

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

**Resolution #3065**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of March 23, 2016, held a public hearing and considered **Vesting Tentative Subdivision Map #1304 (“Bellevue Ranch West, Village 12”)**, initiated by Benchmark Engineering, applicant for Baxter Ranches, LLC, property owner. This application involves the subdivision of approximately 55 acres of an 89.6-acre parcel into 242 single-family lots and dedicating approximately 6.4 acres of land for a future park. This property is generally located at the southwest corner of M Street and Arrow Wood Drive (extended), within Planned Development (P-D) #42 and has a General Plan Designation of Low Density Residential (LD); and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through Q of Staff Report #16-06; 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 approve Vesting Tentative Subdivision Map #1304, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner Padilla, seconded by Commissioner Dylina, and carried by the following vote:

**AYES:** Commissioners Dylina, Padilla, Smith and Chairperson Colby

**NOES:** Commissioners Baker, McLeod and Smoot

**ABSENT:** None

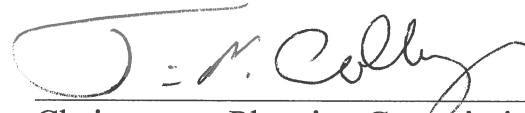
**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION #3065

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March 23, 2016

Adopted this 23rd day of March, 2016



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary

Attachment:

Exhibit A – Conditions of Approval

**Conditions of Approval**  
**Planning Commission Resolution #3065**  
**Vesting Tentative Subdivision Map # 1304**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Vesting Tentative Subdivision Map for Bellevue Ranch Village 12) and Exhibit 2 (Section 2.8.1 from the Bellevue Ranch Master Development Plan)- - Attachments C and F of Staff Report #16-06, except as modified by the conditions.
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
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. 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.
6. 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, 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.

7. 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.
8. Should any conflicts arise between the tentative map conditions contained herein and those conditions, mitigation measures, and guiding principles contained in the BRMDP, Appendices D, E, and F, or any other pertinent Sections/Appendices of the BRMDP, said conditions, mitigation measures, guiding principles, and sections/appendices shall take precedence.
9. 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 before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
10. All public improvements shall be provided along all new roadways and any damaged or missing improvements along M Street within the project area's frontage shall be repaired/replaced.
11. Developer shall construct full public improvements (including, but not limited to, curb and gutter, pavement, sidewalk and one drive approach per lot, street lights, landscaping, and utilities) on all new streets.
12. This development shall be responsible for the installation of the traffic signal at M Street and Cardella Road with the first phase of construction per Table 6.1 of the BRMDP. The developer's portion of the cost of the traffic signal

is equal to \$141 per lot. The developer shall either pay this amount at the time of certificate of occupancy issuance for each lot or the total amount (\$141 x 242 lots = \$34,122) may be deducted from the amount eligible for reimbursement from the Public Facilities Financing Program (PFFP).

13. Prior to certificate of occupancy issuance, a fee of \$861 per dwelling unit shall be collected to fund the future construction of the bridge at Fahrens Creek and Bellevue Road. This fee is in addition to all other permit and impact fees.
14. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
15. All collector roads shall have a minimum right-of-way width of 74 feet for any portion of street fronting a public use (i.e., school, park, etc.). The minimum right-of-way width may be reduced to 64 feet as allowed by the BRMDP in all other areas.
16. All cul-de-sac bulbs and street knuckles shall be constructed per City Standards and provide sufficient turning radii for fire and refuse trucks.
17. Prior to the recording of a final map, the developer shall conform to the Bellevue Ranch Master Storm Drain Plan and show how storm water will be directed to the City's storm water system. The developer shall provide calculations to confirm there is capacity in the existing storm water system to serve the proposed project and that the basin will drain within 48 hours. If there is not sufficient capacity, the developer shall provide an alternative to using the existing lines and drainage basin. If the basin does not drain within 48 hours, the developer shall provide a plan to address mosquitoes and vector issues.
18. The developer shall pay the reimbursement costs for any improvements installed by prior developments that are eligible for reimbursement by this development per the provisions of the Merced Municipal Code.
19. The project shall comply with all the Post Construction Standards required to comply with state requirements for the City's Phase II MS-4 Permit (Municipal Separate Storm Sewer System).

