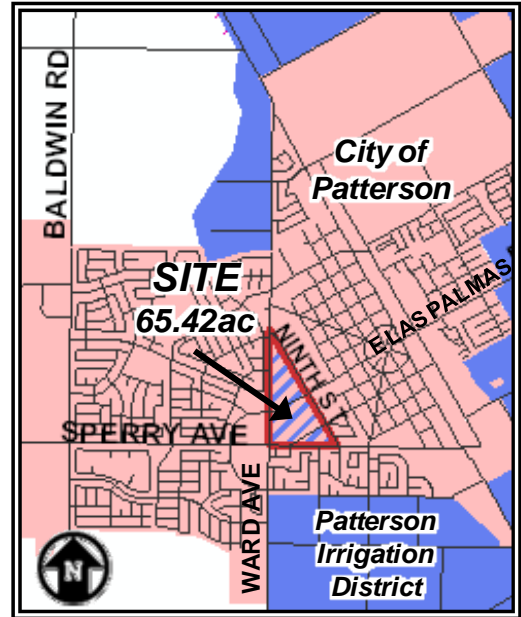


LAFCO APPLICATION NO. 2010-02
WARD-NINTH-SPERRY CHANGE OF ORGANIZATION (DETACHMENT)
FROM THE PATTERSON IRRIGATION DISTRICT

PROPOSAL

A request to detach approximately 65.42 acres from the Patterson Irrigation District. The territory is located within the City of Patterson. (See detailed maps, Exhibit "A".)

1. Applicant: Patterson Irrigation District
2. Property Owners: See Exhibit "B", attached.
3. Location: The properties are bounded by Ward Avenue, Ninth Street, and Sperry Avenue, in the City of Patterson.
4. Parcels of Land Involved and Acreage: There are nineteen whole Assessor's Parcels included in the proposal. The total acreage of the area, including adjacent road rights-of-way, is 65.42 acres.
5. Reason for Proposal: The acreage involved currently overlaps into the City of Patterson and no longer receives irrigation water from the District. The Patterson Irrigation District has adopted a Resolution of Application, requesting the territory be detached from the District. (See District Resolution No. 02-2010, attached as Exhibit "C".)



ENVIRONMENTAL REVIEW

The Patterson Irrigation District, as Lead Agency, filed a Notice of Exemption for the proposed detachment. LAFCO, as a Responsible Agency, must consider the environmental documentation prepared by the District. (See Exhibit "D".)

FACTORS

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires several factors to be considered by a LAFCO when evaluating a proposal. The following discussion pertains to the identified factors:

- a. Population and Land Use. The territory is considered to be uninhabited by State law, as it contains less than 12 registered voters. The subject territory is zoned by the City of Patterson as High Density Residential and Downtown Core. Detachment from the District will not change or lead to a change in the zoning designation. The subject parcels are located in Tax Code Areas: 005-020 and 005-038. The current total assessed land value for parcels within the proposed annexation area is \$1,539,848.

EXECUTIVE OFFICER'S AGENDA REPORT
SEPTEMBER 22, 2010
PAGE 2

- b. Governmental Services and Controls: The City of Patterson provides the necessary municipal services in the area.
- c. Effect of Proposal: There are no social or economic communities of interest as defined by the Commission in the area. The proposal is consistent with adopted Commission policies to encourage efficient and effective delivery of governmental services.
- d. Conformity with Plans: The proposal is consistent with adopted Commission policies for providing planned, orderly, and efficient patterns of urban development, as the site is within the corporate limits of the City of Patterson.
- e. Impact on Agricultural Lands: The properties involved were annexed to the City of Patterson in 1994 and are completely surrounded by urban uses.
- f. Definiteness and Certainty of Boundaries: The proposed boundary includes nineteen whole Tax Assessor parcels and includes the entirety of the District's area overlapping the Patterson City Limits.
- g. Consistency with General Plan(s), Regional Transportation Plans, and Specific Plans: The proposal is consistent with the City of Patterson General Plan and Patterson Irrigation District policies.
- h. Conformance with Spheres of Influence: The territory is within the City of Patterson and Patterson Irrigation District boundaries and spheres of influence. Upon detachment from the District, the District's sphere will also be reduced. This is consistent with adopted Commission policies.
- i. Comments from Affected Agencies and Jurisdictions: All affected agencies and jurisdictions have been notified pursuant to State law requirements and the Commission adopted policies. To date, no comments have been received.
- j. Ability to Serve Proposed Area: Not Applicable.
- k. Water Supplies: As the properties are currently within the City of Patterson, the City is the provider of urban water services.
- l. Regional Housing Needs: Not Applicable.
- m. Landowner Comments: All but two of the landowners involved have submitted letters consenting to the annexation.
- n. Other Land Use Information: There is no other land use information related to this project.
- o. Environmental Justice: As defined by the Government Code, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. Staff has determined that approval of the detachment would not result in the unfair treatment of any person based on race, culture or income with respect to the provision of services within the proposal area.

