

CITY OF MERCED  
SITE PLAN REVIEW APPLICATION  
RESOLUTION #503

Hostetler Investments, LLC, and Bellevue Merced, LLC	Modification of the street alignment and lot configuration as approved for VTSM #1280 for Bellevue Ranch North due to biological constraints.
APPLICANT	PROJECT
923 E. Pacheco Blvd., Ste. C	Approximately 520 acres, generally located, north of Bellevue Road, west of G Street.
ADDRESS	PROJECT SITE
Los Banos, CA 93635	170-060-015; -018; -019; -021; -026; - 027; and -028
CITY/STATE/ZIP	APN
(209) 548-9300	Planned Development (P-D) #42
PHONE	ZONING

In accordance with Chapter 20.68 of the Merced City Zoning Ordinance, the Merced City Site Plan Review Committee considered and approved Site Plan Review Application #503 on October 13, 2022, submitted by Benchmark Engineering on behalf of Hostetler Investments, LLC, and Bellevue Merced, LLC, property owners, to allow modifications to Vesting Tentative Subdivision Map (VTSM) #1280 for Bellevue Ranch North. The modifications consist of changes to the street alignment and lot configuration due to biological constraints. The project site consists of approximately 500 acres of land, generally located north of Bellevue Road, west of G Street. The property has various General Plan designations and is zoned Planned Development (P-D) #42. The project site is more particularly described as being a subdivision of Lot 4 and a portion of Lot 3 as shown on the map filed in Volume 92 of Parcel Maps at Page 38 through 42, Merced County Records; also known as Assessor's Parcel Numbers (APN's) 170-060-015; -018; -019, -021; -026; -027; and -028.

WHEREAS, The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and concluded that Environmental Review #22-39 is a second tier environmental document, based upon the City's determination that the proposed development remains consistent with the current General Plan and provisions of CEQA Guidelines, Section 15162 [EIR for the Bellevue Ranch Master Development Plan (SCH #92-102055)]. A copy of the Section 15162 Findings can be found at Exhibit 3; and,

WHEREAS, the Merced City Site Plan Review Committee makes the following Findings:

- A) The project site consists of approximately 520 acres of land generally located north of Bellevue Road, west of G Street (Exhibit 1).

- B) VTSM #1280 is a large lot subdivision containing 29 large lots that would subsequently be subdivided into smaller lots for subdivisions and individual multi-family or commercial projects. The original map is provided at Exhibit 2.
- C) Mitigation Measure 4.8.1 of the Bellevue Ranch Master Development Plan (BRMDP) EIR required a biological survey and wetland delineation map be prepared. This was also a condition of approval for VTSM #1280 (refer to Condition #26 of Planning Commission Resolution #2857 at Exhibit 3).
- D) The current request to modify the tentative map would result in the elimination of certain roads and a change to the lot configuration as a result of biological resources identified within the project area. Although the modification would eliminate the ability to develop on certain lots (villages) within the subdivision, the modified map creates 38 lots. This increase is due to the map better identifying the future phases (villages) to be created with the subsequent small lot maps and identifying additional open space area created due to the biological resources. The proposed modified map is provided at Exhibit 4.
- E) VTSM #1280 was eligible for state-granted extensions and has received discretionary extensions from the City making the current expiration date for this map June 10, 2024.
- F) The conditions of approval for VTSM #1280 found in Planning Commission Resolution #2857 (Exhibit 3) have been modified by Minor Modification #19-05. Planning Commission Resolution #2857 found at Exhibit 3 reflects the modification made by Minor Modification #19-05.
- G) Bellevue Ranch Master Development Plan Section 1.6.2 "Amendment Process" allows minor modifications deemed to be in substantial conformance with the Master Development Plan and Site Utilization Plan (SUP), as determined by the City of Merced Planning and Engineering Departments, to be approved administratively by the Director of Development Services. On April 1, 2021, an administrative approval was granted for the modification of the lot configuration of Lots "V-21A and V21-B" as shown on Exhibit 5.
- H) Due to biological issues found throughout much of the subdivision area, a wetland delineation map was prepared by Gallaway Enterprises, Inc. (Exhibit 6). This map has been submitted to and approved by the U.S. Army Corps of Engineers (refer to the letter from the U.S. Army Corps of Engineers at Exhibit 7). In addition to the actual biological areas shown on the map, U.S. Army Corps of Engineers regulations require a 75-foot buffer area (avoidance area) from the edge of the wetland area. This buffer renders more of the land undevelopable.
- I) Based on the approved wetland delineation map, VTSM #1280 could not be constructed as originally proposed.
- J) Roads affected by the wetland delineation include (street names are as shown on the originally approved tentative map): Old Lake Road, east of North M Circle and the quarter-mile collector north of Farmland (Yosemite Lakes Drive), Barclay Way, and Bobcat Way (an east/west collector street).

- K) The wetland delineation also made the following lots unbuildable as shown on the original tentative subdivision map: a portion of Lot V-25A, Lot V-25B, Lot V-26, a portion of Lot V-29DB, and Lot V-35B, and a portion of Lot V-36B.
- L) The Bellevue Ranch Master Development Plan (BRMDP) anticipated between 4,843 and 6,648 dwelling units, including single-family detached standard homes, single-family detached patio homes, and multi-family units. There are 1,429 units in Bellevue Ranch East (mostly constructed, except the multi-family units), 1,949 units proposed in Bellevue Ranch West (many of the single-family units are constructed, but not all, and no multi-family has been constructed), and 1,814 are proposed for Bellevue Ranch North. This would provide a total of 5,192 units within the Bellevue Ranch area, well below the maximum number of units approved by the BRMDP.
- M) Based on the number of units already constructed and proposed for Bellevue Ranch East and West, the BRMDP would have allowed Bellevue Ranch North to construct up to 3,270 additional units. The biological constraints have reduced that number to 1,814, just over one-half of the number of units that could be constructed.
- N) Final Subdivision maps to create large lots have been submitted for Villages 21-29 and 25-34. A final subdivision map for a small lot subdivision has been submitted for Village 23.
- O) Due to the following reasons, it was determined that the Site Plan Review Committee would be the appropriate body to review this request for modifications to VTSM #1280:
  - a. The preparation of the wetland delineation map was a mitigation measure of the BRMDP EIR and a condition of approval of VTSM #1280;
  - b. The fact that the subdivision could not be constructed as proposed due to reasons beyond the developer's control;
  - c. The fact that the number of dwelling units are being reduced by more than one-half of the number of units originally allowed and the overall developable area is also being reduced which, in turn, reduces any potential impacts caused by the development.
- P) Per Merced Municipal Code Section 20.68.050 – Site Plan Review Permit, the Site Plan Review Committee may approve an application for a Site Plan Review Permit only if all the following findings can be made:
  - 1. *The proposed project is consistent with the General Plan and any adopted area, specific, community, or neighborhood plan.*

The proposed project is consistent with the General Plan land use designations for this area including Neighborhood Commercial (CN), Commercial Office (CO), Low Density (LD) Residential, Low-Medium Density (LMD) Residential, High-Medium Density (HMD) Residential, and Park/Open Space (OS) and the Zoning designation of Planned Development

(P-D) #42. The project is also consistent with the Bellevue Ranch Master Development Plan (BRMDP). The number of units is still within the approved number of units; there are no changes to land use other than changes to open space to accommodate the biological issues. The circulation within the subdivision would be modified due to the biological constraints, but the modified map still provides connection to all the major arterials and provides sufficient internal circulation through a network of collector and local roads to be consistent with the BRMDP.

2. *The proposed project complies with all applicable provisions of the zoning ordinance and Municipal Code.*

With approval of the conditions found within this resolution, the proposed project would comply with all applicable provisions of the Zoning Ordinance and Municipal Code.

3. *The design and layout of the proposed project will not interfere with the use and enjoyment of existing and future neighboring properties and structures.*

The proposed modifications to the site would not interfere with the use and enjoyment of existing and future neighboring properties and structures. In fact, the changes provide more open space for the area. Additionally, the number of units being constructed in the area is less than originally intended, making the overall density of the area less.

4. *The proposed architectural design makes use of appropriate materials, texture and color, and will remain aesthetically appealing and appropriately maintained.*

There are no architectural designs proposed with this change. The proposed change only modifies the design of the subdivision.

5. *Any proposed landscaping design, including color, location, size, texture, type, and coverage of plan materials, as well as provisions for irrigation, maintenance, and protection landscaping elements, will complement structures and provide an attractive environment.*

There are no landscaping designs proposed with this modification. The biological areas would remain in their native state and any other landscaping within the subdivision would be approved with improvement plans for the small lot subdivisions and at the building permit stage for each individual lot or project.

6. *The proposed design will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project.*

The proposed project would not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity of the proposed project. The proposed changes protect biological resources present in the area.



NOW, THEREFORE, BE IT RESOLVED that the Merced City Site Plan Review Committee does approve Site Plan Review Application #503, subject to the following conditions:

- 1) The proposed project shall be constructed/designed as shown on Exhibit 3 (Modified Vesting Tentative Subdivision Map #1280).
- 2) All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
- 3) The project shall comply with all conditions set forth in Planning Commission Resolution #2857, for Vesting Tentative Subdivision Map (VTSM) #1280, except as previously modified or modified by this approval. The applicants shall identify any specific conditions modified by this approval prior to or concurrently with the submittal of the Final Map.
- 4) 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, 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 (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.
- 5) 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.

- 6) All dedications to the City shall be identified on the Tentative Map (conforming copy).

If there are any questions concerning these conditions and recommendations, please contact Julie Nelson at (209) 385-6858.

October 13, 2022

DATE



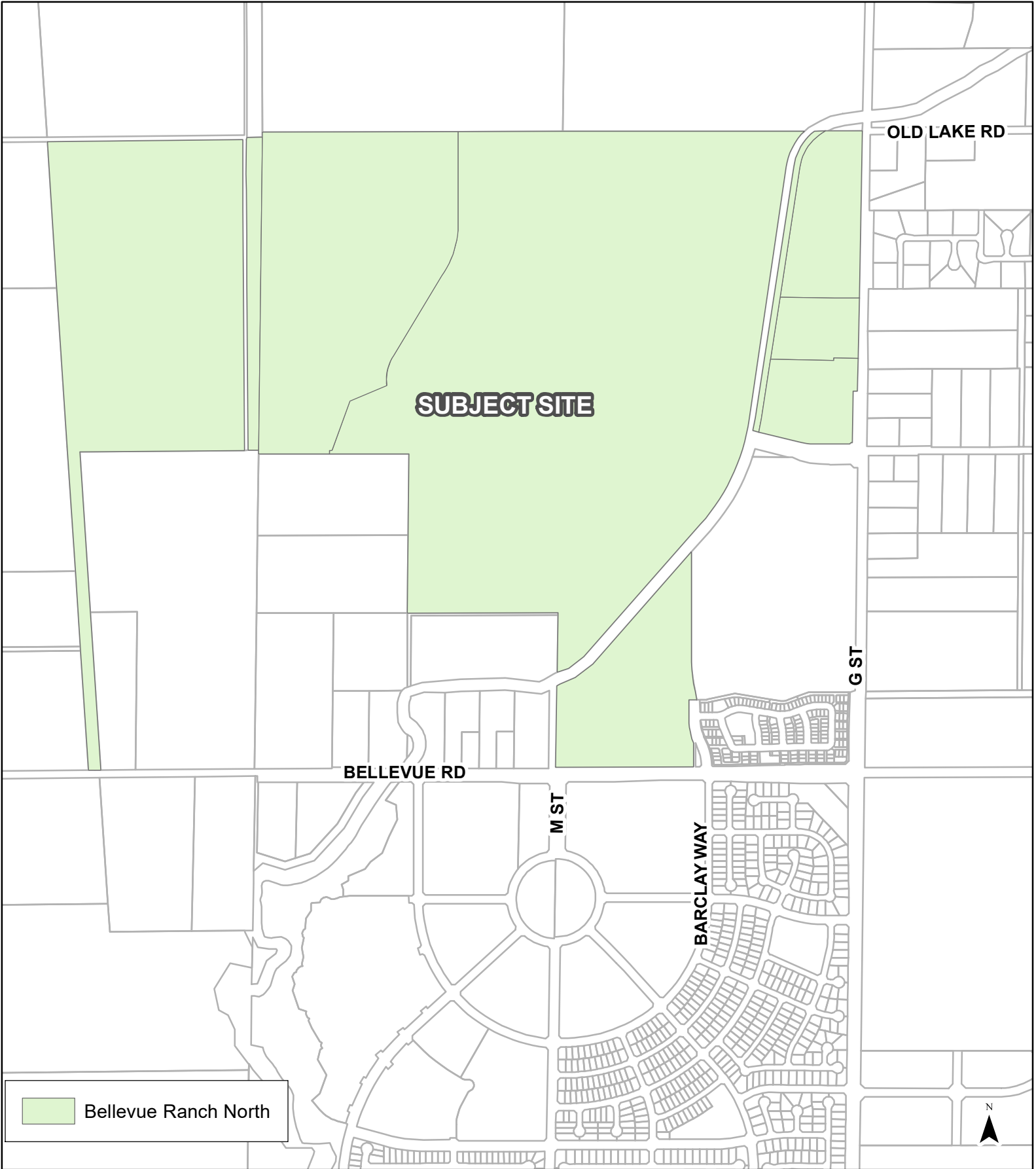
SIGNATURE

Senior Planner

TITLE

Exhibits:

- 1) Location map
- 2) Original VTSM #1280
- 3) Planning Commission Resolution #2857
- 4) Modified VTSM #1280
- 5) Modification of Lots 21-A & 21-B
- 6) Wetland Delineation Map
- 7) Letter from U.S. Army Corps of Engineers
- 8) CEQA Section 15162 Findings



