

**RESOLUTION NO. 2018-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MERCED, CALIFORNIA,  
APPROVING ENVIRONMENTAL REVIEW  
#18-44 (CEQA SECTION 15162 FINDINGS)  
FOR GENERAL PLAN AMENDMENT #18-01  
TO AMEND THE LAND USE DESIGNATION  
FROM OPEN SPACE/PARK (OS) TO LOW-  
MEDIUM DENSITY RESIDENTIAL (LMD)  
FOR APPROXIMATELY 5.88 ACRES OF  
LAND GENERALLY LOCATED AT THE  
SOUTHWEST CORNER OF M STREET AND  
ARROW WOOD DRIVE (EXTENDED) AND  
AMEND THE LAND USE DESIGNATION  
FROM LOW-MEDIUM DENSITY  
RESIDENTIAL (LMD) TO OPEN  
SPACE/PARK (OS) FOR APPROXIMATELY  
5.0 ACRES OF LAND GENERALLY  
LOCATED AT THE SOUTHEAST CORNER  
OF THE FUTURE CATHERINE A.  
HOSTETLER BOULEVARD AND  
FREEMARK AVENUE (EXTENDED)**

WHEREAS, the City is processing an application for a General Plan Amendment for a 5.88 acre portion of land generally located at the southwest corner of M Street and Arrow Wood Drive (extended) and an approximately 5.0 acre of land generally located at the southeast corner of the future Catherine A. Hostetler Boulevard and Freemark Avenue (extended), both properties more fully described in the legal descriptions attached as Exhibits "A" and "C" and shown on the maps attached as Exhibits "B" and "D," all of which are incorporated herein by this reference; and

WHEREAS, the Planning Commission of the City of Merced held a noticed public hearing on August 8, 2018, at which time all those interested in the matter were provided the opportunity to speak or provide written or oral testimony regarding the application; and

WHEREAS, after hearing all of the evidence and testimony and after exercising its independent judgment and review, the Planning Commission adopted Resolution #3098, attached hereto as Exhibit "E," and incorporated herein by

reference, recommending that the City Council approve General Plan Amendment #18-01; and

WHEREAS, the City Council held a noticed public hearing on September 17, 2018, at which time all those interested in the matter were provided the opportunity to speak or to provide written or oral testimony regarding the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCED AS FOLLOWS:

SECTION 1. GENERAL PLAN AMENDMENT ADOPTION. The General Plan of the City of Merced is hereby amended by approving General Plan Amendment #18-01, which changes the General Plan designation for an approximately 5.88 acre parcel of land generally located at the southwest corner of M Street and Arrow Wood Drive (extended) from Open Space/Park (OS) to Low-Medium Density Residential (LMD) and the General Plan designation for an approximately 5.0 acre parcel of land generally located at the southeast corner of the future Catherine A. Hostetler Boulevard and Freemark Avenue (extended) from Low-Medium Density Residential (LMD) to Open Space/Park (OS) as shown on Exhibit "F" attached hereto.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2018, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

K Flores      8/28/18  
City Attorney      Date

**LEGAL DESCRIPTION**

**VILLAGE 12, PHASE 1, LOT A**

All that certain real property situate, lying, and being Lot A (Park), as shown on that certain map of "Bellevue Ranch West, Village 12 – Phase 1", filed in Volume 80 of Official Plats, at Pages 1 through 6, Merced County Records, lying in the City of Merced, County of Merced, State of California.

Containing a total of 5.88 acres, more or less.

D.N. 2018-003677, M.C.R.

ARROW WOOD DRIVE

N89°49'57"E 725.22'

LOT A (PARK)  
5.88 ACRES

N0°10'03"W 338.46'

N45°10'03"W  
21.21'

N89°02'16"W  
59.00'  
S45°23'51"W  
21.00'

S89°49'57"W 529.07'

N0°57'44"E  
35.29'

N89°02'16"W  
100.44'

S0°57'44"W 377.25'

M STREET

SCALE

1" = 150'

BELLEVUE RANCH WEST  
VILLAGE 12 - PHASE 1  
80-O.P.-1

### NOTES

1. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL RECORD INFORMATION SHOWN IS FROM MERCED COUNTY RECORDS.