DISCUSSION

In 1994, the subject territory was annexed to the City of Patterson but not detached from the Patterson Irrigation District. The original annexation (Creekside Reorganization to the City of Patterson), when approved, included the detachment of the affected territory from the District. However, a request for reconsideration was submitted to the Commission requesting that the subject territory *remain* within the District in order to allow for agricultural activities to continue until such time as development of the area occurs. Upon reconsideration, the Commission approved the request with a condition that the territory be detached from the District when development was imminent.

The territory is now completely surrounded by urban development in the City of Patterson and the majority of property owners in the area have consented to the proposed detachment from the Patterson Irrigation District.

ALTERNATIVES FOR LAFCO ACTION

After consideration of this report and any testimony or additional materials that are submitted, the Commission should consider choosing one of the following options:

- Option 1:** APPROVE the proposal, as submitted by the Patterson Irrigation District.
- Option 2:** APPROVE the proposal with amendment(s).
- Option 3:** DENY the proposal without prejudice.
- Option 4:** CONTINUE this proposal to a future meeting (maximum 70 days) for additional information.

STAFF RECOMMENDATION

Approve Option 1. Based on the information and discussion in this report, including evidence presented, it is recommended that the Commission adopt the attached Resolution No. 2010-15, considering the necessary environmental documentation and approving the proposal as requested by the Patterson Irrigation District.

Respectfully submitted,



Sara Lytle-Pinhey
Assistant Executive Officer

Attachments: LAFCO Resolution 2010-15 (pg. 4)
Exhibit A – Maps (pg. 7)
Exhibit B – Property Owner List (pg. 11)
Exhibit C – PID Resolution No. 02-2010 (pg. 15)
Exhibit D – Notice of Exemption (pg. 18)

LAFCO Resolution No. 2010-15

DRAFT

**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: September 22, 2010

No. 2010-15

SUBJECT: LAFCO Application No. 2010-02 – Ward-Ninth-Sperry Change of Organization (Detachment) from the Patterson Irrigation District

On the motion of Commissioner _____, seconded by Commissioner _____, and approved by the following:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a request has been submitted to detach approximately 65.42 acres from the Patterson Irrigation District;

WHEREAS, the Commission has conducted a public hearing to consider the proposal on September 22, 2010, and notice of said hearing was given pursuant to Sections 56660 and 56661 of the California Government Code and Commission Policy;

WHEREAS, the territory is considered uninhabited as it contains less than 12 registered voters;

WHEREAS, the Patterson Irrigation District, as Lead Agency, filed a Notice of Exemption in compliance with the California Environmental Quality Act (CEQA);

WHEREAS, there are no Williamson Act Contracts within the boundaries of the detachment;

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, the factors set forth in Government Code Section 56668, and testimony and evidence presented at the meeting held on September 22, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Certifies, in accordance with CEQA, as a Responsible Agency, that it has considered the Notice of Exemption prepared by the Patterson Irrigation District.
2. Determines that: (a) the territory is located within the City of Patterson and development is imminent; and (b) there are less than twelve (12) registered voters within the territory and it is considered uninhabited;
3. Approves the proposal subject to the following terms and conditions:

