



City of Merced General Plan Vision 2030

Community Forum—April 12, 2007

Responses to Questions/Comments

How does zoning get established?

All land located within the City of Merced as well as the unincorporated County has an existing zoning designation. The City Council (and the County Board of Supervisors in unincorporated areas) is the decision making entity responsible for determining the appropriate zoning for a property. A property's zoning designation must be consistent with its land use designation as established by the General Plan. Each General Plan land use designation corresponds to one or more potential zoning districts.

For areas within the City boundary, zoning is typically established in a separate action following the adoption of, or an amendment to, the General Plan land use designation. The Zoning Ordinance is consistent with the General Plan but provides much more detailed requirements, such as specific lists of permitted uses, height restrictions, parking requirements, signage regulations, etc.

Where is the City's existing land use diagram available?

The City's existing land use diagram is available on the City's website at the following location:

http://www.cityofmerced.org/depts/cd/planning/zoning_sign_n_subdivision_ordinances_and_zoning_n_general_plan_maps.asp

The land use diagram is also available at the City of Merced Planning Department:

*678 West 18th Street
Merced, CA 95340
(209) 385-6858.*

When was LAFCo created?

Local Agency Formation Commissions (LAFCo) were first established by the State of California in 1963. Their areas of responsibility of methods of operation have been amended several times since 1963. The most recent comprehensive update to LAFCo Law was the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Can LAFCo influence the zoning of an area to be annexed?

LAFCo can exercise limited influence but cannot dictate zoning decisions to the City. LAFCo's primary ability to affect zoning occurs prior to annexation when setting the Sphere of Influence. The Sphere of Influence is typically based on the City's General Plan, however, the Commission's broad authority to set the Sphere of Influence line as they find appropriate, gives them some ability to negotiate population growth assumptions and similar issues with the City during the preparation of the General Plan. That said, cooperation and consensus on these issues are much more common than disagreements or disputes. A second opportunity to affect zoning occurs at annexation. State law generally requires a city to "pre-zone" property before it is annexed. Pre-zoning consists of the formal establishment of zoning that will come into effect only upon successful annexation. This serves to disclose to the Commission the development anticipated following their approval of an annexation. The Commission is permitted to take the anticipated development into account when considering whether or not to approve an annexation, but may not require a change in zoning designations as a condition of approval of an annexation. Once land has been annexed, a city is generally not permitted to change its General Plan designation or zoning for two years.

What influence or impact do residents have on their land being annexed?

Residents generally have considerable influence over their own annexation, though the details vary considerably by the circumstances of the annexation. Property owners seeking annexation typically first apply to the City. If the City Council approves the annexation, the City will apply to LAFCo on the property owner's behalf. In some cases, the property owner seeking annexation, the City, or LAFCo itself, will include neighboring properties in an annexation proposal. This may occur to provide a connection between the property to be annexed and the existing City limits, to avoid surrounding unincorporated parcels, or to create a logical city boundary that follows a road, or other physical feature.

Residents and property owners included in an annexation proposal have several opportunities to object to annexation. Their first opportunity to object occurs at the meeting at which the City Council considers the annexation. The City Council may add or remove parcels from a proposed annexation as they choose, though in some cases, removing parcels from an annexation may make it more difficult to secure approval from LAFCo. The second opportunity to object to an annexation occurs at the LAFCo hearing. The Commission also has fairly broad authority to add or remove parcels from a proposed annexation, though they are sometimes limited by provisions of State law or their own policies. (Both State Law and typical LAFCo policies strongly favor logical city boundaries.) Finally, if LAFCo approves the annexation over their objections, any affected property owner or registered voter may file a formal protest. The protest provisions vary by the number of registered voters affected by the proposed annexation.

Property owners may file formal protests of any annexation. If protests are received from a majority of the total number of property owners, who, between them, own the majority of the assessed value of the property affected by the annexation, the annexation fails. If the proposed annexation affects twelve or more registered voters, either property owners or registered voters may file formal protests. If a majority of the affected registered voters file protests, LAFCo the annexation fails. If protests are received from more than 25% but less than 50% of the registered voters affected by an annexation, a separate election is held. If a majority of those

voting in the election oppose annexation, the annexation fails. If a majority support annexation, the project is approved.

It should be noted that one major exception applies to many of the above rules. Proposals to annex land which is completely surrounded by a city, (“unincorporated islands”) are processed under regulations which strongly favor annexation.

Does this process address the future use of Merced Airport?

Not specifically. Land uses at Merced Airport are regulated by the Airport Land Use Commission, who adopt and maintain the Airport Land Use Plan. This update will address land uses around the airport, but not the specific uses of the airport.

If an unincorporated area outside of a new development gets annexed, who pays for infrastructure hook ups?

In most cases, property owners to be served by the infrastructure pay for their own hook-ups. However, such hook-ups are typically not required immediately upon annexation. If an existing home which is served by an individual well or a septic system is annexed, those facilities may be maintained until they fail or until substantial new construction is proposed on the property.