DATE: 8/10/2018 10:04 FILE: M:\125971\Survey Drawings\PARK SITE\LOT A.dwg



**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
 915 17TH STREET • MODESTO, CALIFORNIA • 95354  
 (209) 548-9300 FAX:(209) 548-9305

**PHASE 1 - LOT A**  
**BELLEVUE RANCH WEST**  
 MERCED, CALIFORNIA

DRAWN BY: SYD  
 DATE: 2018-08-10  
 SHEET: 1 OF 2  
 JOB: 125971

## EXHIBIT B

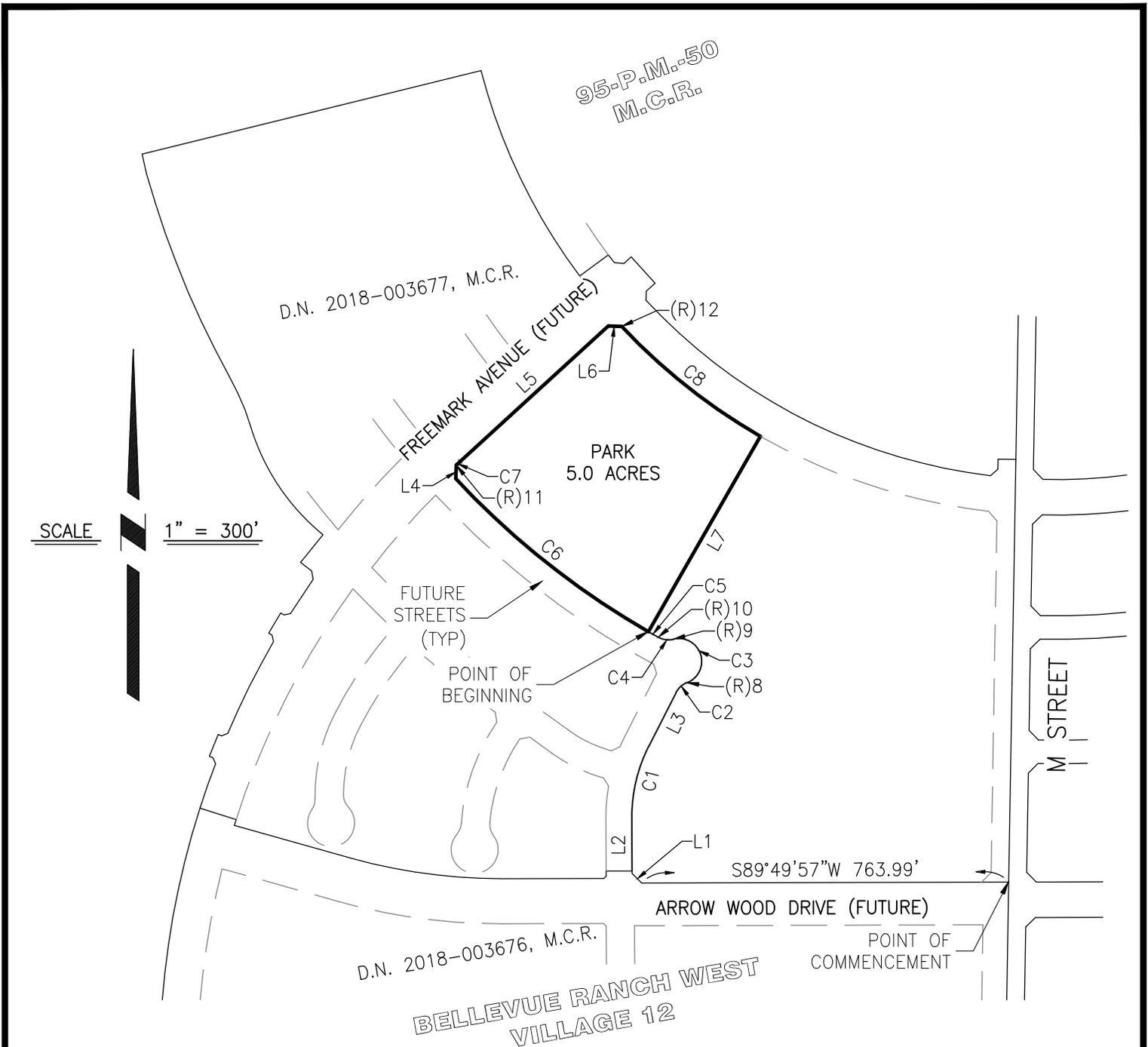
## LEGAL DESCRIPTION

### PROPOSED CITY PARK SITE

All that certain real property situate, lying, and being a portion of Adjusted Lot 1 as described in Certificate of Compliance #2017-09, filed as Document No. 2018-003677, Merced County Records, lying in the City of Merced, County of Merced, State of California, being more particularly described as follows:

