new urban development to occur adjacent the two incorporated cities (Hollister and San Juan Bautista) and the Paicines Ranch Resort project site. Only a few scattered residential and farming sites currently (2006) exist in eastern San Benito County. It is not anticipated that new growth will occur in the eastern area in the near future as most of the land is owned by the Bureau of Land Management. San Benito County is currently updating its 2035 General Plan, expected to be completed by 2012.

Santa Clara County General Plan (1994)

Santa Clara County is located to the northwest of Merced County. The county is located at the southern end of the San Francisco Bay and consists of a valley flanked by the Diablo Range on the east and the Santa Cruz Mountains on the west.

The Santa Clara County General Plan was last updated in 1994, and includes policies for three major focus areas: (a) countywide; (b) rural unincorporated areas outside of cities; and (c) the remaining unincorporated areas (called pockets and islands) within city Urban Service Areas. Santa Clara County is a fast growing county due to its primary location in the San Francisco Bay Area, however, this growth is located within the Santa Clara Valley. It is not anticipated that new growth will occur on land in Santa Clara County that adjacent to Merced County in the near future, since this land is designated either Ranchlands, existing Regional Parks (adjacent to San Luis Reservoir), or Hillside, but many Merced County residents will continue to find employment in this "South Bay" County.

Stanislaus County General Plan (1994)

Stanislaus County is located to the north of Merced County. The county has traditionally been an agricultural county, however in recent decades it has experienced increasing urban growth pressures.

The Stanislaus County General Plan was last updated in 1994 and includes policies for designating growth patterns which are responsive to the physical characteristics of the land as well as to environmental, economic and social concerns of county residents. The County also adopted an Agricultural Element, which addresses agricultural land use issues such as farmland conversion, the expansion of city Spheres of Influence, and conflicts over agricultural operations. The most significant land use issue in Stanislaus County that affects Merced County is the growth of the cities of Newman and Turlock (discussed later in this section).

City of Chowchilla General Plan (2006)

The city of Chowchilla is located 2.6 miles south of the city of Merced along SR 99 in Madera County. The City of Chowchilla is currently (2011) preparing its 2040 General Plan Update expected to guide the growth and development of the City over the next 40 years. It includes additional areas to the east and west that are planned for annexation and development over the next 10 to 15 years, including the Rancho Calera Specific Plan when the City population is anticipated to double over 30,000 residents. The Draft Final Environmental Impact Report (FEIR) was made available in April 2011. It also considers the full buildout of the Rancho Calera Specific Plan, which includes approximately 576 acres that would result in approximately 2,042 dwelling units, public parks and open space, commercial uses, and public facilities. A Discussion Draft of the General Plan was released for public comment in October 2005 through April 2011 along with the associated environmental impact report.

The City is planning growth north of the current city limits towards Merced County. The draft general plan calls for the amendment of the City's current Sphere of Influence to extend as far north as the Merced-Madera County line. The draft land use diagram shows an agriculture buffer between residential development and the county line. However, the plan also states that it envisions the Sphere of Influence to be the ultimate growth area of the city in the general plan time frame. While the plan does show growth north towards Merced County, the agricultural buffer should limit urban conflicts with any Merced County agricultural activities.

City of Newman General Plan (2007)

The city of Newman lies north of Merced County in Stanislaus County on SR 33. Newman abuts Merced County, and is three miles north of the city of Gustine. The city of Newman last updated its 2030 General Plan in April 2007. Draft policies of the new plan contain measures to increase residential and light industrial uses. The plan also anticipated a population increase due to growth of up to 30,000 new residents and up to 8,775 residential units. A concern for Merced County is the significant amount of urban growth (residential and light industrial) shown on the draft land use diagram along the Stanislaus-Merced County line. This growth could affect agricultural activities in Merced County by creating urban-agricultural interface issues. The diagram also shows heavy industrial uses located within Merced County, for which the City and Merced County have reached an agreement for the provision of municipal services by the city in return for a share of the tax revenues.

City of Turlock General Plan (1993)

The city of Turlock is located in Stanislaus County along SR 99, approximately 26 miles north of the city of Merced. Turlock's rapid growth in the late 1980s led to concerns about adequacy of public facilities and impacts of expansion on agriculture.

