

**CITY OF MERCED
Planning Commission**

MINUTES

Merced City Council Chambers
Wednesday, June 24, 2020

Chairperson HARRIS called the Special Meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

ROLL CALL

Commissioners Present: Stephanie Butticci, Mary Camper, Jose Delgadillo, Robert Dylina, Sam Rashe, Dorothea Lynn White, and Chairperson Michael Harris

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Deputy City Attorney Campbell, and Recording Secretary Gates

1. **APPROVAL OF AGENDA**

M/S DELGADILLO-RASHE, and carried by the following vote, to approve the Agenda as submitted.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

2. **MINUTES**

None

3. **COMMUNICATIONS**

None

4. ITEMS

- 4.1 Modification to the Development Agreement for Bellevue Ranch, initiated by Baxter Ranches LLC and Stonefield Home, Inc., property owners. This application involves a request to modify the Development Agreement for Bellevue Ranch, originally adopted on July 5, 1995, and amended and modified twice in 1996 and once in 2009. In 2009, the term of the agreement was modified from 40 years to 25 years for a portion of Bellevue Ranch West so that it would expire on July 5, 2020. The current property owners are requesting that the term be extended for up to 15 years to the original expiration date of July 5, 2035. The affected property consists of approximately 233 acres, generally located on the north and south sides of Cardella Road from Pacific Drive to Bellevue Road, west of M Street. The property has General Plan designations of Regional Community Commercial (RC), High Medium Density Residential (HMD), Low Medium Density Residential (LMD), Low Density Residential (LD), Open Space/Park Recreation (OS-PK), and School (SCH); and is zoned Planned Development (P-D) #42.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #20-15.

Public testimony was opened at 7:18 p.m.

Speaker from the Audience in Favor:

TIFFANIE MARSHALL, Applicant

Speaker from the Audience Neutral:

TAHIR YAQUB, Merced

There were no speakers in opposition to the project.

Public testimony was closed at 7:25 p.m.

M/S DYLINA-RASHE, and carried by the following vote, to recommend to City Council adoption of Environmental Review #20-12, and approval of the Modification to the Development Agreement for Bellevue Ranch, subject to the Findings/Considerations A through G set forth in Staff Report #20-15 (RESOLUTION #4043):

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. **ADJOURNMENT**

M/S DYLINA-BUTTICCI, and carried by the following vote, to adjourn the meeting.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

There being no further business, Chairperson HARRIS adjourned the meeting at 7:28 p.m.

Planning Commission Minutes

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June 24, 2020

Respectfully submitted,



KIM ESPINOSA, Secretary
Merced City Planning Commission

APPROVED:

MICHAEL HARRIS, Chairperson
Merced City Planning Commission

CITY OF MERCED
Planning Commission

Resolution #4043

WHEREAS, the Merced City Planning Commission at a Special Meeting of June 24, 2020, held a public hearing and considered Modification to the Development Agreement for Bellevue Ranch, initiated by Baxter Ranches LLC and Stonefield Home, Inc., property owners. This application involves a request to modify the Development Agreement for Bellevue Ranch to extend the term for up to 15 years to the original expiration date of July 5, 2035. The affected property consists of approximately 233 acres, generally located on the north and south sides of Cardella Road from Pacific Drive to Bellevue Road, west of M Street. The property has General Plan designations of Regional Community Commercial (RC), High Medium Density Residential (HMD), Low Medium Density Residential (LMD), Low Density Residential (LD), Open Space/Park Recreation (OS-PK), and School (SCH); and is zoned Planned Development (P-D) #42.; Also known as Assessor's Parcel Numbers (APN) 224-300-002 through -013; 224-300-015; 230-010-012, 230-010-023; 224-220-001 through -007; 224-220-009; 224-220-011 through -023; 224-220-031; 224-220-047; 224-220-049; 224-220-051; 224-220-056 through -065; 224-230-001 through -054; 224-240-001 through -018; 224-250-001 through -030; 224-260-001 through -015; 224-270-001 through -019; 224-270-021 through -063; and 224-280-001 through -035.; and,

WHEREAS, the Merced City Planning Commission concurs with Findings/Considerations A through G of Staff Report # 20-15 (Exhibit A); and,

WHEREAS, the Merced City Planning Commission concurs with the Findings for Development Agreements per Merced Municipal Code Section 20.86.0809 and Resolution No. 1995-06, Section 301, as outlined in Exhibit A; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review # 20-12, and recommend approval of the modification to the Development Agreement for Bellevue Ranch as described in the Draft Ordinance at Exhibit B.