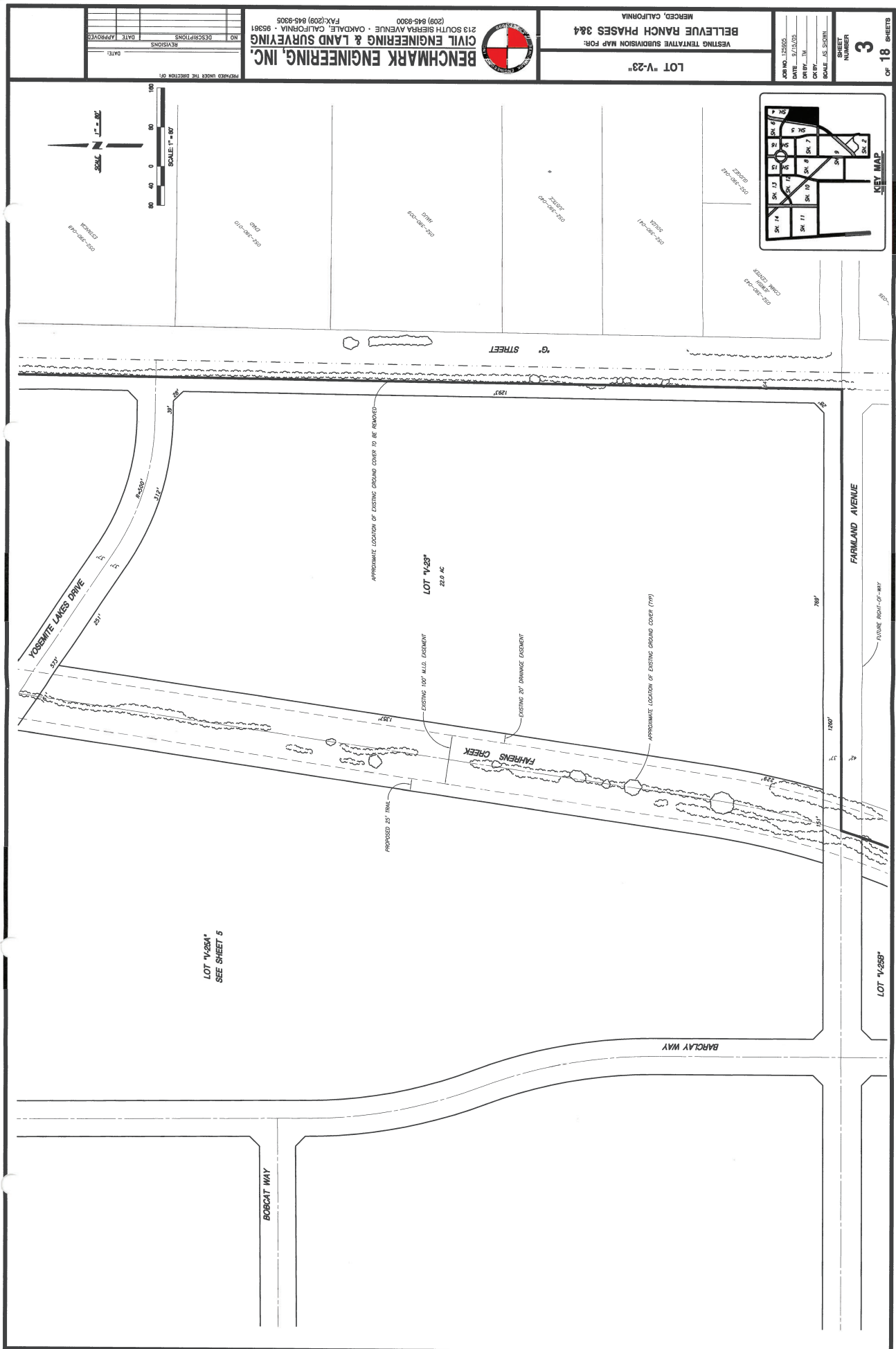
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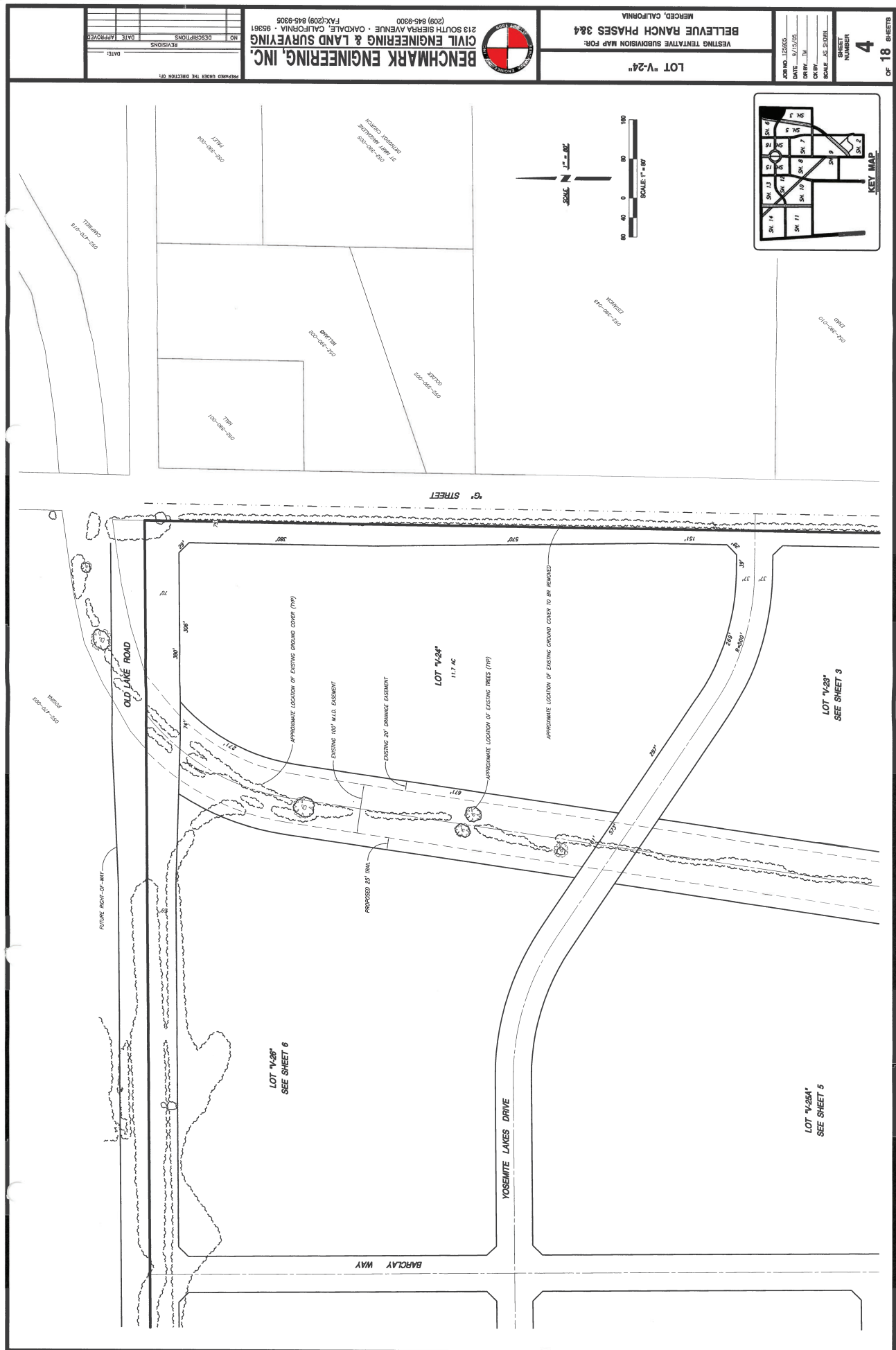
SITE PLAN REVIEW #503  
MODIFICATIONS TO VTSM #1280



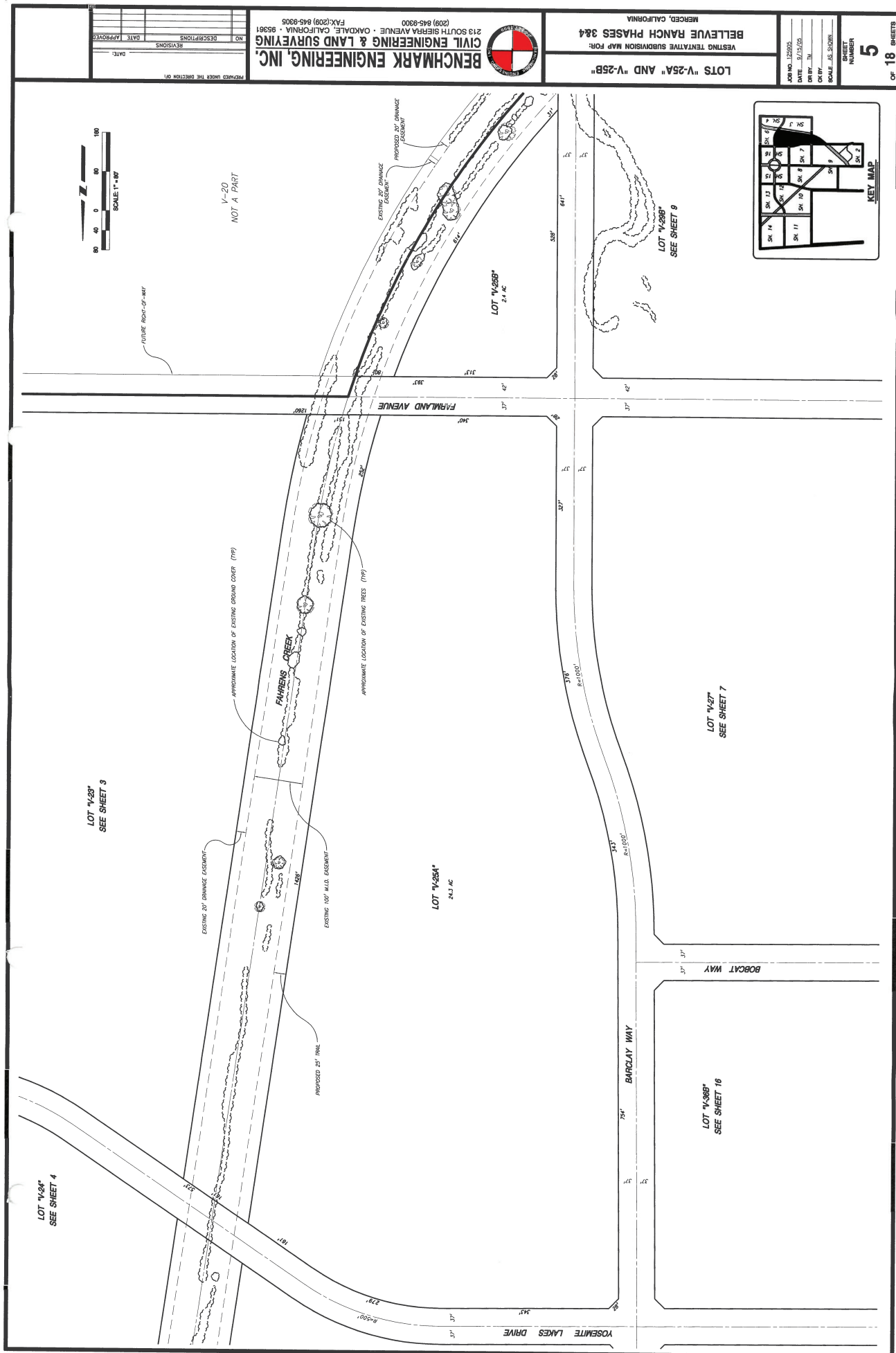














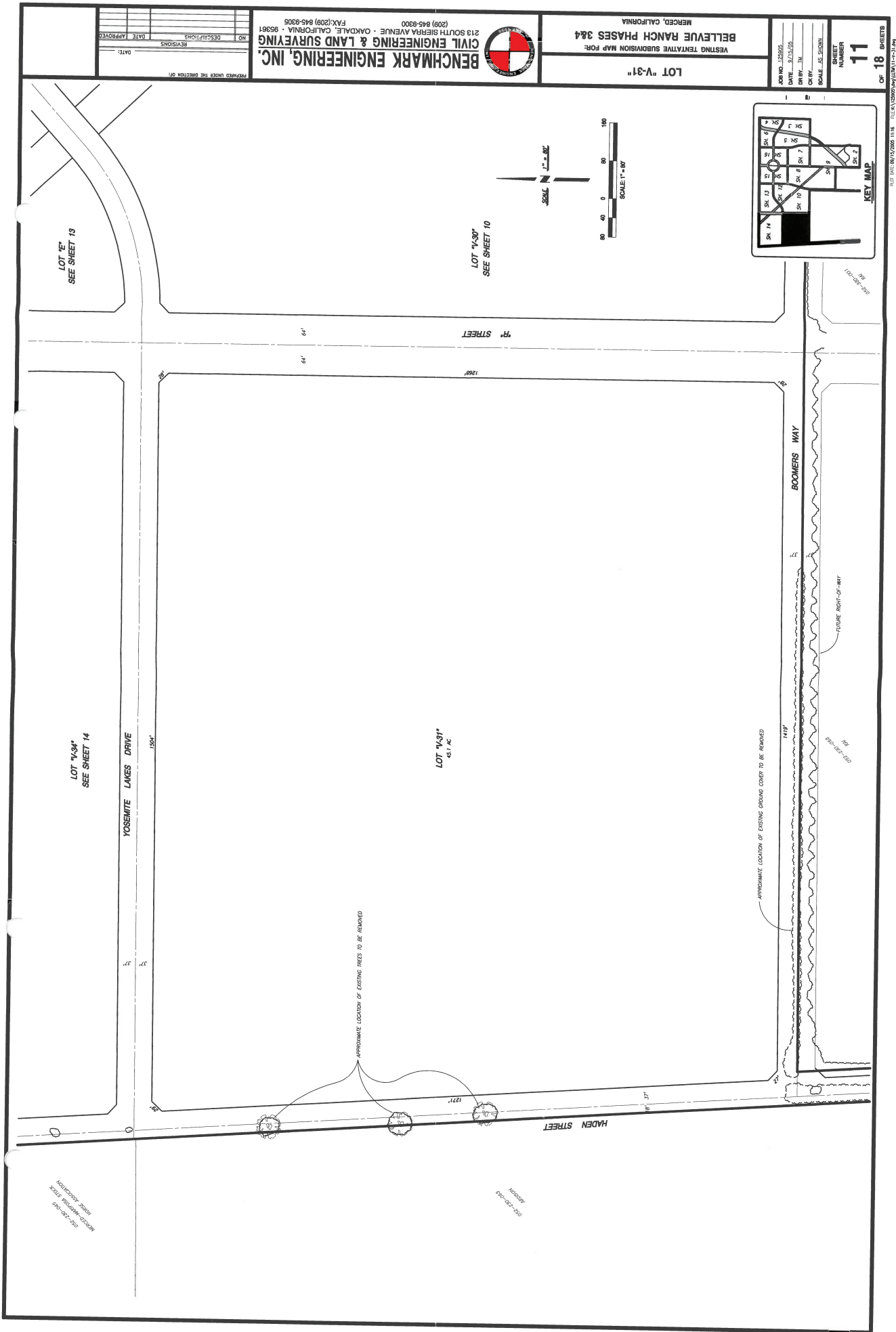












NO.	DESCRIPTION	DATE	APPROVED

**BENCHMARK ENGINEERING, INC.**  
 213 SOUTH SIERRA AVENUE • OAKDALE, CALIFORNIA • 95361  
 (209) 845-8300 FAX: (209) 845-8305

**BELLEVE RANCH PHASES 3&4**  
 VESTING TENTATIVE SUBDIVISION MAP FOR:  
 LOT "V-31"

JOB NO. 12552  
 DATE: 9/12/05  
 DRAWN BY: JN  
 SCALE: AS SHOWN  
 SHEET NUMBER: 11  
 OF 18 SHEETS

SHEET  
NUMBER  
**12**

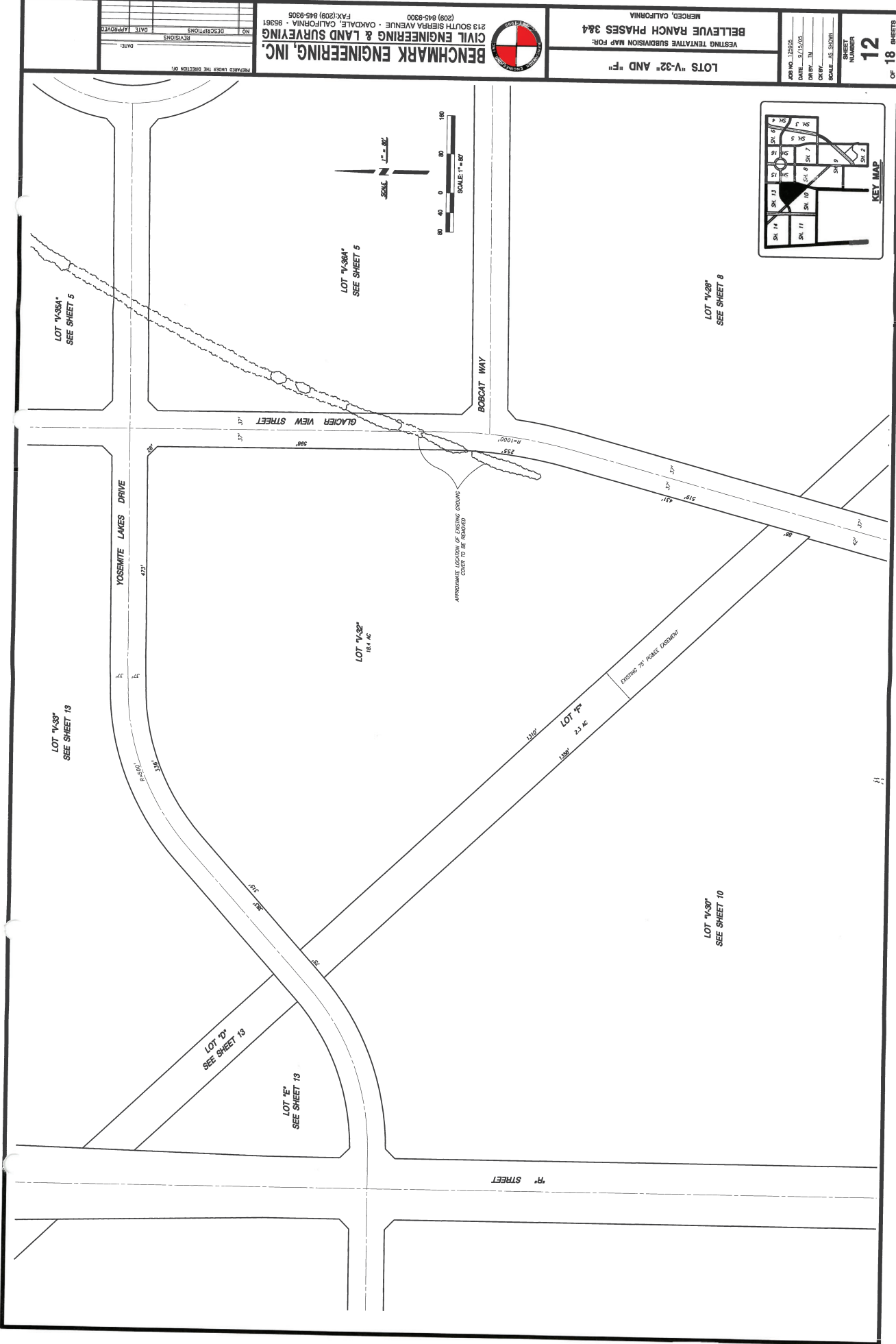
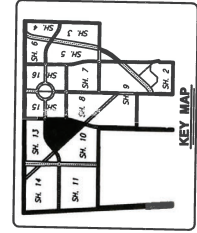
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DRAWN BY  
CHECKED BY  
SCALE AS SHOWN