How were vernal pool areas determined?

Vernal pools are seasonal wetland areas that support the spring growth of certain specific species. Vernal pools are significant biological resources that future development proposals should avoid. The vernal pools map was based on a U.S. Fish and Wildlife Service map, produced in 1998.

How would sewer work under Option #3 in the NE area?

The updated Sewer Master Plan provides for service to the northeast area.

The Preliminary Criteria for adding areas to SOI does not address characteristic or constraints of the land itself. Floodplains, airport conflict, compact transportation/land use patterns, AG Land, habitat, etc. should be in SOI criteria. As it seems any land is good for SOI if there is enough money to fix it.

Nothing in state code specifically prohibits bringing land into the SOI that may have environmental or regulatory issues. As requests for expansion of the SOI typically come from property owners wishing to develop, it is incumbent on those property owners as well as the City to assess those issues, and determine if they can be adequately addressed.

Does the annexation protest process explain why there are unincorporated islands?

Partially. There are some exceptions, but the desire to annex land without subjecting the project to potential objection by neighboring property owners and registered voters is the most common reason that unincorporated islands are established.

What is the difference between the Sphere of Influence and the SUDP?

The two boundaries are often set to the same locations, but they are adopted by different agencies and serve related, but not identical purposes. The Specific Urban Development Plan (SUDP) is adopted by the City to establish its growth boundary over the life of the General Plan. It reflects the City's goals and priorities for growth over many years. The Sphere of Influence is adopted by LAFCo as the probable future extent of the City. All proposed annexations must be within the adopted Sphere of Influence. If LAFCo concurs with the City's growth projections and policies, it typically sets the Sphere of Influence to match the SUDP, but there is no legal requirement for the Commission to do so.

What is minimum annexation size?

There is no legal minimum size.

How is capacity of infrastructure addressed during annexations?

LAFCo is required to consider a City's ability to provide services to an area both when setting a Sphere of Influence and when considering an annexation. This is formalized in the Sphere of Influence process through the preparation of a "Municipal Services Review" in which LAFCo considers a wide variety of infrastructure and service issues, including current capacity, planned capacity, available funding mechanisms, opportunities for increased efficiency, etc. In addition, each annexation application must be accompanied by a "Plan for Services" which is the City's proposal for delivering services to the area. The Plan for Services typically includes information regarding the City's existing infrastructure capacities and the anticipated demand from the annexed area.

How often is the General Plan updated?

There is no requirement for updating a general plan, with the exception of the housing element. Jurisdictions usually update a plan when they feel the existing one is no longer useful in helping with the land use decision-making process. Typical General Plan planning horizons are 20 to 30 years.

When would build out of the study area occur?

The primary determinant in projecting the City's build out date is the growth rate. A high growth rate will result in the City reaching build out more quickly than a low growth rate. Other factors that come into play are the ability of the City to extend services to new development areas, and the amount of environmental constraints located on lands designated for future development.

Does Option #1 assume that UC Merced would be annexed?

Option #1 assumes that the City's Sphere of Influence would encompass UC Merced, and that annexation would eventually occur.

Does the City provide water/sewer to the UC Community?

The City currently provides both water and sewer to the UC Merced campus itself (through a special agreement) but not to the University Community.

What is the advantage to the City or UC for annexing the campus?

The University has already committed to annexing the first phase of the campus through the agreement with the City that allowed the University to utilize City sewer and water service. The City does not usually provide City services outside of the City limits (except in emergency situations) and annexation is usually required to obtain City services.

How are population projections made?

In their simplest form, population projections are made by extrapolating past population growth rates, and using the current population as the baseline, project the future population. There are many levels of data that can be added to this process, which hopefully provide more accuracy. For purposes of the City's General Plan update, population data from the California State Department of Finance was used to help establish past growth rates and the current population.

How does the City's funding for infrastructure, to far outlying areas, work? Is location a factor for fees?

New, major trunk lines are included in the Sewer, Water, or Storm Drainage Master Plan and will largely be funded through impact fees collected from developers. Typically, developers install the facilities and are reimbursed as impact fees are collected from other developments relying on the new facilities. New infrastructure which is not shown in the Master Plans is paid for by the developer who will use the facilities. Impact fees are set by the amount of demand a project will place on the system rather than on the location of the project.

Weren't the campus and the University Community supposed to be self-sustaining?

The development plans for the campus and the University Community incorporate a number of sustainable development practices. The intent is to reduce the impact of the University and community to the maximum extent feasible. Initially, both developments will use City of Merced services, such as water and sewer, and public utilities for gas and electricity. In the future, it is hoped that much of the water will be produced on-site, and will be treated and reused. The key is that the University and community will utilize "sustainable" practices, rather than attempting to be "self-contained."

Is the City's R-2, R-3 zoning consistent with the commercial reserve designation?

It doesn't appear so. Upon annexation, the land would have to be zoned for commercial uses, or a Planned Development, which would allow a mix of uses.