- a. The applicant shall pay State Board of Equalization fees, pursuant to Government Code Section 54902.5.
 - b. The applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval, and provide for the reimbursement or assumption of all legal costs in connection with that approval.
 - c. The effective date of the change of organization (detachment) shall be the date of recordation of the Certificate of Completion.
 - d. The application submitted has been processed as a change of organization consisting of the detachment of the subject territory from the Patterson Irrigation District.
 - e. The detached territory will be removed from the Patterson Irrigation District boundaries and Sphere of Influence.
4. Designates the proposal as the "Ward-Ninth-Sperry Change of Organization (Detachment) from the Patterson Irrigation District".
 5. Designates the Commission as conducting authority pursuant to Government Code Section 56029.
 6. Directs the Executive Officer, pursuant to Government Code Section 56881(d), to initiate protest proceedings pursuant to Part 4, commencing with Section 57000, in compliance with this Resolution and upon receipt of a map and legal description accepted to form by the Executive Officer.

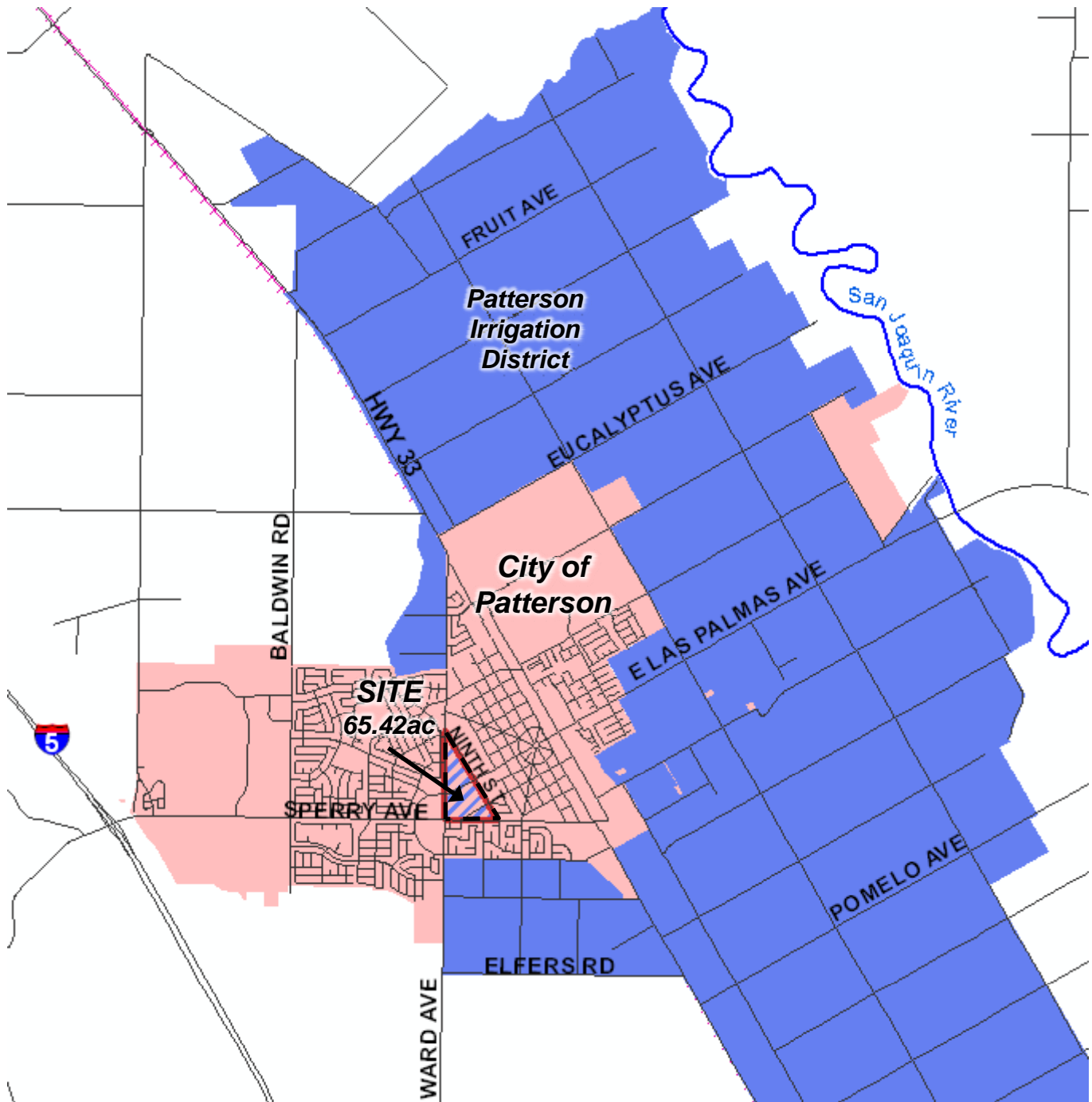
ATTEST:

