

# ANNEXATION PRE-APPLICATION



**CITY OF MERCED  
PLANNING DIVISION  
678 W. 18<sup>th</sup> Street  
Merced, CA 95340  
(209) 385-6858  
FAX (209) 725-8775**

RECEIPT NO. see rec. #8117 dated 7/20/18	PRE-APP NO
FILING FEE waived	DATE 8/12/21
CHECK NUMBER	RECEIVED BY  JN

Robert & Kim Rogina [REDACTED]  
Name of Property Owner: Address/City/State/Zip Code: Phone:

E-mail: [REDACTED]  
Name of Applicant: Address/City/State/Zip Code: Phone:  
Garth A. Pecchenino, PE [REDACTED]

E-mail: garth.pecchenino@qkinc.com  
Street Address or Location of Property (Be Specific):  
Northwest corner of G Street and Old Lake Road, see attached legal description

Assessor's Parcel Number(s): General Plan Designation: # of Acres:  
170-100-002 A-1 General Ag - Merced County 151.0

Description of Proposed Project:  
Mixed use development. Will follow the proposed land use zoning on City General Plan of LDR (low density residential), both R-1-6 and R-1-5, neighborhood commercial, open space parkways, neighborhood par and potential school site.

See Checklist on Next Page for Detailed List of Submittal Requirements

[REDACTED] [REDACTED]  
PROPERTY OWNER'S ADDRESS  
(Required)

**\*NOTE:** If the property owner(s) is an LLC or a corporation, the City requires documentation that shows the person(s) who is signing the application is authorized to sign for the LLC or corporation.

Additional Comments/Descriptions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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## **GENERAL INFORMATION ABOUT ANNEXATION PRE-APPLICATIONS**

Annexation Pre-applications are different from regular pre-applications that are only reviewed by City Staff in that Annexation Pre-applications are also reviewed by the City Council and Merced County Local Agency Formation Commission (LAFCO) staff to provide early guidance on annexation requests.

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### **MATERIALS TO SUBMIT (Checklist)**

One copy of all required plans or documents below shall be submitted along with the completed application and fee. Any other pertinent information that will assist staff in reviewing your proposal should also be submitted. (A digital copy of all plans or documents in Adobe pdf format shall also be submitted on a CD/DVD or by email; sorry, no flash drives can be accepted.)

- Boundary Map of Proposed Annexation Area with following:**
  - Identification of properties within the proposed project boundary that are owned/controlled by other than the applicant (if applicable);
  - Number of acres within the proposed project boundary;
  - Existing City of Merced General Plan Land Use Designations
  - Existing Merced County Zoning
- Conceptual Land Use Plan with Proposed General Plan and Zoning Designations and Accompanying Acreage and Development Capacity for each Proposed Use Type (e.g., number and type of residential units, building square footage for non-residential use types including commercial or industrial development);**
- Project Phasing and Projected Phasing Schedule. Applicants are encouraged to specify a first and one or more subsequent phases to support City Council flexibility in allocating limited City resources to the project;**
- Estimate of Wastewater, Water, and other Infrastructure Demands per Development Phase expressed in equivalent dwelling units and Estimated Demand per development phase;**
- Illustrated Plans/Elevations (if available) and Narrative about Project Design Features that demonstrate quality of design;**
- Estimated Number of Jobs to be created based on accepted job density factors and/or end user-specific information;**
- Description of Community Benefits being offered with Narrative about the need for/basis of the proposed benefits. Examples of community benefits might include construction/funding of infrastructure or public facilities, housing/recreation/job training programs, environmental benefits, etc. beyond what development typically provides;**
- Description of Proposal's Consistency with the General Plan and with the Merit Criteria (see page 3);**
- Summary of Applicant/Developer Experience with delivering/facilitating development and representative evidence to support experience such as project photos, site plans, development agreements, entitlement approvals, letters of recommendation, etc.;**
- Project Financing Strategy/Evidence of Existing/Potential Funding;**
- Annexation Pre-Application Fee (See below)**
- Number of Registered Voters within Project Boundary; and,**
- List of Public Services and Utilities being requested from the City and preliminary assessment of how services and utility costs to the City would be funded.**
- Description of Project "Readiness" which might include environmental clearances for wetlands or wildlife habitat, completion of special studies related to environmental impacts, the ability to proceed without delay, etc.**
- (Optional) The LAFCO Justification of Proposal Questionnaire (Below, Pages 4-6)**

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## CREDIT FOR FEE

An Annexation Pre-application review charge will be assessed at the rate indicated on the latest version of the Planning and Development Fee Schedule for a Major Site Plan Review Permit. This charge will be credited against any future annexation application deposit subsequently received from the applicant for the subject project.

