
APPENDIX C
MERCED COUNTY ZONING CODE REGULATIONS PERTAINING TO
MINOR SUBDIVISION/RESIDENTIAL DEVELOPMENT IN RURAL AREAS

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MERCED COUNTY ZONING CODE REGULATIONS PERTAINING TO MINOR SUBDIVISION/RESIDENTIAL DEVELOPMENT IN RURAL AREAS

Zoning Code §18.02.030 maintains the following standards regarding the subdivision of property and minimum parcel sizes within agricultural zones:

B. Subdivision Considerations. In order to determine conformity with the general plan objective of avoiding divisions which reduce the agricultural productivity of the property, the following factors will be considered in reviewing subdivision proposals in the A-1, A-2, A-1-40 zones:

1. The general soil capability and productivity of the site and vicinity;
2. Current and proposed irrigation facilities on the site;
3. Access to public roads and rights-of-way;
4. Compatibility with existing agricultural uses and cropping patterns in the vicinity;
5. Relationship to current parcel sizes and parcel configurations in the vicinity;
6. What are the applicant's reasons for the division.

C. Minimum Parcel Size Exceptions. No agriculturally zoned land may be divided or have the boundaries thereof adjusted for the purposes of sale, lease or financing, whether immediate or future, if any parcel resulting from the division or adjustment contains less than (20) acres in the A-1 zone, forty (40) acres in the A-1-40 zone and one hundred sixty (160) acres in the A-2 zone as measured from the center of any abutting roadway, waterway, railroad or other public right-of-way forming a boundary line of the parcel, unless one of the following exceptions apply:

1. When the property owner desires to retain a dwelling which has existed on the property for at least ten (10) years he/she may divide a parcel containing the dwelling when all of the following conditions are met:
 - a. The dwelling which is to be retained shall have been lived in by the property owner for at least ten (10) years.
 - b. The parcel with the residence contains an area of not less than one net acre and not more than five acres, with a minimum one hundred fifty (150) feet of frontage on a public road.
 - c. The portion of the parcel which does not contain the dwelling is combined with an abutting parcel.
2. When the parcel is used as a security instrument for financing an agricultural operation or construction of a single-family residence subject to the following criteria:
 - a. The existing parcel before division is not less than twenty (20) gross acres in the A-1 zone, or forty (40) gross acres in the A-1-40 and A-2 zones; that said lot, together with the remaining acreage, shall not be separately conveyed as devised without meeting the minimum parcel size of this zone, except for the purposes mentioned above, unless such division occurs by judicial foreclosure, trustee's sale or other legal proceedings which discharge the lien of the security instrument.

- b. When the parcel is used for financing a single-family residence the parcel size shall contain an area of at least one net acre and not more than five net acres (The County Environmental Health Division shall be satisfied that the parcel size is adequate for an onsite waste disposal system), and one of the following conditions exists:
 - i. The lot is to be created by the conveyance of a security instrument to finance a single-family residence to be occupied by the owner thereof;
 - ii. The lot or lots to be created are intended as a conveyance exclusively for use by a member of the property owner's immediate family; there is only one lot per related person, or per related married couple, and there is no more than one lot per each 20 gross acres in the A-1 zone or 40 gross acres in the A-1-40, and A-2 zones.
 - c. When the parcel is used for financing an agricultural operation the parcel size shall contain an area of at least one net acre (if the county environmental health division is satisfied that the parcel size is adequate for an onsite waste disposal system).
3. When a boundary adjustment meets all the following conditions:
 - a. The parcels are not part of an "antiquated subdivision" as defined in Chapter 2.52 of the county code except for an adjustment between two parcels; and
 - b. There is not more than one boundary adjustment between two parcels within the same antiquated subdivision within a two-year period; and
 - c. At least one of the parcels does not meet the minimum parcel size requirement prior to the adjustment; and
 - d. The adjustment does not result in an increase in the number of such nonconforming parcels which existed prior to the adjustment.
4. For any boundary adjustment involving parcels in an antiquated subdivision, all adjusted parcels must meet the minimum area requirement unless a zone variance is granted as part of a merger and re-subdivision approval in accordance with Section 17.04.074 of the County Code (Subdivision).
5. When the real property is being purchased by a utility or quasi-utility for use such as television or radio antenna sites, electric substation, power generation plant or other similar activity so determined by the Planning Commission and the Board of Supervisors, subject to the following terms and conditions:
 - a. All construction onsite shall meet and comply with all applicable federal, state and local regulations;
 - b. The following provisions shall apply, appear on the parcel map, and be duly recorded in the public records of Merced County prior to any improvements of the subject parcel:
 - i. No residential use shall be permitted on the parcel at any time,
 - ii. In the event the use for which the property division was approved no longer exists on the real property, the title to the parcel reverts to the original transferor, or if the original transferor no longer owns the parcel from which the subsequent parcel was acquired, to the transferor's heirs, successors, or assigns, or