Marjorie Blom
Executive Officer

EXHIBIT A

Maps

WARD-NINTH-SPERRY CHANGE OF ORGANIZATION CONSISTING OF DETACHMENT FROM THE PATTERSON IRRIGATION DISTRICT VICINITY MAP

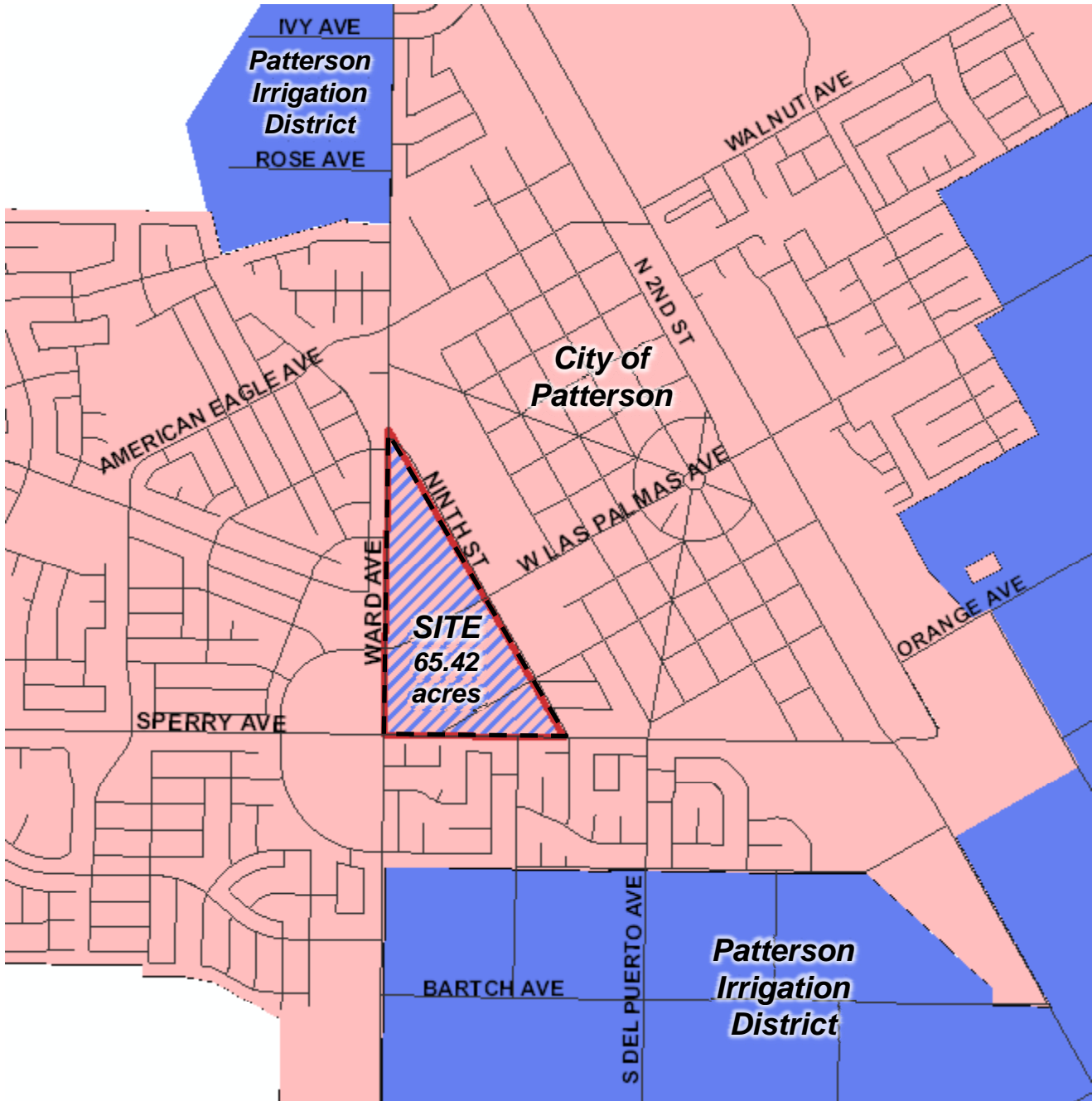


- = Patterson Irrigation District (PID)
- = City of Patterson
- = Overlap Area / Proposed Detachment from PID



Source: LAFCO Files, County GIS, July 2010

WARD-NINTH-SPERRY CHANGE OF ORGANIZATION CONSISTING OF DETACHMENT FROM THE PATTERSON IRRIGATION DISTRICT AREA MAP

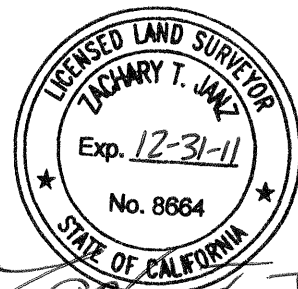
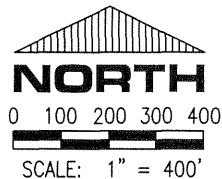


- = Patterson Irrigation District (PID)
- = City of Patterson
- = Overlap Area / Proposed Detachment from PID