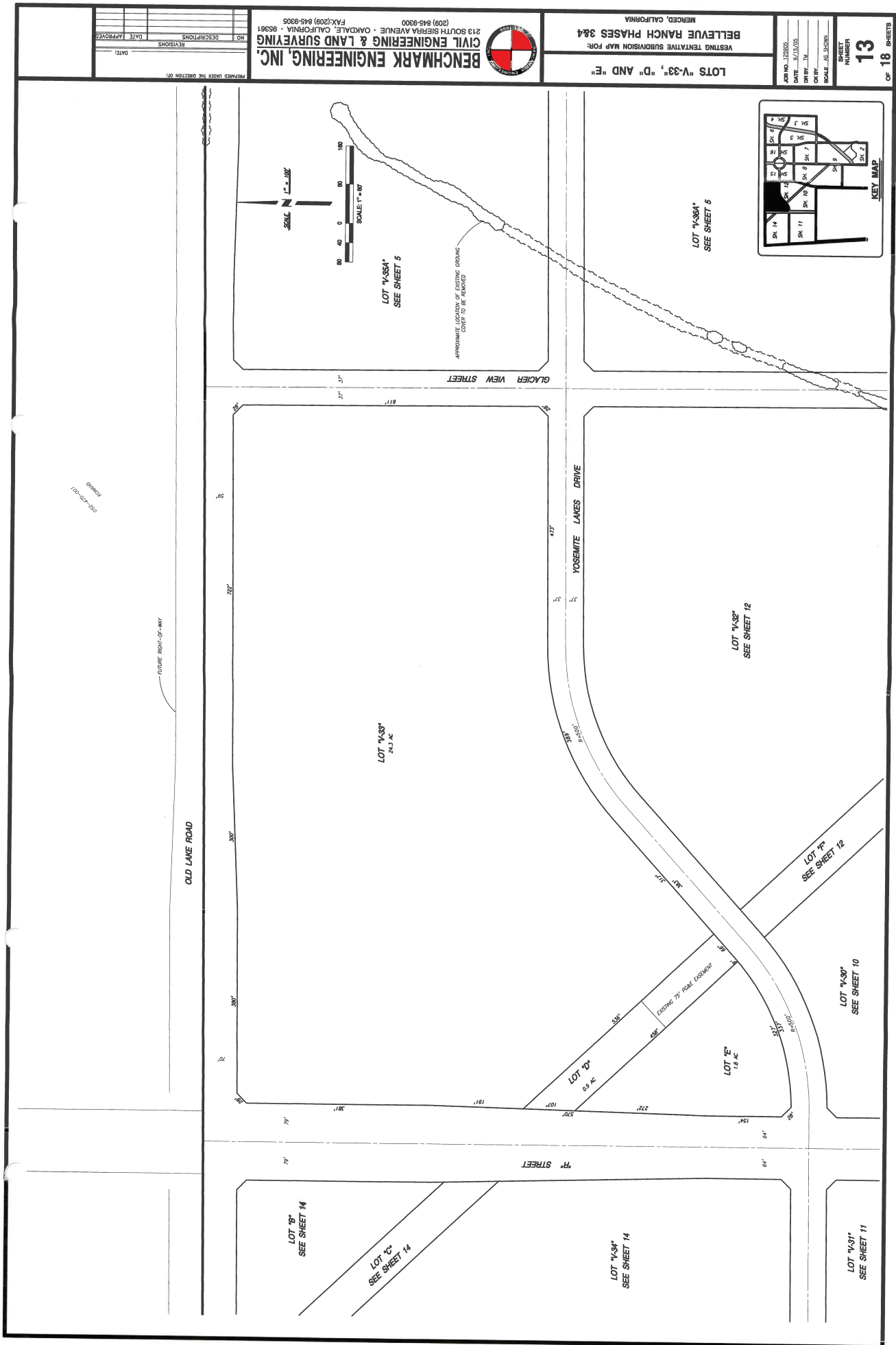
LOTS "V-32" AND "F"  
BELLUE RANCH PHASES 3&4  
WESTING TENTATIVE SUBDIVISION MAP FOR  
MERCED, CALIFORNIA



**BENCHMARK ENGINEERING, INC.**  
213 SOUTH SIERRA AVENUE - OAKDALE, CALIFORNIA - 95361  
FAX: (209) 845-8905  
(209) 845-8300


PROPOSED LINES IN THE DIRECTION OF





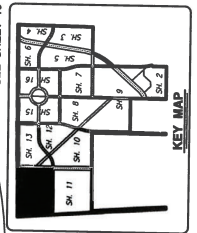
NO.	DESCRIPTION	DATE	APPROVED

**BENCHMARK ENGINEERING, INC.**  
 213 SOUTH SIERRA AVENUE - OAKDALE, CALIFORNIA 95361  
 (209) 845-8900  
 FAX: (209) 845-8905

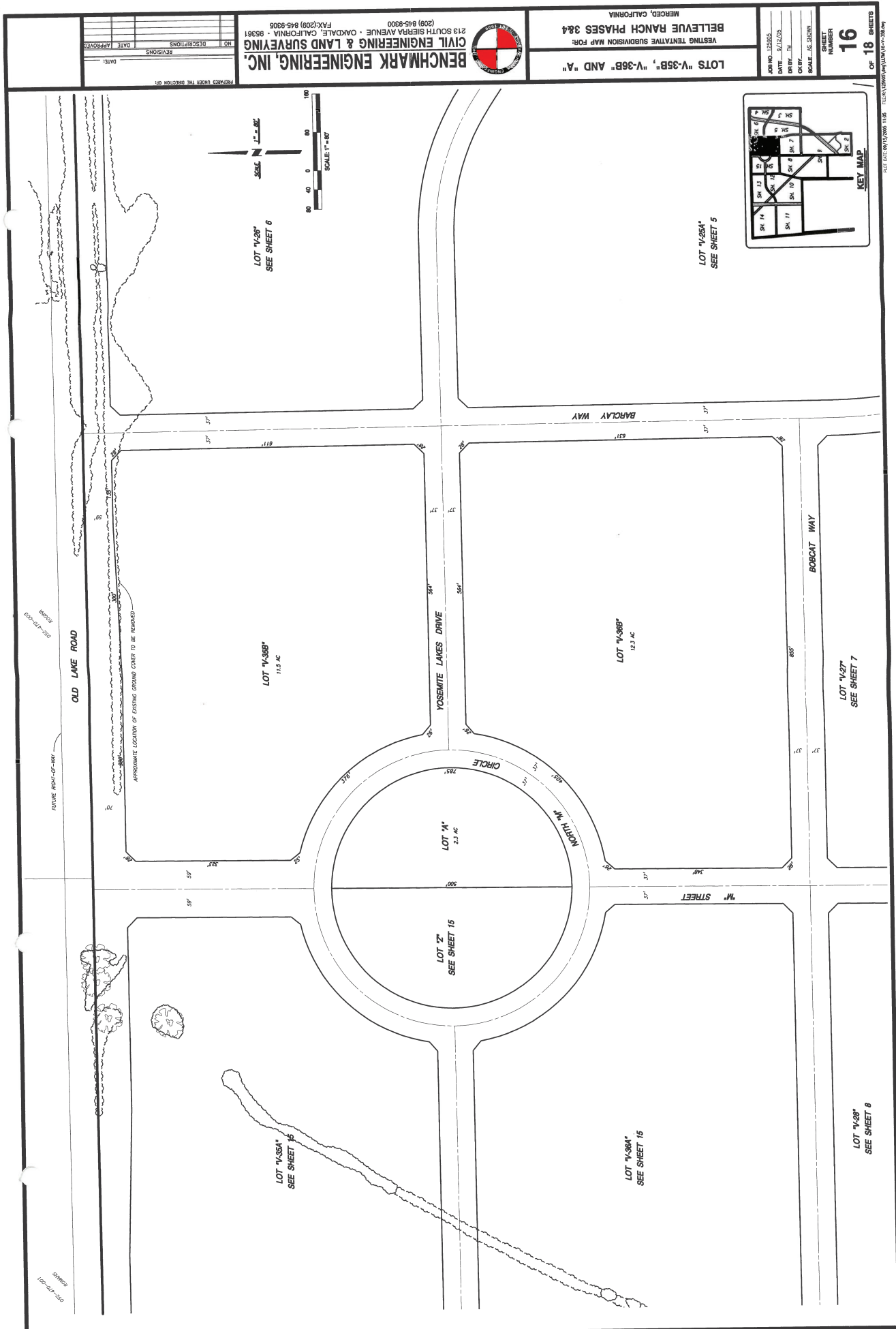
**WESTING TENTATIVE SUBDIVISION MAP FOR:**  
**LOT 13, "D" AND "E"**  
 BELLEVUE RANCH PHASES 3&4  
 MERCED, CALIFORNIA

**APR NO. 132805**  
**DATE:** 9/13/05  
**BY:** JLM  
**CHKD:** JLM  
**SCALE:** AS SHOWN  
**SHEET NUMBER**  
**13**  
**OF 18 SHEETS**





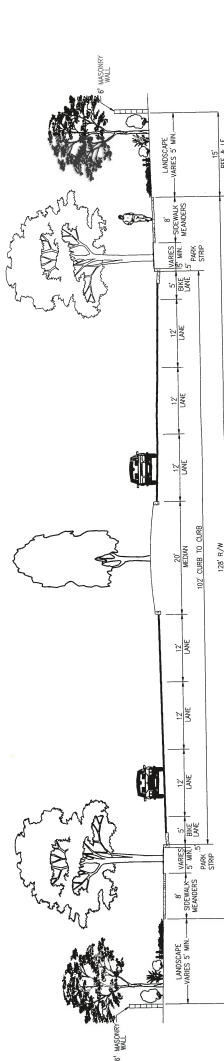




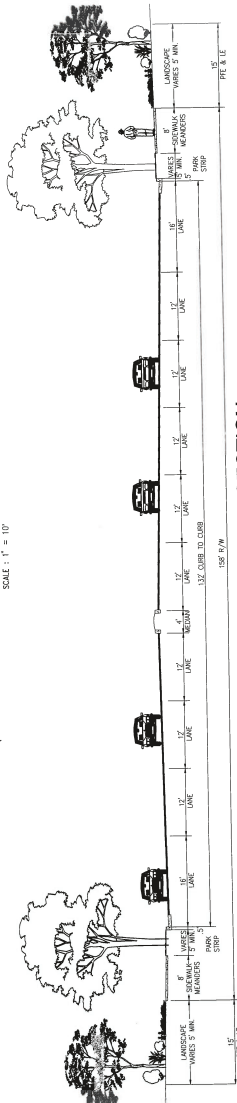


**rrm**designgroup  
creating environments people

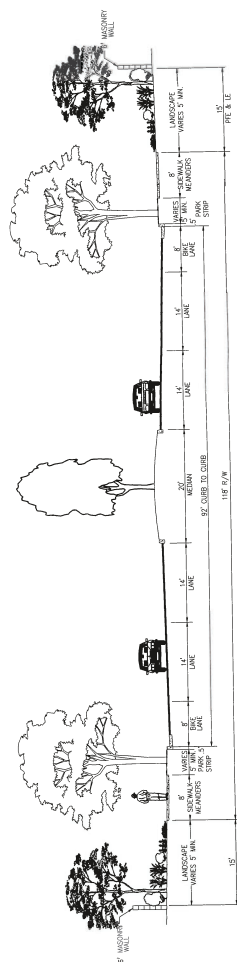
210 East F Street, Oakdale, CA 95361  
P: (209) 847-1794 F: (209) 847-2511 | [www.rmdesign.com](http://www.rmdesign.com)



# MAJOR ARTERIAL / ARTERIAL



MAJOR ARTERIAL INTERSECTION  
("R" STREET AT OLD LAKE ROAD)



DIVIDED ARTERIAL  
(OLD LAKE ROAD)  
SCALE : 1" = 10'



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

**Resolution #2857**

Extensions and Amendments on 11/4/10, 7/15/11, 7/11/13, 10/10/15, 1/31/19, 11/8/19, 3/12/21, 4/1/21, 4/29/21 --See pages 9-11
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**WHEREAS**, the Merced City Planning Commission at its regular meeting of February 8, 2006, held a public hearing and considered **Vesting Tentative Subdivision Map #1280 (“Large Lot Mapping of Bellevue Ranch Phases 3 and 4”)**, initiated by Crosswinds of Bellevue, LLC, applicant for Don and Thelma Grangnani, property owners, to allow the subdivision of 520 acres into 30 lots. The project is located north of Bellevue Road, west of “G” Street (excluding the proposed Farmland High School site), south of Old Lake Road, and generally east of the abandoned Yosemite Valley Railroad within Planned Development (PD #42); also known as Assessor’s Parcel Numbers 052-230-057, -072, -073, -074, and -075; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through P of Staff Report #06-14; and,

**WHEREAS**, the Merced City Planning Commission does resolve to hereby find that the previous environmental review (Draft Environmental Impact Report for Bellevue Ranch Master Development Plan – SCH #92102055) remains sufficient and no further documentation is required (CEQA Section 15162); and approves Vesting Tentative Subdivision Map #1280, subject to the following conditions:

1. The project shall be constructed in accordance with Vesting Tentative Map #1280, as shown on Attachment B of Staff Report #06-14, subject to conditioned changes. Prior to or concurrent with recordation of the final map, the applicant shall furnish the City with an updated map (11” x 17” and a “pdf” image) of the Bellevue Ranch Master Development Plan showing all approved changes to the BRMDP, as well as providing a word “doc” of the text of the BRMDP to the City.
2. All conditions contained in *Resolution #1175-Amended (“Standard Tentative Subdivision Map Conditions”)* shall apply.

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3. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. The Project shall comply with the Project Description (including Table 6.1); the conditions set forth in the Bellevue Ranch Master Development Plan (adopted May 15, 1995 per Resolution #95-34); the Development Agreement for Bellevue Ranch (approved June 5, 1995); the Bellevue Ranch Final EIR Mitigation Measures (adopted May 15, 1995); and any applicable conditions of approval set forth by the Merced County LAFCO regarding the Bellevue Ranch Annexation No. 2; previously approved for this project, except those as modified by this approval.
6. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as storm drainage, public landscaping, street trees, street lights, parks and open space. CFD procedures shall be ~~initiated~~ completed prior to final map approval for any small lot subdivision. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the City Engineer to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
7. The developer/applicant shall indemnify, protect, defend, 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, or proceedings 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. 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

Amended--  
See page 10

## PLANNING COMMISSION RESOLUTION #2857

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- responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
8. 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.

### Circulation

9. Consistent with BRMDP Condition of Approval #91, the Backbone Improvement Plans for the Large Lot Final Map shall be reviewed by the local transit authority to locate appropriate locations and designs for bus stop facilities on arterial and collector streets.
10. Consistent with BRMDP Conditions of Approval #39 and #40, the necessary right of way as shown in the BRMDP for all major arterials intersections, special intersections, and the “M” Street Transitway shall be dedicated within the large-lot Final Map to the satisfaction of the City Engineer.
11. Consistent with BRMDP Conditions of Approval #45 and #75, collector streets fronting commercial, multi-family, churches and public facility sites, such as parks and schools, shall utilize the standard collector 74-foot right of way that includes provisions for on-street parking. This shall be provided on the Final Map of the large lot subdivision.
12. Consistent with BRMDP Condition of Approval #75, collector streets that do not have fronting residential lots may utilize the “collector street alternative” design with a 64-foot right of way. This shall be provided on the Final Map of the large lot subdivision.
13. Consistent with BRMDP Condition of Approval 10.05 and Mitigation Measure 4.12.1, a minimum 15-foot wide landscape buffer area shall be required along all project areas fronting on “G” Street, “R” Street, Old Lake Road, and Bellevue Road. A solid decorative masonry wall shall be provided in this buffer area.



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14. Street names to be approved by City Engineer.
15. Offer for dedication, by Final Map, all collector and arterial street rights-of-way and all necessary easements and as needed for irrigation, utilities, drainage, landscaping, and open space.
16. “M” Street shall be constructed to a 94-foot minor-arterial standard from Bellevue Road to 200 feet south of the PG&E transmission line corridor. Alternatively, other improvements may be accepted by the City based on a traffic study showing anticipated impacts and recommended improvements.

