

STANISLAUS LAFCO

Stanislaus Local Agency Formation Commission

1010 – 10th Street, 3rd Floor ♦ Modesto, CA 95354
(209) 525-7660 ♦ FAX (209) 525-7643

www.stanislauslafco.org

APPLICATION FOR (Check all that apply):

- Sphere of Influence Amendment
- Annexation to: City of: Modesto District: _____
- Detachment from: City of: _____ District: Burbank-Paradise FPD, Westport FPD
- Formation of a Special District: - Type of District: _____
- Other: _____

NAME OF PROPOSAL: Fairview Village No. 2 Reorganization

GENERAL DESCRIPTION OF PROPOSAL:

The project is requesting to annex into the City of Modesto boundaries. It will be approximately 178 acres of single-family and multi-family homes and a commercial area within the Fairview Village Specific Plan area.

REASONS FOR PROPOSAL:

The purpose of the annexation is to allow future residents to take advantage of the benefits of being within the City of Modesto, such as: access to the City of Modesto Fire and Police Departments, water, sewer and storm drain services, fully improved streets (curb, gutter, sidewalks, lighting) and access to garbage pick up.

LOCATION AND ASSESSOR'S PARCEL NUMBERS (attach additional sheets if necessary):

The annexation area is bounded by the Tuolumne River to the north; an existing subdivision, existing orchards undeveloped land, and Fairview Elementary School to the east and existing residential/agricultural land to the south and west. The APNs involved in the annexation are listed in the attached memo.

APPLICANT:

Name: City of Modesto
Address: 1010 10th Street, Modesto, CA 95350
Phone: 209-577-5223 Fax: N/A E-Mail: joelopez@modestogov.com
Contact Person: Joseph Lopez Title: City Manager

APPLICANT'S REPRESENTATIVE:

Name: _____
Address: _____
Phone: _____ Fax: _____ E-Mail: _____
Contact Person: _____ Title: _____

LAFCO Use Only:

Proposal Name: _____	LAFCO Application No. _____
Submittal Date: _____	Cert. of Filing Date: _____
LAFCO Filing Fee: \$ _____	Fees Paid? _____ Yes _____ No
SBOE Fee: \$ _____	Fees Paid? _____ Yes _____ No
100% Property Owners Consent? _____	Yes _____ No
Territory Uninhabited? _____	Yes _____ No

PROPERTY OWNER(S):

If multiple property owners, please provide the names, with address information, on a separate page.

Name: See attached memo

Address: _____

Phone: _____ Fax: _____ E-Mail: _____

Name: _____

Address: _____

Phone: _____ Fax: _____ E-Mail: _____

SUBJECT AGENCIES WITHIN PROPOSAL AREA THAT WILL GAIN OR LOSE TERRITORY:

If more than three subject agencies, please provide the names and information on a separate page.

Name: Stanislaus County

Address: 1010 10th Street, Modesto, CA 95350

Phone: _____ Fax: _____ E-Mail: _____

Contact Person: _____ Title: _____

Name: City of Modesto

Address: 1010 10th Street, Modesto, CA 95350

Phone: _____ Fax: _____ E-Mail: _____

Contact Person: _____ Title: _____

Name: _____

Address: _____

Phone: _____ Fax: _____ E-Mail: _____

Contact Person: _____ Title: _____

AFFECTED AGENCIES WITHIN PROPOSAL AREA: (Agencies that may have overlying boundaries or sphere of influence.) If more than two affected agencies, please provide the names and information, on a separate page.

Name: Burbank-Paradise Fire Protection District

Address: 1313 Beverly Drive, Modesto, CA 95351

Phone: 209-523-1129 Fax: _____ E-Mail: _____

Contact Person: _____ Title: _____

Name: Westport Fire Protection District

Address: 5160 S Carpenter Road, Modesto, CA 95358

Phone: 209-537-1391 Fax: _____ E-Mail: _____

Contact Person: _____ Title: _____

SCHOOL DISTRICTS: (School districts within the proposal area)

Name: Modesto City Schools

Address: 426 Locust Street, Modesto, CA 95351

Phone: 209-574-8497 Fax: _____ E-Mail: wolterstorff.d@mcs4kids.com

Contact Person: Duane Wolterstorff Title: Senior Director, Business Services

Name: _____
Address: _____
Phone: _____ Fax: _____ E-Mail: _____
Contact Person: _____ Title: _____

INTERESTED AGENCIES: (Other agencies which provide facilities or services to proposal area.) If more than two interested agencies, please provide the name and information, on a separate page.