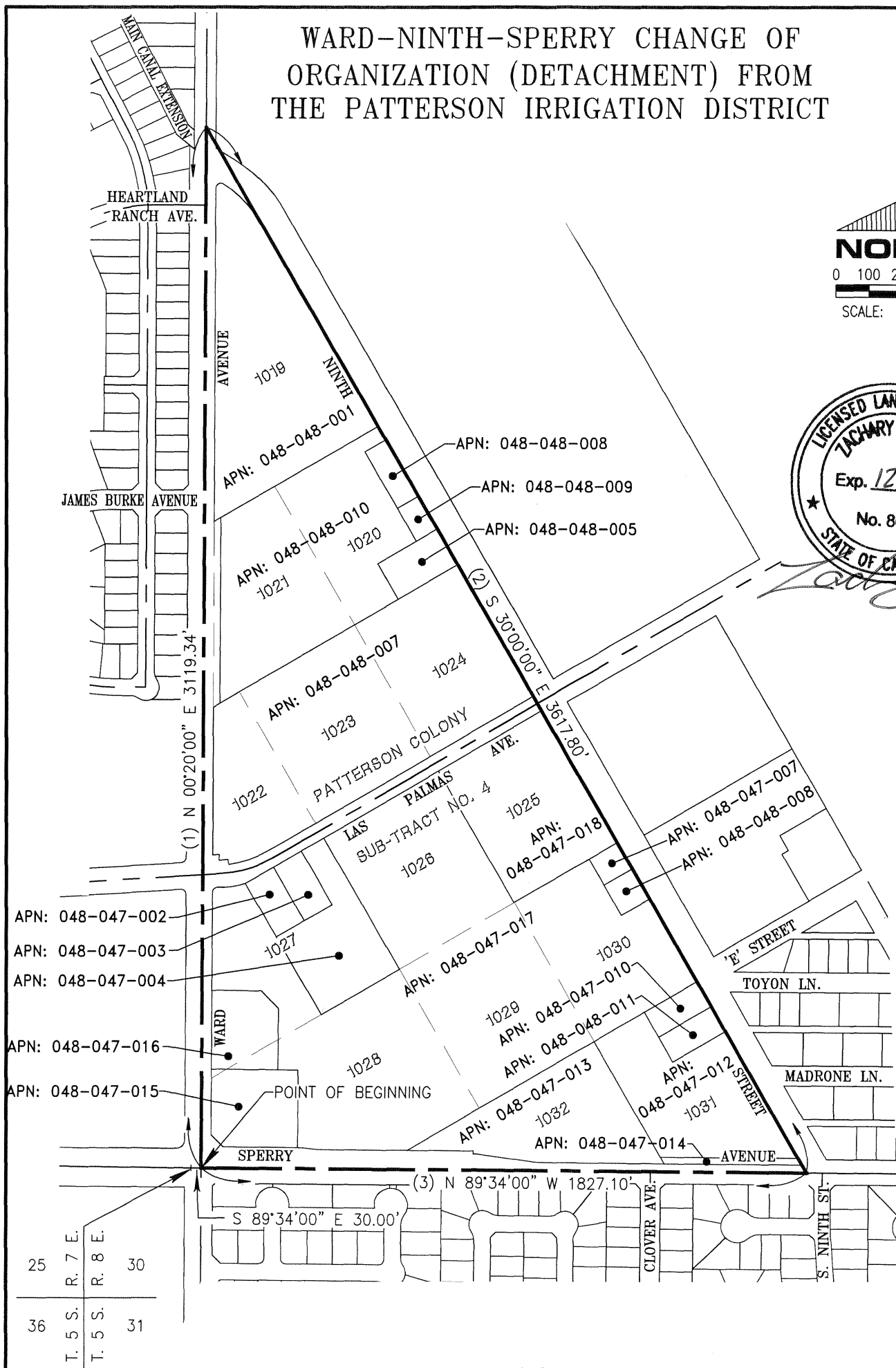


Source: LAFCO Files, County GIS, July 2010

WARD-NINTH-SPERRY CHANGE OF ORGANIZATION (DETACHMENT) FROM THE PATTERSON IRRIGATION DISTRICT



Zachary T. Jay



- APN: 048-047-002
- APN: 048-047-003
- APN: 048-047-004
- APN: 048-047-016
- APN: 048-047-015

25	R. 7 E.	30
	R. 8 E.	
36	T. 5 S.	31
	T. 6 S.	

EXHIBIT B

Property Owner List

PID DETACHMENT
LANDOWNER LIST
June 30, 2010

Assessor's Parcel No.	Landowner	County Accessed Acreage	Property Address	Landowner Address	Zoning Designation	Current Use	Tax Rate Area	Assessed Land Value	Landowner Consent Form Response
048-048-001	Thrust Properties, LLC	6.2	15349 9th Street Patterson, CA 95363	1190 East Main Avenue Morgan Hill, CA 95037	High Density Residential Planned Development (06-01)	Bare Ground Residence	005-020	\$468,129.00	Yes
048-048-005	Joseph R. Ghisletta Sharon Ghisletta	0.59	15429 9th Street Patterson, CA 95363 801 West Las Palmas Patterson, CA 95363	15429 9th Street Patterson, CA 95363 Post Office Box 307 Patterson, CA 95363	High Density Residential Downtown Core	SF Residence SF Residence Bare Ground	005-020 005-020 005-020	\$59,162.00 74162	Yes Yes Yes
048-048-007	James Mahaffey, Jr. Trust John L. Silveria Trust	10.21	15401 9th Street Patterson, CA 95363	564 Hansen Court Patterson, CA 95363	High Density Residential	Bare Ground Dup	005-020	\$11,418.00	Yes