### Public Utilities and Services

17. The adopted BRMDP includes an elementary school site within Village 25A. The Merced City School District is examining use of this and other sites within Bellevue Ranch Phases 3 and 4 for an elementary school. Applicants of subsequent small lot tentative maps shall not seek City of Merced Planning Commission review and action earlier than May 1, 2006, unless the City and District agree that the subject small lot project is not a desirable elementary school site. After this date, the City will process applications for formal action even in the event the school district has not identified a site. The currently designated elementary school site on the BRMDP north of Bellevue Road will be regarded as the future elementary school site unless amended through subsequent applications.
18. Consistent with BRMDP Mitigation Measure 4.14.6, prior to approval of Final Map, the project applicant shall submit all plans for review to affected electric utilities.
19. The proposed sewer line master plan for the subdivision shall be modified to include sewer infrastructure improvements to surrounding areas of the Project site in a manner that is consistent with the North Merced Sewer Master Plan, provide flexibility in system design, and allow the subject project to use the “R” Street trunk line in the short-term, as determined by the City Engineer and Director of Development Services. Depending upon the determinations made in accordance with Condition of Approval #20 (see below), these may include improvements such as a sewer line in Barclay stubbed to Old Lake; a dry line pipe in Bellevue Road from the Barclay pump station

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- to the intersection of “G” Street; and Bellevue Road sized to serve lands shown in the North Merced Sewer Master Plan that will use the “R” Street sewer trunk line; and a dry line pipe in Bellevue Road from the Barclay pump station to the intersection of “R” Street and Bellevue Road. The City will, in accordance with City Code, reimburse the applicant for the increased costs associated with the larger pipe. No easement for the “59” trunk line is needed in “R” Street.
20. The sewer system of the Project shall comply with the City of Merced’s North Merced Sewer Master Plan. However, the interim use of the “R” Street line may be permitted if adequate capacity in the sewer line and downstream pump stations for Phases 3 and 4 of Bellevue Ranch, and other interim users of the “R” Street sewer trunk line is determined to exist. The applicant shall pay their fair share of any costs related to this determination.
  21. Prior to signature of the Final Map, the City Engineer shall confirm that the applicant’s proposed sewer system, including those features noted in Conditions #19 and #20, will be constructed with a pump station that in the long-term permits sewage to be pumped to the “59” sewer trunk line.
  22. The developer shall supply a storm-drainage master plan with calculations and pipe slopes to substantiate the proposed storm-drainage layout prior to Final Map approval.
  23. The sewer lift station and accompanying lines must be built in conjunction with the first phase of construction. At time of construction, both the sewer and storm drain lines shown in Village-30A and Village 23 must be in a utility easement and have a gravel road over them for City access and maintenance, unless placed within a paved road right-of-way.
  24. Prior to signature of the Final Map, the applicant shall provide the City Engineer with a map showing the preliminary number, location, and size of wells required by the City. Upon further review of these sites, dedication of well sites shall occur as part of the small-lot TSM Final Map.

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### Safety

25. Consistent with BRMDP Conditions of Approval #22 and #24, the applicant shall dedicate as part of the large-lot TSM Final Map, an acceptable fire station site to the City of Merced. Details to be worked out with the Fire and Planning Departments.

### Biological and Cultural Resources:

26. Consistent with BRMDP Mitigation Measure 4.8.1, prior to issuance of grading permits for the large lot tentative map, the project applicant shall produce a wetlands delineation consistent with the 1987 Corps of Engineers Wetlands Delineation Manual or subsequent standards and obtain verification of the wetlands delineation by the U.S. Army Corps of Engineers (COE). The applicant shall consult with the City Planning Department and demonstrate compliance with the COE requirements.
27. Consistent with BRMDP Mitigation Measure 4.8.2, prior to issuance of grading permits for the large lot tentative map in affected wetlands areas, the project applicant shall secure a permit to fill wetlands consistent with Section 404 of the Clean Water Act, and the corresponding 1603 Streambed Alteration permit required by the State of California. Such permit shall include a wetlands mitigation plan consistent with the policy of “no net loss in wetlands acreage or value.” The applicant shall consult with the City, the Department of Fish and Game, and the COE during the preparation of this plan to develop a consolidated mitigation program, within the guidelines of the COE.
28. Consistent with BRMDP Mitigation Measure 4.8.3, prior to issuance of grading permits for the large lot tentative map, the Project applicant shall hire a qualified biologist to conduct late spring surveys of vernal pools for Dwarf Downingia. If species are confirmed on the project site, mitigation measures consistent with the most current listing status of the species shall be prepared and submitted to the City for inclusion in the Mitigation Monitoring Program for the project.
29. Consistent with BRMDP Mitigation Measure 4.8.4, prior to issuance of grading permits for the large lot tentative map, the Project applicant shall comply with Mitigation Measure 4.8.4 dealing with fairy

## PLANNING COMMISSION RESOLUTION #2857

Page 7

Feb. 8, 2006/Nov. 4, 2010/July 15, 2011/July 11, 2013/Oct. 10, 2015/ Jan. 31, 2019/Nov. 8, 2019/Mar. 12, 2021/Apr. 1, 2021/Apr. 29, 2021

shrimps and tadpole shrimps. See Mitigation Measure 4.8.4 for details.

30. Consistent with BRMDP Mitigation Measure 4.6.5, prior to issuance of grading, demolition, or building permits, the applicant shall complete an Archeological Site Record Form. See MM 4.6.5.

### Open Space:

31. Consistent with BRMDP Condition of Approval #7, the applicants of subsequent small lot tentative subdivision maps shall dedicate as part of the Final Map, all lands designated as “Park” on the Master Development Plan or otherwise agreed upon by the applicant and City.
32. The Fahrens Creek flood channel/open space corridor shall be dedicated by Final Map, including creekside dedication set forth in the City of Merced General Plan, Open Space Policy 1.2.b, stating: “Continue to acquire a minimum 50-foot dedication from the centerline (or 25-feet from the crown, whichever is greater) of all creeks within the planning area in order to maintain these open space areas as natural riparian preserves and recreation areas.” Prior to or concurrent with submittal of a Final Map, the applicant shall provide the Department of Development Services with a plan showing the following aspects of Fahrens Creek (southeast side only), as well as field staking typical cross-sections of Fahrens Creek denoting these aspects, including: (1) proposed 25-foot trail on northwest side of creek; (2) existing 100-foot MID easement; (3) annual average high-water mark of creek; (4) the existing MID service road; and (5) existing/proposed 20-foot drainage easement on the southeast side of creek. The Final Map shall include the creekside dedication area consistent with City Policy and the determination made by City Staff based on said plan and an investigation of the site.
33. A Conditional Use Permit is required prior to any grading permits and/or construction of any improvements within the Fahrens Creek corridor, including but not limited to, bicycle/pedestrian paths, tree plantings, habitat installation, aesthetic enhancement, landscape design and landscape construction plans, with input from the

PLANNING COMMISSION RESOLUTION #2857

Page 8

Feb. 8, 2006/Nov. 4, 2010/July 15, 2011/July 11, 2013/Oct. 10, 2015/ Jan. 31, 2019/Nov. 8, 2019/Mar. 12, 2021/Apr. 1, 2021/Apr. 29, 2021

California Department of Fish and Game (Consistent with BRMDP Condition of Approval #20).

34. As part of the design/construction of the north-south collector street bridge located between “M” Street and “G” Street north of Bellevue Road, provision for a safe multi-use (pedestrian/bicycle) path shall be made to provide connection between trail segments within the community park, nearby PG & E power line corridor easement, and Fahrens Creek (consistent with BRMDP Conditions of Approval #49 and #59). The City may opt to permit road-grade crossings of the creek instead of bridge under-crossings, due to factors such as: the need or desire for a continuous separated Class I bike-path; bridge and pathway engineering constraints; encroachment into the creek; and safety issues.
35. The storm drain improvements for the park/basin site locations must be built in conjunction with the first phase of construction.
36. The master design layout for the City park site shall be prepared by the applicant and requires City review and action.
37. Park dedication must include completed street frontage improvements.
38. Developer shall provide Landscape/irrigation/wall plans for all areas to be maintained by City.
39. Project infrastructure improvement plans shall include the provision of adequately sized utilities adjacent to school sites consistent with the Bellevue Ranch Master Development Plan.
40. The backbone improvement plans shall include and the applicant shall construct as part of TSM #1280 all of Farmland west of “G” Street; all of Barclay Road north of Bellevue Road; and all of “M” Street north of Bellevue Road. The city will work with the applicant and other property owners within and adjacent to the Bellevue Ranch Master Development Plan to ensure that each pays their fair share for these improvements.

Upon motion by Commissioner Ward, seconded by Commissioner Fisher, and carried by the following vote:

AYES: Commissioners Amey, Ward, Fisher, Acheson, Burr, and

PLANNING COMMISSION RESOLUTION #2857

Page 9

February 8, 2006/November 4, 2010/July 15, 2011/July 11, 2013/Oct.10, 2015/  
Jan. 31, 2019/Nov. 8, 2019/Mar.12,2021/Apr.1,2021/Apr.29,2021

AYES: Commissioners Amey, Ward, Fisher, Acheson, Burr, and  
Chairman Shankland

NOES: None

ABSENT: None

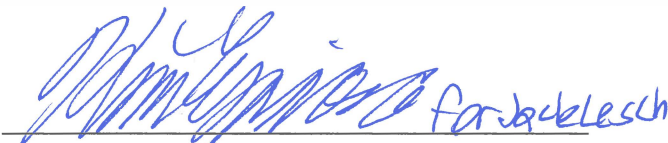
ABSTAINED: Commissioner Conte

Adopted this 8<sup>th</sup> day of February, 2006



Chairman, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

n:shared:planning:PC Resolutions:#2856 GPA SUP for BR North Large Lots

**November 4, 2010:** On July 15, 2008, the State of California gave a one year extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before December 30, 2010. On July 15, 2009, the State of California gave a second two-year extension. Therefore, Vesting Tentative Subdivision Map #1280 hereby has its expiration date extended to February 8, 2013.

## PLANNING COMMISSION RESOLUTION #2857

Page 10

Feb. 8, 2006/Nov. 4, 2010/July 15, 2011/July 11, 2013/Oct. 10, 2015/ Jan. 31, 2019/Nov. 8, 2019/Mar. 12, 2021/Apr. 1, 2021/Apr. 29, 2021

**July 15, 2011:** On July 15, 2011, the State of California gave a 24-month extension to all active (not expired) tentative maps that were otherwise scheduled to expire on or before January 1, 2014. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to February 8, 2015.

**July 11, 2013:** On July 11, 2013, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2000. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to February 8, 2017.

**October 10, 2015:** On October 10, 2015, the State of California gave a 24-month extension to all active (not expired) tentative maps that were approved on or after January 1, 2002, and not later than July 11, 2013. Therefore, Vesting Tentative Subdivision Map #1291 hereby has its expiration date extended to February 8, 2019.

**January 31, 2019:** On January 31, 2019, the Site Plan Review Committee approved the extension of Vesting Tentative Subdivision Map #1280 (“Large Lot Mapping of Bellevue Ranch Phases 3 and 4”) for one year. The new expiration date is February 8, 2020.

**November 8, 2019:** Minor Modification #19-05 was administratively approved by the Development Services Director. This approval amended Condition #6 of Planning Commission Resolution #2857.

**March 12, 2021:** Settlement Agreement executed between the City of Merced; Bellevue Merced, LLC; and Hostetler Investments, LLC. This resulted in Vesting Tentative Subdivision Map being extended 90 days from the effective date of said Agreement (March 12, 2021). The new expiration date is June 10, 2021.

**April 1, 2021:** Director of Development Services, Scott McBride, administratively approved minor changes in the lot configuration for Lots V-21A and V-21B pursuant to the authority granted by Section 1.6.2 “Amendment Process” of the Bellevue Ranch Master Development Plan.

PLANNING COMMISSION RESOLUTION #2857

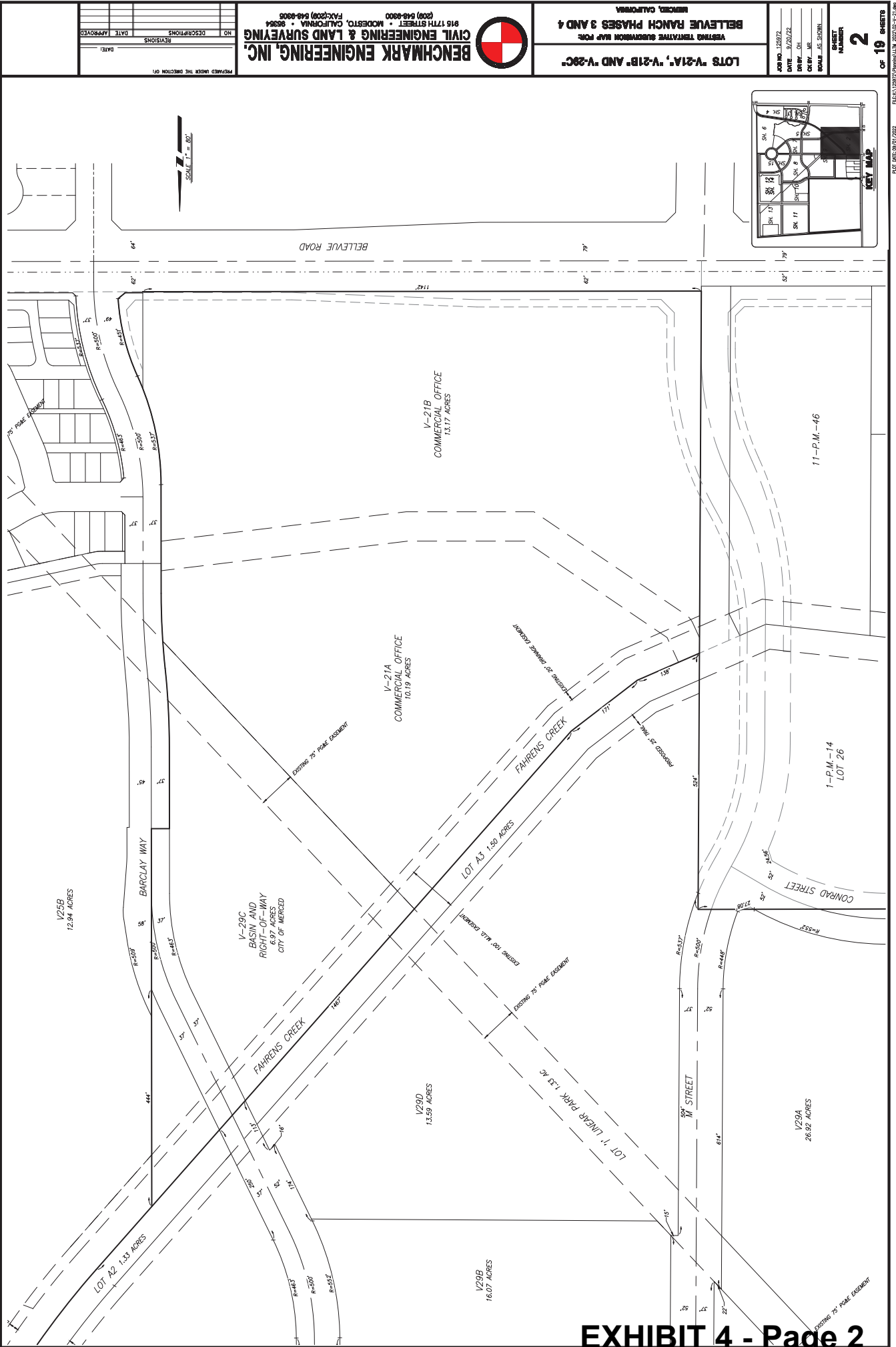
Page 11

Feb. 8, 2006/Nov. 4, 2010/July 15, 2011/July 11, 2013/Oct. 10, 2015/ Jan.  
31, 2019/Nov. 8, 2019/Mar. 12, 2021/Apr. 1, 2021/Apr. 29, 2021

**April 29, 2021:** On April 29, 2021, the Site Plan Review Committee approved the extension of Vesting Tentative Subdivision Map #1280 (“Large Lot Mapping of Bellevue Ranch Phases 3 and 4”) for three years. The new expiration date is June 10, 2024. .







