



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Robert A. Lewis Director

2222 "M" Street Merced, CA 95340 (209) 385-7654 (209) 726-1710 Fax www.co.merced.ca.us

STAFF REPORT

DATE: JULY 23, 2008
TO: PLANNING COMMISSION
PROJECT PLANNER: JAMES HOLLAND, SENIOR PLANNER
PROJECT NO: MINOR SUBDIVISION APPLICATION NO. MS08-013
APPLICANT: MARYLAND YOUNG
PROPERTY OWNERS: MARYLAND YOUNG
REPRESENTATIVE: BEDESEN-CARDOZA AND ASSOCIATES
APPLICATION REQUEST: TO DIVIDE AN 86.6 ACRE PARCEL INTO TWO PARCELS BEING 46.3 ACRES AND 40.3 ACRES.
LOCATION/SITUS: SOUTHWEST CORNER OF ROBIN AVENUE AND ROSE AVENUE IN THE LIVINGSTON AREA
APN: 049-080-008
SUPERVISORIAL DISTRICT: 1 - PEDROZO
MUNICIPAL ADVISORY COUNCIL: NONE

The following table indicates the designations for General Plan, Zoning, and current land use of the subject parcel and the adjacent parcels generally to the north, east, south and west of the application request:

Table with 4 columns: GENERAL PLAN, ZONING, CURRENT LAND USE. Rows include ON SITE, NORTH, EAST, SOUTH, WEST with corresponding designations like Agricultural, A-1, Orchard/Row Crops, etc.

I. PROJECT DESCRIPTION

To divide an 86.6 acre parcel into two parcels: Parcel 1 = 46.3 acres and Parcel 2 = 40.3 acres. The subject property is located at the southwest corner of Robin Avenue and Rose Avenue in the Livingston area and designated as Agricultural land use in the General Plan and zoned A-1 (General Agricultural).

II. SUMMARY OF RECOMMENDATION

Staff recommends the Planning Commission determine that the application is exempt from CEQA review under Subsection 15061(b)(3) – “Common Sense” exemption of the CEQA Guidelines and approve Minor Subdivision Application No. MS08-013 based on the 10 project findings and subject to the 7 conditions of approval found in this Staff Report.

III. ANALYSIS

A. Background

The project proposes to divide an 86.6 acre parcel into two parcels, Parcel 1 = 46.3 acres and Parcel 2 = 40.3 acres in size. The project site is designated ‘Agricultural’ land use in the General Plan and zoned A-1 (General Agricultural). The parcel is located at the southwest corner of Robin Avenue and Rose Avenue in the Livingston area.

The applicant/property owner has stated that the purpose of the subdivision is to provide for the future transfer of the property to their children for settlement of their estate. The property is actively farmed with proposed parcel 1 being devoted to almonds and Parcel 2 (the northern parcel), being currently used for row crop production. The applicant anticipates that the property will continue in agricultural production for the foreseeable future, with the only possible change being that Parcel 1 may be planted with a more permanent crop (probably almonds). An existing residence and its associated structures are located on Parcel 1, immediately west of Robin Avenue.

The project site is located within the Merced County Agricultural Preserve, but is not under a Williamson Act contract.

B. General Plan Consistency

The site is designated ‘Agricultural’ in the General Plan and the project is consistent with this land use designation.

The Land Use Chapter identifies ‘Agricultural’ land as primarily used for cultivated agricultural practices that rely on good soil quality, water availability, and minimal slopes. The following goals and policies of the Merced County General Plan Land Use Chapter are directly applicable to Minor Subdivision Application No. MS08-013:

Land Use Chapter Goal 7 (Chapter I, Page 57)

Conservation of productive agricultural and other valuable open space lands.

According to the applicant, the land will remain in agricultural production, with the only possible change being the cessation of row crop production on proposed Parcel 1 and it's planting as an almond orchard.

Land Use Chapter Policy 7.3 (Chapter I, Page 58)

Premature and uncoordinated division of land which forces the early cessation of valid agricultural uses shall be avoided.

The Agricultural Chapter of the General Plan cautions against the parcelization of farmland, as smaller parcels encounter greater difficulty in supporting a full-time farming operation, leading to a decrease in the degree of agricultural productivity of the land. According to the General Plan, "While the small farms are operated by the land owner in most cases, it is a secondary activity and source of income" (Chapter VII, Page 25).

The area surrounding the project site contains a range of parcel sizes and is substantially devoted to commercial agricultural production, with orchards and row crops being the most frequently occurring activities. A poultry raising facility is located immediately to the east of the project site, being separated from it by the Robin Avenue road and right-of-way.

Further, the Parcel Size Analysis discussion on Page VII-22 of the General Plan explicitly concludes that 'Given the same physical characteristics, areas with parcels 40 acres or larger are most likely to remain in active agricultural use than areas with parcels less than 20 acres.' This project is therefore consistent with the General Plan.

C. Zoning Code Consistency

The parcel is designated A-1 (General Agriculture) in the Merced County Zoning Code. As stated in Section 18.02.01, the purpose of this zone is to provide areas for more intensive farming operations that are dependent on higher quality soils, water availability, relatively flat topography, and agricultural commercial and/or industrial uses dependent on proximity to urban areas or location in sparsely populated low traffic areas.

The 86.60 acre parcel is proposed to be divided into two parcels, Parcel 1 being 46.3 acres and Parcel 2 40.3 acres in size. Each proposed parcel is consistent with the 40-acre size considered to be optimum by the General Plan Agricultural Chapter and more than twice the 20 acre minimum parcel size allowed by the A-1 (General Agricultural) zone. In addition, the agricultural productivity of the property will not be affected by the proposed division as it is consistent with existing cropping patterns and the supply of irrigation water will be continued through the use of easements.