- iii. Within one year of the termination of use, the property shall be sold to an adjoining property owner and combined with such adjoining parcel of record through recordation of a voluntary notice of merger by the county.
 - iv. The parcel which is subject to division pursuant to this subsection is not entitled to any variance such as is provided for in Government Code Section 65906. The owner waives any right to apply for such variance or any other variance for the subject parcel.
 - c. A permit has been approved by the County for these uses.
6. When a significant agricultural commercial and/or industrial facility has been approved by the County through an Administrative or Conditional Use Permit, a development agreement between the property owner and the County shall be required stating that the property owner shall develop the proposed facility within two years of the recordation of a parcel map creating a substandard sized parcel for the facility, or the property shall be recombined back to form the original parcel before division.
7. Where a parcel is located within an adopted urban boundary, including a specific urban development plan, and the property owner wishes to divide off an existing home from the balance of the property:
- a. The home site parcel contains an existing dwelling which has existed on the property for at least ten (10) years;
 - b. The parcel with the residence contains at least one net acre;
 - c. The Merced County environmental health division has verified that an on-site septic system can serve the new parcel (unless the property is served with a public sewer service).
8. Where the property before the division meets the following conditions, a reduction of up to two and one-half percent in parcel area may be accepted:
- a. A previously recorded subdivision map identified an area of forty (40) acres in the A-1 zone, eighty (80) acres in the A-1-40 zone or three hundred twenty (320) acres in the A-2 zone;
 - b. Where the original governmental section contained less than six hundred forty acres and the deed, describing the parcel to be divided utilized a sectionalized land description (such as a quarter of a quarter section which normally equates to forty (40) acres).

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9. When the property owner desires to retain a dwelling which has existed on the property for at least ten (10) years he/she may divide a parcel containing the dwelling when all of the following conditions are met:
- a. The dwelling which is to be retained shall have been lived in by the property owner for at least ten (10) years.

- b. The parcel with the residence contains an area of not less than one net acre and not more than five acres, with a minimum one hundred fifty (150) feet of frontage on a public road.
 - c. The portion of the parcel which does not contain the dwelling is combined with an abutting parcel.
10. When the parcel is used as a security instrument for financing an agricultural operation or construction of a single-family residence subject to the following criteria:
- a. The existing parcel before division is not less than twenty (20) gross acres in the A-1 zone, or forty (40) gross acres in the A-1-40 and A-2 zones; that said lot, together with the remaining acreage, shall not be separately conveyed as devised without meeting the minimum parcel size of this zone, except for the purposes mentioned above, unless such division occurs by judicial foreclosure, trustee's sale or other legal proceedings which discharge the lien of the security instrument.
 - b. When the parcel is used for financing a single-family residence the parcel size shall contain an area of at least one net acre and not more than five net acres (The County Environmental Health Division shall be satisfied that the parcel size is adequate for an onsite waste disposal system), and one of the following conditions exists:
 - j. The lot is to be created by the conveyance of a security instrument to finance a single-family residence to be occupied by the owner thereof;
 - ii. The lot or lots to be created are intended as a conveyance exclusively for use by a member of the property owner's immediate family; there is only one lot per related person, or per related married couple, and there is no more than one lot per each 20 gross acres in the A-1 zone or 40 gross acres in the A-1-40, and A-2 zones.
 - c. When the parcel is used for financing an agricultural operation the parcel size shall contain an area of at least one net acre (if the county environmental health division is satisfied that the parcel size is adequate for an onsite waste disposal system).
11. When a boundary adjustment meets all the following conditions:
- a. The parcels are not part of an "antiquated subdivision" as defined in Chapter 2.52 of the county code except for an adjustment between two parcels; and
 - b. There is not more than one boundary adjustment between two parcels within the same antiquated subdivision within a two-year period; and
 - c. At least one of the parcels does not meet the minimum parcel size requirement prior to the adjustment; and
 - d. The adjustment does not result in an increase in the number of such nonconforming parcels which existed prior to the adjustment.