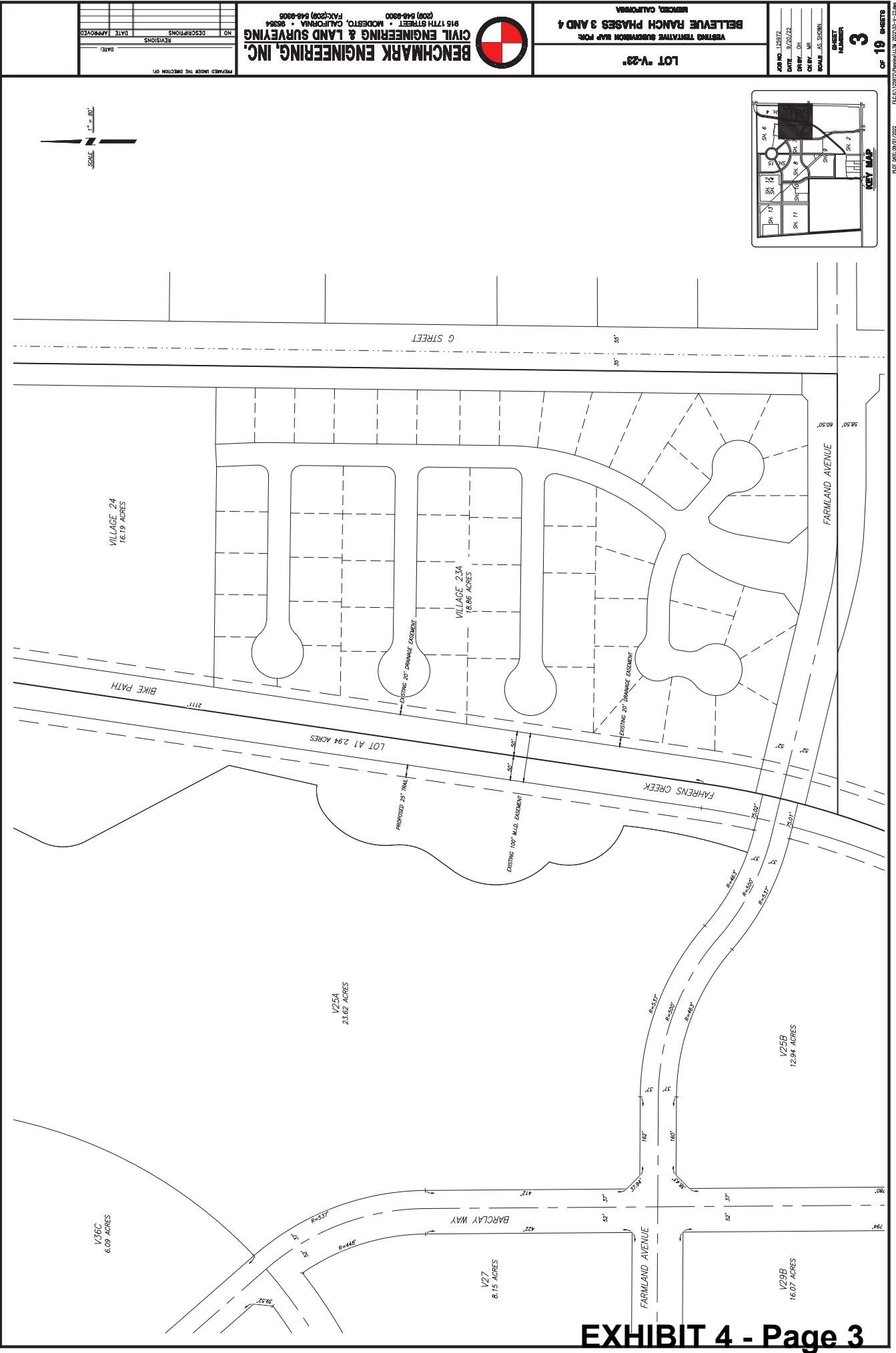
REVISIONS	
NO.	DESCRIPTIONS
DATE	APPROVED
DATE:	

**BENCHMARK ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
916 177TH STREET • MODESTO, CALIFORNIA • 95364  
(209) 648-8900 FAX(209) 648-8905

**LOTS "V-21A", "V-21B" AND "V-29C"**  
VESTING TENTATIVE SUBDIVISION MAP FOR  
BELLEVUE RANCH PHASES 3 AND 4  
MERCED, CALIFORNIA

**2**  
SHEET NUMBER  
OF 19 SHEETS  
JOB NO. 155072  
DATE 12/20/22  
BY: JH  
CHECKED: JH  
SCALE: AS SHOWN

FILE: C:\2022\155072\Survey\1118\_2022\_02-14-22.dwg  
PLOT DATE: 06/07/2022



NO.	DESCRIPTIONS	DATE	APPROVED

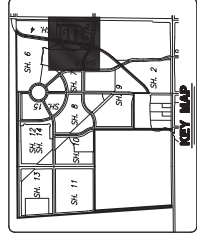
**BENCHMARK ENGINEERING, INC.**  
CIVIL ENGINEERING & LAND SURVEYING  
916 177TH STREET • MODESTO, CALIFORNIA • 95364  
(209) 648-8900 FAX(209) 648-8905



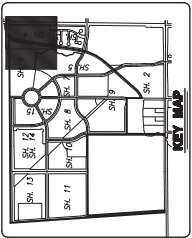
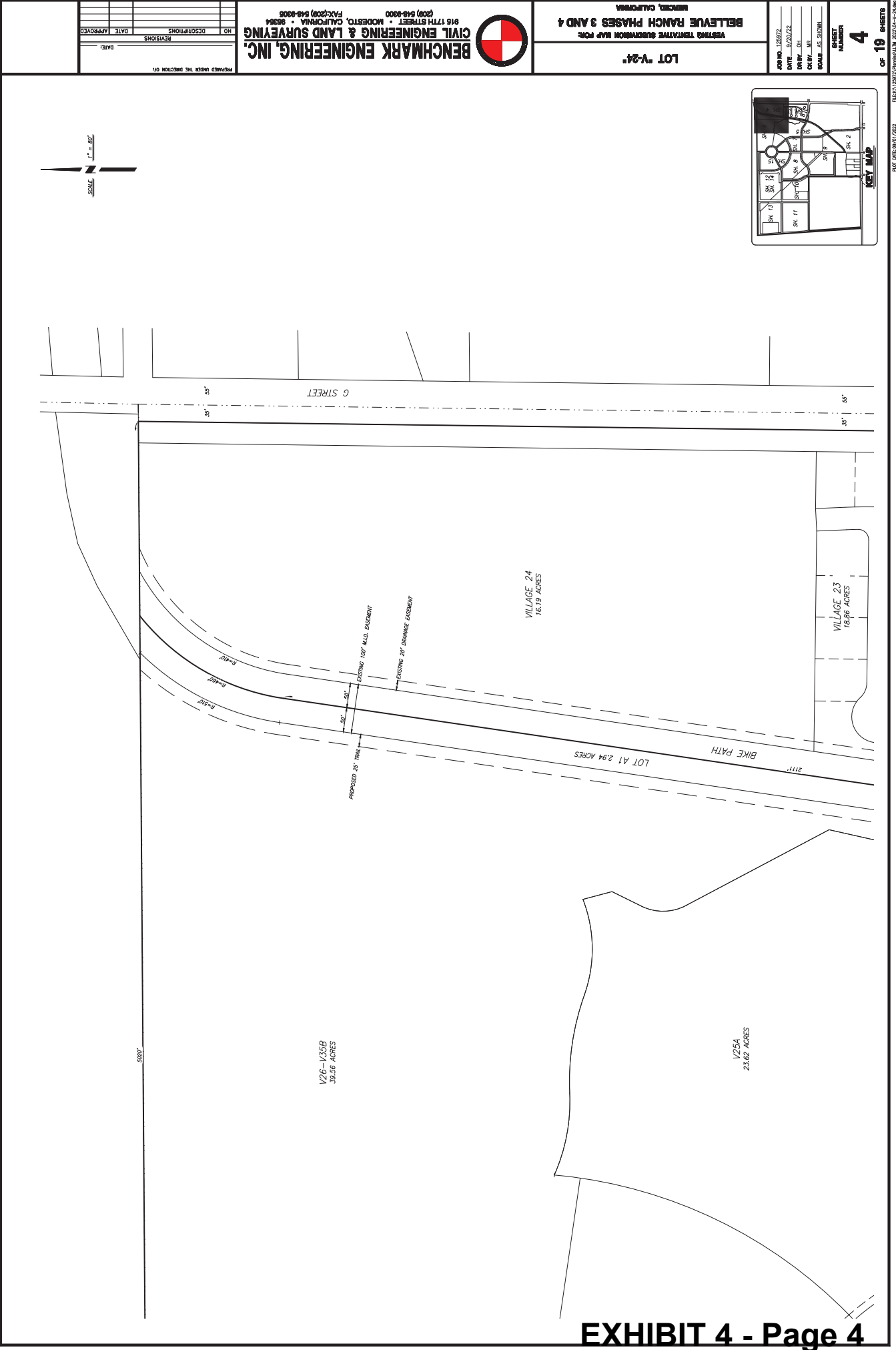
**LOT "V-23"**  
VESTING TENTATIVE SUBDIVISION MAP FOR:  
**BELLEVEUE RANCH PHASES 3 AND 4**  
MERCED, CALIFORNIA

DATE: 12/23/22  
BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS SHOWN

**3**  
SHEET NUMBER  
OF 19 SHEETS



FILE: C:\2022\22\Belleveue\11-19-2022\23-4-23.dwg  
PLOT DATE: 06/07/2022



NO.	DESCRIPTIONS	DATE	APPROVED

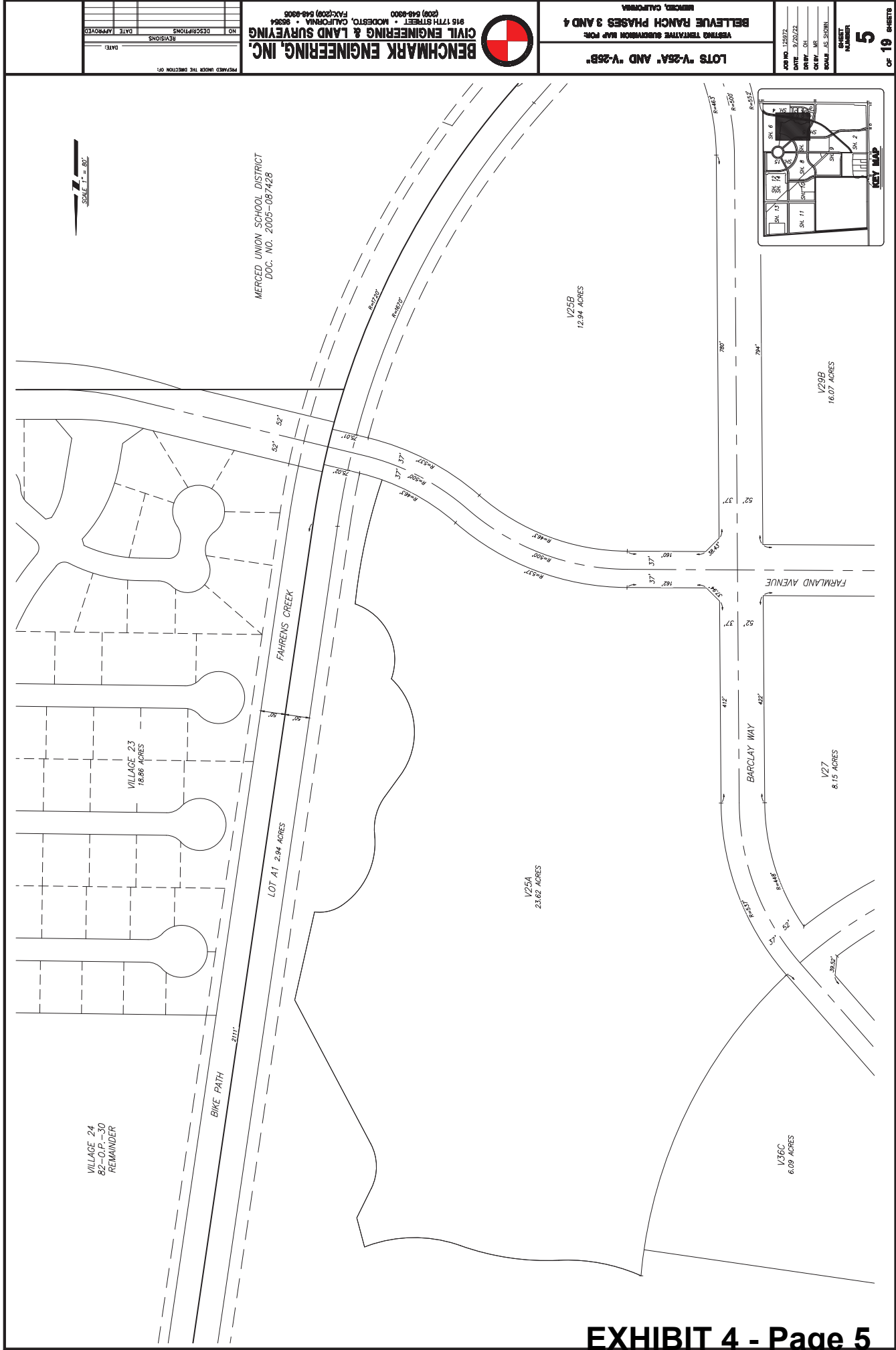


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VESTING TENTATIVE SUBDIVISION MAP FOR:  
**BELLEVEUE RANCH PHASES 3 AND 4**  
MERCED, CALIFORNIA

LOT "V-24"

JOB NO. 155072	<b>4</b> SHEET NUMBER
DATE 8/28/22	
DRAWN BY JH	
CHECKED BY JH	
SCALE AS SHOWN	



SCALE: 1" = 80'

VILLAGE 24  
82-0.P.-50  
REMAINDER

VILLAGE 23  
18.86 ACRES

BIKE PATH

LOT A1 2.94 ACRES

FAHRENS CREEK

MERCED UNION SCHOOL DISTRICT  
DOC. NO. 2005-087428

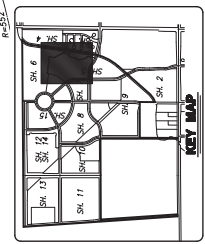
V25A  
23.62 ACRES

V25B  
12.84 ACRES

V25C  
6.09 ACRES

V27  
8.15 ACRES

V29B  
16.07 ACRES



NO.	DESCRIPTIONS	DATE	APPROVED

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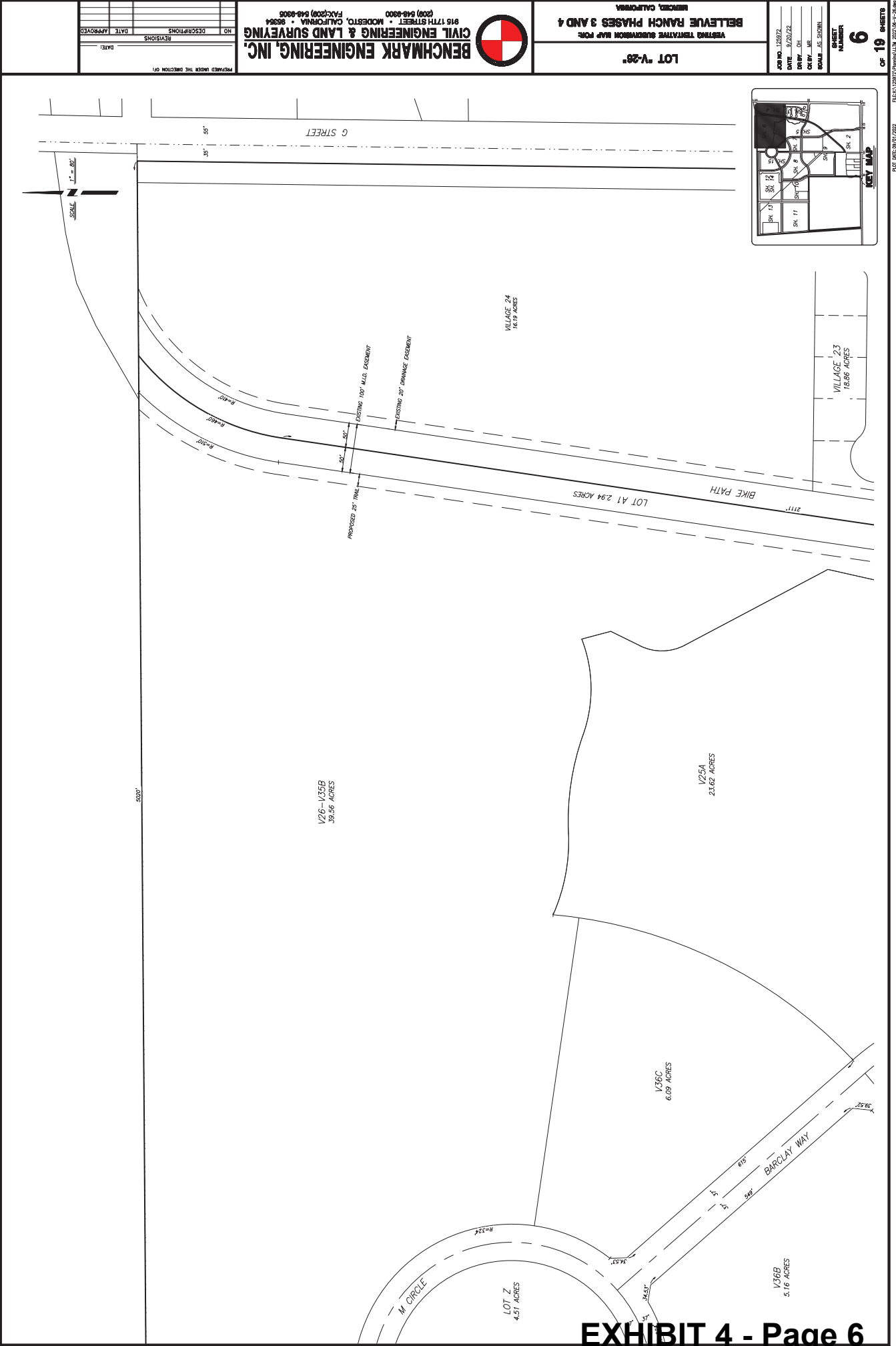


**LOTS "V-25A" AND "V-25B"**  
VERTICAL TENTATIVE SUBDIVISION MAP FOR:  
**BELLEVUE RANCH PHASES 3 AND 4**  
MERCED, CALIFORNIA