Development Standards (Section 18.02.03 Table 4)

According to the Zoning Code, residential uses in General Agricultural zones are allowed for each parcel as follows: One (1) Single Family Residence is allowed by right with no occupancy restriction; Two (2) to Four (4) Single Family Residences may be allowed by a discretionary Administrative Permit for occupancy of bond-fide farm laborers, a granny unit or immediate family members; and Five (5) or more Single Family Residences may be allowed by Conditional Use Permit which requires a public hearing before the Planning Commission under the same qualifications as an Administrative Permit.

On June 4, 2008, the applicant's representative submitted a letter stating that the applicant would voluntarily agree to limit the number of residential dwelling units that could be built on each proposed parcel to a maximum of two units. This limitation will reduce the potential number of homes that could be located on these two parcels by right, administrative permit or conditional use permit.

Section 18.02.03 of the Zoning Code identifies six factors that must be considered to determine conformity with the General Plan objective of avoiding divisions which reduce the agricultural productivity of the property. The following is an analysis of those six factors:

1. Soil Capability and Productivity of the Site and Vicinity

The State Important Farmlands Map shows the eastern half of the project site as being composed of 'Prime' Importance soils, with the remainder being composed of soils of 'Statewide Importance'. Soils of Prime Importance are soils with the best combination of physical and chemical features able to sustain long term agricultural production. County policies identify land containing soils identified as 'Prime', 'Statewide Importance' and 'Unique' as productive agricultural lands that should be conserved.

2. Current and Proposed Irrigation Facilities on the Site

The property is currently irrigated through the use of an on-site well and Merced Irrigation District pipelines, with the almond orchard (Parcel 2) being irrigated by sprinklers. The applicant has stated that irrigation easements will be provided ensure the delivery of water to each proposed parcel.

3. Access to Public Roads and Right-of-Ways

All of the proposed parcels will have direct access to County roads. Parcel 1 will have frontage on both Rose and Robin Avenues, while Parcel 2 will front Robin Avenue.

4. Compatibility with Existing Agricultural Uses and Cropping Patterns in the Vicinity

The project site, and the majority of land in the general area, is devoted to commercial agricultural production (row crops and orchards). The parcel immediately east of proposed Parcel 2 (Assessors Parcel Number 049-070-048) is owned by Fresno Farming LLC and operated as a commercial chicken growing ranch. This is considered to be an animal confinement facility under Section 18.48 of the Zoning Code. Section 18.48.040.3 of the code prohibits the location of single-family residences that are not a part of the existing animal confinement facility within 1,000 feet. This provision would affect portions of both proposed parcels as locations for additional residences, unless a written permission for locating within this buffer area is obtained from the facility operator.

The project site is located within the Agricultural Preserve; however it is not under Williamson Act Contract.

5. Relationship to Current Parcel Sizes and Parcel Configurations in the Vicinity

Minor Subdivision Application No. MS08-0913 proposes the creation of two parcels. Parcel 1 being 46.3 acres in size and parcel 2 = 40.3 acres. Planning staff analyzed the size distribution of existing parcels located within a half mile radius of the project site and identified the following size distribution of these parcels as summarized in Table 1.

Table 1
MS08-013 Parcel Size Analysis

Parcel Sizes	# Parcels	Total Acres	Average Size
0 - 10 Acres	9	39.57	4.40
10.01 - 20 Acres	8	119.46	14.93
20.01 - 40 Acres	12	359.86	29.99
40.01 - 60 Acres	1	51.08	51.08
60.01 - 100 Acres	3	229.16	76.39
Over 100 Acres	3	1091.80	363.93
Total:	36	1,890.93	52.53

It is apparent from Table 1 that there is a wide variation of parcel sizes within a half mile of the project site. Only three (3) of the 36 observed parcels or slightly over 8 percent are identified in the Assessors data base as being dedicated to residential land use. All observed parcels of ten acres or larger in size are dedicated to agricultural land uses.

Minor Subdivision No MS08-013 proposes the creation of two parcels averaging 43.3 acres in size, which places them within the least frequently occurring size category of 40.01 to 60 acres being only one parcel. Approval of this minor subdivision would therefore result in the creation of parcels being notably larger than most existing parcels present within a half mile radius.

6. Applicants Reasons for the Proposed Division

The applicant has stated that the purpose of the subdivision is to provide for the future transfer of the property to their children for settlement of their family estate. No change in land use will be necessitated by this action and the applicant expects that if any change is made, it will be for long-term crop production.

IV. PUBLIC AGENCY REVIEW

The application was referred to the Department of Public Works Road Division, the Department of Environmental Health, the Department of Public Works Building and Safety Division, Merced County Fire Department and Merced Irrigation District.

Comments were received from the Department of Public Works Roads Division and Merced Irrigation District (MID). Conditions of project approval requested by these agencies have been listed in Section VIII.C of this report.

V. PUBLIC COMMENT

Notice of the application was published in the newspaper on July 12, 2008 and mailed to property owners within 300 feet of the project site on July 11, 2008 for public comment. No public comments have been received to date.

A letter clarifying the project was submitted on behalf of the applicant by Bedesen-Cardoza Associates on June 4, 2008 (Attached). This letter agreed to voluntarily restrict the number of residences on each proposed parcel to a maximum of two for each parcel created and stated that the intent of the project was to 'help stabilize the current farming operation.'