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

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, Rashe, White, and Chairperson Harris

NOES: None

ABSENT: None

ABSTAIN: None

PLANNING COMMISSION RESOLUTION #4043

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June 24, 2020

Adopted this 24th day of June 2020



Chairperson, Planning Commission of
the City of Merced, California

ATTEST:



Secretary

Exhibits:

Exhibit A – Findings/Considerations

Exhibit B – Draft Ordinance

Findings and Considerations
Planning Commission Resolution #4043
Modification to Bellevue Ranch Development Agreement

FINDINGS/CONSIDERATIONS:

General Plan/Zoning Compliance

- A) The proposed project complies with the General Plan designations of Regional Community Commercial (RC), High Medium Density Residential (HMD), Low Medium Density Residential (LMD), Low Density Residential (LD), Open Space/Park Recreation (OS-PK), and School (SCH); the Master Development Plan for Bellevue Ranch (adopted on May 15, 1995); and the zoning classification of Planned Development (P-D) #42.

Bellevue Ranch West Development Progress

- B) In 2012, Baxter Ranches LLC and Stonefield Home, Inc. acquired the remaining portions of Bellevue Ranch West as well as Bellevue Ranch North. Since that time, the property owners have been making steady progress on the development of Bellevue Ranch West and North. In 2016, the City approved Tentative Subdivision Map #1304 for Village 12, for 242 single-family lots just north of Village 10. Village 12 has begun to develop with Final Maps recorded for all seven Phases. In 2018, Tentative Subdivision Map #1307 was granted for Lot A of Village 12 for another 43 single-family lots in place of a park and school site which were moved to another portion of Bellevue Ranch West. (A Final Map was recorded for Village 12 Lot A as well.) Approximately 36 homes have been completed and sold in Village 12 thus far. Also in 2018, Tentative Subdivision Map #1308 was approved for 14 large lots in Villages 17 through 22, the first step in developing those properties, with a Final Map subsequently recorded. In 2019, Tentative Subdivision Map #1310 was approved for Villages 17 and 18 for 249 single-family lots, with Final Map applications filed for Village 17 (61 lots) and Village 18A, Phase 1 (45 lots).

City staff has also been working with the developers on a weekly basis for over 2 years on various future amendments to the Master Development Plan to reflect changes to the MDP to address critical infrastructure financing and phasing and changes in circulation patterns, recently identified wetlands in Bellevue Ranch North, the change in the configuration of Fahrens Creek (the original proposal to channelize the creek along R Street will no longer be possible given wetlands and habitat issues), etc. The developers and City staff hope to be able to bring a comprehensive amendment to address all these issues to the Planning Commission and City Council for consideration in the near future.

- C) Progress has also been made on the development of Bellevue Ranch North with the following Tentative Subdivision Maps approved: 1) #1280 for Villages 23-36 for 30 large lots, originally approved in 2006 and extended in 2018; and, 2) #1305 for Village 23 (58 single-family lots) in 2019. Final Map applications have been filed for Villages 23, 21, and 29.

Assessments

- D) In 2009, the Development Agreement for the remaining portions of Bellevue Ranch West was modified from 40 years to 25 years for failure to install required infrastructure and for delinquent assessments by the previous property owner, Woodside Homes. In checking with the City's Finance Department, the current property owner, Baxter Ranches LLC and Stonefield Home, Inc., is up-to-date through the most recent reporting period on their assessments.

Development Agreement Findings

- E) Merced Municipal Code (MMC) Chapter 20.86--Development Agreements (Attachment C of Planning Commission Staff Report #20-15), spells out procedures for adopting and amending Development Agreements, which includes the requirement for public hearings before the Planning Commission and City Council for adoption and amendments (MMC 20.86.050—Public Notice and Hearings and MMC 20.86.140—Amendment or Termination). Per Merced Municipal Code Section 20.86.080, the City Council may approve an application for a Development Agreement only if the following finding can be made.

MMC 20.86.080--Finding.