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## ANNEXATION PRE-APPLICATION REVIEW PROCESS

A pre-application may be submitted at any time. Staff will schedule a discussion with the applicant and City staff at a regularly scheduled Development Review meeting on a Thursday afternoon. The applicant will receive a phone call from the Project Planner notifying you of when your project will be reviewed, but generally within 3 to 4 weeks. The applicant will be invited to attend the meeting. After staff review, the pre-application will be scheduled for a regularly scheduled City Council meeting, within 4 to 6 weeks. (No public hearing or notification of adjacent property owners is required.) After receiving City Council and staff comments, it is up to the applicant to file an official development application to proceed with the annexation. For the formal annexation application, the Planning Commission will make a recommendation to City Council and the City Council will make a final decision on whether an annexation application will be made to Merced County LAFCO, which makes the final determination on all annexations. (Fees will be due for the City's application process as well as for the LAFCO application and State of California filing fees.)

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## GENERAL PLAN ANNEXATION "MERIT CRITERIA"

*Merced Vision 2030 General Plan* Implementing Action Urban Expansion UE-1.3.g outlines "merit criteria" for evaluating future annexation requests (shown below):

"1.3.g Evaluate future annexation requests against the following conditions:

- a) Is the area contiguous to the current City limits and within the City's Specific Urban Development Plan (SUDP)/Sphere of Influence (SOI)? Do the annexed lands form a logical and efficient City limit and include older areas where appropriate to minimize the formation of unincorporated peninsulas?
- b) Is the proposed development consistent with the land use classifications on the General Plan Land Use Diagram (Figure 3.1)?
- c) Can the proposed development be served by the City water, sewer, storm drainage, fire and police protection, parks, and street systems to meet acceptable standards and service levels without requiring improvements and additional costs to the City beyond which the developer will consent to provide or mitigate?
- d) Will this annexation result in the premature conversion of prime agricultural land as defined on the Important Farmland Map of the State Mapping and Monitoring Program? If so, are there alternative locations where this development could take place without converting prime soils?
- e) Will a non-agricultural use create conflict with adjacent or nearby agricultural uses? If so, how can these conflicts be mitigated?
- f) Does annexation of the area help the City reach one of the following goals?
  - 1) Does annexation of the area bring the City closer to annexation of the UC Merced campus and University Community?
  - 2) Does the area contain significant amounts of job-generating land uses, such as industrial, commercial, office, and business/research & development parks?
  - 3) Does the project provide key infrastructure facilities or other desirable amenities, such as the extension of major roads, utility trunk lines, parks and recreational facilities, etc.?"

**NOTE:** Assembly Bill 3312, adopted in 2020 by the State, allows the City of Merced to annex the UC Merced Campus via a road strip. AB 3312 also would allow the subsequent annexation of limited properties contiguous to the UC Merced Main Campus as of 1/1/21 once the UC Campus is annexed to the City. These properties can be deemed consistent with Criteria "a" above once the UC Campus is annexed.

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**LAFCO JUSTIFICATION OF PROPOSAL QUESTIONNAIRE (Optional)**

The following questionnaire is part of the application required by the Merced County Local Agency Formation Commission (LAFCO) for annexations. When an official annexation application is filed, the applicants will need to submit answers to this questionnaire. For an Annexation Pre-application, however, answering the questionnaire below is optional but may provide additional information for the City Council to consider.

**A. GENERAL INFORMATION**

1. Type and designation of proposal (annexation, detachment, sphere of influence amendment, formation, etc., affecting a city or special district):
2. List name(s) and address of applicant (chief petitioner/contact person):
3. Describe the location of the subject territory, including Assessor Parcel Number(s).
4. Why has the proposed action been requested?

**B. PHYSICAL FEATURES**

1. Land area: Square miles or acres?
2. State general description of topography:
3. Describe any physical or natural features being used to define a boundary of the proposal: (Rivers, mountains, freeways, etc.)
4. Describe drainage basin, rivers, flood control channels, etc. which traverse through the subject territory.
5. Describe major highway access to the area:
6. How is the proposed boundary appropriate in relation to the existing City or Special District boundary?