VI. ENVIRONMENTAL REVIEW

Based upon review of this application, the Merced County Planning and Community Development Department has determined that this application may be found exempt from CEQA based on the following findings:

- There are no proposed physical changes to the project site.
- The proposed division follows existing farming patterns and practices on the land.
- The project site will continue to be actively farmed after the subdivision is complete.
- The only change is to the boundaries of the project.
- The voluntary, self-imposed and enforceable reduction of possible dwelling units reduces the potential number of dwelling units on the 86.6 acre site.
- The voluntary, self-imposed and enforceable reduction on dwelling units reduces the potential number of dwelling units on the 86.6 acre site.

Therefore, this application may be found exempt from CEQA review under Section 15061(b) (3) "Common Sense" exemption of the CEQA Guidelines, which states that CEQA applies to projects which may have the potential for causing a significant impact on the environment. Where it can be seen with reasonable certainty that there is no possibility that this application will have a significant impact on the environment, the project is not subject to CEQA.

Cumulative Impacts

In order to evaluate this minor subdivision being located in an area that has experienced a high level of subdivision and building permit activity not supportive of long-term agricultural production, staff conducted the following cumulative impact analysis:

Using a study area of land lying within a three (3) mile radius of the project site (equivalent to a Township and Range measuring system); staff gathered the following review data:

The area studied for this cumulative impact analysis was 24,348 acres in size, being approximately 2.15 percent of the entire agriculturally zoned lands in the unincorporated

County. A total of six (6) minor subdivision applications were approved within this three (3) mile area from 2002 to present. No new homes had been permitted for construction on any of these created parcels within this six (6) year time period.

Overall, there is no evidence to conclude that approval of Minor Subdivision Application No. MS08-013 would contribute any cumulative negative impact to commercial agricultural farming activities or have a significant negative effect on the environment.

VII. CONCLUSION

Minor Subdivision Application No. MS08-013 proposes the division of 86.6 acres of land into two parcels, Parcel 1 = 46.3 acres and parcel 2 = 40.3 acres. Both these proposed parcels are more than double the minimum parcel size allowed in the A-1 zone. The purpose of the proposed minor subdivision is to provide for the future transfer of the property to the applicants children for settlement of their family estate. The application is consistent with the General Plan and the Zoning Code.

The General Plan contains a number of measures designed to enhance the economic viability of agricultural activities in the County. It does not provide for the subdivision and sale of agricultural land that compromises its long-term agricultural viability. Once the parcels are established, there is a potential they can be sold and up to four residences constructed on each parcel, either by right, or, through discretionary approval of an Administrative Permit or even greater with a Conditional Use Permit.

In order to effectively address this issue, the applicant's agent submitted a letter stating "Maryland Young will agree that no more than two residences can be built on each of the created parcels. The intent is a primary residence and either a "granny" home or a residence for farm labor."

Staff has reviewed the application against the criteria provided for agricultural land divisions and this project can be supported based on the viability and productivity of the parcels, access, compatibility, sufficient water supply, and continuity of on-site farming activities.

VIII. REQUIRED ACTION

A. CEQA Determination

If the Planning Commission can make the determination that MS08-013 is consistent with Section 15061(b)(3), "Common Sense," Exemption of the CEQA Guidelines, then Staff recommends the Planning Commission make the following motion:

MOTION: The Planning Commission finds that Minor Subdivision No. MS08-013 is consistent with the provisions of Section 15061(b)(3), "Common Sense," Exemption of the CEQA Guidelines and that the project is exempt from CEQA review based on the following CEQA findings:

1. There are no proposed physical changes to the project site.
2. The project site will continue to be actively farmed after the subdivision is complete.
3. The only change is to the boundaries of the project.

4. The proposed minor subdivision will have no effect on adjacent land uses
5. Any future residences shall be limited to maximum of two (2) dwelling units per parcel in perpetuity.
6. The Agricultural land use will not change.
7. The determination that the application is exempt from CEQA review reflects the independent judgment of the County.

B. Project Determination

If the Planning Commission can make the determination that Minor Subdivision No. MS08-013 is consistent with Section 15061(b)(3) of the CEQA Guidelines, Staff recommends that the Planning Commission make the following motion:

MOTION: The Planning Commission approves Minor Subdivision Application No. MS08-013 based on the 10 project findings and subject to the 7 recommended conditions of approval.

Project Findings:

1. Minor Subdivision Application No. MS08-013 proposes to divide an 86.6 acre parcel into two parcels: Parcel 1 = 46.3 acres and parcel 2 = 40.3 acres in size.
2. The project site is on the southwest corner of Robin Avenue and Rose Avenue in the Livingston area.
3. The property is designated 'Agricultural' in the General Plan and zoned A-1 (General Agricultural).
4. The proposal is consistent with Goal 7 of the General Plan Land Use Chapter which requires "Conservation of productive agricultural and other valuable open space lands."
5. The project site is within the Agricultural Preserve, but not under Williamson Act Contract.
6. The proposal is consistent with Land Use Chapter Policy 7.3 of the General Plan which states that 'Premature and uncoordinated division of land which forces the early cessation of valid agricultural uses shall be avoided'.
7. As per Section 18.02.03(B) of the Merced County Zoning Code, the following characteristics of the project site have been determined:
 - On-site soils are a mixture of 'Prime' and 'Statewide Importance', identifying the project site as 'productive agricultural land' under existing County policies.
 - The property is irrigated by an on-site well. Irrigation easements will be provided to ensure water delivery to each parcel from this well, or, adjacent MID facilities.