- 1. The City Council may approve an application for a Development Agreement only if the Development Agreement is consistent with the General Plan and any applicable specific or community plan.*

As noted in Finding A of Staff Report #20-15 (above), the proposed project complies with the General Plan designations of Regional Community Commercial (RC), High Medium Density Residential (HMD), Low Medium Density Residential (LMD), Low Density Residential (LD), Open Space/Park Recreation (OS-PK), and School (SCH); the Master Development Plan for Bellevue Ranch (adopted on May 15, 1995); and the zoning classification of Planned Development (P-D) #42.

- F) In addition to the Finding above, Merced Municipal Code Section 20.86.030—Review Authority, states that “Procedures for considering Development Agreements are spelled out in this chapter and in City Council Resolution No. 1995-06, adopted on February 6, 1995. Resolution No. 1995-06, in Section 301, spells out that the Planning Commission’s recommendation to the City Council should include the following determination whether or not the Development Agreement proposed:

- 1. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan?*

EXHIBIT A

OF PLANNING COMMISSION RESOLUTION #4043

As noted in Finding A of Staff Report #20-15 (above), the proposed project complies with the General Plan designations of Regional Community Commercial (RC), High Medium Density Residential (HMD), Low Medium Density Residential (LMD), Low Density Residential (LD), Open Space/Park Recreation (OS-PK), and School (SCH); and the Master Development Plan for Bellevue Ranch (adopted on May 15, 1995).

2. *Is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located?*

As noted in Finding A of Staff Report #20-15 (above), the proposed project complies with the uses and regulations in the zoning classification of Planned Development (P-D) #42. The uses and regulations for Planned Development #42 match those of the Bellevue Ranch Master Development Plan.

3. *Is in conformity with public convenience, general welfare, and good land use practice?*

The Bellevue Ranch Master Development Plan was adopted in 1995 and contains a mixture of residential and commercial land uses that closely match the Urban Village Land Use Policies of the *Merced Vision 2030 General Plan*. Therefore, the Master Plan reflects the City's goals regarding land use and development as prescribed in the General Plan and thus represents good land use practice. There is nothing in the Master Plan or Development Agreement that interferes with public convenience or the general welfare.

4. *Will be detrimental to the health, safety, and general welfare?*

Since the Bellevue Ranch Master Development Plan and its associated Development Agreement conforms to the City's General Plan and Zoning Ordinance, development within the area will not be detrimental to the health, safety, or general welfare.

5. *Will adversely affect the orderly development of property or the preservation of property valued?*

The Bellevue Ranch Master Development Plan and the associated Development Agreement were designed to ensure the orderly development of the property and the preservation of property values by addressing land use, circulation, public facilities and services, parks and open space, and infrastructure phasing and financing for all future development in the area.

Environmental Clearance

- G) Planning staff has conducted an environmental review (#20-12) of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment E of Planning Commission Staff Report #20-15).

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING ORDINANCE NO. 1906 TO
MODIFY THE TERM OF THE DEVELOPMENT
AGREEMENT FOR BELLEVUE RANCH FOR
THE REMAINING PORTION OF BELLEVUE
RANCH WEST FROM 25 YEARS TO 40 YEARS**

WHEREAS, Pursuant to Ordinance No. 1906 adopted on June 5, 1995, the City Council approved a Development Agreement for Bellevue Ranch between the City of Merced and Bellevue Ranch (the "Development Agreement"); and,

WHEREAS, Pursuant to Ordinance No. 1929 adopted on February 5, 1996, the City Council approved a First Amendment to the Development Agreement that made minor changes to the Development Agreement; and,

WHEREAS, Pursuant to Ordinance No. 1944 adopted on September 16, 1996, the City Council approved a Second Amendment to the Development Agreement that made additional minor changes to the Development Agreement; and,

WHEREAS, Pursuant to Ordinance No. 2331 adopted on May 4, 2009, the City Council approved modifications to the Development Agreement which terminated the agreement for Villages 1, 2, 3, 4, 5 and 10 and modified the term of the Agreement for the remaining portion of Bellevue Ranch West from 40 years to 25 years; and,

WHEREAS, The rights, duties, and obligations under the Development Agreement as it relates to the portion of Bellevue Ranch commonly known as Bellevue Ranch West have been transferred to Baxter Ranches, LLC, and Stonefield Home, Inc. (hereafter, collectively "Stonefield"); and,

WHEREAS, On June 24, 2020, the Planning Commission held a public hearing to consider the request by Stonefield to modify the terms of the Agreement for the remainder of Bellevue Ranch West from 25 years to 40 years; and,

WHEREAS, The Planning Commission recommended that the City Council modify the term of the Development Agreement for the remaining parcels in

Bellevue Ranch West owned by Stonefield from the existing 25-year term (terminating in 2020 to a 40-year term (terminating in 2035); and,

WHEREAS, On June 29, 2020, the City Council held a public hearing to consider modifying the term of the Agreement from 25 to 40 years, providing all those who wished to speak the opportunity to do so.