The City of Turlock last updated their General Plan in 1993, and policies focus annexations and growth to four quadrants surrounding the city. The City anticipates focusing development in one quadrant at a time to allow for timely and efficient use of infrastructure and resources. The City of Turlock is currently looking at the southeast quadrant adjacent to Merced County. Turlock's Sphere of Influence extends south to the Stanislaus-Merced County line. The general plan land use diagram shows urban development adjacent to the county line which could pose urban-agricultural conflicts for Merced County and require a regional solution for new interchange access onto SR99. The City of Turlock recently initiated a comprehensive update for its 2030 General Plan. Like the previous update, the 2030 General Plan Update will outline a broad range of policies related to growth, development, and conservation in the City. The City held a public scoping meeting on the 2030 General Plan in January 2011 and is currently preparing the Plan's EIR.

3.9 Regional Plans and Policies

Introduction

State law requires Merced County and various regional agencies to undertake special planning efforts to address certain issues that are either not required to be addressed in the General Plan or cover a larger area than can be addressed within a single community general plan. This section discusses plans affecting land use, growth, and development in Merced County that are either regional in nature or that deal with a particular governmental function. For information on regional plans and policies related to storm drainage, flood control, watersheds, water quality, solid and hazardous waste management, and air quality, please see the applicable sections in Chapters 7 and 8.

Key Terms

No key terms for this section.

Regulatory Setting

California Public Utilities Code, Sections 21670-21679.5 (Chapter 4, Article 3.5). Provides the statutory authority for establishment of Airport Land Use Commissions in each county. Section 21675 requires that the Commission adopt a land use compatibility plan for each public airport and for the surrounding area.

The Transportation Equity Act for the 21st Century (TEA-21). Enacted June 9, 1998 as Public Law 105-178. TEA-21 authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 6-year period 1998-2003. The TEA 21 Restoration Act, enacted July 22, 1998, provided technical corrections to the original law.

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Enacted on August 10, 2005, SAFETEA-LU guarantees funding for highways, highway safety, and public transportation totaling \$244.1 billion.

Regional Housing Allocation (California Government Code §65584). Establishes that city and county regional housing needs must include the housing needs of persons at all income levels within the area significantly affected by a general plan of the city or county. The distribution of regional housing needs shall, based upon available data, take into consideration market demand for housing, employment opportunities, the availability of suitable sites and public facilities, commuting patterns, type and tenure of housing need, the loss of units contained in assisted housing developments.

Existing Conditions

State law requires Merced County and various regional agencies to undertake special planning efforts to address certain issues that are either not required to be addressed in the General Plan or cover a larger area than can be addressed within a single community general plan. This section discusses plans affecting land use, growth, and development in Merced County that are either regional in nature or that deal with a particular governmental function

Merced County Association of Governments (MCAG)

Merced County Association of Governments (MCAG) is a Joint Powers Authority consisting of Merced County and the six incorporated cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced. MCAG is Merced County's designated Regional Transportation Planning Agency, responsible for preparing and administering State and Federal transportation plans for the Merced County area. In addition, the MCAG is required by State law to determine existing and projected regional housing needs for the county. MCAG prepares and coordinates the following studies:

Regional Housing Needs Plan (2001)

MCAG is required to determine each local jurisdiction's share of the regional need for housing. Jurisdictions will then decide how they will address this need through the process of updating the Housing Elements of their General Plans. The Regional Housing Needs Plan addresses employment opportunities, commuting patterns, housing needs of farmworkers, market demand for housing, type and tenure of housing, availability of suitable sites and public facilities, loss of units contained in assisted housing developments that changed to non- low-income use, and disproportionate shares of lower income households.

The Regional Housing Needs Plan is a key tool for MCAG member jurisdictions to plan for growth anticipated through 2008; it does not necessarily encourage or promote growth, but rather allows communities to anticipate and, therefore, more effectively direct growth in ways that enhance quality of life and improve access to jobs, transportation, and housing. For more information on Merced County's Housing Element, see Chapter 5 – Housing.

Federal Transportation Improvement Program (2006)

A Federal Transportation Improvement Program (FTIP) is a multi-modal list of capital improvement programs to be implemented over a three-year period. Biennially, MCAG, in cooperation with member jurisdictions and the California State Department of Transportation (Caltrans), prepares a TIP for all state routes, streets, and road projects in Merced County that use Federal or State funding.

A Regional Transportation Improvement Program (RTIP) is the formal programming request to the State of California and the California Transportation Commission (CTC) which outlines a list of local projects that

MCAG wishes to implement within the next five-year period. Projects not listed in the formal RTIP submittal will not be considered for funding. Once projects are approved as part of the RTIP, they are incorporated into the State Transportation Improvement Program (STIP) and then ultimately the California Federal State Transportation Improvement Program (FSTIP). Amendments to the Merced County FTIP are processed (modifying the FTIP) when new local projects are submitted by local agencies and awarded a source of funding. For information on specific transportation projects, see Chapter 6 – Circulation.