- The proposed Parcels will have direct access to County roads. Parcel 1 will have frontage on both Rose and Robin Avenues, while Parcel 2 will front Robin Avenue.
 - Proposed Parcel 1 is farmed as row crops and Parcel 2 as an Almond Orchard. Parcel 1 may be replanted as an orchard at some point in the future. Both activities are compatible with adjacent land uses.
 - The proposed parcels are consistent with current parcel sizes and configurations in the vicinity.
 - The applicants stated purpose for the subdivision is to provide for the future settlement of their family estate.
8. The project has been reviewed by the Department of Public Works Road Division, The Department of Environmental Health, The Department of Public Works Building and Safety Division, Merced County Fire Department and the Merced Irrigation District.
 9. The proposal, if carried out in compliance with all requirements, will not be a nuisance or detrimental to the public health, safety or general welfare.
 10. The public hearing has been adequately noticed and advertised.

C. Conditions of Approval

Planning & Community Development Department

1. A parcel map, including all parcels involved, shall be recorded within two (2) years of the approval date, as required by the Subdivision Map Act and Merced County Subdivision Code.
2. A maximum of two (2) dwellings shall be permitted on each of the parcels created by this minor subdivision, thereby reducing the potential number of dwelling units eligible for approval.
3. The applicant shall comply with all applicable County, State and Federal regulations.
4. A Right-to-Farm Certificate shall be recorded prior to issuance of any building permits to notify subsequent occupants of the inconveniences of farming operations and the priority which Merced County places on such operations.

Department of Public Works/Road Division

5. The property owner shall dedicate 30 feet of right-of-way along the entire Robin Avenue frontage of the property, measured from the road centerline.

Merced Irrigation District

6. MID irrigation water delivery be ensured to all new parcels and an irrigation easement be provided from the irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each new parcel.
7. The applicant shall enter into an appropriate agreement with Merced Irrigation District for any new or existing crossings over MID easements.

IX. ATTACHMENTS

1. Application
 2. Plot Plan
 3. Maps
 4. Public Agency Comments
 5. Correspondence
- cc: Applicant – Maryland Young
Engineer – Larry Bowers, Bedesen-Cardoza Associates, Inc.



PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT
2222 "M" STREET
MERCED, CA 95340
PHONE NO. (209) 385-7654 / FAX (209) 726-1710
WWW.CO.MERCED.CA.US

STAFF USE ONLY
APPLICATION NO. MS 08013
SUB-TYPE: _____
RELATED APPS: _____

To check your status of application go to our web site at
<http://web.co.merced.ca.us/planning/appstatusdirects.html>

CHECK APPROPRIATE BOX(ES) FOR YOUR APPLICATION TYPE(S):

- ADMINISTRATIVE PERMIT CONDITIONAL USE PERMIT PLOT PLAN REVIEW * MAJOR SUB-PRELIM APP.
* MAJOR SUBDIVISION * MINOR SUBDIVISION * MINOR DEVIATION * ZONE CHANGE * ZONE VARIANCE
* GENERAL PLAN AMENDMENT * PROPERTY LINE ADJUSTMENT
NOTE: ASTERISKED APPLICATIONS REQUIRE WRITTEN INPUTS ON BACK SIDE UNDER APPROPRIATE SUB AREA

ASSESSOR'S PARCEL NUMBER: 049-080-008 DATE: 4-24-08

NAME OF PROPERTY OWNER: Maryland Young

ADDRESS: 2403 N. Robin, Livingston 95334 PHONE: 676-0141

NAME OF APPLICANT / AGENT IF OTHER THAN PROPERTY OWNER: _____

ADDRESS: _____ PHONE: _____

ENGINEER: B-C-A

ADDRESS: 2823 G Street Merced PHONE: 722-8042

(A) GIVE REASON FOR REQUESTING (P.M.) APPLICATION: Financial diversity in the farming operation.

(B) EXPLAIN IN DETAIL THE PROPOSED USE AND DEVELOPMENT OF THE PROPERTY: Property will remain the same

EXISTING LAND USE (PHOTOS ARE REQUIRED)	NUMBER OF	
	HOUSES	MOBILE HOMES
ON SITE <u>Almonds and rural camps</u>	<u>1</u>	<u>0</u>
NORTH <u>Almonds</u>	<u>0</u>	<u>0</u>
EAST <u>Almonds / chicken Ranch</u>	<u>2</u>	<u>0</u>
SOUTH <u>Almonds</u>	<u>0</u>	<u>0</u>
WEST <u>Road strips</u>	<u>1</u>	<u>0</u>

THERE ARE NO DEED RESTRICTIONS ON THIS LAND THAT WOULD PROHIBIT THIS TYPE OF USE OR DEVELOPMENT.

I, _____ DEPOSE AND SAY THAT I AM THE OWNER OF THE PROPERTY INVOLVED IN THIS APPLICATION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HEREWITH SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNED: Maryland Young PROPERTY OWNER

SITUS: 2403 N ROBIN AVE - LIVINGSTON STAFF USE Supervisor District 1

GEN. PLAN DESIGNATION ZONING PROPERTY LOCATION

ON SITE AGRICULTURAL A-1 N E S W - SIDE OF: N. ROBIN AVE.

NORTH AGRICULTURAL A-1 CRNR FEET MILE

EAST AGRICULTURAL A-1 N E S W - SIDE OF: W. ROSE AVE.

SOUTH AGRICULTURAL A-1 NEAREST CROSS STREET

WEST AGRICULTURAL A-1 PROPERTY IN WILLIAMSON ACT YES NO

AREA: LIVINGSTON SEC: SE 4-15 TOWNSHIP: 75 RANG: 11E PARCEL NO. 049-080-008

SUBDIV. & LOT # - FLOOD PLAIN NO AIRPORT NO SIZE / ACREAGE 86.6 AC

IN SUDP / RRC / HIC? WHICH? NO PLAN / ZONE CONSISTENT? YES CITY / MAC REFERRAL? N/A

WATER / SEWER OK'D? REQUEST COMPLIES WITH ZONE CODE SEC. 18.02.03 OTHER ORD? NOISE ZONE? NO

SCHOOL LETTER? CNSE? EIF SUBMITTED? YES OTHER ENVIRONMENTAL REVIEW?