DATE: 12/21/22  
BY: JH  
CHECKED: JH  
SCALE: AS SHOWN

**5**  
SHEET NUMBER  
OF 19 SHEETS

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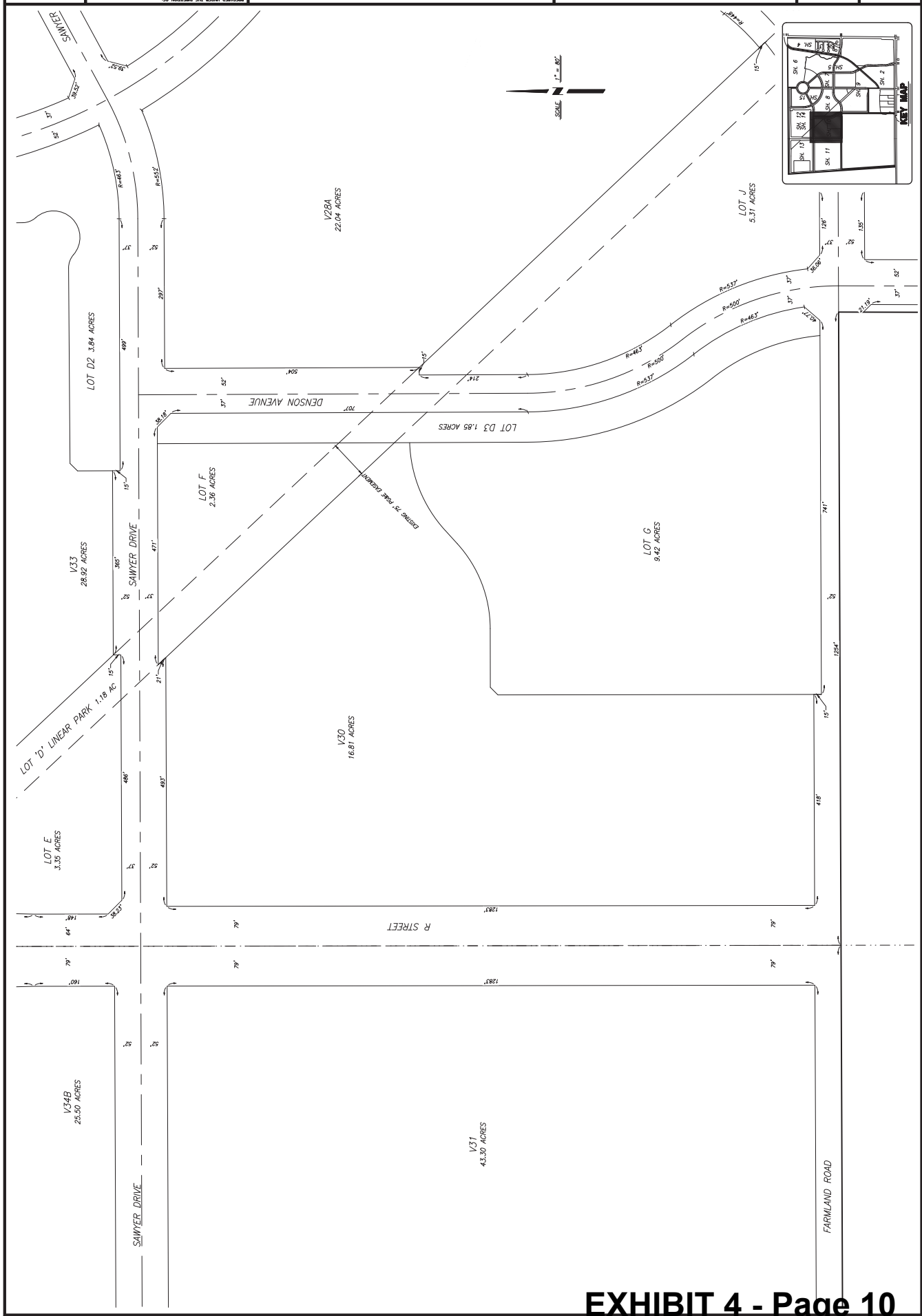






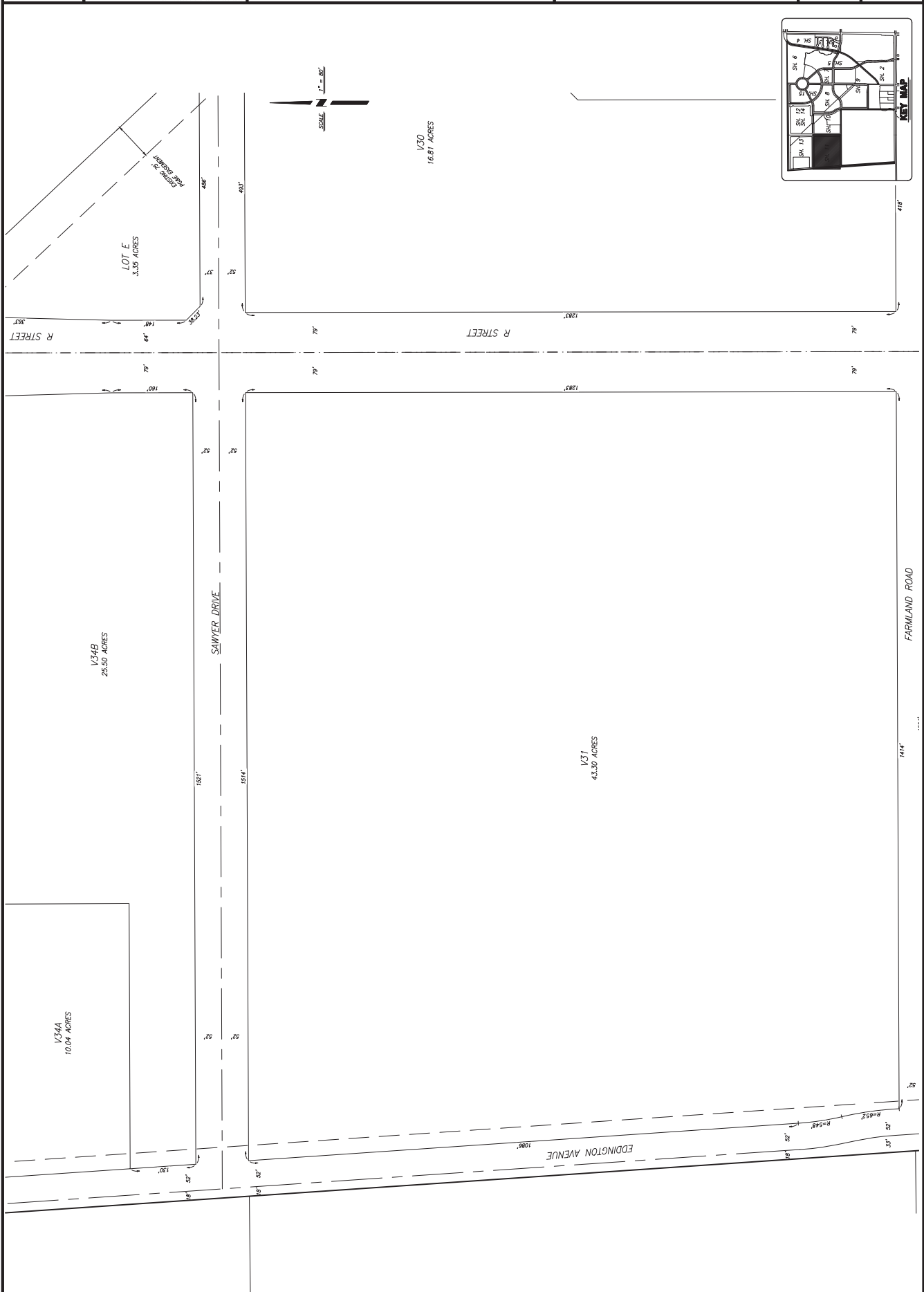








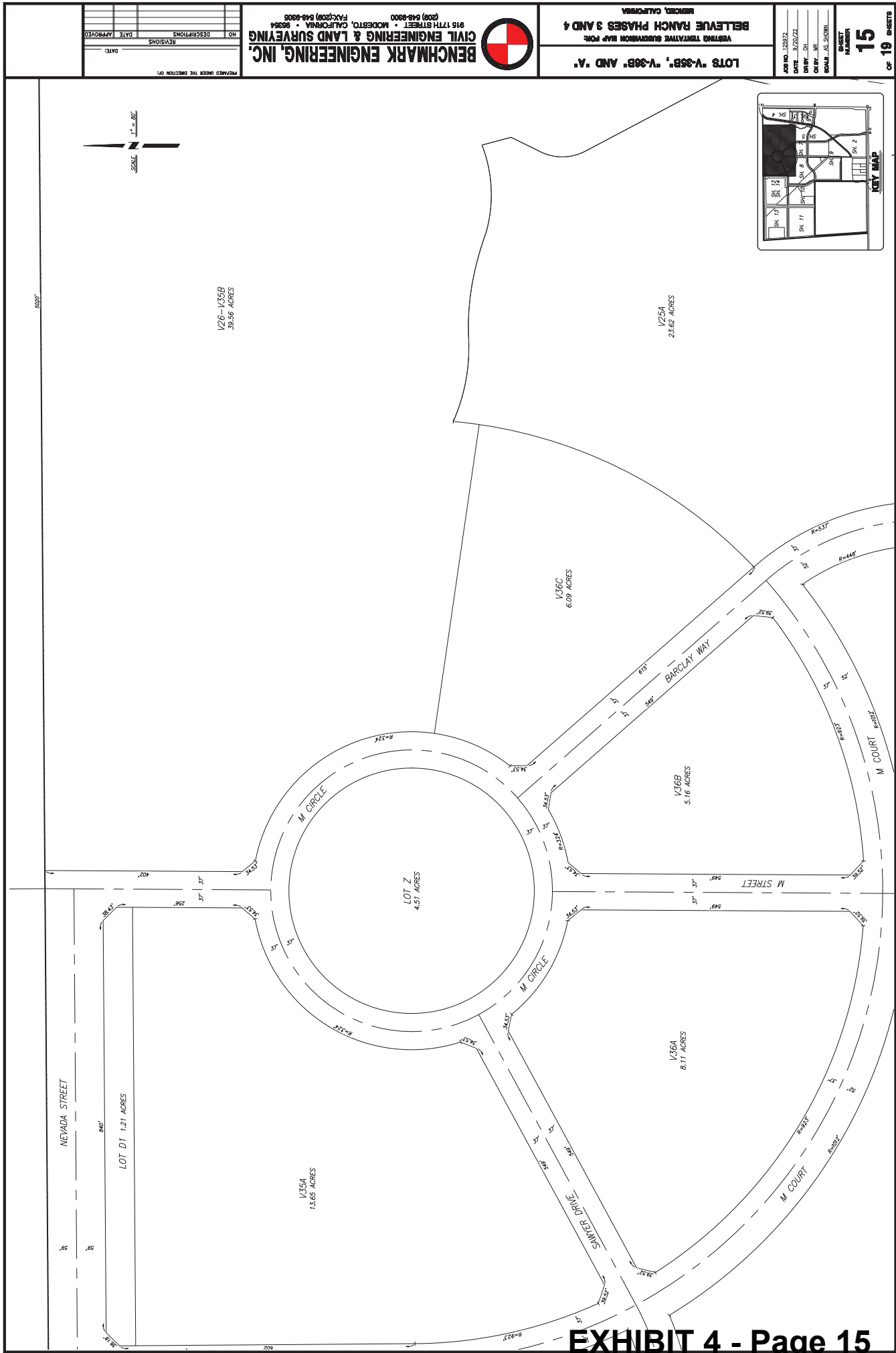
NO				DESCRIPTIONS				DATE		APPROVED	
REVISIONS											
DATE: _____											
PREPARED UNDER THE DIRECTION OF: _____											

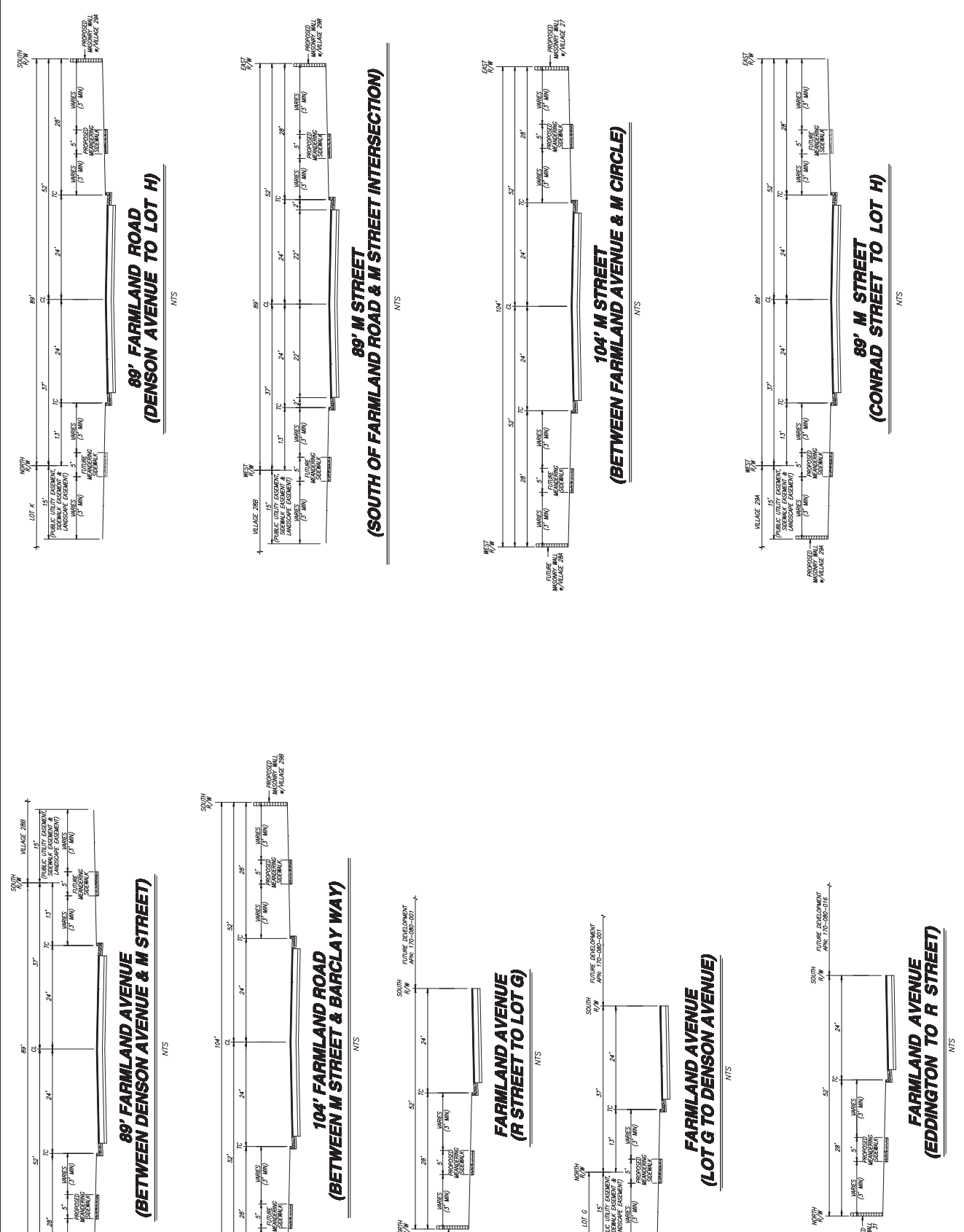






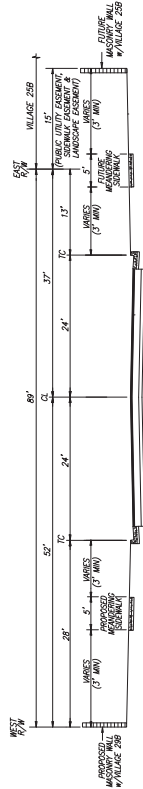






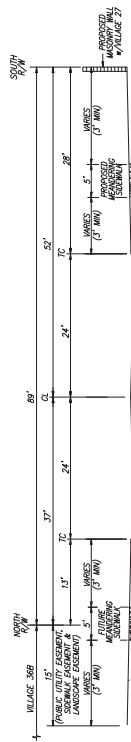






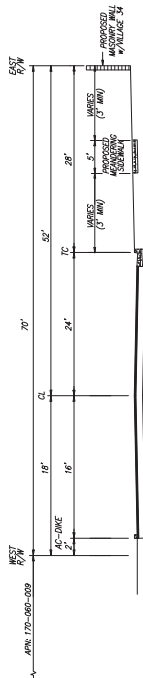
**89' BARCLAY WAY  
(SOUTH OF FARMLAND ROAD & BARCLAY WAY INTERSECTION)**

NTS



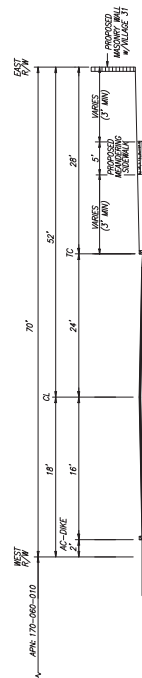
**89' M CIRCLE  
(BETWEEN M STREET & BARCLAY WAY)**