**C. POPULATION AND RELATED MATTERS**

1. Population in subject area:
2. Population density (i.e. per square mile, per acre):
3. Number of registered voters:
4. Number of dwelling units:
5. Assessed Valuation (List by Assessor's Parcel Number):
6. Is the subject territory in proximity to the existing developed or developing areas within the City? Please describe.
7. What is the adopted growth rate for your jurisdiction over a 10-20 year horizon? (Please include the source, i.e., General Plan or Merced County Association of Government's projection).
8. Is there enough land within the current City/District limits to accommodate this growth? If not, approximately how much is available?
9. Explain how the proposal will assist the City or County in achieving their fair share of the regional housing needs as determined by the City, County, or Merced County Association of Governments. (See Govt. Code Section 56668)

**D. LAND USE**

1. Describe the existing land use in the area which is the subject of this proposal:
  - a. Indicate existing county general plan designation:
  - b. Indicate existing City general plan designation involving City jurisdictions:
2. Amount of publicly owned land in area:
3. Is the proposal consistent with the City General Plan policy, including planned land use designations, densities and other land use and development policy?
  - a. What pre-zoning has the City adopted for the affected area? (If the proposal involves annexation to a City)
  - b. What is the present zoning in the County?
4. Per SB 244, are there any Disadvantaged Unincorporated Communities (DUCs) adjacent to the annexation area if the annexation area is more than 10 acres?

**E. AGRICULTURAL AND OPEN SPACE RESOURCES**

1. Would the proposal affect prime agricultural land as defined under Section 56064 of the Cortese-Knox-Hertzberg Act?

*NOTE: The applicant or property owner may submit a soil analysis which demonstrates how soil has been degraded to a less than "Prime" classification. The soil analysis should focus on the actual soil rather than the specific crops that may be planted. As an option, the analysis could address the soil and its ability to support crops typically grown in the area on similar soils. The cost of the soil analysis shall be borne by the applicant or property owner.*

2. Is the proposal consistent with the adopted open space and conservation policies of the City's General Plan or County General Plan and any applicable Community Specific Plan? Explain.
3. If the proposal involves the conversion of "prime" agricultural land or identified valuable open space land, has the City or County considered alternatives to the annexation which would avoid or reduce such impacts?
4. If the proposal will result in urban development adjacent to existing agricultural lands, has the City or County considered measures to minimize potential conflicts, such as land use transitions, buffers or "right-to-farm" notification for future residents?
5. Is the proposal within a Williamson Act Agricultural Reserve? If yes, is the territory under contract? If yes, has non-renewal been requested? If yes, what was the date of request and when does the contract terminate?

**F. GOVERNMENTAL SERVICES AND CONTROLS (Plan for Services)**

The following matrix and questions are to determine if City services are adequate for both existing and proposed land uses within the subject territory.

**1. Police**

- a. Submit a map showing the location of the nearest existing and proposed police station.
- b. What are the response times to the proposal area?
- c. Would additional stations, facilities, and staffing be needed to service the affected area? If yes, what mechanisms are in place to fund capital facilities and ongoing service levels?

**2. Fire**

- a. Submit a map showing the location of the nearest existing and proposed fire station.
- b. What are the response times to the proposed area?
- c. What is the existing Insurance Service Office rating for the proposal area?
- d. Would additional stations, facilities, and staffing be needed to service the affected area? If yes, what mechanisms are in place to fund capital facilities and ongoing service levels?

**Water/Sewer/Storm Drainage**

	Proposed Service Provider	Current Capacity	Promised Capacity (Other projects)	Remaining Capacity	Project Demand
Water	City of Merced				
Sewer	City of Merced				
Storm Drainage	on site				

**3. Water**

- a. What improvements are required to serve this annexation?
- b. Describe any factors that could limit the delivery capacity (i.e. storage capacity, transmission lines, etc.)
- c. What funding mechanisms does the City utilize to acquire capacity and when is it implemented?
- d. If additional capacity is required, when will it be available to the annexation area?
- e. Provide a map that depicts the water system in this area.

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**4. Sewer**

- a. What improvements are required to serve this annexation?
- b. Describe any factors that could limit the delivery capacity (i.e. storage capacity, transmission lines, etc.)
- c. What funding mechanisms does the City utilize to acquire capacity, and when is it implemented?
- d. If additional capacity is required, when will it be available to the annexation area?
- e. Provide a map that depicts the affected agency's sewer system in the immediate area.

**5. Storm Drainage**

- a. What improvements are required to serve this annexation?
- b. Identify the area where storm drainage will be conveyed.

**6. Transportation**

- a. Designate the names and types of roads which the project will use for primary and secondary access.
- b. Is construction of new access streets necessary? If yes, identify those streets.
- c. What road impacts will occur and what major circulation improvements are needed to serve the proposal?
- d. What is the estimated cost of these improvements (if any) and how will these improvements be financed?
- e. Is public transportation available? How distant?