DATE APPLICATION FILED 5-20-08 DEPOSIT # 1233 RECEIPT NO. 5-4314 REVIEWED BY AW

COMPLETE EIF CHECK 1 / 1 By Date COMPLETE LEGAL APP. 1 / 1 By Date NEWSPAPER NOTICED MAILED 1 / 1 By Date STAFF REPORT 1 / 1 By Date ACTION NOTICE MAILED 1 / 1 By Date

FILE STATUS:

Staff 1 Approved Denied Withdrawn Date: _____ Reason: _____

Director 1 Approved Denied Withdrawn Date: _____ Reason: _____

Commission 1 Approved Denied Withdrawn Date: _____ Reason: _____

Board 1 Approved Denied Withdrawn Date: _____ Reason: _____

Prior Applications: NONE FOUND
D/S OK 5/6/08



PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Robert A. Lewis Director 2222 "M" Street Merced, CA 95340 (209) 385-7654 (209) 726-1710 Fax www.co.merced.ca.us

FORM FOR ASSESSING GENERAL PLAN CONSISTENCY FOR AGRICULTURAL LAND DIVISIONS

(Attach additional pages if needed)

Applicant's Name: Maryland Young
Project Location: S.W. Corner Rose Avenue & Robin Avenue
APN # 049-080-008

1. Please explain in detail your purpose for dividing this property?

A) If the division is for estate planning, please provide the number of family members the parcels are intended for and their relationship to the property owner; whether the parcel(s) will be transferred after map recordation or when the relative(s) will receive title, and if any new housing is proposed or contemplated.

There are two sons, transfer to be at settlement of Estate (hopefully not soon) - No new housing is proposed

B) If the division is for financing agricultural crops, please provide specific detail regarding the improvements proposed

Yes, there are two distinct areas, one in almonds, the other for row crops, these can be better financed separately

C) Are there plans to sell any subdivided parcel? (If not, how many years do you expect to retain the parcels without sale?)

Transfer at settlement of estate, unknown time frame, hopefully not soon.

2. If the property is presently irrigated, please explain how the proposed parcels will be irrigated. Also identify the water supply such as: number and location of wells, including any proposed new wells, or name of the existing irrigation district and location of access to surface water (turnouts) for each parcel.

Well and pipeline, orchard is sprinklers, all facilities to be protected by easements.

3. It is County General Plan policy to avoid "premature and uncoordinated division of land" which causes agricultural land to come out of production (Goal 7, Policy 3 of the Land Use Chapter).

MINOR SUB. 08013

- A) Please explain how the proposed division is not "premature" and will not harm agricultural productivity in the short term (next five years) and in the long term (over five years). "Premature" division typically refers to land divided "early" which is unplanned, without a basis of improving agricultural sustainability, efficiencies or business economics.

There are no expected changes in the land use. If anything, the row crop area may be put into a permanent crop.

- B) Please explain how the proposed subdivision can be considered a logical and coordinated division of the land. "Uncoordinated" division of land typically means haphazard, unorganized and inefficient (not recognizing existing or reasonable cropping and irrigation patterns).

The proposal matches the current use and cropping pattern.

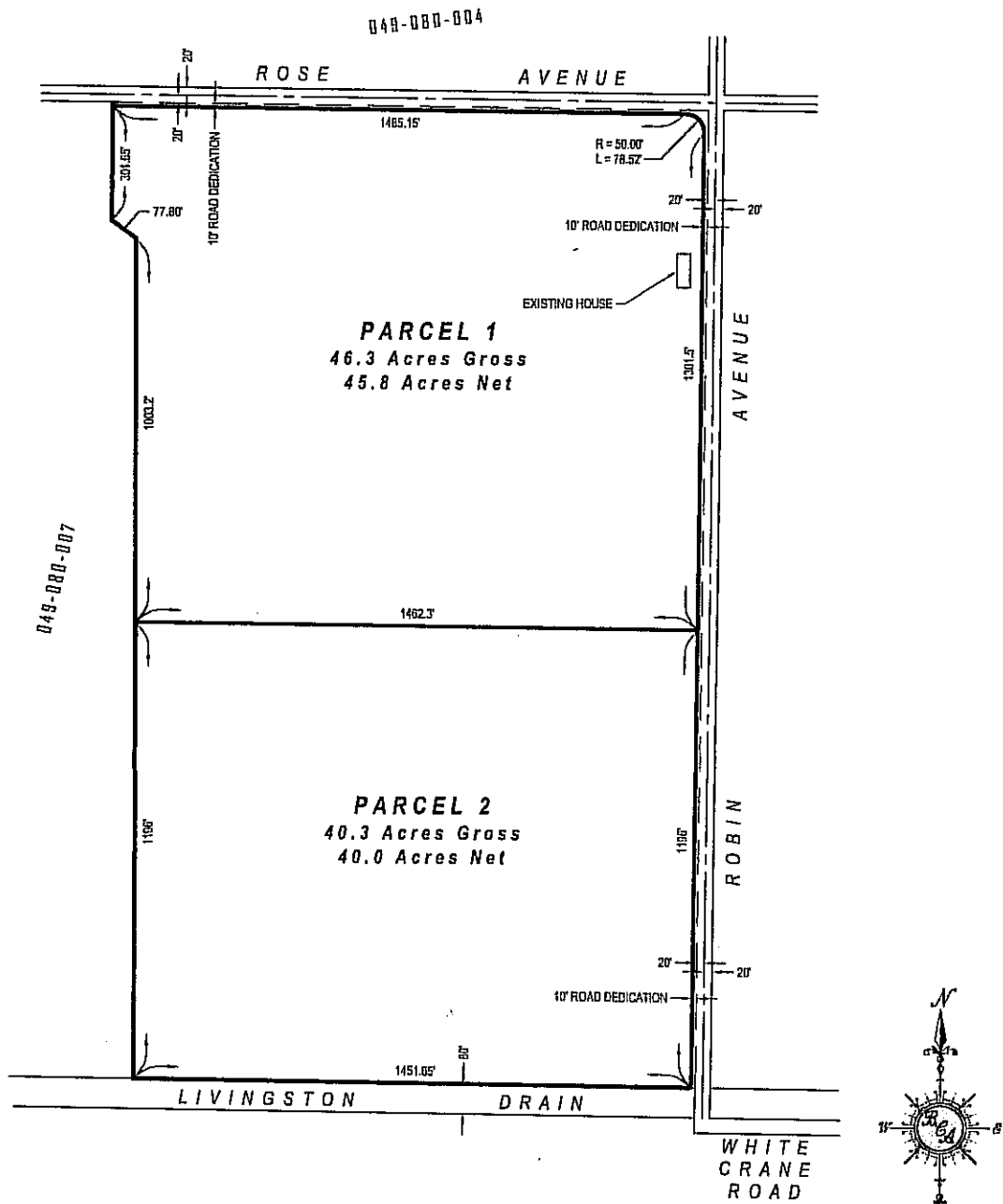
4. Please explain how the proposed division does NOT violate General Plan Objective 2.B., which states: "The parcelization of large holdings is discouraged" (meaning the division of large productive farm lands is discouraged). How can the division be considered consistent with County policy that may support the proposed division? Are there any proposed measures to mitigate potential impacts from the land division?