NTS



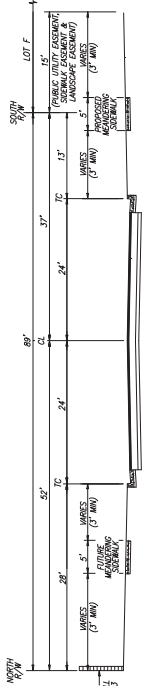
**EDDINGTON AVENUE  
(SAWYER DRIVE TO NEVADA STREET)**

NTS



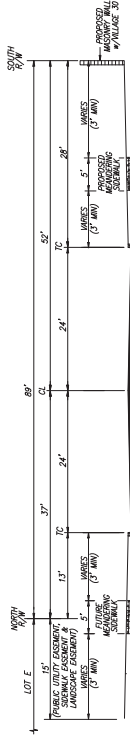
**EDDINGTON AVENUE  
(LOT 55 TO SAWYER DRIVE)**

NTS



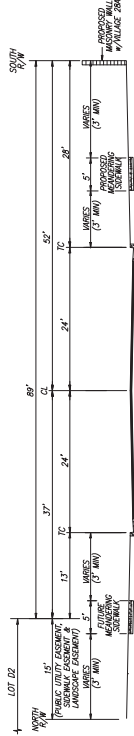
**SAWYER DRIVE  
(VILLAGE 33 TO LOT D2)**

NTS



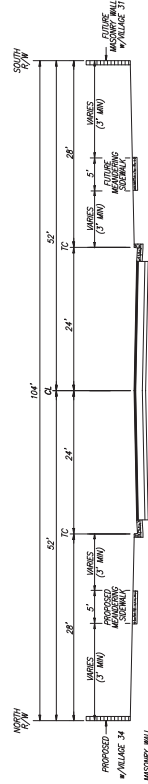
**SAWYER DRIVE  
(R STREET TO VILLAGE 33)**

NTS



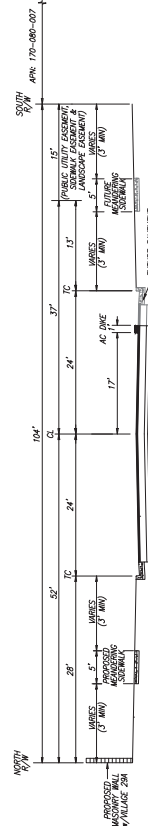
**89' SAWYER DRIVE  
(BETWEEN DENISON AVENUE & M CIRCLE)**

NTS



**SAWYER DRIVE  
(EDDINGTON AVENUE TO R STREET)**

NTS



**104' CONRAD STREET  
(BETWEEN M STREET & DENISON AVENUE)**

NTS

NO.	DESCRIPTIONS	DATE	APPROVED

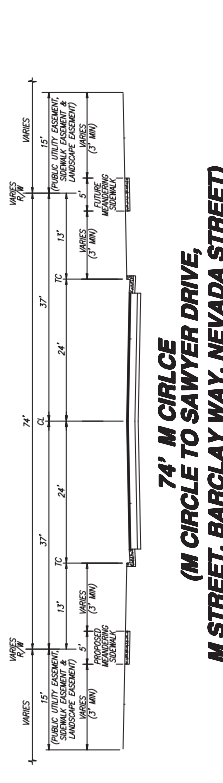
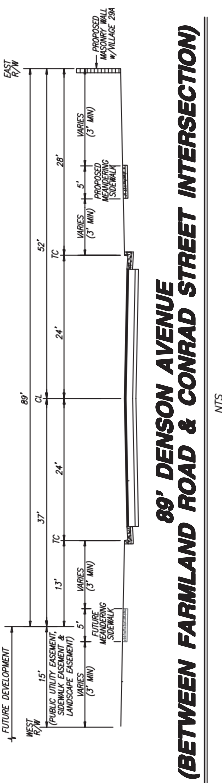
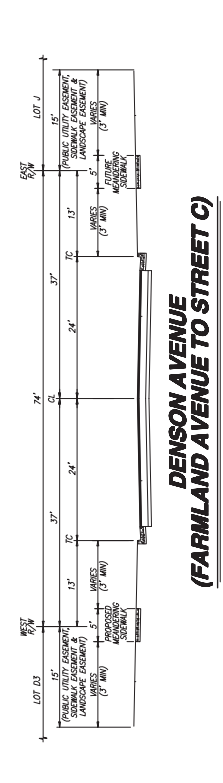
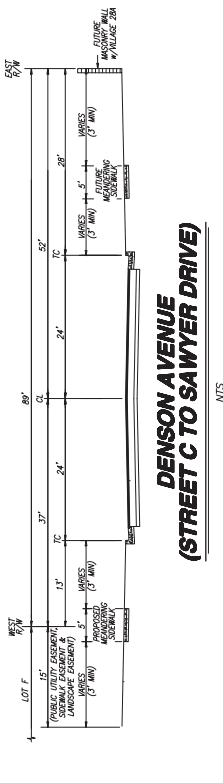
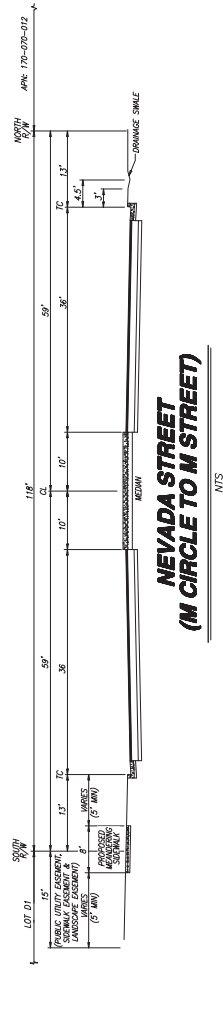
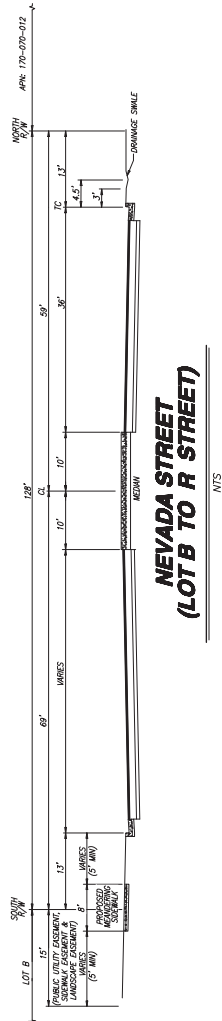
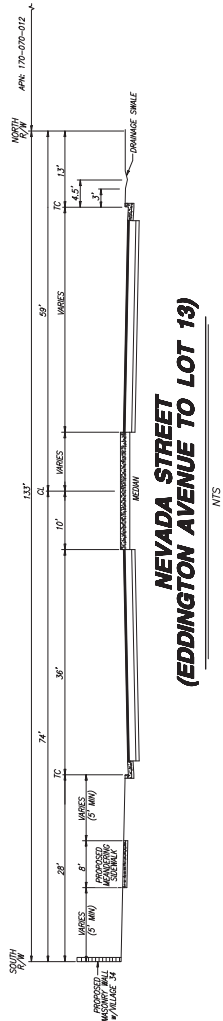
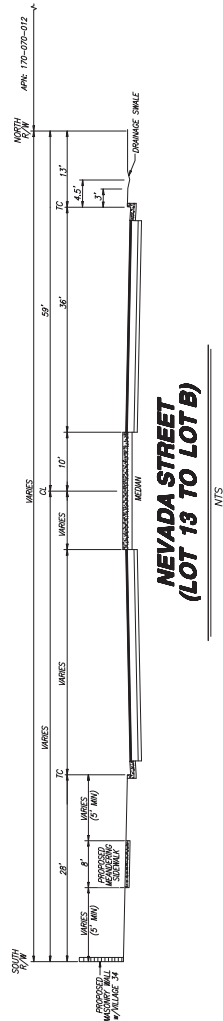
**BENCHMARK ENGINEERING, INC.**  
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 (209) 648-8900 FAX (209) 648-8905



**CROSS SECTIONS**  
 VESTING TERRACE SUBDIVISION MAP FOR  
 BELLEVUE RANCH PHASES 3  
 MERCED, CALIFORNIA

DATE	09-20-22
DATE	09-20-22
DATE	09-20-22
DATE	09-20-22
DATE	09-20-22

**18**  
 SHEET NUMBER  
 OF 19 SHEETS



NO.	DESCRIPTIONS	DATE	APPROVED

**BENCHMARK ENGINEERING, INC.**  
 CIVIL ENGINEERING & LAND SURVEYING  
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 (209) 648-8900 FAX(209) 648-8905  
 918 17TH STREET • MODESTO, CALIFORNIA • 95354  
 (209) 648-8900 FAX(209) 648-8905

**CROSS SECTIONS**  
 WESTING TERRITORY SUBDIVISION MAP FOR  
 BELLEVUE RANCH PHASES 3  
 MERCED, CALIFORNIA

JOB NO. 129372  
 DATE 09-20-22  
 DRAWN BY JH  
 CHECKED BY JH  
 SCALE AS SHOWN  
 SHEET NUMBER  
**19**  
 OF 19 SHEETS



April 1, 2021

Stonefield Home, Inc  
923 E Pacheco Blvd. Ste. C  
Los Banos, CA 93635

Re: Modifications to VTSM #1280 for Villages 21 and 29

Dear Mr. Hostetler:

On February 8, 2006, the Merced City Planning Commission approved Vesting Tentative Subdivision Map #1280 for Bellevue Ranch Phases 3 & 4 (now known as Bellevue Ranch North).

On July 22, 2019, a Large Lot Final Map was submitted for Bellevue Ranch North Villages 21 and 29 (Final Map #5374). This is the first final map to be submitted from Vesting Tentative Subdivision Map (VTSM) #1280.

City Surveyor Joe Cardoso, reviewed the proposed final map and found a minor discrepancy between the Vesting Tentative Subdivision Map and the proposed final map regarding the lot size and configuration for Lots "V-21A" and "V-21B". The tentative map showed V-21A as having approximately 5.37 acres and V-21B as having approximately 16.09 acres (Attachment 1). The final map filed on July 22, 2019, shows V-21A as 9.55 acres and V-21B as 12.72 acres with a modification to the proposed property line between the two (refer to Attachment 2)

Bellevue Ranch Master Development Plan Section 1.6.2 "Amendment Process" allows minor modifications deemed to be in substantial conformance with the Master Development Plan and Site Utilization Plan (SUP), as determined by the City of Merced Planning and Engineering Departments, may be approved administratively by the Director of Development Services.

The proposed changes have been reviewed by the Planning and Engineering Departments and determined to be in substantial conformance with the Master Development Plan and Site Utilization Plan.

This letter shall serve a written notice that the modifications made to Lots V-21A and V-21B shown on Final Map #5374 are hereby approved in compliance with the authority

provided by the Section 1.6.2 "Amendment Process" of the Bellevue Ranch Master Development Plan.

It should be noted that although Barclay Way will not be able to be constructed as shown on VTSM #1280 due to biological constraints, a General Plan Amendment will be required to modify the roadway. All right-of-way for Barclay Way shall be dedicated with Final Map 5374. After approval of the General Plan Amendment to modify the roadway, any unnecessary right-of-way may be vacated and returned to the property owner.

If you have any questions regarding this approval, please contact Julie Nelson at 209-385-6967 or by e-mail at [nelsonj@cityofmerced.org](mailto:nelsonj@cityofmerced.org).

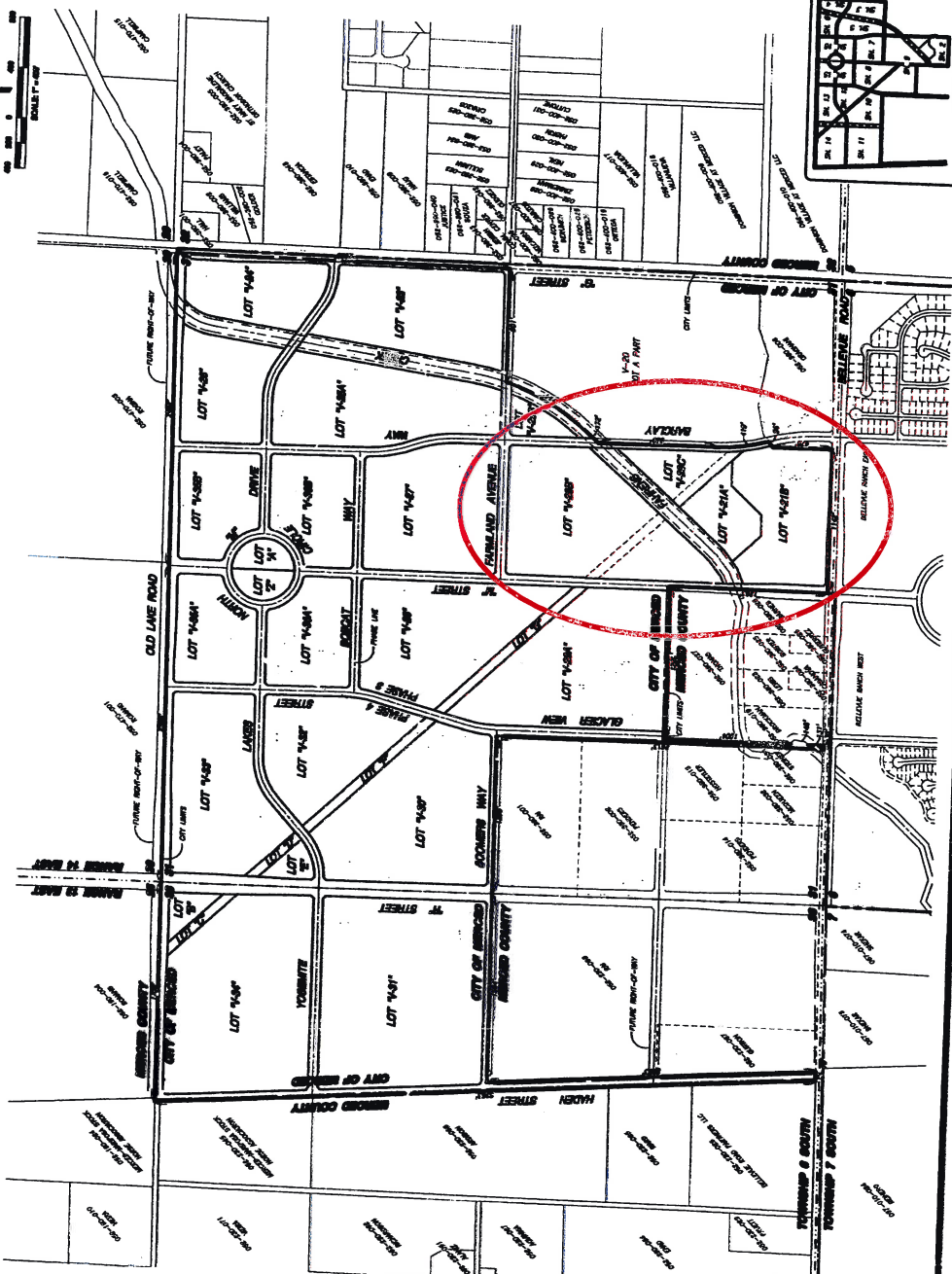
Sincerely,



Scott McBride

Director of Development Services

BEING A SUBDIVISION OF LOT 4 AND A PORTION OF LOT 3 AS SHOWN ON MAP FILED IN VOLUME 92 OF PARCEL MAPS AT PAGE 38 THRU 42, MERCED COUNTY RECORDS. ALSO BEING A PORTION OF SECTIONS 36 T.6 S., R.13 E., AND SECTION 31 T.6S. R.14E. N.O.B. & M.



LOT AND SECTION	OWNER STREET ADDRESS
1	COVER STREET
2	LOTS 14, 21A, 14, 21B AND 14, 21C
3	LOT 14, 21B
4	LOT 14, 21B
5	LOT 14, 21B AND 14, 21C
6	LOT 14, 21B AND 14, 21C
7	LOT 14, 21B
8	LOTS 14, 21B AND 14, 21C
9	LOT 14, 21B AND 14, 21C
10	LOT 14, 21B
11	LOT 14, 21B
12	LOTS 14, 21B AND 14, 21C
13	LOTS 14, 21B AND 14, 21C
14	LOT 14, 21B AND 14, 21C
15	LOT 14, 21B AND 14, 21C
16	LOTS 14, 21B AND 14, 21C
17	CROSS SECTIONS

**OWNERS & SUGGESTOR**  
 COWEN  
 800 AMY MILLIN DRIVE, ET AL  
 P.O. BOX 118  
 HUNTSVILLE, AL 35894

**REGISTERED**  
 CHAIRMAN OF BELLCO LLC  
 11000 ROCKHILL COUNTRY  
 SUITE 100  
 FARMERS BRANCH, TX 77430

### STATEMENT OF SUBMITTOR

- [illegible]

407755

- [illegible]

**Conclusion**

**CITY LIMITS LINE**

**PHASE LINE**

**BENCHMARK ENGINEERING, INC.**  
**CIVIL ENGINEERING & LAND SURVEYING**  
215 SOUTH GERRARD AVENUE • OAKDALE, CALIFORNIA • 95361  
(916) 445-8200 FAX:(916) 445-8205



**BELLEVUE RANCH PHASES 3&4**

COVER

JOB NO. 12500  
 DATE 8/14/78  
 ON EFF. 78  
 ON EFF.  
 SCALE AS SHOWN  
 SHEET NUMBER  
 1  
 OF 18 SHEETS



# TRACT NO. 5374 BELLEVUE RANCH NORTH VILLAGES 21 AND 29

BEING A SUBDIVISION OF PARCEL D AS SHOWN ON THAT CERTAIN PARCEL MAP  
FILED IN BOOK 103 OF PARCEL MAPS, AT PAGE 48, AND THE REMAINDER AS  
SHOWN ON THE MAP OF PARCELS FILLED IN BOOK 78 OF OFFICIAL PLATS, AT PAGE  
39, LYING IN SECTION 31, TOWNSHIP 8 SOUTH, RANGE 14 EAST,  
MOUNT Diablo Base AND MERIDIAN,  
IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA  
APRIL 2019

**BENCHMARK ENGINEERING, INC.**  
915 17TH STREET, MODESTO, CALIFORNIA, 95354

## NOTES

1. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMAL FRACTIONS THEREOF.
3. LOT A IS FOR OPEN SPACE PURPOSES.
4. LOT A IS FOR OPEN SPACE PURPOSES.