**7. Parks and Recreation**

- a. Does the proposed land use plans include parklands?

**8. What is the estimated effect of the proposal on the City's ability to provide governmental services and controls to existing incorporated territory?**

**9. The affected territory *will be taxed or will not be taxed* for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution?:**

**G. OTHER SERVICES**

Schools (Only for new residential development).

- a. Provide the name of the District(s), and the current enrollment.
- b. Provide the student generation rate from the proposed development.
- c. Is classroom space is available for the anticipated development?  
If not, indicate the method of financing to provide the necessary classroom space.

**H. PHASING**

1. Does the City's General Plan contain a phasing plan? If so, is this proposal consistent with the Plan and why?
2. How does the phasing plan address the City's ability to provide necessary urban services in an orderly and efficient manner?
3. Have other alternatives been considered which would be more consistent with orderly growth, open space protection and public service efficiency?

**I. MUTUAL SOCIAL AND ECONOMIC INTEREST**

1. Do any social or economic communities of interest exist within the subject territory including the relationship between any adjacent nearby Cities or special districts, which provide services that may affect the territory?
2. Are there any special districts (including County Service Areas) that will no longer be serving the proposed area following the annexation or reorganization?
3. Is the proposal contiguous with the existing boundaries of the annexing or detaching City or Special District?
4. Does the proposal create islands, corridors, peninsulas or other undesirable boundary characteristics which lead to service inefficiencies and potential land use conflicts?

## Response to Annexation Pre-Application for Robert & Kim Rogina

### MATERIALS TO SUBMIT (Checklist)

One copy of all required plans or documents below shall be submitted along with the completed application and fee. Any other pertinent information that will assist staff in reviewing your proposal should also be submitted. (A digital copy of all plans or documents in Adobe pdf format shall also be submitted on a CD/DVD or by email; sorry, no flash drives can be accepted.)

- **Boundary Map of Proposed Annexation Area with following:**
  - Identification of properties within the proposed project boundary that are owned/controlled by other than the applicant (if applicable);
  - Number of acres within the proposed project boundary;
  - Existing City of Merced General Plan Land Use Designations
  - Existing Merced County Zoning

*Applicant Response: The site is 151 acres in size. The City designations are Low Density Residential, School, and Future Park. The County designation is General Agriculture. See attached maps for project location.*

- **Conceptual Land Use Plan with Proposed General Plan and Zoning Designations and Accompanying Acreage and Development Capacity for each Proposed Use Type (e.g., number and type of residential units, building square footage for non-residential use types including commercial or industrial development);**

*Applicant Response: The site is anticipated to be built out consistent with the general plan, including a park site. If the school site is not needed, a general plan amendment would be proposed to change the designation to residential uses.*

- **Project Phasing and Projected Phasing Schedule. Applicants are encouraged to specify a first and one or more subsequent phases to support City Council flexibility in allocating limited City resources to the project;**

*Applicant Response: Applicant will provide a phasing schedule once the pre-annexation process is completed and approved.*

- **Estimate of Wastewater, Water, and other Infrastructure Demands per Development Phase expressed in equivalent dwelling units and Estimated Demand per development phase;**

*Applicant Response: Applicant will provide utility estimates once the pre-annexation process is completed and approved.*

- **Illustrated Plans/Elevations (if available) and Narrative about Project Design Features that demonstrate quality of design;**

*Applicant Response: Applicant will provide illustrated plans/elevations after the pre-annexation process is completed and approved. Project design features will be described once the conceptual plan is ready for submission.*

- **Estimated Number of Jobs to be created based on accepted job density factors and/or end user-specific information;**

*Applicant Response: The proposed project services will provide approximately 2-20 jobs year-round.*

- **Description of Community Benefits being offered with Narrative about the need for/basis of the proposed benefits. Examples of community benefits might include construction/funding of infrastructure or public facilities, housing/recreation/job training programs, environmental benefits, etc. beyond what development typically provides;**

*Applicant Response: Applicant will provide illustrated plans/elevations after the pre-annexation process is completed and approved. Project design features will be described once the conceptual plan is ready for submission.*

- **Description of Proposal's Consistency with the General Plan and with the Merit Criteria (see page 3);**

*Applicant Response: There is a question about whether the school site designation will be needed. If it is not, then the intention would be to propose a general plan amendment with the formal annexation request to change to residential uses.*

- **Summary of Applicant/Developer Experience with delivering/facilitating development and representative evidence to support experience such as project photos, site plans, development agreements, entitlement approvals, letters of recommendation, etc.;**