There are two separate ag uses on the property and will remain in the foreseeable future.

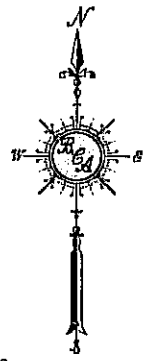
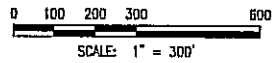
5. If the proposed division involves land that is not in agricultural use, please explain how the proposal preserves the open space and/or wildlife values on the property. The "Agricultural" and "Foothill Pasture" land use designations are used to identify non-urban lands recognized for their agricultural and grazing values. "Open Space" and "Wildlife Habitat Values" include native vegetation, wetlands and water courses such as creeks and streams.

N.A.

MINOR SUB. 08013



NOTE: EASEMENTS TO BE PROVIDED OVER IRRIGATION SYSTEMS TO PROVIDE WATER TO BOTH PARCELS.



NOTE: PLEASE USE BLACK INK OR DARK PENCIL

PLOT PLAN
FOR

SCALE: 1" = 300 FEET

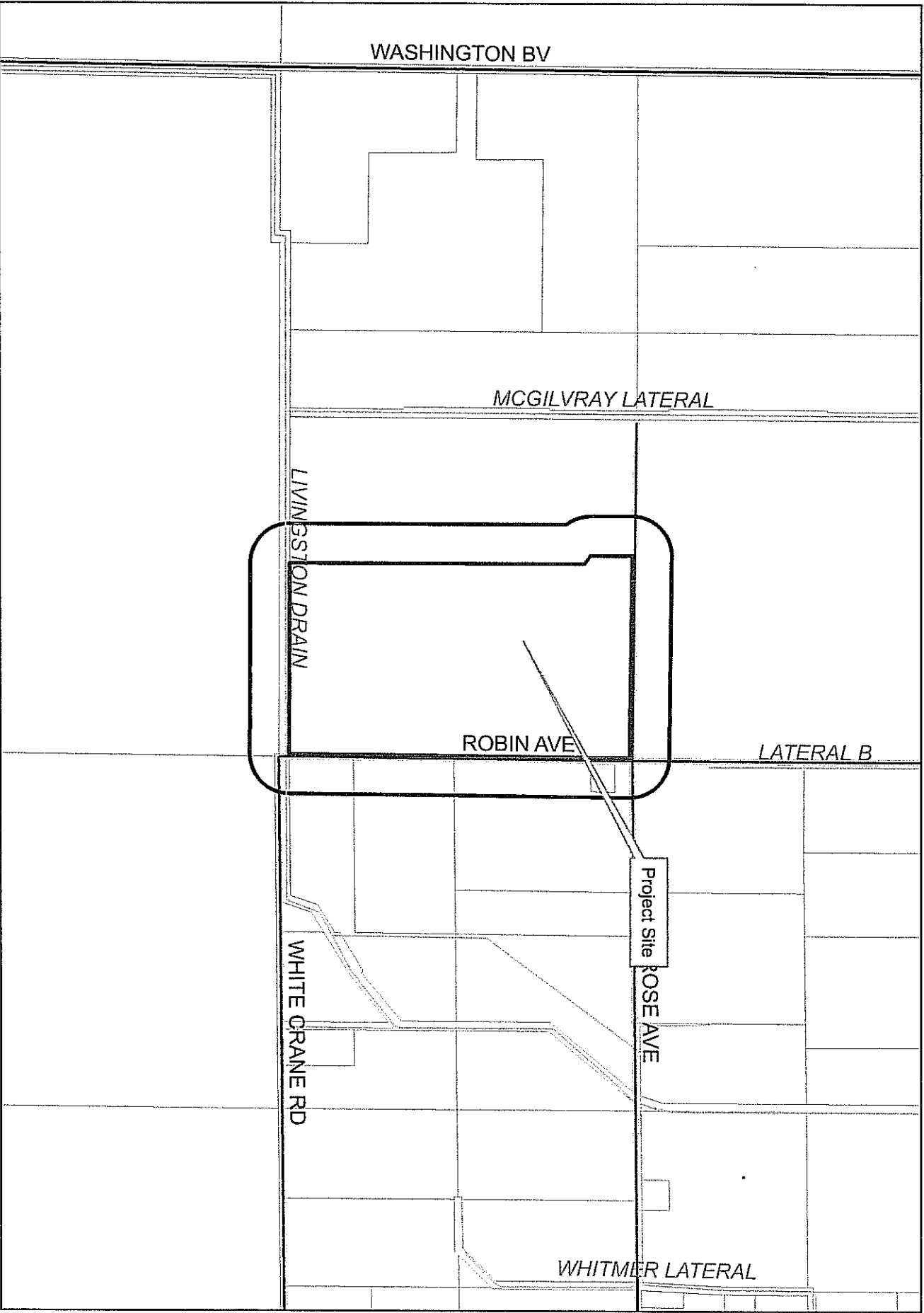
APPLICATION TYPE	NUMBER	A.P.N.	DATE
MINOR SUBDIVISION	08013	049-080-008	04/14/2008