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council finds that:

A. Stonefield is in good-faith compliance with the terms of the Development Agreement, as it relates to the properties in Bellevue Ranch West, which are more fully described in Exhibits "A" and "B" attached to this Ordinance and incorporated herein by this reference. Stonefield has been fulfilling its obligations to construct various improvements and is actively constructing homes in the area and thus, merits an extension of the terms of the Agreement from 25 to 40 years (the original term).

SECTION 2. MODIFICATION OF THE TERM OF THE DEVELOPMENT AGREEMENT FOR BELLEVUE RANCH AS TO A PORTION OF BELLEVUE RANCH WEST. Based upon the findings in Section 1 of the Development Agreement and pursuant to Section 20.3 of the Development Agreement and Government Code Section 65865.1, the City Council hereby amends Ordinance No. 1906 to modify the term of the Development Agreement from twenty-five (25) years to forty (40) years as to those portions of Bellevue Ranch West that are more fully described in Exhibit "A". The Development Agreement is hereby modified from 25 years to 40 years as to those parcels described in Exhibit "A".

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause,

phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2020, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2020, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney 6/17/20
Date

ALL THAT CERTAIN REAL PROPERTY BEING PORTIONS OF SECTIONS 6 AND 7, TOWNSHIP 7 SOUTH, RANGE 14 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF MERCED, COUNTY OF MERCED, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING LOTS V17-B, V17-C, V18-A, V18-B, V18-C, V19-A, V19-B, V19-C, V21-A, V21-B, V22-A, V22-B AND THE UNSURVEYED REMAINDER AS SHOWN ON THE MAP OF BELLEVUE RANCH WEST VILLAGES 17-22 FILED IN VOLUME 81 OF OFFICIAL PLATS, AT PAGES 1-9, MERCED COUNTY RECORDS.

TOGETHER WITH

PARCEL FOUR AS DESCRIBED IN DOCUMENT NO. 2012-032102, MERCED COUNTY RECORDS.

TOGETHER WITH

ALL OF THE RESIDENTIAL LOTS AS SHOWN ON THE FOLLOWING EIGHT (8) MAPS:

- 1) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 1, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 1-6, MERCED COUNTY RECORDS; EXCEPTING THEREFROM LOTS 25, 27, 97-103, AND 105-117, AS SHOWN ON SAID MAP;
- 2) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 2, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 7-11, MERCED COUNTY RECORDS; EXCEPTING THEREFROM LOTS 142, 144, 146, 148-151, AND 184-190, AS SHOWN ON SAID MAP;
- 3) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 3, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 12-16, MERCED COUNTY RECORDS;
- 4) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 4, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 41-44, MERCED COUNTY RECORDS;
- 5) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 5, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 45-47, MERCED COUNTY RECORDS;
- 6) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 6, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 17-20, MERCED COUNTY RECORDS;
- 7) BELLEVUE RANCH WEST, VILLAGE 12, PHASE 7, FILED IN VOLUME 80 OF OFFICIAL PLATS, AT PAGES 48-51, MERCED COUNTY RECORDS;
- 8) BELLEVUE RANCH WEST, VILLAGE 12, LOT A, FILED IN VOLUME 81 OF OFFICIAL PLATS, AT PAGES 17-19, MERCED COUNTY RECORDS.

SAID PROPERTY ALSO BEING KNOWN AS ASSESSOR'S PARCEL NUMBERS (APN) 224-300-002 THROUGH 013; 224-300-015; 230-010-012; 230-010-023; 224-220-001 THROUGH 007, 224-220-009, 224-220-011 THROUGH 023; 224-220-031; 224-220-047; 224-220-049; 224-220-051; 224-220-056 THROUGH 065; 224-230-001 THROUGH 054; 224-240-001 THROUGH 018; 224-250-001 THROUGH 030; 224-260-001 THROUGH 015; 224-270-001 THROUGH 019; 224-270-021 THROUGH 063; AND 224-280-001 THROUGH 035.