20. The developer shall construct a Class I Bikeway to City Standards along the western edge of the project site. The bikeway shall connect with the existing bikeway on the southern boundary of the project and extend north to Arrow Wood Drive, connecting with Arrow Wood Drive at street grade (refer to Attachment H of Staff Report #16-06).
21. The Developer has agreed to pay \$100 per lot at the time of issuance of certificates of occupancy for Village 12, as payment towards developer's proportionate share of: 1) the future extension of the Class I Bikeway to the future crossing; and, 2) the cost to design, permit, and construct the bikeway crossing of the Arrow Wood Bridge over Fahrens Creek (refer to Attachment H of Staff Report #16-06). Prior to the submittal of the 121<sup>st</sup> certificate of occupancy for Village 12, the Developer and the City agree to establish through their best efforts the actual fee (based on the total number of units in the currently undeveloped Bellevue Ranch West and based on an engineer's estimate) and the Developer shall pay that adjusted fee. If the actual fee has not been established by the 121<sup>st</sup> building permit, the Developer agrees to pay \$200 per lot. The preceding requirements apply unless said bikeway improvements are modified or eliminated through subsequent City approvals. If said improvements are eliminated, any monies paid shall be refunded to the developer.
22. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
23. No residential driveways shall front any arterial or collector street.
24. The project shall comply with all requirements of the California Building Code and all flood requirements of the Federal Emergency Management Agency (FEMA). All necessary documentation related to the construction of the residential uses shall be provided at the building permit stage.
25. Per the BRMDP, all exterior building materials shall consist of stucco, masonry, or architectural grade wood siding, and roofing materials shall consist of tile, wood shake (with acceptable fire rating), and architectural composition shingles.
26. All garages shall have a minimum setback of 20 feet measured from the property line or back of sidewalk, whichever is closest to the front of the garage. Per the BRMDP, the setback for the living area portion of the house may be reduced to 15 feet and shall be measured from the property

- line or back of sidewalk, whichever is closest to the living area portion of the house. Lot coverage shall not exceed 55% for all lots.
27. The building facades shall be of high quality design providing varied elevations and color schemes. All designs shall be consistent with the requirements of the BRMDP and Planned Development (P-D) #42.
  28. All mechanical equipment shall be screened from public view
  29. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
  30. Lot A (approximately 6.4 acres) as shown on the Vesting Tentative Subdivision Map shall be dedicated for park use with the Final Subdivision Map for the first phase of construction.
  31. A minimum 15-foot-wide public facilities easement shall be dedicated on all collector street frontages. Interior side yard and rear yard easements for sewer, water, or storm water shall have a minimum 15-foot wide easement.
  32. Dedication by Final Map of all interior street rights-of-way and all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1304 and as needed for irrigation, utilities, drainage, landscaping, and open space.
  33. Prior to the approval of engineered improvement plans and/or final map applications(s) for any phase of the Tentative Map that trigger any improvements/alternations to any water way, the applicant shall have completed all Federal and State permitting requirements for such phase. Documentation of such permits shall be provided to the City prior to approval of a final map.
  34. Should the Federal and/or State permitting process relative to wetlands and/or waters of the United States cause the design of the Tentative map to be modified, the applicant shall reconcile the modification(s) with the City of Merced through an amended tentative map process.
  35. The Phase II site reconnaissance and sampling investigations, as required by Project EIR Mitigation Measures 6.01, 6.02, 6.03, and 6.04, shall be submitted to the Merced County Health Department and the State of California Department of Substance Control for review and comment. Consistent with the above EIR requirements, all mitigations as specified in

the reports/investigations shall be the sole responsibility of the applicant, including all costs associated with implementing mitigation. Further, all areas to be dedicated to the City, which may involve or contain environmental contamination, shall be fully mitigated by the applicant prior to recordation of final maps for affected areas and of dedication of such areas to the City. If this requirement has previously been satisfied, proper documentation showing compliance with this condition shall be provided prior to the recording of a Final Map.

36. All landscaping shall comply with State Water Resources Control Board Resolution No. 2015-0032 “To Adopt an Emergency Regulation for Statewide Urban Water Conservation” or the most recent water regulations adopted by the State and City addressing water conservation measures. If turf is proposed to be installed in park strips, high quality artificial turf (approved by the City Engineer and Development Services Director) shall be installed. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation or micro-spray system.
37. A 6-foot-tall masonry wall and landscaping shall be installed along M Street, Arrow Wood Drive, and Freemark Drive consistent with the requirements of the Bellevue Ranch Master Development Plan.
38. Landscaping and irrigation details shall be provided by the applicant with final maps and are subject to approval by the City.
39. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include, ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.54.250 (N). Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State’s Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions.
40. All entryway and subdivision signs shall be administratively approved by Planning Staff prior to the issuance of a building permit.
41. The applicant shall provide a footnote on the proposed tentative map indicating consistency between the “Village” numbering system on the map and the “Minor Phasing” numbers contained in the BRMDP. Any



change/amendment to the sequencing of Minor Phases within the MDP shall take precedence over the Village sequencing.

42. Traffic control signs, street markings, and striping shall be as directed by the City Engineer.
43. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
44. Provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.
45. Install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer.
46. Developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer.
47. If required by state law, prior to the approval of subdivision improvement plans, the developer shall provide documentation that all lots affected by the 200-year floodplain comply with the requirements of the Urban Level of Flood Protection.

n:shared:planning:PC Resolutions: #3065 Exhibit A VTSM#1304