Name: Turlock Irrigation District
Address: 333 E Canal Drive, Turlock, CA 95380
Phone: 209-883-8670 Fax: _____ E-Mail: tshiggins@tid.org
Contact Person: Tristan Higgins Title: Survey/Right-of-Way Manager
Contact Person: Todd Troglin, Supervising Engineering Technician, ttroglin@tid.org, 209-535-1882
Name: Riverdale Park Tract Community Services District
Address: P.O. Box 580343, Modesto, CA 95358
Phone: 209-241-9541 Fax: _____ E-Mail: _____
Contact Person: _____ Title: _____

PERSONS REQUESTING TO BE NOTIFIED:
If more than two names, please provide the names and information on a separate page.

Name: STL Company, LLC
Address: 3500 Douglas Boulevard, Suite 270
Phone: 916-787-3460 Fax: 916-783-2303 E-Mail: mohara@timelewis.com
Contact Person: Michael O'Hara Title: Director of Forward Planning
925-766-4656
Name: O'Dell Engineering
Address: 1600 Scenic Drive, Suite A
Phone: 209-571-1765 Fax: N/A E-Mail: mpersak@odellengineering.com
Contact Person: Mike Persak Title: Senior Project Manager
Contact Person: Vionna Adams, Project Manager, vadams@odellengineering.com

Please respond to all items in this questionnaire and indicate N/A when a question does not apply. Any additional information that is pertinent to the application filing should be included in the application at the time of submittal.

I. LANDOWNER CONSENT

Have all property owners involved with the proposal given their written consent?

- YES (If yes, please attach the original signed petitions, letters or applications)
- NO (If no, please attach the petitions, letters or applications with the original signatures of those consenting and provide the name, address and APN of those property owners not consenting.)

II. REGISTERED VOTER INFORMATION

A. Number of Registered Voters residing within the proposal: 7

(This information can be obtained from the Stanislaus County Elections Office along with the mailing address information – See Checklist Item #9.)

III. LAND USE

A. Area of Proposal (Gross Acres): 178 +/- acres

B. Land Uses of Proposed Area:

	EXISTING		PROPOSED	
Zoning	<i>A-2-10 General Agriculture</i>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	<i>P-SP</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County
General Plan Designation	<i>UT-Urban Transition</i>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	<i>VR - Village Residential</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County
Use of Proposal Area	<i>Agricultural, Residential, Undeveloped (N. of Hatch)</i>		<i>Single Family Residential Residential, Undeveloped (N. of Hatch)</i>	

C. Surrounding Land Uses:

	Describe (including specific uses)	Zoning	General Plan Designation	City or County Designation
North	<i>The Tuolumne River is north of the annexation area</i>	-	-	<input type="checkbox"/> City <input type="checkbox"/> County
South	<i>Agricultural land with residences</i>	<i>General Ag 40 Acre</i>	<i>Agriculture</i>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County
East	<i>Single family homes, a park, storm drain basin and an elementary school</i>	<i>SP</i>	<i>R - Residential</i>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County
West	<i>Agricultural land with residences</i>	<i>General Ag 40 & 10 Acre</i>	<i>PD & Agriculture</i>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

D. Describe any public easements/oil well operations/cellular site leases, etc. that currently exist on the site:

There is existing irrigation infrastructure within a 15-foot wide irrigation easement along the west boundary, an ex. sewer easement that runs diagonally from Carpenter to Hatch and a TID lateral.

E. Evidence of Approval -- Are there any land use entitlements involved in the project?

Yes No

If yes, please provide a copy of the documentation for this entitlement. Please check those documents, which may apply:

- Tentative Map and Conditions
- Subdivision Map or Parcel Map
- Specific Plan
- Prezoning
- General Plan Amendment
- Rezoning
- Other - (provide explanation):

Annexation

IV. TOPOGRAPHY

A. Describe the physical features of the subject parcel(s). Refer to major highways, roads, watercourses, and topographical features:

The area is currently being used primarily as agricultural land with some dwelling units and other structures. It is mostly undeveloped. A TID lateral goes through the property in the east/west direction.