COMMENCING at the southeast corner of said Adjusted Lot 1, thence along the southerly line of said Adjusted Lot 1, South 89°49'57" West 763.99 feet; thence, continuing along the southerly line of said Adjusted Lot 1, North 45°10'03" West 28.28 feet; thence North 0°10'03" West 116.56 feet, to the beginning of a curve, concave to the southeast, having a radius of 325.50 feet and a central angle of 27°09'46"; thence, along the arc of said curve, 154.31 feet; thence North 26°59'43" East 124.53 feet, to the beginning of a curve, concave to the southeast, having a radius of 44.50 feet and a central angle of 41°24'35"; thence, along the arc of said curve, 32.16 feet, to the beginning of a reverse curve, concave to the southwest, from which a radial line bears South 21°35'42" East, having a radius of 47.50 feet, and a central angle of 171°48'06"; thence, along the arc of said curve, 142.43 feet, to the beginning of a reverse curve, concave to the north, from which a radial line bears North 13°23'47" West, having a radius of 44.50 feet, and a central angle of 42°26'54"; thence, along the arc of said curve, 32.97 feet, to the beginning of a compound curve, concave to the northeast, from which a radial line bears North 29°03'06" East, having a radius of 1706.00 feet, and a central angle of 0°47'24"; thence, along the arc of said curve, 23.52 feet, to the beginning of a compound curve, concave to the northeast, from which a radial line bears North 29°50'30" East, having a radius of 1706.00 feet, and a central angle of 17°15'46"; said point also being the POINT OF BEGINNING of this description; thence, along the arc of said curve, 514.01 feet; thence North 2°08'33" East 28.30 feet, to the beginning of a non-tangent curve, concave to the southeast, from which a radial line bears South 42°49'11" East, having a radius of 1713.00 feet, and a central angle of 0°22'03"; thence, along the arc of said curve, 10.99 feet; thence North 47°32'52" East 418.16 feet; thence South 87°44'55" East 28.14 feet, to the beginning of a non-tangent curve, concave to the northeast, from which a radial line bears North 46°57'18" East, having a radius of 1237.00 feet, and a central angle of 17°06'48"; thence, along the arc of said curve, 369.47 feet; thence South 29°50'30" West 469.00 feet, to the point of beginning.

Containing a total of 5.0 acres, more or less.

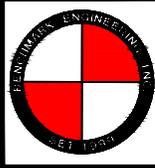


SCALE 1" = 300'

NOTES

1. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL RECORD INFORMATION SHOWN IS FROM MERCED COUNTY RECORDS.
3. SEE SHEET 2 FOR LINE AND CURVE DATA TABLES.

DATE: 8/10/2018 9:31 FILE: M:\125971\Survey Drawings\PARK SITE\BRW-PARK.dwg



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**PARK SITE**  
**BELLEVUE RANCH WEST**  
 MERCED, CALIFORNIA

DRAWN BY:	SYD
DATE:	2018-08-10
SHEET:	1 OF 2
JOB:	125971

**EXHIBIT D**

LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	N45°10'03"W	28.28'
L2	N0°10'03"W	116.56'
L3	N26°59'43"E	124.53'
L4	N2°08'33"E	28.30'
L5	N47°32'52"E	418.16'
L6	S87°44'55"E	28.14'
L7	S29°50'30"W	469.00'

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	27°09'46"	325.50'	154.31'
C2	41°24'35"	44.50'	32.16'
C3	171°48'06"	47.50'	142.43'
C4	42°26'54"	44.50'	32.97'
C5	0°47'24"	1706.00'	23.52'
C6	17°15'46"	1706.00'	514.01'
C7	0°22'03"	1713.00'	10.99'
C8	17°06'48"	1237.00'	369.47'

RADIAL BEARING DATA	
RADIAL	BEARING
(R)8	S21°35'42"E
(R)9	N13°23'47"W
(R)10	N29°03'06"E
(R)11	S42°49'11"E
(R)12	N46°57'18"E

DATE: 8/10/2018 9:31 FILE: M:\125971\Survey Drawings\PARK SITE\BRW-PARK.dwg



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**PARK SITE**  
**BELLEVUE RANCH WEST**  
 MERCED, CALIFORNIA

DRAWN BY: SYD  
 DATE: 2018-08-10  
 SHEET: 2 OF 2  
 JOB: 125971

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3098**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of August 8, 2018, held a public hearing and considered **General Plan Amendment #18-01 and Site Utilization Plan Revision #13 to Planned Development (P-D) #42**, initiated by Benchmark Engineering, on behalf of Baxter Ranches, LLC, property owner. The application is a request to change the General Plan designation for approximately 5.88 acres of land at the southwest corner of M Street and Arrow Wood Drive from Open Space/Park (OS) to Low-Medium Density Residential (LMD) to allow the construction of 43 single-family lots and to change the General Plan designation for approximately 5 acres of land located west of M Street and north of Arrow Wood Drive from Low-Medium Density Residential (LMD) to Open Space/Park (OS). The Site Utilization Plan Revision would change the land use designation for the 5.88 acres at M Street and Arrow Wood Drive from “Park” to “Single-Family Residential” and change the designation for the approximately 5.0 acres west of M Street and north of Arrow Wood Drive from “Single-Family Residential” to “Park.” Vesting Tentative Subdivision Map #1307 would allow the subdivision of the 5.88 acres located at the southwest corner of M Street and Arrow Wood Drive into 43 single-family lots; also known as Assessor’s Parcel No. 224-030-018; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through L of Staff Report #18-16; and,