*Applicant Response: The applicant's representative will provide adequate site plans, etc. after the pre-annexation process is completed and approved.*

- **Project Financing Strategy/Evidence of Existing/Potential Funding;**

*Applicant Response: The project would be funded by private development investment.*

- **Number of Registered Voters within Project Boundary; and,**

*Applicant Response: No existing registered voters on project site.*

**List of Public Services and Utilities being requested from the City and preliminary assessment of how services and utility costs to the City would be funded.**

*Applicant Response: The project site will require connections to water, sewer, and storm drains. Temporary storm ponds can be developed if storm drain lines are not available yet. The applicant will provide a preliminary assessment of cost once the pre-annexation process is completed and approved. All other typical City services, such as police and fire service, would also be requested.*

- **Description of Project "Readiness" which might include environmental clearances for wetlands or wildlife habitat, completion of special studies related to environmental impacts, the ability to proceed without delay, etc.**

*Applicant Response: A small portion of the site may contain wetlands (see attached map). A small portion of the site is in a FEMA flood zone (see attached map).*

- **(Optional) The LAFCO Justification of Proposal Questionnaire (Below, Pages 4-6)**

*Applicant Response: The applicant will provide LAFCO questionnaire when official annexation is filed.*

**GENERAL PLAN ANNEXATION “MERIT CRITERIA”**

Merced Vision 2030 General Plan Implementing Action Urban Expansion UE-1.3.g outlines “merit criteria” for evaluating future annexation requests (shown below):

**“1.3.g Evaluate future annexation requests against the following conditions:**

- a) Is the area contiguous to the current City limits and within the City’s Specific Urban Development Plan (SUDP)/Sphere of Influence (SOI)? Do the annexed lands form a logical and efficient City limit and include older areas where appropriate to minimize the formation of unincorporated peninsulas?**

*Applicant Response: The project site is within both City’s Specific Urban Development Plan (SUDP) and Sphere of Influence (SOI) specifically dedicated as Future Service Area per North Merced Annexation Feasibility Study Update 2021. The project site is within the Low Density Residential land use designation per City of Merced Vision 2030 General Plan, Land Use Diagram (Figure 2.3).*

- b) Is the proposed development consistent with the land use classifications on the General Plan Land Use Diagram (Figure 3.1)?**

*Applicant Response: The city currently designates the project site as Low Density Residential per, Land Use Diagram (Figure 2.3). A school site is also designated on the site. If it is determined that this school site is not needed, then a general plan amendment will be concurrently requested with the formal annexation request to change the school site to residential uses.*

- c) Can the proposed development be served by the City water, sewer, storm drainage, fire and police protection, parks, and street systems to meet acceptable standards and service levels without requiring improvements and additional costs to the City beyond which the developer will consent to provide or mitigate?**

*Applicant Response: The project site can be serviced by city utilities and will be within range next to the new Bellevue fire station per City of Merced Public Facilities Financing Plan 2012. The project site will have a future connection to a 16-inch water main line along the Old Lake Road extension to Snelling Highway per, Mitigated Negative Declaration and Initial Study for City of Merced 2016 Water Master Plan Update. The project site overlaps within two sewer boundaries, the SUDP Buildout Sewershed and the Northern Wastewater Treatment and Reclamation Facility (WWTRF) Service Area per, City of Merced Wastewater Collection System Master Plan 2017. The nearest upgraded sewer connection will be located on the G Street and E. Bellevue Road intersection. The project site currently has no existing connections to storm drains.*

- d) Will this annexation result in the premature conversion of prime agricultural land as defined on the Important Farmland Map of the State Mapping and Monitoring Program? If so, are there alternative locations where this development could take place without converting prime soils?**

*Applicant Response: There is no prime farmland on the site. The site contains both Unique Farmland and Farmland State importance zone per California Department of Conservation, California Important Farmland Finder map data 2016.*

**e) Will a non-agricultural use create conflict with adjacent or nearby agricultural uses? If so, how can these conflicts be mitigated?**

*Applicant Response: The project will comply with City policies for mitigating urban development designs adjacent to farmland.*

**f) Does annexation of the area help the City reach one of the following goals?**

**1) Does annexation of the area bring the City closer to annexation of the UC Merced campus and University Community?**

*Applicant Response: The project site is approximately three miles west from UC Merced Campus. The project site will provide housing opportunities to support the UC Merced campus.*

**2) Does the area contain significant amounts of job-generating land uses, such as industrial, commercial, office, and business/research & development parks?**