048-048-008	John L. Silveria Trust Olivia M. Betterncourt Connie M. Ferry Joe M. Silveria	0.33							
048-048-009	Manuel L. Silveria Patricia Silveria	0.19	15401 9th Street Patterson, CA 95363	564 Hansen Court Patterson, CA 95363	High Density Residential	Bare Ground Residential	005-020	\$5,706.00	Yes
048-048-010	Thrust Properties, LLC	6.47	15421 9th Street Patterson, CA 95363	1190 East Main Avenue Morgan Hill, CA 95037	High Density Residential Planned Development (06-01)	Bare Ground	005-020	\$509,483.00	Yes
048-047-002	Jason Cox	0.412	848 West Las Palmas Patterson, CA 95363	12078 Eagle Peak Drive Waterford, CA 95386	Downtown Core Planned Development 05-03	SF Residence	005-038	\$60,000.00	No Response
048-047-003	Mahaffey Family Limited Partnership	0.412	836 West Las Palmas Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core Planned Development 05-03	Bare Ground	005-038	\$37,901.00	Yes
048-047-004	Mahaffey Family Limited Partnership	2.02	830 West Las Palmas Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core Planned Development 05-03	Bare Ground SF Residence	005-038	\$144,294.00	Yes
048-047-007	Mahaffey Family Limited Partnership	0.202	15601 S 9th Street Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core Planned Development 05-03	SF Residence	005-038	\$29,140.00	Yes