## SUBMISSION SUMMARY

3 LOTS (V-21A, V-21B, & V-29C)	29.43 ACRES
LOT A	1.83 ACRES
STREETS	0.64 ACRES
TOTAL	31.90 ACRES

## CURVE DATA TABLE

CURVE	DELTA	PIVOTS	LENGTH	(M)(O)
C1	24°22'42"	537.00'	228.84'	(M)(O)
C2	8°00'23"	1483.00'	183.37'	(M)(O)
C3	3°07'15"	1483.00'	87.88'	(M)(O)
C4	2°10'09"	1483.00'	85.39'	(M)(O)
C5	5°19'43"	1837.00'	180.83'	(M)(O)
C6	2°49'32"	451.00'	153.84'	(M)(O)
C7	2°52'10"	500.00'	228.75'	(M)(O)
C8	2°52'18"	500.00'	228.77'	(M)(O)
C9	8°00'23"	1900.00'	197.28'	(M)(O)
C10	5°26'43"	1900.00'	196.08'	(M)(O)

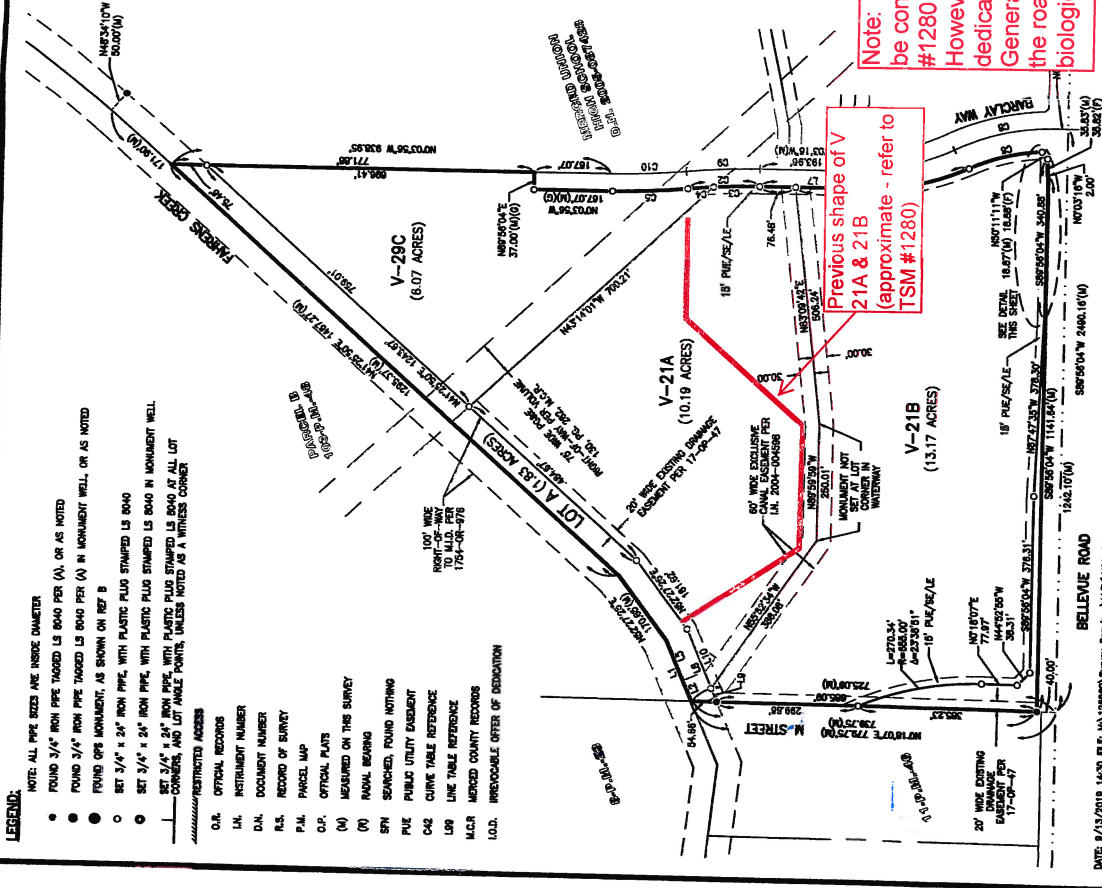
## LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N89°28'24"E	183.30'
L2	N89°28'24"E	51.30'
L3	N89°28'24"E	88.87'
L4	S89°28'24"E	222.22'
L5	N89°28'24"E	186.57'
L6	N89°28'24"E	30.83'
L7	N89°28'24"E	136.79'

## REFERENCES:

- (A) PARCEL MAP BOOK 103 OF PARCEL MAPS, PAGES 48 TO 50, M.C.R.
- (B) CITY OF MERCED GPS SURVEY CONTROL NETWORK, PAGES 38 TO 41, M.C.R.
- (C) "BELLEVUE RANCH", VOLUME 92 OF PARCEL MAPS, PAGES 38 TO 42, M.C.R.
- (D) "BELLEVUE RANCH", VOLUME 92 OF PARCEL MAPS, PAGES 38 TO 42, M.C.R.
- (E) BELLA VISTA, VOLUME 92 OF PARCEL MAPS, PAGES 47 TO 49, M.C.R.
- (F) PARCEL MAP BOOK 78 OF OFFICIAL PLATS, PAGES 38 TO 41, M.C.R.
- (G) PARCEL MAP BOOK 78 OF OFFICIAL PLATS, PAGES 38 TO 41, M.C.R.

Note: Barclay Way will not be able to  
be constructed as shown on VTSM  
#1280 due to biological issues.  
However, all right-of-way shall be  
dedicated with this final map. A future  
General Plan Amendment will modify  
the roadway to adjust for the  
biological issues.



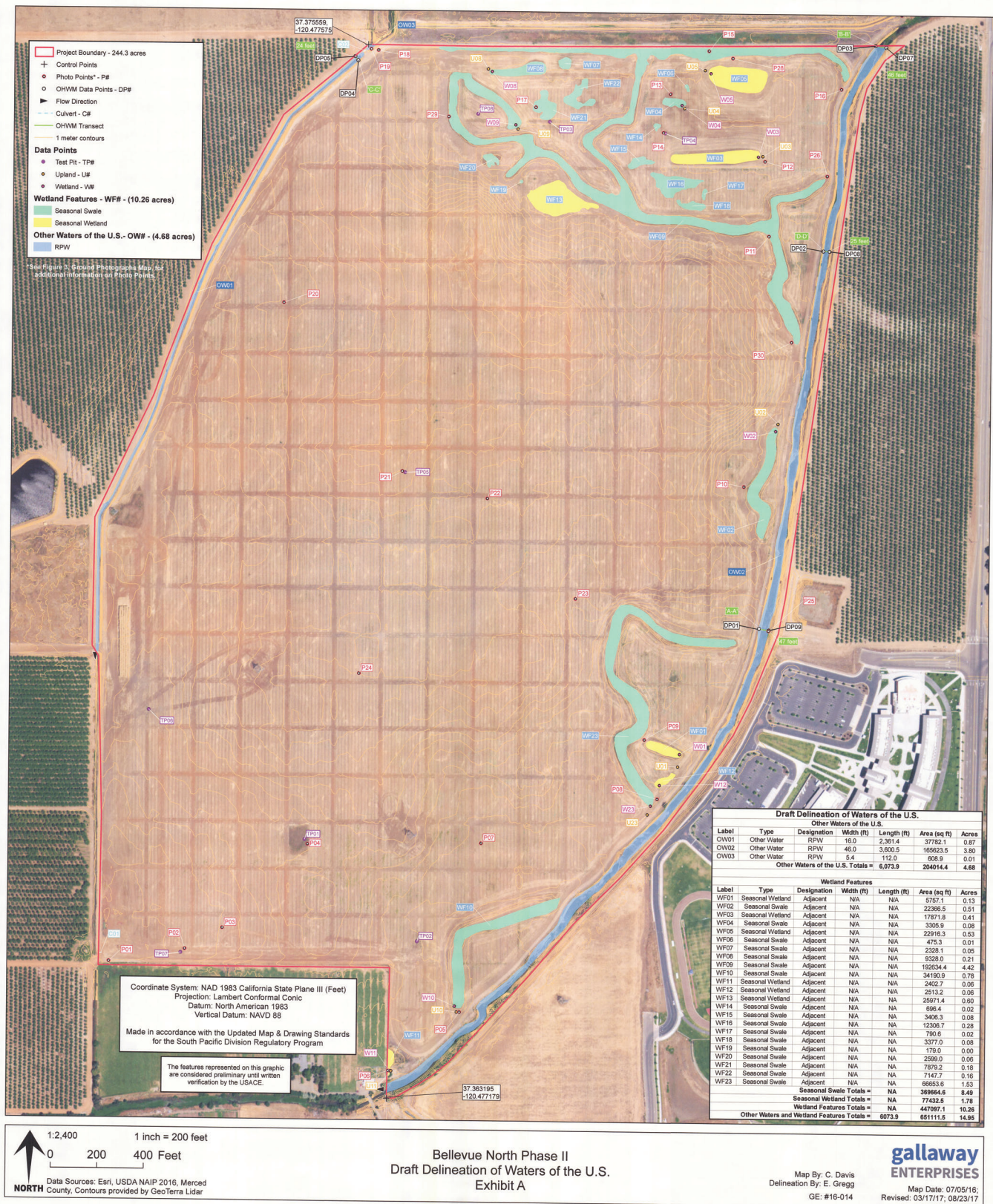
DATE: 8/13/2019 14:30 FILE: M:\2019\Survey Drawings\UPN\VT-29 LFN SHEET.dwg

SHEET 3 OF 3

VOLUME

PAGE









DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
1325 J STREET  
SACRAMENTO CA 95814-2922

August 29, 2017

Regulatory Division (SPK-2016-00744)

Bellevue North 250, LLC  
Attn: Mr. Rhett Salha  
923 East Pacheco Boulevard, Suite C  
Los Banos, California 93635

Dear Mr. Salha:

We are responding to your August 30, 2016, request for a preliminary jurisdictional determination (JD) for the Bellevue North Phase 2 site. The approximately 244.3-acre project site is located near Fahrens Creek, in Section 30, Township 6 South, Range 14 East, Mount Diablo Meridian, Latitude 37.370187°, Longitude -120.476072°, Merced County, California.

Based on available information, we concur with your aquatic resources delineation for the site as depicted on the enclosed August 23, 2017, *Bellevue North Phase II - Draft Delineation of Waters of the U.S. - Exhibit A*, drawing prepared by Gallaway Enterprises (enclosure 1). The approximately 10.26 acres of seasonal wetlands and wetland swales, and 4.68 acres/6074 linear feet of relatively permanent stream channels present within the survey area are potential jurisdictional aquatic resources ("waters of the United States)" regulated under Section 404 of the Clean Water Act.

At your request, we have completed a preliminary JD for the site. Enclosed find a copy of the *Preliminary Jurisdictional Determination Form* (enclosure 2). Please sign and return the completed form to this office, at the address listed below, within 30 days of the date of this letter. If you do not return the signed form within 30 days, we will presume concurrence and finalize the preliminary jurisdictional determination.

You may request an approved JD for this site at any time prior to starting work within waters, including after a permit decision is made.

We recommend you provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This preliminary jurisdictional determination has been conducted to identify the potential limits of wetlands and other aquatic resources at the project site which may be subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act and/or Section 9 and 10 of the Rivers and Harbors Act. A *Notification of*

*Appeal Process and Request for Appeal Form* is enclosed to notify you of your options with this determination (enclosure 3).

We appreciate feedback, especially about interactions with our staff and processes.

Please refer to identification number SPK-2016-00744 in any correspondence concerning this project. If you have any questions, please contact Mr. Zachary Fancher at our Sacramento Regulatory Office, by email at [Zachary.J.Fancher@usace.army.mil](mailto:Zachary.J.Fancher@usace.army.mil), or telephone at (916) 557-6643. For program information or to complete our Customer Survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Sincerely,

*Paul Maniccia*

Paul Maniccia  
Chief, Enforcement and Special Projects  
Branch

Enclosures

cc: (w/o encl)

Mr. Jeffrey Reid, McCormick Barstow, LLP, 7647 North Fresno Street, Fresno,  
California 93720

Ms. Jody Gallaway, Gallaway Enterprises, [jody@gallawayenterprises.com](mailto:jody@gallawayenterprises.com)

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Bellevue North 250, LLC, Attn: Mr. Rhett Salha, 923 East Pacheco Boulevard, Suite C, Los Banos, California 93635	File No.: SPK-2016-00744	Date: August 29, 2017
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
→	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer (address on reverse). This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Zachary Fancher  
U.S. Army Corps of Engineers  
Sacramento District  
Regulatory Division  
1325 J Street, Suite 1350  
Sacramento, California 95814-2922  
Phone: (916) 557-6643, FAX 916-557-7803  
Email: Zachary.J.Fancher@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

Thomas J. Cavanaugh  
Administrative Appeal Review Officer  
U.S. Army Corps of Engineers  
South Pacific Division  
1455 Market Street, 2052B  
San Francisco, California 94103-1399  
Phone: 415-503-6574, FAX 415-503-6646  
Email: Thomas.J.Cavanaugh@usace.army.mil

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific: \_\_\_\_\_

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project: \_\_\_\_\_

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: \_\_\_\_\_

☐ Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt: \_\_\_\_\_

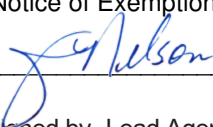
Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency

Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

Revised 2011

**EXHIBIT 8**

**The California Environmental Quality Act  
(CEQA) Section 15162 Findings:**

**Application:** Site Plan Review #504 for modifications to Tentative Subdivision Map #1280

**Environmental Review #22-39**

**Assessor Parcel Number or Location:** Assessor's Parcel Number (APN): 170-060-015; -018; -019, -021; -026; -027; -028

**Previous Initial Study/EIR Reference:** This site was previously reviewed through Environmental Impact Report (EIR) for the Bellevue Ranch Master Development Plan (SCH #9212055)

**Original Project Date:** The Environmental Impact Report was approved on May 15, 1995, by the Merced City Council.

**Section A - Previous Studies**

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | <b>Yes</b>               | <b>No</b>                           |
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** The proposed project is consistent with the previous environmental review. No substantive changes are proposed. The total number of units being constructed is less than originally proposed. The proposed modifications are due to compliance with mitigation measures adopted with the EIR for the Bellevue Ranch Master Development Plan which required a biological analysis to determine if there were any biological issues in the area.

- |  |                          |                                     |
|--|--------------------------|-------------------------------------|
|  | <b>Yes</b>               | <b>No</b>                           |
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the previous EIR. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated. The proposed modifications are due to compliance with mitigation measures adopted with the EIR for the Bellevue Ranch Master Development Plan which required a biological analysis to determine if there were any biological issues in the area.

- |   |                          |                                     |
|---|--------------------------|-------------------------------------|
|   | <b>Yes</b>               | <b>No</b>                           |
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous EIR was adopted. The proposed modifications are a result of compliance with mitigation measures outlined in the EIR.

### Section B - New Information

	<b>Yes</b>	<b>No</b>
A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Yes</b>	<b>No</b>
B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Yes</b>	<b>No</b>
C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Yes</b>	<b>No</b>
D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

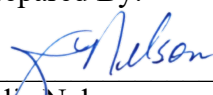
**Comment/Finding:** All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

### On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | 1. It is found that subsequent negative declaration will need to be prepared.  |
| <input type="checkbox"/>            | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/>            | 3. That a subsequent EIR will need to be prepared.                             |
| <input checked="" type="checkbox"/> | 4. No further documentation is required.                                       |

Date: September 30, 2022

Prepared By:

  
\_\_\_\_\_  
Julie Nelson,  
Senior Planner