Merced County Short Range Transit Plan (2004)

The Short Range Transit Plan provides direction for Merced County Transit (MCT) for fiscal years 2005/2006 through 2009/2010. The plan addresses all aspects of the transit operation and provides a financial blueprint for the planning horizon. All transit services have been evaluated and recommendations on improving transit service to increase ridership, improve productivity, and improve reliability are included. For information on transit in Merced County, see Chapter 6 – Circulation.

Regional Transportation Plan (2004)

The Regional Transportation Plan (RTP) specifies the policies, projects, and programs necessary over a 25-year period to maintain, manage, and improve the region's transportation systems. The RTP provides a comprehensive long-range view of transportation needs and opportunities for Merced County and establishes goals and objectives for the future system. The plan identifies the actions necessary to achieve these goals by describing a funding strategy and options for implementing the actions. For information on pipeline project in Merced County, see Chapter 6 – Circulation.

Merced County Airport Land Use Compatibility Plan (1999)

The County's role in air transportation is strictly limited to land use considerations in support of State and Federal regulations. California Public Utilities Code, Sections 21670-21679.5 (Chapter 4, Article 3.5) provides the statutory authority for establishment of the Merced County Airport Land Use Commission and its adoption of procedures and policies. Section 21675 requires that the Commission adopt a land use compatibility plan for each public airport and for the surrounding area. These plans are important to the Merced County General Plan update process because the general plan of any city or county must be consistent with the applicable airport land use plan in areas covered by the land use plan.

Airport land use plans regulate land around airports to insure the continued viability of each facility. The plans each contain policies and regulations that discourage land uses that would be inconsistent with safe airport operations. The plans prohibit high-occupancy land uses (such as apartments, hospitals and schools) and land uses sensitive to noise (such as residences) within zones around each airport based on the expected noise exposure and the likelihood of an accident.

The basic function of this Merced County Airport Land Use Compatibility Plan is to promote compatibility between the airports in Merced County and the land uses which surround them. As adopted by the Merced County Airport Land Use Commission (ALUC), the plan serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development. The plan covers the five airports in Merced County: Castle Airport, Gustine Municipal Airport, Los Banos Municipal Airport, Merced Municipal

Airport/Macready Field, and Turlock Municipal Airport. In March 2007, the ALUC started the process to obtain State grant funds to update the Airport Land Use Compatibility Plan, and the County General Plan Update will need to be coordinated with the ALUC's update process. The Draft Airport Land Use Compatibility Plan was updated in September 2011 (Merced County 2011b). For detailed information on each airport, please see Chapter 6, Section 6.4 – Aviation.

3.10 San Joaquin Valley Blueprint Planning Process

Introduction

This section reviews the regional planning effort known as the San Joaquin Valley Blueprint Planning Process.

Key Terms

There are no key terms for this section.

Regulatory Setting

This process is a regional planning effort, yet not mandated by Federal, State, or local laws.

Existing Conditions

The San Joaquin Valley Blueprint is a regional planning forum that is a collaborative effort between the eight San Joaquin Valley county Council of Governments: Fresno, Kern, Kings, Tulare, Madera, San Joaquin, Stanislaus, and Merced. The two-year project will develop a vision for land use and transportation decisions in the San Joaquin Valley. Each COG will coordinate public involvement in the visioning process at the local level, while the nonprofit Great Valley Center in Modesto will coordinate the efforts at the regional level. The final product will include a visual representation of the goals expressed in general plans and individual regional transportation plans.

The process is intended to assist local jurisdictions with the integration of transportation, housing, land use, economic development, and environmental protection policies. The project does not have the authority to supersede local land use authority, rather, it will be used for advisory purposes. The process will also serve as a means to collect and integrate regional data.

The starting point for Blueprint was a series of public workshops (many held in conjunction with the Merced County General Plan Update workshops) to help identify issues and a desired vision for the future of the County and the San Joaquin Valley. The next step involves a “scenario planning” exercise using a computer model to show how possible growth scenarios and policy decisions can affect land use and circulation patterns. This effort will start with the creation of a status-quo land use scenario projection to show how local communities will grow based on current trends. Upon completion, the project hopes to assist planners and decision makers by:

- Providing a comprehensive and integrated decision-making tool that combines separate and distinct data sets into one database;
- Coordinating infrastructure plans with other community goals; and

- Interfacing with the work of the California Partnership for the San Joaquin Valley and helping support State data collection and integration needs for the region.

