

CITY OF MERCED
Planning Commission

Resolution #3098

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

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

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

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

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

NOES: Commissioner(s) None

ABSENT: Commissioner(s) None

ABSTAIN: Commissioner(s) Camper

Adopted this 8th day of August 2018



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

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

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

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

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

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

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