B. Drainage and average slopes: A topo survey has not been completed; however, since it is primarily an orchard, it can be assumed to be relatively flat. There is a

V. BOUNDARIES AND ASSESSMENT

TID canal that crosses the property, but there are no other drainage structures.

A. Is the property contiguous to the existing City or District boundary?: Yes No
(Contiguous is defined by Govt. Code Section 56031)

B. Is the project co-terminus with:
The Assessor's Parcel boundaries? Yes No
The legal lot boundaries? Yes No

C. Is the proposal completely surrounded by the annexing city or district? Yes No

Explain: The City limit is adjacent to the north and east site boundary.

D. Maps and Legal Description – Attach the following: See attached documents for items 1-4.

1. A map (8½"x11") which shows specifically the boundaries of the proposal, all bearings and distances, and the relationship of the boundaries to those of the existing district or city boundaries. The map must be drawn to the Legal Description and Map Requirements.
2. A generalized/vicinity map (8½"x11") showing the boundaries and relative size of the proposal with respect to the surrounding area.
3. A written legal description of the boundaries of the proposal. The legal description must be written clearly pursuant to the Legal Description and Map Requirements.
4. Tax Assessor Parcel Information (Use additional sheets if necessary; information can be obtained from the County Assessor's Office):

<u>Assessor's Parcel Number</u>	<u>Tax Rate Area</u>	<u>Assessed Land Value</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	Total:	_____

VI. AGRICULTURE AND OPEN SPACE

- A. Is the current zoning classification for the site: Agriculture? Yes No
 Open Space? Yes No
- B. Is the current general plan designation for the site: Agriculture? Yes No
 Open Space? Yes No
- C. Is the site currently used for agriculture?: Yes No
- D. Number of Acres considered Prime Agricultural Land: ~148 acres
 (as defined by the CA Dept. of Conservation as being prime, unique or of statewide importance, and defined by Government Code Section 51201(c) and 56064)
- E. Number of Acres considered Agricultural Lands: ~148 acres
 (as defined by Gov. Code Section 56016)
- F. Is the site under Williamson Act Contract(s)?: Yes No
 If yes, please provide the following information (attach additional sheets if necessary):
 Contract Number(s): _____
 Date of Williamson Act contract execution: _____
 Has a non-renewal been filed for the contract? _____
 Date of Williamson Act contract expiration/cancellation: _____
- G. Number of Acres considered Open Space Lands: 0
 (as defined by Gov. Code Section 56059)
- H. Does the site have an open space easement?: Yes No
- I. Is the site within or adjacent to an approved greenbelt?: Yes No
 If yes, name/location: _____

VII. POPULATION AND HOUSING

- A. Population: ~25
- B. Number/Type of Dwelling Units within the proposed area:
 Existing: 8 dwelling units
 Proposed: 217 dwelling units
- C. Please explain the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments (Government Code Section 56668):
The +/- 217 units will allow the City to include these units in meeting the Regional Housing Needs Allocation in the 2023 to 2031 cycle.

VIII. PUBLIC SERVICES

A. Services for the Proposal Area:

1. Is the reorganization requested for a proposed development? Yes No
2. Describe what services will be provided to subject property: (Please attach any "Intent to Serve" letters for water and/or sewer services). If sewer and/or water agency annexation is also part of the request, please expand upon the agency's ability to provide services in the Plan for Services document and attach any relevant studies/master plans.

Note: Evidence must also be included to demonstrate the timely availability of water supplies adequate for projected needs of the area (Government Code Section 56668).

(A)	(B)	(C)	(D)	(E)	(F)
Service	Current Service Provider	Level & Range of Service	To be Provided by this Proposal?	If YES to (D), Approx. Date Service Will Be Available	If YES to (D), Method to Finance
WATER	<i>On-site wells; Riverdale PT CSD</i>	<i>N/A</i>	<i>Yes</i>	<i>TBD</i>	<i>Creation of a CFD</i>
SEWER	<i>Septic</i>	<i>N/A</i>	<i>Yes</i>	<i>TBD</i>	<i>Creation of a CFD</i>
POLICE	<i>Stanislaus County Sheriff's Dept.</i>	<i>-</i>	<i>Yes</i>	<i>TBD</i>	<i>Property Taxes</i>
FIRE	<i>Station 10</i>	<i>-</i>	<i>No</i>	<i>No</i>	<i>N/A</i>