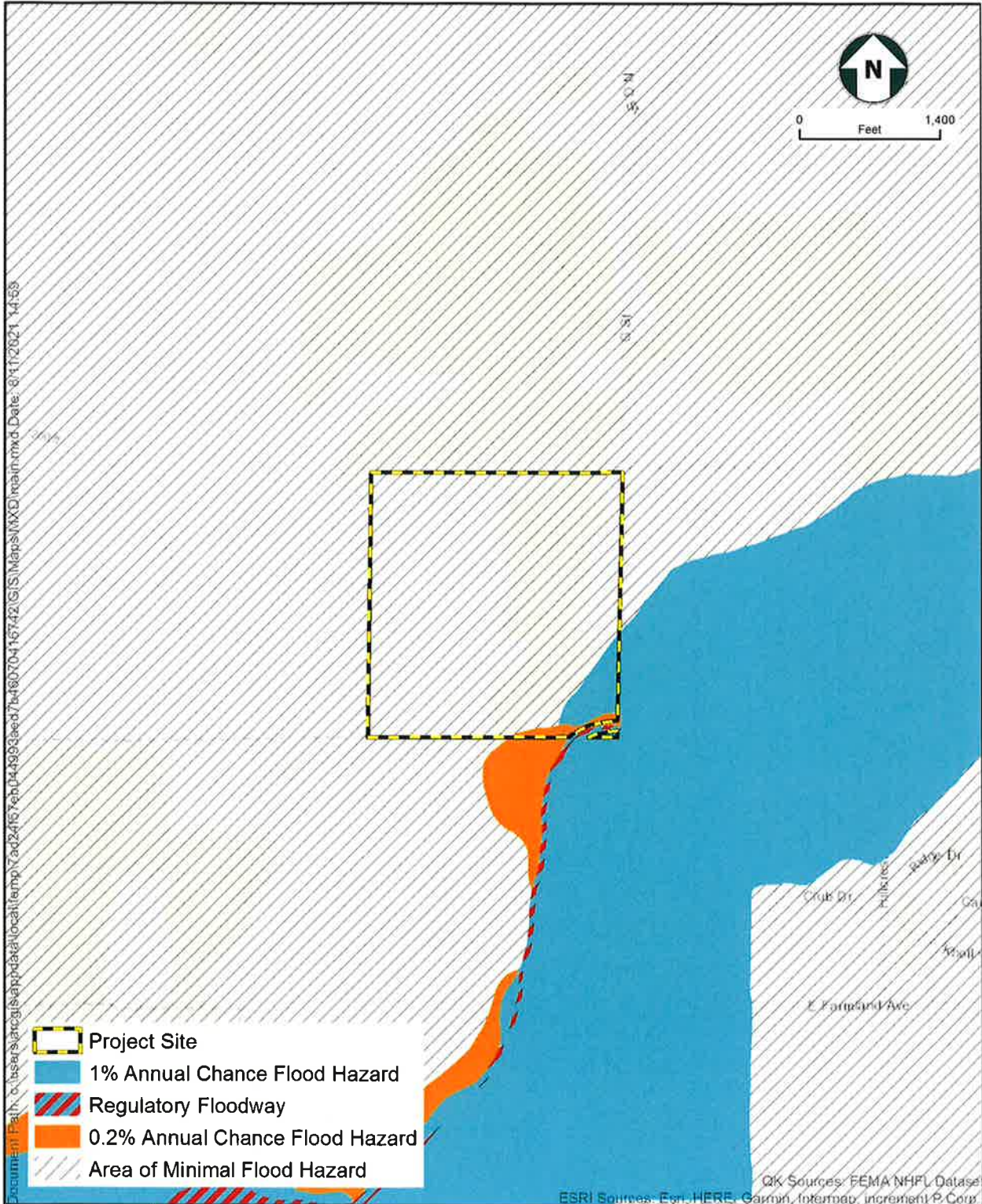
*Applicant Response: The proposed project will provide additional residential benefits for the city.*

**3) Does the project provide key infrastructure facilities or other desirable amenities, such as the extension of major roads, utility trunk lines, parks and recreational facilities, etc.?"**