**NOW THEREFORE**, after reviewing the City’s Initial Study and Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby find that the previous environmental review [Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH#9212055)] remains sufficient and no further documentation is required (subsequent EIR/ND 15162 Findings), and recommend to City Council approval of General Plan Amendment #18-01 and Site Utilization Plan Revision #13 to Planned Development #42, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

**EXHIBIT E**

PLANNING COMMISSION RESOLUTION # 3098

Page 2

August 8, 2018

Upon motion by Commissioner PADILLA, seconded by Commissioner DYLINA, and carried by the following vote:

AYES: Commissioner(s) Drexel, Harris, Martinez, Padilla, Rashe, and Chairperson Dylina

NOES: Commissioner(s) None

ABSENT: Commissioner(s) None

ABSTAIN: Commissioner(s) Camper

Adopted this 8<sup>th</sup> day of August 2018

  
\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

  
\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution #3098**  
**General Plan Amendment #18-01 and Site Utilization Plan #13 to**  
**Planned Development (PD) #42**

1. The General Plan designation shall be changed from Open Space/Park (OS) to Low-Medium Density Residential (LMD) for Lot A and changed from Low-Medium Density Residential (LMD) to Open Space/Park for 5 acres located at the southeast corner of the future Catherine A Hostetler Boulevard and Freemark Avenue (extended) as shown on Exhibit A. The Site Utilization Plan for Planned Development (P-D) #42 shall be modified to change the designation from Park to Single-Family Residential for Lot A and from Single-Family Residential to Park for the 5 acres located at the southeast corner of the future Catherine A Hostetler Boulevard and Freemark Avenue (extended), also shown on Exhibits 1 and 2 - Attachments B and C of Staff Report #18-16.
2. All previously adopted conditions, mitigation measures, and guiding principles contained in Appendices D, E, and F of the Bellevue Ranch Master Development Plan (BRMDP) adopted by the Merced City Council on May 15, 1995, which are applicable to this project, shall apply to this tentative map and all subsequent final maps, improvement plans, building permits, and discretionary approvals.
3. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
4. Approval of the General Plan Amendment and Site Utilization Plan Revision is subject to the applicant's entering into a written (developer) agreement that they agree to all the conditions and shall pay all City and school district fees, taxes, and/or assessments, in effect on the date of any subsequent subdivision and/or permit approval, any increase in those fees, taxes, or assessments, and any new fees, taxes, or assessments, which are in effect at the time the building permits are issued, which may include public facilities impact fees, a regional traffic impact fee, Mello-Roos taxes—whether for infrastructure, services, or any other activity or project authorized by the Mello-Roos law, etc. Payment shall be made for each phase at the time of building permit issuance for such phase unless an Ordinance or other requirement of the City requires payment of such

fees, taxes, and or assessments at an earlier or subsequent time. Said agreement to be approved by the City Council prior to the adoption of the ordinance, resolution, or minute action.

5. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
6. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
7. The new park site shall be dedicated by separate deed for "Park Purposes."

8. The dedication of Lot A as a park shall be vacated by the City. The applicant shall submit an application to the Planning Department to initiate this process.
9. The new park site at the southeast corner of Freemark Avenue and Catherine A Hostetler Blvd. shall be dedicated for park use by a separate document. This shall occur either prior to or simultaneously with the recordation of the City's vacation of Lot A.
10. Street frontage improvements, including curb, gutter, sidewalks, and park strips for the new park site at the southeast corner of Catherine A Hostetler Boulevard and Freemark Avenue shall be installed with the construction of Lot 17-C (consistent with the approval of Tentative Map #1308 for Bellevue Ranch West).

n:shared:planning:PC Resolutions:GPA#18-01/SUP Rev#13 to PD #42 Exhibit A

# GENERAL PLAN LAND USE CHANGES GENERAL PLAN AMENDMENT #18-01

High Density Residential

High Density Residential

GENERAL PLAN:  
Site # 2 - Change from Low-Medium Density Residential (LMD) to Open Space/Park (OS) (Approximately 5.0 Acres)

Low-Medium Density Residential

Future School

Low-Medium Density Residential

Low Density Residential

GENERAL PLAN:  
Site #1 - Change from OpenSpace/Park (OS) to Low-Medium Density Residential (LMD) (Approximately 5.88 Acres)

ARROW WOOD

## EXHIBIT F