ADDRESS 8408 N. ROBIN, LIVINGSTON DRAWING PREPARED BY BUNBORN-CARDONA & ASSOCIATES, INC. ADDRESS 2828 'G' STREET, MERCED, CA 95340

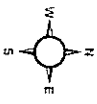
TELEPHONE (209) 678-0141 TELEPHONE (209) 722-8042

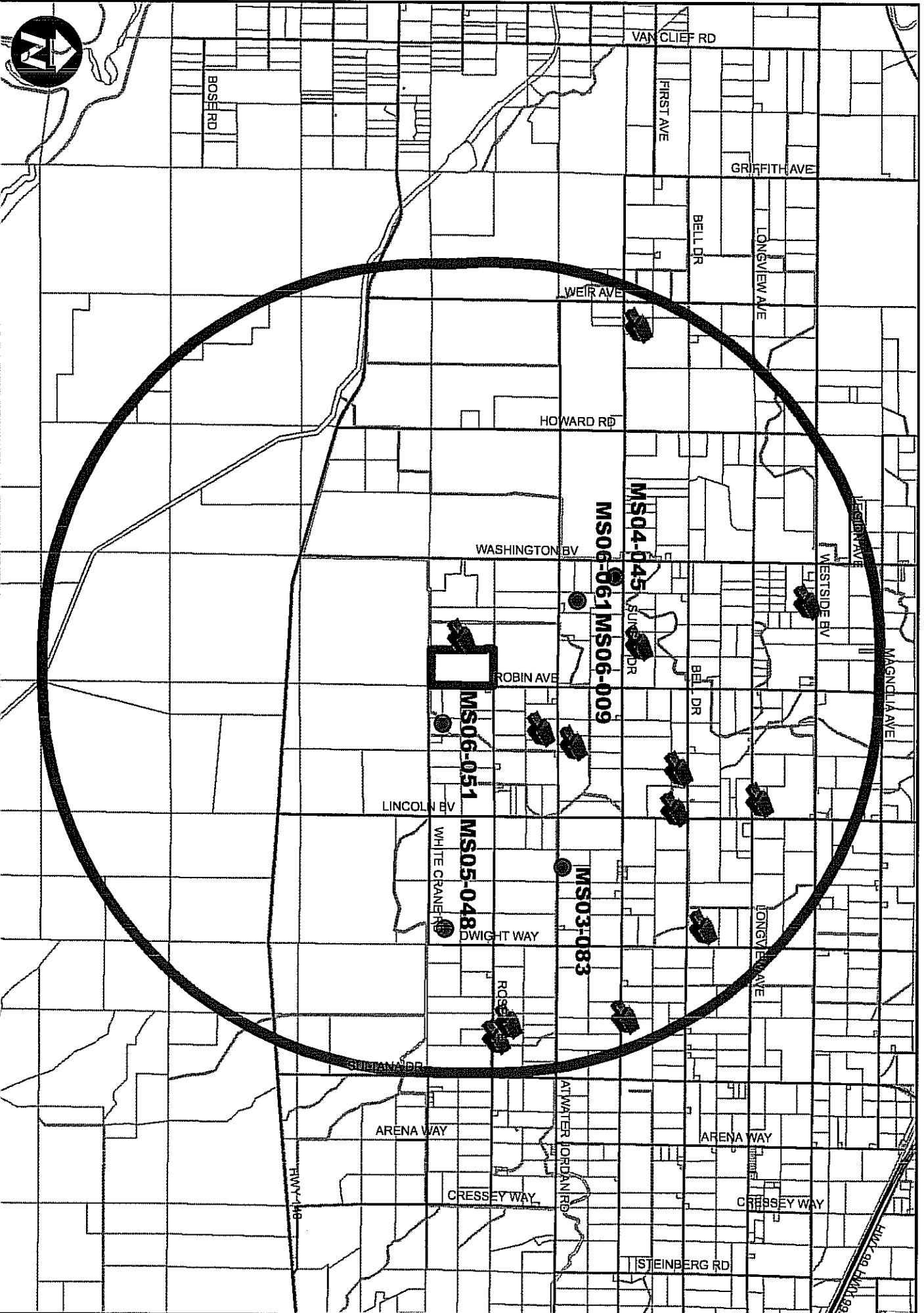
MERCED COUNTY PLANNING DEPARTMENT

C:\01\mcr\lca\2007\0511\dwg\08013.mxd Date: 04/23/08 Dr: Athanas



Public Notice Map
Minor Subdivision No. MS08-013
Maryland Young





MS08-013
Vicinity- Residential and Subdivision Activity



MID MERCED IRRIGATION DISTRICT

May 19, 2008

James Holland, Senior Planner
Merced County Planning and Community Development Department
2222 'M' Street
Merced, CA 95340