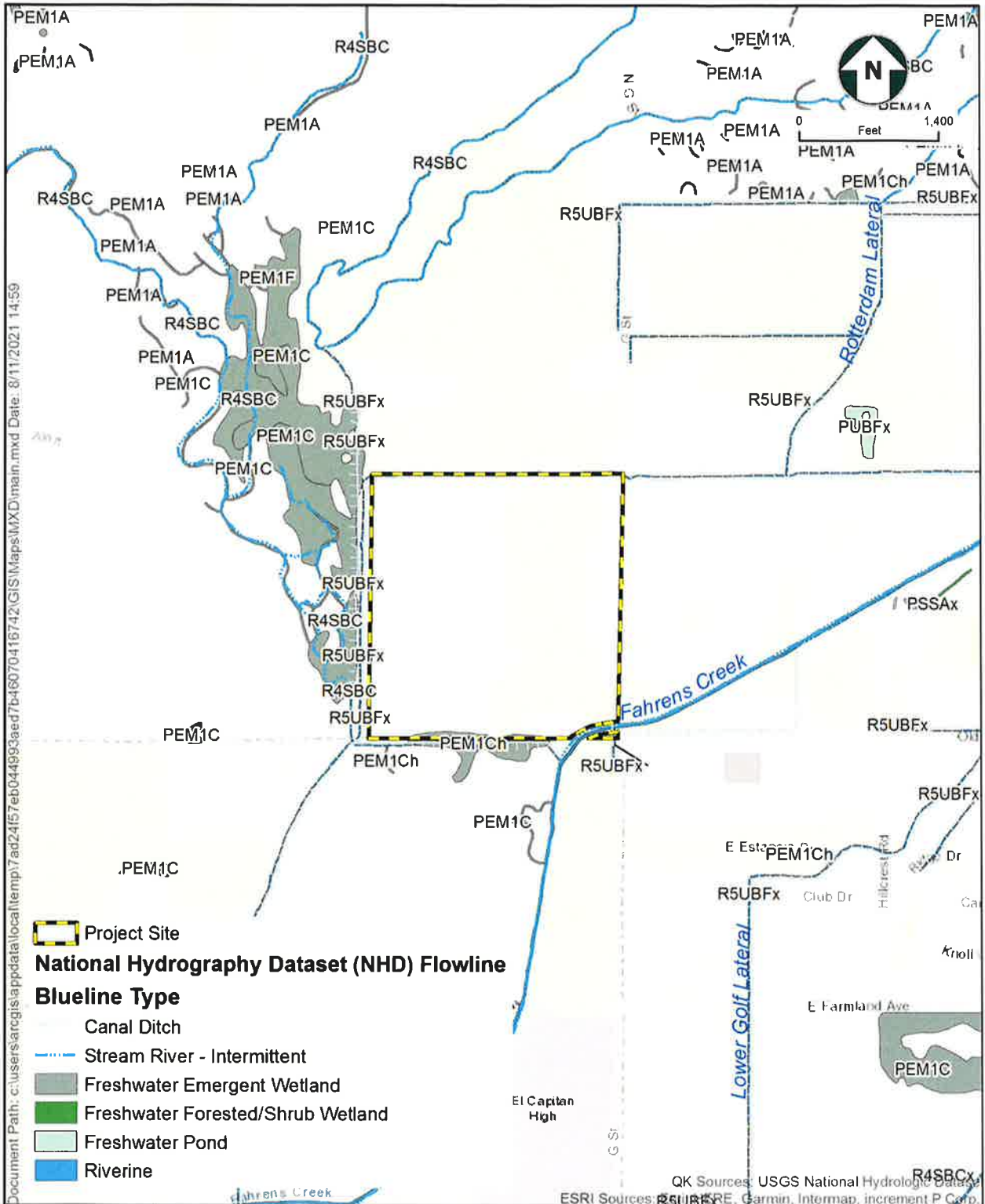
*Applicant Response: The project boundary is adjacent to an existing Divided Arterial Street (G St.). future road plans indicate Old Lake Road will connect west to Snelling Highway 59 and a Conceptual Collector Street adjacent to project site will connect to the new Old Lake Road extension. This new connection will allow future access to the project site per City of Merced Vision 2030 General Plan, Transportation and Circulation Plan (Figure 4.1).*

*There also be a Proposed Class 1 (Pathway) extending along G St. and Farmland Road intersection per City of Merced 2013 Bicycle Transportation Plan.*