12. For any boundary adjustment involving parcels in an antiquated subdivision, all adjusted parcels must meet the minimum area requirement unless a zone variance is granted as part of a merger and re-subdivision approval in accordance with Section 17.04.074 of the County Code (Subdivision).

13. When the real property is being purchased by a utility or quasi-utility for use such as television or radio antenna sites, electric substation, power generation plant or other similar activity so determined by the Planning Commission and the Board of Supervisors, subject to the following terms and conditions:
 - a. All construction onsite shall meet and comply with all applicable federal, state and local regulations;
 - b. The following provisions shall apply, appear on the parcel map, and be duly recorded in the public records of Merced County prior to any improvements of the subject parcel:
 - j. No residential use shall be permitted on the parcel at any time,
 - v. In the event the use for which the property division was approved no longer exists on the real property, the title to the parcel reverts to the original transferor, or if the original transferor no longer owns the parcel from which the subsequent parcel was acquired, to the transferor's heirs, successors, or assigns, or
 - vi. Within one year of the termination of use, the property shall be sold to an adjoining property owner and combined with such adjoining parcel of record through recordation of a voluntary notice of merger by the county.
 - vii. The parcel which is subject to division pursuant to this subsection is not entitled to any variance such as is provided for in Government Code Section 65906. The owner waives any right to apply for such variance or any other variance for the subject parcel.
 - c. A permit has been approved by the County for these uses.

14. When a significant agricultural commercial and/or industrial facility has been approved by the County through an Administrative or Conditional Use Permit, a development agreement between the property owner and the County shall be required stating that the property owner shall develop the proposed facility within two years of the recordation of a parcel map creating a substandard sized parcel for the facility, or the property shall be recombined back to form the original parcel before division.

15. Where a parcel is located within an adopted urban boundary, including a specific urban development plan, and the property owner wishes to divide off an existing home from the balance of the property:
 - a. The home site parcel contains an existing dwelling which has existed on the property for at least ten (10) years;

- b. The parcel with the residence contains at least one net acre;
 - c. The Merced County environmental health division has verified that an on-site septic system can serve the new parcel (unless the property is served with a public sewer service).
16. Where the property before the division meets the following conditions, a reduction of up to two and one-half percent in parcel area may be accepted:
- a. A previously recorded subdivision map identified an area of forty (40) acres in the A-1 zone, eighty (80) acres in the A-1-40 zone or three hundred twenty (320) acres in the A-2 zone;
 - b. Where the original governmental section contained less than six hundred forty acres and the deed, describing the parcel to be divided utilized a sectionalized land description (such as a quarter of a quarter section which normally equates to forty (40) acres).

Land uses within unincorporated Merced County are regulated at broadly by the General Plan, and more specifically by the Merced County Zoning Code (Merced County Code §18). For areas of the county, areas designated for Agricultural or Foothill Pasture land uses by the General Plan are generally designated by one of three zoning categories:

- **General Agricultural (A-1) Zone.** The purpose of the general agricultural zone (A-1) is to provide for areas for more intensive farming operations dependent on higher quality soils, water availability and relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas. Parcels smaller than forty (40) acres down to a minimum of twenty (20) acres can be considered where agricultural productivity of the property will not be reduced.
- **General Agricultural (A-1-40) Zone.** The purpose of the general agricultural zone (A-1-40) is to provide areas where the forty (40) acre minimum parcel size of the zone allows for the widest variety of farming operations including agricultural commercial/industrial uses which are dependent on medium to higher quality soils, water availability and larger parcel sizes away from urban areas.
- **Exclusive Agricultural (A-2) Zone.** The purpose of the exclusive agricultural zone (A-2) is to allow for considerably expanded agricultural enterprises, due mainly to the requirement of larger size land parcels which are more economically suitable to support farming activities occurring in the area. The one hundred sixty (160) acre minimum parcel size of the zone allows for farming and ranching operations and a variety of open space functions that are typically less dependent on soil quality and water for irrigation and are often connected more with foothill and wetlands locations, grazing and pasture land and wildlife habitat and recreational areas.