B. Assessment and Indebtedness of Service Areas:

1. Does the City/District/County have current plans to establish any new assessment districts in order to pay for new or extended service(s) to the proposal area?
 Yes No
 If yes, please describe: The City intends to create a CFD to maintain the water, sewer and storm drain systems in the annexed area.
2. Will the subject territory assume any existing bonded indebtedness upon annexation to the City/District?:
 Yes No
 How will indebtedness be repaid? (e.g., property taxes, assessments, service fees):

3. Will the proposal area be subject to special assessments or fees?:
 Yes No
 Explain:

C. Sewer Information:

1. Is extension of sewer service part of this application? Yes No
2. Is a developed parcel requesting annexation due to failed septic system?
 Yes No
If yes, please include a copy of any letters from the Dept. of Environmental Resources or a private septic system company.
3. Is the subject parcel(s) within the sphere of influence of a district or city that provides public sewer service? Yes No
If yes, which agency? The City of Modesto
4. Has the agency that will be providing service issued an "Intent to Serve" letter?
 Yes No (If yes, please attach letter to application.)

If no: Will the agency be prepared to furnish sewer service upon annexation?
 Yes No
5. Does the agency have the necessary contractual and design capacity to provide sewer service to the proposed area? Yes No
If no, please describe the agency's plan to increase capacity: _____

6. Indicate the method of financing improvements and on-going operations (e.g., general property tax, assessment district, landowner/developer fees, etc.):
TBD - The City of Modesto will either create a CFD, or the improvements and on-going operations will be paid for by the City.
7. What is the distance for connection to the agency's existing sewer system?:
There are existing sewer manholes in Monticello Lane, which is adjacent to the site on the east side that the project can connect to.

D. Water Information:

1. Is extension of water part of this application? Yes No
2. Is a well or other on-site water system currently used on this property? Yes No
3. Is the subject parcel(s) within the sphere of influence of a district or city that provides public water service? Yes No
If yes, which agency? The City of Modesto and Riverdale Park Tract CSD
4. Please list:
Wholesale Water Agency: _____
Retail Water Agency: _____
5. Has the agency that will be providing service issued an "Intent to Serve" letter?
 Yes No (If yes, please attached letter to application)

If no: Will the agency be prepared to furnish water service upon annexation?
 Yes No

6. Does the agency have the necessary contractual and design capacity to provide water service to the proposed area? Yes No

If no, please describe the agency's plan to increase capacity: _____

7. Indicate the method of financing improvements and on-going operations (e.g. general property tax, assessment district, landowner/developer fees, etc.):

TBD - The City of Modesto will either create a CFD, or the improvements and on-going operations will be paid for by the City.

8. What is the distance for connection to the agency's existing water system?

There is an existing water main in S. Carpenter Avenue to the west and an existing water main in

Monticello Lane to the east which the project could connect to. Both are adjacent to the property.

E. Police Service

1. If annexation to a City, what are the existing police service levels provided within the City limits? Urban

2. What level of police services will be provided to the area upon full development?

A full level of police service is requested.

Will the service levels be maintained? Yes No

If yes, how will the City finance or maintain existing service levels to the area (master service plans, CIP, etc.)? Explain: _____

F. Fire Protection Service

1. If annexation to a City, what are the existing fire protection service levels provided within the City limits? Modesto Fire Station 10 provides full fire protection service to the site.

2. What level of fire protection services will be provided to the area upon full development?

Same

Will the service levels be maintained? Yes No

If yes, how will the City finance or maintain existing service levels to the area (master service plans, CIP, etc.)? Explain: _____

3. What are the "Insurance Services Office (ISO)" Class ratings of the affected agencies?

City 2

District Industrial Fire Service

IX. ENVIRONMENTAL ANALYSIS

A. Lead Agency for project: The City of Modesto

B. The project:

- Is exempt pursuant to CEQA section _____ and a Notice of Exemption has been prepared by the lead agency (please attach).
- Will have no significant adverse environmental impacts and a Negative Declaration was prepared. (Please attach Notice of Determination.)
- Was found to be within the scope of a Master Environmental Impact Report (EIR) pursuant to CEQA Guidelines Section 21157.1. (Please attach Notice of Determination.)
- May have significant adverse environmental impacts and in accordance with Section 15070 of the CEQA Guidelines, a Mitigated Negative Declaration (MND) has been certified by the lead agency. (Please attach Notice of Determination.)

