

January 22, 2024

Rhyolite Development & Construction, Inc.

221 Airpark Road, Suite A, Atwater, CA 95301
209-628-0729

City of Merced
678 West 18th Street
Merced, CA 95340

RE: LWH Farms Pre-Annexation Application

Dear Sirs,

Please find attached for your consideration an application for Pre-Annexation to the City of Merced. This effort will be consistent with the City's approach to a timely and orderly growth to Merced.

We are presently aware of the efforts of the Virginia Smith Trust in their efforts to annex subsequent to the UC Merced annexation under the provisions of AB 3312. Please note that we are aware that AB 3312 only provides for the annexation of the UC Merced campus. It is only our desire to submit application to the City for the Pre-Application, receive consideration of the Council, and begin negotiation of a Pre-Annexation Development Agreement.

If you have any questions, please contact us.

Thank you,



Greg Thompson
Principal Planner

ANNEXATION PRE-APPLICATION



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

RECEIPT NO. <u>001457</u> <u>-0002</u>	PRE-APP NO <u>24-01</u>
FILING FEE <u>\$1509.00</u>	DATE <u>1/23/24</u>
CHECK NUMBER <u>001055</u>	RECEIVED BY <u>@</u>

Name of Property Owner:

LWH Farms, LLC

Address/City/State/Zip Code:

3758 Lake Road
Merced, CA 95340

Phone:

209-631-2728

E-mail: jkhunt2@gmail.com

Name of Applicant:

Same as Property Owner

Address/City/State/Zip Code:

Phone:

E-mail:

Street Address or Location of Property (Be Specific):

Northeast corner of E Yosemite Avenue and Lake Road, extending 2 miles east along E Yosemite Avenue and 1 mile north along Lake Road.

Assessor's Parcel Number(s):

060-050-032 & 060-060-005 @

General Plan Designation:

Not defined

of Acres:

+/- 1,107.8

Description of Proposed Project:

Annexation and development of +/-1,107.8 acres of land at the northeast corner of E Yosemite Avenue and Lake Road with a mixed-use zoning. Development will be phased. The acreage totals for land uses shall substantially conform to the previously considered University Community Plan.

See Checklist on Next Page for Detailed List of Submittal Requirements


PROPERTY OWNER'S SIGNATURE
(Required)

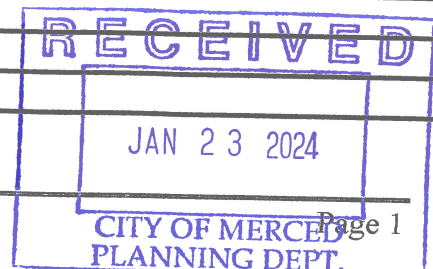
3758 Lake Road, Merced, CA 95340
PROPERTY OWNER'S ADDRESS

***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:

The property included in this application is within the Sphere of Influence in The City of Merced Vision 2030

General Plan but the land-use is not defined. This application assumes the Merced County University Community Plan land-uses will be followed.



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.

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.

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.)

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.

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					
Sewer					
Storm Drainage					

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.

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).

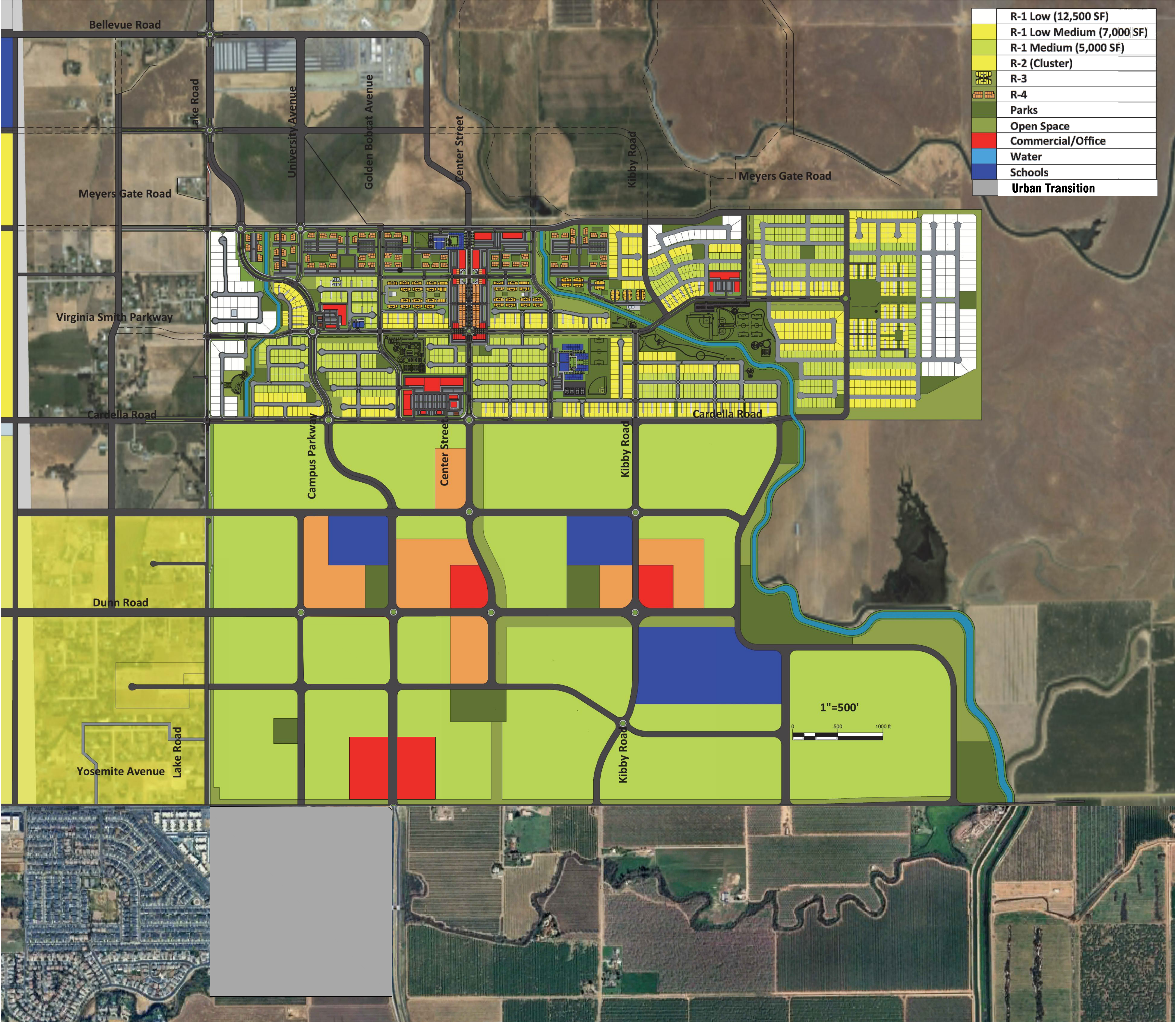
- a. Provide the name of the District(s), and the current enrollment.
- b. Provide the student generation rate from the proposed development.
- c. Is classroom space is available for the anticipated development?
If not, indicate the method of financing to provide the necessary classroom space.

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?



	R-1 Low (12,500 SF)
	R-1 Low Medium (7,000 SF)
	R-1 Medium (5,000 SF)
	R-2 (Cluster)
	R-3
	R-4
	Parks
	Open Space
	Commercial/Office
	Water
	Schools
	Urban Transition