3.11 Federal and State Policies

Introduction

The nature of any land use policies or plans adopted for Federal- or State-owned land within the county is important to the Merced County General Plan process because the management and use of such public lands can have significant effects on surrounding land uses. Because Federal and State agencies are generally not subject to the policies and plans adopted by local governments such as Merced County, an understanding of the concerns of Federal and State agencies is vital to ensure effective interjurisdictional cooperation and coordination during the County's planning process.

Key Terms

There are no key terms for this section.

Regulatory Setting

This section provides for the assessment of the Federal and State plans and policies of agencies as they pertain to the categories listed below.

Existing Conditions

United State Department of the Interior, U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service operates three Federal wildlife refuges in Merced County: the Merced National Wildlife Refuge, the San Luis National Wildlife Refuge, and the San Joaquin River National Wildlife Refuge. The Federal government also operates the Grasslands Wildlife Management Area (GWMA). These lands are protected natural resources and fall outside the jurisdiction of Merced County.

The Federal government recently (2006) expanded the Grassland Wildlife Management Area by 46,400 acres extending east to SR99. The proposed expansions did not pose a significant impact on existing urban areas, because this land is currently used for agricultural and open space purposes not adjacent to any existing urban areas. For more information on these sites, see Chapters 8 – Natural Resources and Chapter 9 – Recreation and Cultural Resources.

California Department of Boating and Waterways

The State Department of Boating and Waterways comments on river oriented features of a riverfront project such as potential for navigation hazards, relation to existing or planned boating facilities, and the public trust doctrine. The department also administers grants and loans for marina development and boat ramps, and reviews Federal and local ordinances regulating boating activities. In the event that a project lies on Merced County waterways, the State will review the project and provide comments relative to a projects consistency with State policies. For more information on county waterways, see Chapters 8 – Natural Resources and Chapter 9 – Recreation and Cultural Resources.

California Department of Fish and Game

The California Department of Fish and Game (CDFG) oversees all lakes, streams, and rivers in the state that contain fish and wildlife habitats. The CDFG has authority over permitting for streambed alteration agreements and dredging permits. Merced County is located in the San Joaquin Valley-Southern Sierra District of the CDFG. Located within this district and within Merced County are the Cotton Creek Wildlife Area (6,315 acres), Los Banos Wildlife Area (6,217 acres), North Grasslands Wildlife Area (7,069 acres), O'Neill Forebay Wildlife Area (700 acres), San Luis Reservoir Wildlife Area (902 acres), Volta Wildlife Area (2,891 acres), and West Hilmar Wildlife Area (340 acres). These areas are all protected, State regulated areas that are outside of the jurisdiction of Merced County. For more information on these sites, see Chapters 8 – Natural Resources and Chapter 9 – Recreation and Cultural Resources.

California Department of Forestry and Fire Prevention

Fire risk management and prevention is crucial to the thousands of acres of open space land and communities that span across unincorporated Merced County. The State, in conjunction with the Madera, Mariposa, and Merced County Fire Departments, implement the Madera-Mariposa-Merced 2005 Fire Plan. The plan describes the counties, their fire history, stakeholders, and best course of action to limit the impact of fires. For more information, see Chapter 9 – Public Facilities and Services.

California Department of Parks and Recreation

The State Department of Parks and Recreation reviews development projects in relation to State recreation facilities. Facilities within the county include George J. Hatfield State Recreation Area, Great Valley Grasslands State Park, McConnell State Recreation Area, Pacheco State Park, and San Luis Reservoir State Recreation Area. Within the department of Parks and Recreation, the State Office of Historic Preservation (SHPO) monitors State- and Federally-registered historic resources, as well as carrying out other statutory responsibilities. For more information, see Chapters 8 – Natural Resources and Chapter 9 – Recreation and Cultural Resources.

California Department of Transportation (Caltrans)

The California Department of Transportation (Caltrans) has authority over all State highway and freeway right-of-ways, including easements, and undeveloped right-of-ways that have been acquired in anticipation of future construction. Any project that proposes to construct a road connection or perform earthwork within a State highway or freeway must obtain an encroachment permit from Caltrans.

California Native American Heritage Commission

The State of California Native American Heritage Commission reviews projects and comments on potential impacts to Native American archaeological resources. The Commission is directly involved with a procedure if Native American artifacts or remains are discovered during construction activities. For more information, see Chapter 9 – Recreation and Cultural Resources.