List impact areas in the MND that propose mitigation measures to lessen the environmental impacts to less than significant: _____

- Will have significant adverse environmental impacts and the lead agency has prepared an Environmental Impact Report (EIR). (Please attach.)

List impact areas that were found to be unmitigatable in the EIR: (Attach any Statement of Overriding Considerations, as applicable) _____

Please note: Include with the above requested attachments the complete environmental documentation (e.g., Initial Study, NOD, NOE, EIR, etc.) and copies of receipts from any filing fees paid (including Fish & Wildlife fees).

X. SPHERE OF INFLUENCE APPLICATION

For those proposals requesting a Sphere of Influence Amendment, has a Sphere of Influence Supplemental Application has been included? Yes No

XI. CERTIFICATION

I certify, under penalty of perjury, under the laws of the State of California, that the information contained in this application is true and correct. I acknowledge and agree that the Stanislaus Local Agency Formation Commission is relying on the accuracy of the information provided and my representations in order to process this application proposal.

Print Name: JAYLEN FRENCH Title: CEO DIRECTOR

Signature: [Signature] Date: 2/11/22

- City or District Applicant
- Property Owner Applicant
- Applicant's Representative/Agent (Proof of authority must be provided)

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INDEMNITY AGREEMENT

As part of this application, the applicant agrees to defend, indemnify, hold harmless and release the Stanislaus Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on a proposal or on the environmental documents submitted to support it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, and expert witness fees that may be asserted by any person or entity, including the applicant arising out of or in connection with the application.

Date: 2/11/22

APPLICANT OR APPLICANT'S REPRESENTATIVE:

(Proof of authority must be provided)

Signature: 

Name: JAYLEN FRENCH

Title: CED DIRECTOR

Agency: CITY OF MODESTO

Address: _____

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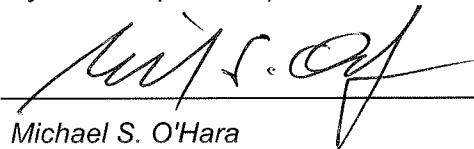
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COMPLIANCE WITH POLITICAL EXPENDITURE AND CONTRIBUTION DISCLOSURE REQUIREMENTS

Effective January 1, 2008: Pursuant to Government Code Sections 56700.1 and 57009 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and 82015 and 82025 of the Political Reform Act, applicants for LAFCO approvals and those opposing such proposals are required to report to LAFCO all political contributions and expenditures with respect to the proposal that exceed \$1,000. By your signature to this application, you are binding the applicant to abide by these disclosure requirements. You are further agreeing that should LAFCO be required to enforce these requirements against you (or if the agency is the formal applicant, the real party in interest) that you will reimburse LAFCO for all staff cost and legal fees, and litigation expenses incurred in that enforcement process.

Date: 2/2/2022

APPLICANT OR APPLICANT'S REPRESENTATIVE:
(Proof of authority must be provided)

Signature: 

Name: Michael S. O'Hara

Title: Director of Forward Planning

Agency: STL Company LLC

Address: 3500 Douglas Boulevard, Suite 270
Roseville, CA 95661

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FINANCIAL DISCLOSURE STATEMENT

Consistent with the requirements of the State of California Fair Political Practices Commission, each applicant or their agent must complete and submit this Statement of Disclosure form with any application that requires discretionary action by Stanislaus LAFCO (Government Code §84308 of the Political Reform Act).

Person is defined as: "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

1. List the names of all persons having any ownership interest in the property involved or any financial interest in the application. (Use additional sheets if necessary.)