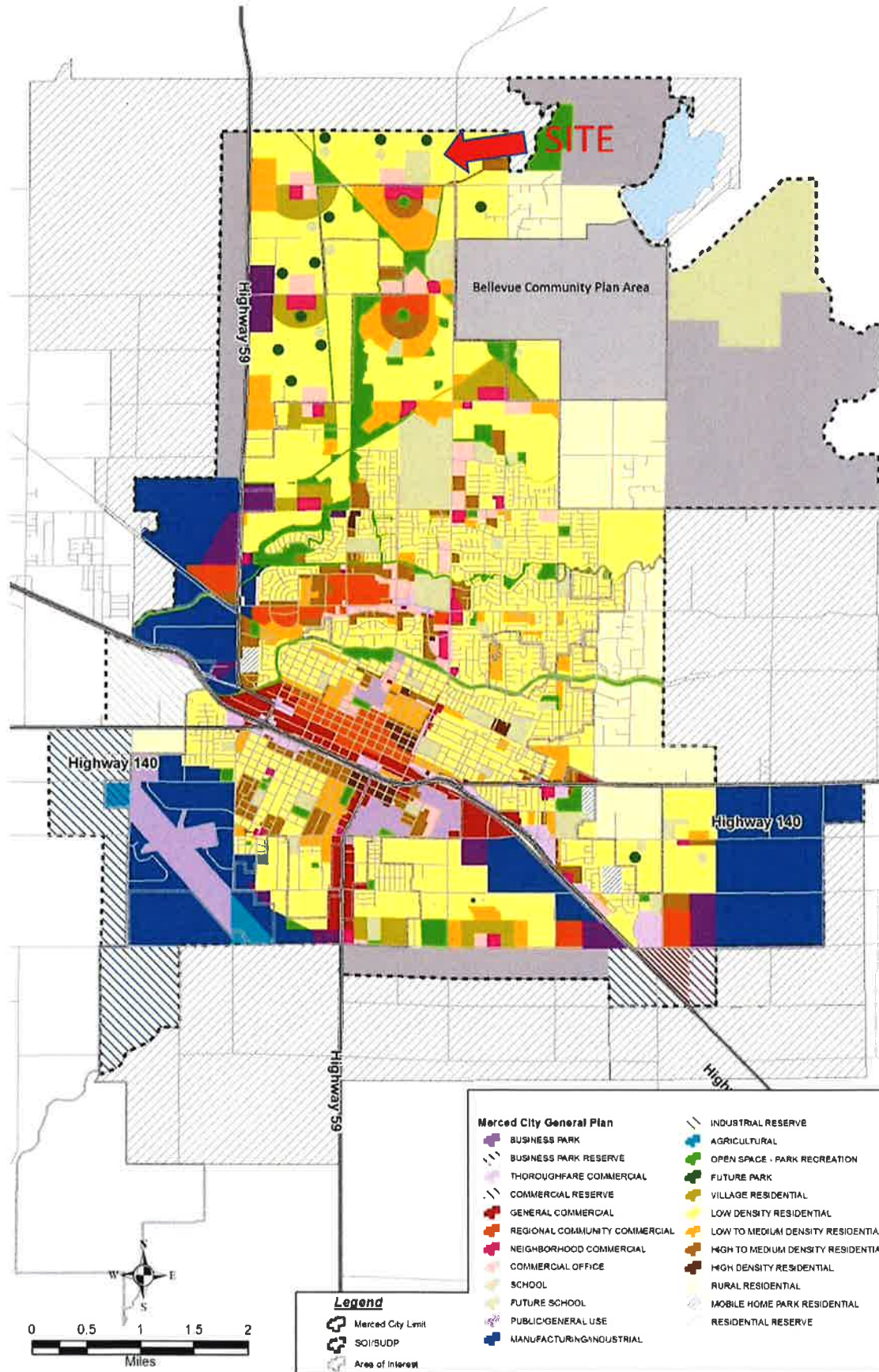




# FEMA Flood Zones



### Identified Wetland Areas



- Merced City General Plan**
- BUSINESS PARK
  - BUSINESS PARK RESERVE
  - THOROUGHFARE COMMERCIAL
  - COMMERCIAL RESERVE
  - GENERAL COMMERCIAL
  - REGIONAL COMMUNITY COMMERCIAL
  - NEIGHBORHOOD COMMERCIAL
  - COMMERCIAL OFFICE
  - SCHOOL
  - FUTURE SCHOOL
  - PUBLIC/GENERAL USE
  - MANUFACTURING/INDUSTRIAL
  - INDUSTRIAL RESERVE
  - AGRICULTURAL
  - OPEN SPACE - PARK RECREATION
  - FUTURE PARK
  - VILLAGE RESIDENTIAL
  - LOW DENSITY RESIDENTIAL
  - LOW TO MEDIUM DENSITY RESIDENTIAL
  - HIGH TO MEDIUM DENSITY RESIDENTIAL
  - HIGH DENSITY RESIDENTIAL
  - RURAL RESIDENTIAL
  - MOBILE HOME PARK RESIDENTIAL
  - RESIDENTIAL RESERVE

- Legend**
- Merced City Limit
  - SOI/SUDP
  - Area of Interest