Assessor's Parcel No.	Landowner	County Accessed Acreage	Property Address	Landowner Address	Zoning Designation	Current Use	Tax Rate Area	Assessed Land Value	Landowner Consent Response
048-047-008	Michael J. Mahaffey Catherine Mahaffey	0.235	15607 S 9th Street Patterson, CA 95363	15607 S 9th Street Patterson, CA 95363	Downtown Core Planned Development 05-03	SF Residence	005-038	\$40,000.00	Yes
048-047-010	Robert P. Crone	0.363	15707 S 9th Street Patterson, CA 95363	15707 S 9th Street Patterson, CA 95363	Downtown Core Planned Development 05-03	Transitional Commercial	005-038	\$7,896.00	No Response
048-047-011	Susan Scheuber, Tr Joy Walther Mahaffey Family	0.355	15711 S 9th Street Patterson, CA 95363	Avenue Patterson, CA 95363	Downtown Core Planned Development 05-03	SF Residence	005-038	\$37,901.00	Yes
048-047-012	Limited Partnership	3.551	Sperry Avenue Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core Planned Development 05-03	Transitional Commercial	005-038	\$26,816.00	Yes
048-047-013	Mahaffey Family Limited Partnership	3.245	855 Sperry Avenue Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core Planned Development 05-03	SF Residence Transitional Commercial	005-038	\$27,840.00	Yes
048-047-015	Sperry Ward Partners LP	0.27	955 Sperry Avenue Patterson, CA 95363	250 San Francisco, CA 94105	Downtown Core		005-038	Not Available	Yes
048-047-016	Sperry Ward Partners LP	2.34	955 Sperry Avenue Patterson, CA 95363	121 Spear Street, Ste 250 San Francisco, CA 94105	Downtown Core		005-038	Not Available	Yes
048-047-017	Mahaffey Family Limited Partnership	19.09	736 W Las Palmas Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core		005-038	Not Available	Yes
048-047-018	Mahaffey Family Limited Partnership	3.97	15501 S 9th Street Patterson, CA 95363	Post Office Box 307 Patterson, CA 95363	Downtown Core		005-038	Not Available	Yes

EXHIBIT C

PID Resolution No. 02-2010

THE PATTERSON IRRIGATION DISTRICT
RESOLUTION NO. 02-2010

RESOLUTION OF APPLICATION
BY THE PATTERSON IRRIGATION DISTRICT
TO THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION
FOR REORGANIZATION CONSISTING OF
DETACHMENT OF TERRITORY

WHEREAS, the Patterson Irrigation District (“**District**”) is a district formed pursuant to Division 11 of the California Water Code; and

WHEREAS, the District desires to reorganize so as to detach approximately 60 acres (63.61 District acres) from its boundaries (“**Parcels**”); and

WHEREAS, Government Code Section 56700(a) authorizes a local agency to initiate a reorganization by the adoption of a Resolution of Application.