CONTAINING A TOTAL OF 235.68 ACRES, MORE OR LESS.

EXHIBIT A
EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4043

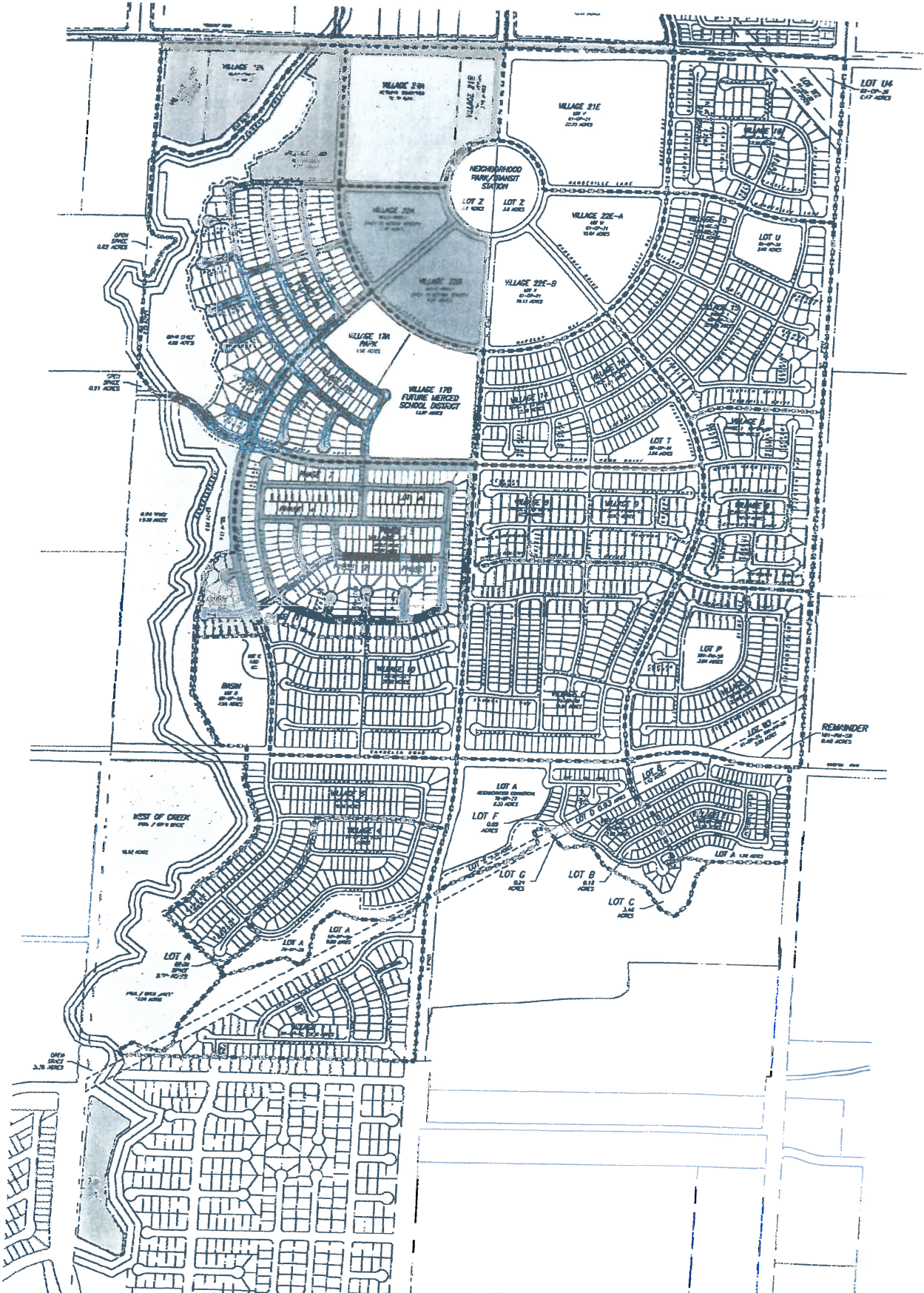


EXHIBIT A
 EXHIBIT B OF PLANNING COMMISSION RESOLUTION #4043