California Reclamation Board

The State Reclamation Board maintains jurisdiction over all Federal flood control projects and levees that are either part of such projects or that may affect such projects. The Reclamation Board is authorized to grant encroachment permits for any activity proposed along or near flood control levees, including changes in land use, construction, earthwork, or removal of vegetation. For more information, see Chapter 8 – Natural Resources.

California Regional Water Quality Control Board

The California Regional Water Quality Control Board maintains jurisdiction over discharges into all rivers, creeks, streams, and canals. Any project that will discharge wastes into any surface waters must conform to waste discharge requirements established by the RWQCB. The requirements serve as the Federal National Pollutant Discharge Elimination System (NPDES) permit. The RWQCB also works to obtain coordinated action in water quality control, including prevention and abatement of water pollution and nuisances. For more information, see Chapter 8 – Natural Resources.

California State Lands Commission

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes that include: waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The Commission has the authority to grant three kinds of permits: mineral extraction leases, dredging permits (required for dredging of navigable waterways for the improvement of navigation, reclamation, and flood control); and land use leases. For more information, see Chapter 8 – Natural Resources.

3.12 Major Findings

The following provides a summary of the major findings for this chapter.

Existing Land Use

- Agricultural land use (including general agriculture, grazing, dairy, and poultry) accounts for the largest existing land use in the county, with approximately 1 million acres (83 percent) within the county.
- The six incorporated cities in Merced County account for 24,138 acres or 1.9 percent of all land within the county.
- There are currently (2006) 4,209 vacant acres of land within the incorporated cities. This accounts for 0.3 percent of all land within the county.

Merced County General Plan (1990)

- A major policy in the existing General Plan is the "Urban Centered Concept." The concept directs new urbanization towards existing cities and community centers or the creation of new urban centers in limited circumstances. The urban centered concept is expressed through four area designations on the General Plan Diagram: Specific Urban Development Plan (SUDP), Rural Residential Center (RRC), Highway Interchange Center (HIC), and Agricultural Services Centers (ASC).
- The Agriculture Element contains policies for the preservation of farmland by only allowing farmland conversion to urban uses when a clear and immediate need can be demonstrated. The element also directs development to less valuable farmland when conversion is justified and calls for land use transitions and buffers between urban and agricultural areas to reduce interference.

Merced County Zoning Code (2000)

- The Zoning Code, as shown in table 3-12, establishes three agricultural zones, seven residential zones, five commercial zones, and two industrial zones.

Sphere of Influence

- Merced County LAFCO policies discourage the annexation of prime agricultural land when significant areas of non-prime agricultural land is already available, and encourage the development of vacant areas within cities before the annexation and development of fringe areas.
- LAFCO policies also encourage city annexations that reflect a planned, logical, and orderly progression of urban expansion and promote efficient delivery of urban services.
- Approximately 40,000 acres of unincorporated Merced County falls within the SOI of the six incorporated cities.

City General Plans

- The City of Los Banos adopted their updated 2030 General Plan in June 2009. The Los Banos 2030 General Plan focuses the majority of new growth to the northwest, west and south of the existing city. It considered a buildout population of 90,400 by 2030.
- The City of Livingston approved its 2025 General Plan in 2008, but the plan has been undergoing litigation. The 2025 General Plan considered a buildout population of 22,440. However, the 1999 General Plan is in force, and it predicted a buildout population of 23,000 by 2020.
- The City of Merced adopted the Merced Vision 2030 General Plan on January 3, 2012. The updated 2030 General Plan anticipates a population of over 155,000 people.

Surrounding County/City General Plans

- The City of Chowchilla recently updated its 2040 General Plan, and the City of Turlock and the counties of Fresno, San Benito, Madera, and Stanislaus (Ag Element), are currently (2011) updating their general plans. Merced County will need to coordinate planning efforts with these jurisdictions.
- Significant growth is likely to occur in the cities of Newman and Turlock adjacent to the Merced County line.

University of California, Merced, Long Range Development Plan

- Development of the campus will increase the demand for urban development on unincorporated land adjacent to the campus.

Regional Plans and Policies

- Each public airport in the county has updated airport land use plans which will affect urban development adjacent to them.

San Joaquin Valley Blueprint Process

- The San Joaquin Valley Blueprint Process will help integrate transportation, housing, land use, economic development, and environmental protection policies in the region. The project, however, does not have the authority to supersede local land use authority.

Federal and State Policies

- The Grasslands Wildlife Management Area is an approximately 230,000-acre wetland complex that consists of over 70,000 acres of private wetlands/grasslands, and over 31,000 acres of Federal National Wildlife Refuges and State Wildlife Management Areas.