NOW, THEREFORE, be it resolved by the Board of Directors of the District as follows:

1. This Resolution of Application is being made pursuant to Sections 56700 and 56800 of the California Government Code, and is requesting Stanislaus County Local Agency Formation Commission to undertake reorganization proceedings pursuant to the Reorganization Act of 1985.
2. The lands proposed to be detached are shown on the attachment to this Resolution as **EXHIBIT “A”**, and incorporated herein.
3. The District desires to complete such reorganization for the following reasons:
 - A. The Parcels constitute an island within the District,
 - B. The Parcels are within the City of Patterson and are scheduled for municipal development in the future, and
 - C. The Parcels do not receive any services from the District.
4. The landowners are supportive of the detachment, as evidenced by the attached Consent of Landowners attached to this Resolution as **EXHIBIT “B”**, and incorporated herein.
5. LAFCO notices may be sent to Peter Rietkerk, General Manager, Patterson Irrigation District, Post Office Box 685, Patterson, California 95363, pmrietkerk@gmail.com.

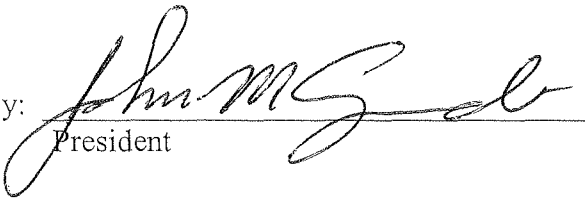
ADOPTED THIS 17TH DAY OF MARCH, 2010, AT A MEETING OF THE PATTERSON IRRIGATION DISTRICT BY THE FOLLOWING VOTE:

AYES: Azevedo, Fantozzi, Reichmuth, Robinson, Scheuber

NOES:

ABSENT:

ABSTENTION:

By: 
President

ATTEST:

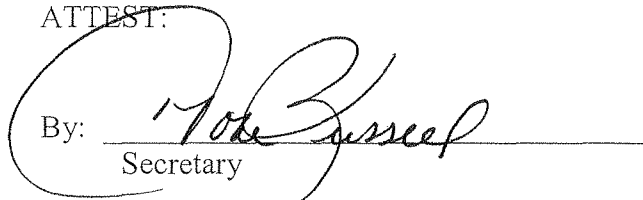
By: 
Secretary

EXHIBIT D

Notice of Exemption

Notice of Exemption

Form D

FILED

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Patterson Irrigation District
Post Office Box 685
Patterson, CA 95363

STANISLAUS CO. CLERK-RECORDER

County Clerk
County of Stanislaus
1021 "I" Street, Suite 101
Modesto, CA 95354

(Address) Victoria Preciado
BY DEPUTY

Project Title: Patterson Irrigation District 2010 Detachment

Project Location - Specific:

A triangular shaped area of approximately 60 acres located in the City of Patterson bounded by 9th Street to the East, Ward Avenue to the West, and Sperry Avenue to the South.

Project Location - City: City of Patterson Project Location - County: Stanislaus County

Description of Nature, Purpose and Beneficiaries of Project:

Patterson Irrigation District is applying to Stanislaus County LAFCO to detach approximately 60 acres of property. The property is located within the City of Patterson and is planned for future municipal development. The property is an island within the district, and does not currently receive any district services.

Name of Public Agency Approving Project: Patterson Irrigation District

Name of Person or Agency Carrying Out Project: Patterson Irrigation District

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));
[X] Categorical Exemption. State type and section number: Type 20 Title 13 CCR Section 15320
Statutory Exemptions. State code number:

Reasons why project is exempt:

This proposed detachment falls clearly within the scope of the Class 20 Categorical Exemption from CEQA, which reads: "...consists of changes in the organization or reorganization of local government agencies where the changes does not change the geographical area in which previously existing powers are exercised."

Lead Agency
Contact Person: Peter Rietkerk Area Code/Telephone/Extension: 209.892.6233

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: Peter Rietkerk Date: 3/17/10 Title: General Manager

- [X] Signed by Lead Agency Date received for filing at OPR:
Signed by Applicant

Revised 2005