Subject: Minor Subdivision Application No. MS08-013 – Maryland Young – APN 49-080-08

Dear Mr. Holland:

The Merced Irrigation District (MID) has reviewed the above referenced application and offers the following comments:

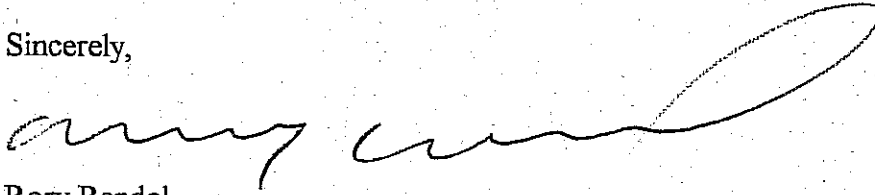
1. MID operates and maintains the Well 41 Pipeline within an undetermined width easement which traverses westerly along the north side of the subject property as evidenced by that certain deed recorded January 23, 1927 in Volume 168, Official Records, Page 314, Merced County Records.
2. MID operates and maintains the Livingston Drain within an 80-foot wide easement which traverses westerly along the south line of the subject property as evidenced by that certain deed recorded September 6, 1917 in Volume 137 of Deeds, Page 60, Merced County Records.

MID respectfully requests that the County require the following, as conditions of approval:

1. That MID irrigation water delivery be ensured to all new parcels and an irrigation easement be provided from the existing irrigation delivery gate currently serving the whole property if there is not an irrigation delivery located within each new parcel.
2. An appropriate crossing agreement for new and existing crossings over MID easements.

Thank you for the opportunity to comment on the above referenced application. If you have any questions, please contact me at 722-5761.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rory Randol', with a large, stylized loop at the end.

Rory Randol
Facilities Specialist

cc: Garith Krause, General Manager
Ted Selb, Deputy General Manager
Hicham ElTal, Assistant General Manager - Water Resources Engineering
Robert Acker, Director of Facilities and Streams
Ron Price, Associate Engineer - Water Resources
Michelle Porter, Water Conservation Technician
Maryland Young, Applicant



DEPARTMENT OF PUBLIC WORKS
Road Division


Paul A. Fillebrown
Director

345 West 7th Street
Merced, CA 95340
Phone: (209) 385-7601
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www.co.merced.ca.us

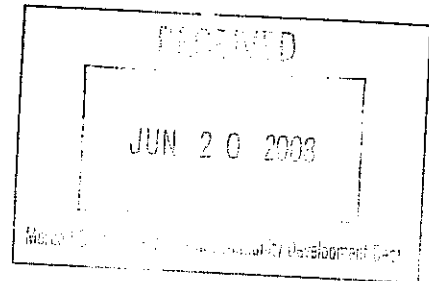
Equal Opportunity Employer

DATE: June 19, 2008

TO: Robert Lewis, Director
Planning and Community Development Department
Attn: Lona Franklin, Planner

FROM: Howard Boardman
Engineering Associate I 

SUBJECT: Minor Subdivision No. 08013
Maryland Young



MEMORANDUM

This application is to divide an 86.6 acre parcel into 2 parcels for financial planning. The resulting parcel sizes will be 46.3 acres and 40.3 acres. The property is located at the southwest corner of Rose Avenue and Robin Avenue in the Livingston area. The property is designated Agricultural and is zoned A-1 (General Agricultural).

The portions of Rose and Robin Avenues that front the property have never been deeded to the county for road right-of-way. Robin Avenue is paved, however Rose Avenue is not. Therefore the following is recommended as a condition of approval:

1. The property owner shall dedicate 30 feet of right-of-way along the entire Robin Avenue frontage of the property, measured from road centerline.

The following should be noted by the Planning Department and can be made a condition if necessary:

- There currently is no right-of-way deeded to Merced County on the Rose Avenue frontage. Since this portion of Rose Avenue is not paved, no dedication is required at this time.

HTB:jlr

RAWPALETTERS\PLANNING REFERRALS\MnSA\MnSA 08013 (Maryland Young).doc

Robert A. Lewis
Development Services Director
Merced County
2222 M Street
Merced, CA 95340

June 4, 2008

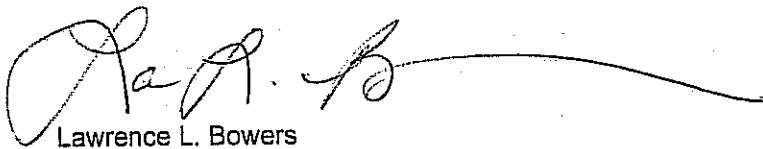
RE: Maryland Young, Minor Subdivision No. 08-013

Dear Mr. Lewis:

At the direction of Maryland Young, we offer the following:

1. This project is intended to help stabilize the current farming operation.
2. Maryland Young will agree that no more than two residences can be built on each of the created parcels. The intent is a primary residence and either a "granny" home or a residence for farm labor.
3. Maryland Young will entertain the "Hold Harmless", of which we have not as yet seen a final version.
4. The proposed division will follow the existing farming patterns and practices on the land
5. The property is served by a deep ag well and necessary easements will be placed to protect the irrigation system. .
6. Nothing will change, short term.

If you have any questions, please call.


Lawrence L. Bowers

CC: County Counsel, Robert Gabriele