STL Company, LLC

2. If any person identified pursuant to #1 is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

For STL Company, LLC: JTL Revocable Trust, J. Timothy Lewis, Trustee

3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

N/A

4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? Yes / No

If Yes, please indicate person's name/s:

5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months? Yes / No

If Yes, please indicate person(s) or agent(s) making contribution:

Name/s of Commissioner(s)/Alternate(s) receiving contribution:

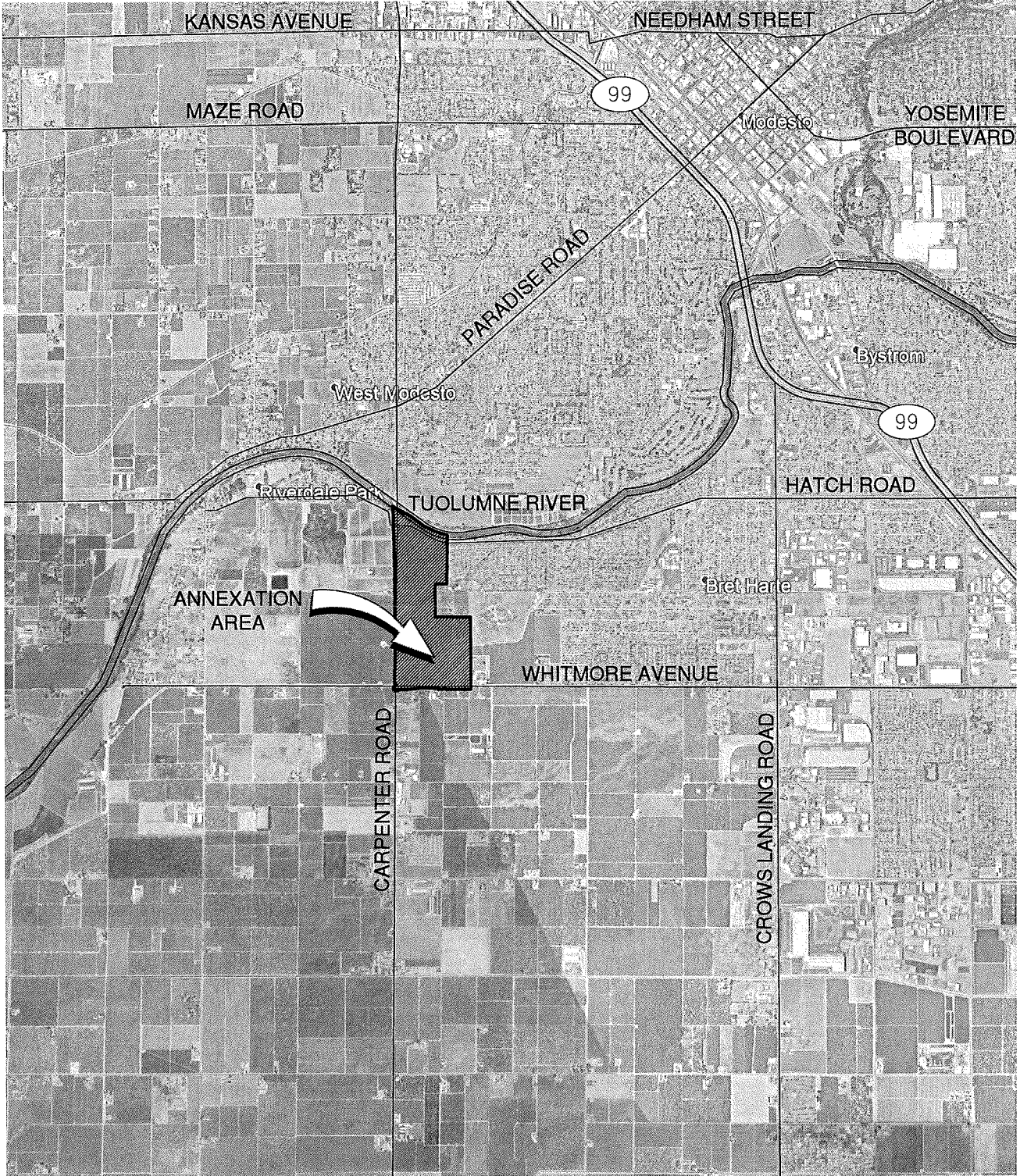
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Applicant Signature:  _____

Printed Name: Michael S. O'Hara _____

Date: 2/2/2022 _____

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1165 Scenic Drive, Suite A
 Modesto, CA 95350
 odellengineering.com

DESCRIPTION: FAIRVIEW VILLAGE VICINITY MAP			
SCALE:	N.T.S.	DATE:	2/11/2022
JOB NO.:	36601		
FILE:	VM-FAIRVIEW VILLAGE VICINITY MAP-36601.DWG		

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